

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 17 DECEMBER 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2015/0014/PV	A	7, Vale View Close, Penarth	Proposed extension to rear, new pitched roofs to 2no. garages & balcony over entrance.
2015/1549/BR	AC	286-288, Holton Road, Barry	Conversion of two floors of HMO accommodation above shop into 2 self contained flats
2015/1573/BR	AC	4, Bron Awelon, Barry	Two Storey Side Extension
2015/1576/BR	AC	Filco Food Stores, Thompson Street, Barry	Retail fit out
2015/1578/BR	AC	Glan Y Cwm, The Rhiw, Graig Penllyn	Single Storey Extension
2015/1580/BR	AC	14, John Street, Penarth	Creating internal door opening and excavation work to front garden area to accommodate platform lift
2015/1583/BR	AC	80, Victoria Road, Penarth	Two storey rear extension containing 3 bedrooms on FF and open plan kitchen/dining/ living on GF. Extensive alterations to dwelling. Demolish & rebuild garage.

2015/1585/BN	A	14 Redlands House, Redlands Avenue, Penarth	Taking out internal walls and rebuilding them to comply with fire regs. Widen 2nd door openings to DDA. Supply and fit fire door to kitchen.
2015/1587/BR	AC	2, Chaucer Close, Penarth	Single storey side extension
2015/1588/BN	A	65, Hinchsliff Avenue, Barry	Replacement of windows with double glazing
2015/1590/BN	A	71, Plassey Street, Penarth	refurbishment of dwelling including upgrading illegal loft conversion, reconfiguring bathrooms and kitchen, repair first floor wall above catnic lintel
2015/1591/BN	A	61, Andover Close, Barry	Proposed ground, first floor extensions including garden room & porch
2015/1593/BR	AC	33, Enfield Drive, Barry	2 Storey extension and internal alterations
2015/1596/BR	AC	2, Royal Buildings, Stanwell Road, Penarth	Proposed change of use of first, second and third floor to create 3 residential flats.
2015/1597/BR	AC	8, St Dyfrig Close, Dinas Powys	Single storey extension
2015/1599/BN	A	30, Rhodfa Sweldon, Barry	Remove UPVC French doors and take down 1m of wall, then fit bi folding doors.
2015/1600/BR	AC	Penylan Farm Barn, Broomwell Lane, Llancarfan	Conversion of existing stone barn to habitable dwelling
2015/1601/BN	A	4, Gaen Street, Barry	Re-Roof
2015/1602/BN	A	60, Fonmon Road, Rhoose	Single storey extension to extend the kitchen & removal of load bearing wall between kitchen & dining room to create one large room. Fitting of log burning stove.

2015/1604/BN	A	3, Church View, Llanblethian	Remove chimney breast so that existing internal doorway between kitchen and lounge can be opened up to 1800mm wide. Chimney stack has already been removed. Property is a bungalow
2015/1606/BN	A	Colomendy, Highlight Lane, Barry	Re-Roof
2015/1608/BN	A	5, Cwm Parc, Barry	Re-New FD-30 door kitchen
2015/1610/BN	A	Forge cottage, Welsh St. Donats, Cowbridge	Construct new drainage field for treatment plant.
2015/1612/BN	A	5, Station Terrace, Penarth	Take down chimney breast and alterations to existing lean to kitchen.
2015/1613/BN	A	27, Beaufort Way, Rhoose	Log burner and twin wall flue

(b) Building Regulation Applications - Reject

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

2015/1609/BN	R	8, Min Y Mor, Barry	Loft 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:

2015/0182/AI	A	13, Whitehall Close, Wenvoe	Conversion of existing garage into living room and utility room
2015/0183/AI	A	32, Fairfield Road, Penarth	Single storey extension, internal alterations and associated works
2015/0184/AI	A	226, Barry Road, Barry	Erection of a two storey detached care home
2015/0185/AI	A	Bethel Baptist Church, Burton Terrace, East Aberthaw	Conversion of former Baptist Church to new dwelling with ground and first floor extensions

2015/0186/AI	A	Barry Waterfront, Phase 3, Barry	Phase 3
2015/0190/AI	A	St. Cyres Lower Comprehensive, Dinas Powys	280 new build residential
2015/0192/AI	A	88, Glebe Street, Penarth	Material alterations to create new offices. A terrace will be provided above the car park (Amended)
2015/0193/AI	C	12, Gelyn Y Cler, Barry	Loft conversion including raising main ridge line to provide two bedrooms at second floor level and single storey rear extension
2015/0194/AI	A	13, Ceri Avenue, Rhoose	Proposed formation of a structural opening in external wall construction, works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0195/AI	A	Brooklands Farm, Brook Lane, St. Nicholas	Conversion of two farm buildings to separate residential dwellings and associated works
2015/0196/AI	A	17, Lake Hill Drive, Cowbridge	Two storey rear extensions and associated works
2015/0197/AI	A	10, Station Street, Barry	Loft conversion with rear dormer
2015/0198/AI	A	55, Picton Road, Rhoose	Loft conversion
2015/0199/AI	A	37, Plymouth Road, Penarth	New structural opening in external wall
2015/0200/AI	R	7, Nant Talwg Way, Barry	Single storey rear and side extensions
2015/0201/AI	A	Unit C, Atlantic Gate, Atlantic Trading Estate, Barry	Proposed extension of existing first floor mezzanine

2015/0203/AI	A	2, Church Road, Rhoose	Loft conversion with rear dormer and conversion of hip-end to gable end, to provide bedroom and ensuite at second floor
2015/0206/AI	A	Hafod Y Garn, St. Brides Road, Ewenny	Proposed renovation and first floor extension to dwelling works to include material alterations to structure, controlled services, fittings and thermal elements.

(d) Section 32 Building Act, 1984

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

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

2011/0616/BN
2012/0348/BR
2012/0379/BR
2012/0420/BR
2012/0494/BR
2012/0560/BR
2012/0562/BR
2012/0681/BR
2012/0779/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 17 DECEMBER 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

2014/00440/FUL	R	Land at Atlantic Trading Estate, Barry	The erection of a single wind turbine along with associated works.
2015/00163/FUL	A	1, Rectory Road, Penarth	Partial demolition and rebuild of coach house to form residential unit
2015/00183/FUL	A	Llansannor Court, Llansannor	Rear conservatory
2015/00206/CAC	A	1, Rectory Road, Penarth	Partial demolition and rebuild of coach house to form residential unit

2015/00621/FUL	A	Min Y Traeth, 28, Craig yr Eos Road, Ogmore by Sea	Proposed extension and alterations to provide full first floor accommodation, comprising 4 bedrooms and living space
2015/00643/HH	A	Brynhill Golf Club, Port Road, Barry	High hedge
2015/00668/FUL	A	Building 2, Plot 3B, Atlantic Trading Estate, Barry	Development of warehouse and associated office building
2015/00773/ADV	R	59, High Street, Cowbridge	Panel Sign to side elevation and hanging sign at first floor level
2015/00781/FUL	A	Rhose Lifeguards Club, (Access via/to Fontygary Caravan Park), Rhose	To form a view terrace and access ramp to the roof of the existing Lifeguard Clubhouse
2015/00797/FUL	A	11, Solent Road, Barry	New dwelling house on vacant land
2015/00808/FUL	A	13, Illtyd Avenue, Llantwit Major	Construction of new two storey attached domestic dwelling to side garden of no. 13, Illtyd Avenue including the creation of off street parking for the new dwelling and a new access and driveway for off street parking to the existing property
2015/00812/FUL	A	Land to the rear of Curload House, The Old Post Office, Factory Road, Llanblethian	Proposed stone field building in the land to the rear of Curload House
2015/00846/OUT	R	62, Heol Y Frenhines, Dinas Powys	Outline application to demolish garage and build a four bedroom detached house in part of the existing garden
2015/00861/FUL	A	50, Holton Road, Barry	Renewal and replacement of shop fronts

2015/00909/FUL	R	3, East Walk, Barry	First floor extension
2015/00926/FUL	A	Ty Maen Farm Buildings, Ogmore By Sea	Change of use of existing single storey barn to a Cafe/Deli/Restaurant and erection of fume extraction equipment
2015/00968/LBC	A	Bryn Sion Chapel House, Penylan Road, St. Brides Major	Installation of log burning stove in the chapel to improve the heating in the winter months
2015/00972/LBC	A	Ty Maen Farm Buildings, Ogmore By Sea	Change of use of existing single storey barn to a Cafe/Deli/Restaurant and erection of fume extraction equipment
2015/00996/FUL	R	St. Y Nyll Farm, St Brides-super-Ely	Change of use and conversion of existing barns to provide a residential dwelling and associated works
2015/00998/FUL	A	9, St. Ambrose Close, Dinas Powys	The erection of a two storey side extension consisting of two roof lights and new windows (Planning permission approved 2014/00540/FUL) and a second storey extension over existing garage. Existing garage to be converted to living accommodation to include installation of two roof lights, new windows. New bi-folding doors to rear elevation
2015/01017/LBC	A	Tudor Tavern, Church Street, Llantwit Major	Proposed builder's maintenance work to the existing pitched flat roofs

2015/01021/FUL	A	Pencarreg, Bonvilston	Redesign of replacement dwelling consented ref: 2011/00278/FUL, including changes to fenestration, materials and enlarged basement
2015/01027/OUT	A	Orchard Rise, 6, Penlan Road, Llandough	Demolish existing dwelling and construct two new dwellings with associated parking
2015/01037/LBC	R	Springbank Nursing Home, College Road, Barry	Replacement of existing first floor conservatory with two storey infill to east side of front elevation. Construction of matching infill on west side of front elevation
2015/01043/FUL	A	Shangri La, Barry Road, Dinas Powys	Demolition of existing dwelling and construction of new dwelling in line with former extant planning approval 2010/00521/FUL
2015/01049/FUL	A	Plot 13, The Grange, Port Road, Wenvoe	Proposed alteration of approved dwelling to include rear conservatory extension
2015/01074/FUL	A	Plot 84, Reflections at the Quays, Barry	Proposed alteration of approved dwelling to include rear conservatory extension
2015/01076/FUL	A	19 and 20, Boverton Court, Boverton, Llantwit Major	Joint application for 2 storey rear extension to no. 19, and 2 storey extension to no. 20, with shared party wall
2015/01089/FUL	R	Field South of Bonvilston Reading Room, Bonvilston	Proposed agricultural shed
2015/01090/FUL	A	2, Heol Pentrer Felin, Llantwit Major	Proposed front dormer and sub division of existing bedroom into bedroom and study

2015/01094/ADV	A	Tymaen Farm, B4524 Ogmore Road, Ogmore by Sea	The proposed sign will be of circular shape with dimensions of 700mm diameter. The sign will be double sided and of aluminium material. It will be black background displaying the Company logo in white
2015/01096/FUL	A	98, Fontygary Road, Rhoose	New dormer to front elevation
2015/01097/FUL	A	16, Porth Y Castell, Barry	Demolish existing garage and link, construct new single storey car port and extension
2015/01098/FUL	A	60, Trebeferad, Boverton	Single storey mono pitch extension to rear of property
2015/01100/FUL	A	Mill Court, Windmill Close, Wick	Single storey extension to rear of property
2015/01103/FUL	A	5, Hickman Road, Penarth	New side/rear ground floor extension for family dayroom with roof terrace over
2015/01108/FUL	A	Pinfold, 1, Broadway Green, St. Nicholas	Two storey side and single storey side extension
2015/01110/FUL	A	Premier Inn (Cardiff West), Nant Isaf, Port Road, Wenvoe	Two storey extension to hotel bedroom block and additional parking, plus extension to lobby and associated works
2015/01111/FUL	A	Hillcrest, Tredodridge	Demolition of conservatory and construction of two storey extension including balcony to rear (minor alterations to previously approved scheme 2011/00385/FUL)
2015/01112/FUL	A	21, Dyserth Road, Penarth	Loft conversion with dormer to rear

2015/01115/FUL	A	Carpe Diem, 42, Fontygary Road, Rhoose	Detached garage
2015/01117/FUL	A	Maes Y Ward Farm, Bonvilston	Construction of a new agricultural building
2015/01124/FUL	A	13, St. Michaels Close, St. Athan	Erect a flag pole in back garden
2015/01125/FUL	A	8, Min Y Mor, Barry	Roof extension to provide first floor accommodation and alterations to ground floor windows
2015/01128/FUL	A	Ridgebrook, Colwinston	Removal of Condition 2 of Planning Permission 1983/00837/FUL for the erection of one dwelling
2015/01134/FUL	A	The Old Bakehouse, Greenfield Way, Llanblethian, Cowbridge	New dwelling and garage at plot adjacent to The Old Bakehouse
2015/01135/FUL	A	7, Lower Cwrt Y Vil Road, Penarth	Demolition of existing detached garage and bunker to rear of garden and construction of new detached garage
2015/01137/FUL	A	70, Lavernock Road, Penarth	Ground floor single storey side and rear extension
2015/01138/FUL	A	30, Victoria Road, Penarth	Extension to rear of property to create single storey kitchen/diner
2015/01141/FUL	A	41, Holton Road, Barry	Change of use to D1 - Education training facility
2015/01149/FUL	A	36, Chandlers Way, Penarth	Proposed balcony to front
2015/01151/FUL	A	Marionville, 9, Llantwit Major Road, Cowbridge	Refurbishment and extension of existing detached 2-bed bungalow and linked garage to create a 2-storey, 4-bed detached house with integral garage

2015/01154/LBC	A	Natwest, 2, Plymouth Road, Penarth	Remedial masonry work to front and side elevations
2015/01162/FUL	A	4, Belle Vue Terrace, Penarth	Loft conversion with dormer extension to rear and roof-lights to front roof plus installing new doors and windows to rear elevation
2015/01167/FUL	A	65, Port Road East, Barry	Two storey extension to side of dwelling
2015/01175/FUL	A	Ashtree Farm, 21, Newbarn Holdings, St. Athan Road, Flemingston	Ground floor rear extension and side entrance porch
2015/01200/FUL	A	8, Gwern y Steeple, Peterston Super Ely	Alterations and single storey extension to rear of property to replace single story lean-to
2015/01203/FUL	A	Dawson Strange Photography Ltd., 3, Windsor Arcade, Penarth	Change of use from photographic studio to Tattoo Studio
2015/01206/FUL	A	11, Green Lawns, Barry	Single storey rear extension
2015/01209/FUL	A	1, Pontypridd Street, Barry	Attached garage
2015/01219/FUL	A	41, Heol Y Fro, Llantwit Major	Single storey extension to create a garage at ground floor level for storage
2015/01220/FUL	A	21, Whitcliffe Drive, Penarth	Conversion of existing (attached) storeroom to living accommodation, plus single storey rear/side glazed extension. Oriel window clad grey zinc, to include first floor balcony
2015/01230/FUL	A	17, St. Cyres Road, Penarth	Single storey and two storey extension to existing property

2015/01233/FUL	A	147, Plymouth Road, Penarth	Change windows at front of dwelling and provide new balcony, porch and front extension to garage
2015/01252/FUL	R	6, Croft Terrace, Cowbridge	Demolition of dilapidated ground floor wc, first floor bedroom extension and external enhancement
2015/01265/FUL	A	Ty Gardd, Tower Hill, Penarth	Single storey extension infilling between garage and house

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 December, 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00594/FUL
Appeal Method: Hearing
Appeal Reference No: 15/3137441
Appellant: Mrs. R L Winter,
Location: 1, Well Walk, The Knap, Barry
Proposal: Proposed two storey side extension and internal alterations to create garage/utility with ensuite bedroom above
Start Date: 24th November 2015

L.P.A. Reference No: 2015/00689/OUT
Appeal Method: Public Local Inquiry
Appeal Reference No: 15/3135189
Appellant: Asbri Planning
Location: Land south of A48 and west of Old Rectory Drive, St Nicholas
Proposal: Outline application for residential development and associated works
Start Date: 9th November 2015

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

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
Decision: Appeal Dismissed
Date: 27th November 2015
Inspector: M. Hall
Council Determination: Delegated

Summary

The Inspector indicated that the principal issue to consider in the appeal relates to whether the reasonable enjoyment of the Complainant's property is being adversely affected by the height of the hedge, and if so, whether it is reasonable and appropriate to issue a RN.

On consideration of the Anti-social Behaviour Act 2003, hedge guidance and recommended methodology used to assess the impact of the hedge, the Inspector considered that the overall 'action hedge height' (AHH) of the trees subject to the appeal is at 5.45 metres. The hedge is lower than the AHH that relates to the windows and garden of the appellant's property. The legislation advises that a hedge below the height derived from the BRE guidelines is unlikely to result in an unreasonable loss of light to windows or gardens and thus have an adverse effect on someone's reasonable enjoyment of their property.

From what the Inspector observed from the appellant's property, the complaint hedge is seen in the context of a close boarded fence, a raised planting bed, decking and intervening garden structures and thus, its height and length is such that it does not dominate the garden. The Inspector considered that the hedge is located a sufficient distance away from the habitable room windows and, together with its restricted length and height, does not represent an unreasonably dominant or enclosing feature affecting the outlook to an unacceptable degree. Furthermore, given its orientation north-west of the appellant's property and its restricted length and height, any loss of light would be confined to a small area of the garden in the late afternoon. Consequently the Inspector stated that the complaint hedge does not result in any serious overshadowing of the appellant's garden or dwelling and does not affect the appellant's reasonable enjoyment of the property. The Inspector also stated that the Act specifically excludes complaints about the effect of the roots of a high hedge and root-related property damage and have not attached weight to this matter in coming to her decision.

In view of the preceding paragraphs, the Inspector agreed with the conclusion of Officers and resolved that a remedial notice is not justified in this situation and consequently the appeal failed.

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
Decision: Appeal Dismissed
Date: 11th November 2015
Inspector: P. J. Davies
Council Determination: Delegated

Summary

The Inspector considered that the main issues to consider were whether the proposal would be inappropriate development in a green wedge; whether any harm would be outweighed by other considerations that would justify harm to the green wedge and the effect of the proposal on the character and appearance of the area.

The Inspector notes that the appeal site is occupied by a building within formal boundaries, although it is open and largely undeveloped in nature. They note the proposed central position of the building and consider that given its mass and scale, the proposed dwelling would significantly erode the openness of the site. Such development would significantly add to the existing built form and consolidate the small group of dwellings within the green wedge which they note plays an important function by protecting the urban setting and preventing urban coalescence.

With regard to exceptional circumstances for such development within the green wedge, the Inspector considered that the appellant has failed to demonstrate any such circumstance to outweigh the harm.

With regard to the impact of the development upon the character of the surroundings, the Inspector notes that 'although the appeal site lies adjacent to existing buildings... it is nevertheless a large open gap within a small and dispersed group of buildings. Open land and fields buffer the site to the south and east and by reason of its size and situation on the end of a small group, I would not regard the site as infill.' Furthermore, they consider that the site is not situated on the edge of a settlement and the introduction of a dwelling and associated paraphernalia and would consolidate and urbanise the existing pattern of development along the road frontage.

In conclusion the Inspector considers that the appeal proposal would be harmful to the predominantly rural character and appearance of the area contrary to the objectives of PPW and UDP Policies ENV 1, ENV10, ENV27, HOUS 2 and HOUS 3, and the appeal was dismissed.

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
Decision: Appeal Dismissed
Date: 20th November 2015
Inspector: Hywel Wyn Jones
Council Determination: Delegated

Summary

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

With regards to the economic justification argument presented by the appellant for the provision of the building on the site, the Inspector notes that the appellant fails to provide a business case for the need for a building on the site.

The Inspector then considers the LPA's view with regard to the permanence of the building and infancy of the proposed enterprise against the appellant's assertion that the building could be easily converted for an alternative use. In this regard the Inspector states that 'I do not find this explanation persuasive, not least because the 2 double door openings are of domestic proportions which would limit accessibility for the storage of larger equipment or its use by modern farm machinery.' Furthermore the Inspector considers that the appellant provides limited detail to justify the size and design of the building in functional terms. In this regard they conclude that 'the evidence provided does not demonstrate that the proposed building is necessary for agricultural purposes.'

With regard to the design of the building the Inspector considers that 'it would have a domestic appearance. Its size, shape and proportions would be more akin to a dwelling than a contemporary farm building. This would be empathised by the external finishes and detailing such as a feature gable and domestic style doors and windows, including numerous rooflights. Its siting in the middle of two fields would accentuate its presence.'

In conclusion, Inspector states 'that on the basis of the available evidence that there insufficient agricultural need to justify the proposed development. The scheme would lead to unnecessary harm to the character and appearance of the countryside and the SLA, in conflict with UDP policies.'

Whilst considering the alleged economic benefit which the UDP and TAN6 support and potential environmental benefits through promotion of the local bee population, the Inspector notes that these considerations do not outweigh the harm identified. As such the appeal was dismissed.

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
Decision: Appeal Dismissed
Date: 25th November 2015
Inspector: Aidan McCooey
Council Determination: Delegated

Summary

The Inspector considered the main issues in this appeal to be whether the proposed residential conversion would be appropriate in the light of the Council's and national policy restricting development in the countryside and the effect of the proposal on the character and appearance of the surrounding area.

The Council considered that the building was not an attractive traditional building worthy of retention because of its modern and utilitarian appearance. The Inspector found no significant conflict between Policy ENV8 and its supporting text. However, the explanatory text of the Policy and the criteria taken together with the contemporaneous Supplementary Planning Guidance Conversion of Rural Buildings, (SPGCRB) lead the Inspector to conclude that the Policy is aimed at the retention of buildings of some architectural merit or traditional construction. It is clear that the intention is to retain the buildings of interest that contribute to the rural character of the Vale. The use of the word generally in the above passage from the SPGCRB, would allow for the retention and conversion of more recent buildings of architectural merit. The Council acknowledged that the criteria were not perhaps as clear as they could be on this point and that the proposed policy in the draft Local Development Plan made explicit reference to the architectural or historic merit of a building, as pointed out by the appellant. This does not invalidate the Council's interpretation of the current Policy ENV8. This interpretation is a reasonable one when the text of the policy and the Supplementary Planning Guidance are read together. The building in question is acknowledged by the parties as being of little merit and as such would not meet the terms of the policy, as interpreted above.

The proposed conversion would be within the building as it stands with few external alterations. As the proposal does not involve the erection of a new dwelling, the Inspector did not agree with the Council that the provisions of Policy HOUS3 on this topic are relevant. Criterion (iii) of Policy ENV8 requires the building to be structurally sound and that the conversion can be achieved without substantial reconstruction of the external walls. The existing walls are constructed of 100mm single skin brickwork. The appellant commissioned a structural survey which concluded that the walls were sound. The appellant (who is a roofing contractor) also confirmed that the existing walls could not support a suitable roof for a dwelling.

The proposal would involve the construction of such an independent structure within the existing perimeter walls in order to support a new roof structure. The Inspector concluded that this means that the external walls are not capable of accommodating conversion to a dwelling without substantial new construction in the form of an independent block work internal skin. The proposal would not comply with criterion (iii) of the Policy for this reason.

The Inspector made reference to Planning Policy Wales and TAN6 emphasise the principles of sustainable development in rural areas and whilst the site is relatively close to the settlement limit and a hotel, the actual distance to any retail services or local schools is at least 1 km along a busy narrow road with no footways. He considered that this would not be conducive to walking or cycling and contrary to the sustainable development aims of Planning Policy Wales and Strategic Policies 2 and 8 of the Unitary Development Plan which reinforces the main issue that the proposal does not comply with policies restricting new development in the countryside.

In view of the above, the Inspector stated that the proposal would not comply with policies restricting new development in the countryside. It would not meet the terms of Policy ENV8 under which an exception to those policies was claimed. Whilst the design and amenity space would be acceptable, the site is in the countryside some distance from local services and the proposal would not represent sustainable development for the reasons given above. The Inspector concluded that the benefits of the proposal do not outweigh the significant policy objections to it and that the appeal should be dismissed.

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)
Decision:	Allowed
Date:	05 November 2015
Inspector:	P J Davies
Council Determination:	Delegated

Summary

The Inspector considered that the main issue with regard to this appeal was the effect of the development on the living conditions of the occupiers of the proposed flat.

With regard to the internal layout of the flat, the Inspector considers that the unit '*would not be a cramped or confined place to live especially for a single person or a couple*'.

Whilst noting that the provision of no external amenity space would be contrary to Council guidance contained within the Council's Amenity Standards SPG, the Inspector notes that the standards are not prescriptive and relaxation of the standards should be considered in certain circumstances. In this regard, they note that the premises is a short distance from the main shopping centre, within a predominantly residential context of tightly grouped terraces that do not benefit from high standards of private outdoor amenity space.

In this regard the Inspector considers that the retail function of this part of the town is in decline and a residential use would be compatible with the character of the area. Furthermore they note that given the size of the flat it would unlikely be used for a family household with a greater outdoor requirement, and as such consider that given this and the proximity of nearby green spaces, *'the harm to residents' living conditions arising from no outdoor amenity space would be minor'*.

In consideration of previous appeals of a similar nature in Penarth, the Inspector notes that these vary in a number of ways including number of units and type of building. With regard to this particular appeal however, they state that *'the absence of private amenity space is the only minor drawback to the scheme which otherwise offers a sustainable and efficient use of land that would contribute to housing supply and choice, and which would also respect the housing character and amenity of the area. In these circumstances, a relaxation of amenity space standards would be justified.'*

In conclusion the Inspector states *'the proposal would not result in any serious harm to the living conditions of the future occupiers of the flat'* and it would comply with the provisions of the Amenity Standards SPG and policies of the UDP.

For these reasons, the Inspector allows the appeal subject to conditions.

L.P.A. Reference No:	2014/01358/FUL
Appeal Method:	Hearing
Appeal Reference No:	15/3119189
Appellant:	Barry Island Property Ltd
Location:	The Dolphin, Friars Road, Barry
Proposal:	Demolition of the existing Dolphin bar/restaurant and redevelopment for 25 residential units, commercial uses and associated works
Decision:	Appeal Allowed
Date:	12 November 2015
Inspector:	A. McCooley
Council Determination:	Committee

Summary

Members will recall that this appeal was made in the light of the Committee's decision to resolve to grant permission for the demolition and redevelopment of the Dolphin Public House, providing the developer enter into a section 106 agreement that would require them to make section 106 contributions in the event that the viability of the scheme improves.

Reasons

Benefits of the Proposal

The Inspector noted the benefits of the scheme that the Council had identified in its evidence in terms of the design of the building, impact on the conservation area, and provision of retail units at ground floor.

Viability of the Proposed Development

At the appeal the Council confirmed its position had not changed and that the key figure is the 15% profit, above which the proposed claw-back mechanism would apply. The appellant considered that a 20% return would be more reasonable.

Despite the detailed submissions by the Council, the Inspector was not satisfied that sufficient evidence had been submitted to demonstrate that the scheme could potentially make more than 15% profit.

Suggested Claw-back Mechanism

The Inspector was of the view that the nature of this relatively small-scale development meant that regular review of an s.106 obligation would not be appropriate. He noted the Welsh Government guidance which suggests another mechanism to respond to possible changes in the profitability of a scheme; i.e. the granting of a shorter time period for the commencement of the development to ensure that it comes forward swiftly. As the Inspector was not persuaded by the Council's evidence that viability is highly likely to change in a relatively short period of time, he considered that this would be a more appropriate approach in this case. Whilst the appellant suggested a time limit of three years, the Inspector considered that two years (as suggested in the guidance) would be more appropriate because a shorter period would speed completion of the development and thereby allay the Council's concerns on possible changes in viability or market conditions.

Conclusion

The Inspector concluded that the Council were correct to recommend the approval of the scheme without planning obligations for affordable housing and the other listed matters being in place. However, the evidence in this case did not persuade him that a claw-back mechanism as suggested would be appropriate. As such, the absence of a planning obligation requiring payments to the Council in the event of viability of the proposal improving does not weigh against the proposal for the reasons given above. In the light of his conclusions, the Inspector suggested that he did not need to consider whether the individual obligations sought were actually justified in this case and meet the legal tests. Nor did he need to consider whether a claw-back mechanism is appropriate in principle.

(d) Enforcement Appeal Decisions

L.P.A. Reference No: ENF/2013/0192/AENF/2013/0192/A
Appeal Method: Public Local Inquiry
Appeal Reference No: C/14/2229785
Appellant: Messrs Nicholas Burns & Gareth Williams
Location: Land at Saith Farm, Peterston-Super-Ely
Proposal: Without planning permission, the material change of use of the Land from agriculture to a mixed use for agriculture and:
(i) the storage of skips;
(ii) the sorting and storage of waste material;
(iii) the storage of lorries;
(iv) the storage of builder's materials, equipment, machinery and vehicles; and
(v) the use of the Land for residential purposes by virtue of the siting of a domestic trailer and its use for residential accommodation.
Decision: ENF appeal DISMISSED
Date: 13 November 2015
Inspector: Mr. Hywel Jones
Council Determination: Committee

Summary

Procedural Matters and the Notice

Whilst the land subject of the Enforcement Notice was being used to graze horses, the original Enforcement Notice alleged a lawful use of the land for agriculture; the grazing of horses was considered to fall within the definition of agriculture. However, at the initial Inquiry the Inspector was of the view that this activity did not fall within the definition of agriculture and that the use was an equine use of the site in its own right. In the light of this, the Notice, if upheld, would permit an unrestricted equine use. Having considered this matter, the Council considered that there is no unacceptable harm resulting from the equine use, it agreed with the Inspector's proposition to amend the Enforcement Notice to refer to an equine use as well as an agricultural use.

In addition to this, it was established at the Inquiry that the trailer on site was not being used for residential purposes. Accordingly the Inspector proposed to amend the allegation to refer to the storage of a domestic trailer, as opposed to a residential use.

The appeal was made on two grounds, namely:

Ground (b): That the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact; and

Ground (c): That there has not been a breach of planning control.

Ground (b) appeal

The appellant accepted that the first four breaches of planning control alleged in the enforcement notice are dealt with under the ground (c) appeal. With regard to the fifth allegation, as this matter had already been dealt with, as set out above, the Inspector concluded that the appeal on ground (b) must fail in respect of each allegation.

Ground (c) appeal

With regard to the allegation relating to the storage of skips on the site, whilst the appellant asserted that these skips were on the site in connection with the equine use, the Inspector was convinced by the Council's evidence that demonstrated that the skips were being stored on the site and that some were used to store waste material. He concluded that the indicated that, at the time of the serving of the notice, skips were on the site for purposes unconnected with its lawful use.

With regard to the allegation relating to waste material, the Inspector noted the evidence of the Council on this matter, together with the accounts of a nearby resident. From this evidence, he was satisfied that waste material had been brought onto the site during the appellants' ownership and that some of that material had been deposited on the land. The Inspector found that such waste handling and disposal activities represent a material change of use of the land.

The Inspector then considered the allegation relating to the various vehicles and equipment which he suggested was associated with the construction business rather than for the on-site equestrian or agriculture activities. The Inspector also noted the materials being stored within the building, as evidenced by the Council. The inspector acknowledge that given that the appellants' business would give them access to certain types of vehicles/equipment, they may choose on occasions to utilise these resources rather than bringing on specialist agricultural equipment. However, the number of items unrelated to agriculture or equestrian purposes, and the period over which these items are kept at the site indicates that the site is being used for the storage of materials, equipment and vehicles that are unconnected with the agricultural/equestrian use of the site.

Whilst the Inspector noted the works that had been undertaken by the appellant to repair and maintain the building, the bulk of the work, including infrastructure works and the laying of a concrete floor, and enclosing one side of the building were undertaken early on. Since that time, by the appellant's own admission, progress has been slow and does not justify the extent of builders' equipment on the site, or the presence of the lorries that have been on the site.

With regard to the domestic trailer, the Inspector noted that there was no evidence of the trailer being in active use during his inspection, although he did note that the trailer is capable of providing facilities that could be described as a welfare unit. Consequently, he found that the trailer is not being used to any material extent, rather it is being stored on the site and this constitutes a material change of use of the land.

In conclusion in this appeal, the Inspector found that none of the 5 uses alleged in the notice are reasonably ancillary to the lawful use of the site for agriculture/equestrian use. They constitute unauthorised material changes in the use of the land. Ground (c) fails in relation to all 5 of the alleged uses. Accordingly, the appeal was dismissed.

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	W	22	2	24	2
	H	2	2	4	-
	PI	-	-	-	1
Planning Total		24 (86%)	4 (14%)	28	3
Enforcement Appeals	W	-	-	-	-
	H	1	1	2	-
	PI	2	-	2	-
Enforcement Total		3 (75%)	1 (25%)	4	-
All Appeals	W	22	2	24	2
	H	3	3	6	-
	PI	2	-	2	1
Combined Total		27 (84%)	5 (16%)	32	3

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 17 DECEMBER 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

2015/01120/TPO	A	15, Hawthorn Close, Dinas Powys	Reduce crown spread by 25-30% and lightly reduce upper crown to Oak tree
2015/01127/TPO	A	8, Sunnycroft Lane, Dinas Powys	Reduce branches by 2.5m to Oak at front of property and reduce branches by up to 2.5m to Oak at rear of property

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 27 November 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 42, STANWELL ROAD, PENARTH

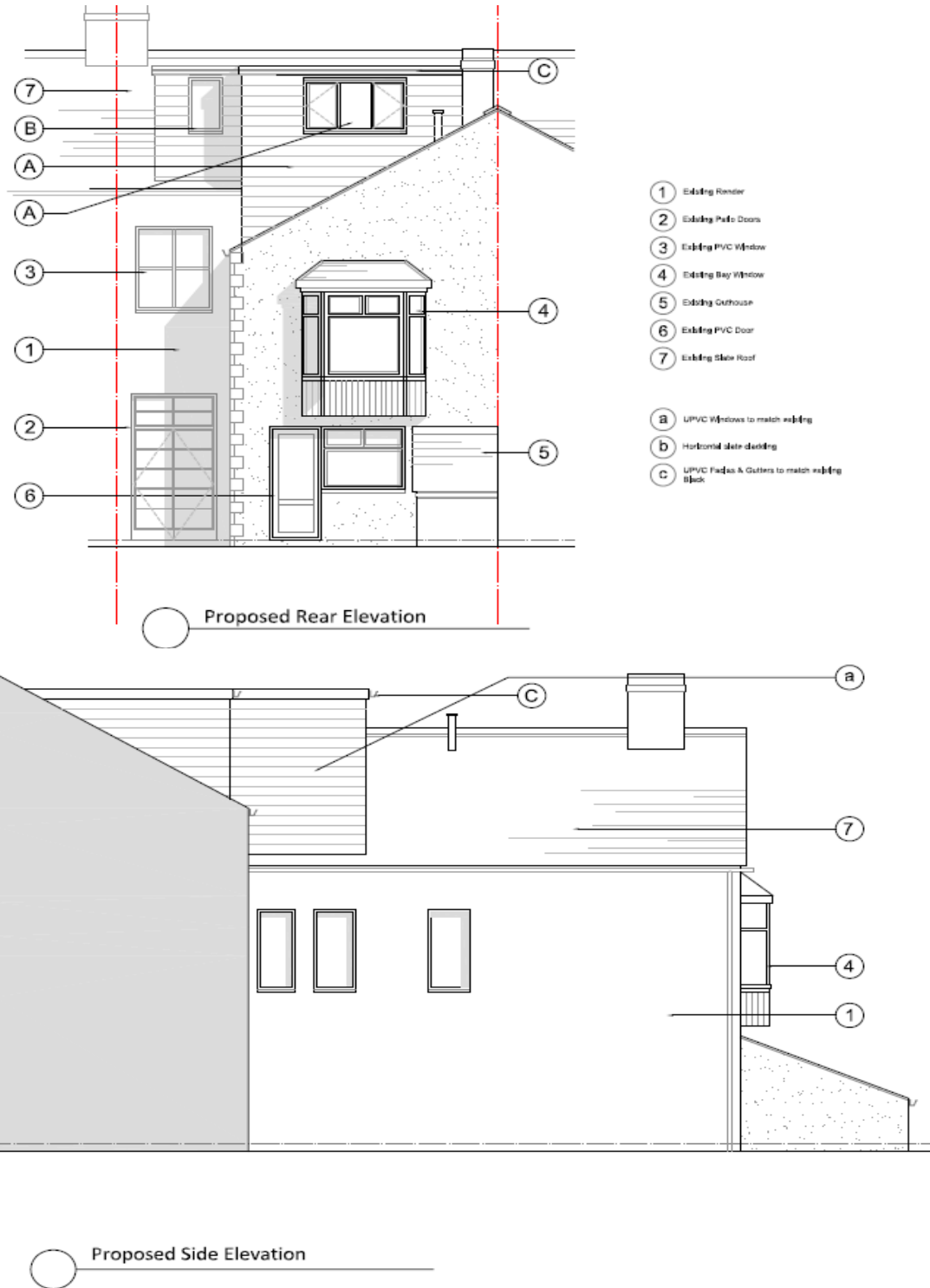
Background

1. The Local Planning Authority received a complaint on the 10th December 2014 regarding the erection of a dormer extension to the rear elevation of the dwelling house known as 42, Stanwell Road, Penarth. Following further investigation by the Council's Enforcement Section, it was established that planning permission was required for the dormer and the owner was advised to submit an application to retain the works that had been undertaken to the rear of the property. An application to retain the dormer was submitted on the 19th January 2015 and was subsequently refused on the 16th March 2015. An appeal was submitted to the Welsh Government on the 16th April 2015 in respect of the matter and the appointed Inspector dismissed the appeal on 19th August 2015 (See Appendix A)
2. The property is a mid-terraced, two storey, Victorian brick property located in a row of similarly designed dwellings in Stanwell Road, Penarth. The dwelling is located within the Penarth Conservation Area and fronts onto Stanwell Road and the Grade II Listed Trinity Methodist Church. The dwelling is also covered by an Article 4 direction. The dwelling backs onto a rear lane and views of the rear of the dwelling can be seen from Grove Terrace.

Details of the Breach

3. The development consists of the enlargement of the dwelling house consisting of an addition to the roof. The dormer is located on the rear elevation of the dwelling with a side return, and is set off the eaves of the original property. The height of the dormer does not exceed that of the original ridge of the dwelling. The dormer measures 5.3 metres wide, 6 metres in depth and to a height of 3.5m. The materials used in the development consist of horizontal slate cladding with white UPVC windows and black UPVC fascias and gutters to match the existing dwelling house.

4. There is provision for the enlargement of a dwelling house consisting of the alteration of the roof under Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, subject to conditions. However, development is not permitted where the dwelling house is on Article (1) 5 land. As the development is located within a conservation area, the works require the benefit of formal planning permission.



Action Pursued to Date

5. The owner of the property has been advised of the requirement of planning permission for the development, hence the submission of the retrospective application. On refusal of consent and dismissal of the appeal for the development the owner has been advised to remove the development or submit an application for a revised scheme to address the concerns raised by both the Council and the Inspector in his decision.
6. The appellant has been in discussion with the Local Planning Authority regarding a revised scheme to overcome the Inspector's and the Council's objections. It has been suggested that an application proposing the retention of the larger element of the dormer extension (that sitting on the main rear roof slope) but omitting the dormer extension on the rear annexe roof (i.e. removing bedroom 4 from the scheme) would be considered more favourably. However, to date, no revised scheme has been submitted in a formal planning application and no action has been undertaken on site to remedy the breach of planning control. The appellant has been advised that even if a revised scheme is submitted then formal enforcement action will still be pursued against the existing unauthorised dormer extension that remains in situ, but on submission and consideration of a revised scheme, the appellant has been advised that a generous time period for compliance will be given to allow for the revised scheme to be considered.

Planning History

7. As already mentioned, the site benefits from the following planning history:

2015/00055/FUL: Dormer Loft Conversion, REFUSED 16th March, 2015
Appeal DISMISSED 19th, August, 2015. A copy of the appeal decision is provided at Appendix A.

Policy

8. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:
 - ENV17 – PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
 - ENV20 - DEVELOPMENT IN CONSERVATION AREAS
 - ENV27 - DESIGN OF NEW DEVELOPMENTS
 - TRAN10 – PARKING
9. In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The Following SPG is of relevance to this appeal:
 - Penarth Conservation Area Appraisal and Management Plan 2011
 - Penarth Conservation Area SPG

10. Planning Policy Wales (Edition 7, 2014) 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.
11. In this case, the relevant material considerations are considered to be as follows:
 - Technical Advice Note 12: Design (2009).
 - Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
 - Welsh Office Circular 61/96, 'Planning and Historic Environment: Historic Buildings and Conservation Areas.'

Reasons for Serving an Enforcement Notice

12. As with both the previous application for planning permission and the subsequent appeal, the principal issues to consider in this case are the impact of the development on the character and appearance of the area and whether the development preserves or enhances the character and appearance of the Penarth Conservation Area.
13. In refusing the application for planning permission, the Council's principle concerns were with regard to the poor design and scale of the development resulting in a bulky addition to the rear elevation which was considered to be wholly unsympathetic to the setting and character of development the area. Having regard to the views of the development from the adjoining highways, it was considered that the dormer is a very harmful addition to the rear roof slope, which diminishes the views towards the tower of the listed Trinity Methodist Church and detracts from the roof scape and the setting of development in this part of the conservation area.
14. In agreeing with the Council, the Planning Inspector in his decision on the appeal was of the view that *'by virtue of its design and use of materials, the dormer introduces an unsympathetic and incongruous box like addition to the rear of the appeal property. Furthermore, by reason of its scale it dominates the rear roof plane and represents an oversized and unsympathetic addition which overwhelms the rear roof plane of the host dwelling and fails to respect its design or form. It therefore has a substantial adverse impact on this property when viewed from Grove Terrace'* (paragraph 9). A copy of the Inspector's decision is attached as Appendix A to this report.
15. In light of the conclusions above, and having regard to the duty imposed by sections 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the dormer extension fails to preserve or enhance the character and appearance of Penarth Conservation Area.

16. As such, the development 'as built' is considered contrary to the provisions of Policy ENV17, ENV20 and ENV27 of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011, the Penarth Conservation Area Appraisal and Management Plan 2011 and guidance provided in PPW.

Conclusions

17. In consideration of both the planning application and subsequent appeal it has been determined that the scale, design and detailing of the dormer additions are considered to be detrimental to the setting and character of the Penarth Conservation Area being considered unsympathetic and thus wholly inappropriate and therefore failing to preserve or enhance the character and setting of the Conservation Area.
18. In view of the issues identified in the paragraphs above, it is considered expedient to pursue enforcement action in this case.
19. Notwithstanding the conclusions above, it is recommended that if authorisation is granted to issue an enforcement notice, that the recipient is also advised that if a revised application is submitted to retain the larger part of the dormer extension occupying the main rear roof slope, but omitting the dormer extension on the rear annexe roof, such an application is more likely to receive a favourable recommendation, subject to the details of finish and materials. Such an approach would accord with that suggested in TAN9 on Enforcement of Planning Control.

Resource Implications (Financial and Employment)

20. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

21. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
22. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Wellbeing of Future Generations (Wales) Act 2015

23. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

24. The development subject of this report is considered to cause unacceptable harm for the reasons set out above. The need to protect the character and appearance of the Penarth Conservation Area from such inappropriate development is not considered to be outweighed by the short term needs of the current owner of the property.

Equal Opportunities Implications (to include Welsh Language Issues)

25. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) The removal of the dormer extension from the rear roof slopes of the property.
 - (ii) The reinstatement of the roof planes on both the main roof and the rear annexe to their profile prior to the construction of the unauthorised dormer extensions.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The scale, design and detailing of the dormer additions are detrimental to the character and appearance of the host dwelling, being an unsympathetic addition and an incongruous feature within the street scene. Accordingly, the dormer extension fails to preserve or enhance the character and appearance of the Penarth Conservation Area. The development is considered to be contrary to policies ENV17 Protection of Built and Historic Environment, ENV20 Development in Conservation Areas and ENV27 Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as the adopted Penarth Conservation Area Appraisal and Management Plan 2011 and national guidance for development in conservation areas including Welsh Office Circular 61/96. 'Planning and the Historic Environment: Historic Buildings and Conservation Areas' and Planning Policy Wales (edition 7). The development also conflicts with the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

- (2) Notwithstanding the reasons given above, and in accordance with the guidance given in Technical Advice Note (TAN9) the recipient is advised that if a revised application is submitted to retain the larger part of the dormer extension occupying the main rear roof slope, but omitting the dormer extension on the rear annexe roof, such an application is more likely to receive a favourable recommendation.



Background Papers

Enforcement File Ref: ENF/2014/0366/PC

Contact Officer - Mrs. Hayley I Kemp, Tel: 01446 704672

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING



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	The Vale of Glamorgan Council D.E.E.R Plan to accompany Enf Notice - 42, Starwel Enforcement and Appeals	
	Scale	1:1250
	Time	11:16:43 AM
	Date	25 Nov 2015

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 17 DECEMBER 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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.

2015/00543/OUT Received on 26 June 2015

Ms. Paula Bailey, Church Farm, Cowbridge Road, Ystradowen, Vale of Glamorgan, CF71 7SY
DLP Planning Ltd. 1, Blenheim Court, Woodlands, Beaufort Office Park, Bradley Stoke, Bristol, BS32 4NE

Church Farm, Cowbridge Road, Ystradowen

Residential development comprising the erection of up to 25 dwellings together with associated access, services and landscaping (outline)

BACKGROUND

This report relates to the application for outline planning permission, reference 2015/00543/OUT for the residential development comprising the erection of up to 25 dwellings together with associated access, services and landscaping (outline).

An appeal has been made to the Welsh Government in respect of the non-determination of this application. The Planning Inspectorate has confirmed that this appeal has been received although the appeal has not yet been formally started.

The purpose of this report is to seek the resolution of the Planning Committee as to the decision it would have made, had the application been determined. As such, the Committee's decision will establish the Council's stance in this appeal.

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

SITE AND CONTEXT

The application site lies immediately to the south of an existing dwelling and its associated outbuildings and domestic curtilage at Church Farm. The site comprises a roughly triangular area of 1.18 ha of agricultural land which is currently used for the grazing of horses.

There is an existing timber stable block located near the northern boundary of the site, and a field gate entrance to the east of this which gives access onto the adopted A4222 Cowbridge Road. This eastern boundary with the highway is lined with trees and is at a lower level than the road. There is an existing pond to the west of this which drains into a ditch that runs towards a dismantled railway line on the southern boundary. The land falls away to the south west and the undulating pasture land beyond.

The nearest residential neighbour is Ashwood House to the north. There is a larger group of houses located to the east on the opposite side of the A4222, and accessed off that road just to the north of the existing field gate entrance.

The site is located approximately 4km to the north of Cowbridge and immediately on the south western edge of the residential settlement boundary for Ystradowen as defined in the Unitary Development Plan. There is a Scheduled Ancient Monument, Ystradowen Castle Mound, approximately 50m to the north of the site.

DESCRIPTION OF DEVELOPMENT

This is an outline application with all matters other than access reserved for subsequent detailed approval for the residential development of the site for up to 25 No. dwellings and associated works.

The proposed vehicular access will be on the eastern boundary of the site onto the A4222 in the position of the existing field gate entrance. The submitted plans show a priority junction, with the access road measuring 5.5m in width and 2m wide pavements either side. Visibility splays of 2.4m x 60m are identified to the north and south. A new footway and boundary wall is shown to the north of the new access.

Whilst appearance, layout, scale and landscaping are reserved matters, nevertheless, an illustrative layout is provided, and shown below.



The submitted Design and Access Statement (DAS) indicates that there would be a mix of two, three and four bedroom two storey properties principally detached and semi-detached sited on either side of the access road. The proposed 25 No. would equate to a gross density of 21 dwellings per hectare, with 35% being affordable.

The DAS indicates that due to the narrow configuration of the site, and other limitations such as the position of the access and the former railway line, an inward looking layout would be justified, with careful consideration of boundary treatment.

The application is accompanied by a Design and Access Statement (DAS); a Topographical Survey; a Pre-development Tree Survey and Constraints report; a Flood Consequence Assessment; a Preliminary Ecological Appraisal; a Heritage Desk-Based Assessment; and a Transport Statement.

PLANNING HISTORY

Relating to the application site

2014/00490/OUT - Residential development comprising the erection of up to 25 dwellings together with associated access, services and landscaping (outline) - Withdrawn 15 July 2014.

2013/01276/SC1 - Residential development comprising 25 dwellings - Screening opinion for an Environmental Impact Assessment - Not Required 14 January 2014.

2007/00359/FUL - Stable block with 3 stables for private use - Approved 18 April 2007.

Also of relevance to the current application:-

2014/01483/RES – Badgers Brook Rise - Residential development, comprising the erection of 40 dwellings and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping, pumping station and all associated building and engineering operations at Land off Badgers Brook Rise, Ystradowen, Cowbridge – Approved 15 May 2015

2013/00856/OUT – Land off Badgers Brook Rise (to the east of the application site) – Residential development comprising the erection of up to 40 No. dwellings – Approved 31 March 2014,

In addition to the above, Members will recall that an appeal decision on a housing site adjacent to Barry (Weycock Cross) is expected at any time from the Welsh Ministers. As a number of general issues relevant to the principle of the development subject of this report were also considered at the Weycock Cross Public inquiry, that appeal decision may be of relevance for the preparation of this forthcoming appeal.

CONSULTATIONS

Penllyn Community Council – Confirmed that they ‘object again as per previous objection in respect of this proposal, vis. (i) Outside settlement boundary; (ii) Strip development; (iii) Flooding concerns; (iv) Highway access.

A full copy of the Community Council’s comments provided with regard to the previous application 2014/00490/OUT is attached at Appendix A. In summary, it is noted that Penllyn Community Council supports local residents in their strong objections to the proposed development of land at Church Farm, Ystradowen. In particular, the Community Council supports concerns about the adequacy of the site access and traffic speed; loss of agricultural land and development outside of the settlement boundary within no defensible boundaries.

Cowbridge Ward Members Councillors Geoff Cox and Hunter Jarvie were consulted with regard to the application. An email was received from Councillor Jarvie stating that they wanted their objection to be carried over from the previously withdrawn application. In this representation they raised concern with regard to the overall impact upon the village of this proposal and the site allocated within the draft local development plan; impact upon the appearance of Ystradowen on approach from the south; unacceptability of access arrangements to the site, and as such raised objection to the previous proposals.

Natural Resources Wales – No objection but have provided advice in relation to European Protected Species and Flood Risk Management.

On the preliminary ecological appraisal they note that there is low-moderate ecological value on site. However, the report makes reference to species rich hedgerows with trees located on the site boundary. These may provide suitable habitats for foraging/commuting bats and dormice. It is their understanding from the submitted report that hedgerows and trees are to be retained and possibly enhanced. Therefore, they consider that there should not be a detriment to the maintenance of the favourable conservation status of species present, providing hedgerows are retained and this does not change. If hedgerows are to be removed, they request to be re-consulted on the proposal.

On the flood risk they note that the site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004). They recommend that a scheme to dispose of surface water is submitted to and approved in writing by the Authority, to prevent flooding elsewhere by effective management of surface water run-off resulting from the development. The scheme should ensure that run-off from the development will not exceed “Greenfield” runoff rates for this area of the catchment and that details of adoption and management are submitted to ensure that the scheme/systems remains effective for the lifetime of the development. They recommend that advice is sought from the Land Drainage Department in relation to this. They also request that they are consulted on any details submitted for approval to the Authority and on any subsequent amendments/alterations (including any conditions related to a surface water management scheme).

Additional advice is provided in relation to surface water, foul drainage and removal of waste.

Dwr Cymru/Welsh Water – Have requested that their standard Conditions and Advisory Notes be attached to any consent, which include certain requirements relating to foul, surface and land drainage, and no commencement of development until a scheme for the comprehensive and integrated drainage of the site has been approved.

They also note that the site is crossed by a public sewer and that no part of the buildings will be permitted within 3m either side of the centreline.

In addition, they note that the proposed development would overload the existing Waste Water Treatment Works. However improvements are planned for completion by 31 March 2018 and they request a condition to safeguard the security of service and the protection of the environment. This would require no beneficial use earlier than 31 March 2018 unless the upgrade to the treatment works is completed.

They also have no objection to the provision of water supply to the proposed development.

Glamorgan Gwent Archaeological Trust – Initial comments - The Trust notes that their understanding of the historic environment remains unchanged. They reiterate that the proposals have an archaeological restraint.

At its northern point the site is within 50m of a Scheduled Ancient Monument, Cadw Ref: GM 228, Ystradowen Castle Mound. The mound was established during the medieval period as a temporary defensive measure following the Norman invasion. In addition the nearby church dedicated to St Owain replaced an earlier building mentioned in documents of the 12th century, and is likely to be of pre-Norman date. It is likely that the settlement which formed the original village would have grown around the church and the castle mound, although it's exact nature and extent is not known, and it is therefore possible that archaeological material of medieval date are within the application area.

The Trust also notes that they commented on the inclusion of this land in the LDP process and advised that archaeological work would be required and that Cadw should be contacted due to the proximity of the Scheduled Ancient Monument. No supporting information is submitted to show this has been undertaken.

It is therefore possible that the proposed development could reveal evidence of the Medieval settlement, which could be of national importance. It is therefore their opinion that the applicant should be requested to commission such archaeological work, and they note from the supporting information that the applicants are aware that such work should be undertaken. As such they recommend that the determination of the application should be deferred until a report on the archaeological evaluation has been submitted.

Further comments on additional information – They confirm that the submitted Desk-Based Assessment has informed their decision, but it is not a substitute for an evaluation. Given the archaeological resource in the area it remains possible that buried remains may be present and the only way to test this is to undertake an evaluation as recommended.

Further to these comments additional Geophysical survey data was submitted by the applicant for consideration and GGAT were consulted further in this regard. Additional comments had not been received at the time of writing this report.

The Council's Principal Engineer (Coastal & Flood Risk Management) was consulted with regard to the application. They note that there is a medium risk of flooding along the areas of the site adjacent to the pond and watercourse at the site, and it is therefore important to ensure that no dwelling is at risk of flooding and it does not exacerbate flood risk downstream. They note that the illustrated site layout does not indicate the position of the existing pond or watercourse and indicates that these should be incorporated into the development of the site. They state that *'the culverting of the existing watercourses across the site shall not be permitted.'*

The FCA indicates that SuDS techniques should be used across the site and the Engineer suggests that infiltration should be the proposed method of surface water disposal, subject to a geotechnical investigation. Should techniques not be viable, an attenuation basin will be used to discharge surface water into the existing watercourse, although the Engineer indicates that the allowances used within the FCA are inadequate. They also noted that the indicative layout does not make allowance for the provision of the attenuation within the scheme.

Further to this the Engineer states that no exceedance flow routes have been submitted with this application and the Developer should demonstrate flow paths for the development to ensure that no dwelling will be at risk of flooding, particularly in those areas already at risk of flooding. They also intimate that no SuDS management plan has been submitted in support of the application. In conclusion they state that 'we object to the development proposals.'

The Council's Ecology Team – No objections but recommend two conditions.

No protected species have been found on the site, as no species-specific surveys have been undertaken, however the developer's ecologist has highlighted the potential of the site to support reptiles and has recommended sensitive site clearance. The ecologist has also highlighted the potential of the hedgerows as flight lines for light-sensitive species of bat.

All developments should, where ever possible, demonstrate enhancement, and they suggest that, even though the impact of the development appears low, there is scope to improve the biodiversity at the site.

The two conditions recommended relate to sensitive site clearance and ecological enhancement, including lighting.

The Council's Legal, Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – Recommend that a Construction Environmental Management Plan (CEMP) is submitted. Have also outlined acceptable construction times, including more restrictive times for any piling or drilling to accommodate foundations or surface water drainage.

The Council's Highway Development Team – Consulted on 5 July 2015 and comments were received, which notes that the TS provided undertakes an assessment of the means of the access to the site, based on observed speeds along the adjacent highway that visibility splays of 2.4m by 75m would be required. The Highways officer observes that whilst this can be provided to the northern side of the access, visibility to the south can only be provided at 2.4m x 60m. As a result traffic calming measures are proposed to reduce vehicle speeds appropriately to the south of the access. As such they state that subject to additional details being *'made conditional to the planning consent, an objection in relation to the highway and transportation aspect of the development is not raised in this instance'*. As such they request that the following conditions be attached to any consent to be given:

1. Traffic calming measures to be submitted to accompany any subsequent full or reserved matters application.
2. Full details of all traffic arrangements to be submitted with any full or reserved matters application.
3. Visibility splays to be provided in accordance with the details submitted with the submitted Transport Statement.
4. Provision of an appropriate gradient access adjacent to the A4222.
5. Details of proposed car parking arrangement to be provided with the submission of any future full or reserved matters application.
6. Provision of an extended footway along the western side of Cowbridge Road to the north of the proposed access

The Council's Affordable Housing Enabler – Initially commented that their position remains unchanged since their previous response dated 16 June 2014 and reiterate the high need for affordable housing in all areas of the Vale. The amount/type of contribution requested is 9 No. units to be made available as affordable housing, made up of 1 x 2 bed house for Intermediate Low Cost Home Ownership, and Social Rented units of 2 x 1 bed flats with own entrance and no communal areas, 4 x 2 bed houses, and 2 x 3 bed houses.

During the course of the application, as part of the LDP process, viability evidence indicated a marked increase in viability and the Council increased the affordable housing targets set out in Draft DLP Policy MG 4, the affordable housing enabler stated that they would require 10 dwellings within the development to ensure provision of 40% affordable housing within the site.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 5 July 2015. In addition the application was advertised in the press and on site on 16 and 28 July 2015 respectively.

To date a total of 28 No. individual representations of objection have been received, all of which are available on file for Committee Members inspection. Copies of a selection of the representations received are reproduced at Appendix B as being generally indicative of the objections raised. In summary the main points include:-

- Increase in traffic and position of new access close to the brow of a hill is unsafe and would exacerbate existing difficulties.
- Urbanisation and impact on the rural character of the area and setting of the village.
- Outside of the settlement boundary and with proposal for the removal of the settlement boundary and the precedent set for further 'windfall' sites, and the coalescence of development with places such as Maendy and Trehyngyll.
- There are already allocated sites and recent approvals, and this development would be grossly disproportionate.
- Brownfield site should be utilised.
- Contrary to local and national policies.
- Lack of services in the village.
- Local schools are overcrowded.
- Dependency on the car with the loss of a bus service.
- Question whether the sewage system could cope.
- Poor drainage across the site which is prone to flooding.
- Noise problems.

In addition a letter of objection has been received from the Vale MP Mr Alun Cairns. He has requested that the following points be passed onto Planning Committee for consideration:-

- The proposed access from the A4222 is poorly sited near the brow of a hill which restricts vision for cars entering and leaving.
- The site has significant areas of poorly drained land which is prone to flooding and there appears no mention of this in the application.
- Residents are concerned that the development will have a detrimental impact on the visual identity of the village and would change the character of the village in its present form.

A copy of this letter is included at Appendix C attached to this report.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 3 – HOUSING.

POLICY 8 – TRANSPORTATION.

Policy:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV2 - AGRICULTURAL LAND.

ENV7 - WATER RESOURCES.

ENV10 - CONSERVATION OF THE COUNTRYSIDE.

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV16 - PROTECTED SPECIES.

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION.

ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

ENV28 - ACCESS FOR DISABLED PEOPLE.

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

HOUS3 - DWELLINGS IN THE COUNTRYSIDE.

HOUS12 - AFFORDABLE HOUSING.

HOUS13 - EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE.

TRAN10 - PARKING.

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.

REC6 - CHILDREN'S PLAYING FACILITIES.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, Chapter 2 of Planning Policy Wales Edition 7, 2014 (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 2 – Development Plans, in particular paragraphs 2.6.2 and 2.6.3; Chapter 3 – Making and Enforcing Planning Decisions, in particular paragraph 3.1; Chapter 4 – Planning for Sustainability, in particular paragraphs 4.7, and 4.9.1; Chapter 5-Conserving and Improving Natural Heritage and the Coast, in particular paragraphs 5.1.1, 5.2 and 5.5.1; Chapter 6 – Conserving the Historic Environment paragraphs 6.1.1, 6.1.2, and 6.5.1; and Chapter 9 – Housing, in particular paragraphs 9.1.1, 9.1.2, 9.2.3, and 9.3.

Technical Advice Notes:

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

- TAN1 – Joint Housing Land Availability.
- TAN2 – Planning and Affordable Housing.
- TAN5 – Nature Conservation and Planning.
- TAN6 – Planning for Sustainable Rural Communities.

Paragraph 6.2.2 of TAN6 is of particular note and states that '*Planning authorities should bear in mind that, once land is built on, the restoration of semi-natural and natural habitats and landscape features is rarely possible and usually expensive, and archaeological and historic features cannot be replaced. Also, once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable*'.

- TAN12 – Design.
- TAN16 – Sport, Recreation and Open Space.
- TAN18 – Transport.

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.
- Design in the Landscape SPG.
- Trees and Development SPG.
- Biodiversity and Development SPG.
- Sustainable Development SPG.
- Planning Obligations SPG.
- Affordable Housing SPG.
- Model Design Guide for Wales.
- Manual for Streets 1 and 2.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published in November, 2013. The Council have undertaken a public consultation on both the plan itself and the 'Alternative Sites'. The Council have prepared a schedule of Focused and Minor changes to the plan and have now submitted these to the Welsh Government and the Planning Inspectorate. The LDP examination will commence in January next year.

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

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

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

- Affordable Housing Background Paper (2013).
- Affordable Housing Viability Study (2013 Update).
- Affordable Housing Delivery Statement 2009.
- Housing Supply Background Paper (2013).
- Open Space Background Paper (2013).
- Rural Affordable Housing Needs Survey Report (2013 Update).
- Sustainable Settlements Appraisal Review (2013).
- Community Facilities Assessment (2013)?
- Education Facilities Assessment (2013)?
- Sustainable Transport Assessment (2013)?
- Joint Housing Land Availability Study (2014).
- Rural Affordable Housing Needs Survey Report (2010).
- The Affordable Housing Delivery Statement (2009).
- Vale of Glamorgan Housing Strategy.

Other relevant evidence or policy guidance:

- Conservation of Habitats and Species Regulations 2010.
- Circular 13/97 – Planning Obligations
- The Community Infrastructure Levy Regulations 2010
- Welsh Office Circular 60/96 on Planning and the Historic Environment: Archaeology

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to:-

- The principle of the development in the context of the following:
 - The statutory development plan being the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP);
 - Emerging development plan policies;
 - Other planning policies and guidance.
- Landscape and visual impact
- The supply of housing land
- Layout and scale of the development
- Access and traffic
- Agricultural land quality
- Consideration of the potential impact to neighbour amenities
- Archaeology
- Flood risk
- Drainage
- Ecology
- Hedgerows and trees
- S106 Planning Obligations to mitigate the impact of development, and affordable housing.

Principle of the 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. Although time expired as of 31 March 2011, the Vale of Glamorgan Unitary Development Plan 1996-2011 (UDP) remains the adopted statutory development plan for the area.

The site is not within the settlement boundaries identified within the UDP and is, therefore, within the open countryside. Policy ENV1 seeks to strictly control development within countryside locations and indicates that development will only be permitted in particular cases or where it is essential for particular activities, including recreation and rural enterprise.

In addition to this, the settlement boundary, to the north and east of the site, is defined in Policy HOUS2 of the UDP. This policy makes provision for residential development in addition to the sites allocated within the plan, where the development is either within the settlement boundary or constitutes a small scale 'rounding off'. For the purpose of the Plan, small scale rounding off is defined as '*development which constitutes no more than five dwellings... where the site lies within or immediately adjacent to the settlement boundary and conforms to a logical site boundary.*' The exception to this policy would be that provided within policy HOUS13 of the Development Plan, for the provision of affordable housing although the current proposals relate to a market led scheme and as such does not benefit from the provisions of this policy.

The proposed development seeks to extend, the settlement limits of Ystradowen into open countryside and exceeds the threshold within policy HOUS2 to be defined as 'small scale rounding off' for the purposes of the Development Plan. As such, the proposals are considered to be development that does not comply with either UDP policy ENV1 or HOUS2.

The application of UDP policies ENV1 and HOUS2 in this case are supported by the more recent guidance provided in PPW. The guidance provided in section 4.2 of PPW is noted. In particular, paragraph 4.2.4 states:

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

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

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

The key sustainability principles and the key policy objectives of PPW are clearly a set of guidelines that set out the Welsh Government's '*vision for sustainable development and the outcomes [they] seek to deliver across Wales*' (paragraph 4.41). Whilst the development accords with some of the principles and objectives, it is in fundamental conflict with others in terms of land-take and urban sprawl. Accordingly, the development is not in accordance with the general principles of PPW.

The principles of Policies ENV1 and HOUS2 are in accordance with this guidance when applied to the consideration of the development subject of this application. In this regard, these policies are neither outdated nor superseded. As such, these policies should not be given decreasing weight as set out in paragraph 2.7.1 of PPW.

Notwithstanding the findings above, it is accepted that the majority of the housing allocations set out in the UDP have been built out and that there is now a requirement to accommodate future growth in the Vale of Glamorgan. This is, of course, being dealt with via the deposit LDP, due for examination in the new year. Within the deposit LDP policy SP3 sets out that land will be made available for the provision of 9500 new residential units up to 2026. Policy MG2 identifies the locations where the Council proposes to meet the housing requirements, including the site at land off Sandy Lane, to the east of Ystradowen (site reference MG2(45)) for an allocation of 85 dwellings, with part of this site already gaining approval for residential development of 40 dwellings under permissions 2013/00856/OUT and 2014/01483/RES.

The application site however has not been identified as one of the sites for residential development within the emerging Local Development Plan. Accordingly, given that adequate suitable sites have been identified in the draft LDP to accommodate housing need in the area, there is no need to breach the settlement limits in order to accommodate growth in the settlement of Ystradowen in conflict with UDP policies ENV1 and HOUS2.

Ystradowen is defined as a minor rural settlement within the settlement hierarchy identified within the emerging Local Development Plan, although it is of note that such settlements do not benefit from settlement boundaries under the emerging plan. Policy MD6 of the emerging Local Development Plan allows new development in Minor Rural Settlements subject to a number of criteria, '*1. the development site has a distinct physical or visual relationship with the existing settlement;*' and '*4. the proposal would not represent a visual intrusion into countryside or the loss of important open space(s)*'.

These provisions are considered to be consistent with the policy stance within the UDP. Also, as with UDP policy ENV1, draft policy MD1 also makes provision for development within the countryside, subject to compliance with the criteria of the policy stating that *'new development on unallocated sites... will be favoured where it: 1. has unacceptable impact on the countryside'*. As such it is considered that the thrust of the policies ENV1 and HOUS2 are echoed within the policies of the emerging Local Development Plan, which are consistent with the advice in PPW.

In light of this objection to the principle of the development, out of accord with the existing and emerging Development Plan for the Vale of Glamorgan, it falls to consider whether there are any material considerations which outweigh this objection or others that need to be weighed in the balance of the decision.

Housing Land Supply

Members will be aware that Technical Advice Note 1 (TAN1) has been recently updated and, in light of this, it is accepted that the Vale of Glamorgan is unable to demonstrate that it has a 5 year supply of housing land.

PPW 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'*.

Until the adoption of the LDP, and in preparation for the LDP examination, the Council is following the TAN 1 guidance by preparing an objective assessment of the Housing need. At present this objective assessment demonstrates a housing land supply in excess of 5 years in April 2016, increasing again in April 2017 (post LDP adoption).

Notwithstanding this, the TAN1 guidance states *'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'*. Whilst this guidance is noted, the objective assessment demonstrates that the supply of housing land within the Vale of Glamorgan is improving, particularly with the approval of a significant number of sites that are either LDP compliant or otherwise considered to accord with the policies and strategy of the adopted UDP and the draft LDP, as well as national planning guidance, including the approvals for development of the site at Badgers Brook within Ystradowen (2013/00856/OUT & 2014/01483/RES). Whilst the guidance suggests that the current deficiencies in housing land supply should be given considerable weight, it is considered that this weight can be reduced in the light of the steps being taken by the Council to improve the housing land supply position. In this case, therefore, it is not considered that the need to maintain a 5 year housing land supply carries sufficient weight to overcome the principle concerns with the proposed development.

Prematurity

As the LDP is in draft form, consideration should be given as to whether the proposals would be premature, given that this is not an allocated site within the plan.

Planning Policy Wales provides advice on prematurity. Paragraph 2.6.3 says *“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 that 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”*. In addition, paragraph 2.6.4 says *“The stage which a plan has reached will also be an important factor in judging whether a refusal on prematurity grounds is justifiable”*.

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.

As mentioned earlier, Ystradowen has been identified as a settlement that can accommodate growth, resulting in a housing allocation to the north east of the settlement. In addition to this (and as mentioned earlier), the application site itself has been proposed an alternative site. Whilst applications for planning permission have been submitted to the Council for the LDP allocated site off Sandy Lane, it is for the LDP process itself to determine whether the LDP allocation or alternative site subject to this application is appropriate. In the event that permission is granted for the LDP allocated site, it is again for the LDP process to determine whether it is appropriate for Ystradowen to accommodate the additional growth that this application site would provide.

Whilst these are issues of prematurity, the Guidance in PPW is noted in that refusals on prematurity grounds are usually only justified where the development proposal goes to the heart of a plan. In this regard, the application site will accommodate up to 25 dwellings. Taken as a percentage of the 9500 that the LDP identifies as the Housing need for the whole of the Vale of Glamorgan over the plan period, this site would amount to a small percentage total housing allocations proposed in the draft LDP.

Accordingly, it is considered that the application proposal would not have a significant impact in respect of prematurity that would justify the Council pursuing a prematurity case in the forthcoming appeal.

Landscape and Visual Impact

As well as issues relating to the principle of development, it is important to consider the visual impacts of the development from a wider context and the impacts that development of this land would have on the landscape. Within their DAS the applicant states that *'given the location of the site on the edge of an existing settlement with existing development to the north and east, and the well treed former railway to the south east, the impact on the wider landscape will be limited.'*

UDP policy ENV10 seeks to conserve and manage the countryside of the Vale of Glamorgan to minimise the potentially harmful effects of development. Policy ENV10 supports the Council's principle countryside protection policy ENV1. In this case the principles of policy ENV10 are supported by criterion (i) and (iv) of Policy ENV27, which required development to (i) complement or enhance the local character of buildings and open spaces and (iv) minimise any detrimental impact on adjoining areas.

In addition to these UDP policies, Chapter 5 of PPW identifies the importance of the natural heritage of Wales and states:

'The natural heritage and valued landscapes of Wales are not confined to statutorily designated sites but extend across all of Wales – to urban areas, the countryside and the coast. Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well-being of individuals and communities. Biodiversity and landscape are important in the economic life of many communities and the quality of the environment is often a factor in business location decisions.' (Paragraph 5.1.1)

One of the Welsh Government's objectives for the conservation and improvement of the natural heritage is to *'promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats'* (paragraph 5.1.2 of PPW).

The application site projects approximately 190 metres to the south-west of the village of Ystradowen and comprises of three field parcels that are currently used for the grazing of horses. As stated within the EIA screening opinion to the previously withdrawn application for the same scheme, it is considered that *'the site defines the fringe of the rural context with the village and is visually prominent in the immediate environs in relation to the main highway'*. The site currently provides an open, pleasing rural setting on approach to the village from the south-west along the A4222 from Cowbridge, with the hillside to the north of the site providing a largely green and undeveloped backdrop against which the site is viewed. The application site is therefore viewed more in the context of rural, undeveloped land to the west rather than the village itself, giving it an undeveloped, rural character and not against the backdrop of existing development to the north and east as alluded to by the applicant.

The village of Ystradowen itself is predominantly located to the south and eastern side of the A4222 with development to the west of this road more sporadic in its form and appearance. This further contributes to the backdrop against which the site is viewed being undeveloped and rural, and whilst the applicant contends that the former train line is *'well treed'*, this is not considered to be the case as evidenced by the applicant's own Tree and Topographical Surveys.

Whilst adjacent to a small part of the settlement boundary, the proposed development site is considered to relate poorly to the village of Ystradowen, being linear in its form and appearing as an arbitrary intrusion into the open countryside to the west, which benefits from little existing screening. The application site is not urban fringe in character and the fundamental change in the character of this area that would result from the development is not, therefore, logical and would result in a fragmented urban form to the village of Ystradowen. Such development would be contrary to the provisions of criterion i) of policy HOUS8 that requires that *'the scale, form and character of the proposed development is sympathetic to the environs of the site'*. Such sentiment is further echoed within policy MD6 of the emerging Local Development Plan, relating to development within minor rural settlements.

Whilst the application has been submitted in outline with all matters reserved except for access, the proposed development projecting 190 metres from the south-western boundary of the settlement of Ystradowen would fundamentally and adversely compromise the openness of the rural approach to Ystradowen and the role that has to play as part of the rural setting to the village and the character and setting of the countryside and associated network of public footpaths in the area. For these reasons the development would not accord with UDP policies ENV10, ENV27 and HOUS8 of the development plan, as well as the general countryside protection and sustainability principles of PPW.

Layout and Scale of Development

The proposal indicates a development of up to 25 dwellings on what is currently agricultural land. Whilst the application is in outline with all matters reserved (except for access), the accompanying indicative layout provides an indication of the layout and scale of development proposed. The sites' constraints and opportunities have been assessed in the submitted Design and Access Statement (DAS) with the applicant confirming that *'all of the new dwellings would be two-storey in height.'*

An indicative layout has been submitted in support of the application, indicating a mix of two, three and four bedroom properties on either side of a main access road accessed to the north-eastern corner in the position of the existing field gate. This linear form would be a unique layout in the area, and the dwellings would be sited in a way that whilst addressing the internal access road, would appear to relate poorly to the surrounding area. Although indicative, the submitted layout also indicates a number of units (namely 18-24) where it is unclear how appropriate levels of parking, public open space and appropriate areas of amenity space would be provided to serve future occupiers particularly towards the south-west of the site, given the site tapers significantly towards this end.

Furthermore the indicative plan shows the fronts of dwellings 18-19 and 20-21 within approximately 12 metres of each other whereas the Council's adopted Amenity Standards SPG requires a minimum distance of 21 metres to be maintained between principal windows. Again, whilst the application has been submitted in outline, it further demonstrates potential difficulty related to the development of the south-western part of the site. Notwithstanding concerns with regard to the principle and visual impact of the site, the LPA have reservations with regard to the indicative layout, although this would have to be considered further with the submission of any reserved matters application should the appeal be allowed by the Inspectorate.

Vehicular access and highway issues

The application is also supported by a Proposed Site Access Plan and Transport Statement prepared by Matrix Transportation Planning dated June 2015. As aforementioned the application has been submitted in outline with all matters reserved with the exception of access. The indicative layout plan shows the proposed access to the north-eastern corner of the site providing access from the A4222 running to the east, with a priority junction with the A4222. Further to this the proposals include provision for traffic calming measures to be introduced along the site frontage onto the A4222 into the village of Ystradowen to reduce traffic speeds. The proposed traffic calming measures suggested within the Transport Statement include, a vehicle activated sign to enforce the change in speed limit to 30mph, additional repeater signs along the A4222 and additional road markings. The submitted statement concludes that *'the development proposals will not have a negative impact on local transport infrastructure and the measures proposed to reduce the speeds of passing traffic will be of benefit to all road users. For these reasons, it is considered that there no highways or transport related reasons to object to this planning application.'*

It is noted that one of the most vociferous objections within the representations received within the letters of objection to this application relate to highway safety issues related to the creation of an access to serve the proposed development, from the A4222. Noting that access is being sought at this time, the Council's Highways section were consulted in this regard. The submitted Transport Statement has undertaken an assessment of the means of access to the site, based on observed speeds along the A4222, which in turn identifies that visibility splays of 2.4 metres x 75 metres are required according to Manual for Streets 2. However, whilst this level of visibility can be provided to the north of the access, only 2.4 metres x 60 metres can be provided to the south.

In terms of highway safety and geometry of the proposed junction into the site, the Council's Highways Engineer, they confirm that an objection would not be raised in this instance subject to appropriate conditions being attached to any consent given requiring full details of a traffic calming scheme to be submitted; full details of all traffic arrangements/engineering details and gradients of the junction; provision of visibility splays; full details of car parking provision and extension of the footpath to the north of the access of the site.

Having regard to the above, it is considered that the proposed access arrangements are acceptable in terms of highway safety and traffic generation, in accordance with UDP policies ENV27 and HOUS8, as well Manual for Streets, PPW and TAN18: Transport.

Agricultural Land Classification

The proposed site for the residential development comprises of three agricultural fields, with the fields currently being grassed. When visiting the site it appeared that the fields are currently being used the grazing of horses and are not being actively farmed at this time.

Technical Advice Note 6 notes that agricultural land within Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output (Technical Advice Note 6). Unitary Development Plan Policy ENV2 states, 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. This is also reflected in PPW under paragraph 4.10.1 as below:

4.10.1 In the case of agricultural/and, land of Grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future....Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in Grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

The application has not been supported by an Agricultural Land Classification (ALC) map covering the application site. However, from examining the Agricultural land classification map (1986) the site does not appear to fall within one of these grades, being identified as a mix of largely developed land and Grade 3c to the west.

Whilst section 6.2 of TAN 6 on Planning for Sustainable Rural Communities supports the PPW guidance, it gives further advice on the application of the above-mentioned 1986 Agricultural land classification map in paragraph 6.2.4. It states that the "Agricultural Land Classification (ALC) map for Wales is published at a scale of 1:250,000. This map is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality. The map is not suitable for use in evaluating individual sites. In such cases a resurvey at a larger scale is necessary to obtain a definitive grade".

In the absence of a survey of the site, it cannot be concluded that the development will not result in the loss of the best and most versatile agricultural land. Notwithstanding this, it is noted that the Council has failed in at least one previous appeal where it relied upon the 1986 ALC map, without an appropriate site survey having been undertaken. Given that the ALC map indicates the land in question as being of a poor quality for agricultural purposes, it is unlikely that a site survey would arrive at an alternative conclusion. Accordingly, and notwithstanding the wider acceptability of the scheme, the development of the site is not likely to result in the loss of the best and most versatile agricultural land. The development is not, therefore, considered to conflict with the provisions of UDP policy ENV2 or the guidance contained within TAN6 and PPW.

Impact upon development on the amenities of neighbouring residential properties

As detailed previously, the application has been submitted in outline with all matters reserved except for access to the site and as such the scale, appearance and siting of individual dwelling houses would largely be considered with the submission of an application for approval of the reserved matters.

Notwithstanding this an indicative scheme has been submitted for consideration of the Local Planning Authority, with 25 dwellings being accessed off a main spine road running centrally through the site. The majority of dwellings shown on the indicative layout would be located a substantial distance from existing dwellings near to the application site. The dwellings to the east of the site will have gardens backing onto the A4222 which would provide adequate separation from existing dwellings to the east, although dwelling 2 as shown on the plan would be close to the boundary with the existing dwelling of Ashwood House and could result in detriment to their amenity.

However, given the application has been submitted in outline, any subsequent reserved matters application would need to ensure that the siting and design of the dwellings has regard to the criteria of Policies ENV27 and HOUS8 of the UDP, and the Council's Supplementary Planning Guidance on 'Amenity Standards'. However, it is considered that there is no reason why an acceptable layout cannot be achieved in principle, which provides for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

Ecology

The application is supported by a Preliminary Ecological Appraisal prepared by Merlin Bio-Surveys dated May 2015. The appraisal indicates that the habitats surveyed include semi-improved, tall, rural, mature hedgerows and a pond, which were considered to be of low-moderate ecological value. As such the survey recommends that a lighting plan to minimise disturbance to light sensitive bat species, a destructive search for reptiles and method statement and a precautionary search approach relating to Great Crested Newts.

Policy ENV16 of the adopted development plan indicates that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if there are exceptional circumstances; no satisfactory alternatives and effective mitigation measures are provided by the developer.

Following consultation with the Council's Ecologist, no ecological objections were raised with regard to the proposed development, subject to conditions relating to sensitive site clearance and the submission of an Ecological Design Strategy for the maintenance and enhancement of biodiversity including the submission of a lighting strategy. Similarly, no objections were received from Natural Resources Wales with regards to an ecological constraint at the site.

Subject to the conditions advised by the Council's Ecologist, it is considered that the proposed development of the site would be in accordance with policy ENV16 of the Development Plan.

Trees and hedgerows

The application has been supported by a Tree Survey prepared by Tree Maintenance LTD dated April 2014. The submitted Tree Survey indicates a total of 10 no. trees and three groups of trees one Leyland cypress; one willow and one Elm Hawthorn. The individual trees are all identified as being in 'Good' to 'Fair' condition, whilst the groups are in varying condition from 'Good' to 'Poor'. None of the trees in question benefit from statutory protection. The submitted DAS indicates that the creation of the new vehicular access and visibility splays will require the removal of a group of existing Leyland cypress although it is unclear from the submitted details the level of intervention with regard to other trees. Although the indicative plan indicates a number of trees on site, these do not appear to relate to the existing trees on the site, although it should be noted that landscaping is a reserved matter for which approval is not currently being sought, and any future application would need to provide full details of the likely works to these trees and any proposed replacement planting through the provision of a full landscaping plan. If the application was acceptable in all other regards, the provision of an appropriate scheme of planting would be required to mitigate any visual harm that may be caused by the development of the site.

Archaeology and Historical Impact

The application is supported by a Heritage Deck-Based Assessment prepared by Cotswold Archaeology dated June 2015, which concludes that *'the proposed development is not considered to conflict with the requirements of the Planning (Listed Buildings and Conservation Areas) Act (1990), or with national and local planning policy relating to the protection of the historic environment'*.

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust (GGAT) were consulted with regard to the application and state that *'our understanding of the historic environment remains unchanged. This application site at its northern point is within 50m of a medieval motte, which is statutorily designated as a Scheduled Ancient Monument, Cadw Ref: GM 228, Ystradowen Castle Mound... The church nearby is dedicated to St Owain, and whilst the current building is 19th century, it replaced an earlier building which was mentioned in documents of the 12th century. As a Christian site, due to the shape of the churchyard and dedication, it is likely to be of pre-Norman date. It is likely that the settlement which formed the original village would have grown around the church and the castle mound, although it's exact nature and extent is not known and it is therefore possible that archaeological material of medieval date are within the application area.'* As such they go further to state that *'it is therefore possible that the proposed development could reveal evidence of the Medieval settlement, which could be of national importance'* and recommend that determination of the planning application should be deferred until a report on archaeological field evaluation of the site has been submitted to the LPA.

Further to these comments additional Geophysical survey data was submitted by the applicant for consideration. Following the receipt of this information, GGAT were consulted further in this regard, although additional comments had not been received at the time of writing this report.

As aforementioned, Policy ENV17 of the UDP seeks to respect the historic environment, noting that development that has a detrimental impact upon ii) scheduled ancient monuments and sites of archaeological and/or historic interest will not be permitted. Policy ENV18 expands upon this stating that *'where development is likely to affect a known or suspected site of archaeological significance, an archaeological evaluation should be carried out at the earliest opportunity and may be required before the proposal is determined. Detailed plans would need to reflect the conclusions of the evaluation.'* Policy ENV19 expands further on the provisions of these policies detailing that *'where development is permitted which affects a site of archaeological importance archaeological mitigation measures will be required to ensure preservation on site or adequate recording prior to disturbance.'* The supporting text of this policy (paragraph 3.4.77) states that *'where archaeological remains are known or believed to be present, prospective developers may be required to arrange an archaeological desk survey and/or field evaluation to the satisfaction of the Council, prior to determination of any application.'* Such an evaluation could include intrusive or non-intrusive works *'to supplement and improve the archaeological information regarding the site to a level of confidence at which planning recommendations can be made.'*

Noting the provisions of the Development Plan and following consultation with the Council's Archaeological advisors, it is considered that the submitted archaeological details are not adequate to provide the required confidence that the archaeological constraint on the site has been adequately and properly assessed. Given the lack of adequate field assessment, it is considered that the submitted details do not provide the adequate level of confidence for the LPA as required by the Development Plan, that the development would not unacceptably impact upon archaeological remains.

The provisions of the Development Plan are reflected within national planning policy including Planning Policy Wales (edition 7, 2014) paragraph 6.5.1 states that:

The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.

In addition to this paragraph 6.5.2 of Planning Policy Wales (edition 7, 2014) is also of relevance stating that:

Archaeological assessments commissioned by developers (sometimes as part of a wider Environmental Impact Assessment) can help to provide information on the archaeological sensitivity of a site before submitting a planning application. If important remains are thought to exist at a development site, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken¹⁶. The results of any assessment and/or field evaluation should be provided as part of a planning application. If this information is not provided, authorities should consider whether it is appropriate to direct the applicant to supply further information, or whether to refuse permission for inadequately documented proposals.

This advice is echoed within Welsh Office Circular 60/96 on Planning and the Historic Environment: Archaeology, in section 13 which states that:

'Where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.'

Therefore noting the comments of the Council's archaeological advisors and the guidance contained within relevant development plan policies and relevant national planning policy and circulars it is considered that the archaeological constraint on the site has not been adequately considered in this instance. Given this lack of evidence, it is currently considered that the proposed development of this site would be contrary to the provisions of Policies ENV17, ENV18 and ENV19 of the Development Plan, Planning Policy Wales (edition 7) and Welsh Office Circular 60/96.

Flood Risk and Drainage

Surface Water

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

The application has been supported by a Flood Consequences Assessment Prepared by Wallingford HydroSolutions Limited dated June 2015. The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore the site is considered to be at little or no risk of fluvial or tidal flooding.

A number of the consultation responses from neighbours have referred to concerns regarding flooding within and beyond the site. However, noting the designation of the site within Flood Zone A, no objection has been received from Natural Resources Wales, although they recommend that the Council's Drainage Engineer be consulted with regard to a scheme for the disposal of surface water from the site, to ensure effective management of surface water run-off from the site.

The Council's Drainage Engineer indicates a number of issues with the approach taken with the regard to the disposal of surface water drainage from the site. Firstly they indicate that NRW maps indicate that the areas of the site adjacent to the existing pond and watercourse are at medium risk of flooding and '*that the culverting of watercourses across the site shall not be permitted.*' They indicate that the submitted scheme fails to take account of the necessary attenuation measures, with the proposed attenuation pond identified within the submitted FCA in the same position as dwelling nos. 21-25.

This is considered to further demonstrate that the applicant has failed to fully consider the site constraints in the preparation of this outline application. Secondly, the Council's Engineer also states that the submitted details do not properly account for exceedance flow routes and that the developer should demonstrate flow paths for the development to ensure that no dwelling will be at risk of flooding, particularly in those areas already at risk, whilst no SuDS Management Plan has been submitted. Given the above, it is considered that the applicant has failed to demonstrate that surface water drainage of the site can be achieved within the proposed development, that would not result in flooding within the site or result in off-site flooding issues. Thus, the development would be contrary to Policies ENV7 – Water Resources, ENV27 Design of New Developments, and HOUS8 Residential Development Criteria – Policy HOUS2 Settlements of the UDP and the guidance contained within Technical Advice Note 15: Development and Flood Risk.

Foul Drainage

With regard to drainage, comments have been received from Dwr Cymru Welsh Water who raise no objections with regard to proposed sewerage treatment from the site, subject to a number of conditions including the requirement for the provision of a comprehensive scheme of drainage to be provided prior to the commencement of development. They also indicate that the site is crossed by a public foul sewer and that no development will be allowed within 3 metres of the centre of this resource. In addition the response received from Dwr Cymru Welsh Water indicates that the proposed development would overload the existing Waste Water Treatment Works. They do, however, note that improvements are planned for completion by 31st March, 2018, and recommend that an appropriately worded condition be attached to any consent given, preventing the beneficial occupation of any dwelling until such time as the necessary upgrading works have been completed.

Planning Obligations (Section 106)

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6 April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As the proposal subject of this report seeks permission for the construction of 25 dwellings, the following section of this report considers 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. It concludes that planning obligations are required in respect of the following:

- Affordable Housing
- Education
- Off-site Highway Improvements
- Sustainable Transport
- Public Open Space
- Community Facilities
- Public Art

The appeal was submitted for the non-determination of the application subject of this report without a draft section 106 agreement or draft heads of terms for planning obligations that will attempt to mitigate the impact of this development.

Accordingly, at this stage the scheme of development that is subject of the current appeal would fail to comply with the relevant UDP policies, the Council's Planning Obligations SPG and the advice contained in Planning Policy Wales and the relevant TANs . However as the appeal is at an early stage, it is possible for officer's to request a legal agreement and negotiate its terms during the course of the appeal, for consideration by the appointed Planning Inspector. Your officer's will seek the following 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 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 2015, 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 Vale of Glamorgan LHMA (2015) provides the latest evidence, identifying a need for 559 Affordable Housing Units per annum, comprising 331 social rented units and 228 units of intermediate housing, with the latter split between 115 low cost home ownership (LCHO) dwellings and 113 intermediate rented dwellings. In light of the evidence contained within the LHMA and to reflect the high level of affordable housing identified, the Council requires proposals resulting in a net gain of 10 or more residential units to deliver a minimum of 30% affordable housing in Barry, 35% affordable housing in Llantwit Major, Rhoose and St Athan and a minimum of 40% affordable housing elsewhere.

The Deposit Local Development Plan (October 2013) policy MG4 required 35% affordable housing to be incorporated with any residential development in this area, 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 commissioned a review of its viability evidence base in September 2014, to take account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in Minor Rural Settlements including Ystradowen.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site should deliver 40% affordable housing. The Council requires a 70/30 split on site between Social Rented and Intermediate. Based on 25 dwellings, 10 affordable dwellings are required. This would require 7 social rented and 3 intermediate (LCHO).

Ystradowen is located in the Ward of Cowbridge and served by the Community Council of Penllyn. The Rural Housing Needs Survey, also commissioned by the Council in 2010, identified a net need for 16 affordable homes per annum in Cowbridge and 15 in Penllyn. In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Cowbridge, with 133 people requiring:

1 Bed Need	83
2 Bed Need	37
3 Bed Need	7
4 Bed Need	4
5 Bed Need	2
Total	133

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. PPW (ed. 7, 2014) 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. The development of up to 25 dwelling would generate demand for 3 nursery places, 7 primary places, 5 secondary pupils (aged 11 to 16years) and 1 secondary pupils (post 16years).

The nursery/primary schools serving the site are Abracadabra Playground (nursery level only), Y Bontfaen Primary (English medium), Ysgol Iolo Morganwg (Welsh Medium) and Llansannor CIW Primary (denominational). At secondary level the site is served by Cowbridge Comprehensive School (English medium), Ysgol Bro Morgannwg (Welsh medium), the Bishop of Llandaff Church in Wales School and St Richard Gwyn Roman Catholic (denominational).

At nursery and primary level there is no spare capacity to accommodate the development (current and projected). The following section 106 contribution would be required for the additional provision of nursery, primary and secondary education:

- Nursery Level – 3 children x £14,463.26 = £43,389.78
- Primary Level – 7 children x £14,463.26 = £101,242.82
- Secondary level (11-16years) – 5 children (English Medium) x £21,793.42 = £108,967.10
- Secondary level (post 16years) – 1 child x £23,635.40 = £23,635.40

However, in this case it is considered that a section 106 agreement securing planning obligations in respect of the above would prejudice the Council's ability in the short-term to secure the delivery of appropriate alternative residential development sites (with appropriate provision for education facilities) in the area, due to the CIL Regulation 'pooling restriction' explained below.

The CIL Regulations (Reg 123) restrict the pooling of Section 106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that since April 2010 (when the regulations came into force) the Council has secured education contributions for the following schools from the following sites:

Y Bontfaen Primary / Llansannor Primary

The Council have secured a financial contribution from 1 development in Ystradowen at Land at Badgers Brook (2013/00856/OUT) that could contribute towards Y Bontfaen Primary (English medium) and Llansannor Primary (denominational). There is also 1 pending outline application at land to the north-west of Cowbridge (2014/01505/OUT), which could also contribute to this school if approved.

Ysgol Iolo Morganwg

The Council have secured an education contribution from 2 developments in the catchment area of Ysgol Iolo Morganwg that could contribute towards this school, those being Land off Badgers Brook, Ystradowen (Planning ref: 2013/00856/OUT) and Land at St. David's Colwinston (2014/00242/FUL). The Council also have 5 pending applications, which also fall within the catchment area of this school, those being Land north-west Cowbridge (Planning ref: 2014/01505/OUT), Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston (Planning ref: 2015/00960/FUL), Land to the East of St. Nicholas (Planning ref: 2015/00249/FUL), Land to the east of Mink Hollow, St. Nicholas (Planning ref: 2015/00662/FUL), and Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely (Planning ref: 2015/00874/FUL). There is also the application at Old Rectory Drive, St. Nicholas (Planning ref: 2015/00689/OUT) which is currently pending due to an appeal against non-determination.

Cowbridge Comprehensive

The Council have secured education contributions from three developments in the catchment area of Cowbridge Comprehensive that could contribute to the school, those being Ogmoré Caravan Park (2009/01273/OUT), Land off Badgers Brook Ystradowen (2013/00856/OUT), and Land at St. David's Colwinston (2014/00242/FUL). The Council also have 6 pending applications that fall within the catchment area of this school, including Land north-west Cowbridge (Planning ref: 2014/01505/OUT), Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston (Planning ref: 2015/00960/FUL), Land to the East of St. Nicholas (Planning ref: 2015/00249/FUL), Land to the east of Mink Hollow, St. Nicholas (Planning ref: 2015/00662/FUL), Land at Pentre Meyrick (2014/00993/FUL), and Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely (Planning ref: 2015/00874/FUL).

In light of the above, the Council needs to consider which of the pending planning applications would be most important in delivering the Council's strategy for growth, on the basis of their planning merits, i.e. securing new housing development in the most appropriate locations that are capable of providing adequate provision for education facilities, amongst other things. It will not be possible to approve all of the above planning applications with planning obligations for education without breaching CIL Regulation 123. It is the Council's intention to introduce a Community Infrastructure Levy (CIL) for the Vale of Glamorgan which will overcome this issue in the longer term by delivering education facilities through CIL, and enabling the delivery of housing in accordance with the LDP Strategy. In the meantime, the Council will determine the above planning applications in light of all material considerations, including the need to secure adequate education facilities to meet the needs of future occupiers.

Until such time as education facilities can be delivered through CIL, the Council will have to consider which development sites would contribute most towards meeting the Council's strategy for growth and will need to resist those developments that would compromise the Council's ability to deliver the preferred sites in a way that allows their impacts to be mitigated. As such it would not be appropriate to recommend using one of the 5 opportunities to 'pool' s106 contributions for education facilities in Cowbridge on this development, given that it would not deliver sufficient housing numbers to justify undermining the delivery of other more strategically important sites. Therefore, the application cannot make appropriate provision for education facilities to serve the development and as such is contrary to UDP Policy HOUS 8(vi), the Planning Obligations SPG and the advice in Planning Policy Wales (paragraph 12.1.1).

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 PPW, 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 £50,000.

The following measures have been identified to utilise this contribution and to provide sustainable transport facilities serving the development:

- Enhanced bus services serving the development
- Traffic calming measures
- The provision/enhancement of footways / cycleways

Your officers will seek a 106 agreement for the appointed Inspector to consider, containing an obligation for a contribution as set out above.

Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

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

Based on the Council's Planning Obligations SPG, and the LDP Open Space Background Paper (2013), the development for 25 houses creates the need for 1,385sqm of open space, including 114sqm of equipped children's play space, 342sqm of other children's play space and 912sqm of outdoor space. This site requires the provision of 1 Local Areas of Play (LAP) to meet the needs arising from the development.

The site falls within the Cowbridge Ward. As highlighted by the LDP Open Space Background Paper (2013), there is currently an under-provision of all children's play space, and an overprovision of outdoor sport space; however, the paper confirms that Ystradowen itself does not have adequate provision for outdoor sport. Based on the Illustrative Site Layout Plan there appears to be no provision of any on-site Public Open Space.

Given the evidence contained within the LDP Open Space Background Paper (2013), it is considered that Public Open Space should be delivered on site. Consequently, your Officers will seek a s106 agreement for the appointed Inspector to consider, containing an obligation ensuring the full allocation of public open space is provided within the site, or if considered appropriate an off-site contribution in accordance with the Council's SPG is secured.

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 LDP Community Facilities Background Paper (2013) assessed the level of provision of community facilities throughout the Vale of Glamorgan and the additional demand generated by new development planned in the DLDP. Whilst the current level of community space is considered to be adequate to identify the projected housing growth over the plan period within the Cowbridge Ward, given the distance of Ystradowen to community facilities within Cowbridge, the approval of this site would require enhancements to Ystradowen Community Centre, to accommodate future occupiers.

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.

The Community Facilities contribution for the scale of development indicated would be based on the formula of 0.75sqm of community floor space per dwelling or £988.50 per dwelling if not provided on site. Given the scale of development proposed, it is not considered appropriate to require a building on site, which would be too small to provide a meaningful community facility. Therefore a proportionate contribution of £24,712.50 would be used to provide improved community facilities off site.

Accordingly, your Officers will seek a s106 agreement for the appointed Inspector to consider, containing an obligation ensuring the above contribution is achieved.

It should be noted that the CIL Regulations (Reg 123) restrict the pooling of Section 106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that since April 2010 the Council has secured community infrastructure contributions from the development at Land off Badgers Brook Ystradowen (2013/00856/OUT) that could be used towards Ystradowen Community Facility. Therefore, to date, this pooling restriction has not been breached in respect of community facilities referred to above.

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.

Your Officers will, therefore, seek a s106 agreement for the appointed Inspector to consider, containing an obligation ensuring on site public art to the value of a minimum of 1% of the project budget.

CONCLUSION

The objections listed below to the proposed development, now subject of an appeal, have been recommended 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.

1. The Development is clearly contrary to the adopted Unitary Development Plan and Planning Policy Wales, being outside of any recognised settlement boundary.

2. The development would be unacceptable in terms of both landscape and visual impact.
3. The application has failed to demonstrate that the archaeological constraint relating to the site has been fully assessed.
4. Appropriate provision cannot be made for education facilities through Planning Obligations to serve the residential development, without undermining the Council's ability to deliver strategically important development sites within the area.
5. The application has failed to demonstrate that issues of flood risk have been properly considered.

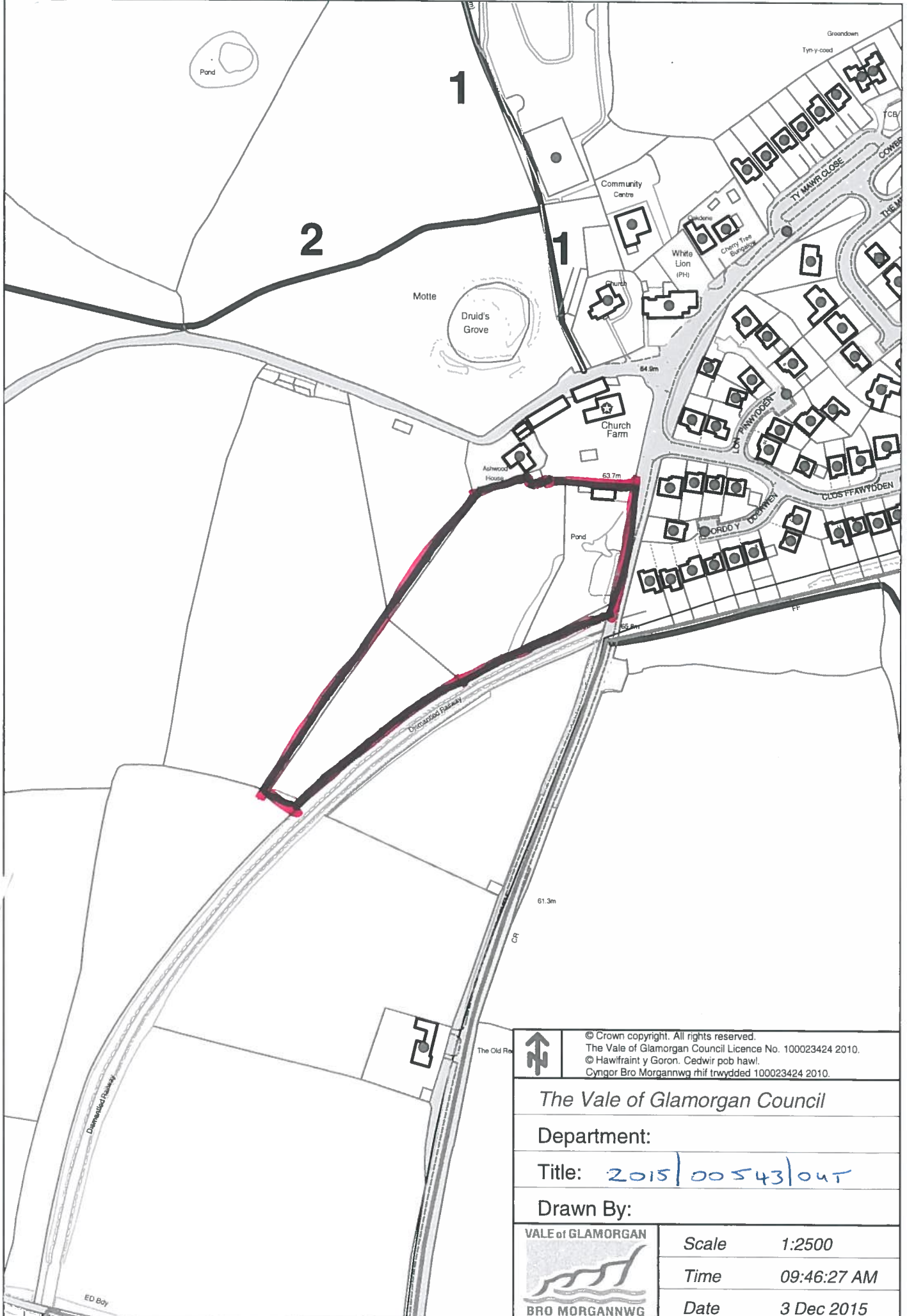
RECOMMENDATION



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

1. The proposed residential development is outside the defined settlement boundary of Ystradowen and there is no overriding justification or material consideration to outweigh the in principle policy presumption against such development. As such the development would be contrary to Policies ENV1 - Development in the Open Countryside and HOUS2 – Additional Residential Development of the adopted Vale of Glamorgan Development Plan 1996, as well as Planning Policy Wales (Edition 7) July 2014.
2. The residential development would be a visually prominent and discordant feature that would be unacceptably harmful to the character of the countryside. As such the development of this sensitive rural area and landscape would be contrary to Policies ENV1 – Development in the Countryside, ENV27 – Design of New Developments and ENV10 Protection of the Countryside of the adopted Vale of Glamorgan Development Plan 1996 – 2011, as well as Planning Policy Wales (Edition 7) July 2014.
3. Given the proximity of the proposed development to the site of medieval buildings and the medieval village of Ystradowen, it is considered likely that the application site may contain features of archaeological significance. Insufficient information has been submitted to demonstrate that the development would adequately preserve any features of archaeological significance. Accordingly, the proposal is not considered to accord with Policy ENV18 - Archaeological Field Evaluation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the guidance contained within Planning Policy Wales (edition 7 2014) and the detailed advice in Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

4. The proposed housing development would generate the need for additional school places which cannot be met by existing spare capacity and the development cannot make appropriate provision for education facilities to serve the development through Planning Obligations, without undermining the Council's ability to deliver strategically important development sites within the area. Accordingly, the application is contrary to criterion (vi) of Policy HOUS 8 of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011, the Council's approved Planning Obligations SPG and the advice in paragraph 12.1.1 of Planning Policy Wales (7th Edition) July 2014.
5. Given the details contained within the submitted Flood Consequences Assessment and details provided within the application, it is considered that the submitted drainage details are not adequate to fully assess the impacts of surface water discharge and exceedance flows across the site and it has not therefore, been demonstrated that the development would not result in an increase in flood risk within and off the site. As a consequence the development is contrary to Policies ENV7 – Water Resources and ENV27 - Design of new developments of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011 and the guidance contained within Planning Policy Wales (edition 7 2014) and Technical Advice Note 15: Development and Flood Risk.

Also, in the event that the appeal decision for the residential development site on land to the south west of Weycock Cross is received prior to the consideration of the appeal subject of this report, Members agree that the Council's evidence when prepared takes account of that appeal decision and that officers be given delegated authority to amend the Council's stance in respect of the above listed reputed reasons for refusal.



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2015/00543/OUT</i>		
Drawn By:		
	Scale	1:2500
	Time	09:46:27 AM
	Date	3 Dec 2015

From: penllyn.community.council@talktalk.net
Sent: 23 June 2014 02:05
To: Prichard, Yvonne J
Subject: PA: 2014/00490/OUT - Residential development at Church Farm, Ystradowen.

Hello Yvonne,

I'm sending this again to ensure that the objections of Penllyn Community Council are recorded against this proposal.

Penllyn Community Council supports local residents in their strong objections to the proposed development of land at Church Farm, Ystradowen (2014/00490/OUT). In particular, the Council supports concerns about the lack of local highway capacity, lack of an existing local bus service, lack of community and education facilities and the detrimental impact these developments would have on the Village environment.

With regard the site specific issues of the proposed development land at Church Farm there are several matters of concern to the Community Council these include:

- Site access;
- Loss of agricultural land;
- Beyond the established boundary of the village settlement;
- Proposed Farm Shop.

SITE ACCESS

Whilst the applicant argues that the existing field access is suitable for the proposed development and that vision splays can be achieved without creating traffic problems this is strongly disputed by the Community Council.

Inspection of the site will show that the proposed site entrance is close to an elevated former rail bridge and whilst there is a speed limit of thirty miles per hour at this point a significant amount of traffic travel past the site at speeds above the legal limit. This is confirmed by the traffic speeds recorded by the applicant. Within living memory there have been two fatal accidents within 100m of this site and the introduction of a further access point at this location is likely to cause significant problems. The Community Council is very concerned that the actual speed of traffic at this location and the real visibility available to motorists coming over the bridge is will result in further fatalities.

LOSS OF AGRICULTURAL LAND

The applicant argues that the site is used for horse grazing and is not agricultural land. Inspection of the planning application 2007/00359/FUL indicates that the permission relates to the construction of a stable block. Therefore, although the applicant chooses to currently use the site for horse grazing this consent does not imply that the areas use as agricultural land has been lost. In relation to other agricultural land at Ystradowen it can be argued that all land surrounding the settlement is of mixed agricultural value. The Community Council contends that this is not the primary issue in relation to this and other proposed sites in the area, matters relating to the development of land in sustainable locations is of greater significance.

DEVELOPMENT OUTSIDE THE SETTLEMENT BOUNDARY

The proposed alternative site at Church Farm is clearly at the edge of the Ystradowen where no defensible boundaries to the site save for the former railway line can be identified. The arbitrary field boundaries to the north offer future hope value for further development that will inevitably be sought if this site is permitted.

The Community Council has previously argued that the identification of settlement boundaries around the key settlement of Barry, the service centre settlements and primary settlements and not the minor rural settlements is inconsistent and unacceptable. Proposals such as ASN 46 (Land at Church Farm) and ASN 95 (Land North of Ystradowen) indicate that if no settlement boundaries are provided for such communities continued pressure for greenfield development in unsustainable locations will persist throughout the time period of the plan. In this respect the Community Council agrees with the Welsh Government response to the previous deposit Plan when it was stated that "the rationale for not including settlement boundaries around minor rural villages is not clear and

requires further justification. Paragraph 7.34 (and Policy MG 7) of the written statement states that it was a deliberate choice not to draw boundaries around these settlements and that development will “generally comprise infilling or limited small scale extensions to the minor rural settlements, in particular where they meet the need for affordable housing”. The policy appears to be in direct contrast with the large numbers of allocated units within some of the minor villages. Whilst Policy MG 7 gives some criteria for future development, it does not restrict numbers and the lack of a settlement boundary in these locations could result in additional housing sites coming forward in the plan period. Development in these locations is likely to be greenfield, with fewer development constraints than brownfield sites.

FARM SHOP

It is indicated within the ASN 46 submission that “the landowner has expressed a desire to include a farm shop” as part of the development. As the landowner currently only sells a few surplus eggs from a small stand at the old farm entrance it seems that such a facility would require the importation of sales goods to the site thus further increasing the traffic flows to the site and through the village. Whilst the principle of farm shops is not rejected by the Community Council the additional proposal of a farm shop emphasises the opportunist nature of the proposals and the lack of consideration given to sustainable planning.

The Community Council has previously made objections to the proposal that this site should be considered as an alternative site to the Local Development plan as requested by the Land owner. In addition to the above objections it has submitted the following detailed additional information that it considers shows the site to be completely inappropriate for additional development:

The Community Council also wishes to make objections to the proposed further development of Land at Church Farm based on the following additional reasons:-

- That the concerns previously highlighted by the Welsh Government about the proposed level of residential development at this settlement is strongly supported. The Vale Council’s Deposit Plan proposes development that is already disproportionate to the services and facilities available and further proposed alternative sites would completely overwhelm the local infrastructure;
- The Vale Council has incorrectly identified Ystradowen as a sustainable settlement. The limited availability of services and facilities within the village together with the loss of the regular bus service have means that residents now have no alternative but to use private cars for work and domestic purposes;
- Site specific concerns about proposed alternative site ASN 46 relate to the Site access, the loss of agricultural land, the established boundary of the village settlement and the proposed Farm Shop.

Details of the Community Council’s arguments are set out below:

The Community Council supports the concerns expressed by the Welsh Government in respect of allocations made at this location. In its response to the previously withdrawn Vale of Glamorgan Deposit Plan the Welsh Government stated:-

“It is unclear how the role and function of settlements has been fully reflected in the scale of housing proposed in certain locations. While the scoring matrix focuses on “functional links” (Sustainable Settlement Appraisal 2011), the services and facilities in many minor rural villages themselves are poor. A more realistic assessment of the settlements and their ability to provide for sustainable development having regard to services and facilities is required.

Some allocations in minor rural settlements, for example 150 in Wick and 95 in Ystradowen are particularly large and will disproportionately increase the size of these villages. Paragraphs 5.16 & 5.17 of the written statement acknowledges the need for some growth in minor rural villages and states that growth here will help to meet local housing need and to support existing local services. An explanation of whether provision matches need in the appropriate locations should be provided.”

The letter continues

“Issues have been highlighted in relation to high levels of out commuting to work and peak time congestion (Paragraph 3.20), coupled with limited facilities and poorer public transport infrastructure as influencing locational choice. However, the proposed spatial distribution could potentially encourage reliance on the car. While it is acknowledged that one aim of the plan is to support facilities in minor rural villages, it is not clear that the rationale for locating 800 units in such areas has been fully evidenced. The current spatial distribution has potential conflicts with Key Objectives 2 and 3 of the Plan.”

The Community Council consider that the proposal made by the Vale Council failed address these concerns in the revised Deposit Plan. Although slightly reducing the number of houses on the allocated it does not properly address the fundamental concerns about the lack of local facilities and the over reliance of the car to access the site. The cumulative impact of the Council identified site and the proposals for further Alternative sites would compound the already overwhelming demands on the limited local services that are available to residents of this small and rurally located community.

In particular, the withdrawal of regular bus services from the village has left existing residents with no other choice than to rely on the use of the private car for regular journeys. The limited "on request" Greenlinks bus service that is available is currently funded by from a number of time limited grant sources and operated mainly by volunteers and a small number of paid staff. Whilst this service is proving effective for some older members of rural communities as a means accessing shops and vital services in larger settlements during daytime periods, it cannot be considered as an alternative that would work effectively as means for larger numbers of users to commute to workplaces on a daily basis.

It is understood that the Vale Council has recently received additional Welsh Government funding to develop innovative ways of addressing the loss of rural bus services in its area. This demonstrates two issues, firstly that the Council accepts that the current provision does not meet the existing needs of rural communities in its area and secondly that the ongoing provision of rural services to locations like Ystradowen is likely to be constrained into the future unless very innovative solutions can be found and then financially supported. Both of which are questionable at this time.

With these factors in mind attention is drawn to Planning Policy Guidance Wales (PPGW) that emphasises the following, "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"(Para 4.7.4) and further states "In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole" (Para 4.7.7). It is quite clear that Ystradowen does not have "relatively good accessibility by non-car modes".

In addition the Community Council wishes to reiterate the comments previously made in respect of the following matters:-

The Sustainable Settlements Appraisal Background Paper for the Deposit LDP sets out the scoring system used for the sustainability rankings of sites including individually weighted criteria. It states that the assessment can be summarised in three main study objectives:

- Objective 1: To assess the need for residents to commute beyond their settlement to access key employment, community services (including education and health) and retail facilities.
- Objective 2: To measure the general level of accessibility of settlements by sustainable transport.
- Objective 3: To measure the potential for a resident's everyday needs for services and facilities to be met within that settlement.

As a result of the withdrawal of the bus services to Cowbridge and Talbot Green the Community Council contends that the village now fails to meet all of these critical objectives. Even if an innovative solution could be found to overcome the existing public transport shortfall the inevitable increase in private car journeys from the new housing would set commuting activities to places of work, community facilities and to retail facilities well beyond sustainably acceptable levels.

It is acknowledged in the Deposit LDP Education Facilities Background Paper that the nearest school – Llansannor Primary will need to be extended to increase capacity from 190 to 210 places if Land off Sandy Lane is developed for residential development. But, this increase in capacity would not meet the anticipated demand for school places and 20 children would be required to travel to Llangan Primary School. Further developments of up to 75 dwellings (in addition to those proposed by the Vale Council) would compound the need for additional school places to a point where school place provision would be unable to be fulfilled by these schools. Whilst the proposed provision at Llangan is considered impractical and probably based on the desires of the local authority and not the aspirations of the local community further demand for school places would inevitably result in more car journeys either to Pendoylan or Cowbridge. This would lead to further unnecessary and even longer school journeys for small children and probably to increased traffic through narrow lanes as pupils and parents seek to participate in normal everyday school activities.

In relation to the provision of Community Infrastructure the LDP Communities Infrastructure Assessment Background Paper concluded and recommended that:-

"6.1 The assessment has revealed that, as a result of the planned housing growth for the Vale of Glamorgan up to 2026, there is a requirement to enhance existing facilities and provide for a range of additional community, library and indoor sport facilities across the Vale of Glamorgan.

6.2 Planning Policy Wales (Edition 5) places a requirement for local authorities to make provision in LDPs provision for land for schools, further and higher education, places of worship, recreation and other community facilities. It also states that where significant new housing is proposed this should be integrated with existing community facilities (paragraph 9.3.1); and adopt policies which locate major generators of travel demand, which include libraries, schools and hospitals in locations which are or can be served by public transport, or can be reached by walking and cycling (paragraph 4.7.4)

6.3 Within this context, the assessment has highlighted demand for additional community facilities where large scale housing developments are proposed, and as such the LDP should seek to ensure that should these are provided in close proximity to new housing. The below table provides a summary of the community facilities which have land use implications that should be considered within the LDP, and suggested locations for their provision.

6.4 For those facilities where the assessment has not identified potential locations, namely built sports facilities which are considered to serve the Vale of Glamorgan as a whole, and where smaller scale community and library provision has been identified, the LDP should ensure that policies promote the enhancement of existing facilities, and also the co-location of community facilities.

6.5 The LDP should also promote the development of multi-purpose facilities that offer a range of accessible community based services such as leisure, health care, lifelong learning, cultural activities and community meeting space. It may be appropriate to provide these in those locations identified in Table 16 above, and/or to consider multi-purpose community facilities where the LDP has identified land for additional educational requirements.

6.6 Promoting the development of multi-use community facilities in this manner would assist in reducing travel demand and promote sustainable communities, and assist the Council and other agencies to effectively deliver community facilities at a time of budgetary pressures resulting from the current recession. Additionally, the LDP should adopt positive approaches to planning proposals that improve the viability, accessibility or community value of existing services and facilities such as village shops, post offices, rural petrol stations, village & church halls and rural public houses."

It is interesting to note however, that no mention is made in respect of the enhancement of local community facilities in the site specific requirements identified in Appendix 5 of the Written Statement and Appendix 1 of the LDP Draft Infrastructure Plan Background paper refers to the requirement for improvements to the existing library facilities at Llantwit Major and also seeks contributions towards the enhancement of Built Sports Facilities. It can only be concluded from these requirements that the Vale Council is not concerned with the provision of local community facilities for the proposed residential allocation at Ystradowen but is more concerned with supplementing funding for its own existing commitments no matter how far they are away from the site.

Matters relating to the provision of Affordable Housing in such locations are set out in a separate representation relating to Policies MG 4 and MG 11. It is considered that the representations made in respect of these concerns apply to MG 2 (45) Land off Sandy Lane and the alternative sites now proposed at Ystradowen.

I trust these strong objections will be appropriately reflected in your report to Planning Committee when the application is to be considered.

Regards

Clive Farrant

Clerk to Penllyn Community Council.

2015/00543/OUT

APPENDIX B

2, Badgers Brook Close,
Ystradowen,
Cowbridge
CF71 7TY

August 17, 2015

Head of Planning and Transport,
Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry
CF63 4RT

Dear Sir,

**RE: Planning Application 2015/00543/OUT – LAND AT CHURCH FARM
YSTRADOWEN**

We wish to make you aware of a substantial number of very strong objections that we have with regard to the proposed development of houses on Greenfield land behind Church Farm, Ystradowen, application number referenced above. On behalf of the local action group, Fair Deal for Ystradowen Campaign, we are of the view that the proposed development will have a very serious and detrimental impact on our village. Our specific objections are as follows:

1. Settlement boundary

- The subject site is wholly outside the current settlement boundary for Ystradowen, as defined in the current Unitary Development Plan (UDP), 1996 to 2011.
- There is no evidence that the proposal is to meet local needs
- New housing developments should be well integrated with and connected to the existing pattern of settlements and the expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. In this instance the development would constitute ribbon development, contrary to official policy.

2. Transport / Sustainability

- The proposed access from the A4222 is inappropriate, being about 50 metres from the brow of a hill which will lead to numerous accidents
- This development would generate an increase in car ownership, thereby significantly increasing the density of traffic on these roads, resulting in further safety concerns

- The Cowbridge to Pontyclun road (A4222) is not safe to cycle on; the terrain around the village is also hilly with single track lanes most notably to the local school several miles away
- The Village is not considered to be 'sustainable' with no cycle route and not even a safe walking route into Cowbridge (as there is a break in the pavement adjacent to the A4222 to Welsh St Donats). There is also not pavement at all from Ystradowen to Talygarn / Brynsadler which means there is also no easy or safe access to the station in Pontyclun.

3. Social Infrastructure

- The village has no schools (junior or secondary), no doctors' surgery, no dentist nor banking facilities and the public house has also closed
- Although Llansannor Church in Wales Primary School is the official catchment school for Ystradowen, children from Ystradowen also attend Y Bont Faen Primary in Cowbridge, Pendoylan Church in Wales School and presumably the Welsh Primary in Cowbridge. It is understood that all these schools are currently at capacity.
- In addition Cowbridge Comprehensive is now also at capacity

4. Habitat

- The proposed site is low lying, poorly drained and prone to flooding

5. Housing

- Ystradowen has already been targeted for 111 houses (85 LDP + 26 windfall houses) which is grossly disproportionate and far beyond local housing need
- If this application is approved, then 65 houses will have been approved in recent planning consents, with a further 45 to be decided by the LDP inspector – a prospective total of 110 houses
- The removal of the settlement boundary leaves Ystradowen open to planning applications anywhere around the village at any time. This application is an example of that, with a blatant extension of the village limits and incursion into the countryside
- If this application for a site in the south-west of Ystradowen is approved, it opens up the prospect of coalescence with Trerhyngyll on one side of the A4222 and Maendy on the other – contradicting Welsh Government policy
- Finally, it would be premature to grant this planning application as the latest figures (2014) show that the Vale of Glamorgan has a 7.3 year housing land supply

Sincerely,

Dr Andrew Loyns
 Chair, Fair Deal for Ystradowen Campaign

3 Badgers Brook Drive
Ystradowen
Cowbridge
CF71 7TX

23rd July 2015

RECEIVED
24 JUL 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Dear Sir/Madam,

**Re: Objection to Proposed Housing Development – Church Farm, Ystradowen
2015/00543/OUT**

I would like to make the following objections to this planning application:

The site

The proposed access from the A4222 is completely inappropriate given that it is approximately 50 metres from the brow of a hill. Visibility is extremely poor and it is clear from the application that cars travel too fast. The 30 mile/hour restriction is the MAXIMUM speed limit and not appropriate for the village in any case. Many cars speed through the village including large trucks.

In addition, the proposed entrance is near the site of numerous car accidents including a school bus crash in which a boy from the village was killed. His parents still live in the village. On other occasions, we have seen cars overturned in the field next to the bridge.

Given that the development (along with the current building of 40 houses off Badgers Brook Rise and a further proposal for 45 houses off Sandy Lane), the increased density in traffic raises further safety concerns. It is appreciated that in times of austerity the Council may not have the resources to put in place an appropriate road and pavement network (indeed there is no room for a pavement at the proposed entrance to this site), but safety should be its utmost priority. The litigation which could ensue from a serious accident would far exceed the cost of putting in the infrastructure at this point in time.

Housing

Ystradowen has already been targeted for 111 houses (85 LDP and 26 windfall houses). This is grossly disproportionate to the size of the village. Furthermore, this proposal is outside the settlement boundary. The approval of this development would render the settlement boundary meaningless and set the precedent for further incursions into the countryside. Approval would also extend the village of Ystradowen towards Trerhyngyll and Maendy which is contrary to Welsh Government policy.

Services

The village of Ystradowen has limited services. Indeed, it scored the lowest for services and facilities of any Vale settlement allocated LDP housing. There is no school. Indeed, my children were unable to attend Llansannor School as it was full and I understand that children from the village were refused a place in Y Bont Faen for Sept 2015 as it is now full. The Council's educational plans do not make the impact of additional housing in the village clear either on capacity or quality. This development (on top of the 40 being built as we speak off

Badgers Brook Rise) will increase demand further for school places. Attending schools outside the village and even outside the catchment area (as we do) means that parents must transport their children to school by car increasing the density of traffic. There is no pavement to Cowbridge so walking is not an alternative nor is cycling for young children along the A4222.

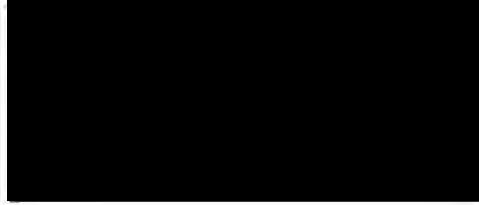
Villagers are largely dependent on using cars to travel. It is striking that the plans for a Cardiff Metro system do not seem to take into account this area of the Vale at all. There are no trains from Pontyclun to Cardiff between 8.30am and 10am and then they are only once an hour. Furthermore, the trains from Cardiff to Pontyclun do not link in with the London Paddington train - often leaving you having to wait 50 mins for a train. If housing developments in the Vale are to continue, consideration needs to be taken account of the travel network. More joined up thinking is essential.

I do hope you take these objections into account when considering your decision.

Yours sincerely,

Dr. Sara Drake

**Oakdene
Ystradowen
Cowbridge
Glamorgan
CF71 7SY**



27 July 2015

Head of Planning and Transport,
Vale of Glamorgan County Borough Council,
Dock Office,
Barry Docks,
Barry,
CF63 4RT

Dear Sir,

2015/00543/OUT – CHURCH FARM YSTRADOWEN

I wish to make the following objections to this planning application:

Particular Points of Objection

- **The proposed access is dangerous.** It is around 50m from the brow of a blind summit and 100 metres from a stretch of highway with a negative camber and which has been the scene of two serious car accidents in recent years – **the fatal school bus crash in December 2002** and a serious car crash some years later. In addition the staggered junction with the road exit from the existing housing estate south of the proposed development creates a potential for vehicle conflict on the blind side of the bridge. Cars may exit from both sides, come into conflict and be blind to vehicles travelling from the south along the B-classified road. Although the speed limit at this point is 30 mph, having been 30/40mph from the south for the preceding one mile, traffic frequently exceeds the 40 mph limit and the 30 mph limit past the site. This is especially true of traffic travelling in a northerly direction from Cowbridge to which the proposed entrance is blind and in peak journey-to-work hours.
-

RECEIVED

27 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

- There is already a **danger to pedestrians** in this vicinity owing to the lack of a continuous footpath, the blind summit and the speed of traffic. This proposal does not secure a continuous footpath.
- When the housing estate opposite to the proposed entrance on the B4222 was built in the mid 1990s the original planning approval contained a **roundabout and the reconstruction of the blind summit**. This was not proceeded with in the detail approval but that approval, of course, did not anticipate that further housing would be permitted on the Church Farm site.
- **The Church Farm site** and the neighbouring farmland is poorly drained and **subject to flooding in autumn and winter rains**. The extent of this flooding has increased in recent years. Any disturbance of the water table in this site would have a consequential effect on run off on neighbouring areas. I am not persuaded by the submitted engineer's report in respect of the flood risk. **The report clearly states that there is an increased risk of flooding** but that further investigation and works should be undertaken during construction to alleviate the issue. **Any permission received as a result of this process should be subject to conditions at least as stringent as those outlined in the developer's own report.**

General points of Objection

- Ystradowen has already been targeted for 111 houses (85 LDP + 26 windfall houses) which is grossly disproportionate and far beyond local housing need
- If this application is approved, then 65 houses will have been approved in recent planning consents, with a further 45 to be decided by the LDP inspector – a prospective total of 110 houses
- The removal of the settlement boundary leaves Ystradowen open to planning applications anywhere around the village at any time. This application is an example of that, with a blatant extension of the village limits and incursion into the countryside on the south-western side of the village.
- This particular application would open up a very wide arc to the west of the village to speculative windfall applications. It is difficult to see how the Council could resist such further applications and the resultant additional housing would be a significant contravention of all previous planning policies for Ystradowen.
- If this development is approved the Council will invite applications that will threaten to link up the villages of Trerhyngyll and threaten the historic landmark at the Motte Hill.
- There are no planned additional services resulting from this or other recent applications. Presently the village has no shop, bus service or postal centre

and maintains a community centre entirely through voluntary effort resulting from a spirit of volunteering within a small settlement.

- You cannot walk safely to Cowbridge as there is no continuous safe footpath available – this again increases car dependency and undermines healthy alternative modes of travel.

Yours sincerely,

A black rectangular box redacting the signature of Dr. Christopher Howard.

Dr. Christopher Howard, OBE



HOUSE OF COMMONS
LONDON SW1A 0AA

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

13 August 2015
Our Ref: VoG/AB/F/C/Aug15

Dear Mark

I am writing in relation to Planning Application No. 2015/00543/OUT for Church Farm, Ystradowen, Vale of Glamorgan. Could I ask that the contents of this letter be passed to the Planning Department for their consideration and that of the Planning Committee.

1. The proposed access from the A4222 is poorly sited being near to the brow of a hill which restricts vision for car entering or leaving.
2. The Church Farm site has significant areas of poorly drained land which is prone to flooding and there appears no mention of this within the application.
3. Residents are concerned that the development will have a detrimental impact on the visual identity of the village and therefore change the character village in its current form.

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

Kind regards

Alun Cairns MP
Vale of Glamorgan

Trehill Homes Limited, C/o Agent
Asbri Planning Limited, Unit 9, Oak Tree Court,, Cardiff Gate Business Park,,
Cardiff., CF23 8RS

Land south of A48 and west of Old Rectory Drive, St. Nicholas

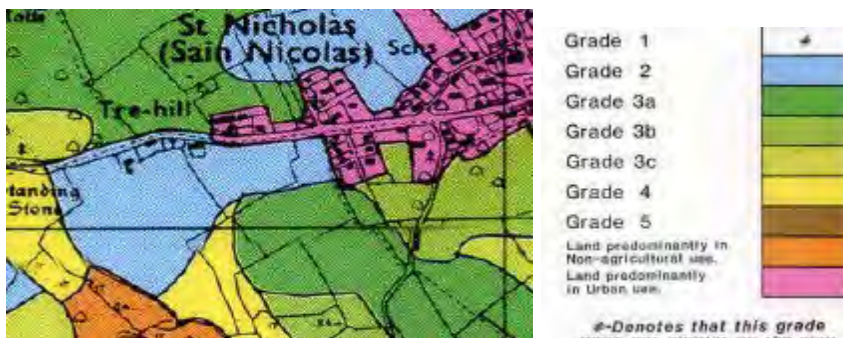
Outline application for residential development and associated works

SITE AND CONTEXT

The site comprises an agricultural field laid to pasture and extending to approximately 3.38 ha. The land is situated to the south of the A48 main road and is enclosed in part by hedgerow with some tree cover.



The site is agricultural land identified as grade 2 on the Agricultural Land Classification map (1986).



To the east of the site is a cul-de-sac of dormer style residential dwellings. The western boundary of the site is predominantly agricultural land with a small group of dwellings.

The site has a road frontage with the A48 of approximately 260m in length formed by a native species hedgerow.

DESCRIPTION OF DEVELOPMENT

The application seeks outline consent, with all matters other than access reserved for subsequent approval. The details submitted with the application indicate a single point of access onto the A48 with protected right turn into the site.



The 'capacity layout' plan accompanying the application shows 62 units, open space to the north west corner, a village green towards the centre of the site and open space along the eastern boundary of the site. The number of units is indicated as being subject to reserved matters detail. The design scale parameters refer to two storey development with a maximum height of 9.5m finished with dark roof materials and roughcast render to walls.

Drainage would be to mains and soakaway.

Reference is made to the provision of 35% affordable housing.

No details of agricultural land quality have been submitted. A planning statement has been submitted in support of the application together with a tree survey, ecology reports, a landscape and visual assessment, a topographical and tree constraints plan, a draining strategy and an environmental noise survey.

PLANNING HISTORY

Whilst there is no planning history for this site, Members will recall that an appeal decision on a housing site adjacent to Barry (Weycock Cross) is expected at any time from the Welsh Ministers. As a number of general issues relevant to the principle of the development subject of this report were also considered at the Weycock Cross Public inquiry, that appeal decision may be of relevance for the preparation of this forthcoming appeal.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council: Object to the application, under the following headings:

- ‘Application Premature’: It is suggested that the application is premature and additional housing over that identified in the LDP is not required in St Nicholas;
- ‘Development in the Countryside’: It is suggested that the proposal represents a major incursion into open countryside that is not a minor extension. It would have a major negative impact on the character rural St Nicholas;
- ‘Sustainability’: The Community Council state there would be reliance on car travel contrary to Planning Policy Wales.
- ‘Scale of Development’: It is suggested that the development (with other schemes) will result in an unprecedented increase to the core of the village by 111%. The scale of 18.3 houses per hectare is a different scale of development to that currently in the conservation area.
- ‘Need’: The Community Council suggest that there is no need for affordable housing in St Nicholas.
- ‘Local facilities – Sustainability’: It is suggested that there is a lack of community facilities (noting that the church hall is currently for sale).
- ‘Isolated Development’: the site does not allow for the integration of development into the existing community.
- ‘Site Access’: There are concerns over the access and right turning movements out of the site.

Public Rights of Way Officer: Whilst there is no objection to the proposal, it is noted that Public Right of Way No.8 St Nicholas crosses the proposed site, as acknowledged on the applicant’s site plan. The Officer requires that Public Rights of Way No.8 must be kept open and free for use by the public at all times. The officer also provides a list of other requirements that must be adhered to.

Education Section: The 62 houses will yield 6 Nursery, 17 primary and 15 (13 pupils aged 11-16 and 2 post 16) secondary age pupils.

Cost per school place:

Nursery and Primary - £14,463.26 x number of places required

Secondary - £21,793.42 x number of places required (11 - 16)

Secondary - £23,653.40 x number of places required (post 16)

Nursery and Primary level - The catchment area schools are St Nicholas for English/Denominational education and Ysgol Iolo Morganwg for Welsh medium provision. There is no spare capacity, current and projected, within all primary sector provision. The Council would be seeking S106 contributions as follows; 6 nursery and 17 primary pupils at a cost of £14,463.26 per place totalling £332,654.98

Secondary level - The catchment area schools are Cowbridge Comprehensive for English medium, Ysgol Gyfun Bro Morgannwg for Welsh medium and St Richard Gwyn/Bishop of Llandaff for denominational. There is no projected spare capacity at Cowbridge and limited capacity at Welsh medium and denominational level. The proportion of pupils attending the different school sectors in the area serving the development are as follows: English Medium 92.5%, Welsh Medium 5% and denominational 2.5%

The Council would be seeking S106 contributions as follows:

Cowbridge - 12 pupils (aged 11 - 16) at £21,793.42 per place totalling £261,521.04 and 2 pupils (post 16) at £23,653.50 per place totalling £47,307.

Total contribution at English medium level of £308,828.04.

Welsh medium (no capacity at 2020) - 1 place at £21,793.42 totalling £21,793.42

Total contribution required at secondary level of £330,621.46

Overall Contribution Required

Total contribution required for both primary and secondary level of £663,276.44.

The Council's Environmental Health (Pollution) Section: There were initial concerns regarding road traffic noise it was recommended that a TAN11 survey and CEMP report be provided. Following the receipt of a noise survey, the Officer was satisfied with its conclusions in regards to the uprated Glazing and mechanical ventilation for the houses most affected in the acoustic report.

Other comments relate to hours of working and limitations if piling is intended.

Glamorgan Gwent Archaeological trust: It is unlikely that significant previously unknown archaeological features would be encountered, and recommend a condition requiring a written scheme of investigation to be agreed and undertaken if approved.

Dwr Cymru/Welsh Water: With regard to sewerage treatment, the development would overload the Waste Water Treatment Works. As no improvements are planned within DCWW's capital investment programme, the development is premature and an objection is made.

As for water supply, the development is in an area where there are water supply problems and no improvements are planned. Any increase in demand will exacerbate the situation and adversely affect our service to existing customers. Accordingly, the development is considered premature and an objection is made. It is possible that the developer could accelerate provision of essential improvements by way of water requisition under section 40 – 41 of the Water industry Act 1991 or through planning obligations.

Notwithstanding the comments above, it is understood that water supply is a matter that DCWW can control themselves and, as such, a planning objection on this basis would be a duplication of legislative control. In this light of this, further comments were subsequently received from DCWW requesting a condition be imposed on any permission granted with regard to water supply.

The Council's Parks and Grounds Maintenance Section: No comments received.

The Council's Waste Management Section: No comments received.

The Council's Highway Development Team: has commented as follows:

- (1) Accepting of the TS methodology (i.e. trip generation and distribution)
- (2) In principal the ghost island right turn arrangement is a suitable, and it has been shown to operate within capacity.
- (3) Speeds are shown to be a little high. We are in agreement with the need to improve the gateway signage. Consideration should be given to a continuous centrally hatched area, from the gateway signs to the proposed development junction. Also, the provision of a lay-by (for use by the camera partnership) will be required. Most of the above can be discussed at detailed design.

In principal the TS and proposed access is acceptable.

Council's Highways and Engineering Team (Drainage): Noted that the site is not located within DAM areas at risk of tidal or fluvial flooding, and NRW maps indicate that the site is at very low risk of surface water flooding. They also noted the proposed use of soakaways for individual properties and will the internal highway drainage will be to the pond and surrounding area to the north-west of the site. They recommend an adjustment in the calculations for the soakaways and an engineering layout for the drainage of the site, which should confirm whether surface water will discharge via a crate soakaway or infiltration basin in the open space area in the North West corner of the site.

This will be dealt with at the reserved matters stage. It is also suggested that a surface water management plan be submitted prior to the commencement of development, to include details of the management responsibility and a strategy for maintenance of surface water systems on site. Subject to a number of conditions that are recommended to deal with these matters, there is no objection to the development.

Crime Prevention Design Advisor: no objection to the indicative layout but recommend their comments, including relating to ‘secured by design’ issues, be forwarded to applicant’s agents (this was done).

The Council’s Housing Strategy Section: “There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2010 Local Housing Market Assessment (LHMA) which determined that 915 additional affordable housing units were required each year to meet housing need in the area.

The Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is current need in St Nicholas and its surrounding areas, with people requiring:

	Wenvoe Ward	Peterston-Super-Ely Ward	Rhose Ward
1 Bed Need	16	7	44
2 Bed Need	16	1	23
3 Bed Need	7	1	13
4+ Bed Need	3	1	2
Total	42	10	82

It is also worth noting, that in the rural areas of the Vale, housing need is often hidden until a development is proposed, at which time we engage with the local community and community council to encourage households that are in need to make themselves known to us and sign up to the Homes4U and Aspire2Own waiting lists. Therefore, the identified housing need could be considered an underrepresentation of true housing need in an area. The developer has not given any detail in the application on affordable housing so we have detailed below our requirements in line with the Supplementary Planning Guidance:

1. We will seek 40% of the total number of units to be provided onsite as affordable housing – equating to 25 units if the 62 unit total given on the application form is the correct total number of units.
2. We ask for a tenure mix of 70% social rented and 30% Intermediate – 19 social rented and 6 Intermediate for Low Cost Home Ownership.

3. Our recommended unit sizes are:

Social Rented:

6 x 1 bedroom flats with own entrances and no communal areas

12 x 2 bedroom houses

2 x 3 bedroom houses

Intermediate:

5 x 2 bed houses

4. All affordable units must be DQR compliant.

5. Affordable units should be pepper potted throughout the site to encourage community cohesion and integration. “

Natural Resources Wales, “...we consider that there should not be a detriment to the maintenance of the favourable conservation status of the species.... We note that the proposal is located on a principal aquifer. Principal aquifers have strategic significance for water resources, supporting large abstractions for public supply. From the drainage plan we note it is proposed that the foul drainage connection will be to the existing mains sewer, given this we note that the proposed development is acceptable provided this does not change.”

The Council’s Arts Development Officer: No comments received.

The Council’s Ecology Officer: We recommend the following planning conditions are attached to the consent to secure the biodiversity conservation & enhancement measures on site.

The biodiversity conservation and enhancement measures as detailed in Section 6 of the Phase I Habitat Survey and Ecological Impact Assessment shall be implemented as agreed.

Prior to the commencement of development, a Biodiversity Strategy shall be submitted and approved in writing by the LPA to secure biodiversity conservation and enhancement, for all aspects not covered in the condition above – which (not exclusively) comprise:

- Demonstrating no impact on bat flight lines through demonstrating maintenance (i.e. production of a lighting plan)
- Post-construction management plan for the retained habitats of value (hedgerows and copse).
- A Japanese Knotweed management strategy
- Method Statement of works to prevent impacts on protected species

All aspects of the Biodiversity Strategy shall be implemented as agreed.

The Council's Conservation Officer:

"The proposal site is located immediately west of the St Nicholas Conservation Area and shares a common boundary to the north east of the site. The nearest listed buildings lie some 350-400m away from the site. There are also several scheduled monuments within a 1km radius of the site.

I note the submission of an archaeological desk based assessment and suggest that GGAT are consulted on the thoroughness and appropriateness of these findings. Whilst this report makes mention of the St Nicholas Conservation Area and the listed buildings in the area there is no meaningful assessment of the impact of the proposed development on these assets.

The St Nicholas Conservation Area Appraisal and Management Plan (CAAMP) identifies the qualities of the conservation area. The qualities of the conservation area that may be sensitive to this development are views out of the conservation area which reinforce its rural character and openness.

Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

The CAAMP is not prescriptive about which areas may be suitable for development but is guidance on general principles. It provides more detail than the Unitary Development Plan and is the preferred guidance for assessing the impact of the proposed scheme.

In particular the CAAMP notes "The village sits within undulating countryside on an east-west ridge which provides dramatic views southwards towards the Severn Estuary." The conservation area "... is very spacious and maintains a strongly rural character, with footpaths leading out into the surrounding countryside." It also notes the suburban elements that have encroached through post-war development. It is noteworthy that as a result of the boundary review modern development, including Ger-y-Lan was removed from the designation.

The Conservation Appraisal Map that forms part of the CAAMP notes significant views from the conservation area across the proposal site. These views will be lost should the proposed development be approved further divorcing the conservation area from the countryside within which it sits.

For the reasons stated above I cannot offer my support to the proposal."

REPRESENTATIONS

The neighbouring properties were consulted on 29 June, 2015.

A site notice was displayed on 4 August, 2015.

The application was advertised in the press on 16 July, 2015.

Eight letters of representation have been received objecting on the grounds of:

- Effect on character and appearance of the conservation area;
- premature to grant in view of emerging LDP and the site is not allocated in the Draft LDP;
- Lack of community and social facilities;
- No apparent need for affordable housing;
- Site is predominantly Grade 2 or 3a agricultural land;
- Highway safety concerns with additional traffic movements onto the busy A48;
- Adverse effect on landscape character and visual amenities of the Special landscape Area and adverse visual impact; and
- Sewage capacity is a current problem.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT
POLICY 3 - HOUSING
POLICY 13 - WASTE MANAGEMENT
POLICY 11 - SPORTS AND RECREATION
POLICY 14 - COMMUNITY AND UTILITY FACILITIES

Policy:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
ENV2 – AGRICULTURAL LAND
ENV4 – SPECIAL LANDSCAPE AREAS
ENV7 – WATER RESOURCES
ENV10 – CONSERVATION OF THE COUNTRYSIDE
ENV11 – PROTECTION OF LANDSCAPE FEATURES
ENV16 – PROTECTED SPECIES
ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV18	– ARCHAEOLOGICAL FIELD EVALUATION
ENV19	– PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV20	– DEVELOPMENT IN CONSERVATION AREAS
ENV27	– DESIGN OF NEW DEVELOPMENTS
ENV29	– PROTECTION OF ENVIRONMENTAL QUALITY
HOUS1	– RESIDENTIAL ALLOCATIONS
HOUS2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	– DWELLINGS IN THE COUNTRYSIDE
HOUS8	– RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS
HOUS12	– AFFORDABLE HOUSING
HOUS13	– EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE
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:

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

As mentioned above, chapter 2 deals with development plans and their status.

Chapter 4 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.

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

Chapter 6 provides advice on conserving the historic environment.

Chapter 9 is also 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 6 – Planning for Sustainable Rural Communities (2010)
- 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
- Conservation Areas in the Rural Vale
- St Nicholas Conservation Area Appraisal and Management Plan
- Design in the Landscape
- Model Design Guide for Wales
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide

- Trees and Development
- CSS Wales Parking Standards

The Local Development Plan:

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

It is worth noting that in the Deposit LDP the site lies outside the residential settlement boundary for St. Nicholas and lies within the Special Landscape Area. It should also be noted that during that Deposit LDP consultation the site was promoted as an Alternative Site (site reference ASN 20) and this has recently undergone formal public consultation ending on 1st May 2014.

It is also worth noting that the during the Deposit LDP public consultation and subsequent Alternative Sites consultation a number of representations were received on issues such as the location and extent of residential growth required in the Vale of Glamorgan. The Council has considered these representations in detail and the Council's response has been published as part of the LDP Consultation Report submitted to the Welsh Government and PINS, which will be considered as part of the forthcoming Independent Examination of the Plan. These are likely to be key considerations of the Planning Inspector and it is considered that the LDP Examination in Public is the proper process to consider such issues. The Public Examination is due to commence in January, 2016.

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
- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)
- Local Housing Market Assessment (2013 Update)
- Open Space Background Paper (2013)
- Plan Preparation and Assessment of Flood Risk (2013)
- Population and Housing Projections Background Paper (2013)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- SLAs Integration with Adjoining Local Authorities (2013 Update)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)
- Joint Housing Land Availability Study (2014)
- 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

Other relevant evidence or policy guidance:

- Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (Welsh Government, 2009)
- Circular 13/97 – Planning Obligations
- The Community Infrastructure Levy Regulations 2010
- Welsh Office circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas including paragraph 11 .

Issues

The issues to be assessed in relation to the impacts of the proposed development and thus determination of this stance report are considered to be the following:

- The principal of the development in the context of the following:
 - The statutory development plan being the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP);
 - Emerging development plan policies;
 - Other planning policies and guidance.
- Landscape and visual impact
- The supply of housing land
- Layout and scale of the development
- Access and traffic
- Impact on the character and appearance of the adjoining Conservation Area
- Agricultural land quality
- Consideration of the potential impact to neighbour amenities
- Archaeology
- Flood risk
- Drainage
- Ecology
- Hedgerows and trees
- Noise
- S106 Planning Obligations to mitigate the impact of development, including off site highway improvements and affordable housing.

Principle of the 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. In this case, the statutory Development Plan comprises the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 (UDP).

The site is not within the settlement boundaries identified within the UDP and is, therefore, within the open countryside. Policy ENV1 seeks to strictly control development within countryside locations and indicates that development will only be permitted in particular cases or where it is essential for particular activities, including recreation and rural enterprise.

In addition to this, the settlement boundary, to the east and north of the site, is defined in Policy HOUS2 of the UDP. This policy makes provision for residential development in addition to the sites allocated within the plan, where the development is either within the settlement boundary or constitutes a small scale 'rounding off'.

The proposed development seeks to extend, on a large scale, the settlement limits of St Nicholas into open countryside and, as such, is development that does not comply with either UDP Policy ENV1 or HOUS2. Neither does the development comply with the provisions of UDP policy HOUS3 which seeks to restrict new dwellings in the countryside to those justified in the interests of agriculture and forestry.

The application of UDP Policies ENV1 and HOUS2 in this case are supported by the more recent guidance provided in PPW. The guidance provided in section 4.2 of PPW is noted. In particular, paragraph 4.2.4 states:

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

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

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

The key sustainability principles and the key policy objectives of PPW are clearly a set of guidelines that set out the Welsh Government's '*vision for sustainable development and the outcomes [they] seek to deliver across Wales*' (paragraph 4.41). Whilst the development accords with some of the principles and objectives, it is in fundamental conflict with others in terms of land-take and urban sprawl. Accordingly, the development is not in accordance with the general principles of PPW.

The principles of Policies ENV1 and HOUS2 are in accordance with this guidance when applied to the consideration of the development subject of this application. In this regard, these policies are neither outdated nor superseded. As such, these policies should not be given decreasing weight as set out in paragraph 2.7.1 of PPW.

Notwithstanding the findings above, it is accepted that the majority of the housing allocations set out in the UDP have been built out and that there is now a requirement to accommodate future growth in the Vale of Glamorgan. This is, of course, being dealt with via the deposit LDP, due for examination in the new year. Within the deposit LDP policy SP3 sets out that land will be made available for the provision of 9500 new residential units up to 2026. Policy MG2 identifies the locations where the Council proposes to meet the housing requirements. Whilst the application site has not been identified as one of those sites, a different site to the north east of St Nicholas is promoted in the LDP. Accordingly, given that adequate suitable sites have been identified in the draft LDP to accommodate housing need in the area, there is no need to breach the settlement limits of St Nicholas as proposed in order to accommodate growth in the settlement of St. Nicholas in conflict with UDP policies ENV1 and HOUS2.

Notwithstanding the above, it is noted that in the draft LDP St. Nicholas has not been identified as a settlement with a defined settlement boundary (draft LDP policy MD 5). Instead St Nicholas is defined as a minor rural settlement within the settlement hierarchy identified within the LDP. Policy MD6 of the LDP allows new development in Minor Rural Settlements subject to a number of criteria, '1. *the development site has a distinct physical or visual relationship with the existing settlement;*' and '4. *the proposal would not represent a visual intrusion into countryside or the loss of important open space(s)*'. These provisions are considered to be consistent with the policy stance within the UDP. Also, as with UDP policy ENV1, draft policy MD1 also makes provision for development within the countryside, subject to compliance with the criteria of the policy.

In light of this objection to the principle of the development, out of accord with the existing and emerging Development Plan for the Vale of Glamorgan, it falls to consider whether there are any material considerations which outweigh this objection or others that need to be weighed in the balance of the decision.

Housing Land Supply

Members will be aware that Technical Advice Note 1 (TAN1) has been recently updated and, in light of this, it is accepted that the Vale of Glamorgan is unable to demonstrate that it has a 5 year supply of housing land.

PPW 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*'.

Until the adoption of the LDP, and in preparation for the LDP examination, the Council is following the TAN 1 guidance by preparing an objective assessment of the Housing need. At present this objective assessment demonstrates a housing land supply in excess of 5 years in April 2016, increasing again in April 2017 (post LDP adoption).

Notwithstanding this, the TAN1 guidance states *'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'*. Whilst this guidance is noted, the objective assessment demonstrates that the supply of housing land within the Vale of Glamorgan is improving, particularly with the approval of a significant number of sites that are either LDP compliant or otherwise considered to accord with the policies and strategy of the adopted UDP and the draft LDP, as well as national planning guidance. Whilst the guidance suggests that the current deficiencies in housing land supply should be given considerable weight, it is considered that this weight can be reduced in the light of the steps being taken by the Council to improve the housing land supply position. In this case, therefore, it is not considered that the need to maintain a 5 year housing land supply carries sufficient weight to overcome the principle concerns with the proposed development.

Prematurity

As the LDP is in draft form, consideration should be given as to whether the proposals would be premature, given that this is not an allocated site within the plan and would remain located with an SLA allocation.

Planning Policy Wales provides advice on prematurity. Paragraph 2.6.3 says *"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 that 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"*. In addition, paragraph 2.6.4 says *"The stage which a plan has reached will also be an important factor in judging whether a refusal on prematurity grounds is justifiable"*.

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.

As mentioned earlier, St Nicholas has been identified as a settlement that can accommodate growth, resulting in a housing allocation to the north east of the settlement. In addition to this (and as mentioned earlier), the application site itself has been proposed as an alternative site. Whilst applications for planning permission have been submitted to the Council for the LDP allocated site, it is for the LDP process itself to determine whether the LDP allocation is appropriate and whether the alternative site subject to this application is needed and appropriate. In the event that permission is granted for the LDP allocated site, it is again for the LDP process to determine whether it is appropriate for St. Nicholas to accommodate the additional growth that this application site would provide.

Whilst these are issues of prematurity, the Guidance in PPW is noted in that refusals on prematurity grounds are usually only justified where the development proposal goes to the heart of a plan. In this regard, the application site will accommodate up to 62 dwellings. Taken as a percentage of the 9500 that the LDP identifies as the Housing need for the whole of the Vale of Glamorgan over the plan period, this site would amount to a small percentage total housing allocations proposed in the draft LDP.

Accordingly, it is considered that the application proposal would not have a significant impact in respect of prematurity that would justify the Council pursuing a prematurity case in the forthcoming appeal.

Landscape and Visual Impact

UDP Policy ENV10 seeks to conserve and manage the countryside of the Vale of Glamorgan to minimise the potentially harmful effects of development. Policy ENV10 supports the Council's principle countryside protection policy ENV1.

In this case the principles of Policy ENV10 are supported by criterion (i) and (iv) of Policy ENV27, which required development to (i) complement or enhance the local character of buildings and open spaces and (iv) minimise any detrimental impact on adjoining areas. UDP Policy ENV11 also seeks to ensure that development does not unacceptably affect features of importance to landscape or nature conservation. Furthermore, notwithstanding the conclusions in the sections above with regard to the principle of the development, if the development were considered to benefit from the provisions of UDP policy HOUS2, Criteria (i) and (ii) of the associated Policy HOUS8 would require that the development is sympathetic to the environs of the site and would not have an unacceptable effect on the amenity in terms of visual intrusion.

In addition to these UDP policies, Chapter 5 of PPW identifies the importance of the natural heritage of Wales and states:

'The natural heritage and valued landscapes of Wales are not confined to statutorily designated sites but extend across all of Wales – to urban areas, the countryside and the coast. Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well-being of individuals and communities. Biodiversity and landscape are important in the economic life of many communities and the quality of the environment is often a factor in business location decisions.'
(Paragraph 5.1.1)

One of the Welsh Government's objectives for the conservation and improvement of the natural heritage is to *'promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats'* (paragraph 5.1.2 of PPW).

In addition to the policies and guidance that seek to protect the Countryside of the Vale of Glamorgan for its own sake, the application site lies within the Duffryn Basin and Ridge Slopes Special Landscape Area (SLA), designated in policy ENV4 of the UDP. The Council have undertaken a review of the SLAs in preparation for the LDP and, in short, the special landscape qualities of the site are still considered important (as set out in the LDP landscape background papers listed above), the result being that the SLA designation of the site is continued within the LDP.

The visual impact of the development on the wider area and the impact that development would have on the landscape must be considered within the context of PPW, the UDP countryside protection policies and the SLA designation under the UDP, having regard to the updated assessment of the SLA designation, as undertaken in the three LDP background documents identified above.

With regard to the character of the application site, it forms part of the Valley sides of a tributary to the River Waycock which is to the south of the application site. The settlement of St. Nicholas, along the A48, is on a fairly level plane and the north east corner of the site is also at that level. The site gently slopes away to the south and west and is, therefore, elevated from views to the south (via Footpath no. 8) and west (along the A48). Footpath no. 8 runs along the eastern boundary of the site, heading south where it meets and crosses the Highway Brook Lane. The area in general is characterised by pastoral fields of varied sizes with hedgerows, some of which contain matured deciduous trees. The application site is part of an area that is tranquil and rural in character, being read within the context of the rural land to the south and west. The area to the north (across the A48) and east has the character of a traditional rural village with the three or four dwellings opposite the site forming a ribbon of spacious rural dwellings typical of that seen on the fringe of many rural settlements in the Vale. The site is not read within the context of these dwellings as the A48 forms a strong physical and visual edge to the settlement of St Nicholas. The site is also not read within the context of the dwellings to the east, particularly as views of these from the South are screened by existing hedgerow.

In considering the development in terms of landscape impact, the site currently provides an undeveloped and rural setting to the settlement of St Nicholas. The replacement of an undeveloped agricultural field with two storey dwellings, associated garaging, estate roads, street lighting and formal open space is in total contrast to the current rural character of the site, as described in the paragraphs above. The proposal does not replicate the traditional rural development opposite the site, notwithstanding the fact that the A48 itself forms a defensible boundary to the settlement of St Nicholas along the northern boundary of the site. The proposal will introduce a modern housing estate in a locally prominent location within the SLA, resulting in the urbanisation of a tranquil and rural area of undeveloped countryside. Whilst there are dwellings to the east of the site, these do not define the character of the land within which the application site sits. The application site is not, therefore, residential in character and the fundamental change in the character of this area that would result from the development is an unwelcomed urban encroachment.

In terms of visual impact, the access to the site would be a prominent alteration to the northern boundary of the site and the development would be visible from that access. The current views of the site in this location are of a rural landscape beyond a natural rural hedge line. As such, the urban development proposed would have a harmful impact on the visual amenity of this area in this location, particularly as the development will extend some 260 metres along this boundary of the site with the adjoining highway. The site is also prominent from footpath No.8 and Brook Lane to the south of the site. Again, the views of the site and surrounding area from this vantage point are predominantly of a rural landscape. The development would be visually prominent and would have a detrimental impact on the character and amenity of the area. With the main views of the site being from the south (footpath no.8) and the north (A48) the site is not viewed against a backdrop of the settlement of St. Nicholas. Accordingly, the proposed development will not assimilate into the existing built development at St Nicholas.

As mentioned above, the submitted DAS states that there would be a landscaping scheme for the site, to include reinforcing the vegetation at the site boundaries to further mitigate the visual impact of the development.

To support the application a 'Landscape Character and Visual Impact Assessment' (LCVIA) has been received. The LCVIA has been carried out to assess the likely landscape and visual effects of the proposed residential development.

Whilst it is noted that the developer has sought to take steps to minimise visual impact e.g. indicative peripheral planting in relation to layout, etc. the LCVIA acknowledges that as defined in LANDMAP the development site is within the 'St Nicholas and Bonvilston ridge Crest'. Their study further states that Landmap summarises this as being of high overall value and is identified as an important ridgeline and states that "*Much of the Vale can be seen from this ridgeline and much of the ridgeline can be seen from rest of the Vale*" (paragraph 3.27, page 6, LCVIA). Nevertheless, the assessment concludes that the development will not result in any adverse impacts on the landscape character and visual amenity of its immediate surroundings or the wider Dyffryn Basin & Ridge Slopes SLA.

Notwithstanding the conclusions of the LCVIA submitted with the application, it is considered that the development would be a visually prominent and discordant feature and that the harm to the character of the immediate area would be substantial. The development would be unacceptably harmful to the special qualities of the Duffryn Basin SLA. For these reasons the development would not accord with UDP policies ENV4, ENV10, ENV27 and HOUS8, as well as the general countryside protection and sustainability principles of PPW. Such sentiment is further echoed within policy MD6 of the emerging Local Development Plan, relating to development within minor rural settlements.

Impact on the character and Appearance of the Conservation Area

The proposal site is located immediately west of the St Nicholas Conservation Area and shares a common boundary to the north east of the site. The nearest listed buildings lie some 350-400m away from the site. There are also several scheduled monuments within a 1km radius of the site.

The St Nicholas Conservation Area Appraisal and Management Plan (CAAMP) identifies the qualities of the conservation area. In particular, the qualities of the conservation area that may be sensitive to this development are views out of the conservation area which reinforce its rural character and openness.

Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

The CAAMP is not prescriptive about which areas may be suitable for development but is guidance on general principles. It provides more detail than the Unitary Development Plan for assessing the impact of the proposed scheme.

It is noted that the CAAMP refers to suburban elements that have encroached through post-war development and that, as a result of the boundary review, modern development, including Ger-y-Lan, was removed from the designation.

Notwithstanding this, the CAAMP notes that “The village sits within undulating countryside on an east-west ridge which provides dramatic views southwards towards the Severn Estuary.” The conservation area “... is very spacious and maintains a strongly rural character, with footpaths leading out into the surrounding countryside”. Following on from this, the Conservation Appraisal Map (that forms part of the CAAMP) notes significant views from the conservation area across the proposal site. It is noted that those views are from a corner of the conservation area within which three positive buildings sit (two of which are identified as Country Treasures), those being Trehill House and Trehil Cottage (opposite the application site) and the Church. As such, the application site plays an important role in providing a strong rural character and setting to the conservation area in this location, which is appreciated from both the A48 and footpath no.8 leading out into the surrounding countryside. The views that are recognised as being important will be lost should the proposed development be approved, further divorcing the conservation area from the rural setting within which it sits.

Whilst it is accepted that UDP policy ENV20 deals with development in a Conservation Area, the principle of this policy and the supporting text are relevant to the application site, being directly adjacent to the conservation area. Paragraph 3.4.81 to support the policy states:

“Open areas may be essential to the character and appearance of Conservation Areas and may be a principal reason for their designation. The landscape adjoining Conservation Areas and spaces between buildings form the context for Conservation Areas and complement the quality of the built environment. The loss of these areas may be severely detrimental to many of the Conservation Areas. The Council will undertake Conservation Area Appraisals to identify those aspects and features of importance to the character of a Conservation Area.”

Criterion (ii) of policy ENV20 requires that proposals reflect the pattern of use which establish the character of an area and criterion (iii) requires that proposals reflect important open spaces within and adjoining conservation areas. In addition to this, UDP policy ENV 17 seeks to protect the environmental qualities of the built and historic environment. Criterion (i) of the policy seeks to prohibit development that has a detrimental effect on the special character, appearance or setting of conservation areas. General support to these policies is provided by criterion (i) of policy ENV27 and criteria (i) and (ii) of policy HOUS8.

In the light of the conclusions above with regard to the resultant harm that the development will cause to the St Nicholas Conservation Area, and having regard to the duty imposed on the Council by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the development is considered to neither preserve nor enhance the setting of the conservation area, in conflict with the CAAMP, UDP policies ENV17, ENV20, ENV27 and HOUS8, and national planning guidance in PPW.

Traffic and Transport

This is an outline application with all matters reserved other than access. The application has been accompanied by a Transport Assessment (TA).

The TA is based on a proposed development of 62 dwellings and confirms as part of the development of the site, it is proposed to construct a new vehicular (and pedestrian) access from the A48 fronting the site. The TA assesses the likely traffic generation and 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 TA concludes that, based on a development of 62 dwellings and a review of TRICS trip generation database, it is anticipated that the proposed development could generate up to 42 vehicle movements (two-way) in the AM peak period and 45 vehicle movements (two-way) in the PM peak period.

In terms of the impact on the wider highway network, the additional traffic generated by the proposal represents a 2.9% increase in vehicles along the A48 through St Nicholas in the am peak and 3.3% in the pm peak. (5.5.6 TA).

The TA concludes that the proposed development may be accessed safely and satisfactorily by way of a priority junction, which includes provision of a ghosted right-turn lane and associated pedestrian refuge (6.2.1 TA).

It is noted that the developer indicates that *'pedestrian and cycling issues will sought to be dealt with at reserved matters stage'* (Design and Access statement 6.6).

The Council's Highway Engineers have considered the proposal and the TA submitted, and have concluded that there are no principle objections to the scheme. They have recommended some slight amendments to the proposed access and alterations/addition of signage and highway markings. These matters could have been dealt with by way of conditions/planning obligations, if the application had been considered acceptable on the whole. Notwithstanding this, the proposal does not conflict with UDP policies or guidance in respect of the highway and access issues.

Whilst an indicative layout plan has been provided, the details of the internal road layout, street lighting, etc. is a matter that would be dealt with at reserved matters stage.

If the scheme were to have been considered acceptable in principle the matter of a sustainable transport contribution from Section 106 provision would assist in this and is considered in the following section regarding Section 106 contributions to mitigate the impact of the development, including any proposed mitigation to address the impact of increase traffic flows along the A48.

Layout and Scale of Development

Whilst the application is in outline with all matters reserved other than access reserved, the accompanying capacity layout and indicative street scene plans provide an indication of the layout and scale of development proposed. The sites constraints and opportunities have been assessed in the submitted Design and Access Statement (DAS), which also explains the land use.

Should the application be approved in outline, the detailed layout will be assessed against the context and character of the existing residential development to the south and east of the site and in particular, with regard to Manual for Streets.

It is acknowledged that with the areas of enhanced landscaping and existing features to be retained, the areas of public open space and the proposed SUDS, there would be some areas that would not be developed for housing. It is also noted that this is a rural site, where a lower density may be more appropriate. However, it is important that a development makes an efficient use of the land, while respecting the general character and spacing of dwellings in the vicinity.

All dwellings proposed will be two storeys in height, to a maximum height of 9.5 metres. The proposed density is around 18 dwellings per ha. Whilst this is a fairly low density, this is reflective of the adjoining rural settlement. However, it would fail to satisfy the Council's density requirements proposed in DLDP Policy MD7 which expects a net residential density of 25 dwellings per ha in minor rural settlements to ensure efficient use of land.

Notwithstanding the concerns in relation to the impact of the development in its entirety in this location, whilst the general indicative layout and supporting details of the proposed development are considered broadly acceptable, there is some concern with regard to the maximum height of development, in the light of the principle visual impact objection to the proposal. However, the acceptability of the layout, scale and design details can only be fully considered through a Reserved Matters application where more detailed consideration would need to be given to the layout and scale of development, and appropriate levels of density, in the event that the appeal is allowed.

Agricultural Land

It is acknowledged in both national and local planning policy and guidance that agricultural land of grades 1, 2, and 3a is considered to be the most flexible, productive and efficient in terms of output (Technical Advice Note 6).

Paragraph 4.10.1 of PPW states the following on this matter:

“In the case of agricultural/and, land of Grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future....Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in Grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

This principle of PPW and TAN6 support the UDP policies ENV2 – Agricultural Land and criterion (iii) of policy HOUS8.

As noted in the introductory sections above, the site is agricultural land identified as grade 2 on the Agricultural land classification map (1986). The site is also directly adjacent to an area of grade 3a agricultural land, to the south. The application has not been supported by any Agricultural Land Classification and Soil Resources Report.

Whilst section 6.2 of TAN 6 on Planning for Sustainable Rural Communities supports the PPW guidance, it gives further advice on the application of the above-mentioned 1986 Agricultural land classification map in paragraph 6.2.4. It states that the *“Agricultural Land Classification (ALC) map for Wales is published at a scale of 1:250,000. This map is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality. The map is not suitable for use in evaluating individual sites. In such cases a resurvey at a larger scale is necessary to obtain a definitive grade”*.

In the absence of an appropriate survey, it has not been determined that the development will not result in the loss of the best and most versatile agricultural land. The Council have failed in at least one previous appeal where it relied upon the 1986 ALC map.

However, in light of the weight that both PPW and TAN6 suggest should be given to the preservation of grades 1, 2 and 3a (i.e. there must be an overriding need for the development), as part of the preparation of for the appeal your officers intend to seek further evidence in order to establish the grade of the land. If the evidence confirms that the land is grade 2 (or 3a), it is recommended that an objection to the development is progressed at the appeal on the basis that the development would result in the unnecessary loss of the best and most versatile agricultural land, contrary to UDP policies ENV2 and HOUS8, PPW and TAN6.

Impact of the Development on the Amenities of Existing Properties

The submitted illustrative layout plan shows that the site will largely be enclosed by existing and new landscaping. The site does, however, adjoin a small number of dwellings along its eastern boundary. In addition it is recognised that the dwellings which are located opposite the site, on the north side of the A48, will be impacted upon as a result of the development.

There is little existing screening between the application site and the dwellings to the east. The existing dwellings are, however, set off the boundary of the site. In addition, an open space buffer strip (approximately 15 metres wide) is proposed along the eastern boundary, along the line of the existing public footpath. The capacity layout plan also shows that the dwellings will then be set off this open space strip by a further 6 metres, approximately. Taking into account the total distance between the existing and proposed dwellings, the development is not considered to result in an unacceptable impact on the level of privacy currently enjoyed by the occupiers of the existing dwellings.

Notwithstanding this, the public open space area itself will introduce activity and informal recreation to an area that is currently just a public footpath. There will also be vehicle movements associated with the new dwellings that will overlook this open space. This activity will introduce disturbance and additional overlooking into the private rear gardens of the existing dwellings to the east. Acknowledging that these dwellings are already subjected to overlooking and disturbance from users of the existing right of way, the introduction of a robust landscaping screen along the eastern boundary of the site could sufficiently alleviate any additional amenity issues that result from the proposed indicative layout, notwithstanding the fact that the layout of the site could change at reserved matters stage.

The dwellings opposite the application site are also set off the adjoining highway and, taking into account the width of the existing highway, the highway verge and the indicative position/orientation of the proposed dwellings, there is again not considered to be any unacceptable privacy issues for the occupiers of the existing dwellings opposite the site.

Finally, the dwellings to the west of the site are separated from the proposed new dwellings by a further area of open space within an existing area of woodland, shown on the indicative layout as being proposed for retention. The development is not considered to significantly impact upon the amenities of the occupiers of these dwellings.

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

Drainage Issues

The application has been accompanied by a Drainage Strategy prepared by Cambrian (May 2015). The Strategy outlines the baseline hydrological conditions and outlines the proposed drainage strategy for the development. A drainage strategy plan has been prepared based on the illustrative layout.

Flood Risk:

The TAN15 Development Advice Map shows that the site lies outside of any area where there is a risk of fluvial or tidal/coastal flooding. Accordingly, there is no objection to the development on the basis of the guidance provided in TAN 15 or UDP policy ENV7 Water Resources.

Surface Water:

The drainage strategy states that the surface water drainage scheme will incorporate a SUDS solution of soak ways, specifically designed to deal with the flows calculated. Individual dwelling will each be served by a soak away and surface water from internal access roads will be directed to a highway dedicated soak away located adjacent to the adopted road, within the public open space. This is the area in the north west corner of the site where the Council's records show there to be an existing pond.

The Council's Drainage Engineer has commented on the Drainage strategy for the site and, subject to the imposition of a number of conditions, they have not objected to the proposals for the drainage of the site. The suggested conditions will require further amended calculations for the proposed soakaways, an engineering layout for the drainage of the site, further detail on the surface water discharge, and a surface water management plan to include details of the management responsibility and a strategy for maintenance of surface water systems on site. Accordingly, the proposed development accords with UDP policies ENV7 – Water Resources and ENV27 – Design of New Developments.

Foul Sewerage:

The drainage strategy suggests that there is an adopted 150mm diameter foul sewer which runs along the site's Eastern boundary. It is proposed to provide a dedicated on-site foul drainage system to Dŵr Cymru Welsh Water's (DCWW) adoptable standards to serve the development that will connect to the existing sewer.

The drainage strategy suggests that in March, 2015, DCWW confirmed that their existing foul sewer has capacity to accommodate the proposed development and that their downstream assets may need reinforcement, but at the time of writing they are in the process of investigating the extent of the required works. It is proposed that the new foul sewer will be adopted by DCWW via a formal S104 legal agreement.

DCWW were consulted on the application and in its response dated 28th October, 2015, has stated that the development would overload the Waste Water Treatment Works. As no improvements are planned within DCWW's capital investment programme, DCWW suggests that the development is premature and an objection is made. The next capital investment programme is not understood to commence until 2020 and there is no guarantee that improvement works will be scheduled in that programme.

On other sites DCWW have suggested that the developer could undertake a feasibility study of the required upgrading works and costings for these, which could then be secured by way of a section 106 agreement. However, at present no details of the works, their timing or cost are available. Accordingly, the development would not be served by, and would cause overloading of this public utility at a time when there is no indication that the necessary upgrades would and could be undertaken by the developer. Thus, the development would be contrary to Policies ENV27 Design of New Developments, ENV29 Protection of Environmental Quality and HOUS8 Residential Development Criteria – Policy HOUS2 Settlements of the UDP.

Water Supply:

DCWW have also objected to the development on the issue of water supply. It suggests that the development is in an area where there are water supply problems and no improvements are planned. Any increase in demand will exacerbate the situation and adversely affect our service to existing customers. DCWW have, however, indicated that the developer could accelerate provision of essential improvements by way of water requisition the Water Industry Act 1991 or through planning obligations.

Notwithstanding this, it is understood that DCWW can themselves control the water supply to new development, and refuse consent where there is not sufficient supply to accommodate the additional dwellings. Whilst the development may well be considered to be not in accordance with ENV27 Design of New Developments and HOUS8 Residential Development Criteria – Policy HOUS2 Settlements of the UDP, the Council should not duplication the legislative control of another Authority or public body. Accordingly, it is not considered that a refusal of planning permission could be maintained in respect of this element of the DCWW objection. As such, it is noted that a condition would need to deal with this matter in the event that permission is granted.

Ecology and Biodiversity

The application was accompanied by an extended phase 1 habitat survey.

The report identifies that the habitats on the site are of relatively low ecological value, but within an area of moderately high nature conservation value. It is suggested that the habitats on site are likely to be used by protected species and, as such, ecological protection and mitigation measures should be put in place.

The Council's Ecologist has reviewed the submitted ecological assessment and on the basis of the submitted documents and subject to appropriately worded conditions does not object. The proposal therefore complies with Policy ENV16 – Protected Species of the UDP.

Archaeology

The application has been accompanied by an Archaeological desk-based assessment. Glamorgan Gwent Archaeological Trust Ltd (GGAT) in their capacity as consultees has reviewed the submitted assessment and have suggested that it is unlikely that significant previously unknown archaeological features. However, given the resource in the area, there is potential for particularly pre-historic and roman material. Accordingly, they have requested a condition requiring a programme of archaeological work to be undertaken before the development takes place. Accordingly, there is not considered to be a conflict with UDP Policies ENV18 – Archaeological Field Evaluation or ENV19 – Preservation of Archaeological Remains.

Trees and Hedgerows

To support the application a Tree Survey by TDA (April 2015) has been submitted. Whilst there are no protected trees on the site, the survey identified a number of trees of moderate and high quality and value. In addition to this, it identified the area of woodland in the north west corner of the site as being visually prominent and of high ecological value. The survey did not consider the existing hedgerows at the site.

Whilst landscaping is a reserve matter, the indicative layout plan shows the retention of the existing hedgerow and trees on site, with the woodland to be retained as part of the public open space. Accordingly, there is no objection to the scheme as a result of the loss of any trees or hedgerow, save for that to be removed to provide the access to the site and, as such, there is no conflict with location and national policy and guidance.

Noise

The Highways adjoining the site are particularly busy and, as such, it is important to consider the impact of the noise generated by traffic on those highways on any future occupiers of the development. A noise assessment was submitted with the application which considered the existing ambient and background noise levels and the potential impact of noise on the proposed development. The assessment was undertaken in consideration of the guidance provided in TAN11 on Noise. It determined that the proposed dwellings along the northern boundary of the site, adjacent to the A48, would be within an area subject to noise levels falling within NEC C as defined in TAN 11 and, as such, recommended that additional sound insulation measures would be required.

The Council's Environmental Health Officer considered the noise assessment submitted and was satisfied with its conclusions in regard to the uprated Glazing and mechanical ventilation for the houses most affected in the acoustic report. Accordingly, subject to the requirements set out in the noise assessment, the development is not considered to conflict with TAN 11, or UDP policy ENV29 – Protection of Environmental Quality.

Planning Obligation (Section 106) Matters

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6 April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As the proposal subject of this report seeks permission for the construction of 62 dwellings, the following section of this report considers 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. It concludes that planning obligations are required in respect of the following:

- Affordable Housing
- Education
- Off-site Highway Improvements
- Sustainable Transport
- Public Open Space
- Community Facilities
- Public Art

The appeal was submitted for the non-determination of the application subject of this report without a draft section 106 agreement or draft heads of terms for planning obligations that will attempt to mitigate the impact of this development. Accordingly, at this stage the scheme of development that is subject of the current appeal would fail to comply with both the Council's Planning Obligations SPG and the advice contained in Planning Policy Wales and the relevant TANs. However as the appeal is at an early stage, it is possible for officer's to request a legal agreement and negotiate its terms during the course of the appeal, for consideration by the appointed Planning Inspector. Your officer's will seek the following 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 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 2015, 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 Vale of Glamorgan LHMA (2015) provides the latest evidence, identifying a need for 559 Affordable Housing Units per annum, comprising 331 social rented units and 228 units of intermediate housing, with the latter split between 115 low cost home ownership (LCHO) dwellings and 113 intermediate rented dwellings. In light of the evidence contained within the LHMA and to reflect the high level of affordable housing identified, the Council requires proposals resulting in a net gain of 10 or more residential units to deliver a minimum of 30% affordable housing in Barry, 35% affordable housing in Llantwit Major, Rhoose and St Athan and a minimum of 40% affordable housing elsewhere.

The Deposit Local Development Plan (October 2013) policy MG4 required 35% affordable housing to be incorporated with any residential development in this area, 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 commissioned a review of its viability evidence base in September 2014, to take account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in minor rural settlements.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site should deliver 40% affordable housing. The Council requires a 70/30 split on site between Social Rented and Intermediate. Based on 62 dwellings, 25 affordable dwellings are required. This would require 17 social rented and 8 intermediate (LCHO).

The Housing Department have recommended the following unit sizes:

Social Rented:

- 6 x 1 bedroom flats with own entrances and no communal areas
- 10 x 2 bedroom houses
- 2 x 3 bedroom houses

Intermediate:

- 7 x 2 bed houses

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. PPW (ed. 7, 2014) 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. As noted from the consultations section of the report, as Housing has requested that 6 units on site be 1 bedroom units, the Education Section have based their comments on the provision of 56 potential family homes. The development of 56 family homes would generate demand for 6 nursery places, 17 primary places, 13 secondary school places (aged 11 to 16years) and 2 secondary school places (post 16years).

The nursery/primary schools serving the site are St Nicholas Primary School (English/Denominational) and Ysgol Iolo Morganwg (Welsh Medium). The secondary schools serving the site are Cowbridge Comprehensive (English Medium), Ysgol Gyfun Bro Morgannwg (Welsh Medium) and St Richard Gwyn/Bishop of Llandaff (Denominational).

The Education Facilities Background Paper (2013) and the Education Department in their comments, have confirmed that there is no spare capacity, current and projected, within all primary sector provision. In addition, there is no projected spare capacity at Cowbridge Comprehensive, and limited capacity at Ysgol Gyfun Bro Morgannwg (no capacity at 2020) and St Richard Gwyn/Bishop of Llandaff. The proportion of pupils attending the different school sectors in the area serving the development are as follows: English Medium 92.5%, Welsh Medium 5% and Denominational 2.5%.

Accordingly, the following Section 106 contributions would be required for the additional provision of nursery, primary and secondary education:

- Nursery and primary school children – 23 children x £14,463.26 = £332,654.98
- Secondary (aged 11-16) school children – 13 children (12 pupils at Cowbridge Comprehensive and 1 pupil at Ysgol Gyfun Bro Morgannwg) x £21,793.42 = £283,314.46
- Secondary (aged post-16) school children – 2 children x £23,635.40 = £47,270.80

However, in this case it is considered that a section 106 agreement securing planning obligations in respect of the above would prejudice the Council's ability in the short-term to secure the delivery of appropriate alternative residential development sites (with appropriate provision for education facilities) in the area, due to the CIL Regulation 'pooling restriction' explained below.

The CIL Regulations (Reg 123) restrict the pooling of Section 106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that since April 2010 (when the regulations came into force) the Council has secured education contributions for the following schools from the following sites:

- St Nicholas Primary School

The Council have secured an education contribution from 1 development in the catchment area of St. Nicholas Primary School, at Land Off Old Port Road, Culverhouse Cross (ITV) (Planning ref: 2013/01152/OUT). It should be noted that the Council currently have 3 pending applications, which also fall within the catchment area of St. Nicholas Primary School, those being Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston (Planning ref: 2015/00960/FUL), Land to the East of St. Nicholas (Planning ref: 2015/00249/FUL) and Land to the east of Mink Hollow, St. Nicholas (Planning ref: 2015/00662/FUL). The approval of this application would thus not breach the pooling restriction, and would still enable this development to provide the education planning obligation as set out above.

- Ysgol Iolo Morganwg

The Council have secured an education contribution from 2 developments in the catchment area of Ysgol Iolo Morganwg that could contribute towards this school, those being Land off Badgers Brook Ystradowen (Planning ref: 2013/00856/OUT) and Land at St. David's Colwinston (2014/00242/FUL). The Council also have 5 pending applications, which also fall within the catchment area of this school, those being Land north-west Cowbridge (Planning ref: 2014/01505/OUT), Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston (Planning ref: 2015/00960/FUL), Land to the East of St. Nicholas (Planning ref: 2015/00249/FUL), Land to the east of Mink Hollow, St. Nicholas (Planning ref: 2015/00662/FUL), and Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely (Planning ref: 2015/00874/FUL). There is also the application at Church Farm, Cowbridge Road, Ystradowen (Planning ref: 2015/00543/OUT) which is currently pending due to an appeal against non-determination.

- Cowbridge Comprehensive

The Council have secured education contributions from 3 developments in the catchment area of Cowbridge Comprehensive that could contribute to the school, those being Ogmores Caravan Park (2009/01273/OUT), Land off Badgers Brook Ystradowen (2013/00856/OUT), and Land at St. David's Colwinston (2014/00242/FUL). The Council have 6 pending applications, which also fall within the catchment area of this school, those being Land north-west Cowbridge (Planning ref: 2014/01505/OUT), Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston (Planning ref: 2015/00960/FUL), Land to the East of St. Nicholas (Planning ref: 2015/00249/FUL), Land to the east of Mink Hollow, St. Nicholas (Planning ref: 2015/00662/FUL), Land at Pentre Meyrick (2014/00993/FUL), and Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely (Planning ref: 2015/00874/FUL). There is also the application at Church Farm, Cowbridge Road, Ystradowen (Planning ref: 2015/00543/OUT) which is currently pending due to an Appeal against non-determination.

In light of the above, the Council needs to consider which of the pending planning applications would be most important in delivering the Council's strategy for growth, on the basis of their planning merits, i.e. securing new housing development in the most appropriate locations that are capable of providing adequate provision for education facilities, amongst other things. It will not be possible to approve all of the above planning applications with planning obligations for education without breaching CIL Regulation 123. It is the Council's intention to introduce a Community Infrastructure Levy (CIL) for the Vale of Glamorgan which will overcome this issue in the longer term by delivering education facilities through CIL, and enabling the delivery of housing in accordance with the LDP Strategy. In the meantime, the Council will determine the above planning applications in light of all material considerations, including the need to secure adequate education facilities to meet the needs of future occupiers.

Until such time as education facilities can be delivered through CIL, the Council will have to consider which development sites would contribute most towards meeting the Council's strategy for growth and will need to resist those developments that would compromise the Council's ability to deliver the preferred sites in a way that allows their impacts to be mitigated. As such it would not be appropriate to recommend using one of the 5 opportunities to 'pool' s106 contributions for education facilities in Cowbridge on this development, given that it would not deliver sufficient housing numbers to justify undermining the delivery of other more strategically important sites. Therefore, the application cannot make appropriate provision for education facilities to serve the development and as such is contrary to UDP Policy HOUS 8(vi), the Planning Obligations SPG and the advice in Planning Policy Wales (paragraph 12.1.1).

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 PPW, TAN 18: Transport and Manual for Streets which emphasise the important relationship between land use planning and sustainability in terms of transport.

In particular TAN 18 states that *"Planning authorities may use planning obligations to secure improvements in roads, walking, cycling and public transport, whether as a result of a proposal on its own or cumulatively with other proposals and where such improvements would be likely to influence travel patterns, either on their own or as part of a package of measures"*. (9.20 refers) At paragraph 9.21 it continues *"Circular 13/97 sets out the way in which planning obligations can be applied, but practical examples relating to influencing movement to a site include the funding of additional or improved bus services, commuted sums towards new or improved bus and rail interchanges, and improvements to pedestrian or cycle routes which go near the site or make it easier to access the site"*.

The Council has developed formula to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities, which has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires a contribution of £2,000 per dwelling to be used to improve access to the site, local employment opportunities and other facilities and services likely to be required by the future occupiers, by more sustainable transport modes. In this case, this would equate to up to £124,000.

The following measures have been identified to utilise this contribution and to provide sustainable transport facilities serving the development:

- Enhanced bus services serving the site;
- Improvements to the footways / cycleways in the vicinity of the site to access key facilities and services.

Your officers will seek a 106 agreement for the appointed Inspector to consider, containing an obligation for a contribution as set out above.

Public Open Space:

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

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

Based on the Council's Planning Obligations SPG, and the LDP Open Space Background Paper (2013), the development for 62 dwellings creates the need for 3434.8sqm of public open space, including 282.72sq of children's play facilities, 848.16sqm of other children's play space and 2261.76sqm of outdoor sport space. In practice, this equates to the provision of 3 Local Areas of Play (LAPs) or 1 small Local Equipped Area for Play (LEAP) to meet the needs arising from the development.

As highlighted by the LDP Open Space Background Paper (2013), there is currently a deficit of all children's play space in the ward, and an overprovision of outdoor space for outdoor sports.

It is always preferable to secure public open space within the site and whilst it may be appropriate in some instances to accept an off-site planning contribution to mitigate for any shortfall, since the application is in outline, definitive areas of provision have not been shown.

Consequently, your Officers will seek a S106 agreement for the appointed Inspector to consider, containing an obligation ensuring the full allocation of public open space is provided within the site.

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 LDP Community Facilities Background Paper (2013) assessed the level of provision of community facilities throughout the Vale of Glamorgan and the additional demand generated by new development planned in the DLDP. The Community Facilities Background Paper established that there is an existing deficiency of library space provision and additional space is required to accommodate the projected housing growth over the plan period. A build survey completed by the Council's Estates Department in April 2015 confirmed that the current building serving Wenvoe Library is dilapidated and the structure will not last into the future and in much need of enhancement/renovation or replacement.

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.

The Community Facilities contribution for the scale of development indicated would be based on the formula of 0.75sqm of community floor space per dwelling or £988.50 per dwelling if not provided on site. Given the scale of development proposed, it is not considered appropriate to require a building on site, which would be too small to provide a meaningful community facility. Therefore a proportionate contribution of £61,287 would be used to provide improved community facilities off site, such as Wenvoe Library.

Accordingly, your Officers will seek a s106 agreement for the appointed Inspector to consider, containing an obligation ensuring the above contribution is achieved. The contribution would go towards the enhancement of existing library facilities at Wenvoe Library or other community facilities as appropriate.

It should be noted that the CIL Regulations (Reg 123) restrict the pooling of Section 106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that since April 2010 the Council has secured community facilities contributions from the developments at Land off Old Port Road, Culverhouse Cross (ITV) (Planning ref: 2013/01152/OUT) and Land to the west of Port Road, Wenvoe (Planning Ref: 2013/00884/OUT) towards Wenvoe Library. Therefore, to date, this pooling restriction has not been breached in respect of community facilities.

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.

Your Officers will, therefore, seek a s106 agreement for the appointed Inspector to consider, containing an obligation ensuring on site public art to the value of a minimum of 1% of the project budget.

CONCLUSION

The objections listed below to the proposed development, now subject of an appeal, have been recommended in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION

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

1. The proposed residential development is outside the defined settlement boundary of St. Nicholas and there is no overriding justification or material consideration to outweigh the in principle policy presumption against such development. As such the development would be contrary to Policies ENV1 - Development in the Open Countryside and HOUS2 – Additional Residential Development of the adopted Vale of Glamorgan Development Plan 1996, as well as Planning Policy Wales (Edition 7) July 2014.

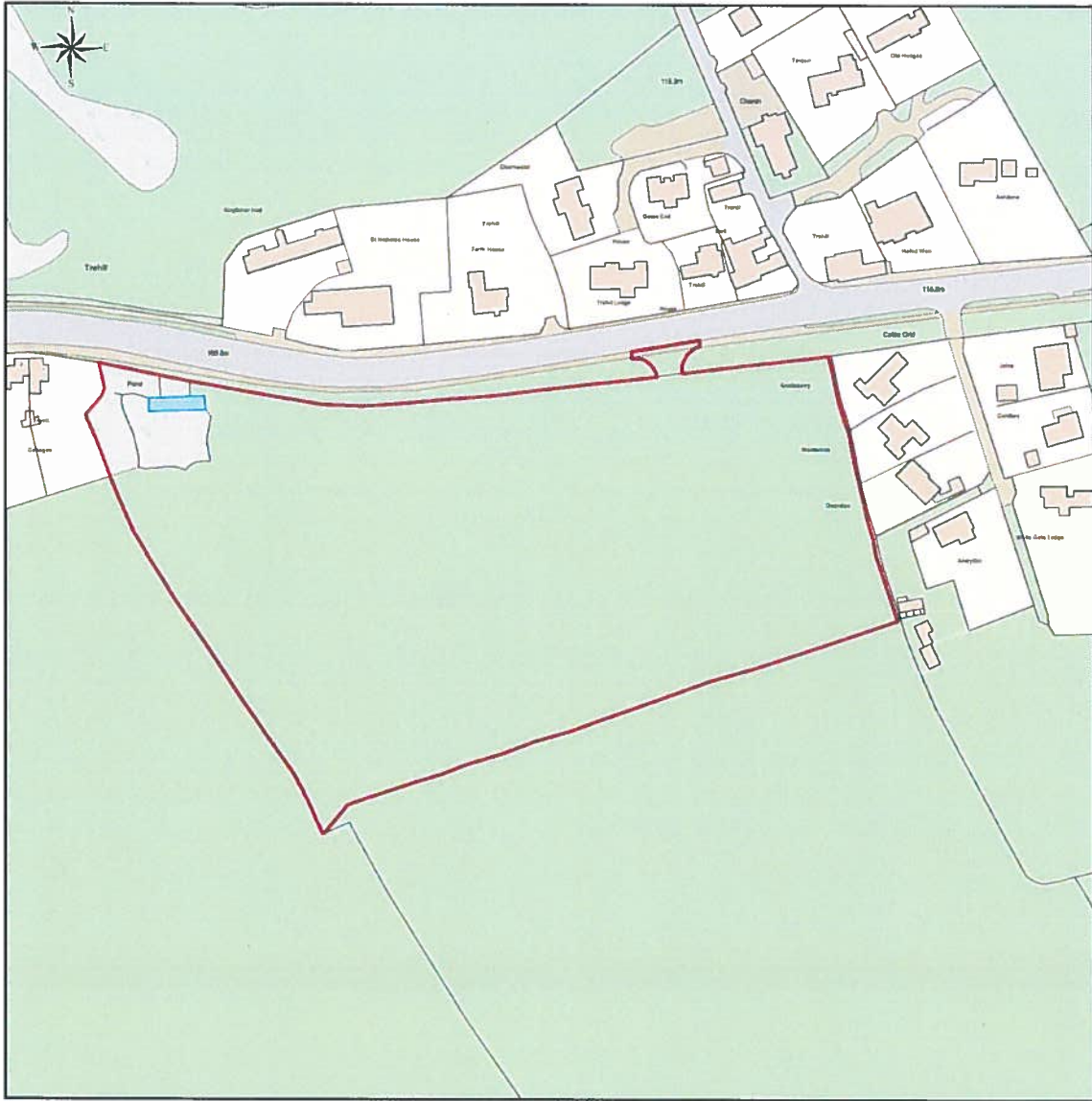
2. The residential development would have an unacceptable visual impact on the character and amenity of this undeveloped rural landscape and would be harmful to the special qualities of the Duffryn Basin and Ridge Slopes Special Landscape Area in this location. As such the development of this sensitive rural area and landscape would be contrary to Policies ENV4 Special Landscape Areas, ENV27 – Design of New Developments and ENV10 Protection of the Countryside of the adopted Vale of Glamorgan Development Plan 1996 – 2011, as well as Planning Policy Wales (Edition 7) July 2014.
3. The residential development would result in the loss of an area of open countryside that plays an important role in providing a strong rural character and setting to the St Nicholas Conservation Area in this location, over which there are currently significant views from the Conservation Area towards the Severn Estuary. Accordingly, the development is considered to neither preserve nor enhance the setting of the Conservation Area, in conflict with the Council's Adopted Conservation Area Appraisal and Management Plan, policies ENV17 – Protection of the Built and Historic Environment and ENV20 - Development in Conservation Areas of the adopted Vale of Glamorgan Development Plan 1996 – 2011, as well as Planning Policy Wales (Edition 7) July 2014 and W/O Circular 61/96. The development will also conflict with the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The development would overload the public waste water treatment works for which no improvements are planned at present and the developer has failed to provide any information that indicates that the development will not adversely affect or overload the public sewerage system and as a consequence the development is contrary to Policies ENV27 Design of new developments and ENV29 Protection of Environmental Quality of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011.
5. In the event that the evidence establishes that the grade of the agricultural land is grade 2 or 3a, the development would result in the unnecessary loss of the best and most versatile agricultural land, contrary to policy ENV2 – Agricultural Land of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011, Planning Policy Wales (Edition 7) July 2014 and Technical Advice Note 6 on Planning for Sustainable Rural Communities.
6. The proposed housing development would generate the need for additional school places which cannot be met by existing spare capacity and the development cannot make appropriate provision for education facilities to serve the development through Planning Obligations, without undermining the Council's ability to deliver strategically important development sites within the area. Accordingly, the application is contrary to criterion (vi) of Policy HOUS8 of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011, the Council's approved Planning Obligations SPG and the advice in paragraph 12.1.1 of Planning Policy Wales (7th Edition) July 2014.

Also, in the event that the appeal decision for the residential development site on land to the south west of Weycock Cross is received prior to the consideration of the appeal subject of this report, Members agree that the Council's evidence when prepared takes account of that appeal decision and that officers be given delegated authority to amend the Council's stance in respect of the above listed reputed reasons for refusal.

TREHILL, ST NICHOLAS

SITE LOCATION PLAN

2015/00689/OUT



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0m 25m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4

Mr. B Mead, C/o Agent.
Planr Limited, 39, Merthyr Mawr Road, Bridgend, CF31 3NN

Tyn Y Tranch Farm, Lane - Cottage Road - Jct Tyn Y Pant to Jct New Forest Reservoir, Ystradowen

Barn conversion to holiday chalet

SITE AND CONTEXT

The application site comprises an existing single storey, pitched roof agricultural barn and attached flat roofed garage and storage bays, all located within an existing farmyard. The site forms the north eastern section of a larger complex of farm buildings at Tyn y Tranch Farm. This lies to the south west of an existing dwelling and annexe at 'Tyn y Tranch Farm' house.



The site is accessed off the adopted highway to the south via a private track of almost 300m in length. This access is shared with 'Tyn y Tranch Farm' house and annexe and a separate dwelling to the south at 'Highfields'.

The site lies in open countryside to the north west of Ystradowen, and outside of any residential settlement boundary as defined in the Unitary Development Plan.

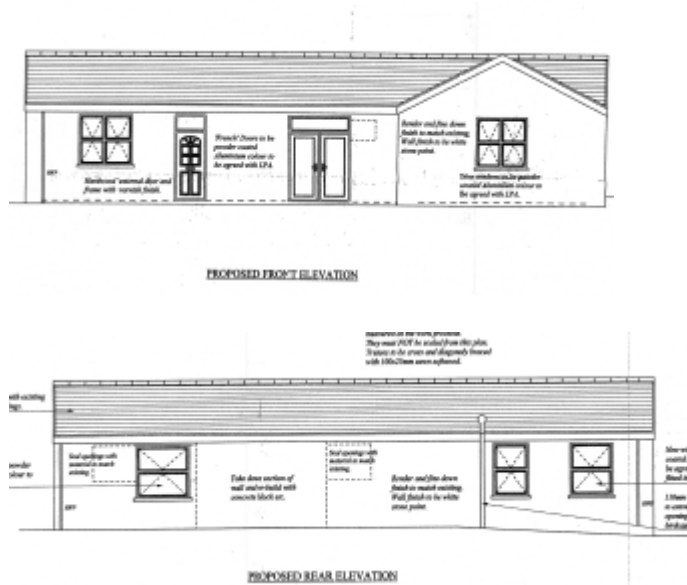
DESCRIPTION OF DEVELOPMENT

This is an amended application for full planning permission for the conversion of the barn to a holiday chalet. Originally the application had been proposed as a separate residential unit. The proposal entails the complete demolition of the existing storage bays and works to the main barn and garage outbuilding to provide for two bedrooms, a living room, kitchen, bathroom and hall.

The proposed work will include:-

- A new roof structure using the existing slates as covering. This will replace the existing pitched roof over the main barn, plus a new pitched roof over the flat roofed garage.
- A number of existing openings will be closed up, including the garage opening, and new openings provided, including widening of an existing door opening and new window and door on the front, east elevation.
- The taking down and rebuild of a section of wall on the rear south west elevation.

- Provision of an insulation block inner skin and a white painted render to the external walls.



The application is accompanied by a Design and Access Statement (DAS), a Structural Report, and a Protected Species Survey by Spectrum Ecology.

PLANNING HISTORY

None specifically relating to application site, however, a number of applications have been submitted in relation to the surrounding area, including:

Cord/53/64 - Highfields (dwelling to the south of application site) - Outline consent for dwelling - Approved subject to conditions 5 March 1964. The dwelling was subsequently built without detailed approval.

1989/01079/FUL - Highfields - To retain existing bungalow - Approved 3 October 1989.

1990/00770/FUL - Highfields – Extension - Approved 3 August 1990.

1997/00902/FUL - Tyn y Tranch Farm house (dwelling to north west of application site) - Demolition of existing farmhouse and construction of new house plus 3 No. stables, 1 No. tack room and double garage - Approved 13 November 1997 subject to conditions, including, use of stables ancillary to the main dwelling; and details of enclosure.

2000/00605/FUL – Highfields - First floor extension above existing garage to provide additional bedroom and bathroom - Approved 1 September 2000 subject to conditions, including, relate to amended plans and matching materials.

2004/00367/FUL – Highfields – Conservatory - Approved 30 April 2004.

2005/00452/FUL - Tyn y Tranch Farm house - Conversion to part of stable block and garage to create holiday self-contained equestrian accommodation including facilities for disabled persons - Refused 9 June 2005 for the following reason:

“The proposal, by reason of its location, would represent an unacceptable form of development that would be tantamount to a new dwelling in the open countryside that cannot be justified in the interests of agriculture and forestry uses. In addition, the proposal would unacceptably domesticate the appearance of the building and site, to the detriment of the rural character and appearance of the countryside. The proposal would therefore be contrary to Policies ENV1, ENV7 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.”

2005/01376/FUL - Tyn y Tranch Farm house - Change of use from part stables and garage to holiday accommodation with disabled and equestrian facilities - Approved 20 October 2005 subject to conditions, including, use solely as holiday accommodation; a register of visitors; and details of parking.

2012/00676/FUL – Agricultural field parcel to the west of application site - Dormer bungalow - Refused 7 September 2012 for the following reason:-

“In the opinion of the Local Planning Authority it is considered that the proposal represents an unjustified and unsustainable new dwelling in this countryside location that would cause demonstrable harm to the undeveloped, unspoilt rural character of the surrounding landscape contrary to Policies ENV1 - Development in the Countryside; ENV10 - Conservation of the Countryside; ENV27 - Design of New Developments; HOUS3 - Dwellings in the Countryside; REC12 - Public Rights of Way and Recreational Routes and Strategic Policies 1 & 2-The Environment, 3-Housing, and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan; Supplementary Planning Guidance on Sustainable Development, Design in the Landscape and Amenity Standards; and national guidance contained in Planning Policy Wales, TAN12-Design, and TAN22-Sustainable Buildings.”

A subsequent appeal was dismissed on 30 January 2013.

CONSULTATIONS

Penllyn Community Council – Comments on initial scheme for permanent residential – No objection.

Re-consulted on the amended proposal for holiday chalet on 9 September 2015 – No comments received to date.

Natural Resources Wales – They note that the submitted survey found no bats entering or exiting the building. A number were detected in close proximity. They refer to the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended), including the three tests. One of these requires that the development will ‘not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range’. Policy and guidance requires that the planning authority should take these tests into account where European Protected Species are present.

In this instance they consider that there should be no detriment to the FCS of the bats present, provided the recommendations set out in Chapter 12 of the survey are implemented.

Dwr Cymru/Welsh Water – As the applicant intends utilising a septic tank facility they advise that the applicant contact NRW who may have an input in the regulation of this method of drainage disposal.

The Council's Ecology team – Comments on initial scheme for permanent residential - Are of the opinion that the survey was carried out to a satisfactory standard and that the results obtained from the survey can be relied upon. The survey found no use of the building by either bats or barn owls. As no bats or evidence of bats have been found, there is no requirement for any mitigation measures or consideration of the EC Habitats Directive's requirement to apply the three tests for species listed under Article 1 of the Habitats Directive.

No information has been provided on biodiversity enhancement and therefore a condition to include this is recommended. This should provide for the erection of two swallow nests or a house sparrow terrace.

Re-consulted on the amended proposal for holiday chalet on 9 September 2015 – No comments received to date.

The Council's Legal, Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – Note that it is imperative to know whether or not the barn conversion will be on a private water supply or mains water feed. Being a holiday chalet it is highly likely that the premises will fall into the large supply category under the Private Water Supply (Wales) Regulations 2010. This being the case a risk assessment and sampling regime will need to be established at the point of residential use.

The Council's Highway Development Team – It is noted that the application has been amended to provide a holiday chalet as opposed to a single dwelling at the site. As the change will have little impact above the original proposals, the previous highway comments are still applicable. These confirm that there is no objection subject to a condition that the car parking and manoeuvring is set out before beneficial occupation.

The Council's Public Rights of Way Team - Comments on initial scheme for permanent residential – Note that PRow No, 21 Ystradowen crosses the site and that the definitive alignment appears to pass through a building within the farm complex.

They note that the public footpath shall be kept open at all times or a legal diversion/stopping up order obtained. No adverse affects to the footpath should result from the development. In addition temporary closure could be sought to assist in facilitating works but not to allow permanent obstructions.

Re-consulted on the amended proposal for holiday chalet on 9 September 2015 – No comments received to date.

The Council's Tourism & Marketing Section – "Tourism in the Vale is experiencing a steady growth in economic impact therefore the provision of amenities for visitors is welcomed. However, self-serviced accommodation sector has been experienced a much lower growth rate than serviced accommodation, suggesting less of a demand for traditional Self Catering accommodation. Self catering accommodation is very widely available in the Vale, much of which is relatively small in capacity and high in rental cost. The Vale does struggle to accommodate large groups which are able to capitalise on large events held within the region, therefore ideally the provision of new self catering accommodation would be to accommodate large groups at lower cost, and/or to include specific elements to appeal to the outdoor activity market (walkers etc)."

The Council's Building Control Section – Advise that the buildings are generally structurally sound and that the submitted structural report is a true reflection of the present site condition of the units. Some additional general advice is offered. The main walls have signs of cracking but this is mainly due to part failure of the existing roof structure. It is recommended that a reduction in internal floor levels is not undertaken as this is likely to upset the stability of the building. Replacement of the existing roof timbers and slate covering is recommended. In addition the topography of the site is such that surface water may cause flooding of the unit and provision should be made for the prevention of such an event.

Other areas of advice relate to, forthcoming changes in building regulations relating to sprinklers; window design to accommodate means of escape; mechanical ventilation; roof ventilation; provision of DPC; details of foul and surface water disposal; design of heating appliances; and thermal insulation.

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the application for a holiday chalet on 9 September 2015. In addition the application was also advertised in the press and on site on 24 September and 2 October 2015 respectively.

No representations have been received to date.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 6 - TOURISM.

POLICY 8 - TRANSPORTATION.

Policy:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV8 - SMALL SCALE RURAL CONVERSIONS.

ENV10 - CONSERVATION OF THE COUNTRYSIDE.

ENV16 - PROTECTED SPECIES.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

ENV28 - ACCESS FOR DISABLED PEOPLE.

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

EMP7 - FARM DIVERSIFICATION.

HOUS3 - DWELLINGS IN THE COUNTRYSIDE.

REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.

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, 4.6.3 and 4.11-Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1 and 5.2-Caring for biodiversity; Chapter 7-Economic Development, including 7.1.3, 7.3.3 and 7.6.1; and Chapter 11-Tourism, Sport and Recreation, including 11.1.1, 11.1.4 and 11.1.7.

Technical Advice Notes:

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

- TAN5 - Nature Conservation and Planning.
- TAN6 - Planning for Sustainable Rural Communities, including paragraph 3.1.2 and 3.7-Farm diversification.
- TAN12 - Design including paragraph 2.6.
- TAN13 - Tourism, including paragraphs 4 and 8.
- TAN23 - Economic Development 3.1.1 and 3.1.3.

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:

- Conversion of Rural Buildings SPG, including paragraphs 2.5, 2.6 and 4.1.1 (a) and (f).
- Design in the Landscape SPG, including DG1-Sustainable Development.
- Biodiversity and Development SPG.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20 December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 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 January 2016.

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

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

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

- Vale of Glamorgan Tourism Strategy (2011-2015), including paragraph 6.37.

Other relevant evidence or policy guidance:

Conservation of Habitats and Species Regulations 2010 (as amended).

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include, the justification for the proposed conversion; the impact on the character of the building and surrounding rural landscape; any detriment to neighbouring amenity; the impact on highway safety; and any effect on ecology.

Justification

In policy terms the site is located within the countryside where restrictive planning policies apply to proposals for new development, including ENV1-Development in the Countryside, EMP2-New Business and Industrial Development and HOUS3-Dwellings in the Countryside. However, there are certain exceptions to this allowed by other policies in the UDP, including ENV8-Small Scale Rural Conversions and EMP7-Farm Diversification.

The current proposal entails the conversion of the building to provide holiday accommodation. The initial scheme proposed permanent residential development and the applicant was advised that this would be inappropriate in this unsustainable countryside location. In contrast it is considered that the proposed holiday accommodation represents an appropriate business re-use of the building that can also support farm diversification. Policy EMP7 allows for diversification on existing farming units, subject to certain criteria. This approach is also supported by national guidance as outlined in TAN6-Planning for Sustainable Rural Communities which states at paragraph 3.1.2:-

“Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment.”

In addition paragraph 7.6.1 of Planning Policy Wales (PPW) notes:-

“Local planning authorities should adopt a positive and constructive approach to applications for economic development.”

More specifically in relation to rural conversions PPW states at paragraph 7.3.3:-

“Local planning authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport. While initial consideration should be given to adapting existing farm buildings, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.”

In addition, in relation to tourism uses paragraph 11.1.4 of PPW states:

“Tourism involves a wide range of activities, facilities and types of development throughout Wales. The planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities. In addition to supporting the continued success of existing tourist areas, appropriate tourist-related commercial development in new destinations, including existing urban and industrial heritage areas, should be encouraged.”

Policy ENV8 of the UDP and the SPG on The Conversion of Rural Buildings are also relevant to the assessment of the application and accept the principle of conversion to holiday let accommodation. Criterion (iii) of ENV8 requires that the conversion can be achieved without substantial reconstruction or extension of the building, whilst criterion (iv) requires that the work should not unacceptably alter the appearance and rural character of the building.

The SPG on rural conversion states at paragraph 4.1.1 (f):-

“A planning consent for the conversion of a building does not authorise its demolition and replacement, even by facsimile. Some conversion proposals may however involve minor reconstruction of the external walls. Rebuilding that is not of a minor nature will be unacceptable as this invariably destroys the original appearance and character of the building. For this reason applicants should be satisfied that the building is structurally sound and that development can be undertaken in accordance with the submitted plans without recourse to additional rebuilding other than that shown on the plans.”

The supporting structural survey indicates that whilst there are some areas of rebuild proposed, including a new roof, the building is capable of conversion. This is confirmed by the Council's Principal Building Control Officer. The visual impact of the proposed works are explored in detail below, however, it is noted that the proposal will retain the overall scale and form of the existing building. It is recognised that this does include works to the 'garage' addition, which would not have formed part of the original stone structure. However, it is acknowledged that this is required to provide a two bedroom facility. There is evidence from recent planning applications to expand the size of existing holiday lets, and from the comments of the Council's Tourism and Marketing section, that the Vale currently struggles to accommodate larger groups of visitors, with much of the current self-catering accommodation being relatively small in capacity and high in rental. The current proposal will provide a relatively spacious two bed facility, which would also serve to complement the existing tourist facility at the neighbouring Tyn y Tranch Farm house annexe. This was granted consent for disabled and equestrian facilities in 2005.

Notwithstanding the above, the Council's Tourism and Marketing section notes that tourism in the Vale is experiencing a steady growth in economic impact and, as such, the provision of amenities for visitors is welcomed. In addition, in relation to the emerging policies of the LDP and the background papers to that document, it is noted that paragraph 6.37 of the Council's Tourism Strategy highlights the importance of rural tourism recognising that "...a well managed tourism industry that respects the environmental, social and cultural setting, can assist with protecting and enhancing the rural Vale, and create new employment opportunities.”

One final point to note in relation to the principle of the development relates to criterion (x) of ENV8 which requires that the proposal is not incompatible with activities carried out on adjoining land. As already noted the building is located within an existing farmyard. In addition the remaining yard and farm buildings will continue to be used for agricultural purposes. The conversion of the building to permanent residential use, as originally proposed, could have given rise to complaints about noise, smell, etc., arising from the agricultural use of the buildings, and may have affected the long term future and viability of the farming activities. This is unlikely to occur from the short term, tourist occupation of the building now proposed.

Thus it is considered that the principle of the proposed conversion to holiday accommodation is justified in terms of both local and national policies as it should contribute to both the local and the wider economy of the Vale. However, it still remains to assess the acceptability of the details of the proposal.

Design and visual impact

With regard to the visual impact of the proposed conversion, Policy ENV8 of the UDP requires that the work can be achieved without substantial reconstruction of the external walls, or extension to the building. In addition criterion (iv) requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building. National guidance at paragraph 11.1.7 of PPW states:

“In rural areas, tourism-related development is an essential element in providing for a healthy, diverse, local and national economy. It can contribute to the provision and maintenance of facilities for local communities. Here too development should be sympathetic in nature and scale to the local environment and to the needs of visitors and the local community.”

When considering the scale and design of the proposal it has already been noted that the incorporation of the ‘garage’ in the overall conversion works is acceptable in principle. In design terms it is considered that it will have little impact on the overall character and appearance of the original barn, which appears to be the only older, original farm building within the wider complex. Indeed it is the simple, unassuming nature of the building that provides its principal character, as there are no architectural or historic features of merit. It is acknowledged that the proposal will introduce a number of new openings and the sealing up of others, however, in this instance, and bearing in mind the economic benefits of the use, it is not considered that these would alter the character of the building to the degree that would justify a refusal. This does not apply to the proposed entrance door to the hallway, which has a distinctly suburban feel, and is considered would detract from the rural character of the building. For that reason any permission should be conditioned to require details of a more appropriate replacement.

Further in relation to the visual impact of the proposal, Policy ENV8 and the SPG on rural conversions both seek to ensure that they do not result in any undue incursion into the wider rural landscape, either by virtue of works to the building itself or from the associated curtilage. On this point it is noted that the proposal is contained within the existing boundaries of the farmyard. The DAS notes that the block work storage bays attached to the north of the barn will be demolished to provide car parking and an amenity area. It also refers to a main amenity area located to the west of the barn “so as to separate it from the more working area to the south of the converted barn which will remain as working modern barns.” This statement was also included in the original proposal for the permanent dwelling and it is not considered that either the proposed size, or complete separation, is necessary for the current holiday let proposal. In addition it is noted that the submitted plans do not provide details of any new boundary enclosures around the proposed holiday let. As such full details should be required by condition on any consent, and the extent of any associated amenity and parking area should be limited.

Thus it is considered that subject to the imposition of the conditions suggested above, the proposed conversion work should maintain the simple form and appearance of the barn, and should not adversely affect the character and appearance of the building itself or the wider rural area.

Neighbouring impact

It has already been noted that the nearest neighbour at 'Tyn y Tranch Farm' house has its own annexe that provides tourism accommodation. The only other unrelated dwelling in proximity to the application site is 'Highfields', which although it shares the access, is over 80m away to the south west. It is not anticipated that the additional tourist facility would intensify the existing commercial use to such a degree that would adversely affect neighbouring amenity.

Highways and public footpaths

On the highway issues it is noted that the Council's Highway Development team has confirmed that there are no objections to the proposal subject to the provision of the proposed car parking layout and manoeuvring area as shown on the submitted plans before beneficial occupation. The plans show three parking spaces immediately to the north eastern side of the building. However, this layout plan does not make clear how the spaces will be accessed, bearing in mind the extent of the red line boundary and the description that the existing access will be retained for the modern barns. As such, further details should be required by condition on any permission.

As regards any likely impact on the public footpath network in the area, it is noted that the Council's Public Rights of Way team have not raised any objection to the proposal. Both Public Rights of Way Nos. 20 and 21 (Ystradowen) cross the site as edged red, however, neither should be directly affected in any permanent way by the proposed conversion works. Despite this it is recognised that construction works may have a temporary impact and, as such, it is considered that an informative be attached to any consent advising the applicant/developer of the separate obligations in relation to any works that might affect the public footpath network.

Ecology

The application was submitted with a Protected Species Survey prepared by Spectrum Ecology. This found no evidence of the use of the building by bats. NRW have advised that the development will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range', provided the recommendations set out in Chapter 12 of the survey are implemented.

The Council's own Ecology team have also commented on the proposal and confirm that the survey was carried out to a satisfactory standard and that the results obtained from the survey can be relied upon. They note that the survey found no use of the building by either bats or barn owls. As such there is no requirement for any mitigation measures or consideration of the EC Habitats Directive's requirement to apply the three tests for species listed under Article 1 of the Habitats Directive. Despite this it is noted that no information has been provided on biodiversity enhancement. National guidance contained in PPW highlights the priorities for rural areas at paragraph 4.6.3, which includes:-

"...an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced."

As such it is recommended that a condition be included in any permission requiring the erection of two swallow nests or a house sparrow terrace within the development.

Other issues

On the issue of drainage, Welsh Water has not raised an objection but note that as the applicant intends utilising a septic tank facility then the applicant should contact NRW who may have an input in the regulation of this method of drainage disposal. On this point it is noted that Circular 10/99 "Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development" would normally require the provision of calculations relating to the suitability of the ground conditions. However, NRW have been consulted on the application and have not raised any objections in relation to the proposed foul drainage. Notwithstanding this, it is considered that such details can be conditioned with any permission.

Finally, the Council's Environmental Health Section have queried the proposed means of water supply to the development. However, this matter is covered by separate legislation and is not considered to be an issue relevant to the assessment of 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 ENV1-Development in the Countryside, ENV8-Small Scale Rural Conversions, ENV10-Conservation of the Countryside, ENV16-Protected Species, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS3-Dwellings in the Countryside, EMP2-New Business and Industrial Development, EMP7-Farm Diversification, TRAN10-Parking, REC12-Public Rights of Way and Recreational Routes and Strategic Policies 1 & 2-The Environment, 6-Tourism and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance including The Conversion of Rural Buildings, Design in the Landscape and Biodiversity and Development; and national guidance contained in Planning Policy Wales, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN13-Tourism and TAN23-Economic Development; it is considered that the proposal represents an acceptable conversion of an existing rural building for a business use that should benefit the local economy without detracting from its intrinsic character or that of the wider countryside. The proposal should also have no adverse impact on neighbouring amenity, highway safety or cause any detriment to the ecological or biodiversity of the area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Other than the proposed external entrance door, the development shall be carried out in accordance with the following approved plans and documents:-

- Location plans, 1:2500, 1:500 Existing Plan and 1:500 Proposed Plan, all received 19 June 2015;

- Existing and Proposed Plan Views and section, received 19 June 2015;

- Drwg. Nos. Sheet 1 of 2 and 2 of 2, amended plans received 20 August 2015;

- Design and Access Statement, amended plans received 20 August 2015;

- Structural Report, amended plans received 7 September 2015; and

- Protected Species Survey, received 19 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.

3. The barn conversion hereby approved shall only be used or occupied as holiday accommodation and shall not be occupied as a person's sole or main residence or for any other use falling within Class C3 of the Town and Country Planning (Use Classes Order) 1987 as amended.

Reason:

In order that the Local Planning Authority can retain control over the scale and form of the development as the site is not located in an area where new build, permanent residential accommodation would be approved, and in accordance with Policies ENV1-Development in the Countryside, ENV8-Small Scale Rural Conversions, HOUS3-Dwellings in the Countryside and EMP7-Farm Diversification of the Unitary Development Plan.

4. A register of the names and addresses of all occupiers, including the dates of occupancy, of the holiday accommodation hereby approved shall be maintained and made available for inspection by the Local Planning Authority within two weeks of the Local Planning Authority making a request in writing to view the register.

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policies ENV1-Development in the Countryside, ENV8-Small Scale Rural Conversions, HOUS3-Dwellings in the Countryside and EMP7-Farm Diversification of the Unitary Development Plan.

5. No person or persons shall occupy the holiday accommodation hereby approved for a period longer than 8 weeks at any one time, and they shall not return to occupy the holiday accommodation within 6 weeks of that occupancy period ceasing.

Reason:

To enable the Local Planning Authority to retain control over the scale and form of development as the accommodation has been approved as holiday accommodation only in accordance with Policies ENV1-Development in the Countryside, ENV8-Small Scale Rural Conversions, HOUS3-Dwellings in the Countryside and EMP7-Farm Diversification of the Unitary Development Plan.

6. Notwithstanding the submitted plans this consent shall not relate to the proposed external entrance door to the hall as shown on Drwg. No., Sheet 2 of 2, amended plans received 20 August 2015. Before its installation on site, further details shall be submitted to and agreed in writing by the Local Planning Authority of an external door that more appropriately reflects the rural nature of the building. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of the character of the barn and surrounding rural landscape in accordance with Policies ENV8-Small Scale Rural Conversions, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on The Conversion of Rural Buildings.

7. 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 holiday chalet 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 in the interests of the character of the barn and surrounding rural landscape in accordance with Policies ENV8-Small Scale Rural Conversions, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on The Conversion of Rural Buildings.

8. 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 the holiday chalet shall be constructed, erected, or placed within the curtilage of the barn conversion 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 in the interests of the character of the barn and surrounding rural landscape in accordance with Policies ENV8-Small Scale Rural Conversions, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on The Conversion of Rural Buildings.

9. 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 as part of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

In the interests of the character of the barn and surrounding rural landscape in accordance with Policies ENV8-Small Scale Rural Conversions, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on The Conversion of Rural Buildings.

10. Notwithstanding the submitted plans, before the commencement of development, full details of the extent and means of enclosure of the site, which shall include elevational plans and details of the surfacing of the access and parking, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of the character of the barn and surrounding rural landscape in accordance with Policies ENV8-Small Scale Rural Conversions, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on The Conversion of Rural Buildings.

11. The car parking, access and manoeuvring space agreed to serve the development shall be fully implemented before the first beneficial occupation of the holiday let hereby permitted, and shall be retained and maintained at all times for the use of the associated holiday accommodation.

Reason:

To ensure the provision and maintenance of adequate on-site parking and manoeuvring space to serve the holiday let in the interests of highway and pedestrian safety in accordance with Policies ENV8-Small Scale Rural Conversions, ENV27-Design of New Developments and TRAN10-Parking of the Unitary Development Plan, plus Supplementary Planning Guidance on The Conversion of Rural Buildings.

12. Before the commencement of development, further details of proposals for the enhancement of biodiversity on the site, which shall provide for the erection of two swallow nests or a house sparrow terrace within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed plans and the recommendations set out in Chapter 12 of the Protected Species Survey, prepared by Spectrum Ecology and received on 19 June 2015.

Reason:

In the interests of protected species and the enhancement of biodiversity in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development, and national guidance contained in Planning Policy Wales and TAN5-Nature Conservation and Planning.

13. Before its installation on site full details of the foul drainage of the site, which shall include calculations of the ground conditions for the septic tank, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of the adequate drainage of the site in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding.**
2. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion/extinguishment of the right of way, or temporary closure.**

- 3. You may wish to contact the Council Environmental Health Section in relation to the means of water supply to serve the holiday chalet. It is noted that it is likely that the premises will fall into the large supply category under the Private Water Supply (Wales) Regulations 2010. This being the case a risk assessment and sampling regime may need to be established at the point of such use.**

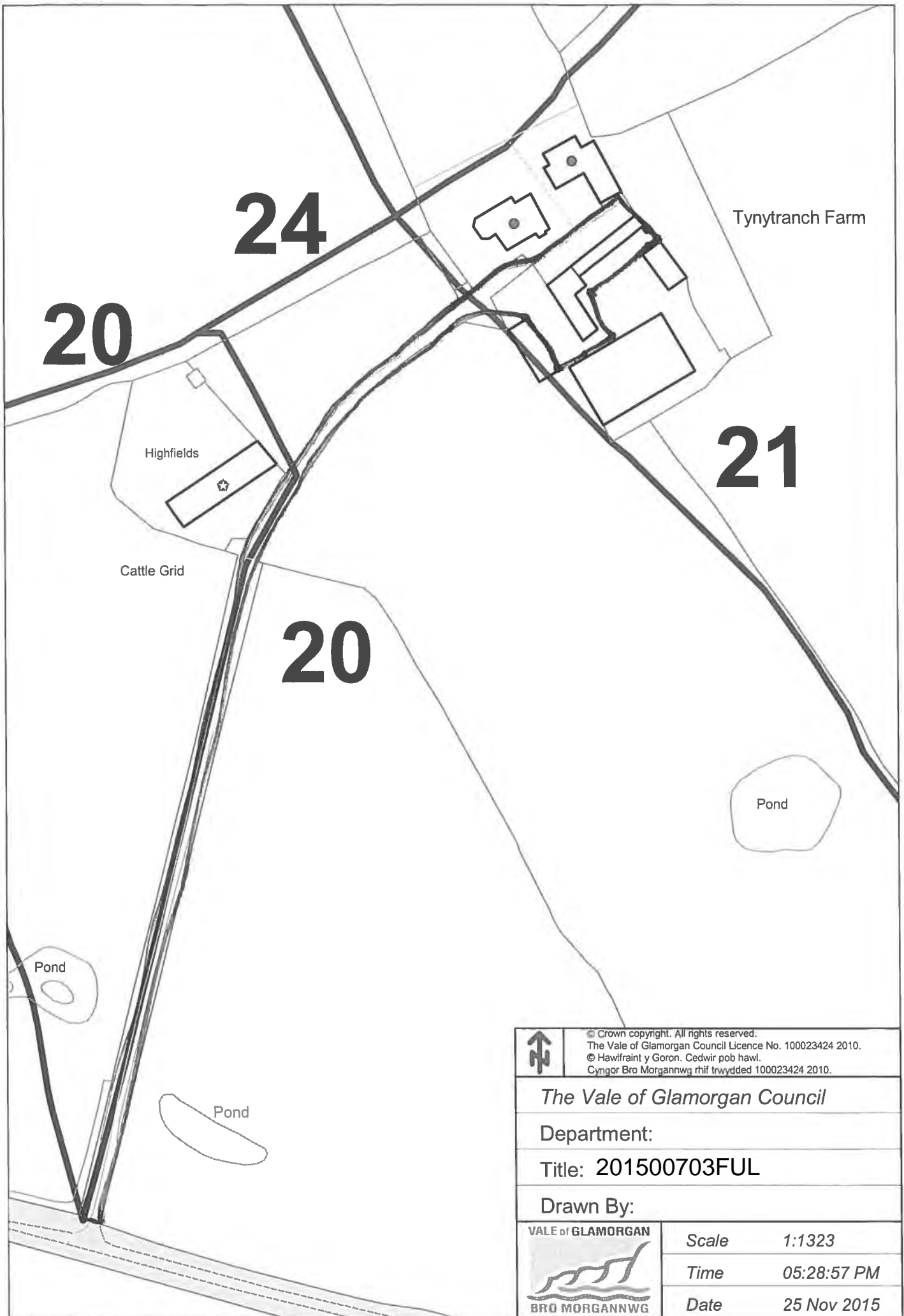
- 4. You are advised to consider the separate Building Regulations requirements, none of which entitle the developer to undertake works outside of the scope of this consent. In particular the Council's Building Control Section draw attention to upcoming legislative changes (1 January 2016) regarding sprinkler installation, and other issues to be considered in relation to surface water and potential flood risk; changes to internal floor levels which may affect stability; window design to accommodate means of escape; mechanical ventilation; roof ventilation; provision of DPC; details of foul and surface water disposal; design of heating appliances; and thermal insulation.**



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

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

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

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



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	<i>The Vale of Glamorgan Council</i>	
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	Date	25 Nov 2015

2015/00744/FUL Received on 3 July 2015

Alexander Building Maintenance Limited, 4, The Glades, Penarth, Vale of Glamorgan, CF64 3AY

Alexander Building Maintenance Limited, 4, The Glades, Penarth, Vale of Glamorgan, CF64 3AY

Bassett Road, Sully

Two detached houses

SITE AND CONTEXT

The site comprises vacant scrubland of approximately 0.18ha, located within the settlement of Sully to the rear of Bassett Road, Eckley Road, Stradling Close and Porlock Drive. There are two access points to the site which are currently blocked off, which include an un-adopted wider access off Bassett Road to the north. There is a narrower pedestrian lane to the west, between Bassett Road and Eckley Road, although this falls outside of the application site.



The site was originally proposed as an area of open space to the 1970s planned residential development. However the site was never adopted by the Council and has remained in private ownership since that time, undeveloped and in an overgrown condition.



The site is bounded on all sides by garden walls and fences from neighbouring properties, with access via a bare earth driveway.

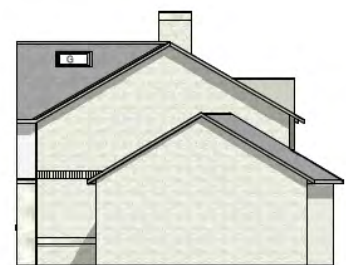
DESCRIPTION OF DEVELOPMENT

This is a full planning application, as amended, for the construction of two contemporary dormer style detached dwellings.

Plot 1



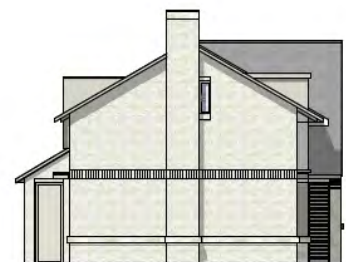
NORTH EAST ELEVATION



NORTH WEST ELEVATION



SOUTH WEST ELEVATION



SOUTH EAST ELEVATION

Plot 1 is located in the western part of the site and the proposed dwelling has a footprint of 13.3 metres by a maximum depth of 7.3 metres. The dwelling has an eaves height of 3.94 metres and ridge height of 6 metres. An attached single garage is also shown to measure 5.9 metres in length by a width of 2.9 metres. The garage is sited at an angle to the dwelling and linked by a glazed 3.4 metre wide extension which forms part of the open plan kitchen and dining area. The remainder of the ground floor is shown to comprise of a lounge, playroom, hall and utility room. At first floor level the accommodation comprises four bedrooms.

The upper level windows on the north east elevation are shown to comprise of a flat roof dormer over the stairwell and a high level roof light over the landing. The elevation is served by an asymmetrical pitched roof gable with a single window serving a bedroom.

On the south west elevation the upper levels are shown to comprise three mid eaves height contemporary dormers with a flat roof and rooflight serving the three bedrooms.

Plot 2



Plot 2 is located in the eastern part of the site and the proposed dwelling has a footprint of 19.3 metres by a depth of 5.3 metres. The dwelling has an eaves height of 4 metres and ridge height of 6.7 metres. The dwelling is shown to have open plan accommodation at ground floor level with open plan kitchen and dining area. At first floor level the accommodation comprises of two large bedrooms, dressing rooms and bathrooms, store rooms and void area over the ground floor.

The upper level windows on the north east elevation are shown to comprise frosted glazed windows.

On the south west elevation the upper levels are shown to comprise six mid eaves height contemporary dormers with a flat roof.

The dwelling is shown to be constructed with brickwork at lower level and timber cladding at upper level. The roof over the ground floor would be in aluminium and the main roof slate.

The access, parking and relationship of the proposed dwellings to neighbouring dwellings is illustrated on the site layout plan below.



Access to the development is shown via Bassett Road, by way of a private drive leading to Plot 1 with off street parking and a garage beyond, and with a turning area and parking to serve Plot 2.

The amendments to the development comprise alteration to the siting and design of the dwelling at Plot 1.

PLANNING HISTORY

2014/00061/FUL : Rear of 24 Bassett Road, Sully – Construction of a single storey detached dwelling and associated parking and landscaping. Approved 2 April 2014.

2009/00696/FUL : Rear of 24, Bassett Road, Sully - Erection of 2 semi-detached dormer bungalows with associated parking - Refused 12 August 2009.

Appeal Allowed 10 June 2010, subject to conditions

2008/01454/OUT : Land at rear of 24, Bassett Road, Sully - Outline application for development of 1 dwelling with associated access and parking - Approved 28 January 2009.

2008/01165/FUL : Land at rear of 24, Bassett Road, Sully - Erection of two separate detached dwellings with associated parking - Refused 22 October 2008.

Appeal Dismissed 27 March 2009.

2007/01455/FUL : Land to rear of 24, Bassett Road, Sully - Erection of one dwelling with associated access and parking - Refused 22 February 2008 on similar grounds as below.

2007/01454/FUL : Land to rear of 24, Bassett Road, Sully - Erection of one dwelling with associated access and parking - Refused 22 February 2008 on similar grounds as below.

2007/01453/FUL : Land to rear of 24, Bassett Road, Sully - Erection of one dwelling with associated access and parking - Refused 22 February 2008 on the grounds that the size and shape of the plot, in conjunction with the siting of the proposed dwelling, is considered to be detrimental to the character and appearance of the area and the general perception of openness that currently exists. This harm would be exacerbated if this dwelling were constructed along with one or both of the other two dwellings of 07/01454/FUL and 07/01455/FUL. Furthermore the proposal would be detrimental to the amenities currently enjoyed by the occupiers of neighbouring occupiers both on its own and when taken cumulatively with the other applications.

2006/00316/FUL : Land off Bassett Road, Sully - Erection of two dwellings with garages and parking spaces with existing access off Bassett Road. - Refused 7 July 2006 on the grounds that the proposed dwellings, by reason of their height and siting close to the boundary of the site, would represent an overbearing and un-neighbourly form of development, causing unreasonable loss of amenity to the occupiers of the adjoining dwellings.

2005/01093/OUT : Off Bassett Road, Sully - Erection of one detached dwelling with existing access from Bassett Road - Approved 18 November 2005.

1989/01240/FUL : Land off Bassett Road, Sully - Erection of 3 no. bungalows for private occupation - Refused 12/12/1989 on the grounds that the proposal would result in the loss of an area designated as Public Open Space within the approved layout and such loss would be detrimental to the amenities of the residents of the area. A subsequent appeal was withdrawn 11 January 1991.

CONSULTATIONS

Sully Community Council were consulted on the initial scheme and responded with no observations or comments to make.

The Council's Highway Development Team were consulted and have not raised an objection provided that the following details are made conditional to the planning consent.

1. The proposed garages shall be provided at a length of 6.0m and a width of 5.4m;
2. The proposed car parking provision and manoeuvring area within the site shall be provided for each dwelling and thereafter, maintained and retained;
3. Before beneficial occupation, the vehicular access to the site shall be constructed from a bound material for the first 6.0m from the adjacent highway, and.
4. Access gates, if any, shall be set back by a minimum of 6.0m from the boundary of the adopted highway.

Dwr Cymru/Welsh Water (DCWW) were consulted and have requested conditions to ensure that foul water and surface water discharges shall be drained separately from the site and that land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

In addition, DCWW have stated that the site is crossed by a public sewer and no part of the building will be permitted within 3 metres either side of the centre line of the public sewer.

The Councils Ecology Officer was consulted and welcomes the submission of the Preliminary Ecological Appraisal. Two planning conditions have been recommended to secure biodiversity interests on site in relation to a scheme for sensitive site clearance and a scheme for biodiversity conservation and enhancement of the site (post construction).

Sully Ward Members were consulted and to date no letters of representation have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 15 July 2015 and 19 October in relation to an amendment to the scheme. Several site notices were also displayed around the site.

In relation to the first consultation, some 18 letters of representation were received, which object to the application. Two example letters are attached as Appendix A and the objections raised are summarised below:

- The land in question was earmarked as public open space
- Proposal will impact on residential privacy
- Proposal will overlook adjacent gardens
- Proposal will have a far greater impact than the approved scheme for two semi detached dwellings
- The site is sloping and the dwellings would have an oppressive impact
- The dwellings are out of keeping and too big for the site
- There are existing drainage problems in the surrounding road
- Impact from building noise
- Entrance to the site is not suitable for development
- Potential to sub-divide Plot 2 into two dwellings

In relation to the second consultation, following receipt of amended plans (in relation to the siting and design of Plot 1) a further twelve letters of representation have been received, one of which is attached as Appendix B.

The concerns raised in relation to the second consultation continues to raise the same concerns as set out above, in addition to specific concerns in relation to the additional impacts associated with the revisions to Plot 1

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 8 – TRANSPORTATION

Policy:

ENV25	- REGENERATION OF URBAN AREAS
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV28	- ACCESS FOR DISABLED PEOPLE
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
TRAN10	- PARKING

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

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

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

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular Chapter 4-Planning for Sustainability, including paragraphs 4.1.1, 4.3.1, 4.4.3 and 4.11-Promoting sustainability through good design; 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:

- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Sustainable Development
- Amenity Standards
- Biodiversity and Development
- Parking Guidelines

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 early 2016.

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:

- Housing Supply Background Paper (2013)

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the impact on the character and general amenities of the area including neighbouring amenities.

Planning history

An examination of the planning history reveals that the site was originally proposed as a landscaped area of open space as part of the original housing development in the 1970s. This has never been implemented and the site has been the subject of a number of unauthorised uses pursued by the Council's Enforcement Section. Since the first application in 1989 there have been a number applications for the residential development of the site.

Planning permission was granted at appeal in June 2010 for a pair of semi-detached dwellings under ref. 2009/00696/FUL, which was pre-dated by a dismissed appeal for the erection of two separate detached dwellings under ref. 2008/01165/FUL.

In light of the above, it is clear that the precedent has already been set for the residential development of the site for two dwellings, albeit in the form of a semi-detached pair located broadly centrally within the site. Whilst an earlier scheme for two detached dwellings was refused and dismissed at appeal, this does not in itself suggest that the principle of two detached dwellings is unacceptable, rather that the particulars (in terms of siting, design, impact on neighbours etc.) of that scheme were not acceptable.

The views made by each Inspector are therefore material in the determination of this application and in particular, whether this scheme overcomes and address the concerns raised in the dismissed appeal of 2008/01165/FUL. These are considered further below.

The Principle of the Development

The site lies within the identified Residential Settlement Boundary of Sully. As such Policy HOUS2 (Additional Residential Development) is relevant which stated that housing infill, small scale development/redevelopment, which meets the criteria listed in Policy HOUS8 – Residential Development Criteria will be permitted within the urban settlement of Barry.

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

It is noted that a number of neighbour objections refer to the history of the site and the fact that it has never been implemented as a landscaped area of open space. Whilst the first application for three dwellings was refused in 1989 on the grounds that the proposal would result in the loss of an area of Public Open Space detrimental to the amenities of the residents, nevertheless, in more recent years, it has been accepted that the site has never been an allocated public space, owned or maintained by the Council, and that there is no public right of way into the site.

The re-development of the site will also meet the objectives of Policy ENV25 which favours the improvement of the urban fabric with regeneration of derelict land in principle. The re-use of brownfield sites provides opportunities for the provision of residential developments, whilst ensuring that the need for greenfield sites is reduced.

The principle of residential development at this site therefore remains acceptable, subject to it complying with the relevant criteria identified in HOUS8, ENV27, ENV29 and TRAN10, which will seek to ensure that any development proposed is of an appropriate design and scale, with no detrimental impact upon neighbouring amenity, sufficient car parking and amenity space to meet Council standards, in addition to other relevant material considerations.

Principle of two detached dwellings

The Inspector in allowing the appeal for two semi detached dwellings (ref. 2009/00696/FUL) stated in paragraph 3 that:

"...Similarly, in terms of their built form, the proposed pair of modest semi-detached houses would occupy a small part of the site. There would be ancillary garden and parking facilities greater than a single dwelling would create, but by their open nature these would not unduly detract from openness. The dwellings would share an access and would be reasonably centrally located, some distance off the boundaries. In my judgement, there would be sufficient space between and around development so as not to result in any unacceptable harm to the visual amenities of the area.

The Inspector in dismissing the appeal for two detached dwellings (ref. 2008/01165/FUL) stated in paragraph 6 that:

"The loss of this area of open space to a development of two residential units and their surrounding curtilages, which in themselves do not fit in acceptably with existing development would have an unacceptable harmful effect on the character and appearance of the locality. The development fails to meet the first criterion of Policy HOUS 8 and therefore conflicts with both it and Policy HOUS 2."

Whilst the Inspector's comments are noted (in respect of the loss of open space), it should be recognised that the approved scheme for two semi detached dwellings resulted in a development of the whole site and therefore this is a material consideration that is relevant to this proposal. Result in form a "backland" form of development with regards to its relationship to adjacent dwellings. However the current scheme whilst proposing dwellings which are larger (in terms of floorspace) than those previously refused, takes a different approach to the redevelopment of the site.

The site itself is relatively large at 0.18ha and two dwellings does not represent an excessively intensive form of development. Whilst the site is irregular in shape and sloping, the overall density is very low for an urban development, being equivalent to 11 dwellings per hectare as opposed to a standard 35 dwellings per hectare in urban areas. In light of this, it is considered, given the planning history at the site, that two detached dwellings could not reasonably be considered as overdevelopment of the site.

It is therefore considered that the principle of two dwellings is acceptable in this location and would not conflict with the reasoning of previous appeal decisions.

Siting, scale and form of development.

The dwellings whilst providing accommodation over two levels, achieve this in the form of contemporary dormer style accommodation, as the majority of the upper floor windows and light wells are within or partly within the roof space.

Given the relationship to existing houses and the siting within an existing group, the dwellings would not be widely visible from any public viewpoint. The most visible part of the development would be from Bassett Road in front of the access and other glimpses from the surrounding highway network between dwellings.

There is a broad mix of dwellings which back onto the site, with large detached two storey dwellings along Porlock Drive and a mix of bungalows and dormer bungalows in Stradling Close and Bassett Road.

Whilst, the proposed development will not form part of any established street scene, the overall scale and form of the development is considered acceptable and would not be at odds with the character of the area. The contemporary design of the dwellings is considered acceptable and the design of the dwellings in terms of their orientation, elevation detailing and placement of windows etc. has responded to the constraints of the site, principally in terms of topography and proximity to neighbouring dwellings.

The acceptability of the siting and design of the dwellings and the placement of windows etc. can only be fully considered under the Impact on Amenities of Neighbouring Occupiers section of this report.

The dwellings will be built in traditional materials but with more contemporary methods and façade detailing. This includes use of facing bricks, wooden cladding, aluminium and slate roofs. Whilst the pallet of materials is considered acceptable, a full schedule of materials and samples should be submitted by way of condition.

In summary, it is considered that the dwellings are of an interesting and acceptable design/form, that would not adversely impact upon the character of the wider area.

Impact on Amenities of Neighbouring Occupiers

The application is supported by two section drawings through the site, which clearly shows the relationship of the proposed dwellings to the existing adjacent dwellings. (Shown below).

The Inspector in dismissing the appeal for two detached dwellings (ref. 2008/01165/FUL) stated in paragraph 7 that:

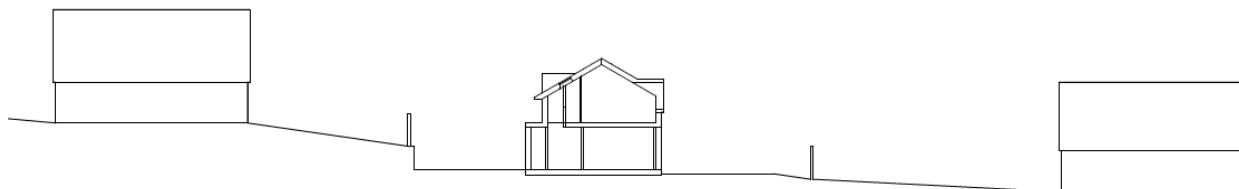
The proposal has sought to control direct overlooking of neighbouring properties in its design through the positioning of its windows. However, the front elevation of the dwellings on Plot A would face directly the rear gardens and elevations of 24, and 26 Basset Road, while its parking spaces would lie close to the boundary. That of Plot B would also face them, albeit at an oblique angle. I have considered the distances involved and the nature of the windows that would serve the first floor, but conclude that compared to the present situation the privacy of those properties would be diminished to an unacceptable degree. The privacy of occupiers of the proposed dwelling would also be affected by mutual overlooking from the above mentioned properties on Basset Road. I have considered the distances involved and the nature of the windows that would serve the first floor, but conclude that compared to the present situation the privacy of those properties would be diminished to an unacceptable degree.

The Inspector gave weight to the fact that the privacy of the existing properties would be diminished, in relation to the current situation. However it should be noted that the Council should not seek to protect individual views and aspects of existing occupiers, if a scheme can demonstrate that it would not result in any overbearing impact or unacceptable loss of privacy in line with the guidance set out within the Amenity Standards SPG, particularly on a site where the principle of two dwellings has already been approved. It should be stressed that any reduction in privacy whatsoever would not infer the development is unacceptable, rather it must be considered whether the remaining level of privacy is sufficient in its own right.

The current application has fully considered the levels and topography of the site and the submitted scheme responds to these constraints. This application is supported by a significant level of detail which was not submitted under the previous refused scheme and includes a topographic plans, sections drawings and a clear indication of the relationship of the proposed dwellings to neighbouring dwellings. The application submission demonstrates a better understanding of the site and it is clear that the scheme has sought to address the issues raised by the Planning inspectors in respect of the previous refused scheme. In addition the scheme has been further developed following pre-application discussions.

Plot1

The submitted section plan below, is taken through Plot 1 and is shown in relation to 24 Bassett Road (located at the higher level) and No.3 Stradling Close (located at a lower level).



Concern was initially raised in relation to the impact of the Plot 1 on the dwellings in Stradling Close, due to the elevated nature of the application site. The scheme was subsequently amended, where the dwelling was amended and set further down into the site and further back from the neighbouring dwellings. It should be noted that a further amendment was also made, substituting the attached double garage with a single garage.

The rear elevation of the dwelling is now shown to be some 21.5 metres from the rear elevation of the No. 3 Stradling Close and approximately 1 metre higher than the level of No.3. Whilst still somewhat elevated, it is considered that the overall change in levels of 1 metre over a 21.5 metre distance is not so significant that it would cause a materially greater overbearing impact than if the dwellings were both on the same level. This element of the scheme is therefore considered to be in line with the Amenity Standards SPG, which states that 21 metres is the minimum distance necessary between opposing principal windows to ensure residential privacy of existing occupiers. The distance to the boundary and garden is also considered to be sufficient to adequately preserve privacy. In terms of impact on the other dwellings on Stradling Close, No. 1 Stradling Close is some 22m away. Whilst No. 5 Stradling Close is located at its nearest, some 19 metres from Plot 1, the proposed windows are not directly opposing, and the distance between habitable windows in this case can be reduced due to the angle of view, in line with the guidance set out with in the Amenity Standards SPG. The distance complies with the guidance in this respect.

In addition the distance between dwellings and the scale and massing of the dwelling is such that the proposal would not result in an overbearing impact on other neighbouring dwellings on Stradling Close.

Consideration should also be given to the impact on the dwellings to the west, in particular No's 18 and 20 Bassett Rd. These dwelling would largely overlook the gable end of Plot 1. The nearest part of the main two storey element of Plot 1 is some 19 metres from these dwellings. This has been amended from the initial scheme which proposed a larger dwelling. There are no windows proposed in the side elevation of Plot 1 which would overlook these dwellings. In addition, the dwelling and garage are considered to be a sufficient distance from these dwelling so as not cause any overbearing impact on the adjacent occupiers.

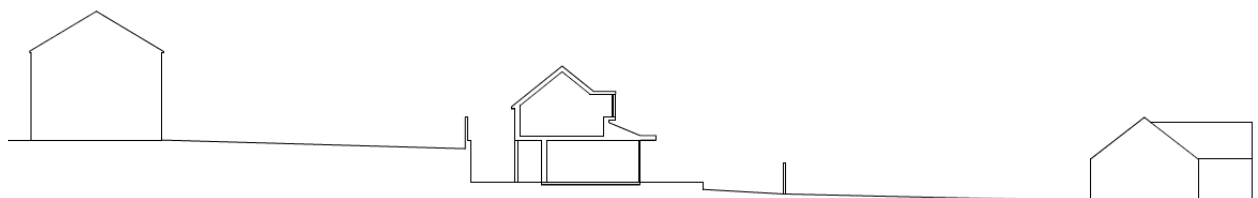
The other window in this elevation is a bedroom window and the use of this window could cause a loss of privacy with views over the rear garden of No. 24 Bassett Road. However, this window is shown to be obscure glazed and subject to conditions to ensure that it is fitted at the time of construction and non-opening, the existing level of privacy of the occupiers of No. 24 Bassett Road would be retained.

In terms of the impact of Plot 2 on No. 24 Bassett Road, the proposed dwelling is located at a lower level than No 24. Moreover No. 24 is oriented away from the proposed dwelling and would be some 13 metres from the main dwelling of No. 24. Given the orientation and difference in levels, it is not considered that the proposed dwelling at Plot 2 would have an overbearing impact on No. 24 Bassett Road. In terms of impact on privacy, the front elevation of Plot 2 contains three windows at first floor level, one of which is a high level roof light. The flat roof dormer is shown to serve the stairs/landing area. Whilst this is not classified as a habitable room, this window is nevertheless specified as being obscurely glazed.

The other dwellings adjoining the site in Bassett Road and Porlock Drive would, due to their elevation position above Plot 1 and the distance between dwellings, not be unacceptably impacted upon in terms of loss of privacy or from any overbearing form of development.

Plot 2

The submitted section plan below, is taken through Plot 2 and shows its relationship to No.8 Porlock Drive (located at the higher level) and No.5 Stradling Close (located at a lower level).



The proposed dwelling at Plot 2 would be located to the rear of Nos. 6 and 8 (and to a lesser degree No. 10) Porlock Drive. The submitted section drawing indicates that the dwelling will be some 2 metres (at its nearest) to rear boundary of No. 8 Porlock Drive, However the dwelling is sited at an angle to the rear of these dwellings, extending up to 9 metres away from the boundary. Whilst the corner of the dwelling is sited in relatively close proximity to the rear boundary of the dwellings on Porlock Drive, given that the dwelling at Plot 2 is shown to be sited significantly lower (see section above) than the properties in Porlock Drive, the associated impacts would be significantly less than if the two dwellings were at the same level. Moreover the mid point of the main two storey element of Plot 2 is sited some 21 metres from the rear elevation of No. 8 Porlock Drive.

The associated levels, distances and relationship between Plot 2 and the dwellings in Porlock Drive, is such that only the roof plane would be highly visible and, as the majority of the elevation would be screened, it would not cause an unacceptable overbearing impact on the occupiers of these dwellings.

It is noted that the elevation facing these existing dwellings is served by 4 No. windows, however these will be partly obscured by existing fencing between properties and due to the reduced levels of Plot 2. These are secondary windows serving bedrooms and are specified as being obscurely glazed and thus would appear, given their contemporary design more as “light boxes” serving these rooms. On the basis that these “windows” are obscurely glazed and non opening, they would not result in any loss of privacy to any adjoining or nearby occupiers. Any consent should be condition accordingly to ensure that these windows are obscure glazed and non opening, and retained as such in perpetuity.

In terms of the impact on the other existing dwellings which back onto the application site, Plot 2 is considered to be a sufficient distance away from boundaries so as not to cause any overbearing impact.

The windows shown in the gable end of Plot 2 at first floor level are shown to be sited behind a slatted timber *brise soleil* (privacy / sun screen). However these windows only serve void areas over the ground floor and as such are not habitable. However the use of a privacy screen would address any perceived overlooking to adjacent occupiers, given that they are relatively large windows. The provision of these screens on both gables is recommended by condition.

In relation to the impact of the windows on the rear (south west facing) elevation of Plot 2, these would be orientated towards the dwellings in Stradling Close. Whilst six main windows are shown, the outer windows would also serve the void areas over the ground and as such are not habitable. The remaining windows are those located centrally within this façade, all of which are in excess of 21 metres from the rear of the dwellings in Stradling Close.

In concluding the assessment of the impact on neighbouring occupiers, it is accepted that the proposed dwellings will clearly alter the outlook for the existing occupiers that back onto the application site. However, given the planning history and for the reasons set out above (namely the distance between dwellings, changes in levels as well as the layout and design of the dwellings) it is considered that the proposal would result in an acceptable form of development which is not untypical of modern urban developments and in line with both national and local planning policies and the Amenity Standards SPG.

The above view is largely based on the comparative levels shown for the two buildings in relation to existing dwellings on the submitted section drawings. Therefore further details of these levels shall be required by way of condition, to ensure that the development is carried out in full accordance with acceptable levels.

Amenity Space

In terms of the provision of amenity space, the Supplementary Planning Guidance Amenity Standards requires a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in private rear gardens, which shall also be of a usable shape.

Plot 1 is shown is shown to be served by an area of amenity space that is largely to the rear of the dwelling. The area of amenity space shown to the rear is some 292 square metres. Given that the floor area of the dwelling (excluding the garage) is some 175 square metres, the level of amenity space would be in line with the Amenity Standards SPG.

Plot 2, due to its siting and orientation within the site is shown to be served by amenity space to the rear and to the side (to the south) of the dwelling, in addition to areas to the front. The area shown to the front should be discounted as it does not comprise of any meaningful or usable amenity space and part will be used for retaining walls. The total area of usable amenity space is some 385 square metres. Given that the floor area of the dwelling is some 215 square metres, the level of amenity space would be in line with the Amenity Standards SPG.

The amenity space shown to serve both dwellings would be of a usable shape and largely level to meet the needs of future occupiers. Whilst it is noted that part of the amenity space would be visible from the surrounding housing, there are substantial areas which would still be largely private. Moreover the degree of overlooking of the amenity space is typical of that found within modern urban residential developments.

In light of the above, it is considered that both dwellings would be served by adequate usable and largely private amenity space to serve the needs of future occupiers.

Highways and Access

The proposal seeks to utilise the existing access from Bassett Road, which is the same as the access approved for the two semi-detached dwellings allowed at appeal under 2009/00696/FUL. In light of the above, there is no objection to the access proposed, subject to a condition to ensure that the the vehicular access to the site shall be constructed from a bound material for the first 6.0m from the adjacent highway.

The Highways Engineer has stated that the proposed garages shall be provided at a length of 6.0m and a width of 5.4m. It should however be noted that the double garage which was shown to serve Plot 1 has been amended to a single garage and the garage serving Plot 2 has been fully omitted.

It is recognised that whilst the internal length of the garage serving Plot 1 is acceptable at 5.5 metres, the width of 2.14 metres is very restricted and thus the garage could not be used for the parking of a car. However, excluding the garage, there is still space within the plot for the parking of 3 No. vehicles, with the same parking provision available to serve Plot 2. This provision is in line with the Parking Guidelines SPG.

The Highways Engineer has also stated that any access gates, shall be set back by a minimum of 6.0m from the boundary of the adopted highway, however, the plan does not show the provision of any access gates.

Drainage

The comments made by Dwr Cymru/ Welsh Water are noted and any planning permission should be conditioned to ensure that that foul water and surface water discharges shall be drained separately from the site and that land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

In addition they have also stated that the site is crossed by a public sewer and no part of the building will be permitted within 3 metres either side of the centre line of the public sewer. The only point where the public sewer crosses the site is along the access and as such no dwellings would be sited within 3 metres of the public sewer.

Ecology

The Council's Ecology Officer was consulted and welcomes the submission of the Preliminary Ecological Appraisal and has recommended the inclusion of two planning conditions to secure biodiversity interests on site in relation to a scheme for sensitive site clearance and a scheme for biodiversity conservation and enhancement of the site (post construction). The development is therefore considered acceptable in this respect.

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 ENV25 - Regeneration of Urban Areas, ENV27 – Design of New Developments, ENV28 – Access for Disabled People, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria – Policy HOUS2 Settlements and TRAN10 – Parking and the guidance set out within the Supplementary Planning Guidance -Amenity Standards and the planning history at the site, it is considered that the submitted scheme overcomes the reasons for refusal and dismissed appeal for the construction of two detached dwellings. The proposal is considered to result in an acceptable form of development, subject to compliance with conditions, in relation to the siting, scale, design and materials of the proposed dwellings, impact on the amenities of neighbouring occupiers and wider impact on the character of the area. The development is also considered acceptable in relation to the provision of amenity space, access and parking provision and will maintain the biodiversity interests of the site.

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 following schedule of plans and documents:-

- Existing/Site Location Plan 011/PL01/R1 received 27 June 2015
- House 1 Plans/Elevations 011/PL03/R3 received 16 November 2015
- House 2 Plans/Elevations 011/PL04/R2 received 3 July 2015
- Proposed Site Layout 011/PL02/R3 received 16 November 2015
- Proposed Plans 52/L(00)220 Rev A received 11 August 2015
- Preliminary Ecological Appraisal received on 27 June 2015
- Design and Access Statement received on 27 June 2105

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

Reason:

In the interests of the character and appearance of the area, neighbouring amenity and highway safety in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

3. Prior to the commencement of any works on site (including vegetation / site clearance), a scheme for the proposed clearance of the site shall be submitted to and agreed in writing with the Local Planning Authority. The site clearance shall thereafter be carried out in full accordance with the agreed details.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV16 and ENV27 of the Unitary Development Plan.

4. Prior to the commencement of development, a scheme for bio diversity conservation and enhancement of the site (post construction) to target Section 42 Priority Species, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed details and thereafter retained.

Reason :

To fulfil the Council's statutory duties under NERC 2006 and to ensure compliance with Policies ENV16 and 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 and surface water 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 section drawings, prior to the commencement of development further details of the finished levels of the site and slab levels of the proposed dwellings, gardens and private drive, in relation to existing ground levels and those adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out and at all times maintained in full accordance with the approved details.

Reason:

To ensure that the amenities of the street scene and neighbouring occupiers are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

7. Prior to their use on site a full schedule and samples of all external finishes/materials for the dwellings, including hard surfaces, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be implemented and at all times maintained in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of the area, in accordance with Policies ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.

8. Notwithstanding the approved plans, and notwithstanding the terms 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) full details of the means of enclosures between the two development plots and around the perimeter of the site (to include full details of any associated structural retaining walls, steps and ramps) shall be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development, and the agreed means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

9. The first floor windows shown in the north east elevation of House 1 and House 2 shall, at the time of construction, be glazed using obscured glass to a minimum of level 3 of the `Pilkington` scale of obscuration and shall be non opening, and fitted prior to the first beneficial use of any of the associate rooms served by these windows 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.

10. The privacy/sun screens located on the first gable ends of House 2, (as shown on plan 011/PL04/R2) screening the windows serving the void areas shall be erected and completed prior to the first beneficial use of the dwelling and shall thereafter be so maintained at all times.

Reason:

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

11. A landscaping scheme detailing proposed lawn areas, hard surfacing, trees, shrubs and boundary planting shall be submitted to and approved 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.

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 dwelling 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 landscaping in the interests of the character and appearance of the area, in accordance with Policies ENV11 - Protection of Landscape Features, ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Unitary Development Plan.

13. Prior to the commencement of construction of any hard surfaces associated with the access and drive, details of the means of construction and surfacing of the access, internal driveway and parking/turning areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as the access, internal driveway and parking/turning areas have been constructed and completed in full accordance with the approved details. The access, driveway and parking areas shall be retained to serve the development at all times thereafter.

Reason:

In the interest of highway safety and the visual amenities of the site and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies ENV27 and TRAN10 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 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.

15. 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 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.

16. 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.

NOTE:

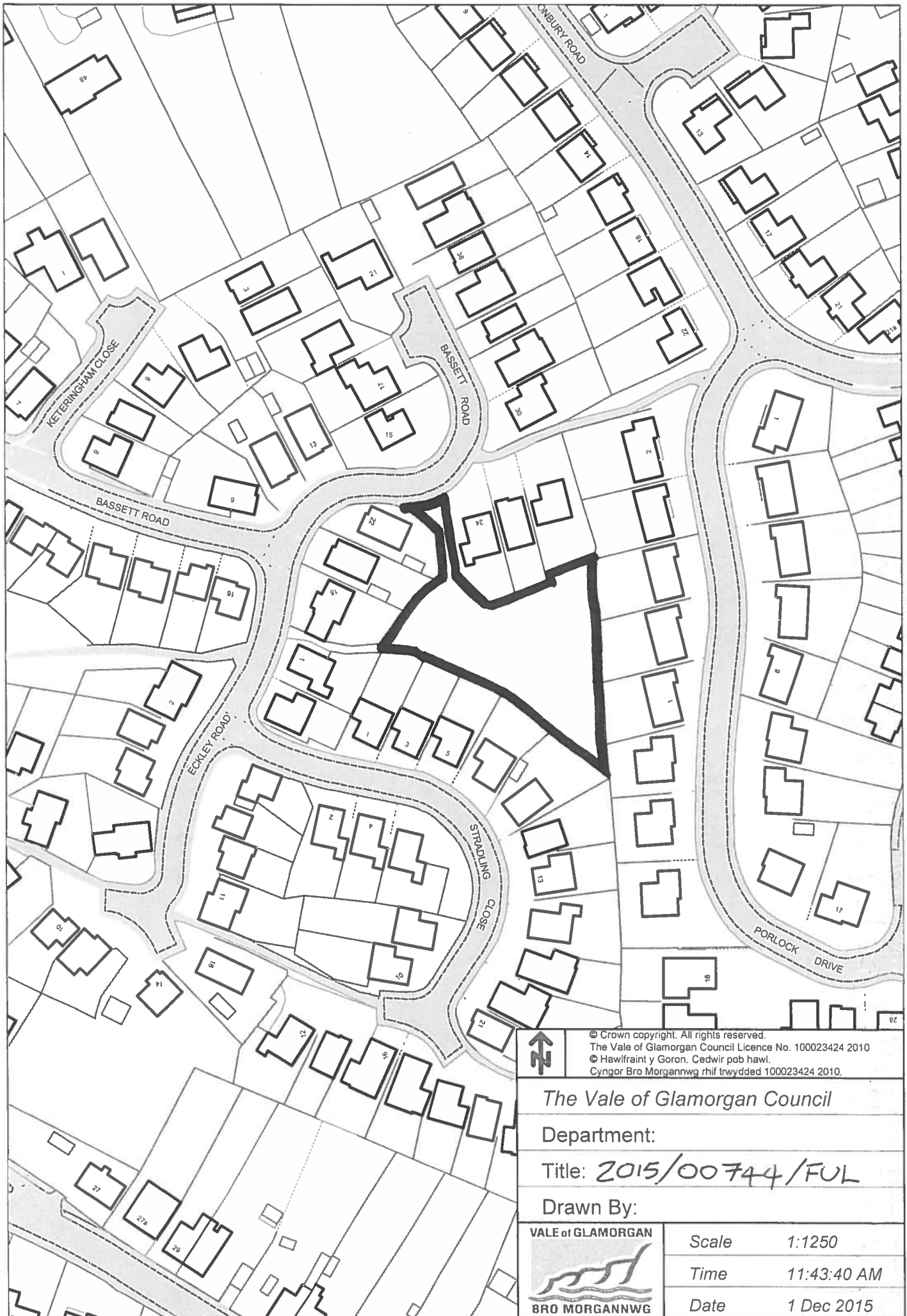
1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line of the pipe. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**



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

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

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

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



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2015/00744/FUL</i>		
Drawn By:		
	Scale	1:1250
	Time	11:43:40 AM
	Date	1 Dec 2015

To :- The Operational Manager Development and Building Control
The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT

2015/00744/FUL
Appendix A

Mr G.R.Davies
3 Stradling Close,
Sully,

Vale of Glamorgan CF64 5HU

27 July 2015

Your Reference P/DC/SDB/2015/00744/FUL

Subject: Notification of a Planning application for the building of two houses on the land to the rear of Bassett Road, Sully, dated July 15th 2015

Dear Mr Butler

The purpose of this letter is to acquaint you with the very deep concern my wife and I would suffer, were this application to be granted. Consequently I give below my reasons for objecting.

1. Since my wife and I moved into 3 Stradling Close in November 2006 there have been at least four applications to build on the plot of land referred to above, of which three have not succeeded. The site, as originally planned was to be a landscaped 'green area' like a number in the locality. Much as the property owners bordering the site hoped for a clearance of the weed infested plot, it did not happen! The Planning Authority presumably had no option other than to change the designation of the site from 'Public Open Space' to that of 'Building Land'. The application, prior to the current one, for a large, low profile bungalow was granted. The decision was welcomed in the neighbourhood since it would ensure the plot would be landscaped and with minimal visual intrusion from the proposed building. Sadly, the owner of the site could not complete his project.
2. I have studied the house building drawings for the current application in some detail which give me considerable cause for concern, particularly the proximity and size of building 1.

a) From the rear building line, at ground level, of No:3 Stradling Close, to the boundary wall there is a gradient of 1 in 15 which extends to the building line of house 1. This adds an effective 1.5m to the ridge height of 6.65m totalling 8.15m above ground level at No:3 Stradling Close. Coupled with a 12.5m frontage of House 1 this presents a vertical area of 102m, of which a substantial proportion is situated 15m from my rear building line.

The very serious lack of privacy and light reduction, should this application be granted, would be totally unacceptable.

b) There is a potential risk to the boundary wall footings resulting from excavation for the footings of the No: 1 house.

c) Adequacy of the capacity of the sewerage drains have been the concern in the neighbourhood arising from blockages. The additional effluent from two large houses and increased surface water could well exacerbate this problem.

d) One last point concerns us is, in the event of a Yes decision, there could be a reduction of the asset value of our property and or render it difficult to sell.

For the reasons listed above and particularly those affecting my wife and I, being very elderly, I feel I must register with you our objection to the above Planning Application in the strongest terms.

We look forward to a favourable outcome

Yours faithfully

A large black rectangular redaction box covering the signature area.

George. R. Davies.



Mr H. Simmonds
1 Stradling Close
Sully,
Penarth
CF64 5HT

Planning Department
Vale of Glamorgan Council
Docks Offices
Barry
CF63 4RT

26th July 2015

Dear Sir,

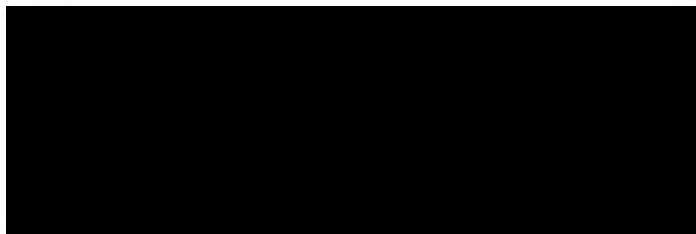
OBJECTIONS TO PLANNING APPLICATION - 2015/00744/FUL/SDB
2 DETACHED HOUSES REAR OF 24 BASSETT ROAD, SULLY

I am concerned about the sizes and closeness to my property of the proposed development to which I am now objecting. My reasons are:

1. The position of the proposed houses and particularly No 1 in the application is too close to me. The closeness I estimate to my property from the Detached new house No 1 will be 15 metres. This proximity to me will invade my privacy by virtue of the position and windows. Being a Large Detached house there are many windows immediately behind and facing my property. In particular there are 3 bedroom windows on the second storey. Also, due to the land elevation, (being on higher ground than me), even the ground floor accommodation windows and doors will have an impact on my privacy being so close.
2. Being a resident in my house since the development of the estate I am aware of problems in the past relating to Foul drainage issues. There have been occasions when a blockage has occurred for which I and other residents have had to pay to clear and deal with. At the time it was suggested that the Foul capacity may not have been capable of dealing with the expected development requirements. When the last blockage was corrected it was also suggested that the diameter of the foul underground pipes were inadequate. The last modifications/repairs seem to have helped with the current level of Foul disposal but I am concerned that further additions to foul pipework will again be an issue. The application for Two Large Detached houses on open ground behind me was never intended as it should have been open playing area for children.
3. I am also concerned about the effect on my property and garden by all the surface water which will be dealt with by soakaways. The elevation of the land is to fall away towards the South West of the plot which will be directly towards me and my neighbours. In the event of exceptionally wet weather together with other property waste water, for whatever reason, there may be a risk of flooding or waterlogging my property. There is a risk of surface water flooding according to my Insurance Company terms.
4. Previous planning consent has only been given for one pair of Semi Detached houses or for a single storey eco house, not both. I send this letter as an objection to planning approval for the Two Large Detached Houses proposed.

Yours faithfully,

H. Simmonds



Payne, Adrienne J

From: Planning & Transportation (Customer Care)
Sent: 06 November 2015 19:23
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00744/FUL
Attachments: Amended Bassett Road Plans.docx

2015/00744/FUL
Appendix B

New comments have been received for application 2015/00744/FUL at site address: Bassett Road, Sully
from Mr David Roderick [REDACTED]

Address:
4 Porlock Drive, Sully, CF64 5QA

Comments:

I am objecting to the amended plans since in my view, there have been no material changes made to the proposal. The objection is on the basis of over-development, with further detail provided within the attachment.

The following files have been uploaded:
Amended Bassett Road Plans.docx

Case Officer:
Mr. S. D. Butler

RECEIVED

09 NOV 2015

D.E.E.R
RECEIVED
ACTION BY: SDB/IR
NO: 12
40K

Planning Application 2015/00744/FUL

I have to admit to having a major feeling of déjà vu when commenting on the amended plans. After only a cursory glance, it is clear that whilst the amended plans could give the illusion of smaller properties, I fear that it just that i.e. an illusion. I am no expert, but it appears that decking areas have been removed from the plans, areas which in all fairness could easily be added to the properties post development as and when required if indeed this development were to be wrongly given approval to proceed.

It is clear that there has been no consultation with neighbours despite suggestions to the contrary by the proposed developers. Just as no consideration was given to neighbours prior to the initial plans being submitted, there has been no contact since, nor would it appear that there has been any attempt to take into account neighbours' concerns articulated via submitted objections within the amended plans, which is most disappointing.

The comments I made on the original plans apply equally to the amended plans.

1. I am not aware of a significant demand for six bedroom properties in Sully. The amended plan continues to appear as if it were two semi-detached three bed dwellings, in addition to the existing four bed detached property. It is little more than a three bed semi with an adjacent mirror image.
2. Whilst the amended plan states a smaller footprint than the most recent application for a bungalow, it is for two storey properties that are considerably more obtrusive than the previous sensitively planned bungalow, particularly to those neighbours in Stradling Close, Bassett Road and Eckley Road.
3. The amended plans refer to generous garden areas. Whilst decking areas have been removed, this could easily be only temporary to give the illusion of smaller properties and does not take away from the fact that in addition to two garages, there are a further six parking spaces to be provided within the two parcels for the plots.
4. Whilst eight parking spaces can surely not be required for two properties, I can see why it might be necessary if there were three properties, which in time is what this development could easily become.
5. Residents of Sully will be aware that dwellings are characterised by gardens, front and back so it is not clear how this development would necessarily blend in with the surrounding area.
6. I would hope that changing the existing six bedroom property into two three bed semi-detached properties would be the subject of a revised application. If this assumption is incorrect and such a change could be made without a revised application then I would be even more concerned about what is being proposed.

The initial objection was based on overdevelopment; a statement that applies equally to the amended planning application as nothing has changed from my perspective other than perfunctory amendments which make no material difference to what is being proposed.

RECEIVED

09 NOV 2015

2015/00852/FUL Received on 30 July 2015

Cenin Renewables Limited, C/o Agent
Pegasus Planning Group Limited, First Floor South Wing, Equinox North Great
Park Road, Almondsbury, Bristol, BS32 4QL

Home Farm, land west of Drope Road, St. Georges Super Ely

Installation of small scale c. 3MW ground mounted photovoltaic solar arrays with inverter houses; switchgear cabin, internal access track, landscaping; fencing; security measures; access gate and ancillary infrastructure

SITE AND CONTEXT

The application site, which has an area of around 8.25 ha, comprises undulating agricultural land over three field parcels located centrally between two highways. The site edged red also includes land required for the associated access track running west to the Drope Road, plus an area running north through several field parcels to the hamlet of St Georges Super Ely, which defines the line of the proposed underground cable to connect to the grid. The submitted Planning Statement indicates that the land is currently used for the grazing of sheep.

The site is located approximately 0.5km to the south of St Georges Super Ely and approximately 0.5km west of the hamlet of Drope. The perimeter of the site is defined by dense mature woodland to the south and established hedgerow to the north, east and west. There are two ponds in the area, one within the site and another on its northern edge, and the fields to the south and west are marshy.

Vehicular access is via an existing field gate entrance off the Drope Road to the west. There are also a number of Public Rights of Way in the vicinity, with Public Footpath Nos. 5, 6 and 7 Peterston Super Ely, crossing the application site in parts.



AERIAL & SITE LOCATION PLAN

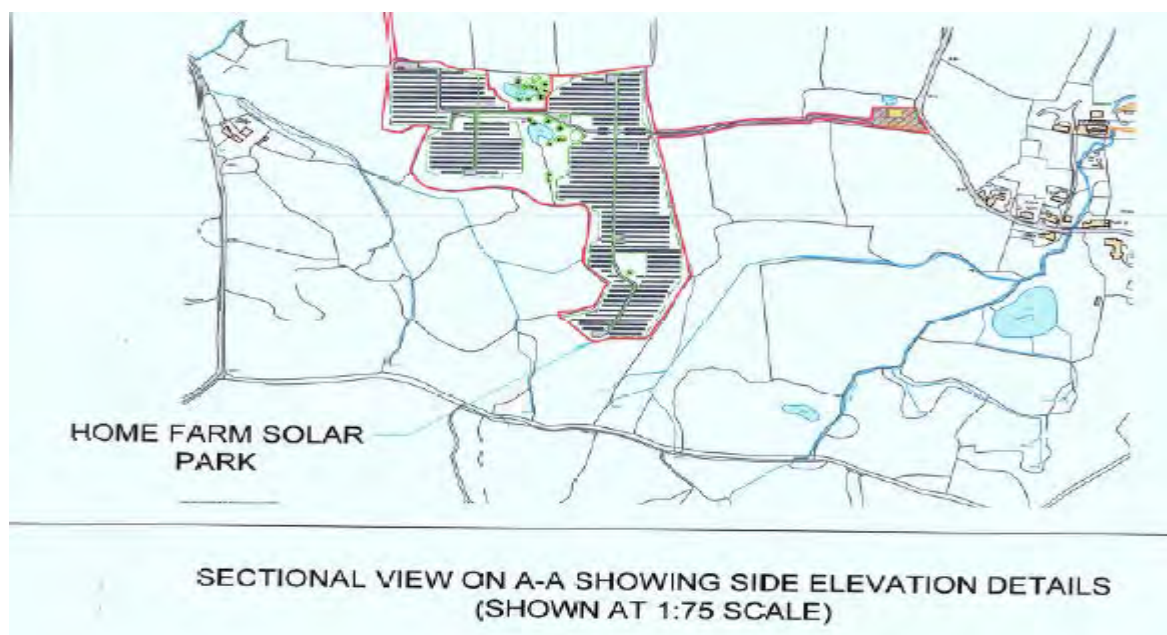
[Extract from Design and Access statement]

The site is located in the open countryside and outside of any residential settlement boundary as defined in the Unitary Development Plan. The site is also located within the Ely Valley and Ridge Slopes Special Landscape Area. In addition the southern part of the site lies within the setting of the Grade II* Coedarhydyglyn Historic Park. Other designations within the vicinity of the site include areas of Flood Risk Zone B; the Ely Valley SSSI to the north and a number of local SINCs; conservation areas at the Drope and St Georges Super Ely; a number of listed buildings, including 'Ty Ffynnon' at the point of connection with the grid, and Coedarhydyglyn house to the south; and scheduled ancient monuments, including Llwynda-Ddu Camp and St-y-Nyll Round Barrow.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the development of a solar farm. The proposal entails the installation of an array of ground mounted photovoltaic panels to generate approximately 3MW to be fed into the national grid via an underground cable running to the north of the site to the hamlet of St Georges Super Ely. The proposed installation will comprise a total of approximately 11,520 modules laid out in rows in an east-west alignment across the site, in two groupings either side of the two ponds. The panels will be mounted on a metal framework to a height of approximately 2m, a depth of 1.78m and an angle of approximately 20 degrees.

A number of other structures will be erected on site including the provision of two inverter station housings, and a switchgear container. The inverter station housings will measure approximately 8.9m x 3m x 2.65m, whilst the switchgear container will measure approximately 8.7m x 3.6m x 2.65m. Other works will include the provision of CCTV cameras; 1.8m high deer stock boundary fencing; underground cabling; a gravel access track; and a temporary construction compound, which is shown positioned to the east of the panels close to the entrance off Drope Road. There is also the proposal to provide additional planting to reinforce the existing hedgerows.



The submitted documents also provide details of the proposals for the construction period of the development, including a Traffic Management Plan. A swept path analysis plan demonstrates that a 15.4m articulated vehicle can enter and exit the site, and shows visibility splays of 2.4m x 8.9m to the south and 2.4m x 5.4m to the north.

It is intended that the proposed solar panels will have a 25 year lifespan, after which they will be removed and the site will be returned to its existing agricultural use.

Supporting Documentation

In addition to the DAS the application is accompanied by a number of supporting documentation. The application has been identified as an Environmental Impact Assessment (EIA) application due to the characteristics and location of the site, which is considered to be a sensitive and vulnerable, and bearing in mind the potential impact of the development. As such an Environmental Statement (ES) has been provided. Members will note that the Non-technical Summary (NTS) of the environmental statement can be found at the following web link:

<http://vogonline.planning-register.co.uk/PlaRecord.aspx?AppNo=2015/00852/FUL>

The ES sets out the results of an Environmental Impact Assessment of the proposed development. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these should be clearly identified.

The Council issued a Screening Opinion on 20 January 2015 that an EIA would be required. A subsequent request for a Scoping Opinion was received on 31 March 2015, but a decision on this has not been issued to date, reference 2015/00246/SC2. Notwithstanding this an ES has been submitted with the current application and the NTS notes that the ES considers the potential environmental effects of the development, and addresses the following matters:-

- Landscape & Visual;
- Ecology & Nature Conservation; and
- Archaeology & Cultural Heritage

The ES was initially publicised in accordance with section 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and Article 8 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 on 20 August 2015 in the Barry Gem, and on site in various locations on 9 October 2015.

The submitted documents include:

Environmental Statement and Technical Appendices, comprising Volume 1 (Main written Statement), and Volume II Technical Figures and Appendices, plus additional Ecological statement dated 14 October 2015.

Non-Technical Summary to Environmental Statement July 2015.

Design and Access Statement July 2015.

Planning Statement July 2015.

Arboricultural Survey Impact Assessment & Draft Tree Protection Plan July 2015.

Waste Audit Statement July 2015.

Construction Traffic Management Plan June 2015.

Flood Consequences Assessment dated 14 July 2015.

Agricultural Assessment June 2015.

Consultation Report July 2015.

PLANNING HISTORY

2014/01467/SC1 - Environmental Impact Assessment Screening for 3mw solar development - Required 20 January 2015.

2015/00246/SC2 – Scoping Opinion request for solar farm site – Yet to be determined.

CONSULTATIONS

St. Georges & St. Brides-Super-Ely – Consulted on 13 August 2014. No comments received to date.

First Minister Welsh Assembly Government – Consulted 26 August 2015. No comments received to date.

Natural Resources Wales – Initial comments - Object to the proposed development due to insufficient information in relation to the conservation of great crested newts and dormice which are a European Protected Species. The main reason for this relates to a series of discrepancies in the submitted documents, with clarification required in respect of the results in the great crested newt survey; the timing of works; habitat availability and connectivity; surveys for dormice; and potential impact on otters from drilling.

On the Landscape and Ecological Management Plan they recommend that it include the great crested newt method statement, and set out details for ecological advice and supervision. Without the EPS information they note it is not possible to determine that the proposal will not have a detrimental impact on the maintenance of the favourable conservation status of the population of the great crested newts concerned.

Further advice is also provided which confirms that a European Protected Species (EPS) licence from NRW will be required. In addition in relation to flood risk, given the nature of the development it is likely to have minimal impact on surface water runoff, and therefore have no adverse comments. As for the proposed underground cabling, this will cross the Nant y Ffordd which is an ordinary watercourse and may require a flood defence consent.

Further comments following receipt of additional information – In view of the additional information they are able to remove their previous objection provided a suitably worded condition is included in any planning permission. The condition to secure mitigation for great crested newts, dormice, otters and water voles, to include timing of works, as set out in the revised LEMP and ES addendum.

Dwr Cymru/Welsh Water – Consulted on 13 August 2015. No comments received to date.

Cadw – They note that the proposed development is located within 5km of the scheduled ancient monuments known as GM180 Llwynda-Ddu Camop and GM240 St-y-Nyll Ropund Barrow, and adjacent to the registered historic park and garden, PGW(GM)40(GLA) – Coedaryhdyglyn.

They note that the cultural heritage chapter of the ES does not consider the impact of the development on the setting of heritage assets more than 1km from the site and therefore has not assessed the impact on either of the two designated monuments. They advise that whilst the development will have no impact on the setting of the St-y-Nyll Round Barrow, a Bronze Aged Funerary monument, it will have an impact on the Iron Age hill fort of Llwynda-Ddu Camp. This monument is in an elevated position which affords significant views to the south and south west. As such the proposed solar farm will be visible from the monument. However, given the size of the proposal, the distance from the monument, and the position of the panels facing south, it is Cadw's opinion that the impact on the designated monument will be negligible.

As regards the impact on the historic park and its setting, the wooded nature of the north western extent of the registered area means that views from the core areas of the registered park and garden are likely to be limited. They note that proposals for lighting are not mentioned and it is therefore assumed that there is no need to light the development which would increase the visual impact.

Cadw conclude that they are in agreement with the conclusions of the Archaeological and Heritage chapter of the ES, that the adverse impact on the registered park and garden and its setting is not considered significant.

Garden History Society – Consulted on 13 August 2015. No comments received to date.

Glamorgan Gwent Archaeological Trust – Initial comments – The supporting information includes an ES, Chapter 7 of which considers the archaeological and cultural heritage. However, the detail of the proposed development in this chapter does not appear to match that in the associated supporting information. The assessment notes that whilst the proposed development area falls within the essential setting of Coedarhydyglyn Park no solar panels or other visible elements would be located in this area. However the submitted plans show solar panels within this area.

Until this is clarified it is not possible to advise on suitable detailed mitigation strategies and they recommend that the applicant contact their archaeologists to clarify this matter, as well as contacting Cadw on the significance of any effect within the essential setting of the park.

As such, until this information is available they recommend the determination of the application is deferred.

Further information has been received and further comments are awaited.

Cardiff Airport (Safeguarding) – The proposal has been examined from an aerodrome aspect and does not conflict with safeguarding criteria. Accordingly the department has no safeguarding objection to the proposal.

SWALEC – Consulted on 13 August 2015. No comments received to date.

Cardiff County Council – Consulted on 13 August 2015. No comments received to date.

The Council's Legal Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – Due to the location of the development it has the potential to affect residential properties some distance from the site during the construction phase. Therefore recommend that construction and piling operations are limited to prevent potential negative impact.

They suggest the imposition of three conditions on any consent, which relate to restricted timing for construction traffic and deliveries; restricted timing of any piling or drilling operations; and if any ground contamination is encountered during the development it must be reported and an investigation and risk assessment undertaken, along with any necessary remediation.

The Council's Highway Development Team – They have requested that visibility splays of 2.4m x 43m be provided from the access to the site along the adjacent highway (with the red line boundary required to include the land within the visibility envelope). In addition, access to the site is required to be widened to allow HGVs to wait off the highway. They note that the swept paths shown on Figure 3.1 of the Construction Traffic Management Plan show minor encroachment of the verge when vehicles are entering the site. As a result, the carriageway is required to be widened at this location. The drawing of the proposed site compound is not to the scale shown and the swept paths shown are unclear, therefore a revised plan is required.

As regards the use of highway to the site, the section between the site access and the unnamed highway adjacent to the building known as The Old Rectory will not allow for oncoming traffic to pass delivery vehicles. As a result mitigation measures are required to be identified, which should detail how background traffic will be controlled and what measures will be put in place to prevent site traffic, including delivery vehicles meeting along the adjacent highway.

Reference is also made to the public rights of way which cross the site, noting temporary diversion or suspension due to the risk of pedestrian/vehicle conflicts.

Finally it is noted that the access route to the site will be provided, in part, via the adjoining Cardiff County Council who are required to be consulted in relation to the proposals.

The Council's Public Rights of Way Section – “The application notes the position of public right of way No.7 St Georges-super-Ely running along the eastern side of the development and recognises the necessity to ensure that the development does not infringe upon the path.

The application notes the constraint of a public right of way crossing the access track and provides detail of the proposed mitigation; however two public rights of way cross the access track – footpaths No. 5 and No.6; please ensure the applicant is aware of this. The Public Rights of Way Section can provide a map detailing the location.

All affected public rights of way must be kept open and free for use by the public at all times. No adverse effect should result to the public rights of way. The applicant should ensure that materials and machinery are not stored on the public rights of way and that any damage to the surface as a result of the proposal is made good at their own expense.

Should the public rights of way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.”

The Council's Ecology Section – Have recommended the inclusion of two planning conditions on any consent to secure biodiversity interests. These relate to the submission of a Method Statement for Great Crested Newts, and full implementation of the Landscape and Ecological Management Plan.

The Council's Landscape Section – Consulted on 13 August 2015. No comments received to date.

The Council's Highways and Engineering – (Drainage Section) – Consulted on 13 August 2015. No comments received to date.

The Council's Waste Management (Section) – Consulted on 13 August 2015. No comments received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 13 August 2015. In addition the application was advertised in the press and on site on 20 August and 9 October 2015, respectively.

Representations have been received from the occupiers of Llys y Celyn, Drope Road and Church Cottage, St Georges Super Ely. These are available on file to view in full. However, in summary they have raised objections and concerns in relation to:-

- The access road is unsuitable for the amount of traffic, including HGVs on narrow country roads.
- The visual impact will be far reaching.
- Impact on listed Ty Ffynnon as a result of connection to national grid.
- What guarantees of the removal in 25 years.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 14 - COMMUNITY AND UTILITY FACILITIES.

Policy:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV2 - AGRICULTURAL LAND.

ENV4 - SPECIAL LANDSCAPE AREAS.

ENV7 - WATER RESOURCES.

ENV10 - CONSERVATION OF THE COUNTRYSIDE.

ENV11 - PROTECTION OF LANDSCAPE FEATURES.

ENV16 - PROTECTED SPECIES.

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION.

ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS.

ENV26 - CONTAMINATED LAND AND UNSTABLE LAND.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

EMP7 - FARM DIVERSIFICATION.
TRAN10 - PARKING.
REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.
COMM8 - OTHER RENEWABLE ENERGY SCHEMES.

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

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

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

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular, Chapter 3-Making and enforcing planning decisions, including paragraphs 3.3-Environmental Impact Assessment and 3.6-Planning conditions; Chapter 4-Planning for Sustainability, including paragraph 4.5; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1, 5.2, 5.2.9 and 5.3; Chapter 6-Conserving the Historic Environment, including 6.1.1, 6.1.2, and 6.5.25; and Chapter 12-Infrastructure and Services, including paragraphs 12.8 and 12.10.

Technical Advice Notes:

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

- TAN5 - Nature Conservation and Planning.
- TAN6 - Planning for Sustainable Rural Communities, including paragraphs 3.7.1 and 3.7.2.
- TAN8 - Renewable Energy, including paragraphs 1.6 and 3.15
- TAN12 – Design, including paragraph 2.6.
- TAN15 - Development and Flood Risk.

Supplementary Planning Guidance:

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

- Design in the Landscape SPG, including DG1-Sustainable development.
- Sustainable Development SPG.
- Biodiversity and Development SPG.
- Trees and Development SPG.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

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

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

Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

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

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

Other relevant evidence or policy guidance:

“A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement – March 2010”.

“Energy Wales: A Low Carbon Transition - March 2012”, which sets out what the Welsh Government intend to do to drive the change to a sustainable, low carbon economy for Wales. It also emphasises that Wales has significant assets in virtually every energy source, including one of the best solar resources in the UK.

Welsh Government Practice Guidance: “Planning Implications of Renewable and Low Carbon Energy - February 2011”.

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013).

UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014).

Welsh Office Circular 61/96-Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended By Circular 1/98-Planning and Historic Environment: Directions).

Welsh Office Circular 60/96-Planning and the Historic Environment: Archaeology.

Conservation of Habitats and Species Regulations 2010 (as amended).

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification for the development and effect on agricultural operations; the visual impact on the surrounding countryside; the historical impact including any effect on the setting of the Coedarhydyglyn Historic Park, listed buildings and conservation area; the likely effect on highway and pedestrian safety; the impact on ecology/biodiversity; any effect on residential amenity; and flood risk and other issues of public health and safety.

Justification

As already noted the site lies within the open countryside where Policy ENV1 of the Council's UDP seeks to restrict inappropriate development. The policy outlines certain development that is considered appropriate, including development essential for utilities and infrastructure, and development that is approved under other policies of the plan. In this respect it is noted that COMM8 permits renewable energy schemes, whilst EMP7 supports farm diversification, both subject to certain criteria. This is in line with national guidance including Planning Policy Wales (PPW), TAN6-Planning for Sustainable Rural Communities and TAN8-Renewable Energy. Paragraph 12.8.9 of PPW notes that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy which should help to tackle the causes of climate change. However this is not without qualification, as paragraph 12.8.6 states:

“The Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

In addition Policy ENV2 of the Council's UDP seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3A) from irreversible development, save where overriding need can be demonstrated. The Council's records indicate that the land is classified as Grade 3, and survey work undertaken as part of the supporting Agricultural Assessment indicates that only 1.7h is categorised as Grade 3A with the majority being Grade 3B a lower grade quality of land. The Assessment has also examined the effects on agricultural operations and concludes that, notwithstanding the grade, the land will not be irreversibly developed, and therefore will not be lost to future generations, and will remain capable of continued agricultural use, in particular sheep grazing. The proposal, with its long term rental agreement, will provide the landowning estate with a source of regular, predictable income for the duration of the solar tenancy. The additional income that will be generated as a result of the solar development will allow the Estate to continue to invest in its farming stock.

The supporting Planning Statement outlines the local and wider benefits of the development. These include not only the contribution to renewable energy and effect on climate change, but also its contribution to the viability of the existing farmstead through the diversification of income.

Thus it is considered that the principle of the proposal is acceptable as it represents an appropriate and sustainable form of development that is supported by both national and local policy. However, the acceptability of the detail of the development must be assessed, as illustrated by Policy COMM8 of the Council's UDP, which outlines a number of criteria including criterion (i) which requires that the proposal has no unacceptable effect on the immediate and surrounding countryside, and criterion (ii) which relates to the effect upon sites of conservation, archaeological, historical, ecological and wildlife importance. The visual and historical impact is considered to be of particular relevance bearing in mind the location of the site, which is within the Special Landscape Area and the setting of the Historic Park, and is crossed by a number of public footpaths. In addition the site is within the vicinity of listed buildings and scheduled ancient monuments, a SINC and a SSSI. Such impact, along with the other likely effects of the proposal, is assessed in more detail as follows.

Visual impact

The neighbour objections received to date raise concerns over the visual impact of the development, which they believe will be far reaching.

As already noted the site lies in the countryside and is also located within the Ely Valley and Ridge Slopes Special Landscape Area. The site is also crossed by Public Footpaths Nos. 5, 6 and 7 Ystradowen. As such the application site will be visible to public view. Indeed in assessing the need for an Environmental Statement under the earlier screening request for the site, reference 2014/01467/SC1, it was acknowledged that the proposal would have some visual impact. It was determined that an EIA would be required for the development and it was highlighted that given the proposed size and potential prominence in local and distant views, any application would need to be accompanied by a landscape and visual assessment. This should utilise viewpoint analysis and photomontages, and include a description of all the existing landscape interests in the vicinity of the proposed development, and have regard to nearby listed buildings. The subsequent EIA application is supported by several documents relating to the landscape and visual impact of the development, including the ES Chapter 6, Technical appendices including Landscape and Ecological Management Plan and photomontages, and the Arboricultural Survey, Impact Assessment and Draft Tree Protection report prepared by Pegasus Planning Group.

The majority of the proposed works will entail the installation of rows of solar panels over a significant area of the four field parcels identified. Other visible works will include the provision of the relatively small scale substation housings, pole mounted CCTV cameras, tracks and fencing around the perimeter of the site. The submitted landscape information examines the context of the site and concludes "overall the site benefits from a degree of visual seclusion. The proposed mitigation measures, including hedgerow infill will create a uniform boundary treatment as well as provide improved screening towards the development (ES summary para 6.10).

The Council's Landscape Section has not commented on the proposal to date. However, it is noted that the submitted Tree Protection Plan is a draft, with the recommendation for this to be finalised following an approval. The site has a number of existing landscape features, in particular the hedgerow boundaries to the field parcels. Policies ENV10 and 11 of the UDP seek the conservation of the countryside and protection of landscape features, and follow national guidance contained in PPW. Paragraph 5.2.9 of PPW states:

“Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.”

The Tree survey finds that the majority of the existing features are of low quality managed hedgerows which are found around the field borders within the main body of the site and in the north and east projections. All groups and woodlands which were surveyed were located off-site. However the report indicates that it is possible to implement the development proposal without the requirement to completely remove any of the existing vegetation on site. Nevertheless, the report recognises it will be necessary to remove small sections of hedgerow to allow for the perimeter fence, temporary access track and construction compound. However, subsequent comments from the Council's Highway section in relation to the proposed vehicular access, suggests a greater level of removal to provide for a wider entrance and visibility splays. The highway requirements are explored in more detail below, however, in terms of the impact on the existing hedgerows, it is considered that any removal could require replacement following the construction phase. In addition it is considered that it is essential to maintain and enhance the existing hedgerows bearing in mind their contribution to the landscape character of the area and to ecology and biodiversity which is covered in more detail below. It is also considered that the final details of tree protection should also take account of the land preparation works, including the excavations for the proposed cabling.

It is recognised that the site lies within a locally designated SLA and part of the setting to the Historic Park. The historical impact is assessed separately below. As regards the impact on the rural landscape, although the development will introduce a feature that has not previously been part of the rural context, the hedgerow and field pattern would remain evident. It is acknowledged that the undeveloped rural character would be affected, with the site being visible from a number of vantage points. However, this impact is not considered to be so significant as to cause unacceptable detriment to the wider landscape setting. Indeed, although relating to a different site context, the comments made by an appeal Inspector in a recent appeal decision against the refusal of a solar farm at Treguff, reference 2013/00912/FUL, have some relevance. The Inspector in allowing the appeal noted:

“(Solar panels)... can be compared to an installation of glasshouses or polytunnels which may well be regarded as acceptable in some agricultural settings without unduly disrupting the character of the landscape. Overall the effect of the proposal on the character of the landscape and its quality would be acceptable.”

Thus whilst it is acknowledged that the development will have a material impact on the character of the site, given the relatively local nature of the change it is concluded that any harm arising from the development in landscape terms will not unacceptably undermine the character of the wider area or be so severe that it outweighs the benefits in terms of renewable energy production. It should also be noted that the development is proposed for a period of 25 years, therefore the impact identified above will not be permanent. In this respect, it is considered that it would comply with the aims of Policies ENV4, ENV10, ENV27, EMP7 and COMM8 of the UDP, and the national guidance within TAN6, TAN8, and PPW. In reaching this conclusion, it is emphasised that the solar farm would make a contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases in accordance with the government’s aims relating to climate change, and energy security benefits. These are all important considerations that appeal Inspectors have recently emphasised should be given considerable weight in the overall planning balance. In this respect, they emphasise that the landscape and visual impact is only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects.

Historical impact

In contrast it is acknowledged that the likely impact of the development on the cultural heritage in the area, including the setting of the Coedrhydyglyn Historic Park, Scheduled Ancient Monuments, listed buildings, and the Drope Conservation Area, is more than a material consideration to be weighed in the general balance. Neighbour representations have also raised this issue with concerns over the effect on the listed ‘Ty Ffynnon’ cottage in St Georges Super Ely. Recent case law indicates that the likely impact of the development on these historical features and their settings requires special consideration, and carries substantial weight in the determination of the application. Relevant policies include ENV17 of the UDP which seeks to protect the built and historic environment, and is supported by national guidance including PPW which states at paragraph 6.5.9:-

“Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses.”

In addition paragraph 6.5.25 of PPW states:-

*“Local planning authorities should protect parks and gardens and their settings included in the first part of the ‘Register of **Landscapes, Parks and Gardens of Special Historic Interest in Wales**’. Cadw should be consulted on planning applications affecting grade 1 and II* sites and the Garden History Society should be consulted on all parks and gardens on the Register. Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register (see para 6.4.9). The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application.”*

Coedarhydyglyn House, its associated stables and historic park and gardens are Grade II* listed. There are other listed buildings in the vicinity of the application site, including Ty Ffynnon, the Church of St George and Church Cottage. In addition scheduled ancient monuments are located at Llwynda-Ddu Camp and St-y-Nyll Round Barrow. It is recognised that the rural nature of the surrounding landscape is important to the setting of these historical buildings, monuments, historic park and conservation area. The proposal will sit within this landscape setting with a small southern section of the site intersecting with the Historic park. When considering the specific impact it is noted that the points outlined in the landscape section above are of relevance here. In particular, the acceptance that the nature of the proposed solar panels can be compared to an installation of glasshouses or polytunnels, which are not unusual features in the rural landscape, has a bearing in the consideration of the likely impact on the historic interests. In addition the solar arrays are low lying features that will have little effect on the existing hedgerow and field pattern, or the openness of the wider area. Furthermore the development is temporary and reversible with an intended lifespan of 25 years.

Cadw have been consulted on the proposal and have advised that they are in agreement with the conclusions of the Archaeological and Heritage chapter of the ES, that the adverse impact on the registered park and garden and its setting is not considered significant. They note that the cultural heritage chapter of the ES does not consider the impact of the development on the setting of heritage assets more than 1km from the site and therefore has not assessed the impact on either of the two designated monuments. They advise that whilst the development will have no impact on the setting of the St-y-Nyll Round Barrow, a Bronze Aged Funerary monument, it will have an impact on the Iron Age hill fort of Llwynda-Ddu Camp. This monument is in an elevated position which affords significant views to the south and south west. As such the proposed solar farm will be visible from the monument. However, given the size of the proposal, the distance from the monument, and the position of the panels facing south, it is Cadw’s opinion that the impact on the designated monument will be negligible. As regards the impact on the historic park and its setting, the wooded nature of the north western extent of the registered area means that views from the core areas of the registered park and garden are likely to be limited. They note that proposals for lighting are not mentioned and it is therefore assumed that there is no need to light the development which would increase the visual impact.

In view of this it is considered that, with the presumption in favour of preservation, the impact on the setting of the historic interests is acceptable. Paragraph 3.15 of TAN8 states:-

“Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.”

On the issue of any archaeology interest on the site, the supporting ES, which includes a geophysical survey, confirms that no specific mitigation measures are required. The survey work identified anomalies however, these were found to be of little archaeological interest. As the Non-Technical Summary highlights at paragraph 8.2:-

“The assessment has not identified any known or potential archaeological remains within the site, and no impacts of greater than Neutral/Slight Adverse significance have been identified by the assessment.”

The Council’s archaeological advisors Glamorgan Gwent Archaeological Trust have been consulted on the proposal and initially raised a concern over the supporting information included in Chapter 7 of the ES and discrepancies with other details in the supporting information. These relate to the significant of any effect on the essential setting of the Coedarhydyglyn Historic Park, and they advise deferral of the application until such time as this can be clarified. Further information has since been submitted by the applicants on this point and GGAT have been re-notified, however, no response has been received to date. Despite this it will be noted above that Cadw have no objections to the proposal in respect of the impact on the historic park.

Highways

On the highway issues it is recognised that the proposal will have some impact on vehicular users and the adopted road network, as well as pedestrians, particularly in respect of the Public Rights of Way that cross the site.

The submitted details indicate that access to the site will be via the existing agricultural access to the fields which connects to Drope Road to the east of the site. Consideration of the traffic and access issues are outlined in the accompanying Construction Traffic Management Plan (CTMP) which specifies no alterations are proposed to the existing access, and defines the construction traffic route. In summary the CTMP indicates that a maximum of one large vehicle per day, plus a maximum of 50 No. construction workers during peak periods, would access the site during the construction phase, over a three month period. For the operational phase it is anticipated that there is likely to be around three visits to the site over a year for maintenance and monitoring.

The Council's Highway Development team have outlined a number of highway requirements relating to the proposed development. Although the applicants consider that the existing access requires no improvement, they have requested that it be widened to allow HGVs to wait off the highway. In addition visibility splays of 2.4m x 43m should be provided from the access to the site along the adjacent highway. They also require widening of the carriageway as shown within the swept paths plan to accommodate vehicles entering the site. As regards the use of highway to the site, the section between the site access and the unnamed highway adjacent to the building known as The Old Rectory will not allow for oncoming traffic to pass delivery vehicles. As a result mitigation measures are required to be identified, which should detail how background traffic will be controlled and what measures will be put in place to prevent site traffic, including delivery vehicles meeting along the adjacent highway. They also note that the access route to the site will be provided, in part, via the adjoining Cardiff County Council who are required to be consulted in relation to the proposals. On this point it is noted that Cardiff County Council have been consulted but have not responded to date.

As regards the remainder of the requirements outlined by Highways, it is considered that these can be adequately controlled by the imposition of suitable conditions, including the requirement to increase the width of the access and provide vision splays. It is appreciated that this is likely to involve the removal of some hedgerow, however, this can be for a temporary period and replacement planting can be required following the construction phase.

On the issue of the effect on the Public Rights of Way at the site, the Highway team have made reference to the public rights of way which cross the site, noting temporary diversion or suspension due to the risk of pedestrian/vehicle conflicts. However, the Council's Public Rights of Way team have commented on the application and have not indicated that such action is necessary. Their preference is to keep the Public Rights of Way open and free for use as much as possible, include footpath 5 and 6 which have not been referred to in the supporting documentation. They have requested that the applicant ensure that all affected public rights of way must be kept open and free for use by the public at all times. Should a temporary closure be required to assist in facilitating works then an order should be sought under the Road Traffic Regulation Act 1984.

Thus it is considered that there should be no long term, permanent adverse impact on the public rights of way in the area. Temporary measures may be required and it is considered sufficient to attach an informative to any consent advising the developer of his obligations in relation to the public rights of way, including the requirements under the Road Traffic Regulation Act 1984, and to maintain contact with the Council's PROW team.

Thus the development is considered to be acceptable in terms of highway and pedestrian safety, in accordance with Policies COMM8, ENV27 and REC12 of the UDP.

Ecology/biodiversity

On the issue of ecology and biodiversity, relevant local policies include Strategic Policy 1, ENV10, ENV11, and ENV16 of the UDP, plus the SPG on Biodiversity and Development. These follow national guidance including PPW and TAN5- Nature Conservation and Planning. PPW notes that biodiversity must be taken into account in determining individual applications, with the effect of a development on the wildlife of an area being a material consideration. Paragraph 5.5.2 of PPW states:

“When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.”

It will be noted from the details submitted with the screening request, 2014/01467/SC1, that the initial scheme has been reduced in scale, with the field that included a local SINC and Flood Risk Zone B, being omitted from the current proposal. The application is accompanied by an ES, with Chapter 5 of Volume 1 and the technical appendices in Volume II, including ecology surveys, covering the potential impact on ecology and nature conservation. The Ecological Survey has been undertaken by Clarkson & Woods Consultants, dated May 2015. This outlines the potential impacts of the development and makes recommendations for mitigation. In summary this concludes that:-

“The proposed development will result in adverse impacts upon a number of ecological receptors ranging from County to Site level of ecological value. Avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced as far as possible. Habitats of highest ecological importance (trees, hedgerows and ponds) are due to be retained and recommendations made for additional hedgerow creation, which will ensure that the favourable conservation status of badgers, bats, dormice (if present), great crested newts and reptiles can be maintained both within the local area and on the site. Assuming the successful implementation of the measures described the scheme can be considered in line with planning policies MG19 and MD10.”

Policy ENV16 of the UDP relates to protected species and states that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:- (i) there are exceptional circumstances that justify the proposals; (ii) there is no satisfactory alternative; and (iii) effective mitigation measures are provided by the developer. This is supported by the Council’s SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 (‘habitat regulations’). This requires the establishment of a system of strict protection, with derogations allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the ‘three tests’) (TAN5, 6.3.6).

The ES identifies that a number of European Protected Species are present, or there are existing habitats which make it likely that they will be present, both within and around the site. The habitats include ponds and hedgerow, and the species include, great crested newts, dormice, bats, badgers and otters. As such a Habitats Regulations derogation licence will be required from NRW. Initially NRW raised an objection to the proposal on the grounds that the ES did not contain sufficient information in relation to the conservation of great crested newts and dormice, and included a series of discrepancies in the submitted documents. Clarification was required in respect of the results of the great crested newt survey; the timing of works; habitat availability and connectivity; surveys for dormice; and potential impact on otters from drilling. On the Landscape and Ecological Management Plan they recommend that it include the great crested newt method statement, and set out details for ecological advice and supervision. However, following the receipt of additional ecology information, including an addendum to the ES; revised LEMP dated 13 October 2015; and clarification letter from Clarkson & Woods dated 14 October 2015; they have now removed their objection to the proposed development. This is subject to the imposition of a suitably worded condition to secure mitigation for great crested newts, dormice, otters and water voles, and to include the timing of works, as set out in the revised LEMP and ES addendum.

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

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

As outlined in the justification section of this report, and evidenced by the supporting documents, including the ES, the proposal is of local and national importance. The solar farm would make a contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases in accordance with the government's aims relating to climate change, and energy security benefits. In addition it is noted that it is reversible, with proposals for the removal of the panels and the restoration of the land after 25 years. These are all important considerations that should be given considerable weight in the overall planning balance. As such the proposal is considered to be of overriding public interest of a social and economic nature that offers long-term benefits of primary importance.

Test ii) - There is no satisfactory alternative

The accompanying ES has explored possible alternative sites, and the need for the development in relation to the production of renewable energy and action on climate change, which itself could have harmful impacts on ecological and biodiversity interests. The ES points out that solar farms, by their nature, are best located in the countryside. It is considered that this evidence is sufficient to conclude that there is no satisfactory alternative, and the alternative of not developing the solar farm is not acceptable.

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.

As regards this third test, it has already been noted that NRW have confirmed that they no longer have an objection to the proposal subject to certain conditions. In addition the Council's Ecology team have not raised any objections but recommend two conditions to prevent a negative impact on protected species and to enhance biodiversity. The first condition requires a method statement, detailing means of working to prevent/minimise impact of great crested newts and other species, is agreed and implemented. The second requires the full implementation of the LEMP. NRW's requested condition is similar, requiring mitigation for great crested newts, dormice, otters and water voles, which should include the timing of works as set out in the revised LEMP and ES addendum. On the basis of the above, there should be no detriment to the maintenance of the favourable conservation status of species present.

Thus subject to the implementation of the proposed mitigation and enhancement measures the proposed development will not result in detriment to the favourable conservation status of the species concerned. As such it is considered that the proposal meets all three tests for derogation, and is in line with local and national policy, guidance and regulations, including, policy ENV16 of the UDP, the Council's SPG on Biodiversity and Development, and national guidance contained in TAN5 - Nature Conservation and Planning and the Conservation of Habitats and Species Regulations 2010.

Residential and general amenity

Another issue relates to the likely impact on the amenity of the neighbouring properties. To date representations have been received from the occupiers of Llys y Celyn, Drope Road and Church Cottage, St Georges Super Ely. These relate primarily to highway issues and visual impact, which have been considered above, and do not raise specific concerns relating to residential amenity.

The nearest residential neighbour to the proposed solar arrays is 'Fford Cottage' approximately 160m to the west. It is considered that there should be no significant adverse impact from the operation of the solar farm on the occupiers of that property or any other neighbour in the vicinity. This includes any issues of noise or general disturbance, or relating to glint and glare. It is most likely that the greater impact of the proposal, particularly in respect of any noise or general disturbance, will arise during the construction phase. Indeed this is recognised by the Council's Environmental Health section, who note the potential to affect residential properties some distance from the site during the construction phase. Therefore recommend that construction and piling operations are limited to prevent potential negative impact, and have suggested a number of conditions to prevent any nuisance, which are similar to those suggested by the Council's Highway section. As already noted it is anticipated that the construction phase will last for a period of around three months, and the application is accompanied by proposals to minimise any harm through the Construction Traffic Management Plan. It is not considered that such temporary disturbance would warrant the refusal of the application.

Flood risk

As already noted the site lies within the vicinity of areas of Flood Risk Zone B as defined by the Development Advice Map (DAM) referred to under TAN15-Development and Flood Risk. NRW have been consulted on the proposal and have advised that, given the nature of the development, it is likely to have minimal impact on surface water runoff, and therefore they have no adverse comments. As for the proposed underground cabling, they note that this will cross the Nant y Ffordd which is an ordinary watercourse and, as such, may require a flood defence consent. The Council's drainage engineers have been consulted on this issue, and although they have not responded to date, this will not affect the requirement or otherwise for such a license, which is separate from planning legislation.

Other issues

The Council's Environmental Health section have also referred to the possibility of ground contamination being encountered during the development of the site, although they do not offer any specific reason why this might occur. They have requested a condition be imposed requiring any finds of previously unidentified contamination be reported in writing to the Local Planning Authority, and an investigation and risk assessment possibly being required. On this point it is considered that an informative can be attached to any consent notify the developer of their obligations with regard to possible contaminants.

Another issue relates to the possible impact of the development in respect of glint and glare. On this point it is noted that WG Practice Guidance acknowledges that glint and glare does have the potential to cause viewer distraction. Cardiff Airport have been consulted on the proposal and, following an examination of the proposal from an aerodrome aspect, have advised that it does not conflict with safeguarding criteria, and therefore have no safeguarding objection to the proposal.

The application includes an Environmental Statement (ES) which sets out the results of an Environmental Impact Assessment ('EIA') of the proposed development. This has been carried out due to the nature of the proposal and the location and characteristics of the site. The ES has considered the potential effects of the development. Following the implementation of mitigation measures set out the submitted ES (July 2015), which comprises Volumes 1 and II and its addendums, including the Chapter 5 Ecology and Nature Conservation, figure 7.3 Historic setting, and amended Landscape and Ecological Management Plan June 2015, and the accompanying documents, including the Construction Traffic Management Plan June 2015, it is concluded that there will be some adverse effects, particularly in relation to landscape, cultural heritage and ecology impacts. The ES notes that the applicant has demonstrated a commitment to mitigation measures and these can be secured through planning conditions attached to any permission.

Thus it is considered that the proposal represents an acceptable form of sustainable development that offers social and economic benefits by contributing towards renewable energy targets. The proposal should have no significant harmful impact on the character and appearance of the surrounding countryside, historical or ecological interests, highway safety or the local amenities of the area.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regards to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV26-Contaminated Land and Unstable Land, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, EMP7-Farm Diversification, TRAN10-Parking, REC12-Public Rights of Way and Recreational Routes, COMM8-Other Renewable Energy Schemes, and Strategic Policies 1 & 2-The Environment and 14-Community and Utility Services of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Design in the Landscape, Sustainable Development, Biodiversity and Development, and Trees and Development; and national guidance contained in Planning Policy Wales, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN8-Renewable Energy, TAN12-Design and TAN15-Development and Flood Risk, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which far outweigh any limited adverse visual impact the proposal will have on the character and appearance of the surrounding countryside of the Ely Valley and Ridge Slopes Special Landscape Area, and the setting of the Coedarhydyglyn Historic Park and other cultural assets. The proposal should also not result in any significant harmful impact to highway and pedestrian safety, or the general amenities of the area. In addition the proposal should not cause any detriment to ecological interests in the area, nor result in any unacceptable risks to public health and safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents:-
 - Drg. No. Q50535_009_01 Rev 01, Site Location Plan, received 22 July 2015;
 - Drg. No. Q50535_008_02 Rev 02, Site Location Plan with Proposed Layout, received 22 July 2015;
 - Drg. No. Q50535_001_16 Rev 16, Planning Drawing, amended plans received 14 October 2015;
 - Drg. No. P50535_004_03 Rev 03, Elevations, received 22 July 2015;
 - Drg. No. P50535_005_01 Rev 01, Access track details, received 22 July 2015;
 - Drg. No. P50535_005_02 Rev 02, Typical sections, received 28 July 2015;
 - Drg. No. P50535_007_02 Rev 02, Inverter Housing details, received 30 July 2015;
 - Drg. No. Q50535_003_01 Rev 01, Hedgerow footpath detail, received 22 July 2015;
 - Drg. No. P50535_006_01 Rev 02, Construction Compound details, amended plans received 30 November 2015;
 - Drg. No. Figure 3.1 Swept Path Analysis, received 31 July 2015;
 - Indicative photographs, Temporary Construction Compound details, received 31 July 2015;
 - Planning Statement, dated July 2015;
 - Design and Access Statement, dated July 2015;
 - Environmental Statement, Volume 1 and Volume II, plus addenda, including Chapter 5-Ecology and Nature Conservation, Chapter 7-Cultural Heritage and Archaeology, and letter from Clarkson & Woods dated 14 October 2015;
 - Revised Landscape and Ecology Management Plan (LEMP) dated 13 October 2015;
 - Environmental Statement Non Technical Summary, dated July 2015;
 - Flood Consequences Assessment, dated 14 July 2015;
 - Construction Traffic Management Plan, dated June 2015;
 - Arboricultural Survey Impact Assessment and Draft Tree Protection, dated July 2015;
 - Agricultural Assessment, dated June 2015;
 - Consultation Report, dated July 2015; and
 - Waste Audit Statement, dated 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. Notwithstanding the submitted plans, further details shall be provided to indicate temporary improvements to the proposed vehicular access, which shall include widening of the entrance and part of the carriageway, and vision splays in both directions together with details of any hedgerow removal and proposed replacement. The agreed temporary improvements shall be implemented before the commencement of development and shall be retained for the course of the construction works. Following completion of the construction phase the access shall be restored to its original state, including the replacement of any hedgerow removal.

Reason:

In the interests of highway safety and the character and appearance of the rural landscape in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV27-Design of New Developments and COMM8-Other Renewable Energy Schemes.

4. Notwithstanding the submitted documents a revised Construction Traffic Management Plan shall be submitted to and approved in writing with the Local Planning Authority, and shall provide for additional information relating to the identification of mitigation measures for the control of background traffic. The development shall be implemented thereafter in full accordance with the approved amended Construction Traffic Management Plan.

Reason:

In the interests of highway safety and having regard to the nature of the rural roads in accordance with Policies COMM8-Other Renewable Energy Schemes and ENV27-Design of New Developments of the Unitary Development Plan.

5. No construction work or deliveries associated with the development hereby permitted shall on any Sunday or Bank Holiday, and on any other day except between the hours of 0800-1800 Monday to Friday, and 0800-1300 on Saturday, and any foundation or other piling or drilling works should only take place Monday to Friday between 0900-1700.

Reason:

To safeguard the amenities of local residents in accordance with Policies ENV27-Design of New Developments and COMM8-Other Renewable Energy Schemes of the Unitary Development Plan.

6. The development hereby permitted shall be implemented in full accordance with the recommendations outlined in the submitted ecological information, including the Environmental Statement as amended, the revised Landscape and Ecology Management Plan (LEMP) (version 2.0) prepared by Clarkson & Woods, dated 13 October 2015, and the supporting letter from Clarkson & Woods dated 14 October 2015.

Reason:

In the interests of the ecology/biodiversity of the area in accordance with Policies ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features and COMM8-Other Renewable Energy Schemes of the Unitary Development Plan, plus TAN5-Nature Conservation and Planning.

7. Notwithstanding the submitted landscape information, further details of a proposed landscaping scheme, which shall provide details of tree/hedgerow protection during construction, and supplementary tree/hedgerow planting, including any necessary replacement hedgerow, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the surrounding rural landscape of the Ely Valley and Ridge Slopes Special Landscape Area, and the cultural and historic heritage of the area, including the Coedarhydyglyn Historic Park, listed buildings and Conservation Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Conservation Areas and COMM8-Other Renewable Energy Schemes of the Unitary Development Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, or first operational use of the solar facility, whichever is the sooner, with all new hedgerows and other planting provided as part of the approved landscaping scheme, together with the existing hedgerows and trees, to be managed and maintained for the duration of the life of the solar park in accordance with the approved details, including the approved amended Landscape and Ecological Mitigation Plan referred to at Condition No. 6.

Reason:

To ensure the maintenance of the existing and proposed planting on the site in the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Conservation Areas and COMM8-Other Renewable Energy Schemes of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Conservation Areas and COMM8-Other Renewable Energy Schemes of the Unitary Development Plan.

10. 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, infrastructure and fencing hereby approved shall be 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 one month following the cessation of power production or within 25 years of the completion of construction, whichever is the sooner. The site shall be restored in accordance with the approved scheme within two months of approval of the details by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV17-Protection of Built and Historic Environment, ENV20-Conservation Areas and COMM8-Other Renewable Energy Schemes of the Unitary Development Plan.

NOTE:

- 1. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.**
- 2. 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 Natural Resources Wales in accordance with the aforementioned Regulations.**
- 3. 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.**
- 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. In the event that contamination is found at any time when carrying out the approved development, that has not been previously identified, it must be reported in writing immediately to the Council's Environmental Health Department and Natural Resources Wales. An investigation and risk assessment may need to be undertaken in accordance with the requirements of current guidance. Further details of the advice pertaining to contaminated land matters and pollution prevention can be found on Natural Resources Wales website www.gov.uk/government/collections/pollution-prevention-guidance-ppg.**

- 6. The developer should be aware that as the proposed underground cabling will cross the Nant y Ffordd ordinary watercourse, a flood defence consent may be required. You are advised to contact the Council's drainage engineer for further information, crmoon@valeofglamorgan.gov.uk.**

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

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

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

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

2015/00852/Full

NOTES:

SITE LOCATION MAP
SHOWS LOCATION OF
HOME FARM SOLAR
PANELS IN RELATION TO
LOCAL AREA



- SOLAR PANELS
- EXISTING INFRASTRUCTURE
- BOUNDARIES
- UNDETERMINED CABLE TO SMO CONNECTION



		<p>ADVISED BY LOCAL AUTHORITY</p> <p>DATE: 07/07/15</p> <p>SCALE: 1:200 @ A4</p> <p>PROJECT: HOME FARM</p> <p>SITE LOCATION MAP</p>	
<p>PROJECT NO: 056555_009_01</p> <p>01</p>		<p>DATE: 07/07/15</p> <p>SCALE: 1:200 @ A4</p> <p>PROJECT: HOME FARM</p> <p>SITE LOCATION MAP</p>	

2015/00954/FUL Received on 25 August 2015

Portabella, 1, Pontcanna Street, Cardiff, CF11 9HQ
Nigel Arnold Architect, The Studio, 5, Penarth Head Lane, Penarth, Vale of Glamorgan, CF64 1BB

Former Bryneithin Home for the Elderly, St. Andrews Road, Dinas Powys

Construction of small retirement complex of two and three storey linked cottages and flats with communal resident and guest facilities, parking and garden areas

SITE AND CONTEXT

The majority of the site is located within the defined residential settlement boundary for Dinas Powys. The northern part of the site lies within the Quarry buffer Zone for St. Andrews Quarry.

The site is accessed from the public highway by a tree lined driveway. The site lies to the rear of a primary school to the south west and to the east there is a dwelling and tennis club,

Trees, but not No.14, 1973 and No. 2, 1954 respectively.

The site is elevated above the primary school site and is terraced, sloping from north to south.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent for the erection of 18 residential units. The units would be six two bedroom flats, five three bed units and seven two bed units. The properties would be comprised of three groups of linked properties, generally on a north-south axis, utilising the slope/terracing within the site. There would be both communal and private garden space.

The dwellings would have a maximum height of approximately 8m for the three storey, flat roof units on the eastern part of the site (units 14 to 18) and approximately 6.7m for the part flat/ part pitched roof properties (units 7 to13) . The block of flats would be 1 bedroom units generally with a pitched roof. All properties, including the communal block would have terraces and/or balconies.

The communal building will also be two storeys, located to the north of the site and detached to be used for resident's activities such as classes, exercising, parties etc. and for visitors to stay.

Twenty two parking spaces, plus six visitor spaces and a passing bay, associated access and turning areas are indicated within the layout.

Access would be via the existing tree lined avenue private drive, that served the former nursing home with visitor parking and passing area along part of its length. There are lighting columns along the drive.



PLANNING HISTORY

2013/00641/PND : Bryneithin, St. Andrews Road, St. Andrews Major, Dinas Powys - Demolition (down to foundation level) of the main building at Bryneithin - Approved 23 July 2013.

1998/00766/REG3 : Bryneithin Home for the Elderly, St. Andrews Road, Dinas Powys - Minor extension to house day care facility - Approved 3 September 1998.

1993/00116/TPO : Bryneithin Old Peoples Home, St. Andrews Road, Dinas Powys - Works to trees as per attached schedule - Approved 18 February 1993.

1991/01319/TPO : Bryneithin Old Peoples Home, St. Andrews Road, Dinas Powys - Remove snags and branches to three Chestnut trees, fell three Chestnuts, crown lift one Lime tree - Approved 5 March 1992.

1983/00694/OBS : Bryneithin Old People's Home, St. Andrew's Road, Dinas Powys - Dev. under Reg 4: Installation of external passenger lift at rear of property - Permittal (OBS - no objections :request conditions) 29 September 1983.

CONSULTATIONS

Dinas Powys Community Council: Strongly object to this proposal for the following reasons:

1. Eighteen dwellings with the majority have two or three bedrooms is an over-development of the site.
2. The site is too isolated from local amenities such as shops, Health Centre etc., and also a considerable distance away from any public transport links such as bus stops and train stations.
3. The access and egress to the site is totally unsuitable for the expected traffic flow to and from the proposed development and, because it has a shared access from the main road with the Church in Wales Primary School, it raises many safety concerns.

Education Section: no comments received .

Highways and Engineering (Drainage): low risk of flooding, ensure permeable paving is used and also a SuDS maintenance plan required,

Dinas Powys Ward Members were notified ,no comments received.

Dwr Cymru/Welsh Water: Require a scheme for treatment of surface water and foul water. Surface and land water to be disposed of by sustainable means.

The Councils Ecology Officer: No comments received.

Environmental Health - Pollution: require contaminated land scheme and investigation reports, recommends limitations on hours for working to reduce noise and nuisance .

Estates (Strategic Property Estates): No objection

Waste Management: No comments received.

Crime Prevention Design Advisor: No objection in principle but offers recommendations to the developer including regarding lighting, surveillance of parking areas.

Highway Development : Have no objection but require details if the proposals will form a gated development, of permanent on site management facilities at all times, require a minimum of 4.8m access ,footway linking to the existing footway along St Andrews Road and appropriate street lighting facilities. The access road into the site is required to be designed with the provision of traffic calming measures (speed cushions) from the junction of the adjacent highway. In addition, give way carriageway markings are required to be provided at the access to the adjacent school car park and lay by. The parking bays within the site to be provided at 4.8m in length and 2.6m in width. A manoeuvring area is required to be provided to the north of the site access road that will allow a 12.0m ridged servicing vehicle to turn within the site. Additionally, the manoeuvring area is required to be supported with the provision of vehicle swept paths. The proposed site plan is required to show the access to the site from the adjacent highway and include visibility splays along St Andrews Road of 2.4m x 25.0m in both directions. The existing vegetation located adjacent to the access of the school car park and lay by is required to be removed in order to increase visibility for both pedestrians and vehicles. Bin stores are required to be located within 30.0m (excluding vertical distances) of all dwellings within the site

Housing Strategy: are happy to keep the 80/20 split on a 35% offsite contribution. This is due to the anticipated high level of service charges for the new apartments.

The figures have been reworked based on the old ACG's. Please see new contribution below.

- 1 bed flat = 16.5% (1 unit)
- 2 bed flat = 16.5% (1unit)
- 2 bed house = 39% (3 units)
- 3 bed house = 28% (2 units)

This equates to 1 x 2 bed Intermediate @ 30% OMV =	£61,473
1 x 1 bed flat ACG £98100 @ 58%	= £56,898
1 x 2 bed flat ACG £120800 @ 58%	= £70,064
2 x 2 bed houses ACG £162200 @ 58%	= £188,152
2 x 3 bed houses ACG £167800 @ 58%	=£194,648
Total	= £571,235

Natural Resources Wales: Do not object and offered advice regarding bat boxes already fixed on site on trees to the east and which should be retained. The site is in a source protection zone for relating to catchment areas for drinking water and works on site should take account of this.

REPRESENTATIONS

The neighbouring properties were consulted on 17 September 2015.

A site notice was also displayed on 17 September 2015.

The application was also advertised in the press on 24 September 2015.

Three letters have been received . One from the adjacent primary school. One from the adjacent tennis club and one from a local resident. Copies are attached as Appendix A. Concerns have been raised in respect of the following:

- Vehicular access, traffic and parking.
- Disruption/safety concerns during construction phase.
- Tree preservation
- Drainage
- Does not provide suitable accommodation for elderly
- The site overlooks the school and neighbouring property.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

Policies:

ENV11	– PROTECTION OF LANDSCAPE FEATURES
ENV16	– PROTECTED SPECIES
ENV26	– CONTAMINATED LAND AND UNSTABLE LAND
ENV27	– DESIGN OF NEW DEVELOPMENTS
ENV28	– ACCESS FOR DISABLED PEOPLE
ENV29	– PROTECTION OF ENVIRONMENTAL QUALITY
HOUS1	– RESIDENTIAL ALLOCATIONS
HOUS2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	– RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS12	– AFFORDABLE HOUSING
REC2	– JOINT PROVISION AND DUAL USE OF FACILITIES
REC3	– PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC4	– PROVISION FOR THE DISABLED AND ELDERLY
MIN7	– BUFFER ZONE

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 relevant, thus 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, parts 4.2 and 4.3.1 in particular

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

Technical Advice Notes:

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

Technical Advice Note 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 (2009)

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
- Trees and Development
- Planning Obligations

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. 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
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)
- Identification of SINC's (2013)
- Open Space Background Paper (2013)
- Plan Preparation and Assessment of Flood Risk (2013)
- Population and Housing Projections Background Paper (2013)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- Vale of Glamorgan Housing Strategy

Issues

The development seeks to build 18 units to be occupied as a 'retirement complex'. Facilities for communal use would also be provided, including a communal house with guest room, cycle store, activity room, lounge and 'tea/coffee' area.

This assessment has therefore been undertaken on the basis that only 18 self-contained residential units are to be built.

The issues to be assessed are the impact of the development on the visual amenities of the area, on highway safety, on protected trees, on the amenities of adjoining occupiers (including the school) and any impacts on or from the nearby quarry.

Principle of the development

The site lies for the majority within the defined residential settlement boundary for Dinas Powys and therefore housing development is acceptable in principle in this location. The scheme meets the requirements of Policy HOUS2 - Additional Residential Development, in this respect and therefore the layout and design falls to be assessed against the requirements of Policies HOUS 8 - Residential Development Criteria and HOUS2 Settlements and ENV27 – Design of New Developments.

The northern most part of the site is within the Quarry Buffer Zone defined in the UDP Policy MIN 7 - Buffer Zones. This was formerly part of the rear garden, parking and 'service' area for the former nursing home. This policy states that "neither residential and similarly sensitive development nor mineral working will be permitted within the buffer zones defined around each existing quarry and any protected mineral resources on the proposals map, unless it can be demonstrated that mineral working would not unreasonably affect sensitive development"

However Policy MIN 10 - Derelict Sites states "the Council will seek to prevent further mineral extraction at the following sites and, where appropriate, will seek to secure restoration and landscaping works;

(x) ST. ANDREWS QUARRY, ST ANDREWS MAJOR"

It is noted that in considering the appeal for a single dwelling closer to the quarry than this site the Inspector concluded that:

"14. There has been no mineral extraction at the quarry between 1982 and 1995, and therefore it is defined as a dormant site, whereby no mineral development may lawfully be carried out until a new scheme of conditions have been submitted to and approved by the mineral planning authority. The Council has listed the quarry a derelict site by virtue of UDP MIN10.

15. In this instance the Appellant has provided evidence of the substantial constraints which are likely to inhibit the quarry from re-opening. These relate to the viability concerns in terms of the mineral content of the quarry, the legal/landownership constraints, environmental issues as well as the restrictive policy now in place and the need to agree new working conditions.

16. In the absence of technical evidence from the Council, I do not consider that the proposed development would be harmed by the mineral workings, where there are significant constraints in relation to the mineral activity re-starting. I therefore conclude that it has not been demonstrated that mineral working would unreasonably affect sensitive development and UDP Policy MIN 7 would not be undermined". (Reference 2011/00952/OUT)

It is therefore considered that, whilst each application must be considered on its merits, the findings of the inspector in relation to minerals policy and quarrying are applicable to this site. The development of one unit and the communal building within the quarry buffer zone is not a constraint to this particular scale, location and form of development and thus is not a reason for refusing consent.

Design

The scheme in terms of design is considered to represent a relatively sensitive approach to development of the site, noting site topography and adjoining land uses. The use of a contemporary design is similarly deemed an acceptable approach. The site is located within the defined settlement, well screened from the wider area, set back off the highway and not within a conservation area. In terms of property within the wider setting, a mixed palette of finishes has been used and thus the use of more contemporary materials is acceptable. It is recommended that the type and finish of materials including any brick, would be subject to sample submission by condition if the scheme is approved.

Two storey, and flat roofed, three storey, development appears an appropriate scale for the location. The layout takes advantage of site topography and appears an appropriate use and layout of the land.

The scheme provides a good quality of amenity space, in both private and communal form, to serve the development.

Tree Preservation Order

Impacts on the trees on site, including those protected by a tree preservation order is minimal. Tree protection, and in particular where the trees along the entrance driveway are concerned, is recommended to be required by condition if approved. The trees covered by the order adjacent to the north east of the site remain unaffected and those along the drive similarly would not be affected by the scheme.

Any works of tree surgery/maintenance to protected trees would therefore require a formal application under those regulations. The trees to be removed to facilitate the development are those on the western and southern boundaries of the site to facilitate the development. There is no objection on visual grounds to their removal and a scheme of landscaping is recommended to be conditioned if approved to further enhance the site, and to protect the amenity of neighbouring properties including the school.

Highway Safety, Access and Parking

The development would be served by the same access that served the nursing home formerly on the site. The access is approximately 5m wide with a 12m, in length, passing bay. There are six visitor parking spaces along the drive and these serve in part as a passing place. Refuse and recycling bays between the trees are also proposed along the drive. Details of their construction would be required to ensure adequate provision for vehicles, that tree roots are not affected and that the design of the surfacing of the parking areas and bays and of any structures or enclosures is acceptable.

Onsite parking should take into account the need to ensure alternative modes of transport are encouraged. Provision for one space and visitor parking are indicated as is bicycle store, to be incorporated into the communal building scheme. The concerns of the school in relation to access are noted. A condition is recommended requiring a scheme for traffic calming at the site entrance adjacent to the school.

Occupancy

In terms of the nature of the occupier, the scheme would be marketed to the over 50's. In this respect, the development is not likely to give rise to school aged children (see Planning Obligations section below). However, given the site is an appropriate location for general market housing, it is not considered necessary to restrict the occupancy of the site through the planning permission.

Ecology

In respect of ecology, the Council's Ecologist has not raised any comments. It is noted that the site has previously been considered by Natural Resources Wales who advise that bat boxes are in place on site, located in trees. Their comments in respect of the current scheme indicate that these boxes should be retained and a condition will be considered to ensure that they are so retained.

Drainage:

There are no issues raised by the scheme noting the previous use and a condition for a scheme of drainage will be required.

Neighbours' Amenity and Privacy

The site is set back from the properties fronting onto St Andrew's Road. The properties to the west (e.g. Swyn y Coed) are approximately 49m away and that to the south east (e.g. Mewslade) over 100m away from the proposed properties. The school to the south is approximately 40m from the properties and set down below the site. To the north eastern boundary of the site is the Dinas Powys Lawn Tennis Club. The amenities of that club are not affected by this residential use noting the previous use of the land was as a nursing home.

Given the level of tree cover remaining on site, the distances to nearest properties and the design of the scheme and subject to screening/enclosure details being conditioned there is not considered to be any adverse impact on the amenities or privacy of adjoining occupiers who currently have a high degree of privacy.

Planning Obligations

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

Following consideration of the proposed development and potential impacts and needs arising from the development, the Council is seeking planning obligations covering the following: -

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 2015, 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 Vale of Glamorgan LHMA (2015) provides the latest evidence, identifying a need for 559 Affordable Housing Units per annum, comprising 331 social rented units and 228 units of intermediate housing, with the latter split between 115 low cost home ownership (LCHO) dwellings and 113 intermediate rented dwellings. In light of the evidence contained within the LHMA and to reflect the high level of affordable housing identified, the Council requires proposals resulting in a net gain of 10 or more residential units to deliver a minimum of 30% affordable housing in Barry, 35% affordable housing in Llantwit Major, Rhoose and St Athan and a minimum of 40% affordable housing elsewhere.

The Deposit Local Development Plan as amended by the 'focused' and 'minor' changes include an amendment to the requirement for affordable housing as part of residential development. In response to representations on affordable housing, the Council commissioned a review of its viability evidence base in September 2014, to take account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in Dinas Powys.

The proposed development is for 100% open market housing, albeit specifically aimed at people aged over 50. There is a need for smaller units for older people to downsize into, as evidenced by the Rural Housing Needs Survey, commissioned by the Council in 2010. The survey found that over 40% of the population in Dinas Powys are pensioner only households and 43.5% of households contain retired people and therefore the housing office are supportive of this proposal, which will deliver much needed older persons accommodation to the Vale.

Whilst the preference in Planning Policy Wales and TAN 2 is that affordable housing should be provided on development sites to create sustainable communities, in this case the Council's Housing department has concluded that it would not be the most appropriate solution given the high service charges payable on a development of this site which would render the dwellings 'unaffordable'. Therefore, an off-site contribution is considered acceptable in lieu of on-site provision. In this case, the economic viability of the development is restricted by the nature of the use (being older persons accommodation) and as such it can only reasonably provide a financial contribution equivalent of 35% affordable housing, which equates to **£571,235** having been calculated on the basis of the equivalent housing mix and level of developer subsidy as follows:

1 x 2 bed Intermediate @ 30% Open Market Value = £61,473

1 x 1 bed flat ACG £98100 @ 58% = £56,898

1 x 2 bed flat ACG £120800 @ 58% = £70,064

2 x 2 bed houses ACG £162200 @ 58% = £188,152

2 x 3 bed houses ACG £167800 @ 58% = £194,648

The Housing department are satisfied with this provision.

Public Open Space

The development for houses (irrespective of who occupies them taking into account the need to ensure open space for all given associated health benefits) creates the need for open space. Noting the site is for older persons there is still a requirement for open space provision. In accordance with the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 Policy REC 3, residential developments should provide 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). Ideally provision should be on site, however if not provided in full on site the Council has developed a formula to calculate a reasonable level of contribution for off-site works to mitigate the lack of provision onsite.

This is usually calculated on the basis of £1000 per person of those not catered for through on site provision (based on an average population of 2.28 persons per dwelling). Thus £2280 per dwelling would be required for off-site provision. This equates to **£41,040** in this case which is considered to be acceptable in lieu of onsite provision given the restricted nature of the site and the nature of the proposed 'private' development.

Sustainable Transport:

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

TAN 18 'Transport' was published in March 2007 and paragraphs 9.20-9.23 support the Councils' request for sustainable transport contributions. Therefore, it is considered appropriate to seek contributions to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving new developments. In accordance with the Planning Obligations SPG the Council usually seeks a financial contribution of £2000 per residential unit to provide sustainable transport facilities this accords with the latest guidance contained in TAN 16 (2009). This would equate to **£36,000** in this case, which has been agreed by the developer.

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 Supplementary Planning Guidance requires developments of ten or more residential units to make provision for education contributions, where need is identified based on a lack of capacity in existing schools.

A residential scheme of this number and unit size would usually generate a potential demand for education provision. However, the application has been submitted as a 'retirement' 'older persons' development, thus it is unlikely to yield children of school age. Therefore, a contribution has not been sought in this case.

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.

No provision of public art on the site is indicated on the submitted plans however the agent has indicated that his client accepts the above obligation and would wish to base the contribution on the guidance at pages 25-26 of the SPG, namely £675 per sqm of gross area of built development, to which there is no objection. The gross floor area is stated as 2,224 sqm. This equates to **£15,012**.

Planning Obligations Administration Fee

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher. In this case, it equates **£13,265.74**.

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 ENV11 – Protection of Landscape Features, ENV16 – Protected Species, ENV26 - Contaminated Land and Unstable Land, ENV27 – Design of New Developments, ENV28 – Access for Disabled People, ENV 29 – Protection of Environmental Quality, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria, HOUS 2 Settlements, HOUS12 - Affordable Housing, HOUS13 - Exception Sites for Affordable Housing in the Rural Vale, REC2 - Joint Provision and Dual use of Facilities, REC3 – Provision of Open Space within New Residential Developments, REC4 - Provision for the Disabled and Elderly, MIN7 – Buffer Zones the scheme is considered acceptable in planning terms including in respect of its form, scale, layout and design which are considered not to adversely affect highway safety, protected trees, the visual amenities of the wider area nor the privacy and amenity of adjoining occupiers. There is no adverse impact on ecology nor on protected species.

RECOMMENDATION

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

Pay a contribution of **£571,235** towards the provision of affordable housing in the Vale of Glamorgan.

Pay a contribution of **£36,000** towards sustainable transport facilities in the vicinity of the site. 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 local bus stops, access to areas of public open space, bus service provision serving the development and cycle provision in the vicinity of the site.

Pay a contribution to enhancement or provision of Public open space of **£41,040** in the area .

Provide public art on site integral to the development proposal to the value of **£15,012**.

Pay the sum of **£13,265.74** to monitor and implement the legal agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: site edged red location plan, drawings 39314;AP07A, 16, 19, 20, 21A, 22 and the Tree Information Report and Tree data plan, Design and Access Statement received on 12 August 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. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

4. 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.

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

Reason:

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

6. Prior to the commencement of development details of the finished floor levels of the buildings in relation to existing and proposed finished ground levels shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be built in accordance with the approved levels.

Reason:

In the interests of the visual amenities of the area and the amenity of adjoining occupiers and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

7. Details of a scheme for traffic calming at the site entrance with the school access and of give way carriageway markings shall be submitted to and approved in writing by the local planning authority and the scheme shall be implemented on site prior to the first beneficial use of the site for residential purposes.

Reason:

In the interests of highway safety and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

8. Prior to their construction on site details, including the proposed surfacing, of the passing bay, internal access roads, visitor parking areas and bin and recycling store and details of any buildings or structures for bins or recycling shall be submitted to and approved in writing by the local planning authority and the development of these elements of the scheme shall be completed prior to the first beneficial use of the residential units hereby approved.

Reason:

In the interests of sustainable development, visual amenity and to ensure the trees, including trees protected by a tree preservation order, retained on site are not adversely affected to meet the requirements of Policies ENV11 and ENV27 of the Unitary Development Plan.

9. Full details of a scheme for foul and sustainable surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved schemes shall be fully implemented in accordance with the approved details at the time of the development.

Reason:

To ensure the public sewerage system is not adversely affected and a unsustainable form of surface water drainage is implemented to ensure compliance with the terms of Policies ENV29, ENV27 and HOUS8 of the Unitary Development Plan.

10. The communal building shall be completed in accordance with a phasing scheme which scheme shall have been submitted to and approved in writing prior to the commencement of development and the building shall only be used for the purposes specified in the application .

Reason:

To ensure the timely provision of the facilities to serve the development and to control the nature of the uses on site to meet the requirements of Policies ENV27 and Strategic Policy 1 of the Unitary Development Plan.

11. Notwithstanding the submitted details, details of parking on site for disabled parking and on site turning for service vehicles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking and on site turning 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 and turning is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or means of enclosure other than as approved under condition 13 below shall be erected, constructed, improved or altered on site without the prior consent of the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area, neighbours' amenity and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Details of the means of enclosure, including any gates, 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.

14. 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, mud and airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

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

Reason:

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

16. Details, including the location of all existing bat boxes on the site and of any additional boxes shall be submitted to and approved in writing by the local planning authority and the existing bat boxes shall not be removed from the site and any additional boxes shall be installed prior to the first beneficial use of the site for residential purposes and shall be so retained on site at all times.

Reason:

In the interests of ecology on site and to safeguard protected species to meet the requirements of Policy ENV16 of the Unitary Development Plan.

NOTE:

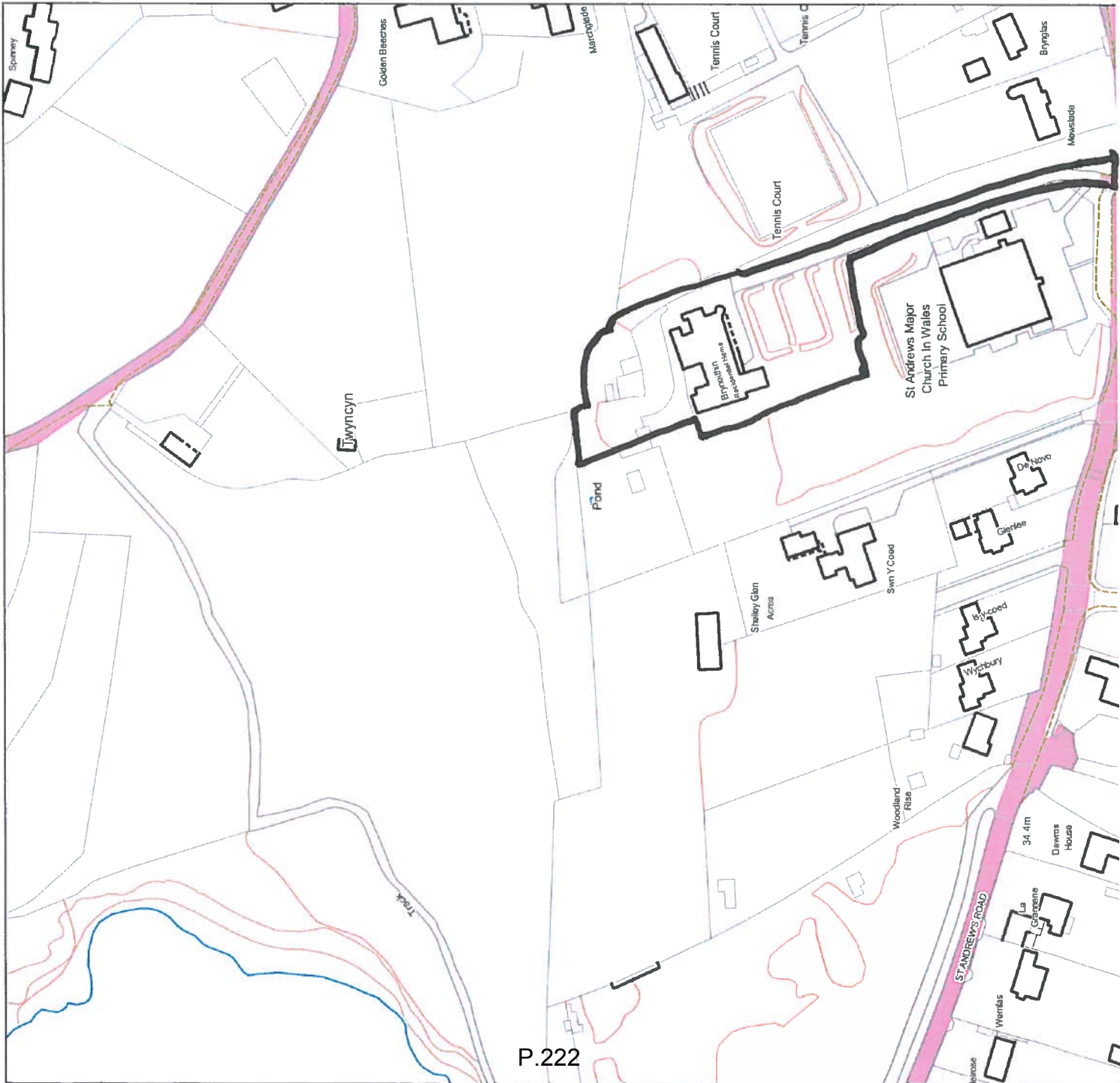
1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **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.





St Andrews Major Church in Wales Primary School

St Andrew's Road, Dinas Powys,

Vale of Glamorgan, CF64 4HB

www.standrewsweb.com

standrewsmajorps@valeofglamorgan.gov.uk



Dear Mrs Croft,

2nd October 2015

Subject: Planning Application Details for: 2015/00954/FUL

I am writing on behalf of St. Andrews Major C/W Primary School, Dinas Powys in relation to the planning application to build a small retirement complex on the Bryneithin plot in Dinas Powys. We note that the school is listed under "Neighbours" but were surprised to discover that it is not listed under "Consultees".

As head teacher and governing body, we have responsibility for a significant community of pupils, staff and parents, guardians and visitors. We have particular responsibility for their health and safety as well as the overall present and future best interests of the pupils in terms of learning opportunities.

You should note that it was at the instigation and campaigning of the governing body that the 20mph speed restriction was introduced along St. Andrews Road.

The Bryneithin demolition and subsequent development potentially has a huge impact on our learning community, in particular in the following areas:

- Vehicular access by road during the construction phase (the impact upon safety, parking and access for pedestrians, staff and parents). The access to Bryneithin from St Andrews Road is a particular danger spot where pedestrians cross. It also adjoins the exit from the school car park and drop-off lay-by;
- Vehicular access by road after the construction phase (the impact upon safety, parking and access for pedestrians, staff and parents);
- Traffic congestion;
- Parking congestion. Contractor/subcontractor parking around the school has had a significant impact upon road and pedestrian safety in the past during the development of the houses diagonally opposite the school (a smaller development);
- Noise during the construction phase (its impact upon the St. Andrews learning community);
- Site access during the construction phase (potential interest and access by pupils to the site from outdoors – subsequent constraints on play and outdoor learning);
- Accident prevention measures to safeguard the school population and premises during the construction phase;
- Tree preservation and felling – the visual and aesthetic impact upon the area as well as the privacy of the members of the school community post development;
- Quarry access – pupil safety.

'A' 2015 / 00954 / FU

The Governing Body has a legal obligation to ensure the health and safety of the school population. We have grave concerns about access to and from the site both during and after construction. For this reason, we would request that representatives of the governing body be included amongst the consultees and that the above points for concern are formerly addressed as part of the consultation process.

Yours sincerely,



Mrs G Hallett
Headteacher



Mrs S Jenkins Welch
Chair of Governors

RECEIVED
05 OCT 2015

Payne, Adrienne J

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 01 October 2015 13:21
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00954/FUL

New comments have been received for application 2015/00954/FUL at site address: Bryneithin Home for the Elderly, St. Andrews Road, Dinas Powys

from Mrs kathleen curtis [REDACTED]

Address:
3, merevale, cf64 4hs

Comments:

I write as Chair of Dinas Powis Tennis Club the committee of which has no objections to the application. We would wish to liaise with the developer on the removal and pruning of trees which are close to our boundary and tennis courts. We would also need to be reassured that any drainage from the development does not affect the club site particularly around the courts close to Bryneithin. Should the application be passed we hope that the construction work would not harm the courts in any way.

Case Officer:
Mrs. J. M. Crofts

RECEIVED

01 OCT 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 25
ACK:

Payne, Adrienne J

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 27 September 2015 16:27
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00954/FUL

New comments have been received for application 2015/00954/FUL at site address: Bryneithin Home for the Elderly, St. Andrews Road, Dinas Powys

from Mr John Bullivant [REDACTED]

Address:
Swan Y Coed, St Andrews Rd, CF64 4HB

Comments:
The plan does not meet the expectation for providing suitable accommodation for the elderly especially those suffering from dementia. There is insufficient attention to mobility by foot or buses, upper floors access, & care support on site.

⊙, dwellings & communal buildings require enforceable covenants & formal governance arrangements with the Council, Vale or Dinas Powys to provide safeguards for ongoing use & support of the residents & wider community to maintain the commitment to "meeting the care & support needs of older people in the Vale of Glamorgan"

The developer will need, with Western Power, to ensure continuity of electricity service to ur house

Site overlooks the school and our home; the houses should be better screened to limit their view of the school grounds; the orientation of the windows would be better angled to the NW

Case Officer:
Mrs. J. M. Crofts

RECEIVED

28 SEP 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 13
ACK:

2015/01030/FUL Received on 1 September 2015

Mr W.D. Johns-Powell, Court Farm, Bonvilston, Vale of Glamorgan, CF5 6TR
Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan,
CF5 6TR

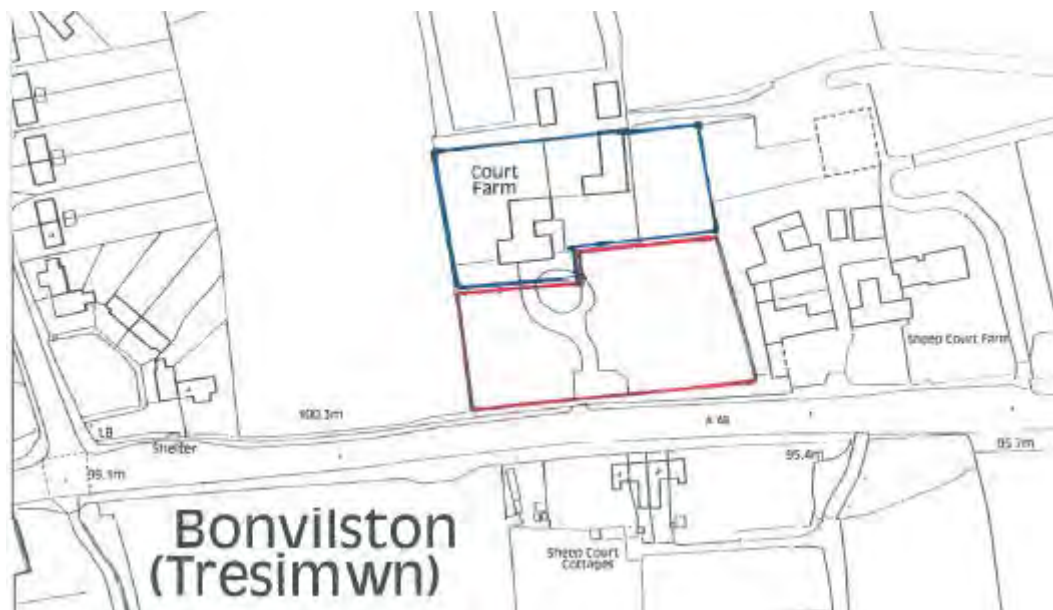
Court Farm, Bonvilston

Proposed four detached dwellings

SITE AND CONTEXT

The application site as edged red relates to land to the front and south of an existing dwellinghouse known as Court Farm. The existing dwelling and annexe building lie to the north of the A48, and are set back off that highway by a distance of over 40m. The north and west of the dwelling is bound by agricultural land, whilst the eastern boundary lies next to Sheepcourt Farm, former agricultural buildings that have been converted to residential use.

Vehicular access to the site is off the A48 via an existing gated entrance.

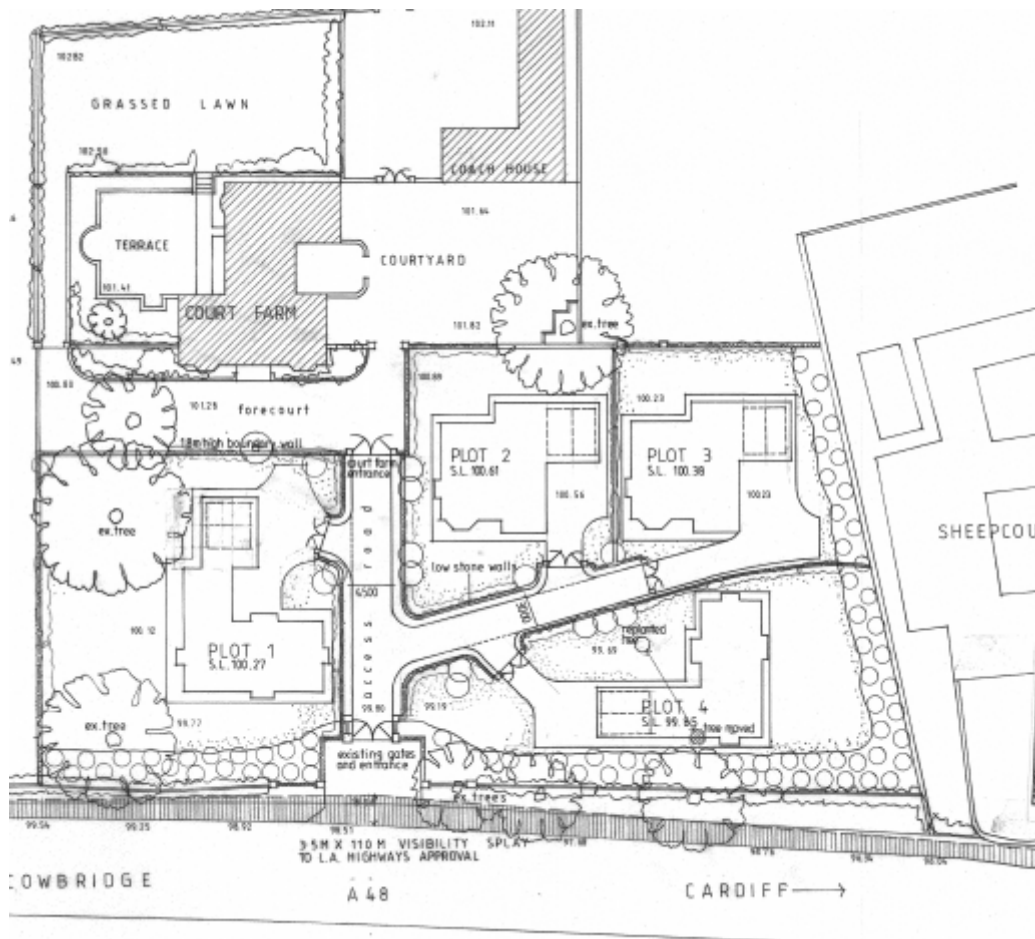


The site lies in the countryside a distance of over 70m to the east of the residential settlement for Bonvilston as identified in the Unitary Development Plan. The site is also located within the Bonvilston Conservation Area and just to the north of the Nant Llancafarn Special Landscape Area on the opposite side of the A48. In addition there are existing trees on the site which are covered by a Tree Preservation Order TPO No. 8 1973.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of 4 No. detached houses on land to the front and south of an existing detached dwellinghouse and annexe building. The land which is described as 'garden' within the supporting documents is proposed to be sub-divided into four plots:-

- Plot 1 will be sited immediately to the front and south of the existing dwelling. It will accommodate a two storey, four/five bed dwelling with integral garage on an 'L'-shaped footprint.
- Plots 2 and 3 will be sited to the immediate south and east of the existing dwelling and its courtyard access to the rear coach house. The two two storey, four bed houses will have the same square footprint with double integral garages to the side.
- Plot 4 will be positioned to the south of plots 2 and 3 along the south eastern frontage of the site with the A48. It will accommodate a two storey, five bed dwelling with integral garage on an 'L'-shaped footprint.



The design of the dwellings includes 3 individual schemes, with plots 2 and 3 being identical. All follow a traditional approach with gable pitched roofs, gabled dormer features, and external chimney stacks. In all cases the main ridge height of the dwellings is over 9m in height. (It should be noted that there is a discrepancy in the scale of some of the plans.) The proposed external finishes include natural slate, stonework and render.

Vehicular access is proposed via the existing entrance gates off the A48. A new internal access drive of 4.5m will be formed from the existing gate to a new gate to the existing dwelling, where a new forecourt approximately 7.5m in depth will be formed to the south. Plot 1 will also be accessed off this road. To the east of this road a new 3m wide driveway will be created to give access to plots 2, 3 and 4.

New internal boundaries between each plot will be enclosed by stone walls.

The application is accompanied by a Design and Access Statement (DAS) and an Arboricultural Report prepared by Cardiff Treescapes.

PLANNING HISTORY

There is a considerable history of applications relating to the site, including:-

1985/00958/LBC - Demolish chimneys and part of the dwelling – Approved 7 January 1986.

1986/00318/LBC - Demolition of a detached two storey dwelling-house of natural stone, render and whitewash finish, with a natural slate roof – Approved 3 June 1986 subject to tree protection.

1986/00421/FUL - Construction of new 4 bedroom dwelling to replace existing house on same site - Approved 1 July 1986 subject to conditions relating to amended plans, tree protection and driveway laid out and surfaced.

1989/01248/FUL - Renovate existing outbuilding to form a games/hobby room and extend to form a double garage - Approved 6 November 1989.

1990/00629/FUL - Erection of a kitchen utility room and garage - Approved 29 June 1990.

1991/00147/OUT - Land forming the eastern part of current application site - Residential development & access roads - Refused 16 April 1991 on the grounds of unjustified dwellings in a countryside location; sufficient provision of sites for Housing for Senior Management; and the proposal would not preserve or enhance the character or appearance of the Bonvilston Conservation Area.

1995/00246/FUL - Erection of sitting room, study, utility room & garage extension - Approved 5 May 1995.

1996/00639/FUL - First floor bedroom and bathroom extension and amendment to previously approved sitting room and study - Approved 15 November 1996 subject to conditions, including amended plans; extension not a separate dwelling unit; and materials to match.

1997/00993/FUL - Conversion and extension to an existing outbuilding to provide a games room - Approved 7 November 1997 subject to the games room being incidental to the main dwelling.

1999/00519/FUL - Construction of games room - Approved 18 June 1999 1997 subject to the games room being incidental to the main dwelling.

2006/01354/FUL - Extension of existing property with proposed conservatory - Approved 23 November 2006.

2006/01355/FUL - Extension of existing games room with single storey stable block, housing three horses and hay store - Approved 23 November 2006.

2007/00264/FUL - Alteration to existing stable block approval 2006/01355/FUL - Approved 18 April 2007 subject to conditions, including, consent shall only relate to the stable block; and removal of permitted development rights for alterations.

2105/01147/TCA – Remove and replant Oak tree – No objection 29 October 2015.

Tree Preservation Order – TPO (No. 8) 1973, including Ash, Yew, Oak, Sycamore and Wych Elm.

Adjoining application site

2015/00960/FUL – Development of 120 homes including affordable homes, new vehicle, pedestrian and cycle access, improvement works to Pendoylan Lane, regrading of site, drainage, landscape works, provision of public open space, demolition of existing modern timber stables and all associated works – Yet to be determined.

CONSULTATIONS

St Nicholas with Bonvilston Community Council – Refusal recommended on the grounds that it represents gross overdevelopment of the site; when considered together with application 2015/00960/FUL it adds up to 124 properties; and the need is not considered adequate.

Dwr Cymru/Welsh Water – Requested that a condition be attached to any permission requiring no development commence until a drainage scheme is submitted and agreed by the LPA. The scheme shall provide 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. They also request the inclusion of advisory notes relating connection to the public sewerage system.

Glamorgan Gwent Archaeological Trust – Advise that the proposal will require mitigation.

Although there are no designated sites within the proposed development area, it is located immediately adjacent to the protected line of the Cardiff-Neath Roman Road. In addition previous archaeological investigations have encountered roadside structures as well as burial remains.

They therefore recommend that a condition be imposed on any consent requiring a programme of archaeological work be undertaken before the commencement of development.

The Council's Legal, Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – Concerns over the potential for road noise from traffic to cause disturbance within the curtilage and inside the proposed development. Therefore recommend any living room/bedroom windows facing the road has suitable glazing to satisfy WHO guidance for night time noise.

The Council's Highway Development Team – Consulted on 15 September 2015. Requested clarification over the nature of use of the coach house, with no final comments provided to date.

The Council's Highways and Engineering (Drainage Section) – Note that the site is in an elevated position compared to the converted barns to the east and therefore important that it will not have a detrimental effect in terms of flood risk.

In relation to the drainage it is indicated that infiltration techniques are the preferred method of surface water disposal, and porosity tests may be needed to ensure the site is viable. The drainage strategy shall be designed to a 1 in 100 year design event, plus 30% for climate change. A SuDs Management Plan should be submitted and care taken to ensure that underground assets are not disturbed. In view of this they recommend a condition on any consent requiring no development until a detailed drainage scheme is approved.

The Council's Ecology Team – No comment.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 15 September 2015. In addition the application was advertised in the press and on site on 24 September and 2 October 2015 respectively.

To date representations have been received from the occupiers of 'The Quad' and 'Sheepcourt Farm Cottage'. These are available on file to view in full. However, in summary they raise concerns over, loss of privacy, loss of light and overshadowing exacerbated by the higher ground levels on the application site; increased noise; and Court Farm would be absorbed into the separate extensive planned development.

In addition the applicant has submitted representations highlighting the fact that three of the four houses applied for are on land allocated under MG2 (37) of the Deposit Local Development Plan.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 3 - HOUSING.

POLICY 8 - TRANSPORTATION.

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE.
ENV4	- SPECIAL LANDSCAPE AREAS. (The site lies to the north of the Nant Llancarfan SLA)
ENV10	- CONSERVATION OF THE COUNTRYSIDE.
ENV11	- PROTECTION OF LANDSCAPE FEATURES.
ENV17	- PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION.
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS.
ENV20	- DEVELOPMENT IN CONSERVATION AREAS.
ENV27	- DESIGN OF NEW DEVELOPMENTS.
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY.
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT.
HOUS3	- DWELLINGS IN THE COUNTRYSIDE.
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.
HOUS11	- RESIDENTIAL PRIVACY AND SPACE.
TRAN10	- PARKING.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, Chapter 2 of Planning Policy Wales Edition 7, 2014 (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, 4.4.3, 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 6.1.1, 6.1.2 and 6.5.17; and Chapter 9-Housing, including paragraphs 9.2.13, 9.2.22, 9.3.1, 9.3.2, 9.3.4 and 9.3.6.

Technical Advice Notes:

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

- TAN12 – Design, including paragraphs 2.6, 5.6.1, 5.6.2, and 5.11-Housing design and layout.
- TAN10 - Tree Preservation Orders, including paragraph 18.

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 including Policies 1, 2, 3, 4, 5 and 6, relating to respect/regard for existing character and landscape features.
- Bonvilston Conservation Area Appraisal and Management Plan.
- Design in the Landscape Design in the Landscape SPG (DG12 – Urban Edge and DG13 – Rural Settlements)
- Trees and Development SPG, including 6.1.1 and 7.1 which note that the effect on trees and the overall landscape is a material consideration.
- Model Design Guide for Wales including paragraph 1.1 and objective 5-Character and context. This recognises that design is important as it directly affects the social, economic and environmental well-being of places.

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 January 2016.

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

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

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

- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Housing Supply Background Paper (2013).
- Sustainable Settlements Appraisal Review (2013).

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

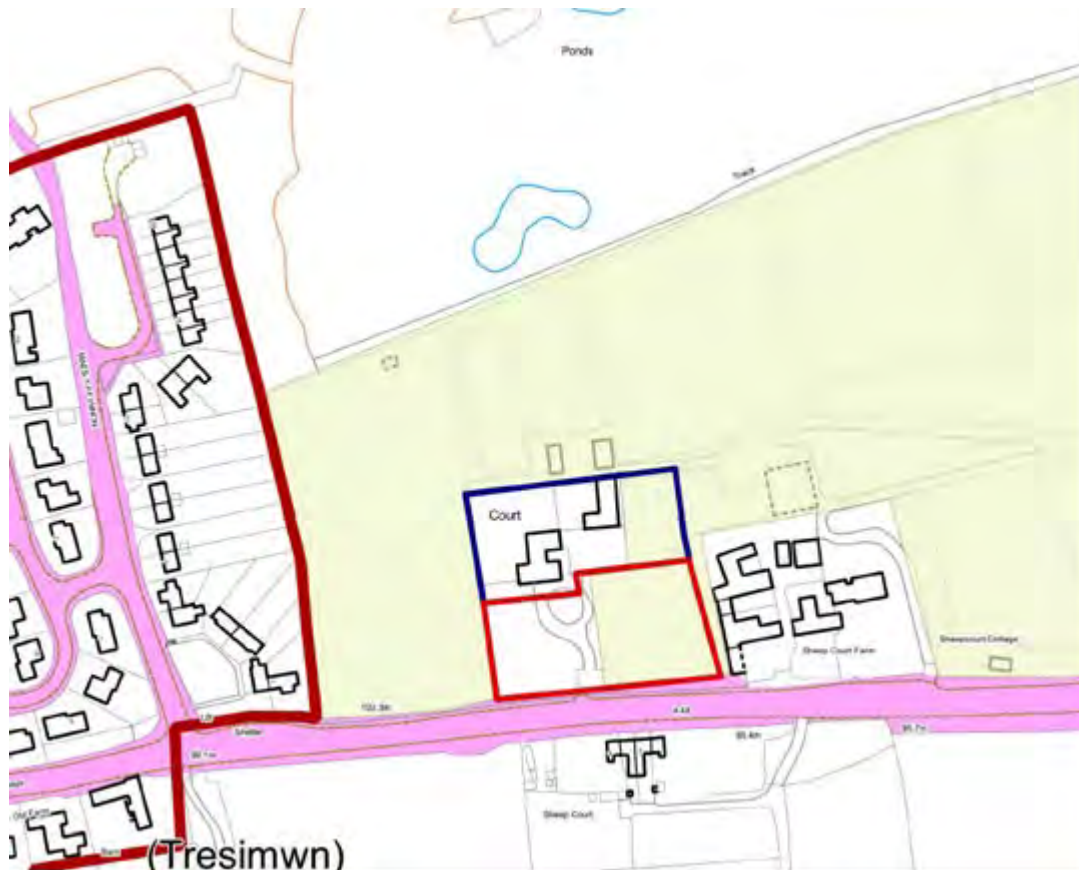
In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification for new housing in this countryside location; the impact the proposal will have on the character and appearance of the Bonvilston Conservation Area and the surrounding rural landscape; the effect on neighbouring and general residential amenities; and highway safety.

Justification

The accompanying DAS notes at paragraph 3a that there is no recent planning history at the subject property relevant to the application. However, it will be noted from the planning history that there is a considerable history of applications relating to the site including a replacement dwelling, construction of a coach house annexe building and stables. In all of these earlier applications the land that is the subject of the current application was not included as part of the authorised residential curtilage. Whilst later applications in the 2000s began to show different parts of the southern land within a red line boundary, no consent has ever been granted for the use of this land as part of the authorised residential curtilage of Court Farm house. Indeed even with respect to the existing gated entrance, although the new gated entrance was shown within plans relating to application reference 2007/00264/FUL, a condition was specifically imposed to clarify that the permission related solely to the erection of the stable block. Thus there is some doubt over the authorised use of the land and the erection of the stone wall and entrance gates.

Notwithstanding this, in policy terms the site is located within the countryside where the policies contained in the Unitary Development Plan (UDP) remain relevant to the assessment of the application. Policies ENV1 and HOUS3 of the UDP restrict the development of unjustified new housing within the countryside. It will be noted from the planning history that an application for the residential development of the eastern part of the current application site was refused in 1991 for a number of reasons including its countryside location.

The accompanying DAS suggests that the application complies with policy HOUS2 and HOUS8 of the UDP. However, whilst Bonvilston is identified as one of the villages where infill, small scale development and redevelopment may be appropriate, the application site does not fulfil the requirements of the policy. Currently 'Court Farm' is one of a number of properties that form a 'ribbon' of development stretching along the A48 outside of the settlement boundary. The site is not the infill of a gap in an otherwise built up frontage, nor does it represent small scale "rounding off" of the edge of the settlement. Indeed the site is located around 70m from the defined residential settlement boundary for Bonvilston. However, as the applicant, the supporting DAS and the Community Council point out, the emerging LDP contains a housing allocation on the outskirts of Bonvilston, which includes land to the north and west of the site, and includes part of the current application.



Plan of the site, UDP settlement boundary and DLDP Policy MG2 (37) allocation area shaded.

Section 38 of The Planning and Compulsory Purchase Act 2004, requires that the Council determine an application in accordance with the development plan unless material considerations indicate otherwise. It is accepted that there is an identified need for housing, and the Council has determined that the allocated site is a sustainable one, and in that respect the supporting evidence for the LDP that has informed its preparation carries some weight given that part of the application site relates to the allocated site. However, the separation of the small parcel of land to the front of 'Court Farm' from the main body of the allocation raises a number of issues in relation to other elements of national guidance, not least of these being the impact on the character and appearance of the Bonvilston Conservation Area which is explored in detail below. Not only could the piecemeal development of this part of the housing allocation affect the conservation area, but it also has implications for the S106 obligations the Council would seek in relation to affordable housing, education, open space, sustainable transport, and other such contributions required to mitigate the impact of the proposed housing allocation. Further the impact on the character and setting of the Bonvilston Conservation Area is more than a material consideration.

Therefore whilst the site may form a more logical development site in principle if the larger MG2 site comes forward for development, at this stage that site does not have planning permission and the weight to be afforded to it as an LDP allocation is limited and does not outweigh the consideration of the application in the context of the relevant UDP Policies.

Design, visual impact and effect on the character of the Conservation Area

Even if the principle of residential development in this countryside location was determined to be acceptable, it is considered that the proposal has a serious detrimental impact on the character and appearance of the Bonvilston Conservation Area and its setting within the rural landscape. Indeed, the effect of the development on the character and appearance of the conservation area and its setting is, as already noted above, more than a material consideration to be weighed in the general balance. Recent case law indicates that such impact requires special consideration, and carries substantial weight in the determination of the application. Relevant policies include ENV17 and ENV20 of the UDP which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. This is supported by national guidance including PPW which states at paragraph 6.5.17:-

“Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The Courts have held that the objective of preservation can be achieved either by development which makes a positive contribution to an area’s character or appearance, or by development which leaves character and appearance unharmed.”

As already noted the site lies within the Bonvilston Conservation Area and the Nant Llancarfan Special Landscape Area lies to the south on the opposite side of the A48. Criterion (i) of policy ENV20 requires that new development should reflect the scale, design, layout, character, materials and setting of those buildings that establish the character of the area. In addition criteria (iii) and (iv) refer to important open space within and adjoining the conservation area, and important trees. In addition policy ENV4 requires that new development within or closely related to SLAs demonstrate that it would not adversely affect the landscape character, landscape features or visual amenities of the SLA. Further the Council’s SPG on Amenity Standards also has policies relating to design and the impact on amenity, including policies 1 and 3, which highlight the need to respect existing character. This is in line with national guidance, with paragraph 9.3.4 of Planning Policy Wales (PPW) stating:

“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.”

In addition paragraph 5.6.2 of TAN12 notes:-

“In areas recognised for their landscape, townscape, architectural, archaeological and/or historic value, such as National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites and conservation areas, the objective of sustaining character is particularly important and context appraisals should reflect this. The general aspects of the “character” objective of good design should be pursued but more detailed information may be needed in relation to key issues.....”

The submitted DAS suggests that the site is of little significance as the existing building is not listed and the neighbouring fields were omitted from the conservation area boundary review. However, the Bonvilston Conservation Area Appraisal and Management Plan identifies ‘Court Farm’ house as a ‘Positive Building’. In addition trees on the boundary and within the site are identified as ‘Significant Tree or Tree Groups’. It should be noted that there is a drafting error in the Appraisal with the property also being identified as a ‘County Treasure’, but this is not the case. The Appraisal also refers to the character of spaces within the conservation area noting that overall it is very spacious and maintains a strongly rural character. In the ‘Summary of Issues’ section the Appraisal also refers to the need to seek future control of applications for new front boundaries, and the overall protection of existing front boundary walls and front gardens. The Appraisal also refers to a number of negative factors that detract from the special character of the area, and which offer potential for beneficial change. Some of these are relevant to the application site, including, poor quality front boundaries with elaborate modern railings, and the need to protect and enhance the rural qualities of the conservation area, including protection of trees.

In assessing the proposal against the above policy and guidance the first issue of concern relates to the position of the development to the front of the existing property. This will result in the existing dwelling and outbuildings becoming a form of ‘backland’ development. In the case of plot 1 this will be directly to the front of the house, which will create a ‘tandem’ development. This is considered a poor form of planning which is recognised as such in national guidance. PPW refers to the unacceptability of ‘tandem’ development, which is described under paragraph 9.2.13:-

“Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas. ‘Tandem’ development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided.”

Such development is considered unacceptable in any situation let alone within a conservation area where the open space to the road frontage is considered an important characteristic of the site. Whilst it is appreciated that there are existing properties to the east of the site that are closer to the road, these are the original farm buildings that have been converted to residential use. In addition their position does not impinge on the setting of 'Court Farm'. In contrast the proposed new dwellings will completely fill the whole of the space to the front with large scale dwellings in a manner that will appear cramped and contrived. The DAS suggests that:-

“..the newly designed properties have been designed to produce buildings, which in scale and massing, sit comfortably in the individual plots. The design elements reflect the domestic character of a number of the adjacent existing dwellings, combining natural stone, painted render block work and natural slate roofing.”

This is not accepted as the proposed buildings do not reflect the character of the neighbouring rural barn conversions or the traditional, small scale terraced houses. Its scale and form is more in keeping with the existing 'Court Farm' house, however, the development then competes for dominance with that property and forms a jarring juxtaposition in the layout. This and the scale of the development will add to the incongruity of the proposal. The importance of design is reflected in both local policies and national guidance. Paragraph 4.11.9 of PPW notes that the visual appearance of a proposed development, its scale and its relationship to its surroundings and context, are material planning considerations, and local planning authorities are advised to reject poor building and contextual designs.

In addition paragraph 5.11.3 of TAN12 states:-

“The design of housing layouts and built form should reflect local context and distinctiveness, 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.”

In relation to the retention of the existing mature trees on the site, which are highlighted in the Appraisal as an important element of the character of the conservation area, it is noted that the proposed layout shows the retention of a number of existing trees and replanting. The application is accompanied by an Arboricultural Report and there has been a recent application to remove an Oak not covered by the TPO, but requiring consent due to its position in the conservation area, reference 2105/01147/TCA. No objection was raised to the removal of the Oak tree and replanting due to its condition. However, it is considered that not only will the current proposal allow for little scope for the replanting of an adequate replacement of similar species, but also it is unrealistic to expect that the existing trees shown to be retained will not be adversely affected by the proposed development.

Even if it could be properly evidenced that they would not be adversely affected, and could be adequately protected during construction, it is considered that the development will impact on their long term health and viability. This is due to their proximity to the proposed houses, and, in some cases, such as plot 1 and 2, where they dominate the area of proposed garden space. It is very likely that there would be pressure from future occupiers to remove the trees to improve their living conditions or minimise potential damage to their property.

Notwithstanding this, the Council's Tree Officer has raised concerns over the likely impact of the proposal on the existing tree coverage, and notes that the submitted tree survey does not account for or acknowledge the TPO on the site. In addition the submission is lacking in detail as there is no Tree Impact Assessment and Method Statement to fully inform the actual impact of the development on the important existing tree coverage on the site. It is considered that the loss of the existing tree coverage would have a significant adverse impact on the character of the conservation area.

Thus it is considered that the proposal represents an inappropriate and incongruous form of development that would reduce the spaciousness of the existing property. The proposal would result in the loss of the open space to the front of the existing dwelling, considered important to the character of the conservation area, and create a form of 'tandem' development. In addition it is likely to result in the loss of the important tree coverage on the site. The proposal would serve to urbanise the site and detract from the rural setting of the village and the Nant Llancarfan SLA to the south. DG13 of the Design in the Landscape SPG notes that one of its aims is to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation. The new dwellings would be very different in terms of their siting, proportions and character to the surrounding properties and would be at odds with the prevailing pattern of development. It is considered that the proposal would have a significant adverse impact on the visual amenity of the site and its surroundings, and would neither preserve nor enhance the character and appearance of the Bonvilston Conservation Area, and would be contrary to local policy and national guidance, including ENV4-Special Landscape Areas, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas and ENV27-Design of New Development of the UDP and PPW and TAN12, which notes at paragraphs 5.11.3 that the design of housing layouts and built form should reflect local context and distinctiveness and states at paragraph 2.6:-

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

Neighbouring and residential amenity

In addition to Policy ENV27 of the UDP the Council's SPG on Amenity Standards seeks to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. This is in line with national guidance including 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 and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.”

The submitted DAS indicates at paragraph 7 that the proposed layout allows for adequate amenity space for the proposed houses, and retains ‘Court Farm’ in a generous plot. However, an examination of submitted plans shows this is not the case. Certainly plots 2 and 3 fall considerably short of the Council’s minimum standards for private amenity space of 1m² for every 1m² of gross floor area of the building, as outlined in the SPG. As for ‘Court Farm’ the private amenity space remaining to serve this property would be severely curtailed. In addition, much of the garden spaces will be overlooked by the neighbouring houses. For example ‘Court Farm’ will have direct and immediate views over the garden at plot 1, whilst the private courtyard of the existing house will be directly overlooked from the proposed house at plot 2.

On the issue of privacy it is noted that a neighbour in the adjoining barn conversion has raised this as a concern fearing that it will erode their current levels of privacy to their kitchen, living areas, garden and driveway. Due to the contrived nature of the layout there is no direct overlooking of habitable room windows, however, the size and scale of the proposal is such that it will certainly affect perceived overlooking.

In addition, the neighbour makes reference to the application site being on an elevated position to the barns of around 2m. This will increase the sense of overlooking and will also have some impact on loss of light and contribute to the overbearing nature of the development so close to the boundary. The neighbour also refers to the affect the development will have on the ‘currently peaceful location’. Indeed the contrived ‘backland’ nature of the development will contribute towards this, with none of the proposed properties having a traditional road frontage.

As such it is considered that the proposal will give rise to an unacceptable degree of harm to the living conditions of the existing residents, and provide a poor quality for the future occupiers which would be contrary to policy HOUS11 of the UDP which seeks to protect existing residential areas characterised by high standards of privacy and spaciousness from overdevelopment and insensitive or inappropriate infilling and the Council’s approved Amenity Standards SPG.

Highways

The Council’s Highway Development team have not provided any formal comments to date. Despite this it is considered unlikely that there would be an in principle highway objection. The existing access, although it appears to be unauthorised, does provide for visibility splays along the A48. It is considered unlikely that the intensification of the use of this access by an additional four households would cause such a detriment to highway safety that would justify a refusal. However, it is possible that increased splays or other improvements may be required, which would further exacerbate the adverse impact of the existing gated entrance and boundary referred to in the Conservation Area Appraisal.

Other issues

On the issue of archaeology the Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, have advised that there is an archaeological interest on the site and the proposal will require mitigation. They have recommended that a condition be imposed on any consent requiring a programme of archaeological work be undertaken before the commencement of development.

In relation to the drainage of the site, Welsh Water have requested that a condition be attached to any permission requiring no development commence until a drainage scheme is submitted and agreed by the LPA. The Council's own drainage engineers note that the site is in an elevated position compared to the converted barns to the east and, as such, it is important that it will not have a detrimental effect in terms of flood risk. They have suggested that a SuDs Management Plan should be submitted and care taken to ensure that underground assets are not disturbed.

The Council's Environmental Health section have also commented on the proposal and raise some concern over the potential for road noise from traffic to cause disturbance within the curtilage and inside the proposed development. They recommend suitable glazing to mitigate such impact.

Finally, the DAS suggests that the provision of the housing will help towards the shortfall of housing supply identified in the Housing Supply Background Paper to the emerging LDP. However, it is considered that any benefit that could be derived from the provision of four new sustainable family homes does not override the significant harm the proposal will have on the character and appearance of the Bonvilston Conservation Area. Indeed, as already noted the LDP identifies a residential allocation of 120 houses for Bonvilston which includes part of the current application site. As the Community Council point out, the development of the current application site separately from the LDP allocation will introduce an additional four dwellings. Whilst Strategic Policy 3 of the current UDP recognises that demand for new housing will not only be met by allocated sites, it is considered that the current proposal does not represent an appropriate or acceptable form of residential development.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV1-Development in the Countryside, ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV20-Development in Conservation Areas, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, HOUS11-Residential Privacy and Space, TRAN10-Parking, Strategic Policies 1 and 2-The Environment, 3-Housing and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Design in the Landscape, Trees and Development and the Bonvilston Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, TAN10-Tree Preservation Orders, TAN12-Design, and the Model Design Guide for Wales, it is considered that the proposal represents a cramped and incongruous residential proposal that will create a 'backland' form of development, having a significant detrimental effect on the character and appearance of the site and its surroundings, which includes the spaciousness of the site, and its important tree coverage. As such the proposal would neither preserve nor enhance the character and appearance of the Bonvilston Conservation Area. In addition the proposal would have an unacceptable adverse impact on the residential amenities currently enjoyed by the occupants of existing properties.

RECOMMENDATION

REFUSE (W.R.)

1. The proposal represents an unjustified residential development in the countryside that would appear to be a cramped, contrived and incongruous form of development, that will have a significant detrimental effect on the character and appearance of the site and its surroundings, including the spaciousness of the site, and its important tree coverage. As such the proposal would neither preserve nor enhance the character and appearance of the Bonvilston Conservation Area. It is therefore contrary to Policies ENV1-Development in the Countryside, ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV27-Design of New Developments, HOUS3-Dwellings in the Countryside, HOUS11-Residential Privacy and Space, and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape, Trees and Development and the Bonvilston Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, TAN10-Tree Preservation Orders, and TAN12-Design.

2. The proposal would have an unacceptable adverse impact on the residential amenities currently enjoyed by the occupants of existing properties and provide inadequate privacy and amenity for the future occupiers of the proposed dwellings contrary to Policies ENV27-Design of New Developments, and HOUS11-Residential Privacy and Space of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales, TAN12-Design, and the Model Design Guide for Wales.

1501030 FUL

2015/01030/FUL

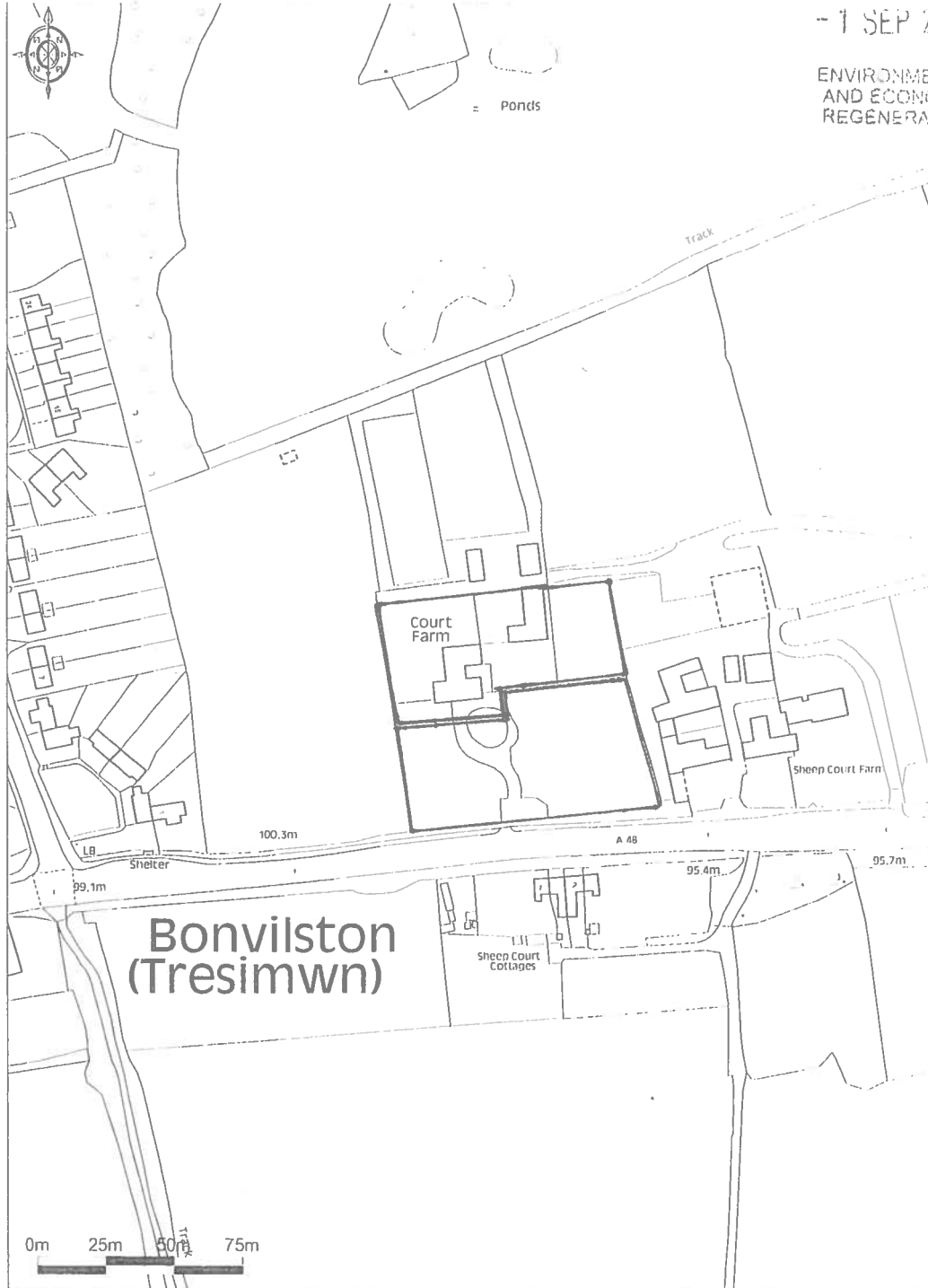
Court Farm, Bonvilston, Vale of Glamorgan, CF5 6TR

Site Plan – Scale 1 : 2,500

RECEIVED

- 1 SEP 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



Promap

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License number 100022413 Plotted Scale: 1:2500

2015/01163/FUL Received on 15 October 2015

Mr. & Mrs. G. Davies, Keeperes Cottage, Lower Porthkerry, Porthkerry Road, Rhoose, Vale of Glamorgan, CF62 3BX

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

Keeperes Cottage, Lower Porthkerry, Porthkerry Road, Rhoose

Proposed alterations to existing house and outbuildings

SITE AND CONTEXT

The application site is Keeperes Cottage, Lower Porthkerry Farm off Porthkerry Road. The cottage forms a part of a historic complex of farm buildings associated with Lower Porthkerry Farm. It is located in the open countryside to the east of Cardiff Airport.

The original (thatched roofed) Lower Porthkerry Farmhouse dates to the 17th Century, with a later stone built two-storey extension and barns built in-line with the house. The two-storey stone extension is divided; with the western section part of the farmhouse and the eastern end forming Keeperes Cottage.

Keeperes Cottage is constructed of local stone walls, a Welsh slate roof and has relatively modern timber casement windows and doors in dressed stone surrounds. A single-storey in-line barn extends to the east, set down from the house. The house, barns and outbuildings are currently disused and in a poor state of repair. A section of the outbuildings attached at an 'L Shape' to the east of the barns has recently collapsed.

The dwelling at Keeperes Cottage is expressly referred to within the listing documentation associated with Lower Porthkerry Farmhouse and consequently the property is considered listed in its own right. The in-line barn attached to the house would also form part of the Grade II listing.

Keeperes Cottage and barns are shown in the following photograph:



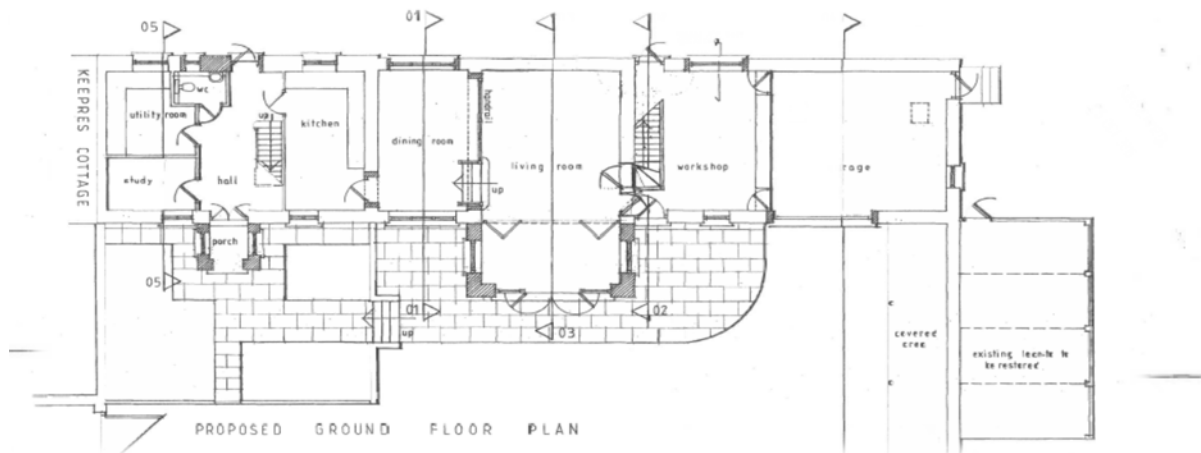
DESCRIPTION OF DEVELOPMENT

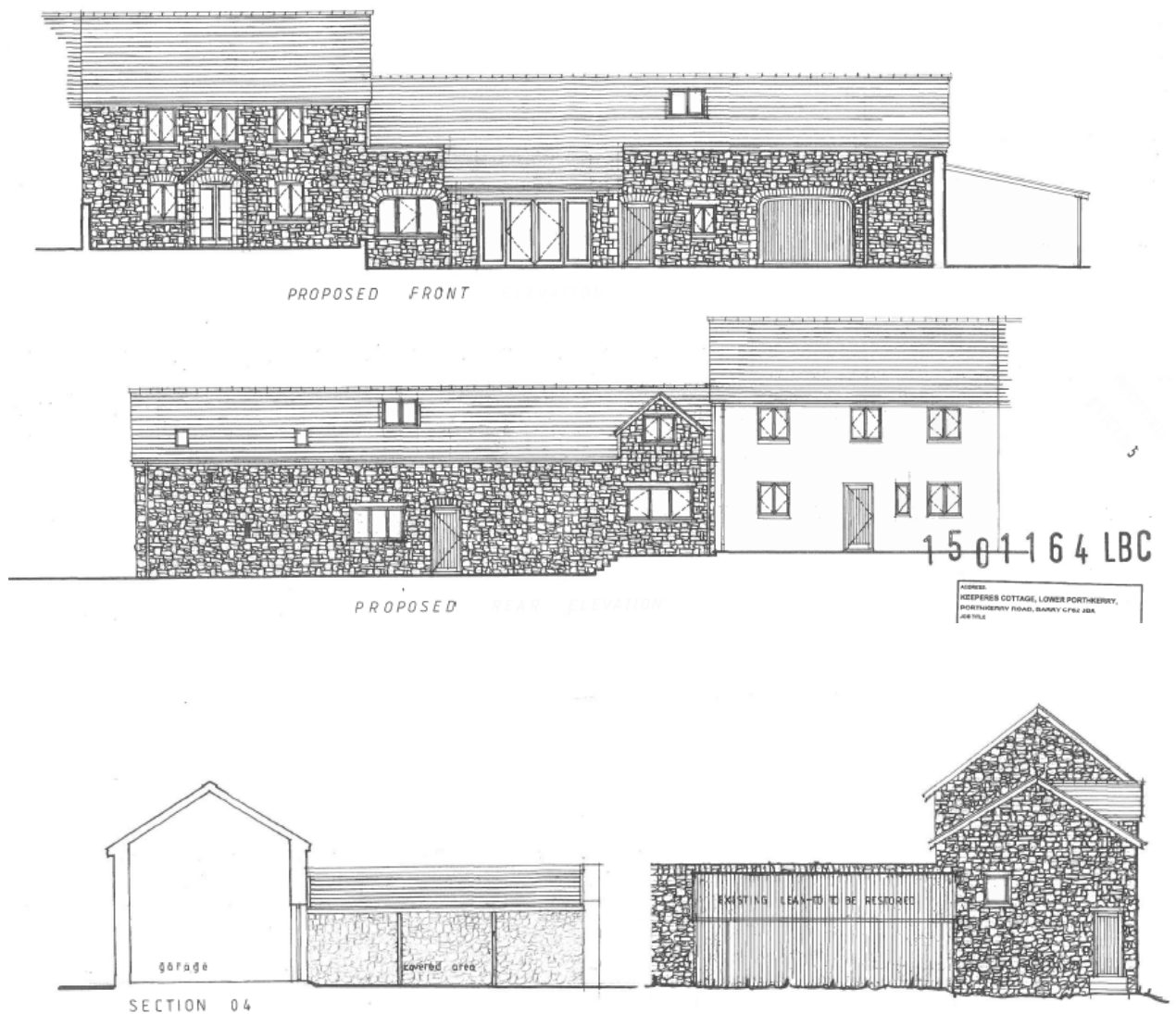
This application seeks Planning Permission for works associated with the renovation of the house and conversion of the barns to form extended residential accommodation, a workshop and garage.

The external works would include:

- A front extension to the barn measuring 5.4m in width and 2.7m in depth.
- Replacement roof to barn, including the raising of the eaves height and ridge line of the barn roof to accommodate an en-suite bathroom to the dwelling and a new mezzanine floor, a rear dormer roof extension and roof lights.
- Removal of a metal garage door and replacement window opening to the rear elevation of the barn
- New window opening to rear elevation of barn
- New garage door opening to front elevation
- Restoration of a collapsed lean to extension
- Further works to the remaining stone wall of the collapsed outbuilding and provision of a new roof covering.
- Replacement doors and new fenestration to dwelling and barns
- Replacement roof to the dwelling (including removal of chimney stack).
- Construction of a porch to the dwelling measuring 1.8m in depth, 2.6m in width and 3.4m in height.

The proposal also includes internal works to facilitate the conversion and provide access from the dwelling into the barn. It is illustrated in the following plan extracts:





PLANNING HISTORY

2015/01164/LBC: Proposed alterations to existing house and outbuildings.

Planning permission was granted for the conversion of an agricultural building (now the dwelling) to provide residential accommodation in the 1980's, but was subject to an agricultural occupancy condition. The building appears to have been occupied for some time as a game-keepers cottage. Whilst a temporary permission to convert the building to office use was approved in the early 90's, the permission does not appear to have been implemented and the building appears to have remained vacant ever since.

Subsequent planning applications have sought to remove the agricultural occupancy condition, however have been refused or withdrawn, and the condition remains extant. It reads:

“The occupation of the property shall be limited to a person employed or last employed locally in agriculture as defined by Section 290(1) of the Town and Country Planning Act, 1971, or in forestry including any dependents of such a person residing with him or a widow or widower of such a person.”

1997/01193/FUL: Keepers Cottage, Lower Porthkerry Farm, Rhoose - Removal of agricultural occupancy condition (80/0527) in respect of Keepers Cottage - Withdrawn 28/01/1998

1996/00927/FUL: Keepers Cottage, Lower Porthkerry Farm, Rhoose - Removal of Agricultural Occupancy Condition (80/0527) - Refused 20/12/1996

1991/01295/FUL: Keepers Cottage, Lower Porthkerry Farm, Rhoose - Change of use to offices for a temporary period of 3 years - Approved 23/06/1992

1980/00527/FUL – Conversion of an existing stone building to provide permanent accommodation for an agricultural worker – Approved 24 June 1980.

CONSULTATIONS

Civil Aviation Authority was consulted on 20 October 2015; no response has been received to date.

The Council’s Conservation Officer was consulted on 20 October 2015; the following response was received:

“OBJECTION

The proposal seeks to make to convert the existing outbuildings into domestic use and to form an opening between the outbuildings and the existing cottage. The change of use is not objected to in principle; however, the alterations proposed are significant and are considered to cause significant harm to the special interest of the listed building.

The proposed drawings indicate the intention to raise the roof considerably in order to allow second floor accommodation. In addition, a projection to the front elevation and a dormer to the rear are proposed. The proposal also indicates the demolition of the existing outbuilding to form a smaller outbuilding and to create a garage within the principal outbuilding. I shall consider each of these points in turn.

The current arrangement shows clearly the relationship between cottage and outbuildings which is demonstrated both in terms of their visual appearance (domestic v functional agrarian) and their size. I note the significant alterations to the building in raising the roof are intended to provide limited accommodation – namely a dressing room and bathroom to, presumably, the principal bedroom with in the existing cottage and a mezzanine floor above the proposed workshop. The increase in the ridge height will have a significant impact on the character of the building increasing its size considerably and diluting the existing relationship between the two buildings which contributes to the special interest of the building.

Notwithstanding my comments above, I note the inclusion of a photograph within the DAS indicating evidence of a higher ridge-line historically. Whilst I can't be certain of this from the photograph submitted the change in mortar would appear to show the same eaves/wall plate height if that is the case.

I further note the need to introduce a dormer window within the proposed bathroom indicating that raising the roof alone is not enough to provide the space for the desired accommodation. Notwithstanding this, the introduction of a dormer window would see an overtly domestic element being introduced in a part of the building that is clearly of agrarian origin. This would, in my opinion, cause harm to the character of the building and, therefore, the special interest of the building.

The proposal also seeks to introduce an extension to the front elevation of the building in order to provide an increased area within the proposed living room. This will, in my opinion, result in the unacceptable loss of a significant amount of historic fabric in order to create the opening and an overly domestic appearance to the barns at odds with its agricultural character.

I note the secondary outbuilding has been much altered with the front elevation indicated as block work construction (although I note this has subsequently been removed) under an asbestos sheet roof (also removed). However, it is unclear why a new garage cannot be incorporated in this part of the site rather than removing a significant amount of historic fabric as proposed.

For the reasons outlined above I am unable to support the proposal.”

The Council's Ecologist was consulted and the following response was received:

“Summary

We object to this application at the current time, for the following reasons:

- *Insufficient information has been provided to allow the LPA to make a fully informed decision with respect to protected species.*

Detailed Comments

We note the lack of ecological supporting information with the application. The house and barn have high potential to support a bat roost, therefore we recommend that the applicant undertake a full bat survey, in line with nationally recognised guidance for bat surveys. European Protected Species such as bats are a material planning condition (PPW) and the results of the survey and any associated mitigation, if required must be available at the planning determination stage.

Recommendations

We would advise that the applicant withdraw the application and resubmit in subsequent year, with the application supported by a bat survey report.”

The Rhoose Ward Councillors were consulted on 20 October 2015; a request was received that the application be heard at planning committee.

REPRESENTATIONS

The neighbouring properties were consulted on 20 October 2015. A site notice was also displayed on 2 November 2015. The application was also advertised in the press on 5 November 2015.

No letters of representation have been received.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

Policy:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
ENV3 – GREEN WEDGES
ENV8 – SMALL SCALE RURAL CONVERSIONS
ENV10 – CONSERVATION OF THE COUNTRYSIDE
ENV16 – PROTECTED SPECIES
ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS5 – AGRICULTURAL OR FORESTRY DWELLINGS
HOUS7 – REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE
TRAN10 – PARKING

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

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

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

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

Planning Policy Wales:

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

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

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 6 of PPW is of relevance in terms of the advice it provides regarding the conservation of the historic environment. The objectives are noted as follows:

“6.1.1 It is important that the historic environment– encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes – is protected. The Welsh Government’s objectives in this field are to:

- *preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations;*

- *ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest".*

Paragraphs 6.5.7 to 6.5.15 relate to listed buildings specifically.

6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

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

3.2.3 Conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.

4.7.1 Planning applications for new permanent and temporary rural enterprise dwellings in the open countryside need to be supported by robust evidence... The appraisal should address the following tests...

- *The financial test to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification. (See paragraphs 4.10.1 - 4.10.3).*

4.10.2 Evidence of actual or potential economic performance will be required. To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator^{23, 24}. A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.

4.10.3 There may be some cases in which the planning circumstances of the site are such that, if a new permanent dwelling is approved, it will be appropriate for the planning authority to consider making permission subject to a condition removing some of the permitted development rights for development within the curtilage of a dwelling house^{25, 26}. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the enterprise can sustain. However, such conditions should only restrict or remove the availability of such specific permitted development rights as are relevant to the circumstances, rather than to be drafted in terms which withdraw all those in a Class.

- Technical Advice Note 12 – Design (2014)

4.8 Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).

5.6.3 Specialist skills are needed to achieve accurate assessment of areas of architectural or historic character. In the design of alterations or extensions to listed buildings, professional expertise is essential to assess the elements which make up the special interest of the building and to achieve a balance between sensitive change and maintenance of integrity.

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
- Conversion of Rural Buildings
- County Treasures
- Design in the Landscape
- CSS Parking Guidelines

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 spring 2016.

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).'

Other Documents:

Welsh Office Circular 61/96: Planning and the Historic Environment

Issues

Principle of the development and the agricultural tie

The Grade II listed building has been vacant for a number of years and is in a fairly poor state of repair; however it is nevertheless considered to still comprise a dwelling and that use has not been abandoned. In addition to the renovation, this proposal seeks to extend and convert disused agricultural buildings within the site for residential use ancillary to the existing dwelling.

The application site falls outside of any residential settlement boundary as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011 (UDP). Therefore, the provisions of policy ENV1 'Development in the Countryside' of the UDP are of relevance, alongside those of ENV3 'Green Wedges'. Both policies are indicative that development will only be granted for appropriate uses including development essential for agriculture or other rural activities, appropriate recreational use, re-use or adaptation of existing buildings (particularly to assist the diversification of the rural economy) or development allowed under other policies of the plan.

In principle, Policy HOUS7 – Replacement and Extension of Dwellings in the Countryside allows for extensions of existing dwellings that comply with the relevant criteria of that policy. The relevant criteria are considered to be:

- (i) *The extended dwelling is not disproportionate in size to the existing dwelling;*
- (ii) *Adequate utility and infrastructure services exist, are readily available or can be economically provided;*
- v) *The scale, siting, design, materials, landscaping and external appearance of the replacement dwelling or extension is compatible with any existing related structures and the surrounding landscape*

The attached in-line barns can reasonably be considered as falling within the curtilage of the existing dwelling. Their purposefulness for modern agricultural use has clearly diminished and their conversion to residential use could be considered acceptable in principle, subject to compliance with the aforementioned criteria of Policy HOUS7, ENV8 and other relevant planning considerations.

However, as detailed in the planning history, the property is subject to an agricultural occupancy condition which remains extant. Therefore in addition to the policies previously outlined, Policy HOUS5 – Agricultural or Forestry Dwellings, is also considered relevant to the determination of the application.

Agricultural dwellings are subject to restrictions of scale to ensure the dwelling remains affordable for an agricultural worker. The proposal seeks to substantially increase the footprint of the dwelling by the incorporation of agricultural buildings, and the restoration of former farm outbuildings which appear to be for domestic use. It is considered that overall, the proposal would result in a dwelling unduly large relative to the needs of an agricultural worker, and highly unlikely to be affordable to those that would comply with the occupancy condition in the future. On this basis, it is considered that the application is contrary to Policy HOUS5 of the UDP.

Whilst the advice at paragraphs 4.7.1 and 4.10.2 of TAN 6 – Planning for Sustainable Communities relates specifically to new dwelling appraisals and the requested financial test, it is clear from this advice (and that at paragraph 4.10.3), that it requires agricultural/ rural enterprise dwellings to be of a size that is commensurate to the needs of the holding, and of a size that has regard to the nature and affordability of the qualifying occupants. The development is therefore also contrary to the advice within TAN6.

It should be noted that much of the site area appears to include farmland that does not have an immediate relationship with the dwelling, yard, or any garden area with an association to the house. This application does not seek consent for an extension to residential curtilage, and therefore the limits of the existing curtilage (or impact of its extension) have not been assessed in this application.

As detailed above, it is considered that the application fails to accord with Policy HOUS5 of the UDP. However, the remaining issues for consideration in the assessment of this application are considered to be the impact of the development on the character and setting of the listed building, the impact on the visual amenities of the wider area and surrounding countryside. The impact upon residential amenity, parking and protected species are also considered.

Design, visual impact – scale of the additions/ HOUS7 issues

Keeperes Cottage and the adjoining Lower Porthkerry Farmhouse are both clearly visible from Porthkerry Road and the surrounding countryside.

The proposal would involve the renovation of the house and conversion of the adjoining barns to form extended residential accommodation, a workshop and a garage. An outbuilding (that has since partially collapsed) was proposed to be partially demolished and replaced with a roof covering; and a previously collapsed outbuilding adjoining the outer side of the rear yard wall restored.

It should be noted that the collapsed outbuilding was a relatively modern addition, in a dilapidated condition and related poorly to the property. Although it was part of the listing, it was not of any particular historical significance and no objection would have been raised to its removal.

The external alterations to the barn, by virtue of raising the wall plate and ridge height by approximately a metre, and introducing a dormer roof extension and front extension, would result in a form of development alien to the rural nature of the barn and would adversely affect its rural character. While the ridge height of this section would remain below the ridge line of the house, it would nevertheless appreciably increase the height of the section, such that, combined with the substantial width, the degree of subservience to the main house would be materially less. It is considered that the resulting dwelling would be disproportionate to the original, in a way that is harmful to its character and the character of the wider area, contrary to Policy HOUS7 of the UDP.

Keeperes Cottage has also been vacant for a number of years and the agricultural building forming and surrounding the yard are disused and in a poor state of repair. The surrounding land appears to still be used for agricultural purposes, and is possibly tenanted. Despite not being currently used, the architectural character of the buildings remains intact and clearly relates to the historic farm complex comprising Lower Porthkerry Farm.

DG13 of the Councils SPG on Design in the Landscape seeks to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation, whilst DG14 notes:-

“Restoration of, or additions to older buildings, whether for agricultural or other uses, should be carried out using traditional materials and should be appropriate in scale with the original complex.”

Thus it is considered that the proposed alterations will appear as overtly domestic and intrusive, not only with regard to the rural character and appearance of the former barn itself, but also within the wider landscape, contrary to Policies ENV8, HOUS7 and the Supplementary Planning Guidance ‘Design in the Landscape’.

In addition, it is considered that the contemporary window detailing, large porch and removal of the chimney stack would further detract from the rural appearance and agricultural character of the buildings, contrary to Policy HOUS7, in particular criterion (v), and Policy ENV8.

Impact on the character of the listed building

The Council’s Conservation Officer was consulted during the course of this application and an objection was raised to the development. An objection was also received from the Ancient Monuments Society to the associated application for Listed Building Consent.

It has been identified in the above assessment that the proposals would have an unacceptably adverse impact upon the rural character and scale of the dwelling. The buildings, despite being vacant for a number of years, have a distinct agricultural layout and the rural character remains intact. The rural character is intrinsic to that of the listed building and its setting; and the adverse impact identified above would also be significant to the character of the listed building.

The alterations would require the removal of a significant amount of the historic fabric of the building and, barring the window to the left hand side, would not resemble the original pattern of openings to the frontage. An extension, relatively large at 5.4m wide and 2.7m deep, would also protrude forwards with the roof line extending below the eaves. The linear character and uniformity of the buildings, resembling a traditional longhouse and defining the yard, would be lost by this bulky addition front of the barn. In addition, the loss of significant sections of sound historic fabric has not been fully justified, other than to facilitate extended residential accommodation and vehicular access.

A photograph of the side elevation of Keeperes Cottage is provided showing a difference in colouration to the mortar that might delineate a taller ridge height to the barns in the past. If this were indeed the case, it does not indicate a taller height to the eaves. The current arrangement of the buildings clearly distinguishes the domestic character of the two-storey dwelling from the attached agricultural buildings, and this would be diluted by increasing the height of the barns.

It is considered that the alterations would erode the characteristic relationship between the dwelling and the in-line barns, resulting in an overly domestic appearance to the complex that would erode the agrarian character of the farm buildings. The scale, design and sheer number of the alterations result in a development that is considered to be insensitive, inappropriate and harmful to the character and special interest of the listed building.

The applicant's desire to renovate and restore the property is welcomed and a residential conversion could provide a positive benefit where it facilitates the restoration and preservation of a historic building. However, it is considered that this could be achieved more sympathetically and without the significant harm that the numerous alterations would inevitably cause.

In addition, whilst the existing timber windows are not historic, their replacement with windows of contemporary panelling and detailing would further detract from the character of the listed building, alongside the addition of a large porch and the removal of the chimney stack. The porch in particular is not a traditional vernacular feature of farm houses within the Vale and this example is considered particularly bulky and so unacceptable in its scale.

In conclusion, the proposal is considered to have a seriously adverse impact on the special character and appearance of the Grade II Listed Building and it is therefore considered that the application should be refused. Recent case law (Bramwell Manor Wind Energy Ltd v Northamptonshire DC 2014) has established that substantial weight should be given to the harm caused to a listed building and that any such harm is a significant material consideration.

The development is therefore considered contrary to Policies ENV17 – Protection of Built and Historic Environment and ENV27 – Design of New Developments and national guidance contained in TAN12 – Design. Having regard to the duty imposed on the Council by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered to neither preserve nor enhance the character or appearance of the conservation area and should therefore be refused permission.

Protected Species

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

- 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.*

ii) There is no satisfactory alternative

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.

In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision (Judicial Review, Woolley vs. Cheshire East Borough Council 2009).

The Council's Ecologist has advised that the buildings, being disused agricultural barns, could potentially be suitable habitats for protected species, in particular as a bat roost, and therefore a survey is requested.

However, no ecological survey has been submitted alongside the application. The local authority is therefore unable to adequately assess the impact of the development upon protected species and discharge its duty under the Habitats Regulations. The onus is on the applicant to demonstrate that there would not be an adverse impact on protected species and in the absence of the necessary surveys, the applicant has failed to demonstrate this.

The application is consequently recommended for refusal for reasons of insufficient information contrary to policy ENV16 – Protected Species of the Unitary Development Plan.

Residential amenity

It is considered that by reason of scale, orientation and distance; that the extensions and alterations proposed would not impact detrimentally upon neighbouring amenity in terms of overbearing or loss of light.

The windows introduced to the barn would generally be at single storey level. The dormer window to the rear roof plane would overlook the rear gardens of Lower Porthkerry Farmhouse at an oblique angle, but would not serve a habitable space within the barn.

There is no clear delineation of amenity space/gardens within the submitted plans, but notwithstanding this, the development would not impact negatively upon any private amenity space to the rear of the dwelling.

The development is considered acceptable in terms of the impact upon residential amenity, for the reasons outlined above, and is considered to accord with UDP Policy ENV27 or the Council's Amenity Standards SPG.

Parking

No clear parking provision is delineated within the submitted plans. However, the property is served by an existing shared access and concrete front yard with ample space available for the parking of vehicles. Therefore the proposal would not impact negatively in terms of parking of highway safety, and be in accordance with Policy TRAN10 of the UDP.

CONCLUSION

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

RECOMMENDATION

REFUSE (W.R.)

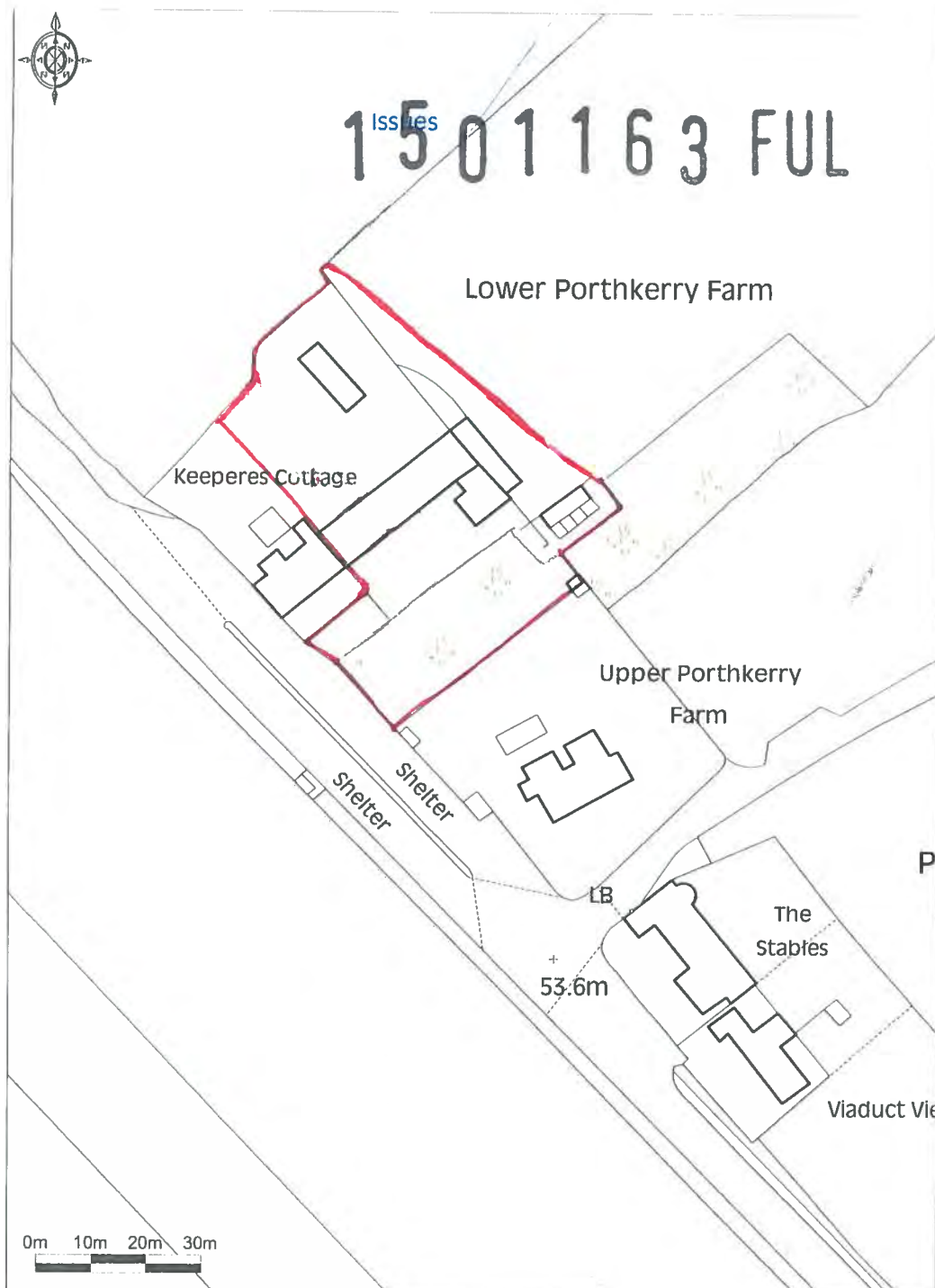
1. The proposed alterations, by nature of their scale, design and domestic appearance, represent insensitive and inappropriate additions to this Grade II Listed Building which would adversely affect the special character and interest of the listed building, the rural appearance of the group of buildings and the wider countryside setting of the site. The development is therefore contrary to Policies ENV8-Small Scale Rural Conversions, ENV17 'Protection of the Built and Historic Environment', ENV27-Design of New Developments, HOUS7- Replacement and Extension of Dwellings in the Countryside, and Strategic Policies 1 & 2-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on The Conversion of Rural Buildings, Design in the Landscape and national guidance contained in Planning Policy Wales, Technical Advice Note 6-Planning for Sustainable Rural Communities and Technical Advice Note 12-Design.
2. The proposed extension to this agriculturally tied dwelling would result in a property that is larger than required to meet the original functional need and would adversely affect the continued viability of maintaining the property for its intended use. The proposal is therefore contrary to Policy HOUS 5 Agriculture or Forestry Dwellings of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice contained within Planning Policy Wales and Technical Advice Note 6- Planning for Sustainable Rural Communities.
3. By reason of the age, structure, type and condition of the building and the absence of an ecological survey to establish whether bats are roosting in the barn, the proposals have failed to demonstrate that bats, which are a European Protected Species, would not be adversely affected by the development. The proposals are therefore considered to be contrary to Policies ENV 16 Protected Species and ENV 27 Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Keeperes Cottage, Lower Porthkerry, Porthkerry Road,
Barry, Vale of Glamorgan, CF62 3XB

Site Plan

Scale 1 : 1,250

RECEIVED
05 OCT 2015



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2015/01164/LBC Received on 5 October 2015

Mr. & Mrs. G. Davies Keeperes Cottage, Lower Porthkerry, Porthkerry Road, Rhoose, Vale of Glamorgan, CF62 3BX

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

Keeperes Cottage, Lower Porthkerry, Porthkerry Road, Rhoose

Proposed alterations to existing house and outbuildings

SITE AND CONTEXT

The application site is Keeperes Cottage, Lower Porthkerry Farm off Porthkerry Road. The cottage forms a part of a historic complex of farm buildings associated with Lower Porthkerry Farm. It is located in the open countryside to the east of Cardiff Airport.

The original (thatched roofed) Lower Porthkerry Farmhouse dates to the 17th Century, with a later stone built a long two-storey extension and barns built in-line with the house. The two-storey stone extension is divided; the western section is part of the farmhouse and the eastern end forms Keeperes Cottage.

Keeperes Cottage is constructed of local stone walls, a Welsh slate roof and has relatively modern timber casement windows and doors in dressed stone surrounds. A single-storey in-line barn extends to the east, set down from the house. The house, barns and outbuildings are currently disused and in a relatively poor state of repair. A section of the outbuildings attached at an 'L Shape' to the east of the barns has recently collapsed.

The dwelling at Keeperes Cottage is expressly referred to within the listing documentation associated with Lower Porthkerry Farmhouse and consequently the property is considered listed in its own right. The in-line barn attached to the house would also form part of the Grade II listing.

Keeperes Cottage and barns are shown in the following photograph:



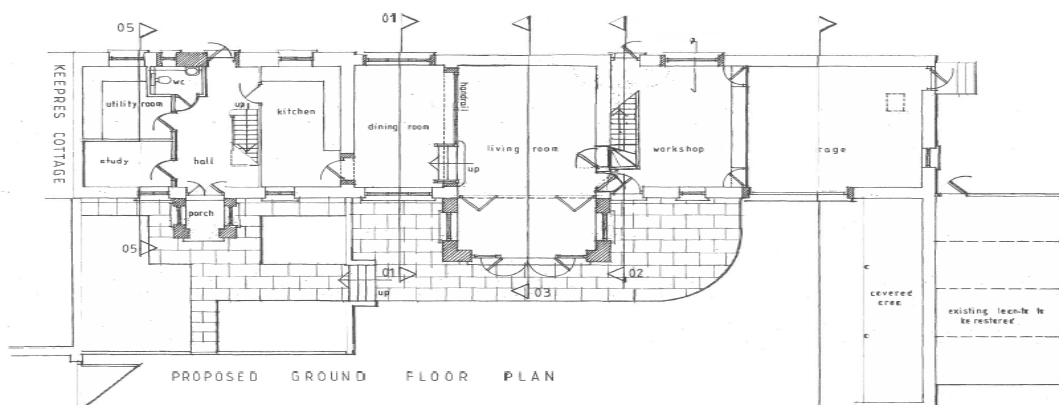
DESCRIPTION OF DEVELOPMENT

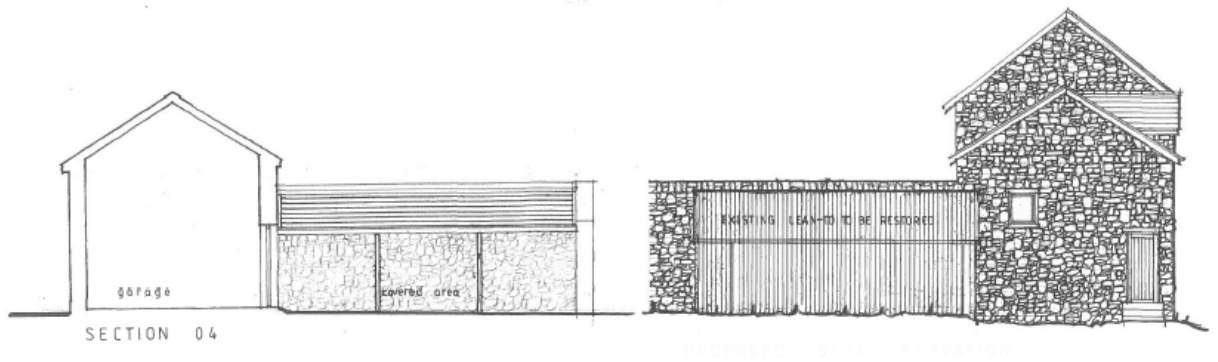
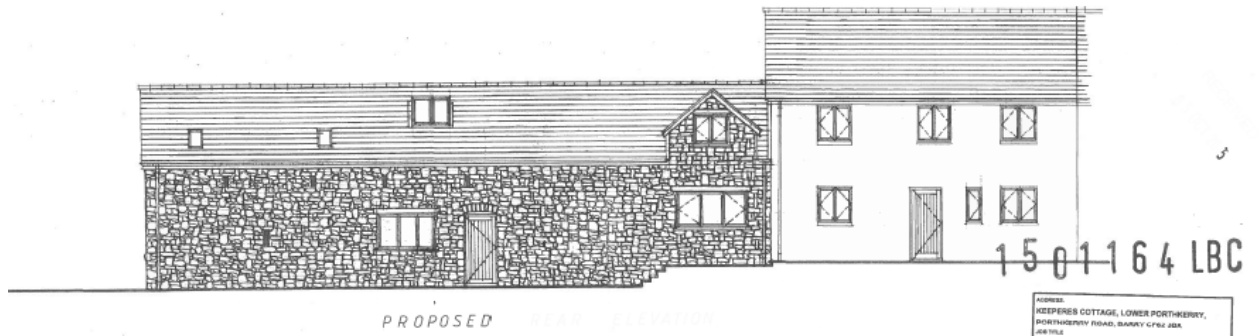
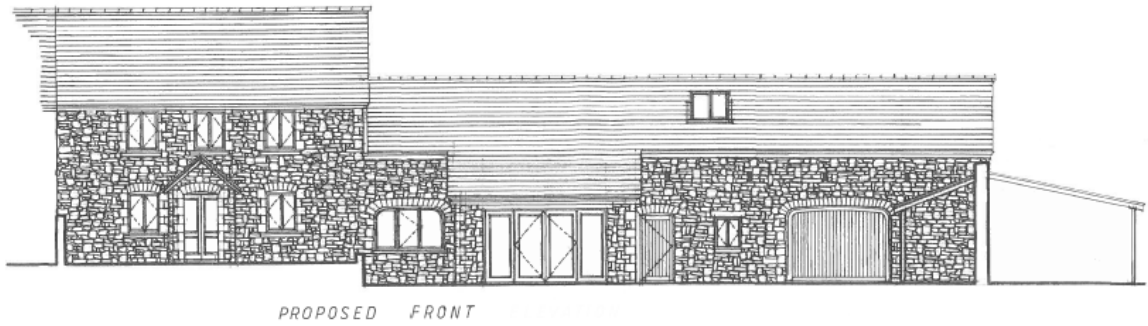
This application seeks Listed Building Consent for works associated with the renovation of the house and conversion of the barns to form extended residential accommodation, a workshop and garage.

The external works would include:

- A front extension to the barn measuring 5.4m in width and 2.7m in depth.
- Replacement roof to barn, including the raising of the eaves height and ridge line of the barn roof to accommodate an en-suite bathroom to the dwelling and a new mezzanine floor, a rear dormer roof extension and roof lights.
- Removal of a metal garage door and replacement window opening to the rear elevation of the barn.
- New window opening to rear elevation of barn.
- New garage door opening to front elevation.
- Restoration of a collapsed lean to extension.
- Further works to the remaining stone wall of the collapsed outbuilding and provision of a new roof covering.
- Replacement doors and new fenestration to dwelling and barns.
- Replacement roof to the dwelling (including removal of chimney stack).
- Construction of a porch to the dwelling measuring 1.8m in depth, 2.6m in width and 3.4m tall.

The proposal would also include internal works to facilitate the conversion and provide access from the dwelling into the barn. It is illustrated in the following plan extracts:





PLANNING HISTORY

Planning permission was granted for the conversion of the agricultural building to provide residential accommodation in the 1980's, but was subject to an agricultural occupancy condition. The building appears to have been occupied for some time as a game-keepers cottage. Whilst a temporary permission to convert the building to office use was approved in the early 90's, the permission does not appear to have been implemented and the building has remained vacant ever since.

Subsequent planning applications have sought to remove the agricultural occupancy condition, however have been refused or withdrawn, and the condition remains extant.

1997/01193/FUL: Keepers Cottage, Lower Porthkerry Farm, Rhoose - Removal of agricultural occupancy condition (80/0527) in respect of Keepers Cottage - Withdrawn 28 January 1998.

1996/00927/FUL: Keepers Cottage, Lower Porthkerry Farm, Rhoose - Removal of Agricultural Occupancy Condition (80/0527) - Refused 20 December 1996.

1991/01295/FUL: Keepers Cottage, Lower Porthkerry Farm, Rhoose - Change of use to offices for a temporary period of 3 years - Approved 23 June 1992.

1980/00527/FUL – Conversion of an existing stone building to provide permanent accommodation for an agricultural worker – Approved 24 June 1980.

CONSULTATIONS

Civil Aviation Authority were consulted on 14 October 2015; no response has been received to date.

Ancient Monument Society was consulted on 14 October 2015; an objection was raised to the development on the following grounds:

- Inaccuracies regarding the listed status of the buildings within the *Design and Access Statement*.
- No *Heritage Statement* has been provided to assess or justify the impact on the character and significance of the listed buildings.
- There is little historical information within the supporting documents.
- The loss of the front elevation and roof suggest that little, if anything, of the historic fabric would survive.

- Further to the above, no justification has been provided in relation to the advice contained within Welsh Office Circular 61/94. The circular suggests that cases where the development would result in total, substantial demolition of the building, or any substantial part of it, should be a last resort, and that consideration should be given to the condition of the building/ feasibility of restoration, the adequacy of previous efforts to maintain it and the merits of any alternative proposals.
- Where the *Design and Access Statement* notes that “new doors and windows are to be painted timber, upvc or aluminium”. Efforts should be made to reinstate appropriate joinery.
- There are no details regarding how the stone is to be restored and areas repainted.

CBA Wales Cymru Listed Buildings was consulted on 14 October 2015; no response has been received to date.

Georgian Group was consulted on 14 October 2015; no response has been received to date.

Society for the Protection of Ancient Buildings was consulted on 14 October 2015; no response has been received to date.

Victorian Society was consulted on 14 October 2015; no response has been received to date.

Royal Commission on Ancient & Historical Monuments was consulted on 14 October 2015; no response has been received to date.

Policy Section (Planning) was consulted on 14 October 2015; the following response was received:

“OBJECTION

The proposal seeks to convert the existing outbuildings into domestic use and to form an opening between the outbuildings and the existing cottage. The change of use is not objected to in principle; however, the alterations proposed are significant and are considered to cause significant harm to the special interest of the listed building.

The proposed drawings indicate the intention to raise the roof considerably in order to allow second floor accommodation. In addition, a projection to the front elevation and a dormer to the rear are proposed. The proposal also indicates the demolition of the existing outbuilding to form a smaller outbuilding and to create a garage within the principal outbuilding. I shall consider each of these points in turn.

The current arrangement shows clearly the relationship between cottage and outbuildings which is demonstrated both in terms of their visual appearance (domestic v functional agrarian) and their size. I note the significant alterations to the building in raising the roof are intended to provide limited accommodation – namely a dressing room and bathroom to, presumably, the principal bedroom within the existing cottage and a mezzanine floor above the proposed workshop. The increase in the ridge height will have a significant impact on the character of the building increasing its size considerably and diluting the existing relationship between the two buildings which contributes to the special interest of the building.

Notwithstanding my comments above, I note the inclusion of a photograph within the DAS indicating evidence of a higher ridge-line historically. Whilst I can't be certain of this from the photograph submitted the change in mortar would appear to show the same eaves/wall plate height if that is the case.

I further note the need to introduce a dormer window within the proposed bathroom indicating that raising the roof alone is not enough to provide the space for the desired accommodation. Notwithstanding this, the introduction of a dormer window would see an overtly domestic element being introduced in a part of the building that is clearly of agrarian origin. This would, in my opinion, cause harm to the character of the building and, therefore, the special interest of the building.

The proposal also seeks to introduce an extension to the front elevation of the building in order to provide an increased area within the proposed living room. This will, in my opinion, result in the unacceptable loss of a significant amount of historic fabric in order to create the opening and an overly domestic appearance to the barns at odds with its agricultural character.

I note the secondary outbuilding has been much altered with the front elevation indicated as block work construction (although I note this has subsequently been removed) under an asbestos sheet roof (also removed). However, it is unclear why a new garage cannot be incorporated in this part of the site rather than removing a significant amount of historic fabric as proposed.

For the reasons outlined above I am unable to support the proposal.”

The Rhoose Ward Councillors was consulted on 14 October 2015; a request was received that the application be heard at planning committee.

REPRESENTATIONS

No letters of representation have been received.

The neighbouring properties were consulted on 14 October 2015.

A site notice was also displayed on 2 November 2015.

The application was advertised in the press on 22 October 2015.

REPORT

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. As such it is considered that the principle issue relates to the impact on the special interest, character or setting of the listed building. Other planning issues and policies cannot inform the decision making process.

Issues

Keepere's Cottage is a Grade II Listed Building situated alongside Lower Porthkerry Farmhouse, both of which are clearly visible from Porthkerry Road and the surrounding countryside.

The proposal would involve the renovation of the house and conversion of the adjoining barns to form extended residential accommodation, a workshop and a garage. An outbuilding (that has since partially collapsed) was proposed to be partially demolished and replaced with a roof covering; and a previously collapsed outbuilding adjoining the outer side of the rear yard wall restored.

It should be noted that the collapsed outbuilding was a relatively modern addition, in a dilapidated condition and related poorly to the property. Although it was part of the listing, it was not of any particular historical significance.

Keepere's Cottage has also been vacant for a number of years and the agricultural building forming and surrounding the yard are disused and in a poor state of repair. The surrounding land appears to still be used for agricultural purposes, and is possibly tenanted. Despite not being currently used, the architectural character of the buildings remains intact and clearly relates to the historic farm complex comprising Lower Porthkerry Farm.

The purposefulness of the barns for modern agricultural use has clearly diminished and the conversion to residential use, in terms of the Listed Building Consent, is not objected to in principle. Indeed, a conversion could provide a positive benefit where it facilitates the restoration and preservation of a historic building. Crucially, however, the nature and scale of the proposed modifications, alongside the loss of a significant portion of the historic fabric, are considered to cause significant harm to the special interest of the listed building in this instance.

The proposal seeks to raise the height of the wall plate and ridge height of the barn roof and introduce a dormer window to the rear elevation. These alterations would accommodate an extension to the first floor area of the dwelling and a mezzanine floor above the workshop. The Conservation Officer was consulted during the course of this application and an objection was raised to the development. An objection was also received from the Ancient Monuments Society. These have been detailed in the consultations section of this report

A photograph of the side elevation of Keeperes Cottage is provided showing a difference in colouration to the mortar that might delineate a past, taller ridge height to the barns. If this were indeed the case, it does not indicate a taller height to the eaves. As reported by the Conservation Officer, the current arrangement of the buildings clearly distinguishes the domestic character of the two-storey dwelling from the attached agricultural buildings, and the relationship would be appreciably diluted by the raising in height of the barn.

It is also proposed to provide a relatively large extension, 5.4m in width, and a new garage door 3m in width to the front elevation of the barn. These alterations would require the removal of a significant amount of the fabric and, barring the window to the left hand side would not resemble the original pattern of openings to the front. The extension would also protrude forwards with the roof line extending below the eaves. The linear character and uniformity of the buildings, resembling a traditional longhouse and defining the farm yard, would be lost by the addition of a bulky extension to the front of the barn. In addition, the loss of significant sections of sound historic fabric has not been fully justified, other than to facilitate extended residential accommodation and vehicular access.

It is considered that these alterations would dilute the characteristic relationship between the dwelling and the in-line barns, resulting in an overly domestic appearance to the complex that would erode the agrarian character of the farm buildings. The scale, design and sheer number of the alterations result in a development that is considered to be insensitive, inappropriate and harmful to the special character and special interest of the listed building.

In addition, whilst the existing timber windows are not historic, their replacement with windows of contemporary panelling and detailing would further detract from the character of the house, alongside the addition of a large porch and the removal of the chimney stack. The porch in particular is not a traditional vernacular feature of farm houses within the Vale and this example is considered particularly bulky and so unacceptable in scale and form.

The applicants desire to renovate and restore the property is welcomed; however this could be achieved sympathetically and without the significant harm that has been identified. In conclusion, the proposal is considered to have a seriously adverse impact on the special character and appearance of the Grade II Listed Building and it is therefore considered that the application should be refused on this basis.

CONCLUSION

The decision to refuse Listed Building Consent has been made with regard to section 16 of the Planning (Listed Building and Conservation Areas), Act 1990. In considering whether to grant listed building consent, this requires the Local Planning Authority to have special regard to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed alterations, by nature of their scale, modern design and domestic appearance, represent insensitive and inappropriate additions to this Grade II Listed Building and would adversely affect the special character and interest of the listed building. The development is therefore contrary to Policies ENV17 'Protection of the Built and Historic Environment' and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, along with national guidance contained in Planning Policy Wales and TAN12-Design.

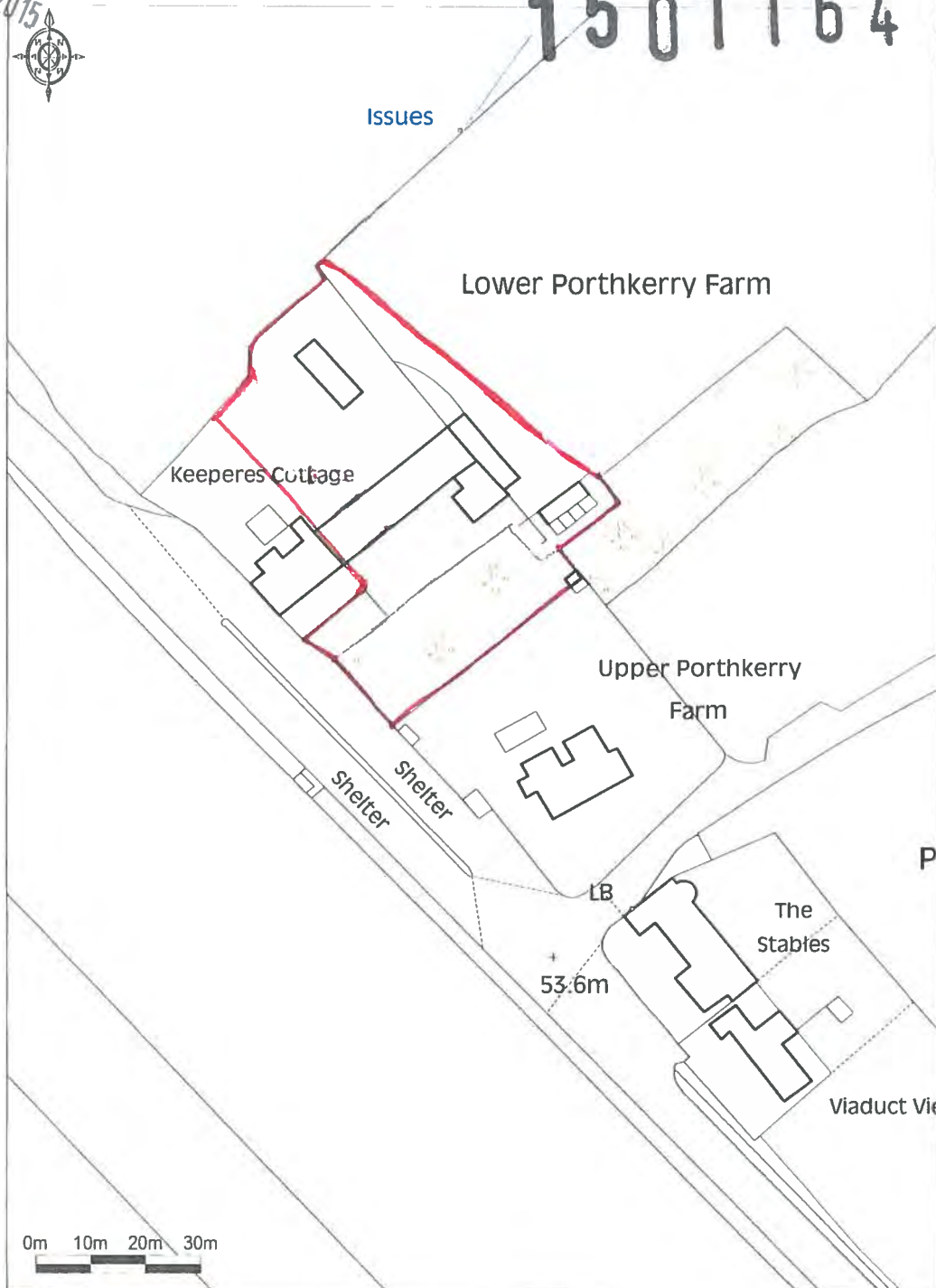
Keeperes Cottage, Lower Porthkerry, Porthkerry Road,
Barry, Vale of Glamorgan, CF62 3XB

Site Plan

Scale 1 : 1,250

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Mr. Anthony Williams 85, Lavernock Road, Penarth, Vale of Glamorgan, CF64 3NZ

Mr. Anthony Williams 85, Lavernock Road, Penarth, Vale of Glamorgan, CF64 3NZ

85, Lavernock Road, Penarth

Proposed single storey extension to side & rear & new double garage

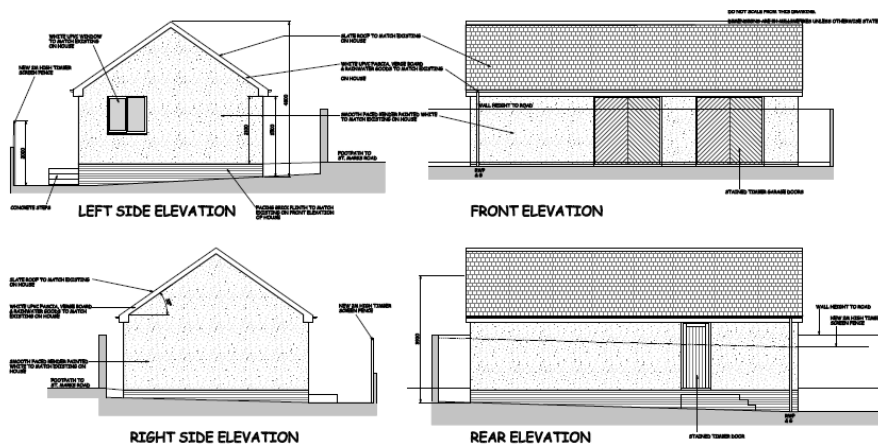
SITE AND CONTEXT

The application site is the rear garden of the semi-detached property of 85 Lavernock Road that sits within a primarily residential area within the settlement of Penarth as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. The property is situated on the corner of Lavernock Road and St Marks Road, with a 2 metre high brick wall fronting onto St Marks Road. Currently the site is laid to lawn with some semi-mature trees and sheds on the site.

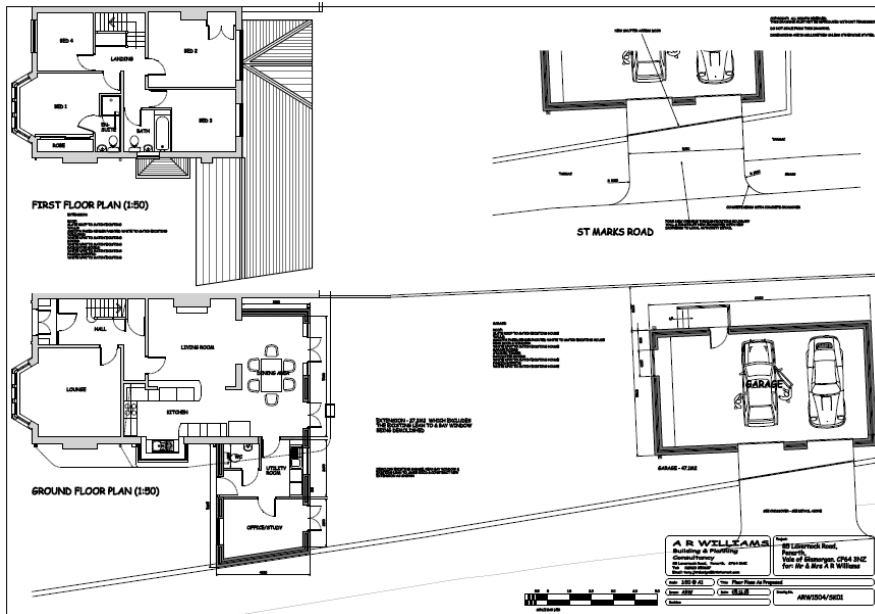
DESCRIPTION OF DEVELOPMENT

The application seeks to demolish the existing garage and single storey rear extension and erect a single storey side/rear extension and a single storey detached garage within the rear garden facing St Marks Road.

The proposed garage would measure 10 metres in width, 5.6 metres in depth with an eave height of 2.7 metres to the rear (2.5 metres to front) and a maximum height of 4.9 metres.



Proposed garage



Proposed Floor Plans

The proposed single storey side/rear extension would measure 11 metres in width (5.6 metres when viewed from front) 4.2 metres in depth at its maximum (3.1 metres on the boundary with No 86 Lavernock Road).



Proposed extension

The extension and garage would be finished in painted render and slate roof to match the finish of the existing dwelling.

PLANNING HISTORY

2015/00157/LAW : 85, Lavernock Road, Penarth - Construct new garage in garden to rear of 85 Lavernock Road and to form new crossover to allow access - Refused 9 April 2015.

2014/01018/FUL: 85, Lavernock Road, Penarth - Proposed new 'Eco' friendly bungalow at rear of 85 Lavernock Road, Penarth - Refused 11 November 2014 for the following reasons:

The proposed dwelling would fail to provide future occupiers with an adequate area and quality of amenity space and as such would represent a substandard form of living environment. As such it is contrary to Policies ENV27 - Design of New Developments; HOUS2 - Additional Residential Development and HOUS8 - Residential Development Criteria of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and adopted Supplementary Planning Guidance 'Amenity Standards' and Planning Policy Wales (7, 2014) paragraph 4.3.1.

The proposal represents a contrived, insensitive and inappropriate form of infill development on a restricted site that would have an adverse impact on the visual amenities and character of development in the area. As such the proposal is considered contrary to policy ENV27 - Design of New Developments, HOUS2 - Additional Residential Development and HOUS8 - Residential Development Criteria of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2012/00061/FUL: 85, Lavernock Road, Penarth - Proposed new 2 storey house on land at rear of 85 Lavernock Road, Penarth - Refused 14 March 2012.

The proposal represents a contrived, insensitive and inappropriate form of infill development on a restricted site that would have an adverse impact on the visual amenities and character of development in the area. The development is of poor design and represents an unneighbourly form of development. As such the proposal is considered contrary to policy ENV27 - Design of New Developments, HOUS2 - Additional Residential Development and HOUS8 - Residential Development Criteria of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The proposed dwelling would fail to provide future occupiers with an adequate area and quality of amenity space and as such would represent a substandard form of living environment. As such it is contrary to Policies ENV27 - Design of New Developments; HOUS2 - Additional Residential Development and HOUS8 - Residential Development Criteria of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and adopted Supplementary Planning Guidance 'Amenity Standards'.

- **This application was subsequently dismissed at appeal- (see appendix A for the appeal decision notice)**

2007/00534/FUL : 85, Lavernock Road, Penarth - Two storey extension to side and single storey extension to rear - Approved 10 July 2007.

CONSULTATIONS

Penarth Town Council was consulted on 17 November 2015. A response received on 30 November 2015 states that the application should be approved.

The Council's Highway Development Team were consulted on 17 November 2015. A response received on 26 November 2015 states that the proposal is acceptable in principle however the garage size would need to be increased, the doors made wider and the boundary wall either side of the garage reduced to provide visibility.

Plymouth Ward Members were consulted on 17 November 2015. A response received on 17 November 2015 from Cllr Clive Williams objects to the proposal and requests the application be determined by planning committee.

REPRESENTATIONS

The neighbouring properties were consulted on 17 November 2015 and a site notice was also displayed on 20 November 2015. Five letters of objection were received from neighbouring properties, their concerns are summarised below:

- Proposed future change of use of garage would result in parking issues.
- Loss of garden space.
- Overdevelopment.
- Scale out of keeping.
- Impact on neighbouring amenity.

REPORT

Planning Policies

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

ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS11 – RESIDENTIAL PRIVACY AND SPACE

TRAN10 – PARKING

Policy ENV27 relates to all forms of new development within the Vale of Glamorgan requiring that they complement local character, meet amenity, access and car parking standards and minimise detrimental impact upon adjacent areas.

Planning Policy Wales (Edition 7, 2014) 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:

National Planning Policy

Planning Policy Wales (7th Edition) – Chapter 4 provides guidance on the principles of sustainable development. Part 4.11 sets out how sustainability should be promoted through good design.

Technical Advice Note 12 – Design – gives advice on the principles of good. Of particular relevance are the following paragraphs:

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

'6.16 The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.'

Supplementary Planning Guidance

Amenity Standards

Issues

The principle issues to consider are the potential impact of the proposals upon the character of the street scene, the impact upon the amenity of neighbouring properties, the provision of amenity space, parking provision and impact on trees.

Impact upon character

The application site relates to a semi-detached property located on the junction with St Marks Road and Lavernock Road, the property is highly prominent in the streetscene and, therefore, any extension on this property is likely to be highly visible.

The proposed side/rear extension would be single storey in scale, set back from the front elevation of the host dwelling and finished in matching materials. Whilst visible, the proposed side/rear extension would be sufficiently subservient to the host dwelling and not out of character with the surrounding built form. Accordingly, the extension is considered acceptable and in compliance with UDP policy ENV27.

The proposed garage would be located to the rear of the site adjacent to the boundary with No. 1 St Marks Road. As aforementioned, an application for the construction of a single storey bungalow at the site was refused under planning reference 2014/01018/FUL. Whilst the current proposal differs in that it seeks to erect a double garage and not a self-contained dwelling, it nevertheless would be of the same footprint, and would be approximately 1 metre taller than the previously proposed dwelling, with a maximum height of 4.9 metres at its highest point. The garage would also be designed with gable ends to the side, unlike the hipped roof refused planning under the previous application. Accordingly, one of the principle objections to the 2014 decision, in terms of the impact on the character and appearance of the area, remain and the increase in scale only exacerbates the harm identified in that case.

Due to the narrowing of the appeal site to the rear of the dwelling, the proposed garage would project fully forward (5.5m) of the existing building line of the neighbouring properties of 1-3 St Marks Road and as such would not respect the existing building line, resulting in the proposed garage being of particular prominence within the St Marks Road street scene, especially being so close to the boundary with the highway (approximately 0.7m at its shortest distance). Whilst the proposal is for a single storey garage, the building would be unusually tall and wide, contributing towards the prominence of the building. The loss of spaciousness mentioned above would be more evident as a result of the 'forward' position of the garage.

Whilst it is accepted that a rear garage may well be a feature in some corner properties, this is not an area within which such development is characteristic. As such, the proposed garage would appear incongruous within the established layout and building lines of the surrounding residential area. In addition to the above, the proposed garage is in an area that is characterised by large detached bungalows in large plots. UDP policy HOUS11 seeks to protect such existing areas of high quality housing from overdevelopment or insensitive or inappropriate infilling. The proposed detached garage, which would fill a large area of the existing garden, would be at a variance to the character of the area and would result in the loss of an area of amenity and trees that provide a positive contribution to the area, in conflict with policy HOUS11.

It is worth noting the Inspector's decision on the matters of "*character and appearance*" in respect of the appeal against the refusal of the 2012/00061/FUL application (see appendix A). Whilst this proposal was for a two storey dwelling, the roof of the proposed building was hipped (unlike that now proposed) and only some 1.3 metres higher than the current proposal. Furthermore, its footprint was smaller in comparison to the proposed garage. In paragraph 12 of his decision the Inspector concluded that the building would be "*easily discernible from the public realm*" and in their view appear "*intrusive and unsympathetic in the street scene*". As such, he concluded that "*the proposal would materially harm the character appearance of this part of St. Mark's Road contrary to the relevant parts of the UDP and PPW*". The Inspector's conclusions in that case are material to the determination of the application subject of this appeal and add weight to the harm identified above.

It is, therefore, considered that the erection of a detached garage of this scale, in this prominent location, set forward from the line of neighbouring properties, represents a visually prominent form of development that would not accord with the character of development in the area and would be harmful to the appearance of the street scene. As such the proposed garage is considered to be contrary to UDP Policies HOUS11 and Policy ENV27 (criteria (i) and (iv)), together with the principles of good design set out in PPW and TAN11.

Impact upon amenity

The proposed single storey extension is not considered to cause any adverse impact on the amenity or privacy of surrounding neighbours given that No 87 Lavernock Road have a single storey extension on the boundary and neighbours at 83 Lavernock Road and properties to the front are separated by a public highway.

The proposed garage would be located 1 metre from the boundary with No 1 St Marks Road, whilst it would result a large structure close to the boundary, given that the garage would be adjacent to the garage and drive at No 1, it is considered that the proposed garage would not cause any significant harm to privacy or amenity of that neighbour.

The proposed garage would be set off the boundary with No 87 Lavernock Road by 2 metres and separated by a 2 metre high fence, whilst there is a difference in the levels between the two gardens (application site set on higher ground) given the boundary enclosure proposed, siting away from the boundary and the proposed roof sloping away from these neighbours the proposal is not considered to result in significant harm to the privacy or amenity to that neighbour.

Overall, it is considered that the proposed garage and extension would not result in any significant direct impact on the amenities of the occupiers of neighbouring properties. In this regard the proposed development does not conflict with UDP Policy ENV27 or the Council's SPG on Amenity Standards.

Provision of amenity space

The proposal would result in the loss of private amenity space serving the dwelling. Notwithstanding the comments above with regard to the impact on the spaciousness of plot sizes that characterises the properties in this area, given the size of the existing garden and the fact that garage would remain incidental to the application site, it is considered that the proposal would allow sufficient amenity space to serve the extended house. Again, there is no conflict with UDP Policy ENV27 or the Council's SPG on Amenity Standards in this regard.

Parking and highway safety

The Council's Highway Engineer has not objected to the proposal in principle but have requested amendments to the scheme, given that the plans being considered do not propose these changes, it is considered that the proposal would cause harm to pedestrian safety. However, should the application be acceptable in all other cases this objection could be resolved by way of condition.

The garages are smaller than the council's parking space standard's, however they could adequately accommodate smaller vehicles and the site has sufficient off road parking to serve the developed.

It was noted in the previous applications that there was sufficient on-street parking available and that St Marks Road was "lightly trafficked". It is considered that the situation has not significantly changed since the time of the appeal and the previous application and there would be sufficient off road parking to serve the development, as such no objections are raised on this matter and the development accords with UDP policy ENV27.

Trees

A number of trees are located within the site of the proposed garage which provide a positive contribution to the character of the area. However, the trees on site do not benefit from any statutory protection. Whilst the loss of these would be regrettable, given the lack of protection it would be difficult to refuse planning permission on this basis only.

Other Matters

Comments from local residents have been noted, concerns regarding parking, amenity space, impact on neighbouring amenity and scale have been addressed within the report. Concerns regarding possible conversion of the garage have been noted. However, conversion of the proposed garage to a dwelling would in itself require planning permission. The application subject of this report does not propose such development.

CONCLUSION

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



Having regard to Policies ENV27 - Design of New Developments and HOUS11 – Residential Privacy and Space of the Unitary Development Plan and adopted the Supplementary Planning Guidance 'Amenity Standards', the proposed garage by reason of its scale and siting, in such a prominent location in the street scene, would appear as a visually incongruous form of development, which would adversely impact upon the visual amenity and characteristic openness of the wider street scene.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed garage by reason of its scale and siting, in such a prominent location in the street scene, would appear as a visually incongruous form of development, which would adversely impact upon the visual amenity and characteristic openness of the wider street scene. The development would, therefore, be contrary to Policy ENV27 - Design of New Developments and adopted the Supplementary Planning Guidance 'Amenity Standards' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.



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	The Vale of Glamorgan Council	
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	Date	1 Dec 2015



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 25/06/12

Site visit made on 25/06/12

gan **Tim Belcher FCII, LLB (Hons),
Solicitor (Non-Practising)**

by **Tim Belcher FCII, LLB (Hons),
Solicitor (Non-Practising)**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 24/07/12

Date: 24/07/12

Appeal Ref: APP/Z6950/A/12/2173514

Site address: 85 Lavernock Road, Penarth, CF64 3NZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Anthony Williams against the decision of the Vale of Glamorgan Council.
- The application Ref 2012/00061/FUL, dated 19 December 2011, was refused by notice dated 14 March 2012.
- The development proposed is a new house on land at rear of 85 Lavernock Road, Penarth.

Procedural Matters

1. Amended plans were submitted with the appeal documentation. The minor amendments set out in those amended plans relate to the external appearance of the dwelling. The Council have raised no objection to the amendments proposed. I have determined this appeal on the basis of those amendments.
2. Not only did I see the appeal site from No. 85 I also viewed it from the adjoining highway and properties/gardens at Nos. 87 & 89 as well as 22 St. Anne's Avenue.

Decision

3. The appeal is dismissed.

Main Issues

4. I consider the main issues in this case are the effect of the proposal on the character and appearance of the street scene; the living conditions of the occupiers of 87 Lavernock Road having particular regard to overbearing impact when viewed from the garden of that property; and the living conditions of the occupiers of the proposed dwelling having particular regard to the quality and quantity of the private amenity space.

Reasons

5. The development plan for the area includes the Vale of Glamorgan Unitary Development Plan (the UDP). I have been referred to various policies¹.

¹ Policies 1, 2, ENV27, HOUS2, HOUS8, HOUS11, TRAN9 & TRAN10

6. The appeal site is within the urban settlement of Penarth where small scale housing is, in principle, acceptable.
7. I have also been referred to advice in:
 - a) the Council's approved Supplementary Planning Guidance entitled "Amenity Standards" (the SPG),
 - b) Planning Policy Wales (PPW),
 - c) Technical Advice Note 6: "Planning for Sustainable Communities",
 - d) Technical Advice Note 12: "Design", and
 - e) Technical Advice Note 22: "Planning for Sustainable Buildings".

Character and appearance

8. No. 85 occupies the corner plot at the junction of Lavernock Road and St. Mark's Road. The appeal site comprises that part of the rear garden of No. 85 adjoining 1 St. Mark's Road.
9. The proposed two bedroom two-storey dwelling would front on to St. Mark's Road. The neighbouring dwellings in terms of properties fronting on to St. Mark's Road are Nos. 1 to 3. The depth of the site varies between 8.2m and 9m. The width of the site is about 12m. The depth of the plots at Nos. 1 to 3 varies but is in the region of three times greater than the appeal site.
10. I am aware that the area does not benefit from any form of statutory protection. However, the UDP explains:
 - a) That the distinctive character of the area will be protected and enhanced.
 - b) Proposals which improve the quality of the environment through high standards of design will be favoured.
 - c) Proposals must have full regard to the context of the local built environment.
 - d) New development would be permitted where it complements or enhances the local character.
 - e) The scale, form and character of the proposal must be sympathetic to the site's surroundings.
 - f) Existing residential areas characterised by spaciousness will be protected against over-development and insensitive or inappropriate infilling.
11. The UDP accords in general terms with relevant advice in PPW.
12. The depth of the plot is out of character with the site's surroundings. This results in the proposal having to be sited substantially closer to the back edge of the footway in St. Mark's Road than the dwellings at Nos. 1 to 3. Further, the depth of the proposed building would vary between 4.1m and 5.6m, again, due to the limited depth of the site. The depth of the nearby dwellings at Nos. 1 to 3 varies but in general terms is substantially greater than this. Further, the depth of the dwellings at Nos. 1 to 3 is easily discernible from the public realm as would the depth of the proposed dwelling. In my view the proposal would appear intrusive and unsympathetic in the street scene of this part of St. Mark's Road due to its siting, scale and form.

13. I therefore conclude that the proposal would materially harm the character and appearance of the street scene in this part of St. Mark's Road contrary to the relevant parts of the UDP and PPW.

Living Conditions

14. The UDP explains that new development will be permitted where it has no unacceptable effect on amenity of neighbouring environments by virtue of, amongst other things, visual intrusion. The UDP accords in general terms with advice in PPW.
15. It was apparent from my site visit that there is a difference in levels between the appeal site and the garden at No. 87 – the appeal site being significantly higher. That part of the garden near the appeal site at No. 87 is used in part as a sitting out area by the occupiers of No. 87.
16. The rear elevation of the proposed dwelling would be about 1m from the common boundary of Nos. 85 and 87 and would be about 10m in length. The rear elevation of the proposed dwelling would be about 4.6m to eaves height. Even if the proposal was to be built on land level with the rear garden of No. 87 I am of the view that the proposal would be detrimental, visually intrusive and overbearing for the occupiers when using their garden (especially the sitting out area) due to the height and extent of the building and its close proximity to the garden at No. 87.
17. I therefore conclude, for the reasons explained above, that the living conditions of the occupiers of 87 Lavernock Road would be materially harmed and therefore the proposal would be contrary to the relevant parts of the UDP and PPW.

Amenity Space

18. The UDP explains that new development will be permitted where the proposal meets the Council's approved standards of amenity space.
19. The appellant has explained that the floor space within the proposed dwelling is about 69 square metres of which about 5 square metres is taken up by the stairwell. There is about 71.6 square metres of external amenity space available at the appeal site. These figures were provided by the appellant in his written statement and have not been challenged by the Council.
20. The SPG defines what amenity space is generally considered to be and what parts of the space around a dwelling can be included. Developers should aim to provide a minimum of 1 square metre of amenity space for each square metre of gross floor area of the dwelling. Therefore, in terms of quantity the proposal complies with the minimum standards set out in the SPG.
21. The SPG explains that generally 70% of the total amenity space should be accommodated in the private rear garden. In this case, because of the limited depth of the plot, there is a very small area of land at the rear (about 10 square metres). However, I am satisfied that with appropriate boundary treatment the remaining area (about 62 square metres) to the side and front of the dwelling could be used as a private amenity area. Whilst this private amenity space is not at the rear of the house it would, in this case, be acceptable.
22. I therefore conclude, for the reasons explained above, that the quality and quantity of private amenity space would be satisfactory and that the living conditions of the occupiers of the proposed dwelling would not be adversely affected. Accordingly, there would be no conflict with the UDP or the advice in the SPG.

Overall Conclusions

23. I have explained above that adequate private amenity space could be provided as part of the proposal. However, the determining issues in this case are the harm caused to the living conditions of the occupiers of No. 87 as a result of the size of the proposed dwelling in such close proximity to their garden and the material harm caused to the character and appearance of the area. For these reasons I conclude that the appeal should be dismissed.

Other Matters

24. I have considered the other matters raised by local residents and by the Council in their written statement.
25. I have had regard to the development approved at the rear of 63 Lavernock Road. The development has not been implemented as yet. That proposal was for a bungalow which would have been largely hidden from public view. It would not have the same harmful impact that would result from this appeal proposal.
26. I do not agree with the concerns regarding highway safety. Off-street car parking for one car would be provided on site. The fact that cars would either have to reverse off or on to the public highway is no different from the manoeuvres that have to be carried out at many of the nearby houses. Accordingly, I do not consider that the proposal would have any adverse impact on the use of St. Mark's Road or the "Safer Routes to School Corridor"
27. There is sufficient on-street parking available in St. Mark's Road and St. Anne's Avenue for occasional visitor parking. I know that cars parked on the carriageway can impede the free flow of traffic but St. Mark's Road is very lightly trafficked and it is wide enough and visibility is good enough to allow vehicles to pass parked cars without any unacceptable highway safety risks.
28. I understand that on-street parking and access for emergency vehicles could be a problem when sporting events are carried out on the nearby pitches if St. Mark's Road and St. Anne's Avenue were heavily parked with vehicles by people visiting the playing fields. However, the evidence before me is that on-street parking appears to be controlled by the Police at those events.
29. I have taken into account the matters referred to above and all other concerns raised by local residents but they do not weigh against the proposal. However, this does not alter my overall conclusions regarding this proposed development.

Tim Belcher

Inspector