

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 22 OCTOBER 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:

2015/0541/BR	AC	1, The Spinney, Aberthin	Single storey side & rear extension
2015/0658/BR	AC	Stone-build agricultural building and adjoining land to the east of Picketston House, Picketston, Near St Athan	Conversion of redundant agricultural building to residential use; construction of new garage, domestic workshop and garden store
2015/1125/BR	AC	2, Police House, Higher End, St. Athan	orangery to side elevation
2015/1335/BR	AC	9, Augusta Crescent, Penarth	Single storey extension to the rear and side of the property, internal works & alterations
2015/1336/BR	AC	100 Stanwell Road, Penarth CF62 6RN	Demolish existing single storey kitchen and shed annexe. Construct new, larger, single storey living area and kitchen annexe.
2015/1355/BR	AC	32, West Farm Road, Ogmore-By-Sea	Alterations to the ground floor to include an en suite shower room & associated foul drainage.

2015/1358/BR	AC	Renishaw PLC, Miskin Business Park, Miskin	Upgrade to Hall 1 production facility and adjoining office areas including the Atrium. Hall 1 area total 11,370m2 and office/atrium area 4216m2. The works include strip-out, partition and suspended ceiling installation, floor laying, installation of toilet cubicles systems and the installation of mechanical and electrical services (including communications).
2015/1368/BR	AC	87, Heol Y Frenhines, Dinas Powys	Single storey rear & front extensions
2015/1376/BR	AC	18, Clos Cradog, Penarth	Conversion of existing garage to office/gym
2015/1386/BR	AC	1, Victoria Square, Penarth	Single storey rear kitchen extension
2015/1387/BR	AC	57, Bron Awelon, Barry	Single storey extension to enlarge bathroom and replace (porch exempt)
2015/1401/BR	AC	64, Broadway, Llanblethian, Cowbridge	2 storey side and single storey rear extension
2015/1402/BR	AC	The Walled Cottage, 25 Britway Road, Dinas Powys	Two storey extension to provide lounge/dining room & additional bedroom at first floor.
2015/1408/BN	A	21, Trepit Road, Wick	Installation of 2 no. Windows
2015/1409/BN	A	72, St. Pauls Avenue, Barry .CF62 8HT	Removal of internal load bearing wall to create open plan kitchen diner
2015/1410/BR	AC	6, Percy Smith Road, Boverton	S/S W/C room extension with shower room adaptations.
2015/1414/BN	A	12a, Maes Glas, Barry	Extension

2015/1415/BR	AC	149, Pontypridd Road, Barry ,	Large single storey rear extension with hip roof addition to existing side extension
2015/1416/BN	A	182, Westbourne Road, Penarth	Felted flat roof replaced by tiled pitched roof.
2015/1417/BN	A	17, Redberth Close, Barry	Conversion of garage to 2 No. rooms - living space & utility room
2015/1418/BN	A	52, Arno Road, Barry	Fit FD30 fire door to kitchen
2015/1419/BN	A	9, Castle Road, Rhoose	New FD30 fire door to front entrance
2015/1420/BR	AC	7, Maes y Gwenyn, Rhoose	Proposed single storey extension to kitchen
2015/1421/BN	A	2, Dulverton Drive, Sully	Garage Conversion into Dining room
2015/1422/BN	A	The Hawthorns, Llansannor	Removal of 2 walls to increase kitchen size
2015/1423/BN	A	7, Tordoff Way, Barry	Existing conservatory taken down and orangery built in it's place
2015/1425/BN	A	27, Eagleswell Road, Llantwit Major	Through floor lift installation & internal door widening
2015/1429/BN	A	4, The Paddock, Cowbridge	Single storey orangery extension ro rear elevation
2015/1431/BN	A	5 Pantycelyn Place, St. Athan CF62 4PS	External of property. Removal of concrete panels, re board and 60mm insulated render system with a dash and silicone finish as per Wetherby specification.
2015/1432/BN	A	24, Glyndwr Ave, St. Athan. CF62 4PP	External of property 20mm insulated render system with a dash finish as per wetherby specification.
2015/1441/BN	A	13, Cornwall Road, Barry	Roofing works, carpentry, painting render

2015/1442/BR	AC	149, Fontygary Road, Rhoose	Proposed single storey extension to rear
2015/1443/BN	A	15, Cornwall Road, Barry	Roofing works, carpentry, painting, render
2015/1444/BN	A	20, Cornwall Road, Barry	Roofing works, carpentry, painting, render
2015/1445/BN	A	22, Cornwall Road, Barry	Roofing works, carpentry, painting, render
2015/1447/BN	A	30, Cornwall Road, Barry	Roofing works, carpentry, painting, render
2015/1448/BN	A	30, Somerset Road East, Barry	Roofing work, carpentry, painting, render
2015/1449/BN	A	28, Somerset Road East, Barry	Roofing works, carpentry, painting, render
2015/1450/BN	A	38, Somerset Road, Barry	Roofing works, painting, rendering, timber works
2015/1451/BN	A	41, Somerset Road, Barry	Roofing works, painting, rendering, timber works
2015/1452/BN	A	38, Somerset Road East, Barry	Roofing works, painting, rendering, timber works
2015/1453/BN	A	307, Barry Road, Barry	Single storey extension to enlarge kitchen/dining room
2015/1454/BN	A	Woodlands, Corntown Road, Corntown	Front porch/remove supporting wall install rsj
2015/1456/BN	A	2, Orchard Drive, Barry	Roofing works, painting, carpentry, rendering
2015/1457/BN	A	4, Orchard Drive, Barry	Roofing works, painting, carpentry, rendering
2015/1458/BN	A	10, Orchard Drive, Barry	Roofing works, painting, carpentry, rendering
2015/1459/BN	A	118, Lavernock Road, Penarth	New Kitchen, Sitting Room, Utility and Store room
2015/1461/BN	A	39, Highwalls Avenue, Dinas Powys	Convert bedroom to bathroom with bath, sink, & wc

2015/1462/BN	A	6, Wordsworth Avenue, Penarth	Replacement of some existing aluminium framed windows with some new energy saving UPVC double glazing
2015/1463/BN	A	1, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1464/BN	A	25, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1465/BN	A	27, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1466/BN	A	29, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1467/BN	A	31, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1468/BN	A	33, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1469/BN	A	35, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1471/BN	A	37, Warwick Way, Barry	Roofing works, carpentry, painting, render
2015/1472/BN	A	8, Cornwall Road, Barry	Roofing works, carpentry, painting, render
2015/1473/BN	A	10, Cornwall Road, Barry	Roofing works, carpentry, painting, render
2015/1474/BN	A	1, Cornwall Road, Barry	Roofing works, carpentry, painting, render
2015/1476/BN	A	7, Cornwall Road, Barry	Roofing works, carpentry, painting, render

(b) Building Regulation Applications - Reject

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

2015/1411/BN	R	61, Wordsworth Avenue, Penarth	Single storey extension to rear of property to enlarge the kitchen
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2015/0163/AI	A	Barclays Bank, 73, Holton Road, Barry	Minor internal alterations to public counter line and associated works
2015/0164/AI	R	22, Sycamore Crescent, Barry	Detached three bedroom dormer house
2015/0165/AI	A	12, Ael y Coed, Barry	Remove conservatory roof and replace with Guardian Warm Roof and associated works at ground floor level
2015/0166/AI	A	8, Wordsworth Avenue, Penarth	Single storey rear extension and associated works
2015/0167/AI	A	Wirral House, Llanblethery	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0169/AI	A	Barry Waterfront, Phase 1B (AF2)	60 newbuild residential properties
2015/0170/AI	A	Monkton House, Holmesdale Place, Penarth	Loft conversion and associated works
2015/0171/AI	A	42, The Parade, Barry	Loft conversion
2015/0172/AI	A	Axminster Power Tools, Valegate Retail Park, Culverhouse Cross	Internal alterations and associated works
2015/0173/AI	A	Cliff Barn, Llancarfan	Barn conversion
2015/0174/AI	A	20, Brookside, Treoes	Remove conservatory roof and replace with Guardian Warm Roof and associated works at ground floor level
2015/0175/AI	R	8, Grove Place, Penarth	Single storey rear extension and associated works
2015/0176/AI	A	Phase 2, Barry Waterfront, South Quay, Barry	120 new build residential plots
2015/0177/AI	R	52, Hastings Avenue,	Loft conversion

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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

2014/00131/LBC	A	College Fields Nursing Home, College Fields Close, Barry	Three storey extension to side of the existing building to provide a new kitchen facility, an eight person lift to all floors, eight ensuite bedrooms, two communal day rooms, alter the existing kitchen to provide three disabled accessible WC's on the ground floor, relocation of the existing hair dressing salon, an additional bedroom and two under croft disabled parking spaces
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2014/00132/FUL	A	College Fields Nursing Home, College Fields Close, Barry	Three storey extension to side of the existing building to provide a new kitchen facility, an eight person lift to all floors, eight ensuite bedrooms, two communal day rooms, alter the existing kitchen to provide three disabled accessible WC's on the ground floor, relocation of the existing hair dressing salon, an additional bedroom and two under croft disabled parking spaces
2015/00409/FUL	A	Land adjacent 41 Old Port Road, Wenvoe	Construction of detached two bed bungalow with on site parking
2015/00427/FUL	A	Cartreglas Farm, Ystradowen	Minor extension to curtilage; construction of a tennis court; minor re-grading of land to facilitate its occasional use for sports activities and the construction of a small hut
2015/00523/FUL	A	Plot 3, Craig Yr Eos Avenue, Ogmore By Sea	New build 3 bedroom detached dwelling with integral garage
2015/00645/FUL	A	6, Cold Knap Way, Barry	Proposed alterations and extensions - to sub divide property to form 3 and 4 bedroom semi detached dwelling with on site car parking
2015/00690/FUL	A	Canbra, 16, Cae Rex, Llanblethian	Proposed single storey extension, proposed dormer together with various internal alterations to the existing property, also a proposed attached garage to the side

2015/00739/FUL	A	Schwyll Cottage, B4524 Ogmore Road, Ogmore	Change of use of the residence from domestic residence to working office
2015/00746/LAW	A	Rookery Nook, Llangan	Use of land as garden
2015/00747/FUL	A	17, Vere Street, Barry	Change of use to dwellinghouse and external alterations
2015/00748/FUL	R	Vacant land, The Limes, Cowbridge	Proposed construction of two apartment blocks each containing four apartments
2015/00778/FUL	A	Units 5 and 6, Sutton Road, Llandow	Proposed temporary office building and associated works
2015/00788/FUL	A	Ty Amandla, Marcross	Two storey side extension to provide kitchen, living room, bedroom, bathroom and en-suite shower
2015/00798/LBC	A	34, High Street, Cowbridge	Replacement of existing support structure at front of the building. Existing bressummer beam is to be replaced by a proposed Goalpost steel support structure comprising beams and column. Making good to existing damaged render
2015/00799/FUL	A	Llandough Hill, Llandough	Retention of a temporary sales cabin
2015/00823/FUL	A	Pumphouse (North Range Ground Floor), Hood Road, Barry	Change of use of part of Pumphouse to fitness centre (Class D2)
2015/00825/ADV	E	Pets at Home, Waterfront Retail Park, Heol Ceiniog, Barry	Glazing vinyl to South elevation and internally illuminated fascia sign
2015/00831/FUL	A	3, Ceri Road, Rhoose	Proposed extension to existing bungalow

2015/00845/FUL	A	Overdale, 226, Barry Road, Barry	Demolition of existing bungalow and subsequent rebuild as new care home for young adults
2015/00851/FUL	A	Alpenruhe, 14, Pwll Y Min Crescent, Peterston Super Ely	Two storey rear extension and alterations
2015/00877/RG3	A	Court Road Depot, Barry Road, Barry	Demolition of two storey buildings and new build of three storage units
2015/00880/FUL	A	Trinity Church Studios, Trinity Street, Barry	Removal of Condition 3 of planning permission 2014/00861/FUL
2015/00886/FUL	A	149, Pontypridd Road, Barry	Single storey rear extension including new pitched roof to existing side extension
2015/00894/FUL	A	65, Cornerswell Road, Penarth	Removal of existing garden shed. Construction of a detached outbuilding for purposes incidental to the enjoyment of the main house, to include music practice and a library area
2015/00897/FUL	A	15, Brookside, Treoes	Retrospective householder application concerning the erection of timber double pitched roof, at rear of the property
2015/00899/FUL	A	26, Plassey Street, Penarth	Single storey extension to rear garden elevation, conversion of flat roof to pitched roof to existing extension

2015/00901/FUL	R	31, St. Davids Avenue, Dinas Powys	Formation of a balcony to rear of property access from ground floor accommodation with guarding and obscure glazed privacy screen to adjacent property. Formation of summer room beneath balcony at lower G.F. level
2015/00905/FUL	R	41, Heol Y Fro, Llantwit Major	Two storey extension to the side of existing property to create a garage space for storage at ground floor and new bedroom to the first floor
2015/00907/FUL	A	Plot 21, St Cannas Green, Llangan	Proposed alteration of approved dwelling to include rear conservatory extension
2015/00908/FUL	A	BrynHeulog, Llangan	Variation of Condition 1 - to extend time period for implementation of 2010/00393/FUL
2015/00915/FUL	A	262, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00916/FUL	A	241, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia

2015/00917/FUL	A	292, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00921/FUL	A	286-288, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00922/FUL	A	298-300, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00925/FUL	R	Maes Glas, Broadway, Llanblethian, Cowbridge	Proposed conversion and extension of domestic garage to form Granny Annexe
2015/00927/FUL	A	88, Wordsworth Avenue, Penarth	Proposed single storey extension to side to form granny annexe
2015/00929/FUL	A	55, North Walk, Barry	Proposed first floor side extension over an existing single storey extension
2015/00938/FUL	A	Leigh Cottage, Mount Road, Dinas Powys	Pitched roof over existing side extension. New single storey rear extension
2015/00943/FUL	A	15, The Verlands, Cowbridge	Rear extension, alterations and extension to existing single storey side extension and alteration works
2015/00947/FUL	A	Office 3, Second Floor, 50, Holton Road, Barry	Change of use to taxi office (sui generis)

2015/00948/ADV	A	Unit E, Valegate Retail Park, Culverhouse Cross	External illuminated signage. Replace existing flex face to two internally illuminated signs (currently Comet) and to add four new external poster holders
2015/00950/FUL	A	14, Penarth Portway, Penarth	Replacement of the existing single door and glazed side light with a bi-fold door and the construction of a structural glass cube to the rear elevation of the property
2015/00951/FUL	A	Swn Y Don, High Meadow, Llantwit Major	Demolish existing garage and conservatory. Construct single storey side and rear extension. Alterations to rear dormer
2015/00952/FUL	A	7, Geraints Way, Cowbridge	Proposed ground floor alterations and extensions to dwelling to create new porch and WC to front and glazed breakfast area to rear. Form new drive to front and glazed covered patio area to rear
2015/00953/FUL	A	Plot 16, St. Cannas Green, Fferm Goch, Llangan	Proposed alteration of approved dwelling to include rear conservatory extension
2015/00956/FUL	A	The Windsor Arms, 95, Windsor Road, Penarth	External alterations

2015/00958/ADV	A	The Windsor Arms, 95, Windsor Road, Penarth	Advertisement consent for the installation of two individual lettering wall signs, lit by trough lights at the front and side elevations; one projecting hanging sign, lit by cool white trough lights; one amenity board, lit by trough lights and two menu cases either side of the entrance
2015/00959/FUL	R	5, Longmeadow Drive, Dinas Powys	Proposed two storey extension and alterations to existing residential dwelling
2015/00962/ADV	A	Tesco Stores Limited, Culverhouse Cross Access Roads Tesco and Marks & Spencer, Culverhouse Cross	Installation of eleven advertisement signs
2015/00963/FUL	A	Highfield, Cory Crescent, Peterston Super Ely	Demolition of existing single storey rear extension and replacement with new single storey rear extension
2015/00966/FUL	A	Plot adjacent to Anwyllfan, Off Rectory Drive, St. Nicholas	Double garage
2015/00970/LAW	A	70, Lewis Road, Llandough	Convert loft space into two bedrooms. This will include a dormer to the back of the house with a staircase going from the first floor landing to the attic
2015/00978/FUL	A	163, Pontypridd Road, Barry	Detached garden room to rear of property
2015/01019/FUL	A	Gwenith Gwyn, Windmill Close, Wick	Construction of a first floor extension with front and rear dormers

2015/01031/PNA	A	Ty Cerrig, Maerdy Newydd, Bonvilston	Construction of a new forestry track
2015/01046/PND	A	Cogan Hill, Penarth	Demolition of existing building at Cogan Hill, Penarth
2015/01057/FUL	A	Awelon, Treoes	Ground floor single storey utility room extension together with first floor bedroom refurbishments
2015/01084/PNA	R	Ruthin Fawr Farm, St. Mary Hill	Cattle housing building
2015/01113/OBS	B	Land North and South of Llantrisant Road, North West Cardiff	Development of up to 630 Residential dwellings(use class c3, including affordable homes), primary school (use class D1), Visitor centre/community centre (class D1), community centre(D1), open space (including children's play spaces), landscaping, sustainable urban drainage, vehicular accesses, bus lanes, pedestrian and cycle access and related infrastructure and engineering works 14/02157/MJR

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 22 October, 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00546/FUL
Appeal Method: Hearing
Appeal Reference No: 15/3134018
Appellant: Mr. Ian Sullivan,
Location: 65A, Tennyson Road, Penarth
Proposal: Variation of condition no. 2 of planning permission 2000/00753/FUL to allow annexe to be rented as a separate unit of accommodation
Start Date: 28 September 2015

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/00640/FUL
Appeal Method: Hearing
Appeal Reference No: 15/3014936
Appellant: Mr. J. Navidi,
Location: Mill Barns, Boverton, Llantwit Major
Proposal: Proposed partial reconstruction and conversion of disused barns to form a three bedroom dwelling
Decision: Appeal Dismissed
Date: 16 September 2015
Inspector: R. Jenkins
Council Determination: Committee

Preliminary and Procedural Matters:

Members will recall that the appeal relates to two separate former agricultural buildings that form an L-shaped arrangement off Mill Road near Boverton. The barns have previously benefited from the grant of planning permission (granted at appeal) for their conversion to a 3 bedroom dwelling. That planning permission was subject to conditions, including one that stated that no development should take place until details of restoration and repair of the existing stonework were submitted to the Council.

That condition was not discharged and the development commenced on site. It was common ground that, as development commenced before necessary pre-commencement conditions were discharged, the previously approved scheme could not be lawfully implemented. In any event, that planning permission expired in July of this year.

As such, the proposal considered at the appeal sought 'retrospective planning permission', under Section 73A (2) (a), for those elements already carried out.

Main Issues:

The Inspector considered those to be:

- whether residential development is justified in the proposed location, with particular reference to the special circumstances pleaded; and
- the effect of the proposed development on the character and appearance of the area, with particular reference to its location within the Glamorgan Heritage Coast.

Reasons:

The Inspector noted the provisions of UDP Policy ENV8 which sets out that, despite the strict control over residential development in the countryside, the small scale conversion of rural buildings is considered to be generally acceptable where set criteria are met. He noted that criterion (iii) requires such buildings to be structurally sound so that the conversion can be achieved without substantial reconstruction of the external walls or extension of the building.

The previous scheme proposed a link between the two barns. The Inspector considered this link to be a modest extension that did not represent a significant departure from the requirements of Policy ENV8. He also agreed with the Council's clarification that the proposed conversion of the southern pent roof barn would not require substantial reconstruction and would, therefore, be policy compliant. Accordingly, the Inspector confined his reasoning to the proposed development of the northernmost barn.

The northernmost structure has been subject to substantial reconstruction since 2012, including the complete reconstructed of the northernmost wall at approximately 20 metres in length. Despite the Appellant's contentions, the Inspector considered such 'substantial reconstruction of the external walls' to be in direct conflict with criterion (iii) of Policy ENV8.

Whilst the Inspector acknowledges the Appellant's assertion that the previous Inspector recognised that a significant amount of rebuilding work was required, he found there to be nothing to suggest that the necessary reconstruction works would be to the current extent. He considered the circumstances of the current proposal to be materially different to that previously considered.

The Inspector recognised that criterion (iii) of Policy ENV8 states that each case should be assessed as a matter of fact and degree, depending on the particular circumstances of the case. However, he saw nothing to persuade him that the first part of criterion (iii) should not apply. Indeed, he considered such requirements to go to the heart of the policy and, whilst each case should be considered on its merits, it is imperative that such assessments are interpreted and applied consistently to ensure the fair operation of the planning system.

The Inspector noted the guidance in paragraph 4.1.1 (f) of the Council's SPG which states that planning permission for a conversion does not expressly authorise its demolition and replacement, even by facsimile. He also noted the principles behind Section 3 of Technical Advice Note 6: *Planning for Sustainable Rural Communities* (TAN6), which specifically warns against the construction of new farm buildings with a view to the early conversion to another use, can equally be applied to this case.

It was the Appellant's contention that the appeal scheme would be constructed to a scale and design that would be in-keeping with those details previously approved and bring about the same visual improvements. However, the Inspector noted that the previously approved scheme was never implemented and does not, therefore, represent a valid fallback position. Moreover, given the extent of the demolition works undertaken, the Inspector confirmed that the starting point for the consideration of this current scheme is materially different to that of the previously approved scheme. He was of the view that the level of reconstruction necessary to implement the current scheme means that the conflict with Policy ENV8 is significantly greater than that previously considered and the visual benefit of the current scheme would be notably less than that attributed under the previously approved scheme.

The projection of new development some 20 metres away from the existing group of buildings was considered by the Inspector to run counter to the general aims of Policy ENV5: *The Glamorgan Heritage Coast* and Policy ENV10: *Conservation of the Countryside*.

The Inspector had full regard to the very special circumstances advanced by the Appellant, including the importance of fairness and natural justice in the planning system, but did not consider these circumstances to be so disproportionate that they would justify the grant of planning permission.

The appeal decisions submitted by the Appellant did not alter the Inspector's findings in this case.

The Inspector concluded that the extent of the proposed development was not justified in its countryside location, and that, by virtue of the extension of the development away from the existing group of buildings, the development would cause material harm to the character and appearance of the Glamorgan Heritage Coast which is designated as a 'remote zone' with priority afforded to agriculture, landscape and nature conservation. Accordingly, he found the development to be in conflict with local and national policy and guidance.

L.P.A. Reference No:	2015/00187/FUL
Appeal Method:	Written Representations
Appeal Reference No:	15/3067612
Appellant:	Mr. Geoff Lages,
Location:	7, Adenfield Way, Rhoose
Proposal:	New timber fence - panels and posts applied to existing rockfaced low level wall. Removal of existing diseased hedgerow
Decision:	Appeal Dismissed
Date:	1 October 2015
Inspector:	Ms. P. Davies
Council Determination:	Delegated

Summary

The Inspector considered that the main issue in determination of this appeal was the effect of the development on the character and appearance of the area.

The Inspector considered that, because of its set back from the primary road frontage, the section of the fence extending alongside Nurston Close to the existing fence would be acceptable. However, owing to its siting, height and scale, and because of its solidity, the remainder of the fence, on the corner of Adenfield Way and Nurston Close and fronting onto Adenfield Way itself introduces a dominant and incongruous feature that detracts from the spacious impression of the street scene.

Whilst acknowledging the Appellant's intentions to soften the impact of the fence, they considered that because of the scale of the enclosure, and the prevailing openness of the street scene, this would not be sufficient to mitigate the visual harm.

Accordingly the appeal is dismissed.

L.P.A. Reference No: 2014/01415/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3035805
Appellant: Mr. Martin Brewer,
Location: Old Lime Works, St. Athan Road, Aberthaw
Proposal: Proposed steel framed storage barn to store
plant and feed
Decision: Appeal Dismissed
Date: 21 September 2015
Inspector: Ms. P. Davies
Council Determination: Delegated

Summary

The Inspector considered the main issue in this case to be the effect of the development on the character and appearance of the surrounding area.

The Inspector considered that the land area relating to the appeal proposal is small in agricultural terms, and the barn itself is a large tall building albeit with an agricultural appearance. They note that whilst it is said that the barn is required for shelter for livestock and for storing machinery, hay and feed, they consider that there is limited tangible evidence that objectively correlates the need for this sizeable building with the scale of the agricultural activity either proposed or taking place. In particular the Inspector considered that the building appears excessive in relation to the land area involved.

In support of their appeal, the Appellant sought to remove the lower part of the site from the appeal site, although this remains in the ownership of the Appellant. The Inspector observed that there was no commercial use of the buildings in the lower part of the site and that they were currently vacant. The Inspector notes that no evidence had been provided of a contractual agreement with any lessee or information relating to an access through the site for a solar farm that would preclude the use of the buildings by the Appellant or compromise their use for agriculture. The Inspector considered that, given that access to the buildings is easily achieved from the appeal site by an existing track, they are not persuaded that the buildings in the lower part of the site would not provide a more sustainable approach to the Appellant's use of the site for agriculture.

In the absence of a business plan or other agricultural appraisal, the Inspector was unable to conclude that the development is reasonably necessary for the purposes of agriculture. As such the Inspector considered that the building comprises an unjustified, sporadic and isolated form of development that harmfully erodes the open and rural character of the countryside setting, contrary to the aims of UDP Policies ENV 1 and EMP 8.

The Inspector notes that despite the nearby power lines and cement works, that the retention of the building would have a detrimental impact upon the open, undeveloped appearance of the site and rural setting and character of the Special Landscape Area. Whilst the Inspector notes that the building is not unduly visible, they consider that this does not represent a reason for allowing isolated and unjustified development in sensitive rural locations.

Overall the proposals were considered to be contrary to the provisions of Planning Policy Wales Edition 7 and policies ENV4, ENV27 and EMP8 of the Development Plan. Accordingly, the appeal was dismissed.

(d) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2014/0081/PRO
Appeal Method:	Hearing
Appeal Reference No:	C/15/3023004
Appellant:	Ms. Joy Atkinson
Location:	34A, Plassey Street, Penarth
Proposal:	Change of use of the property to a single dwelling house
Decision:	ENF appeal DISMISSED
Date:	29 September 2015
Inspector:	V. Hirst
Council Determination:	Committee

Summary

The appointed Inspector dismissed the appeal and upheld the notice, substituting the period for compliance with a 12 month requirement. In upholding the enforcement notice the Inspector concluded that the principal issues in the case related to effect of the development on the residents' living conditions within particular regard to outlook and outdoor amenity provisions and whether, if the scheme causes harm on these grounds, there are any other material considerations that justify the development.

In respect of outlook, the Inspector concludes that the provision of the entire dwelling with only one window situated at one end providing any outlook would result in inadequate and unsatisfactory living conditions for its occupants. Similarly in respect of amenity space it was concluded that the development provided an inadequate level to provide sufficient space for ancillary activities such as sitting out, storage and drying washing. Furthermore the space available was deemed to be dark and narrow being an alleyway and lacking in privacy due to its communal use by occupants for access to nearby properties. Local provision of public open space was not considered to overcome these deficiencies.

The Appellant sought to argue that a personal permission should be granted, in order to support a close family network and provide childcare to grandchildren. The Inspector rejected that citing that the planning system exists to help protect the amenity and environment of towns, cities and the countryside in the public interest while encouraging and promoting high quality, sustainable development. The Inspector acknowledged that the Appellant may well be satisfied with the living conditions, however, if this argument was supported on every case where living conditions are found to be unsatisfactory, the integrity of the planning system to provide high quality development that protects the amenities of the public and residents would be undermined. The personal circumstances of occupiers may be material to the consideration of a planning application but these will rarely outweigh the more general planning considerations. In this case the Inspector concluded that the material considerations relating to the Appellant's personal circumstances to be of sufficient weight or of such an exceptional nature to justify a personal permission and a departure from planning policy.

The Inspector was satisfied that there was adequate alternatives available within the area for a similar property that benefited from planning permission as a dwelling unit. It was agreed prior to the appeal that a period of 12 months to comply with the requirements of the notice was reasonable and the Inspector agreed.

In respect of the costs application submitted on the Council's behalf, the Inspector concluded that the Appellant had not acted unreasonably in pursuing the appeal. It was considered that the Appellant had sought to address the finding of the previous appeal Inspector as part of this enforcement appeal proceeding, and it was clear that previously a personal permission had not been sought. In view of the cost Circular's guidance, it was considered that no unreasonable behaviour resulting in abortive costs had occurred.

The enforcement notice was upheld, with a revised period for compliance applied. The costs submission failed, and no award was granted.

L.P.A. Reference No:	ENF/2012/0255/CCC
Appeal Method:	Court Hearing – Cardiff and Vale Magistrates' Court
Appeal Reference No:	APL/2012/0255/CCC
Appellant:	Mr. John Williams
Location:	Former Sealawns Hotel, Slon Lane, Ogmere By Sea
Proposal:	Appeal against Section 215 Notice - Untidy Land
Decision:	ENF appeal DISMISSED
Date:	1 st October 2015
Inspector:	District Judge Bodfan Jenkins

The appeal was brought under 2 grounds of section 217 of the Town and Country Planning Act 1990 (as amended), namely:

- Ground (b) *'that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of the land which is not in contravention of Part III'*; and
- Ground (c) *'that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority who served the notice, or any adjoining area'*.

Ground (b) Appeal

The District Judge confirmed that the matter had arisen due to the unauthorised demolition of the Hotel in 2012. He stated that the site is and has been an eyesore since the unauthorised demolition.

There are, in effect, two planning permissions for development of the site. The first is for a residential development (an outline and reserve matters permission) and the second for a restoration scheme. The Appellant suggested that both permissions had been implemented on the site and, as such, the condition of the land is attributable to ongoing development that is not in contravention of Part III of the 1990 Act.

Whilst the Judge agreed with the Council's evidence, that the restoration scheme had not been implemented, he did not dispute that the residential development had taken place. Nevertheless, the Judge found that the condition of the site could not be attributable to the residential development as the condition of the site is due to the demolition of the hotel which is in breach of Part III of the 1990 Act. He found that the development that had taken place on site (i.e. the digging of a small section of foundations) was minimal and that this work had now stopped; he stated that the condition of the site is not attributable to it. Accordingly, The Judge stated that the Appellant had completely failed to establish that the condition of the site is attributable to the development that has taken place and concluded that the ground (b) appeal had failed.

Ground (c) Appeal

Whilst the appeal was made on only one issue (i.e. the covering of the hard core with earth and grass seed), the Judge considered all requirements of the Notice as follows:

Removal of the Hard Surfacing – Whilst the Appellant alleged that the hard surfacing would be retained in the residential development, the Judge preferred the Council's evidence, that the hard surfacing is at varying levels and will not be used in the residential development of the site. He found this requirement to be reasonable and necessary.

Demolish the remaining hotel walls – Whilst the Appellant alleged that the walls were to be retained as part of the new residential development, this is simply not the case. The Judge found that the Council’s evidence in this regard demolished that of the Appellant’s and concluded that the requirement to remove the remaining hotel walls was justified, reasonable and necessary.

Moving the stockpile – The Judge found no reason not to move the stockpile to a less conspicuous location within the site (i.e. against the retaining walls of the former hotel building). He found the stock pile to be detrimental to amenity and concluded that the residential development of the site was still possible even if the stockpile was moved. He found the requirement to move the stockpile, cover with topsoil and grass seed to be reasonable.

Fence – The Judge noted that the existing Heras fencing enclosing the upper part of the site is the preferred method of site enclosure, as opposed to the post and rail type fencing required by the Notice. As such, he amended the Notice to remove this requirement.

In summary the Judge said that the Appellant had utterly failed to establish that the requirements of the notice were unnecessary, other than that relating to the Heras fencing.

The Judge suggested that even if some steps required by the Notice are backward, the issue is amenity, particularly if there is some delay in starting or continuing the development.

He found there to be no conflict between section 215 of the Act or the residential development planning permission. None of the requirements of the Notice modify the permission.

Conclusion

With regard to the evidence given during the Appeal hearing, the Judge said that the Council’s witness dealt with all matters in detail, carefully and reliably as to how she approached the matters. In contrast, he found the Appellant’s evidence to be disassembling and weak in general and his planning advisor’s evidence to be disingenuous, stating that he had put matters without thought and to pull the wool over the eyes of the Court.

The Judge said that the appeal was a desperate attempt to avoid financial outlay during the delay in the start to the development.

Costs

The Judge stated that the appeal was a stalling act and, as such, the costs should not be borne by the Vale of Glamorgan. He stated that it was a spurious appeal and an attempt to delay matters until the Appellant could sell the site.

A total of £6,000 costs are awarded to the Council.

As for the amendment of the Notice, the Notice should remain in its entirety with the requirement regarding the fencing removed and with the 3 months for compliance remaining.

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	W	17	1	18	1
	H	1	1	2	-
	PI	-	-	-	1
Planning Total		18 (90%)	2 (10%)	20	2
Enforcement Appeals	W	-	-	-	-
	H	1	1	2	-
	PI	1	-	1	-
Enforcement Total		2 (67%)	1 (33%)	3	-
All Appeals	W	17	1	18	1
	H	2	2	4	-
	PI	1	-	1	1
Combined Total		20 (87%)	3 (13%)	23	2

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 22 OCTOBER 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

2015/00975/TPO	A	3, Clos Llanfair, Wenvoe	Fell 8 no. Turkey Oak and 2 no. Beech trees
2015/00976/TPO	A	4, Clos Llanfair, Wenvoe	Fell two Turkey Oaks

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE :

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.

Mr. Robert Saunders, Blacklands Farm, Five Mile Lane, Bonvilston, Vale of Glamorgan
Reading Agricultural Consultants, Gate House, Beechwood Court, Long Toll, Woodcote, Oxfordshire, RG8 0RR

Land adjoining Greenway Farm, Bonvilston

New cattle farmstead

SITE AND CONTEXT

The application site comprises an area of agricultural land located to the north west of an existing yard and outbuildings at Lower Greenway Farm, where a number of the buildings are in use for non-agricultural purposes.

The site is currently accessed via an existing field gate onto the A48, close to a Public Right of Way, Public Footpath No. 22 Llantrithyd.

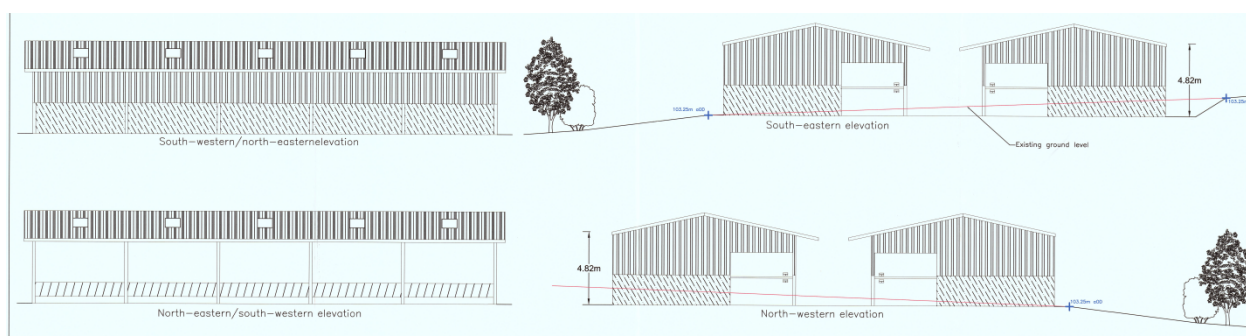
The site lies in the countryside approximately 1.2km outside of the residential settlement for Bonvilston as defined in the Unitary Development Plan. Part of the site also lies within the Quarry Buffer Zone for Pantyffynnon Quarry to the south west.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the erection of a new cattle farmstead on agricultural land to the north west of the existing Lower Greenway Farm. The proposal entails the following works:-

- Construction of 2 No. agricultural buildings, each measuring 30.68m x 12.2m, plus 1.5m overhang, to an eaves height of 4.82m and ridge height of approximately 6.1m. The buildings will be sited approximately 180m from an existing field gate entrance off the A48 to the south. The buildings will run parallel with the highway with Building 2 being the closest to the road boundary. The painted steel, portal framed structures will be finished externally with a natural grey fibre cement roof, and concrete panels with Yorkshire boarding above to the walls.
- A yard area to the south east of the proposed cattle housing buildings, measuring approximately 13m x 30m.
- Two silage bunkers located on the opposite side of the proposed yard, one measuring 22.9m x 13.7m, and another 22.9m x 9.1m. The concrete walled open bunkers would store silage for the housed cattle.
- A manure store on the south side of the silage bunkers, measuring 18.3m x 13.7m, and similar in design.

- New access track from the existing field gate entrance to the proposed new farm buildings and yard, with improvements including widening to 6.5m and a concrete surface for the first 20m.



The application is accompanied by a Design and Access Statement (DAS) and an Agricultural Appraisal prepared by Reading Agricultural Consultants.

PLANNING HISTORY

Site itself

2015/00208/FUL – Erection of a rural enterprise workers dwelling – Submitted in conjunction with the current application – Yet to be determined.

There is also considerable history relating to the adjoining land at Lower Greenway Farm, Greenway Farm and New Greenway Farm, which includes:-

1984/00345/FUL – Lower Greenway Farm - Steel framed portal building attached to existing building, used for potato storage - Approved 9 May 1984.

1991/01090/FUL - Lower Greenway Farm - Conversion of redundant stone agricultural building to dwelling - Approved 28 April 1992.

1994/00566/FUL - Lower Greenway Farm - Retention of use as indoor golf tuition centre - Approved 19 July 1994.

1992/00544/FUL - Greenway Farm - Change of use of 2 No. stone agricultural buildings to residential use - Approved 3 September 1992.

2000/00383/OUT - New Greenway Farm - Agricultural dwelling – Appeal against non-determination - Allowed 16 October 2000, subject to conditions, including submission of reserved matter details; agricultural occupancy restriction; landscaping; and improvements to public highway junction.

2000/00502/FUL - Units A & B, Lower Greenway Farm - Retention of use for stone dressing, rehabilitation and storage (Unit A) and retention of use for furniture assembly and storage (Unit B) - Approved 7 September 2001 subject to conditions, including, restriction on uses; restriction on hours; no outside storage; closing up of existing access onto A48; provision of car parking; and noise insulation.

2002/00624/FUL - Unit 13, Lower Greenway Farm - Retention of use for manufacture of concrete related products - Refused 19 December 2002 on grounds of an unjustified industrial use in the countryside that would adversely affect the rural character and detract from the interests of agriculture on the holding.

2011/00376/FUL - Lower Greenway Farm - Retrospective planning application for the change of use of poultry sheds to use Class B8 for storage purposes - Approved 10 June 2011 subject to conditions, including, restriction on use; restrict hours; no outside storage; means of access via existing entrance; and provision of parking.

2013/00305/FUL - Greenway Farm - Erection of single dwelling - Approved 4 October 2013 subject to conditions, including, details of levels; drainage; restriction on certain roof lights and windows; details of any gates; removal of pd; and restriction on means of access and enclosure.

2014/00133/FUL - Unit 13, Lower Greenway Farm - Retrospective planning application for the change of use to B8 storage purposes - Approved 27 March 2014 subject to conditions, including, restriction on use; and no outside storage.

Other related applications off site:-

2010/00377/OUT – Land at Ravenswood farm - Agricultural worker's dwelling – Withdrawn 27 May 2014.

2010/00629/FUL - Erection of a cattle housing and fodder storage building – Approved 4 February 2011 subject to conditions, including, details of level; details of the method and disposal of any excavated waste; surface water drainage details; and details of tree protection.

CONSULTATIONS

St Nicholas and Bonvilston Community Council – Recommend refusal due to the dangerous access on to the A48 road. It should be noted that some years ago the owner of the adjoining farm (Greenway Farm) was instructed to close an adjacent agricultural entrance approximately 100 yards from the proposed access because of the danger.

Dwr Cymru/Welsh Water – Consulted on 5 March 2015. No comments received to date.

Council's Agricultural Consultants Bruton Knowles – A full copy of the report is reproduced at Appendix A to the accompanying dwelling application, reference 2015/00208/FUL. In summary the report concludes at paragraph 7.1:-

“Taking into account the evidence submitted, it is our opinion that the criteria of 4.4.1 have been met by the application, subject to the LPA being satisfied in respect of criteria E, and on the basis that planning permission for a new farmstead as detailed in application 2015/00188/FUL is granted and it is constructed. It is our opinion that the proposed farmstead is necessary for the continuation of the suckler cow enterprise.”

Council's Director of Legal, Public Protection and Housing Services - Environmental Health – Pollution Section – No comment to make regarding the application.

Council's Highway Development Team – No objection subject to certain conditions including:-

- Notwithstanding the submitted plans, and before commencement, provision of full construction details of altered access, supported with the provision of vehicle swept paths showing a 16.5m long articulated vehicle entering and existing the access at the same time.
- The proposed access is required to be provided at a maximum gradient of 1 in 20 for the first 20m.
- Access gates shall be located a minimum distance of 20m from the adjacent highway.
- Before commencement, details to be submitted of a vehicle passing place provided centrally along the internal access road that will accommodate a 16.5m long articulated vehicle.

Council's Public Rights of Way Officer – The applicant should be advised that although the DAS states that there are no public rights of way on the site there is a Public Right of Way No.22 Llantrithyd (status-Footpath) which crosses the western end of the proposed access track. The Right of Way No.22 must be kept open at all times and no adverse effect should occur as a result of the development. Any temporary closure required should be sought under the Road Traffic Regulation Act 1984. They also raise concerns that there is no indication within the application as to the amount of traffic that will use the proposed access track.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 5 March 2015. In addition the application was advertised on site and in the press on 16 and 19 March 2015.

A letter of objection to the current submission has been submitted by CSJ Planning on behalf of the neighbours at Parkside and West Rise on the opposite side of the A48. A copy of the representation is reproduced at Appendix A in full for Members inspection. However, in summary, whilst not objecting to the principle, the main points of concern relate to:-

- Unacceptable visual appearance.
- Unacceptable amenity impacts of noise, disturbance and smells.
- Traffic hazard.

A letter in support of the application has been submitted by the Farmer's Union of Wales. This is reproduced in full at Appendix B for Members inspection, but in summary refers to the need for young people to sustain the rich agricultural heritage of the Vale, and the agricultural need for the development.

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 12 - MINERALS.

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE.
ENV2	- AGRICULTURAL LAND.
ENV10	- CONSERVATION OF THE COUNTRYSIDE.
ENV11	- PROTECTION OF LANDSCAPE FEATURES.
ENV27	- DESIGN OF NEW DEVELOPMENTS.
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY.
EMP8	- AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT.
TRAN10	- PARKING.
REC12	- PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.
MIN7	- BUFFER ZONES.

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 4.4.3 and 4.11-promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1; and Chapter 7-Economic Development, including paragraphs 7.6.1 and 7.6.5.

Technical Advice Notes:

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

- TAN6 - Planning for Sustainable Rural Communities, including paragraph 6.6-Livestock units and slurry and Annex A – A14 to A23.
- TAN12 - Design, including paragraph 2.6, 5.5.1, 5.5.2 and 5.8-Rural areas.
- TAN 23 - Economic Development, including chapter 3-Economic development and the rural economy.

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, DG14-Farm buildings and DG15-Farm access.
- Trees and Development SPG.

The Local Development Plan:

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

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

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

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

- Minerals Background Paper (2013).

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include, whether the proposed works can be justified for the purposes of the agricultural operations on the holding; the design and visual impact; the effect on neighbouring residential amenity; and highway safety.

Background

This application is one of two submitted for the creation of a new farmstead and associated rural enterprise dwelling. The application for the associated dwelling, reference 2015/00208/FUL, remains under consideration and is currently being amended at the request of planning officers. This application is supported by its own Appraisal submitted by the applicant's agricultural advisors, Reading Agricultural Consultants, and outlines the background to submission. The Council's own agricultural advisors, Bruton Knowles, have assessed both applications within the one report.

The applicant's agent refers to the previous applications submitted by the applicant on the applicant's parent's farm, i.e. 2010/00629/FUL for an agricultural building to house suckler cows, and 2010/00377/OUT for an associated agricultural worker's dwelling. Whilst the agricultural building was approved, the application for the dwelling was withdrawn before any final determination. Since that time the applicant has purchased additional land adjoining Lower Greenway Farm followed by a further block a year later. The agent indicates that this land has provided much greater flexibility of use and access.

The agricultural production on the holding is based upon the 110-cow suckler herd, of which 52 are pedigree cows and followers comprising the Bonvilston Charolais herd. Some 90 cattle are sold each year as either strong stores or finished cattle, depending on market conditions, with just a few of the best cattle sold as pedigree breeding stock.

The Appraisal submitted by the applicant's agent outlines the housing and space requirements of the livestock buildings which have been estimated by reference to the British Standard booklet: BS5502: Part 40: 2005 '*Buildings and Structures for Agriculture. Part 40 Code of Practice for design and construction of cattle buildings.*' In addition to these requirements it is noted that there is also a rented building at Groesfaen which houses the finishing cattle. This building is associated with a 122ha farm which is rented on a secure Farm Business Tenancy. It is also noted that there are no facilities for manure storage at Blacklands Farm, which has proved a problem. As a consequence manure has to be spread on fields a few times a week throughout the winter and this is not best agricultural practice as the nutrients are not fully utilised by growing crops. As such this application includes a concrete wall manure store, which would have sufficient capacity to store a full winter's production of manure in readiness for spreading in the spring, significantly reducing inorganic fertiliser requirements, to the financial advantage of the business. The proposal also includes two silage bunkers to provide some 940m³ and 625m³ of silage storage, equating to some 1,000 tonnes of high dry matter silage being the quantity of silage required for a 110-cow sucker herd and their progeny.

Justification

Both local and national policies contain strict controls on development in the countryside. However, Policy ENV1 of the UDP does allow for certain works, including those necessary for agricultural purposes, and more specifically EMP8 which allows for works of an agricultural nature. Policy EMP8 of the UDP allows for development on agricultural land subject to certain criteria, including criterion (i) it is necessary for the purposes of agriculture within the agricultural unit. Paragraph 5.4.44 of the supporting text states:

"Therefore the Council will require the applicant to show that the proposed development is essential for the purposes of established agricultural activity on the site and is not based on personal preferences or circumstances."

The supporting text also recognises the important role that the agricultural industry in the rural Vale has in the local and wider economy, and this approach is supported by national guidance, including Planning Policy Wales (PPW) and TAN6-Planning for Sustainable Rural Communities. Paragraph 7.6.5 of PPW states:-

"Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use."

The supporting Appraisal submitted by the applicant's agent, Reading Agricultural Consultants, has been assessed by the Council's agricultural advisors, Bruton Knowles. They note that the business operates two principal enterprises, being a suckler cow enterprise and a hay and haylage enterprise, and it is understood that the intention is to expand the livestock enterprise. The suckler cow enterprise will be expanded and to move from finished cattle to suckled calf production.

The Council's advisors have concluded that the buildings are necessary for the continued operation of the suckler cow enterprise on the unit. They also confirm that the silage bunkers and manure store are required to appropriately support the suckler cow enterprise. As such the proposal is considered justified in relation to criterion (i) of EMP8 of the UDP. Despite this it remains necessary to assess the specific details of the proposal against local and national policy, including the remaining criteria of EMP8.

One final issue to consider with regard to the principle of the development relates to Policy ENV2 of the UDP which seeks to protect the most productive agricultural land (Grades 1, 2 and 3A) from irreversible development. The Council's Land Classification records indicate that the site is Grade 2. Notwithstanding this, as the proposal is related to a rural enterprise it would not be lost from agricultural use.

Design and visual impact

Criterion (ii) of policy EMP8 of the UDP requires that the building is designed specifically for agricultural purposes, whilst criterion (iii) seeks to ensure that it is compatible with the surrounding landscape, adjacent land uses, and any related existing structures in terms of scale, siting, design and the external appearance of the building. These requirements are in line with the guidance in TAN6-Planning for Sustainable Rural Communities. Whilst paragraph 6.1.1 identifies that one of the objectives of the Welsh Government is a sustainable and profitable future for farming families and businesses, this is not without qualification. Safeguarding the environment is also important as recognised by PPW which states at para. 5.1.1:-

“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.”

In addition paragraph 5.8.5 of TAN12 states:-

“The scale, form and siting of new agricultural buildings or buildings for on-farm diversification, is usually influenced by the operational needs of the enterprise. Where possible, new buildings should be integrated within the farmstead. Elsewhere, particular care should be taken with siting, massing and detailed design to enable them to fit well into the landscape. The use of materials appropriate to the setting, attention to colours of materials and detailing can all facilitate integration into the landscape. The standard pattern book approach needs to evolve to accommodate vernacular elements and relate to the local context.”

Further, Annex A14 of TAN6 recognises that the siting of a new agricultural building, road or excavation can have a considerable impact on the surrounding landscape.

Firstly, in considering the design of the buildings against criterion (ii) of EMP8, the Council's advisors have confirmed that the proposed farmstead has been designed specifically for agricultural purposes, and, in particular, for the use intended and having regard to the welfare needs of the livestock.

As regards the impact on the surrounding landscape, policy DG14 of the Council's SPG on Design in the Landscape expects new farm buildings to be of a size and siting that would not dominate the surrounding countryside. It is noted that the position of the buildings is close to the boundary with the public highway, however, there is an existing line of trees that will provide a visual screen. There was initial concern that the position of the proposed buildings could affect the trees, however, the amended plans indicate that there is a distance of 11.3m from the structures to the trees. The submitted DAS also notes that the proposal will entail a certain amount of cut and fill to level the site, which should serve to minimise the wider impact. Indeed as the DAS points out, the proposed building will follow an existing line of agricultural barns at the adjacent Lower Greenway Farm. As such although visible from both the main A48 and the nearby public footpath, the proposal would not be viewed as an entirely isolated feature, but would be seen within the context of the existing farm complex.

As regards the proposed track to the buildings, this was an issue of concern raised with the applicant's agent in relation to both applications, although more particularly over the greater length of track required to access the house. It was suggested that there was an opportunity to rationalise development on the site. The agent's indicated that the proposed siting cannot be rationalised due to the decision to utilise the existing access, as a new access closer to the proposed buildings would necessitate the removal of a significant number of existing trees and a greater level of engineering works due to the ground levels in that location. In addition the Council's advisors have acknowledged that the area between the proposed buildings and the existing access may be appropriate for any future expansion of the agricultural buildings.

Thus whilst it is accepted that the buildings will have an impact on the undeveloped, unspoilt landscape of the surrounding countryside, it is considered that in this instance it is not so significant as to override the agricultural need for the development particularly when bearing in mind the requirement for local planning authorities to adopt a constructive approach towards agricultural development proposals as outlined within PPW, and backed up by TAN6.

Neighbouring amenity

In relation to the likely impact on neighbouring residential amenity, the proposal will introduce a livestock building within 400m of several 'protected buildings'. The nearest of these are the two dwellings to the south of the site on the opposite side of the A48, i.e. 'West Rise' and 'Parkside'. Objections on behalf of these neighbours have been submitted by CSJ Planning. The first issue of concern relates to the unacceptable visual appearance, and notes that the proposal will remove the only views across the A48 that the residents have. Whilst it is acknowledged that the proposal will affect the neighbours outlook, the loss of a view would not be grounds for refusal of the planning application. Notwithstanding this, the visual impact of the proposal has been assessed above and considered acceptable.

The second grounds of objection relate to the adverse impact from noise, disturbance and smells. On this point it is noted that the Council's Environmental Health section have been consulted on the application and have not raised an objection to the proposal. In addition it is noted that there are a large number of existing agricultural buildings at Lower Greenway Farm which are a similar distance in relation to the neighbours houses.

In view of the above it is not considered that there would be any justifiable grounds to refuse the application on neighbouring impact.

Highway and pedestrian safety

On the highway issue it is noted that both the local Community Council and the opposite neighbours have raised concerns over the dangers involved in such a development having access on to the busy A48. However, the Council's Highway Development team have not raised an objection subject to certain conditions. These include the submission of full construction details of the proposed alterations to the existing access (provision of vehicle swept paths showing a 16.5m long articulated vehicle entering and existing the access at the same time); a maximum gradient of 1 in 20 for the first 20m of the access; access gates located a minimum distance of 20m from the adjacent highway; and details of a vehicle passing place provided centrally along the internal access road that will accommodate a 16.5m long articulated vehicle.

The Council's Public Rights of Way Officer has indicated that the applicant should be advised that although the DAS states that there are no public rights of way on the site there is a public footpath, Public Right of Way No.22 Llantrithyd, which crosses the western end of the proposed access track. The public footpath must be kept open at all times and no adverse effect should occur as a result of the development. Any temporary closure required should be sought under the Road Traffic Regulation Act 1984. The applicant's agent has indicated that it is not anticipated that the proposal would cause interference, and the footpath would not be obstructed following the completion of the proposed entrance and access track to the site of the new dwelling and buildings. Any works in the proximity of the footpath would be short in duration and a safe alternative route would be provided for any walkers.

Other issues

As already noted part of the site lies within the Quarry Buffer Zone for Pantyffynnon Quarry where Policy MIN7 of the UDP is relevant. This states that residential or similarly sensitive development will not be permitted within the buffer zone unless it can be demonstrated that mineral working would not unreasonably affect such development, nor that the presence of such development would prejudice mineral workings in the future. In this case the area of the defined buffer zone includes the access track and part of the proposed cattle housing buildings. Although the application has not provided any evidence to demonstrate that no such adverse impacts will result, it is considered that a refusal of the application on such grounds would be difficult to justify.

Finally, it will be noted from the planning history that the previous consent for a cattle housing and fodder storage building, 2010/00629/FUL, is still extant. This would allow for the erection of a third building on the holding in addition to the two now proposed, and which may not be justified in terms of the agricultural need on the holding. For that reason it may be appropriate to seek the revocation of that permission through a legal agreement. However, it is noted that the consent will expire shortly in February 2016. The consent has remained unimplemented since 2011, and indeed, the supporting Appraisal confirms at paragraph 4.2 that the applicant proposes to forego the approved application in favour of the current proposal, which offers a wider range of buildings. In addition it is noted at paragraph 2.9 of the Appraisal that accompanies the separate application for the dwelling, that it was fortunate in hindsight that the previous proposals for development at Ravenswood Farm were not pursued due to a large badger sett some 100-150m of the site, with a significant potential for cross-infection of bTB. On that basis, it is considered unlikely that the existing permission would be implemented and such an agreement is not required.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, EMP8-Agricultural Enterprise and Associated Development, TRAN10-Parking, REC12-Public Rights of Way and Recreational Routes, MIN7-Buffer Zones and Strategic Policies 1 & 2-The Environment, 8-Transportation and 12-Minerals of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape and Trees and Development; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Rural Communities, TAN12-Design and TAN23-Economic Development, it is considered that the proposal represents an acceptable and justified form of agricultural development that will have some impact on the character of the surrounding countryside and neighbouring amenity, but this will not be so significant as to override the economic benefits of the development. In addition the proposal should cause no detriment to highway or pedestrian safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans and documents, Dwg. No. RAC/6185/1, received 24 February 2015; Dwg. No. RAC/6185/2 Rev B, amended plan received 8 September 2015; Dwg. No. RAC/6185/3 Rev A, amended plan received 8 September 2015; Dwg. No. RAC/6185/4 Rev A, amended plan received 8 September 2015; Dwg. No. RAC/6185/5, received 24 February 2015; Agricultural Appraisal received 24 February 2015; and Design and Access Statement received 2 March 2015, and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Notwithstanding the submitted plans, and before commencement of development, full construction details of the proposed alterations to the access and the new access track, shall be submitted to and approved in writing with the Local Planning Authority. The details shall show vehicle swept paths providing for a 16.5m long articulated vehicle entering and existing the access at the same time; a maximum gradient of 1 in 20 for the first 20m; access gates located a minimum distance of 20m from the adjacent highway; and a vehicle passing place provided centrally along the internal access that should accommodate a 16.5m long articulated vehicle.

Reason:

In the interests of highway safety in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

4. Before the commencement of development, full details of the finished levels of the site in relation to existing ground levels, including cross-sections shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the change in levels across the whole of the site, including buildings, access track and the tree line along the southern boundary. The development shall be implemented thereafter in full accordance with the approved details.

Reason:

In the interests of the visual amenity of the surrounding countryside and neighbouring amenity in accordance with Policies EMP8-Agricultural Enterprise and Associated Development, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

5. A scheme providing for the fencing of the trees to be retained along the southern boundary of the site with the adopted highway, and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage, shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development 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 the trees which are of amenity value to the area in accordance with Policies EMP8-Agricultural Enterprise and Associated Development, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

6. Before the commencement of development full details of the proposed additional planting, comprising new trees/hedgerow/hedgerow enhancement, which shall include details of siting, species and specimen size, shall be submitted and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of the surrounding countryside in accordance with Policies EMP8-Agricultural Enterprise and Associated Development, ENV10-Conservation of the Countryside, and ENV27-Design of New Developments of the Unitary Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area in the interests of visual amenity and the character and appearance of the surrounding countryside in accordance with Policies EMP8-Agricultural Enterprise and Associated Development, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

8. Prior to the commencement of development, details of the method and location for the disposal of any excavated materials/waste shall be submitted to and approved in writing by the Local Planning Authority. The materials/waste shall be disposed of in accordance with the approved details and the development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character and appearance of the surrounding countryside in accordance with Policies EMP8-Agricultural Enterprise and Associated Development, ENV10-Conservation of the Countryside, ENV27-Design of New Developments and ENV29-Protection of Environmental Quality 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 attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
3. **The applicants are advised to ensure any other necessary consents/licences outside of planning legislation, must be obtained from the relevant statutory bodies, such as Natural Resources Wales, and/or Dwr Cymru/Welsh Water, before commencing any site works.**

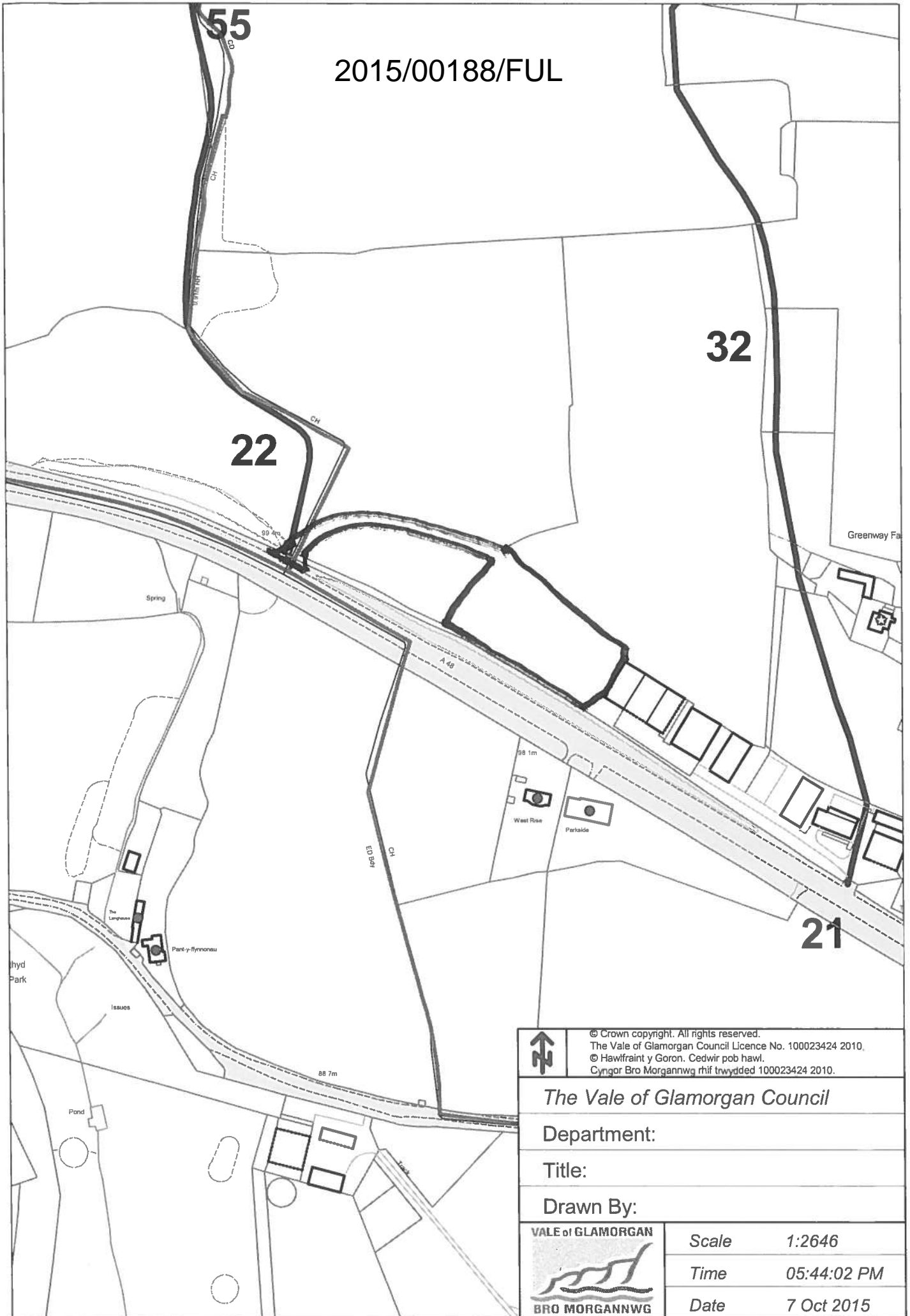
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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


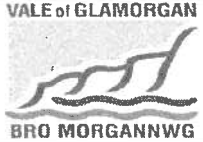
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

2015/00188/FUL



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	<i>The Vale of Glamorgan Council</i>	
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15/00188/FUL 'A'



CSJ PLANNING

Vale of Glamorgan Council
Planning Services
Civic Offices
Holton Road
Barry
CF63 4RU

AB/5080
Date: 23rd March 2015

Dear Sir/Madam,

**APPLICATION 2015/00188/FUL
LAND ADJOINING GREENWAY FARM, BONVILSTON.**

I am writing on behalf of my clients, who are adjoining neighbours to this proposal; Mr Evans at Parkside and Mr Durlucia at West Rise, both immediately opposite the proposals on the A48.

My clients do not wish to object to the principle of farming land within the countryside, and will leave the Council to determine whether the agricultural justification case has been made sufficiently to comply with Policy ENV1 and require these structures and new dwelling within the countryside. The site is outside the settlement boundary and special landscape area, but close to a minerals exclusion zone.



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25 MAR 2015

CHARTERED TOWN PLANNING CONSULTANTS

CSJ PLANNING, THOSEBY HILL, BRISTOL, BS1 5BC

Tel: 0117 927 2224 E: info@csjplanning.co.uk WWW.CSJPLANNING.CO.UK

15/00188/FUL A₂



CSI PLANNING

However, the layout of the proposals has not been formulated I would suggest taking into account the residential amenity of the adjoining occupiers and results in significant concerns which do warrant objection and ultimately refusal if amendments are not forthcoming.

The design of the proposals has shown no respect or consideration to my clients by proposing buildings; silage pits and muck store immediately opposite West Rise and Parkside. This leads to significant impacts in terms of

- Unacceptable visual appearance

My clients understand the needs of farmers, but they are already opposite existing buildings of poor quality and this proposal will remove the only views across the A48 they have. Also it will be directly in full view of the A48 passing traffic. Given that the overall land holding is so large, it is suggested other locations would be far more suitable and not impact directly on adjoining residents.

Why not locate the proposed agricultural dwelling (separate application) on the road frontage with garden etc, and cite the operational development to the rear of that, thus shielding it from neighbours to some extent. The silage and muck can surely be located within the farm, rather than directly on the road.

Alternatively, it could be located within the landholding further west along the A48, if allowable within the mineral buffer zone.

- Unacceptable amenity impacts of noise, disturbance and smells

Whilst on the other side of the A48 these proposals are only in the region of 20 metres from neighbours and a lot of early and late agriculture use will be at quite times and give rise to real concerns over noise and more importantly smells from the proximity of muck store and silage.

At certain times with conditions of heat and wind direction, this will result in real unpleasantness for adjoining occupiers, and their gardens could be rendered unusable.

Again a lack of consideration has been given to the impacts upon neighbours, and especially as the land holding is large enough to ensure agriculture provision can be made without harm to neighbours.

The direct impacts that would arise do not appear to be addressed by policy ENV1 but it is a national material consideration in relation to impact upon amenity.

- Traffic hazard

My clients are also of the view that the proposed access is unacceptable as it is proposed right on the inner bend of the A48 as it runs to the west of Bonvilston. This road is also subject to very high speeds of passing traffic approaching 70 mph. Large heavy agricultural manoeuvres at this location will create highway safety concerns.

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CSJ PLANNING

In conclusion, therefore it is suggested that whilst an in principle objection is not raised, the current application should be withdrawn in the light of the issues raised above in order to allow the site layout to be reconsidered and amended proposals brought forward to ensure that the unacceptable traffic, visual and amenity impacts of the current scheme can be addressed with new proposals. If no amendments are forthcoming then the application should be refused.

Any silos, muck stores or buildings should be a sufficient distance away from my client's properties to avoid adverse harm.

Please can you ensure that this serious objection is lodged against the application record and keep me informed of the progress on the application.

Yours sincerely

Andrew Beard
DIRECTOR
ab@csi-planning.co.uk

Enc.

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25 MAR 2015

15/00188 /FUR 'B'



FARMERS' UNION OF WALES
UNDEB AMAETHWYR CYMRU
G WENT BRANCH · C A N G E N G W E N T

County Office/Swyddfa Sirol: Park Chambers, 10 Hereford Road, Abergavenny, Monmouthshire, NP7 5PR.
Tel/Ffôn: (01873) 853 280. Fax/Ffax: (01873) 859 861. E-mail/E-bost: gwent-fuw@btinternet.com

Reference/Cyfeirnod:

GD/HT

Date/Dyddiad

12th February 2015

The Planning Officer
Vale of Glamorgan County Borough Council
Civic Offices
Holton Road
Barry
CF63 4RU

Dear Sir

Re: Our members Mr & Mrs R Saunders
Land at Greenway Farm, Bonvilston.

Our above named members have contacted me in connection with their planning application for a 4 bedroom dwelling house, and Agricultural buildings at Greenway Farm, Bonvilston.

The Farmers' Union of Wales are delighted to support Mr & Mrs Saunders application as they are, without doubt, a perfect example of the type of young couple who are desperately needed to sustain the rich agricultural heritage of the Vale of Glamorgan. The average age of farmers has increased dramatically over the years and it is great to see a young couple who are enthusiastic and determined to make a living from Agriculture.

I understand that the proposed development is on a block of land extending to some 47 acres, which is owned by Mr & Mrs Saunders, whilst they hold Farm Business Tenancies and Annual Tenancies on 830 acres.

The land supports a suckler herd of 110 cows together with replacement heifers, store cattle, and breeding bulls, giving a total of over 200 cattle. It is the intention to increase the herd further, and this obviously necessitates additional animal housing space in order to maintain welfare standards, particularly around calving time.

Because of the scale of our members farming enterprise, and the need to maintain high animal welfare standards, it is also essential for living accommodation to be located close at hand.

I sincerely hope that you will grant our members planning proposals for the reasons stated above, and if you require any further information or clarification, please do not hesitate to contact me.

County Executive Officer/Swyddog Gweithredol Sirol: J. Glyn Davies

Dyffryn Springs, Home Farm, St. Lythans Road, Dyffryn, Vale of Glamorgan, CF5 6SU
Reading Agricultural Consultants, Gate House, Beechwood Court, Long Toll, Woodcote, Oxfordshire, RG8 0RR

Dyffryn Springs, Home Farm, St. Lythans Road, Dyffryn

Construction of new access track and variation of Condition 2 of planning permission 2012/00364/FUL to remove ancillary restriction on wedding functions

SITE AND CONTEXT

The application site comprises an area of agricultural land to the south of Home Farm and west of Dyffryn Springs, a fishery and associated function room. The application site runs from the adopted highway on its western side, across two field parcels in a south easterly direction to an existing track.

There are a number of residential properties nearby, including 'Yr Hen Felin' and its annexe, which is accessed immediately to the south, and 'Well Cottage' which lies to the north and is a thatched Grade II listed building.

The site lies within both the open countryside as defined in the Unitary Development Plan and the Dyffryn Basin and Ridge Slopes Special Landscape Area. Part of the site also lies within a Flood Risk Zone.

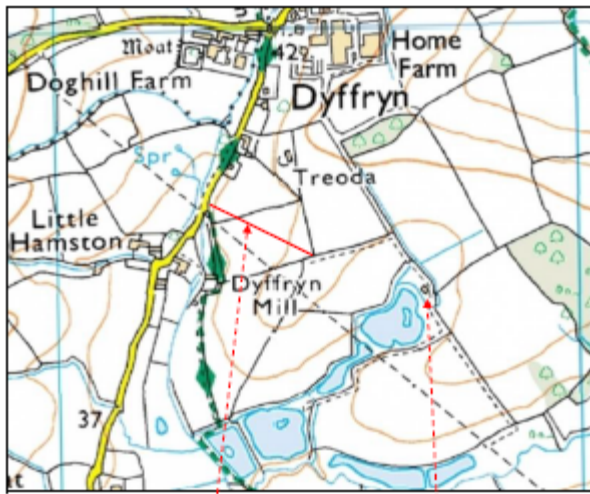
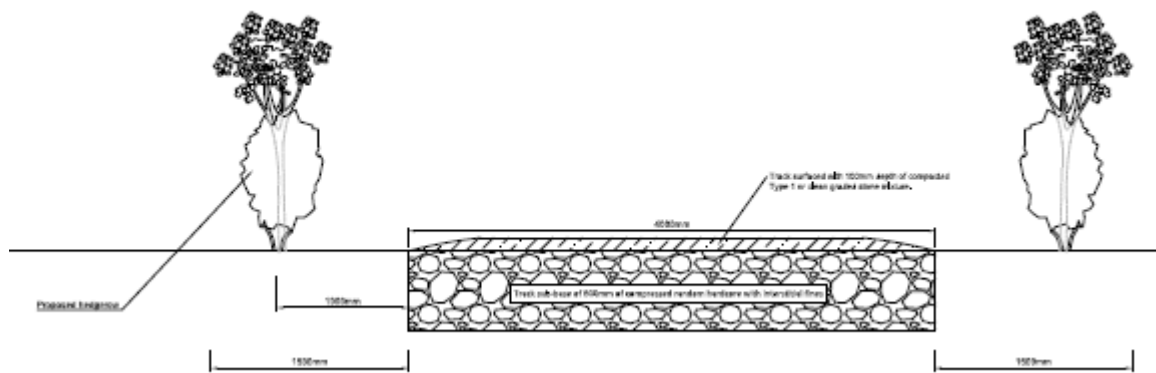


Figure 1. Route of the proposed new track and site of the functions venue and lakes.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission that entails two elements. The first relates to the construction of a new access track. The proposed track would measure 4m across, with two passing places, and run for a length of approximately 225m. The topsoil would be stripped from the line of the track and placed alongside the initial excavation. The subsoil would then be removed from the site and used on another part of the farm to re-profile a depression in a field to improve its agricultural use.

The track would be approximately 600mm deep and comprise a well-compacted random hardcore base with interstitial fines, and a top finish of Type 1 material or a clean graded stone mixture. The edges of the new track would be graded with topsoil taken from the stripped area and then seeded to grass to assimilate the track into the landscape. A new hedge line associated with the trans-located hedge at the entrance will be planted 1m back from each edge of the proposed track. In addition a line of standard oak trees (*Quercus Robur*) will be planted every 30m either side of the track to improve ecological connectivity and provide a wildlife corridor. The proposed track will also include a new bridge over the existing ditch alongside the highway. This will comprise a pre-cast slab, and the application provides structural calculation details. The new access onto the highway will provide a splayed width of 16.6m with entrance gates set back 10m. The vision splay to the north will require the removal of existing hedgerow and its realignment.



The second element seeks the variation of Condition 2 attached to planning permission 2012/00364/FUL for the extension of a building to provide a club room for fishermen, along with a new decked terrace, service compound, and refurbishment of the remainder of the building as a wedding venue. The condition states:-

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order, the primary use of the development hereby permitted shall be in connection with the existing Dyffryn Springs fishery business, and any other use within Class D2, including the use for wedding functions, shall remain ancillary to that use.”

The application seeks to vary this to allow for the successful wedding venue business to be more than an ancillary use to the main fisheries business. Appendix I of the supporting statement suggests the following variation:-

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order, the principal uses of the development hereby permitted shall be in connection with the existing Dyffryn Springs fishery business and the use for wedding functions. Any other use within Class D2 shall remain ancillary to these two uses.”

The application is accompanied by a supporting statement which outlines the justification for the proposals.

PLANNING HISTORY

There is no specific planning history relating to the current application site, however there are several applications relating to Dyffryn Springs and the wider farm enterprise, which include:-

1991/00430/FUL - New access road to farm - Approved 26 July 1991.

2000/00652/FUL - Single storey fishing amenity building with associated children's play area, car parking and access road - Refused 21 December 2000 on the grounds of its unacceptable scale and form in an attractive open countryside location.

2001/00760/FUL - Use of lakes for fishing with associated amenities building, car park and access - Approved 7 September 2001 subject to conditions, including, landscaping; restriction on hours; drainage; car parking; and restriction on external illumination.

2002/00495/FUL - Two additional lakes for angling purposes, with associated disabled car parking and access track - Approved 24 July 2002 subject to conditions, including, landscaping; cross sections of track and car parking; restriction on hours to between 7.30am to one hour after dusk; and restriction on external illumination.

2003/01078/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 13 November 2003 subject to conditions, including temporary consent to 30 September 2005; and restricted to plant sales only.

2006/01660/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 31 January 2007 subject to conditions, including temporary consent to 2 February 2008; and restricted to plant sales only.

2008/00395/FUL - Extension to toilets to comply with disability regulations - Approved 6 June 2008.

2008/00788/FUL - Proposed permanent continuation of A1 use at Dyffryn Springs Nursery - Approved 5 August 2008 subject to conditions, including restriction on sale of plants only; and removal of permitted development rights for any change of use.

2008/00955/FUL - Permission to erect a marquee for a temporary 6 month period every year - Withdrawn 10 September 2008.

2009/00668/FUL - Temporary permission for a period of 36 months for the erection of a marquee for the months of May to September in any calendar year - Approved 4 December 2009 subject to conditions, including, temporary period of four months in each calendar year and for a maximum total of 12 months or three years, with the marquee not being erected before 1 May and removed from the site on or before 30 September every year until 1 September 2012; and details of the restoration of the site.

2012/00364/FUL - Extension of existing building to provide a club room for fishermen along with a new decked terrace and service compound. Refurbish remainder of building as a wedding venue - Approved 6 July 2012 subject to conditions, including, restriction on use for primary purpose of fishery business with wedding functions and other D2 use to be ancillary; matching external finishes; further details of means of enclosure of the service compound; no external illumination; and details of landscaping.

CONSULTATIONS

Wenvoe Community Council – Initially consulted on 26 August 2015 and re-consulted on the amended application on 30 September 2015. No comments have been received to date.

Natural Resources Wales – No objection. The site lies partially within Zone C2 Flood Risk. However, given the scale and nature of the development they consider the risk could be acceptable subject to the developer being made aware of the potential flood risks. The location of the proposed bridge over an ordinary watercourse is for the Authority's internal drainage advisors to consider. They also provide advice on waste and pollution.

Council's Ecology team - Do not object but note that no ecological assessment has been undertaken of the hedgerows to be lost. However, in some circumstances it may be acceptable to provide mitigation without survey of original features. Further information is requested in relation to the existing hedgerow, exact length to be lost and details of species, and for the proposed hedgerow, details of the total length, proposed species of hedgerow and trees, and proposed maintenance over the next 25 years.

Council's Head of Legal, Public Protection and Housing Services Directorate -Environmental Health – Pollution Section – No objection to the initial scheme. The department have been re-consulted on the amended scheme on 30 September 2015 – No comments received to date.

Council's Highway Development team – Initial comments - The proposed access is required to be provided at a minimum width of 4.8m along its complete length. Furthermore, visibility splays of 2.4 x 43m are required to be shown on a suitably scaled plan from the proposed means of access along the adjacent highway, with land that is under the ownership of the applicant shown on the same plan. Finally, the structural calculations used in order to determine the elevation details provided on drawing number RAC/6611/1 are required to be submitted for review.

Further comments – Re-consulted on 30 September 2015. No comments received to date.

Council's Public Rights of Way Officer – Initially consulted on 26 August 2015 and re-consulted on the amended application on 30 September 2015. No comments received to date.

Council's Highways and Engineering section (drainage) – Initially consulted on 26 August 2015 and re-consulted on the amended application on 30 September 2015. No comments received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 27 August 2015 and re-notified of the amended application on 30 September 2015. In addition the application was advertised on site and in the press on 27 August and 10 September 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 5 - BUSINESS AND INDUSTRIAL USES.

POLICY 6 - TOURISM.

POLICY 8 - TRANSPORTATION.

POLICY 11 - SPORT AND RECREATION.

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.
ENV27	- DESIGN OF NEW DEVELOPMENTS.
ENV28	- ACCESS FOR DISABLED PEOPLE.
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY.
EMP2	- NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.
EMP7	- FARM DIVERSIFICATION.
TOUR5	- NON-RESIDENTIAL TOURIST ATTRACTIONS.
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 (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, 4.3.1, 4.4.3, 4.6.3-Priorities for rural areas, and 4.10-Conserving agricultural land; Chapter 5-Preserving and improving natural heritage and the coast, including paragraphs 5.1.1 and 5.2-Caring for biodiversity; Chapter 6-Conserving the historic environment, including paragraph 6.1.1, 6.1.2 and 6.5.9; Chapter 7-Economic development, including, paragraphs 7.1.3, 7.3-Promoting diversification in the rural economy and 7.6.1; and Chapter 11-Tourism, sport and recreation, including, paragraphs 11.1.1 and 11.1.4.

Technical Advice Notes:

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

- TAN 5 - Nature Conservation and Planning, including paragraphs 1.6.1 and 4.6.
- TAN 6 - Planning for Sustainable Rural Communities, including paragraphs 3.1.2 and 3.7-Farm diversification.
- TAN 12 - Design, including paragraphs 2.6, 5.5.1 and 5.6.
- TAN 13 – Tourism, including paragraph 4.

- TAN 15 - Development and Flood Risk.
- TAN 23 - Economic Development, including paragraph 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:

- Biodiversity and Development SPG.
- Design in the Landscape SPG, including DG1 - Sustainable Development and DG7 - Roads-Rural.
- Trees and Development SPG.

The Local Development Plan:

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

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

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

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

- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).

- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).

Other relevant evidence or policy guidance:

Conservation of Habitats and Species Regulations 2010.

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 appearance of the surrounding area, including the Dyffryn Basin and Ridge Slopes Special Landscape Area and the setting of the listed 'Well Cottage' any effect on neighbouring amenity; highway safety; and biodiversity; all bearing in mind the justification for the development. The planning history of the site is also a material consideration in the determination of the application.

Justification

In policy terms the site is located within the open countryside, outside of any recognised settlement, where restrictive planning policies apply to proposals for new development, including policy EMP2 - New Business and Industrial Development of the UDP. Notwithstanding this, 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. The expansion of ICT technology, in particular broadband, into rural areas could help to overcome the barriers associated with distance to market, and access to customers and business services. It could also support diversification into higher paid employment sectors. Planning authorities should support planning applications which are intended to enhance infrastructure networks in rural areas.”

In addition paragraph 3.1.3 highlights that planning authorities should promote the expansion of established businesses:

“This should include supporting the expansion of businesses that are currently located in the open countryside provided there are no unacceptable impacts on local amenity.”

It will be noted from the planning history, and the supporting information, that the original farming enterprise has been subject to considerable diversification over the years, with a number of non-agricultural businesses, including the fisheries operation, now well established on the site. As such the principle of the diversification of the agricultural enterprise into other uses has already been accepted. The current application comprises two elements but it is recognised that these are related and dependent on each other, particularly when assessing the justification.

The existing fishing enterprise and associated building was initially approved in September 2001, with subsequent permissions for additional lakes, a washroom and club room extension. The 2012 application also allowed for additional uses for D2-Assembly and leisure purposes, including wedding functions, but this was on an ancillary basis only. There was concern at the time that the wedding business could become the dominant enterprise, and, particularly as the sole use of the site, it could be deemed inappropriate in this rural area. As such a condition was imposed to control the nature of the use to safeguard the surrounding countryside in line with EMP7 and TAN6. Since that date the wedding function business has proved successful, to the extent that it could no longer be considered as ancillary to the fishery business. As the supporting statement notes over the past 12 months the lodge was used for a total of 40 functions, with 20 of those being wedding receptions. As Appendix I of the supporting statement notes:-

“...the wedding venue has surpassed original targets and is becoming more than an ancillary activity to the fishing enterprise. The two enterprises are now equal income earners for the wider diversified farm and it is against this background that it is considered appropriate to apply for a variation of the condition.”

Thus the current application seeks to remove the restrictive condition on the wedding venue to allow the ongoing, and future expansion of this element of the farm diversification.

As regards the justification for this, it is noted that the wedding business has become an important element of the diversification that supports the farming enterprise. The supporting statement notes that it has helped the core farming enterprise to survive what has been a very difficult trading period for many local agricultural businesses. Indeed the statement goes further to indicate that the business also supports the local economy providing employment for four staff and up to 20 caterers for each occasion. Income is also generated in the wider community for florists, photographers, entertainment and accommodation. The statement highlights how many of the wedding guests often come from areas outside the Vale of Glamorgan, and could be encouraged to return on holiday, generating additional tourist income for the region, which would be in line with Strategic Policy 6 -Tourism of the UDP. On that basis it is considered that the wedding functions business does represent an acceptable farm diversification in line with local and national policy and guidance.

Following on from the acceptability of the wedding business as an appropriate form of farm diversification, consideration must then be given to the whether or not the proposed new track is similarly justified. The supporting statement confirms that the track is required in connection with the wedding business, and specifically to allow for the enhancement and expansion of that business. The supporting statement notes that the wedding venue site is some 450m from the farm buildings which are associated with the principally arable farm. Access to the function venue is currently only available through the farmyard. It is argued that this is not only inappropriate in relation to the attractiveness of the venue, but also on the grounds of health and safety arising from the movement of agricultural machinery. In addition the proposed new route would enable coaches to access the site, whereas currently coaches have to make a series of awkward manoeuvres when negotiating corners around the farm buildings. As the statement makes clear:-

“It is considered that the venue would attract more business if there was an attractive, dedicated access route.”

Thus, subject to the necessary consideration of the impacts of the development it is considered that the proposed new track is justified in connection with the wedding venue business. Both the track and the expansion of the wedding functions use are considered to be justified in line with EMP7 and national guidance, including PPW which 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.”

One final issue to consider with regard to the principle of the development relates to policy ENV2 of the UDP which seeks to protect the most productive agricultural land (Grades 1, 2 and 3A) from irreversible development. The Council's Land Classification records indicate that the site is Grade 3, but it is not clear whether it is Grade 3A. Despite this it is considered that the creation of the track would not necessarily prejudice the continued agricultural operations on the remainder of the two fields, or the future, longer term use of the land for purely agricultural purposes. As such it is not considered that the proposal would justify a refusal on the grounds of the loss of agricultural land.

Visual impact

It has already been noted that the site lies within the Dyffryn Basin and Ridge Slopes SLA, where Policy ENV4 seeks to ensure that development is controlled in order to protect the quality of the rural landscape. The proposed new track is also positioned close to the Grade II listed 'Well Cottage', just to the north. Policy 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.”

Indeed recent case law indicates that the likely impact of the development on the setting of the nearby listed building is more than a material consideration to be weighed in the general balance, and carries substantial weight in the determination of the application. In addition the criteria outlined in other policies of the UDP refer to the design of new development, in particular EMP7, which requires that diversification proposals are compatible with the surrounding landscape; do not unacceptably affect the certain interests, including landscape and historic environment; and vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside.

The proposal entails the removal of hedgerow and engineering works to provide the track and bridge. Such development will be noticeable within the surrounding landscape, not only from the main road, but also from the public footpath that runs to the south. However, such works are low-lying and will be less prominent within the wider landscape. In addition the submitted details indicate a number of measures that are intended to mitigate that impact. These include the replacement/realignment for the existing hedgerow along the roadside, outside of the new vision splays, and a new hedgerow and tree planting along both sides of the track. Such landscape works should serve to screen the development from distant views. The gravel type surfacing over most of the track, apart from the concrete entrance, should also integrate the track into the rural landscape. This rural character can be further enhanced by the use of an agricultural style field gate at the entrance. The submitted information indicates that entrance gates will be provided 10m back from the highway, but no details are provided. These could be conditioned on any permission, along with full details of the proposed planting to ensure it reflects the character of the area in line with the SPG on Design in the Landscape.

As regards any impact on the nearby listed building, it is recognised that the rural character of the area is important to its setting. As already outlined above, it has been assessed that the proposal will have a minimal impact on the rural character of the area. On that basis it is considered that, with the presumption in favour of preservation, the impact on the setting of the listed building is acceptable. It is also recognised that the farm diversification element of the development, and subsequent economic benefits, should serve to maintain the main farming business and thus the nature of the surrounding area as working farm land.

Finally on the issue of the landscape impact, part of the proposal seeks to establish the wedding venue business on an equal footing with the fishery use. If this is agreed both uses will still remain ancillary to the main farming enterprise, and there should be no additional landscape impact beyond that already assessed in the previous applications and subsequent permissions.

Thus it is considered that the proposal should have a minimal effect on the character and appearance of the surrounding landscape, including the SLA and listed building, and that such impact is outweighed by the economic benefits of this farm diversification scheme.

Neighbouring amenity

On the issue of neighbouring impact it is acknowledged that the introduction of a new track may result in some noise and general disturbance from movements along the route. However, it is unlikely that this will be to a much greater extent than that already experienced from the existing public highway. In addition, the nature of the use that the road will serve, as described in the supporting statement, is such that movements along the track will be limited and periodic.

As regards the proposal to vary the restrictive condition to allow the wedding business to be more than an ancillary use, it is noted that no objections have been raised from either the Council's Environmental Health section or neighbouring occupiers. The wedding venue business has been operating for some time with 20 functions taking place last year alone, while the fishery business has been operating for longer. There is no evidence that these uses have adversely affected the residential amenity of the neighbouring dwellings. Indeed there are separate licensing requirements that can control any nuisance. This point was noted when assessing the 2012 application for the extensions to the club house and the wedding venue use. At that time it was determined that the earlier restriction on hours was no longer necessary or reasonable. However, it was still considered necessary to control the external illumination of the site in the interests of mitigating potential light pollution, particularly bearing in mind the astronomical observatory at the nearby Dyffryn Gardens. Thus in considering the variation of the condition, and the others imposed on the 2012 application, the need to control lighting remains relevant.

Highways

The Council's Highway Development team have submitted initial comments on the proposal and, although they have not raised a highway objection they have requested additional information and amendments. Further details have been requested in relation to the visibility splays of 2.4m x 43m, and the structural calculations for the works. These have been submitted, and although the further comments of the highway section are still awaited, it is considered that any additional works/information can be conditioned, and should not result in a reason to reject the application. However, the highway requirement for the access track to be increased in width from 4m to a minimum of 4.8m is not considered appropriate in planning terms. Any increase in the size/scale of the works will result in an increased impact on the surrounding landscape. It is considered that the proposed width of 4m, with the two passing places, is entirely appropriate for the intended use. In this case the likely difference on highway safety issues between a track of 4m as opposed to 4.8m, is outweighed by the certainty of the additional impact on the landscape, which would not be welcomed.

As regards any potential impact on the nearby public footpath, it is noted that the Council's Public Rights of Way Officer has not commented to date. However, as the supporting statement notes footpath is adjacent to the access point to the highway but does not cross or interfere with it as it is separated by an existing hedgerow. As such the long term use of the footpath should be unaffected by the development.

Biodiversity

The Council's Ecology team have been consulted on the proposal bearing in mind the loss of hedgerow and the potential impact on protected species, such as the Great Crested Newt, which has been referred to in previous applications in the area. Also 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."

It is noted that the Council's Ecology team have not raised an objection to the development, but note that no ecological assessment has been undertaken of the hedgerows to be lost. However, it is acknowledged that in some circumstances it may be acceptable to provide mitigation without survey of original features. In this instance they have requested further information in relation to the existing hedgerow, exact length to be lost and details of species, and for the proposed hedgerow, details of the total length, proposed species of hedgerow and trees, and proposed maintenance over the next 25 years. It is considered that this information can be required by a condition in any consent, however, in planning terms, maintenance and replacement of planting can only be reasonably required for a period of five years.

Other issues

It has already been noted that part of the site lies within a C2 flood risk zone. This relates to the entrance off the adopted highway which includes the works for the proposed bridge over the existing ditch and stream. Natural Resources Wales have been consulted on the application and have confirmed that they have no objection. Given the scale and nature of the development they consider the risk could be acceptable subject to the developer being made aware of the potential flood risks. As regards the proposed bridge works they note that as the location of these is over an ordinary watercourse, it is for the Authority's internal drainage advisors to consider. The Council's Highways and Engineering section (drainage) have been consulted on application but no comments have been received to date.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, EMP2-New Business and Industrial Development, EMP7-Farm Diversification, TOUR5-Non-Residential Tourist Attractions, REC12-Public Rights of Way and Recreational Routes, and Strategic Policies 1 & 2-The Environment, 5-Business and Industrial Uses, 6-Tourism, 8-Transportation, and 11-Sport and Recreation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Design in the Landscape, 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, TAN12-Design, TAN13-Tourism, TAN15-Development and Flood Risk, and TAN23-Economic Development, it is considered that the proposal represents an acceptable form of farm diversification, the benefits of which outweigh any limited adverse visual impact the proposal will have on the character and appearance of the surrounding countryside, including the Dyffryn Basin and Ridge Slopes Special Landscape Area and the setting of the nearby listed building. The proposal should also not result in any significant harmful impact on neighbouring amenity or highway safety. In addition the proposal should not cause any detriment to the ecological or biodiversity interests of the area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans and documents, Dwg. Nos. RAC/6611/1, RAC/6611/2, RAC/6611/3 Rev A, RAC/6611/4, RAC/6611/5 Rev A and RAC/6611/6; and Supporting statement prepared by Reading Agricultural Consultants Ltd., all received 30 September 2015, and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order amending, revoking or re-enacting that Order, the principal uses of the development hereby permitted shall be the existing Dyffryn Springs fishery and wedding venue businesses, and any other use shall be solely ancillary to those uses, and this consent shall not relate to any other use falling within Class D2.

Reason:

The site is located within the countryside where development is only justified in connection with the existing rural enterprise in accordance with Policy EMP7 - Farm Diversification of the Unitary Development Plan, and national guidance contained in Planning Policy Wales and TAN6 - Planning for Sustainable Rural Communities.

4. No part of the site shall be externally illuminated without the prior written consent of the Local Planning Authority.

Reason:

To control light pollution and in the interests of visual amenity and the character and appearance of the Dyffryn Basin and Ridge Slopes Special Landscape Area in accordance with Policies ENV4 - Special Landscape Areas; ENV27 - Design of New Developments; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

5. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The proposed scheme shall provide full details of both the existing hedgerow and proposed new hedgerow/tree planting, including the exact length to be lost/planted and full details of species, along with the proposed maintenance of the new planting and details of measures for the protection of the existing hedgerow to be retained in the course of development and following completion of the track.

Reason:

In the interests of the visual amenity of the surrounding countryside, including the Dyffryn Basin and Ridge Slopes Special Landscape Area, and the setting of the nearby listed building, along with the enhancement of biodiversity in the area, in accordance with Policies ENV4-Special Landscape Areas, ENV17-Protection of Built and Historic Environment, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on Biodiversity and Development.

6. 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 in the interests of the visual amenity of the surrounding countryside, including the Dyffryn Basin and Ridge Slopes Special Landscape Area, and the setting of the nearby listed building, along with the enhancement of biodiversity in the area, in accordance with Policies ENV4-Special Landscape Areas, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on Biodiversity and Development.

7. Before their installation on site, full details of the proposed access gates, which shall be designed to reflect the rural location and set back a minimum of 10m from the edge of the adopted highway, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved plans.

Reason:

Full details have not been provided and in the interests of the visual amenity of the surrounding countryside, including the Dyffryn Basin and Ridge Slopes Special Landscape Area, and the setting of the nearby listed building, in accordance with Policies ENV4-Special Landscape Areas, ENV17-Protection of Built and Historic Environment, and ENV27-Design of New Developments of the Unitary Development Plan.

8. The approved scheme of hedgerow protection shall be fully implemented on site prior to the commencement of any works on site including ground preparation or excavation and shall be so retained for the duration of the development works.

Reason:

In the interests of the visual amenity of the surrounding countryside, including the Dyffryn Basin and Ridge Slopes Special Landscape Area, and the setting of the nearby listed building, along with the enhancement of biodiversity in the area, in accordance with Policies ENV4-Special Landscape Areas, ENV17-Protection of Built and Historic Environment, and ENV27-Design of New Developments of the Unitary Development Plan, plus Supplementary Planning Guidance on Biodiversity and Development.

9. Notwithstanding the submitted details, full engineering details of the proposed bridging of the watercourse shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works and the development shall be carried out in accordance with the approved details.

Reason:

To ensure the development does not affect existing drainage or lead to additional risk of flooding, and in accordance with Policies ENV27 and ENV7 of the Unitary Development Plan.

NOTE:

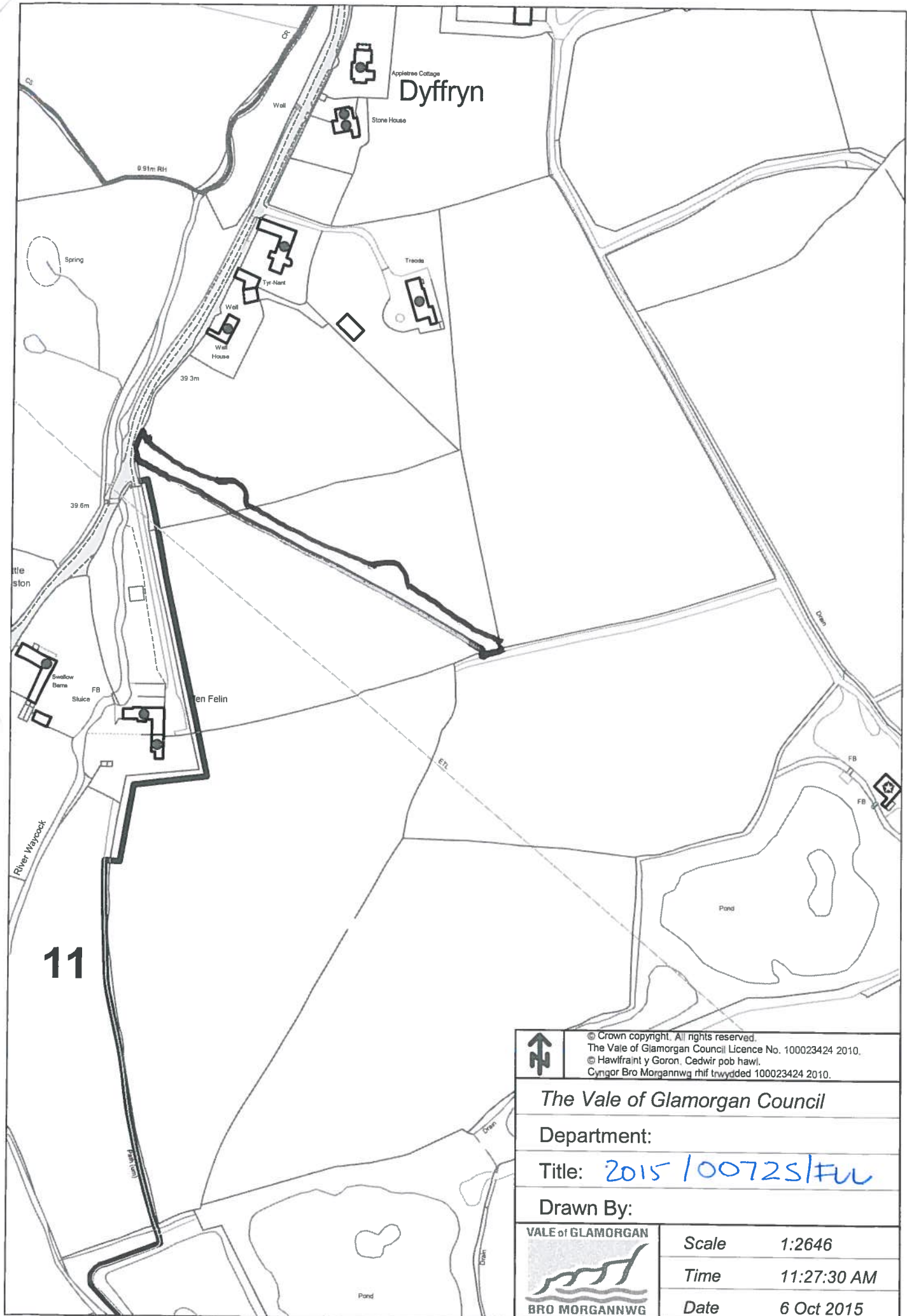
1. **The attention of the applicant is brought to the fact that a public right of way may be affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
3. **The developer should be aware that the site lies partially within Zone C2 as defined by the Development Advice Map (DAM) under TAN15- Development and Flood Risk. There is therefore the potential for flood risk where Natural Resources Wales offer advice on the installation of flood-proofing measures as part of the development, which can be found in their Floodline publication 'Damage Limitation' www.naturalresourceswales.gov.uk.**

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



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

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

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



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	<i>The Vale of Glamorgan Council</i>	
Department:		
Title: <i>2015/00725/FUL</i>		
Drawn By:		
	Scale	1:2646
	Time	11:27:30 AM
	Date	6 Oct 2015

2015/00740/FUL Received on 17 August 2015

Mr. Graeme Thelwell, 14, Church Hill Close, Llanblethian, Cowbridge, Vale of Glamorgan, CF71 7JH
CFW Architects Limited, 6, North Road, Cardiff, CF10 3DU

14, Church Hill Close, Llanblethian, Cowbridge

Pursuant to planning permission 2014/00217 (granted) this application is to regularise the amended rear extension footprint and roof design and also the amended garage design to the above permission - to demolish existing garage, construct an extension in the location of existing garage to make dining room. Extend existing bedroom to include an en-suite. Construct an open sided sun porch. Construct new detached garage. Remodel/level external area

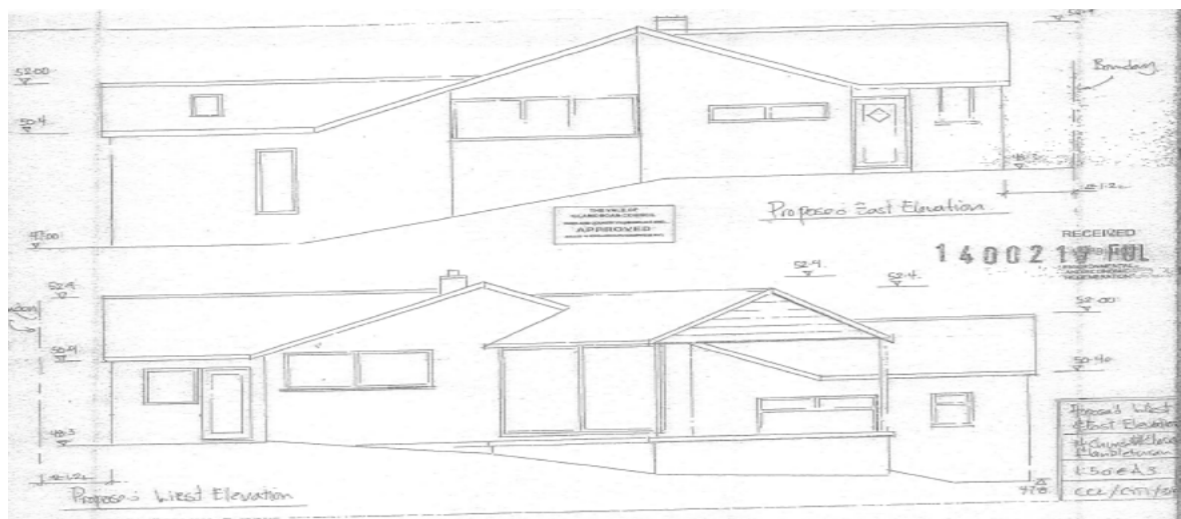
SITE AND CONTEXT

The application site comprises an existing detached bungalow with a detached garage and off road parking located at the end of Church Hill Close.

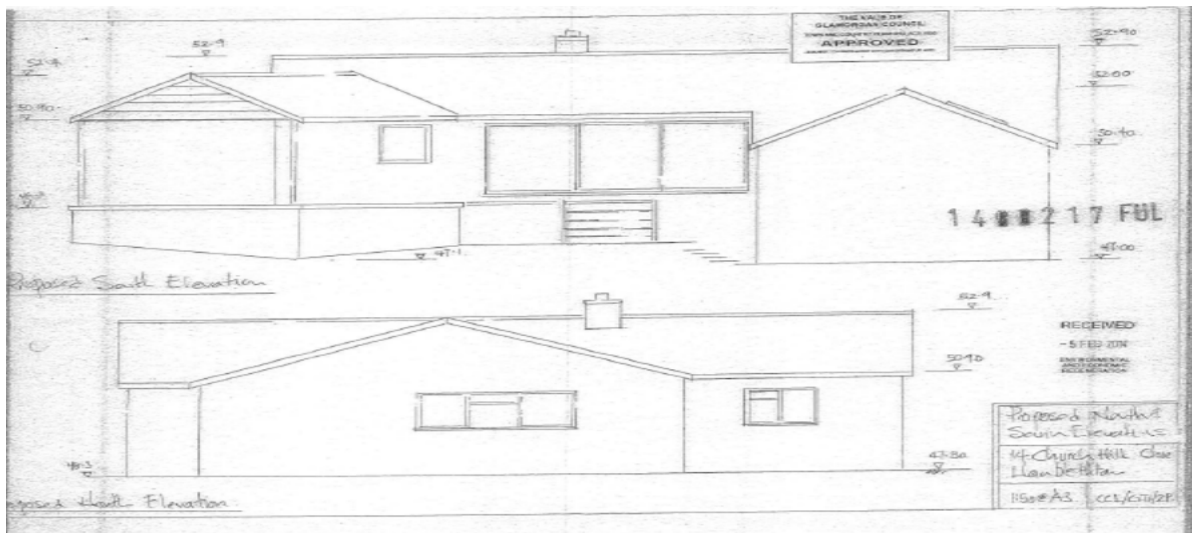
The site lies just outside of the Llanblethian Conservation Area but within the residential settlement boundary for Cowbridge and Llanblethian as defined in the Unitary Development Plan.

Planning permission was granted under planning permission 2014/00217/FUL to demolish the existing garage, construct an extension in the location of existing garage to form a dining room, extend the existing bedroom to include an en-suite, construct an open sided sun porch to the rear and construct new detached garage and associated alterations.

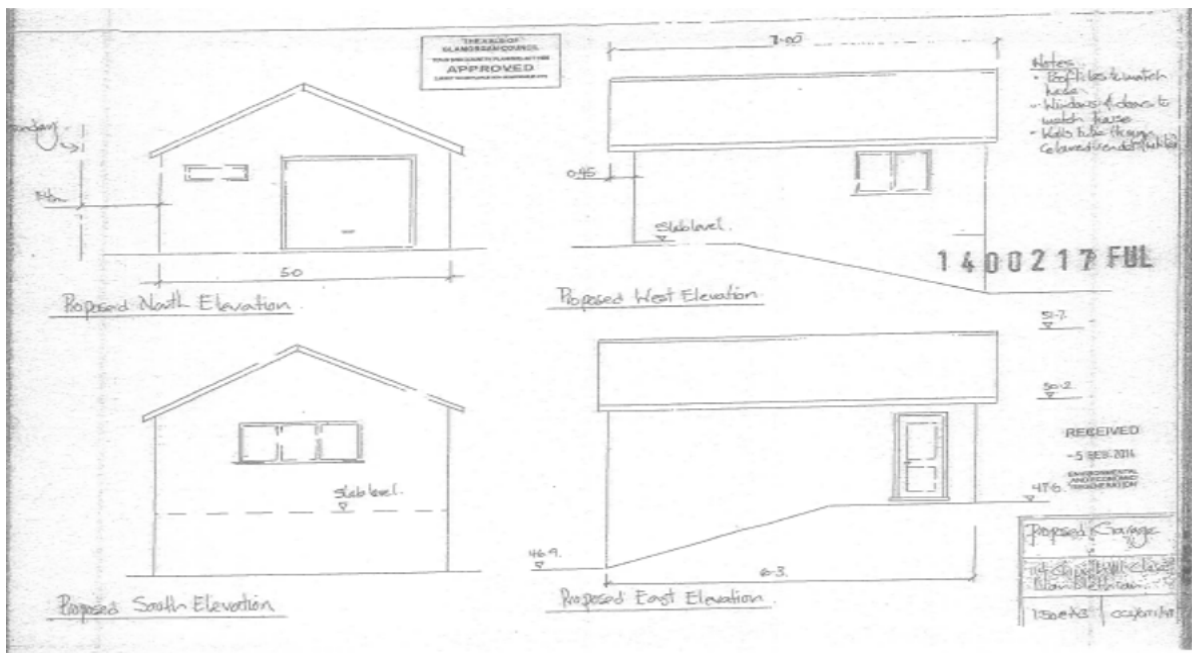
The approved plans are located below:



Proposed front 'east elevation' and proposed rear 'west elevation'.



Proposed side 'south and north' elevations.



Proposed garage elevations.

DESCRIPTION OF DEVELOPMENT

During the course of the construction the Local Planning Authority was notified by local residents that the works carried out on site did not accord with the approved plans, as a result this application has been submitted to regularise the works 'as built'.

The main differences with what has been constructed and what was approved can be summarised below:

- The ridge height of the existing dwelling house has been increased by 0.5 metres.
- The garage as constructed has been built in a different location albeit shorter in length and height.
- The proposed bedroom extension has been constructed 1.2 metres deeper and 2 metres wider than that approved.
- The finish of the roof of the existing dwelling and extensions has been changed from concrete tiles to synthetic slates with the introduction of roof windows.
- The existing crossover has been extended to allow two off road parking spaces.
- The proposed open sided porch has been constructed 1 metre longer and 0.5 metres wider than approved.

PLANNING HISTORY

2014/00217/FUL : 14, Church Hill Close, Llanblethian, Cowbridge - To demolish existing garage, construct an extension in the location of existing garage to make dining room. Extend existing bedroom to include an en-suite. Construct an open sided sun porch. Construct new detached garage. remodel/level external area. - Approved 16 April 2014.

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 15 July 2015 and re consulted on 19 August 2015. A response received on 05 August 2015 objects to the proposal on the grounds that the increase in ridge height will interfere with the 'line of site of neighbouring properties and would be out of keeping with the remainder of the estate.

Highway Development (Planning) were consulted on 15 July 2015 and re consulted 19 August 2015, a response received on 8 September 2015 comments no objection but recommend that the applicant contact the Council's highway team in regards to the crossover.

Cowbridge Ward Members were consulted on 15 July 2015 and re consulted on 19 August 2015. A response received on 8 July 2015 from Cllr Parker requests that the application be considered by Planning Committee.

Fire Officer (Cowbridge) was consulted on 19 August 2015, no response was received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 15 July 2015 and re-consulted on 19 August 2015 with copies of the plans. A site notice was also displayed on 22 July 2015. To date over 35 letters of objection and a petition have been received by residents of Church Hill Close and adjoining properties. Their objections are summarised below:

- Errors in plans
- Highway safety issues due to proposed parking and not being able to leave in forward gear
- Siting of garage out of keeping
- Incorrectly completed application form
- Applicants wife works for the local authority but is not mentioned on the forms.
- Visual harm of the proposal overall
- Increase in roof height
- Overlooking/Loss of privacy
- Dominating sky-line
- Not in keeping
- Fire hydrant access may not be difficult
- Loss of view
- Garage sited outside building line
- Neighbours not notified on original application
- Use of slate roof
- Rear patio area could be converted to living space
- Misrepresentation in the original report
- Loss of house values
- Issues relating to noise and dust from building works
- Works continued without planning consent
- Parking spaces could not accommodate two cars
- All trees on site have been removed despite application form suggesting no trees to be felled

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

ENV27 - DESIGN OF NEW DEVELOPMENTS
TRAN10 - PARKING

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

- Amenity Standards

Issues

The primary issues in the consideration of this application are the impact of the proposed development on highway safety, the visual amenities of the surrounding area and the residential amenity of the neighbouring dwellings.

As aforementioned, planning permission has previously been granted under 2015/00740/FUL for the development, albeit an amended proposal, therefore the principal of the development has been approved and the report shall consider the impact of the amendments.

Visual amenities

The application site is set within a small close with similar scaled single storey dwellings, the application proposes the retention of the increase in the ridge height of the dwelling which has been increased by 0.5 metres. Whilst the increase without the benefit of planning permission is regrettable, having considered the modest increase and taking into account the siting of the dwelling at the end of the close, it is considered that the increase does not adversely affect the visual amenities of the dwelling, the skyline, its relationship with neighbouring dwellings or the wider streetscene to a degree that warrants refusal of planning permission.

The proposed garage whilst not built in accordance with the previously approved plans or approved location has been constructed smaller than the approved garage in a similar location, as such the siting and scale/finish of the garage is not considered to result in any harm to the visual amenities of the wider area. A number of objections have raised concerns about the garage breaking the building line, the siting of the garage at the head of the Cul-de Sac is not considered to break the building line given its detached form and the siting and not considered out of keeping given its single storey scale and location at the head of the close.

The bedroom extension would be located to the side/rear of the dwelling and as such not highly visible from the immediate streetscene, the extension is visible to the rear from residential properties but the increase in width and length are not considered to be overbearing or unneighbourly on neighbours to the rear given that these are located some distance from the extension.

The open porch and raised patio area at the rear has been constructed longer, wider and taller than originally approved, this aspect of the application is located to the rear and only visible by neighbours to the rear and partially visible when viewed from the streetscene facing No 18. A number of objections relate to this aspect of the application and neighbours consider it an alien form and design to the traditional development in the area, however this in itself is not a valid reason to withhold planning permission and given the structures single storey scale and limited visibility from the wider area, it is considered that on balance the structure does not harm the visual amenities of the dwelling or the wider area.

The site is not located within the Conservation Area and is not Listed, therefore alterations to the exterior finishes of the dwelling cannot be controlled and whilst there have been concerns raised about the external finishes and the use of slate, render and windows, these are not subject to this application.

Condition 3 of the original permission stated that the external finishes of the extension shall match the finish of the existing dwelling, the works have been finished in materials to match and as such the extensions do not appear an incongruous feature and blend in with the existing dwelling.

Whilst the works and finishes are different to the more traditional finishes visible within the streetscene, this in itself does not render the proposal out of keeping, the form, scale are therefore considered acceptable.

Neighbouring Amenity/Privacy

The side dining room extension is set off the boundary with No 15 Church Hill Close by 1.2 metre, due to site topography No 15 is set on higher ground level than the application site and a 1.8 metre fence forms the boundary between the application site and No 15. Given this, the extension is not considered to be overbearing or unneighbourly to that property.

The window within the side elevation does not face any windows facing No 15 and as such the proposal is not considered to result in any loss of privacy to these neighbours.

Neighbours at No 15 have objected to the view from their external decking area and living room window, whilst this view may have changed as a result of the works, the right to a view is not a valid planning consideration and Council records confirm no permission has been granted for the raised decking area located adjacent to boundary with the application site. The retention of the works at the application site is not considered to adversely affect the amenity of neighbours at No 15 from their decking structure.

The bedroom and garage extension whilst larger than approved are set off the boundary, single storey in scale and separated by a boundary fence. Given the distance to neighbouring properties/habitable room windows, the extensions are not considered to result in any undue harm to the privacy or amenity of neighbours to the side or front.

The application also looks to retain a number of rooflights as part of the proposal, the insertion of the roof lights are considered to fall within 'permitted development' and as such they are not being considered as part of this application. However, these are located well over 1.8 metres above internal floor level and therefore do not result in harm to neighbouring privacy should they have required consent.

In terms of the open porch extension, this has been constructed larger and closer to the dwelling to the rear, a new close boarded fence forms the boundary with this neighbour however given the level difference there is a degree of overlooking directly into the neighbour's bedroom window. The applicant/agent contests that whilst the porch extension has been constructed closer to the boundary, the fence line shown on the approved plans was incorrect and as such there is a negligible actual difference from what was approved and what has been built. This may be the case regarding the boundary and distance to boundaries, however the increase in the scale of the seating does bring the porch closer to neighbour's bedroom windows at No 18 to a degree that causes significant harm to privacy, over and above that previously approved.

The applicant has suggested that new planting recently planted would overcome any privacy concerns, however this would take time to establish and in the interim there would be concerns regarding overlooking.

The previously approved raised patio would allow some overlooking, however this would not be materially different to the external seating area that existed at the site during the 2014 application. The additional 1.2 metres allows significant views into the bedroom at No 18 which is considered unacceptable.

The photos below show the view from the raised patio from the garden of the application site, it is noted that on site the view into the bedroom at No 18 from the edge of the as built structure is more apparent than appreciated in the photos below.



View from previously approved length of raised patio



View from edge of 'as built patio' subject to current application.

Given the views and the distance to this neighbouring window, the proposal is considered unacceptable, the fall back position would be a 1.2 metres reduction of the raised patio area as approved under the previous application.

The removal of the 1.2 metres of raised patio area would help reduce the impact on privacy whilst additional mature planting on the boundary could address the impact of the structure whilst also helping reduce the poor relationship between the neighbours and the application site. Therefore the proposal with the removal of 1.2 metres of raised patio and a planting scheme required by conditions would overcome the concerns of privacy and amenity highlighted by No 18. It is therefore considered that development could be made acceptable subject to conditions, this pragmatic approach would allow the applicant to retain the structure whilst removing its harm in planning terms.

Highway Safety

The extension of the existing crossover does not require planning consent given that Church Hill Close is not a classified road. The Council's Highway Engineer has not objected to the proposal, therefore the proposed amendments to allow two off road parking spaces are considered acceptable and would therefore not adversely affect the free flow of traffic or highway safety.

Amenity Standards

The plans show sufficient amenity space remaining to serve the dwelling in accordance with the Council's Supplementary Planning Guidance on 'Amenity Standards'.

Whilst this retention application does propose a number of additions over what was previously approved, overall the proposal is not considered to be an overdevelopment of the site given sufficient amenity and parking remaining.

Having considered the merits of the application, it is considered on balance that the retention of the works subject to conditions relating to landscaping and removal of part of the patio area would make the application acceptable and on this basis the application is considered acceptable.

Other Matters

Comments from the Community Council and neighbouring objectors have been noted, the delay and errors in the submitted plans have been regrettable, however it is considered that the current plans being considered are now correct and accurately show the proposal 'as built'.

The loss of view and impact on property values are not material planning considerations. Comments regarding the noise and dust from building works are also noted, however this is not material planning consideration and neighbours are advised to contact the Council's pollution control service should they have concerns regarding noise and dust.

Concerns regarding highway safety issues have been noted, however given that the Council's Highway Engineer has not objected to the proposal and the plans clearly show sufficient space for two off road car parking spaces. The proposal does not raise any highway safety concerns.

Issues relating to visual harm of the overall proposal, increase in ridge height, overlooking and loss of privacy, use of slates and breaking of building lines have been considered within the main report.

A number of objectors have raised concerns regarding the extensions not being built in accordance with the approved plans and works continuing without the benefit of planning permission, it is not a criminal offence to carry out works without planning permission, whilst it is regrettable that the applicant continued works whilst the application was being considered and had carried out works without the benefit of planning permission, the applicant has submitted this application to regularise the works.

Objectors have highlighted misrepresentations in the original officer report and neighbours not being notified on the original application. The Council's records confirm letters were sent to neighbouring properties and representations were made by adjoining neighbours. Unfortunately the delivery by a third party mail service is not guaranteed by the Council. Comments regarding the original report have been noted, however any misinterpretation of the report are not considered to be relevant to this application.

The current application is correct in stating no trees will be felled, these were felled prior to the application being submitted. The Council planning department have no record of the applicant's wife working for the authority, and this is not material to the application.

Comments regarding fire hydrant access being difficult have been noted, however there would appear to be space for large vehicles at the head of the close and it is noted Cowbridge Fire Department have not objected to the proposal.

Comments regarding the rear patio area being converted to living space have been noted, the application is being considered as a patio area, should the area be proposed for conversion to living accommodation, this will require a separate planning application.

CONCLUSION

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

Having regard to Policies ENV27 – Design of New Development, TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposed extensions and garage, is an acceptable form of development that is not considered to detrimentally harm the privacy or amenities of the adjacent occupiers, the character of the dwelling within the existing street scene, or highway and pedestrian safety. The development is therefore considered to comply with the relevant policies and should therefore be approved.

RECOMMENDATION

Enforcement Action

In view of the findings above it is considered expedient to require the removal of part of the raised patio area and the following recommendations are made:

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 part of the raised patio area as shown shaded blue on plan number 1956-014-H attached as Appendix A of this report.

(ii) The restoration of the levels of the land to its former level underneath the area shaded blue on the plan at Appendix A

(iii) The submission and implementation of the planting scheme subject to condition 3 and 4 of this permission.

2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

APPROVE subject to the following condition(s):

1. The development hereby approved shall relate to the following approved plans and documents: 1956-004; 1956-005; 1956-006; 1956-007; 1956-018A Received on 1 July 2015, 1956-015 F; 1956-017 F, 1956-016 F Received on 17 Aug 2015 and 1956-014 H, (subject to the requirements of Condition 2 below), received on 18 Sep 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.

2. Notwithstanding the submitted plans, the permission shall not relate to/grant consent for the section of rear raised patio area as shown shaded blue on plan No: 1956-014 H attached to the Decision Notice.

Reason:

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

3. Within three months of the date of this permission, a landscaping scheme to include significant additional landscaping with heavy standard varieties to the rear boundary with No 18 Church Hill Close shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard neighbour's 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; 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 Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

RECEIVED

- 1 JUL 2015



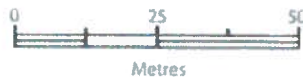
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The representation of a road, track or path is no evidence of a right of way

The representation of features as lines is no evidence of a property boundary.

Scale 1:1250



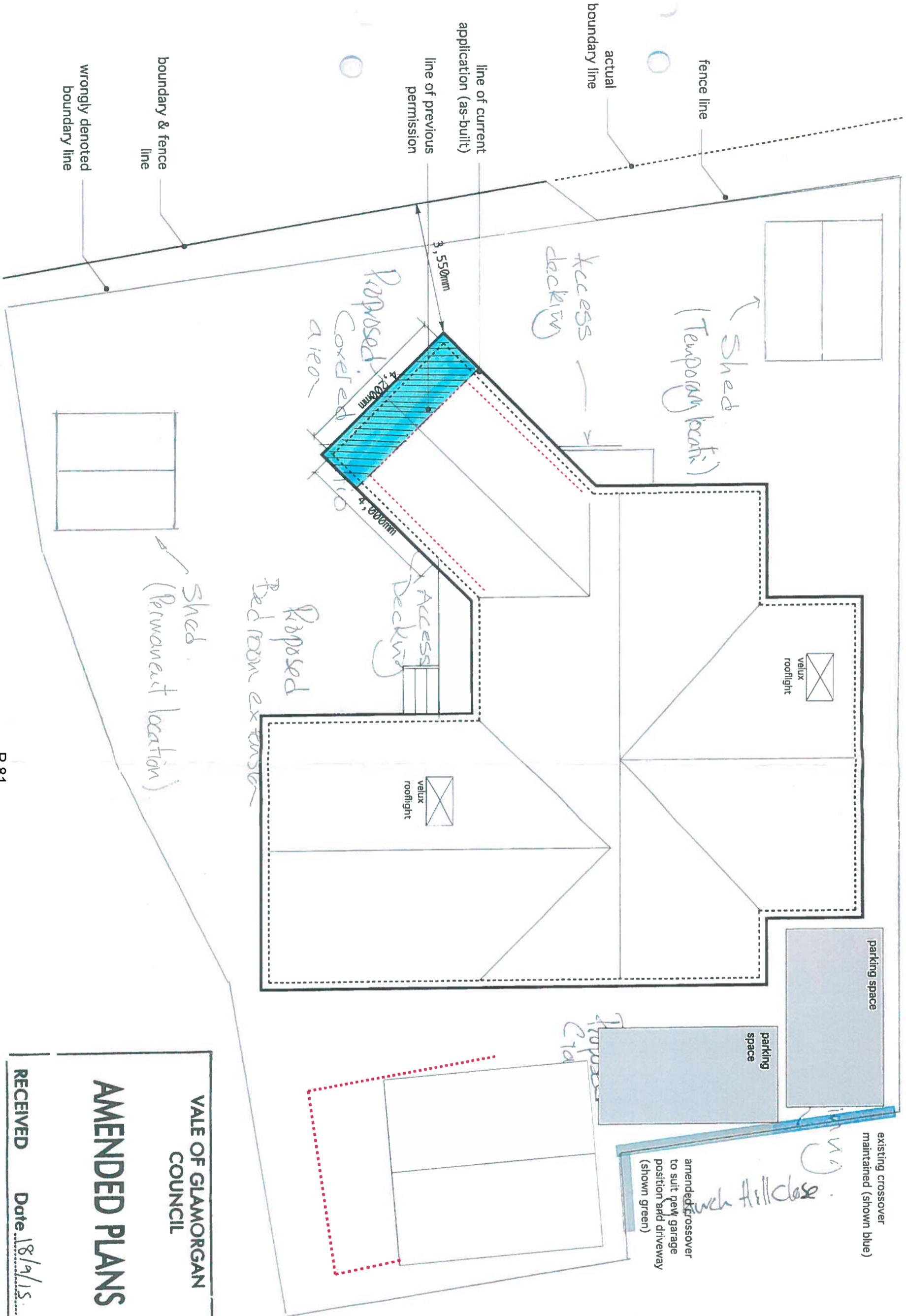
Supplied by Getmapping
OS License Number 100030848

15 007 40 FUL



Ashfield Building Contractors	
14 Church Hill Close	
site location plan	
1:1250 @ A3	
1956-005	-
5 North Road, Cardiff, CF10 3DU 029 2034 0491 www.cfw-architects.co.uk	

2015/00740/FUL



VALE OF GLAMORGAN
COUNCIL
AMENDED PLANS

RECEIVED Date 18/9/15

ctw
ARCHITECTS

Ashfield Building Contractors
14 Church Hill Close
proposed site plan
1:100 @ A3

1956-014

8 north road, caeriff, cf10 3du
029 2024 0481
www.ctw-architects.co.uk

2015/01116/FUL Received on 22 September 2015

Sully and Lavernock Community Council, Clerk David Roberts, Jubilee Hall, Sully,
Vale of Glamorgan, CF64 5SS

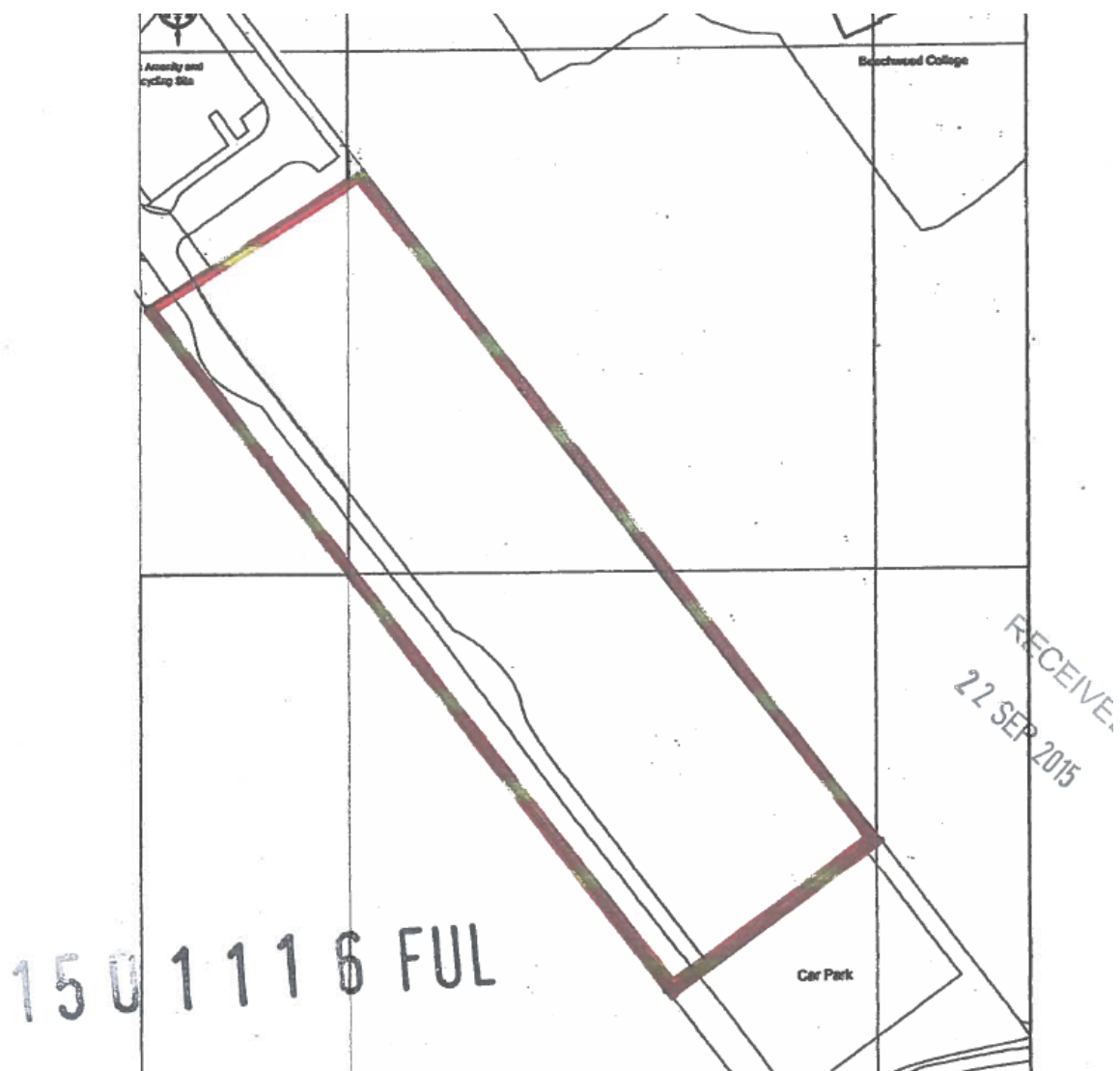
Sully and Lavernock Community Council, Clerk David Roberts, Jubilee Hall, Sully,
Vale of Glamorgan, CF64 5SS

Land adjacent to Beechwood College, Off Hayes Road, Sully

Change of use to community allotments

SITE AND CONTEXT

The application site is land at Hayes Road, Sully, adjacent to Beechwood College,
as shown on the plan below:



The linear site measures approximately 35m wide x 165m deep and lies adjacent to Hayes Road. The front boundary of the site is relatively well screened by trees and vegetation. The front boundary lies at the rear of the former civic amenity site, and is currently occupied by travellers. A vehicular track runs alongside the site on the western side.

The site lies within the East Vale Coast, as defined by Policy ENV6 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (see below). The land is owned by this Council.

DESCRIPTION OF DEVELOPMENT

The application is for the change use of the site to community allotments. The plan below shows the proposed layout, however in summary, it involves using an area 35m wide x 25m deep at the rear as a car park, with 30 allotment plots between the car park and the site currently occupied by travellers. The site would be enclosed with a 1.2m high post and wire fence, with a palisade fence to the car park.



The planning history below refers to the previous application, however, for clarification, this application differs insofar as the application site has been reduced in size. Application 2015/00141/FUL also included the former civic amenity site, which is currently occupied by travellers.

PLANNING HISTORY

2015/00141/FUL : Land adjacent to Beechwood College, off Hayes Road, Sully - Change of use to Community Allotments - Refused 5 June 2015

1988/00745/REG4 : Land adjacent to Hayes Road, Sully. - Access road with two passing spaces and concrete slipway. (Minute No. 349 25/7/88 refers) - Approved 26 September 1988.

CONSULTATIONS

Sully Community Council- No representations received, however, it should be noted that this is the applicant.

Highway Development- No representations received to date.

Public Rights of Way Officer- No representations received to date.

Environmental Health (Pollution Control)- No objection in principle and subject to a condition relating to contaminated land investigation.

Glamorgan Gwent Archaeological Trust- No representations received to date.

Dwr Cymru Welsh Water- No representations received to date.

Parks and Grounds Maintenance- No representations received to date.

Natural Resources Wales- No representations received to date.

Local Ward Members- Councillor Penrose has called the application in to Planning Committee.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site. Two letters of support have been received, noting that it would be an excellent use of land and that it would be a positive facility for children.

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 4 – ADDITIONAL EMPLOYMENT LAND

POLICY 8 – TRANSPORTATION

POLICY 11 - SPORT & RECREATION

POLICY 14 COMMUNITY AND UTILITY FACILITIES

Policy:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
ENV6 – EAST VALE COAST
ENV10 – CONSERVATION OF THE COUNTRYSIDE
ENV26 – CONTAMINATED LAND AND UNSTABLE LAND
ENV27 – DESIGN OF NEW DEVELOPMENTS
ENV28 – ACCESS FOR DISABLED PEOPLE
ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
HOUS14 – GYPSY CARAVANS
REC1 – PROTECTION OF EXISTING RECREATIONAL FACILITIES
REC2 – JOINT PROVISION AND DUAL USE OF FACILITIES
REC5 – NEW PLAYING FIELD PROVISION
REC10 – DEVELOPMENT OF ALLOTMENT LAND
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.

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

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

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

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

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 12 – Design (2014)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

3.27 Allotments are important green spaces in urban and rural areas, and their cultivation can contribute to sustainability, provide opportunities for leisure, exercise and healthy food, improve biodiversity and encourage interaction between different groups in the community. In accordance with the provisions of the Smallholdings and Allotments Act 1908, local authorities and town and community councils are under an obligation to provide sufficient plots for residents where they believe there is a demand for allotments. Authorities should ensure that statutory allotments within their areas are properly protected, promoted and managed and are sufficient to meet the demands of local residents wishing to cultivate them. In particular, all such sites should include a suitable element of wildlife habitat. The importance of combined allotment/compost/wildlife sites is likely to increase, particularly where the density of residential development rises. Policies in the LDP should address the need to provide and protect allotment/compost/wildlife sites where a shortfall has been identified, and to improve the accessibility of such sites for all users. It may be appropriate to use Section 106 Agreements to provide allotments in combination with composting and natural green spaces.

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:

- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards

The Local Development Plan:

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

- Gypsy and Traveller Accommodation Needs (2013)
- Gypsy and Traveller Site Assessment (2013)
- Open Space Background Paper (2013)

Issues

It is considered that the main issues involved in the assessment of the application are:

- The principle of the use, having regard to the status of the land as public open space and the proposed allocation of the site as a travellers site in the Draft LDP (and having regard to the reduced site area from the previous application).
- The visual impact of the proposed development.
- Impact on highway safety.
- Environmental health issues relating to contamination.
- Impact on residential amenity.

The principle of the use

As noted above, this application is made upon a similar area of land as application 2015/00141/FUL, however, it has been reduced in size to omit the piece of land closest to Hayes Road, which is currently occupied by travellers. The principle of the development was considered in detail when application 2015/00141/FUL was reported to Planning Committee in June 2015 and the proposal was considered to be unacceptable for the following reason:

Having regard to the evidence and conclusions contained within the Gypsy and Traveller Accommodation Needs Background Paper (2013) and consequently and Gypsy and Traveller Site Assessment Background Paper (2013) to the Vale of Glamorgan Deposit Local Development Plan 2011-2026 (LDP) and the status of the application site within that plan as the sole allocated Gypsy/Traveller site, it is considered that the proposed change of use would conflict with the evidence base within the background papers (and draft Policy MG 5) of the LDP and would therefore be contrary to the aims and objectives of the LDP. The approval of the development would also pre determine the decision about the location of Gypsy /Traveller sites, which ought properly to be taken within the context of the Local Development Plan process. The development is therefore considered premature pending the adoption of the Deposit Local Development Plan, and would have a significant detrimental impact on the deliverability of the plan and its objectives, contrary to the advice and guidance in Chapter 2 of the Planning Policy Wales (7th Edition 2014).

Therefore, it is considered that the main issue in considering the principle of the change of use in this case is whether the reduction in the size of the site overcomes the above reason for refusal

Loss of open space in its current form.

As noted above, the site is owned by the Council. The portion to the front was formerly a civic amenity site and is currently occupied by travellers without the benefit of planning consent. The remainder of the site to the rear is informal public open space.

The land to the rear of the travellers' site is public open space and forms part of the land allocated under Policy REC 5 of the UDP for new playing fields. However, a substantial portion of that land has been disposed of to Sully Centurions Cricket Club and another element now forms part of Beechwood College. It is, therefore, considered that the aspirations of Policy REC 5 in respect of this allocation have been eroded and the retention of the current site for this purpose would not achieve the aims of the policy. It is, therefore, considered that the proposed change of use would not in itself materially affect the deliverability of new playing fields in Sully, since the previous disposals of land have already significantly affected this.

Policy REC 1 of the UDP seeks to protect existing recreational facilities and states that the loss of recreational facilities will only be permitted if alternative provision of equivalent community benefit is made or there is an excess of such provision in the area (and provided the facilities are not important to the character of a conservation area or the setting of a town or village).

Equivalent community benefit is a subjective judgement and, while the allotments would potentially not benefit as many people as are entitled to use the informal open space at present, given the local demand for allotments and the fact that there is no allotments presently serving the village (whereas there are other areas of informal green space) it is considered that allotments would amount to equivalent community benefit. It would in any case also represent a form of public open space, therefore, while the nature of the use of the land would change, it would not essentially constitute the loss of open space.

Notwithstanding this the Local Development Plan Open Space Background Paper identifies that there is currently a surplus of outdoor sport space and amenity green space in Sully, albeit the amenity green space surplus is not significant. Assuming the site as 'amenity green space', the proposal would leave a marginal deficit, however, it is considered that criterion (i) of Policy REC 1 would be satisfied, therefore the development would not conflict with this policy.

It is, therefore, considered that the change of use of the land away from its current status as informal open space would not conflict with policy and would be acceptable in principle, dependent on the nature of the proposed use. This conclusion is not altered by the reduction in the site area.

The case for allotments

It is considered that the case/need for allotments is not altered by the reduction in site area. It is considered that the assessment of this issue from the previous application remains wholly relevant and for completeness, this is contained below:

The legal framework governing Allotments has developed over an extended period of time in a piecemeal fashion and is encapsulated within a number of Acts of Parliament dating from the early 1900s, namely the Smallholdings and Allotments Act 1908, the Allotments Act 1922, the Allotments Act 1925 and the Allotments Act 1950.

Each of these Acts expanded upon the basic principle set out in the 1908 Act that placed a duty on local authorities to provide sufficient allotments according to demand. Subsequent Acts set the minimum size of allotments, established statutory allotments which a local authority could not sell or convert to an alternative use without Ministerial consent and made improved provisions for compensation and tenants rights.

Planning Policy Wales states that allotments should be retained, particularly where they have an important open space function and contribute to sustainable development. Similarly, TAN 16 recognises the importance of allotments in the provision of green spaces and the contribution that they can make to sustainability, opportunities for leisure, exercise and healthy food, the improvement of biodiversity and social interaction.

The applicant's submissions centralise on the need for allotments to satisfy local need. Whereas the supporting text to Policy REC 10 of the UDP states that waiting lists for allotments had fallen in recent years (the years preceding the UDP being written) the LDP Open Space Background Paper notes that:

“there is a significant and increasing demand for allotment ownership within the Vale of Glamorgan. This is evidenced by the 954 people that currently appear on waiting lists across the various allotment sites identified.”

The background paper notes that there are 23 allotment sites within the Vale of Glamorgan providing some 843 individual allotment plots and accounting for some 18.76 hectares of land. Of these 8 sites are located within Barry, 5 are in Penarth and the remaining 10 sites are in towns within the rural vale, however, there are none directly serving Sully.

In terms of 'requirements for provision', critically there are currently no existing standards set either nationally or locally for the provision of allotments. However a range of guidance and recommendations has been prepared by numerous organisations. For example, The National Society of Allotment and Leisure Gardeners (NSALG) suggest there should be 20 allotment plots per 1000 households (i.e. 20 allotments per 2,400 people). It should be noted that in the wards that have allotments, the current provision would be extremely close to this recommendation, however, clearly Sully would not meet this recommendation.

The 1969 Thorpe Report recommended a minimum standard of allotment provision of 0.2 hectares per 1000 population. In the context of the Vale of Glamorgan this would equate to a provision of 25.26 hectares made over to allotments as opposed to the existing provision of 18.76 hectares (i.e. a deficiency of 6.5 hectares).

Although not a standard, the National Allotment Survey of 1997 identified an average provision in England of 15 plots per 1000 households. The Open Space Background Paper notes that this level has been adopted by many organisations and is included in "Growing in the Community, Good Practice Guide" prepared by the Local Government Association and is seen as a more useful measure than some of the other standards that have been suggested. In the Vale of Glamorgan, application of this standard would equate to a total provision of 817 allotments as opposed to the actual figure of 843 allotments (i.e. an over provision of 26 plots).

Finally, in terms of informal recommendations/standards, the forecast in the House of Commons Select Committee report 'The Future of Allotments' (1998), recommended a spatial standard of 0.25 hectares per 1000 population which would suggest an allotment provision within the Vale of Glamorgan of 31.58 hectares, i.e. a deficiency of 12.82 hectares.

Current provision in the Vale would meet one of the above recommendations and would fail others. The Vale would meet the National Allotment Survey indicator as a whole, however, it is recognised spatially the spread of existing allotments does not meet universal need in the Vale and does not meet demand in Sully. The background paper does not go into specific detail on Sully, however, it is considered that the numerous letters of support received in respect of the application demonstrate a demand in the village. The background paper goes on to note that there is no reason to believe that demand will decrease in the near future.

Consequently, the Draft LDP seeks to make provision for enhanced community facilities (Policy MG 7) and the background paper recommends that the plan should "*consider future proposals for new allotment provision, with regard to the existing levels of facilities and the demand for such facilities.*"

There is, therefore, no prescriptive standard that can be applied to allotment provision. There are informal recommendations and it is clear that there is demand in the Sully area, however, the background paper and LDP do make specific requirements in respect of Sully. The Council's Draft Allotment Strategy also does not make specific recommendations (spatially) in terms of Sully.

Consequently each case should be treated on its merits when weighing up all other material considerations. The draft allotment strategy suggests that Town and Community Councils and the private sector can have role in addressing allotment need, therefore, allotments need not be sited on land owned by the Vale of Glamorgan Council. It is however recognised that this application demonstrates the willingness of the Community Council to be involved in meeting allotment demand in their area.

In weighing up the proposals it is considered that the proposed site has benefits in terms of allotment provision. It is located within reasonably close distance to the village and would, in principle, meet or go some way to meeting local demand. However, as noted above, this must be weighed up against all other materials considerations and primarily in this case, the implications in terms of the travellers' site.

Those issues are considered below, however, it is considered firstly that the above assessment demonstrates the Council is not currently failing to meet any formalised standard/requirement, since none exists in policy, and there is no evidence to demonstrate that the site proposed is the only (or even the most appropriate) site for allotments in Sully. TAN 16 states that policies in the LDP should address the need to provide and protect allotment/compost/wildlife sites where a shortfall has been identified, and to improve the accessibility of such sites for all users. However, it is therefore considered that the refusal of this application would not undermine in principle the ability of the Council and its LDP to address allotment need.

It is, therefore, considered that should other material considerations indicate that the proposed use is unacceptable, this would not in turn represent a breach in policy or national planning advice relating to allotments. It is also considered that this would not in any way undermine the delivery of the LDP (or its aims) and would not go to the heart of the plan.

The use of the land for Travellers

The principal competing material consideration in this case is that part of the site is currently occupied by travellers and the whole of the site is allocated in the deposit draft LDP for travellers. As noted above, the previous application was considered unacceptable, in summary, due to the allocation of the site in the Draft LDP and the impact of the proposed change of use on the deliverability of LDP objectives. The key issue here is therefore whether the reduction in site area changes that stance.

The site now measures approximately 35m x 165m, compared to the previous application where the site measured 35m x 225m. This means that the current site is over 70% of the previous application and, therefore, over 70% of the draft LDP site. While this proposal does not relate to the whole of the LDP allocation, it relates to a very significant proportion of it and it is considered that the proposed use would still fundamentally prejudice the deliverability of the LDP in respect of this key issue. The background evidence to the LDP identifies a need for a certain number of pitches through the plan period and the proposed change of use would conflict with the deliverability of a significant proportion of the identified need.

As noted in the policy section above, *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).'*

Therefore, while the UDP remains the adopted plan, the LDP has advanced further to the point where an Inspector has been appointed to examine the plan and dates set for those examinations (11 January – 24 March 2016), and it is considered that weight must be afforded to the background papers that have informed the policies. The key policy in this respect is MG 5, which states as follows:

POLICY MG 5 - GYPSY AND TRAVELLER SITE

LAND IS ALLOCATED AT HAYES ROAD, SULLY FOR THE PROVISION OF A GYPSY AND TRAVELLER SITE.

Sections 224 and 225 of the Housing Act 2004 require local authorities to assess the accommodation needs of Gypsy and Travellers within their area and that where there is an identified need sufficient site(s) should be allocated within the Council's LDP to address that need.

In 2007 in partnership with Cardiff Council the Vale of Glamorgan Council commissioned Fordham Research to undertake a Local Housing Market Assessment to include a Gypsy and Traveller Accommodation Assessment (G&TAA) with the aim of quantifying the accommodation and housing related support needs of Gypsies and Travellers in terms of residential and transit sites as well as 'bricks and mortar' accommodation.

The Study, which included direct consultation with the Gypsy and Traveller community, identified a need for the Council to provide 6 authorised pitches and 15 transit pitches for the Plan period. To inform the preparation of the LDP, a further study was commissioned in 2013 which has concluded that 18 pitches are required to satisfy the identified and future need for Gypsies and Travellers during the Plan period.

The Gypsy and Traveller Accommodation Needs background Paper defines the need and the Gypsy and Traveller Site Assessment Background Paper concludes as follows in respect of the most appropriate site:

“The assessment has shown that several of the 36 sites investigated could physically accommodate the need of 18 Gypsy and Traveller pitches as identified in the Vale of Glamorgan Gypsy and Traveller Accommodation Needs Assessment (ORS September 2013). However, with the exception of the site at Llangan which currently houses one Gypsy and Traveller family and is considered to have some limited additional capacity, these sites are constrained by ownership or management issues, have alternative or preferable uses or had been developed to provide community facilities. Other sites were affected by environmental or ecological designations or were integral to or formed a part of a larger development proposal or regeneration aspiration.

The Council has therefore concluded that the civic amenity site and additional Council owned land at Hayes Road in Sully, offers the most realistic opportunity to provide for the identified need of 18 pitches within the Vale of Glamorgan.”

This application site is therefore the only allocated traveller site in the LDP and without it the Council would have no other allocation to meet the need identified above and to comply with the requirements of Sections 224 and 225 of the Housing Act. It is, therefore, necessary to consider the weight to be afforded to policy MG 5 of the Draft LDP, in accordance with the advice from paragraph 2.62 of PPW above. It is considered that the evidence contained within the background papers (which is relatively up to date) should be afforded significant weight notwithstanding the status of the LDP and the weight that can be afforded to Policy MG 5.

The proposed use would clearly conflict with draft Policy MG 5 of the LDP and more importantly the findings of the Council’s LDP evidence base, leaving the Council with insufficient land, in the context of the Draft LDP as it stands, to meet the need for Traveller sites.

It may be asserted that there are other potential Gypsy and Traveller sites available elsewhere in the Vale, however, it is for the Local Development Plan process to consider the extent of need and where that should be best met. Having regard to the evidence in the background papers, the Local Planning Authority, through the Draft LDP, has determined that the most appropriate site is that at Hayes Road, however, it is acknowledged that this is yet to be found sound by an Inspector, and cannot be found sound until the Plan is examined.

PPW (at para 2.6.3) advises that there may be instances where a development could be considered unacceptable on the grounds of ‘prematurity’, if a decision to grant permission would predetermine a decision that ought to be properly taken through the LDP process. PPW goes on to state that refusal will not usually be justified except in cases where a development proposal ‘goes to the heart of a plan’. It further advises that the stage which a plan has reached will also be an important factor in judging whether a refusal on prematurity grounds is justifiable. A refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

Issues of prematurity have previously been considered by this Council in respect of large residential developments, particularly where those developments were proposed on sites that are not identified for housing in the LDP. Members may recall that this was one of the principal issues considered in the application and appeal at Primrose Hill (application 2013/00745/OUT), where the Inspector ultimately determined that the proposal was not 'premature' because it represented such a small proportion of overall housing allocations and therefore did not go to the heart of the plan.

However, while this site is smaller in size than the Primrose Hill site for example (or many other proposed major residential sites) critically it is the only allocated gypsy and traveller site in the Draft LDP. When considering the issue of prematurity in the Primrose Hill case, the Inspector assessed this in terms of proportions and what percentage of overall allocations the development amounted to. It is considered that the same approach should be adopted when considering prematurity in this case.

Therefore while the site is less than one hectare in size and while the gypsy and traveller allocation only relates to 18 pitches, critically these are the only 18 pitches allocated within the plan. This site has been identified to meet short-medium term need and consequently there remains a requirement to monitor need in the latter plan period. However, the consideration of this matter is an on-going process and no alternative sites have been formally identified to meet any additional need that may arise or be evidence in the latter part of the plan period. It is considered that the loss of such a large proportion of the only identified site could not be justified by the on-going process to consider the latter plan period gypsy and traveller need, since that remains under consideration and would undermine the deliverability of a site to meet short-medium term need.

Given that the proposed change of use would conflict with the background papers the support draft LDP and consequently Policy MG 5 and would, if implemented, result in the loss of a significant proportion of the only identified gypsy and traveller site in the plan, it is considered that the proposal would continue to amount to an individually substantial proposal in the LDP context. It is therefore also considered that the use of that site for allotments as opposed to gypsy/traveller pitches would go to the heart of the plan, since it would fundamentally undermine the Council's ability to meet its duty in terms of providing such accommodation.

Given that the development relates to such a large proportion of the gypsy/traveller allocation, it is considered that the grant of permission for the development concerned would prejudice the outcome of the LDP process and that this is a decision which is individually so substantial (since it involves over 70% of gypsy/traveller allocations in the plan) that it ought to be properly taken in the LDP context. This is because the loss of the site would fundamentally prejudice the deliverability of the LDP in respect of this key issue.

The plan is about to be examined and inspector has been appointed and therefore having regard to the advice in paragraph 2.6.4 of PPW, it is considered that prematurity could not be discounted by the stage at which the plan has reached, and indeed is strengthened by virtue of the immanent examination.

In terms of recent context, an appeal against the refusal of permission for a gypsy caravan pitch at Twyn Yr Odyn (application 2013/00857/FUL) considered whether there had been a failure of policy in terms of how the Council had sought to make provision for gypsy and traveller need. The Inspector noted:

“The Council have acknowledged that they have to be proactive in searching out suitable sites for the accommodation of gypsies and travellers in their area. In October 2007 they commissioned Fordham Research to, amongst other things, carry out a gypsy and traveller accommodation needs assessment. Then ORS were commissioned to undertake a further study to update the assessment made by Fordham Research and, as explained above, the LDP specifies that the Hayes Road Site is to accommodate the short to medium term need of gypsies and travellers and the Council are to closely monitor the requirements of gypsies and travellers during the latter part of the period to be covered by the LDP.

Further, at the present time there is only one unauthorised encampment within the Council’s area where the Council have taken enforcement action. The Hayes Road Site is currently tolerated by the Council pending the outcome of the LDP procedure. The Council accept that the site at Llangan (whilst not benefiting from planning permission) is probably lawful. Again the Council are the owners of the Llangan site and, as far as I am aware, they are not taking any action as landowners to recover that land.

Having regard to all of these matters I do not consider that there is a significant failure of policy in this case – I consider the situation to be work in progress by the Council.”

Therefore, while it was acknowledged that the Council need to monitor the requirements of gypsies and travellers during the latter part of the plan, there was not considered to be a failure in policy in such an approach which has sought to allocate land to meet short to medium term need (although clearly the Inspector did not go into detail in the appropriateness of the Hayes Road site to meet that need, since that is a matter for the LDP examination).

Summary of issues relating to allotment need and gypsy/traveller need.

As noted above, there appears to be a demand for allotment plots in Sully, however, the need in Sully is not quantified within the LDP or its background documents and these documents do not seek to make specific provision in that respect. In addition there is no formalised standard for allotment provision.

Notwithstanding this, it is considered that the evidence does demonstrate a demand and this site could meet some or all of that demand, however, it has not been demonstrated that the need could not be met elsewhere

Whereas the UDP and LDP documents aren't specific on allotment provision in Sully, the LDP documents are specific in terms of gypsy/traveller provision on this site. Therefore, the use of the site as a gypsy/traveller site would not represent a breach in policy for allotment provision (since there is no formalised requirement for provision) and it has not been demonstrated in any case that allotments couldn't be provided elsewhere in the plan period to meet that need. However, the loss of the site for its allocated purpose would directly conflict with the LDP background papers and draft Policy MG 5, and would prejudice the outcome of the LDP process.

Accordingly, it is considered that the proposed use is unacceptable in this context and grant of permission would be premature, contrary to the advice within paragraph 2.63 of PPW. To summarise, it is considered that the reduction in site area does not overcome the reason for the refusal of application 2015/00441/FUL and that the fundamental policy objections remain.

Visual impact

The site lies within the East Vale Coast and Policy ENV 6 of the UDP seeks to limit development there to that for which a coastal location is necessary. However, while a coastal location is not fundamentally required for allotments, the site is very well screened from Hayes Road and the nature of development associated with allotments would typically be low lying and relatively low impact. It is, therefore, considered that the visual impact associated with allotments would not be unacceptable and that the impact would no greater than that associated with gypsy/traveller pitches. Consequently, notwithstanding the location within the East Vale Coast, it is considered that the visual impact would not be demonstrably harmful to the character of the wider area.

Highway safety

No formal comments have been received from the Highways Engineer in respect of this application, however, the site is served by an access with good visibility along Hayes Road and it is considered that the amount of parking, both within the site and within the car park to the rear, is sufficient to serve the development without adversely impacting upon highway safety or the free flow of traffic outside the site.

The car park would now be sited to the rear of the allotments as opposed to at the front of the site, however, it is considered that the proposal remains acceptable in highway safety and parking terms, for the reasons above.

Environmental issues

The Council's Environmental Health Officer has raised no objection subject to a contaminated land condition. Furthermore, in the case of application 2015/00141/FUL, no objection was raised in principle. Consequently, a condition was then also recommended regarding comprehensive investigation of potential contamination and Natural Resources Wales similarly recommended such a condition. However, clearly this does not overcome the clear policy objection as identified above.

Residential amenity

The site is located a significant distance from the nearest residential properties and it is considered, therefore, that allotments would not adversely impact on residential amenity in this location.

CONCLUSION

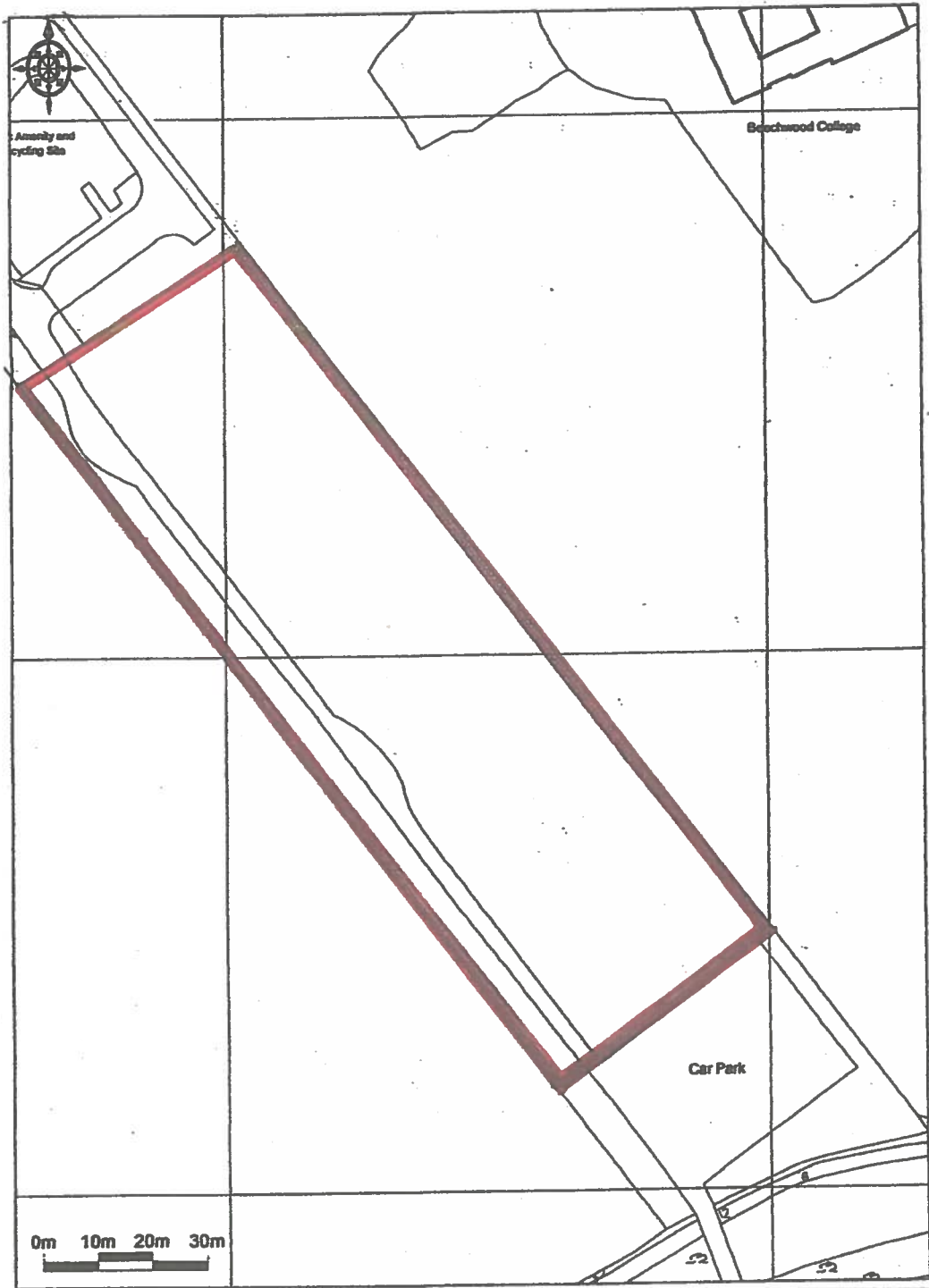
The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate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

RECOMMENDATION

REFUSE (W.R.)

1. Having regard to the evidence and conclusions contained within the Gypsy and Traveller Accommodation Needs Background Paper (2013) and consequently and Gypsy and Traveller Site Assessment Background Paper (2013) to the Vale of Glamorgan Deposit Local Development Plan 2011-2026 (LDP) and the status of the application site within that plan as the sole allocated Gypsy/Traveller site, it is considered that the proposed change of use would conflict with the evidence base within the background papers (and draft Policy MG 5) of the LDP and would therefore be contrary to the aims and objectives of the LDP. The approval of the development would also pre determine the decision about the location of Gypsy /Traveller sites, which ought properly to be taken within the context of the Local Development Plan process. The development is therefore considered premature pending the adoption of the Deposit Local Development Plan, and would have a significant detrimental impact on the deliverability of the plan and its objectives, contrary to the advice and guidance in Chapter 2 of the Planning Policy Wales (7th Edition 2014).

1501116 FUL



SITE LOCATION PLAN Scale 1:1250

PROPOSED ALLOTMENTS

Land adjacent to Beechwood College, Hayes Road, Sully

RECEIVED
22 SEP 2015