

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT**  
**FOR THE PLANNING COMMITTEE**  
**TO BE HELD ON 30 JULY 2015**

<b>Page</b>	<b>Application</b>	<b>Location</b>	<b>Item No.</b>	<b>Description</b>
136	2013/01124/FUL	Penylan Barn, Llancarfan		Comments received from Council's Ecologist and Natural Resources Wales raising no objections, subject to conditions.
171	2014/00228/EAO	Land south of junction 34, M4, Hensol		Council's Ecologist confirms no objections to the proposal.
			1.	Request by agents for amendments to conditions proposed as part of Council's planning report.
			2.	Request for informative from Council's Principle Engineer.
282	2014/01358/FUL	The Dolphin, Friars Road, Barry	3.	Comments of Cllr. Richard Bertin
313	2014/01424/FUL	Land off St. Brides Road, Wick	4.	Comments received in respect of planning application from Wick Community Council, A.M. and neighbouring residents. (Five sample letters included).
383	20015/00016/FUL	Land south of Craig YR Eos Avenue, Ogmore by Sea	5.	A further 22 comments received regarding the planning application. (Five sample letters included).
417	2015/00031/OUT	David Davies Road, Woodham Road, Barry	6.	Amendments to conditions 2 and 20.
			7.	Thirteen further objections received. (Five sample letters/emails are included).
			8.	Comments from Alun Cairns MP and response of Cabinet Member.
			9.	Two responses from applicant's agent with regard to comments received from Friends of the Earth.
464	2015/00095/FUL	Ardwyn, Pen Y Turnpike Road, Dinas Powys	10.	Amendments to Conditions 1 and 19.
			11.	Email received from neighbour 29 July 2015.
			12.	Email from neighbour to Managing Director of Council and his response.
			13.	Additional comments from a member of the public.

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499	2015/00217/FUL	Land adjacent The Vicarage Field, Southerndown Road, St. Brides Major		Application withdrawn
519	2015/00218/FUL	Land at Rosedew Farm, Beach Road, Llantwit Major	<b>14.</b>	Amendment to condition 2.
			<b>15.</b>	Additional condition 20.

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## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2014/00228/EAO	<b>Case Officer:</b> Mrs. Y. J. Prichard
<b>Location:</b> Land south of Junction 34, M4, Hensol	
<b>Proposal:</b> Outline planning permission with all matters reserved except for access, for development comprising class B1, B2 and B8 uses; a hotel/residential training centre (class C1/C2); and ancillary uses within class A1, A2, A3; associated engineering and ground modelling works and infrastructure, car parking, drainage and access for all uses; provision of infrastructure (including energy centre(s)); landscaping and all ancillary enabling works	

**From: Barton Wilmore (Planning Agent for the application)**

**Summary of Comments:** Comments have been received from planning agents acting for the applicant with regard to the proposed conditions and the following changes to conditions are recommended in response.

The conditions below are proposed to be amended to take account of the phased nature of the development and to acknowledge that the individual zones of development will be subject to separate reserved matters applications:

14. No development within Development Zones A, B, W or Z shall take place until a scheme for the provision and management of a 7m wide buffer zone alongside the Nant Coslech watercourse (diverted or otherwise) has been submitted to and agreed in writing with the Local Planning Authority. The buffer zone shall be free from built development including lighting and formal landscaping, and should form part of the proposed green infrastructure provision. The scheme shall include:-
- plans showing the extent and layout of the buffer zone;
  - details of any proposed planting scheme (for example, native species, local provenance);
  - a detailed management plan which should demonstrate how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management;
  - details of any footpaths and fencing; and
  - bioengineering techniques and watercourse design.

The development shall be implemented in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason:

In the interests of ecology and the enhancement of biodiversity as land alongside watercourses is particularly valuable for wildlife and should be protected in accordance with Policies ENV14-National Sites of Nature Conservation Importance, ENV15-Local Sites of Nature Conservation Significance and ENV16-Protected Species of the Unitary Development Plan, and TAN5-Nature Conservation and Planning.

17. A Construction Management Plan, which shall include details of the proposed haul route, site delivery times, and wheel washing facilities (within the site), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development within a Development Zone. The construction works, deliveries and wheel washing shall be carried out in accordance with the approved details.

Reason:

In the interest of highway safety and to maintain the effective operation of the strategic and local highway network, in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan and TAN18-Transport.

18. Any reserved matters application relating to the layout of the development shall provide full details of the associated delivery/loading areas, turning facilities, footway links, and bus stops as part of that reserved matters application, and shall include a statement explaining how these link to wider development area and accord with the principles for Movement and Access as outlined in the approved Design and Access Statement.

Reason:

In the interests of highway safety and sustainable development in accordance with Strategic Policies 2-The Environment and 8-Transportation and ENV27-Design of New Developments of the Unitary Development Plan, and TAN18-Transport.

26. The reserved matters application(s) shall provide full details of all means of enclosure associated with that reserved matters application(s) and the means of enclosure shall be implemented in accordance with the approved details prior to the first beneficial occupation of that particular element of the development.

Reason:

In the interests of visual amenity and the character and appearance of the surrounding countryside, including the Ely Valley and Ridge Slopes Special Landscape Area, in accordance with Policies ENV4-Special Landscape Areas, ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

**The following conditions are proposed to be amended in light of the agent's comments and appear reasonable to your officers:**

9. Works for the provision of the proposed Class A1, A2 and A3 uses, identified within

development Area C of the Parameters Plan, shall only commence until at least 10,000sqm of the industrial floor space, B1, B2, and or B8, has been completed.

Reason:

To control the precise nature of the use of the site, which is not considered appropriate for general retail uses, and in the interests of the protection of employment uses, sustainable development, and established retail centres, in accordance with Policies ENV1-Development in the Countryside, EMP4-Protection of Land for Employment Uses and Strategic Policies 9 & 10-Retailing of the Unitary Development Plan.

11. No development within Zone W shall take place until a scheme detailing how to conserve bat tree roost 1 as a functional maternity roost site for brown long-eared bat during construction works, and once the development is complete, is submitted to and agreed in writing with the Local Planning Authority. The submitted scheme shall include an assessment of the impacts upon the roost and mitigation measures and monitoring commitments where any impacts, direct or indirect, are identified. The development shall be implemented in accordance with the agreed scheme, with any change to operational, including management responsibilities, to be submitted to and approved in writing with the Local Planning Authority.

Reason:

In the interests of European Protected Species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, and TAN5-Nature Conservation and Planning.

25. The reserved matters application(s) shall provide full details of the finished levels of the site and proposed floor levels of buildings, including cross-sections, in relation to existing ground levels. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of the surrounding countryside, including the Ely Valley and Ridge Slopes Special Landscape Area, in accordance with Policies ENV4-Special Landscape Areas, ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

30. No development within a Development Zone approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that Development Zone in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18-Archaeological Field Evaluation and ENV19-

Preservation of Archaeological remains of the Unitary Development Plan.

**The following conditions are amended in part in light of the agent's comments:**

16. No development shall take place on any part of the built development areas identified on the Parameters Plan, apart from Area A proposed for the expansion of the existing Renishaw facility, until the implementation of the proposed off-site highway works identified in the Transport Assessment Addendum, including the amended Dwg. No. BMW/2024/001/P3, received 2 June 2015, and which shall include the following:-

- a detailed assessment of any road restraint system in accordance with TD19/06 of the Design Manual for Roads and Bridges (DMRB);
- detailed design drawings and calculations prepared by a competent Geotechnical consultant in accordance with DMRB HD 22/08 Managing Geotechnical Risk; and
- the submission, and implementation of any measures identified by a Safety Audit of the scheme (Stages 1-3) in accordance with the DMRB HD 19/15.

A Stage 4 Safety Audit Monitoring Exercise will be undertaken within 12 months and 36 months of the opening of development, apart from Area A.

Reason:

In the interests of highway safety in accordance with ENV27-Design of New Developments of the Unitary Development Plan and TAN18-Transport.

23. No development associated with reserved matters applications shall begin until a detailed foul and surface water drainage scheme for individual phases of the proposed development, including details of any culverting of a watercourse that crosses the site, has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the BWB Flood Consequences Assessment, dated January 2014 and also include details of phasing and how the scheme shall be maintained and managed after completion. The drainage scheme for each individual phase shall subsequently be implemented in accordance with the approved details before the development associated with that reserved matter application is brought into beneficial use.

Reason:

To ensure the effective drainage of the site in the interests of public health and the environment in accordance with Policy ENV29-Protection of Environmental Quality of the Unitary Development Plan.

**Officers seek delegated powers to make minor amendments to the proposed conditions following further negotiation with the applicant / agent and consultation with relevant bodies.**

**LATE ITEMS FOR COMMITTEE****COMMITTEE DATE : 30 July 2015**

<b>Application No.:</b> 2014/00228/EAO	<b>Case Officer:</b> Mrs. Y. J. Prichard
<b>Location:</b> Land south of Junction 34, M4, Hensol	
<b>Proposal:</b> Outline planning permission with all matters reserved except for access, for development comprising class B1, B2 and B8 uses; a hotel/residential training centre (class C1/C2); and ancillary uses within class A1, A2, A3; associated engineering and ground modelling works and infrastructure, car parking, drainage and access for all uses; provision of infrastructure (including energy centre(s)); landscaping and all ancillary enabling works	

**From: Vale of Glamorgan Council's Principal Engineer (Coastal and Flood Risk Management)**

**Summary of Comments:**

Acting as Lead Local Flood Authority we have an interest as the site is crossed by multiple ordinary watercourses which fall to us to regulate rather than Natural Resources Wales. Suggest adding informative as follows:

**Non Standard Informative:**

Ordinary watercourse consent is likely to be required for any works impacting on ordinary watercourses on the site and we would encourage pre-application consultation with the Vale of Glamorgan Council. As Lead Local Flood Authority we will consult with Natural Resources Wales as part of the consenting process and must have due regard to the Water Framework Directive in reaching our determination.

3.

## Goldsworthy, Marcus J

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**From:** Bertin, Richard J (Cllr)  
**Sent:** 28 July 2015 18:00  
**To:** Mills, Louise (Democratic Services); Goldsworthy, Marcus J  
**Subject:** 2014/01358/FUL - The Dolphin, Barry

Dear Louise,

I would like to add my weight to the Officers recommendation for refusal at this site.

The developer seems far from being reasonable in terms of his/her S106 contribution in respect of a contribution towards local infrastructure.

I fully support the committee in terms of their proposal in order to provide affordable housing and so on in the area.

The Barry Island Property Company needs to be more realistic and until they are I support the recommendation to reject this application.

I am more than happy with the proposals which will serve to enhance the future of the area, but we also need more affordable housing in the Vale and they must play their part in the deal.

Unless they come up with a last minute better offer in terms of S106 then this application must be rejected.

Kind regards,

Richard.

Richard Bertin  
Elected Member  
Democratic Services  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 736227  
mob / sym: 07973153987  
e-mail / e-bost: [RJBertin@valeofglamorgan.gov.uk](mailto:RJBertin@valeofglamorgan.gov.uk)

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

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



## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2014/01424/FUL	<b>Case Officer:</b> Mr. I. Robinson
<b>Location:</b> Land off St. Brides Road, Wick	
<b>Proposal:</b> Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works.	

**From:** Various

**Summary of Comments:**

### **Wick Community Council**

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

### **Jane Hutt AM**

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

### **Neighbouring residents**

In addition to the 18 letters of representation referred to in the report (that have been received in respect of the amended plans), in excess of 80 further letters of objection have been received. Five sample letters have been attached for members information, however, the letters in full remain on the planning file should members wish to inspect them. The points of objection are as follows:

- Loss of agricultural land.
- Incorrect classification of agricultural land.
- Excessive scale of the development.
- Threat to wildlife.
- Increased traffic
- Added pressure on schools
- Lack of amenities
- Anti-social behaviour

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

In addition to the content of the main officer's report, the following points are made, in respect of some of the points made in the recent batch of objections.

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

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

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

### **The applicant**

An amended materials layout has been received, showing a higher proportion of render on the dwellings. This distribution of the respective materials is considered acceptable, given the prevalent materials on dwellings in the area. Condition 2 is therefore amended to as follows:

This consent shall relate to the plans and documents registered on the 16th December 2014, other than where amended and supplemented by the following plans:

- Amended site layout plan 100 Rev L received on 18th June 2015.
- **Amended materials layout 104 Rev C received on 22<sup>nd</sup> July 2015.**
- Amended movement plan received on 18th June 2015.
- Amended movement plan 105 Rev A received on 18th June 2015.
- Affordable housing plan 107 received on 18th June 2015.
- Kedleston plan HB-WD11 M received on 2015.
- Burghley plan TR-PWD01 received on 2015.
- Herpetofauna survey and report received 18th June 2015.
- Updated planning statement received 18th June 2015.
- Updated Design and Access Statement received 18th June 2015.

Reason:

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

**Rees, Vivien**

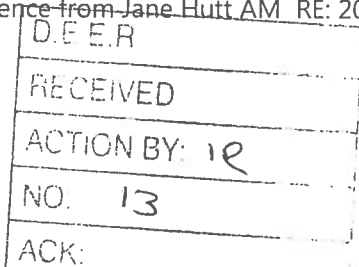
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**From:** Beaven, Camilla (AM Support Staff, Jane Hutt) <Camilla.Beaven@assembly.wales>  
**Sent:** 23 July 2015 15:05  
**To:** Planning & Transportation (Customer Care); Petherick, Mark  
**Cc:** Hutt, Jane (Assembly Member)  
**Subject:** Correspondence from Jane Hutt AM RE: 2014/01424/FUL

**Importance:** High

Good Afternoon

FAO: Cllr Lis Burnett, [developmentcontrol@valeofglamorgan.gov.uk](mailto:developmentcontrol@valeofglamorgan.gov.uk)



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24 JUL 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

I am emailing on behalf of Jane Hutt AM with regard to planning application 2014/01424/FUL- *Land off St. Brides Road, Wick. Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works*

Jane has been contacted by a number of Wick residents who are very concerned that work has started by the developers, David Wilson Homes, prior to the meeting of the Vale Council Planning Committee- scheduled for the end of this month.

Jane has been told that trenches had been excavated last week on the land off St Bride's Road. Local residents have serious concerns about the planning process and have reported incidences where they have been advised by the developers and surveyors that the development will definitely be going ahead.

Some Wick residents have submitted objections to the development, believing that it will effectively double the population of the village. Jane understands that concerns have been expressed regarding the lack of capacity at the local schools, and pressure on local amenities.

Jane would be grateful if the Council could clarify why work has been permitted prior to the application being considered by the planning committee and would also welcome comments on the issue of accountability to local people.

Many thanks in advance and best wishes

Camilla Beaven on behalf of Jane Hutt AM

**Camilla Beaven**

**Office Manager to Jane Hutt AM (Vale of Glamorgan)  
National Assembly for Wales**

## Rees, Vivien

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**From:** Beaven, Camilla (AM Support Staff, Jane Hutt) <Camilla.Beaven@assembly.wales>  
**Sent:** 23 July 2015 15:27  
**To:** Petherick, Mark; Planning & Transportation (Customer Care)  
**Cc:** Hutt, Jane (Assembly Member)  
**Subject:** Correspondence from Jane Hutt AM- 2014/01424/FUL

**Importance:** High

Good Afternoon

Ahead of the Planning Committee on July 30<sup>th</sup>, Jane Hutt AM would like to pass on some comments from a constituent who lives immediately next door to the proposed development in Wick-124 houses on land off St Bride's Road. 2014/01424/FUL

Jane has been contacted by Mrs Kent who lives at 'Rivington' on St Bride's Road.

Jane understands that Mrs Kent has particular concerns regarding the development, given her close proximity to the site. Specifically, the road traffic impact and the single entry point to the development adjacent to her property, the potential for noise and light pollution, the loss of privacy and security to the boundaries of her property and the 'mini car park' for up to 14 vehicles immediately adjacent to the south west boundary of Mrs Kent's home.

Mrs Kent also has concerns regarding the disruption during the building phase and would welcome some dialogue with the Council and developers on this point.

With best wishes

Yours sincerely

Camilla Beaven on behalf of Jane Hutt AM

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24 JUL 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

**Camilla Beaven**

**Office Manager to Jane Hutt AM (Vale of Glamorgan)  
National Assembly for Wales  
0300 200 7110**

D.E.E.R
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ACTION BY: iR
NO: 16.
ACK:

*Any of the statements or comments made above should be regarded as personal and not necessarily those of the National Assembly for Wales, any constituent part or connected body.*

*Dyla'r datganiadau neu'r sylwadau uchod gael eu trin fel rhai personol ac nid o reidrwydd fel datganiadau neu sylwadau gan Gynulliad Cenedlaethol Cymru, unrhyw ran ohono neu unrhyw gorff sy'n gysylltiedig ag ef.*

Mr James Eddy  
5 St Brides Road,  
Wick,  
Cowbridge,  
Vale of Glamorgan,  
CF71 7QB.

Head of Planning and Transport,  
Vale of Glamorgan Council,  
Dock Office,  
Barry Docks,  
Barry,  
CF63 4RT,  
25<sup>th</sup> July 2015.

RECEIVED

27 JUL 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

Dear Sir,

Re: Planning application 2014/01424/FUL

For change of use and the building of 124 dwellings on land off St Brides road, Wick

I wish to make the following objections to this planning application including the recent amendments:

- At present there are around 250 houses in wick so an additional 124 would really overdevelop the village. The layout of the present village is sprawling – the largest group of houses is 10 so the planned estate would be totally out of character.
- The site is a green field site used for grazing. It is good agricultural land that should remain for agricultural use. The land becomes waterlogged in the winter and there are issues surrounding run-off and drainage. There are also protected species such as great crested newt in nearby areas.
- The density of housing is 30:1 houses per hectare, which is well above the rural limit of 25 dwellings per hectare.
- Based on the average figure of 1.5 cars per home, the new development would mean around 186 additional cars making in the region of 8 (4 commuting, 4 school) additional journeys per day on B roads and country lanes that are not intended for heavy use. There is

already congestion near the school drop off/ pick up times and parking problems. There are very few employment opportunities in the village so residents travel to the major cities across South Wales. Wick is also a red area for speeding.

- The bus service does not provide access to Bridgend or Barry before 9am. David Wilson homes 'supply of bus passes' would not be of use to anyone needing to start work before 9am of travel to school in these towns of places further afield. There is no direct bus to Cowbridge.
- The small village shop and the present capacity of the school would not service the increased population. This would amount to the additional car journeys being made to nearby towns and village children possibly being unable to attend their local school. There are few facilities / activities for young people an increased of numbers in this age group could lead to a potential increase in anti social behaviour and increased car journeys to local service centres such as Llantwit Major and Cowbridge.

Yours Sincerely,

James Eddy

Vale of Glamorgan Council  
Development & Building Control  
Dock Office  
Barry Docks

Tyn Y Cae  
Trepit Rd  
Wick  
Cowbridge  
Vale of Glamorgan  
CF71 7QL

27<sup>th</sup> July 2015

Dear Mr Robinson,

**RE: Planning Application reference – 2014/01424/FUL – Proposed Housing Development on Agricultural Land off St Brides Road, Wick**

We have been notified of the above re-submitted application and wish to register our objection to the proposal put forward by the developer David Wilson Homes. We have a number of significant objections to this planning application and its consideration prior to the adoption of the Vale of Glamorgan LDP, which has now been submitted to the National Assembly for Wales. It is our view that this application should be refused. Therefore, I will outline the technical detail of this objection under the sub heading 'Prematurity and Prejudice', prior to outlining other focused objections under the sub heading 'Specific Objections'.

**Prematurity and Prejudice**

The Planning Policy Wales document provides clear guidance (Chapter 2) in regard to planning applications that have been submitted ahead of an LDP being adopted.

*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".*

The Council has already granted planning permission for substantial developments at Ogmore by Sea, Colwinston and Llangan. Therefore this proposal would further deliver a significant cumulative effect prematurely on a scale that is well beyond the LDP proposals.

*2.6.4 "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**".*



However, the developers own application specifies that the LDP has progressed past the pre-planning stage and is in fact at the **Deposit stage**. Additionally, we have received a letter (23.08.15) confirming that the council has now submitted the LDP to the National Assembly for independent examination. **Therefore, we are justifiably arguing prematurity.**

**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.**

The application made by David Wilson Homes prejudices the LDP process for the following reasons:

- The development does not get to the heart of the proposed LDP due to it being too small. The LDP proposes several large developments in strategic housing sites and key settlements across the county. Wick is a minor rural settlement and therefore development there does not deliver sufficient housing need to meet the national requirements.
- Section 6.13 of Policy MG 2 states *“phasing will allow the council to ensure sites are prioritized assisting in the delivery of the aims and objectives underpinning the plan”*. Further, *“the council proposes to release housing allocations over 3 successive 5 year periods”*. This is also to *“ensure an appropriate balance between necessary development and the protection of the fine environmental qualities of the Vale of Glamorgan”*.

Therefore, granting planning permission to David Wilson ahead of the LDP would have circumnavigated due process as specified in the LDP documentation. Allowing David Wilson to develop a minor site that fails to get to the heart of the LDP plan and in a minor rural settlement that may in fact have only been scheduled for development in year 10 or 15. Thus failing to adequately protect the fine environmental qualities of the Vale of Glamorgan and the rural settlement of Wick.

- The Vale of Glamorgan LDP has now been submitted to the National Assembly for Wales for independent examination on 24<sup>th</sup> July 2015. The focused changes are now subject to a six-week public consultation taking place between 24 July – 4<sup>th</sup> September, prior to the public examination. Whilst this process is being completed it would prejudice and undermine the LDP process to grant permission to David Wilson’s application.
- David Wilson homes has already offered the Local Authority £566,191.00 and a further amount to be negotiated in mitigation (5.45, p.35 of their planning statement) in accordance with a Section 106 agreement. Offering this ‘mitigation’ to the council ahead of the LDP whose careful study has allocated a maximum of 100 dwellings on this site could be perceived as payment for permitting a greater number of dwellings on the site, increasing revenues for both developer and Local Authority.

- David Wilson Homes are currently under investigation for unauthorized development on the site having commenced work without planning permission (see enforcement order ENF/2015/0161/PC). This demonstrates their blatant disregard for due planning process, further prejudicing the planning and LDP process.

Therefore, we object to this proposal on the grounds of prematurity as it prejudices the submitted Vale of Glamorgan LDP.

### Specific Objections

#### 1. Density of Dwellings

The submitted Vale of Glamorgan LDP (2011-2026) has specified the appropriate density of dwellings per hectare, based on an assessment of appropriate density for each site. The Policy MG 2 clearly shows that should the land off St Brides Road be developed no more than 100 dwellings should be built. This is because *“a reduced gross density of 25 dwellings per hectare has been used for the minor settlement sites to reflect the character of these areas”* (6.11, p.59). David Wilson proposes 124 dwellings on the site at a density of 30.1 dwellings per hectare. There is no justification for this density which is in direct opposition to the recommendations in the LDP. Therefore, we wholly oppose the size and scale of the proposed plans.

#### 2. Type of Dwellings

The plans proposed indicate that the site would include 2.5 storey dwellings and a 3 storey apartment block (5.10, p.28), which is not in keeping with the existing character of Wick. At present, Wick has no 2.5 or 3 storey dwellings. David Wilson has produced a ‘Design Access Statement’ in which they chose to display a series of photographs of houses in Wick. The images chosen were wholly biased towards large, detached 2 storey buildings. Yet between 30 – 50% of the properties in Wick are dormer and chalet bungalows. In fact, all the properties immediately bordering the site on Trepit Road are bungalows and therefore 2.5 and 3 storey buildings would be extremely out of character.

David Wilson Homes state the inclusion of the 2.5 storey properties are to *“provide interest and variety”* (3.5, p.7). We would argue that ‘interest and variety’ can be provided by introducing other architectural features and does not require a 2.5 or 3 storey property, which are obviously being proposed to increase profit despite it being out of character in the village. Therefore, if the proposed development is approved we would ask that 2.5 and 3 storey properties are not permitted.

#### 3. Inclusion of one bedroomed social flats

The proposal states that affordable housing will be provided on site in line with the LDP requirement of 35%. We note that in fact they are slightly over this quota by .5%.

Therefore, we would suggest a modest reduction to ensure that if the site is approved it does not have more than 35% affordable homes.

Further, we note that only a quarter of the affordable homes planned are low cost ownership, with the majority being social rented. We would argue that there should be a balanced distribution.

The Vale of Glamorgan LDP (2011-2026) Local Housing Market Assessment states "*there is no requirement for any further one-bedroom market accommodation in the county*" (section 7.20 p.53). In fact, the figures indicate that over the course of the next 20 years the requirement for one bedroomed stock will fall by 142 units.

In addition, the report points out that the large growth in single pensioner households within the one bedroomed social rented accommodation indicates that these households will require an additional bedroom for a carer (section 7.22, p.54).

Therefore "*there is no requirement for any further one-bedroom market accommodation*" in the county (section 7.31, p.57). In fact, the long term market balance model suggests in the social rented accommodation category there is a particular need for two bedroomed housing.

Thus, there is no current housing need in Wick for one bedroomed social, intermediate or private housing. Therefore, David Wilson Homes' plan to build 10 one bedroomed social housing flats is not needs based or supported by the Local Authorities own assessment. They are in fact failing to provide "*housing of the right type*" which they stated in their proposal (4.21) in an effort to suggest they were meeting the requirements of Welsh Ministers and Planning Policy Wales.

#### 4. Lack of Sustainability

Planning Policy Wales States that their definition of sustainable development in Wales means "*enhancing the economic, social and environmental well-being of people and communities*" in ways which "*enhance the natural and cultural environment and respect it's limits – using only our fair share of the earth's resources and retaining our cultural identity*" (Fig. 4.1, p.43).

In fact, section 4.4.3 provides clear guidelines to ensure sustainable development, which includes minimising "*land-take*" and "*urban sprawl*", and "*wherever possible avoiding development on greenfield sites*".

Further, Planning Policy Wales guidance outlines priorities for rural areas are to secure: access to affordable housing and high quality public services; a thriving and diverse local economy, and an accessible countryside in which the environment and biodiversity are conserved and enhanced (4.6.3, p.51).

Overall, the plan proposed by David Wilson homes fails on many counts to deliver on sustainability. For instance they:

- Are engaging in land-take by proposing high density housing on a green field site with below the recommended level of open space
- Are failing to protect the existing environment and wild life by not providing the recommended amount of open space
- fail to adequately acknowledge the poor level of public transport available to residents which is grant funded, isolating individuals in the community (particularly those on low income)
- Fail to acknowledge the limited opportunity for employment
- Fail to acknowledge the lack of pupil places in the village school, or that it is faith led which may be unsuitable for some
- Fail to acknowledge the poor pedestrian access around the village, particularly at the school and the impact of the development on pedestrian/road safety
- Fail to provide a sufficient quantity of Low Cost Ownership homes
- Fail to conserve the environment by providing homes that are environmentally neutral and powered by solar energy, ground source heat pumps and the like

The above points indicate that the developer is not providing a sustainable housing development in our rural community and is merely paying lip service to sustainability by using language associated with the principles of sustainability.

Grounds for specific objections relating to sustainability:

- a) The public open space proposed on the site falls below the minimum standards proposed by the Local Authority and on the basis of a recommendation from Fields in Trust. According to David Wilson homes these standards suggest 6,792 sq metres for 124 homes but they plan to provide less with a provision of 6,511 sq metres. This shortfall is not acceptable and falls short of the Local Authorities own guidelines and the guidelines of the Fields in Trust recommendation.

The developer's rationale for this shortfall is also unacceptable, merely that Wick has lots of green space already and therefore there is an over provision of such space. This rationale further serves to indicate the developers lack of appreciation that they are not providing a plan that fits with the existing character of the village.

- b) The Vale of Glamorgan LDP (2011-2026) Local Housing Market Assessment provides definitive evidence of the low rate of employment across the Vale of Glamorgan and the high rate of those claiming job seekers allowance (3.12 -3.17). There are few employment opportunities in Wick, meaning that local residents must travel outside of the local area to work. The public transport infrastructure is insufficient and residents are unable to rely on it to get to work. Whilst David Wilson quite rightly points out that there are train stations at Llantwit Major and Bridgend, there is at best an hourly bus service to transport them to these stations. The bus route is aided by government funding (and therefore susceptible to cuts), with the first bus to Bridgend currently arriving at 8.30am (and until recently arriving at 9am). This means that individuals can at best only arrive in Bridgend at 9am, too late for most

employers and any onward journey. This would leave prospective residents who could not afford their own transport with limited means for employment and achieving a good quality of life.

- c) In relation to the above point, David Wilson Homes' state in their proposal that the development "complies with the transport related objectives contained within Paragraph 9.1.2 of PPW, as well as Chapters 4 and 8 of PPW, TAN 18, UDP Policies 2 and ENV 27 and Deposit LDP Policy MD2, which seek to minimise the need to travel by car and locate development to ensure the use of public transport, walking and cycling. Yet they provide no evidence of how they are complying with the above policies in reducing travel by car. There is no mention in any of the above documents for improvement to the public transport network directly serving Wick. Whilst there is mention of improvement to infra structure and services in the wider area, individuals in the village cannot access such improved services without first relying on existing poor public transport and instead have to rely on travel by car.

Therefore, the proposed development does not seek to minimise the need to travel by car and ensure use of public transport, walking and cycling. The majority of daily activities, education, employment, leisure, shopping etc will all require the use of a car as public transport is poor and adequate amenities too far to access on foot.

- d) The proposed plans for 124 houses in Wick will inevitably place additional demand on the existing primary school who are currently at full capacity and have no physical capacity to admit more children. We understand that the school already has to use shared space as overspill from classrooms in order to cater for their existing pupils. The Vale of Glamorgan LDP (2011-2026) states that "*existing schools will be extended or improved to meet demand for school places during the plan period*" (Policy MG 6, p.65). Yet we observe that the proposal submitted does not address these issues, merely offering the Local Authority £361, 747 in mitigation for education, a sum that would not enable the authority to meet Policy MG 6.

Furthermore, there is already inadequate parking available at the school and regardless of how near the school is to the proposed development working parents will drive their children to school en-route to their employment.

## 5. Incorrect Classification of Agricultural Land

David Wilson Homes' planning application cites the results of an agricultural land assessment confirming that the site falls within sub-grade 3B and grade 4 (5.23, p.31). However, the Local Authority have previously accepted that the land is grade 2. In addition, the Agricultural Land Classification of England & Wales 1985 (ALC009) indicates that the land is grades 1, 2 or at worst 3A and as such the Vale of Glamorgan should seek to preserve this versatile agricultural land from development in order to comply with Planning Policy Wales and the submitted Vale of Glamorgan LDP. We believe Natural Resource Wales should be consulted in order to provide independent and unbiased consultation to the Local Authority.

## 6. Inadequate Water Supply Network

We observe that Dwr Cymru Welsh Water “has advised that the site falls within the the Llantwit Major water supply network which is at the EXTREME of its capability. Extensive improvements would be required” and consultation to “determine whether improvements to this network will be required” (Updated Planning Statement, p.22). Concern has also been “expressed by Welsh Water over capacity at the Waste Water Treatment Plant” (Updated Planning Statement, p.34). David Wilson Homes have not yet provided a solution or offered the ‘mitigation’ required for the Local Authority to improve the water supply that is at it’s extreme limits.

We urge the planning committee to reject the proposed plans until such time that Dwr Cymru have completed their feasibility study and provided a satisfactory solution, funded by David Wilson Homes. At present, residents at Wick experience very poor water pressure, such that the water pressure is barely sufficient to feed combination boilers. Therefore, we ask that this issue is thoroughly addressed, as foreseen damage to existing resident’s boilers could prove costly if water services are not improved.

### **Conclusion**

In summary, this planning proposal has been prematurely submitted ahead of the Vale of Glamorgan LDP (2011 -2026) and prejudices the LDP. David Wilson Homes’ plans for the site do not conform to the core principles of Planning Policy Wales or the guidance contained within the Vale of Glamorgan LDP across a number of areas, including issues of density, provision of social and affordable housing, sustainability, transport and environmental impact. There are significant concerns regarding the capacity and provision of effective water and sewerage systems – a solution has not been submitted by Welsh Water, the developer or the Local Authority. This is a grave concern.

The development is far larger than that proposed in the submitted LDP, expanding the rural settlement of Wick beyond the capacity of it’s current amenities. Further, the scale and nature of the development is not in keeping with the existing character of the village and they have not adequately demonstrated in a meaningful way the sustainability of their development. They have failed to demonstrate how they plan to provide favourable conditions in which people live, work, travel and take leisure within a rural location of outstanding beauty.

We urge the planning committee to reject this application.

Yours Sincerely,



Mr and Mrs Prevett

Tony Cooke,  
9 Trepit Road,  
Wick,  
COWBRIDGE,  
Vale of Glamorgan,  
CF71 7QL

Head of Planning and Transport,  
Vale of Glamorgan County Council,  
Dock Office,  
BARRY,  
CF63 4RT

26<sup>th</sup> July 2015

Dear Sir,

**Planning Application 2014/01424/FUL/IR**  
**Building of 124 Dwellings on land off St Brides Road Wick**

**Access And Movement – consequences of vandalism that will occur**

This is one of two letters I am sending in. The other details the objections to the applications by ourselves.

This letter details a single specific point which has not been addressed in the plan and were the application to be passed and it fail to be addressed it will cause years of misery for 5 dwellings within the village which will be affected.

The Access and Movement plan submitted shows a single road entry and exit onto St Brides Road. There is also pedestrian access at a single point alongside the rectory. Not shown correctly on either the Planning Layout or the Access and Movement Plan is the private drive or the dwellings that exist between 7 and 9 Trepit Road.

I have extracted a section from the Access and Movement Plan and that drive and the dwellings are now shown more correctly on the attached file Access to village Green Wick.jpg .

It can clearly be seen that the private drive will provide a far shorter and alternative access/exit route to the village green than the footpath offered.

Currently the boundary between the private drive and the field beyond is not secure. The hedge that runs along the rest of the boundary was removed 25 years ago in the build of two additional dwellings and a garage and has never been made good, as there has really been little need.

Previously there was a modest barn in the field. Children of the village used it as a den for smoking in, away from the gaze of their parents. It was always second best, the premier “smoking” barn being to the south of the green. A sometimes used access route was the drive. Intent on an act of which their parents did not approve, children sometimes engaged in low level disturbance of those on route – dispersal of litter into gardens, knocking doors and

running off and other minor but irritating misdemeanours. This produced a modest degradation of the life experiences of the 5 dwellings affected. Around 10 years ago the barn blew down and has not been replaced. That minor irritation has totally gone as no children bent on mischief use the drive to enter the field.

With 124 dwellings and an open area backing onto that private drive, the route will be most attractive to children to use as a short cut for children exiting the estate and accessing the village green.

It would be good if provision could be made for a building(s) or the boundary of them, to be positioned abutting the boundary with the drive thus removing the potential route. Alternatively keen consideration needs to be given to how the site is secured at this point.

On completion of the build, that boundary will not belong to any individual and so presumably maintenance of the fencing will fall upon the council's services. Children will vandalise it in order to gain egress and entry. The five dwellings will suffer degradation of wellbeing as certainly the incidence of usage will be significantly larger than that small number of children seeking a change of scenery and refuge to smoke in a drafty barn.

Householders from these 5 dwellings will observe vandalism and contact the council works department and of course, repairing a fence to an open area, will be so low down the priority order that it may go years between repairs with vandalism restoring the exit within days.

The scenario for regularly and repeatedly disturbed summer evenings and the frustrations engendered in attempting to get a problem, that is entirely foreseeable now, resolved by a council for whom this is of no significance, is palpable.

Therefore could the planning department be so good as to ensure that either:

provision is made for some buildings or better the boundary of dwellings to back onto the drive;

or

the very best security is achieved for the boundary of the open area such that the council are not left with regular and repeated, unsolvable maintenance issues. This will be best achieved in negotiation with the 5 dwellings within the village affected, of which we constitute one.

What would be entirely unsuitable would be a 6' picket wood fence that will be broken apart within 12 months of first installation and never made better.

I thank you for taking the time to consider my views.

Yours sincerely,

Tony Cooke  
(additionally on behalf of Denise Cooke)



5 Trepit Road,  
Wick,  
Vale of Glamorgan,  
CF71 7QL

Head of Planning and Transport,

Vale of Glamorgan Council,

Dock Office,

Barry Docks,

Barry,

CF63 4RT

19 Jul 2015

Dear Sir,

**Re: Planning application 2014/01424/FUL  
for change of use and the building of 124 dwellings on land off St Brides Road, Wick  
- Objection**

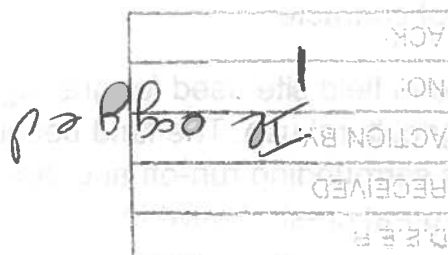
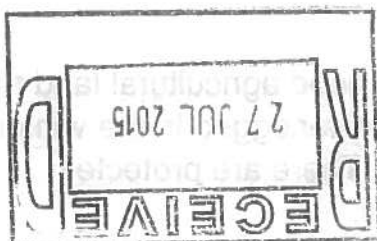
- I wish to make the following objections to this planning application including the recent amendments:
- The houses proposed are 4-5 bedroom in the region of £450k which is not affordable housing (Prices are from similar houses by the same developer built in Ogmore by Sea).
- Planning includes 3 story town houses - this is a village and would be totally out of character
- Scale of development: at present there are around 250 houses in Wick so an additional 124 would really overdevelop the village. The layout of the present village is sprawling - the largest group of houses is 10 - and so the planned estate would be totally out of character.
- Site: The site is a green field site used for grazing. It is good agricultural land that should remain for agricultural use. The land becomes waterlogged in the winter and there are issues surrounding run-off and drainage. There are protected species such as the great crested newt in nearby areas.

- Design: The density of housing is 30.1 houses per hectare, which is well above the rural limit of 25 dwellings per hectare.
- Traffic: based on an average figure of 1.5 cars per home, the new development would mean around 186 additional cars making in the region of 8 (4 commuting, 4 school) additional journeys per day on B roads and country lanes that are not intended for heavy use. There is already congestion near the school at drop off/pick up times and parking problems. There are very few employment opportunities in the village so residents travel to the major cities across South Wales. Wick is also a Red area for speeding.
- The bridge at Ewenny remains a single lane control with traffic light and the added traffic flow will have a derogatory effect on residents there.
- Bus service: the bus service does not provide access to Bridgend or Barry before 9am. David Wilson Homes' supply of bus passes' would not be of use to anyone needing to start work by 9am or travel to school in these towns or places further afield. There is no direct bus route to Cowbridge.
- Amenities: the small village shop and the present capacity of the school would not service the increase in population. This would amount to additional car journeys being made to the nearby towns and village children possibly being unable to attend their local school. There are few facilities/activities for young people an increase of numbers in this age group could lead to a potential increase in anti social behaviour and increased car journeys to local service centres such as Llantwit Major and Cowbridge.

Yours sincerely,



Trevor Robson



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23 JUL 2015

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Celtic House  
1A, St Brides Road  
Wick  
Cowbridge  
CF71 7QB

Head of Planning,  
Vale of Glamorgan Council,  
Dock Office,  
Barry Docks,  
Barry,  
CF63 4RT  
20<sup>th</sup> July 2015.

Dear Sir,

**Ref Planning Application 2014/01424/FUL**  
**For change of use and Building 124 dwellings on St Brides Road Wick**

We would like to object the above application and its amendments on the following grounds.

- The site is presently agricultural land used for grazing of sheep and cattle. This week –end hay was cut and bailed from this field. This proves that the soil grade can easily sustain this type of growth and is not of poor quality as David Wilson implied in a previous land report.
- The Vale of Glamorgan Local Development Plan (LDP) is still under consultation and has not yet been adopted. Therefore it is premature to consider this application when there has already been a considered and comprehensive objection to the LDP submitted by Wick Action Group. We concur with all the points raised in the document submitted by the Group and cite all of these objections in relation to this application. We note that this development does not adequately satisfy the heart of the plan, which we believe is a requirement for an LPD development. Therefore to grant permission outside the LDP is in direct conflict with the need to have the LDP process and the consultation arrangements within. With this in mind, where is the urgency and the specific need for this site to be considered at this time. Unless there is a specific reason for this site to be considered that is not accessible to the public.
- Over Development. The size of the development in relative terms to the scale of the village is well out of proportion. This development would increase the size of the village by 50%. Wick has been a rural community for centuries and has grown organically over the years. I have tried and failed to find any village development on a similar scale. Therefore this size of development is unprecedented. There is nothing previous to compare the social impact and integration of such a development. We assume the residents of Wick are guinea pigs for this experiment.

- The density of the development is 17% above the rural limit. There are 30.1 houses per hectare on the Wick proposal. Government guidelines are 25 dwellings per hectare being the rural limit. It can therefore be assumed that if this site was to conform to the rural limit it would be uneconomical to build. Calculating the increased development with the average price this site would yield another £5.1m. Therefore why would the council consider a development outside the statutory guidelines to increase David Wilson Homes turnover. Furthermore included in the development are 3 storey townhouse, or 2.5 storey. This does not conform or relate to any existing building in the village. Another facility or concession to increase profitability for the builder.
- Amenities. The village presently does not have amenities for a 50% increase in residents. The school is full to capacity and has no room for extension to this scale. Children would therefore have to be bussed to other areas. This is confliction with the green policy of the council
- Last week David Wilson home attempted to start work on this development by digging foundations. This was with no regard to planning permission. On what basis would they attempt to carry out this work without planning permission, unless they have been informed prior the public planning meeting is a formality and they have been told approval has been given. Who therefore has the authority to give this permission and on what grounds do they have pre-approval of the planning committee and therefore why is there a public meeting on July 30<sup>th</sup>. ?
- There are many other issues that required to be discussed. This includes transport infrastructure, demands on already stretched utilities and the lack of local amenities to support an increased population.

Yours sincerely

**Michael and Susan Pellegrotti**

5.

## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00016/FUL	<b>Case Officer:</b> Mr. Robert Lankshear
<b>Location:</b> Land to the South of Craig Yr Eos Avenue, Ogmore by Sea	
<b>Proposal:</b> Residential development for 20 dwellings	

### From: Various

**Summary of Comments:** 22 further letters of representation received of which 5 sample letters are attached for members attention, all letters in full are retained on the file should members wish to inspect them. The letters raise the following issues:

- Concerns over highway safety with regard to utility of Craig Yr Eos Road, Craig Yr Eos Avenue and junction with Main Street. Consideration should be given to access from Slon Lane
- Inadequacy of public sewerage system
- Style of property out of character with surroundings including concerns regarding ridge heights
- Overdevelopment of the site
- Loss of view
- Noise and disturbance
- Detrimental impact to Glamorgan Heritage Coast
- Ecological impact of the development
- Lack of capacity in local schools
- Lack of other appropriate amenities including a public house, community centre, play park
- Transport analysis fails to address additional development of 6 dwellings adjacent to Craig Yr Eos Avenue
- Concern that local residents views are not taken into account
- Concerns with regard to construction traffic
- Recent appeal decision with reference to refusal of permission 2014/01242/FUL is relevant to this proposal, noting Inspector's comments in relation to detriment to Heritage Coast
- Loss of privacy, overbearing and visual intrusion caused by the proposals

### Officer comments

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

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

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

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

Planning&Transport@valeofglamorgan.gov.uk  
19 July 2015 20:30  
Planning & Transportation (Customer Care)  
New comments for application 2015/00016/FUL  
Craig Yr Eos Development additional objection.docx

**Subject:**  
**Attachments:**

New comments have been received for application 2015/00016/FUL at site address: Land to the South of Craig Yr Eos Avenue, Ogmore by Sea

from Mr Scott Webster [REDACTED]

Address:  
6 Criag Yr Eos Av, CF32 0PF

Comments:  
Please see attached objection in addition to my previous objection over access.

The following files have been uploaded:  
Craig Yr Eos Development additional objection.docx

Case Officer:  
Mr. Robert Lankshear

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REGENERATION

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ACTION BY: RLJmm
NO: 27
ACK:

In addition to my objection submitted last week as a result of my ongoing concern over the access for this proposed development I would like to raise the following further points.

From what I can understand reading the transport statement, the transport statement takes no account of the existing new development or the existing properties and the figures stated are exceptionally conservative. We are one dwelling, have 4 cars and make a minimum of 6 return journeys a day and regularly 8 return journeys. Whilst I'll accept that this may be higher than average it is by no means exceptional for large privately owned property in a rural location which is what this development comprises. The transport statement makes reference to Ogmores By Sea being close to town, and it appears to use figures based on urban opposed to rural communities and whilst Ogmores By Sea is only a couple of miles from Bridgend, there are no amenities within walking distance and every journey involves driving. I think doubling the quoted number of journeys would be more realistic or undertaking an actual survey of traffic movements within Craig Yr Eos Rd which would be comparable in volume to the proposed development.

As raised previously Craig Yr Eos Avenue is only one car wide due to existing residents parking on the road due to the lack of off road parking afforded to the existing properties. Just this week we were unable to leave the property for a period of time as a neighbour was having an oil delivery. Deliveries, bin days etc are routine and manageable with the low numbers of properties currently using Craig Yr Eos Avenue but to increase the number of properties 5 fold including the already approved new development (7 existing properties to total proposed 33 properties (7 existing, 6 already approved and this development of a further 20)) will not be manageable with single width access.

Furthermore the cul-de-sac formation with a defined wall provides excellent speed control for the avenue, the avenue is short and yet you would be surprised even with the short existing length how fast people still travel up and down the avenue but there is no option but to slow down for the wall. I am very concerned about how the speed of traffic will increase following removal of this wall as our quiet cul-de-sac becomes the rat run for the new development. I strongly ask that if this is given approval and to really hope it is not, speed calming is incorporated into the development to restrict the flow and speed of traffic both down the avenue and continuing into the new development.

As raised previously, I feel the only safe and sustainable solution of a potentially very well suited development for Ogmores By Sea is the redevelopment of Slon Lane to provide safe adequate access off Slon Lane which would not be to the detriment of any existing local residents.

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20 JUL 2015

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AND ECONOMIC  
REGENERATION



(13)

**Payne, Adrienne J**

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**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 11 July 2015 11:14  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00016/FUL  
**Attachments:** Planning Objection July 2015.jpg; Planning Objection February 2015.docx

New comments have been received for application 2015/00016/FUL at site address: Land to the South of Craig Yr Eos Avenue, Ogmore by Sea

from Mrs Susan Lee [REDACTED]

**Address:**  
Craig Yr Eos Cottage,,Main Road,,Ogmore by Sea,,Near Bridgend,,Vale of Glamorgan,CF32 0QL

**Comments:**  
My main objection is the proposed access off Main Road into Craig Yr Eos Road. The 'pinch point' at the top of the road outside Craig Lodge is entirely unsuitable and unsafe for the residents with all the large construction vehicles and extra traffic passing. There is no pavement and no room for one to be built. It is a serious accident waiting to happen and common sense should prevail.  
Access should be off Slon Lane.  
I am attaching a new letter to state my concerns more fully and also my original concerns from February 2015 which still apply.  
Susan Lee

The following files have been uploaded:  
Planning Objection July 2015.jpg  
Planning Objection February 2015.docx

**Case Officer:**  
Mr. Robert Lankshear

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13 JUL 2015  
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REGENERATION

D.E.E.R
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ACTION BY: RLI JMM
NO: 11
ACK:

Craig Yr Eos Cottage,  
Main Road,  
Ogmore By Sea,  
Near Bridgend,  
Vale Of Glamorgan  
CF32 0QL

11th July 2015

email : sue.elee@btinternet.com

Vale Of Glamorgan Council,  
Dock Office,  
Barry Docks,  
Barry  
CF63 4RT

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13 JUL 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

For the attention of Mr Robert Lankshear  
Re Planning Application No 2015/00016/FUL/RL

Dear Mr Lankshear,

In response to your letter dated 7th July 2015, I would like to state that none of my concerns as registered in my original comments dated 1st February 2015 have been addressed satisfactorily in the amended plans. What difference will it make to build 20 dwellings instead of 21?

The amended planning application mentions the access along Craig Yr Eos Avenue but my main concern is the proposed access off Main Road into Craig Yr Eos Road.

Have the constraints of manoeuvring large lorries and excavators carrying heavy loads of building materials through the narrow pinched top end of Craig Yr Eos Road near Main Road been seriously considered by the planning committee? The impact on the road which is already full of scarred potholes is that it will obviously present a danger to the people who have to travel this route on foot or by vehicle.

There is no pavement as you turn into Craig Yr Eos Road off Main Road and there is no room to build one as existing buildings are in close proximity to the road. This is of major concern. Also, 20 new dwellings plus the 6 already being built on Craig Yr Eos Avenue will probably result in at least 50 extra vehicles on an already congested road and will add considerably to the dangers. When adults and children walk up past Craig Lodge, they have to step back into the bushes to avoid oncoming cars. What will happen when there are large construction vehicles driving past? It's not safe!

To summarise, site access should NOT be via Craig Yr Eos Road.

If the development has to go ahead, why cannot the access be through Slon Lane where the original planning idea and sale of the land originated. The gate opening onto the site is only approximately 60 metres from Main Road and would be much less hazardous. If it is not possible for Slon Lane to be adapted for the development then the planning application should be refused.

I would appreciate it if my original concerns regarding the development which I am attaching can also be noted as they still apply.

Yours sincerely,  
Alan and Susan Lee

Craig YrEos Cottage,  
MainRoad,  
Ogmore By Sea,  
Vale of Glamorgan  
CF32 0QL

1<sup>st</sup> February 2015

Vale of Glamorgan Council,  
Civic Offices,  
Holton Road

Re Planning Application: 2015/00016/FUL

#### OBJECTIONS

1. We were not informed of the proposed development. It is very close to our property and, as such, we feel strongly that we should have been informed. We understand that it is your statutory duty to inform those people who are directly affected by development. We found out very late in the day and, therefore, do not feel that we have been given sufficient time to express our opinions on the application. We feel, in fact, that as we were not informed as affected parties that this application should be declared void or, at the very least, delayed.
2. Our main objection to this development is that the access road to the site is entirely inadequate especially at the 'pinch point' at the entrance to Y Graig. The traffic increase created by twenty one dwellings is, in our opinion, not acceptable unless access to the main road undergoes substantial improvement. As you are certainly aware, this is not possible as there is insufficient room for this to happen.
3. We are concerned that this development will create further stress on the existing foul drainage system added to the six dwellings already approved for Craig Yr Eos Avenue and the major developments approved in the area of the old Ogmore Centre Trust.
4. There is no school in Ogmore By Sea and the school bus collects and drops off at the top of the road. We feel that the narrow, winding road will be a safety hazard to children and adults alike when filled with large construction vehicles and any extra traffic incurred by the proposed site and the six dwellings already approved.
5. We very much hope that the Vale Planning Department will see that this proposed planning application is unworkable and will do nothing to enhance our already overdeveloped village.

From Susan and Alan Lee

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13 JUL 2015

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AND ECONOMIC  
REGENERATION

**Payne, Adrienne J**

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**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 14 July 2015 21:26  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00016/FUL  
**Attachments:** Craig Yr Eos Development (1).docx

New comments have been received for application 2015/00016/FUL at site address: Land to the South of Craig Yr Eos Avenue, Ogmore by Sea

from Mr Scott Webster [REDACTED]

Address:  
6 Craig Yr Eos Av, CF32 0PF

Comments:  
Please see attached objection on access, access should be considered via slon lane through the plot retained by the land owner affording a safe and sustainable access with no impact on existing residents

The following files have been uploaded:  
Craig Yr Eos Development (1).docx

Case Officer:  
Mr. Robert Lankshear

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AND ECONOMIC  
REGENERATION

D.E.E.R
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ACTION BY: RLJmm
NO:
ACK:

This development as a whole is sympathetic and I have no objections to the site, however access to the development is a big issue.

Craig Yr Eos Avenue currently serves 6 houses and access/ parking is already an issue. With the applications already being progressed for a further 6 dwellings on Craig Yr Eos Avenue and now another 20 dwellings I do not believe the access is appropriate. I am very concerned about the huge increase in traffic both along Craig Yr Eos Avenue but also via the access road Craig Yr Eos Road which is already a blind corner on a steep hill often with cars parked and people walking in the road due to insufficient pavement. It is a regular occurrence that vehicles have to come to an abrupt halt due to unfamiliar drivers taking the completely blind access too quickly and to increase traffic is only going to lead to further near misses and ultimately collisions.

There is a school bus collection/drop off at the top of Craig Yr Eos Rd and access at or around this time is very restrictive and to add further access via this road adds unnecessary risk to all concerned.

There is not only the long term risks associated with access mentioned above but also the short/medium term risks of this development allowing construction traffic through this very restrictive area. One development has started in Craig Yr Eos Rd and access has already been an issue for large construction lorries unable to move freely up and down Craig Yr Eos Rd.

I believe all this can be mitigated by providing access off Slon Lane via land owned by the owner of the development plot although not currently included in the development. The plot shows "Craig Yr Eos Bungalow" and "Land Retrained by Craig Yr Eos Bungalow", all this area should be incorporated into the development and then Slon Lane could easily be altered without impact on any existing residents at the cost of the developer to make a safe and sustainable access into what is otherwise a very sympathetic development.

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AND ECONOMIC  
REGENERATION

**Payne, Adrienne J**

**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 13 July 2015 15:18  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00016/FUL  
**Attachments:** Reconsult Planning Objection .docx

New comments have been received for application 2015/00016/FUL at site address: Land to the South of Craig Yr Eos Avenue, Ogmore by Sea

from Mrs Judith Robertshaw [REDACTED]

**Address:**  
2 Craig yr Eos Place, Ogmore by Sea, CF32 OPX

**Comments:**  
Attached please find my comments regarding the neighbour reconsultation dated 7 July 2015

The following files have been uploaded:  
Reconsult Planning Objection .docx

**Case Officer:**  
Mr. Robert Lankshear

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AND ECONOMIC  
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: RL/JMM
NO: 4
ACK:

14 JUL 2015

Dear Sir

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

RE: Reconsult re planning application number 2015/00016/FUL for land to South of Craig yr Eos Avenue, Ogmoredale by Sea

Having studied the amended plans for this development as advised in your letter of 7 July 2015 I believe that the objections raised in my letter of 28 January 2015 to this application still stand and are reiterated below (with comments).

1. Dangerous traffic access:

A previous application to develop this plot of land was denied on the basis that vehicular and pedestrian access from the site along Craig yr Eos Avenue and Craig yr Eos Road to Main Road(B4524) was tortuous and dangerous due to bends and lack of pavement. In essence this situation has not changed – the egress from Craig yr Eos Avenue onto Craig yr Eos Rd is on a blind bend; Craig yr Eos Rd is still tortuous and narrow and I have recently witnessed several cars having to brake hard and struggle to negotiate their way past oncoming vehicles, especially delivery vans. This route is also used by local school children walking to their school buses on Main Rd, however there are only small sections of pavement along the length of Craig yr Eos Rd from its junction with Craig yr Eos Avenue to Main Rd. I believe, therefore, that the extra traffic both vehicular and pedestrian which would be generated by this development would make Craig yr Eos Rd even more dangerous than it is at present. I note that since 28 Jan 2015 some vegetation has been removed at the junction of Craig yr Eos Avenue and Craig yr Eos Road which has improved the visibility at that point but has not altered the problems higher up Craig yr Eos Rd near its junction with Main Rd. The wall at this narrowing of the road near Craig Lodge has recently suffered damage from a large vehicle (though I did not witness the incident personally, I have seen construction traffic trying in vain to negotiate this part of the road)

2. Environmental character:

The size and nature of the proposed development is not in keeping with the existing surrounding development where property is predominantly bungalows. The houses planned for this site appear to be considerably higher than the 6metres height restriction recently applied to the adjoining site (west of Craig yr Eos Avenue) and will therefore affect the visual amenities of

much of the surrounding area. The reduction in the proposed height to 7.5m ridge is still above the guidelines given for the sites along the West of Craig yr Eos Avenue.

3. Loss of privacy and visual intrusion :

From the submitted site plan I believe the house on plot 9 of the proposed development will have a direct line of sight into my living room and main bedroom ; and the proposed buildings on plots 1-8 and 9 will completely block my view of the sea and coast , which whilst it may or may not be a right, is one of the prime reasons for purchasing property in this village. In the case of Plot 9 (the nearest to my own residence) the new house will have a similar ridge height to my upper neighbour(48m above sea level) despite being built lower down the slope (on base at 40m), and will therefore still pose an invasion of our personal privacy as mentioned above.

4. Effects on amenities in local community:

This proposed development will potentially house around 100 people (approximately 10% increase over the existing village population) which will substantially increase the pressure on existing facilities within the village and in the wider community with regard to schooling and public transport. Facilities which will already be under great pressure from the large scale Barratt Homes development already agreed for the village.

As far as I can determine there is unlikely to be an influx of commercial businesses to increase these facilities or to provide jobs in the area therefore I cannot see any justification at this time for increasing the housing stock in the village above and beyond that already approved.

5. Changing character of existing environment:

Additionally this proposed development will remove one of the last remaining green areas within the village. By reason of the site's location, its unspoilt rural/coastal character and the relationship it has with the surrounding natural environment, I feel that the proposed development would represent an inappropriate and visually intrusive form of development on the boundary of the village, that may be harmful to the special



environmental and landscape qualities of the Glamorgan Heritage Coast and the flora and fauna therein.

All of the above appear , in my humble opinion, to be in contravention of the criteria set forward for small developments under the Vale UDP Policy HOUS 8i,ii and vi.

Yours faithfully

Judith Robertshaw

**Payne, Adrienne J**

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**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 24 July 2015 17:31  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00016/FUL  
**Attachments:** Letter of Objection July 2015.docx

New comments have been received for application 2015/00016/FUL at site address: Land to the South of Craig Yr Eos Avenue, Ogmoredy Sea

from Ms Rhoda Luzio [REDACTED]

Address:  
44 Craig Yr Eos Road, Ogmoredy-Sea, CF32 0PH

Comments:  
See Attached

The following files have been uploaded:  
Letter of Objection July 2015.docx

Case Officer:  
Mr. Robert Lankshear

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D.E.E.R
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ACTION BY: RLJMM
NO: 10
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REGENERATION

The Gables,  
44, Craig Yr Eos Road,  
Ogmore by Sea.  
Vale of Glamorgan.  
CF32 0PH

**Town and Country Planning Act, 1990**

**Application no. 2015/00016/FUL/RL**

**Location: Land to the south of Craig Yr Eos Avenue, Ogmore by Sea**

**Proposal: Residential development (Amended plans)**

The recent amendment to this proposed development has reduced the number of houses from 21 to 20 but despite this the proposal will still adversely affect the rural appearance and the openness of the area around Craig yr Eos Road and Craig yr Eos Avenue. Therefore I would like to object to the amended proposal on the basis that the size of the development and the size of individual houses and garages is out of all proportion to the existing housing in the Craig yr Eos Road and Craig yr Eos Avenue area and would adversely affect the appearance and the openness of this area and the Ogmore by Sea coastline in general. The design of these houses is totally out of keeping with the current housing stock being big town style houses that will ruin the openness and rural feeling of this coastline.

Another point is the extra cars this development will bring to an already dangerous entrance to Craig yr Eos Road.

I would therefore like to draw the attention of the Planning Committee to the following issues:

- The size and impact of this development on the Heritage Coast and existing residents and visitors.
- These are large 4 bedroomed houses that will greatly impact on the current open rural aspect of this part of Ogmore by Sea.
- The 'out of character' design of these large houses, some being 3 storeys high.
- The sheer size and design of the proposed houses will impact in a most negative way on the rural aspects of the common land and the beach. Low level houses/bungalows would be in keeping with current Ogmore by Sea housing stock and would be far less invasive.
- The danger created by the volume of traffic on the narrow entrance to Craig yr Eos Road.
- This development will change for ever the beautiful semi-rural openness of this part of the Heritage Coastline.

With regards to the impact this housing development will have specifically on The Gables, 44 Craig Yr Eos Road, there will be

- Devastating loss of views, privacy and tranquillity.
- The close proximity of the large garage of plot 17 to our house and front garden.
- The overbearing size and position of the house on plot 17 which is seemingly a 3 storey house.

- Making The Gables part of a housing estate which is not what the owners have ever wanted.

I would like to ask the planning committee to think very hard about any decision that will change this beautiful coastline for ever because once these houses are built it will be too late for a change of heart. These large 2 and 3 storey houses might look neat and desirable in the 2D plans but in reality they will have a major impact on this beautiful Heritage Coastline and adversely affect the beauty, the appearance and the openness of Ogmore by Sea.

Dr Rhoda Luzio



## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00031/OUT	<b>Case Officer:</b> Mr. Morgan P. Howell
<b>Location:</b> David Davies Road, Woodham Road, Barry	
<b>Proposal:</b> Outline application for a wood fired renewable energy plant	

**From: Morgan Howell – Planning Officer**

### Summary of Comments:

A minor error has occurred on the plans reference condition no. 2 and condition 20 . As such, condition 3 should remove draw ref E1627- 116 Rev A which has been superseded by the one of the plan ref E1627- 2116 Rev B received on 22<sup>nd</sup> July 2015. The condition should read: -

2. This consent shall relate to the plans registered on 5 February 2015 other than where amended by plans reference E1627- 2101 Rev A, E1627- 2102 Rev A, E1627- 2103 Rev A, E1627- 2104 Rev A, E1627- 2105 Rev A, dated 16 April 2015 and E1627- 2116 Rev B, E1627- 2117 Rev B, E1627- 2118 Rev B, E1627- 2119 Rev B, E1627- 2120 Rev B received on 22 July 2015 as well as the updated Air Quality Assessment submitted on 12 June 2015 the Waste Planning Assessment received on 17 June 2015

Where as the word 'dry' has been inserted before tonnes in Condition 20, so it reads: -

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

## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00031/OUT	<b>Case Officer:</b> Mr. Morgan P. Howell
<b>Location:</b> David Davies Road, Woodham Road, Barry	
<b>Proposal:</b> Outline application for a wood fired renewable energy plant	

**From:** Various

### Summary of Comments:

13 Further objections have been raised from various parties, 5 samples of these objections are included for reference and members are advised that copies of all letters are kept on file and available for viewing if members wish.

A summary of concerns raised are as follows: -

- Concerns for height of stack
- Pollution
- Smells
- Source of wood
- Grades of wood
- Energy efficiency

Payne, Adrienne J

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**From:** Barry <[REDACTED]>  
**Sent:** 25 July 2015 19:11  
**To:** Howell, Morgan P  
**Cc:** Planning & Transportation (Customer Care); Johnson, Fred (Cllr) (Home); Johnson, Fred T (Cllr)  
**Subject:** Objection to planning application 2015/00031/OUT.

Dear Mr Howell,

I present my first objection to planning application 2015/00031/OUT. I hope to present other arguments against the application if time allows. Please acknowledge receipt.

**I believe that this application is totally dependent on the validity of the argument that the new technology plus improved efficiency will lead to production of 10MWe electricity from 72,000 tonnes pa of waste wood, in**

**contrast to the 9MWe previously claimed to be produced from the same amount of waste wood by the old technology. This claim is based on an incorrect statement. The reasoning is therefore invalid. The application is rendered invalid.**

May I explain?

I understand that two descriptors are applied to waste wood (WW) which is used to provide feedstock for energy-from-biomass. These are 'dry' and 'dried'.

I believe that the term 'dry' waste wood, refers to the raw feedstock as received from the supplier, prior to any processing. This 'dry' WW contains up to 20% or even 35% water.

I understand that to use WW successfully to produce electricity, this water content had to be reduced to 10%. This is done by the plant operator, post-feedstock delivery, prior to the gasification process. The WW is then described as 'dried'.

Let's assume that 72,000 tonnes of 'dry' WW arriving as feedstock, contains 20% water. This will necessitate one-half the water content being dried out, in order to produce the appropriate 'dried' WW for gasification. This will reduce the weight down, from 72,000 tonnes, to 64,800 tonnes of 'dried' WW. (Correct?)

If, instead, the WW has 35% water content, (a quite common situation), then almost three-quarters of the water content, (in fact 70%) must be removed, to reduce the 35% water content of 'dry' WW down to the 10% water content required for 'dried' WW. This will reduce the weight of WW, from 72,000 tonnes, down to 54,000 tonnes of 'dried' WW. (Correct?)

Looking at the subject the other way around:

To obtain 72,000 tonnes of 'dried' WW for gasification to produce electricity, would require 80,000 tonnes of 'dry' feedstock having a water content of approx. 20% water, (the water content now being increased from 10% of the total 'dried' WW weight, to 20%, in the 'dry' WW feedstock). (Correct?)

OR,

27 JUL 2015

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ACTION BY: MPH112
NO: 17
ACK:

To produce 72,000 tonnes of 'dried' WW requires 96,000 tonnes of feedstock, if the WW is containing 35% water (Correct?)

These figures show that it is vital that one understands uses the terms dry and 'dried' correctly, when quoting tonnages.

I have been studying some of the documents in the Vale of Glamorgan Planning Department's Online register, and have located a document entitled,

'Sunrise Renewables (Barry) Ltd. Renewable Power Plant at David Davies Road, Barry ("Project"). Responses to questions raised by Biofuelwatch ("BfW").

It is indexed in the file, 'Planning Application Details for 2015/00031/OUT', as, 'Biofuelwatch – Explanations for BfW.docx', and dated 5<sup>th</sup> June 2015.

In paragraph 2, it states,

Quote

Is the Plant less efficient than the original consented Plant?

Answer: The previous selected technology pyrolysed 72,000 tons **of dried** wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of **dry** wood into 10MW export capacity. Therefore it is more efficient. (my emphasis)

Unquote.

I have also studied the planning application document,

'Sunrise Renewables Ltd. Barry Docks Biomass Energy Plant – Planning Statement [by] Oaktree Environmental Ltd. 3rd Sept 2008. It is indexed in the file, 'Planning Applications Details for: 2008/01203/FUL as 'Planning Statement' and dated 08/09/2008.

I believe this is the original document from which the applicant obtained information which he used to state that, 'The previous selected technology pyrolysed 72,000 tonnes of 'dried' wood to produce 9 MWe of electricity'

**Nowhere in that document** can I find a statement which suggests that 72,000 tonnes of '**dried**' WW was to be used.

Statements in that document seem clearly to refer to 72,000 tonnes of '**dry**' WW.

The statements I have come across include.

Quote

Section 2.0 Application Proposals.

Paragraph 2.1

The plant will be capable of pyrolysis of up to 72,000 tonnes of wood per annum

Section 6.0 Reception and Handling Procedures.

Paragraph 6.5

In short the plant will –process dry non-hazardous batches of timber and wood.

Section 8.0. The Biomass Process.

Paragraphs 8.4 to 8.5.ii

The wood to be processed must meet a uniform specification for effective gas production i.e a moisture content of 10% after drying. The process is in summary as follows:

- i. Wood fuel having up to 35% moisture content is deposited into a hopper by a wheeled etc, etc. -----



- ii. the dryer reduces the moisture content of the wood to 10% in preparation for the grinding process.

Paragraph 8.8

Output calculations/projections are based on the maximum annual throughput of 72,000 tonnes of fuel and 52 weeks operation as a 24hour process (68,000 hours out of 68,760 hours per year)

Paragraph 8.10 Table 8.1 Process input and outputs.

Wood fuel 9 tonnes hourly.,

Unquote

**I believe that this is vitally important.**

The applicant appears to claim that the original technology was to produce 9 MWE from 72,000 tonnes of dried WW, when, in fact, it was to produce this electricity from 72,000 tonnes of dry WW.

**This seems to be inexcusably misleading.**

72,000 tonnes dried WW equates to a feedstock requirement of 79,200 tonnes of dry WW having 20% water content, or 90,000 tonnes having 35% water content.

The comparison of effectiveness of the two technologies is exaggerated. The efficiency of the original technology has been improperly down-graded, producing a fictional improvement for the new technology.

I believe that the applicant has made a fundamental error which renders the application invalid.

Barry E Robinson

86 Galfrid Rd

Bilton

HU11 4HG

**Rees, Vivien**

---

**From:** max wallis <[REDACTED]>  
**Sent:** 29 July 2015 09:10  
**To:** Howell, Morgan P; Planning & Transportation (Customer Care)  
**Cc:** green keith  
**Subject:** Sunrise application to Planning Cttee 30 July  
**Attachments:** FoEsubmission need+sustain 28 July'15.doc

Please find attached a further submission.

Regards,  
Max Wallis <[REDACTED]>  
Barry & Vale Friends of the Earth

**Further submission: 'Sunrise' application, 30 July Planning Committee**

***Need, efficiency and sustainability under Waste Planning laws***

Claims as need to make use of waste wood for energy generation, rather than landfill; also to conform to the Regional Waste Plan 1<sup>st</sup> Review.

The Regional Waste Plans have been revoked, superseded by sections in PPW and in the revised TAN 21.

This plant would be very inefficient in recovering energy. 'Sunrise' give no figure – on the basis of the manufacturer's spec (disclosed in their 3<sup>rd</sup> July *Waste Disposal Status of the Project*) for energy in the dried wood-chips compared with output electricity, it's 19% efficient\*\*. Compare Aberthaw PS at 37%, and CHP efficiencies over 40% with the Welsh CIMS target of 60%.

The amount of waste wood available in the SE Wales region is far less than the 72 000 tonnes p.a. that 'Sunrise' need. The government review show most waste-wood is needed by the big board manufacturers for recycling into chipboard etc. As increasing amounts go to re-manufacture and other recycling, the amounts going to landfill are decreasing, with the total in the whole of Wales ~30 000tonnes p.a. [1]

Stobarts have a new contract to supply 250 000tonnes p.a. to the rival and bigger waste-wood plant at Margam [2], permitted last year and well in advance of 'Sunrise'. As they intend to get much of their tonnage from South Wales, they have upstaged 'Sunrise' and are seizing much of the waste-wood available in our region.

The inference is that 'Sunrise' could not obtain much waste-wood from the SE Region as claimed. They would instead take wood-chips from outside, including imports from overseas, in contradiction to the Proximity and Regional Self-Sufficiency principles of waste planning. The plant would burn high-grade wood-chips, that would otherwise be recycled into boards. It fails sustainability criteria (poor energy efficiency included) [3].

Perhaps 'Sunrise' really intend to burn other fuels, including as in the variation they sought at Hull after the first permit for wood-chip, then this should be

Finding the wood-chip is not available for their permitted plant at Hull, 'Sunrise' went back for a variation to burn refuse-derived fuel (RDF pellets). They should be challenged if that's what they really plan here – if they cannot plausibly show the substantial amounts of wood-chip are available in South Wales - and to modify their application accordingly at this stage.

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\*\* Net CV=18.3 GJ/t for dry wood as CHPQA guidance Table GN29-1; corresponds to Gross CV/HHV = 19.608, virtually the same as the HHV in the manufacturer spec for dry wood)

72 000 tonnes wood-chip fuel (from the net CV): Ew = 366 029 MWh

Epel exported (R1 form) 74 080 MWh: Net Efficiency Epel/Ew = 18.9%

[1] 26 Jan 2015 - Stobart will supply 250,000 tonnes of waste wood fuel to the Margam facility <http://www.letsrecycle.com/news/latest-news/stobart-wins-largest-ever-waste-wood-fuel-contract/>

[2] 'Sunrise' application form says their 72 000tonnes waste-wood would all come from the Construction & Demolition sector, none from the Municipal and Commercial/Industrial sectors. However, their 3<sup>rd</sup> July *Waste Disposal Status of the Project* (Appendix F to the 30 July Planning Committee meeting) says they intend higher grade wood-chips (Grades A-C) though C&D waste wood is largely grade D. This inconsistency requires them to clarify and modify their application.

[3] <http://www.wrap.org.uk/content/report-wood-waste-market-uk-2009> Demand for recycled wood exceeds supply; Defra: *Wood waste: A short review of recent research* July 2012  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82571/consult-wood-waste-researchreview-20120731.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82571/consult-wood-waste-researchreview-20120731.pdf)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82566/consult-wood-waste-document-20120808.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82566/consult-wood-waste-document-20120808.pdf)

Some 600 000t wood sent to UK landfills in 2011 (dropped from ~1 million tonnes in 2008/9; would expect less than 30 000t to landfill in Wales (5%).

It would be cost effective for local authorities to divert any wood they source at HWRC's to onward management

67. So whilst wood recycling produces significant additional benefits per tonne diverted, the net benefits of diverting to energy recovery were marginal or negative as the costs are comparable or slightly larger than the environmental benefits.

----- Barry & Vale Friends of the Earth 28<sup>th</sup> July 2015 -----

MR MORGAN P. HOWELL  
OPERATIONAL MANAGER  
DEVELOPMENT & BUILDING CONTROL

MR ALAN CASE  
23 WINSTON RD,  
BARRY, VALE OF GWM  
CF62 9SU.

REF: NO 2015/00655/FUL/M.P.H.

DATE: 17.2.2015

REF: MY

OBJECTION SUBMITTED AND COPIES <sup>WILL BE</sup> DISTRIBUTED TO THE VALE

PLANNING COMMITTEE AND MR ALAN CAIRNS M.P. ALSO MINISTER OF STATE  
LONDON. DIRECTOR OF  
PUBLIC PROSECUTIONS  
MINISTER OF JUSTICE.

Dear Sir and Planning Committee Officers,

I am dismayed by the reemergence of the plans to create an incinerator plus a flyash dumping area on Barry Docks, I'm sure you all know of the HEALTH risks this will impose on the people of Barry as the Cardiff incinerator imposes on the Vale also, I don't have to remind you of the responsibilities you custodians bear no matter where certain measures come from which, if you ~~seemingly~~ <sup>ignoring</sup> the "FRESH AIR ACT" of 1951/60, although <sup>IN MY OPINION</sup> ~~ANY OTHERS~~ amended a couple of times it does still give <sup>TO THE</sup> ~~THE~~ <sup>OR OTHERS</sup> ~~THE~~ Vale Planning Committee, "the legal right" to burn rubbish etc that endangers the health, wellbeing of others, ENMASS!

by this bad end product technology, we suffer ~~now~~ <sup>now</sup>  
 from bad technology ~~now~~ with <sup>one</sup> orange yellow cloud  
 passing by our coastline up and down. I know the  
 arbitrator of the original plan, passed the incorporation  
 for these people, but, the reason being there were no  
 developers signed up to build <sup>FOR PUBLIC LIVING & SHOPPING</sup> <sup>BY NEAR</sup> one, <sup>that are</sup> <sup>now</sup> built ~~at~~ <sup>at</sup>  
 whereas Sunrise & Co which I call Funnelists have  
 dragged their feet in securing any movement on the  
 dock site ~~now~~, and, for its initial plan has overtaken its  
 planning consent time, I feel somewhere along the line  
 as to say there's "white washing" going on.  
 Just for some instances Sunrise states they will not  
 incorporate 24/7, a much reduced hour proposal, so I ask  
 myself why is it because they cannot obtain the clean  
 wood stock so will have to use domestic waste from  
 the Vale council's collections? That's what it's been  
 argued that's happening with the gas at "Newmoor".

Looking positively at too near the site of the incinerator,  
<sup>THERE</sup> will be schools, hostices, hospitals, and places of work,  
parks including childrens play areas, homes, many of  
them on the highest ground level, food outlets will  
be on all the levels of ground, I would ask the  
planning committee to, through your office to  
evaluate all the distances & heights in relation to the  
proposed stack, is not happy in conjunction with  
the <sup>amounts</sup> of various discharges <sup>the</sup> from incinerator ~~and~~  
also with the danger of lawns, allotment gardens being  
tendered possibly unusable through pollution which the  
FLASH SPREAD (OVER TIME) TOXICUS BEYOND ME!  
Already <sup>is</sup> from transports toxic extracted gases,  
(not getting any better?), there are no designed winds  
quantifying movement of any discharge that an  
incinerator will make probably all of which will be  
health damaging, the ground roughly 2/3rd surrounding  
<sup>of PARTICULATES ETC</sup>  
being <sup>Highly</sup> there will at times bottle up, for perhaps

long periods of time with a low cloud base or still humid weather, those Damaging Gases will settle and cause lung and other health illnesses. <sup>in the area of Barry and Vale,</sup>

In 1989/90 the "fresh air act" was passed and I believe it covers what this and any other company proposes to do here or anywhere else in the country, making incineration illegal. I am going to raise these immediately etc matters

starting with our MP Mr Cairns, the minister of state for the central government, Minister of Justice and

the Crown Prosecution <sup>SERVICE</sup> London, why because no amendments of the "air act" I feel gives any legal right to what ~~these~~ <sup>THESE PARASITIC INVESTORS</sup> ~~investors~~ are proposing

in the dump area of Barry, the ~~Barry Docks~~ is the wrong place and I feel of surprise to only burn

so many like 10 hours a day I believe the rest of the time will be taken up by another, to do what's planned

<sup>in Barry</sup> the Act has to be repealed and if not,



I would advise postponements as I hear the  
Vale council will not like another appeal against  
them & apparently they are costly, but if it  
comes to light that incineration is not legislated  
in the case of <sup>its</sup> untested or unproven amounts of  
possibly toxic effusions, then all monies paid out  
must be refunded to, to whoever, has compensation.

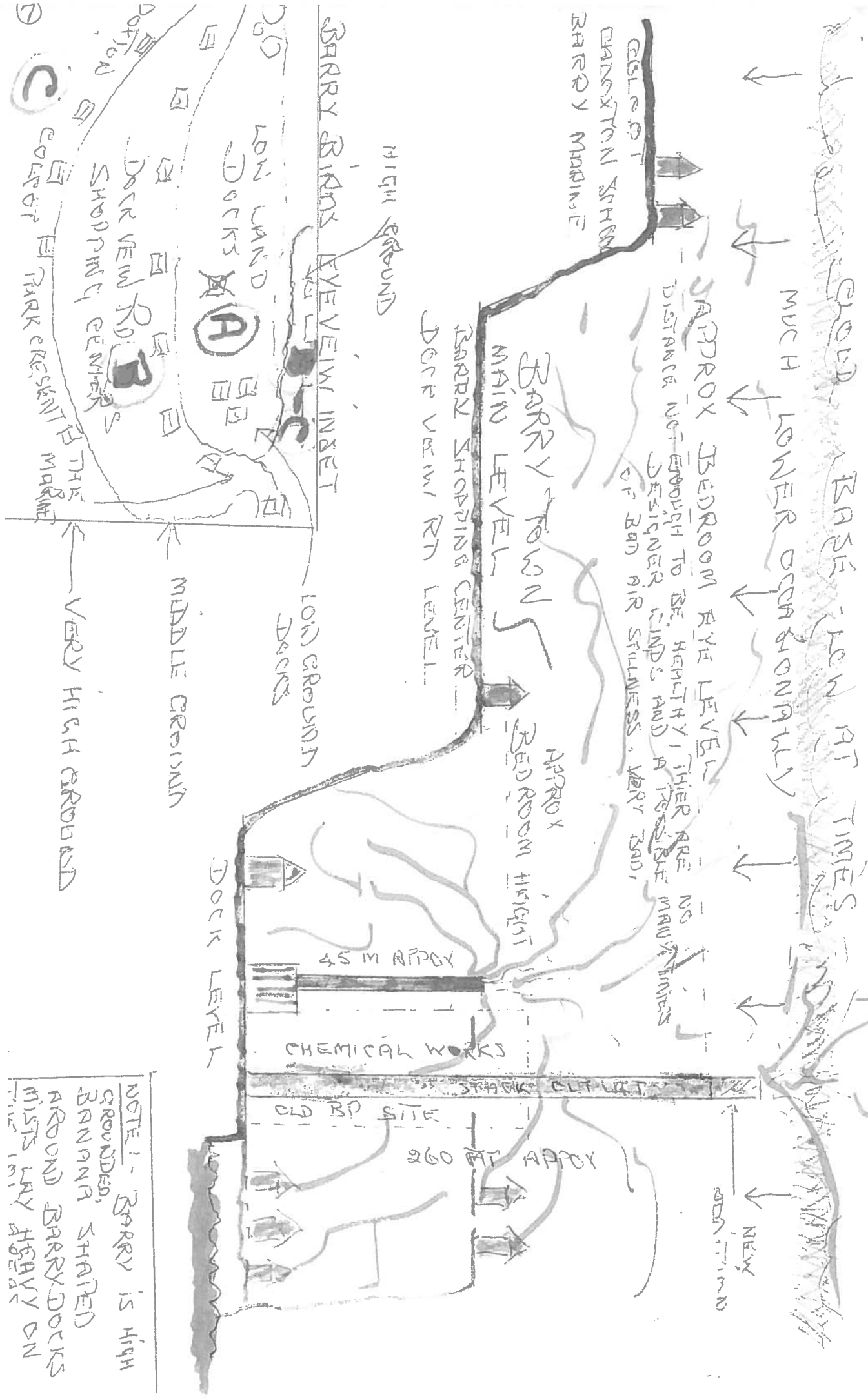
Although ~~Barry~~ <sup>through</sup> selfish leaders  
CARDIFF BEING THE SUPPRESSING ~~ENTITY~~  
" See the last 30 years also ~~Barry~~ <sup>has</sup> been kept in the  
grip of a bastarding Cardiff etc authority, its now  
with a good realisation and Cardiff's help BARRY  
can be a greater asset as a holiday area and  
~~in~~ in sure it handled right do justice to all  
in not most school leavers in the Vale is a proper  
Pleasure Park (as to date) security etc was methodically  
over time put in place, - Jobs galore, full time, part  
time, apprenticeships, look after the kids not the stinks,  
THIS →

will I'm sure <sup>will</sup> turn out invaluable, Finally I will  
 be writing to central government about ways to change  
 packaging and for a possible payment from markets of  
 initial packaging, ~~proposed~~, the buyers that fill the  
 packaging, detailers who sell it with its contents  
 to pay the marginal monies paid to them all by the  
 consumer, that money to pay for the creation of  
 a universal recyclable reusable material that I  
 believe, could be a world beater for this country - why  
 make Furniture & Co state that they are clean air products,  
 and are legal under the "act" because anyone can be  
 made ill by fume especially an accumulative action of  
 it.

Yours  
 Central  
 John's  
 12/11/77  
 10/11/77

P.S. - Rough sketch enclosed. I'm sure your office can do  
 better, it mirrors our concerns, I've seen the suppression,  
 now it's up to the Vale council to see past its parasite investors pockets,

# APPRIASAL OF THE BARRY LANDSCAPE SITUATION



NOTE: Barry is high ground, shaded around Barry docks lists may apply on this map

**Rees, Vivien**

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**From:** max wallis [REDACTED]  
**Sent:** 23 July 2015 14:30  
**To:** Planning & Transportation (Customer Care)  
**Cc:** mphowells@valeofglamorgan.gov.uk; Barry&ValeFoE  
**Subject:** Sunrise application 2015/00031/OUT

Morgan Howell,  
Senior Planning Officer, VoG Council

Dear Mr Howell

Could you please update the e-file with documents received since 18th June, which should include the late reps from Sunrise?

Also please say if you are seeking any responses from Council officers and/or consultees on the late reps submitted by Sunrise and others.

We note in particular that Sunrise defends their figures against standard ones cited by Biofuelwatch by saying they have used a "lower heating value" that applies to wood-chips before drying. In that case, they have wrongly used the 72 000 tonnes figure for dried wood, instead of the 86 000 tonnes they quote for undried or 'wet' wood with a 20% moisture content (standard figure).

Would you therefore ask Sunrise to revise their "R1" calculation using appropriate heat-values for both tonnages, with source references if not the standard ones cited by Biofuelwatch?

Would you ask them too how they include the glue and plastic components in particle board etc, which raises the heat content by some 10% over clean wood-chips?

Would you further ask Sunrise for the actual energy efficiency predicted from the manufacturer's (Outotec) spec, to conform to the European Guidelines on interpretation of "R1" ? These read:

For new plants, the R1 status shall initially be granted on the basis of the planning or construction specifications, considering the energy supply contracts and by determination of the general efficiency of the facility from an energetic view.

This would provide a check on simple mistakes as in their "R1" pro-forma. Ask if their figure is verified by a competent authority.

We look forward to a prompt reply, in view of next week's planning meeting.

Regards,

Max Wallis [REDACTED] 054

for Barry&ValeFoE

14 Morgan St, Barry

RECEIVED

24 JUL 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: ie/mph
NO: 11
ACK:

PS Please note my change in e-mailbox and use the new one in future

Edgerton, Elaine

RECEIVED

**From:** Biofuelwatch <biofuelwatch@ymail.com>  
**Sent:** 28 JUL 2015 28 July 2015 11:41  
**To:** Johnson, Fred T (Cllr); Wilkinson, Margaret R (Cllr); Birch, Janice (Cllr); Birch, Rhiannon (Cllr); Bird, Jonathon (Cllr); Drake, Pamela (Cllr); Drysdale, John (Cllr); Franks, Chris (Cllr) (Home); Hacker, Eric (Cllr); Hamilton, Howard (Cllr); Howard Hamilton (Cllr) (Home); Hartrey, Val M (Cllr); Hodges, Nic P (Cllr); nic.hodges@ntlworld.com; James, Jeffery (Cllr); Parker, Andrew (Cllr); andrew@greatbarn.com; Penrose, Bob (Cllr); penroseroberta@gmail.com; Powell, Anthony G (Cllr); Powell, Anthony (Cllr); apreston@valeofglamorgan.gov.uk; Probert, Rhona (Cllr); Roberts, Gwyn (Cllr); Williams, Clive (Cllr); Wilson, Mark R (Cllr)  
**Cc:** Planning & Transportation (Customer Care)  
**Subject:** Re: Outline application for a wood fired renewable energy plant at Davies Road, Woodham Road, Barry, Ref 2015/00031/OUT, to be considered by the Planning Committee on 30 July 2015  
**Attachments:** Llangefni appeal decision.pdf; Barry biomass gasifier letter to Councillors for 30th July.docx

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

DELETED
RECEIVED
ACTION BY: IR/MPH
NO: 26
ACK

Dear Councillor,

**Re: Outline application for a wood fired renewable energy plant at David Davies Road, Woodham Road, Barry, Ref 2015/00031/OUT, to be considered by the Planning Committee on 30<sup>th</sup> July 2015**

We wrote to you prior to the 2<sup>nd</sup> July planning meeting at which the Sunrise Renewables' outline application for a waste wood gasifier was debated, and it was decided to defer a decision on the item to 30<sup>th</sup> July.

Our concerns expressed in that letter persist.

However, since then, Sunrise Renewables have published further documents, including responses to Biofuelwatch and Barry and Vale Friends of the Earth, and a document called "Explanation of Project Waste Status".

The latter document contains statements and figures which Sunrise Renewables had not previously made publicly available, even though they are of high relevance to material planning matters. We know of other planning authorities having re-advertised a public consultation following similar late submissions of crucial figures and statements, so as to allow full scrutiny. We believe that such an approach would be merited in this case.

We would like to add the following observations about the new statements made by Sunrise Renewables:

The document "Explanation of Project Waste Status" contains a detailed R1 efficiency calculation based on the Waste Framework Directive. Sunrise Renewables maintains that the proposed waste wood gasifier does not have to comply with the Waste Framework Directive and that their R1 efficiency calculation is therefore 'hypothetical'.

However, ***the Waste Framework Directive applies to all types of waste, unless it is excluded by virtue of Article 2 of that Directive. Waste wood does not fall into any of the excluded categories.*** The full text of the Directive can be accessed at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN>. ***This means that the waste hierarchy principle must be applied to this development.*** In this context, we would like to draw your attention to the Welsh Government's decision on a Section 78 Appeal by Ecopellets Ltd against refusal of their planning application for a pellet plant and two combined heat and power plants which would have burned waste wood and waste-derived bioliquids. The Minister refused the appeal, agreeing with the Planning Inspector's recommendation. One of the reasons for the decision was: "The sourcing of such large quantities of materials in this region would also place great stress on the markets, displacing existing customers and conflicting with the proximity principle and the waste hierarchy, which are important

principles underlying sustainable waste management". I attach a copy of that decision for your information, which clearly confirms that the key principles of the Waste Framework Directive, which are transposed into UK legislation, must be fully considered in such a case.

We would like to point out again that in our view the efficiency of any biomass power plants – whether they use waste wood or virgin wood – is a material planning matter. This is based on Section 4.5.1 of the UK Government's Overarching Energy Policy Statement which states that 'good design' for energy projects includes being "efficient in the use of natural resources and energy used in their construction and operation". We believe that the UK Bioenergy Strategy 2012, which further highlights the need to maximise efficiency in bioenergy applications, is also of high relevance in such a planning case.

The figures contained in Sunrise Renewables' new 'hypothetical' R1 efficiency calculation are clearly based on a maximum feedstock in excess of the 72,000 'actual' tonnes of waste wood, i.e. in excess of the limit imposed by the Planning Inspector in 2010. By 'actual' tonnes, we are referring to the tonnage of waste wood which would be trucked to the plant to be gasified, rather than the theoretical tonnage of that same wood if it was oven-dried (which it won't be). In their response to Biofuelwatch, Sunrise Renewables claims that "*The previous selected technology pyrolysed 72,000 tonnes of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity*". This does not accord with the Planning Inspector's decision, which clearly related to 'actual' tonnage', not to tonnes of 'dried wood' (given that the planning documents at the time spoke of 72,000 tonnes of waste wood with a moisture content of up to 35%).

The new statements by the developer confirm our view that the planning documents are contradictory and misleading. ***This is because the tonnage figures used for the R1 calculation are clearly not compatible with Sunrise Renewables' claims in their planning documents that they are not seeking to increase the maximum volume of wood to be used in the plant.***

Although the statements and figures contained in the document "Explanation of Project Waste Status" are highly relevant to material planning matters, we note that this is not a consultancy report (unlike other sections of the Environmental Statement) and that Sunrise Renewables cite no references at all for figures they have used. For example, they include a table of "laboratory results from a representative test of a waste wood sample", but do not cite the source. Furthermore, although it is clear from the figures that they intend to use a maximum 'actual' tonnage of more than 72,000 tonnes per year, it is still not transparent exactly how much wood they actually intend to burn. Furthermore, it appears to us that figures used by Entran in the Air Quality Assessment for this application (i.e. the figures which Sunrise Renewables must have supplied to Entran) do not fully accord with the figures used by the developer in the R1 calculation. This lack of transparency regarding the feedstock figures, we believe, makes it impossible to fully assess the accuracy of Sunrise Renewables' efficiency claims.

We note that, even if Sunrise Renewables' R1 calculation was accurate, the efficiency would still be very low – less than 22% for their Scenario B. This is lower than conventional biomass plants can achieve and we believe would still contradict planning policy.

Yours faithfully,

Almuth Ernsting  
Co-Director  
Biofuelwatch

8

## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00031/OUT	<b>Case Officer:</b> Mr. Morgan P. Howell
<b>Location:</b> David Davies Road, Woodham Road, Barry	
<b>Proposal:</b> Outline application for a wood fired renewable energy plant	

**From: Member of Parliament objection (Alun Cairns)**

**Summary of Comments:**

Members will find a letter of representation from Alun Cairns MP, the response from Cabinet Member Councillor Liz Burnett and relevant appeal decisions from 2010 consent.

Alun Cairns MP  
Vale of Glamorgan



HOUSE OF COMMONS  
LONDON SW1A 0AA

420  
Cabinet Officer  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

24 July 2015  
Our Ref: VoG/AB/C/A/Jul15

Dear Mark

**Planning Application 2015/00655/FULL/MPH.**  
**Erection of a new industrial building and the installation of a 9mw wood fuelled renewable energy plant.**

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

I was extremely disappointed that the planning inspector overturned the Vale of Glamorgan Council's decision, and would ask again that the Council reject this application. My original objections to the facility remain, such as the height of the development, the effect that it will have on congestion and residential amenity, and the impact that it will have on local businesses, but these concerns are given added weight because the proposed application is for a development several times bigger than the previous one. Again, I have serious concerns about the effect that this development will have on the future regeneration of Barry, specifically the Waterfront.

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

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

Kind regards

**ALUN CAIRNS MP**  
Vale of Glamorgan.

29 High Street  
Barry  
CF62 7EB

**Alun Cairns MP**  
[www.aluncairns.co.uk](http://www.aluncairns.co.uk)  
[alun.cairns.mp@parliament.uk](mailto:alun.cairns.mp@parliament.uk)  
☎ 020 7219 7175 ☎ 01446 403814

29 Y Stryd Fawr  
Y Barri  
CF62 7EB



Date/Dyddiad: 28 July 2015

Ask for/Gofynwch am: Lis Burnett

Telephone/Rhif ffon: (01446) 709853

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/MPH/2015/00031/OUT

e-mail/e-bost: LBurnett@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
Civic Offices, Holton Road, Barry. CF634RU  
Tel: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfeydd Dinesig, Heol Holton, Y Barri. CF634RU  
Ffôn: (01446) 700111

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



Alun Cairns MP  
29 High Street,  
Barry.  
CF62 7EB

Dear Mr Cairns,

**Town and Country Planning Act, 1990 (as amended)**

**Application No: 2015/00031/OUT**

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

**Location: David Davies Road, Woodham Road, Barry**

I acknowledge your communication, regarding the above application dated 24<sup>th</sup> July 2015 and would confirm that your comments and concerns will be considered as part of the planning application determination process.

However I am most surprised that you appear to be suggesting that the Council refuse this application notwithstanding the clear and unequivocal comments of the previous planning inspector who allowed the appeal having regard to the appearance of the development, pollution, noise, vehicle movements, effect on local residents and impact on the Barry Waterfront Development.

In reaching this decision the Inspector also advised in his decision on costs that Local Planning Authorities are expected to substantiate all reasons for refusal. However you seem to suggesting that this authority should refuse the application notwithstanding the lack of objections from any of the relevant technical bodies (NRW, Environmental Health and Highways Authority) with regard to any of the above.

To conclude all your comments will be fully considered but that Members will also have full regard to the previous appeal decision, which you appear to be suggesting should be ignored.

For your information I have also enclosed a copy of the previous appeal inspector's decision letter and costs decision so that you might properly appraise yourself with that decision and its clear implications.

Yours sincerely,

Councillor Lis Burnett  
**Cabinet Member for Regeneration**



## Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 8, 9 & 10 /06/10  
Ymweliad â safle a wnaed ar 10/06/10

## Appeal Decision

Inquiry held on 8, 9 & 10 /06/10  
Site visit made on 10/06/10

**gan/by Mr A Thickett BA(Hons) BTP MRTPI DipRSA**

**Arolygydd a benodir gan Weinidogion  
Cymru**

**an Inspector appointed by the Welsh  
Ministers**

Dyddiad/Date 02/07/10

**Appeal Ref: APP/Z6950/A/09/2114605**

**Site address: Land at Woodham Road, Barry, CF63 4JE**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Sunrise Renewables Limited against the decision of The Vale of Glamorgan Council.
- The application Ref 2008/01203/FUL, dated 5 September 2008, was refused by notice dated 31 July 2009.
- The development proposed is the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant.

### Summary of Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule attached to this decision.

### Procedural matter

2. At the Inquiry an application for costs was made by Sunrise Renewables Limited against the Vale of Glamorgan Council. This application is the subject of a separate Decision.

### Environmental Impact Assessment (EIA)

3. The Assembly Government and the Council are satisfied that the development does not require an EIA as is the appellant although an Environmental Statement (ES) was submitted in support of the appeal. Friends of the Earth challenged this view at the Inquiry. I have considered the arguments but given that an ES has been submitted, I do not consider it necessary to make a judgement regarding the need for an EIA.
4. The Council, Barry Town Council and statutory bodies were consulted on the ES and I heard that it was advertised. The ES includes assessments of noise, air quality, traffic, ecology, landscape and ground conditions. I consider that the aspects of the environment that are likely to be significantly affected are adequately described as are the significant effects of the development on the environment. The ES also includes details of prevention and mitigation measures.

5. The Council have granted planning permission for a gasification plant at Atlantic Way which is also within the Docks. The ES includes an assessment of the cumulative impact of both schemes on noise and air quality. The report includes a non technical summary and I consider that it satisfies the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for developments where EIA is required.

### **Main Issues**

6. The main issues are:
- the effect of the proposed development on the character and appearance of the area
  - whether the proposal would conflict with the Council's aspirations for Barry Waterfront
  - the impact of the proposal on the living conditions of nearby residents with regard to noise, traffic and pollution
  - whether the proposal should contribute to public transport and public art

### **Reasons**

#### Character and appearance

7. The site comprises a flat open, area of land within Barry Docks. It was previously used for the storage and breaking of containers but now lies vacant. The land to the east is also open beyond which are large modern warehouse/industrial buildings and a scrap yard. Further east is a large chemical factory and on the opposite side of the Dock an 8 storey grain store. Immediately to the west is a series of large Nissen Huts which house a range of uses including a taxi firm, car repairs and welders. To the south, the site is bordered by David Davies Road and a railway track which serves the Docks. To the north is Ffordd Y Milleniwm, a busy distributor road and the Barry to Cardiff railway line. The land rises steeply to the north of the railway line to Dock View Road and the town.
8. Local residents may wish otherwise but the site lies in an industrial area. The Council conceded at the Inquiry that it had no objection to the appearance of the proposed building. Looking down from Dock View Road the new building would be seen in the context of the development within the Docks and, in my view, would sit comfortably in its industrial surroundings.
9. Residents argue that the area may be designated for light industrial use in the emerging Local Development Plan (LDP). However, the Council did not consider that the LDP was sufficiently advanced to be a material consideration in this appeal. The lawful use of the site is general industrial (Class B2 of the Town and Country Planning (Use Classes) Order 1987). Policy WAST 1 of The Vale of Glamorgan Unitary Development Plan 1996-2011, adopted 2005 (UDP) directs waste management facilities to, amongst other places, existing B2 employment sites. The Nissen Huts are occupied by small businesses and the Council argues that the proposed use would be of a different character. However, by implication, WAST 1 accepts that the existing and proposed uses can cohabit and, although on a bigger scale, I consider that the proposed development would be compatible

with surrounding industrial uses. I conclude, therefore, that the proposal would not have an adverse impact on the character and appearance of the area and that it complies with Policy ENV 27 of the UDP.

#### Barry Waterfront

10. The Barry Waterfront Regeneration Area lies to the west of the Docks. The regeneration of the Waterfront is promoted through supplementary planning guidance and the Council are currently processing an outline application for a comprehensive redevelopment including housing, offices and leisure. The Council argue that prospective occupiers may be put off by the development subject to this appeal. However, the consortium behind the regeneration scheme expresses no concerns regarding the impact of the proposal on its development.
11. Other than deliveries, the operation would be carried out wholly within the building. There are plenty of stacks visible to the east and they are not unusual features in an industrial landscape. The proposed development would be partly screened by the Nissen Huts. As stated above, the Huts accommodate a range of commercial and industrial activities. The majority of these units face the Waterfront area and I do not consider that the proposal would have any greater impact on its regeneration than the activities taking place to the front of and within the Nissen Huts. I am not persuaded, therefore, that the proposal would have a detrimental impact on the Council's aspirations for Barry Waterfront and conclude that the proposal does not conflict with Policy ENV 25 of the UDP.

#### Living conditions

12. The appellant's propose to generate 9MW of electricity per annum through the burning of gas produced by subjecting waste wood to pyrolysis (the decomposition or transformation of a compound caused by heat). Around 216 tonnes of waste wood would be processed each day (about 72,000 tonnes pa). The waste wood would be chipped elsewhere and about 3 days supply stored on site. There would be 11 deliveries each day by road unless feed stock is delivered by sea. Feed stock arriving by sea would be stored elsewhere in Barry Docks and transported to the site as required. The wood fuel would be manufactured from clean wood, pallets, and wood taken from construction and demolition.
13. The Council is satisfied that, subject to the imposition of a condition controlling noise levels, operations within the building would not have an adverse impact on existing or prospective residents. Despite its doubts, Friends of the Earth accepted at the Inquiry that a condition would safeguard the amenity of residents of Dock View Road. I agree and will impose a condition to that effect and to require the deletion of rooflights from the proposed design (necessary to ensure noise attenuation). I shall also require the roller shutter doors to be closed other than when deliveries are being received.
14. Deliveries would take place between 07.00 and 19.00 hours Monday to Saturday and 08.00 to 16.00 on Sundays. The Council provide no technical evidence to support its assertion that noise generated by lorries using Woodham Road would cause a nuisance to existing or prospective residents. The Inquiry was held a short distance from the appeal site and noise from vehicles passing along Ffordd Y Milleniwm was constantly in the background. Woodham Road is unadopted and has some daunting speed humps but I have neither seen nor heard anything to

show that noise generated by vehicles associated with the proposed use would be noticeable above existing noise levels.

15. The Council provide no comparison with the vehicle movements generated by the previous use. Further, should this development not proceed, the landowner has a commercial interest in seeking a beneficial use for the site. As stated above, the site benefits from a lawful B2 use and the operator of the Docks enjoys extensive permitted development rights. Reversing movements are also likely to have occurred previously and are likely to be a feature of any use requiring goods to be delivered. All vehicle movements would take place to the south of the building and would be over 370m from Dock View Road. The building, would, therefore, act as a barrier as would the Nissen Huts. The sound of reversing alarms may carry to Dock View Road but there would only be 11 deliveries a day at most and I do not consider that such activity would have an unacceptable impact on residents. For this reason, I do not consider it necessary to impose a condition regarding reversing alarms.
16. The transport assessment submitted by the appellant (accepted by the Highway Authority) records around 469 HGV movements on Cardiff Road each day. The Highway Authority is satisfied that the road network has the capacity to accommodate the proposed development and no technical evidence is submitted to lead me to a different view. With regard to the impact of these additional movements on residents of Cardiff Road, I can put it no better than officer's did in their report to committee; *'The amount of traffic generated by this process, in comparison with the existing local and industrial traffic on the network (particularly Ffordd Y Milleniwm) is not considered to be great, and in this respect there are not considered to be any substantive reasons to object to the proposal on the grounds that there would be an unacceptable increase in noise or activities from lorry movements, not least because the site is located in an industrial area (notwithstanding proximity to dwellings) where such activities are not uncommon.'*
17. The ES includes an air quality assessment which concludes that emissions would be within acceptable parameters (independently and in combination with the plant at Atlantic Way). Neither the Council's experts nor the Environment Agency dispute these findings. In a letter of March 2009 to the Council, the Environment Agency states; *'The new information provided by the applicant shows a good understanding of potential air impacts to the environment'*.
18. The process will require a permit under the Environmental Permitting Regulations (England and Wales) 2010. In response to the planning application the Council's Environmental Health Officer said: *'It is important to note that the issue of planning permission is not sufficient to enable the process to legally operate. The process must first apply for and obtain a permit from the Environment Agency. The operators must ensure that they are able to meet the strict requirements of the Environmental Permitting Regulations and the Waste Incineration Directive. The application process will examine in detail any possibility of significant environmental or health impact'*. Local residents and the Friends of the Earth have little confidence in the Environment Agency but I am entitled to assume that the relevant pollution control regime will be properly applied and enforced.

19. Friends of the Earth are concerned that treated timber and wood contaminated by plastics will find its way into the feed stock. I heard that the Environment Agency either has or is to produce testing kits and, in any event, emissions would be controlled by the Environmental Permitting Regulations. Friends of the Earth accepted at the Inquiry that abatement technology exists to control NO<sub>2</sub>. I note the concerns of Friends of the Earth but the Council's 'Air Quality Review and Assessment Round 4, Update and Screening 2009', finds that ozone levels do not exceed the relevant standards in the towns in the Vale.
20. All activities will be contained within the building, the doors of which will remain closed other than to accept deliveries. Consequently, there is unlikely to be any significant amount of dust blowing around and the proposal includes dust suppression measures. Vehicles bringing in fuel and removing ash would be sheeted.
21. Friends of the Earth produce no evidence to counter the results of air dispersion modelling carried out by the appellant's consultants which identified the magnitude of impact of plume visibility to be zero. The impact of plume visibility is dependant on the number of events and their magnitude. In the absence of any technical evidence to the contrary, I see no reason to doubt the consultant's findings that the visible impacts of any plume are not anticipated to be significant.
22. The appellant does not wish to be limited to processing 72,000 tonnes of waste wood per anum. This figure forms the basis for the analyses in the ES and, whilst I do not say that any greater amount would lead to a material change in its conclusions, I cannot be certain that it would not do so. I shall, therefore, limit the amount to 72,000 tonnes pa in order to safeguard the amenity of existing and prospective residents. For the same reasons, I shall impose a condition limiting the feed stock to waste wood.
23. I do not make light of residents' fears and acknowledge them to be a material consideration. However, the weight to be attached to public concern depends on the degree to which it can be substantiated by evidence. For the reasons given above, I consider that, subject to conditions and controls under other legislation, the proposed development would not have an unacceptable impact on the living conditions of existing or prospective residents. I conclude, therefore, that the proposal complies with Policies WAST 2, COMM 8, EMP 2, ENV 29 and TRAN 11 of the UDP.

#### Public transport and public art

24. The Council's supplementary planning guidance relating to Planning Obligations was adopted following public consultation and, consequently, I give it considerable weight. However, it does not outweigh the guidance in Circular 13/97, Planning Policy Wales (PPW) or the law as set out in the Community Infrastructure Levy Regulations 2010.
25. Employees would have to walk around 600m to reach Barry Dock railway station which provides regular services within the Vale of Glamorgan, Bridgend and Cardiff. The Council seek a contribution towards a new bus stop on Ffordd Y Milleniwm opposite its Dock Office. The nearest bus stop to the site is over 700m away. This exceeds the distance the Council say people will walk to catch a bus but the same can be said for existing employees in the units on Woodham Road.

Further, it could be argued that the Council's own employees at the Dock Office do not have convenient access to bus stops on Ffordd Y Milleniwm. The Barry Waterfront development would also generate demand for public transport.

26. The Council's supplementary planning guidance states; '*developers will not be expected to pay for facilities that are needed solely in order to resolve existing deficiencies*'. I acknowledge that the proposed bus stop would facilitate the use of public transport which is to be encouraged and that prospective employees would benefit. However, it would clearly also address a current deficiency. The Council is seeking a contribution from the appellant of £10,000 which is almost two thirds of the cost of providing the proposed bus shelter. In light of the above I do not consider this to be a) proportionate and b) that it has been shown that the contribution sought is fairly and reasonably related in scale to the proposed development.
27. The Council accepted at the Inquiry that, should I determine that the proposed development would not have a detrimental impact on the character and appearance of the area, a contribution to public art would not be necessary in order to enable the development to proceed. Whether public art is desirable in this industrial location is, in my view, open to debate but, given the conclusions set out above, I do not consider it to be necessary. For the reasons given above, I do not consider that the requested contributions satisfy the regulations.

#### Other matters

28. The reasoned justification to Policy WAST 1 requires regard to be had to the Council's Waste Management Strategy. Policy WAST 2(i) of the UDP requires waste management facilities to conform to the principles of the waste hierarchy and regional self sufficiency. Although at the start of the process the wood would be classed as waste, it would be turned into fuel to produce a valuable commodity, renewable energy. The Waste Management Strategy is 6 years old and neither it nor the UDP anticipated the technology that would be involved here or the latest challenging national targets for producing energy by renewable means.
29. The appellant proposes that the operation would utilise waste wood sourced locally but, in order to avoid problems regarding supply, does not wish to be tied to using waste wood from the SE Wales region only. The Council propose a condition that would allow fuel to come from farther afield provided it comes in by sea. However it arrives, importing waste wood from outside the region would not accord with the proximity principle and this seems to me to be an acceptance by the Council that it is important to ensure a reliable supply of fuel. I am persuaded by the appellant's argument that the cost of transportation will weigh towards the use of local material but acknowledge that, without a condition, it cannot be guaranteed.
30. The Assembly's Energy Policy Statement of March 2010 promotes renewable energy and the use of waste wood in the generation of electricity to prevent negative impacts on the environment and food security. The Statement also recognises that by 2020, 50% of the biomass used to generate electricity will be imported, an acknowledgement, in my view, that waste used to generate electricity may need to come from outside the region and outside Wales.

31. I heard that the nearest disposal facility for hazardous waste is in Gloucestershire. Although transporting waste outside Wales does not comply with the aims of national policy, provided only clean waste wood is used, the ash should not be hazardous. If it is necessary to transport waste outside the region, I consider this to be outweighed by the national drive to produce renewable energy.
32. The South East Wales Waste Group, Regional Waste Plan 1<sup>st</sup> Review, 2008, identifies residual waste managed by high levels of pyrolysis as the best practicable environmental option (BPEO). Friends of the Earth argue that a better alternative would be carbon sequestration but are not able to identify anywhere where this is available. Waste wood is currently sent to landfill outside the Vale. The appellant submits a site specific BPEO analysis which concludes that pyrolysis and direct combustion both represent the best practicable environmental option for waste wood. Having considered the appellant's analysis, I concur with its conclusion that pyrolysis should be preferred as it has a greater potential for electricity generation.
33. There are no firm proposals at this time to utilise the heat generated by the process but the appellant will seek to market the heat as soon as there is certainty regarding supply. The June 2010 edition of PPW was not available at the Inquiry but its advice regarding combined heat and power is not markedly different from that in Ministerial Interim Planning Policy Statement 01/2005, 'Planning for Renewable Energy' or Technical Advice Note 8, 'Planning for Renewable Energy'. PPW states that, where possible, heat and power systems should be combined, it does not rule out the generation of electricity only.
34. A letter from the consortium developing Barry Waterfront indicates that its initial interest in the waste heat generated by the operation has cooled. However, it is not ruled out and the Council conceded that, in the interests of sustainability, it would be encouraging the consortium to utilise the heat generated by the appellant. I heard that interest in similar plant elsewhere did not materialise until there was certainty that heat could be provided. It is in the appellant's interest to sell the waste heat produced and there is potential to provide heat to existing uses and to new development that may occur in the Docks or the Waterfront. I acknowledge that without the use of waste heat the process is not as efficient as it could be but do not consider this justifies withholding planning permission. Nor, for the same reasons, do I consider it necessary to impose a condition requiring a feasibility study in relation to the use of waste heat.

### **Conditions**

35. I have considered the suggested conditions in light of the advice in Circular 35/95. I consider it necessary, in the interests of the visual amenity of the area to impose conditions relating to materials, fencing, landscaping and storage. In addition to the conditions referred to in my consideration of the main issues, I shall, in order to safeguard the living conditions of nearby residents, impose conditions regarding waste disposal, dust, deliveries and lighting.
36. At the site visit it became apparent that it may not be possible to achieve the required visibility splays at the proposed access and a condition requiring further detail is necessary. Given the position of the building and the prohibition of



external storage, I see no need to require details of circulation space or parking. However, it is necessary to encourage the use of sustainable transport, to require cycle storage and that the submitted Green Travel Plan is implemented.

37. In the absence of anything to indicate a lack of capacity with regard to foul sewers, I consider it unnecessary to duplicate the controls set out in the Building Regulations. However, I shall, in the interests of achieving sustainable development, impose conditions relating to the provision of a sustainable surface water drainage system. In light of the Dock's history it is necessary to impose a condition regarding contaminated land. I see no need to require an area to be reserved for the relocation of Rough marsh-mallow as none has been found on the site.

### **Conclusions**

38. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

*Anthony Thickett*

Inspector

## Schedule

### Formal Decision

I allow the appeal, and grant planning permission for the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant at land at Woodham Road, Barry, CF63 4JE in accordance with the terms of the application, Ref 2008/01203/FUL, dated 5 September 2008, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and stack hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until:
  - i) details of a scheme to assess the nature and extent of any contamination on the site has been submitted to and approved in writing by the local planning authority;
  - ii) the results of the survey carried out under condition 4 (i) above have been submitted in writing to the local planning authority
  - iii) a scheme to deal with any contamination identified by the survey has been submitted to and approved in writing by the local planning authorityDevelopment shall be carried out in accordance with the approved details.
- 5) Should contamination not previously identified be found through the course of development it must be reported immediately in writing to the local planning authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the local planning authority before the building hereby permitted is occupied.
- 6) The rooflights shown on drawing number SRB/04 shall not be installed and no development shall take place until a plan showing revised elevations has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the finished colour of the palisade fencing proposed to enclose the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of a scheme to control dust emanating from site has been submitted to and approved in writing by the local

- planning authority. Dust emanating from the site shall be controlled in accordance with the approved scheme.
- 9) No development shall take place until details of external illumination have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as approved.
- 10) The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any plants which within a period of 5 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 approval to any variation.
- 14) Notwithstanding the submitted site layout plan, details of the proposed access to the site, including the position of gates and the provision of a 4.5m by 70m visibility splay shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the visibility splays shall be maintained free of any

obstruction exceeding 0.6m in height for as long as the development hereby permitted remains in existence.

- 15) No development shall take place until there has been submitted to and approved in writing by the local planning authority details of secure parking on site for bicycles. The bicycle parking spaces shall remain available for their designated use for as long as the development hereby permitted remains in existence.
- 16) No development shall take place until details of a scheme to measure background noise levels in the following locations has been submitted to and approved in writing by the local planning authority:
  - i. 57 Dock View Road
  - ii. Cory Way
  - iii. Estrella House, Cei Dafydd

The survey shall be implemented as approved and the results submitted to and agreed in writing with the local planning authority before the development hereby permitted is brought into use. At no time shall noise attributing from the site exceed the agreed background noise levels.
- 17) The plant hereby permitted shall only process waste wood.
- 18) The total tonnage of wood waste treated at the plant hereby permitted shall not exceed 72,000 tonnes per annum. Records of the amount of fuel processed shall be retained and made available to the local planning authority on request.
- 19) The measures incorporated into the Green Travel Plan accompanying the application shall be implemented when the development is brought into use and thereafter monitored and reviewed in accordance with the Green Travel Plan.
- 20) Deliveries to the site, and all other external operations, shall not take place outside the hours of 07.00 to 19.00 Monday to Saturday and 08.00 to 16.00 on Sundays, Bank and Public Holidays.
- 21) The roller shutter doors in the south-facing elevation of the building shall be kept closed at all times other than when deliveries are being received.
- 22) There shall be no storage of materials outside the building.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss C Parry	Counsel, instructed by the Vale of Glamorgan Council Legal Department
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She called

Miss J Walsh	Vale of Glamorgan Council
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Ms V Abraham	Vale of Glamorgan Council*
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Mr K James	Vale of Glamorgan Council*
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Mr S Ball	Vale of Glamorgan Council*
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\* These officers did not give formal evidence but participated in discussions relating to conditions and planning obligations

FOR THE APPELLANT:

Mr D E Manley	Queen's Counsel, instructed by Mr Paul Sedgwick, Sedgwick Associates
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He called

Mr R Leach	AB Acoustics, Oldham
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Mr S Srimath	RSK Environment, Health and Safety Ltd, Hemel Hempstead
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Mr D Appleton	The Appleton Group, Bolton
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Mr Paul Sedgwick	Sedgwick Associates, Bolton
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INTERESTED PERSONS:

Mr M Wallis	On behalf of Friends of the Earth,
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Mrs D Mitchell	58 Redbrink Crescent, Barry
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A Cairns MP	29 High Street, Barry
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Cllr C Elmore	31 Robert Street, Barry
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Mr C Farrant	On behalf of Barry Town Council
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Mr D McCulloch	49 Dock View Road, Barry
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Mrs L Lake	74 Castleland Street, Barry
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Mr A Case	23 Winston Road, Barry
Mrs E Bishop	George Street, Barry
Cllr B Shaw	110 Merthyr Street, Barry

#### DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Council's letter of notification
- 2 Statement of Common Ground
- 3 Submission by appellant rebutting the statement submitted by Friends of the Earth
- 4 Legal Note submitted by appellant in relation the statement submitted by Friends of the Earth
- 5 Letter and Mass Balance Diagram, Prestige Thermal Equipment
- 6 Letter of 3 June 2010 from RSK Carter Ecological Ltd
- 7 Letter of 1 June 2010 from Nathaniel Lichfield and Partners
- 8 Letter of 28 January 2009 from Oaktree Environmental Ltd
- 9 Extract from Vale of Glamorgan Council's Air Quality Review and Assessment 2009
- 10 Suggested conditions
- 11 Suggested noise limit condition
- 12 Letter of 31 January 2010 from Jane Davidson AM submitted by Mr Wallis
- 13 Memo of 17 June 2009 from C Litherland to S Jones (Welsh Assembly Government) submitted by Mr Wallis
- 14 Copy of grounds of appeal and bundle of letters submitted by Cllr Shaw
- 15 Bundle of letters from interested persons submitted by the Council
- 16 Bundle of letters from persons requesting to speak at the Inquiry
- 17 Vale of Glamorgan Council's Sustainable Development Supplementary Planning Guidance
- 18 Vale of Glamorgan Council's Planning Obligations Supplementary Planning Guidance
- 19 UDP Proposals Map
- 20 Vale of Glamorgan Council's Waste Management Strategy

PLANS SUBMITTED TO THE INQUIRY

- A Site Location Map Dwg No. SRB/01
- B Site Location Plan Dwg No. SRB/02
- C Site Layout Plan Dwg No. SRB/03
- D Building Elevations Dwg No. SRB/04
- E Bundle of plans including internal layout, process diagram and historic maps
- F Plan showing the location of the proposed bus shelter



## Penderfyniad ar gostau

Ymchwiliad a gynhaliwyd ar 8, 9 & 10 /06/10  
Ymweliad â safle a wnaed ar 10/06/10

## Costs Decision

Inquiry held on 8, 9 & 10 /06/10  
Site visit made on 10/06/10

**gan/by Mr A Thickett BA(Hons) BTP MRTPI DipRSA**

**Arolygydd a benodir gan Weinidogion  
Cymru**

**an Inspector appointed by the Welsh  
Ministers**

Dyddiad/Date 02/07/10

**Costs application in relation to Appeal Ref: APP/Z6950/A/09/2114605**

**Site address: Land at Woodham Road, Barry, CF63 4JE**

**The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Sunrise Renewables Limited for a full award of costs against The Vale of Glamorgan Council.
- The inquiry was in connection with an appeal against the refusal of planning permission for the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant.

**Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.**

### **The Submissions for Sunrise Renewables Limited**

1. Local Planning Authorities are not bound to adopt the professional or technical advice of officers or statutory bodies. However, if they do not, they are expected to show that they had reasonable planning grounds for doing so and to produce evidence to support their decision. The Council has not produced any evidence to substantiate its case but simply put forward an officer who was honest enough to admit that her evidence was the committee's views and not necessarily her own.
2. The first reason for refusal alleges harm to the character of the area and it appeared that this related to visual issues. The Council's statement of case did not clarify the situation and it was not identified in the Council's proof at all. The Council raised an issue that had to be addressed but have not pursued it in any fashion.
3. With regard to noise, there was no objection from the Council's Environmental Health Officer. No technical noise evidence was called; the case officer recommended in favour and felt noise did not present any issues that could not be addressed by conditions. The Council's concerns regarding reversing alarms is not supported by any hard evidence. It is an unarguable point given that the site lies within an area where B2 uses are acceptable in principle and the number of noise events is very low; 11 lasting for 2 minutes each over a day.



4. No evidence is presented to reveal a likely problem regarding vehicles moving along the access road. It is no more than a vague assertion, the road is an access to a number of industrial premises which attract HGVs. The numbers are low, they are occurring on an industrial estate and any alternative use of the site would attract HGV movements. Any reuse of the site will bring traffic along Cardiff Road and there is no planning objection to the principle of industrial development in this location.
5. Turning to pollution, the Environment Agency has no objection and believe that the air quality assessment shows a good understanding of air quality issues. There is no objection from the Council's Environmental Health Officer and the Council have called no specific evidence. It is a totally unsupported element of the reason for refusal.
6. The concern relating to Barry Waterfront is vague. No evidence is submitted to demonstrate a problem. No regard is given to the fact that the building will look like a standard industrial building and that a much larger biofuel plant with a 45m stack has been permitted on Atlantic Way.

### **The Response by The Vale of Glamorgan Council**

7. The Council produced evidence and a case which addressed specific concerns. Evidence was produced regarding the impact of vehicle movements and reversing alarms. Whether these impacts outweigh the merits of the proposed development is a matter of judgement and the Council was entitled to take a view different from its officers. Evidence was produced by a professional planning officer which related to planning concerns.
8. With regard to Barry Waterfront, why people do or not object to a planning proposal is matter of speculation. The consortium is not supporting the appeal proposal. The impact of the proposal on the proposed regeneration area is a planning question and one on which the Council was able to give evidence.
9. No attempt was made by the appellant to clarify the Council's case. In any event a landscape submission was produced to support the ES which was prepared before proofs were exchanged.
10. The Council did not seek to put the appellant to the cost of producing evidence on matters on which it was satisfied. Most time at the Inquiry was spent dealing with the concerns of Friends of the Earth which the Council was not party to and should not bear the cost of.

### **Conclusions**

11. I have considered this application for costs in the light of Circular 23/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
12. The first reason for refusal alleges that the proposal would have an adverse impact on the character of the area. This concern is reiterated in the Council's statement of case and the appellant would have expected to counter the Council's criticism at the Inquiry. By the time proofs were exchanged the appellant had

done most of the work necessary to rebut the reason for refusal. I acknowledge that a landscape assessment was carried out to support the ES but the ES was produced to support the appeal and, as a result of the reason for refusal, the appellant fielded a landscape witness at the Inquiry. Local planning authorities are expected to substantiate all reasons for refusal but the Council produced no evidence to support that part of the first reason for refusal.

13. There is no clue in its statement of case that the Council's concerns relating to noise, pollution and traffic were limited to vehicle movements and activities outside the building. The Council's case is not supported by any evidence regarding existing and predicted noise levels and its arguments regarding the impact of reversing alarms and vehicle movements does not bear scrutiny.
14. The Council's assertions regarding the impact of the proposal on the regeneration of Barry Waterfront are not supported by evidence. The consortium took the trouble to write regarding the use of waste heat and I would have expected it to have expressed concern had it considered that the appeal proposal would endanger its development.
15. A lot of time was spent at the Inquiry dealing with the interests of third parties but that was a direct consequence of the Council's refusal to grant planning permission for reasons it could not substantiate. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 23/93 has been demonstrated and that a full award of costs is justified.

#### **Formal Decision and Costs Order**

16. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that The Vale of Glamorgan Council shall pay to Sunrise Renewables Limited, the costs of the appeal proceedings, such costs to be assessed in the Senior Court Costs Office if not agreed. The proceedings concerned an appeal described in the heading of this decision
17. The applicant is now invited to submit to The Vale of Glamorgan Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Court Costs Office is enclosed.

*Anthony Thickett*

Inspector

9.

## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00031/OUT	<b>Case Officer:</b> Mr. Morgan P. Howell
<b>Location:</b> David Davies Road, Woodham Road, Barry	
<b>Proposal:</b> Outline application for a wood fired renewable energy plant	

**From:** Applicant

**Summary of Comments:**

2 responses have been received from the applicant with respect to issues raised by Friends of Earth. The first response gives information on the moisture content of the wood to be supplied, the status of the biomass power plant and the R1 calculations. The email response received on 28<sup>th</sup> July 2015 gives greater clarification on the grades of the waste wood.

## Goldsworthy, Marcus J

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**From:** Douglas Wardle [REDACTED]  
**Sent:** 28 July 2015 12:15  
**To:** Goldsworthy, Marcus J  
**Cc:** Howell, Morgan P  
**Subject:** RE: Sunrise application before the Cttee on thursday

Dear Marcus, thanks for the opportunity to respond to Councillor Elmore's email – I assume you will forward this email to him as appropriate. I also understand you have already addressed his concerns about the NRW so will not cover that point.

- First, I think it is important to emphasise that the 'many new documents' being posted are chiefly submissions in response to Mr Wallis's/Biofuelwatch's frequent questions. Had we not provided explanations, I am sure objectors would be claiming we were non-responsive.
- As to the feedstock to be gasified, this is (and has always been) waste wood but not Grades D or below. This means we will only accept Grades C or better and this has always been key to the Sunrise Barry project. In the original Sunrise application, the waste wood was described as 'Grade A, Mixed Grade and Low Grade' rather than Grades A to C but they are the same thing. I appreciate that the terminology may be causing confusion.
- The mix of the feedstock (Grades A to C) is managed by the feedstock supplier to ensure that the average specification falls within the specification required to ensure compliance with emissions regulation policed by NRW and the environmental permit.
- The Sunrise position has always been that the Project is a renewable energy plant and we continue to reject any suggestion that it is a waste processing facility within the meaning of The Environmental Permitting (England and Wales) Regulations 2010. The paper we provided explaining this was carefully prepared with legal advice so in the absence of any legal explanation to the contrary, we cannot really provide further comment beyond saying we consider the advice to have been sound.
- Note that according to DEFRA, energy recovery from lower grade waste wood is considered preferable to re-use or recycling in the Waste Hierarchy because it is renewable.
- Concerning the Application Form, its proforma nature does not allow for all possibilities when filling it out and therefore in submitting it we had to do our best to work out which line items were closest to what is proposed which we clearly stated at the start of Question 23 as:

*"Receipt and storage of waste wood, as delivered; processing and conversion to electricity by gasification boiler, steam turbine and air cooled condenser, storage and disposal of by-products; total processing throughput up to 72,000 dry tonnes"*

amplifying this in Section 2 of the accompanying Planning Statement.

- We also made it clear that the plant would be gasifying waste wood and on that basis it seemed more appropriate to tick the question "Is the proposal for a waste management development?" in the affirmative rather than the negative. However, we do not accept that gasifying waste wood falls within the regulation relating to waste processing (The Environmental Permitting (England and Wales) Regulations 2010) which is what is being inferred and we have been consistent in that.
- As to the discussion about R1, our position remains that it is not a legal requirement for a renewable power plant gasifying waste wood. But if the law changed making it so, the R1 calculation would demonstrate that the plant comfortably exceeded the 0.65 level mentioned. We have provided detailed analysis to show this,

prepared by our engineers and we do not accept (or in places even understand) the comments originating from Biofuelwatch and recycled by Mr Wallis.

- Concerning plant efficiency, we have confirmed the efficiency levels of the plant/boiler and at the end of the day it is irrefutable that the new design will produce 10MW of output compared to the previous 9MW of output for the same 72,000 dry tonnes of feedstock input.

I do not think there is anything more I can add that has not already been discussed in previous detailed responses. We think that for Barry to have a new, state-of-the-art renewable power plant which produces enough power for the residents of Barry Island, located in the working docks of Barry should really be something to be proud of.

Kind regards

Douglas

---

## Douglas Wardle

direct: +44 1323 833824

mobile: +44 7770 226680

[douglas.wardle@ukpdp.co.uk](mailto:douglas.wardle@ukpdp.co.uk)



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**From:** Goldsworthy, Marcus J [<mailto:MJGoldsworthy@valeofglamorgan.gov.uk>]

**Sent:** 28 July 2015 09:51

**To:** Elmore, Christopher (Cllr) - Home

**Cc:** Howell, Morgan P

**Subject:** RE: Sunrise application before the Cttee on thursday

Chris,

the case officer is on leave today but a response will be provided as part of the late representations. However I do have to advise you that the matters raised by Mr Wallace stray into the areas of licencing of the plant by NRW and cannot or should not be controlled by the Council and I strongly urge you to consider the application as it has been submitted and not in terms of the very technical and irrelevant submission made by Mr Wallace and others which are in all respects completely irrelevant to the consideration of the application before the council.

This can be confirmed by the way the previous planning inspector completely dismissed all the comments of Mr Wallace and the FoE at the previous appeal (attached for your reference see paras 19 to 21) and made it very clear that these were matters for NRW (then EA) not the Council.

I hope this clarifies matters.

Regards

Marcus Goldsworthy  
Operational Manager Development Control  
Director's Office - Development Services

Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704661  
mob / sym: 07976112326  
e-mail / e-bost: [MJGoldsworthy@valeofglamorgan.gov.uk](mailto:MJGoldsworthy@valeofglamorgan.gov.uk)

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

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

**From:** Chris Elmore [<mailto:christopher.elmore@yahoo.co.uk>]  
**Sent:** 28 July 2015 09:38  
**To:** Goldsworthy, Marcus J  
**Subject:** Fwd: Sunrise application before the Cttee on thursday

Morning Marcus

Can you give me an answer the to below ASAP please?

Many thanks

Chris

Sent from my iPhone

Begin forwarded message:

**Resent-From:** <[CElmore@valeofglamorgan.gov.uk](mailto:CElmore@valeofglamorgan.gov.uk)>  
**From:** max wallis <[maxkwallis@gmail.com](mailto:maxkwallis@gmail.com)>  
**Date:** 27 July 2015 20:52:40 BST  
**To:** <[CElmore@valeofglamorgan.gov.uk](mailto:CElmore@valeofglamorgan.gov.uk)>  
**Cc:** Barry Shaw <[basuki@ntlworld.com](mailto:basuki@ntlworld.com)>, green keith <[greenkeith@virginmedia.com](mailto:greenkeith@virginmedia.com)>  
**Subject:** Sunrise application before the Cttee on thursday

Chris – as discussed by phone, there are many new documents posted in the e-file and included as Appendices, but no supplementary report from officers on all the new material. Inputs from NRW are also missing.

Sunrise's late material (on website to 22 July plus information in the Appendices D,E,F,G (of 15<sup>th</sup> July)) contain some differences, even contradictions with earlier material. They now say they will take Grades of wood-chips called A, B and C by the WRA. This is a substantial change to the application. Grade A is clean wood-chip which is in demand for recycling into chipboard (burning it breaches the waste hierarchy and sustainability); Grade C includes material from municipal waste and civic amenity sites, which contradicts application form section 23 where the 'municipal' line is empty. Likewise commercial and industrial waste board, shipping pallets etc is now included, but the 'commercial and industrial' line in section 23 is empty.

Appendix F from Sunrise, headed Waste disposal Status of the Project argues for excluding the development from waste management law. The argument appears unsound (no time to confirm this with FoE advisers, but still should have been considered and commented on by the officers. Without clarification of this, the Planning Committee does not know the basis for deciding – whether waste planning law has to be followed or not. The application form answers “yes” to the question in section 23 “*Is the proposal for a waste management development?*” so were Sunrise trying to change their application on 3rd July?

*No air pollution assessment from NRW.* The council left it to the NRW to assess the company's AQ modelling, the company claims their approval, but the NRW assessment is still not posted on the website (as I asked at end of June). Sunrise quarrel with us calling it ‘dodgy’ but do not answer the point that the highly toxic Cr-VI could exceed the Environmentally Acceptable Limit as defined by NRW.

The “R1” calculation is given in several versions; that in the 3<sup>rd</sup> July document cites necessary data in the manufacturer's spec (required under “R1” guidance), so later versions would be inferior. However, the 3<sup>rd</sup> July calculation again takes wrong figures for the input energy (under scenarios A and B; scenario C is the old faulty one). With HHV= 19.6 (manufacturer spec for dry wood; 72 000 tonnes), input energy  $E_w = 392\,049$  MWh, output as per spec (9.26 MW)  $E_p = 226\,780$  MWh. For this simple case,  $R1 = (E_p - 350) / (0.97 \times E_w) = 0.60$ , not in excess of 0.65 as ‘Sunrise’ claim.

There has been so much discussion of the “R1” value, because despite Sunrise now calling it “hypothetical”, a lot hangs on it. It's vital to get the calculation right, under the prescribed procedure.

*Energy efficiency.* Sunrise still have not given any figure, even though this is a vital criterion for energy projects. The manufacturer's spec combined with Sunrise's data leads to a figure of 19%, when energy used in the plant is excluded. Of course this is low for incinerators and far below the Welsh CIMS guide figure of 60% CHP. Sunrise's claim that the present proposal is more efficient than the previous technology has been shown to arise from their confusing the present 72 000 tonnes dried wood-chip with the previous 72 000 tonnes *undried* wood chips (with ~20% water). Correcting for this difference, the new Outotec technology appears *less efficient*, in agreement with the 19% figure now derived.

In summary, there are several contradictions in Sunrise's material, several points of fact that need clearing up, and inputs from the NRW needed. Whether this means further deferral, would you not agree Councillors should not be expected to digest all this, so a supplementary report from the officers is then needed?

Regards / Max

## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00095/FUL	<b>Case Officer:</b> Mr. Steven Rennie
<b>Location:</b> Ardwyn, Pen Y Turnpike Road, Dinas Powys	
<b>Proposal:</b> Construction of eighteen dwellings and associated works	

**From: Mr S Rennie (Case Officer)**

**Summary of Comments:**

Revised soft landscaping proposals have been submitted by the application (ref: TDA.2015.06 Rev C) showing enhanced landscaping included to some of the boundaries of the site, including along the boundary with the neighbouring houses at Millbrook Heights. This plan will be considered in detail in response to the landscaping requirements as set out in Condition 6 as set out in the Committee Report recommendations.

Also, a revised plot description sheet has been submitted based on the updated plot numbers as shown on the revised layout plan.

As there has been an update to the submitted plans, a revised Condition 1 will need to be included, which will be as follows:

*1. The development shall be carried out in accordance with the following approved plans and documents: 2024/101 Revision U (received 17 July 2015), 2024-200-01 Rev E, 2024-201-01 Rev A, 2024-202-01 Rev D, 2024-203-01 Rev D, 2024-204-01 Rev B and 2024-205-01 Rev B, Plot Description Sheet (July 2015), 2024-300, 2024-301, 2024/300/12 Revision H received 17 July 2015, Detailed Soft Landscaping Proposals TDA.2015.06 Rev C, Tree Constraints Plan TDA.2015.05 Rev B - Layout 2, Arboricultural Method Statement (July 2015 update) and Transport Statement (February 2015);*

*Reason:*

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

Based on previously approved times of work as agreed with the Construction Environmental Management Plan condition 19 has been altered as follows:

*19. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:*

- 07.30 – 18.00 Mon – Fri*
- 0800-1300 Saturday*
- Not at all on Sundays and bank holidays*



*Unless such work –*

*(a) is associated with an emergency (relating to health and safety or environmental issues);*

*(b) is carried out with the prior written approval of the Local Planning Authority.*

*Reason:*

*To safeguard the amenities of local residents, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan (CON2).*



**EXISTING TREES RETAINED**  
 Trees to be retained in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED NATIVE TREE PLANTING**  
 Native tree planting to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED ORNAMENTAL TREE PLANTING**  
 Ornamental tree planting to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**EXISTING LANDSCAPING RETAINED**  
 Existing landscaping to be retained in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED NATIVE SPECIES PLANTING**  
 Native species planting to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED ORNAMENTAL SPECIES PLANTING**  
 Ornamental species planting to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED CONVENTIONAL GRASS BOUNDARY**  
 Proposed conventional grass boundary to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED PROTECTIVE MULCH OVER EXISTING PLANTING**  
 Proposed protective mulch to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED PROTECTIVE MULCH OVER NEW PLANTING**  
 Proposed protective mulch to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED PROTECTIVE MULCH OVER EXISTING GRASS**  
 Proposed protective mulch to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED PROTECTIVE MULCH OVER NEW GRASS**  
 Proposed protective mulch to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**PROPOSED PROTECTIVE MULCH OVER EXISTING DRIVE**  
 Proposed protective mulch to be undertaken in accordance with the Council's Tree Preservation Order (TPO).

**NOTE 1:**  
 All work shall be done in accordance with the Council's Tree Preservation Order (TPO).

**NOTE 2:**  
 For boundary treatments and hard landscaping refer to the Design and Access Statement.

**NOTE 3:**  
 All work shall be done in accordance with the Council's Tree Preservation Order (TPO).

**TDA**  
 CANINA STUDIO  
 VALLE OF GLAMORGAN  
 CFS3 5DR  
 TEL: 01446 771655

**WATERSTONE HOMES**  
 K:AT 1:50 @ A1  
 TDA:2015 06  
 DATE REC:2014

**PROJECT**  
 ARDWAYN HOUSE, DINAS POWYS

**DRAWING TITLE**  
 DETAILED SOFT LANDSCAPE PROPOSALS

**NATIVE TREE PLANTING**

Abbreviation	Species Name	Quantity	Plant Size	Plant Date	Plant Size
AB 1	Alder	10	10-15cm	10-15cm	10-15cm
AB 2	Birch	10	10-15cm	10-15cm	10-15cm
AB 3	Hornbeam	10	10-15cm	10-15cm	10-15cm
AB 4	Holly	10	10-15cm	10-15cm	10-15cm
AB 5	Rowan	10	10-15cm	10-15cm	10-15cm
AB 6	Sycamore	10	10-15cm	10-15cm	10-15cm
AB 7	Yew	10	10-15cm	10-15cm	10-15cm

**BURLEN PLANTING**

Abbreviation	Species Name	Quantity	Plant Size	Plant Date	Plant Size
BL 1	Amelanchier	10	10-15cm	10-15cm	10-15cm
BL 2	Blackthorn	10	10-15cm	10-15cm	10-15cm
BL 3	Blackthorn	10	10-15cm	10-15cm	10-15cm
BL 4	Blackthorn	10	10-15cm	10-15cm	10-15cm
BL 5	Blackthorn	10	10-15cm	10-15cm	10-15cm
BL 6	Blackthorn	10	10-15cm	10-15cm	10-15cm
BL 7	Blackthorn	10	10-15cm	10-15cm	10-15cm

**ORNAMENTAL TREE PLANTING**

Abbreviation	Species Name	Quantity	Plant Size	Plant Date	Plant Size
OR 1	Amelanchier	10	10-15cm	10-15cm	10-15cm
OR 2	Amelanchier	10	10-15cm	10-15cm	10-15cm
OR 3	Amelanchier	10	10-15cm	10-15cm	10-15cm
OR 4	Amelanchier	10	10-15cm	10-15cm	10-15cm
OR 5	Amelanchier	10	10-15cm	10-15cm	10-15cm
OR 6	Amelanchier	10	10-15cm	10-15cm	10-15cm
OR 7	Amelanchier	10	10-15cm	10-15cm	10-15cm

**BURLEN PLANTING**

Abbreviation	Species Name	Quantity	Plant Size	Plant Date	Plant Size
BL 1	Amelanchier	10	10-15cm	10-15cm	10-15cm
BL 2	Amelanchier	10	10-15cm	10-15cm	10-15cm
BL 3	Amelanchier	10	10-15cm	10-15cm	10-15cm
BL 4	Amelanchier	10	10-15cm	10-15cm	10-15cm
BL 5	Amelanchier	10	10-15cm	10-15cm	10-15cm
BL 6	Amelanchier	10	10-15cm	10-15cm	10-15cm
BL 7	Amelanchier	10	10-15cm	10-15cm	10-15cm

**PLANT SCHEDULE**

Abbreviation	Species Name	Quantity	Plant Size	Plant Date	Plant Size
AB 1	Alder	10	10-15cm	10-15cm	10-15cm
AB 2	Birch	10	10-15cm	10-15cm	10-15cm
AB 3	Hornbeam	10	10-15cm	10-15cm	10-15cm
AB 4	Holly	10	10-15cm	10-15cm	10-15cm
AB 5	Rowan	10	10-15cm	10-15cm	10-15cm
AB 6	Sycamore	10	10-15cm	10-15cm	10-15cm
AB 7	Yew	10	10-15cm	10-15cm	10-15cm

Plot Units Description (July 2015)

Plot 1 – type D - As drawings

Plots 2-5 – affordable – As

Plot 6-7 – affordable – As

*Re-planned area:*

Plot 20 – type B – Handed

Plot 21 – type D – As

Plot 22 – type B – As

Plot 23 – type C – As

Plot 11 – type D – As

Plot 12 – type D – As

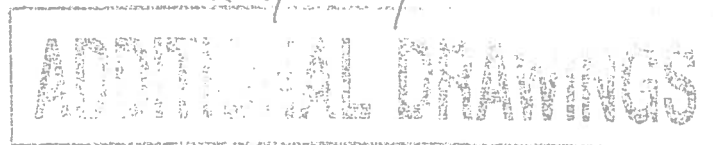
Plot 13 – type A – Handed

Plot 14 – type C – Handed

Plot 15 – type A – Handed

Plot 16 – type A – As

Plot 17 – type D – As



28/07/15.

## Goldsworthy, Marcus J

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**Subject:**

FW: The Chapters Ardwyn Dinas powys

**From:** Suzanne Palfrey <[suzannepalfrey@yahoo.co.uk](mailto:suzannepalfrey@yahoo.co.uk)>

**Date:** 29 July 2015 00:13:43 BST

**To:** "Moore, Neil (Cllr)" <[nmoore@valeofglamorgan.gov.uk](mailto:nmoore@valeofglamorgan.gov.uk)>, "C. FRANKS" <[familyfranks@btinternet.com](mailto:familyfranks@btinternet.com)>, "[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)" <[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)>, "[cwilliams@valeofglamorgan.gov.uk](mailto:cwilliams@valeofglamorgan.gov.uk)" <[cwilliams@valeofglamorgan.gov.uk](mailto:cwilliams@valeofglamorgan.gov.uk)>, "[ehacker@valeofglamorgan.gov.uk](mailto:ehacker@valeofglamorgan.gov.uk)" <[ehacker@valeofglamorgan.gov.uk](mailto:ehacker@valeofglamorgan.gov.uk)>, "[jdrysdale@valeofglamorgan.gov.uk](mailto:jdrysdale@valeofglamorgan.gov.uk)" <[jdrysdale@valeofglamorgan.gov.uk](mailto:jdrysdale@valeofglamorgan.gov.uk)>, "[ftjohnson@valeofglamorgan.gov.uk](mailto:ftjohnson@valeofglamorgan.gov.uk)" <[ftjohnson@valeofglamorgan.gov.uk](mailto:ftjohnson@valeofglamorgan.gov.uk)>, "[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)" <[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)>, "[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)" <[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)>, "[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)" <[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)>, "[hhamilton@valeofglamorgan.gov.uk](mailto:hhamilton@valeofglamorgan.gov.uk)" <[hhamilton@valeofglamorgan.gov.uk](mailto:hhamilton@valeofglamorgan.gov.uk)>, "[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)" <[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)>, "[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)" <[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)>, "[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)" <[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)>, "[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)" <[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)>, "[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)" <[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)>, "[groberts@valeofglamorgam.gov.uk](mailto:groberts@valeofglamorgam.gov.uk)" <[groberts@valeofglamorgam.gov.uk](mailto:groberts@valeofglamorgam.gov.uk)>, "[hjwjames@valeofglamorgan.gov.uk](mailto:hjwjames@valeofglamorgan.gov.uk)" <[hjwjames@valeofglamorgan.gov.uk](mailto:hjwjames@valeofglamorgan.gov.uk)>, "[lbutler@valeofglamorgan.co.uk](mailto:lbutler@valeofglamorgan.co.uk)" <[lbutler@valeofglamorgan.co.uk](mailto:lbutler@valeofglamorgan.co.uk)>, "[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)" <[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)>, Val Hartrey <[valhartrey@talktalk.net](mailto:valhartrey@talktalk.net)>, "[vhartrey@valeofglamorgan.gov.uk](mailto:vhartrey@valeofglamorgan.gov.uk)" <[vhartrey@valeofglamorgan.gov.uk](mailto:vhartrey@valeofglamorgan.gov.uk)>, "Williams, Chris J (Cllr)" <[cjwilliams@valeofglamorgan.gov.uk](mailto:cjwilliams@valeofglamorgan.gov.uk)>

**Subject:** The Chapters Ardwyn Dinas powys

'Clr Neil Moore,

Leader, Vale of Glamorgan Council [NMoore@valeofglamorgan.gov.uk](mailto:NMoore@valeofglamorgan.gov.uk)

Members of Vale of Glamorgan Planning Committee

Dear Clr Moore,

ARDWYN,' DINAS POWYS DEVELOPMENT AS 'CHAPTERS'

I'd like to thank you and your Planning Committee for agreeing to view the problems associated with the above also from the perspective of residents and ratepayers of Millbrook Heights at the Site Meeting of the above tomorrow morning (Thursday, 30th July 2015).

In an endeavour to find a workable formula of solution to the problems on Monday 27th July I wrote to Mr Leighton Morgan the Managing Director of the development firm, Waterstone Home I have suggested:

- **PRIVACY** The glass used in the floor to roof 'walls of glass' effect in Houses 14, 15 and 16 (overlooking Millbrook Heights) should contain a brown, or other tint. This would not only compl

with Section 5.9 of your Council's Planning Obligations in your Supplementary Planning Guidance but help to cut out late afternoon glare. The amended Officer's report for the Committee Meeting on 30th July also requests the removal of the sky lights in houses 14 and 16 (unsure about 15) as a condition of granting the applications before them and that an undertaking is made that at no time in the future can there be any viewing from the rear of these houses via the 2nd floor including what is currently indicated as the vaulted ceiling of Bedroom 2.

- FLOOD DAMAGE Waterstone make good the 7ft high rear retaining wall in my property which has developed a dangerous crack and , confirmed by your officer and two surveyors as likely to have resulted from flooding on the development site when workers left the mains water uncapped for a weekend which flooded our gardens. By way of compensation I'd like the developers to level my rear garden up to the boundary and re-build the wall at that point. I believe my effected neighbours would like their gardens properly put right at the same time. •

SCREENING / LANDSCAPING Substantial screening and landscaping put in place at the boundary line between our properties – not the unacceptable, flimsy fencing panels erected by the developers last week which make our homes feel like Colditz. While 'mature trees' may be ecologically suitable in some cases (noting the developers removed a line of them from part of the boundary) there are draw-backs in this instance:

i.) the roots of any trees (noting conifers grow down) could create future problems as has happened with the flood damage. ii.) unless sufficiently mature to block viewing into our gardens from first floor windows they would take some years to reach satisfactory height. An undertaking would also need to be given preventing pruning by future residents.

Suggested alternative

As part of your Council's planning permission the developer has had to agree to spend 1% of the total cost of the development on Public Art. Couldn't a substantial part of this Public Art Fund be used for an aesthetically appealing and artistically designed permanent screening, approved by everyone including residents, erected before any of the abutting houses are occupied? Something like a wrought-iron fence covered with beaten metal silhouettes of Welsh dragons, daffodils and leeks. This would mean that although the fence would essentially block viewing it would also be considerably more suitable to stand up against the hill-top prevailing winter winds and weather.

I trust your Members will recognise the above is put to everyone in an attempt to gain an equitable solution to what has become a horrific experience to my neighbours and me, many of whom are their 70s, 80s and 90s.

Sincerely,

Sue Palfrey (Ms)

Sent from Yahoo Mail for iPhone

## LATE ITEMS FOR COMMITTEE

**COMMITTEE DATE: 30 July 2015**

<b>Application No.:</b> 2015/00095/FUL	<b>Case Officer:</b> Mr. Steven Rennie
<b>Location:</b> Ardwyn, Pen Y Turnpike Road, Dinas Powys	
<b>Proposal:</b> Construction of eighteen dwellings and associated works	

**From: Ms Palfrey (Neighbour at 24 Millbrook Heights), including response from Case Officer;**

**Summary of Comments:**

Ms Palfrey has written in respond to the Planning Committee Report on a number of points.

Ms Palfrey has criticised the report for including plan exerts only showing the additional dwelling position towards the centre of the site and not the relationship between the proposed dwellings nearest Millbrook Heights or the survey plan submitted. In response, the report has identified the central section of the site to include inserts as this is the most significant aspect of the application, with an additional dwelling being proposed in this section over that previously approved. All the plans are available for Members and the general public to view via our website, including the latest layout plan (2014/101-U) which is attached to this note for your information.

Ms Palfrey has also criticised the amendments proposed by the applicant to remove the rooflight in units 13 and 15, as she feels this is done as a result of objections raised. In response, it is acknowledged that this was proposed to further mitigate any potential impact to neighbour amenities and is considered a positive change made by the applicant to respond to concerns raised by neighbours. These alterations have been reflected in additional planning conditions recommended.

Ms Palfrey raises the issue of the crack in her rear garden retaining wall and states that this was caused by the development of the site and an incident that occurred when the former Ardwyn building was demolished. However, the incident is not a planning matter and is an issue to be resolved by Ms Palfrey or her insurers and the adjacent land owner. Ms Palfrey's email containing a photograph of the wall crack has been included in the report Appendices.

In terms of the houses proposed, Ms Palfrey states that it should be stated that a second floor has been included in some of the proposed dwellings. It is acknowledged that second floor accommodation is included and is shown clearly on the submitted plans. However, Members should also note that the second floor accommodation is positioned within the roof voids, as has been described in the Committee Report.

Ms Palfrey has criticised the lack of precise details of the house positions in comparison to the original consent. In response, it is acknowledged that the dwellings are not in exactly the same position as previously approved, especially towards the centre of the site where the additional dwelling is located. However, the dwellings being built closest to Millbrook

Heights are within the same position as was previously approved, with any alteration considered minimal. The position of the houses are shown clearly on the proposed plans, which has been shown with the submitted survey to be based on the position of the dwellings currently being built on site. As such, if approved the dwellings adjacent to Millbrook Heights should be built in the accordance with the submitted layout plan to be considered with this application. The information in relation to the trees has been submitted with this application and have formed part of the consideration of the proposals. This information has been available to view via the Council's website.


In terms of the distance between Ms Palfrey's bungalow (rear elevation) and the proposed house at Plot 15, Ms Palfrey has claimed that the distance stated of approximately 30m is misleading. In response, it is considered that from measurements taken this is an accurate depiction of the distance between buildings, with most of the proposed house being over the 30m. This will be demonstrated on site for Members using laser measuring equipment to avoid any uncertainty regarding this important issue. At no time was it agreed that the distance between Ms Palfrey's bungalow and the house at Plot 15 was 26.3m. The meeting on site at Ms Palfrey's property was to measure to the rear boundary to ensure this was properly represented on the submitted plan. It was considered that the plan that was submitted did represent the distance from the rear elevation of Ms Palfrey's bungalow to the rear boundary with the site. The projecting conservatory was taken into consideration, which is discussed in the Committee Report, though a separation distance of 26.3m was not agreed at the time of the meeting.

Officers have met Ms Palfrey on site and discussed the proposals with her over the telephone. Amendments have been made by the applicant to further mitigate the impact to the neighbour (the omission of the rooflight in the rear elevation of Plot 15) and they have surveyed the site to confirm the distance to the boundary. The applicant has also indicated enhanced landscaping to the boundary with 24 Millbrook Heights to further screen the development in response to Ms Palfrey's concerns.

Also attached to this Late Representation Note for Members attention is the letter dated 23 July 2015 from Managing Director Mr R Thomas to Ms Palfrey regarding her objections to the proposals and complaints made.

In regard to the landscaping proposals, additional landscaping will be required to the boundary with Millbrook Heights and will be considered in due course.

# Jwyn, Dinas Powys

-  Proposed low level planting to Landscape Architects recommendations.
-  Proposed trees to Landscape Architects recommendations.

-  Proposed fence in individual stone paving steps - refer to engineers design.
-  Griestrate Access Track
-  Bitumen meccodon surface (shoved / private drive)
-  Bitumen meccodon surface (Adaptable Highway)

-  Existing Levmorff hedgerow to be removed
-  Existing native hedgerow to be retained and cut back as shown
-  1800mm high screen wall
-  1800mm high close board fence

**Accommodation Schedule**

Unit	Size	NO	Private	affordable
A		3		4
B		2		2
C		2		2
D		5		5
<b>Total</b>				<b>18</b>

**Rev**

E	Minor amendments. Detail added.	4.6.14
F	Access road amended to VOGs requirements.	11.7.14
G	Plot 1 (reverted to safety VOG) highways	7.8.14
H	Driveway notes amended.	11.8.14
I	Road line amended to include offsite loopback.	15.9.14
J	PO3 defined and re-detailed.	30.9.14
K	PO3 amended to include offsite loopback.	30.9.14
L	Plot 1 (3 and 4) amended to woodland.	26.11.14
M	Plot 1 (3 and 4) amended to woodland.	14.1.15
N	Plot 1 (3 and 4) amended to woodland.	18.2.15
O	House type C attached garages moved back.	12.3.15
P	Road layout amended, track & FFS added.	24.4.15
Q	Minor amendments / footpaths etc.	8.6.15
R	Boundary adjacent to plot 1 surveyed and added. Agreed S278 road alignment shown and Plot 1 adjusted accordingly.	17.6.15
S	Plot 12 and 17 (revert to D type) per original approval. Numbering changed to reflect original content.	30.6.15



For details of retained and removed trees including root protection zones - refer to IOA Associates tree Survey and Tree Constraints Plan.

Alignment of access and internal road/footpaths as agreed as part of approved section 38(2)(b) works with VOG Highway Dept.

Note 1: Boundaries within mature woodland and hedgerows to be confirmed with Landscape Architect as part of the Landscape Design.

Existing native hedgerow/woodland to be retained and cut back where as shown

Proposed Access & Foul Water Pumping Station (FFS)

Federation link to Pen Y Turnpike Road to be re-surfaced

Path (um)

Ansford

Parc Cottage

de

Seaton Hoe

Hedgerow NORTH

Turnpike Close

Pen Y Turnpike Road

Surveyed position of Boundary fence



Date/Dyddiad: 23 July 2015

Ask for/Gofynwch am: Rob Thomas

Telephone/Rhif ffon: 01446 709202

Your Ref/Eich Cyf:

My Ref/Cyf: AE/DRT/S15/43921

e-mail/e-bost: DRThomas@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
Dock Office, Barry Docks Barry CF63 4RT  
Tel: (01446) 700111  
Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
Ffôn: (01446) 700111  
www.valeofglamorgan.gov.uk



Ms Suzanne Palfrey  
24 Millbrook Heights  
Dinas Powys

Dear Mrs Palfrey

**Town and Country Planning Act, 1990 (as amended)**  
**Planning Application Reference: 2015/00095/FUL**  
**Location: Ardwyn, Pen Y Turnpike Road, Dinas Powys**  
**Proposal : Construction of eighteen dwellings and associated works**

I refer to your various emails to the Leader of the Council in relation to Ardwyn and his acknowledgements of the 7<sup>th</sup>, 10<sup>th</sup> and 14<sup>th</sup> of July in which he advised that the matters you raised were to be investigated. Your email of the 10<sup>th</sup> July was in response to a letter you received regarding your initial email to the Leader concerning the development undertaken on the former Ardwyn site. You will note from the various acknowledgements issued by the Leader that he and I intended to consider the issues that you raised and he has asked me to respond in detail to the issues you have raised in your correspondence concerning recent damage to your retaining wall, concerns that you have raised regarding the previous approval of application 2014/00167/FUL and the current application to amend the development scheme. In writing, I note that in your email of 21<sup>st</sup> July you have requested time to consider this response before deciding whether or not to escalate the matter to stage 2 of the Council's complaints procedure. In terms of our complaints procedure, this places the Council in a difficult position given that following the stage 1 response, the matter has been referred to me to respond as the Council's Head of Paid Service. If you however remain disappointed with this response (or any part of this response) then your recourse would be to the Ombudsman. I deal with this issue further at the end of this letter.

In addition, and since considering the issues you have previously raised, I also note your email of the 20<sup>th</sup> July entitled Stage One Complaint – extended. Where possible, I have also considered the issues you raise in that, your recent email.

Firstly, and with reference to your email of 20<sup>th</sup> July, I regret that you consider that the manner in which your concerns have been addressed has

been unsatisfactory and has failed to help you in finding solutions to problems. I want to make it clear that the planning process is a statutory process and that the Council has to balance and wishes of all those with an interest in that process. You state that you consider that the Council's approach has been to defend the actions of the applicant/developers. I would however advise that I have no plausible reason to defend the applicant or developer and I apologise if you have been left with this impression. I would however advise that in dealing with planning applications and any concerns relating to new developments, officers and Members have to have due regard to legislation and guidance and need to act within that legislation and have regard to guidance.

I would also at the outset draw a distinction between the actions of officers that amount to a falling short of the standard of service expected and these actions are required to consider the merits or otherwise of a development proposal. This is an important distinction as planning decisions have to be reached having regard to relevant planning considerations. Whilst some parties (neighbours, developers, applicants, agents) may not always agree with decisions, what matters is that these decisions have been reached having regard to relevant material facts.

In terms of the complaint process, I note that you are concerned at the timescale for progressing your complaint via a vis the scheduled Planning Committee meeting. However I would reiterate that the complaint needs to be considered having regard to the level of service provided irrespective of the date of that planning meeting.

Having regard to the first issue raised in your email chains, as you will now be aware, the Councils Building Control team leader, Mr Charlie Hunter visited you on 15<sup>th</sup> July to consider the damage to the retaining wall in your rear garden. At the outset I must advise you that any damage which may have been caused to your property by any neighbouring building works would be a private or 'civil' matter between you and the neighbour/developer concerned. Nevertheless Mr Hunter has advised that on viewing the location of the new development in relation to the position/distance of this retaining structure, it is his opinion that the cracking which is visible within this wall was not by caused by any foundation work being undertaken on the adjacent site. This is Mr Hunter's opinion and of course you are at liberty to seek a further opinion.

However it appears that during the demolition stage on the adjacent site, (Ardwyn House) a flooding issue arose, which potentially affected several dwellings to the rear of Millbrook Heights and it is Mr Hunter's view that this may have caused movement to the wall. Indeed this is a matter which you refer to in your email of 20<sup>th</sup> July.

I understand Mr Hunter advised you to employ a building surveyor to act on your behalf. Alternatively you could contact your insurance company who may be able to pursue this issue on your behalf. Moreover I can confirm that the adjoining developers have been advised of the situation with the wall and I believe they have advised that they were to contact you directly to discuss this matter. I would however reiterate that this is a matter that you will need to pursue directly with the developer.

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

You refer in your 20<sup>th</sup> July email that the Council is turning a blind eye to the actions of the developer given the flooding issue. This is not the case. I understand that the developer has been advised of neighbours' concerns, and my officers have been advised that the company will be liaising with neighbours. I again reiterate however that this is a matter for the developers of the site and whilst I sincerely hope that they will contact neighbours to discuss concerns, the Council can only bring these matters to the attention of the developer.

In terms of to the Councils consideration of the original planning application (2014/00167/FUL) you have stated you only received notification in February 2014 and that you were not notified of any increase in the numbers of dwelling proposed. However, the Councils records show that letters were sent to your address in June 2014 when the proposals were amended to include 17 dwellings. You were then consulted again in September 2014 to inform you of subsequent amendments to the scheme. In addition to the above Site notices were displayed, including within Millbrook Heights, and press advertisements displayed in The Gem newspaper. Accordingly, and having regard to the regulations relating to notification it is my view that the Council has fulfilled its obligations in terms of notification of the proposals and any significant amendments to this previous application. As you know, full details and plans of the application are also available to view on the Councils website.

For confirmation purposes I would point out that the requirements for notification with regard to planning applications are set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and specifically in this case part 12 (2) which requires the following:

*An application falling within paragraph (2) ("a paragraph (2) application") must be publicised by giving requisite notice—*

*(a) by site display in at least one place on or near the land to which the application relates, for not less than 21 days; and .*

*(b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.*

With regard to the current planning application (2015/00095/FUL) for 18 dwellings at the site and minor amendments to the previously approved dwellings, I understand that you have already made formal comments regarding the proposals and you will be aware that this application has been deferred for a site visit by the Planning Committee and will be considered on the 30<sup>th</sup> July.

You refer to the lack of notification in your email of 20<sup>th</sup> July, but I cannot add any more by way of an explanation over and above that already provided and can only reiterate the advice offered above in relation to notification.

With regard to this application and the dwellings proposed which back onto your property, particularly the House Type A at Plot 16, the revisions to the original proposal have been acknowledged. There is a bedroom proposed (with en-suite and dressing room) at third floor level, within the roof void or

attic space. However I am advised that such a change is not normally classed as development, and had the dwellings been completed and occupied, such changes could have been undertaken without the need for planning permission. However as this dwelling is still under construction, details of all the internal accommodation have been incorporated. I am also advised that following discussions with the applicant the proposed rooflight to the rear elevation of Plot 16 has now been removed from the scheme. I would also point out that the part of this property which will be closest to the rear of your dwelling has only a ground and first floor with an open atrium above and therefore there are now no windows or rooflights overlooking your property from the attic space of the proposal.

Having regard to the separation distances between the properties currently under construction and your own, as you have previously been advised, it is the Council's opinion that the separation distance is such that it would not result in any significant overlooking impact. This assessment includes consideration of the rooms within the loft space of the relevant house types, distance readings taken by officers, the submitted survey plan, and the revised site layout plan. This analysis will be included within an updated Planning Committee Report to ensure Committee Members have the most accurate information by which to make their decision. Reference will also be made to your conservatory when considering this matter and I can confirm the proposals will be assessed by the Committee Members fully at the Planning Committee meeting after the benefit of the site visit which is scheduled to be undertaken on the morning of the 30<sup>th</sup> July.

I note you have quoted the Vale of Glamorgan Supplementary Planning Guidance 'Amenity Standards' and Unitary Development Plan policies in terms of safeguarding privacy and the amenities of neighbouring residents in your previous correspondence. However, the case officer and Mrs Crofts, has advised previously, the guidance also refers to a distance of 21 metres being generally sufficient to mitigate any possible overlooking or overbearing impact, although I acknowledge every case is different. I also note you have also previously referred to guidance produced by other Councils with regard to similar issues, but I would point out that the only local authority guidance relevant in this case is that produced by the Vale of Glamorgan Council.

In this case officers considered that the separation distance between Plot 16 and your property (excluding the conservatory) is acceptable and would not warrant refusal of this application. However it is also acknowledged that you do have a conservatory which projects beyond the main rear wall of your property, which was not referred to in the original report to the Planning Committee. Nevertheless I can confirm that as this conservatory does not appear to have the benefit of building regulations consent for use as a habitable room, then the Council would not normally consider this to be a part of your dwelling protected by the distance calculations referred to above. Regardless of this, as I understand that this conservatory would remain at approximately 27 metres from the rear of the proposed dwelling, such a separation distance would not warrant a recommendation for refusal of the application. Finally I would point out that Members of the Planning Committee visited the Ardwyn site prior to the original decision being made and took the time to consider the proposals with regard to all the relevant

- boundaries and neighbouring properties and would have been fully aware of the situation on the ground prior to taking the original decision.

A full assessment of the amended proposals has been undertaken and is included within the Planning Committee Report and concludes that the development remains acceptable, but it will of course be for the Members of the Planning Committee to make the ultimate decision on 30<sup>th</sup> July following the site visit. Notwithstanding the above it should be noted that having regard to the concerns you have expressed, the report and recommended conditions include a requirement for enhanced landscaping and boundary enclosure details, which the developer has agreed to, and which should further screen the development from your property and your neighbours.

In terms of the survey plan left with you, this is a scale drawing, typical of most planning application drawings, which indicates distances between the properties being built on site and the site boundaries, along with some level details also indicated. This plan can be used to provide dimensions and distances. The findings of the survey were reflected in the revision of the layout plan, which indicates only a very minor repositioning from that originally proposed with this application.

Finally I note your concerns with regard to the comments made by some members of the Planning Committee when the amended planning application was considered on 2<sup>nd</sup> July. I have considered your comments and note that in any event the Committee resolved to undertake a site visit on 30<sup>th</sup> July prior to any decisions being made. Whilst it is unfortunate that due to a technical problems the meeting itself was not web cast, this should in no way discredit the process and decisions that were made at that meeting.

In your most recent email of the 20<sup>th</sup> July, you call into question the role of Marcus Goldsworthy and the fact that in October 2014 Mr Goldsworthy declared an interest at Planning Committee as his parents live near the applicant. This is not correct. The application you refer to (2014/00840/FUL) related to Primrose Cottage in Penllyne. This is a separate development proposal. You advise that there is a family association between a project participant and Mr Goldsworthy. I have investigated this issue and can advise that I have been advised that there are no family associations

With regard to your comment on page 6 of your email entitled "complaints", I can advise that it is common practice to summarise responses to applications when reporting proposals to Planning Committee. This is not unique to the Ardwyn site and is an approach which is used regularly.

In terms of the Committee site visit, I note your concerns that Members may not visit premises in Millbrook Heights when visiting the site. I can advise that I have brought your concerns to the attention of the Chairman of Planning Committee so that he can consider your concern in advance of the site meeting. He has already responded to me and arrangements will be made to visit Millbrook Heights as part of the site visit. You will be contacted separately in this regard.

I do hope this response sets out clearly to you how the Authority has dealt

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with this matter to date and clarifies how the Planning Committee will determine the latest application, following a site visit, where they will be able to view the relationship between your property and the dwellings proposed and under construction.

If you remain unhappy with the outcome of my investigation you can however contact the Public Services Ombudsman for Wales by:

- phone: 0300 790 0203
- e-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)
- the website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
- writing to: Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

This would represent your next recourse given that your concerns have previously been investigated under the Council's Complaints procedure.

Yours sincerely,

Rob Thomas  
Managing Director

cc Cllr Neil Moore, Leader of the Council

**Rees, Vivien**

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**From:** Suzanne Palfrey <suzannepalfrey@yahoo.co.uk>  
**Sent:** 24 July 2015 11:29  
**To:** dr.thomas@valeofglamorgan.gov.uk; Moore, Neil (Cllr)  
**Cc:** Planning & Transportation (Customer Care); Val Hartrey; Goldsworthy, Marcus J; vhartrey@valeofglamorgan.gov.uk; vrobinson@valeofglamorgan.co.uk; Moss, Justina; lbutler@valeofglamorgan.co.uk; Planning & Transportation (Customer Care); ftjohnson@valeofglamorgan.co.uk; cblick@valeofglamorgan.co.uk; Franks, Chris (Cllr) (Home); Williams, Clive (Cllr); Crofts, Jane M; Drysdale, John (Cllr); Birch, Janice (Cllr); Bird, Jonathon (Cllr); Johnson, Fred T (Cllr); Penrose, Bob (Cllr); Parker, Andrew (Cllr); Probert, Rhona (Cllr); Powell, Anthony G (Cllr); Hodges, Nic P (Cllr); Hamilton, Howard (Cllr); Wilkinson, Margaret R (Cllr); Hacker, Eric (Cllr); James, Jeffery (Cllr); groberts@valeofglamorgan.gov.uk; Williams, Chris J (Cllr); Wilson, Mark R (Cllr); rthomas@valeofglamorgan.gov.uk; tbutler@valeofglamorgan.co.uk  
**Subject:** The Chapters Ardwyn Dinas Powys

To:  
D.R. Thomas.  
Managing Director,  
Vale of Glamorgan Council

Cc Cllr Neil Moore,  
Leader,  
Vale of Glamorgan Council  
Ccc Members of Vale of Glamorgan Planning Committee

24<sup>th</sup> July 2015

From:  
Ms Sue Palfrey  
24 Millbrook Heights  
Dinas Powys

D.E.E.R
RECEIVED
ACTION BY: JMC/SR
NO: 32
ACK:

RECEIVED

24 JUL 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

Dear Rob Thomas,

**Ardwyn / Chapters, Pen-y-Turnpike Road, Dinas Powys  
2015/00095/FUL R**

I am concerned, knowing you are about to go on leave later today, I have neither heard from you after you informed you were to personally take charge of investigating points I raised in my last email to you, dated 2 2015 or who I should deal with in your absence?

I am also concerned you have not confirmed that members of the Planning Committee will also visit mine a neighbours' houses in Millbrook Heights during their site visit on 30<sup>th</sup> July to view the problems from the

perspective of current residents and ratepayers. If they are to visit us can you please confirm a time so that we can arrange to take time off from my work?

In the circumstances and having just read your Officers Report to the Planning Committee meeting scheduled for 30<sup>th</sup> July 2015, I again find it necessary to circulate this response to ensure Members are corrected on a number of matters that appear.

- **Page 464 / 5 Figs 1 and 2** refer to the additional house 18 for which the application refers. Yet the plans do not indicate changes in position on the site relevant to the backs of houses in Millbrook Heights. No plans, including the purported new 'survey' in June 2015 indicate the relationship of developments or changes with Millbrook Heights, complete with measurements indicating the distance between the new builds and the existing houses. This happened once it might be called 'sloppy work.' When it happens repeatedly other words come to mind.

- **Page 466 paragraph 1:** 'All other aspects of the development are the same or *very similar*' seems to want to gloss over the applied changes of design, additional size, density and changes in position.

The proposed needed changes now being suggested since the Planning Committee meeting of July 2 – like the removal of skylight and the undertaking never for the wall of glass to be used from the second floor - are clearly only the result of objections made by existing residents since the July 2 meeting. Few people would call these changes 'similar.' This makes me believe the intent of the Officers is to encourage the passing of this application rather than to present Committee Members with the plain facts.

- The report appears far more like an indication of decision rather than a recommendation based solely on the information supplied for Members of the Committee to make the decision.

This puts even greater concern, if confirmed by your investigation, on the decision of your Senior Planning Officer not to have declared his family association to someone involved closely with the applicants of this development.

- Under 'Representations' at **Page 468**, it refers to eleven emails / letters received at the time of the July 2<sup>nd</sup> meeting, when the report to that meeting states they'd condensed 35 communications into a single object which represent them all.

- To shrug off in one line the **flooding** of the site at the beginning of March into what a Welsh Water engineer described as 'a lake' from which a 'gully' had been dug by site workers so that the water / mud / slime ran down the site.



the backs of houses in Millbrook Heights defies definition. The Managing Director of Waterstone Homes admitted in writing to one resident they were responsible and 'made good some minor areas' but failed to check on it at other homes – one example led to your Officer who referred it to the developer.

- The report further omits to inform Councillors that a **serious crack** appeared in my 7ft garden retaining wall a few weeks ago. Within weeks of the uncapped water main incident on the development site at the beginning of 2018 which caused the 'lake,' builders were using heavy building equipment right up to my boundary, laying the foundations of the new-build to the rear of my property.

- The crack was reported to your Officers who confirmed, on inspection, the findings of my own surveyors, which are recent. If the wall, already bulging, collapses I hate to think of the consequences. In such an event I am holding your Council and the developers liable. I was told the developer's agent was being contacted to consult with me but I have heard nothing to date.

- The report is splattered with phrases indicating vagueness rather than accuracy, impressions rather than facts. The re-numbering and references to the different Plot numbers and house type has left not just myself but to whom I have spoken totally confused. The bullet points at **Page 475** are such examples. It would have been better if the Officers had referred, like the developer and his agent, to the Second Floor of Houses A and C to contain a Master Bedroom and gallery leading to en-suite bathroom and dressing room rather than a seeming subtlety claiming it to be a loft conversion.

- Again at **Page 476** the report comments on plots for this new application being 'in a very similar position.. with any slight alteration' rather than giving accurate figures and plans for neighbours to see. Once more the plan at **Page 477** does not indicate the development in relation to the existing houses at Millbrook Heights. There are no references to 'The proposed dwellings are laid out in much the same way to avoid the loss of existing trees. without indicating if any of these trees have a preservation order on them.

- **Page 478** says the house styles A, C and D 'remain similar'....'with some minor differences.' Although the appearance may not vary it goes to the accuracy of information that the previously detailed Second Floor is referred to as 'loft level bedrooms'.

- When it reaches the last paragraph of **Page 479** the use of 'the proposed layout would result in a separation distance of approximately 30 metres between the rear of the proposed houses (**currently at Roof Level with**

*planning consent*) and the rear of the nearest houses in Millbrook Hights' can't be described as anything of an attempt to mislead Councillors.

- On July 1<sup>st</sup> 2015 your Officers Mr Steven Rennie and Mrs Hayley Kemp attended my house and measured distance with a laser measure and agreed it was 26.3 metres - 3.7 metres short of the agreed minimum requirement. They'd previously visited the development site (on 10<sup>th</sup> June) and measured up to my bounda said it fell a little over a metre short. This information was not relayed in documentation for Councillors at meeting the following day, July 2<sup>nd</sup> 2015. To refer in the last paragraph of **Page 479** to this distance as being 'approximately 30 metres' contradicts the site findings of your own Officers. The reference to my conservat occupying less than 30 square metres and therefore, I understand, not requiring planning permission, I find spurious in the least. It must have taken considerable official time and cost to the Public Purse to research conservatory – for what? To defend what anybody could see with the naked eye – that the development is eyesore and of detriment to residents in Millbrook Heights? If they'd spent the same time visiting our prop might have proven far more justification. This again brings into question Officers preferring to favour the d than solve problems of existing residents.

- Unlike your Officers' refusal to visit our houses in Millbrook Heights to examine the problems from betwe February 2015 and June I am inviting Councillors to visit my house on 30<sup>th</sup> July. For Officers to claim visits ir four weeks make up for their previous refusals is nothing short of trying to pull the wool over everyone's eyes. Surely in the interest of accuracy and true representation it should be right to see that the developm both overlooking and overbearing to my house and an invasion into my privacy and is against your own Supplementary Planning Guidance planning obligations?

I remain, sincerely,

Sue Palfrey (Ms)

Plot Units Description (July 2015)

Plot 1 – type D - As drawings

Plots 2-5 – affordable – As

Plot 6-7 – affordable – As

*Re-planned area:*

Plot 20 – type B – Handed

Plot 21 – type D – As

Plot 22 – type B – As

Plot 23 – type C – As

Plot 11 – type D – As

Plot 12 – type D – As

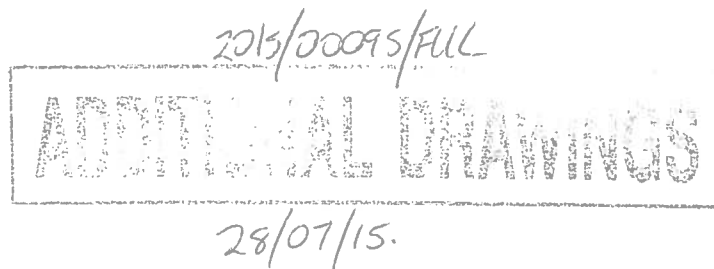
Plot 13 – type A – Handed

Plot 14 – type C – Handed

Plot 15 – type A – Handed

Plot 16 – type A – As

Plot 17 – type D – As



## Goldsworthy, Marcus J

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**Subject:**

FW: The Chapters Ardwyn Dinas powys

**From:** Suzanne Palfrey <[suzannepalfrey@yahoo.co.uk](mailto:suzannepalfrey@yahoo.co.uk)>

**Date:** 29 July 2015 00:13:43 BST

**To:** "Moore, Neil (Cllr)" <[nmoore@valeofglamorgan.gov.uk](mailto:nmoore@valeofglamorgan.gov.uk)>, "C. FRANKS" <[familyfranks@btinternet.com](mailto:familyfranks@btinternet.com)>, "[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)" <[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)>, "[cwilliams@valeofglamorgan.gov.uk](mailto:cwilliams@valeofglamorgan.gov.uk)" <[cwilliams@valeofglamorgan.gov.uk](mailto:cwilliams@valeofglamorgan.gov.uk)>, "[ehacker@valeofglamorgan.gov.uk](mailto:ehacker@valeofglamorgan.gov.uk)" <[ehacker@valeofglamorgan.gov.uk](mailto:ehacker@valeofglamorgan.gov.uk)>, "[jdrysdale@valeofglamorgan.gov.uk](mailto:jdrysdale@valeofglamorgan.gov.uk)" <[jdrysdale@valeofglamorgan.gov.uk](mailto:jdrysdale@valeofglamorgan.gov.uk)>, "[ftjohnson@valeofglamorgan.gov.uk](mailto:ftjohnson@valeofglamorgan.gov.uk)" <[ftjohnson@valeofglamorgan.gov.uk](mailto:ftjohnson@valeofglamorgan.gov.uk)>, "[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)" <[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)>, "[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)" <[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)>, "[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)" <[bpenrose@valeofglamorgan.gov.uk](mailto:bpenrose@valeofglamorgan.gov.uk)>, "[hhamilton@valeofglamorgan.gov.uk](mailto:hhamilton@valeofglamorgan.gov.uk)" <[hhamilton@valeofglamorgan.gov.uk](mailto:hhamilton@valeofglamorgan.gov.uk)>, "[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)" <[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)>, "[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)" <[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)>, "[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)" <[agpowell@valeofglamorgan.gov.uk](mailto:agpowell@valeofglamorgan.gov.uk)>, "[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)" <[mrwilkinson@valeofglamorgan.gov.uk](mailto:mrwilkinson@valeofglamorgan.gov.uk)>, "[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)" <[mrwilson@valeofglamorgan.gov.uk](mailto:mrwilson@valeofglamorgan.gov.uk)>, "[groberts@valeofglamorgan.gov.uk](mailto:groberts@valeofglamorgan.gov.uk)" <[groberts@valeofglamorgan.gov.uk](mailto:groberts@valeofglamorgan.gov.uk)>, "[hjwjames@valeofglamorgan.gov.uk](mailto:hjwjames@valeofglamorgan.gov.uk)" <[hjwjames@valeofglamorgan.gov.uk](mailto:hjwjames@valeofglamorgan.gov.uk)>, "[lbutler@valeofglamorgan.co.uk](mailto:lbutler@valeofglamorgan.co.uk)" <[lbutler@valeofglamorgan.co.uk](mailto:lbutler@valeofglamorgan.co.uk)>, "[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)" <[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)>, Val Hartrey <[valhartrey@talktalk.net](mailto:valhartrey@talktalk.net)>, "[vhartrey@valeofglamorgan.gov.uk](mailto:vhartrey@valeofglamorgan.gov.uk)" <[vhartrey@valeofglamorgan.gov.uk](mailto:vhartrey@valeofglamorgan.gov.uk)>, "Williams, Chris J (Cllr)" <[cjwilliams@valeofglamorgan.gov.uk](mailto:cjwilliams@valeofglamorgan.gov.uk)>

**Subject:** The Chapters Ardwyn Dinas powys

'Clr Neil Moore,  
Leader, Vale of Glamorgan Council [NMoore@valeofglamorgan.gov.uk](mailto:NMoore@valeofglamorgan.gov.uk)

Members of Vale of Glamorgan Planning Committee

Dear Clr Moore,

ARDWYN,' DINAS POWYS DEVELOPMENT AS 'CHAPTERS'

I'd like to thank you and your Planning Committee for agreeing to view the problems associated with the above also from the perspective of residents and ratepayers of Millbrook Heights at the Site Meeting of the above tomorrow morning (Thursday, 30th July 2015).

In an endeavour to find a workable formula of solution to the problems on Monday 27th July I wrote to Mr Leighton Morgan the Managing Director of the development firm, Waterstone Home I have suggested:

- **PRIVACY** The glass used in the floor to roof 'walls of glass' effect in Houses 14, 15 and 16 (overlooking Millbrook Heights) should contain a brown, or other tint. This would not only compl!

with Section 5.9 of your Council's Planning Obligations in your Supplementary Planning Guidance but help to cut out late afternoon glare. The amended Officer's report for the Committee Meeting on 30th July also requests the removal of the sky lights in houses 14 and 16 (unsure about 15) as a condition of granting the applications before them and that an undertaking is made that at no time in the future can there be any viewing from the rear of these houses via the 2nd floor including what is currently indicated as the vaulted ceiling of Bedroom 2.

- FLOOD DAMAGE Waterstone make good the 7ft high rear retaining wall in my property which has developed a dangerous crack and , confirmed by your officer and two surveyors as likely to have resulted from flooding on the development site when workers left the mains water uncapped for a weekend which flooded our gardens. By way of compensation I'd like the developers to level my rear garden up to the boundary and re-build the wall at that point. I believe my effected neighbours would like their gardens properly put right at the same time. •

SCREENING / LANDSCAPING Substantial screening and landscaping put in place at the boundary line between our properties – not the unacceptable, flimsy fencing panels erected by the developers last week which make our homes feel like Colditz. While 'mature trees' may be ecologically suitable in some cases (noting the developers removed a line of them from part of the boundary) there are draw-backs in this instance:

i.) the roots of any trees (noting conifers grow down) could create future problems as has happened with the flood damage. ii.) unless sufficiently mature to block viewing into our gardens from first floor windows they would take some years to reach satisfactory height. An undertaking would also need to be given preventing pruning by future residents.

Suggested alternative

As part of your Council's planning permission the developer has had to agree to spend 1% of the total cost of the development on Public Art. Couldn't a substantial part of this Public Art Fund be used for an aesthetically appealing and artistically designed permanent screening, approved by everyone including residents, erected before any of the abutting houses are occupied? Something like a wrought-iron fence covered with beaten metal silhouettes of Welsh dragons, daffodils and leeks. This would mean that although the fence would essentially block viewing it would also be considerably more suitable to stand up against the hill-top prevailing winter winds and weather.

I trust your Members will recognise the above is put to everyone in an attempt to gain an equitable solution to what has become a horrific experience to my neighbours and me, many of whom are their 70s, 80s and 90s.

Sincerely,

Sue Palfrey (Ms)

Sent from Yahoo Mail for iPhone

## LATE ITEMS FOR COMMITTEE

**COMMITTEE DATE: 30 July 2015**

<b>Application No.:</b> 2015/00095/FUL	<b>Case Officer:</b> Mr. Steven Rennie
<b>Location:</b> Ardwyn, Pen Y Turnpike Road, Dinas Powys	
<b>Proposal:</b> Construction of eighteen dwellings and associated works	

**From: Ms Palfrey (Neighbour at 24 Millbrook Heights), including response from Case Officer;**

**Summary of Comments:**

Ms Palfrey has written in respond to the Planning Committee Report on a number of points.

Ms Palfrey has criticised the report for including plan exerts only showing the additional dwelling position towards the centre of the site and not the relationship between the proposed dwellings nearest Millbrook Heights or the survey plan submitted. In response, the report has identified the central section of the site to include inserts as this is the most significant aspect of the application, with an additional dwelling being proposed in this section over that previously approved. All the plans are available for Members and the general public to view via our website, including the latest layout plan (2014/101-U) which is attached to this note for your information.

Ms Palfrey has also criticised the amendments proposed by the applicant to remove the rooflight in units 13 and 15, as she feels this is done as a result of objections raised. In response, it is acknowledged that this was proposed to further mitigate any potential impact to neighbour amenities and is considered a positive change made by the applicant to respond to concerns raised by neighbours. These alterations have been reflected in additional planning conditions recommended.

Ms Palfrey raises the issue of the crack in her rear garden retaining wall and states that this was caused by the development of the site and an incident that occurred when the former Ardwyn building was demolished. However, the incident is not a planning matter and is an issue to be resolved by Ms Palfrey or her insurers and the adjacent land owner. Ms Palfrey's email containing a photograph of the wall crack has been included in the report Appendices.

In terms of the houses proposed, Ms Palfrey states that it should be stated that a second floor has been included in some of the proposed dwellings. It is acknowledged that second floor accommodation is included and is shown clearly on the submitted plans. However, Members should also note that the second floor accommodation is positioned within the roof voids, as has been described in the Committee Report.

Ms Palfrey has criticised the lack of precise details of the house positions in comparison to the original consent. In response, it is acknowledged that the dwellings are not in exactly the same position as previously approved, especially towards the centre of the site where the additional dwelling is located. However, the dwellings being built closest to Millbrook

Heights are within the same position as was previously approved, with any alteration considered minimal. The position of the houses are shown clearly on the proposed plans, which has been shown with the submitted survey to be based on the position of the dwellings currently being built on site. As such, if approved the dwellings adjacent to Millbrook Heights should be built in the accordance with the submitted layout plan to be considered with this application. The information in relation to the trees has been submitted with this application and have formed part of the consideration of the proposals. This information has been available to view via the Council's website.

In terms of the distance between Ms Palfrey's bungalow (rear elevation) and the proposed house at Plot 15, Ms Palfrey has claimed that the distance stated of approximately 30m is misleading. In response, it is considered that from measurements taken this is an accurate depiction of the distance between buildings, with most of the proposed house being over the 30m. This will be demonstrated on site for Members using laser measuring equipment to avoid any uncertainty regarding this important issue. At no time was it agreed that the distance between Ms Palfrey's bungalow and the house at Plot 15 was 26.3m. The meeting on site at Ms Palfrey's property was to measure to the rear boundary to ensure this was properly represented on the submitted plan. It was considered that the plan that was submitted did represent the distance from the rear elevation of Ms Palfrey's bungalow to the rear boundary with the site. The projecting conservatory was taken into consideration, which is discussed in the Committee Report, though a separation distance of 26.3m was not agreed at the time of the meeting.

Officers have met Ms Palfrey on site and discussed the proposals with her over the telephone. Amendments have been made by the applicant to further mitigate the impact to the neighbour (the omission of the rooflight in the rear elevation of Plot 15) and they have surveyed the site to confirm the distance to the boundary. The applicant has also indicated enhanced landscaping to the boundary with 24 Millbrook Heights to further screen the development in response to Ms Palfrey's concerns.

Also attached to this Late Representation Note for Members attention is the letter dated 23 July 2015 from Managing Director Mr R Thomas to Ms Palfrey regarding her objections to the proposals and complaints made.

In regard to the landscaping proposals, additional landscaping will be required to the boundary with Millbrook Heights and will be considered in due course.

13.

## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00095/FUL	<b>Case Officer:</b> Mr. Steven Rennie
<b>Location:</b> Ardwyn, Pen Y Turnpike Road, Dinas Powys	
<b>Proposal:</b> Construction of eighteen dwellings and associated works	

**From: Mr James Regan (Member of Public)**

**Summary of Comments:**

Mr Regan comments that the proposed houses would have an impact on the diffuse skylight considering the difference in levels between the proposed houses and the dwellings along Millbrook Heights. Mr Regan also raises the concern of the separation distance being less than 30m. Mr Regan states that the Supplementary Planning Guidance 'Amenity Standards' is deficient as a planning policy document.

In response, the distance between the proposed houses and the existing dwellings have been calculated with both some on-site measurements and also using the scale plans and survey details provided. Laser measuring equipment will be used at the Committee Site visit to demonstrate the separation distances.

It has been assessed as part of the application that the separation distance between the proposed and existing dwellings is such that this should result in no significant overshadowing impact, including by the diffusion of light in general.



## Rennie, Steven

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**From:** James Regan [redacted]  
**Sent:** 24 July 2015 14:00  
**To:** Rennie, Steven  
**Cc:** Goldsworthy, Marcus J  
**Subject:** Ardwyn

I now see that the over 30 m separation distance is being referred to as approximately in the appendices for 30 July planning meeting and in an email sent from Marcus.

Can you send me the details of how the "over 30m" separation distance was determined/calculated and plans of houses A and C which show the dimensions of them please.

I also note that you refer to North facing and overshadowing in reference to sunlight in your late representations for the previous meeting on 2nd July. I will be making further representations for the meeting of 30th July. My previous reference was for natural light which is clearly defined as a separate issue in the supplementary planning guidance this is know as diffuse skylight. Your statement that sunlight is not affected by the north facing is irrelevant as diffuse skylight or radiation is considered when there is cloud cover and I will be making this clear in my representation for the committee to see. The continual references to the 21 m separation distance fail to mention that this is for opposing windows which is for buildings on the same level and as I have stated you have no means to determine separation distances where differences in elevation are concerned. Most correspondence also mention the distance to the conservatory at 24 Millbrook heights but fail to acknowledge that the distance of the new development to that house is 28.7m 1.3 m short of the over 30m which was the distance for the planning consent therefore the developer is in breach.

It is quite clear that the SPG amenity standard having not been revised since 2006 and not covering the necessary aspects to protect existing residents makes the policy deficient in the requirements set out by planning policy Wales.

James Regan

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## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00218/FUL	<b>Case Officer:</b> Mr. Morgan P. Howell
<b>Location:</b> Land at Rosedew Farm, Beach Road, Llantwit Major	
<b>Proposal:</b> Construction of a ground mounted solar PV project and associated development	

**From: Morgan Howell- Planning Officer**

**Summary of Comments:**

Condition 2 amendment to include amended site location plan: -

Condition 2 will now read : -

The development shall be carried out in accordance with the approved plans and documents received on 2nd March 2015 and the amended site location plan received on 10th July 2015.

Reason:

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

## LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

<b>Application No.:</b> 2015/00218/FUL	<b>Case Officer:</b> Mr. Morgan P. Howell
<b>Location:</b> Land at Rosedew Farm, Beach Road, Llantwit Major <b>Proposal:</b> Construction of a ground mounted solar PV project and associated development	

**From: Planning Authority**

**Summary of Comments: Additional condition requested and added as a late rep.  
The condition reads as follows: -**

The developer shall prepare a Traffic Management Plan (TMP) to show proposals for transporting the abnormal indivisible loads associated with the construction phase of this scheme. The TMP shall include proposed timescales and delivery schedules as well as numbers, dimensions, weights, axle distributions etc. of delivery vehicles. The TMP shall also include:

- a. Construction vehicle routeing plans at 1:2500 scale for all traffic showing swept path analysis from the point of entry onto the public highway network to the site; and in reverse for decommissioning.
- b. Construction vehicle routeing plans at 1:2500 scale for all traffic showing highway mitigation required and land ownership boundaries including identified holding areas, passing areas and layover areas. Any highway mitigation shall include supporting HD19/03 Safety Audit documentation.
- c. No development shall commence until the land required for highway mitigation and holding areas has been acquired or made available for use.
- d. Site access highway design plans at 1:2500 scale that shall include supporting HD19/03 Safety Audit documentation.
- e. Detailed schedules of the management of junctions to and crossings of the public highway and other public rights of way during delivery of construction materials and other operating equipment.
- f. The provision of delivery schedules detailing the time and date of movements, nature of delivery vehicles: particularly detailing vehicle parameters, gross vehicle weight, number of vehicles in convoy size, dimensions (width, length, height) and weight (total vehicle with loads and axel loading).
- g. Details of escorts highlighting where and when along the route private vehicles, Banksman and Police vehicles escorts will be used.

- h. Provision of plan drawings and associated traffic signs schedule highlighting locations along the route where temporary traffic management (cones, temporary signs, etc.) needs to be deployed.
- i. An agreed impact assessment on all highway structures on the affected route, including bridges, culverts, retaining walls, embankments, drainage features, and third party buildings and structures and a comprehensive condition survey of the agreed length of the haulage route undertaken by a suitably qualified and experienced Highway Maintenance Consultant, to provide a benchmark of the existing standard of the road.
- j. Following completion of construction activities, the developer shall carry out a final road survey to determine any areas which require repair works to return the highway to the pre-existing condition and undertake the identified works to the satisfaction of the Local Planning Authority, making good of any damage done by construction traffic associated with the proposed development to the trunk road and county road network including street furniture, structures, drainage features, highway verges and carriageway surfaces.
- k. Documented trial runs with supporting videoed evidence shall be included in the TMP demonstrating the suitability of the entire transport route from point of entry onto the highway network to the site for all deliveries and in reverse for the decommissioning of the windfarm unless the components are broken up on site.
- l. Details of all required road widening's, passing places, bridge strengthening etc.
- m. Any temporary Traffic Regulation Orders (TTRO's) for each section of the routes where the Police may need to stop or hold traffic.
- n. Details of measures for wheel washing and dust suppression.
- o. Confirmation that no construction traffic or deliveries to the site shall be made or leave the site during the hours of 7.30-9.30 am and 3-6 pm.
- p. The TMP shall be submitted to and approved in writing by the Local Planning Authority and the development shall at all times be carried out in accordance with the approved TMP and the details submitted and agreed therein.

Reason:

In the interests of highway safety and to ensure compliance with Policies TRAN 10, ENV27 and COMM7 of the Unitary Development Plan.