

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 3 SEPTEMBER 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:

2012/0355/BR	AC	21, Wordsworth Avenue, Penarth.	Single storey extension to enlarge dining room and kitchen
2012/0377/BR	AC	Church Farm, Off Heol Y Nant, Llandow	Internal alterations and remodelling of first floor. New windows to front elevation
2015/0572/BR	AC	Plot 3, Atlantic Trading Estate, Hayes Road, Sully	Construction of industrial portal framed building sub divided into 4 separate units
2015/0623/BR	AC	9, Crescent Close, Cowbridge	2 storey extension
2015/0680/BR	A	29A, Station Road, Dinas Powys	Ground floor flat refurbishment. Insertion of new windows to frontage, replacement kitchen extension in lieu of demolished conservatory
2015/0681/BR	AC	Rhos Dawel, Treerhyngyll, Cowbridge	Side Extension with Dormers (to provide Ground Floor Garage & First Floor Dressing Room) & Alterations

2015/0696/BR	AC	Llantwit Major School, Ham Lane East, Llantwit Major	Internal alterations to existing school M Block, 2 storey new build primary school. 4 storey new extension to secondary school
2015/0704/BR	AC	All Saints School, Plas Cleddau, Cwm Talwg, Barry	Forming 2 no. quiet areas plus revising office for head
2015/0709/BR	AC	8 Heol Miaren, Barry	Conversion of a garage to a habitable room
2015/0716/BR	AC	26, Heol Eryr Mor, Barry	Demolish existing conservatory, replace with single storey rear extension
2015/0724/BR	AC	40, Barriars Way, Barry	Adaption of utility room for summer room and door widening
2015/0737/BR	AC	9, Grange Close, Wenvoe	Demolition of existing detached bungalow and erection of new two storey dwelling
2015/0785/BR	A	Civic Offices, Holton Road, Barry	Roof refurbishment & solar PV installation
2015/0786/BR	AC	4, Romney Walk, Cogan	Construction of ground floor W.C. room, new balustrading to staircase & external handrails
2015/0787/BR	AC	Fairfield Primary School, Dryden Road, Penarth	Relocation of Ysgol Dewi Sant (part)
2015/0788/BR	AC	Ambleside, Pen Y Lan Road, Aberthin	First floor extensions over garage and facade remodelling
2015/0790/BR	AC	Holm View, Victoria Park Road, Barry	Split level extension to include new dining room and lounge, demolish existing garage & build new, and internal renovations to include new bathroom

2015/0803/BN	A	30, Glebeland Place, St. Athan.	External works to property 20mm Insulation board as per Wetherby spec.
2015/0804/BN	A	42, Glebeland Place, St. Athan	External works, 90mm insulated render as per Wetherby spec.
2015/0805/BN	A	43, Glebeland Place, St. Athan	External works, 20mm insulated render to walls as per Wetherby spec.
2015/0806/BR	AC	Land adjacent to Plymouth House, Llantwit Major	New dwelling
2015/0828/BN	A	41 - 43, Jenner Road, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0831/BR	AC	42, Wordsworth Avenue, Penarth	Demolition of existing rendered single skin block porch and removal of existing garage door. Removal of existing profiled metal garage roof. Erection of new cavity block work porch on same footprint as existing. Plus short (1m) length of new cavity wall to front of existing garage to align with neighbours extended garage and new porch. New thermally insulated single ply roof to garage and New slate roof to porch and garage extension to match neighbour at No 40
2015/0846/BR	AC	35, Harlech Drive, Dinas Powys	Single storey rear extension
2015/0847/BN	A	8 - 10, Glanmore Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.

2015/0848/BR	AC	65, Eastgate, Cowbridge	Single storey rear extension to enlarge living room & utility room
2015/0849/BN	A	12 - 14, Glanmore Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0851/BN	A	20 - 22, Glanmore Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0852/BN	A	Owain Court, St. Athan	Single storey disabled scooter store to side of building
2015/0853/BN	A	24 - 26, Glanmore Crescent	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0854/BN	A	28 - 30, Glanmore Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0856/BN	A	32 - 34, Glanmore Crescent	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0858/BN	A	36 - 38, Glanmore Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0859/BN	A	40 - 42, Glanmore Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0860/BR	AC	11, Cornerswell Road, Penarth	New dormer and internal alterations

2015/0863/BN	A	1 - 6, Williams Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0864/BN	A	7 - 12, Williams Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation
2015/0865/BN	A	13 - 18, Williams Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0866/BN	A	19 - 24, Williams Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0867/BN	A	25 - 30 Williams Crescent, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0868/BN	A	1 - 6, Owens Close, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0869/BN	A	7 - 12, Owens Close, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0871/BN	A	2, Green Lane, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0872/BN	A	3, Green Lane, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.

2015/0873/BN	A	4, Green Lane, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0874/BN	A	5, Green Lane, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0875/BN	A	7, Green Lane, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0876/BN	A	9, Green Lane, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0877/BN	A	11, Green Lane, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0879/BR	AC	114a, Dobbins Rd, Barry	Single storey extension at rear
2015/0880/BN	A	1, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0881/BN	A	2, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0882/BN	A	3, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.

2015/0883/BN	A	4, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0884/BN	A	5, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0885/BN	A	6, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0886/BN	A	8, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0887/BR	AC	32, Porth Y Castell, Barry	Demolish garage and construct single storey extension
2015/0888/BN	A	9, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0889/BN	A	11, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0890/BN	A	12, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0891/BN	A	13, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.

2015/0892/BN	A	14, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0893/BN	A	16, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/0894/BN	A	291, Barry Road, Barry	Re-Roof
2015/0895/BN	A	2, Priory Gardens, Churchfields, Barry	Single storey rear extension
2015/0896/BN	A	21, Vennwood Close, Wenvoe	Loft conversion with no dormer
2015/0897/BN	A	5, Wimbourne Cresecent, Sully	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0898/BN	A	3, Wimbourne Crescent, Sully	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0899/BN	A	5, Georges Row, Dinas Powys	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0900/BN	A	7, Georges Row, Dinas Powys	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes



2015/0901/BN	A	131, Cardiff Road, Dinas Powys	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0902/BN	A	133, Cardiff Road, Dinas Powys	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0903/BN	A	141, Cardiff Road, Dinas Powys	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0904/BN	A	145, Cardiff Road, Dinas Powys	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0905/BN	A	181, Cardiff Road, Dinas Powys	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0907/BN	A	5, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0908/BN	A	19, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/0909/BN	A	37, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0910/BN	A	42, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0911/BN	A	50, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0912/BN	A	29, Hewell Street, Penarth,	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0913/BN	A	49, Baron Road, Penarth	Refurbishment of kitchen to include removal of wall (internal) and reinstatement of two doorways (one internal one external)
2015/0915/BN	A	60/62, Rhoose Road, Rhoose	Re-Roof
2015/0916/BN	A	10, Wimbourne Cresecent, Sully	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0917/BN	A	12, Wimbourne Cresecent, Sully	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/0918/BN	A	27, Wimbourne Cresecent, Sully	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0919/BN	A	29, Wimbourne Cresecent, Sully	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0920/BN	A	52, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0921/BN	A	55, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0922/BN	A	56, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0923/BN	A	57, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0924/BN	A	60, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/0925/BN	A	62-64, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0926/BN	A	11, St. Brides Road, Wick	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0927/BN	A	66-68, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0928/BN	A	15, St. Brides Road, Wick	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0930/BN	A	2, Maes Y Bryn, Colwinston	Roof covering & roof line replacement works, including on a few properties exteending gable overhang to facilitate EWI works
2015/0931/BN	A	74-76, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0932/BN	A	2, Church View, Marcross	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/0933/BN	A	86-88, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0934/BN	A	3, Church View, Marcross	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0935/BN	A	90-92, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0936/BN	A	9, Maes Y Ffynon, Bonvilston	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0937/BN	A	89, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0938/BN	A	103, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0939/BN	A	106, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/0940/BN	A	108, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0941/BN	A	110, Cedar Way, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0942/BN	A	1, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0943/BN	A	8, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0944/BN	A	13, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0945/BN	A	18, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0946/BN	A	20, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/0947/BN	A	19, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0948/BN	A	22, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0949/BN	A	31, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0950/BN	A	33, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0951/BN	A	35, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0952/BN	A	36, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0953/BN	A	49, Hawthorn Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/0954/BN	A	6, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0955/BN	A	8, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0956/BN	A	9, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0957/BN	A	15, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0958/BN	A	23, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0959/BN	A	26, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0960/BN	A	29, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes



2015/0961/BN	A	31, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0962/BN	A	33, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0963/BN	A	54, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0964/BN	A	55, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0965/BN	A	62, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0966/BN	A	100, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0967/BN	A	107, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/0968/BN	A	109, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0969/BN	A	125, St. David's Crescent, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0970/BN	A	62, Clive Place, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0971/BN	A	64,66 Clive Place, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0972/BN	A	1-4, St. Curigs Close, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EW1 works
2015/0973/BN	A	68,70, Clive Place, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0974/BN	A	18-20A Ceri Avenue, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EW1 works

2015/0975/BN	A	72,74, Clive Place, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0976/BN	A	13, Fferm Goch, Llangan	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0977/BN	A	1-6, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0978/BN	A	19, Fferm Goch, Llangan	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0979/BN	A	22, Fferm Goch, Llangan	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0980/BN	A	23, Fferm Goch, Llangan	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0981/BN	A	1, Council Houses, Craig Penllyn	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/0982/BN	A	4, Carn Terrace, Llsyworney	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0983/BN	A	7-12, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0984/BN	A	2, Westgate, Cowbridge	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0985/BN	A	28, St. Brides Road, Wick	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0986/BN	A	11, Blaen Dewi, Wick	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0987/BN	A	9, Blaen Dewi, Wick	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0988/BN	A	6, Blaen Dewi, Wick	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/0989/BN	A	13-18, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0990/BN	A	6, West Acre, Llanmaes	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0992/BN	A	28, Castle Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0993/BN	A	31, Castle Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0995/BN	A	19-24, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/0996/BN	A	5-11, Castle Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/0997/BN	A	13-19, Castle Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/0999/BN	A	48-54, Castle Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1000/BN	A	56-62, Castle Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1002/BN	A	64-70, Castle Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1003/BN	A	2, Heol Cae Gwyn, St. Brides Major	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1005/BN	A	9, Heol Cae Gwyn, St. Brides Major	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1006/BN	A	14, Lon Yr Eglwys, St. Brides Major	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1007/BN	A	31-36, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/1008/BN	A	2-4A, Lon Yr Eglwys, St. Brides Major	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1009/BN	A	2, The Meadows, Corntown	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1010/BN	A	15, The Meadows, Corntown	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1011/BN	A	23, Wick Road, Ewenny	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1012/BN	A	27, Wick Road, Ewenny	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1013/BN	A	37-42, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/1014	A	29, Wick Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1015/BN	A	35, Wick Road, Ewenny	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1016/BN	A	37, Wick Road, Ewenny	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1017/BN	A	41, Wick Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1018/BN	A	43, Wick Road, Ewenny	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1019/BN	A	43-48, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/1020/BN	A	1-2, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1021/BN	A	3-4, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works



2015/1022/BN	A	7, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1023/BN	A	9, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1024/BN	A	10, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1025/BN	A	49-54, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/1026/BN	A	15, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1027/BN	A	16, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1028/BN	A	20-23, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1029/BN	A	24, South View, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1030/BN	A	5-8, Stewart Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1031/BN	A	55-60, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/1032/BN	A	9-14, Stewart Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1033/BN	A	15-20, Stewart Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1034/BN	A	19-20, Station Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1035/BN	A	21-22, Station Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1036/BN	A	23-24, Station Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1037/BN	A	61-66, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/1038/BN	A	25-26, Station Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1039/BN	A	27-28, Station Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1040/BN	A	29-34, Station Raod, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1041/BN	A	34-40, Torbay Terrace, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1042/BN	A	46-48, Torbay Terrace, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1043/BN	A	67-72, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/1044/BN	A	14, Church Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1045/BN	A	7-13, Church Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1046/BN	A	15-21, Church Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1047/BN	A	22-28, Church Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1048/BN	A	2-8, Romilly Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1049/BN	A	73-78, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/1050/BN	A	10-16, Romilly Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1051/BN	A	2-8, Porthkerry Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1052/BN	A	27, Porthkerry Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1053/BN	A	1, Ceri Avenue, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1056/BN	A	8, Ceri Avenue, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1057/BN	A	9, Ceri Avenue, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1058/BN	A	12, Ceri Avenue, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1059/BN	A	2-8, Ceri Road, Rhoose	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1060/BN	A	3-6, Cae Stumpie, Cowbridge	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1061/BN	A	85-90, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes
2015/1062/BN	A	7-10, Cae Stumpie, Cowbridge	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1063/BN	A	16-27, Cae Stumpie, Cowbridge	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1066/BN	A	1, Kenson Cottages, Llancadle	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1067/BN	A	91-96, St, Lukes Avenue, Penarth	Remove old roof(tiles batton felt), Remove chimney stacks, Re batton, Re felt, Re tile roof, new faciers, soffits & gullys to be done down pipes

2015/1068/BN	A	9, Allen Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1069/BN	A	12, Allen Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1070/BN	A	1, Andrews Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1071/BN	A	2, Andrews Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1072/BN	A	3, Andrews Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1073/BN	A	17, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1074/BN	A	18, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1075/BN	A	19, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.

2015/1076/BN	A	20, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1077/BN	A	22, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1079/BN	A	24, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1080/BN	A	26, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1082/BN	A	27, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1083/BN	A	28, Stratford Green, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1086/BN	A	1, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1087/BN	A	4, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1088/BN	A	5, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.



2015/1089/BN	A	7, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1090/BN	A	8, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1091/BN	A	22, Cae, Stumpie, Cowbridge	Supply & fit 1/2hr fire door & stops
2015/1092/BN	A	8, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1093/BN	A	9, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1094/BN	A	10, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1095/BN	A	11, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1096/BN	A	7, Fair Oaks, Dinas Powys	Supply & fit 1/2hr fire door & stops
2015/1097/BN	A	12, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1098/BN	A	13, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.

2015/1099/BN	A	14, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1100/BN	A	15, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1101/BN	A	16, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1102/BN	A	17, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1103/BN	A	19, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1104/BN	A	20, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1105/BN	A	22, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1106/BN	A	25, Hathaway Place, Barry	External refurbishment works including structural repairs, external rendering, drainage alterations and external wall insulation.
2015/1107/BN	A	7, Fairoaks, Dinas Powys	Supply & fit 1/2hr fire door & stops. Knock down pantry & make good

2015/1108/BN	A	31, Castle Road, Rhoose	Knock down pantry & make good
2015/1109/BN	A	24, Glanmor Crescent, Barry	Renew new door fire
2015/1110/BN	A	11, Camms Corner, Dinas Powys	Supply & fit fire check door
2015/1111/BN	A	10, Dylan Crescent, Barry	Fit new fire door and frame to front door.
2015/1112/BR	AC	1, Pembroke Close, Dinas Powys	2 Storey side extension
2015/1114/BR	AC	15, Runcorn Close, Barry	Single storey extension to create w/c room, where existing garage located.
2015/1115/BN	A	Cartref, Llanquian Road, Aberthin	Detached garage
2015/1116/BN	A	Holton Dental Centre, 157 Holton Road, Barry	Replace hardwood windows with white upvc windows - ground floor x 1 , first floor x 1, second floor x1 window.
2015/1117/BR	AC	35, Chamberlain Row, Dinas Powys	Dormer loft conversion
2015/1118/BN	A	5, Cosmeston Drive, Penarth	Single storey orangery style extension to side elevation.
2015/1121/BN	A	208, Westbourne Road, Penarth	Removal of internal wall between kitchen and dining room and installation of lintel
2015/1122/BN	A	4, Church View, Llanblethian	Front and side extension to existing bungalow
2015/1123/BN	A	23, Glebe Street, Penarth	Removing and rebuilding of rear annex walls, structural work to engineers details
2015/1124/BN	A	66, St. Pauls Avenue, Barry	New wc room
2015/1126/BN	A	13, Pembroke Close, Dinas Powys	2 storey rear extension 2nd storey side

2015/1127/BR	AC	Athletic Field Lodge, Meadow Lane, Penarth	Ground floor shower room, kitchen & dining room adaptation, door widening, ramped access to front & rear, side entrance drive construction
2015/1128/BR	AC	16, Wordsworth Avenue, Penarth	Single storey rear extension
2015/1129/BN	A	4, Andrews Court	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1130/BN	A	5, Andrews Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1131/BN	A	9, Andrews Court	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1132/BN	A	10, Andrews Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1133/BN	A	11, Andrews Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1134/BN	A	3, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1135/BN	A	8, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1136/BN	A	10, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1137/BN	A	11, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1138/BN	A	12, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1139/BN	A	20, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1140/BN	A	21, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1141/BN	A	25, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1142/BN	A	27, Berry Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1143/BN	A	1, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1145/BN	A	3, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1146/BN	A	6, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1147/BN	A	7, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1148/BN	A	10, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1149/BN	A	12, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1150/BN	A	16, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1151/BN	A	20, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1152/BN	A	24, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1153/BN	A	25, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1154/BN	A	27, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1155/BN	A	32, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1156/BN	A	33, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1157/BN	A	34, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1158/BN	A	38, Carne Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1159/BN	A	65, Fairfield Rise, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1160/BN	A	7, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1161/BN	A	12, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1162/BN	A	13, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1163/BN	A	15, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works



2015/1164/BN	A	23, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1165/BN	A	25, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1166/BN	A	31, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1167/BN	A	34, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1168/BN	A	35, Nicholl Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1170/BN	A	2, Rees Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1171/BN	A	3, Rees Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1172/BN	A	6, Rees Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1173/BN	A	7, Rees Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1174/BN	A	11, Rees Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1175/BN	A	12, Rees Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1176/BN	A	4, Vachell Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1177/BN	A	5, Vachell Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1178/BN	A	6, Vachell Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works

2015/1179/BN	A	15, Vachell Court, Boverton	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1180/BN	A	1-7, Heol Llanbedr, Peterston-Super-Ely	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1181/BN	A	2-8, Heol Llanbedr, Peterston-Super-Ely	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1182/BN	A	9-15, Heol Llanbedr, Peterston-Super-Ely	Roof covering & roof line replacement works, including on a few properties extending gable overhang to facilitate EWI works
2015/1184/BN	A	33, Carne Court, Boverton	Removal of non loadbearing pantry in Kitchen.
2015/1185/BN	A	39, Lougher Place; St. Athan	Removal of non loadbearing pantry in kitchen
2015/1186/BN	A	30, Lougher Place, St. Athan	Removal of non loadbearing pantry in kitchen
2015/1187/BN	A	36, Fitzhamon Avenue, Llantwit Major	Removal of non-loadbearing wall in kitchen.
2015/1188/BN	A	18, Crawshay Drive, Boverton	Removal of non-loadbearing wall between bathroom and WC first floor
2015/1189/BN	A	57, Lougher Place, St. Athan	Removal of non loadbearing pantry in kitchen.

2015/1190/BN	A	44, Glebeland Place, St. Athan	External of property. 90mm insulated render system with Dash finish as per Wetherby specification
2015/1191/BN	A	27, St. Pauls Avenue, Barry	Rear extension
2015/1193/BR	AC	18, St. Annes Avenue, Penarth	Demolish existing garage / workshop. Construct 2 storey extension/ single storey extension to enlarge living room / kitchen / provide utility / shower room / workshop / loft conversion for hobby room / home office.
2015/1198/BR	AC	26, Plassey Street, Penarth	Single storey extension to enlarge existing extension to rear garden
2015/1200/BN	A	1B, Ludlow Street, Penarth	Re-Roof
2015/1202/BR	AC	Forge Cottage, St. Mary Church, Cowbridge	Proposed two storey & single storey extension
2015/1205/BR	AC	50, Fitzhamon Avenue, Llantwit Major	Single storey extension along rear elevation of property to enlarge reception area and provide dining room
2015/1206/BN	A	17, Oyster Bend, Sully	Construction of a single storey orangery to the rear of property
2015/1207/BN	A	12, Brook Street, Barry	New ground floor slab
2015/1208/BN	A	12, Fforest Drive, Barry	Garage Conversion
2015/1209/BN	A	6, Lon Pinwydden, Ystrad Owen, Cowbridge	Extend existing external door from 900mm to 3300mm and install bi-folding doors. Standard Centre Lintel to be used.
2015/1213/BN	A	50, Somerset Road, Barry	Re - roof, Carpentry and painting works.
2015/1214/BN	A	46, somerset Road, Barry	Re-Roof, carpentry and paint works

2015/1215/BN	A	42, Somerset Road, Barry	Re-Roof, Carpentry and paint works
2015/1216/BN	A	52, Somerset Road, Barry	Re-Roof, Carpentry and Paint works
2015/1217/BN	A	48, Somerset Road, Barry	Re-roof, carpentry and paint works.
2015/1218/BN	A	44, Somerset Road, Barry	Re-roof, carpentry and paint works
2015/1219/BN	A	40, Somerset Road, Barry	Re-roof, carpentry and paint works
2015/1220/BN	A	54, Somerset Road, Barry	Re-roof, carpentry and paint works
2015/1221/BN	A	1, Pembroke close, Barry	Re roof and carpentry works
2015/1222/BN	A	2, Pembroke Close, Barry	Re-roof and carpentry works
2015/1223/BN	A	3, Pembroke Place, Barry	Re-roof and carpentry works
2015/1224/BN	A	4, Pembroke Place, Barry	Re-roof and carpentry works
2015/1225/BN	A	5, Pembroke Place, Barry	Re- roof and carpentry works
2015/1226/BN	A	6, Pembroke Place, Barry	Re- roof and carpentry works
2015/1227/BN	A	27, Somerset Road East, Barry	Re- roof and carpentry works
2015/1228/BN	A	25, Somerset Road East, Barry	Re- roof and carpentry works
2015/1229/BN	A	44, Somerset Road East, Barry	Re- roof and carpentry works
2015/1231/BN	A	29, Somerset Road East, Barry	Re- roof and carpentry works
2015/1233/BN	A	35, Somerset Road East, Barry	Re- roof and carpentry works
2015/1234/BN	A	31, Somerset Road East, Barry	Re- roof and carpentry works

2015/1236/BN	A	21, Somerset Road East, Barry	Re- roof and carpentry works
2015/1237/BN	A	2, Fennel Close, Cogan	Conversion of garage to bedroom
2015/1238/BN	A	53, Plassey Street, Penarth	General refurbishment
2015/1252/BN	A	14, Castleland Street, Barry	Installation of external door
2015/1253/BN	A	35, Castleland Street, Barry	Installation of external door
2015/1254/BN	A	88, Castleland Street, Barry	Installation of external door
2015/1255/BN	A	10, Cross Street, Barry	Installation of external door
2015/1256/BN	A	16, Cross Street, Barry	Installation of external door
2015/1258/BN	A	76, Dock View Road, Barry	Installation of external door
2015/1260/BN	A	67, Jewel Street, Barry	Installation of external door
2015/1261/BN	A	15, Lower Pyke Street, Barry	Installation of external door
2015/1262/BN	A	23, Merthyr Street, Barry	Installation of external door
2015/1263/BN	A	112, Merthyr Street, Barry	Installation of external door
2015/1264/BN	A	57, Jewel Street, Barry	Installation of external door
2015/1265/BN	A	61, Jewel Street, Barry	Installation of external door
2015/1266/BN	A	3, Fryatt Street, Barry	Installation of external door
2015/1267/BN	A	21, Merthyr Street, Barry	Installation of external door
2015/1268/BN	A	63, Dock View Road, Bary	Installation of external door
2015/1269/BN	A	51, George Street, Barry	Installation of external door

(b) Building Regulation Applications - Reject

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

2015/1119/BN	R	2, Shelley Crescent, Penarth	Loft conversion to provide extra bedroom.
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2015/1199/BN	R	10, Dovey Close, Barry	Rear extension and garage conversion
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2015/0132/AI	R	Cartref, Llanquian Road, Aberthin	Proposed detached garage
2015/0133/AI	A	Tesco, Culverhouse Cross, Cardiff	Internal alterations to the existing Tesco shop, forming new shop areas within and associated works
2015/0135/AI	A	4, Park Road, Penarth	New roof and floor to fire damaged building and associated works
2015/0136/AI	A	27, St. Pauls Avenue, Barry	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2015/0137/AI	A	3, Park Road, Penarth	New roof and floor to fire damaged building and associated works
2015/0138/AI	A	108, Holton Road, Barry	Internal alterations and refit
205/0139/AI	R	20, Maes y Gwenyn, Rhoose	Internal alterations including installation of steel beam
2015/0140/AI	A	Site adjacent hangers 5 & 6, Llandow Trading Estate, Cowbridge	Construction of office
2015/0141/AI	A	48, Wordsworth Avenue, Penarth	Dormer loft conversion and associated works

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 3 SEPTEMBER 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

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

2014/00978/FUL	A	Little Pen Onn, Llancafarn	Proposed demolition of existing and construction of a new build house
2014/01498/FUL	A	Southerndown Farm, Southerndown	Proposed change of use of existing barn to house and new garages
2014/01520/FUL	A	Primrose Cottage, Turkey Street, Llantwit Major	Single storey and two storey extensions to existing cottage and alterations to existing fenestration. Creation of new vehicular/pedestrian access



2015/00171/LBC	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	<p>Please see schedule of works, as well as the list below: Pompeii Garden - Remove cement pointing to walls, repoint in lime. Reinststate a tiled surface to the look out seats. Remove cement render and replaster in lime the curved wall behind the seat, install weepholes. Repair/rebuild/replaster the pompeii temple front, reinststate lead flashings, reinststate cast iron gutters. Paved court - Lift and relay broken flagstones in lime mortar, Remove cement pointing, re point in lime mortar area by the dripping pool, remove section of wall and lattice work and rebuild in lime, remove cement plaster in dripping pond and plaster in lime. Reflecting pool - Remove and rebuild steps to right hand side of pool, rebuild the stone planters, Remove planting section to top of steps and re lay pavings, replace handrails, remove cement pointing to walls and replace with lime mortar, lift and relay broken flagstones.</p>
2015/00229/OUT	R	53, Laura Street, Barry	Demolition of existing bungalow and erection of seven houses
2015/00259/LBC	A	Springbank Nursing Home, College Road, Barry	Renovation and upgrading of existing windows, to include installation of slimlite double glazing

2015/00295/FUL	A	Woodlands Farm, Pont Sarn Lane, Peterston Super Ely	Retrospective application to convert a four car garage into disabled accommodation for son who is in a wheelchair
2015/00345/FUL	A	200B, Holton Road, Barry	Convert existing office accommodation to shop (A1)
2015/00396/FUL	A	Sunnycroft, College Street, Llantwit Major	Retention of double garage
2015/00417/FUL	R	Land adjacent to Parkside, Bonvilston	Proposed erection of a single agricultural building to provide shelter and housing for sheep together with a feed store, secure storage area and machinery covered area and access track
2015/00438/FUL	R	Meadow View Farm, Crossways, Cowbridge	Two storey extension - use of extension as holiday lets
2015/00491/FUL	A	Adjacent to 2, Fairford Street, Barry	Change of use from garage to Dojo (Martial Art Training Centre)
2015/00494/FUL	A	17, Oyster Bend, Sully	Construction of a single storey orangery to the rear of property
2015/00521/FUL	A	Stable Cottage, Court Farm, Llansannor	Extension to form utility room
2015/00525/LBC	A	Tymaen Barns, Nr Ewenny	Alterations to facade and erection of toilet building
2015/00527/FUL	A	Site adjacent Lyndon Scaffolding. Atlantic Trading Estate, Barry	Industrial development for B1, B8 and part A3 use with car parking, service yard and new access from Bendrick Road

2015/00532/FUL	A	90, Plymouth Road, Penarth	1) Remove existing timber box sash windows. Replace with new UPVC wood effect box sash windows in white. 2) Clean and make good to existing bath stone areas to the front of the property around bay area. 3) Refurbish/replace where necessary existing wood fascia and soffits at front of house
2015/00564/FUL	A	Warren Mill Farm, Pendoylan	Proposed extension to form day room and utility room
2015/00578/LBC	A	The Sages, Colwinston	Construction of new porch and replacement of fenestration
2015/00579/FUL	A	The Sages, Colwinston	Construction of new garage
2015/00583/FUL	A	32, Stanwell Road, Penarth	Provision of ten photovoltaic panels to the rear of the property
2015/00584/FUL	A	15, Augusta Crescent, Penarth	Proposed dormers to side and rear and alterations
2015/00590/FUL	A	The Chantry, Flemingston	Demolition of existing poor flat roof extensions. Construction of new extension with pitched roof elevation
2015/00591/FUL	A	4, Vale View Close, Llandough, Penarth	Single storey rear extension
2015/00596/FUL	A	48, Victoria Road, Penarth	Replace existing windows
2015/00604/FUL	A	Pinfold, 1, Broadway Green, St. Nicholas	Two storey and single storey side extensions and first floor balcony

2015/00605/FUL	A	36, Perclose, Dinas Powys	Two storey side extension to existing property, plus detached garage construction with new access
2015/00606/FUL	A	26, Heol Fioled, Barry	Construct first floor extension above existing garage to enlarge bedrooms. Line of garage to be brought forward to align with existing frontage. New dormer style windows and materials to match existing
2015/00607/FUL	A	Beech Court, 69, Broadway, Llanblethian	Proposed new garage at front of dwelling
2015/00608/FUL	A	Flat at 161, Holton Road, Barry	Flat above shop to be reclassified as business premises
2015/00613/FUL	A	Dyfryn Tawel, Llanharry to Argoed, Llanharry	Extension to the rear of the property to accommodate sunroom/orangery
2015/00618/FUL	A	7, Maughan Terrace, Penarth	Single storey rear extension
2015/00619/ADV	A	125-127, Broad Street, Barry	Consent for new signage scheme to front and side elevation, including re-instating three existing windows and one existing door to ground floor on side elevation to match existing styles
2015/00620/FUL	A	Asda, Powell Duffryn Way, Barry	Retention of hoarding along southern and eastern boundary of the site, to separate the completed Asda development from the adjoining undeveloped land

2015/00622/FUL	A	88, Windsor Road, Penarth	Demolition of existing lean to extension and replacement with new single storey extension that wraps around south east and south west rear elevations
2015/00626/FUL	R	Heol Gerrig Farm, St. Mary Hill	Barn conversion, access and curtilage
2015/00628/FUL	A	16, Wordsworth Avenue, Penarth	Application for permission to build an extension at the rear of the property
2015/00630/FUL	A	10, Rockrose Way, Cogan, Penarth	Ground and first floor extension
2015/00631/FUL	A	Land at Westmoor Farm, Llysworney	Construction of new manege adjacent to existing stable
2015/00633/ADV	A	Land south of Old Port Road/A4050 roundabout, Culverhouse Cross, Cardiff	Retention of two flagpoles and stand alone sales board
2015/00635/FUL	A	100, Stanwell Road, Penarth	Demolish existing ground floor rear annexe and outbuildings. Construct new extended and remodelled single storey rear annexe
2015/00637/FUL	A	Y Wenallt, 22, Elm Grove Road, Dinas Powys	Demolition of kitchen and conservatory. Proposed kitchen and dining room to ground floor, additional bedroom with en-suite to first floor
2015/00638/FUL	R	36, Robinswood Crescent, Penarth	Removal of condition 2 of Planning Permission 2014/00954/FUL relating to pedestrian barrier
2015/00640/FUL	A	The Old Vicarage, Bonvilston	Car Port, Screen Wall and Gate, Garden Shed

2015/00646/FUL	A	23, White House, The Knap, Barry	Replacement of green house with new garden shed
2015/00650/FUL	A	Wirral House, Llanbethery	Rear single storey extension
2015/00652/FUL	A	12, Southesk Place, Barry	Single storey rear extension plus associated works - including the demolition of an existing dilapidated lean-to rear extension
2015/00658/FUL	A	Glan Y Cwm, The Rhiw, Craig Penllyn	Single storey rear extension
2015/00661/FUL	A	Goldway House, Llanmihangel	Side/rear glazed extension
2015/00664/FUL	A	5, Downs View Close, Cowbridge	Erect a single storey extension to the side of the building and erect a new roof over the garage
2015/00665/FUL	A	2 and 3, John Batchelor Way, Portway Marina, Penarth	Proposed first floor steel balcony
2015/00667/FUL	A	Ty Melys, St. Andrews Road, Dinas Powys	Single storey extension on the rear and garage conversion into habitable room
2015/00669/FUL	A	High Winds, Sully Road, Penarth	Provision of first floor bathroom extension over existing garage
2015/00670/FUL	A	4, Ashby Road, Sully	Single storey rear extension plus conversion of existing garage to habitable accommodation to be used in conjunction with existing dwelling
2015/00672/FUL	R	96, High Street, Barry	Change of use from A1 to B1(a) office

2015/00673/FUL	A	Nolton, 20, Craig Yr Eos Road, Ogmore By Sea	Dormer extension to provide bedroom & en suite
2015/00674/OBS	B	Dunraven Bay Beach access slipway, Southerndown	Repairs to existing slipway at Dunraven Bay
2015/00676/FUL	A	18, East View, Llandow	Demolish existing single storey annex to build new 2 storey extension to side & rear of dwelling, including new sun lounge, new front entrance porch & relocation of existing bathroom window
2015/00678/FUL	A	35, Cornerswell Road, Penarth	Re construction of part of the rear of the property, in poor repair
2015/00680/FUL	A	9, Cardiff Road, Dinas Powys	Proposed single storey rear extension
2015/00683/LAW	A	19, Rectory Close, Wenvoe	Single storey infill extension to rear of existing dwelling
2015/00692/FUL	A	14, Greenway Close, Llandough	Single storey porch extension to front elevation
2015/00694/FUL	A	6, John Batchelor Way, Penarth	Conversion of internal garage to living room
2015/00696/CAC	A	Glen Cottage, 39, Eastgate, Cowbridge	Proposed demolition of garage to rear garden (volume exceeding 115m3)
2015/00698/FUL	A	76, Plymouth Road, Penarth	Minor alterations including solar panels
2015/00704/FUL	A	24, Clos Y Fulfran, Barry	Conversion of garage with raised roof to provide new family room above and utility room to rear

2015/00709/FUL	A	47, Westward Rise, Barry	Proposed two storey extension to rear of existing domestic dwelling to replace existing ground floor extension and conservatory
2015/00710/FUL	A	British Airways Maintenance (BMAC) Cardiff, Dragonfly Drive, Cardiff International Airport, Rhoose	Erection of temporary three storey Nose-In (NIF2) Aircraft Maintenance Extension to the south west end of the maintenance hangar. (Temporary period operational five years before removal)
2015/00711/FUL	A	9, Peterswell Road, Barry	New boundary fence
2015/00712/FUL	A	41, Cog Road, Sully	Single storey rear extension
2015/00715/LAW	A	Ivy Cottage, 32B, Grove Terrace, Penarth	Loft conversion
2015/00716/FUL	A	Pen Hill, Colhugh Street, Llantwit Major	Demolition of lean-to and replace with two storey extension for new kitchen and bathroom. Pruning of Bay tree
2015/00720/FUL	A	40, Brockhill Way, Penarth	Lean to extension to front of property
2015/00722/FUL	A	149, Fontygary Road, Rhoose	Proposed single storey conservatory to rear
2015/00727/FUL	A	50, St. Davids Crescent, Penarth	Proposed single storey rear extension to provide additional wash facilities, kitchen and living spaces
2015/00729/LBC	A	Stable Cottage, Court Farm, Llansannor	Proposed extension to utility room
2015/00730/FUL	A	15, Portway, Penarth Marina, Penarth	Proposed balcony extension to front



2015/00731/FUL	A	27, Robins Lane, Barry	Proposed single storey rear kitchen extension
2015/00738/FUL	A	88, Windsor Road, Penarth	The removal of the existing antenna mounted on a flagpole, the installation of two panel antennas, the swap out on a like for like basis of the existing face mounted antenna, the installation of a samo cabinet, measuring 750 X 600 X 1980 mm, located at ground level and associated development
2015/00743/FUL	A	Ty Rhos, Grants Field, The Downs, St. Nicholas	Existing entrance porch extended with existing balcony continued above, new doors in place of window to lounge
2015/00759/FUL	A	Krasnia, Romilly Park Road, Barry	Two and single storey extension
2015/00764/FUL	A	13, Nurston Close, Rhoose	Side extension
2015/00768/FUL	A	Ashleigh, 64, Broadway, Llanblethian, Cowbridge	Two storey side extension, rear single storey lean to extension and alterations to front porch
2015/00771/FUL	A	Vicarage Lawns, St. Brides Major	Variation of Condition 1 - To extend time period for implementation of 2009 consent - 2009/01280/FUL - Conversion of garage to provide accommodation for parents
2015/00772/FUL	A	268, Barry Road, Barry	Edwardian Style Porch to front of property in white UPVC
2015/00776/FUL	A	27, Vincent Close, Barry	Proposed Conservatory (with w.c. facilities) at rear of existing premises

2015/00785/FUL	A	104, Cornerswell Road, Penarth	Demolition of two single storey flat roofed extensions and erection of new single storey extension on approximately the same footprint of the previous extensions. Removal of existing shed and erection of garden room with green roof
2015/00790/FUL	A	21, Gibbonsdown Rise, Barry	Demolition of existing games room, proposed two storey extension

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 3 September, 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00235/HH  
Appeal Method: Written Representations  
Appeal Reference No: T/15/516116  
Appellant: Mrs. Audrey James,  
Location: 3, Heol Y Felin, Llantwit Major  
Proposal: High Hedge  
Start Date: 23<sup>rd</sup> July 2015

L.P.A. Reference No: 2014/01373/LEG  
Appeal Method: Written Representations  
Appeal Reference No: Q/15/3005392  
Appellant: Estate of Mrs. R. Norris,  
Location: Pentwyn House, Church Road, Llanblethian  
Proposal: Removal of unilateral undertaking to allow for  
change (subject to planning) to two dwellings  
Start Date: 17<sup>th</sup> July 2015

L.P.A. Reference No: 2014/01475/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3131167  
Appellant: Mr. Phillip Young,  
Location: Fields at Ynyston, Leckwith  
Proposal: Development creating floorspace of 125sq.m on  
agricultural land for agricultural purposes  
Start Date: 4<sup>th</sup> August 2015

L.P.A. Reference No: 2014/01239/OUT  
Appeal Method: Written Representations  
Appeal Reference No: 15/3130738  
Appellant: Mr. Philip Pemberton,  
Location: Land Adjacent to Long Acre, Sully Road,  
Penarth  
Proposal: Proposed New Domestic Dwelling  
Start Date: 4<sup>th</sup> August 2015

L.P.A. Reference No: 2014/01319/FUL  
Appeal Method: Hearing  
Appeal Reference No: 15/3129857  
Appellant: Mr. and Mrs. M. Camillerri,  
Location: Fferam Annwfn, Sully Road, Penarth  
Proposal: Conversion of rural building to residential dwelling  
Start Date: 21<sup>st</sup> July 2015

L.P.A. Reference No: 2015/00435/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3129756  
Appellant: Mr. Ian Nickels,  
Location: Ground Floor Shop, 85, Glebe Street, Penarth  
Proposal: Change of use from shop to 1 bed self contained flat (with alterations to front elevation)  
Start Date: 21<sup>st</sup> July 2015

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/00962/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3014551  
Appellant: Mr and Mrs A. P. Hill,  
**Location:** **Field to the east of Treerhyngyll**  
Proposal: Retrospective application for the erection of small, lockable storage shed for agricultural and equine purposes  
Decision: Appeal Dismissed  
Date: 16<sup>th</sup> July 2015  
Inspector: Aidan McCooey  
Council Determination: Committee

**Summary**

The Inspector considered the main issue to be whether the development would be in accordance with development plan policy controlling countryside development having regard to the effect of the development on the character and appearance of the site and surrounding area.

The site is to the east of the main road through Trerhyngyll, accessed via a field gate at the end of a small cul-de-sac road. It is a small shed of domestic appearance, with glass doors and a veranda facing into the field. The principal justification for the building at the application stage, related to the use of the land for agricultural purposes. The use of the land for the keeping of horses and equestrian activities is not an agricultural use. The appellant initially stated that the building was to be used in association with the keeping of horses in the field. Planning permission has been granted for a stable building in the field, which would meet the needs of the two horses referred to in the initial submission. The Inspector stated that there was no convincing evidence of any additional storage requirement that would be met by the proposal and no other agricultural justification was advanced in support of this appeal. The proposal is not necessary for the purposes of agriculture or for the keeping of horses. The development does not therefore meet the terms of Policies ENV9 and EMP8 of the VOGUDP.

At appeal stage, it was stated that the appellants are harvesting willow from 200 trees planted in the corner of the field and that the shed was used for horticultural purposes in association with a willow basket business. The building has been constructed and there were no tools or equipment stored inside. There was no evidence of basket-weaving taking place or why this building in the countryside was necessary for such a use. There was little storage of basket-making materials apart from some bunches of willow around the shed. In view of this, the Inspector stated that the development does not comply with national or local policies for economic development. The Inspector concluded that the shed is within a rural location and resembles a domestic summer house and as a result has an incongruous appearance because of its materials and position.

The Inspector concluded that the proposal is detrimental to the character and appearance of the rural area and as such the development is contrary to Planning Policy Wales and Policies ENV1, ENV9, EMP8 and ENV10 of the VOGUDP. For the reasons given above and having considered all the relevant matters raised, he conclude that the appeal should be dismissed.

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L.P.A. Reference No:	2014/01306/FUL
Appeal Method:	Written Representations
Appeal Reference No:	15/3010677
Appellant:	Mrs. Susan Joseph,
<b>Location:</b>	<b>Court House, Tair Cross, Ewenny</b>
Proposal:	Proposed first floor extension to form master bedroom and bathroom
Decision:	Appeal Withdrawn
Date:	29 July 2015
Council Determination:	Delegated

### Summary

Appeal Withdrawn

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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, Trerhyngyll**  
Proposal: Proposed new dwelling  
Decision: Dismissed  
Date: 16 July 2015  
Inspector: Richard Duggan  
Council Determination: Committee

### Summary

The appointed Inspector agreed that the main issues relate to the impact of the development on the character and appearance of the site. The Inspector agreed that the policies contained within the Unitary Development Plan remained consistent with the principles of current national planning guidance, insofar as the policies citing in the determination of the application. The development was an unjustified form of new residential development in a countryside location that extended built development into an area unspoiled by development eroding the prevailing rural character. The Inspector did not agree with the Appellant's assertion in respect of housing land supply, and concluded that the 2014 Joint Housing Land Supply showed a housing land supply of 7.3 years.

Accordingly, the appeal was dismissed.

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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  
Decision: Allowed  
Date: 16 July 2015  
Inspector: Richard Duggan  
Council Determination: Delegated

### Summary

The appointed Inspector determined the main issues to relate to the impact of the development on the character and appearance of the area, and if the development preserved or exchanged the character and appearance of the wider Monknash Conservation Area. In respect of the justification for the development, the Inspector was satisfied that, notwithstanding that the development does not relate to agriculture or forestry operations, there was a need for a shed and log store at the site.

The Inspector was satisfied that the domestic appearance of the building was acceptable in its current location, as the context of the land adjacent to the dwelling does not have the appearance of open countryside and was visually part of the property. Given that the development is so well screened, and can only be glimpsed it was deemed not to prejudice the openness of the area and, therefore, does not undermine the character or appearance of the conservation area.

The Inspector did, however, agree that the access track laid across the land had an unacceptable impact on the character and appearance of the area and so included a condition requiring its removal.

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L.P.A. Reference No:	2014/00840/FUL
Appeal Method:	Written Representations
Appeal Reference No:	15/3027435
Appellant:	Glyn Watts Jones
<b>Location:</b>	<b>Development plot facing the road, west of Primrose Cottage, Penllyn</b>
Proposal:	Construction of one detached 3 bed dwelling and garage west of Primrose Cottage
Decision:	Appeal Dismissed
Date:	14 August 2015
Inspector:	Richard Duggan
Council Determination:	Committee

### **Summary**

The Inspector agreed that the principal issues in the appeal relate to the impact of the development on character and appearance of the area and the living conditions of the occupiers of the neighbouring residential dwellings. In respect of character and appearance the Inspector concluded that whilst the development was backland development, the character and appearance of the locality would not be impacted upon. Insofar as impact on neighbouring amenity, the Inspector concludes that the development would have a significant and demonstrable impact on privacy and result in disturbance of the two properties adjacent to the site.

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

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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  
Decision: Appeal Dismissed  
Date: 14 August 2015  
Inspector: Richard Duggan  
Council Determination: Committee

## **Summary**

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

### *Character and appearance*

The Inspector considered that the development of the site for three dwellings would significantly alter and harm the character of this part of the village, which would be exacerbated by the siting of the detached dwelling tight against the eastern boundary of the site. The character of the housing in the area is one of detached properties sited on spacious plots with ample amounts of garden and landscaping surrounding the properties. The Inspector also stated that he considered that the development would be at odds with the more spacious arrangement typified by the neighbouring dwellings in the surrounding area and that the scale of development being proposed on this site amounts to overdevelopment that would have a harmful impact on this semi-rural area. He also found that the harm to the character and appearance of the area would result in the proposal failing to meet with the sustainability aims of PPW. Having regard to the above, he concluded that the proposal represents a cramped form of development on a restricted site which would have a harmful effect on the character and appearance of the surrounding area. The development would thus conflict with Policies HOUS2, HOUS8, HOUS11, ENV4 and ENV27 of the UDP.

### *Highway safety*

The Inspector noted that 7 No. spaces would be provided as part of the development, one short of the required standards which would inevitably lead to a demand for increased on-street car parking for visitors to the properties. Llanquian Road is a narrow lane as it leads towards the appeal site with no pedestrian footway and little opportunity for vehicles to pass each other, other than utilising the driveways or parking areas of existing houses. The road in front of the appeal site is also very narrow with no formal turning space beyond the site. The Inspector stated that there is limited opportunity for parking to spill over onto the highway, and insufficient spaces would be provided as part of the proposal to meet the Council's requirements.



In addition to the deficiency in the car parking provision, he also noted that the configuration of the parking within the development would mean that there is insufficient space for vehicle manoeuvring provided for within the development which would lead to problems for cars entering and exiting the spaces and this is exacerbated by the narrow carriageway width of the road outside the appeal site. In view of this, the Inspector concluded that the development would therefore conflict with Strategic Policy 8 and Policy TRAN10 of the UDP.

Accordingly, the appeal was dismissed

(d) Enforcement Appeal Decisions

None

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (incl. tree appeals)	<b>W</b>	14	1	<b>15</b>	1
	<b>H</b>	-	1	<b>1</b>	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		14 (88%)	2 (12%)	<b>16</b>	1
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	-	1	<b>1</b>	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		- (0%)	1 (100%)	<b>1</b>	-
<b>All Appeals</b>	<b>W</b>	14	1	<b>15</b>	1
	<b>H</b>	-	2	<b>2</b>	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		14 (82%)	3 (18%)	<b>17</b>	1

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 : 3 SEPTEMBER 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

2015/00659/TPO	A	Marks and Spencer Plc., Culverhouse Cross	Remove three Rowans and crown lift over road and to clear lighting columns four Ash trees (G14). [Minor dead wood Whitebeam, Alder and Cherry (G12)- Maintenance/EXEMPT ].
2015/00682/TPO	A	Trees in front of Rowans and Fron, Wellwood Drive, Dinas Powys	Coppicing or reduction (re-pollarding) of defective trees; Selective thinning of tree stock by removal of hazardous trees (in short term); Safety to be maintained by coppice/re-pollarding on height/maturity/hazard led basis - 10% annually, no more; Roadside = crown lift to 5.2m;
2015/00684/TPO	A	The Old Rectory, Drope Road, Drope	Fell two beech trees
2015/00717/TCA	A	9, Hickman Road, Penarth	Work to various trees

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 3 September 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

**The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015**

8. GENERAL PLANNING MATTERS

Purpose of the Report

1. To inform Members of the changes to planning fees from 1st October 2015, as a result of the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015, including a new refund system.
2. To seek an increase in the fees payable for pre-application enquiries in line with the increase in general planning application fees.
3. To seek an amendment to the scheme for delegation to include all applications that are recommended for refusal of planning permission.

Background

4. The Welsh Government has informed the Council that from 1st October 2015, the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 will come into effect, which introduce various changes to the fees payable for planning services. The Minister has stated that higher planning fees must be accompanied by an increased focus by local planning authorities (LPAs) on improving their statutory planning services. Local Development Plans must be prepared and kept up to date and planning decisions made in a timely way. The main changes to the Regulations are set out in turn below.
5. Members may recall that the Welsh Government consulted on these proposals in October 2014, and the Council objected to the proposals to introduce a refund system (Planning Committee Report 15<sup>th</sup> January 2015 referred). Members should also note that the Minister for Natural Resources has written to the Council regarding the fee increase, this letter is included at Appendix A.

Relevant Issues and Options

6. The Regulations introduce a number of changes to the fees payable for planning services which are set out below, including the right to a refund if an application is not determined within a specified timeframe.

## Fee Increase

7. The Regulations introduce an increase in fees by approximately 15%. To put this into context, in the Vale of Glamorgan planning fees for the last 3 years have been as follows: 2014/15 – £970,682, 2013/14 – £644,319, and 2012/13 – £759,202. Therefore, based on last year's fee income, a 15% increase would equate to £145,602 per annum. This is welcomed as it is long overdue and is essential to continue to deliver an effective Planning Service for the Vale of Glamorgan.

## Fee Refund

8. Planning application fees may be refunded if the Local Planning Authority fail to determine the application within specified times, namely 8 weeks after the determination date for household applications (i.e. 16 weeks from the validation date), and 16 weeks after the determination date for all other applications (i.e. 24 weeks from the validation date). Refunds are payable where an extended time period has not been agreed by the agent / applicant or where the applicant has not exercised their right to appeal to the Welsh Ministers for non-determination.
9. This has significant implications for the Council's Development Management function as it is not uncommon for planning applications to exceed the statutory timeframe for determination. The main causes for delay in determining planning applications within the statutory time frames can be summarised as:
  - Awaiting submission of further details from applicants / planning agents;
  - Awaiting internal and external consultee responses;
  - Reporting to Planning Committee including deferments for site visits; and
  - Negotiating to improve schemes, including design, layout, impact on neighbours, s106 matters etc.
10. In light of this new threat to resources, the Council will need to take immediate steps to prevent circumstances where a refund is payable. There are ways in which the Council can address some of these matters which involves changing practices to minimise these delays, examples of which are set out in turn below. In the first instance, Officers will need to ensure that requests for the 'Extension of Time' for determining applications are made where necessary in a timely manner. In such circumstances, the determination period is extended and allows the Council more time to determine the application without the threat of a fee refund.
11. To avoid delays awaiting information, where the applicant refuses to agree to a formal extension of time for determination, applications may need to be refused on the grounds of insufficient information to demonstrate the proposal complies with planning policy. It may also be necessary to introduce or renew service level agreements with consultees to ensure timely responses are given. Similarly, it may be necessary for Officers in discussion with Members to anticipate site visits for major applications in advance of Planning Committee meetings to avoid deferments.

Negotiations will need to be carried out quickly and efficiently to enable time for the agent / applicant to amend their proposals or agree to the Council's requirements in a timely manner. Matters that would usually be resolved during the life of an application, may be controlled by condition if they do not go to the heart of the development.

12. Furthermore, this report recommends amending the Council's delegated powers for planning decisions to include all applications that are recommended for refusal, to prevent the need to report to Planning Committee those applications which are, in any event deemed to be unacceptable. This could avoid having to pay a refund where an applicant refuses to extend the time period for determination of the application and the matter would (under the current system of delegation) have to be reported to Planning Committee because of the type of application.
13. In practice Officers already strive to determine applications within time and it is extremely rare for decisions to exceed the determination period other than in situations that are outside the control of the Council. Therefore, it is disappointing that the Welsh Government have chosen to introduce such punitive measures to impede Local Planning Authorities who are already facing significant financial challenges at a time when expectations on service delivery are higher than ever. Furthermore, given the disproportionate emphasis on 'speed' of decision making, it is unlikely to improve the quality of proposals and could potentially lead to the approval of development that is not 'bad' enough to refuse since negotiations would take too long to achieve a higher standard.

### **Fees for Approval of Condition Details**

14. The Regulations also introduce fees payable for applications for approval of discharge of conditions, subject to refund if the LPA fail to determine the application within specified times. The fee is payable per application (which may include details for 1 or more planning conditions relevant to an application) at a rate of £95 pounds or £30 for householder applications. This is welcomed.
15. In 2014 the Council approved 1042 planning applications, of which 574 were householder applications. Assuming only 1 submission of conditions details per application this could equate to an annual fee income of £98,990 and £17,220 respectively (although it should be noted many household applications do not require any discharge of conditions details).

### **Other matters covered by the Regulations**

16. Fees for deemed applications are to be payable to the LPA rather than half to the LPA and half to the Welsh Ministers.
17. A fee is now payable for a revised application for approval of reserved matters where those reserved matters have previously been approved. Under the 1989 Regulations, such an application was exempt.

18. Where applications are made which relate to land in the area of two or more LPAs, a fee is payable to each LPA, rather than under the 1989 Regulations where the fee was payable to the LPA in whose area the largest part of the land was situated.

### **Pre-application Fee Increase**

19. To be consistent with the increase in Planning Fees, it is proposed to increase the fees charged for pre-application advice by 15% from 1<sup>st</sup> October 2015 as follows:

#### Major Developments:

- Written Advice only – increase from £360 to £414 (or 1% of the appropriate planning fee, whichever is greater)
- Written advice with a meeting – increase from £720 to £828 (or 1.5% of the appropriate planning fee, whichever is greater)

#### Minor Developments:

- Written Advice only – increase from £240 to £276
- Written advice with a meeting – increase from £360 to £414

20. Where the Council does not currently charge for pre-application advice (e.g. householder applications) this is not proposed to change. However, the discretionary charge of £50 for a site visit will increase to £57.50.

21. In 2014/15 fees for pre-application enquiries raised £28,908, therefore the 15% increase would have accounted for £4336.20 last year.

#### Resource Implications (Financial and Employment)

22. The increase in planning fees, pre-application fees and new income from approval of conditions details will provide additional income for the Planning Service. Based on 2014/15 figures, and assuming a similar level of applications, this additional income would equate to an increase of £266,148. Some of these savings have already been built into the 2015/16 fees budget which assume an increase in income. However, the new refund system introduced through the Regulations could result in loss of fee income and measures are outlined in the report to minimise this risk. Members will be aware that the potential for additional income from the Planning Service is a tranche 1 element of the Councils Reshaping Services programme.

#### Sustainability and Climate Change Implications

23. None arising from this report.

#### Legal Implications (to Include Human Rights Implications)

24. This report relates to The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015. There are no Human Rights implications arising from this report.

### Crime and Disorder Implications

25. None arising from this report.

### Equal Opportunities Implications (to include Welsh Language issues)

26. None arising from this report.

### Corporate/Service Objectives

27. The fees paid for planning applications and associated services enable the Council to carry out its statutory duties as Local Planning Authority.

### Policy Framework and Budget

28. This report is a matter for Executive decision.

### Consultation (including Ward Member Consultation)

29. No Ward Member consultation has been undertaken as the report has implications for the Vale as a whole rather than specific wards.

### Relevant Scrutiny Committee

30. Economy and Environment.

## RECOMMENDATIONS

- (1) That Planning Committee note the content of the report.
- (2) That Planning Committee recommend that Cabinet increase fees for pre-application advice by 15% in line with the Welsh Government fee increase for planning applications.
- (3) That Cabinet be requested to recommend to Council that the current scheme of delegation be amended to include all applications which are recommended for refusal of planning permission.
- (4) That Planning Committee refers the report to Cabinet and Full Council for information and approval.

### Reasons for the Recommendations

- (1) To inform Planning Committee of the changes to Planning Fees and the introduction of a refund penalty for Local Planning Authorities from 1st October 2015.
- (2) To ensure the fees payable for pre-application advice are increased in a consistent way with planning application fees, and to ensure the delivery of an effective planning service.
- (3) To avoid having to refund a planning fee for an application which is considered to be unacceptable, but would exceed the determination date if it were necessary to report to Planning Committee.



- (4) To inform Cabinet and Council of the changes to Planning Fees and the introduction of a refund penalty for Local Planning Authorities from 1st October 2015, to seek Cabinet's approval of the fee increase for pre-application enquiries and to seek Council's approval for a change to delegated powers.

#### Background Papers

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015

Vale of Glamorgan Council Scheme of Delegation for Planning Decisions

#### Contact Officer

Victoria Robinson – Principal Planner, Development Management

#### Officers Consulted

Operational Manager – Planning Policy and Transportation  
Financial Services  
Legal Services

#### DIRECTORATE OF DEVELOPMENT SERVICES



APPENDIX 'A'

Eich cyf/Your ref  
Ein cyf/Our ref

Mr Rob Thomas  
Head of Planning & Transportation  
Vale of Glamorgan Council,  
Docks Offices, Barry Docks  
Barry, Vale of Glamorgan  
CF63 4RT,

19 August 2015

Dear Mr Thomas

### **Resourcing the Planning Services of Local Planning Authorities.**

I am writing to you to ensure that adequate resources are made available to provide a positive, enabling planning system at the local level. An adequately resourced statutory planning service, both in terms of preparing and keeping up to date Local Development Plans (LDPs) and deciding planning applications is essential and brings many benefits to businesses and the community, providing local authorities with the essential tools to provide leadership when planning for places. Investing in planning is a sound investment for local authorities. It provides a mechanism to secure essential local infrastructure in a time of austerity, creates job opportunities and can increase the local revenue base.

The proposals I have taken forward in the Planning (Wales) Act 2015 will support the creation of a positive enabling planning service. I expect every local authority to play a full part in delivering resilient planning services locally. Through the actions that I have taken Wales will have an up to date plan led approach which we can all be proud of. In the development management system new measures will help applications to be dealt with promptly, in a consistent manner, providing certainty for developers and communities.

I have provided resources to support local delivery of positive and enabling planning services, I recently made new planning fees legislation<sup>1</sup> that will come into force on 1 October 2015. This legislation will bring forward an overall increase in planning fees by 15 percent, as well as other changes that will increase the revenue available to local planning authorities. Averaged across the 25 local planning authorities this amounts to an increase in annual fee income of around £80,000.

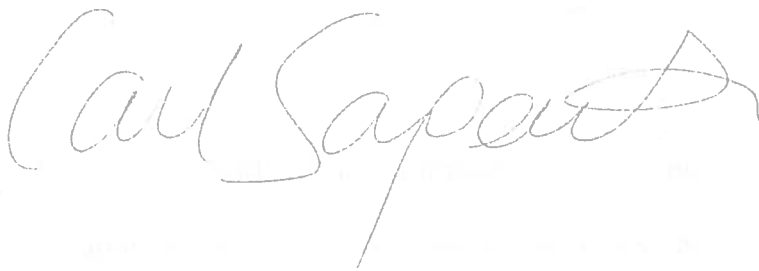
With this increase in fees I expect renewed focus by local planning authorities on improving their service to customers. I am all too aware of the austerity local authorities are facing across all service areas but I expect this money to be retained for use by the planning

<sup>1</sup> The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015

service, as I see this increase as one of the measures that can help in delivering much needed resilience in our planning system. This means that local authorities need to commit an appropriate amount of the authority's budget to their planning service to provide the service customers expect and deliver the wider benefits planning can bring to our communities and nation.

From this November your authority will produce an annual performance report for the planning service which is a good opportunity to reflect on what has gone well during the year and identify those areas of the planning service where improvements could be made. In the meantime, indicators showing the performance of every local planning authority in Wales are published every quarter on the Welsh Government website. This is a further opportunity for your authority to reflect on its service to customers and the resources that support it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carl Sargeant', written in a cursive style.

**Carl Sargeant AC / AM**  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 3 SEPTEMBER 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

9. PLANNING APPLICATIONS

Background Papers

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

**2014/00460/FUL** Received on 26 May 2015

David Wilson Homes Ltd., David Wilson Homes Ltd. C/o Agent  
Mrs. Zoe Aubrey, Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff,  
CF10 3AL

**Land adjacent St. Joseph's School, Sully Road, Penarth**

Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works

**SITE AND CONTEXT**

The application site is land adjacent to St Joseph's School, Sully Road, Penarth, and comprises 2.68 hectares of agricultural land that is located close to the edge of the Penarth settlement boundary. The site is bounded by St Joseph's Primary school to the north/east, residential properties to the south (Separated by a stream) and Sully Road to the west. The site is defined as Countryside AND Green Wedge in the Vale of Glamorgan Adopted UDP 1996-2011.

The application site slopes from the north to south with a uniform gradient, with the site levels varying between 23 AOD to 32 AOD. The application site is shown in the context of the wider on the aerial photograph below:

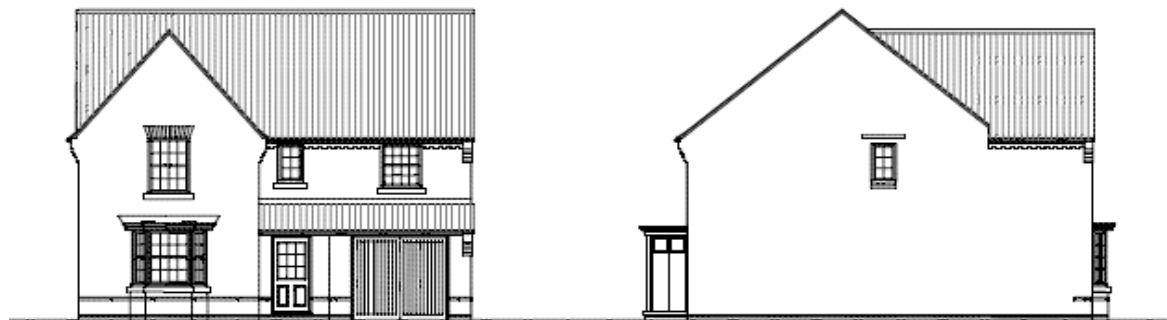


## DESCRIPTION OF DEVELOPMENT

The plans as originally submitted proposed 54 dwellings, during the course of the application this was amended and therefore this is a full application for 74 dwellings. The development comprises a mix of detached, semi-detached, terraced dwellings, and flats. The proposed layout is shown below:



Principally, the layout involves a single vehicular access point from Sully Road, with a main spine road leading to series of secondary roads and private drives. Open spaces would be sited through the site, with the largest area of open space in the eastern portion of the site and a smaller area being located adjacent to agricultural land and residential properties to the south. The development comprises a mix of house types, but with a generally traditional form and character. Example house types are shown below:



*Front Elevation*

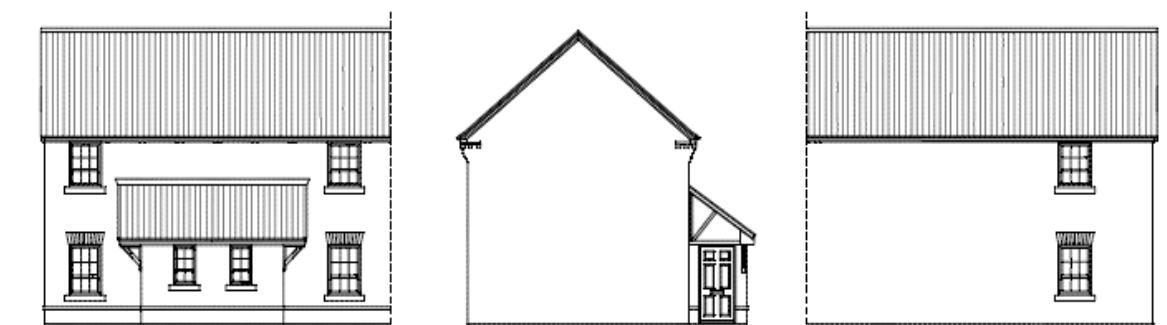
*Side Elevation*



*Front Elevation*

*Side Elevation*

*Rear Elevation*



*Front Elevation*

*Side Elevation*

*Rear Elevation*

As noted above, the primary pedestrian and vehicular access would be at the western side of the site from Sully Road, with a pedestrian link from the site to the existing footway fronting St Joseph's Primary School.

### PLANNING HISTORY

No History.

### CONSULTATIONS

**Penarth Town Council** were consulted on the original application for 54 dwelling and subsequent amendments, responses received for both stated that the application should be approved subject to conditions.

The town council was re-consulted on the amended scheme for 74 houses, a response received on 22 June 2015 objects to the proposal citing over intensification, lack of necessary community facilities, lack of school spaces, increase in traffic, disputing of proposed vision splays, congestion and drainage.

However they state that should the Vale of Glamorgan Council be minded to approve the application the town council would like to see any section 106 agreement being for the maximum level of contributions towards transport and community facilities improvements.

**Highway Development** were consulted on the original application, a response received objected to some aspects such as the proposed road narrowing, poor footway links but did not object to the principal whilst also requesting further survey works.

They were re-consulted on the amended proposal, a response received on 21 August 2015 states no objection in principal subject to conditions.

**Highways and Engineering (Traffic)** were consulted on the original application, a response received requested further survey and changes. They were re consulted on the amended plans and have confirmed no objection.

**Stanwell Ward Members** were consulted on 8 May 2014, to date no response has been received.

**The Council's Ecology Officer** was consulted on the original and amended plans, following submission of a Great Crested Newt Survey the Council's ecologist has confirmed no objection to the proposal and seeks a condition requiring a scheme for protection, enhancement and creation of biodiversity features.

**Waste Management** were consulted on the original and amended plans, no response was received at the time of writing this report.

**Natural Resources Wales** were consulted on the original and amended plans, a response in October 2014 objected to the application pending further surveys, a further response received on 22 June 2015 states 'we note from the survey that no Great Crested Newt EDNA was detected from the waterbodies tested. Due to this we are satisfied that the presence of Great Crested Newt's is unlikely and therefore remove our objection.

**Environmental Health** were consulted on the original and amended plans, a response received confirms no objection subject to conditions relating to site operating hours and issues relating to dust/noise.

**Housing Strategy** were consulted on the application, the affordable housing enabler has confirmed they have no objection to the proposed affordable housing units and numbers.



**Strategy, Community Learning and Resources** were consulted on the application, their response indicates there is not enough capacity in the relevant local schools for 7 nursery pupils and 16 primary pupils. Therefore a contribution for education facilities will be required to cater for additional demand.

**Dwr Cymru Welsh Water** were consulted on the original and amended application, a response received to both consultations confirmed no objection to the proposal subject to conditions on any approval.

**Glamorgan Gwent Archaeological Trust** were consulted on the application, a response received on 28 October 2014 states no objection to the proposal but comments that should significant remains be disturbed, the developer should contact the trust for further guidance.

## REPRESENTATIONS

The neighbouring properties were consulted on 8 May 2014, a site notice was also displayed on 21 May 2014 and the application was also advertised in the press on 22 May 2014, 43 letters of representation were received. The neighbouring properties were re-consulted on the amended plans, 32 letters of representation were received, the objections of residents are summarised below:

- Inadequate and unsuitable access
- No large development till draft LDP approved and substantial infrastructure projects are made.
- Traffic congestion
- Highway, pedestrian and horses safety concerns
- Incursion into the open countryside
- Inaccuracy in submitted details in regards to bus services
- Does not integrate with surroundings
- Does not add any new local facilities
- Poor access to public transport
- Increase in carbon emissions from cars usage
- Concerns of building on a flood plain
- Lack of street lighting
- Affect on house prices
- Loss of Green Wedge
- Poor vision splay
- Surface and sewerage water concerns
- Impact on bats
- Disturbance from construction
- Developers are only interested in commercial enterprise
- Potential impact on wildlife
- Transport assessment should take account of expected traffic of new development in the area.
- Concerns about the lack of information on the pumping station

A sample of three objections can be found at Appendix A.

**Sully Road Residents Association** submitted representations, objecting to the application. – Appendix B

**Vaughan Gethin AM** submitted a letter of representation voicing concerns.- – Appendix C

## 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 11 - SPORT & RECREATION

#### *Policy:*

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE
ENV2	- AGRICULTURAL LAND
ENV3	- GREEN WEDGES
ENV7	- WATER RESOURCES
ENV10	- CONSERVATION OF THE COUNTRYSIDE
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV16	- PROTECTED SPECIES
ENV17	- PROTECTION OF THE BUILT ENVIRONMENT
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	- DWELLINGS IN THE COUNTRYSIDE
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA
HOUS12	- AFFORDABLE HOUSING
TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT
REC6	- CHILDREN'S PLAYING FACILITIES
REC7	- SPORT AND LEISURE FACILITIES
REC12	- PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

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

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

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

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

### **Planning Policy Wales:**

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

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

DEVELOPMENT PLANS – CHAPTER 2 – Following extracts relevant:

2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it.

Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances

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

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

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

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

## HOUSING –CHAPTER 9 – Following extracts relevant

9.1.1 The Welsh Government will seek to ensure that:

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

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

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

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

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

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

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

#### **Technical Advice Notes:**

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

#### **Supplementary Planning Guidance:**

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

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

## **The Local Development Plan:**

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

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

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

- Policy SP3 - Residential requirement.
- Policy MG2 Housing allocations
- Policy MG18 – Green wedges

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

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2014 update)
- Findings of the Candidate Site Assessment Process (2013)
- Green Wedge Background Paper (2013)
- Housing Supply Background Paper (2013)
- Local Housing Market Assessment (2013 update)
- Open Space Background Paper (2013)
- Population and Housing Projections Background Paper (2013)
- Sustainable Settlements Appraisal Review (2013)
- Affordable Housing Delivery Statement (2015 update)
- Joint Housing Land Availability Study (July 2014)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)

### Other relevant evidence or policy guidance:

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

## Issues

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

- The principle of the development having regards to relevant Unitary Development Plan and National policies;
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, development viability, emerging planning policy etc.;
- Issue of prematurity given the current stage in preparation of the Vale of Glamorgan Local Development Plan;
- Visual impact of the development within the wider landscape.
- Density of the development;
- Design and layout;
- Public open space;
- Highway/pedestrian safety and the proposed access and junction arrangement off Sully Road;
- Traffic and congestion issues;
- Highways issues associated with internal road layout, and parking.
- Impact on residential amenity of existing residents;
- Amenity of the future occupiers of the site;
- Drainage and flood risk;
- Ecology;
- Archaeology;
- Agricultural land quality; and
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

## Principle of the Development

### Unitary Development Plan context

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

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



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

In considering the other policies of the UDP, Policy HOUS2 states that favourable consideration will be given to small-scale development (which constitutes the rounding off of the edge of settlement boundaries, where it can be demonstrated that the criteria of Policy HOUS8 are complied with). In this case, while the application site adjoins the existing settlement, it is considered that the scale of the proposed development (74 dwellings) and the size of the site are such that the development could not be considered as “small scale” rounding off. Accordingly, it is considered that the proposed development could not be considered as compliant with the terms of Policy HOUS 2. Furthermore, policy HOUS 3 states that the erection of new dwellings in the open countryside will be restricted to those justified in the interests of agriculture or forestry. The proposals have no such justification and are not linked to any rural enterprise, such as those mentioned under Technical Advice Note 6 (Sustainable Rural Communities). As such, in terms of UDP local policy, the proposal for residential development would not be considered as a rounding-off development and would have no justification in accordance with TAN 6 or Policy HOUS 3. Therefore, the proposed residential development is considered contrary to the relevant policies of the UDP.

Given that the principle of the proposed development is considered to be contrary to Policies ENV1, HOUS2 and HOUS 3 for the reasons given above, it is necessary to consider, given the age of this Development Plan, as to whether there are specific material considerations which should justify any departure from the development plan to out-weigh the objection set out in the UDP.

#### Local Development Plan Context

Under the Local Development Plan (LDP) Draft Deposit of 2012, the application site was included as a housing allocation site. However, as Members will be aware, on 23 January 2013, the Council resolved not to progress any further with the 2012 Deposit LDP (February 2012) and instead commence work immediately on a replacement Deposit LDP. Work subsequently progressed on a replacement LDP to guide new sustainable development in the Vale of Glamorgan.

The Deposit Draft Local Development Plan 2013 allocates the site for residential development under reference policy MG 2 (24), for a total of 80 dwellings and indicates it within the settlement boundary for Penarth which is identified in the Deposit Draft Local Development Plan as a ‘Service Centre Settlement’, as part of the settlement hierarchy.

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

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

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

Members should note that Penarth is classed as a ‘Service Centre Settlement’ and this allocation is not one of the Strategic Housing Sites within the Draft plan. On the basis that the site is not a ‘strategic allocation’, it is considered that bringing this site forward for 74 dwellings would not ‘go to the heart’ of the overall LDP strategy, given that this relates to a very small percentage of the overall housing land requirement over the plan period. It is also considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have already been approved. It is considered that the development would not have a significant impact on a substantial area with an identifiable character, rather the impact would only be on a relatively small area.

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

Nevertheless, while the site has been identified for a housing allocation site in the Deposit Draft Local Development Plan and Penarth is a settlement identified as suitable for further housing development, it is recognised that this Draft plan remains unadopted. Accordingly, the weight to be afforded to the plan alone must reflect the fact that it may be subject to change before it is adopted.

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

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

## Housing Need and Supply

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

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

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

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

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

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

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

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

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

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

#### Conclusion on housing land supply and the principle of the development

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

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

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

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

Therefore in light of the significant amount of background information that has led to its inclusion, the current housing supply and need to maintain adequate housing land at all times, and the above assessment in terms of the deliverability of the LDP, it is considered on balance that the development of the land for residential use is acceptable in principle and outweighs any conflict with UDP policies cited above.

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

### Green Wedge

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

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

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

It is relevant to consider the purpose of the wedge policy in this location, it is to prevent the coalescence of the two Settlements of Dinas Powys & Penarth. The amendment of the green wedge boundary in the draft LDP and allocation of this site for residential development recognises the pattern of existing built form north of the site, and recognises Sully Road as a logical and defensible boundary to the Green Wedge. Therefore, the development of this site, which is no further west than the housing to the north, would not bring the two settlements closer than they already are north of the site and would maintain the existing degree of openness between Dinas Powys & Penarth.

#### Visual impact of the Development within the Wider Rural Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, however, it is considered that this does not necessarily render the development unacceptable. Rather an assessment of the visual impacts is required in the context of the surrounding landscape and how the development relates to the existing built environment.

The application site lies to the edge of Penarth close to the existing residential settlement boundary of Penarth. The application site is proposed to be included within the settlement boundary as part of draft LDP plans and while the development would extend the built form of this part of the town, the development would not extend the boundary any further west than the existing boundary. Consequently, while the development is larger than that which could be considered as small scale rounding off (under policy HOUS 2 of the UDP), it is nevertheless considered that it would appear as a relatively logical extension/expansion of the existing built environment of the settlement boundary.

Furthermore, given the relationship of the site to the existing pattern of development of Penarth and the fact that the site is closely related to existing residential developments, it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside. From the surrounding viewpoints it would predominantly be viewed against the backdrop of the existing school and modern housing development and it would appear as a re-defined edge of the settlement, but integrally related to the existing built form that closely relates to it. It is considered that while local views of the area would be altered, there would not be a significant impact within the wider landscape beyond a local level.

While Sully Road is essentially rural in character and appearance, the site clearly adjoins the existing settlement boundary and it is therefore not wholly 'open' or rurally isolated in context with a number of schools and properties located along the road. Therefore, while the character of the land would fundamentally change, it is considered that the development would not unacceptably impact upon the wider rural landscape, and that the wider importance of the development (in terms of housing need) outweighs any negative visual impacts associated with the urbanisation of the site.

Having regard to the above, it is considered that the site represents an acceptable location for additional residential development, in terms of the impact on the landscape, and in terms of its physical relationship to the existing settlement. This is reflected in the fact that the site has been allocated in the Draft Deposit LDP.

#### Density of the development

*In terms of density, PPW advises that 'Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by public transport, walking and cycling should either not be allocated for development or be allocated or reallocated for uses which are not travel intensive.'*

The development proposes 74 units whereas the Draft Deposit LDP allocates it for up to 80 units. Given that the LDP is in draft form, the reference to 80 units is not definitively prescriptive for the site, however, it provides a basis to consider the appropriate density for the site. It is important to ensure that sites in sustainable locations are developed efficiently, and it is also necessary to consider the character of the area and whether an increase in density would be appropriate and sympathetic to the surrounding context. The site forms part of a service centre settlement, where densities are typically high, however, while the density is lower than envisaged in the LDP, it is considered given the site constraints the proposal is compatible with the nature of surrounding developments. Having regard to the character of the surrounding area, it is considered that the density is acceptable and would represent efficient use of the land.

The density (28 per ha.) does not comply with the aims of Policy MD7 of the Draft LDP which requires at least 30 dwellings per ha. for service centre settlements, however it is recognised that the site is constrained by a sewer and stream buffer zone together with the irregular shape of the site, therefore the lower density on this particular site is considered acceptable.

## Design and Layout

### Internal Road and Footpath Layout

The development involves the provision of a principal access road, with a series of small cul-de-sacs and private drives. In this respect, it is considered that the layout would create a sense of place and is an appropriate design response to the size and shape of the site. The layout also ensures that number turning heads are minimised and the development is not dominated by the appearance of a heavily engineered highway.

The plans show a change in materials at various points to denote junctions or a change from primary to secondary route/private drives and it is considered that this accords with the aims of manual for Streets to create a hierarchy of routes through the site. This would add to the sense of place within parts of the site and it is considered that the absence of a dedicated footway in these areas would encourage the use of these streets as shared surfaces (see highway safety issues relating to shared surfaces below).

The layout also prioritises pedestrian permeability and the network of footways and shared surfaces is such that pedestrian movements from any part of the site towards the main entrance at Sully Road or to the open space to the rear would be easily facilitated. It is considered that this would encourage pedestrian and cycle movements, maximise the connectivity between the site and other parts of Penarth and Dinas Powys and accord with the principles of Manual for Streets.

The application has also negotiated the construction of a footway link from the site to the entrance at St Joseph's Primary School, this would provide a safe link to the school and the existing pedestrian links from the school to Penarth that currently starts beyond the school entrance.

In terms of parking, the majority of dwellings would be served by driveways and garages within their curtilages. Parking courts are proposed to serve the flats to the south of the site, however, it is considered that these areas are not excessive in size, well screened by development and subject to the use of appropriate high quality materials and sufficient soft landscaping, these parking areas would not detract from the visual amenity of the development.

In summary, it is considered that the layout has regard to the principles of Manual for Streets (insofar as it relates to the network of roads and footways) and would accord with the aims of Policies ENV27 and HOUS8 of the UDP.

### House Types, Design and Siting

The existing context to the site comprises mix of semi's and detached and a range of house types. There is little consistency within the surrounding built environment and accordingly, there are no overriding design or vernacular to follow. However the nearest housing development located north of St Joseph's Primary School comprises of a mix of detached, semi-detached and terraced dwellings. The proposed houses comprise a mix of designs and house types, but with a consistent and relatively traditional character, predominantly utilising brick and render.



It is considered that dwellings are on the whole not dissimilar in character to the existing houses nearby, albeit some of the house types are a little more 'suburban' than some of the more traditional rural dwellings within the vicinity. Notwithstanding this, there is a particularly varied mix of housing throughout the area of Penarth/Sully/Dinas Powys as a whole and it is considered that the designs proposed would not conflict harmfully with the existing mix. It is considered that as a group, the house types are well designed and would result in an interesting and varied built environment that is sympathetic to the site's context and would not demonstrably harm the character of the area. The proposed dwellings are predominantly detached and semi-detached, and this reflects the mix within the immediate area.

The dwellings have on the whole not been sited directly adjacent to the main highway, however, they nevertheless would be sited relatively close to it and this would provide a reasonably strong sense of enclosure to the street, creating well defined spaces and result in the buildings having a positive relationship with the road. Importantly the dwellings have been orientated to ensure that primary elevations front the roads within the site and do not turn their back on public areas.

The dwellings are also comparable in their general scale, massing and height to the existing houses in the area and in this respect also, the proposed dwellings will be in keeping with the surrounding built environment. The scheme formerly included a three storey element, however, this has been removed and replaced with a two storey building.

#### Public Open Space (POS)

The development makes provision for two areas of open space, the main areas being sited towards the eastern part at the back of the site with a further smaller area adjacent to the road more centrally within the site.

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.

On the basis of the above and to accord with Policy REC3, there would be a total requirement of 4100m<sup>2</sup> of open space to serve the development of 74 dwellings. The Council's Planning Obligations Supplementary Planning Guidance breaks down the overall POS requirements into space for children's playing facilities, other children's play space and outdoor sport (0.2 ha, 0.6 ha and 1.6ha per 1000 population respectively).

In terms of children's play space (equipped and non-equipped), there is therefore a requirement to provide 1350m<sup>2</sup> in total. This would comprise 337m<sup>2</sup> of children's playing facilities and 1012m<sup>2</sup> of other children's play space, with one Local Equipped Area for Play (LEAP). The proposed layout makes provision for a LEAP towards the eastern part of the site and one Local Area For Play (LAP) in the southern part of the site. There are further areas of open space in the corridor between the two areas of public open space, which would act as Amenity Green Space.

The proposed layout makes provision for comfortably in excess of the amount of public open space (children's play) required by the SPG and it is considered that this would therefore clearly meet the requirements of the SPG and Policy REC 3.

In terms of its location, whilst it is recommended that public open space provision be provided centrally within the site, given the constraints associated with the shape of the site, the larger area of public open space is located to the east of the site and would comprise a safe and useable area due to the proximity of the nearest dwellings and the degree to which it would be overlooked. The other area would be located centrally adjacent to the spine road and it is considered that this would therefore also be well located in terms of usability (where pedestrian flows would pass on a daily basis) and surveillance. It is therefore considered that all the areas of open space have been sited in practical and appropriate locations where they would function effectively as part of the overall layout.

In terms of maintenance, the applicant has advised that the space will be retained and managed privately. This matter would be dealt with in detail in the Section 106 Legal Agreement, if the application is approved.

No outdoor sport provision is made on site, therefore, this matter is considered below in the 'Planning Obligations' part of the report, in terms of whether financial contributions are necessary to address the shortfall.

Landscaping conditions are recommended in order to ensure that soft landscaping is used effectively within the areas of POS and throughout the whole development, to soften the visual impact.

#### Highway safety- the proposed access

The application proposes a new access onto Sully Road and following negotiations, the layout has been amended to allow increased vision splays in both directions along the road, in accordance with the highways engineer's requirements. The proposed access would therefore afford road users acceptable visibility when egressing out of the development and is considered to be safe when turning into the development. A 3 metre wide cycle/footway is proposed along the site frontage on Sully Road and in front of St Joseph's School to connect the site with the existing footway north of the site.

## Traffic and Congestion Issues

The application is accompanied by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network, the number of dwellings and the likely number of car movements and movements by alternative modes.

The TA concludes that the development would create 42 and 44 additional vehicular trips during the weekday AM and PM peak periods respectively. This equates to one additional vehicle on Sully Road every 90 seconds during the peak hours. Those vehicle trips have been modelled with a 'worst case' scenario and the TA concludes that although proposals will result in additional traffic accessing Sully Road mainly heading in the northern direction towards Redlands Road resulting in a 1.2% and 1.1% percentage impact for AM and PM peak periods respectively to the Merrie Harrier junction. Whilst it is noted that this junction is currently at capacity the TA concludes that the development will not have an adverse effect upon the safety or operation of the local highway network and will not result in unacceptable congestion or traffic problems given the scale of increase.

The Council's Highways Engineers have considered the application and no objections have been raised in respect of traffic generation or congestion as a consequence of the additional trips or the junction.

Accordingly, it is considered that the TA demonstrates satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the wider highway network.

### Highways issues associated with internal road layout, and parking.

As noted above, the highway layout involves the provision of a single principal access road, which leads to a series of cul-de-sacs/private drives, with shared surface areas. The design has been arrived at following meetings and negotiations with the Council's Highways Engineer and no objections have been raised in respect of highway safety through the internal layout.

No objection has been raised in respect of parking and it is considered that the parking provision is acceptable and provides a balance between not promoting reliance on the car and ensuring that sufficient off street capacity is provided (in the interests of the free flow of traffic within the site).

Having regard to the above, it is considered the proposed internal road layout is acceptable in planning terms and that the comments of the highways engineer can be accommodated within the engineering details required by condition.

The application originally proposed a pedestrian footway link along the western side of Sully Road linking further along Sully Road opposite St Joseph's Primary School, this was considered to be impractical to encourage pedestrian movements across Sully Road to the western side, where pedestrians would walk 100 yards before having to cross back to the eastern side. It is also considered that pedestrians would be highly unlikely to carry out those movements and the most practical option would be to provide a footway within the area of verge outside St Joseph's Primary School linking to the proposed footway proposed outside the application site on Sully Road. This would result in a continuous pedestrian link from within the site to School and footways beyond linking the site to the wider area and would be carried out as part of the development. This has been shown on amended plans received on 18 August 2015 and will be secured through conditions and a S278 Agreement.

#### Impact on residential amenity of existing residents.

The proposed development would not adjoin any residential properties but would be sited close to 'Inglenook' and 'Glan Hafren' to the south and 'Glascoed Cottages' 'Glascoed' and 'St Winefride'. Presently, the occupiers of these dwellings have views over an open field and playing fields beyond, whereas the development would fundamentally alter the nature of that outlook. However, while it is understandable that existing residents would be concerned about a change to the area, loss of view is not a planning matter and there is no statutory right to have such a view preserved, rather it is necessary to consider whether the residential amenities of those properties would be adequately protected.

Plot 70 and 74 would be sited between approximately 16m and 21m away respectively from the existing dwellings 'Glascoed Cottages' with the side of the new dwellings facing these cottages, these would be separated by Sully Road and screened by existing trees along the boundary outside the cottages. Given the distances and the orientation of these properties to the application site it is considered that the new houses would not appear overbearing or unneighbourly on these existing residents.

The proposed dwellings facing these neighbours do include first floor habitable room windows, given that these would be at a distance of approximately 16 metres it would be necessary to ensure that the windows at first floor in the side elevations of those dwellings are obscurely glazed, given their proximity to the boundaries.

There would be between 12m and 17m between the new dwellings and the rear boundary of 'Inglenook' and between 22m and 26m between the new dwelling's and the boundary of 'Glan Hafren'. The boundaries with these dwellings are formed by large trees and an existing stream. Given the orientation of these dwellings and the size of the rear gardens of these dwellings, it is considered that this is sufficient distance to ensure that the new houses would not appear as physically overbearing or unneighbourly. The distances would also comply with the Council's Amenity Standards SPG in terms of privacy.

It is considered on balance that while the proposal would affect the amenities of the existing dwellings to a degree, the size and location of the development are such that it would not be unacceptably overbearing or so impactful as to warrant the refusal of the application.

It is considered that the children's play areas and open space generally would be sited far enough away from existing dwellings to ensure that the use of them would not result in an excessive level of noise and nuisance.

It is, therefore, considered that the development would adequately preserve the privacy and amenities of neighbouring residents, in accordance with Policy ENV27 of the UDP and the aims set out in Policy HOUS 8.

#### Amenity of the future occupiers of the site

Policy ENV27 of the Unitary Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provides guidelines to ensure that all new residential developments contribute towards a better quality of life without adversely affecting the amenity enjoyed by existing residents. Policy 2 of this document is considered to be of particular relevance in this instance, which states that 'the council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development'.

The guidance contained within this policy notes that developers at a minimum should provide 1m<sup>2</sup> of amenity space per 1m<sup>2</sup> of the gross floor area for new dwelling houses, whilst 20m<sup>2</sup> of readily accessible amenity space should be provided per occupier of flatted development. It is acknowledged that the current application proposes residential accommodation principally in houses and within some flats.

The dwellings would be served by private garden spaces, some of which would not meet the requirements of the Council's SPG. The gardens that do not meet the requirement of 1m<sup>2</sup> of amenity space per 1m<sup>2</sup> of gross floor space do not amount to a significant shortfall and it is considered that all of the gardens are of sufficient size to meet the outdoor amenity and functional needs of the occupiers. While the areas of amenity space are considered adequate, it is considered that the contribution the development would make to strategic housing provision outweighs the relatively modest deficit in amenity space relative to the requirements of the Council's SPG.

Furthermore, a substantial area of public open space would be provided within the confines of the site, which would be readily accessible to all future occupiers of the development. In light of the above it is considered that adequate amenity and open space is provided.

Finally in this respect, it is considered that the relationship of the proposed buildings to each other is such that the respective dwellings would not appear as overbearing or unneighbourly to each other, and each dwelling would benefit from adequate levels of privacy.

### Drainage and flood risk.

The application site falls within flood zone A which suggests little or no risk of fluvial or coastal/tidal flooding and Natural Resources Wales (NRW) have not objected to the proposal, therefore the proposal is considered to accord with the requirements of Technical Advice Note 15.

In terms of foul sewerage, a pumping station is shown within the site to the south of the site. Dwr Cymru Welsh Water have raised no objection but have suggested a number of standard conditions.

It would be necessary to ensure that drainage matters at the proposed site are adequately controlled, therefore should planning permission be granted conditions requesting further drainage details would be imposed.

Having regard to the above, it is considered that the development complies with Policies ENV 7 and ENV 27 of the UDP.

### Ecology.

The application was initially accompanied by a habitat survey, however, the Council's Ecologist made a objection requesting the submission of a Great Crested Newt survey. Those surveys have now been carried out and assessed, and the Council's Ecologist and Natural Resources Wales have no objection to the application, subject to conditions.

On this basis, there is no longer an ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policy ENV 16 of the UDP.

### Trees and hedgerows

An arboricultural report has been submitted with the application. The proposed development does not lie within a conservation area but there are TPO protected trees within the site located along the woodland to the east of the site.

A condition to require details to be submitted of all trees and hedgerows to be retained (along with details of measures to protect them during the course of development) is recommended should planning permission be granted.

### Archaeology.

Glamorgan Gwent Archaeological Trust (GGAT) have raised no objection to the proposal but have requested that the developers should contact GGAT should significant remains be disturbed. It is therefore considered that any archaeological resource would be adequately protected, in accordance with Policies ENV 18 and ENV 19 of the UDP.

### Agricultural land quality.

Policy ENV2 of the UDP states that the best and most versatile agricultural land (Grades 1, 2 and 3A) will be protected from irreversible development)

The application is accompanied by an agricultural land quality assessment, which concludes that the site is Grade 3B. There is no evidence to dispute this assessment.

Consequently, it is considered that the development would not unacceptably or irreversibly impact upon the best or most versatile agricultural land, in accordance with Policy ENV2 of the UDP.

### Other neighbour objections

Comments from objectors are noted, issues such as the effect on house prices, and the developers interests are not material planning consideration. Concerns regarding the lack of details regarding the pumping station have been noted and a condition requiring further details would be imposed on any permission.

Inaccuracies in the design and access statement are noted however the issue of public transport links have been addressed in the report and therefore the inaccuracies are not material to the decision.

There are no substantial infrastructure projects anticipated in the area and none anticipated in the area following the adoption of the LDP.

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

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

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

### Affordable Housing

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

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

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

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 30% to 35% in the Rural South, whilst increasing the affordable housing requirement for this site (amongst others) from 35% to 40%.

However, while this evidence is very relevant to this application (and all housing proposals), the assessment of the development has been on-going since April 2014 and at the point at which this change has come into effect, the application was extremely advanced. Following consultation with the Council’s Housing Section, it is considered that the application is at such an advanced stage that it would not be reasonable to retrospectively impose this requirement upon the applicant at the very end of the process. Consequently, the relevant requirement for this application remains at 35%, provided that the determination of the application is not delayed for a significant period of time, at which point the issue would need to be reconsidered.

The applicant proposes 26 affordable units comprising 15 no. 2 bed units (10 social rented & 5 low cost ownership), 8 no. 1 bed units (all social rented) 1 no. 4 bed unit (social rented) and 2 no. 3 bed units. This equates to just over 35% of the 74 units and the Council’s Strategy and Supporting People Manager has accepted this number and this mix of units. The units would be split at 80% social rented and 20% intermediate units, to reflect the need in the Vale.





The Council's SPG on Affordable Housing states that these units should be dispersed throughout the site and should not be grouped in more than 10 units in any group. The affordable housing department has commented that they would prefer to see more pepper potting throughout the site, it is accepted that management of these units is more easily facilitated in such groups and this is material to the consideration of the application. It is considered that the affordable housing would be sited in attractive parts of the site, in relatively private areas with the southern cluster being located close to the open space being provided on site, and as such considered acceptable.

Whilst the housing officer would have preferred the affordable units to have been more dispersed throughout the entire site and while the concerns of the Council's housing officer are understood, it is nevertheless considered that the affordable housing would integrate successfully into the development and would satisfy the aims of the Council's SPG and policy.

While the composition of the affordable units does not reflect the composition of the remainder of the site, in terms of house size and the use of terraces as opposed to detached dwellings, it is not considered that this renders the layout unacceptable in principle and this mix has been agreed by the Council's Housing Manager and reflects need in the area. Notwithstanding these differences, the affordable units are considered to be of equal quality in design terms (to the market units) and there would be continuity between market / affordable areas in terms of the general layout and the way the units address the street.

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

### Education

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

The Council's formula for calculating pupil demand contained in the Planning Obligations SPG indicates that the development of 74 dwellings would generate the need for education facilities for 7 nursery school age children, 16 primary school age children and 16 secondary school age children. There is not sufficient capacity in the relevant schools, therefore, the following contributions have been sought:

- 7 nursery school children, which equates to £101,242.82
- 16 primary school children, which equates to £231,412.16 for Victoria Primary, St Joseph's Roman Catholic or New School at Upper Cosmeston Farm (LDP Policy MG6 refers).
- 16 secondary school children, which equates to £354,274.66 for Stanwell Comprehensive School.

This totals £686, 929.64 and the applicant has agreed to this amount.

### Sustainable Transport

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

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

While the site is located close to the existing settlement, there are some difficulties at present with the linkages between the site and surrounding facilities. Given the scope of necessary infrastructure improvements in the area, it is considered that a contribution commensurate to the size of the development is justified and necessary. In this case, and in line with the rationale set out in the Council's SPG, a contribution of £148,000 was sought, as the basic contribution required to off-set the impacts of the development.

Such a contribution would be used to improve access to/from the site by sustainable modes of transport i.e. walking, cycling and public transport. In particular this could be spent in improving cycle parking provision at key sites close to the development, improving cycle/pedestrian routes between the site and the wider area in particular Dinas Powys, Cosmeston Village and Penarth, provision of a bus stop along Sully Road, subsidised public transport service serving the site access to areas of public open space, new signage, and highway safety improvements along Sully Road.

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

The Highway Authority have advised that the existing footway on Sully Road from the entrance to St Joseph's School to the Ash Path' could be upgraded to a 3m wide cycle/footway, utilising part of this contribution. It is often more cost-effective and less disruptive to ask the developer to undertake these works as part of their other Section 278 works, in which case the cost of works would be taken off the 'Sustainable Transport Contribution'.

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

The supporting documentation states that the developer would provide a Travel Plan to support sustainable travel modes, this would be secured by condition and would further assist in ensuring sustainable transport is promoted.

### 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.

As noted above, the development makes adequate provision for children's play space (equipped and non-equipped), however, space is not provided on site for outdoor sport. As part of the assessment of the need for outdoor sport facilities, it is relevant to consider the availability and usability of existing outdoor sport provision in the ward. In this case, given the availability of outdoor sport facilities within the wards in reasonable proximity of the site (as evidenced in the LDP Open Space background Paper), it is considered that a further provision is not critically necessary to render the development acceptable in planning terms. This assessment is also made in the context of the fact that sufficient play space is to be provided within the development and given that the dwellings themselves are also well served by private amenity space. While private amenity space and outdoor sport areas are distinct types of amenity areas, it is considered relevant to note this development would be well served in respect of the former, and children's play space.

### Public Open Space Maintenance

In terms of maintenance of the open space areas within the site, the applicant has advised that the land will be retained and managed privately. However, the legal agreement should contain provision that if the applicant does subsequently intend to pass the land to the council to adopted, sufficient commuted sums are paid.

### Community Facilities

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

The Council has developed formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires community facilities to be provided at a ratio of 0.75m<sup>2</sup> per dwelling or alternatively a contribution of £988.50 per dwelling towards the provision of community facilities.

Due to the scale and nature of the proposed development, it is not considered appropriate to require a facility on site, rather a contribution is sought towards the upgrade and provision of community facilities, serving the development such as enhancement of existing community halls, existing library facilities or through the provision of a new community building adjoining Upper Cosmeston Farm or the former St Cyres School Site, as highlighted within the Council's Community Facilities Background Paper.

The applicant has agreed to an amount of £73,149.00 which reflects the need that results from the development and accords with the guidance in the Council's SPG.

#### 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 applicant has agreed to this with details of the final figure to be calculated once build costs are known, which is normal practice for the council.

#### S106 Administration

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

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to £18,161.56 in this case.

## CONCLUSION

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

Having regard to Policies 1, 2, 3, 8 and 11, ENV1 (Development in the Countryside), ENV2 (Agricultural Land), ENV3 – Green Wedge, ENV7- (Water Resources), ENV10 (Conservation of the Countryside), ENV16- Protected Species, ENV17- (Protection of the Built and Historic Environment), ENV18 (Archaeological Field Evaluation), ENV19 (Preservation of Archaeological Remains) ENV27 (Design of New Developments), ENV29 (Protection of Environmental Quality), HOUS 2 (Additional Residential Development), HOUS3 (Dwellings in the Countryside), HOUS8 (Residential Development Criteria), HOUS12 (Affordable Housing), TRAN9 (Cycling Development), TRAN10- (Parking), REC 3 (Provision of Public open Space for New Developments), REC6 (Children's Play Facilities) and REC12 (Public Rights of Way and Recreational Routes) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 10 – Tree Preservation Orders, 12-Design, 16-Sport, Recreation and Open Space, 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 the appropriate layout and scale of the proposed development, its suitable means of access, and with no unacceptable impact in terms of residential amenity, flood risk 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 26 (35%) 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 £148,000 sustainable transport facilities in the vicinity of the site which would include:
  - Improve access to/from the site by sustainable modes of transport i.e. walking, cycling and public transport. In particular this could be spent in improving cycle parking provision at key sites close to the development, improving cycle/pedestrian routes between the site and the wider area in particular Dinas Powys, Cosmeston Village and Penarth
  - Provision of a bus stop along Sully Road;
  - Subsidised public transport service serving the site access to areas of public open space;
  - New signage;
  - Highway safety improvements along Sully Road.

Less the cost of sustainable transport works agreed by the Council and carried out by the developer.

- The developer shall enter into appropriate Agreement(s) to carry out the necessary works to provide the pedestrian footway to link the development to the entrance of St Joseph's Primary School along land to the east of Sully Road as shown on Plan No 10091-101-01 Rev A
- Public open space to be provided on site in the form of at least 1 No. Local Area for Play (LAP), and 1 No. Local Equipped Areas for Play (LEAP) with four types of equipment, which shall be provided in accordance with a scheme to be approved by the Local Planning Authority.
- The developer shall make appropriate provision for the future maintenance of the public open space or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay commuted sums to cover the costs of future maintenance of the public open space for 20 years.
- Pay a contribution of £73,149 to provide or enhance community facilities in respect of one or more of the following:
  - Enhancement of existing community halls.
  - Enhancement of existing library facilities.
  - Provision of a new community building adjoining Upper Cosmeston Farm or the former St Cyres School Site, as highlighted within the Council's Community Facilities Background Paper.

- Pay a contribution of £686,929 to meet the cost of providing nursery, primary and secondary education services to children arising from the development at the following schools:
  - Victoria Primary,
  - St Joseph's Roman Catholic
  - New School at Upper Cosmeston Farm (LDP Policy MG6 refers).
  - Stanwell Comprehensive School.
- Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£18,161 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. This consent shall relate to the plans and documents registered on the 25th April 2014, other than where amended and supplemented by the following plans:

- Thomson Ecology Reptile Survey received on 10 July 2014.
- Quad Consult Limited Flood Risk Assessment & Surface Water Drainage Strategy received on 10 July 2014.
- JDC Finch Agricultural Land Classification received on 10 July 2014.
- Landscape and Visual Impact Appraisal received on 10 July 2014.
- Thomson Ecology Ground Based Tree Inspection for Bats and Barn Owls received on 10 July 2014.
- Great Crested Newt Survey received on 26 May 2015.
- Drawing No: 105, 179, 180, 181, 182, 183, 184, 185, 186, & 187 received on 26 May 2015.
- Drawing No: 188, 189, 190, 191, 192, & 194 received on 12 June 2015.
- Updated Transport Assessment Appendices received on 12 June 2015.



- Updated Transport Assessment Text Figures and Tables received on 12 June 2015.

-Drwg No: 100 Rev V, 102-01 Rev B, 102-02 Rev C, 10091-003 Rev D, 10091-014 Rev A, 10091-101-01 Rev A, 101 Rev E, 103 Rev G, 104 Rev H, 106 Rev A received on 18 Aug 2015.

-Updated Planning Statement received on 18 Aug 2015.

-Updated Design and Access Statement received on 20 Aug 2015.

Reason:

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

3. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access to the site and all internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and details of the location and design of all rumble strips, 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.

4. The alterations to the highway as approved under the terms of Condition 3 of this permission shall thereafter be completed in accordance with a schedule of timescales that shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of those works and prior to the commencement of works to create the new access into the site.

Reason:

In the interests of highway safety and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

5. Prior to the commencement of the construction of any of the dwellings, details of the finished levels of the site and dwellings, 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 the visual amenity of the area is safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

6. Prior to the first beneficial occupation of the development hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall 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 that site is accessible by a range of modes of transport in accordance with Policies 2, 8 and ENV27 (Design of New Developments) of the Unitary Development Plan.

7. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic, the means of defining and controlling such traffic routes and timings, and wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policies TRAN10 and ENV27 of the Unitary Development Plan.

8. 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 mitigation measures in respect of silt laden run-off (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.

9. Notwithstanding the submitted plans, further details of 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.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.

11. The proposed windows in the side elevations of the dwellings at plots and facing towards the dwellings on Sully Road, at first floor level, 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 respective dwellings, 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.

12. Notwithstanding the submitted plans, 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.

13. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garages and parking spaces identified on the plans hereby approved shall be retained at all times for the parking of private motor vehicles associated with the dwellings hereby permitted.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

15. Notwithstanding the submitted plans, prior to the first beneficial occupation of any dwelling hereby approved, full details (including timescales) of the lighting to be provided on the highways, footpaths and public open space areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policy ENV27 of the Unitary Development Plan.

16. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

17. 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 and surface water 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.

18. The information submitted in accordance with the requirements of Condition 20 above shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, and including a written declaration to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the site's drainage system and to ensure compliance with Policies ENV 7 and ENV 27 of the Unitary Development Plan.

19. No dwelling hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas to serve that dwelling, have been laid out in full accordance with the details shown on the approved 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.

20. Prior to the commencement of construction of any of the dwellings, a scheme for the provision and maintenance of the Public Open Space (including the children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV 27 and REC 3 of the Unitary Development Plan.

21. No more than 37 of the dwellings hereby approved shall be brought into beneficial use until the children's play area shown on the approved plans (and approved under the terms of Condition 23 of this planning permission) has been constructed on site and is capable of use by the future occupiers of the development.

Reason:

To ensure the recreational facilities are delivered in a timely manner to meet the needs of the future occupiers of the development in accordance with Policies REC3 and REC6 of the Unitary Development Plan.

22. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art to be provided on the site, shall be submitted and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details no later than 12 months following the substantial completion of the development.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art SPG.

23. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be complied with at all times and shall include:

- details of working methodologies to minimise or avoid ecological impacts.
- where appropriate, identify biodiversity protection zones and measures to protected retained important habitats or create compensatory habitats.- details of biodiversity enhancement measures.
- aims, objectives and duration of post development management of natural habitats.
- where appropriate, details for monitoring and remedial measures.
- details of the body/organisation responsible for the implementation of the plan.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

24. Notwithstanding the submitted plan, further details of the proposed hard landscaping materials (including the roads and including details of the proposed location and design of any rumble strips) shall be submitted to and approved in writing by the Local Planning Authority. the development shall at all times thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

25. Prior to the commencement of development, elevations, cross sections & details of means of enclosure of the proposed pumping station 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 plans.

Reason:

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

26. Prior to the first beneficial occupation of any of the dwellings, a scheme for the provision and management of a buffer zone alongside the water stream shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- Plans showing the extent and layout of the buffer zone.
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.
- Details of any footpaths and fencing.

Reason:

Development that encroaches on water stream has a potentially severe impact on their ecological value and to ensure compliance with Policies ENV16 and ENV27 of the Unitary Development Plan.

27. Notwithstanding the submitted plans, further details of landscaping along the boundary with Sully Road and Plots 1, 3, 6 & 7 shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of the location of trees and hedgerows.

Reason:

To safeguard local visual amenities and in the interests of highway safety 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 applicant/developer is advised to contact Glamorgan Gwent Archaeological Trust for further guidance on 01792 655208 should any remains be disturbed during the course of the works.**
4. **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.**

**2014/01424/FUL** Received on 16 December 2014

David Wilson Homes  
Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AJ

**Land off St. Brides Road, Wick**

Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works.

**SITE AND CONTEXT**

The application site is land at St. Brides Road, Wick, and comprises 4.4 hectares of agricultural land that adjoins the western part of the village, between Heol Fain and the B4265. The Site is bounded by dwellings to the south/south east, the B4265 to the east, fields to the north and Heol Fain to the west.

The Application site is relatively flat and falls from south-east to north-west, with the site levels varying between 98 AOD to 90 AOD. The application site is shown in the context of the village on the aerial photograph below:

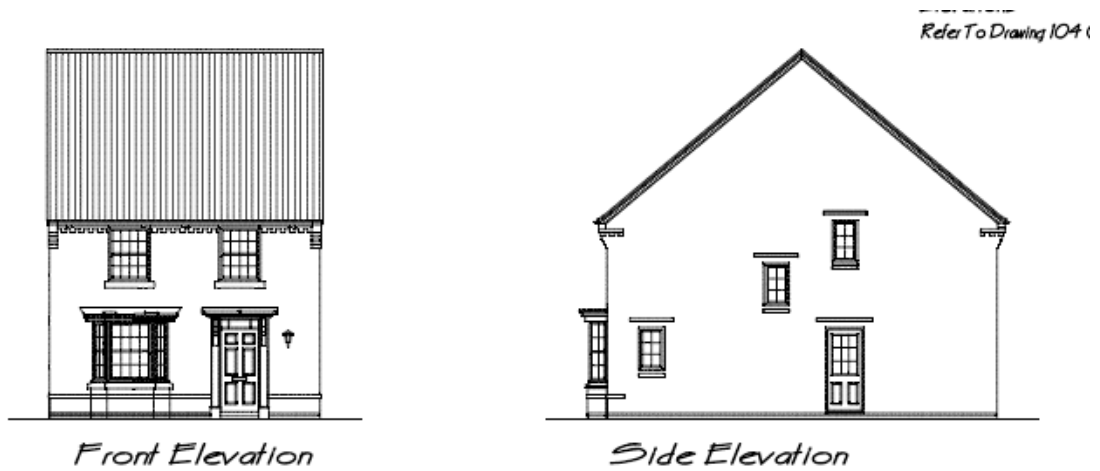
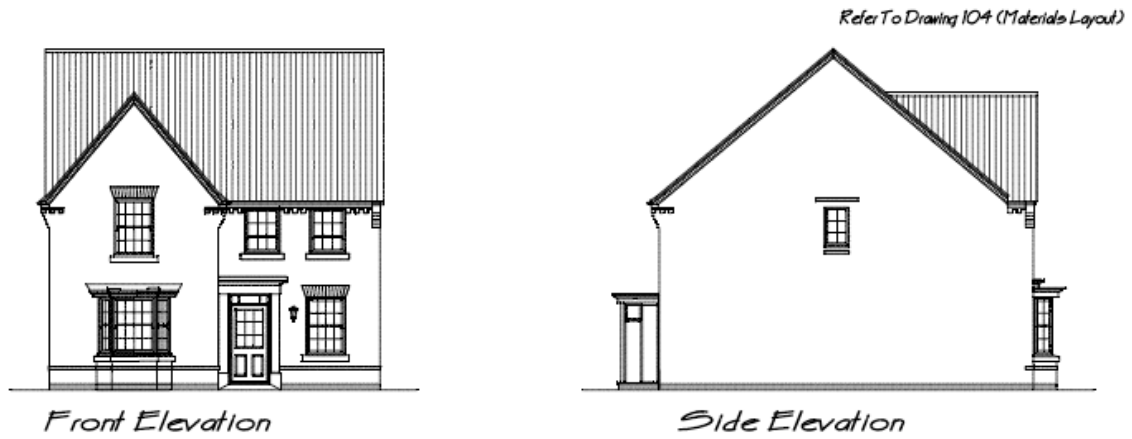


## DESCRIPTION OF DEVELOPMENT

This is a full application for 124 dwellings. The development comprises a mix of detached and semi-detached dwellings, and flats. The proposed layout is shown below:



Principally, the layout involves a single vehicular access point from the B4265, with a main spine road leading to series of private drives, with a vehicular loop (shared surface) in the eastern portion of the site. Open spaces would be sited adjacent to the main spine road, through the site, with the largest area of open space in the southern portion of the site. The development comprises a mix of house types, but with a generally traditional form and character. Example house types are shown below:



As noted above, the primary pedestrian and vehicular access would be at the eastern side of the site from the B4265, however, the layout also makes provision for a pedestrian link from the site onto Heol Fain.

**PLANNING HISTORY**

None relevant to this application.

**CONSULTATIONS**

**Highway Development-** An annotated plan has been received, identifying various issues within the proposed layout, including vision splays, width of carriageways, geometry of drives relative to the road and footway links to the bus stop.

**Public Rights of Way Officer** has provided advice in respect of the procedure involved in diverting or stopping up a public right of way.

**Highways and Engineering (Drainage)-** No objection is raised, subject to conditions requiring the approval of the detailed design of the drainage system and a CEMP.

**The Director of Legal and Regulatory Services (Environmental Health)** has raised no objection in respect of contaminated land. Concerns are raised in respect of traffic noise from the B4265.

**Glamorgan Gwent Archaeological Trust-** No objection subject to a watching brief condition.

**Wick Community Council** objected and raised concerns on the following grounds, in respect of the original consultation:

- The development is too large and disproportionate for the village of Wick.
- The development will put strain on local amenities.
- Premature to the LDP process.
- The development would result in the loss of a large greenfield site.

The Community Council have submitted a further objection to the application (following re-consultation on the amended plans), which re-iterates previously made concerns in respect of the scale of the development relative to the size of the existing village, the impact upon high quality agricultural land, the size of the dwellings, impact on traffic, prematurity in the context of the Local Development Plan and sustainability. The Community Council has also expressed significant concern in respect of ground works that have taken place within the site and the belief that these indicated the premature commencement of the development.

**Local Ward Members-** No representations received.

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

**The Council's Ecology Officer** initially submitted a holding objection, pending the submission of further surveys. Following the submission of those surveys, there is now no objection subject to conditions.

**Planning- Tree Officer-** No representations received to date.

**Crime Prevention Design Advisor-** No representations received.

**Rural Affordable Housing Enabler-** No objection is raised to the amount and dispersion of the affordable housing. A 'small concern' is raised in respect of the ten 1 bed units being grouped together.

**Natural Resources Wales** Objected to the original plans pending the submission of a Great Crested Newt survey, however, that objection has been removed upon submission of acceptable surveys. No objection is raised in respect of flood risk.

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. In excess of 130 letters of objection were received in respect of the original plans. The grounds of objection are summarised as follows:

- Loss of agricultural land.
- Excessive scale of the development.
- Threat to wildlife.
- Increased traffic
- Added pressure on schools
- Lack of amenities
- Anti-social behaviour
- Adverse impact on property value
- Brownfield sites should be prioritised.
- Adverse impact on the landscape and character of the area.
- Inadequate infrastructure
- The development is too dense.
- Adverse impact on the character of the village.
- The dwellings are out of keeping with the village.
- The layout is out of keeping with the village.
- Insufficient jobs in Wick.
- Noise and disturbance.
- Inadequate bus services
- Contrary to policy.
- It would detract from tourism in the area.
- Flooding and drainage problems.
- Increase in pollution.
- Overlooking of existing houses.
- Overbearing impacts on existing houses.
- Flood risk and drainage problems.
- Adverse impact on highway safety.
- The application seeks to circumvent the LDP process.
- The development is contrary to UDP and LDP policies.
- The development is unsustainable.
- Adverse impact on public right of way.
- The development would be premature, in terms of the LDP process.
- Inadequate sewerage facilities.
- Inappropriate materials.
- Light pollution.
- Construction impacts

In addition, a copy of LDP submissions has been made from Wick Action Group, which are accompanied by a petition with 473 signatures.

In excess of 100 objections have been received in respect of the amended plans, following re-consultation, and the grounds, as contained in the re-consultation objections, are summarised as follows:

- Loss of agricultural land.
- Incorrect classification of agricultural land.
- Excessive scale of the development.
- Threat to wildlife.
- Increased traffic
- Added pressure on schools
- Lack of amenities
- Anti-social behaviour
- Adverse impact on property value
- Brownfield sites should be prioritised.
- Adverse impact on the landscape and character of the area.
- Inadequate infrastructure
- The development is too dense.
- Adverse impact on the character of the village.
- The dwellings are out of keeping with the village.
- The layout is out of keeping with the village.
- Insufficient jobs in Wick.
- Noise and disturbance.
- Inadequate bus services
- Contrary to policy.
- It would detract from tourism in the area.
- Flooding and drainage problems.
- Increase in pollution.
- Overlooking of existing houses.
- Overbearing impacts on existing houses.
- Flood risk and drainage problems.
- Adverse impact on highway safety.
- The application seeks to circumvent the LDP process.
- The development is contrary to UDP and LDP policies.
- The development is unsustainable.
- Adverse impact on public right of way.
- The development would be premature, in terms of the LDP process.
- Inadequate sewerage facilities.
- Inappropriate materials.
- Light pollution.
- Construction impacts
- Impact on highway safety.
- Adverse impact on the ability to maintain existing properties.
- Impacts of construction traffic, including at Ewenny bridge.
- The composition of affordable housing (including one bedroom flats) doesn't represent the need in the village.
- Inadequate water supply.
- The submitted ecological survey underestimates the value of the site.
- Security implications for the dwellings around the private drive that runs between 7 and 9 Trepit Road.

Five sample objection letters are attached as Appendix A.

**Alun Cairns MP** has submitted a letter of representation, voicing concerns and objections to the application, which are summarised as follows:

- The timing of the application is premature, given the stage of the LDP.
- Consultations were carried out at an inappropriate time of the year.
- The land is not allocated for housing in the UDP.
- Loss of countryside.
- The development would overwhelm the current settlement.
- Pressure on stretched services.
- The development is unsustainable.

This letter can be found at Appendix B.

Two emails have been received from the office of **Jane Hutt AM**, raising concerns on behalf of local residents in respect of the size of the development relative to the existing village, the capacity of local services and infrastructure, road and traffic impacts, noise and light pollution, privacy, security of boundaries, disruption during the development phase and the impact of parking courts on the amenities of the adjacent dwellings. A copy of these can be found at Appendix C.

In addition to the neighbour representations referred to above, two pieces of correspondence have also been received from the **Wick Action Group**. These comprise an objection letter from the group and a letter from Solicitors representing the group. They are attached as Appendix D, and the previous report has been updated to make specific reference to the comments (see other neighbour objections section below).

## REPORT

**Members will note that this application was deferred for a site visit at the Council's Planning Committee of the 30 July 2015. The previous report has also been updated and this report now incorporates the late representations from the previous committee.**

### 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 11 - SPORT & RECREATION

*Policy:*

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV2 - AGRICULTURAL LAND

ENV7 - WATER RESOURCES

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV16 - PROTECTED SPECIES

ENV 17- PROTECTION OF THE BUILT ENVIRONMENT

ENV 18- ARCHAEOLOGICAL FIELD EVALUATION

ENV 19- PRESERVATION OF ARCHAEOLOGICAL REMAINS

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

TRAN9 – CYCLING DEVELOPMENT

TRAN10 - PARKING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL  
DEVELOPMENT

REC6 - CHILDREN'S PLAYING FACILITIES

REC7 - SPORT AND LEISURE FACILITIES

REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

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

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

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

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

### **Planning Policy Wales:**

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

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

DEVELOPMENT PLANS – CHAPTER 2 – Following extracts relevant:

2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it.

Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances

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

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

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

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

HOUSING –CHAPTER 9 – Following extracts relevant

9.1.1 The Welsh Government will seek to ensure that:

- previously developed land (see definition at Figure 4.3) is used in preference to greenfield sites;
- new housing and residential environments are well designed<sup>2 3</sup>, meeting national standards for the sustainability of new homes<sup>4</sup> and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

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

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

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

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

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

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

#### **Technical Advice Notes:**

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

#### **Supplementary Planning Guidance:**

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

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

## **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council 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 August 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).'*

In addition to the above the guidance provided in Section 4.2 of PPW, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the fact that the DLDP is very close to examination, it is considered that the following proposed policies of the draft LDP provide relevant context to this application:

- Policy SP3 - residential requirement.
- Policy MG2 Housing allocations

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)
- Findings of the Candidate Site Assessment Process (2013)
- Housing Supply Background Paper (2013)
- Local Housing Market Assessment (2013 update)
- Open Space Background Paper (2013)
- Population and Housing Projections Background Paper (2013)
- Sustainable Settlements Appraisal Review (2013)
- Affordable Housing Delivery Statement (2009)
- Designation of Special Landscape Areas (2013)

- Joint Housing Land Availability Study (July 2014)

### Issues

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

- The principle of the development having regards to relevant Unitary Development Plan and National policies;
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, development viability, emerging planning policy etc.
- Issue of prematurity given the current stage in preparation of the Vale of Glamorgan Local Development Plan;
- Visual impact of the development within the wider landscape.
- Density of the development.
- Design and layout.
- Public open space.
- Highway safety and the proposed access and junction arrangement off Cowbridge Road.
- Traffic and congestion issues.
- Highways issues associated with internal road layout, and parking.
- Impact on residential amenity of existing residents.
- Amenity of the future occupiers of the site
- Drainage and flood risk.
- Ecology.
- Archaeology.
- Agricultural land quality.
- Public rights of way issues.
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

### Principle of the Development

#### Unitary Development Plan context

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

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

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

In considering the other policies of the UDP, Policy HOUS2 states that favourable consideration will be given to small-scale development (which constitutes the rounding off of the edge of settlement boundaries, where it can be demonstrated that the criteria of Policy HOUS8 are complied with). In this case, while the application site adjoins the existing settlement, it is considered that the scale of the proposed development (124 dwellings) and the size of the site are such that the development could not be considered as “small scale” rounding off. Accordingly, it is considered that the proposed development could not be considered as compliant with the terms of Policy HOUS 2. Furthermore, policy HOUS 3 states that the erection of new dwellings in the open countryside will be restricted to those justified in the interests of agriculture or forestry. The proposals have no such justification and are not linked to any rural enterprise, such as those mentioned under Technical Advice Note 6 (Sustainable Rural Communities). As such, in terms of UDP local policy, the proposal for residential development would not be considered as a rounding-off development and would have no justification in accordance with TAN 6 or Policy HOUS 3. Therefore, the proposed residential development is considered contrary to the relevant policies of the UDP.

Given that the principle of the proposed development is considered to be contrary to Policies ENV1, HOUS2 and HOUS 3 for the reasons given above, it is necessary to consider, given the age of this Development Plan, as to whether there are specific material considerations which should justify any departure from the development plan to out-weigh the objection set out in the UDP.

#### Local Development Plan Context

Under the Local Development Plan (LDP) Draft Deposit of 2012, the application site was included as a housing allocation site. However, as Members will be aware, on 23 January 2013, the Council resolved not to progress any further with the 2012 Deposit LDP (February 2012) and instead commence work immediately on a replacement Deposit LDP. Work subsequently progressed on a replacement LDP to guide new sustainable development in the Vale of Glamorgan.

The Deposit Draft Local Development Plan 2013 allocates the site for residential development under reference policy MG 2(44), for a total of 100 dwellings. Wick is identified in the Deposit Draft Local Development Plan as a ‘Minor Rural Settlement’, as part of the settlement hierarchy.



Furthermore, the Deposit draft LDP states:

*5.19 The various minor rural settlements identified in the LDP settlement hierarchy contribute towards the special character of the rural Vale and also play an important role in underpinning sustainable rural communities. These settlements tend to either be located alongside the strategic highway network or relatively close to the larger towns and villages identified within the settlement hierarchy. The types of services and facilities typically found within the minor rural settlements include places of worship, community halls, small scale retail uses and formal recreational facilities. A number of the smaller rural settlements also provide small scale local employment opportunities, either within or in close proximity to the settlements. Some of the smaller settlements such as Pendoylan, Colwinston, St Nicholas and St. Brides Major also include primary schools which serve a wider catchment area. Accordingly the minor rural settlements can be considered as being functionally linked, emphasising the importance of safeguarding facilities as well as facilitating new development opportunities.*

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

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

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

Members should note that Wick is classed as a Minor Rural Settlement and this allocation is not one of the Strategic Housing Sites within the Draft plan. On the basis that the site is not a 'strategic allocation', it is considered that bringing this site forward for 124 dwellings would not 'go to the heart' of the overall LDP strategy, given that this relates to a very small percentage of the overall housing land requirement over the plan period. It is also considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have been approved. While it is a relatively large extension in the context of the existing village, it is considered that Wick is not an 'important settlement' in the terms of the meaning of this PPW advice, since it is not a 'key settlement' within the LDP, nor is it a 'service centre settlement' or a 'primary settlement', rather it is a 'minor rural settlement'. Similarly it is considered that the development would not have a significant impact on a substantial area with an identifiable character, rather the impact would only be on a relatively small area (see section below on the impact on character of the village).

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

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

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

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

### Housing Need and Supply

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

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

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

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

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

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

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

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

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

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

Members will note that in the case of application 2014/00863/OUT for 200 dwellings at land near Weycock Cross, Barry, officers were of the view that the need to maintain a healthy housing land supply did not outweigh other in principle objections to the scheme, namely that the Weycock Cross site is not allocated in the Draft LDP and is not considered to be an appropriate extension of the town or an appropriate site to meet strategic housing need in the Vale (based upon the background evidence that supports the Draft LDP). It was also considered that the development would undermine the implementation of the LDP and the fundamental process of how the Council allocates appropriate land for housing.

However, while the housing supply at that time was considered to be relatively healthy, the importance of maintaining that supply was emphasised in the officer's report and remains a significant and important consideration.

#### Conclusion on housing land supply and the principle of the development

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

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

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

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

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

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

### Visual impact of the Development within the Wider Rural Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, however, it is considered that this does not necessarily render the development unacceptable. Rather an assessment of the visual impacts is required in the context of the surrounding landscape and how the development relates to the existing built environment.

The application site lies to the west/north west of the existing village and would directly adjoin the existing residential area to the east and south. It is enclosed by the B4265 to the east and Heol Fain to the west and it is considered that these represent logical, physical and defensible boundaries to the site. While the development would extend the built form of this part of the town by some 120m-130m to the north and west of Trepit Road and David Street, the development would not extend the village any further north or west than the existing parts of the village further to the south and east, on the other side of the B4265. Consequently, and while the development is larger than that which could be considered as small scale rounding off (under policy HOUS 2 of the UDP), it is nevertheless considered that it would appear as a relatively logical extension/expansion of the existing built environment of the village.

Furthermore, given the relationship of the site to the existing pattern of development in the town and the fact that the site is closely related to existing residential developments to the east and south, it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside. From the surrounding viewpoints it would predominantly be viewed against the backdrop of the existing dwellings and it would appear as a re-defined edge of the village, but integrally related to the existing built form that closely relates to it. It is considered that while local short distance views of the village would be altered, there would not be a significant impact within the wider landscape beyond a local level.

While the site itself and the setting of the village are essentially rural in character and appearance, the site clearly adjoins the village and it is therefore not wholly 'open' or rurally isolated in appearance and context. In addition, the site does not form part of a Special Landscape Area or any other statutory landscape designation. Therefore, while the character of the land would fundamentally change, it is considered that the development would not unacceptably impact upon the wider rural landscape, and that the wider importance of the development (in terms of housing need) outweighs any negative visual impacts associated with the urbanisation of the site.

Having regard to the above, it is considered that the site represents an acceptable location for additional residential development, in terms of the impact on the landscape, and in terms of its physical relationship to the existing settlement. This is reflected in the fact that the site has been allocated in the Draft Deposit LDP.

#### Impact on the character of the village

Further to the above assessment in terms of wider landscape impact, objections have also been raised in respect of the impact of the character of the village. It is acknowledged that the development would result in a relatively large increase in the size of the village, however, it is considered that in itself does not necessarily infer the character of the village would be unacceptably affected. The shape of the village has grown over time and it now comprises a series of linear areas of housing radiating from the village centre. The development would consolidate the western part of the village, adjacent to the centre and it would clearly change the overall shape and form of the settlement.

However, the development is not closely related to a conservation area and it is considered that while the shape of the village would change, this would not result in the loss of a significant historic definition to any part of the village. Furthermore, the character and views of the vast majority of the village would remain unchanged. Therefore, while the size of the village would be materially increasing, it is considered that this would not unacceptably impact upon the character of the village.

#### Density of the development

*In terms of density, PPW advises that 'Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by public transport, walking and cycling should either not be allocated for development or be allocated or reallocated for uses which are not travel intensive.'*

The development proposes 124 units whereas the Draft Deposit LDP allocates it for up to 100 units. Given that the LDP is in draft form, the reference to 100 units is not definitively prescriptive for the site, however, it provides a basis to consider the appropriate density for the site. It is important to ensure that sites in sustainable locations are developed efficiently, and it is also necessary to consider the character of the area and whether an increase in density would be appropriate and sympathetic to the surrounding context. The site forms part of a minor rural settlement, where densities are typically be lower than urban areas, however, while the density is higher than envisaged in the LDP, it is considered that it is not excessively dense or urban, and is compatible with the nature of surrounding developments. Having regard to the character of the surrounding area, it is considered that the density is acceptable and would represent efficient use of the land. The density (31 per ha.) complies with the aims of Policy MD7 of the Draft LDP which requires at least 25 dwellings per ha. For minor rural settlements.

## Design and Layout

### Internal Road and Footpath Layout

The development involves the provision of a principal access road, which leads to a continuous 'loop' in the eastern part of the site, with a series of small cul-de-sacs and shared surfaces in the remainder. The main road takes a relatively winding route through the site, which in addition to the benefits of reducing traffic speeds (see below), adds character to the development. It is considered that the shared surface loop in the eastern portion and the varied layout gives positive distinction between the different parts of the site. In this respect, it is considered that the layout would create a sense of place and would not purely comprise a series of replicated/repetitive cul-de-sacs. The vehicular permeability, the continuous loop and change in materials also ensures that number turning heads are minimised and the development is not dominated by the appearance of a heavily engineered highway.

The plans show a change in materials at various points to denote a change from primary to secondary route and it is considered that this accords with the aims of manual for Streets to create a hierarchy of routes through the site. This would add to the sense of place within parts of the site and it is considered that the absence of a dedicated footway in these areas would encourage the use of these streets as shared surfaces (see highway safety issues relating to shared surfaces below).

The layout also prioritises pedestrian permeability and the network of footways and shared surfaces is such that pedestrian movements from any part of the site towards the main entrance at the B4265 and Heol Fain would be easily facilitated. It is considered that this would encourage pedestrian and cycle movements, maximise the connectivity between the site and other parts of the village and accord with the principles of Manual for Streets.

Objections have been raised by neighbours in respect of the layout and how it relates to the remainder of the village. While the form of Wick is largely founded upon linear patterns along the respective roads in and out of the village, there is also a triangular 'loop of dwellings towards the village centre and a series of small cul-de-sacs (Cwrt Y Felin, Blaen Dewi, Windmill Close). In this respect, it is considered that there is discernible variation in the pattern of development throughout the village and this is appreciable when travelling along the various streets. It is therefore considered that the proposed layout, which incorporates a small vehicular loop, a linear principal road and some smaller cul-de-sacs does not conflict with the character of the existing village. It is considered that extending the linear form of the village in any available direction would intrude significantly into the countryside and would be more harmful to the character of the countryside than consolidating new housing close to the centre of the village.

In terms of parking, the majority of dwellings would be served by driveways and garages within their curtilages however, parking areas are proposed to serve the flats and to the rear of units near to the B4265, however, it is considered that these areas are not excessive in size and subject to the use of appropriate high quality materials and sufficient soft landscaping, these parking areas would not detract from the visual amenity of the development.

In summary, it is considered that the layout has regard to the principles of Manual for Streets (insofar as it relates to the network of roads and footways) and would accord with the aims of Policy HOUS8 of the UDP.

### House Types, Design and Siting

The existing context to the site comprises a mix of detached and semi-detached dwellings along Trepit Road, David Street and the other side of the B4265. There is little consistency within the surrounding built environment and accordingly, there are no overriding design or vernacular to follow. The proposed houses comprise a mix of designs and house types, but with a consistent and relatively traditional character, predominantly utilising brick and render. It is considered that dwellings are on the whole not dissimilar in character than the existing residential areas, albeit some of the house types are a little more 'suburban' than some of the more traditional rural cottages within the vicinity. Notwithstanding this, there is a particularly varied mix of housing throughout the village as a whole and it is considered that the designs proposed would not conflict harmfully with the existing mix (which contains traditional cottages and more modern and suburban dwellings). It is considered that as a group, the house types are well designed and would result in an interesting and varied built environment, that is sympathetic to the site's context and would not demonstrably harm the character of the village. The proposed dwellings are predominantly detached and semi-detached, and this reflects the mix within the village.

The dwellings have on the whole not been sited directly adjacent to the main highway, however, they nevertheless would be sited relatively close to it (along the western side of the road) and this would provide a reasonably strong sense of enclosure to the street, creating well defined spaces and result in the buildings having an positive relationship with the road. Importantly the dwellings have been orientated to ensure that primary elevations front the roads and do not turn their back on public areas.

The dwellings are also comparable in their general scale, massing and height to the existing neighbouring residential developments and in this respect also, the proposed dwellings will be in keeping with the surrounding built environment. The scheme formerly included a three storey element, however, this has been removed and replaced with a two storey building.

There is very little evidence of brick throughout the village and it is considered that a condition is necessary which states that notwithstanding the submitted materials plan, further details of materials are to be submitted and approved. Members are advised of a similar issue that arose in the case of application 2014/00242/FUL for a residential development in Colwinston, where officers resisted widespread use of brick in favour of materials (principally render) which were more characteristic of the village.



## Public Open Space (POS)

The development makes provision for five areas of open space, the two main areas being sited towards the southern part and further areas adjacent to the road more centrally within the site.

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.

On the basis of the above and to accord with Policy REC3, there would be a total requirement of 6870m<sup>2</sup> of open space to serve the development of 124 dwellings. The Council's Planning Obligations Supplementary Planning Guidance breaks down the overall POS requirements into space for children's playing facilities, other children's play space and outdoor sport (0.2 ha, 0.6 ha and 1.6ha per 1000 population respectively).

In terms of children's play space (equipped and non-equipped), there is therefore a requirement to provide 2290m<sup>2</sup> in total. This would comprise 572m<sup>2</sup> of children's playing facilities and 1717m<sup>2</sup> of other children's play space, with one Local Equipped Area for Play (LEAP) and one local Area for Play (LAP). The proposed layout makes provision for a LEAP towards the south eastern part of the site with two laps, one in the southern part of the site and one towards the northern part, adjacent to the shared surface road loop. There are further areas of open space in the corridor along the main road through the site.

The proposed layout makes provision for comfortably in excess of the amount of public open space (children's play) required by the SPG and it is considered that this would therefore clearly meet the requirements of the SPG and Policy REC 3.

In terms of its location, the main area would be relatively central within the site and well located in terms of serving the development. It would also comprise a safe and useable area due to the proximity of the nearest dwellings and the degree to which it would be overlooked. The other areas would be located along the spine road and alongside the public footpath that connects through to Heol Fain and it is considered that these would therefore also be well located in terms of usability (where pedestrian flows would pass on a daily basis) and surveillance. It is therefore considered that all the areas of open space have been sited in practical and appropriate locations where they would function effectively as part of the overall layout.

In terms of maintenance, the applicant has advised that the space will be retained and managed privately. This matter would be dealt with in detail in the Section 106 Legal Agreement, if the application is approved.

No outdoor sport provision is made on site, therefore, this matter is considered below in the 'Planning Obligations' part of the report, in terms of whether financial contributions are necessary to address the shortfall.

Landscaping conditions are recommended in order to ensure that soft landscaping is used effectively within the areas of POS and throughout the whole development, to soften the visual impact.

#### Highway safety- the proposed access

The application proposes a new access onto the B4265 and following negotiations with the Council's highways engineer, the layout has been amended to allow increased vision splays in both directions along the road, in accordance with the highways engineer's requirements.

The proposed access would therefore afford road users acceptable visibility when egressing out of the development and no objections have been raised in respect of highway safety when turning into the development.

#### Traffic and Congestion Issues

The application is accompanied by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network, the number of dwellings and the likely number of car movements and movements by alternative modes.

The TA concludes that the development would create 90 and 102 additional vehicular trips during the weekday AM and PM peak periods respectively. This equates to approximately one additional vehicle on the B4265 every 35-40 seconds during the peak hours, and equates to a 24% and 28% increase in traffic in the AM and PM peak hours respectively on the B4265. Those vehicle trips have been modelled with the proposed junction and the TA concludes that although proposals will result in additional traffic accessing the B4265 via a new direct access on to the road, the priority junction will operate well within capacity during peak hour, without blocking through traffic. Consequently, it concludes that the development will not have an adverse effect upon the safety or operation of the local highway network and will not result in unacceptable congestion or traffic problems.

The Council's Highways Engineers have considered the application and no objections have been raised in respect of traffic generation or congestion as a consequence of the additional trips or the junction.

Accordingly, it is considered that the TA demonstrates satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the wider highway network.

### Highways issues associated with internal road layout, and parking.

As noted above, the highway layout involves the provision of a single principal access road, which leads to a series of cul-de-sacs/private drives, with two shared surface areas (one forming a continuous loop). The design has been arrived at following meetings and negotiations with the Council's Highways Engineer and no objections have been raised in respect of highway safety through the internal layout. While the main road is relatively long without junctions, it takes a relatively winding route, which would naturally control vehicle speeds.

In particular, it is considered that the wholly shared surfaces would support the principles of Manual for Streets, in that they would de-prioritise the car and create a space that encourages safe pedestrian use. Manual for Streets also advocates this kind of surface which would reduce vehicle speeds as drivers would be aware that they are within a shared surface area.

No objection has been raised in respect of parking and it is considered that the parking provision is acceptable and provides a balance between not promoting reliance on the car and ensuring that sufficient off street capacity is provided (in the interests of the free flow of traffic within the site).

Having regard to the above, it is considered the proposed internal road layout is acceptable in planning terms and that the comments of the highways engineer can be accommodated within the engineering details required by condition.

The pedestrian footway would link through to Heol Fain, however, a footway cannot be provided along the length of the eastern side of Heol Fain between the site and Trepit Road due to an intervening dwelling (the Rectory). It appears that there is also insufficient space to provide a footway on the western side of Heol Fain, however, it is in any case considered that it would be impractical to encourage pedestrian movements across Heol Fain to the western side, where pedestrians would walk a few yards before having to cross back to the eastern side. It is also considered that pedestrians would be highly unlikely to carry out those movements and the most practical option would be to provide a footway within the area of highway verge to the south of The Rectory, linking to the existing footway on Trepit Road. There would be approximately 15m between the site and the new footway, however, given how lightly trafficked this road is, it is considered that this would not be a deterrent to pedestrian movements or a risk to pedestrian/highway safety. This could be secured from the sustainable transport contribution discussed below.

The plans indicate the provision of a new footway between the site and the bus stop on the B4265. It is considered that this is necessary to ensure safe access to the most immediate bus stop, and should form part of the works facilitated by the sustainable transport contribution.

### Impact on residential amenity of existing residents.

The gardens of dwellings on David Street and Trepit Road adjoin the eastern and southern boundaries of the site. Presently, the occupiers of these dwellings have views over open fields, whereas the development would fundamentally alter the nature of that outlook. However, while it is understandable that existing residents would be concerned about a change of this nature to the rear of their properties, loss of view is not a planning matter and there is no statutory right to have such a view preserved, rather it is necessary to consider whether the residential amenities of those properties would be adequately protected.

The new dwellings would be sited at least 20m away from the rear boundaries of gardens on Trepit Road, and approximately 60m from the majority of dwellings themselves. The nearest dwelling would be approximately 25m from Tyn Y Cae, but as noted above, approximately 20m from the boundary.

It is therefore considered that the new houses would not appear as overbearing to these neighbours and privacy would be preserved in accordance with the Council's SPG. The main area of public open space would serve as a buffer between the new houses and existing in this area.

There is generally a closer relationship between the development and the dwellings/gardens on David Street (plots 92-100). There would be between 7.5m and 13m between the new dwellings and the rear boundaries on David Street and between 22m and 30m between the new dwelling's and the rear elevations of houses on David Street. While closer than the degree of separation with houses on Trepit Road, it is considered that this is still sufficient distance to ensure that the new houses would not appear as physically overbearing or unneighbourly. The distances would also comply with the Council's SPG in terms of privacy.

The closest dwelling to David Street properties would be the house on plot 91, which would sit between 1m and 2m away from the rear boundary of Gwynfa. The Council's ordnance survey plans indicate that the rear elevation of this property lies approximately 18m from the application site. The new dwelling would alter the immediate outlook across the rear boundary of that property and views from the garden and rear windows would change. However, it is considered that the new dwelling would be sufficiently far away to ensure that it would not be overbearing in respect of the use of those rooms that have windows facing it- as noted above, loss of view is not a planning matter. It is also necessary to consider the impact on the garden. The outlook across the rear boundary would be altered and would be less 'open' as a consequence of the development, however, the length of the garden is relatively substantial and the garden would retain its open outlook across the two side boundaries and part of the rear boundary, since the new dwelling would not sit across the whole rear boundary.

Therefore, while it is accepted that the development would have an additional impact on the occupiers of this dwelling, it is considered that the additional impact would not relate acutely to the areas of the garden nearest to the dwelling and the development would not erode the openness of that garden as a whole to an unacceptable degree. It is, therefore, considered on balance that while the proposal would affect the amenities of the occupiers to a degree, the size and location of the development are such that it would not be unacceptably overbearing or so impactful as to warrant the refusal of the application, and would not unacceptably overshadow the garden. It is therefore also considered that the adjacent dwelling at plot 81, which would be sited further away, would also not unacceptably impact on residential amenity.

A condition is recommended to ensure that the windows at first floor in the side elevations of those dwellings are obscurely glazed, given their proximity to the boundaries.

It is considered that the new dwellings at the corner of the site would also be sufficiently separated from the gardens and dwellings at the corner of David Street/the B4265, to preserve the amenities of the occupiers privacy and the visual impact of the buildings.

There are no windows on the side elevation of Rivington, which lies adjacent to the site on the B4265, and the new dwelling at plot 124 would not project significantly past the front or rear elevations. It is, therefore considered that the amenities of the occupiers would also be preserved. The dwellings opposite the site on the B4265 would be sited in excess of 30m away from the new dwellings, well in excess of the distance required by the Council's SPG.

It is considered that the children's play areas and open space generally would be sited far enough away from existing dwellings to ensure that the use of them would not result in an excessive level of noise and nuisance.

In respect of the proposed area of open space at the southern part of the site, objections/concerns have been raised in respect of security implications for the existing dwellings on the other side (around the private drive that runs between 7 and 9 Trepit Road and adjacent to Tyn Y Cae). Members will note that a condition is recommended to require full details of means of enclosure to be submitted and approved and, therefore, if members are minded to resolve to approve the application, officers would retain full control over means of enclosure to ensure that a suitably robust means of enclosure were approved along that boundary.

It is, therefore, considered that the development would adequately preserve the privacy and amenities of neighbouring residents, in accordance with Policy ENV27 of the UDP and the aims set out in Policy HOUS 8.

### Amenity of the future occupiers of the site

The dwellings would be served by private garden spaces, some of which would not meet the requirements of the Council's SPG. The gardens that do not meet the requirement of 1m<sup>2</sup> of amenity space per 1m<sup>2</sup> of gross floor space do not amount to a significant shortfall and it is considered that all of the gardens are of sufficient size to meet the outdoor amenity and functional needs of the occupiers. While the areas of amenity space are considered adequate, it is considered that the contribution the development would make to strategic housing provision outweighs the relatively modest deficit in amenity space relative to the requirements of the Council's SPG.

Finally in this respect, it is considered that the relationship of the proposed buildings to each other is such that the respective dwellings would not appear as overbearing or unneighbourly to each other, and each dwelling would benefit from adequate levels of privacy.

Concerns have been raised by the Council's Environmental Health Section, regarding possible impact from traffic noise. While it is acknowledged that occupiers of dwellings closest to the B4265 would experience noise from the main road, they would not be significantly closer than the existing houses along this road and it is considered that the level of noise experienced would not be so significant that it would render the living conditions inside those dwellings as unacceptable.

### Other neighbour objections

Many residents have raised concerns in respect of the lack of amenities in Wick, including local services, employment opportunities and bus services. It is considered that the proposed development would support and sustain the existing local services (shop, pubs etc.) and while the full range of day to day services are not present in Wick, the LDP strategy nevertheless recognises the need for new housing in rural settlements, as well as in the larger more urban areas of population. While, therefore, occupiers of the new houses would need to travel to other settlements to access some services, it is considered that this does not render the settlement of Wick or the development itself as unsustainable, since there are regular bus services and some basic local day to day services. In terms of buses specifically, the sustainable transport contribution discussed below can be spent on upgrading existing bus services/facilities/provision in the local area.

It is considered that there is no evidence to suggest the development would result in crime or anti-social behaviour and noise/disturbance from the construction phase can be minimised through compliance with a Construction and Environmental Management Plan. A condition is recommended to secure control over external lighting of the development and impact on property value is not a planning matter. It is also considered that the development would not fundamentally impact upon local tourism.

A number of strong concerns/objections have been raised in a number of the ground works that have recently been taking place within the fields in question. The Council's Planning Enforcement Section has contacted the applicant and it appears that the ground has now been restored. The applicant indicated that the ground works in question were related to testing ground conditions for drainage, although it is noted in many of the objection letters that these are alleged to be foundations for the dwellings. However, notwithstanding this, while understandable that works within the site at this time would be of concern to local residents, this is not a matter which in itself has bearing on the acceptability of the planning application before Members, and in any case the land has been restored.

Letters of objection have been received from the Wick Action group and solicitors representing the group. The action group letter raised objections in respect of the size of the development relative to the settlement, the fact that the development wouldn't meet local housing needs, prematurity and the prejudicing of the LDP. It is considered that these points are addressed in this report.

It should be noted that the action group's letter states the development '*does not get to the heart of the proposed LDP due to it being too small*'. Such a view would clearly contradict claims of prematurity, however, it is clear from the remainder of the letter that the group are making a case for arguing that the development would be premature.

The solicitor's letter echoes the points listed above and goes on to advise that the Council would be liable for punitive, collective or individual actions from the community if the development has an detrimental impact on 'any characteristic of village life in Wick'. The letter does not qualify under what legal basis such a claim could be made, however, it is considered in any case that this assertion does not have bearing on the planning merits of the development that are the basis upon which the officer's recommendation is made.

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

#### Drainage and flood risk.

The application sites lies within Flood Zone A as defined by the Development Advice maps with TAN 15.

Paragraph 6.2 of TAN 15- Development and Flood Risk, states the following:

*6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue.*

The application is accompanied by a drainage strategy which assesses flood risk, albeit the application is not accompanied by a full Flood Consequences Assessment. The Drainage Strategy concludes that the development would not be at unacceptable risk from fluvial, ground water, overland, reservoir or sewer flooding and that the development would not unacceptably increase flood risk to areas outside of the site. Natural Resources Wales have raised no objection in terms of flood risk and the Council's Drainage Engineer has accepted the conclusions of the submissions that the site is suitable for development with regards to flood risk, subject to the development of a suitable surface water drainage scheme as per TAN15.

In terms of surface water, the drainage strategy states that surface water will be attenuated with underground storage. Soakaway tests have confirmed that there is infiltration, however, the below ground storage area will need to reflect the fact that the 'half drain time' (the time taken for a soakaway to drain from full to half volume) did not meet the required 24 hour standard (BRE 365). The Council's Drainage Engineer does not object to the drainage strategy proposed, subject to a condition for full details of the proposed drainage scheme to be agreed.

In terms of foul sewerage, a pumping station is shown within the site in the field to the north of the dwellings. Dwr Cymru Welsh Water have raised no objection to a connection to the existing system, subject to relatively standard conditions, including full approval of the detailed integrated drainage proposals for the site.

Having regard to the above, it is considered that the development complies with Policies ENV7 and ENV27 of the UDP.

### Ecology.

The application was initially accompanied by a habitat survey, however, the Council's Ecologist made a holding objection, pending the submission of a Great Crested Newt survey and reptile survey. Those surveys have now been carried out and assessed, and the Council's Ecologist and Natural Resources Wales now raise no objection to the application, subject to conditions.

On this basis, there is no longer an ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policy ENV16 of the UDP.

### Trees and hedgerows

An arboricultural report has been submitted with the application. The proposed development does not lie within a conservation area and there are no TPO protected trees within the site.

A condition to require details to be submitted of all trees and hedgerows to be retained (along with details of measures to protect them during the course of development) is recommended. However, it is considered that none of the trees within the site are of such quality or contribution to visual amenity that they represent a constraint to the development.



### Archaeology.

Glamorgan Gwent Archaeological Trust (GGAT) have been consulted and a Heritage Assessment has been submitted with the application. GGAT have requested a watching brief condition and it is considered that subject to this, any archaeological resource would be adequately protected, in accordance with Policies ENV 18 and ENV 19 of the UDP.

### Agricultural land quality.

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

The application is accompanied by an agricultural land quality assessment, which concludes that the site is Grade 3B and Grade 4. There is no evidence to dispute this assessment.

A number of objections have been received in respect of agricultural land quality, however, it should be noted that the LDP Agricultural Land Classification Background Paper advises that although the site has historically been classified as Grade 2, there were no known site specific classification surveys for this site prior to this application. The soil type is consistent throughout the site (Ston Easton Association), which normally carries a low probability of Best and Most Versatile soil due to the soil limitations. The paper notes that a site specific survey would be required for definite grading. The Council has not required a further verification of the submitted Agricultural Land Classification report, however, there is no evidence submitted to counter the findings and it is considered that it has been carried out by a reputable professional.

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

### Public rights of way (PROW) issues

The Council's Public Rights Of Way Officer has raised no objection to the proposal, but has advised as follows:

*The applicant's attention should be drawn to Public Right of Way No.5 Wick which crosses the site and which must not be interfered with as a result of the proposal. The Public Right of Way must be kept open and free for use by the public at all times, or alternatively, a legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the path. No adverse affect should result to the Public Rights of Way due to the development works. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.*

Consequently, it is considered that there are legal provisions to prevent the unauthorised diverting/blocking of the PROW and the applicant will only be able to divert the PROW if the official order is obtained. This process will allow the Council to consider the merit of any proposed diversion, however, it is considered in principle that the development would clearly maintain a useable route through the site.

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

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

#### Affordable Housing

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

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

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

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 30% to 35% in the Rural South, whilst increasing the affordable housing requirement for this site (amongst others) from 35% to 40%.

However, while this evidence is very relevant to this application (and all housing proposals), the assessment of the development has been on-going since December 2014 and at the point at which this change has come into effect, the application was extremely advanced. Following consultation with the Council's Housing Section, it is considered that the application is at such an advanced stage that it would not be reasonable to retrospectively impose this requirement upon the applicant at the very end of the process. Consequently, the relevant requirement for this application remains at 35%.

The applicant proposes 44 affordable units comprising 10 no. 1 bed units (all social rented), 30 no. 2 bed units (22 social rented and 8 low cost ownership) and 4 no. 3 bed units (all social rented). This equates to just over 35% of the 124 units and the Council's Strategy and Supporting People Manager has accepted this number and this mix of units. The units would be split at 80% social rented and 20% intermediate units, to reflect the need in the Vale.

The units would be well dispersed through the site, with the social rented and low cost ownership units also well dispersed through each other.



The Council's Housing section have confirmed that this dispersion is acceptable on the whole and would appropriately integrate the affordable units through the overall layout with a good degree of pepper potting. While not directly reflective of the mix of the development as a whole the composition of the affordable units is also considered to be acceptable to the Council's Housing section, given that it would reflect the need in the area. A small concern is raised in respect of the ten 1 bed units all being located in one block, however, given the degree to which the affordable housing has been dispersed on the whole, it is considered that the application could not justifiably be refused based on the concentration of one bed units.

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

### Education

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

The Council's formula for calculating pupil demand contained in the Planning Obligations SPG indicates that the development of 124 dwellings would generate the need for education facilities for 12 nursery school age children, 30 primary school age children and 20 secondary school age children. There is not sufficient capacity in the relevant schools, therefore, the following contributions have been sought:

- 12 nursery school children, which equates to £173,559
- 30 primary school children, which equates to £433,897 (Wick Primary School and St. Brides Major Church in Wales)
- 20 secondary school children, which equates to £663,102 (Llantwit Major Comprehensive).

This totals £1,270,558 and the applicant has agreed to this amount.

## Sustainable Transport

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

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

While the site is located close to the existing settlement, there are some difficulties at present with the linkages between the site and surrounding facilities, particularly the bus stop on the B4265, and the village centre.

Given the scope of necessary infrastructure improvements in the area, it is considered that a contribution commensurate to the size of the development is justified and necessary. In this case, and in line with the rationale set out in the Council's SPG, a contribution of £248,000 was sought, as the basic contribution required to off-set the impacts of the development.

This could be spent in improving pedestrian routes between the site and the village centre, between the site and the bus stop on the B4265, access to areas of public open space, in respect of bus services provision serving the development and cycle provision in the village centre and vicinity of the site.

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

### Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m<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.

As noted above, the development makes adequate provision for children's play space (equipped and non-equipped), however, space is not provided on site for outdoor sport. As part of the assessment of the need for outdoor sport facilities, it is relevant to consider the availability and usability of existing outdoor sport provision in the ward. In this case, given the availability of outdoor sport facilities within the ward in reasonable proximity of the site (as evidenced in the LDP Open Space background Paper), it is considered that a further provision is not critically necessary to render the development acceptable in planning terms. This assessment is also made in the context of the fact that sufficient play space is to be provided within the development and given that the dwellings themselves are also well served by private amenity space. While private amenity space and outdoor sport areas are distinct types of amenity areas, it is considered relevant to note these development would be well served in respect of the former, and children's play space.

### Public Open Space Maintenance

In terms of maintenance of the open space areas within the site, the applicant has advised that the land will be retained and managed privately. However, the legal agreement should contain provision that if the applicant does subsequently intend to pass the land to the council to adopted, sufficient commuted sums are paid.

### Community Facilities

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

The Council has developed formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires community facilities to be provided at a ratio of 0.75m<sup>2</sup> per dwelling (1500m<sup>2</sup> in this case) or alternatively a contribution of £988.50 per dwelling towards the provision of community facilities. Due to the scale and nature of the proposed development, it is not considered appropriate to require a facility on site, rather a contribution is sought towards the upgrade and provision of community facilities, serving the development such as Wick and Monkash Community Hall, St. James' Church, mobile library services in the Wick area and/or the provision of dual use facilities at Wick Primary School.

The applicant has agreed to an amount of £122,574, which reflects the need that results from the development and accords with the guidance in the Council's SPG.

### 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 the public art should be provided on site integral to the development proposal.

The applicant has proposed a figure of approximately £81,000, however, the final amount is to be calculated once build costs are known.

### S106 Administration

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

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to £32,822 in this case.

## CONCLUSION

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

Having regard to Policies 1, 2, 3, 8 and 11, ENV 1 (Development in the countryside), ENV 2 (Agricultural Land), ENV 7- (Water Resources), ENV 10 (Conservation of the countryside), ENV 16- Protected Species, ENV 17- (Protection of the Built and Historic Environment), ENV 18 (Archaeological Field Evaluation), ENV 19 (Preservation of Archaeological Remains) ENV 27 (Design of new developments), ENV 28 (Access for disabled people), ENV 29 (Protection of environmental quality), HOUS 2 (Additional residential development), HOUS 3 (Dwellings in the countryside), HOUS 8 (Residential Development Criteria), HOUS 12 (Affordable Housing), TRAN 9 (Cycling development), TRAN 10- (Parking), REC 3 (Provision of public open space for new developments), REC 6 (Children's Play Facilities) and REC 12 (Public Rights of Way and recreational routes) 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) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 10 – Tree Preservation Orders, 12-Design, 16-Sport, Recreation and Open Space, 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 the appropriate layout and scale of the proposed development, its suitable means of access, and with no unacceptable impact in terms of residential amenity, flood risk 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 44 (35%) 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 £248,000 towards sustainable transport facilities in the vicinity of the site, minus the costs of the provision of a pedestrian footway link between the application site and the bus shelter on St. Brides Road (B4265) (north west of the application site) where the construction costs shall be fully detailed and submitted and approval by the Local Planning Authority. The contribution is to be used on one or more of the following: improving pedestrian routes between the site and the village centre, between the site and the bus stop on the B4265, access to areas of public open space, bus services provision serving the development and cycle provision in the village centre and vicinity of the site.
- The provision of the pedestrian footway (referred to in the bullet point immediately above) to link the new pedestrian footway proposed across the frontage of the application site to the bus shelter on St. Brides Road (B4265) north west of the application site.
- Public open space to be provided on site in the form of at least 1 No. Local Area for Play (LAP), and 1 No. Local Equipped Areas for Play (LEAP) with 6 types of equipment, which shall be provided in accordance with a scheme to be approved by the Local Planning Authority.
- The developer shall make appropriate provision for the future maintenance of the public open space or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay commuted sums to cover the costs of future maintenance of the public open space for 20 years.
- Pay a contribution of £122,574 to provide or enhance community facilities in respect of one or more of the following: Wick and Monknash Community Hall, St. James' church, mobile library services in the Wick area and the provision of dual use facilities at Wick Primary School.
- Pay a contribution of £1,270,558 to meet the cost of providing nursery, primary and secondary education services to children arising from the development.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£32,822 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. This consent shall relate to the plans and documents registered on the 16th December 2014, other than where amended and supplemented by the following plans:

- Amended site layout plan 100 Rev L received on 18 June 2015.
- Amended materials layout 104 Rev C received on 22 July 2015.
- Amended movement plan received on 18 June 2015.
- Amended movement plan 105 Rev A received on 18 June 2015.
- Affordable housing plan 107 received on 18 June 2015.
- Kedleston plan HB-WD11 M received on 2015.
- Burghley plan TR-PWD01 received on 2015.
- Herpetofauna survey and report received 18 June 2015.
- Updated planning statement received 18 June 2015.
- Updated Design and Access Statement received 18 June 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 the construction of any of the dwellings, details of the finished levels of the site and dwellings, 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 the visual amenity of the area is safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access to the site and all internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and details of the location and design of all rumble strips, 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.

5. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access to the site and all internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and details of the location and design of all rumble strips, 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.

6. The dwellings hereby approved shall not be brought into beneficial use until such time as the applicant / developer enter into a legal agreement under Section 38/278 of the Highways Act 1980, with the Council to secure the proper implementation of the highway works approved in conjunction with Condition 5 of this planning permission. The alterations to the highway as approved under the terms of Condition 5 of this permission shall thereafter be completed in accordance with a schedule of timescales that shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of those works and prior to the commencement of works to create the new access into the site.

Reason:

In the interests of highway safety and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

7. The measures contained within the Mayer Brown Residential Travel Plan (November 2014) shall be carried out in full, in accordance with the timescales contained in that document.

Reason:

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

8. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic, the means of defining and controlling such traffic routes and timings, and wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policies TRAN10 and ENV27 of the Unitary Development Plan.

9. 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 mitigation measures in respect of silt laden run-off (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.

10. Notwithstanding the submitted plans, further details of 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.

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. Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

15. Any windows in the side elevations of the dwellings at plots 81 and 91 facing towards the dwellings on David Street, at first floor level, 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 respective dwellings, 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.

16. Notwithstanding the submitted plans, all means of enclosure associated with the development (to include means of enclosure around the public open space and pond) 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.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), no gates, fences, walls or other means of enclosure (other than those approved under the terms of conditions of this planning permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, in the interests of residential amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

18. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garages and parking spaces identified on the plans hereby approved shall be retained at all times for the parking of private motor vehicles associated with the dwellings hereby permitted.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

20. Notwithstanding the submitted plans, prior to the first beneficial occupation of any dwelling hereby approved, full details (including timescales) of the lighting to be provided on the highways, footpaths and public open space areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policy ENV27 of the Unitary Development Plan.

21. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

22. 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 and surface water 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.

23. The information submitted in accordance with the requirements of Condition 20 above shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, and including a written declaration to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the site's drainage system and to ensure compliance with Policies ENV 7 and ENV 27 of the Unitary Development Plan.

24. No dwelling hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas to serve that dwelling, have been laid out in full accordance with the details shown on the approved 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.

25. Prior to the commencement of construction of any of the dwellings, a scheme for the provision and maintenance of the Public Open Space (including the children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV 27 and REC 3 of the Unitary Development Plan.

26. No more than 62 of the dwellings hereby approved shall be brought into beneficial use until the children's play area shown on the approved plans (and approved under the terms of Condition 24 of this planning permission) has been constructed on site and is capable of use by the future occupiers of the development.

Reason:

To ensure the recreational facilities are delivered in a timely manner to meet the needs of the future occupiers of the development in accordance with Policies REC3 and REC6 of the Unitary Development Plan.

27. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art to be provided on the site, shall be submitted and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details no later than 12 months following the substantial completion of the development.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art SPG.



28. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be complied with at all times and shall include:
- details of working methodologies to minimise or avoid ecological impacts.
  - where appropriate, identify biodiversity protection zones and measures to protected retained important habitats or create compensatory habitats.
  - details of biodiversity enhancement measures.
  - aims, objectives and duration of post development management of natural habitats.
  - where appropriate, details for monitoring and remedial measures.
  - details of the body/organisation responsible for the implementation of the plan.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

29. Notwithstanding the submitted plan, further details of the proposed hard landscaping materials (including the roads and including details of the proposed location and design of any rumble strips) shall be submitted to and approved in writing by the Local Planning Authority. the development shall at all times thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

30. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist and no work shall commence on site until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

**NOTE:**

1. The attention of the applicant is brought to the fact that a public right of way crosses the site. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
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 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.
4. 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.
5. 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.**

Waterstone Homes, c/o Agent  
Mr. Andrew Muir, Harmers Limited, 39, Lambourne Crescent, Cardiff Business  
Park, Llanishen, CF14 5GG

## **Land to the South of Craig Yr Eos Avenue, Ogmore by Sea**

Residential development for 20 dwellings

### **SITE AND CONTEXT**

The application site is undeveloped but lies within defined settlement boundary of Ogmore by Sea as defined by the Vale of Glamorgan Council Unitary Development Plan 1996-2011. Access to the proposed development would be from Craig yr Eos Avenue from the north, which currently terminates at No.7 from the north of the site. The site slopes downwards from east to west towards the common and foreshore beyond, whilst there is existing residential development to the north west, north, north east and south of the development site. The applications site also falls within the Glamorgan Heritage Coast along with the remainder of the village of Ogmore.

### **DESCRIPTION OF DEVELOPMENT**

The application as amended is for the development of the site for 20 residential units and associated infrastructure. The development comprises of a mix of dwelling types including eight affordable units comprising of two two bedroom dwellings and six one bedroom flats and twelve. market units all of which are four bedroom dwellings. The design of the dwellings proposed vary with some two storey units and other units which sit 'within' the relief of the site appearing as single storey dwellings from the front, although providing split level accommodation as viewed from the Common/foreshore. A site layout plan and elevational details of two of the proposed house types are shown below:



Site layout plan of proposed development.



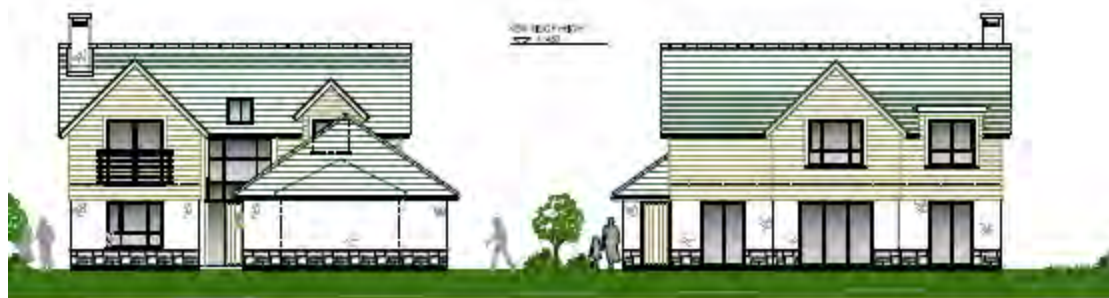
FRONT ELEVATION  
HOUSE TYPE C

SIDE ELEVATION  
HOUSE TYPE C



REAR ELEVATION  
HOUSE TYPE C

SIDE ELEVATION  
HOUSE TYPE C



FRONT ELEVATION

REAR ELEVATION



SIDE ELEVATION

SIDE ELEVATION

*Elevation details of House Type C and House Type B as proposed*

**PLANNING HISTORY**

1992/01218/OGWR – land south of Craig Yr Eos Avenue and fronting Slon Lane  
– Residential Development (Outline) - Refused

1992/00341/OGWR – vacant plot adjacent to Craig Yr Eos Bungalow, Slon Lane  
– Erection of detached bungalow (Outline) - Refused

## CONSULTATIONS

**The Council's Highway Development section** was consulted with regard to the scheme and following the receipt of the amended plans indicated that they had no objection subject to full engineering details being submitted with regard to both on-site and off-site works.

**The Council's Highways and Engineering (Drainage) section** was consulted and have advised that prior to commencement of development a scheme for the drainage of the site and future maintenance should be provided for approval by the LPA.

**The Council's Environmental Health Section** was consulted with regard to the application. They indicate that a Construction Environmental Management Plan should be required by condition including provision for limiting hours of operation to restrict potential detriment to the amenities of neighbouring occupiers. They also indicate that they do not foresee there being contaminated land issues at the site although indicate that an appropriate condition should be attached to any condition granted to mitigate should contamination be identified during the course of the application.

**Glamorgan Gwent Archaeological Trust** was consulted with regard to the proposals and indicate that they 'have no objection to the determination of this application.'

**St. Brides Major Community Council** were consulted with regard to the application and raise objections due to:

- Highway safety of access to the site
- Overloading of sewerage system
- Increased surface water runoff
- Overdevelopment of the site in Heritage Coast
- Dwellings out of character with adjacent development
- No buffer zone to neighbouring properties and loss of privacy
- Limited amenities within the village

They also provide a number of observations with regard to difficulty of emergency services vehicles accessing the site and lack of S106 contributions proposed.

**The St. Brides Major Ward Member** was consulted although no comments had been received at the time of writing this report.

**Dwr Cymru Welsh Water** was consulted with regard to the application and recommend that conditions be attached to any permission given including foul flows connecting to the public foul sewer between manholes SS86755001 and SS86754041; foul and surface water discharged draining separately from the site land and surface water not being allowed to connect directly or indirectly to the public sewerage network; no development to commence until comprehensive scheme of integrated drainage for foul, surface and land drainage has been agreed by LPA; and also note the position of the sewer on the site and that no part of the building will be permitted within 3 metres of this sewer. They also indicate that 'no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site'.

**The Council's Ecology Officer** was consulted and indicate that they 'do not object to the application' subject to conditions relating to the provision of a Reptile Clearance Strategy and the provision of a Ecological Management Plan.

**The Council's Waste Management section** were consulted with regard to the application although no comments had been received at the time of writing this report.

**Crime Prevention Design Advisor** was consulted with regard to the application although no comments had been received at the time of writing this report.

**The Council's Housing Strategy section** were consulted with regard to the original scheme indicating that there is a demonstrable need for Affordable Housing within the Vale. They requested that the mix of affordable units should be 6 x 1 bed flats, 1 x 2 bed house all social rented and 1 x 2 bed house as intermediate housing. They also suggest that the units should be better dispersed throughout the site.

Comments were received from **Wales and West Utilities**, indicating that they 'have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works' to contact them.

**Natural Resources Wales** was consulted and initially objected to the application, 'because the risks to groundwater from the development may be unacceptable. The applicant has not supplied adequate information to demonstrate that the risk of pollution to controlled waters can be acceptably managed.' With regard to protected species they recommend that the finding of the submitted ecological report are followed. Following further consultation with Natural Resources Wales, they confirmed that they were able to remove their objection subject to a condition requiring further details of the proposed wet well being provided prior to the commencement of development.

**The Council's Education Section** have provided advice in respect of the pupil yield from the development and the financial contribution required to accommodate these pupils within the relevant schools. This is discussed in detail later in the report.

## REPRESENTATIONS

The neighbouring properties were consulted on 12 January 2015 and 4 February 2015, and re-consulted 7 July 2015, site notices were also displayed on 4 February 2015 and the application was also advertised in the press on 13 January 2015. At the time of writing this report, 73 letters of representation had been received raising the following points:

- Highway safety concerns with regard to access to the site from Craig Yr Eos Road and Craig Yr Eos Avenue
- Previous application refused on basis of highway safety
- Traffic assessment fails to take account of additional development of 6 dwellings adjacent to Craig Yr Eos Avenue
- Reference made to recent appeal decision in relation to 2014/01242/FUL with regard to impact upon Heritage Coast
- Noise and disturbance and concerns with regard to construction traffic
- The scale and type of development is out of character with surroundings including concerns with regards to ridge heights
- Detriment on the Heritage Coast
- Impact upon amenity of neighbouring properties by virtue of loss of privacy and overbearing
- Pressure on drainage and sewerage system
- Cumulative overdevelopment with other sites
- Ecological impact and lack of reference to lizards within ecological report
- Inadequate facilities within Ogmore including schools, doctor, dentist, shops, public transport
- Lack of capacity in local schools
- Loss of green space within Heritage Coast
- Difficulty of access by larger vehicles
- Loss of view
- Concerns over position of the pumping station
- Lack of detail with regard to boundary treatment
- Devaluation of property
- Inadequate public consultation with regard to proposals and concern that residents views not taken into account

A sample of five letters of objection can be found at Appendix A.

Comments were also raised from **Alun Cairns MP** who raised concern with regard to the cumulative overdevelopment of the village from this and other major applications and the lack of infrastructure and facilities within the village. Appendix B.

## REPORT

**Members will note that this application was deferred for a site visit at the Council's Planning Committee of the 30 July 2015. The report has been updated and now incorporates the late representations from the previous committee.**



## 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 7 – TRANSPORTATION NETWORK IMPROVEMENT
- POLICY 8 – TRANSPORTATION
- POLICY 11 - SPORT & RECREATION
- POLICY 14 COMMUNITY AND UTILITY FACILITIES

#### *Policy:*

- ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
- ENV2 – AGRICULTURAL LAND
- ENV5 – THE GLAMORGAN HERITAGE COAST
- ENV7 – WATER RESOURCES
- ENV10 – CONSERVATION OF THE COUNTRYSIDE
- ENV16 – PROTECTED SPECIES
- ENV18 – ARCHAEOLOGICAL FIELD EVALUATION
- ENV27 – DESIGN OF NEW DEVELOPMENTS
- ENV28 – ACCESS FOR DISABLED PEOPLE
- HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT
- HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
- HOUS12 – AFFORDABLE HOUSING
- REC3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
- REC6 – CHILDRENS PLAY 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 key in that many other chapters of PPW make reference to it, part 4.2 in particular

Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast.

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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

## **Supplementary Planning Guidance:**

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

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

## **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 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)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Rural Affordable Housing Needs Survey Report (2010)
- The Affordable Housing Delivery Statement (2009)
- Vale of Glamorgan Council Local Development Plan Delivery Agreement
- Vale of Glamorgan Housing Strategy

### Issues

Having regard to the above national and local policy context, the location of the site and consultation responses, the main issues in relation to this application are the principle of development; design and layout; house types, design and siting; residential amenity; trees and landscaping; drainage and flood risk; ecology and Planning Obligations.

### Principle of Development

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.

### Unitary Development Plan

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

The application site falls within the settlement of Ogmore By Sea as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. As the site falls within the defined settlement boundary, UDP Policy HOUS2 applies which allows for housing infill, small-scale development and redevelopment which meets the criteria of HOUS8. Policy HOUS8 states that development within settlement boundaries will be permitted provided certain criteria are met including a development with sympathetic scale, form and character, no unacceptable effect on amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion and that amenity standards are in accordance with Council's approved guidance. The development complies with Policy HOUS2 in principle and it is considered that this policy is not superseded by national guidance, which maintains the need to site new dwellings in sustainable locations.

The site falls within the Glamorgan Heritage Coast area, and therefore the impact of the development to this landscape is a primary issue that will need to be addressed, in accordance with Policy ENV5 of the Unitary Development Plan.

#### Local Development Plan

Policy MG1 – Housing Supply in the Vale of Glamorgan in the draft of the Local Development Plan, indicates the requirements of housing supply that will be met by the allocation of sites, development of extant permissions, development of unallocated windfall sites in sustainable locations and other smaller sites. The application site does not benefit from an allocation within policy MG2 of the Plan, nor is there an extant consent, although for the purposes of this plan it can be considered as a windfall site within a sustainable location, noting its situation within the settlement of Ogmore, which is identified as a Sustainable Settlement (minor rural settlement) within the Sustainable Settlements Review prepared as background evidence as part of the Local Development Plan Process.

Essentially, the policy context allows for residential development on this site in principle as it falls within the settlement boundary of Ogmore-by-Sea, subject to various criteria including preserving local character, impact upon amenity of neighbouring properties, drainage, ecological constraints and being acceptable in highway terms.

#### Density and layout of the development

As noted the application relates to a site of 1 hectare and the proposed dwellings would be built at a density of approximately 20 dwellings per hectare. While it is important to ensure that sites in sustainable locations are developed efficiently, it is also necessary to consider the character of the area and whether a minor reduction in density would be appropriate and sympathetic to the surrounding context. The site lies within a minor rural settlement in a semi-rural location on the edge a seaside town within the Glamorgan Heritage Coast where densities are typically lower and a dense and very 'urban' scheme would be out of character with the surroundings. Having considered the above and the relatively low density of surrounding development, the proposed density of approximately 20 dwellings per hectare is considered to be appropriate.

The application as amended proposes the development of the generally rectangular site for 20 dwellings, with a variety of house types and a central spine road continuing directly from Craig Yr Eos Avenue. Some units would enjoy direct access whilst others would be accessed from private drives. A change in materials on the main spine road is proposed with adoptable shared surfaces proposed on the roads leading from the main road.

Eight no. affordable housing units are proposed within the scheme and proposed within one position within the site with 6 no. one bedroom flats and 2 no. two bedroom dwellings adjacent to the access into the site. Whilst it is noted that the affordable units are not strictly 'pepper potted' throughout the site, the provision of 40% affordable units through the scheme is welcomed and this does not conflict with the Council's SPG, which seeks to ensure that groups of no more than 10 affordable units are located together.

The majority of units have been orientated to face towards the main road and provide a significant degree of active frontage which is considered to sensitively respect its context and provide a more visually engaging form of development. The general pattern of development in the wider area is dwellings fronting onto the highway, and it is considered that this proposal respects that. The few small private drives do not directly reflect the layout in the immediate area however, these are necessary to efficiently develop the site, given its shape.

Applications for new residential development would usually require the provision of a meaningful area of open space within the confines of the site to provide for future occupiers of development in accordance with the requirements of UDP Policies HOUS8, REC3 and REC6 and TAN 16: Sport, Recreation and Open Space (2009). Noting the relatively constrained nature of the site it was considered that a meaningful area of public open space could not readily be provided within the confines of the site. The revised proposals include a footpath link to the common land to the west of the site and that the applicant has agreed to an appropriate off-site contribution to enhance existing open spaces within Ogmore By Sea it is considered in this instance that an area of open space within the confines of the site is not essential.

It is, therefore, considered that the layout has due regard to the principles of Manual for Streets and would accord with the aims of Policies HOUS8 and ENV27 of the UDP in terms of being compatible with the surrounding area.

#### Visual impact and Glamorgan Heritage Coast

The site lies within the settlement of Ogmore By Sea as defined by the Vale of Glamorgan Unitary Development Plan and within the Glamorgan Heritage Coast. As well as considerations of the proposed development layout, it is important to consider the visual impacts of the development in the wider context. It is accepted that the proposed development would fundamentally alter the character of the land, however notwithstanding other considerations it is considered that this does not necessarily render the development unacceptable. Rather an assessment of the visual impact is required in the context of the surrounding landscape and how the development relates to the existing built environment.

It is noted that the site is bordered by residential properties to the north, south and east. The proposed development would not project beyond the settlement boundary nor would it project further to the west than either the existing boundary enclosing the land or neighbouring residential development. Given the existing pattern of development it is considered that the proposed development would not appear as an arbitrary incursion or harmful visual intrusion into the countryside or the Heritage Coast as it is viewed against the backdrop of existing residential development within Ogmores by Sea and would appear as a logical physical continuation of the existing built form. It should also be noted that the development proposed is of a high quality contemporary and bespoke design, with a suitable palette of materials that reflects that found within the wider village. This coupled with the revised ridge heights of the dwellings proposed would allow the development to readily assimilate within the built form of the village as a whole.

Whilst it is acknowledged that the proposals would undoubtedly alter the character of the land and would be visible from the adjoining Public Right of Way, adjacent Common Land and wider view, on balance it is not considered that the proposals would cause an unacceptable degree of visual detriment especially given the developed backdrop against which the development of the site will be viewed and given that the site lies within the settlement boundary. In that respect it is relevant to note that the whole of the village lies within the Heritage Coast.

#### Scale and design of dwellings

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 the detrimental impact on adjacent areas. Similarly Policy HOUS8 requires the scale and form of the proposed development to be in keeping with the environs of the site and ensure that the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of visual intrusion.

TAN 12 advises at paragraph 5.53 that “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”.

There was significant concern with regard to the form of the houses as originally submitted, noting that the properties were over-scaled for this site comprising of large detached houses with ridge heights of 9.5 metres, with accommodation appearing to be split over three levels. Following extensive negotiation with the applicant, an amended set of six different house types were proposed, all of a contemporary design and utilising a variety of materials. House types A and B are two storey dwellings albeit with lowered ridge heights (7.5 metres and 7.45 metres respectively) and first floor windows shown as breaking through the eaves. House types C and H are proposed to have lower eaves (both 2.775m) and ridge heights (both 6.9 metres) to their front elevation, although they would appear as two storey dwellings when viewed from the rear.

The affordable housing units sit adjacent to the main vehicular access to the site, and have the appearance of a small terrace and a pair of semi-detached dwellings. Each of these sets have split gable frontages with ridges running perpendicular to the vehicular carriageway, which serves to break up their general mass and bulk. The units are commensurate, in terms of their height, to the market units having ridge heights of 7.35 and 7.5 metres respectively. The front elevation of the proposed flattened block is shown below:



The proposed units are to be finished in a variety of materials although the predominant finishes will be weather boarding, render and decorative stonework with concrete interlocking roof tiles. It is noted that there is significant variation in the form and materials of the finishes of housing within the area. The amended housetypes proposed are significantly less bulky in terms of their scale than those originally submitted, and the general mass and bulk of the units is not considered to be excessive in the context of surrounding dwellings. In general terms the proposed houses are considered to be of an interesting contemporary design and the use of a number of varied house types and materials provides interest to the proposed street scenes and from wider view. The existing housing within Ogmore immediately adjacent to the site and the wider area is largely of limited architectural interest predominantly comprising dormer bungalows, providing limited cues for a scheme of this nature to follow. Notwithstanding this it is acknowledged that the development site sits in a prominent position within the settlement of Ogmore and would be visible from a number of vantage points. Given its visual prominence it is considered that any development of the site should be of a suitably high quality design. Acknowledging this it is considered that the amended proposals now have significantly reduced massing such that scale is more commensurate with the general scale of dwellings within the vicinity of the site, and would now not appear alien or overscaled within their setting. Noting the dwellings' relative prominence it is considered that the designs would introduce variety and interest within the built environment that would not cause undue detriment to the visual amenities of the wider area and would positively contribute to the street scene.



Furthermore, the affordable units are considered to be of equal quality in design terms (to the market units) and there would be continuity between market and affordable units in terms of the general layout and the way the units address the street. Overall, therefore it is considered that the proposal comprises of a good mix of designs and house types that whilst not directly reflecting the vernacular of local buildings, are of a high quality design and provide interest through the use of a variety of materials. Consequently as a group they provide an interesting and varied built environment.

#### Affordable Housing layout

UDP Policy HOUS12 (Affordable Housing) states that where there is a demonstrable need, the Council will seek the inclusion of a reasonable element of affordable housing within developments. The accompanying Affordable Housing and Planning Obligations SPG set out more detailed guidance on the application of this policy. Furthermore the 2010 Local Housing Market Assessment demonstrates a requirement for affordable housing within the Vale of Glamorgan while the Homes4U waiting list evidences a demonstrable need for affordable housing within the rural vale.

The affordable housing units are shown in a row adjacent to the access to the site, comprising of a mix of 6 no. one bedroom flats and 2 no. two bedroom dwellings. It is noted that the Affordable Housing Officer has raised concern that the units provided were not sufficiently dispersed through the site being solely situated adjacent to the road adjacent to the main access. Notwithstanding this the application as amended proposes the erection of 20 dwellings including 40% affordable housing provision. Noting the relatively modest size of the site and low number of dwellings proposed it is considered that the proposed position and clustering of the units within the site is acceptable in this instance, particularly given that the cluster would not exceed 10 units, as required by the Council's SPG. Therefore, while the comments of the Affordable Housing Enabler are appreciated, it is considered that the compliance with the SPG fundamentally means the development could not be resisted on those grounds.

#### Provision of Amenity Space

Policy ENV27 of the Unitary Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provides guidelines to ensure that all new residential developments contribute towards a better quality of life without adversely affecting the amenity enjoyed by existing residents. Policy 2 of this document is considered to be of particular relevance in this instance, which states that 'the council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development'.

The guidance contained within this policy notes that developers at a minimum should provide 1m<sup>2</sup> of amenity space per 1m<sup>2</sup> of the gross floor area for new dwelling houses, whilst 20m<sup>2</sup> of readily accessible amenity space should be provided per occupier of flatted development. It is acknowledged that the current application proposes residential accommodation principally in houses. With regard to the amenity provision for dwelling houses it is noted within the amenity standards SPG that the detailed amounts are not intended to be a prescriptive standard however the majority of units will have access to an area of private and defensible amenity space which as a minimum should be sufficient for functional requirements including relaxation, clothes drying, refuse storage etc.

With regards to the flatted development a shared area of amenity space is shown to the rear of these units that would provide an area of approximately 120m<sup>2</sup>. The amenity areas the flats as indicated would represent a shortfall in provision compared with the adopted standards contained within Policies HOUS8 and ENV27 and the supporting SPG. However, whilst acknowledging the lack of amenity space in comparison to the requirements in the Council's SPG, it is recognised that the area provided would serve to provide sufficient for functional requirements including relaxation, clothes drying, refuse storage etc, whilst the flats would only be approximately 110 metres from the Common to the South-West. Accordingly, it is considered there is potential for the requirement for private amenity space on-site to be relaxed to some degree.

In light of the above it is considered that although there may be a shortfall in private defensible amenity space for some units that sufficient amenity space is provided to meet functional needs. As such it is considered that adequate amenity space is provided to serve future occupiers of the development.

#### Impact upon amenity of neighbouring residential properties

There are existing residential dwellings to both the north and south of the site, whilst Craig Yr Eos Bungalow to the east of the site. The Gables is situated in close proximity to the boundary of the site adjacent to plot 18 as shown on the proposed site layout. The revised layout indicates a two storey dwelling being situated 5 metres of the boundary, whilst the single storey garage would be set approximately 3 metres from the boundary. It is noted that there are windows within the side elevation of the Gables serving a kitchen. However, whilst noting that the garage at plot 18 would be visible from these windows, it would be set approximately 4 metres from these openings and, it is considered that this element of the dwelling would not cause unacceptable detriment, noting its single storey height and hipped roof design. The proposed dwelling is set 5 metres from the boundary with the property and no windows serving habitable rooms are proposed within the first floor northern side elevation of this dwelling. Whilst the dwelling would be visible from the rear garden of this property, noting its set off from the boundary and the lack of windows within first floor side elevation, it is considered that this unit would not cause an unacceptable overbearing impact or overlooking of the amenity area to the rear of The Gables.

The originally submitted drawings showed a dwelling within close proximity of 46 Craig Yr Eos Road, and there was significant concern raised in this regard. The amended layout indicates a revised house type and location at this plot (now plot 17) and at its closest point is approximately 10 metres from the dwelling at 46 Craig Yr Eos Road. Whilst noting the front elevation of the dwelling at plot 17 fronts towards the garden of number 46, the amended dwelling type C (as proposed at this plot) only has windows serving habitable rooms in the front elevation at ground floor level and would be set at an oblique angle to the rear of the neighbouring property. As such it is considered that this dwelling would not cause an unacceptable degree of overlooking or an overbearing impact to 46 Craig Yr Eos Road.

The dwellings at plots 12 and 13 would run parallel to the boundary with Ger Y Mor to the south of the site. The two storey mass of plot 12 would be set 5 metres from the boundary with the neighbouring property adjacent to the driveway. Noting its position adjacent to the driveway and the set off from the boundary it is not considered that the proposed dwelling would result in an unacceptable degree of overbearing of Ger Y Mor. Whilst there is a window proposed within the southern elevation of the dwelling, it is noted that this serves a family bathroom and as such would be obscure glazed and this would be further controlled by condition to prevent any overlooking. The main mass of the dwelling of plot 13 would similarly be set 5 metres from the boundary and would project beyond the rear of Ger Y Mor. Again noting this set off and the lack of windows serving habitable rooms at first floor level fronting onto the neighbouring dwelling, it is considered that this dwelling would similarly not cause an unacceptable degree of overlooking or overbearing of the amenity enjoyed at Ger Y Mor. It is also noted that there are a number of side facing windows fronting onto the application site serving Ger Y Mor which appear to be secondary windows serving habitable rooms. Noting that the windows appear to be secondary openings, and that the single storey garages would be set 5 metres from these openings, it is considered that the proposals would not unacceptably impact upon them.

The proposed flat block would largely sit adjacent to the blank gable end of number 7 Craig Yr Eos Avenue. An entrance door to one of the flats is shown at ground floor level and a bathroom window shown at first floor level, although noting that the first floor window will be obscure glazed (controlled by condition), it is not considered that there will be an unacceptable degree of overlooking of the neighbouring property. Furthermore noting the siting of the flat block it is considered that the proposals would not result in an unacceptable overbearing impact.

The dwelling at plot 9 would be set in excess of 21 metres from the rear of the nearest dwelling 2 Craig Yr Eos Place. The Council's adopted Amenity Standards SPG requires a separation of at least 21 metres between opposing windows serving habitable rooms to ensure that an unacceptable overlooking impact does not result. Noting this separation therefore it is considered that the proposals would not result in an unacceptable impact upon the amenity of the properties within Craig Yr Eos Place.

The adopted amenity standards SPG indicate that with an obscure angle of view that a lower degree of separation needs to be maintained between principal windows. Given the separation and obscure angle of view it is considered that the first floor flats at plots 1-6 would not result in an unacceptable degree of overlooking of the dwellings of 1 and 2 Craig Yr Eos Place.

It is also noted that a number of raised terraces are proposed as part of the works and limited details of privacy screens have been provided with the submissions. As such a condition requiring further details of privacy screens will be attached to any consent granted to ensure that there would not be an unacceptable degree of overlooking of neighbouring residential properties.

A number of letters of objection received have noted concern with regard to the loss of view and potential devaluation of property caused by the proposals. Whilst sympathetic to this, it is noted that this is not a material planning issue that would represent a reason to refuse planning permission.

Overall, it is considered that the scheme as amended would not result in an unacceptable impact upon the amenity enjoyed by occupiers of neighbouring residential units and as such it is considered to comply with the requirements of policies ENV27 and HOUS8 of the Development and adopted Amenity Standards SPG.

#### Highways and Parking

The proposed development would be accessed from the road running to the west of the site via a single proposed access point, in a similar position to the existing agricultural field access. Accordingly, it is necessary to assess the highways impact of the development in the immediate context of Ogmore By Sea.

The application is accompanied by a Transport Statement prepared by Spring Design dated March 2015 which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network, the number of dwellings proposed and the likely number of car movements and movements by alternative modes. The submitted TA concludes that having *'examined the local highway network, existing public transport provision and facilities for pedestrians and cyclists. It is concluded that there are no existing highway safety issues in the immediate vicinity of the site and that for a rural location, the site provides adequate opportunities for future residents to access local services and larger settlements. The report demonstrates that the proposed site access arrangement is appropriate to serve the development and that the additional vehicle movements generated by the proposed development will not have a significant impact on the local highway network.'*

Following consultation with the Council's Highways Department, the Council's highways traffic engineer has assessed the submissions and concluded that the submitted Transport Statement is acceptable. However, in terms of highway safety, the Council's Highways Traffic Engineer indicated that the junction of Craig Yr Eos Avenue from Main Road to the north of the site should be improved to assist any additional vehicular movements generated by the development. Following negotiation with the developer, a scheme of off-site works to improve this junction (see Appendix C) was submitted to the LPA and accepted by the Council's Traffic Engineer, and this will be secured through a Section 278 agreement to be agreed with the Highways Authority. Given that the Council's Highways Section are satisfied with the proposals and off-site works have been agreed in principle it is considered therefore that the proposed development would not have any significant adverse impact to traffic flows along the local highway network.

Ogmore by Sea is considered a sustainable settlement within the Sustainable Settlements Appraisal that forms part of the background evidence of the LDP, with shops, a post box, regular bus service and a place of worship. It is also of relevance that any approval would require a contribution towards sustainable transport provision which would mitigate impacts by providing and promoting more sustainable forms of transport, which is detailed later within the report. Accordingly, it is considered that while there will clearly be some increase in traffic, the submitted assessment demonstrates satisfactorily that the existing highway network is capable of accommodating traffic generated by the proposed development, without resulting in an unacceptable traffic impact in the vicinity.

Given the linear nature of the site, the applicant has introduced a rumble strip adjacent to the access to the site and a change of materials within the site to assist in traffic calming. This provision would assist in controlling vehicle speeds at the junction to the site as would the use of a change of materials elsewhere through the scheme. Such an approach is advocated by Manual for Streets, given their use would reduce speeds which are considered necessary in this instance given the long straight road when considered with Craig Yr Eos Avenue. It is recommended that full engineering details of the roads and associated infrastructure will be required by condition attached to any consent given.

In terms of parking, the dwellings would be served by driveways and garages within their curtilages and the affordable units would largely be served by parking courts to the front of these units, with spaces allocated for each of the unit. Visually, it is considered that this is an appropriate form of layout and would avoid large communal parking areas.

Sufficient parking is provided for each dwelling, with all market properties having between 3 to 4 parking spaces, to accord with CSS Parking guidelines. The affordable one bedroom flats are shown to have one space each and two bedroom dwellings two spaces each, which is considered to be acceptable.

Following the submission of the revised layout the Highways Engineer has raised no objections with regard to the internal layout of the site as a whole. Having regard to the above, it is considered that the proposed access arrangements and layout are acceptable in terms of highway safety and traffic generation, in accordance with Policy ENV27 and the aims of policy HOUS8 of the UDP and Manual for Streets, PPW and TAN18: Transport.

### Drainage

It is noted that a number of the letters of objection relating to the planning application raise concerns with regard to drainage and sewerage discharge from the development and potential capacity issues on the local network. Following consultation with the Council's Drainage Engineer, Welsh Water and Natural Resources Wales, it has been agreed in principle that an appropriate scheme of drainage can be provided, subject to conditions. Furthermore correspondence from Dwr Cymru Welsh Water also indicates that there are no capacity issues relating to the sewerage network in this area. Noting that there is no objection in principle to a form of drainage to serve the site, subject to conditions (including the requirement for a comprehensive scheme of drainage and further details with regard to the provision of temporary foul water storage), the development is acceptable in drainage terms.

### Ecology

The application is supported by an Ecological Assessment and Survey for Bats undertaken by David Clements Ecology Ltd dated September 2014 and a Strategy for Clearance of common reptiles dated October 2014. Following consultation, it is noted that neither the Council's Ecologist nor Natural Resources Wales object to the application. The submitted surveys include a number of mitigatory measures with regard to the development including those relating to slow worms. Noting the lack of objection from either the Council's Ecologist or Natural Resources Wales, it is considered that there is not an ecological constraint restricting the grant of planning permission subject to appropriate conditions being attached to any consent being granted.

### Other issues raised within letters of representation

The majority of the issues raised within the correspondence received with regard to the application above have been addressed above within the body of the officer report. The most common reason for objection relates to highway safety with regard to the use of Craig Yr Eos Road and Craig Yr Eos avenue to access the site. Members will note that the Council's Highways section have been consulted with regard to the application and have not raised objection in this regard whilst it is also noted that a scheme of road improvements to the junction with Main Road has been proposed by the applicant. Furthermore, there is scope for the contribution towards sustainable transport arising from this development to be used for localised road improvements in this regard. Noting the lack of objection from the Council's Highways section it is not considered that an access from Slon Lane should have been sought.

With regard to concerns within one letter, that local residents' views are not taken into account, all letters of representation have been considered by the Planning Authority and assessed on their material planning merits.

With regard to concerns relating to construction traffic, conditions relating to a Construction Traffic Management Plan and Construction Environmental Management Plan have been suggested by officers to be attached to any permission granted and would need to be discharged prior to the commencement of any development of the site.

The Recent appeal decision with reference to refusal of permission 2014/01242/FUL has been noted, although this relates to a different site, outside of the defined settlement boundary. Each case must be assessed on its own merits and it is considered by Officers that the development of this site is acceptable for the reasons set out in the report.

### Planning Obligations

#### 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 20 dwellings (including 8 affordable units) at land to the South of Craig Yr Eos Avenue, Ogmere By Sea. 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, or where stair casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

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

It is also relevant to consider the background evidence to the LDP. 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). To address the issue of viability in the LDP, the Council commissioned Three Dragons to prepare an Affordable Housing Viability Assessment (AHVA 2010) to determine the levels of affordable housing that can economically be provided throughout the Vale of Glamorgan. This led to a draft Policy MG4 in the Draft Deposit Local Development Plan (November 2013) of 35% in Ogmore by Sea.

However, as part of the Local Development Plan process there has been an assessment of ‘focused’ and ‘minor’ changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). It concluded that in Minor Rural Settlements including Ogmore By Sea, that affordable housing should be provided at a ratio of 40% (draft LDP policy MG4 refers).

The amended scheme proposes the provision of 8 no. affordable units (6 no. social rented one bedroom flats and 2 no. intermediate two bedroom houses) of the 20 no. units proposed, which accords with the 40% provision as above. The provision would provide a 75:25 split in favour of social rented units which is also considered to be acceptable. It is worth noting that the viability evidence supporting the change in policy position contained within draft LDP policy MG4 did so on the basis of a 70:30 tenure split rather than the 80:20 split previously sought. Noting the relatively modest size of the development as a whole and the provision of 40% affordable units it is considered that the tenure split is considered to be acceptable.



In terms of layout, whilst the LPA would require units to be dispersed throughout the site where possible and appropriate, the affordable units are all proposed within one block adjacent to the access to the site which is not considered to result in an unacceptable clustering of units due to the relatively low number of units proposed within the site as a whole (see previous section on affordable housing layout).

### 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 following consultation with the Local Education Authority identifies that the development of this site for 20 units would generate demand for two nursery and four primary school pupils to attend St Brides Major Primary School where there is insufficient capacity to meet this additional demand. Therefore a contribution of £86,779.56 has been sought from and agreed by the Developer.

In addition, the initial school transport costs associated with the new demand for school transport generated by the development has been calculated as £19,500 to cover school transport costs for the first 3 years following occupation of the development. This has also been agreed to by the Developer.

### 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 £40,000, which has been agreed by the developer. This contribution would be used to fund specific projects related to the scheme which could include localised improvements to assist in pedestrian movements along Craig Yr Eos Road, improved footpath links with the Common, junction improvements between Craig Yr Eos Road and Main Road and improvements to bus services and facilities serving Ogmore (including the 303 bus service).

#### Public Open Space Provision

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).

In terms of open space, Policy REC3 advises that new residential developments are expected to provide public open space on site and/or contribute towards the enhancement of public open space in the area (at a standard of 2.43 hectares per 1000 population, which equates to 24.3sq metres per person or 55.40 sq metres per dwelling). In line with the provisions of the aforementioned policies, a scheme of the size proposed would require the provision of public space for 1108 sq metres.

The revised scheme indicates the provision of no on-site areas of open space. The LDP Open Space Background Paper (2013) identifies that there is a requirement for children's play space and outdoor sport provision within Ogmores By Sea, that would need to be met by 'windfall' developments such as this one. Therefore, whilst the development fails to provide adequate open space to meet the Policy requirements, this will be mitigated by a payment to enhance the existing facilities nearby, which can be secured through a section 106 agreement. In light of the need generated and the cost of open space facilities, a contribution of £45,600 has been negotiated and agreed by the developer to provide or enhance public open space and children's play facilities off site in Ogmores By Sea, either for improvements of the area of public open space adjacent to Slon Lane, on the Common and/or adjacent to the beach, as appropriate.

### Community facilities

UDP Policy HOUS8 permits new residential development within settlements where (inter alia) adequate community and utility services exist or can be readily provided. The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities. The LDP Community Facilities Assessment Paper identified that there are inadequate community facilities available in Ogmores By Sea to cater for current and existing demand:

*'the settlements of Ogmores by Sea.... where at the ward level numerically the assessment identifies adequate provision, deficits exists due to there being no provision within the settlement itself and also the location of the nearest facilities falling beyond the applied catchment areas.'*

As such a contribution of £19,770 was sought from and agreed by the Developer for improvements to community facilities, particularly for the provision of a village hall within Ogmores By Sea.

### 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, public art should be provided on site integral to the development proposal. This has been agreed by the Developer.

### S106 Administration fee

The Council requires the developer to pay an administration fee of £4,232.99 to the Council to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

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

### 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 ENV5 – Glamorgan Heritage Coast ENV7 - Water Resources, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of Built and Historic Environment, ENV27 - Design of New Developments, ENV28 - Access for Disabled People, ENV29 - Protection of Environmental Quality, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria, HOUS12 - Affordable Housing, TRAN10 - Parking, REC3 - Provision of Open Space within New Residential Development, REC6 – Children's Playing Facilities, REC7 – Sport and Leisure Facilities, REC12 - Public Rights of Way and Recreational Routes, Strategic Policies 1 & 2-The Environment, 3-Housing, 8-Transportation and 11-Sport & Recreation, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; The Council's Supplementary Planning Guidance on Amenity Standards, Biodiversity and Development, Design in the Landscape, Planning Obligations, Sustainable Development and Affordable Housing (contained within The Vale of Glamorgan Affordable Housing Delivery Statement), national guidance contained in Planning Policy Wales 7<sup>th</sup> Edition (2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5-Nature Conservation and Planning, 11-Noise, 12-Design, 15-Development and Flood Risk, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; and Manual for Streets, it is considered that the proposal is acceptable in in terms of its principle, appearance, layout, visual impact, impact upon neighbouring properties, highways impact, drainage, ecological impact and other regards.

## 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 40% (8) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity.
- Pay a contribution of £86,779.56 for the provision or enhancement of education facilities to meet the needs of future occupiers generated at St. Brides Major Primary School
- £19,500 towards school transport costs generated by the development for the first three years.
- Pay a contribution of £45,600 to provide or enhance open space facilities off site in Ogmore by Sea to be spent on one or more of the area of public open space adjacent to Slon Lane, on the Common and/or adjacent to the beach.
- Provide public art on the site to the value of 1% of project costs in accordance with details to be submitted for approval.
- Pay a contribution of £19,770 towards the provision or improvement of Community Facilities within Ogmore by Sea to be spent on the provision of a village hall within Ogmore by Sea.
- Pay a contribution of £40,000 to provide or enhance sustainable transport facilities in the vicinity of the site to be spent on one or more of localised improvements to assist in pedestrian movements along Craig Yr Eos Road, improved footpath links with the Common, junction improvements between Craig Yr Eos Road and Main Road and improvements to bus services and facilities serving Ogmore (including the 303 bus service).
- Pay the Council's standard administration fee for negotiating, monitoring and implementing the terms of the s106 agreement (£4,232.19 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. This consent shall only relate to the amended plans reference:
- House Type A 2082-200-08 Rev E received 16 June 2015
  - House Type B 2082-200-06 Rev F received 16 June 2015
  - House Type C 2082-200-03 Rev C received 16 June 2015
  - House Type H 2082-200-10 received 16 June 2015
  - Plans and Elevations 1 Bed flats Plots 1-6 2082-200-09 Rev B received 08 April 2015
  - Plans and Elevations House Type D 2082-200-04 Rev C received 08 April 2015
  - Site Layout Plan 2082-101E received 02 July 2015
  - Site levels and sections 2082-110A received 16 June 2015

and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

4. Notwithstanding the submitted details, full details of a comprehensive scheme for 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 prior to the beneficial occupation of any of the dwellings hereby permitted.

Reason:

To ensure adequate drainage facilities at the site, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

5. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank (wet well for foul water temporary storage before being pumped to main sewer) has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tank depth, tank surround, associated pipework, sealing of tank and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

#### Reasons

To ensure protection of controlled waters (groundwater) within the Principal Aquifer in accordance with Policy ENV7 of the Development Plan.

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

#### Reason:

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

7. Notwithstanding the submitted details, prior to the commencement of development, details of the finished levels of the site and the proposed development 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 the visual amenities of the site and amenities of neighbouring residential properties are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

8. Notwithstanding the submitted plans, full engineering details of the off-site highways works including improvements to the junction of Main Road and Craig Yr Eos Avenue (as shown on drawing 2082/SK550 Rev A), and all footways, new vehicular / pedestrian access to the site and all internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and the details of the location and design of all rumble strips, 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.

9. Notwithstanding the submitted plan, further details of the proposed hard landscaping materials (including the roads and including details of the proposed location and design of all traffic calming features) shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy 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 the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policies TRAN10 and ENV27 of the Unitary Development Plan.



12. Notwithstanding the submitted plans, further details of 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.

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.

Reason:

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

14. Notwithstanding the details shown on the approved plans, 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. The means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use and maintained as such thereafter unless otherwise agreed by the Local Planning Authority.

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order with or without modification) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), no gates, fences, walls or other means of enclosure (other than those approved under the terms or conditions of this planning permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with 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 and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

18. The first floor windows in the northern side elevation of unit 18, northern side elevation of unit 1-6 and southern side elevation of unit 12 shall be installed as a non-opening window (with the exception of a top light) and 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 dwellings and shall thereafter be so maintained at all times.

Reason:

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

19. Notwithstanding the submitted details of screening, further details of screening to the balconies and details of the external finishes of the proposed balconies shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details and the screening shall be erected in accordance with the approved details prior to the first beneficial use of the dwelling they relate to and shall thereafter be so retained at all times.

Reason:

In the interests of the visual amenity of the area and to protect the amenity of occupiers of neighbouring residential properties in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

20. No dwelling hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas to serve that dwelling, have been laid out in full accordance with the details shown on the approved 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.

21. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art to be provided on the site, shall be submitted and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details no later than 12 months following the substantial completion of the development.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art SPG.

22. Prior to the commencement of development, an Ecological Management Plan, to include a scheme for the maintenance and enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The agreed Ecological and Landscape Management Plan shall be implemented in full accordance with its recommendations and details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

23. The development shall be carried out in accordance with the recommendations of the submitted 'Ecological Assessment and Survey for Bats' dated September 2014 and Strategy for Clearance of Common Reptiles dated October 2014 both prepared by David Clements unless the Local Planning Authority agree in writing to any variation.

Reason:

To safeguard protected species, in accordance with Policy ENV16 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 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).**
4. **Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

**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.**

**2015/00341/FUL** Received on 26 March 2015

Mr. Paul Donovan, The Bungalow, 7, Rectory Road Lane, Penarth, Vale of Glamorgan, CF64 3AX

Mr Greg Tuck Meridian Building Design, The Rise, 41a, Highwalls Avenue, Dinas Powys, Vale of Glamorgan, CF64 4AQ

### **The Bungalow, 7, Rectory Road Lane, Penarth**

New pitched roof over existing flat roof to provide first floor accommodation and minor adaptations

#### **SITE AND CONTEXT**

The application site comprises an existing detached single storey, flat roofed dwelling with an integral garage. The dwelling lies adjacent to, and is accessed off Rectory Road Lane, and is set within a relatively restricted curtilage. The property is one of three dwellings that are solely accessed onto the lane.

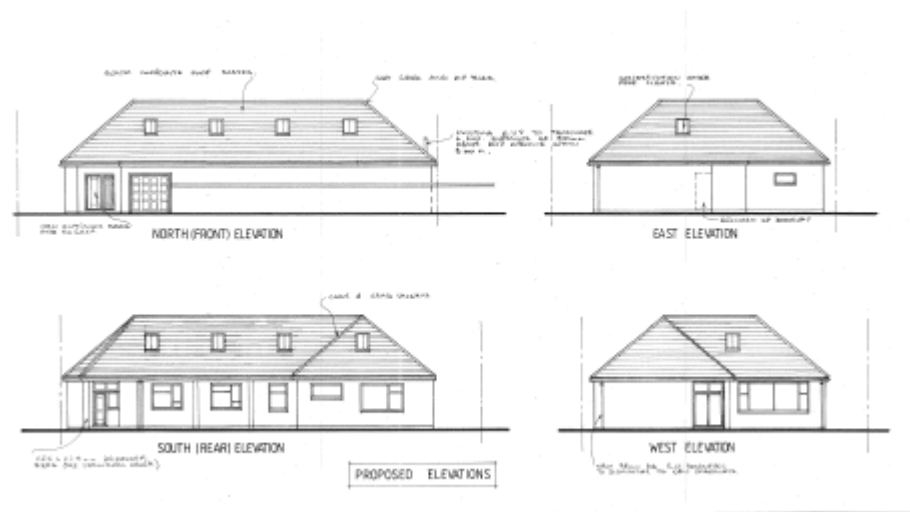
The site is located within the residential settlement boundary for Penarth as defined in the Unitary Development Plan. The site is also located within the Penarth Conservation Area.

#### **DESCRIPTION OF DEVELOPMENT**

This is an application for full planning permission for the extension of the existing bungalow to provide first floor accommodation within a new pitched roof. It relates to amended plan received on 2 June 2015. The new pitched roof will be constructed over the whole of the existing building to a ridge height of approximately 6.4m. The new roof will be hipped at either end and extend beyond the existing rear south wall of the one wing into the rear garden. This will be supported on piers to create a canopy measuring approximately 2.45m out by 11.9m in length. In addition the roof will extend over the north east corner, unsupported, to form a canopy over the front entrance. The proposed roof will include a total of ten roof lights, four each on the rear and front elevations and one each on either side.

The new first floor within the roof will accommodate a lounge and study area. Changes to the ground floor include, an additional bedroom; the conversion of the lounge and dining room to a kitchen/family room; and the kitchen converted to a hall and new entrance.

Other works include the demolition and rebuild of a section of wall on the north east corner to increase the access width for on-site car parking; the closing up of the existing entrance door; and the provision of a new entrance door.



The application is accompanied by a Design and Access Statement (DAS) even though this is not a requirement.

### PLANNING HISTORY

1999/01329/FUL - Proposed removal of the existing flat roof structure and the replacement with new slate pitched roof - Approved 21 January 2000.

2000/00400/FUL - Removal of existing flat roof structure and replace with new slate pitched roof and creation of new doorway - Approved 12 May 2000 subject to a condition relating to amended plans.

2001/00224/FUL - New pitched roof over existing flat roof bungalow - Refused 15 June 2001 for the following reasons:-

1. *The proposed full height French doors and galvanised steel barrier set within the pitch of the new roof on the south (rear) elevation are considered to be detrimental to the character of the Panrth Conservation Area by virtue of its siting and design and accordingly would be contrary to Policy ENV 18 in the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.*
2. *The proposed full height French doors and galvanised steel barrier set within the pitch of the new roof on the south (rear) elevation are considered to be detrimental to the residential amenities of adjoining properties and accordingly would be contrary to Policy 3 in the Council's supplementary planning guidance on Amenity Standards.*

2001/00758/FUL - New pitched roof over existing flat roof bungalow - Approved 10 August 2001 subject to conditions, including, full details of roof lights, and sample of the proposed slate.

## CONSULTATIONS

**Penarth Town Council – Comments on initial submission:-** “That whilst the Town Council supports the application in principle it raises concern with regard to:-

1. whether proposed first floor dormer windows to habitable rooms on the rear roof elevation will adversely affect the privacy of the occupiers of No. 3 Rectory Road.
2. the effect of the loss of the garage may have on parking on Rectory Lane.”

Comments on amended scheme:- “That having viewed the amended plans, showing the removal of the dormer windows in the rear roof elevation and the reintroduction of a garage, both of which overcome the Town Council’s previous concerns, the application now appears to be capable of support.”

Councillor G. Roberts requested that the application be determined by Planning Committee.

## REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 7 April 2015 and re-notified of amended plans on 3 June 2015. In addition the application was advertised on site and in the press on 14 and 30 April 2015 respectively.

Representations objecting to both the original and amended scheme have been submitted by the occupiers of The Cottage, Rectory Lane; Nos.2, 3 and 4 Rectory Road; and Nos. 25 and 26 Windsor Terrace. These are all available on file for Members to inspect in full, however, copies of the representations submitted by the occupiers of The Cottage, Rectory Lane, and Woodlands, No.2 Rectory Road, are reproduced at Appendix A as being generally indicative of the objections raised. In summary these include:-

- Overlooking of neighbouring properties from the first floor windows.
- Imposing and overbearing impact.
- Overshadowing and breach of “Right to Light”.
- Visual impact and adverse effect on the character of the Conservation Area.
- Overdevelopment with impact on the use of the lane and access to parking becoming increasingly difficult.
- Lack of parking.
- Disruption during construction.
- Blocking views.
- Reduction in value of property.
- Similar proposal refused in the past.



## 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:*

##### POLICY 1 - THE ENVIRONMENT.

#### *Policy:*

- ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
- ENV20 - DEVELOPMENT IN CONSERVATION AREAS.
- ENV21 - DEMOLITION IN CONSERVATION AREAS.
- ENV27 - DESIGN OF NEW DEVELOPMENTS.
- TRAN10 - PARKING.

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

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

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

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

## **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.1.1, and 4.11-Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1.1; Chapter 6-Conserving the Historic Environment, including paragraphs 6.1.1, 6.1.2, and 6.5.17; and Chapter 9-Housing, including 9.3-development management and housing.

## **Technical Advice Notes:**

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

TAN 12 – Design, including paragraphs 2.6 and 5.11.3, which states:-

*“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.”*

## **Supplementary Planning Guidance:**

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

- Amenity Standards SPG.
- Penarth Conservation Area SPG.
- Penarth Conservation Area Appraisal and Management Plan.

## **Other relevant evidence or policy guidance:**

Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended By Circular 1/98-Planning and Historic Environment: Directions).

## Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to design and the impact on this part of the Penarth Conservation Area; the effect on neighbouring amenity; and highway safety. The planning history of the site is also a material consideration.

## Design and Impact on the Conservation Area

As already noted the site lies within the Penarth Conservation Area. The Penarth Conservation Area Appraisal and Management Plan defines the site as being within the Town Centre Character Zone. Whilst the Appraisal identifies a number of 'Positive Buildings' within the vicinity of the site, including the immediate neighbours Nos. 2 and 3 Rectory Road, the property itself has no such status. Relevant Policies of the UDP include ENV17 and particularly ENV20 which refers to Development in Conservation Areas. This allows for new works where it preserves or enhances the character of the Conservation Area, with criterion (i) requiring that proposals should reflect the scale, design, layout, character, materials and setting of those buildings that establish the character of the area. In addition recent case law indicates that the likely impact of the development on the Conservation Area requires special consideration, and carries substantial weight in the determination of the application. Paragraph 6.4.6 of PPW recognises that the character or appearance of conservation areas must be a major consideration in any application but it cannot prevent all new development. In addition TAN12 also recognises that the protection and enhancement of conservation areas is not necessarily about mimicking the traditional buildings, with paragraph 5.6.6 recognising that conservation is often dependent on accommodating change.

In assessing the proposal against the above context it is acknowledged that the development will alter the character and appearance of the existing bungalow, but it does not necessarily follow that such a change will have an adverse effect on the wider Conservation Area. It is considered that the introduction of a new composite slate finished roof, with conservation style roof lights, would not be out of keeping with the majority of other buildings in the vicinity. The proposed form of the new roof and its finishes are sympathetic to the surrounding development and will have a neutral effect on the character and appearance of the Penarth Conservation Area.

It will be noted from the planning history that similar proposals for a new roof have been approved in the past. In the most recent of these, reference 2001/00758/FUL, it was determined that the proposal was acceptable in relation to its impact on the Conservation Area. It is acknowledged that since that date the Penarth Conservation Area Appraisal and Management Plan has been adopted in 2011, however, it is not considered that there is anything within that document that suggests the proposed new roof is no longer acceptable.

Thus it is considered that the proposed works should not detract from the surrounding visual amenities and should preserve the character and appearance of this part of the Penarth Conservation Area.

## Neighbouring and residential amenity

Objections to the proposal have been submitted by all of the immediate neighbours to the site. Indeed some of the representations indicate an objection to even the principle of providing a first floor of accommodation at the property. The main points of objection relate to loss of privacy, overshadowing and overbearing impact. It is recognised that the site is a restricted one both in terms of its own residential curtilage and in relation to the neighbouring properties. This is a result of the historical context of the site, with Rectory Road Lane originally being the secondary rear access to the main frontage properties on Rectory Road and Windsor Terrace. Due to this relationship, and the proximity of the property to the immediate neighbours, it is acknowledged that the proposal will have some impact on the surrounding occupiers. However, it is the degree of such impact that must be assessed. Criterion (iv) of policy ENV27 of the UDP requires that new development minimises any detrimental impact on adjacent areas, and the guidance in the Amenity Standards SPG also seeks to protect neighbouring amenity. This follows national guidance in PPW which states at paragraph 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.”*

All of the immediate neighbours have raised concerns that the proposal would intrude on the current levels of privacy. It is considered that the scheme, as originally submitted, which envisaged two dormer windows on the rear, south elevation, would have had a significant adverse impact on the current levels of privacy enjoyed by the occupiers of Nos.2 and 3 Rectory Road. However, the scheme has been amended and the dormers have been omitted and replaced with roof lights, which is in line with the earlier approvals. It is noted that there is a roof light proposed in the east side elevation directly facing an elevation to the neighbour, ‘The Cottage’, which has a number of existing openings. To mitigate the impact of the proposal, particularly in respect of perceived overlooking, it is considered that this roof light should be omitted. It is noted that it serves a proposed study area which has two other roof lights on the south and west elevations. Thus it is considered that, subject to the omission of the side east elevation roof light (see condition 4), the degree of overlooking would not be so significant as to justify a refusal of the application.

As regards the likely impact in relation to overshadowing and the overbearing nature of the proposal, as most of the immediately adjoining neighbours are located to the south of the application site, the proposal will have limited, if any, adverse effect on those occupiers. In addition, in relation to the objection from the occupiers of No.2 Rectory Road concerning the blocking of their views to the north, it is noted that there is no right to a view in planning terms. It is considered that the occupiers of 'The Cottage' to the east of the site will be most affected by the proposal, particularly in relation to overshadowing. It is acknowledged that the neighbour has a number of openings on their west side elevation facing the application site, and the introduction of a new roof will result in some overshadowing. However, the proposed ridge height of 6.4m is not excessive, and the hipped roof will also serve to reduce any impact. The neighbour has referred to their 'Right to Light', however, this is a private matter for the objector to pursue with the applicant and would not justify a refusal in planning terms.

As regards the residential amenity of the application site itself, it has already been noted that the curtilage is a restricted one. Indeed in relation to its own privacy the rear garden is directly overlooked on all sides. However, this is the existing situation which will be altered little by the proposal, apart from possibly offering some screening from the two storey neighbour at 'The Cottage'. Notwithstanding this, the question of possible overdevelopment must be considered due to the increase in floor space and the ratio to the available garden space. Indeed the issue of overdevelopment has been raised by the objectors. The Council's SPG on Amenity Standards seeks a certain level of private amenity space to serve residential properties, requiring 1m<sup>2</sup> of amenity space for every 1m<sup>2</sup> of gross floor area of the dwelling. It is noted that the additional floor space within the roof will result in a shortfall of around 39%. However it is recognised that there is already a shortfall in the existing situation, and as the proposal relates to a first floor over the existing footprint, there is no loss of the existing garden space. It is acknowledged that there are roof overhangs creating canopies but this will not result in the loss of existing amenity space. Thus whilst there is a shortfall in the level of private amenity space, in this instance, it is not considered that it would justify a refusal of the application.

### Highways

Neighbours have also raised objections relating to the issues of traffic and parking, that the intensification of the use of the site would exacerbate current difficulties with the use of the lane, reducing available space for parking and restricting access. It is noted that the property currently has a garage and a possible driveway space to the side, however, this appears somewhat restricted by the corner of the building itself. The original scheme envisaged the removal of the garage space, but in the amended scheme this is now retained, along with two spaces shown to the side. These spaces should be more accessible than at present with the proposed realignment of the side wall of the dwelling. As such it is considered that the proposal should not exacerbate any existing difficulties relating to the use of Rectory Road Lane, and there are no justifiable reasons to reject the application on the grounds of access or parking.

## Other issues

The neighbours have raised concerns over the likely disruption during the construction of the development. Clearly there may be difficulties due to the 'rear lane' situation, however, such problems are temporary in nature and would not be grounds to refuse a planning application. Indeed problems of noise, smell, dust, etc., that may result from construction works are matters covered by other legislation such as Environmental Health.

Finally, a further concern raised by neighbours relates to the possible devaluation of their property. This is a private interest and is not a matter that can be considered in assessing this planning application.

In view of the above the following recommendation is made.

## CONCLUSION

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

Having regard to Policies ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV21-Demolition in Conservation Areas, ENV27-Design of New Developments, TRAN10-Parking and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, the Penarth Conservation Area and the Penarth Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales and TAN12-Design; it is considered that the proposal is an acceptable form of development that preserves the character and appearance of this part of the Penarth Conservation Area, and should have no 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. This consent shall relate to the following schedule of plans and documents:-
- Drwg. No. PDR 01, received 26 March 2015;
  - Drwg. No. PDR 02a, amended plans received 2 June 2015;
  - Drwg. No. PDR 03a, amended plans received 2 June 2015;
  - Design and Access Statement received 26 March 2015;
- and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and the character and appearance of this part of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas and ENV27-Design of New Developments of the Unitary Development Plan

4. Notwithstanding the submitted plans this consent shall not relate to the roof light to the proposed study on the east side elevation of the new roof, as shown on Drwg. Nos. PDR 02a and 03a, amended plans received 2 June 2015.

Reason:

To safeguard the privacy of the neighbouring occupiers in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan and Supplementary Planning Guidance on Amenity Standards.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows or other openings, including roof lights, other than those expressly authorised by this permission shall be inserted in any elevation of the roof of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers in accordance with Policy ENV27-Design of New Development of the Unitary Development Plan and Supplementary Planning Guidance on Amenity Standards.

6. The proposed on-site car parking as indicated on Drwg. No. PDR 02a, amended plan received 2 June 2015, shall be implemented before the first beneficial use of the development hereby permitted, and shall thereafter be retained and maintained on site at all times for the parking of vehicles associated with the dwellinghouse.

Reason:

To ensure the provision and retention of on-site car parking to serve the dwelling in the interests of highway safety in accordance with Policy ENV27-Design of New Developments 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.**



**2015/00360/FUL** Received on 31 March 2015

<http://vogonline.planning-register.co.uk/plarecord.aspx?AppNo=2015/00360/FUL>

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Raymond Brown Minerals & Recycling Ltd A1 Omega Park, Electron Way, Chandlers Ford, Hampshire, SO53 4SE

### **Wimborne Road, Barry**

Facility for the recycling of incinerator bottom ash (IBA) to produce aggregates (IBAA) and the recovery of metals

### **SITE AND CONTEXT**

The proposed site forms part of the wider developed coastal area of Barry Docks, being located directly from Wimborne Road, a private Dock road that marks the north east boundary. Access to Wimborne Road is off the Ffordd-y-Milleniwm junction to the east of the Council's Dock Offices. The site is currently vacant, having been used most recently as a scrap metal processing yard directly from the dock. The site still has a weighbridge, an office cabin and a septic tank from the previous use.



The site has an area of 3.8Ha. It is within an industrial area, although situated outside of the settlement boundary of Barry as defined in the Unitary Development Plan. The site includes a screening bund on the northwest boundary that extends around the south west boundary. A local Site of Nature Conservation Interest lies to the east across Wimborne Road. There are no heritage assets such as Listed Buildings or Conservation Areas near the site.



## DESCRIPTION OF DEVELOPMENT

The application proposes to use the site as an Incinerator Bottom Ash recycling Facility. The site would process Incinerator Bottom Ash (IBA) produced at the Trident Park Energy Recovery Facility (ERF) in Cardiff. The ERF plant will burn 350,000 tonnes of waste a year. This will result in the production of 75,000 tonnes of (IBA) which equates to just over 20% of the burnt waste. The resultant product is Incinerator Bottom Ash Aggregate (IBAA).

This application is proposing to deal with 75,000 tonnes of IBA material. The recycled material is an aggregate type product, comprising aggregate, ceramic, glass and clinker. IBAA is widely used in road construction, for example as a sub base or capping material. The processing also recovers ferrous and non-ferrous metals for reprocessing off site. The total incoming IBA from the ERF will be of the order of 75,000 tonnes per year. During processing with the take up of water through the ageing process this will reduce to an output tonnage of around 67,500 tonnes.

### *The use and process of the Recycling Facility*

75,000 tonnes per annum of IBA will be processed on site to produce approximately 67,500 tonnes of recycled Incinerator Bottom Ash aggregate (IBAA) per annum. The bottom ash is classified as non-hazardous. The IBA will be sourced from the recently constructed and operational Energy from Waste (EFW) facility located at Cardiff Bay.

The principal aim of IBA treatment is to produce a material that has the potential for use as a secondary aggregate material in road construction and to mechanically separate and collect the ferrous and non-ferrous metal fractions for further recycling. The use of treated IBA as a secondary aggregate both reduces the use of quarried aggregates and reduces the amount of waste sent to landfill.

The IBA would be delivered directly from the Trident Park ERF, Cardiff, in covered lorries. The material would be deposited in the IBA reception area to the rear of the site and subsequently stacked in windrows to a height of 6 metres. This allows maximum air exposure to promote the “ageing” or maturation process that initially takes place over a 6-8 week period before recycling of the IBA can take place.

After maturing the IBA would be recycled in a specialist plant in the centre of the site. The plant comprises a series of units to separate and grade the material into saleable products. The individual units are within steel sheeted enclosures to mitigate noise and dust. The external plant comprises several covered conveyors and associated feed hoppers and discharge points. The screening of the material would result in the removal of non ferrous metals and oversize materials as well as separating the material into three grades of fine, small and coarse.

These materials are then sold on to be used as the main for sub base and capping in road construction. The separated metals are stored in open bays ready for forwarding in bulk to specialist metal recycling companies.

The access to the site would be directly from Wimborne Road at the existing access that is to be widened. The existing site office would be retained with lorries using the existing weighbridge. The incoming ash is normally quite damp on arrival as a result of the quenching process at the ERF with a moisture content of 20-25%.

### Buildings and Plant

The plant, buildings and related facilities comprises of

- Retention of the existing two storey site office and weighbridge
- Staff welfare building alongside the existing office (single storey)
- Plant control room
- Storage container
- Retention of Electricity sub station
- Water Tanks
- Fuel Tank
- Metal product Storage bays
- Secure compound for storage and on site mobile plant
- Parking for 12 parked cars
- Parking for motorcycle and push bikes
- Retention of Floodlight tower on southern boundary (may not be used) and the proposed lighting columns

The mobile plant on site typically comprises:

- Two Loading Shovels
- One 360 degree excavator
- One tractor and water bowser for dust suppression

#### Hours of Operation

The plant would normally be operated within the following hours:

0700-1800 Monday to Friday

0700-1300 Saturday

No working on Sundays or recognised public holidays is proposed. Because the IBA is generated from the ERF plant that operates all year round the applicant outlines that there may be an exceptional requirement to deliver on a Sunday or Bank Holiday over the Christmas or Easter Period, but normally material is stockpiled at source and supply caught up on the next normal working day.

#### Access and Highways

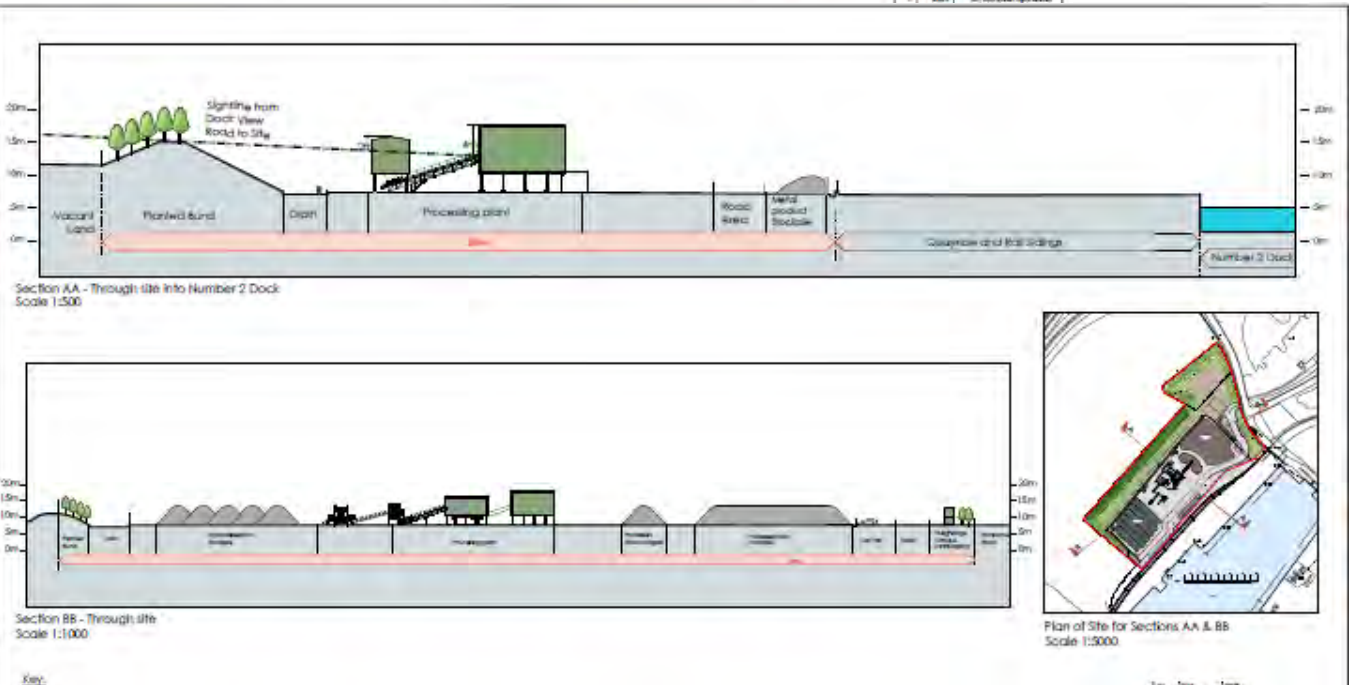
The site has an existing access from Wimborne Road that is a private Docks road. This would be widened slightly to accommodate the HGV traffic. The proposed route is the direct route via the A4055- a distance of 13.5Km. This route will be utilised for the importation of unprocessed ash to the recycling site.

The processed IBAA will access local markets in Barry and Cardiff principally through the use of A4231 and A4050 to Culverhouse Cross, but also the A4155. In addition there would be a small number of other movements, for example relating to the export of recovered metals and staff travel.

#### Employment

The operation would employ eight full time site staff and an additional four drivers. In addition the IBAA operation supports the administrative and managerial functions of the company.

Below are drawings submitted of the layout of the site as well as a cross section of the site and the plant buildings and belts.



It should be noted that an Environmental Impact Assessment has been submitted with the proposal. The EIA addresses matters such as: -

Landscape and Visual Impact Assessment

Ecology

Traffic

Noise

Dust

Odour

Flood Risk and Hydrogeology

Site Selection

Other documents included: -

Planning Statement

An Alternative Site Assessment

Waste Planning Assessment

### PLANNING HISTORY

1995/00170/FUL : No. 29 Coal Hoist Embankment, David Davies Road, No. 2 Dock, Barry - Excavation of materials for re-use under the Barry No. 1 Dock Regeneration Contract (Planning application Nos. 94/00207/FUL and

94/00208/FUL- To infill 2 graving docks of No.1 Dock Barry to provide disposal area for unsuitable waste materials produced by dock regeneration- Approved 19 May 1995.

1991/01099/FUL: Land situated off David Davies Road, Barry Docks- Erection of mobile plant to allow for the on site processing of fossil fuels (coal) – Refused 28 April 1992.

### CONSULTATIONS

**Barry Town Council** was consulted on 15 April 2015. Strong Objection. The Council have outlined that they have concerns that the applicant has not demonstrated that a site closer to the ERF plant cannot be found. They also raise concerns regarding the storage of the ash material in external windrows, traffic congestion and the singular access point.

**Highway Development** were consulted on 15 April 2015. The Highways Authority raise no objection, subject to conditions on tonnage into and out of the site, visibility splays, parking provision, access gates, bound material to be used at the access to the site

**Regulatory Services (Environmental Health)** were consulted on 15 April 2015. No objection to the development subject to relevant conditions regarding noise, odour and dust management schemes being conditioned as part of the consent and the landscaping proposal being implemented.

**The Council's Drainage and Flood Risk Engineer** has raised no objection subject to a condition requiring the approval of a detailed drainage scheme.

**Local Ward Members** were consulted on 15 April 2015. No formal comments have been received in regard to the proposal.

**Dwr Cymru Welsh Water** were consulted on 15 April 2015. No objection to the proposal subject to the developer complying with a standard drainage condition for the foul and surface water drainage of the site

**The Council's Ecology Officer** was consulted on 15 April 2015. "No objection subject to the landscaping proposals being met as part of the proposal. If these matters were to change then the Ecology Department would have to be re-consulted".

**The First Minister** of the Welsh Assembly Government was consulted on 15 April 2015. No comments have been received.

**Natural Resources Wales (NRW)** - were consulted on 15 April 2015. An initial request was made for a Waste Planning Assessment on the application. Following its submission NRW now raise no objection to the proposed use at the site, with respect to the environmental issues (which would be addressed by the Environmental permit), ecology and protected species, and flood risk management.

**Public Health Wales** were consulted on 15<sup>th</sup> April 2015. No comments have been received.

**Associated British Ports** were consulted on 15<sup>th</sup> April 2015. ABP have provided a letter that outlines that they are supportive of the application.

**The Council's Waste Management Section** were consulted on 15 April 2015. They are supportive of the proposal to provide additional waste recycling infrastructure that is in compliance with the Welsh government's Wales Waste Strategy 'Towards Zero Waste One Wales One Planet', Waste Sector Plans and the SE Wales Regional Waste Plan. Subject to obtaining the required permitting controls from the regulation authority Natural Resource Wales it should provide a critical additional piece to the sustainability jigsaw to make Wales a zero waste country by 2050.

**Glamorgan Gwent Archaeological Trust** was consulted on 11 April 2015. No objections are raised to the proposal.

## REPRESENTATIONS

The neighbouring properties were consulted on 15 April 2015.

A site notice was also displayed on 22 April 2015

The application was also advertised in the press on 30 April 2015 and 8 May 2015.

The council has received 38 representations regarding the proposal and the main issues that have been raised relate to the following: -

- Traffic (use of roads by heavy vehicles)
- Air Pollution
- Water Pollution
- Location choice (why in Barry and not in Cardiff near to plant)
- Proximity to residential properties
- Flood risk
- Ecology
- Noise
- Visual impact
- Impact upon the regeneration of the waterfront and selling of properties in this location
- IBA ash is toxic and its proximity to residential houses
- Threat of fire and combustion from the Ash
- Dust
- Cumulative traffic impact (recently approved waterfront developments, existing industrial developments).
- Close to School on Cardiff Road

In addition, there have been representations from ABP (owner of site) supportive of the application as well as M.P. Alun Cairns and A.M. Mr. Andrew RT Davies objecting to the proposed development at this location. These can be found in attached Appendix A.

An example of neighbour objections are attached 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 4 – ADDITIONAL EMPLOYMENT LAND

POLICY 12- MINERALS

POLICY 13 – WASTE MANAGEMENT

POLICY 14 COMMUNITY AND UTILITY FACILITIES



## SPECIFIC POLICIES

ENV6	– EAST VALE COAST
ENV7	– WATER RESOURCES
ENV16	– PROTECTED SPECIES
ENV27	– DESIGN OF NEW DEVELOPMENTS
ENV29	– PROTECTION OF ENVIRONMENTAL QUALITY
EMP1	– LAND FOR EMPLOYMENT USES
EMP2	– NEW BUSINESS AND INDUSTRIAL DEVELOPMENT
EMP3	– GENERAL INDUSTRY
TRAN10	– PARKING
TRAN11	– ROAD FREIGHT
MIN9	– ENVIRONMENTAL CONTROLS (SECONDARY MATERIALS)
WAST1	– PROVISION OF WASTE MANAGEMENT FACILITIES
WAST2	– CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES
WAST3	– DEVELOPMENTS SENSITIVE TO THE ENVIRONMENTAL EFFECTS OF WASTE DISPOSAL

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 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)
- Minerals Technical Advice Note 1: Aggregates

## **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 LDP was submitted to Welsh Government and planning inspection for independent examination on 24 July 2015 with the examination to take place later in 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)
- Minerals Background Paper (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  
WAG Circular 38/89: Landfill sites Development Control

### Issues

#### Background and Context

Project Gwyrdd is a partnership between Caerphilly Council, Cardiff Council, Monmouthshire Council, Newport Council and the Vale of Glamorgan Council. The Project is a regional partnership reflecting a joint need to procure long term residual waste treatment to reduce the amount of biodegradable waste going to landfill, its impact on the environment and to secure long term disposal for residual wastes.

The Trident Park Energy Recovery Facility, located in Cardiff has been recently built and commissioned as part of the above mentioned Project Gwyrdd Partnership. As such, the municipal waste from the Councils identified is directed to the Trident Park facility. The ERF plant will burn 350,000 tonnes of waste a year, which in turn will produce 75,000 tonnes of Bottom Ash (IBA) which is equal to approx. 20% of the burnt waste. As part of the Planning permission granted for the ERF plant in Cardiff, a legal requirement was to provide an IBA recycling facility rather than to dispose of the IBA waste at landfill, otherwise Trident would be in breach of a contract agreement and would be subject to penalties.

The applicant to this application (Raymond Brown Aggregates) is the preferred bidder to process the IBA material coming from the recently approved ERF plant. Accordingly, this application has been submitted in order to gain consent for a approved for the IBA recycling as part of the ERF requirements.

### Issues

The main issues to consider on assessing this application relate to the following: -

- Principle of development
- Proximity Principle and Site Selection
- Environmental Impacts i.e. dust noise, odour and water pollutions considerations
- Visual Impact & Landscaping
- Highway issues
- Ecology issues
- Impact Upon Residential amenity

## Principle of the Development

Although the Vale of Glamorgan UDP is time expired its policies in relation to this proposal are not considered out of date and it remains the statutory development plan for the area. Therefore, this proposal can be considered under policies outlined in the Adopted UDP as well as the Planning Policy Wales and associated TANS.

## National & Regional Policy Context

At a national level, Planning Policy Wales, TAN21- Waste and documents such as 'Towards Zero Waste' and The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012 set out the Governments Waste strategy and approach to reducing the amount of waste being taken to landfill through, recovery, recycling and reuse of the waste.

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.

To this end, the proposal is complying with the general principles of the waste strategy set out in the national documents by recycling 100% of the bottom ash material that would be produced by the ERF plant in Cardiff. In essence, this would recycle a non-hazardous waste material that would otherwise be sent to landfill, but also produce a useable secondary aggregate product that could reduce the need for quarried stock material for both aggregate and cement production.

Towards Zero waste sets out national targets for the re-use, recycling and landfill reduction for industrial waste, outlining that the aims are to achieve 63% by 2015/16, 67% by 2019/20 and 70% by 2024. The Survey of Industrial & Commercial Waste Generated in Wales 2012 sets out that there was approximately 1.2 million tonnes of industrial waste produced in South East Wales in 2012 of which 38% is landfilled (compared to a national level of 27%) with re-use/recycling rates being at 45% (compared to a national level of 50%). Combustion Waste makes up about 34% of the Industrial Waste Stream Nationally with 89% coming from the energy sector.

Based on the national guidance and aims the applicant outlines that the ERF plant in Cardiff post-dates the 2012 statistics and therefore when considering the proposal against the national statistics found in the Survey of Industrial Waste 2012, the IBA has been added if it was generated in that year. Accordingly, in the applicants email provided on 28<sup>th</sup> July 2015, it is shown that when the recycling of the IBA is added to the national statistics, the proportion of recycling rises from 45 to 48% whilst the proportion being sent to landfill reduces from 38 to 35%.

As such, it is clear that the recycling of 100% of the Bottom ash material being produced at the ERF plant for five Local Authorities municipal waste would not only help to meet the national statistics move away from landfill and up the waste hierarchy but would also meet part of the potential market for its sale and use as a secondary aggregate product. As such, it is considered the proposal accords with the general principles found in the above mentioned national documents.

### Site Selection

Whilst, it is considered that recycling the IBA is in accordance with the general principles of reducing waste going to Landfill, another concern with respect to the proposal is its location and the distance of the application site from the existing ERF plant in Cardiff.

TAN 21 para 2.9 sets out the Nearest Appropriate Installation (proximity principle) and states that “*The nearest appropriate installation principle states that waste falling with Article 16, should be disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health.*”. This issue is echoed in the Councils Local Policy WAST2 of the Adopted UDP 1996-2011.

Following consultation with a waste consultant it is understood that Article 16 Waste is ‘mixed municipal waste collected from private households’. It is only this type of waste where the principles of self-sufficiency and proximity apply. As such, the principles would apply to the ‘Viridor Plant’ when considering the acceptability of its location in Cardiff, however, the proximity principle would not apply in the same way to IBA being recycling in the Vale of Glamorgan.

Notwithstanding this, even if the proximity principle did apply in this context, it is considered that it would be difficult to contend the site should not be in the Vale of Glamorgan when the ERF Plant is dealing with waste from the Vale of Glamorgan amongst other Authorities.

Nevertheless, the overarching principle of sustainability and the recycling facility being in an appropriate location is still an issue that is relevant, especially when considering the impacts of the proposed traffic movements from Cardiff to Barry. Accordingly, given that the recycling site is 13.4km from the ERF plant, the Council requested that the applicant provide the Council with a document that sets out their site selection process and any potential alternative sites closer to the ERF plant in the adjoining authority.

The Alternative sites Assessment was submitted outlining the decision making process carried out to determine that the most appropriate site for the proposal. As the site in Barry was approximately 13.4km the ERF plant in Cardiff, the alternative site assessment was narrowed to include sites within that radius in Cardiff and the Vale of Glamorgan.

The following are the relevant criteria which affect whether a site is suitable or viable.

- Proximity to the Cardiff ERF Plant which is the source of the Incinerator Bottom Ash.
- The need to be within the area of the five authorities participating in the Cardiff ERF scheme, including the Vale of Glamorgan.
- Good transport links between the two sites. The ERF plant has only road access, so in practice the requirement is for a good road link.
- A site which is immediately available.
- A site where there would be compliance with local planning policy – e.g. existing or allocated industrial land.
- Distance to any protected ecological areas.
- A site area of 2 – 3 Ha.
- A site separated from residential development or other sensitive developments such as schools and other community facilities.
- Reasonable site development costs.

The IBA Recycling facility will also require an Environmental Permit from National Resources Wales (NRW) and an application has been submitted. The locational requirements for obtaining an Environmental Permit therefore also need to be considered at the planning application stage, in particular the stand-off distances to protected ecological areas.

The Alternative sites assessment can be found attached as Appendix C, however, below is a summary of the assessment and the findings of this document.

A Desk Assessment of Strategic Sites and Primary Employment Land identified in the Draft Local Plans for both Cardiff and the Vale of Glamorgan were carried out since it is within such areas that an alternative site is most likely to be found (due to the distances considered in comparing other site to the application site). Accordingly, the desk assessment along with the constraints of the site and proposal resulted in two available sites being identified within Cardiff and Barry that could accommodate the proposed use.

Detailed consideration was given to an alternative site within Cardiff Docks, but this was not taken forward principally due to the proximity of the Severn Estuary Special Protection Area (SPA).

Accordingly, it is considered that sufficient efforts have been made to consider the most appropriate site for the proposed IBA recycling facility prior to the submission of the formal application and to demonstrate that no more suitable sites exist. Whilst an on-site facility or one within very close proximity to the operational Cardiff ERF plant would always be a preferable option, due to the ecological constraints of the nearest and available site at Cardiff, the proposed use would have ecological barriers that could not be overcome.

Consequently, it was judged that the proposed Barry Docks location is the nearest site that is capable of accommodating the proposed recycling use, while potentially complying with relevant national and local planning policy. In addition, as indicated earlier, it is nevertheless considered that the application site is not significantly far from the ERF plant site and the Vale of Glamorgan municipal waste, as well as other authorities, is being processed at the ERF plant. As such, it is not inappropriate to consider the recycling of processed waste within the partnership authority within the distance involved.

As the report has now addressed the appropriateness of the proposal against National Policy as well as the location in context with the ERF plant, the report now consider the acceptability of the site at a Local Policy level.

#### Local Policy

Fundamentally, it is considered that the proposal processing of the IBA as a recyclable material is in compliance with the strategic objectives of the Adopted UDP 1996-2011.

Strategic Policy 12 outlines that *A sufficient stock of stock, for both aggregate and cement production will be protected to maintain the Vale of Glamorgan's Traditional Share of Regional supplies. In addition, the recycling of secondary aggregates and industrial wastes will be favoured and encouraged to the maximum practicable extent as substitutes for naturally occurring minerals.* (emphasis added), whilst 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 recycling or recovery (including waste conversion to energy); and (iv) waste disposal land fill with minimal environmental impact.

Accordingly, the proposal satisfies both of the strategic policies outlined above by providing a secondary aggregate material and helping to protect the stock of virgin material while it encourages the recycling of a material that would be sent to landfill, in accordance with the hierarchical approach set out above.

At a specific Local Policy level the proposal is located outside the Barry settlement boundary and within the Barry Docks employment allocation EMP1 (3) and lies within the developed coast as identified in the Adopted Vale of Glamorgan Unitary Development Plan 1996-2011. There is no recent planning history on the site; however it is understood that the site was previously used as a scrap yard until June 2013.



In addition to the requirements of Policy EMP2, UDP Policy EMP3 states B2 development (such as this) will be permitted where the proposal is compatible with existing/industrial/warehousing uses. Whilst Policy WAST 1 dictates where waste management facilities should be located. It states proposals will be permitted where they are located on: "Existing waste sites; existing and allocated B2 and B8 employment sites". It is considered that the proposed use, by nature of its character, processes and impacts, falls within use Class B2.

The proposed development would be located on a B2 employment site; furthermore, the previous use of the site was as a scrap yard which is considered under the sub-text of the policy as a waste site. While the use is considered to fall in this use Class B2, it should be noted that even if it were not, the principle of the development would still be acceptable under Policy WAST1, considering the history of land uses and its land use allocation within the plan and as allocated employment site (see Criteria ii of Policy WAST1)..

Consideration has also been given to Policy WAST3 due to the proximity of the site to a historic landfill site located within approximately 250m. According to WAG Circular 38/89 it states "Planning permission for development in or in close proximity to current or former waste disposal sites will be subject to an assessment of the existence of migrating gas." WAST3 only permits proposals if reliable arrangements are made to overcome any danger of migrating gas.

The applicant was made aware of this issue and has indicated that they do not consider this is a matter of concern by indicating that they are not physically changing the existing site significantly. The previous occupier was dealing with scrap and laid down a sealed slab with membrane, which has been in place for approximately 10 years. It is outlined that the planning application does not propose increasing the sealed site area.

Notwithstanding the applicants comments, the Council's Environmental Health Section have been consulted in this regard and it was outlined that this matter could be addressed by an appropriately worded condition outlining that no development may take place until an assessment for the existence of migrating gas has been submitted to the Council showing that there would be no issue in this regard. A relevant condition is recommended to ensure this is the case.

As such, while the principle of the site use is considered acceptable at the Barry docks location, the proposal will also need to be assessed under the detailed criteria of Policy WAST2. Below the report will consider highway safety and congestion, ecology, Flooding and surface run off, visual impact and neighbouring amenity (by virtue of noise, odours, dust and traffic) and other matters. However in principle, it is considered that the development would comply with the above listed policies.

### Highway Safety & Congestion

Policy TRAN 11 sets out criteria to reduce the unacceptable environmental effects of heavy goods vehicles, restricting developments which would have an unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion or parking problems. The application outlines that it will use the main distributor roads as these are most capable of accommodating HGV movements.

The proposed main route for HGV is approximately 13.5km long and uses the main roads to and from Cardiff and Barry with the trip taking around 25 minutes. There is also an alternative route via Culverhouse Cross which is longer at approximately 23.5km and takes around 40 minutes. Both routes use main distributor roads and according to the report submitted by the applicant the impact of the 14 (approx.) HGV movements to and from the site will not be significant. There would also not be significant numbers of vehicle movements at peak hours.

The application outlines that parking will be provided within the site for 15 No. cars, for the use of visitors and staff alongside an operational area that will provide parking for HGV's. Access will be provided from Wimborne Road via an existing vehicle crossover along the adjacent carrageway. There will be a total of 12 No. staff employed at the site at any one time.

A Transport Assessment (TA) was submitted, which has considered the likely traffic generation. The assessment outlines that there would be HGV trips (IBA and IBAA) in total (i.e. is arriving and is leaving) and 18 (total) trips undertaken by staff each day.

The TA has assessed the likely impact of additional trips along the highway network based on two routes to the site from the A4232; along Cardiff Road via Dinas Powys and along Port Road, via Wenvoe and the Barry Docks Link Road.

The assessment has identified an overall daily increase of 20% in HGV movements along Cardiff Road, adjacent to the site (0.7% increase in total traffic) and an 8.3% increase through Dinas Powys (0.2% increase in total traffic). Alternatively, along the Barry Docks Link Road an increase of 8.6% HGV movements (0.4% increase in total traffic) has been identified with an increase of 5.8% HGV movements (0.2% increase in total traffic) along Port Road via Wenvoe.

In addition, on request by the Highways Officer, the applicant submitted an assessment of road traffic accidents along Cardiff Road, through Barry and Dinas Powys for a five year period. Whilst the assessment did identify a number of accidents along this road it was noted that none of the accidents involved HGV's and there is no evidence to suggest that the highway is not suitable to accommodate the proposed development traffic.

Having considered the Traffic Assessment and traffic accidents submission, the Highways Authority have outlined that based on the low increase in vehicle trips (HGV's and staff) the development would not have a material impact along the highway network.

Accordingly, subject to a number of conditions regarding the parking, access, visibility at the site the Highways Authority do not object to the proposal and it is considered that the proposal complies with the relevant Policies of TRAN10 and TRAN11 of the Adopted UDP 1996-2011 and the highways related criteria of Policy WAST2.

### Ecology issues

The Ecology survey submitted with the application indicates the majority of the site is hardstanding as the site is a vacant industrial land. The only semi natural vegetation is the bund on the north and north west boundary of the site and there are no protected or priority habitats and species likely to be on site. Therefore the ecological significance of the site is considered to be low.

The development will not impact upon the areas of semi natural vegetation on the bunded area but also enhance the bunded area and the amount of vegetation and landscaping around the site. The ecology survey indicates that the impact on the site would be negligible and there is not considered to be greater effect on adjacent land including Cadoxton Wetlands SNCI on the grounds of direct impact, dust, disturbance and hydrology. The Severn Estuary (Wales) Ramsar SPA site is 3.6km from the application and no impact is considered likely and no assessment is required under the Conservation of Habitats and Species Regulations 2010.

The Council's Ecology Officer was consulted and outlined that the site lies very close to Cadoxton Wetlands Site of Importance for Nature Conservation (SINC) which supports rare and priority species of birds such as Cetti Warbler and Bittern. In order to protect this site, the Councils Ecology Officer supports the proposed screen planting on the eastern boundary of the application site.

National Resource Wales were also consulted but had no adverse comments to make with regard to the proposal.

Accordingly, the Council has no concerns with respect to Ecology issues on or within close proximity of the site and no objection is made against the proposal. As such, the proposal is considered to be acceptable under the relevant criteria set out in WAST1 and WAST2 of the Adopted Unitary Development Plan 1996-2011, subject to a condition requiring the landscaping details to be implemented and maintained at the site. It would also comply with Policy ENV16.

### Flooding and Drainage Issues

The site lies entirely within Zone A, as defined by the Development Advice Maps (DAM) referred to by TAN 15 Flood Risk (July 2004) A detailed assessment of the existing hydrology and flood risk has been submitted as part of the application. The assessment indicates flood risk at the site is low and the groundwater flood water appears negligible due to the low permeability of the underlying clay.

The submissions by the applicant determine that an increase in flooding is not likely given the existing hard surface of the site will not increase, however, the proposed increased of the bund may cause elevated run off rates due to the increase gradient of the land.

National Resource Wales has outlined that they have no objection to the proposal and note that 'the justification test is not applicable and surface water requirements apply'. The acceptability criteria is for no increase in flooding elsewhere to occur as a result of the development.

Nevertheless, provided in the ES is a surface water management scheme, which proposes to separate run off water from the stockpiled area and the bund area by means of a impermeable sealed wall and the storage of storm waters in 4 tanks. This should ensure that the surface water from the IBA area can be adequately put back into the local sewer with Welsh Water consent while the surface water from the northern part of the site can go back into the dock. It is outlined that the conceptual surface water mitigation scheme would result in the site having a net reduction in surface water from the site and no environmental impact in regard to the processing and storage of the IBA material.

The Council's drainage engineers have considered the proposed surface water management scheme, outlining that they had no objections to the proposals subject to a condition requiring finalised details of discharge rates, flood depths and details of the impermeable wall, along with a full drainage plan for surface water disposal.

The surface water mitigation scheme outlined in the ES is conceptual and Welsh Water have not objected, they have asked for a condition requiring the appropriate scheme for foul and surface water drainage matters to be submitted. It is considered that an appropriate worded condition on drainage and surface water management would be acceptable.

#### *Visual Impact assessment and Landscaping*

The application site is located to the midpoint location on Wimbourne Road and adjoins Ffordd y Milleniwm. As a result of the existing bund and planting, the site is partially visible from the junction along Ffordd y Milleniwm while clearer views would be available on higher ground (Dock View Road etc.) to the north, and at a distance from Barry Island and the Waterfront as well as generally from the Docks along Wimborne Road. 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 and outlines that the proposed IBA development would be located within a vacant dockside site that has previously been utilised for the recycling and exportation of scrap metals. The site is within an industrialised dockland setting exhibiting a variety of land uses and diversity of form and texture. There are no national or local landscape designations pertaining to the site or the surrounding study area and the proposed development will not involve the loss or degradation of any valued landscape / townscape features. The industrial character of the local area will generally remain unaffected.

By means of the LANDMAP, the visual impact assessment determined that the site and surrounding area has a **low** sensitivity to change, although the docks are regarded as having a moderate sensitivity in respect of their historic and cultural associations with the growth and industrialisation of Barry in the late 19th and early 20<sup>th</sup> centuries. Notwithstanding this, the magnitude of landscape change brought about by the recycling development is considered to be insignificant with the resultant landscape impact being negligible or minor. Also given the nature of the surrounding industrial area, and the former use of the site, there will be no perception of a cumulative landscape impact. Moreover, some moderate beneficial effects in respect of landscape and biodiversity enhancement will be brought about by the proposed extension of the north western screening bund and the additional tree and shrub planting on the bund and along the Wimborne Road boundary. Photographs of the site and photomontages have been provided as a visual aid with this assessment and can be found in the appendix of the ES.



View with Proposed Plant Buildings



View with Additional Planting (Matured)

- Wimborne Road  
recycling Facility  
montage Sheet 1b

View from Dock View Road looking south east towards  
the site and Number 2 Dock. Enlarged Image extracts  
showing proposed mitigation.

RECEIVED

31 MAR 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION





Scheme in place with proposed Bund



Scheme in place with proposed planting added to Bund

y - Wimborne Road  
Recycling Facility  
omontage Sheet 2b

View from Victoria Park looking south west towards the site and Number 2 Dock. Enlarged Image extracts showing proposed mitigation.

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ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION



Having considered the visual assessment of the site and the area, it is considered that there is no reason of substance to object to the proposal with respect to visual amenity. The site will be used in an industrial manner, which is befitting of the character and history of the docks location. In addition, the existing bund and landscaping to the north and the west of the application site will limit views to a distance, most notably from higher locations along Dock view Road and from areas on Barry Island. In the context of the distant views, the proposed buildings will be mitigated further by additional screening, which will reduce the views of the buildings from Docks View Road locations to only partial views of the top 1 to 2m of the industrial buildings within an industrial context.

A landscaping condition requiring the details submitted to be implemented and retained will be imposed upon any consent in order to mitigate the visual harm.

For those reasons outlined above, it is considered that the physical impact of the use and buildings would neither appear out of character nor unacceptably impact upon the landscape to the extent that it would cause demonstrable harm to the visual 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 Policy WAST2, ENV27, COMM8, EMP2 and EMP3.

### Impact upon Residential Amenity (noise, dust and odour)

Policy ENV29, Protection of Environmental Quality, is also relevant in considering this proposal. The policy does not permit development proposals if it would be liable to have an unacceptable effect on either people's health and safety or the environment and lists a number of relevant considerations in relation to pollutants, smoke, fumes, gases, dust, smell, noise, vibration or other emissions. Some of these matters by way of residential amenity impact are also raised in Policies WAST2 and EMP2, as well as ENV27.

The application was submitted with a full EIA, a Waste Planning Assessment, Noise Assessment, Odour Assessment and Dust Assessment. Consultations with the Council's Environmental Health department and NRW have assisted in considering these issues.

Members should be made aware that NRW have now granted a standard environmental permit for the treatment of incinerator bottom ash (IBA) at this site.

### Noise Pollution

A noise survey was carried out by Barnhawk Acoustics and provided with the EIA statement. The survey had consideration of the noise impacts of the proposal on the nearest residential occupiers at Dock View Road (approx.250 to 300m away) by virtue of the noise created by the proposed use, the activity in the open yard area and the traffic to and from the proposed site on Wimborne Road. It also took into consideration the existing and proposed bunding around the site.

The noise assessment has been carried out in accordance with British Standard 4142:2014 *Methods for rating and assessing industrial and commercial sound*, (BS4142) as advised by Technical Advice Note (Wales) 11 Noise, (TAN11). Utilisation of BS4142 in relation to this application, is recognised best practice, including the taking of noise measurements of comparable plant on an equivalent site, in such an situation as this, as in the proposed plant is not in-situ.

The assessment predicts that the noise levels on Dock View Road are below the likely threshold level for adverse impact and then goes onto further to conclude that there would be no adverse noise impact in the community associated with the proposed IBA recycling facility.

To ensure that the predicted noise levels are met the applicant proposes to adopt a Noise Management Scheme *including*

- **Distance:** Because the closest dwellings are situated in excess of 325m from the Application Site, the residual noise impact of the proposed development, in the presence of the existing high background noise levels in the residential areas, will be minimal.
- **Plant Enclosure in building structures:** Since the active screening and other plant will be enclosed within building structures, the intrinsic noise attenuation associated with the building cladding and roof design will ensure that the noise contribution radiated to the outside will be mitigated.

- **Acoustic bund:** the existing bund situated on the north western boundary of the Application Site will be retained and partially extended, thus mitigating the potential for noise impact associated with the on-site outdoor activities of plant and HGV movements.
- **Mobile Plant:** Loading shovels etc. will be fitted with 'white noise' reversing beepers to eliminate tonal/impulsive noise impact.
- All plant and equipment will be maintained to manufacturer's specifications to ensure optimum noise performance.

In addition, the prevailing wind direction in the local area is strongly from the W/WSW direction, thus ensuring that, for the vast majority of the time, at the closest dwellings in Dock View Road, the noise level contribution associated with the proposed development will be further mitigated.

A condition is recommended to ensure the developer meets the noise mitigation strategy as set out in Chapter 5 Para 7 of the Environmental statement, which sets out the above mentioned management scheme. A condition will also be included to review this scheme within six months of the plant being operational.

#### Dust Assessment

The Dust Assessment set out within the ES considers both fine particulate matter (dust) and nitrogen dioxide associated with HGV exhausts.

The Dust Risk Assessment noting wind direction, wind speed and the distance of the nearest residential receptors, (250 metres away), states that the impact of the facility in its totality would be negligible. It also concludes that there is a 'near zero' risk of dust impacts due to dust generated on site.

Although there is a high potential for dust emissions from various stages of IBA processing, the plant will be enclosed and have fixed dust suppression and control facilities, such as enclosed transfer points, sealed screening units, covered conveyors shields and water sprays at strategic points. There will also be a purpose-built dust suppression system on the site boundary, to include rain guns strategically placed to enable spraying of the IBA and IBAA stockpiles as required.

The EHO outlines that *uncovered or outdoor storage of material should be avoided where possible and practical to do so* (Environment Agency (EA) document Doc No 384\_12 *Storing and treating incinerator bottom ash*). Nevertheless the regulatory/permitting authority, in this case Natural Resources Wales (NRW) also recognise that *where very large quantities of IBA are involved (i.e. stockpiles of IBA held during the ageing process) open storage may be justified, which can allow for improved ash ventilation and handling*. (Doc No 384\_12 pg.5). Accordingly, as outdoor storage of both IBA and IBAA is to take place it is acknowledged that a Dust Management Control Scheme (DMCS), submitted as part of the ES statement must be in place and will be adopted.



The Environmental Health Officers agrees that the DMCS can be made a requirement through a condition, with particular attention being given to those activities with the highest potential for dust emissions, namely the handling of the conditioned material (breaking out from windrows), during processing (size reduction, screening and separation) and loading processed IBAA for transport.

The proposed DMCS is to be found at Appendix 1 of the Dust Assessment and details a range of practical dust mitigation measures that will be employed and the responsibility of the Site Manager who will have day to day responsibility for monitoring dust and responding to any issues. The particular measures include:

- Minimising drop heights
- Limiting vehicle speeds
- Spraying stored material with water if necessary
- Use of covered conveyors
- Keeping operational areas of the yard area swept clean, particularly haul routes.
- Sheeting of lorries
- Monitoring of weather conditions and site operations

It is also acknowledged, by the operator, that if dust complaints are received that they shall be investigated by the site manager, with the Vale of Glamorgan Council (VGC) and NRW being informed within 2 working days that a complaint is received, and that the VGC and NRW will be kept informed of the results of any subsequent investigation.

Accordingly it is considered that the impact of the development by virtue of the dust impact would be minimal and any issues regarding the dust on the site can be mitigated through the measures set out in the Dust Management Scheme set out in Appendix 1 of the ES. An appropriate worded condition is included to ensure these measures are put in place as part of the use at the site.

### Odour Assessment

As part of the ES, the applicants have also undertaken an Odour Assessment for the proposed IBAA facility at Barry. It is understood from the statements submitted with the application and with the benefit of a site visit at an existing site operated by the applicant that odour can arise from the windrows of the unprocessed IBA, which will normally produce a salty odour or a wet cement type of smell.

It is acknowledged that any odour assessment is subjective, however, it has been outlined that when considering the site location and the distances from the nearest residential properties as well as topography and wind direction, an the effect on residential development by way of odour is unlikely. The design of the facility includes the housing of the recycling plant that will significantly mitigate both dust and odour. An odour Management Plan has been prepared and is included at Appendix 1 of the Odour Assessment. The aim of the OMP is to set of a number of straightforward measures to mitigate odours. These include:

- Sheeting lorries.
- Adoption of strict material acceptance criteria to prevent the delivery of unsuitable loads.
- Attention to weather conditions when handling raw IBA.
- Dampening of IBA/IBAA stockpiles

Environmental Health were consulted and outlined that as water sprays will already be in place to mitigate dust issues this matter is already covered and the system installed shall be sufficient to mitigate both odour and dust emissions. She goes on to state that regardless of the engineering and management controls proposed in the Odour Assessment the provision, and any necessary review after commencing operations, an Odour Management Plan (OMP) should be made a planning requirement through a planning condition.

Accordingly, on the basis of the information provided the proposal is considered acceptable in respect to odour issues, subject to conditions regarding a management plan, complying with the requirements of Policy WAST2 of the Adopted UDP 1996-2011.

#### Hours of Operation

The application outlines that the operating hours of the proposed plant will normally operate within the following hours;

Monday to Friday                    0700-1800

Saturday                                0700-1300

No working on Sundays or recognised public holidays.

As the ERF plant at Cardiff operates all year round, there may be exceptional circumstances where the site needs to operate during this seasonal period but normally the ash will be stockpiled and work will be caught up on the next working day.

Accordingly, in view of the above, a condition will be attached to limit the hours of operation as mentioned above. The condition will be worded, however, to ensure that on exceptional circumstance, the operators of the site can make the LPA aware of any changes to the operational hours prior to opening on these exceptional circumstances. It is considered that these hours would not give rise to unacceptable impacts on residential amenity.

#### **Other matters**

##### After treatment and future use of the site

It is considered that there are no issues with regard to the after treatment of the site and the future use of the site. The proposed works should improve the sites surface water drainage and landscaping, whilst the plant machinery as well as belts and buildings do not require permanent foundations to be constructed.

The site forms part of existing employment land as part of the Barry Docks estate and is allocated the employment use. Therefore if and when the IBA recycling use ends it will become available for another industrial use - as the present proposal will replace the former scrapyards on the site.

The company indicate that they would vacate the site in accordance with the requirements of the lease agreement with the landowner, ABP. This will require that the fixed site infrastructure including hard surfacing and bunding, site access, existing offices, sub station etc. would be retained by the landowner. This could be of benefit to any future users. The IBA recycling plant and all associated stockpiles would be removed to leave a vacant site.

Accordingly, upon cessation of the use, any plant and building machinery could be easily removed and the site could be compatible with other employment uses at the docks. As a result of the existing use of the land it is not considered relevant to impose a restoration condition for the site. Accordingly, it is considered that in this regard the proposal complies with the requirements of criterion (vii) of Policy WAST2 of the Adopted Unitary Development Plan 1996-2011,

### Lighting

It has been outlined that during operating hours the plant will have to be illuminated during the winter periods. A lighting plan has been submitted with the scheme that illustrates lighting columns no. 10 will be located within the plant, one existing and 9 proposed at approx. 8 metres high. It also demonstrates that 7 lights will be located on the buildings. The plan shows that three columns will face dock view road, but these are the lights furthest from the properties, all other lighting columns and those located on the building will face the dock or into the site.

It is considered that the lighting scheme is acceptable, especially given the distance from the residential properties (approx. 250m), the direction of the lighting shown on the plan and the partial use of the lights over the darker winter months., complying with requirements set out in Policy WAST2 of the Adopted Unitary Development Plan 1996-2011.

A condition is recommended to request further details of the columns, the lighting and illuminations prior to their use in the development.

### Archaeological

It is also noted that Glamorgan Gwent Archaeological Trust has advised that while the area could have archaeological evidence, the proposals should not disturb the land to a point where any archaeological features will be effected. As such, there is no objection on the basis.

## Employment

The applicants advise that the installation of the plant will result in the generation of a minimum of 12 local jobs based at the site, while other linked benefits in the supply / delivery chain. The applicant will look to employ local staff and provide training support through local colleges. The company also supports educational programmes at its other sites and via the Viridor Waste Management company based in Cardiff.

Although this is not a considerable employment generating use 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.

## Market & Sales of IBA

Issues regarding the sales and level of storage have been raised with regard to the proposal, especially as the contract with the ERF will mean that 67,500 tonnes of material will be supplied by the plant each year, whether it is sold or not.

The applicant has provided information indicating that IBAA is now well established as a construction material in England with over 10 million tonnes being used over the past 15 years. There is estimated to be 10 plants operating, producing approximately one million tonnes per year for use in construction.

The Contract Green arrangements with Trident Park do not allow for IBAA to be land-filled without incurring significant penalties and being in default of contract. The applicant has established a marketing arrangement with a reputable local aggregates supplier who is familiar with the market area and has a good customer base. They report a growing demand for recycled aggregates in the area.

The IBAA is often supplied to larger projects which require sufficient stock holding before they commit to orders. The proposed site layout provides sufficient stocking area to take approximately 60,000 tonnes of processed and unprocessed. This equates to just under one year of import of IBA from the ERF.

This is a similar scale to what they have experience of at their Hampshire plant, while in Oxfordshire due to the very limited space on the IBAA processing area an additional IBAA storage was created. They are now over twelve months into processing and have not used the storage area.

In the event that the marketing partner to the applicant cannot find sufficient markets then the applicant will take action, before matters become critical, to address the situation by finding alternative supply outlets or moving stock back to their other sites.

## 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 Strategic Policies 12 and 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, and the advice within Planning Policy Wales 7 Edition, and Technical Advice Notes 11, 12, 15, 18, 21, 23 and minerals Technical Advice Note 1, 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 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 registered on 31 March 2015 other than the amended Design & Access Statement submitted on 30 April 2015 and the additional documents 'Alternative Sites Assessment' received on 1 June 2015, the ' the additional highways matters document and plans ref B23/RBR/07 Rev C and Drw. No. 004 and 005 (swept path analysis within site) received on 11 June 2015 and the signposted ' Waste Planning Assessment' document received on 9 July 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 their use in the construction of the development hereby approved, sample details of the proposed green colour to be used on the buildings, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

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

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

Reason:

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

5. 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. Any lighting shall only be implemented in accordance with such approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

6. 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 without the appropriate consent.

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.

7. Prior to the beneficial use of the site, details of the proposed septic tank to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure appropriate drainage of the domestic foul sewerage from the site and to ensure compliance with Policy WAST2 of the Unitary Development Plan.

8. Notwithstanding the submitted details, no development shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. The surface water scheme must provide finalised details of discharge rates, flood depths and details of the impermeable wall, along with a full drainage plan for surface water disposal.

Reason:

To prevent hydraulic overloading of the public sewerage system and to ensure no pollution or to the detriment to the environment, in compliance with Policy WAST2 of the adopted UDP 1996-2011

9. The development hereby permitted shall not be brought into beneficial use until the surface water management scheme for the site has been completed in accordance with the approved details, to be agreed in discharge of Condition 8. The surface water management scheme shall be managed and maintained thereafter in accordance with the agreed details.

Reason:

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

10. The landscaping scheme shall be carried out in accordance with the details indicated on draw ref B23/RBR/22 unless otherwise agreed in writing by the Local Planning Authority.

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 (referred to in Condition 10), 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. The IBA and IBAA shall only be stockpiled in the areas indicated on the approved site layout plan ref B23/RBR/14 and external stockpiles of any material on site shall not exceed 6m in height.

Reason

In the interests of visual amenity and to comply with Policies WAST2 and ENV27 of the Adopted UDP 1996-2011.

13. There shall be no more than 75,000 tonnes of incinerator bottom ash waste shall be delivered to the site per calendar year. A written record of all tonnage entering the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Local Planning Authority for inspection upon request within 14 days of the request being made.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and WAT2 of the Unitary Development Plan.

14. Deliveries to the site, and all other operations, shall be restricted to the following hours: - Monday to Friday : 07:00 - 18:00; and Saturday 07:00 - 13:00 and no working on Sundays or recognised Bank Holidays, unless any variation is first agreed to in writing by the Local Planning Authority.

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.



15. The development shall be carried out in accordance with the details outlined in the Noise Mitigation Scheme in (Chapter 5, Section 7 of the Environmental Statement received on 31 March 2015). The control and mitigation measures set out in the assessment shall be carried out in conjunction with the approved use and maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect residential amenity in accordance with the criteria of Policy WAST2 of the Unitary Development Plan.

16. The development shall be carried out in accordance with the details outlined in the IBA and IBAA Dust emission assessment and control scheme outlined in Chapter 6, Appendix 1 of the Environmental Statement received on 31 March 2015. The control and mitigation measures set out in the assessment shall be carried out in conjunction with the approved use and maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect residential amenity in accordance with the criteria of Policy WAST2 of the Unitary Development Plan.

17. The development shall be carried out in accordance with the details and review outlined in the Odour Management Plan outlined in Chapter 7, Appendix 1 of the Environmental Statement received on 31 March 2015. The control and mitigation measures set out in the management plan shall be carried out in conjunction with the approved use and maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect residential amenity in accordance with the criteria of Policy WAST2 of the Unitary Development Plan.

18. Prior to the beneficial use of the development, details of a water based suppression system to control dust and odour from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times be carried out in accordance with the approved details

Reason:

To control the environmental impacts of the proposed development on residential amenity in accordance with the Policy WAST2 of the Unitary Development Plan.

19. The development shall strictly accord with the two routes (A & B) identified within the Transport assessment (Chapter 8 of the ES) for the movement of the IBA from the ERF plant in Cardiff to the application site at Barry Docks unless otherwise agreed by the Local Planning Authority.

Reason

In the interests of Highway Safety and congestion, according with Policies TRAN10 and TRAN11 of the Unitary Development Plan.

20. The access and visibility splays (4.5m x 48m ), in accordance with the parking and access details ref FIG 3 and B23/RBR/09 Rev C received on 31 March 2015 and shall at all times be maintained and shall be constructed from a bound material for a minimum distance of 20.0m from the carriageway boundary. The development shall 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, COMM8 of the Unitary Development Plan.

21. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details outlined on draw B23/RBR/09 Rev C and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

22. Prior to the commencement of development, a site assessment shall be carried out which provides details of the levels of any migrating gas from the nearby landfill site, an assessment of the implications of any migrating gas for the development, measures to be put in place to ensure the safe operation of the development in such conditions and details of proposed monitoring of migrating gas through the operational lifetime of the development (and measures to be put in place if gas levels are found to rise during subsequent monitoring). The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall at all times be carried out in accordance with the approved details.

Reason:

To ensure compliance with the requirements of Policy WAST3 of the Unitary Development Plan.

23. Details of secure parking on site for six 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.

**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.**

**2015/00549/FUL** Received on 15 May 2015

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

## **Former Leisure Complex, Beach Road, Swanbridge, Sully**

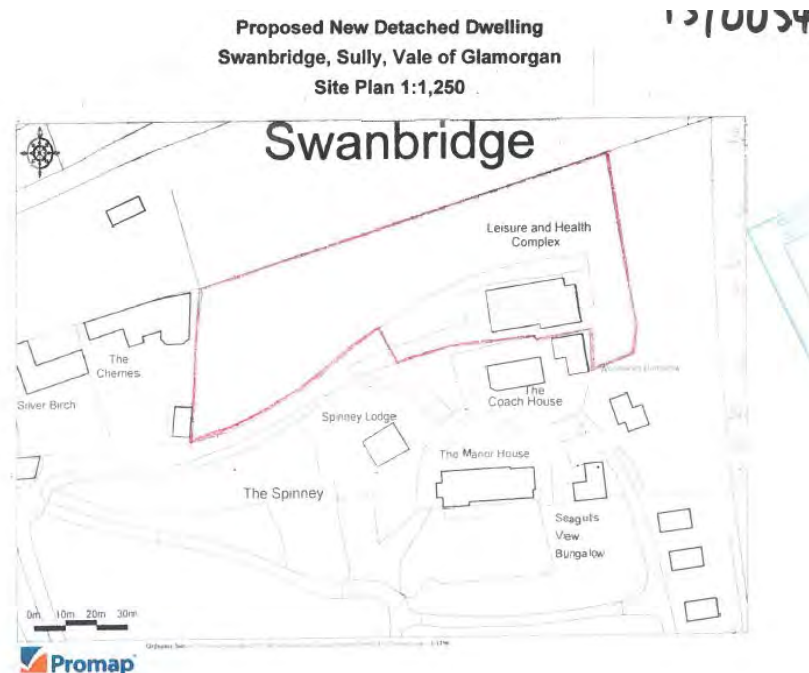
Proposed new detached dwelling

### **SITE AND CONTEXT**

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

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

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



### **DESCRIPTION OF DEVELOPMENT**

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

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



## PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

### CONSULTATIONS

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

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

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

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

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

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

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

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

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

### REPRESENTATIONS

The neighbouring properties were consulted on 30 May 2015.

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

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

## REPORT

### 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:*

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

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

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

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

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

### **Planning Policy Wales:**

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

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

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

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

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

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

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



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

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

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

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

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

### **Technical Advice Notes:**

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

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

### **Supplementary Planning Guidance:**

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

- Sustainable Development
- Amenity Standards
- Trees and Development

### **The Local Development Plan:**

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

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

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

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

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

### Issues

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

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

These matters will be addressed below:

#### *Use of the site and Planning History*

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

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

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

### Principle of residential development

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

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

Policy HOUS3 relates more specifically to the erection of new dwellings in the countryside and states *‘subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry’*. The supporting text to the policy adds additional weight to this noting that *“the many groups of scattered and loose knit buildings in the Rural Vale cannot be regarded as settlements under the terms of Policy HOUS2. These are little more than pockets of dwellings and farmsteads lying in isolation in the countryside. Additional dwellings would be inappropriate in these locations unless justified in the interests of agriculture or forestry”*. The policy also notes that the *‘undeveloped and attractive appearance’* of the countryside should be protected and that new housing outside villages and towns often creates unacceptable intrusions into the rural landscape and often create unacceptable burdens on local services.

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

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

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

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

Notwithstanding the findings above, the guidance in paragraph 9.2.22 of Planning Policy Wales (edition 7) (PPW) is noted. It states that *'in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive infilling of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.'* Furthermore, paragraph 9.3.1 of PPW requires that new housing should be well integrated with and connected to the existing pattern of settlements, with the expansion of towns and villages avoiding the creation of ribbon development, the coalescence of settlements or a fragmented development pattern.

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

Accordingly, the development is not considered to represent a logical infill plot within a group of dwellings, or a minor extension to that group and, as such, the proposal is considered to be at odds with the above-mentioned provisions of PPW.

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

### Sustainability

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

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

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

Also paragraph 4.7.4 states that '*Local Planning Authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car.*'

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

### Previously Developed Land

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

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

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

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

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

### Design and scale of the proposed dwelling and its impact

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

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

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

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

Policies HOUS8, HOUS11, ENV6, ENV10 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as Planning Policy Wales and TAN12 requires that proposals for new development are of a high standard of design, and have full regard to the context of the local natural and built environment. It is considered that the proposal would result in a large detached dwelling that is of a scale, form and character that fails to have regard to the context and would appear as an unsympathetic and inappropriately designed form of development within the undeveloped east vale coastal location.

### Impact upon adjoining neighbours

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

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

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

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

### Highway and Parking

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

### Impact upon trees

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

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

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

## CONCLUSION

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

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

## RECOMMENDATION

### REFUSE (W.R.)

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

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

2. The proposed three storey dwelling by reason of its scale, height and siting would represent an unacceptable form of development that has no regard to its context or the wider visual amenities of the surrounding character and appearance of the undeveloped East Vale Coastal location. As such it is contrary to Policies ENV27 - Design of New Developments, HOUS8 - Residential Development and ENV6 - East Vale Coast Criteria of the Unitary Development Plan and adopted Supplementary Planning Guidance 'Amenity Standards'.
3. By virtue of its isolated position outside of any defined settlement boundary and absence of comprehensive pedestrian/alternative modal links to the nearest settlement, the site is considered to be in an unsustainable and unsuitable location where the new dwelling would be remote from day to day amenities/services and occupiers would be over-reliant on the private car. The proposal is consequently contrary to strategic Policies 2 and 8, and Policy ENV27 - Design of New Developments of the Vale of Glamorgan Unitary Development Plan (1996-2011) and the national policies regarding sustainable development contained within Planning Policy Wales (Edition 7, 2014).
4. The proposed development would be in close proximity to trees covered by Tree Preservation Orders and it has not been adequately demonstrated that the health of these trees would not be compromised by the proposed development, which would in turn unacceptably impact upon the amenity of the wider area. The proposal is therefore contrary ENV11 - Protection of Landscape Features and ENV27 – Design of New Development of the Development Plan and the guidance contained within Planning Policy Wales (edition 7 2014) and TAN 10 Tree Preservation Orders (1997).

**2015/00632/FUL** Received on 1 June 2015

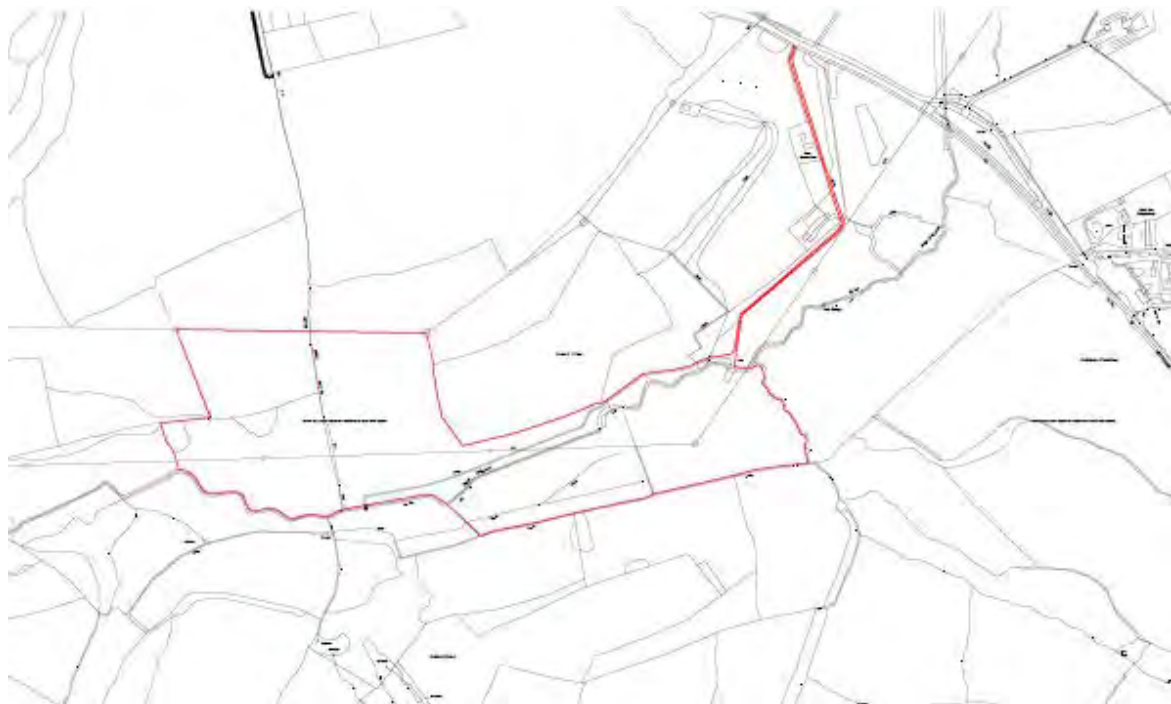
KS SPV27 Ltd., C/O Agent.  
Laurence Associates, Lander House, May Court, Threemilestone Business Park,  
Truro, Cornwall., TR4 9LD

### **Cwm Derwyn Farm, Weycock Road, Barry**

Construction of solar photovoltaic park with attendant infrastructure

#### **SITE AND CONTEXT**

The application site is land at Cwm Derwyn Farm, Barry, and is shown on the plan below:



The site measures approximately 11.5 hectares in size and would be accessed via an existing track and gated entrance from the A4226 (Weycock Road). The site lies adjacent to Barry Woodland SSSI and within the Nant Llancarfan Special Landscape Area. Part of the site also lies within the C2 flood zone.

With respect to topography, the site falls towards the south-west corner of the site. The elevation of the western section generally falls from 40.0m AOD to 16.5m AOD from the northern boundary to the south west corner. The gradient of this section is steep at approximately 1:10. The elevation of the eastern section generally falls from east to west with elevations of 20.0m AOD to 17.0m AOD respectively. The gradient of this eastern section is less steep at a maximum gradient of 1 in 55. The field boundaries within the site are primarily marked by stock fencing and overgrown hedgerows.

## DESCRIPTION OF DEVELOPMENT

The application proposes a solar farm with associated infrastructure. It involves the erection of strings of photovoltaic panels in modules on a west to east axis, facing due south. In addition, a series of 5 inverter stations and a centre station comprising of a transformer cabinet, a switch gear cabinet and a DNO building are proposed to convert the electricity generated prior to being fed to the national grid. The development incorporates the following elements:

- Solar PV panels mounted on a steel frame with a pile driven foundation; (Approximate height range is between 1.9 - 2.3m depending on the slope angle of the site).
- A centre station would be located close to the western boundary which will comprise of the following components located on a 0.6m concrete foundation. A transformer 2.85m high x 1.5m x 1.5m, a switch gear 2.85m high x 4.13m x 2.5m and a DNO cabinet with an overall size of 4.88m high x 6.68m x 5.33m .
- Security fencing will comprise of 2.10m deer type stock proof fencing with wooden poles at 6m spacing's.
- All-weather access route and circulation route for maintenance works; surface to be installed with loose aggregate, these will be allowed to naturally grass over.
- 5 Inverter stations are proposed, that would be positioned on 0.4m high concrete foundations. The dimensions are approximately 6.90m x 2.50m x 2.90m high with a below ground section of 0.40m. 2 of the inverter stations are located in the south-eastern part of the site, 1 is located right beside the centre station in the northern part of the site and 2 are located along the access track in the northern part of the site.
- 24 CCTV cameras would be located around the boundary of the site. These are positioned to look inwards into the site. The overall height of the CCTV cameras is between 2.7m and 3.0m depending on topography.



The plan below shows the layout of the panels:



### PLANNING HISTORY

2015/00365/SC1 : Derwen Farm, Llancarfan - Screening for Photovoltaic Park - Environmental Impact Assessment (Screening) - Not Required

### CONSULTATIONS

**Wenvoe Community Council-** No objection

**Highway Development-** No objection subject to conditions relating to issues including wheel washing, signage, highway condition surveys and vision splays.

**Public Rights of Way Officer-** No objection.

**The Council's Drainage and Flood Risk Engineer –** No objection.

**The Director of Legal and Regulatory Services (Environmental Health)-** Conditions are requested in respect of dust suppression and hours of working.

**Glamorgan Gwent Archaeological Trust-** No objection subject to a condition requiring a scheme of archaeological work to be agreed and carried out.

**Local Ward Members-** No representations received.

**The Council's Ecology Officer-** No objection subject to a condition requiring the submission and approval of a scheme of ecological enhancement.

**Natural Resources Wales-** No objection and no conditions are requested.

**NATS Safeguarding-** No objection.

**The Council's Landscape Architect** has raised no objection, noting that the development would not have significant landscape impacts.

**Cardiff Airport – No objection.**

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. No representations 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 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

#### POLICIES 1 & 2 - THE ENVIRONMENT

#### *Policy:*

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV2 - AGRICULTURAL LAND

ENV4 - SPECIAL LANDSCAPE AREAS

ENV 7- WATER RESOURCES

ENV10 - CONSERVATION OF THE COUNTRYSIDE

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV 16- PROTECTED SPECIES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV 19- PRESERVATION OF ARCHAEOLOGICAL REMAINS

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

EMP7 - FARM DIVERSIFICATION

COMM8 - OTHER RENEWABLE ENERGY SCHEMES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) 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.

Planning Policy Wales (Edition 7) provides the following guidance in section 12 (Infrastructure and Services):

12.8.1 The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change. The Welsh Government's Energy Policy Statement (2010) identifies the sustainable renewable energy potential for a variety of different technologies as well as establishing our commitment to energy efficiency.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;

- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability; and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the Coast and the Historic Environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

**Technical Advice Notes:**

TAN 6 - Planning for Sustainable Rural Communities considers farm diversification, and advises as follows:

3.7.1 When considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.

3.7.2 Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005):

1.6 As well as developing new sources of renewable energy which are essential to meeting the targets set by energy policy, the Assembly Government is fully committed to promoting energy efficiency and energy conservation. The land use planning system is one of a number of mechanisms which can help deliver improved energy efficiency and local planning authorities are expected to consider matters of energy efficiency when considering planning policy and applications.

3.15 Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

TAN5 – Nature Conservation and Planning

*Other National Guidance / Statements:*

“A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement – March 2010”

“Energy Wales: A Low Carbon Transition - March 2012” : sets out what the Welsh Government intend to do to drive the change to a sustainable, low carbon economy for Wales. It also emphasises that Wales has significant assets in virtually every energy source, including one of the best solar resources in the UK.

Welsh Government Practice Guidance: “Planning Implications of Renewable and Low Carbon Energy - February 2011”

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)

UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014)

## **Supplementary Planning Guidance:**

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

- Design in the Landscape
- Sustainable Development
- Biodiversity and Development
- 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 August 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:

- Designation of Special Landscape Areas (2013 Update)
- Designation of Landscape Character Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Renewable Energy Study (2013 Update)
- Renewable Energy Assessment (2013)

## Issues

Having regard to the above national and local policy context the main issues are considered to relate to the principle of the development; the impact on the landscape / character of the countryside, highway safety, impact on residential amenity, potential glare, impact on agricultural land quality and flood risk/drainage.

## The Principle of the Development

Policy ENV1 of the UDP states that development will be permitted in the countryside if it is justified in the interests of agriculture or forestry; other development including utilities or infrastructure for which a rural location is essential; or under the terms of another policy of the plan.

In this respect, Policy COMM8 (Other Renewable Schemes) of the UDP is of primary relevance to the assessment of the application. This policy is generally permissive in principle, subject to detailed criteria relating to visual impact, residential amenity, construction traffic, ecology, archaeology, etc.

In addition, UDP Policy EMP7 states that the diversification of existing farmsteads will be permitted, subject to criteria relating to the nature of the use (employment, commercial, recreation or tourism), landscape impact, highway safety, ecology and archaeology. The policy does not prohibit a development of this nature in principle.

Planning Policy Wales and TAN 8, along with “A Low Carbon Revolution - The Welsh Assembly Government Energy Policy Statement - March 2010” are explicit in support for the principle of renewable energy schemes and they affirm the Welsh Government’s commitment to delivering an energy programme which contributes to reducing carbon emissions and tackling climate change. They also highlight the need to secure a mix of energy forms by strengthening renewable energy production.

PPW in particular notes that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy, which should help to tackle the causes of climate change. However this is not without qualification, as paragraph 12.8.6 states:

“The Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

Local planning authorities are therefore encouraged to facilitate the development of all forms of renewable and low carbon energy and ensure that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations.

In addition, and with specific reference to the nature of the location, TAN 6 states that many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

Within the above Policy context, it is considered that the proposal represents an acceptable form of development in principle, and an acceptable form of farm diversification. It is also clear that rural locations will often be required for solar farms of this scale and also that countryside locations are generally supported in principle, both in local and national policy and guidance. Consequently, the acceptability of the development rests upon an assessment against the criteria of Policies COMM8 and EMP7 of the UDP, notably in respect of its landscape impact.

#### Landscape Impact

Planning Policy Wales (Section 12.8-10) makes it clear that renewable energy projects should generally be supported by Local Planning Authorities provided environmental impacts are avoided or minimised, and nationally and internationally designated areas are not compromised.

The importance of renewable energy schemes in Wales, and the need for consistency in dealing with applications for such developments, is indicated by the Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy – issued in February 2011. This advice includes guidance in respect of solar arrays, and advises (at para 8.4.9) that “designated landscapes such as National Parks and AONBS are likely to be particularly sensitive in respect of one or more of these types of visual effect. Extreme care therefore needs to be taken to ensure the siting of solar arrays does not affect the special qualities of designated landscapes”.

Nevertheless, at 19.2.4 it is generally acknowledged that designated areas and in particular protected landscapes have a vital role to play in contributing towards reducing carbon emissions. The reference to ‘protected landscapes’ relates primarily to national designations. The site lies within a Special Landscape Area and it is therefore relevant to consider the aims of UDP policy ENV4, which states that:

*“new development within or closely related to the following special landscape areas will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the special landscape area.”*



However, it is considered that Policy ENV4 is not intended to be a 'blanket' ban on development, with the supporting text noting that "applicants will need to demonstrate that their proposal has been designed to minimise the impact of the development on the landscape".

Policy COMM8, relating to renewable energy schemes, states that "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.

TAN 8 states that other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported. It does not make specific reference to wider landscape considerations and it is unclear whether the above advice is designed to relate to all solar / PV applications or just small scale proposals, sited on buildings. Notwithstanding this advice, it is considered reasonable and necessary to assess the wider landscape impact and the degree to which the character of the land would be affected.

The application is accompanied by a Landscape Visual Impact Assessment (LVIA), which considers the impact of the development from a series of points in the vicinity of the site. It also includes a plan of the Zone of Theoretical Visibility (ZTV), which indicates that the development would be visible from a range of distant views, although this study does not take account of natural features (trees, hedges etc.) and the built environment. Therefore the actual areas where the development would be visible are less expansive than shown on the ZTV.

The Landscape Assessment includes an assessment of landscape character areas based on the updated LANDMAP information, which has also been used in the Council's Designation of Special Landscape Areas (2013) document, which forms a background paper to the emerging LDP.

There are five LANDMAP Aspect areas affecting the site, which are as follows:

- Landscape Habitats: VLFGLLH840 Rhoose-Moulton & VLFGLLH786 Aberthaw River Valleys
- Historic Landscape: VLFGLHL032 Llancarfan
- Geological Landscape: VLFGLGL170 Moulton & VLFGLGL514 Thaw-Waycock
- Cultural Landscape: VLFGLCL039 Vale of Glamorgan Rural Landscape

- Visual and Sensory: VLFGLVS453 Llancafán and Waycock Valleys

As noted above the application Site also lies within the Nant Llancafán Special Landscape Area.

The site and development would be screened from view from the A4226 (Waycock Road) due to the substantial landscaping that runs alongside the highway and due to the location of the woodland immediately to the south of the site. The absence of any impact from a couple of points along this highway is demonstrated in the LVIA, which simply shows the effect of the substantial screening.

In terms of longer range views, the topography of the land between the footpath to the south west and the site is such that it would also largely screen the development from view and similarly from the area to the rear of Welford Farm. It is apparent from your officer's site visit and the submitted LVIA that the points where the development would be most prominent are at the entrance to Blackton Farm and the public footpath just to the west of the entrance to Blackton Farm located off the Port Road to the south. From those points the western part of the site, which has the steeper gradient, would be clearly visible, whereas the eastern part would remain well screened by topography and vegetation. Views towards the site from the majority of points along this part of the A4226 (the stretch that runs between the two airport roundabouts) are predominantly screened by vegetation that runs alongside the highway and given the orientation of the road relative to the site (and typical vehicle speeds along it) the site is not visible/prominent in a practical sense when driving along it, even from the farm and footpath entrances. Rather it would only be visible when turning into the farm entrance or starting the walk along the footpath.

Notwithstanding the above, in the limited instances where the site would be visible to members of the public, the development would introduce a 'non-natural' feature that has not been historically common to a rural context such as this. However, the panels would still be framed within a context of hedgerows and woodland and would be mounted on a series of poles driven into the ground (as opposed to large scale concrete bases / hard standings). While, therefore, the existing rurality of that part of the landscape would be altered to a degree by the proposal, it is considered that those impacts would not be so severe as to render the development fundamentally unacceptable. It is acknowledged that the wider sense of rurality along a limited part of the footpath would be subject to change, however, it is considered that this comprises a relatively modest length of the footpath as a whole and the attractiveness of this (as a route) would not be significantly undermined, particularly given that views of the site would diminish with distance along the PROW the A4226 (due to the drop in levels).

While there are limited views of the site, it is considered relevant to note the commentary (in respect of solar panels generally) of the Appeal Inspector who allowed the appeal against the refusal of permission for a solar farm at Treguff (planning application 2013/00912/FUL). The Appeal Inspector noted:

*(Solar panels)... can be compared to an installation of glasshouses or polytunnels which may well be regarded as acceptable in some agricultural settings without unduly disrupting the character of the landscape. Overall the effect of the proposal on the character of the landscape and its quality would be acceptable.*

And...

*At a distance of some 500 metres, the development would be clearly seen, but its generally dark appearance would be visually recessive, and it would be contained by the dense line of woodland associated with the railway and by the reinforced hedgerows when mature.*

While the context and views are different here, it is considered that the general commentary on the appearance of the panels is relevant to this and other solar farm applications, and is relevant when considering closer views and wider landscape views.

In addition to the above in terms of the scope of views, it should be noted that the proposed development is of low profile and would sit within the existing landscape framework of the application site and the field boundaries that define it. Consequently, while it would be visible from a certain viewpoints in the surrounding area (particularly those listed above), it is considered that the development would sit relatively well assimilated within the existing landscape features. It is considered that the intervening fields and hedgerows would largely mitigate the visual impact of the development on the wider landscape and would soften views of the development from along these roads and rights of way.

It is acknowledged that heavy goods vehicles in particular may experience clearer views of the development from a raised position, however, it is considered that the nature and extent of roadside hedgerows would largely obscure views of the development to the majority of road users, also taking into account the distance that the development would be located away from those surrounding highways.

(The ZTV identifies relatively wide ranging views of the site, however, that does not take into account the intervention of trees, hedges and the built environment.)

From those points above, the development would have the effect of altering the wider landscape, by introducing features that contrast with the character of the existing natural environment. Consequently, this development would represent the introduction of a change to the traditional agricultural landscape in the area and it is considered that notwithstanding the comments of the Inspector in the Treguff case, the scheme should still adhere to highest standards of design in order to minimise the visual impact, especially given its location within what may be an extended SLA.

In that respect, it is important that the proposed development would retain key landscape characteristics such as the existing hedges and trees. The existing field pattern would be retained and the development would, therefore, maintain the existing field patch work and would not seek to introduce a large open expanse of panels into a landscape that is typically characterised by an irregular pattern of smaller field parcels.

NRW have considered the application and while their remit includes commenting on landscape issues, they have not objected in this regard. It is, therefore, considered that at a local level, the containment of the proposals within the framework of existing field boundaries and woodland will minimise visual intrusion and not unacceptably affect wider landscape designations.

In the case of some solar farms previously approved by this Council, Natural Resources Wales have recommended the reinstatement of hedgerows where they have been previously removed to create bigger field parcels. It has been held that this would mitigate the impact of those solar farms by reinstating a smaller field patchwork to break up the overall expanse of panels. However, no such recommendation is made in this case, since it is evident that the panels would sit within what appears to be the historic pattern of hedgerows.

Finally, the ancillary associated equipment (the substation, inverter cabinets and security cameras) and enclosures are of a relatively modest scale and it is considered that these aspects of the development, which would be viewed in the direct context of the solar park, would in their own right not impact significantly on the character of the land.

Accordingly, while it is accepted that the development will materially change the character of the site, given the relatively local nature of such impacts it is concluded that any harm arising from the development in landscape terms will be local and would not unacceptably undermine the character of the wider area and Special Landscape Area, or be so severe that it outweighs the benefits in terms of renewable energy production. The Council's landscape architect has considered the application and has concluded that the impacts would be localised and not significant within the wider landscape.

It should also be noted that the development is proposed for a period of 25 years, therefore the impacts on the character of the land associated with the development would not be permanent. In this respect and having regard to the above, it is considered that it would comply with the aims of Policies ENV10, ENV27, EMP7 and COMM8 of the UDP, and the national guidance within TAN6 and 8, and PPW.

In reaching this conclusion, it is emphasised that the solar park of this capacity would make a significant contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases according with the government's aims concerning climate change, while also having energy security benefits. These are all important considerations that appeal Inspectors have recently emphasised should be given considerable weight in the overall planning balance. In this respect, they emphasise that landscape and visual impacts only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects.

### Cumulative Impacts

It is considered that the only cumulative impact that needs to be considered is one of landscape setting and visual impact.

There is a constructed solar farm approximately 300m to the north of the application site, known as land at Sutton Mawr Farm. This was approved in January 2014 under application 2013/00617/FUL.

From the viewpoints around the entrance to Blackton Farm, the western part of the proposed development would be visible in the same visual context as the southern part of the Sutton Mawr solar farm. However, this is the only area around the site where the two would be apparent within the same visual context and only a modest proportion of the two respective sites would be visible together (as opposed to the whole of either or both solar farms). It is, therefore, considered that the cumulative impact from those viewpoints would not be significant.

There is a further solar farm to the east of the A4226, close to the Hawking Centre, however, this development would not be visible within any public views of that solar farm.

It is, therefore, considered that the development would not result in any unacceptable cumulative impacts.

#### Impact upon the Historic Environment

The Council's archaeological advisors Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the proposal and have raised no objection, subject to a condition requiring a scheme of archaeological work to be agreed and carried out.

It is also considered that the development would be sufficiently far away from the nearest listed buildings and scheduled ancient monuments to ensure that their setting would not be adversely affected.

#### Site Restoration

In order to make the proposed development viable, the submissions advise that it is important that it is operational for a period of at least 25 years. At the end of its operational life, all equipment associated with the solar farm will then be removed from the site, and minor remediation works undertaken to backfill any excavated areas.

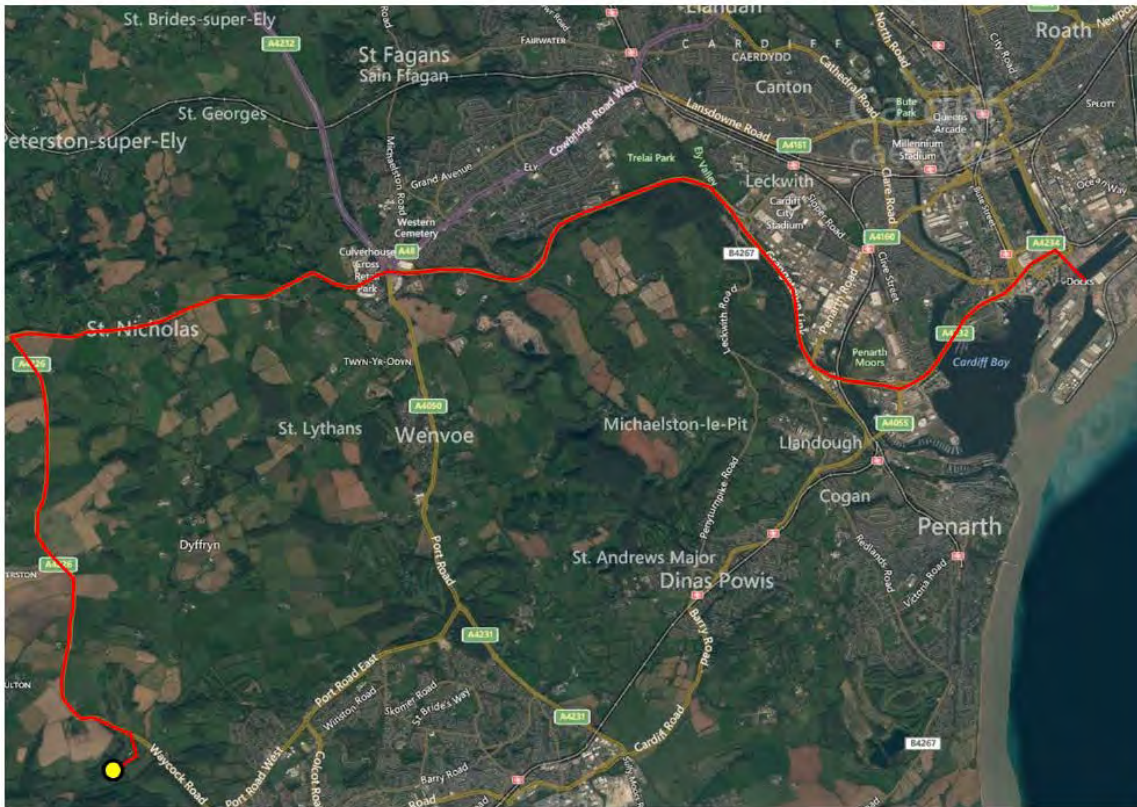
A time-limited condition with restoration requirements is therefore included as a recommended condition, thus ensuring that the site can be fully restored, with no permanent adverse environmental effects.

#### Access Matters and Impact on Local Highway Network

##### *Impact on Local Highway Network – Construction Phase*

The application is supported by a Construction Traffic Management Plan, which identifies that the development would be constructed over a 14 week period, typically with 3 two way trips per week for HGVs on average, but up to 30 two way trips per week in the peak of construction towards the middle of the 14 week period. It is anticipated that smaller maintenance vehicles would require access much more infrequently, typically up to three times a year.

The submissions propose the site being accessed from along the A48, then along the A4226 from the north, and then via the existing farm access track from the A4226.



The Highways Engineer's initial concerns raised no objection subject to the widening of the access track closest to the A4226. The provision of passing bays along the track and the provision of vision splays along the highway. Consequently, amended plans have been submitted which demonstrate the widening of the access track, the creation of passing bays and the widening of the entrance to provide vision splay and ensure vehicles can move safely into and out of the site access. The amended plans also show vehicles being able to turn into the site without overhanging the other side of the carriageway.

The Highways Engineer has assessed the amended plans and has raised no objection. It is considered that subject to the measures in the CTMP being carried out, the highway network is capable of adequately accommodating the construction traffic without unacceptably impacting upon pedestrian/highway safety, and the free flow of traffic. In coming to this conclusion, it should also be noted that the impacts would be for a temporary period.

A construction compound would be sited in the site, for the duration of construction. The compound will allow storage of materials, to allow delivery vehicles and any other staff vehicles to park within the site clear of the highway, and for vehicles to turn without having to reverse out onto the highway.

There would be a temporary visual impact associated with the widened entrance, however, the hedgerow is to be re-instated following the construction period and it is therefore considered that this would not impact unacceptably on the character of the area. The Council's Ecologist has also raised no concerns in this respect.

### *Impact on Local Highway Network – Operational Phase*

Once constructed, there is little requirement for maintenance, with access to the solar farm likely to involve infrequent vehicles movements for maintenance works, including mowing grass beneath the panels, and washing the panels. Except for maintenance visits, the site will be an unmanned, passive installation. It is considered that these visits will have negligible impact upon overall traffic in the area.

### *Impact on Local Highway Network – Conclusion*

Having regard to the above, it is considered that the introduction of additional HGVs over a three-four month construction period will have a temporary impact on the local network, and that this route can adequately accommodate the level of daily HGV movements proposed during construction. No objections have been raised by the highways engineer, and it is also considered that ongoing maintenance will have negligible impact on the highway network.

The development is, therefore, considered to be acceptable in terms of highway safety, in accordance with Policies ENV27 and COMM8 of the UDP.

### Impact on Residential Amenity

The construction traffic route would be along 'A' roads, as opposed to through more minor roads and residential areas. It is considered that the traffic associated with the development would not significantly on the residential amenity of the residents along this route, given the nature of the routes and the amount of traffic that use them already.

The construction compound would be sited approximately well away from the nearest dwellings and this would ensure that the activities associated with the compound would not unacceptably impact upon residential amenity in terms of noise or disturbance. The Council's Environmental Health section has raised no objection.

The impact on landscape character is considered above, however, while there would clearly be a change to the character of the land and wider landscape from a number of wider public viewpoints, it is considered that there would not be a significant change in views from residential properties. Furthermore, it is considered that any change in view or outlook experienced from individual residential properties would not be so harmful to the living conditions of the occupiers that it would warrant the refusal of the application.

*Wind Noise* - There has been no evidence submitted to suggest that wind blowing between the solar arrays is inherently noisy but notwithstanding this, the Council's Environmental Health Officer (EHO) (pollution control) has assessed the development as a whole, including the impact of inverters and substations. No objection is raised in respect of noise and the Council's EHO is therefore satisfied that the development would not result in a level of noise that would unacceptable impact upon the residential amenity of the nearest occupiers.

The CCTV cameras associated with the development are to be directed at the development, therefore, it is considered that the privacy of this residential property would not be adversely affected.

It is also considered that nearby properties would not be unacceptably impacted upon in terms of noise or light pollution (any external lighting can be restricted and controlled by condition). In this and the above respects, the development is considered to be in accordance with Policies ENV27, ENV29 and COMM8 of the UDP, in terms of residential amenity.

### Impact on Trees

The majority of the existing trees are located around the perimeter of the site outside of where the arrays and enclosures would be sited. Furthermore, none of the trees are protected with TPOs and the site does not lie within a conservation area. The development would incorporate existing trees within the western field and it is, therefore, considered that the development would not unacceptably impact upon trees.

Nevertheless, it is considered reasonable to recommend a condition which requires further clarification of the comprehensive landscaping scheme, including details of trees to be retained and how they will be protected during the course of the development.

### Ecology

The application is accompanied by a Phase 1 Habitat Survey, which concludes that the development would not significantly or adversely impact upon ecology. It makes a series of recommendations in respect of protected species, habitats and ecological enhancement.

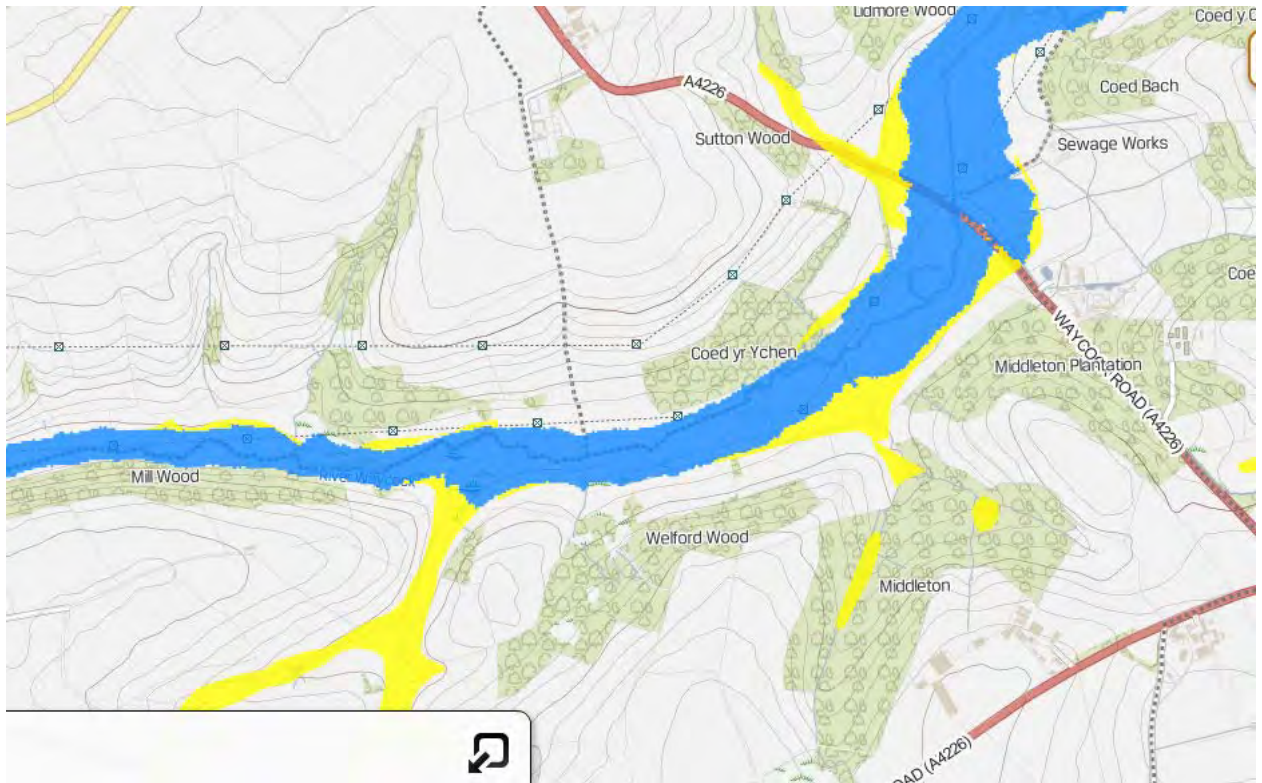
Natural Resources Wales (NRW) have reviewed the submissions and raise no objection, but recommend compliance with the measures set out in the survey. The Council's Ecologist has raised no objection, subject to a condition requiring the implementation of a scheme of ecological maintenance and improvement.

On this basis and subject to the conditions above, and the implementation of the measures/recommendations contained in the reports, it is considered that the development would not unacceptably impact upon ecology, in accordance with Policies ENV16, ENV27 and COMM8 of the UDP.

### Flood Risk Management / Drainage Matters

The application site lies partially within Flood Zone B1 and partially within flood Zone C2. It is, therefore, supported by a Flood Consequences Assessment, which considers the risk of the development being subject to flooding and the risk of flooding elsewhere in the catchment as a consequence of the development. The map below shows an extract from the Development Advice maps that accompany TAN 15 and this shows that the majority of the site lies outside of the C2 flood Zone.





The FCA concludes as follows (extracts taken from the FCA):

*The proposed development is shown to be partially located within fluvial Flood Zone C (high risk) according to NRW/EA flood mapping. As such a hydraulic model has been constructed for the site to accurately determine the flood depths and extents. Following this analysis the site has been confirmed to be partially located within Flood Zone C1 and C2.*

*The HEC-RAS model provides detailed flood depths on the site. The majority of the site is subject to shallow flooding during a 1 in 100 year event + an allowance for climate change. The flood depths range between 0.2m and 0.65m, however most of the site experiences an average of up to 0.4m of flooding. For the 1 in 20 year event the site is at risk of flooding between 0.01m and 0.5m, however on average the site will experience less than 0.3m. It is noted that flooding from the 1 in 20 year flood event appears to occur in the eastern field of the development only....*

*This study has investigated the impact that the development will have on runoff rates from the site. The conceptual SuDS scheme proposed will effectively reduce the runoff rate to less than the undeveloped (current) runoff rates, as storage and infiltration on site will be improved. A swale system; shown in Drawing J-5331-CFM 3001 and 3002, has been proposed to allow the interception, redistribution and infiltration of the flows from across the site.*

*It is clear there are a number of potential flood risks at the site. However, if appropriate mitigation measures are considered/implemented during the detailed design stage of the project based on the flood depths and development proposals, it is anticipated that the flood risks can be suitably mitigated. The SuDS scheme would ensure that flood risk is not increased to downstream properties, whilst appropriate design should ensure that the site infrastructure is made suitably flood resilient.*

The nature of the existing situation does not in itself infer that the development is unacceptable, rather it must be considered as to whether the proposed development would worsen the existing situation and if so whether that would be to such an extent that it has unacceptable flooding/run off impacts.

Natural Resources Wales (NRW) do not contest the applicant's conclusions and have advised:

*Given the nature of the development and that no ground levels will be raised as part of it we do not object to the proposed development. The developer should be aware that the development is likely to be affected during extreme flood events, including some access roads. Provided the developer is aware of this risk and is prepared to accept responsibility we have no adverse comments to make.*

The Council's drainage engineer has advised that there is some surface water flood risk to this site based on NRW surface water flood maps. As noted above, it is partially located in Zone C and drains into the River Waycock.

The application proposes to use SuDS to alleviate some of the flood risk to the site. It proposes the use of swale systems, parallel to site contours to intercept and distribute runoff, create storage and attenuation and promote infiltration across the site. This is an oversized system to allow for the on-site storage, and consequently there is a reduction in overall run-off from the site compared to pre-development run-off rates. There would be some pooling across the site at the 1 in 100 year design event.

The application suggests that any access tracks will be made of a permeable material to encourage infiltration across the site and that swales will be inspected every 6 – 12 months, with a maintenance plan will be given to the site operator from the developer. Given the above, the Council's drainage engineer has no objection to this application and does not require any conditions to be applied to the planning permission.

NRW have not invited the Local Planning Authority to consider the tests set out in TAN 15, when deciding whether the development at this location is justified, however, since part of the site is located in Flood Zone C2, this is considered necessary in any case:

TAN 15 states that:

6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

**and**,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Firstly, it is considered that the proposal development is not highly vulnerable and is not related to emergency services. While the development does not strictly relate to regeneration initiatives, insofar as it doesn't relate to a specific regeneration scheme on a local level, it is considered that this development and wider renewable energy aims are nevertheless highly relevant to wider regeneration aims (particularly from an environmental perspective).

While the proposal would not be upon previously developed land, it is considered that it would meet PPW objectives in terms of renewable energy, and the potential consequences of part of the access road flooding are considered to be minimal.

Accordingly, it is considered that the development is acceptable in terms of flood risk and drainage, in accordance with Policy ENV7 of the UDP and the advice contained within TAN 15.

### Glint and Glare

With reference to 'glint and glare', it is noted that WAG Practice Guidance does state that despite their non-reflective design, it is possible that intense direct reflections of the sun ('glint'/'specular reflection') or more diffuse reflections of the bright sky around the sun ('glare') by solar PV panels (and their supporting frames) may cause viewer distraction. In addition to increasing the visual impact of a development in the landscape this can potentially impact on air traffic safety.

In terms of air safety, it should be noted that no objections have been received from Cardiff Airport or the Ministry of Defence.

The proposal is therefore considered to be acceptable in these terms and it is considered that there is no evidence to suggest that the development would represent a hazard to air safety.

### Agricultural Land Quality

National practice guidance recognises that, in view of the national policy support for farm diversification and the relatively large area of land required for solar PV arrays, that a significant proportion of proposals for solar PV arrays will be on agricultural land.

Policy ENV2 states amongst other things, that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated. The application is accompanied by an assessment of the agricultural land quality and it concludes that the land is grade 4.

The 1966 Agricultural Land Classification Maps indicate that the site is Grade 3 and the subsequent subdivision maps (subdivision of Grade 3 into 3A, 3B and 3C in 1986) do not cover this area. It is considered that relatively limited weight can be afforded to the 1966 map, given the significant period of time that has elapsed, and there is no evidence to dispute the findings of the submitted assessment that concludes it is 4.

Notwithstanding this, the proposed development would not irreversibly affect the land, since the panels are mounted on poles that are driven into the ground and not on concrete bases or similar. The associated transformer station etc would be constructed upon a hardstanding/base, however, these parts of the development are small in scale and could be easily removed when the development has ceased, as could any access tracks between panels.

The nature and spacing of the panels are also such that typically sheep could continue to graze between them, should this be proposed.

Subject to condition controlling the de-commission of the site following a period of 25 years, or within 6 months of the cessation of electricity generation, whichever is sooner, (as suggested by PPW) the land will in any respect be restored to its former condition such that any impact would not be irreversible.

### Public Right of Way (PROW) Issues

No public rights of way run through the site.

## Minerals

It should be noted that part of the site is located within an area than falls under policy SP9 of the Draft LDP, due to the findings contained in the Minerals Background Paper 2013. That policy requires the Council to maintain a minimum of 10 years land bank of hard rock through the plan period. However, while the development is in any case temporary, the Draft LDP notes that the Council currently has a land bank of 56 years as of 2012. Accordingly, the development of this site for a solar farm, for a temporary period of 25 years, would not prejudice compliance with that policy and would not permanently prejudice the use of that land for that minerals purpose.

## 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, ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV4 – Special Landscape Areas, ENV 7- Water Resources, ENV10 - Conservation of the Landscape, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of the Built and Historic Environment, ENV27 - Design of New Developments, ENV29 - Protection of Environmental Quality, EMP7 - Farm Diversification, and COMM8 - Other Renewable Energy Schemes, and the advice contained within Planning Policy Wales 7<sup>th</sup> Edition (2014) and Technical Advice Notes 6: Planning for Sustainable Rural Communities and 8: Planning for Renewable Energy and 11- Noise, and the Council's Supplementary Planning Guidance, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of the Nant Llancarfan Special Landscape Area, while also having no unacceptable impacts on highway safety, residential amenity, ecology, potential glare / air traffic safety and impact on agricultural land quality.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the plans registered on 1 June 2015 and supplemented by the plans contained within the Transport Planning Associates technical note (KS SPV 27 Ltd), other than where those plans are superseded by plan SP01 Rev C, received on the 14 August 2015.

The development shall be carried out strictly in accordance with these details.

Reason:

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

3. Within 25 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production or within 25 years of the completion of construction, whichever is the sooner.

Reason:

In the interests of visual amenity and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

4. Prior to the commencement of development details of measures for wheel washing, road sweeping, dust suppression and temporary road signage 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 construction phase 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.

5. No development shall commence until such time as full details of the proposed site compound - to include details of any site office, parking, manoeuvring areas, enclosures and storage areas - and the precise route and any alterations to facilitate the temporary access to the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual and residential amenity and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

6. Notwithstanding the submitted plans and reports, the construction phase of the development shall at all times be in accordance with a scheme of hours that shall first be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason:

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

7. No external artificial lighting shall be installed during the operation of the site as a solar photovoltaic facility, unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), the development shall only be enclosed with 2m high Deer Fencing unless any variation is first agreed to in writing by the Local Planning Authority. Details of the appearance of the fencing shall be submitted to and approved in writing by the Local Planning Authority prior to its erection/construction.

Reason:

In the interests of visual amenity and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the Special Landscape Area and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

10. Prior to the commencement of development, a scheme for the maintenance and enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the scheme as approved shall be carried out in full and the development shall at all times be carried out in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV16 and ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted plans, a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and details of all new hedges and trees, 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.

12. 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.

13. The development shall at all times be carried out in accordance with the construction traffic route contained in the Construction Traffic Management Plan, dated 5th May 2015.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.



14. The proposed site access from the vehicular highway (including widening as shown on TPA plan SK02, passing bays and vision splays) shall be constructed and laid out in accordance with the details shown on plans SK01, SK02 and SP01 REV C, prior to the commencement of any part of the development other than those parts associated with the site access, as required by this condition. The site access shall be re-instated in accordance with details (including timescales) that shall be submitted to and approved in writing by the Local Planning Authority, prior to the first commissioning of the solar panels.

Reason:

In the interests of highway safety and to ensure compliance with Policy COMM 8 of the UDP.

15. Prior to the commencement of any part of the development other than those parts associated with the site access as required by this condition and condition 14, details of the bound surfacing of the access track for a distance of 20m from the highway, along with details of the construction of the crossover and any gates (to be sited at least 20m into the site from the highway) shall be submitted to and approved in writing by the Local Planning Authority. The crossover and bound surface shall be constructed in accordance with the approved details, prior to the commencement of any part of the development other than those parts associated with the site access, as required by this condition and condition 14.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV 27 and COMM 8 of the UDP.

16. Prior to any work commencing on site the developer shall appoint an independent highway maintenance consultant to carry out a full and comprehensive condition survey of the local highway network (the relevant scope of which shall be first agreed in writing with the Local Planning Authority) and the survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

17. Following the construction of the solar panels and prior to their first commissioning the developer shall appoint an independent maintenance consultant to carry out a full and comprehensive condition survey of the highway network referred to in Condition No. 16 above, so as to identify any difference in the condition of the highway since the commencement of the construction of the solar park, and any repairs required as a consequence. The survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

18. Following the construction of the solar panels and prior to their commissioning, the developer shall carry out any repairs to the adopted highway identified in the second survey required by Condition No. 17 above, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

19. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

**NOTE:**

1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
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).**

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

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

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

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

**2015/00700/FUL** Received on 25 June 2015

Mr. and Mrs. Pepi Mancuso, 23, Glebe Street, Penarth, Vale of Glamorgan,  
CF64 1EE  
Mark Taylor, MT Surveyors, Heatherton Lodge, Michaelston Y Fedw, Cardiff,  
CF3 6XS

### **23, Glebe Street, Penarth**

Change of use from retail shop to three bedroom dwelling

#### **SITE AND CONTEXT**

The site relates to a mid-terrace retail premise with accommodation above. The site is located in the northern part of Glebe Street, north of Plassey Street and comprises a mix of retail /commercial and residential properties.

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks consent to convert the whole of the premises into a dwelling. The works entail restoring a frontage of domestic appearance by removing the shop front and installing a domestic scale front door and window.

#### **PLANNING HISTORY**

There have been several planning applications for the site related to its commercial use including as a betting office and shop. It is noted that application 2005/0225/FUL approved consent for conversion of No.24 to two self-contained flats.

#### **CONSULTATIONS**

**Penarth Town Council:** should be refused because it will result in the loss of a retail outlet which would be detrimental to the vibrancy of the town centre.

**Highway Development:** Further to reviewing additional information provided in relation to the above, it is noted that both the existing and proposed uses at the site are deficient in car parking. As a result, it is considered that the development would not increase the car parking demand along the adjacent highway, above that of the existing uses at the site

Therefore, an objection in relation to the highway and transportation aspect of the development is not raised in this instance.

**St. Augustine's Ward Members** were notified, Councillor Gwyn Roberts advises that the matter should be considered by the planning committee as the scheme has caused concerns that there is an increasing demand for small shops in the Penarth centre and this (conversion to a dwelling) would be seen as a retrograde step.

## REPRESENTATIONS

The neighbouring properties were consulted on 2 July 2015.

Seven representations were received objecting to the scheme due to the adverse impact on remaining retail units from the loss of this retail unit and the resulting reduction in foot fall.

Loss of small start up business scale units would be to the detriment of retailing in the area in general and once lost never recovered. See Appendix A for two emails of representation being generally indicative of the views expressed.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 9 – SHOPPING FACILITIES

POLICY 10 – SHOPPING FACILITIES

#### *Policy:*

ENV27	- DESIGN OF NEW DEVELOPMENTS
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS 8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
SHOP 9	- PROTECTION OF RETAIL USES

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

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

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

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The UDP is the adopted development, therefore, against which this application should be assessed.

Policy SHOP5 states:

- "ground floor uses in primary shopping areas at ground floor level in primary shopping areas of the town / district shopping centres, uses other than those which fall within class a1 of the use classes order 1987 (as amended) will only be permitted where the proposal:

(i) would not, by virtue of its nature, design and scale create an unacceptable effect on the character of the primary shopping frontage;

(ii) would not dominate the primary shopping areas in a way which would undermine the retail function;

(iii) would not create a dead window frontage;

(iv) would not give rise to new, or exacerbate existing, local problems resulting from traffic generation, highway safety, noise, smell or other amenity considerations; and

(v) incorporates a high standard of design. "

The site is not in the primary retail frontage as defined in the UDP policy and therefore the development is not contrary to this policy.

Policy SHOP9 states:

"-protection of retail uses- the retention of class A1\* uses, as defined by the town and country planning use classes order 1987 (as amended), in local and neighbourhood centres will be favoured.

\* A1 shops as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)"

Again the site is not in a local or neighbourhood centre as defined in the UDP and therefore the development is not contrary to this policy.

The town centre remains vibrant and has a good mix of retail uses, including independent shops. The loss of this shop does not detract from the vitality and viability of the defined town centre or any local or neighbourhood retail area.

The following policy, guidance and documentation support the relevant UDP policies.

### **Planning Policy Wales:**

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

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 and 4.3.1 in particular

### **Technical Advice Notes:**

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

- Technical Advice Note 4 – Retailing and Town Centres (1996)

### **The Local Development Plan:**

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

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

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

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

- Town and District Retail Centre Appraisal (2013 Update)

### Issues

The issues to be considered are the loss of the retail unit and associated accommodation from this street and its impact on the local planning authority's retail policy for the protection of town centres and the suitability of the site and its location as a dwelling as contained in the UDP. The draft Local Development Plan Town (DLDP) and District Centre Retail Appraisal 2013 (DCRA) identify the site as falling within the Penarth District retail boundary as a secondary frontage.

POLICY MG 14 of the DLDP states: - non A1 retail uses within town and district retail centres proposals for non A1 retail uses at ground floor level within the town and the district centres will be permitted subject to criteria including the criterion that-

“7. proposals for non A1 retail uses outside the defined primary and secondary retail frontages will be permitted where it is demonstrated that the existing A1 use is no longer viable. Residential uses within primary and secondary ground floor frontages in town and district centres will not be permitted.”

The

There have been several objections, including from existing retailers located in close proximity to the site, to the loss of this unit in terms of impact on retailing in this area and discouragement to footfall to the area. The site is not located within the primary, local or neighbourhood hierarchy of shops as identified in the UDP. It is, however, defined as a secondary frontage in the 2013 retail appraisal.

Secondary frontage is defined as : “Important shopping frontages in the town centre, generally with a greater diversity of ancillary retail uses than the primary frontages and lower rental values.”

There is therefore no adopted, development plan policy that supports a refusal of the scheme and the loss of this one unit is not considered to undermine the viability or vitality of the retail hierarchy defined in the UDP. As detailed above the DLDP carries limited weight and even if the local planning authority were to consider prematurity in relation to the scheme, the loss of this single unit would not go to the heart of the DLDP and there would, therefore, be no justified planning reason for refusal on retail policy grounds.



The DCR Appraisal states:

5.10 Rental information is not available for Penarth District Centre Values due to the limited number of transactions. The business survey for Penarth indicated that many premises were rented (72%). The availability of short term leases and affordable rents was not a frequent reason given for locating in Penarth by respondents to the business survey suggesting this is not one of the commercial attractions of the centre. In addition affordable rents were ranked quite low amongst positive aspect of the centre as a business location. Conversely the cost of rents was ranked as one of the least problems with the centre perhaps reflecting mixed fortunes amongst businesses in the centre and / or that there are other greater problems with the centre. In addition reduced property costs was only ranked 3rd in the list of priorities for investment in the centre suggesting high rents is an issue for some but not all businesses in Penarth.”

This unit has the appearance of having been vacant for some time. The applicant was, therefore, asked to clarify the marketing and timescale of the vacancy of the unit and has replied that the unit was last used as a retail unit about 2012, it was stated it had been marketed until 2014 without success and the current owner bought the premises in 2015. They indicate the property is in a poor state of repair and it was noted at the site visit that the building appeared to be empty and the interior has been stripped.

The applicants advise the first floor had not been used for a considerable time (25 years).

The DCRA continues stating:

“5.67 The remainder of the shopping centre as defined by Goad should be designated as secondary frontage where some non-retail uses will be permitted. This will enable the centre to develop supporting business and leisure services.”

Whilst sympathetic to the points made by adjoining businesses, there is no planning policy reason based on the adopted Development Plan policies or the background papers of the Draft LDP to resist this application on the grounds of loss of retailing or impact on any primary, local or neighbourhood centre.

It is noted that number 24 Glebe Street was given consent for conversion to two flats in 2005. Given also the comments of the applicant /agent regarding the inability to let/sell the premises for retail purposes, refusal of the current scheme would not appear to be supported by the marketing exercise. There is no specific retail policy support in the UDP for retention of the site for retailing.

In terms of the suitability of the accommodation and location for a dwelling, the site is edge of town centre and adjoins existing residential development in a mixed area. There is no reason to consider that the property is not suitable for a dwelling even noting that this property has a very small area of garden to serve the property.

In terms of impact on parking, the highway officers comments note the lack of any on-site parking now and the use as a dwelling in this edge of centre location with good public transport links would not be objected to in sustainability terms.

## CONCLUSION

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

Having regard to Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', ENV27 'Design of New Development' and SHOP9 'Protection of Retail Uses' the Local Planning Authority's adopted guidelines 'Amenity Standards' and the location and scale of the site there are no planning reasons on highway safety, retail policy or neighbour amenity grounds to refuse this scheme.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: Design and Access statement and drawings 2011.31.01 and 02 received on 19th June 2015.

Reason:

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

## NOTE:

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

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

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

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

**2015/00441/RG3** Received on 20 April 2015

Ms Jane Wade, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry,  
Vale of Glamorgan, CF63 4RU  
Mr Gareth Woodfin, HLM Architects, Level 2, Greyfriars House, Greyfriars Road,  
Cardiff, CF10 3 AL

**Llanilltud Fawr/Llantwit Major Primary and Infant Schools, Ham Lane East,  
Llantwit Major**

Replacing existing 1FE Primary School with a new 2FE Primary School (Inc. Nursery). Providing Secondary School with approximately 5400m<sup>2</sup> of new build accommodation and refurbishing the main existing along Ham Lane. Remaining buildings will be demolished to make way for new 3G Pitch and MUGA along with associated car parking and landscaping

**SITE AND CONTEXT**

The application site is land at Ham Lane East, Llantwit major, which currently contains Llantwit Major primary and secondary schools. The site is shown on the plan below:



## DESCRIPTION OF DEVELOPMENT

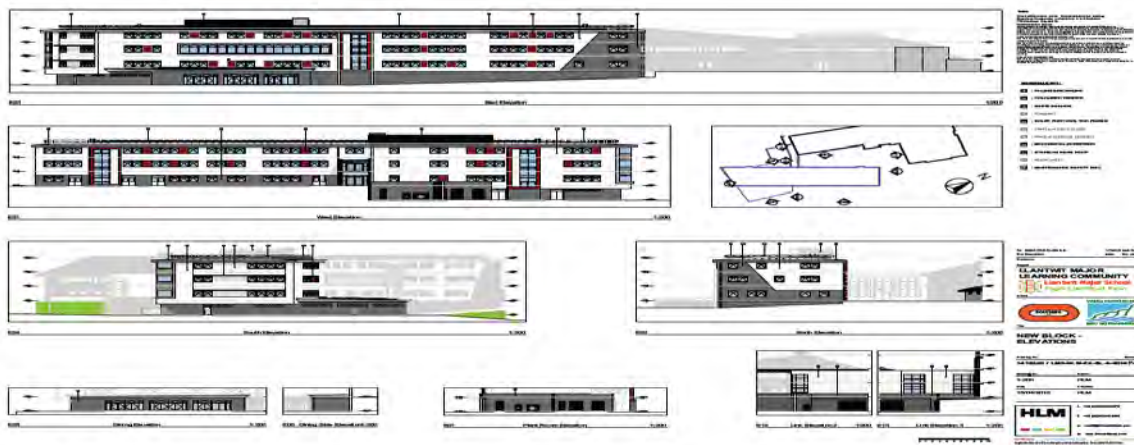
The application is for:

*Replacing existing 1 form entry Primary School with a new 2 form entry Primary School (Inc. Nursery). Providing Secondary School with approximately 5400m<sup>2</sup> of new build accommodation and refurbishing the main existing along Ham Lane. Remaining buildings will be demolished to make way for new 3G Pitch and MUGA along with associated car parking and landscaping*

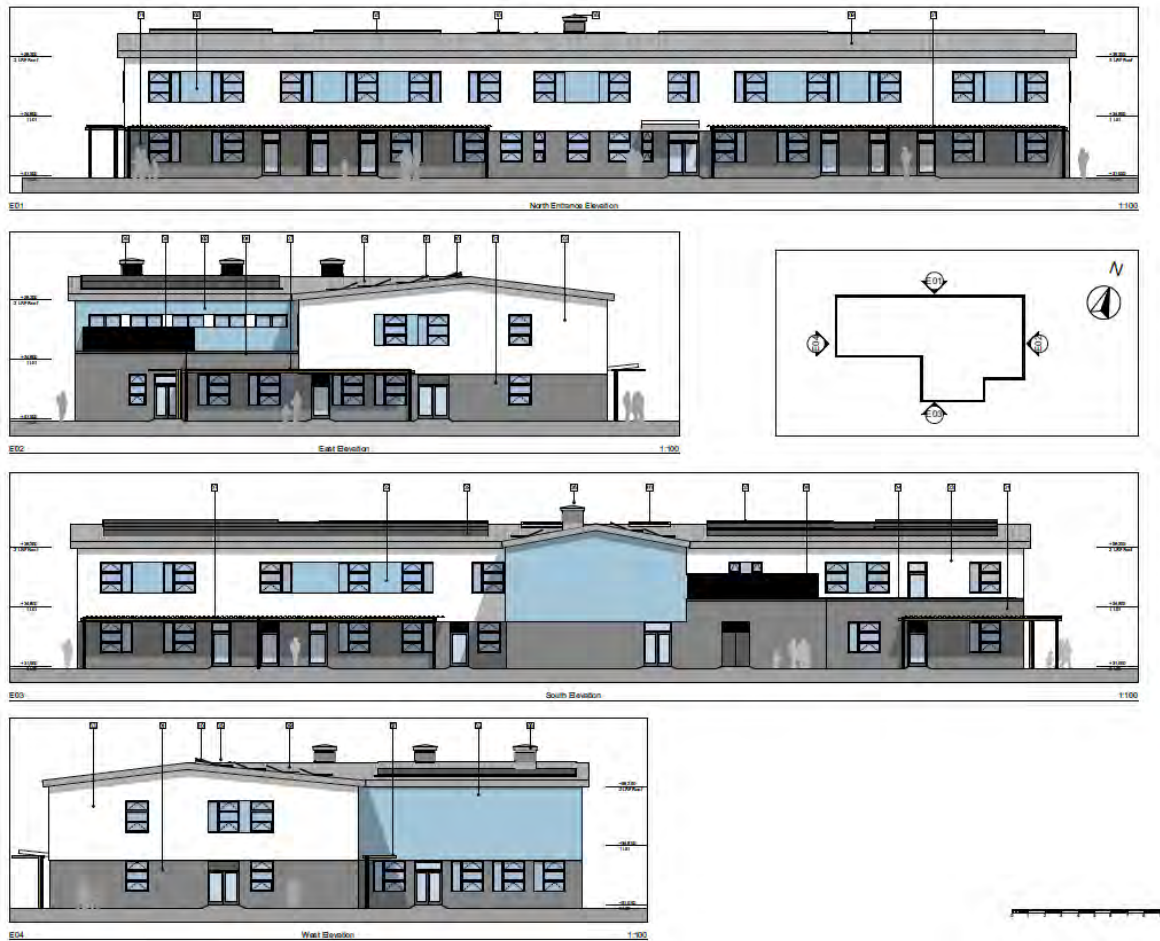
The proposed elevations and site layout are shown below:



Extension to secondary school:



New primary school:



The proposal is for the partial demolition and rebuild of the Llantwit Major Secondary School, Ham Lane and the demolition and rebuild of Llanilltud Fawr Primary School, Ham Lane. The development would involve the following changes to staff pupil numbers:

**Primary:**

Existing:

Llanilltud Fawr: 44 (nursery half days = 22) 207 (Primary)

Eagleswell: 25 (nursery half days = 12.5) 173 (Primary)

Proposed:

Ysgol Y Ddraig: 114 (nursery half days = 57) 420 (Primary)

## **Secondary:**

Existing: 893 (inc. 6<sup>th</sup> Form assumed) Note: was 1316 in 2003.

Proposed: 1050 (inc. 6<sup>th</sup> Form)

Staff numbers for the two primary schools combined (Eagleswell and Llanilltud Fawr) are predicted to increase by four from 66 to 70 staff and increase for the secondary school from 94 to 97.

## PLANNING HISTORY

There is a significant planning history to the site but none of direct relevance to this proposal.

## CONSULTATIONS

**Llantwit Major Town Council-** No objection.

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

**Ministry of Defence-** No representations received.

**Highway Development-** No objection, subject to conditions relating to issue including parking, TROs, footway works, a travel plan and construction traffic plan.

**Sports Council for Wales-** No representations received.

**The Council's Drainage and Flood Risk Engineer** has provided advice in respect of drainage and flood risk. No objection is raised subject to a condition regarding a detailed drainage scheme.

**The Director of Legal and Regulatory Services (Environmental Health)** has recommended a Construction and Environmental Management Plan condition.

**Glamorgan Gwent Archaeological Trust-** No objection.

**The Councils Ecology Officer-** No objection subject to a condition relating to an ecological strategy for the site.

**Natural Resources Wales-** No objection subject to a condition relating to a bat method statement.

**Dwr Cymru Welsh Water-** No objection subject to conditions relating to the drainage of the site.

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Four letters have been received and the points are summarised as follows:

- The new school would be sited too close to neighbouring properties.
- The location of the bin store may cause noise, smells and vermin.
- The development may not be subject to regular maintenance, repair and litter collection.
- There is insufficient detail available to demonstrate how local highway infrastructure will be upgraded to deal with the development.

A further letter has been received from a resident querying drainage arrangements and seeking confirmation that this would not affect their property.

A sample email has been included at Appendix A, with the remainder available on the planning file.

## 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, 8, 11 and 14.

#### *Policy:*

ENV7 – WATER RESOURCES

ENV16– PROTECTED SPECIES

ENV24 – CONSERVATION AND ENHANCEMENT OF OPEN SPACE

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV28 – ACCESS FOR DISABLED PEOPLE

ENV29– PROTECTION OF ENVIRONMENTAL QUALITY

TRAN9 – CYCLING DEVELOPMENT

TRAN10 – PARKING

REC1 – PROTECTION OF EXISTING RECREATIONAL FACILITIES

REC2 – JOINT PROVISION AND DUAL USE OF 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

### **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
- Sustainable Development - A Developer's Guide

## **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 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 August 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.

### Issues

The main issues are:

- The principle of the development.
- Design and visual impact.
- Impact on residential amenity.
- Highways issues.
- Ecology.
- Drainage and flood risk.

### The principle of the development

The proposed development in essence comprises the amalgamation of primary education at Eagleswell and Llanilltud Fawr, into a single two form entry primary school. The development also comprises an extension to the existing secondary school and new outdoor facilities. The site lies within a sustainable location in an urban area and is already in use for educational purposes. It is, therefore, considered that the proposed school developments are wholly in keeping with the existing use of the site in principle.

### Scale, Design and Visual Impact

The proposed extension to the secondary school is contemporary in design and has a character that is appreciably more modern than the existing school. However, it is considered to be of a high standard of design which would complement the existing school and would contribute positively to the street scene and local built environment. It is of an appreciable scale, however, it is considered that it would not appear over scaled relative to the existing school building and would not appear as visually incongruous within the street scene. It is located predominantly to the rear of the existing school and, therefore, while it would be clearly visible from the street, it would not appear as an overly prominent building.

The new primary school is more conventional in form and is not untypical of an educational building. It is also considered to be of an acceptable design that would impact positively on the character of the street scene. It is subservient in scale compared to the secondary school and would not appear as over scaled or visually intrusive within views of the site from Ham Lane East and the surrounding area.

The development is, therefore, considered acceptable in terms of the scale, design and siting of the buildings and their impact on the character of the area.

### Impact on residential amenity.

The secondary school extension would be sited a significant distance away from the nearest neighbouring properties and it is considered that that part of the development would not unacceptably impact on residential amenity both in terms of the scale and physical impact of the building and privacy.

The new primary school would be located closer to the southern boundary of the site than the existing school and closer to the boundaries of properties on Heol Y Coed in particular.

The corner of the two storey element would be sited approximately 4m from the boundary of the rear gardens and 15m away from the rear elevation, however, the building 'tapers away' from the boundary. While this part of the building would alter the immediate outlook to the rear of that property, it is considered on balance that the distance and orientation is such that the development would not appear as unacceptably overbearing or unneighbourly. There are no windows in the rear of that section at first floor.

The rear elevation of the main part of the building would be between 7m and 15m away from the rear boundary of No. 5 Heol Y Coed and over 21m away from the main rear elevation of that house (approximately 20m from the conservatory). It is considered that this distance is sufficient to ensure that it would not be unacceptably overbearing, however, the main issue to consider in respect of this neighbour is considered to be privacy. There are first floor windows on the rear elevation of this part of the building and these would have some views towards this neighbouring property (and others at more oblique angles).

While the neighbour would be likely to experience an impact on their privacy, it is considered on balance that the distance would accord with the aims of the Council's SPG and would not unreasonably impact upon the amenity of the occupiers. It should also be noted that the rooms in question are unlikely to be occupied on weekends and in the evenings after close of school and a landscaping condition is recommended to strengthen the landscaping along that boundary. Having regard to this, it is considered on balance that the development would adequately preserve residential amenity on the houses mentioned and those further along the southern boundary of the site in both directions, where the distances would be increased.

The building would be sited to the north of the residential neighbours and it is therefore considered that there would be limited impacts in terms of overshadowing.

A neighbouring resident has objected to the proximity and suggested the school could be sited further to the north. While this would further mitigate the impact of the building, the site and development is relatively constrained as a consequence of the need to provide primary education while the new school is built. I.e. the new school has to be built alongside the retention of the existing school. This has evidently constrained the areas within which the new school could be built, however, for the reasoning given above, it is considered that the impacts of the new school in this location are not unacceptable.

The development would intensify the use of the site and increase the number of pedestrian and vehicular trips, particularly given that the new school and associated parking areas would be sited closer to the southern boundary than at present. However, it is considered that this would not be demonstrably harmful to residential amenity, particularly having regard to the hours at which the trips would be likely to be generated. It is also considered that the development would not adversely impact upon residential amenity in terms of noise from rooms within the school buildings. The submission of a construction and environmental management plan is recommended by condition to minimise impacts during the construction phase.

Finally in respect of neighbouring amenity, it is considered that the new outdoor recitation facilities (which would be sited well away from neighbouring properties), would also not adversely impact upon residents in terms of their location, noise and disturbance. Subject to proper management and maintenance, it is considered that the bin store should not inherently impact upon residential amenity in the location shown. A condition is recommended for details of this to be agreed.

#### Highways issues.

The proposed layout includes a parking area for the secondary school staff to the north of the building, a drop off/pick up area and leisure centre parking immediately to the south, and a parking area to serve the primary school at the southern end of the site.

The application is accompanied by a Transport Assessment (TA) which seeks to consider the traffic and transport impact associated with the development and appraises parking capacity on site and within the local highway network.

As part of the proposals the existing car park within the secondary school will be reconfigured to provide 85 No. parking spaces and a drop off/pick up area that will accommodate up to 15 cars. In addition, a drop off/pick up facility will be provided for the use of 10 No. school buses/coaches and a further 12 No. parking spaces will be provided for the use of the adjacent leisure centre. 16 No. additional car parking spaces provided within the boundary of the primary school.

The existing means of vehicle access to both schools will be widened to facilitate the development and provide improved access for school buses/coaches and servicing vehicles. In addition, Traffic Regulation Orders (single and double yellow lines) will be provided adjacent to each access that will provide improvements to highway safety.

It is evident that the area around the site experiences an accumulation of traffic at peak times (drop off and pick up) and therefore it is vital to ensure that the development and layout mitigate the impacts in this respect. Throughout the application there has been on-going discussions between the applicant's agent and the Council's Highways and Traffic Engineers with a view to ensuring the impacts of the development are properly assessed, understood and mitigated.

This has resulted in an addendum to the initial TA being submitted to provide further information in respect of car parking capacity, bus drop off capacity, Traffic Regulation Orders and an assessment of the puffin crossing. The TA has undertaken an assessment of the parking demand associated with the increased number of pupils and staff at the site, which has been based on a parking beat survey along Ham Lane East and a traffic survey at the access to the existing secondary school.

The parking survey has identified that during the existing morning and afternoon peak periods there is available on street parking capacity along Ham Lane East. However, it is noted that the highway adjacent to the site becomes congested, as drivers attempt to park as close as possible to each school.

The TA estimates that as a result of the additional pupils there will be an additional 210 arrivals and 179 departures by car in the AM peak hour and 92 arrival and 136 departures in the PM peak hour. It goes on to conclude that the numbers and distribution of trips are such that there would not be an unacceptable impact upon the highway network in terms of highway safety or parking problems. The Highways Engineer has advised that taking account of the increase in demand for parking associated with the development, it has been demonstrated that there would still be available on street parking capacity during morning peak period. However, during afternoon peak, Ham Lane East would be over capacity at specific times. Nevertheless, it is noted that there is available capacity within adjacent side streets, which are within an acceptable walking distance of the site.

The Council's Highways Traffic Engineer has also advised that the TA demonstrates that the additional off-street parking and the existing available on-street parking will just be sufficient, and result in a 'nil detriment' scenario. He further notes that the development cannot reasonably be expected to correct existing congestion issues, rather the fundamental and relevant assessment is whether it would worsen the existing situation. Nevertheless the TA addendum also provides an assessment to identify the existing arrival/departure profile of pupils and staff across the whole of the morning and afternoon peak hours, and applies the increased parking demand to each five5-minute survey period.

When considering the increase of vehicle trips, the TA has undertaken a capacity analysis of the junctions of Ham Lane East/Boverton Road, Ham Lane South/Mill Lay Lane and each site accesses, for the base year - 2014 and future year – 2027. The assessment has demonstrated that the increase in trips associated with the development will not have a material impact and each junction will continue to operate within capacity. In addition, an assessment of road traffic accidents along the highway adjacent to the site has been undertaken for a five year period, and this has identified that there are no established road safety patterns relating to the operation of the school.

Finally, an assessment has been undertaken of the existing Pelican crossing along Boverton Road, adjacent to the site, which has identified that there is available capacity within the crossing to accommodate the likely increase in pedestrian demand. However, it is noted that the footway along the southern side of Boverton Road, at the eastern approach, is approximately 1.3m in width, which is below the minimum requirement of 2.0m. As a result, the footway at this location is required to be widened.

Having regard to the above, while the development would be likely to generate additional vehicle movements in the vicinity of the site, compared to the existing situation, it is considered that the layout and works proposed by the TA are sufficient to ensure that the development would not unacceptably impact upon congestion and highway safety in the area. Consequently, the Council's Highways Engineers have raised no objection subject to a series of conditions, which are recommended to form part of any approval.

#### Ecology.

The application is accompanied by a habitat survey and bat report. The habitat survey concludes that a range of common habitats are present within the surveyed area and that although these are disturbed by public use, there is still potential for these habitat to support protected and/or notable species. The bat survey concludes that the existing primary school building (to be demolished) contains a common Pipistrelle roost.

Natural Resources Wales have raised no objection subject to a condition requiring a bat method statement to be approved and the Council's Ecologist has raised no objection subject to conditions which require an ecological design strategy (EDS) to be approved, and the submission of the European Protected Species licence. The Council's Ecologist has advised that a bat method statement condition is not required since that information would have to be submitted to NRW as part of the applicant's licence application.

As part of the application the three tests must be assessed because, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is of overriding public interest because it would rationalise and make more efficient the provision of education in the town.

In terms of Test 2, it is considered that in the context of the proposals, there is no satisfactory alternative since the existing school cannot be practically adapted enable the additional pupil provision to be made.

In terms of Test 3, the Council's Ecologist and natural Resources Wales have advised that there is no objection and that the development would not, therefore, be detrimental to the maintenance of the population of the protected species.

Having regard to the above, it is considered that the applicant has satisfactorily demonstrated that the proposed development would not adversely affect the maintenance of the existing bat habitat, subject to mitigation measures being implemented on-site, and therefore satisfies the above tests. It is, therefore, considered that the development would not adversely impact upon ecology or protected species, in accordance with Policy ENV 16 of the UDP.

### Trees

There are no trees protected with Tree Preservation orders within the application site and it does not lie within a conservation area. Therefore, none of the trees within the site are statutorily protected.

The application is supported by a comprehensive tree survey which assesses the condition of the trees within the site. There are two main areas within the proposed site layout design where relatively significant tree removal is required to allow the development to be undertaken. A group of closely spaced beech, a mature beech tree, and a linear group of pine of poor form will require removal to allow for the proposed secondary school building to be constructed.

A group of mature trees within a remnant of a hedgerow within the southern section of the site will require removal to allow for the construction of the proposed new primary school. These trees include two mature ash, a sycamore and an elm, sections of mature hawthorn and two early mature cherry of poor form being suppressed by the adjacent mature trees.

While the development requires a number of trees to be removed, these have not been deemed worthy of specific protection and it is considered that their loss would not unacceptably impact upon the character of the area. Significant numbers of trees would be retained within the site, particularly around the frontage and perimeter, which softens the impact of the site and the buildings.

#### Drainage and flood risk.

The Council's Drainage and Flood Risk Engineer has advised that the site is not located in Development Advice Map areas of fluvial or tidal flooding and has little risk of surface water flooding. He has advised however, that the site is located above an area that has a known flooding history. The site also discharges to a main river and, therefore, Natural Resources Wales (NRW) were consulted on this application. Natural Resources Wales have subsequently advised the area that floods is the south east corner of the site. On that basis, NRW do not have any adverse comments regarding flooding.

The Drainage Strategy indicates that SuDS techniques including permeable paving, swales, attenuation basins and infiltration techniques will be used to discharge of surface water, reducing runoff to that of 'greenfield' runoff rate.

The plans indicate that all surface water will be discharged to an attenuation basin, via drainage channels and sewers, which will then outfall into the River Hoddnant (an NRW main river). The basin would attenuate flows to the 1 in 100 year design storm event + 20% for climate change. Calculations have not been provided for the storage volumes of the attenuation basin or piped system to ensure that no part of the site floods to the 1 in 30 year design storm event, or for the amount of storage needed for the 1 in 100 year design event + 20% for climate change. Therefore the engineer has advised that these should be submitted and approved by the LPA prior to works commencing on site.

Having regard to the principles of the drainage strategy, there is no objection from the engineer subject to conditions to require the detailed drainage system to be agreed and to require a SUDS management plan to be approved.



A resident raised concerns during the consultation process in respect of whether the proposed drainage arrangements would affect their property. However, the developer provided a response (which was forwarded to the neighbour) which sought to address those concerns, principally regarding the route of foul sewers. No response has been received, therefore, it is assumed that the response has adequately addressed those queries.

Having regard to the above, it is considered that the proposed development is acceptable in terms of the drainage strategy and would not adversely impact upon flood risk in the area, in accordance with Policy ENV 7 of the UDP.

## 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 Part 1 Policies: 1, 2, 8,11 and 14 and Policies ENV7- Water Resources, ENV16- Protected Species, ENV24 – Conservation and Enhancement of Open Space; ENV27 – Design of New Developments; ENV28 – Access for Disabled People; ENV29- Protection of Environmental Quality; TRAN9 – Cycling Development; TRAN10 – Parking; REC1 – Protection of Existing Recreational Facilities; and REC2 – Joint Provision and Dual Use of Facilities; of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales 7<sup>th</sup> Edition, Technical Advice Notes 12- Design, 16- Sport, Recreation and open Space and 18- Transport, the proposed development is considered acceptable in terms of the principle of the use in this location, traffic generation, parking and highway safety, impact on neighbours, scale, form, design and visual impact, ecology and drainage.

## RECOMMENDATION

Deemed planning consent be GRANTED 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 only relate to the plans registered on the 20 April 2015, other than where amended or supplemented by the following plans,
- SK003, SK004, SK005 and SK006 (swept paths) received 6 July 2015.
  - soft landscape plans 4 and 5, and hard landscape plans 5 and 6, received 24 July 2015.
  - Site Boundary and Topography, received 6 July 2015.

The development shall be carried out strictly in accordance with these details.

Reason:

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

3. Prior to the first beneficial use of the development hereby approved, further details of the proposed bin stores to serve the schools shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall thereafter be provided prior to the first beneficial use of the development and so retained at all times.

Reason:

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

4. Prior to the commencement of development, details of the finished levels of the site and buildings 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. The submitted details shall include existing and proposed levels for the areas of open space along the southern boundary of the site.

Reason:

To ensure that the visual amenity of the area and residential amenity are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

6. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

7. Prior to the first beneficial occupation of the new school or extension to the existing school, a new travel plan for the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The school shall at all times be operated in accordance with the travel plan as approved.

Reason:

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

8. Prior to the first beneficial occupation of the development hereby approved, details of thirty Sheffield type cycle parking stands to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle stands shall be provided before first beneficial occupation of the development and maintained and retained at all times for the use of the development.

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.

9. Prior to the commencement of development, full construction details of the proposed realignment to the existing means of access to the site, the car parking provision, drop off/pick up facilities and manoeuvring areas shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the realignment to the means of access, the car parking provision, drop off/pick up facilities and manoeuvring areas shall be provided before first beneficial occupation of the development, constructed in accordance with the approved details and maintained at all times for the use of the development.

Reason:

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

10. Prior to the first beneficial occupation of the development, the servicing access located to the south of the secondary school shall be increased in width to allow two servicing vehicles to pass side by side at the same time. Full construction details, including appropriate vehicle swept paths shall be submitted to and agreed in writing by the Local Planning Authority prior to the implementation of the works to widen the access.

Reason:

To ensure adequate means of access and egress for servicing vehicles, in the interests of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

11. Prior to the first beneficial occupation of the development hereby approved, the proposed Traffic Regulation Orders as detailed within the Addendum to the submitted Transport Assessment shall be implemented in full.

Reason:

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

12. Prior to the first beneficial occupation of the development hereby approved, the existing footway along the southern side of Boverton Road in the vicinity of the existing Pelican crossing shall be widened, in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To accommodate the increase in pedestrian demand at the existing crossing, in the interests of highway safety and to accord with Policy ENV27 of the Unitary Development Plan.

13. Prior to the first beneficial occupation of the development hereby approved, a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Strategy shall detail how the proposed car parks for both schools, the adjacent Leisure Centre and the proposed drop off/pick areas for cars and coaches/buses within the site will be operated. Thereafter, the Car Parking Management Strategy shall be fully implemented at all times in accordance with the approved details.

Reason:

In order to ensure adequate traffic management is provided within the site, in the interests of highway safety, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

14. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority which shall provide details in relation to access (vehicular and pedestrian) to the site along Ham Lane East, the parking provision for contracting staff, the delivery of materials, the haul route along the highway network during construction and details of the hours within which deliveries of plant/materials will be carried out.

Reason:

To ensure adequate means of access and parking within the site for construction vehicles, in the interests of highway safety, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

15. Prior to the commencement of development, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority, addressing ecological mitigation, compensation and enhancement, to include:

- Details of alternative bat roost(s).
- Details of measures to protect breeding birds, nesting/hibernating hedgehogs.
- Details of replacement habitats/enhancement measures.
- Details of 'newt friendly' drainage.
- Identification of flight lines for bats.
- Details of post development monitoring.

The EDS shall be implemented in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

16. Prior to the commencement of any development that affects the existing bat roost, a copy of the Natural Resources Wales licence (pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010) shall be submitted to the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

17. Prior to the commencement of any works to construct the drainage facilities serving the development, a detailed scheme for the drainage of the site, showing how road and roof / yard water will be dealt with shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme shall thereafter be implemented prior to the first beneficial occupation of the development, and so maintained at all times thereafter.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere, and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

18. Prior to the commencement of any works to construct the drainage facilities serving the development, a SuDS management plan (to include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework) shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions for the life of the development.

Reason:

In order to ensure the development is served by adequate and sustainable drainage facilities and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

19. 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. The scheme shall include details of strengthened planting along the southern boundary of the site.

Reason:

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

20. 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.

21. Any new external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority, prior to the lighting being constructed / erected / placed on site.

Reason:

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

22. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of hours of operation. 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.

**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.**



