

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 14 MAY 2015

Page	Application	Location	Item No.	Description
26	2013/00822/FUL	Penllyn Estate Farm, Llwynhelig, Cowbridge	1.	Amendment to condition Nos. 5 and 6 and additional conditions 7, 24 and 25
			2.	Letter from Welsh Government confirming application does not need to be called in for determination by Ministers.
81	2014/01000/FUL	Agricultural land to the west of Llwynhelig Farm and to the north of Cowbridge by Pass, Cowbridge	3.	Correction to comments of Highways Officer raising no objection.
97	2015/01358/FUL	The Dolphin Public House, Friars Road, Barry Island	4.	Comments of applicants agent confirming the viability issues surrounding the application.
164	2014/01490/FUL	Llancadle Farm, Llancadle	5.	Comments of Council's Drainage Engineer confirming no objections.
198	2015/00075/FUL	Ysgol Maes Dyfan, Gibbonsdown Rise, Barry	6.	Comments of applicants agent requesting amendment to condition Nos. 4, 5, 16 and 21.
			7.	Comments of Cllr. Richard Bertin concerning scale and impact of development.
232	2015/00242/FUL	Brackendene, Burdonshill Lane, Wenvoe	8.	Applicants response to recommendation for refusal.

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 14 May 2015

Application No.: 2013/00822/FUL	Case Officer: Mr. Steven Rennie
Location: Penllyn Estate Farm, Llwynhelig, Cowbridge	
Proposal: Construction and use of an anaerobic digestion facility and associated works	

Amendment to conditions 5 and 6 :

5. No development whatsoever shall commence until details of a new access to the site off the A48 has been submitted to and approved in writing by the Local Planning Authority. The new access shall be implemented and available for use before the commencement of development of the anaerobic digester hereby approved and the thereafter be so retained to serve as the only access to the development hereby approved.

Reason:

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

6. Prior to the commencement of development full engineering details of improvements to the junction with the A4222 (Gibbons Hill) based on plan Figure 2.3 and 001A of the amended Transport Statement shall be submitted to and approved in writing by the Local Planning Authority. The junction improvements as approved shall be implemented (including the necessary weight restrictions and associated signage preventing access to the development) prior to the commencement of development of the AD plant hereby approved.

Reason:

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

Plus additional conditions 7, 24 and 25 as below:

7. The means of vehicular access to the development hereby approved shall be from the A48 only via the track approved under application 2014/01000/FUL and the current access to Llwynhelig farm shall only be used as an egress by vehicles leaving the AD plant.

Reason:

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

24. Prior to the commencement of development details of measures for wheel washing and dust suppression shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be fully implemented on site prior to the commencement of any works and shall thereafter be so retained for the duration of the development unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan

25. 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.considerateconstructorscheme.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.

Department for Natural Resources
Yr Adran Cyfoeth Naturiol



Llywodraeth Cymru
Welsh Government

Mr Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Ein Cyf/Our ref: qA1156596
Eich Cyf/Your ref:
Dyddiad/Date: 13 May 2015

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL IN REQUEST
CONSTRUCTION AND USE OF AN ANAEROBIC DIGESTION FACILITY AND
ASSOCIATED WORKS, PENLLYN ESTATE FARM, LLWYNHEILIG, COWBRIDGE,
VALE OF GLAMORGAN
APPLICATION NO.2013/00822/FUL**

1. I am writing to inform you that the Welsh Ministers have been requested to call in the planning application referred to in the title of this letter.
2. I am authorised, by the Minister for Natural Resources, to consider whether the application should be called in for determination by the Welsh Ministers.
3. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (Edition 7, July 2014). The Welsh Government considers that local planning authorities, as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance.
4. To assist me in the consideration of whether the application raises issues of more than local importance I have consulted colleagues and their responses are as follows:

- Welsh Government Planning Policy Branch with responsibility for waste

“Having considered this proposal from the perspective of national planning policy on waste I do not consider that issues of more than local importance are raised so as to justify call in. National policy offers general support for anaerobic digestion whilst recognising that planning implications will vary depending on the nature and scale of proposals and the particular locality. For this reason the local planning authority is best placed to assess the implications and therefore non-intervention is recommended.”

- Welsh Government Development Management branch with responsibility for safeguarding zones

“The application site falls within the ambit of the Cardiff Wales Airport (Rhoose) safeguarding map, with a consultation height specified at 91.4 metres for the location of the proposed development. It is also covered by the St. Athan aerodrome and technical site safeguarding map, although does not fall within the consultation criteria.

The application states that permission is sought for the construction and use of an anaerobic digestion facility with associated works. Although the maximum height of the facility is not detailed, plans and drawings indicate that it is not likely to exceed the consultation heights.

In view of the above, there does not appear to be any safeguarding issues that would warrant this application being called-in.”

5. Consideration of whether to call in a planning application will be confined to whether or not the issues associated with the application would make it more appropriate for the Welsh Ministers to determine it. The question is who should determine the application and not what the decision on the application should be.

6. In considering whether to call in a planning application the planning merits of the proposed development are not taken into account. Nevertheless, it is necessary to identify the nature and scope of the issues raised in the application in order to determine who the decision maker should be. This then enables the Welsh Ministers to consider whether the local planning authority has identified the national planning policies and legislation/directives relevant to those issues and, if so, whether it has assessed those issues in a reasonably robust way, using up to date methodology and knowledge.

7. In view of the above, and having considered the issues associated with the application in the light of the Welsh Government's policy on call-in and the advice provided by the consultees, which advice I accept, I am of the opinion that the issues raised by the proposed development are not of more than local importance. In view of this, I do not consider that the application should be called in for determination by the Welsh Ministers and it is now for your Council to determine the application as it sees fit.

8. In reaching my decision I did not consider the planning merits of the proposed development and my decision not to call in the application should not in any way be taken as a reflection on the planning merits of the proposals.

9. Your Council has jurisdiction for deciding whether environmental impact assessment is required for this proposal and I have not considered the matter. Any screening opinion will need to be made available for public inspection.

10. It would assist us if a copy of any planning decision which your Council issues could be sent to my colleague, John Saunders (Ext 3878).

Yours faithfully,

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

CLARE DICKS

Decisions Manager
Planning Directorate

Signed under authority of the Minister for Natural Resources,
one of the Welsh Ministers

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 14 May 2015

Application No.: 2014/01000/FUL	Case Officer: Mr. Steven Rennie
Location: Agricultural land to the west of the Llwynhelig Farm and to the North of Cowbridge By-pass, Cowbridge	
Proposal: Construction of a new highway junction and track (ingress only)	

From: Highways Officer

Summary of Comments:

Please note that the comments from the Highway Development Officer quoted in the Committee Report related to the separate application for the Anaerobic Digestion Facility. The following comments from the Highway Development Officer relate to this application for the new junction and access track:

There are no highway objections in principle to this proposal subject to the following highway requirements being fully satisfied :-

- 1) *Junction to be designed in accordance with the requirements of TAN 18 and DMRB TD 42/95.*
- 2) *The design to satisfy Stage 1 and Stage 2 Safety Audits carried out in accordance with DMRB HD 19/03.*
- 3) *Stage 3 and Stage 4 Safety Audits to be carried out in accordance with DMRB HD 19/03 at the appropriate times.*
- 4) *Notwithstanding the submitted plans no works whatsoever shall commence until full engineering details of the junction layout with sections, vertical and horizontal alignments, lighting, drainage, lining, signing and construction details etc have been submitted to and approved by the Highway Engineer.*
- 5) *Access track to have a minimum width of 4m and be constructed in accordance with the submitted plan no. NJA48/04A.*
- 6) *No beneficial use of the access track until the junction has been fully completed to the satisfaction of the Highway Engineer.*
- 7) *Advanced traffic signing scheme, if considered necessary by the Traffic Engineer, to be submitted to the Traffic Engineer for approval.*
- 8) *Applicant to provide a Construction Management Plan to include proposed Method Statements, haul routes and site delivery times to be agreed and approved by the Highway Engineer.*
- 9) *No works whatsoever to commence on the adopted highway until the appropriate Highway Legal Agreement between the Council and the Developer has been signed*

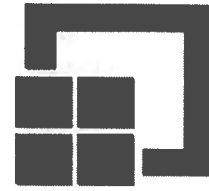
and sealed and the Pre-Commencement Requirements have been fully complied with.

- 10) Appropriate wheel washing and sweeping facilities to be provided within the boundary of the access track to ensure that no mud and loose material is dragged onto the adopted highway to the detriment of highway safety.*

NOTE

The submitted Planning Statement accepts that further improvements are required to the existing access onto A4222 at Gibbets Hill to enable vehicles in excess of 8m overall length to turn right out of the access in a single sweep and that further improvements at the junction of Westgate and Darren Hill are required to make it safer for large waste vehicles to turn right onto Darren Hill in order to access the A48 west-bound and that details of these improvements would be submitted to the LPA for approval subject to consent for the whole scheme being granted.

4



Geraint John Planning

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5th May 2015

Development Control
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

FAO : Marcus Goldsworthy / Ian Robinson

Dear Sir / Madam

Planning Application Ref. : 2014/01358/FUL
Land at "The Dolphin", Friars Road, Barry
Proposal : Demolition of the existing Dolphin bar/restaurant and redevelopment for 25 residential units, commercial uses and associated works
Applicant : Barry Island Property Company

We refer to the above proposed development, which was resolved to be approved at the 12th March 2015 Planning Committee meeting, subject to receipt of an / the independent appraisal of the viability of the proposed development (by the District Valuer - DV) to determine its ability to make provision for a number of planning obligations (relating to the following matters: affordable housing; sustainable transportation; public open space; community facilities; and public art).

We have been instructed by the applicants (Barry Island Property Company) to make the following submissions in respect to the findings of the DV's Assessment, in order to facilitate the application's re-reporting to, and hopeful positive determination at, the Planning Committee meeting of 14th May.

Subsequent to the resolution to grant planning permission at the March committee, the DV's report has been completed and published. The **principal findings of this assessment are**, in our view, as follows:

- that the scheme "***produces a negative residual land value***" and as such "***confirms that the scheme as submitted cannot currently deliver a policy compliant development***" (i.e. that the scheme not viably able to make provision for the planning obligations required);
- the appraisal records, in concluding, that "***the applicant has demonstrated that their current proposals cannot deliver a viable policy compliant scheme***".

At a more detailed level of review, the **District Valuer's assessment of the applicant's case has determined:**

- the applicant's appraisal spreadsheet is "***generally reasonable***";

- there are some differences in respect to assumptions and figures contributing to Gross Development Value, albeit these are ostensibly related to the scale and mix of scheme proposed;
- in terms of construction and associated costs, these are considered to be "**similar to the applicants**";
- insofar as any contingency is concerned, the rate applied is considered to be "**acceptable**";
- professional fees levied are regarded to be "**reasonable**";
- sale and marketing fees were found not to have been allowed for by the applicant in their appraisal, and as such have been applied by the DV (as is common practice);
- in respect to finance costs and development programme, this is considered to be "**reasonable**";
- developer profit levied (at 15%) is considered to be "**reasonable**";
- in terms of land / site value, the rental assumptions are considered to be "**optimistic**" and that "**a below average % of trade would be applicable in this case**";
- there is **considered to be some uncertainty over the future use and development of the adjacent Pleasure Park site**, which in turn is considered to cast some doubt as to whether the unit mix within the proposed development is the most viable development possible (**whilst acknowledging that the mix would become more viable with such certainty**);
- in this light an alternative and reconfigured "**foreseeable market led development**" proposal is configured and appraised by the DV.

Given the above findings, it is clear that **the only matters at odds and indifferent in this case are the position in respect to the adjacent Pleasure Park site (perceived potential uncertainty over its future), and the scale and composition of the scheme itself. All other factors (figures and assumptions underpinning the viability assessment) have been, as recorded above, agreed and verified by the DV.**

The applicants' position, based on the scheme before the Council, is accordingly that the scheme "*cannot deliver a viable policy compliant scheme*". This is of course agreed by the DV. Given this, for a proposal to be able to provide for the planning obligations ordinarily sought a different scheme to that submitted and applied for needs to be advanced.

Pleasure Park site (perceived potential uncertainty over its future)

Dealing with the position in respect to potential uncertainty over the future of the adjacent Pleasure Park site first, it is reported in the DV's assessment that the site is in the process of being sold by the applicant to a "*well known Showman family with popular fairground properties ... who is apparently looking to redevelop the site ..*". Since the completion of the DV's assessment, the position has moved on considerably.

It is the applicants position that **the matter is now irrelevant as the Applicant has moved forward with the sale of the site to Mr Henry Danter and the immediate improvement in the local economy has already been felt and continues to improve with Mr Danter proceeding with a four-year plan to invest £22 million.**

Even prior to these real 'on the ground' developments Officers in the March committee report summarised the known intentions for the Pleasure Park site (including plans and proposals for a "significant undercover building" and the creation of an "all year round" facility). Furthermore, Officers reported on the weight that should be afforded to the legally binding provision in place to facilitate the operation at the time (now realised of course), and also assessed and advised upon the prospect of such an operation and use being successfully operated in the future (not least given the level of commitment and investment and expertise of the operator). As a result Officers stated : "*it is considered the Council has sufficient assurances and reason to expect that a funfair will be delivered on the remainder of the site, such that this can reasonably be taken into account when considering the merits of the Dolphin application*". **As such it is considered that the perceived uncertainty in the DV's assessment over the future use and development of the adjacent Pleasure Park site does not exist (indeed has already proven to be unsubstantiated), which in turn is considered to remove any doubt as to whether the unit mix within the proposed development is viable. Given that the DV acknowledges that the mix as proposed would become more viable with such certainty, there is considered to be no issue in this respect.**

Scale & composition of the scheme

At the outset we would suggest that it is **not ordinary for an alternative, reconfigured, scheme to be configured and assessed by the DV (i.e. an alternative to the scheme put forward as part of any planning application). As such we would respectfully suggest that the alternative scenario assessed and reported on by the DV is not relevant to the consideration of this case.** That said, and as this exercise has been undertaken by and reported on by the DV, a response by us is considered necessary and beneficial. The following comments are made in this context.

In respect to the scale and mix of any proposal / scheme is concerned, it is important to note and appreciate the differences between the two schemes assessed i.e. that put forward by and forming the planning application proposals, and that likely to comprise the foreseeable development configured by the DV. The planning application scheme proposes the following : 25 units of residential / 4 retail units on ground floor / 32 car parking spaces / 5 full and 1 part storey in height. The DV's foreseeable development would likely comprise, or need to comprise : 39 units of residential / 4 retail units on ground floor / circa. 46 car parking spaces – based on a pro-rata increase / circa. 8 full storey in height building (with possible 1 part floor element).

As can be determined from the above, **the two proposals or schemes are materially (indeed significantly) different in their scale and composition.** The difference in residential unit numbers are not minor, but see a circa. 50% increase (from 25 to 39 units). **It is not accordingly a case of 'tweaking' the scheme, but significantly revising it.**

In terms of the resultant car parking requirements and scale and height of the building changes needed to accommodate such an increase, this would be significant. It should be stressed and noted that in both these respects considerable detail and consideration was given in pre-application and post submission dialogue to both - to balance the numbers needed with possible outward impacts. It is considered that the increased numbers of car parking spaces required on the site to facilitate the DV's larger scheme could not be accommodated, not least as there is a requirement to seek to reconfigure the presently proposed arrangement to provide for on-site servicing and turning arrangements. Furthermore, careful appraisal by Officers of the scale and height of the scheme as proposed has been undertaken – having regard to the height of surrounding buildings, the conservation area setting of the site, and moreover assessing what quantum of residential is needed in order to enable and render any commercial development viable. The scale and massing of the present (lesser application scheme) is appraised as follows in the 12th March committee report : "*the proposal must preserve or enhance the character of the conservation area. In terms of the size of surrounding buildings, .. are generally three storeys high .. [or] .. 3-4 storeys high, therefore the proposed development would be higher. However, whilst the development would exceed the height of these neighbouring buildings, there would not be a significant increase*". It is considered that the materially taller and larger DV foreseeable alternative would, in light of this assessment and these factors, likely be unable to satisfy these tests and considerations – not least as any such proposal is likely to be circa. 2/3 full storeys higher. Moreover any larger scheme could, and would likely, generate a range of different statutory and other consultation responses as compared to those already received, possibly changing the acceptability of the scheme in a range of other material consideration terms and respects.

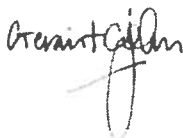
For these reasons **there is doubt and uncertainty over the acceptability and compliance of the DV's foreseeable scheme in planning terms, notwithstanding its ability to yield planning obligations. The DV's alternative proposal is therefore considered to be a theoretical as opposed to real alternative.**

In any event it should be appreciated that the application is a 'Full' application (i.e. detailed scheme), as opposed to an outline proposal. As such, the composition of the proposals are 'fixed', as opposed to being subject to subsequent reserved matters application(s) (which may in the process result in a different mix and number of units, be more fluid as a result, and need as such to be legislated for). It is for this reason that the scheme, as presented, has to be taken, appraised, and determined (as opposed to a possible future alternative). Were any revised proposals put forward in due course then these would be assessed and determined on their individual merits, as would their potential ability to make provision for planning obligations.

In short, the scheme, as proposed, has been demonstrated and independently verified to not be able to deliver a viable policy compliant scheme. Accordingly, and for the above reasons, it is considered and submitted that the application when assessed on its individual merits ought to be approved subject to conditions but without the need for the planning obligations sought.

We hope and trust that all is in order with this submission and look forward to this being reported to Planning Committee. Please do not hesitate to contact us in the event that further information is required or considered beneficial in order to allow this.

Yours faithfully,



Geraint John
Director
Geraint John Planning Ltd.



LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 14 May 2015

Application No.: 2014/01490/FUL	Case Officer: Miss E. L. Langmaid
Location: Llancadle Farm, Llancadle	
Proposal: Installation of ground mounted photovoltaic solar arrays to provide approximately 5MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; deer fencing, CCTV and associated access gate.	

From: Clive Moon – Principal Engineer (Coastal and Flood Risk Management)

Summary of Comments:

With reference to the above case, I would comment as follows on land drainage and coast protection matters where my officers are aware of such implications.

This section holds no record of flooding on or immediately adjacent to the site.

Having reviewed the application, in particular the Flood Consequence Assessment, we have no objection to the development proposed.

Similar solar farm developments have generated silt-laden run-off during construction. The swale proposed would aid in reducing this run-off but there is no indication whether the swale will be constructed prior to the main works commencing. Additional measures may be required by Natural Resources Wales if the potential increase in silt-laden run-off would impact negatively on the adjacent watercourses and I recommend they are consulted on this matter.

Given the above, we recommend that no development shall commence on site prior to construction of the proposed swale. This is to ensure no detrimental impact on the quantity or quality of water entering the receiving watercourses downslope.

Note: NRW had previously commented on the application and referred to the Council's Drainage Team for comments on surface water run-off.

Langmaid, Emma (Agency)

From: Moon, Clive R
Sent: 01 May 2015 13:26
To: Langmaid, Emma (Agency)
Subject: RE: DC/2014/01490 Llancadle Farm - Solar Array
Attachments: 2014-01490-FUL Drainage Comments.doc

Emma,

Drainage comments for the above site. No objections but I would prefer the swale be constructed prior to the rest of the works – not sure if you want to condition specifically or request a programme showing construction timetable for approval prior to construction commencing. I would anticipate silt-laden run-off based on experience on other sites in the area. This would fall to NRW to regulate hence the recommendation to consult – they may already have commented.

Regards,

Clive Moon
Principal Engineer (Coastal and Flood Risk Management)
Visible Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 029 20673277
e-mail / e-bost: crmoon@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Langmaid, Emma (Agency)
Sent: 28 April 2015 12:18
To: Moon, Clive R
Subject: DC/2014/01490 Llancadle Farm - Solar Array and DC/2015/00075 - Ysgol Maes Dyfan - Housing Application

Hi Clive,

I have to complete above committee reports by the end of this week at the very latest. Have you or someone in your team had a chance to review and comment?

If you can respond today when I'm in the office, that would be really helpful. Alternatively, if it is later this afternoon or after today can you please also copy to emma@prospero-planning.co.uk

Many thanks,

Emma

Emma Langmaid
Senior Planning Officer
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704236
e-mail / e-bost: elangmaid@valeofglamorgan.gov.uk

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
The Alps, Wenvoe, CF5 6AA



To / I:	Head of Planning and Transportation
Dept / Adran:	
Date / Dyddiad:	01/05/2015
Your Ref / Eich Cyf:	P/DC/LC/ELL/2014/01490/FU L

From / Oddi Wrth:	Operational Manager Highways and Engineering
My Ref / Cyf:	HE/SP/CRM/L5/1
Tel / Ffôn:	029 20673277
Fax / Ffacs:	029 20673114

Subject / Testyn: **Planning Application No. 2014/01490/FUL (ELL)**
Location : Llancadle Farm, Llancadle
Proposal : Installation of ground mounted photovoltaic solar arrays to provide approximately 5MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; deer fencing, CCTV and associated access gate.

With reference to the above case, I would comment as follows on land drainage and coast protection matters where my officers are aware of such implications.

This section holds no record of flooding on or immediately adjacent to the site.

Having reviewed the application, in particular the Flood Consequence Assessment, we have no objection to the development proposed.

Similar solar farm developments have generated silt-laden run-off during construction. The swale proposed would aid in reducing this run-off but there is no indication whether the swale will be constructed prior to the main works commencing. Additional measures may be required by Natural Resources Wales if the potential increase in silt-laden run-off would impact negatively on the adjacent watercourses and I recommend they are consulted on this matter.

Given the above, we recommend that no development shall commence on site prior to construction of the proposed swale. This is to ensure no detrimental impact on the quantity or quality of water entering the receiving watercourses downslope.

C. R. Moon
for Operational Manager Highways and Engineering
ar ran Rheolwr Gweithredol Priffyrdd a Pheirianeg

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 14 May 2015

Application No.: 2015/00075/FUL	Case Officer: Mr. S. D. Butler
Location: Ysgol Maes Dyfan, Gibbonsdown Rise, Barry	
Proposal: Redevelopment of the site for 47 dwellings, car parking and any associated works	

From: Daryl Jones – Persimmon Homes East Wales

Summary of Comments:

Condition 4 – Amend to read as follows:

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 the details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any roads/drainage on site^u. 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.

Condition 5 – Amend to read as follows:

The alterations to the highway as approved under the terms of Condition 4 of this permission shall 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.

Cont:

Condition 11 – comments noted, awaiting formal response from Council Landscape Officer

Condition 13 – comments noted

Condition 16 – Amend to read as follows:

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.

Condition 21 – Amend to read as follows:

The information submitted in accordance with the requirements of Condition 19 above shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, including provisions to be put in place in respect of individual dwelling houses 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.

Langmaid, Emma (Agency)

From: Jones, Daryl <Daryl.Jones@persimmonhomes.com>
Sent: 12 May 2015 08:33
To: 'Prospero'; Langmaid, Emma (Agency)
Subject: RE: Application 8075/00075/FUL - Ysgol Maes Dyfan, Barry

Morning Emma

I also noted condition 11 requires the submission of further landscaping details. However a comprehensive landscaping plan was submitted with the application. This illustrates existing trees to be retained, existing trees to be removed and all new planting. Accordingly, shouldn't there only be a condition requiring implementation of this scheme? If not I would be grateful if you could explain what the Authority would require in addition to the landscaping proposed.

Regards
Daryl

Daryl Jones BSc (Hons), MSc, MRTPI
Planning Manager
Technical Department

Persimmon Homes (East Wales)
Charles Church (East Wales)
Llantrisant Business Park
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Rhondda Cynon Taff
CF72 8YP
Tel: 01443 445418
Fax: 01443 237328
Email: daryl.jones@persimmonhomes.com

From: Prospero [<mailto:emma@prospero-planning.co.uk>]
Sent: 11 May 2015 16:42
To: Jones, Daryl
Cc: Langmaid, Emma (Agency); Goldsworthy, Marcus J; White, Mark
Subject: Re: Application 8075/00075/FUL - Ysgol Maes Dyfan, Barry

Dear Daryl,

The final draft was not completed until last week when you were on leave.

Re your comments, they are noted and will be incorporated in late reps for Members attention which I will action tomorrow. Ref to POS is a drafting error on my part.

Kind regards,

Emma

Emma Langmaid BA (Hons) MSc MRTPI
Director

Prospero Planning
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E: emma@prospero-planning.co.uk
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On 11 May 2015, at 16:20, "Jones, Daryl" <Daryl.Jones@persimmonhomes.com> wrote:

Dear Emma

I have had sight of the committee report and proposed conditions. I had hoped that you would have forwarded me a list of the conditions prior to their inclusion in the report to allow an opportunity for us to discuss them.

Condition 4

I would be grateful if the trigger for this condition can be amended so as to be worded 'prior to the construction of any roads/drainage on site'? For example site clearance would not require any alteration to the existing access and would allow a prompt start to the development.

Condition 5

The wording of this condition is ambiguous as the internal roads are remaining private and will not be adopted. While I appreciate that the new access would be subject to a Section 38/278 agreement there would be no such agreement required for the internal roads. Your wording refers to all highway works approved under the terms of condition 4 which would include the internal roads.

Also this condition is not relevant to planning. A condition can not seek to control matters which are outside of the remit of planning or which are controlled by legislation such as S38/278 agreements.

Accordingly I would be grateful if the condition is amended to have no reference to a S38/278 agreement. Should you wish a timetable of the highway works then this can be provided by condition.

Condition 13

I note the wording of this condition. For your information we intend to commence work in early June. We have instructed an ecologist to oversee the removal of any trees on site.

Condition 16

NTSP
All means of enclosure are illustrated on the planning layout. These have been amended following discussion with the Authority. Accordingly, the wording of the condition should require implementation of the approved means of enclosure. In addition, I am not sure what reference to the enclosure around the POS and pond the condition is referring to? As there is no pond and POS within the housing site are you referring to the POS to the south? If so, this enclosure has been clearly shown on the planning layout and the hedge on the landscaping plans and was subject to negotiation with officers at a pre-app stage.

Condition 21

Should this condition not refer to the requirements of condition 19 and not condition 20?

Given the above I would request that the conditions are amended and reported either as a late representation to committee or Officers request delegated powers to amend the wording of the conditions prior to the decision notice being issued.

Site Visit

In regards to the site visit, Mark White has ensured that access will be made available for Members on Thursday morning.

Regards

Daryl

Daryl Jones BSc (Hons), MSc, MRTPI
Planning Manager
Technical Department

Persimmon Homes (East Wales)
Charles Church (East Wales)
Llantrisant Business Park
Llantrisant
Rhondda Cynon Taff

7.
From: Bertin, Richard J (Cllr)
Sent: 09 May 2015 19:45
To: Nel, Pamela J; Mills, Louise (Democratic Services)
Cc: Penrose, Bob (Cllr)
Subject: RE: Planning Committee - 14 May 2015 - Agenda and Reports

Hi all,

I am not a member of this committee but would like to give my apologies due to annual leave.

2015/0075/FUL – Ysgol Maes Dyfan School

Can I ask that a site visit is carried out due to the scale and impact of a large development on the local community?

I would also request that a contribution is made by the developer to improve the highway junction of Treharne Road/Gibbonsdown Rise as needs improving in the interests of highway safety. I also concur with the view of BTC that contribution needs to be made to improve the local infrastructure and community facilities under S106/S253 arrangements in consultation with local members.

Many thanks,

Richard.

Richard Bertin
Elected Member
Democratic Services
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**LATE REPRESENTATION FROM THE APPLICANTS AFTER READING THE REPORT
TO COMMITTEE APP NO. 2015/00242/FUL - LODGE BUILDING AT
BRACKENDENE BURDONS HILL, WENVOE. MAY 2015 MEETING.**

To Chairman, Vice Chairman and Committee members

Dear Councillors

Firstly, allow me to apologise raising these fundamental points on the last item of your extremely long agenda, it is not our intention to extend your winter – however my wife and I feel it essential these points are brought to your attention now that we have read the content of the report.

As we believe procrastination is the thief of time – we will not bore you with long introductions – suffice it to say your planning officer has recommended refusal to our application on three grounds and we urge the committee to consider our opinions as follows:-

1. The planning officer has objected on planning policy grounds and has treated this application as ‘a new build proposal on a greenfield site in open countryside’ in accordance with planning policy ENV 1.

Our proposal has never been for that – we submitted an application for the small scale conversion of a rural redundant building in accordance with the principles and policies of POLICY ENV 8 of the adopted UDP.

I would respectfully request all members to ask the planning department three simple questions – the answer to the first two has to be YES and I would be fascinated by the answer to the third.

Firstly, is the application site a group of redundant rural buildings in the open countryside? Secondly, does the application site meet the Planning Policy Wales definition of a ‘brownfield’ site or previously developed land? (the answer however difficult for the planning officer to utter is a resounding YES) so Finally, why hasn’t the application been assessed as a matter of fact and degree in accordance with policy ENV 8 – small scale rural conversions??? I have many examples of similar applications – however the report refers to the Wenvoe Service Station as an example!

Please insist that the planning department make the correct assessment – at the moment they have not.

2. The planning officers report claims that the application site by virtue of its distance from the nearest village is unsustainable.

The distance quoted in the report is 0.8km – the actual distance from the application site to the nearest property within the curtilage of Wenvoe is 200m and if the Wenvoe Garden Centre was considered to be within the settlement boundary (it is only planning officers who are blind to that fact) it would be a lot closer than that.

However let us look at this 0.8km journey from the application site past the Garden Centre, passed the main bus stop on the A4050 passed the new Redrow development of 140+ houses (completely sustainable properties we presume!) passed the Church, passed the Pub, passed the shops we would reach the community centre!).0.8km is 800m the world record for travelling such a distance on foot is 100 seconds – if it wasn't so ludicrous it would be funny – but to put it into perspective that we can all understand it is one quarter of the distance a primary school child is reasonably expected to walk to school! (2miles for a primary and 3 miles for a secondary school child)

This objection I suggest has no grounds.

3. The Highways Authority have raised an objection based on the policy that a private road should have no more than 5 properties off it. And they complain about the condition of this private road/track.

This objection offends me possibly more than the others. Primarily because it has not been assessed against any reasonable criteria and the worst area of the surface of the road is the drainage channel and crossover at the Junction of the A4050 which is the **responsibility** of the Highways Authority!! I would be happy to accept a planning condition to fill any of the

minor potholes on the road surface the day after the Highway Authority met met mmetmet there obligation.

met their maintenance obligation and carry out the necessary repairs! I would also like to understand how two further barn conversion and a new build property have been allowed to be developed at the top of Burdonshill Lane during a period that this policy stands – presumeably without objection, – but the number of vehicular movements in and out of the Garden centre make this objection a spurious one.

I would also respectfully point out that these buildings and land currently support five horses owned by four different owners three of whom make twice daily visits to the site and one owner (who doesn't drive and lives in the east Cardiff) catches two buses each way daily – if you add the three or four visits my wife makes to see her elderly recently widowed father – you can conclude that the proposal would result in a considerable reduction of traffic to and fro the site. As I say the objection is bereft of any thought or analysis.

I would be happy to meet any councillor should there be any doubt about my opinion or claims or should anyone require clarification – this is a potentially life changing application for my Family and I am writing to try to avoid a potentially costly appeal the grounds for which I trust you see are outlined above and would be justified.

I attach some photo's taken earlier today as they can paint a thousand words.





