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Ffôn/Phone: 03000 065 3091

FAO: Steven Rennie

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

28 May 2015

Dear Sir/Madam,

REDEVELOPMENT OF REDUNDANT LIGHT INDUSTRIAL SITE WITH DEMOLITION OF OFFICE AND STORAGE BUILDINGS AND REPLACEMENT WITH 3 NO NEW 2/3 STOREY B1 OFFICE BUILDINGS AT SITE ADJACENT TO BEVAN HOUSE, PENARTH ROAD, CARDIFF.

Thank you for consulting us on the above application, which we received on the 6 May 2015. We have previously made comments on the above application (our reference: SE/2009/111349/03) requesting additional information regarding further site investigation works. We have not yet received this information to date however, we have reviewed the additional information submitted and provide you with our comments below.

We do not object to the proposal provided the following appropriately worded conditions are included on any planning permission your Local Authority is minded to grant. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Land Affected by Contamination

We consider that controlled waters at the site are sensitive due to the proximity to surface waters and contamination is known to be present at the site. Therefore the proposed development will only be acceptable if the following conditions are included in any planning permission granted.

Condition

Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

To prevent pollution to controlled waters.

Long Term Monitoring

Condition

Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons

To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority. ✓

Reasons

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Unsuspected Contamination

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. ✓

Reasons

Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Surface Water and Drainage

Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons

To ensure that there is no unacceptable risk to controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins

Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reasons

There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Further Advice

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to Environment Agency document 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to Groundwater protection: Principles and practice (GP3).

If you have any further queries, please don't hesitate to contact us.

Yours faithfully

Melinda (Lindy) Barratt

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales

From: Morgan Barbara <Barbara.Morgan@networkrail.co.uk>
Sent: 08 July 2015 13:33
To: Planning & Transportation (Customer Care)
Subject: FW: Planning Application: 2009/00923/FUL

RECEIVED

09 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



Network Rail
 3rd Floor
 Bristol Temple Point
 Bristol
 BS1 6NL

Ask for : Barbara Morgan
 Tel : 0117 3721118

My Ref : P/TP15/0236/BM
 Your Ref : 2009/00923/FUL

Date : 8th July 2015

D.E.E.R
RECEIVED
ACTION BY: <i>SE2/JMC</i>
NO: <i>5</i>
ACK:

Dear Steven Rennie

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: Redevelopment of redundant light industrial site with demolition of office and storage buildings and replacement with 3 no new 2/3 storey B1 office buildings.

Site adjacent to Bevan House, Penarth Road, Cardiff

Further to your email and revised plans showing the proposed buildings positioned 2m off the boundary, I can confirm that Network Rail formally withdraws the objection to this proposal.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land remains.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Please feel free to get in contact if you have any questions.

Yours sincerely,



Barbara Morgan
Town Planning Technician (Western)

www.networkrail.co.uk/property

Please send all Notifications and Consultations to townplanningwestern@networkrail.co.uk or by post to Network Rail, Town Planning, 3rd Floor, Bristol Temple Point, Redcliffe Way, Bristol BS1 6NL

2014/00104/FUL Received on 29 January 2014

Pyke Street Developments, Bedw Arian, School Lane, Gwaelod-y-Garth, Cardiff.,
CF15

Pyke Street Developments, Bedw Arian, School Lane, Gwaelod-y-Garth, Cardiff.,
CF15

**Elim Pentecostal Church, Pyke Street, Barry
CF15 9HN**

Demolition of remaining Church Hall annex and development of four two bedroom
and two one bedroom flats with associated access and amenity areas

SITE AND CONTEXT

The application site sits on the corner of Pyke Street and Crossways Street and was formerly the site of the Elim Pentecostal Church situated approximately 125 metres north of Holton Road. The property sits in a predominantly residential area within the settlement of Barry as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. Part of the church hall has already been demolished from the site although part of the church building remains although the use as a church has been abandoned.

DESCRIPTION OF DEVELOPMENT

The application is for the demolition of the remaining church hall annex on the site and the erection of 4 No. two bedroom flats and 2 No. one bedroom flats contained within a part-three storey, part-two storey and part-single storey block as shown on the elevation drawings shown below:

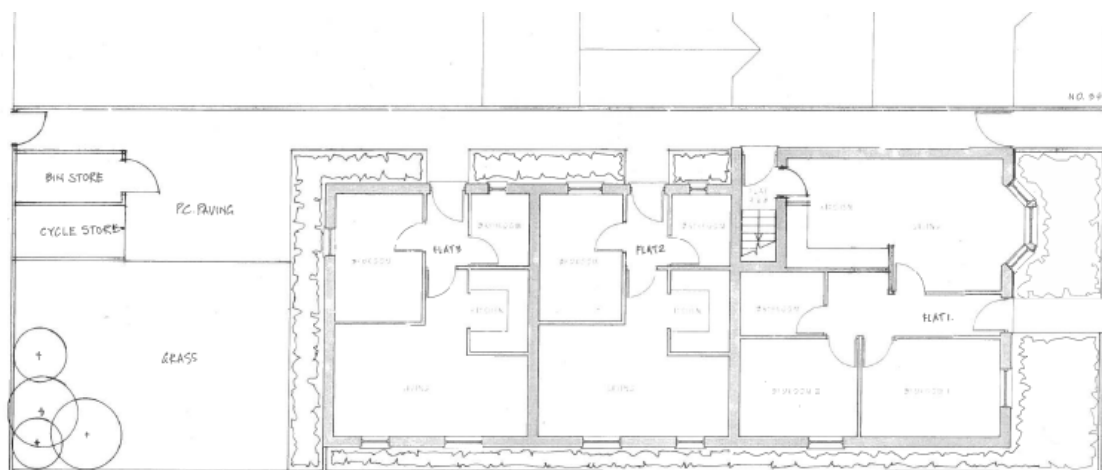




The proposal indicates the units will be served by a shared area of amenity space of approximately 84m² with each of the units enjoying access to this area. Within the supporting documentation the applicant indicates that the proposed flats would provide affordable housing which is supported by a letter of interest from Hendre Housing Association.

The initially submitted scheme indicated the erection of substantial building to the front of the site and a detached two storey structure situated towards the rear of the site, however, an amended scheme was requested following concerns relating to overdevelopment and the design.

The layout is as follows:



PLANNING HISTORY

2012/00544/PND : Elim Pentecostal Church, Pyke Street, Barry. Demolition of church building. Approved further information

1982/00813/FUL : Elim Pentecostal Church, 60/61, Pyke Street, Barry. Extension to minor hall and new toilets. Approved.

1981/00896/OUT : 'Elim Pentecostal Church', 60/61, Pyke Street, Barry.
Demolition of screen wall to yard, extending the small hall (in the existing school room) refurbishing the toilets and reducing the boiler room in area. Approved.

CONSULTATIONS

Barry Town Council object to the proposal due to the scale, design and layout, amount of on-site car parking, lack of amenity space, drying, refuse storage areas or cycle parking provision.

The Council's Highway Development Team was consulted with regard to the application. The comments state that whilst they have 'no objections to a suitably scaled redevelopment of the site in principle' they note with regard to the original proposal for 7 units that there would be insufficient parking. No comments have been received in respect of the proposal for 6 units.

The Director of Legal and Regulatory Services (Environmental Health) was consulted and request a Construction Environmental Management Plan be provided prior to works taking place.

Local Ward Members were consulted with regard to the application and comments have been received from Councillor Ian Johnson in relation to the original scheme for 7 No. units. The Councillor raised concerns that the proposals represent an overdevelopment of the site, lacking adequate parking and amenity space. Comments were also received from Councillor Fred Johnson noting concerns relating to parking.

Dwr Cymru Welsh Water commented on the application requesting that conditions be attached to any consent given relating to foul and surface water discharges, surface water not connecting direct to the public sewerage system, land drainage not discharging to sewerage system and requiring the developer to provide a scheme for comprehensive drainage of the site.

The Council's Ecology Officer was consulted with regard to the application although no comments had been received at the time of writing this report.

The Council's Housing Strategy Section was consulted with regard to the application and note that they are supportive of the application due to particular need for smaller units in the area, although note that they 'will not derive any direct benefits from the proposal if it is developed solely as a market housing site.'

Comments were received from **South Wales Fire Service** including a number of advisory notes for the developer.

Glamorgan Gwent Archaeological Trust commented on the scheme noting that they have 'no objection to the positive determination of this application.'

REPRESENTATIONS

The neighbouring properties were consulted on 7 February 2014 and again on 8 August 2014 and a site notice was also displayed on 10 February 2014. At the time of writing this report 11 letters of representation were received with regard to the application, raising the following points:

- Inadequate parking provision, exacerbating existing problems in the area.
- Proposals out of character with the surrounding area.
- Overdevelopment of the site.
- Potential overlooking.
- Loss of boundary wall to 59 Pyke Street.
- Security issues relating to rear lane.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

STRATEGIC POLICIES 2, 3, 8 AND 9

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS12 - AFFORDABLE HOUSING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS

TRAN 10 - PARKING

Planning Policy Wales (Edition 7, 2014) advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.

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

National Planning Policy:

Planning Policy Wales (Edition 7, 2014)

Technical Advice Notes:

TAN2: Planning and Affordable Housing
TAN12: Design
TAN22: Designing for Sustainable Buildings

Supplementary Planning Guidance:

Affordable Housing
Amenity Standards
Planning Obligations

Background Evidence:

Affordable Housing Background Paper (2013)
Affordable Housing Viability Study (2013)

Issues

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

- The principle of the development.
- The scale, form and design of the building and its impact on the character of the area.
- Highways issues including access and the level of parking to serve the development.
- The level of amenity space to serve the units and public open space provision.
- Impact on residential amenity.

Principle of Development

The site sits on a prominent position at the corner of Pyke Street and Crossways Street. As detailed previously part of the church hall that formerly occupied the site has already been demolished (as per 2012/00544/PND) with part of the building remaining towards the west of the site and is currently enclosed by hoardings. The application proposes the demolition of the remaining structure on the site and the provision of 6 no. residential units contained within one block being part three-storey, two storey and single storey.

The application does fall within the defined settlement boundary of Barry and as such additional residential development is acceptable in principle subject to the provisions of Policies ENV27 and HOUS8 of the Unitary Development Plan.

The provision of 6 affordable units would contribute to meeting the Council's affordable housing targets and meet the need for affordable housing in the locality. The need for the provision of affordable housing within the Vale is well evidenced by the Council's Local Housing Market Assessment (revised 2013) which forms part of the background evidence for the emerging Local Development Plan. This assessment recognises that there is annual need within the Vale for 915 affordable dwellings with a recognised need within Barry of 552 units per annum constituting 59.9% of this shortfall. There is also a recognised need for the provision of one and two bedroom units to mitigate the impact of the under occupancy changes made to the Housing Benefit Regulations. It is therefore considered that there is a clear and identified need for affordable housing within this area.

The Scale, Form and Design of Development

The proposal comprises 6 units within one block towards the front of the site within a part-three storey, part-two storey and part-single storey block. The proposals represent a relatively high density form of development on this site, and the applicant has provided a viability assessment of the scheme indicating that the development of this site requires the provision of 6 no. units to make the scheme viable. Having regard to this, the site's brownfield or previously developed character, the identified need for affordable housing within Barry and the desirability of making efficient use of land in sustainable urban locations, it is considered that a high density development is not unacceptable in principle.

In terms of design the proposal has been amended to better reflect the general mass of the adjoining terrace, with a similar bay window to the ground floor on the Pyke Street elevation, brick coursing to match and fenestration of a similar scale and design. To the side elevation a gable feature broken by windows has been introduced with a lower two storey projection to the rear which broadly reflects the design and mass of 62 Crossways Street opposite and 2 Court Road to the west. Whilst noting it is proposed to finish the building in render with brick coursing, the neighbouring dwellings are predominantly finished in stone. As such it is considered reasonable to attach a condition to any consent given requiring a full schedule of materials including samples to be submitted to ensure that the finish of the proposed development is appropriate in this context.

In summary it is considered that the design and form of the development has sufficient regard to the general design and scale of buildings in the vicinity, such that the building would not appear as over scaled or incongruous and would preserve the visual amenity of the street. It therefore complies with Policies ENV27 and HOUS8 in that regard.

Amenity Space Provision

Policy 2 of the adopted Amenity Standards SPG requires useable, adequate and appropriate amenity space to be provided with any residential development (20m² per person in the case of flats).

The submitted proposals include an area of approximately 84m² of amenity space to serve future occupiers, which would be substandard relative to the guidance contained within Policies HOUS8 and ENV27 and the supporting SPG. Bin and cycle storage are proposed within the amenity area although this area has been discounted from the level of amenity provision at the site.

Notwithstanding the lack of amenity space in comparison to the requirements in the Council's SPG, it is recognised that the application relates to a physically constrained site within an urban location and as such it would not be practicable to provide such a large area of amenity space on-site. Accordingly, it is considered that given the location, there is potential for the requirement for private amenity space on-site to be relaxed to some degree.

Policy REC3 requires the provision of public open space which, given the restricted nature of the site and required density, it would be impractical to provide this on site. In accordance with Planning Policy Wales and TAN16: Sport, Recreation and Open Space, Policy REC3 of the Development Plan and adopted supplementary planning guidance 'Planning Obligations' requires the provision of public open space and recreational facilities to meet the needs of future occupiers. Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined previously and within the approved Amenity Standards SPG.

Given the confines of the site it is impractical to provide on-site open space, although notwithstanding this it is noted that the application site is in close proximity to existing public open spaces, within 300 metres of both Central Park and Bassett Park. As such it is considered reasonable to request a financial contribution for the provision of new or improvements to existing Public Open Space, off-site.

The Council has developed a formula to calculate reasonable levels of contributions to provide or enhance public open space off-site, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. This amount has been calculated having regard to the Council's Supplementary Planning Guidance on Planning Obligations and the statutory tests contained within the CIL Regulations, which require planning obligations to be necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

The Planning Obligations SPG document indicates that contributions towards off-site contributions should be requested on the basis of £2,280 per dwelling proposed based upon an average household size of 2.28 people and £1,000 per person. In this instance therefore a contribution of £13,680 would usually be sought for a development of the scale proposed.

It acknowledged that the proposals would not provide adequate on-site amenity provision for a development of this form, although given the location and proximity of nearby public open spaces, the property's town centre location and the tenure of the proposed development, it is considered that the identified off-site contribution would adequately meet the needs of future occupiers of the development. Therefore, whilst this is a balanced case, it is considered that subject to the above, the proposed development is acceptable in terms of open space provision and that the development would accord with the aims of Policies ENV27, HOUS8 and REC3 and the Council's SPG.

Parking Provision

The revised proposals indicate the provision of no on-site parking facilities within the confines of the site, which would represent a shortfall in the level of parking when assessed against the requirements of the CSS Parking guidelines for a residential development of the form proposed. However, it is acknowledged that the application site is physically constrained and parking requirements need to be balanced against the requirement to provide amenity space for future occupiers of the dwellings. It must also be noted that the previous use of the building as a place of worship/community facility would have resulted in a need for substantial parking on local highways with no on-site provision.

Whilst it is acknowledged that there may be a change in the nature of parking demand, significant weight must be given to the fact that the application proposes the redevelopment of the site to provide affordable housing whilst the previous use of the site would also have been substandard in parking. Furthermore car ownership amongst occupiers of affordable housing schemes is typically lower than that of market housing developments whilst the building is evidently situated within a sustainable location, reducing the requirement for car ownership of prospective tenants.

The property also lies in close proximity to Upper Holton Road and Barry Town Centre with associated shopping and other facilities and within close proximity to Barry Docks Railway Station (approximately 600 metres distant) and other public transport facilities. The application site is therefore in a sustainable location with good access to local services and public transport links and seeks to find a new use for a vacant site. Given its location, the nature of the previous use and the proposed tenure, it is considered that a pragmatic and flexible stance can be adopted in this instance which would comply with the aims of national planning guidance to reduce the dependence on private motor vehicles and encourage more sustainable forms of transport use. On balance therefore it is considered that despite the lack of on-site parking provision, the nature of tenure, its edge of town centre location and the nature of the previous use are such that the lack of parking does not warrant the refusal of the application.

Impact upon Amenity of Neighbouring Residential Properties

The application proposes the demolition of the remainder of the building from the site and the erection of a part-three storey, part-two storey and part-single storey block in its stead. When visiting the site it was noted that the blank flank wall of 59 Pyke Street fronts onto the application site. Whilst acknowledging that the proposals would introduce a relatively substantial building on the site, it is noted that the two storey elements of the building would not project beyond the rear of the neighbouring property, while the windows in the northern elevation would front onto the blank flank wall of the neighbouring dwelling. As such it is considered that the proposals would not result in an unacceptable degree of detriment to the amenity of number 59 and certainly not to an extent to warrant refusal of planning permission.

The proposals would result in the introduction of additional windows at first floor and second floor level. However, it is considered that the proposals would not result in an unacceptable degree of overlooking of neighbouring residential properties. It is also acknowledged that the proposals would result in additional windows within the southern elevation that would front onto the side elevation of 62 Pyke Street across Crossways Street with a separation of approximately 12 metres. Whilst noting this separation is less than the 21 metres suggested within the amenity standards, such a separation is not typical of the separation between properties in this area and it is considered that any resultant overlooking would not be demonstrably harmful to amenity in this context, especially when also a public highway.

Planning Obligations

Public Open Space

As noted above, given the number of units, a contribution is required in accordance with the adopted Planning Obligations SPG a contribution towards Public Open Space and given the confines of the site no on-site area of Public Open Space can be provided at the site. However, given the location and proximity of nearby public open spaces, the property's town centre location, it is considered that the agreed contribution of £13,680 would adequately meet the needs of future occupiers of the development. The applicant has confirmed that they are agreeable to a contribution of this nature.

Planning Obligations Administration Fee

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 2% of the total financial contribution being sought under the agreement, or 20% of the planning application fee, whichever is the greater, subject to a minimum fee of £150. On the basis of the application fee, this would equate to £462.

CONCLUSION

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

Having regard to Policies ENV27, HOUS2 and HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the proposed development is considered acceptable in terms of its principle, parking, highway safety, residential amenity, design and amenity space provision.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall pay the sum of thirteen thousand six hundred and eighty pounds (£13,680) to the Council to provide or enhance Public Open Space in the vicinity of the site, to be payable on or before first beneficial occupation of the development.
- The dwellings to be built as part of the development built under the planning permission shall be built and thereafter maintained as affordable housing units in perpetuity.
- The Legal Agreement will include the standard clause requiring the payment of an administration fee (£462.00 in this case) and legal fees.

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

3. This consent shall only relate to the amended plans reference PL01B, PL02C, PL03B, PL05C and PL06C received on the 26 August 2014, and plan PL04A received on the 25 April 2014 and the development shall be carried out strictly in accordance with these details.

Reason:

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

4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

6. Prior to the first beneficial use of the development hereby approved details of the bin storage area and bicycle storage shall be submitted to and approved in writing by the Local Planning Authority and the approved bin store and bicycle storage areas shall be fully installed on site prior to the first beneficial use of the development hereby approved and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To safeguard the visual amenities of the area and to ensure the environment is protected in accordance with the requirements of Policies ENV27 and ENV29 of the Unitary Development Plan.

7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use and maintained as such thereafter unless otherwise agreed by the Local Planning Authority.

Reason:

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

8. Foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system, and to comply with policies ENv 27 and HOUS 8 of the unitary Development Plan.

10. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the commencement of development, details of the finished levels of the site and building in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the amenity space and visual appearance of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

12. The area of amenity space shown on the plans hereby approved shall be provided prior to the first beneficial occupation of any of the flats and shall be so retained at all times thereafter as a shared area of amenity space to serve all of the units.

Reason:

In order to ensure adequate amenity space is provided and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **Dwr Cymru Welsh Water (DCWW) have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. You should therefore contact the DCWW Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Please note that under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.**

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

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

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

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

14/00228/EAO 'A'

12 August 2014

Land South of Junction 34, M4, Hensol

Reference: 2014/00228/EAO

Annexe 1

European Protected Species

Bats

We note from the Environmental Statement (ES) that evidence of a maternity roost site for brown long-eared bats and an additional roost site for small numbers of an unknown bat species has been identified in trees within Zone W. We also note that a further six trees - supporting features suitable for use by roosting bats - are likely to be directly impacted by the development. A minimum of six species of bats have been recorded using the site.

There are discrepancies within the ES that makes it unclear what the impacts will be on the bat roosts in the two trees within Zone W. Whilst Section 4.7 of the Ecological Mitigation Strategy (EMS) states that these roosts will be retained, Section 9.181 of the ES indicates that there is potential for these trees to be felled as a result of the revisions to earth form works required in this area. No specific mitigation measures have been proposed in relation to these bat roost trees and in particular the brown long-eared bat maternity roost site. We acknowledge the general intention within Section 4.7 of Appendix 9.14 'Ecological Surveys Report' to provide bat boxes.

Should the further information identify significant potential impacts on these roosts, and in particular to the brown long-eared roost, measures should be provided to ensure that a viable and suitable maternity roost site for brown long-eared bats will be maintained on site. These measures should be appropriate to the nature of the impact, whether this be direct loss of the existing roosts or, if retained, potential indirect impacts associated with works immediately surrounding the roost sites within Zone W.

Without further information your authority cannot fully assess potential impacts upon brown long-eared bats as a result of the proposed development. In this respect, you cannot conclude that there will be no detriment to the maintenance of the favourable conservation status of this species. We therefore advise that this information is sought prior to determination.

Otters

We understand from Appendix 9.1 'Ecological Surveys Report' of the ES that surveys identified evidence of use of the site by otters.

14/00228/EA0 'A2'

Subject to the implementation of suitable measures set out in the ES we do not consider the proposed development will result in a detriment to the maintenance of favourable conservation status of otter.

Therefore, we would advise the following condition is secured to any permission your Authority is minded to grant.

Condition 1

No development shall take place until a method statement detailing how potential impacts upon otters during the construction phase of the development will be avoided is to be submitted to and agreed in writing with the local planning authority. The scheme is to be implemented as agreed.

Reason

To protect otter and its habitat within and adjacent to the development site during construction.

Badgers

We note from Appendix 9.1 of the ES that nine outline badger setts that are in use have been identified within the site and that a number of these will be lost as a result of the proposed development.

We welcome the measures proposed in Section 4.11 of Appendix 9.14 'Ecological Mitigation Strategy' of the ES to obtain a licence as required if setts are present that are in use and will be impacted by the works. Any such licence would be issued under Section 10(1)(d) of The Protection of Badgers Act 1992 for which we are the licensing authority. We can provide further advice if required.

14/00228/GAO'A
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Annexe 2

Habitats

The proposed development will result in losses to a number of semi natural grassland habitats of significant biodiversity importance, including habitats listed under section 42 of the Natural Environment and Rural Communities (NERC) Act. A comprehensive suite of ecological surveys have supported this application.

The proposed scheme will result in the loss of approximately 2.84ha of grassland identified as being of national value. We note the comprehensive mitigation proposals set out to manage and enhance the remaining habitats on site. This includes proposals to promote the development of other areas of species rich marshy grassland habitat of the wider site which currently support lower quality habitats and are unaffected by the proposals. The applicant has also proposed contributions to existing conservation initiatives being undertaken by third party conservation organisations.

The application is outline with all matters reserved apart from access. The main issue raised during pre-application discussions was the requirement to construct a single 1 million sq. ft. building to accommodate the distribution centre. The majority of losses of important habitats associated with the scheme primarily arise as a result of the requirement for this single large warehouse type of design and layout. Alternative layouts incorporating multiple smaller buildings could well be built without the direct losses that occur as a result of a single building of such a large scale.

We have concerns that after full planning permission is gained and the plateau of the centre is built, including infrastructure, you may receive applications for a group of smaller units on the plateau. Smaller units could, however, have been accommodated in a different way, avoiding the loss of important habitats that would occur by constructing a single large plateau.

We acknowledge this proposed use is an allocation within the emerging Local Development Plan (LDP). We refer to our comments made in reference to the allocation of this site in response to your LDP dated 23 December 2013 (Our Reference No: E/2013/116312/LP-01/DE). We stressed the importance of justifying the development of this site for employment at a regional/strategic scale.

In respect of this application, driven by the requirement for a large scale employment site, we strongly recommend that your Authority put measures in place so that any outline permission granted is conditioned to ensure the development is bound to the parameters described in the ES. If you do not consider this can be done through planning condition we recommend you consider a section 106 agreement. We recognise and understand the potential for change that comes with detailed design, but there should be set parameters by which development can occur whilst remaining in the project scope presented by the applicant. This is particularly important given the impact the development will have on habitats of significant importance as explained above.

14/00228/EA0'A4

Whilst accepting the proposed mitigation put forward by the applicant to manage and create habitats as part of the mitigation, there is always an element of uncertainty in relation to the success of these proposals. Avoidance of the impact(s) is always the preferred approach.

Ely Valley Site of Special Scientific Interest (SSSI)

We welcome the work undertaken by the applicant to assess the impact upon the Ely Valley SSSI. We advise that subject to securing the proposed Construction Environment Management Plan, coupled with exclusion fencing during construction, there will be no impact upon the integrity of the SSSI.

Mitigation

We note the reference to the likely involvement of a conservation body. However this is currently a suggestion and there is no guarantee in place. We would therefore seek assurances that should an agreement not be reached with the conservation body that the applicant is able to deliver the proposed mitigation measures in full. We suggest that this mitigation measure is best secured through the signing of a section 106 agreement between the developer and your Authority. We welcome the opportunity to discuss this with you.

Paragraph 3 of Appendix 9.14 entitled 'Ecological Mitigation Strategy' references the use of 'topsoil' from areas of habitat that would otherwise be lost, within zone 3 (Zone 3- Proposed wetland and marshy grassland on the landscape strategy plan). However the strategy provides little detail on the areas and volumes of topsoil to be used and where it will be placed. It is imperative that as much of the topsoil from those areas of grassland habitat to be lost is used within the habitat creation areas in the first instance and then within landscaping areas. This topsoil should be treated as a valuable resource as the low nutrient status of these soils and seed banks in these soils will greatly assist in the establishment of species rich and important habitats on site. Whilst we recognise that there may be little value in wholesale turf translocation due to the varying hydrology between the donor and receptor areas the retention of as much topsoil as possible will be beneficial in the long term.

Overall, the principles and undertakings set out within the mitigation strategy document by the applicant in relation to the proposed mitigation are adequate. However there will be a need to carefully consider the detail of these proposals through the proposed Ecological Mitigation and Management Plan (EMMP) which is proposed to be produced at a later date. We recommend that the EMMP should contain details of all proposed environmental mitigation and enhancement measures.

Flood Risk

We agree with the findings of the flood consequences assessment (FCA) prepared by BWB (Ref: BMW/2024/FCA/REVA) dated January 2014 and have the following comments:

Development Areas 1 and 2 propose a mix of less vulnerable uses, as set defined in Technical Advice Note 15: Development and Flood Risk (TAN15) figure 5.1. The FCA has proposed ground raising to remove the areas from the predicted 1 in 1000 year (0.1%)

14/00228/PA0'A₅

annual fluvial flood outlines. This mitigation allows the proposed development to be within the guidance set out in paragraphs A1.14 and A1.15 of TAN15.

Development Area 3 proposes a residential training institute / hotel and therefore a highly vulnerable use as set out in TAN15. However this is not within our 1 in 100 year (1%) or 1 in 1000 year (0.1%) annual probability fluvial flood outlines. We therefore have no further comment to make on flood risk to this part of the development.

Flood Risk Elsewhere

Comparing the results for the pre and post development scenarios shows there is a loss of floodplain with no direct compensation; this would be accompanied by a localised increase in flood levels. The increase in flood levels is shown to create new flood plain areas within the site boundary. As this is within the site boundary and provided the applicant accepts this, we have no further comments to make on this approach. The FCA has shown there to be no impact on flood levels in the wider catchment up to and including the 1 in 100 year (1%) with an allowance for climate change fluvial flood event.

In the 1 in 1000 year (0.1%) predicted flood event culverts A and I are overtopped, meaning that the culverts control pass on flows is lessened. During this design event there is an increase in flood levels within the downstream catchment with peak water levels predicted to increase by between 10mm and 40 mm. It appears that these increases are largely contained to the undeveloped floodplain within the site boundary. However, flood levels at the adjacent sewage treatment works could be increased by up to 30 mm and the wider catchment could be subject to an increase of between 10mm to 20 mm. BWB have also produced a map (drawing no BMW/2024/WSK019/P1, Summary of development impacts at T100 flood) which quantifies the above figures. This shows that no new properties or development will be affected by these increases and the effects dissipated as they are conveyed down the channel.

As such culverts A & I have been shown to control pass on fluvial flows from the site into the downstream floodplain. These must be retained in the current form or replaced like for like to prevent negative impacts in the wider catchment.

To ensure the development is carried out in accordance with the FCA we advise that the following condition is secured on any permission your authority may be minded to grant.

Condition 2

The development permitted shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) submitted by BWB ref: BMW/2024/FCA/REVA, dated January 2014 and the following mitigation measures detailed within the FCA:

1. Ground levels for Development Area 1 must be set at: 29.08 mAOD.
2. Ground levels for Development Area 2 must be set at: 28.39 mAOD.

Reason

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To ensure that flood risk is minimised.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, particularly on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not comment on or approve the adequacy of flood emergency warnings and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Surface Water Requirements

To ensure the effective management of surface water run-off from the development site and to prevent flooding elsewhere by resulting from the development, we advise that the scheme should ensure that run-off from the development will not exceed "Greenfield" runoff rates for this area of the catchment and that details of adoption and management are agreed to ensure that the scheme/systems remains effective for the lifetime of the development. In this case, we recommend that the following condition be included on any permission your authority is likely to grant.

Condition 3

Before commencement of the development, the applicant should submit a surface water management plan to demonstrate how surface water will be managed appropriately at the site. The Plan shall be submitted to and agreed in writing by the Local Planning Authority and the development must proceed in strict accordance with the approved plan.

Reason

To ensure flood risk is not increased elsewhere

We recommend that you seek advice from the Council's Land Drainage Department in relation to this. We request that we are consulted on any details submitted for approval to your Authority to discharge such a condition and on any subsequent amendments/alterations.

Ordinary watercourses and culverts

We note that there are a number of ordinary watercourses and culverts within the boundary of the site, any alteration or works that affect them such as diversion or replacement will require flood defence consent from the local authority. Any proposed works that may affect them must be discussed with the local authority to ascertain if they are satisfied and if consent is required.

Main River Consent

The watercourse known as the Nant Coslech is scheduled pursuant to the Water

14/00228/PA0'A,

Resources Act 1991 and our Land Drainage Byelaws, as a statutory main river. Therefore the developer must obtain the prior formal land drainage consent from us for any works in, under or over the watercourse, or within 7 metres of the base of any flood bank or wall, or where there is no bank or wall within 7 metres of the top of the riverbank.

Impacts on the Water Environment

Water Framework Directive (WFD)

We wish to advise the applicant that the requirements of the Water Framework Directive (WFD) should be considered at all planning stages, specifically any reserved matters application. Please note that the requirements of the WFD will also be considered through the Flood Defence Consent process.

Biodiversity

Diversion of Nant Coslech

The ES states that the diverted watercourse would include a naturalised corridor to maintain a landscape and habitat corridor. We support this general principle, and request that the diverted channel is designed in a natural way, using bioengineering solutions and to do this in discussion with ourselves.

The watercourse known as the Nant Coslech is scheduled pursuant to the Water Resources Act 1991 and our Land Drainage Byelaws, as a statutory main river. Therefore the developer must obtain the prior formal land drainage consent from us for any works in, under or over the watercourse, or within 7 metres of the base of any flood bank or wall, or where there is no bank or wall within 7 metres of the top of the riverbank.

We recommend that the following condition be secured to any permission your authority is likely to grant.

Condition 4

No development shall take place until a scheme for the provision and management of a 7 metre wide buffer zone alongside the Nant Coslech watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of 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)

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- details demonstrating 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 plus production of detailed management plan
- details of any footpaths, fencing
- Bioengineering techniques and watercourse design.

Reason

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

Ponds, scrapes.

We also note the loss of pond habitat at the site. The ES states that it will mitigate the loss by creating a series of scrapes and deeper ponds (9.137), we are content with the principle, however further detail will be required as part of the habitat management plan, see our comments above. Ideally there would be a minimum 2:1 ratio for new ponds created to compensate for those lost. Pond plants/materials/invertebrates should be translocated wherever possible to aid establishment and minimise impacts.

Invasive Species

We note that both Japanese Knotweed and Himalayan Balsam have been found at the site. We would therefore advise that the following condition be included on any permission your authority may be minded to grant.

Condition 5

No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese Knotweed and Himalayan Balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reasons

This condition is necessary to prevent the spread of Japanese Knotweed and Himalayan Balsam which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Wales.

14/00228/EA0A^CA⁹

Waste

The proposed development may require a standard rules permit/ bespoke permit under the Environmental Permitting Regulations (EPR) 2010. We do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution. This information may be required for any re modelling works/ land raising or landscaping depending on the type of material to be used in the development. However, in coming to your decision, the planning authority should be confident that any development will not result in unacceptable risks from pollution controlled by another pollution prevention regime, such as EPR. Therefore you should not focus on controlling pollution where it can be controlled by EPR.

The applicant is advised to contact our Environmental Management team at our Cardiff office on 02920 for further information and to start discussions over relevant permit requirements.

Future Communications

We look forward to having continued dialogue with you on this proposal and in regard to environmental matters. Our advice and comments may alter as more details become available and we reserve the right to change our position.

Should the developer require any consents/permits from Natural Resources Wales then application forms should be submitted to us as soon as possible and in advance of development because this may take several months to determine.

14/00228/EA0B



Economi, Gwyddoniaeth a Thrafnidiaeth
Economy, Science and Transport

Llywodraeth Cymru
Welsh Government

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

FAO Mrs Y J Prichard

Our Ref: qA 1150594
Your Ref: 2014/00228/EA0 (YP)

Date 26th June 2015

Dear Madam,

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012: OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED EXCEPT 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 ON LAND SOUTH OF JUNCTION 34 M4, HENSOL.

I refer to your consultation letters dated 5th June 2015 with regard to the additional traffic information submitted earlier in June in respect of the above planning application for the proposed development on land to the South of Junction 34. The Developer has now re-assessed the M4 Junctions 33 and 34 in accordance to the existing and future situations.

The Developer is proposing highway mitigation at Junction 34 in line with drawing BMW/2024/001/P3. Therefore, the Welsh Government, as the Highway Authority for the Motorway and Trunk Roads in Wales, has no objection in principle to this Development. However, the Welsh Government, as the Highway Authority for the Motorway and Trunk Roads in Wales, would direct the following conditions should be included in any Planning Consent you are mindful to grant.

- The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the developer to undertake DMRB compliant improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented

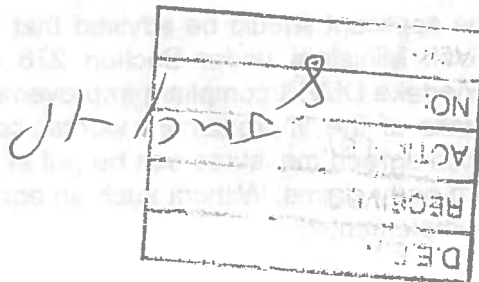
14/00228/EAO'B₂

- The Developer shall commission and pay for the Safety Audit of the scheme, (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/15, and implement any measures required as a result of this audit.
- No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction should be constructed such that the access road does not drain onto the trunk road. The form and detailed design of the drainage to be incorporated within the proposal shall be agreed with the local planning authority and our trunk road agent (SWTRA).
- No works shall be undertaken which could in any way effect the stability of the trunk road embankments in the vicinity of Junction 33 and 34.
- The development shall include any necessary adjustment of any public utilities apparatus, highway drains, streets lights, traffic signs or road markings arising from the works.
- The applicant shall provide an assessment of any road restraint system on the trunk road in accordance with TD19/06 of the Design Manual for Roads and Bridges. If, as a result of this assessment, any additional or enhanced road restraint is required due to the proposed development the applicant will be responsible for meeting all costs associated with these works.
- The developer shall submit detailed design drawings and calculations, prepared by a competent Geotechnical consultant in accordance with DMRB HD 22/08 Managing Geotechnical Risk.
- The proposed signalised junctions (Junction 34 and the site access) shall be MOVA-controlled. Queue loop detectors shall be installed to prevent queuing back from the site access onto the circulatory carriageway and the Motorway sliproads
- Any existing boundary feature is the property of the Welsh Assembly Government and shall not be removed or interfered with in any way.
- The applicant shall provide wheel-washing facilities at the site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site for the duration of the construction period.

Yours faithfully,

[Redacted signature]

Claudia Currie
Route Engineer
Network Management Division



2014/01129/OUT

Alun Cairns MP
Vale of Glamorgan



Appendix 'A'

HOUSE OF COMMONS
LONDON SW1A 0AA

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

10 November 2014

Ref: VoG

Dear Mark

Mount Sorrel Hotel, Porthkerry Road, Barry
2014/01129/OUT - Outline application for residential development and associated works
(including the demolition of existing structures on site)

As you can no doubt appreciate, I have been contacted by several residents who have expressed concern over the above planning proposal, and who are very worried about the effect that any development will have on pre-existing parking problems in the vicinity.

As a commercial resident of High Street, with my constituency office being located there, I am all too familiar with the parking situation, but I must express surprise that this change of use application has been submitted – buses belonging to coach tours are regularly parked outside the venue.

However, putting the parking situation aside, it does nonetheless highlight serious concerns I have should this application be approved, as it represents a loss of a valuable tourist asset.

Both the Council's UDP and supplementary planning guide (Barry Development Guidelines) highlight how important tourism is to Barry and Barry Island, and in the stated ambition to make Barry Island a premier tourist attraction in Wales, I fail to see how the loss of such an important facility will help achieve this.

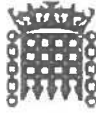
The Mount Sorrell Hotel is strategically situated within Barry to be able to take full advantage of any tourists that visit, not only the Island, but further afield in the Vale and neighbouring Cardiff, and I question whether or not a commercial argument has been submitted to the Council as to why it can no longer continue to run as a hotel. I am aware that in neighbouring authorities, in order for a change in classification, and economic argument must be present as to why it can no longer continue in its current guise.

29 High Street
Barry
CF62 7EB

Alun Cairns MP
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☎ 0207 219 5232 ☎ 01446 403814

29 Y Stryd Fawr
Y Barri
CF62 7EB

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

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

Yours sincerely

ALUN CAIRNS MP
Vale of Glamorgan

Please consider this letter to be private and not to be shared with any party without prior permission.

29 High Street
Barry
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2014/01129/OUT

Appendix 'B'

19A Porthkerry Road
Barry
CF62 7AY

4

22nd October 2014

Attn: Mr R Lankshear
Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

Dear Sirs

Re: Planning Application No. 2014/01129/OUT/RL, Mount Sorrel Hotel, Porthkerry Road, Barry.

The above Planning Application should be curtailed because (a) the number of new residences is excessive for the location and (b) the number of parking spaces is woefully inadequate and does not come close to meeting the council's own (often disregarded) guidelines.

The junction of Porthkerry Road and Windsor Road involves obliquely-intersecting, curved roads, a steep hill, a corner with restricted vision, a high proportion of turning traffic and a funeral chapel which advertises seating for up to 400 people yet does not offer a single off road parking space. The dangers that this junction already present will be considerably aggravated by injecting into this intersection additional parked cars and cars accessing the proposed development.

The proposed twenty parking spaces is grossly insufficient for the residents and no provision is made for visitors. One does not have to leave one's desk to confirm the lack of street parking. Just look at Google Streetview. In any case, the number of cars per household is constantly increasing so any requirements ought to look to the future rather than being justified by past errors and omissions. Selectively applying the council's own parking guidelines brings the integrity of the whole planning process into question.

To suggest that "future residents will seek sustainable modes of transport rather than the use of private cars" and "future residents will likely travel by bicycle or on foot" is laughable. Only dedicated cyclists are likely to attempt to cycle on the steep, adjacent roads. Furthermore, the application states "it is likely that cycle parking facilities could be integrated with the proposals". This is not a commitment and, no doubt, will be immediately forgotten if the application is approved. Applications should be approved or refused on specific commitments and not on conjecture of what might or could be done.

/

The online Application form asks for details of the number of existing and future employees. The reply in both cases is given as "0". Are we meant to believe that the hotel currently runs with no employees!

An application for 3/4 town houses or 20 quality apartments would be far more appropriate for this site.

Finally, it can only be hoped that the same degree of consideration is given to the concerns and wishes of local residents as will be given to the wishes of the applicant.

Yours faithfully

Mary Ruelle

DEER
RECEIVED
ACTION BY: IR RL
NO: P489
ACK: 23/10/14

RECEIVED

23 OCT 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

6

O'Keefe, Kevin T

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 01 November 2014 09:34
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2014/01129/OUT

New comments have been received for application 2014/01129/OUT at site address: Mount Sorrel Hotel, Porthkerry Road, Barry

from Mr james brown: [REDACTED]

Address:
29 coronation street barry ,cf634jw

Comments:

Other type details: Resident of barry.

Comment: The mount sorrel though not a listed building is a classic Victorian building which adds a lot to the general streetscape, I find the prospect of its demolition in very bad taste indeed. If the current owners deem it to be economically unviable then so be it but there are a myriad of other options that could be explored within the confines of the building such as a care/Nursing home without the need for demolition.

As for the application itself the application seems to suggest that the 20 odd car parking spaces provided is a betterment compared to the 12 provided by the hotel but does not take into account that the hotel guests would be transient and only there for a short space of time whilst permanent residential uses would figure generally in much higher car levels.

Case Officer:
Mr. Robert Lankshear

Area:
South

D.E.E.R
RECEIVED
ACTION BY <i>IRRL</i>
NO: <i>P26</i>
ACK:

RECEIVED
03 NOV 2014
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Barry Island Property Company
al3d, 2, Yew Tree Close, Tetsworth, Oxfordshire., OX9 7BP

The Dolphin, Friars Road, Barry

Demolition of the existing Dolphin bar/restaurant and redevelopment for 25 residential units, commercial uses and associated works

SITE AND CONTEXT

The application site comprises the south east corner of the former funfair/pleasure park site, Barry Island, which currently is occupied by the Dolphin public house. The site measures approximately 53m by 34m and incorporates the Dolphin Pub building and an area of hardstanding approximately 53m by 15m in size to the rear. The site directly adjoins the remainder of the 'pleasure park' site, which is presently not being used as a funfair or for any other active commercial use.

The site lies outside the settlement boundary of Barry but within the Barry Marine Conservation Area. The plan below shows the site in the context of the wider area:



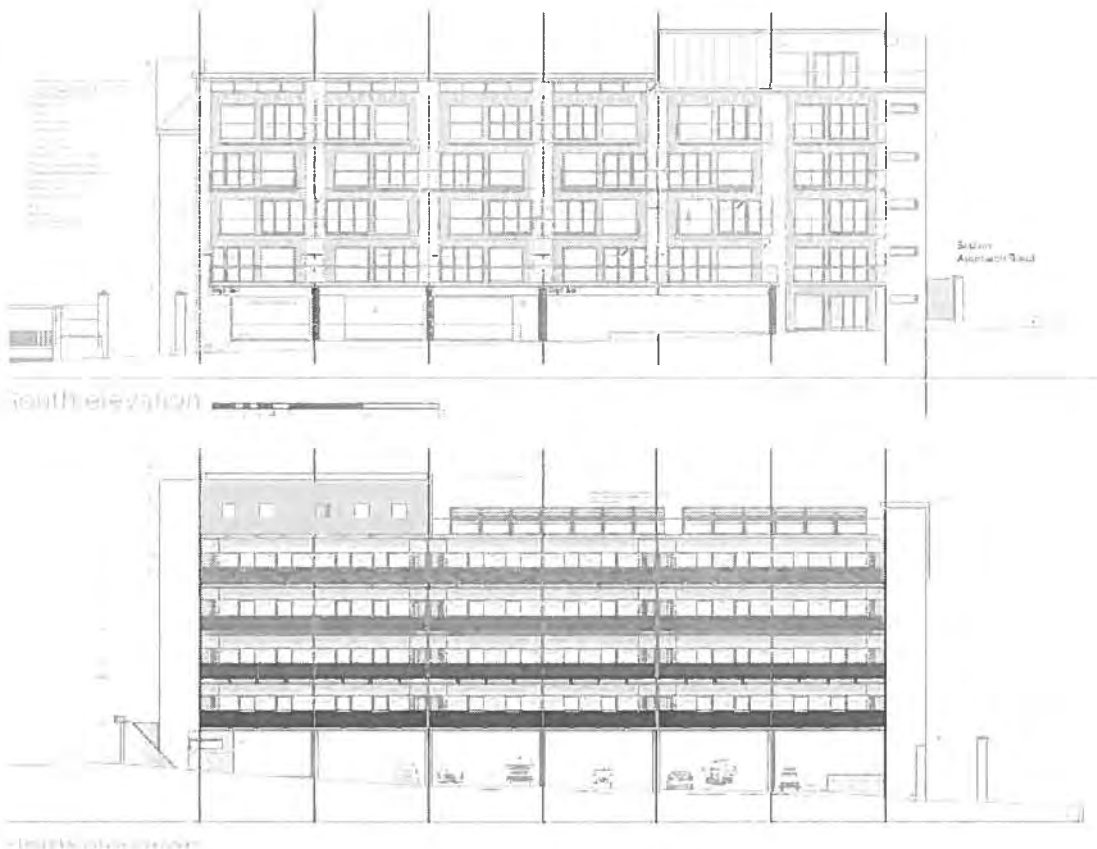
DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the Dolphin and the construction of a new building comprising commercial units at ground floor and 25 residential flats above (24 x 2 bed flats and 1 x 3 bed flat). It should be noted that all of the proposed units are 'market' flats, and no provision of affordable housing is made.

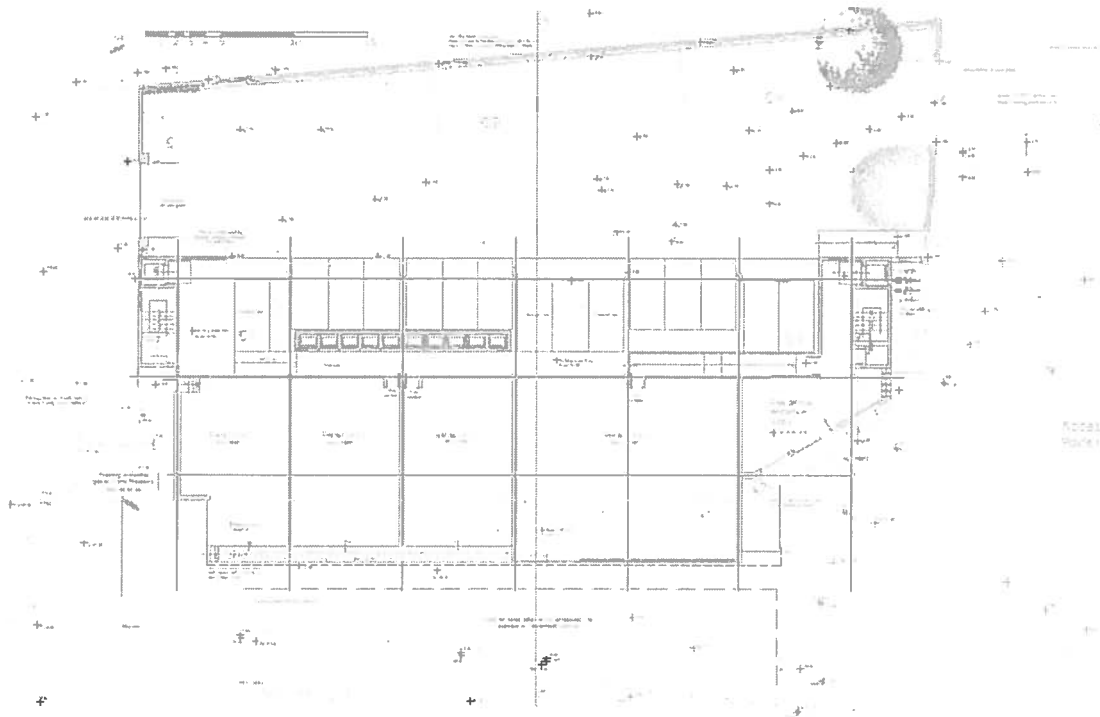
The commercial ground floor comprises 4 retail units, with a total floor space of 442m².

The proposed building is relatively contemporary in design, with a flat roof and a subservient 'penthouse' section on the roof. The main frontage is punctuated by a staggered pattern of balconies, with large areas of glazing comprising full height windows and doors. The rear elevation contains the pedestrian access points to the flats, comprising a series of walkways with balustrades.

The elevations of the proposed building are shown below:



In terms of the layout, the proposed building would be sited to the front of the site facing onto Friars Road, with vehicular access to the rear from Station Approach Road. The access leads to a parking area at the rear of the building containing 32 spaces, 14 of which would be sited undercroft, within the footprint of the upper floors of the building. The development layout is shown below:



PLANNING HISTORY

2008/01533/OUT: Barry Island Pleasure Park- Mixed use redevelopment including commercial leisure, retail and residential and a care home- Application finally disposed of.

The Council's Planning Committee resolved to approve application 2008/01533/OUT in 2012, however, the applicant failed to agree to the requisite provision of affordable housing and consequently, the Section 106 legal agreement was not completed. Following a significant period of time where the applicant failed to make any progress on resolving the issues surrounding affordable housing, the application was finally disposed of (effectively deemed withdrawn).

2000/00268/FUL: The Dolphin Public House, Friars Road, Barry Island - Retention of roller shutter security doors to enclose entrance lobbies at night - Approved.

1999/00467/ADV: Dolphin Public House, Friars Road, Barry Island - Various signs - Approved

1998/01271/FUL: Penny Arcade Plot, Barry Island Amusement Park, Barry Island - Proposed family public house - Approved.

CONSULTATIONS

Barry Town Council - "OBJECTION

Barry Town Council retains its concerns that a second access route linking Barry Island to the Waterfront and the Town Centre and the comprehensive redevelopment of the pleasure park are key to the rejuvenation of Barry Island as a tourist and day visitor destination. Furthermore, whilst the Town Council has previously expressed concern about the scale of the proposed residential units and the location of the proposed care home as outlined in the redevelopment proposals for the overall site it has welcomed the comprehensive development of the site. To this end it has previously sought condition that would ensure phasing of the development to achieve visitor attractions and a multi-screen cinema that help stimulate further regeneration of the area.

The proposed development as set out in this current application is unlikely to promote a comprehensive redevelopment of the area and may lead to piecemeal development of the site that may stymie such much needed full development of the Barry Island pleasure park area."

Highway Development - The initial response requested further information in terms of vision splays, servicing and the omission of the secondary access point. Subsequent to these comments, further highways work has been submitted by the applicant, and the Highways Engineer has raised no objection subject to conditions relating to issues including the access, parking and servicing, and construction traffic.

Operational Manager (Highways and Engineering- Drainage and Flood Risk)- Advice has been provided regarding the use of SUDS and soakaways, stating that those options should be considered prior to connecting surface water to the public system. Details of the proposed drainage scheme, including a declaration detailing responsibility for adoption and maintenance of it, are requested by condition.

Director of Legal and Regulatory Services (Environmental Health) - Concerns have been raised in respect of the principle of siting new flats so close to a funfair site and the reliability of assuming the same noise levels for this site as from a fair in Stourport. Additional information has been received from the applicant in respect of a buffer around the flats, within which 'noisy/thrill' rides would not be sited. Further comments have not been received from the Environmental Health Officer in respect of this proposal.

Glamorgan Gwent Archaeological Trust - No objection.

Local Ward Members - No representations received to date.

Dwr Cymru / Welsh Water - No objections subject to standard conditions relating to foul and surface water and the submission of a comprehensive drainage scheme for the site.

Ecology Officer - An objection was initially raised due to the age of the submitted bat survey (2008). However, there is a subsequent submission which seeks to update the 2008 report. No response has been received to date in respect of the updated bat report.

Waste Management- No representations received to date.

The Council's Affordable Housing Enabler has advised that 30% affordable housing is required, which equates to 8 units (all 2 bed flats and of which 7 should be social rented and 1 low cost home ownership).

Natural Resources Wales - An objection was initially raised due to the age of the submitted bat survey (2008). However, there is a subsequent submission which seeks to update the 2008 report. No response has been received to date in respect of the updated bat report.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Two letters of objection have been received, and the points are summarised as follows:

- The development of the pleasure park should be in a co-ordinated way to ensure that the plans aren't piecemeal.
- The appearance of the proposed building does not reflect the character of buildings in the area.
- Loss of sea views to existing properties. (not a material planning consideration)

A further letter has been received from the owner of the Esplanade Buildings, seeking confirmation that the company would be recorded as a neighbour for the purpose of notifications on applications for this site.

An example letter is attached at Appendix A.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 6 – TOURISM

POLICY 8 – TRANSPORTATION

POLICY 9 – SHOPPING FACILITIES

POLICY 10 – SHOPPING FACILITIES

POLICY 11 - SPORT & RECREATION

Policy:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV7 - WATER RESOURCES

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION

ENV20 – DEVELOPMENT IN CONSERVATION AREAS

ENV 21 – DEMOLITION IN CONSERVATION AREAS

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV28 - ACCESS FOR DISABLED PEOPLE

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS12 - AFFORDABLE HOUSING

TRAN10 – PARKING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT

REC6 - CHILDREN'S PLAYING FACILITIES

REC7 - SPORT AND LEISURE FACILITIES

SHOP10- NEW TAKEAWAY OUTLETS

SHOP12- NEW RETAIL DEVELOPMENT OUTSIDE DISTRICT SHOPPING CENTRES

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

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

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

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

Planning Policy Wales:

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

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular

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

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2006)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 4- Retailing and Town Centres
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Supplementary Planning Guidance:

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

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity standards
- Barry Development Guidelines
- Biodiversity and Development
- Planning Obligations
- Public Art

The development has also been assessed against the Barry Marine Conservation Area Appraisal and Management Plan.

The Local Development Plan:

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

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

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

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

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Local and Neighbourhood Retail Centres Review Background Paper (2013 Update)
- Local Housing Market Assessment (2013 Update)
- Open Space Background Paper (2013)
- Population and Housing Projections Background Paper (2013)
- Retail Planning Study (2013 Update)
- Sustainable Settlements Appraisal Review (2013)
- Town and District Retail Centre Appraisal (2013 Update)
- Joint Housing Land Availability Study (2014)
- The Affordable Housing Delivery Statement (2009)
- Vale of Glamorgan Council Local Development Plan Delivery Agreement
- Vale of Glamorgan Housing Strategy

Issues

Background

The application site formerly hosted a popular outdoor pleasure park, however, in recent years the park has declined and in the past few years it has only opened for limited lengths of time on a seasonal basis. Consequently, and partly due to financial constraints resulting from the decrease in popularity of the park, its condition has deteriorated, as has the contribution it makes to the local landscape and the tourism economy of the area.

Therefore, planning application 2008/01533/OUT was submitted for a mixed use development, which sought to provide a mixture of indoor leisure uses, retail, cafes/restaurants and residential uses. As noted above, however, the applicant failed to agree to the requisite provision of affordable housing and consequently, the Section 106 legal agreement was not completed. Following a significant period of time where the applicant failed to make any progress on resolving the issues surrounding affordable housing, the application was finally disposed of (effectively deemed withdrawn).

Following this, the Council has been in discussion with the owners of the site with a view to achieving the long term regeneration of the site. Alongside the discussions the current application has been submitted.

The main issues involved in the assessment of the application are therefore considered to be the principle of the development, scale, form, design and impact on the character of the area, impact on residential amenity (existing dwellings in the area and the proposed units themselves), highways issues, amenity space provision, drainage, ecology and viability/section 106 issues.

The principle of the development (and the principle of a development on part of the pleasure park site)

The application site is not allocated for any specific use within the UDP, however, it does state that the Council is keen to encourage strong links between the Waterfront and Barry Island and to attract new tourist attractions that widen the market and seasonal spread of activities.

Furthermore it is specifically allocated in the Council's Local Development Plan (LDP) Deposit Plan 2013, where Policy MG 26 states:

POLICY MG 26 - TOURISM AND LEISURE FACILITIES:

THE PROVISION OF ALL YEAR ROUND TOURISM AND LEISURE FACILITIES WILL BE FAVOURED. LAND IS ALLOCATED AT THE FOLLOWING LOCATIONS FOR TOURISM RELATED DEVELOPMENT:

1. BARRY ISLAND PLEASURE PARK, WHITMORE BAY;
2. LAND AT NELL'S POINT, WHITMORE BAY; AND
3. LAND AT COTTRELL PARK GOLF COURSE

The supporting text states:

6.153 In recent years the Barry Island Amusement Park has been the focus of development interest and the Council considers that redevelopment of this site would significantly enhance the range and choice of attractions available at Whitmore Bay. In allocating the site for tourism and leisure uses the Council is aware that a level of enabling development in the form of residential or other commercial development is likely to be required to make a scheme commercially viable. However, the primary focus of any redevelopment must be the provision of all-weather tourism and leisure facilities that support the ongoing tourism role of Whitmore Bay and Barry Island. In this regard any redevelopment proposal for the site which is overly biased towards residential uses will be resisted.

The proposed development relates to only part of the pleasure park site and consequently concerns were raised throughout pre application discussions (and have been raised by the Town Council and a resident) over what could be seen as a piecemeal approach to the regeneration of the site as a whole. The applicant has been advised that the Council would have significant and fundamental concerns over a development on just part of the site, unless sufficient assurances were provided as to how the remainder of the site would be progressed.

Therefore, while this application is specifically for the redevelopment of the Dolphin, it is nevertheless relevant to consider the remainder of the site, fundamentally because what happens to the remainder of the site is integral to the acceptability of this proposal, to guard against such a piecemeal approach.

The existing, authorised use of the remainder of the site is as a funfair and, while the former funfair has now ceased operating, a funfair could re-commence at any point without requiring planning permission. Notwithstanding this, officers have in any case been supportive of the principle on a renewed funfair at the site, given that this would provide a relatively unique leisure/tourism offer within the wider region, and one which is very relevant to the history and identity of Barry Island.

While a funfair would be largely outdoor based, the prospective owner of the site has confirmed intentions to provide a significant undercover building, which would give a substantial level of all-weather recreational facilities and complement the outdoor space. Notwithstanding this, it is considered that the outdoor element of a funfair would still be useable in the majority of weather conditions.

Therefore, notwithstanding the authorised use of the site, it is considered that the prospective funfair development would satisfy the requirements of the Deposit LDP in that it is inherently tourism/recreation related and would provide a useable facility all year round.

During the course of the application process, the applicant has demonstrated that there is now a legally binding provision in place for the remainder of the site to be sold to a new funfair operator, following the determination of this application. Members will need to be aware that the renewed funfair could operate at any time (not needing planning permission) and it is the current owners of the site that have chosen to link the re-use of the funfair with the planning process relating to the Dolphin Public House. Therefore, it is necessary to consider whether a) there are mechanisms in place to give the Council sufficient comfort as to how the remainder of the site would be developed and b) whether the mix of proposed uses for the Dolphin site is acceptable in itself.

It is considered that a significant degree of weight should be afforded to a legal contract that governs the transfer to the remainder of the site to a new owner. While the Council cannot have absolute guarantees that the prospective funfair operator will subsequently develop a funfair successfully, it is considered to be relevant to note that the prospective owner has significant experience in developing funfairs and has demonstrated to officers an appreciable commitment to the site.

It should also be noted that this is fundamentally not a unique scenario, since any mixed use development that is restricted to ensure the provision of commercial uses prior to residential, for example, would similarly not guarantee the long term success of the commercial element. (Members will note that the previous resolution to approve application 2008/01533/OUT was founded on a similar approach).

However, to refuse permission for an application of that kind based on uncertainties over the long term prospects of the commercial part of a scheme would fundamentally prevent the provision of such mixed use developments. Rather it is necessary and reasonable for officers to make a judgement as to the deliverability and prospects of such uses, when considering the weight to be afforded to their associated benefits. In this case, it is considered the Council has sufficient assurances and reason to expect that a funfair will be delivered on the remainder of the site, such that this can and should be reasonably taken into account when considering the merits of the Dolphin application.

It is considered that a renewed funfair over such a large proportion of the site would represent a substantial tourism/recreation facility for the town and would make a significant contribution to the local economy, which would have tangible knock on benefits that would be experienced by other commercial users within the immediate area (in accordance with above listed strategic and detailed policies, but while noting the funfair itself is not the subject of this application). Consequently and in summary, it is considered that it is not unacceptable in principle to consider the development of the Dolphin part of the site by itself.

The second question above, i.e. is the mix of proposed uses acceptable, is considered in the sections below, which relate to the specific uses.

Ground Floor Retail Uses

The development involves replacing the existing public house (use class A3) with a series of smaller A1 retail units. The retail units would total approximately 440m² of floor space, relative to no A1 retail floor space at present.

It is considered that the A1 units would appropriately complement the leisure uses (on the remainder of the site and outside the site) and the existing A1 and A3 units along the Esplanade Buildings and Paget Road. It is considered that the retail units would also support tourism within the wider seaside area by offering an improved range of facilities to people visiting the beach / promenade. It is considered that a series of small retail units (or larger units within that envelope) would add appreciably to the vitality of the area (particularly in the daytime) and would make greater positive contribution to the local economy than the existing commercial premises. Furthermore, in addition to the contribution that the A1 uses would make towards tourism and the quality of the overall 'offer' within the beach area, it is considered that they would markedly improve the overall retail offer on Barry Island, to the benefit of the existing and proposed residents.

It is, therefore, considered that the A1 uses would contribute to a comprehensive package of uses within the wider beach front area that would benefit tourism throughout the year and assist the regeneration of the local economy. It is also considered that the units would reinforce the sustainability of the development by potentially serving the basic day to day needs of the occupiers of the proposed flats.

In terms of retail impact, Technical advice Note 4- Retailing and Town Centres, states that:

6. All applications for retail developments over 2,500 square metres gross floor space should be supported by an impact assessment providing evidence of:

- *whether the applicant adopted a sequential approach to site selection and the availability of alternative sites;*

- *their likely economic and other impacts on other retail locations, including town centres, local centres and villages, including consideration of the cumulative effects of recently completed developments and outstanding planning permissions;*
- *their accessibility by a choice of means of transport including access for pedestrians, giving an assessment of the proportion of customers likely to arrive by different means of transport;*
- *the likely changes in travel patterns over the catchment area; and where appropriate;*
- *any significant environmental impacts.*

Such assessments may also be necessary for some smaller developments, for instance those that are likely to have a large impact on a smaller town or district centre.

A retail impact assessment is not required and has not been submitted with the application, given the relatively limited amount of A1 floor space that is sought. On the basis of the amount of retail provision, while as noted above it is considered that it would materially improve retail facilities on the Island, the wider retail impact would not be so great as to undermine retail activity within Barry Town Centre or other defined local retail centres or result in a noticeable diversion of trade. It is also considered that it would not undermine the deliverability of retail and A1 uses at Barry Waterfront. It is therefore considered that the development would comply with Policy SHOP 12 criterion i.

While the application is not accompanied by a sequential test (criterion ii of SHOP 12), it is considered that there are not available units within defined retail areas on Barry Island. While there may be vacant retail units within the town centre or other defined retail areas within the town, these would not directly meet retail need on the island.

Having regard to the above and the fact that the proposed retail uses would positively impact upon the vitality and character of the area, it is considered that they are acceptable in principle. The applicant's assertions that the retail development is not viable on its own are discussed later in the report.

Residential Units above the A1 Ground Floor

The application site lies outside of the town's settlement boundary and it is of a scale and location such that it could not be considered as small scale rounding off of the edge of settlement. Accordingly, the proposed apartments are technically contrary to Policies ENV1 and HOUS3 of the UDP.

As noted above, paragraph 6.153 of the LDP states that...*In recent years the Barry Island Amusement Park has been the focus of development interest and the Council considers that redevelopment of this site would significantly enhance the range and choice of attractions available at Whitmore Bay. In allocating the site for tourism and leisure uses the Council is aware that a level of enabling development in the form of residential or other commercial development is likely to be required to make a scheme commercially viable. However, the primary focus of any redevelopment must be the provision of all-weather tourism and leisure facilities that support the ongoing tourism role of Whitmore Bay and Barry Island. In this regard any redevelopment proposal for the site which is overly biased towards residential uses will be resisted.*

This recognises a potential need for residential development, if it is required to make a commercial development viable, but emphasises that the residential element must be enabling and should not dominate the tourism/leisure focus of the site. Therefore, in order for the residential element to be considered acceptable it must be demonstrated that the commercial would not be viable without it.

The application submissions state that the commercial part of the development is not viable by itself and that the proposed apartments are required to enable the commercial part of the scheme to be developed (these submissions are discussed later in the report). In such cases, where part of a scheme may otherwise be contrary to policy, it is considered necessary for the applicant to demonstrate that part of the development is required to enable the other.

The applicant has submitted viability information in respect of the above and this is being independently considered by the District Valuer. Notwithstanding the above, it would not be desirable for residential uses to occupy the ground floor of the site's footprint in a manner that would erode the amount of commercial or leisure floor space that could be. This is something that your officers raised at the pre application stage as initially the proposals made no reference to commercial uses on the ground floor. However, it is considered that this part of the development would not undermine the degree to which the scheme would contribute to supporting and enhancing tourism in the area since it would be sited above ground floor commercial uses.

In terms of the nature of the location, while the site is considered for the purposes of the UDP as countryside, as referenced above it is clearly not of a rural character and it is located in within a context of existing buildings on Paget Road and across the railway line. The site is situated directly opposite Barry Island train station, on a bus route and within walking distance of shops and day to day services, therefore, it is considered to be sufficiently sustainable in order consider additional residential development in principle. However, notwithstanding this, in order to mitigate the direct impacts of this many new units, it remains necessary to consider financial contributions in respect of, amongst other things, sustainable transport facilities.

It is, therefore, considered that while a residential development of the site as a whole would not be acceptable in principle, subject to the ongoing assessment of the viability information submitted, the element of upper level residential development is acceptable in principle, also subject to consideration of the direct impacts. This is particularly having regard to the nature and rationale for the previous approval (Committee resolution to approve) and the stance assumed in the Deposit LDP (which in itself is reflective of that resolution). The response of the DV will be critical in determining whether 25 units are justified and necessary, and this is reflected in the recommendation at the end of the report.

Scale, form, design and Impact upon the character of the conservation area

The site lies within the Barry Marine Conservation Area and while the character of the buildings surrounding the site is very mixed (and in that respect it is considered that there are no particular design clues that need necessarily be followed), the proposal must nevertheless preserve or enhance the character of the conservation area. In terms of the size of surrounding buildings, those on Paget Road are generally three storeys high and the Esplanade Buildings are 3-4 storeys high, therefore, the proposed development would be higher. However, while the development would exceed the height of these neighbouring buildings, there would not a significant increase and it is considered that a site such as this, in this context, can accommodate substantial buildings, subject to a quality design and detailing that gives appropriate regard to the elevations. The top floor would be clearly subservient in form to the main part of the building and this would serve to partially break up the overall bulk and massing.

The building would be of a relatively contemporary design and while there is little relief to the front elevation to break up the size of the frontage, in terms of recesses, build outs, etc, it is considered that the change in materials would create sufficient definition and visual interest. The staggered pattern of balconies and screens would also add definition to the frontage that would enhance its appearance.

The proposed plans indicate timber cladding, however, concerns have been raised that timber would weather poorly in this location and in time, this would degrade the appearance of the building. While the applicant's agent has sought to give further comfort and assurances in respect of timber, it is considered at this time that a more modern and robust form of cladding, for example, would have greater longevity. While agreement has not been reached on the final selection of materials, this matter can be controlled by condition.

The rear elevation comprises a series of walkways at each level, to provide the access points into the flats. The rear elevation is punctuated by a series of deep recesses, which would effectively break up the overall massing and, while the elevation as whole is quite repetitious, it is considered that subject to a use of high quality materials, it would not be visually harmful.

Taken as a whole, it is considered that the building is of an interesting design which is compatible with the site's context and would contribute positively to the character of the area. Furthermore insofar as it would result in the loss of the Dolphin, which is presently in a relatively poor condition visually, it is considered that the development would enhance the street scene. It is also considered that the development would not adversely impact on the setting of the Esplanade Buildings, which are identified as positive buildings within the Barry Marine Conservation Area Appraisal and Management Plan.

It is considered that the retail units would present an engaging frontage to the street scene which would also contribute to the vitality of the area.

Therefore in summary, in terms of design it is considered that the proposed development would satisfy the *aims* of Policy HOUS 8 (while noting it is not within the settlement) and the criteria of policies ENV 20 and ENV 27 of the UDP. It is also considered therefore that the development would have regard to the duty imposed on the Council by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, whereby development must preserve or enhance the character and appearance of the conservation area.

Impact on residential amenity (existing dwellings in the area and the proposed units themselves).

The nearest existing residential properties to the application site are located above commercial premises on Paget Road/Esplanade Buildings and the more distinctly residential areas are located in excess of 100m away from to the site to the north and east.

It is considered that the proposed development would be sited sufficiently far away from the existing residential properties to ensure that the occupiers are not adversely impacted upon in respect of noise / nuisance or privacy. In terms of noise, while the development would increase the number of comings and goings associated with the site relative to the existing situation it is considered that this would not be to a harmful level.

In respect of the residential units within the development itself, the Council's Environmental Health Officer (EHO) has raised a number of concerns, given the close proximity to what could become an operational funfair again. The application is supported by an acoustic report, which seeks to draw comparisons between the prospective site owner's funfair in Stourport and the likely noise levels that would emanate from the funfair at Barry. The EHO in essence queries the robustness of such a comparison, given that the sites are different sizes and will accommodate different numbers of rides etc, however, it is considered that the report is a reasonable basis upon which to consider the general likely impacts. Nevertheless, the EHO's response concludes that in principle, it is not considered appropriate to place residential units in such close proximity to a fairground for amenity reasons.

Subsequent to these comments, details of the legal contract referred to above have been submitted, and this includes a buffer zone around the proposed flats within which sources of noise greater than a stipulated decibel rating cannot be sited. This information has been forwarded to the EHO, however, no response has been received to date. While a response has not yet been received, it is considered that this provision within the contract in question would materially improve the relationship between the two areas of the site, compared to the impacts that would be likely to arise in an uncontrolled situation.

Notwithstanding the comments from the EHO and whether concerns will be maintained, the impacts on the residential amenity of the occupiers of the proposed flats must be weighed against the positives and benefits of the development. While the viability assessment being carried out by the District Valuation office has not been concluded yet, it appears very likely that a form of residential development will be necessary to enable the commercial aspect to be delivered. On that basis, the prohibition of any residential development due to the proximity to the funfair would potentially prevent the redevelopment and regeneration of the site as a whole.

It is considered that the wider benefits of the development (in terms of the ground floor commercial units and the remainder of the site being released to be redeveloped as a funfair) on balance outweigh the concerns over the proximity between the flats and funfair. While the planning process is designed to consider and maintain an adequate level of amenity for all residential units (existing and proposed), it is nevertheless considered that in this case a more pragmatic stance is justified, given that the prospective occupiers of the flats will be fully aware of the proximity to the funfair when considering whether to live there.

In addition, a condition attached to the planning permission would enable further details of noise attenuation measures to be submitted and approved and the Council would retain powers independent of the planning process to require the abatement of nuisance, should it arise.

Therefore in summary, subject to conditions to require details of noise attenuation to be agreed and in light of the Council's powers under the Environmental Protection Act, it is considered that the circumstances of the case and the significant wider regeneration benefits to be attributed to the proposals outweigh the concerns raised by the EHO, such that the application should not on balance be refused on these grounds.

Highways Issues

The proposed development would be accessed from Station Approach Road, with a secondary access shown onto Friars Road. The Council's Highways Engineer has considered the submitted plans and Transport Statement and initially required further information in the form of an assessment of the junction to demonstrate visibility and clarification of how the residential and commercial uses would be serviced. The Engineer also requested the omission of the secondary access onto Friars Road.

The applicant has submitted additional information which indicates a modest repositioning of the bus layby on Station Approach Road and while this would have a small effect on visibility at another access point into the funfair site, the Highways Engineer has advised that it would not unacceptably impact upon visibility. Consequently, the main vehicular access into the site would benefit from satisfactory vision splays.

In terms of parking, 32 spaces are proposed to serve the 25 flats and 4 retail units. Given the sustainable location, it is considered that one space per residential unit is acceptable. This leaves 7 units to serve the retail units, while the existing commercial use is not served by similar off street parking. Even taking into account one space per retail unit, this still leaves 3 additional spaces. On that basis, it is considered that space within the site (which has been identified as parking) could be used as turning space to allow servicing within the site, while not unacceptably impacting upon the number of parking spaces. Consequently, and to mitigate the Highways Engineer's concerns regarding uncontrolled servicing arrangements on street, it is considered that it would be reasonable to impose a condition requiring an amended parking and internal road layout to be submitted, which makes provision for servicing.

It is also considered that it would be reasonable to attach a further condition which prohibits the use of the secondary access other than in cases of emergencies.

In summary, it is considered that the proposed development would be served by adequate parking and visibility and that conditions can adequately control access and servicing to arrangements such that they would not adversely impact upon the safety and free flow of traffic, and pedestrian safety, and the Highways Engineer has raised no objection subject to conditions.

In terms of traffic, while the development would inevitably result in an increase in vehicle movements to a degree, it is considered that the increased in traffic would not be so significant that it would appreciably or harmfully impact upon the road network in the area.

Having regard to the above, subject to conditions it is considered that the development would be acceptable in terms of parking, traffic and highway safety.

Amenity Space Provision

The proposed flats would not be served by individual areas of amenity space other than the balconies but given the size of the site and the overriding need to ensure that tourism/leisure uses are maximised, it is considered that it would be impractical for such areas to be comprehensively provided in a manner that satisfied the Council's SPG on Amenity Standards.

The areas of amenity space on the balconies would fall below that sought by the Council's Supplementary Planning Guidance on Amenity Standards, however, given the nature of the location, which is surrounded by large public areas close to the site, and given the points above in respect of the necessity for the residential development to assist the regeneration of the Island, it is considered that a shortfall in this respect is justified in this case.

Given that occupiers of the units would also be reliant on public amenity areas to meet their outdoor amenity / relaxation needs, it is considered that the relationship between the site and public areas is of key importance. Under Unitary Development Plan Policy REC3, new residential developments are expected to make provision for public open space and, given that the site is of insufficient size to provide the amount of public open space that would be required, the Council can consider financial contributions in lieu of off-site provision. This issue is discussed in more detail in the Section 106 part of the report below.

Drainage

Dwr Cymru Welsh Water have advised of no objection subject to conditions restricting the connection of surface water to the public system and requiring the submission of a details of the comprehensive drainage of the site. The Council's Drainage Engineer has raised no objection and has advised that surface water connection should not be considered unless soakaways or SUDS have first been considered.

Ecology

Since the application involves the demolition of the Dolphin public house, the main ecology issue is whether there is bat use of the building.

Objections were initially received from Natural Resources Wales and the Council's Ecologist, given that a 2008 bat survey submitted with the application was too old to now be relied upon. However, their attention has now been drawn to a supplementary statement that has been prepared for this application. That statement concludes:

"We consider that the lack of any significant changes to the building and the continuing lack of direct evidence of bats supports the findings of the 2008 survey. In addition, the usage of the building by bats remains unlikely at the present time. The complete lack of suitable access to the building means, in effect, a permanent exclusion of bats from the roof space and building. There is no potential for bats to access the building if the building is maintained in its current condition."

While formal comments have not yet been received in respect of the supplementary document, Natural Resources Wales have preliminarily advised that an objection is unlikely, since it appears that there is no new evidence of bat use. It is considered that in the absence of any objections to that effect, there is no reason to evidence that the development would adversely impact upon ecology, and consequently the aims of Policy ENV 16 would be complied with. An informative is recommended to draw the developer's attention to the relevant legislation protecting bats, should any be unexpectedly encountered.

Archaeology

In the case of the previous application, Glamorgan Gwent Archaeological Trust (GGAT) initially responded to advise that the determination of the application should be delayed until an archaeological field evaluation had been carried out to establish whether the development would affect any feature of archaeological interest.

Accordingly, trial pits were excavated at points throughout the site and GGAT advised that while a condition is necessary to require a written scheme of investigation to be carried out, there are no archaeological grounds to object to the application.

Consequently in response to this application, GGAT have raised no objection.

Viability / Section 106 Issues

The applicant has submitted what is termed as a viability/valuation exercise, which seeks to demonstrate that the residential units are fundamentally necessary to enable the commercial development to be viable. It also seeks to demonstrate whether Section 106 financial contributions or affordable housing is viable. The submissions indicate that the costs associated with the development are so high that the 25 flats would be necessary to support the commercial development, but with no scope for any financial contributions or any affordable housing provision.

The submissions have been sent to the District Valuation office (DV) for them to assess and to advise the Council if they are robust and reliable. At the time of writing this report, the full and comprehensive appraisal has not been received from the DV and discussions remain ongoing between the two parties. However, the DV's initial response stated that the "viability" report provided is written as a valuation report rather than a viability report. However the DV goes on to state that it does contain a much of the basic information needed build up a complete viability assessment. The initial comments conclude that that the report is incomplete as a viability submission, principally because a benchmark site value also needs to be established for viability testing.

In particular, it is notable that the site is currently used as a Public House (A3) and the Council has no information on its current value or any suggestion that it is not viable as a business. In addition there is no indication that it has been marketed as a business, although there are suggestions that offers have been received regarding the site; notwithstanding this the fact that the data submitted does not refer to this. The DV therefore advises that it would not be sensible to determine the application on the basis of this submission alone.

On the basis of the above, it is considered that the applicant has failed to demonstrate to date that the flats are necessary for commercial viability reasons, or that the failure to mitigate the impacts of the development through a Section 106 agreement (and provide affordable housing) is justified.

Therefore the following section will consider the necessary financial contributions to mitigate the impacts of the development, in accordance with the Council's SPG. In addition, it will use as a starting point the assumption that the 25 flats are justified to support the commercial ground floor units.

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

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

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

Affordable Housing

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

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: "The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale". In 2010, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 915 affordable housing units (for rent or low cost home ownership) are required each year over the next 5 years. The most needed properties are social rented properties where tenants pay benchmark rents set by the Welsh Government. In light of evidence contained in the latest Housing Market Assessment showing a high level of need for affordable housing throughout the Vale, the Council's Adopted Supplementary Planning Guidance on Affordable Housing (contained in the Affordable Housing Delivery Statement) now seeks a minimum of 30% affordable housing on sites of 10 or more dwellings in Barry.

In light of the evidence on housing need and the Council's approved planning policies in respect of affordable housing, in the absence of evidence to demonstrate that this cannot be provided, 30% affordable housing is required, which in this case equates to 8 units. The Council's Housing Section has stipulated that these should each be 2 bedroom flats.

Sustainable Transport

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

The development is located close to the existing railway station and the site is passed by a bus route, however, given the size of the development and the increased burden upon the existing facilities, it is considered reasonable and necessary to require financial contributions to be made to improve sustainable transport facilities in the area. In light of the level of parking being provided and the issues highlighted above in respect of junction reserve capacity, it is considered essential to ensure that the site is served by a high quality network of sustainable transport facilities that represent real and practical alternatives to the car for visitors.

The Council has developed formula to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities, which has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires a contribution of £2,000 per dwelling to be used to improve access to the site, local employment opportunities and other facilities and services likely to be required by the future occupiers, by more sustainable transport modes. In this case, this would equate to £50,000 and in the absence of evidence to demonstrate that this cannot be provided, this is considered to be reasonable and necessary.

The SPG also states that financial contributions should be sought in respect of commercial uses, and this is normally calculated on the basis of £2,000 per 100m² of floor space, which equates to £8,884.

Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling), however, given the size of the units in this case (60 No. 1 bed and 64 No. 2 bed), it is considerable reasonable to adopt a figure of 2 persons per unit. (This equates to 48.6m² per unit).

In addition, the advice in Planning Policy Wales and TAN16: Sport, Recreation and Open Space (2009) states that local planning authorities should ensure that all new developments make adequate provision for public open space and recreational facilities to meet the needs of future occupiers. Paragraph 4.15 of TAN 16 also states that planning obligations can be used to provide or enhance existing open space and that these will be justified where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs.

Given the number of units and the size of the site, it is not possible to provide public open space on site, therefore, it is considered that it would be reasonable to require a financial contribution for off-site provision in this case.

The Council's approved formula contained in the Planning Obligations Supplementary Planning Guidance requires £2,280 per dwelling in lieu of on site public open space, however, based upon the reasoning above (and acceptance of a figure of 2 persons per unit), a figure of £2,000 would be required per unit, equating to £50,000 in total and in the absence of evidence to demonstrate that this cannot be provided, this is considered to be reasonable and necessary.

Community Facilities

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

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. Based on £998.50, this equates to £24962.50 and in the absence of evidence to demonstrate that this cannot be provided, this is considered to be reasonable, necessary and commensurate with the development to mitigate the impacts.

Education

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are essential community facilities required to meet the needs of future occupiers, under the terms of this policy. Planning Policy Wales also emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales.

However, when considering whether education contributions are justified, in addition to assessing existing school capacity it is necessary to consider the type of units that comprise the development.

In this case, given the size of the units and the likely demographic of the occupants (typically occupied by single people/couples), it is considered that contributions in respect of education facilities need not reasonably be sought as part of the application.

Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. The SPG requires that on major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. Where it is not practical or feasible to provide public art on the development site, the Council may accept a financial contribution in lieu of this provision to be added to the Council's Public Art Fund and held until such time as sufficient funds are available to cover the cost of an alternative work of art or until a suitable alternative site is found.

In the absence of evidence to demonstrate that this cannot be provided, this is considered to be reasonable and necessary.

S106 Administration

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

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

Ongoing assessment by the District Valuation office (DV) and potential implications for Section 106 planning obligations.

As noted above, the applicant's valuation/viability submissions are currently being considered by the DV and while a full and comprehensive appraisal/report has not yet been completed, the DV has initially indicated that the submissions are insufficient to enable the Council to determine that planning obligations are not viable. However, should the DV's response ultimately indicate that the development genuinely cannot support affordable housing or other financial contributions, this will need to be considered by officers and Members and this may in turn justify a relaxation in the level of contribution and affordable housing that is sought.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside; ENV7 - Water Resources; ENV16 - Protected Species; ENV17 - Protection of Built and Historic Environment; ENV18 - Archaeological Field Evaluation; ENV20 - Development in Conservation Areas, ENV 21 - Demolition in Conservation Areas, ENV27 - Design of New Developments; ENV28 - Access for Disabled People; ENV29 - Protection of Environmental Quality; HOUS2 - Additional Residential Development; HOUS3 - Dwellings in the Countryside; HOUS8 - Residential Development Criteria; HOUS12 - Affordable Housing; TRAN10 - Parking, REC3 - Provision of Open Space within New Residential Development; REC6 - Children's Playing Facilities; REC7 - Sport and Leisure Facilities; TOUR 5- Non-residential tourist attractions, SHOP 10- New Takeaway Outlets, and SHOP 12- New Retail Development Outside District Shopping Centres, Strategic Policies 1 & 2-The Environment, 3- Housing, 6- Tourism, 8-Transportation, 9 and 10- Retailing and 11-Sport &

Recreation, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; The Council's Supplementary Planning Guidance on Amenity Standards, Biodiversity and Development, Design in the Landscape, Planning Obligations, Public Art, Sustainable Development and Affordable Housing (contained within The Vale of Glamorgan Affordable Housing Delivery Statement), the Council's Emerging Local Development Plan Draft Preferred Strategy, national guidance contained in Planning Policy Wales 7th Edition and Technical Advice Notes 1, 2, 4, 6, 11, 12, 13, 14, 15 and 16, and the Barry Marine Conservation Area Appraisal and Management Plan, it is considered that the proposal is acceptable in terms of the principle of the uses, visual/landscape impact, density, sustainability, highways issues including traffic generation and parking, noise, drainage and flood risk, impact on residential amenity, ecology and archaeology.

RECOMMENDATION

Subject to the District Valuer confirming that 25 residential units are justified in terms of development viability and subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Procure that at least 30% of the residential units built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity.
- Pay a contribution of £58,884 towards sustainable transport facilities in the vicinity of the site.
- Pay a contribution of £50,000 to contribute towards the enhancement of public open space in the area.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.
- Pay a contribution of £24962.50 towards community facilities in the area.
- The developer will provide public art on site to a value of 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's Public Art Fund.

APPROVED subject to the following condition(s):

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

Reason:

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

2. Prior to the commencement of the construction of the building, details of the finished levels of the site and building, in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. This consent shall only relate to the registered on 24 November 2014, other than where amended by plans refs 217a-6030(1), 217a-6031(1); 217a-6032(1); 217a-6033(1); 217a-6034(1); 217a-6035(1); 217a-6036(1); 217a-6037(1) on the 27 January 2015.

Reason:

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

4. Notwithstanding the submitted plans and prior to the commencement of any works on site, full engineering drawings and design calculations of the proposed vehicular / pedestrian access to the site, to include vision splays, sections, drainage and gradients details, and details of the amended layby along Station Approach Road shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed and maintained in accordance with the approved details.

Reason:

To ensure the provision on safe access for the site to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

6. Prior to the first beneficial occupation of the development hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

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

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

Reason:

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

8. Prior to the commencement of development a Site Waste Management Plan in relation to the ongoing construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the measures contained within the submitted SWP unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of flood risk, prevention of pollution and impact on neighbouring amenity in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

9. Prior to the commencement of the construction of any of the residential units, a scheme of noise attenuation shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be fully implemented prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained at all times.

Reason:

To ensure that residential amenity is safeguarded and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

10. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the commencement of development on site to construct the new building, a comprehensive phasing plan for the retail and residential elements of the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be constructed and occupied in full accordance with the agreed phasing plan.

Reason:

To ensure that the development is phased appropriately and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

12. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, ensure no detriment to the environment, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

13. Full details of a scheme for the disposal of foul water, land drainage and surface water shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details. The details shall include a written declaration detailing responsibility for the adoption and maintenance of the drainage system in perpetuity.

Reason:

To ensure the adequate drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. The ground floor units of the development hereby approved shall be used only for the purpose(s) specified in the application, i.e. within Class A1 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose whatsoever in any other use class of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. Notwithstanding the submitted plans, no part of the development hereby approved shall be brought into beneficial use until such time as further plans have been submitted to and approved in writing by the Local Planning Authority, to indicate parking areas, the associated access and turning areas and space for servicing within the site. The details submitted under the terms of this condition shall include full details of how parking spaces will be allocated and a servicing management plan. No part of the development shall be brought into beneficial use until such time as the site has been laid out in full accordance with the details approved under the terms of this condition and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. Prior to the first beneficial occupation of any part of the development, 14 no. cycle spaces (ten to serve the flats and 4 to serve the retail units) shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be provided prior to the first beneficial occupation of the building and so retained at all times thereafter.

Reason:

In order to ensure adequate cycle provision to serve the development and to ensure compliance with Policy ENV 27 of the UDP.

17. The vehicular access point shown on plan reference 217a-6010 as 'secondary access gates' shall only be used as an emergency vehicle access and not as the primary vehicular access to the site.

Reason:

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

18. Notwithstanding the submitted forms and plans, prior to their use in the construction of the development hereby approved, a full schedule (including samples) of the proposed materials to be used (including doors, windows, balcony guards, hard surfacing/hard landscaping materials) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and at all times maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan

19. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, further details of the proposed balcony screens shall be submitted to and approved in writing by the Local Planning Authority (including details of the location of all the screens). The screens shall be erected prior to the first beneficial occupation of any of the residential units and shall be so maintained at all times thereafter.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan

20. Prior to the commencement of development on the construction of the front elevation of the retail units, further details and elevational plans of the proposed shopfronts shall be submitted to and approved in writing by the Local Planning Authority. The shopfronts shall thereafter be constructed and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV 27 of the UDP.

21. All of the A1 units hereby approved shall be built, fitted out to a shell and core specification, to be first agreed in writing with the Local Planning Authority, and made available for rent / sale prior to the first occupation of any of the apartments hereby approved. The A1 units shall thereafter be marketed until such time that all of the A1 units are sold or leased, in accordance with a marketing plan (which will detail tenure, rental levels and types of operator) with said plan to first be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure a comprehensive and mixed use development of the site in accordance with Policies 9 and ENV27 of the Unitary Development Plan.

22. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the first beneficial use of any part of the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

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

Reason:

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

NOTE:

1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
3. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
4. **The applicants are advised that all necessary consents/ licences must be obtained from Natural Resources Wales prior to commencing any site works.**

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

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

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

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



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<i>The Vale of Glamorgan Council</i>		
Department:		
Title: <i>2014/01358/FUL</i>		
Drawn By:		
<i>[Signature]</i>	Scale	1:2500
	Time	02:09:44 PM
	Date	3 Mar 2015

2014/01358/FUL Received on 24 November 2014

Barry Island Property Company
al3d, 2, Yew Tree Close, Tetsworth, Oxfordshire., OX9 7BP

The Dolphin, Friars Road, Barry

Demolition of the existing Dolphin bar/restaurant and redevelopment for 25 residential units, commercial uses and associated works

SITE AND CONTEXT

The application site comprises the south east corner of the former funfair/pleasure park site, Barry Island, which currently is occupied by the Dolphin public house. The site measures approximately 53m by 34m and incorporates the Dolphin Pub building and an area of hardstanding approximately 53m by 15m in size to the rear. The site directly adjoins the remainder of the 'pleasure park' site, which is presently not being used as a funfair or for any other active commercial use.

The site lies outside the settlement boundary of Barry but within the Barry Marine Conservation Area. The plan below shows the site in the context of the wider area:



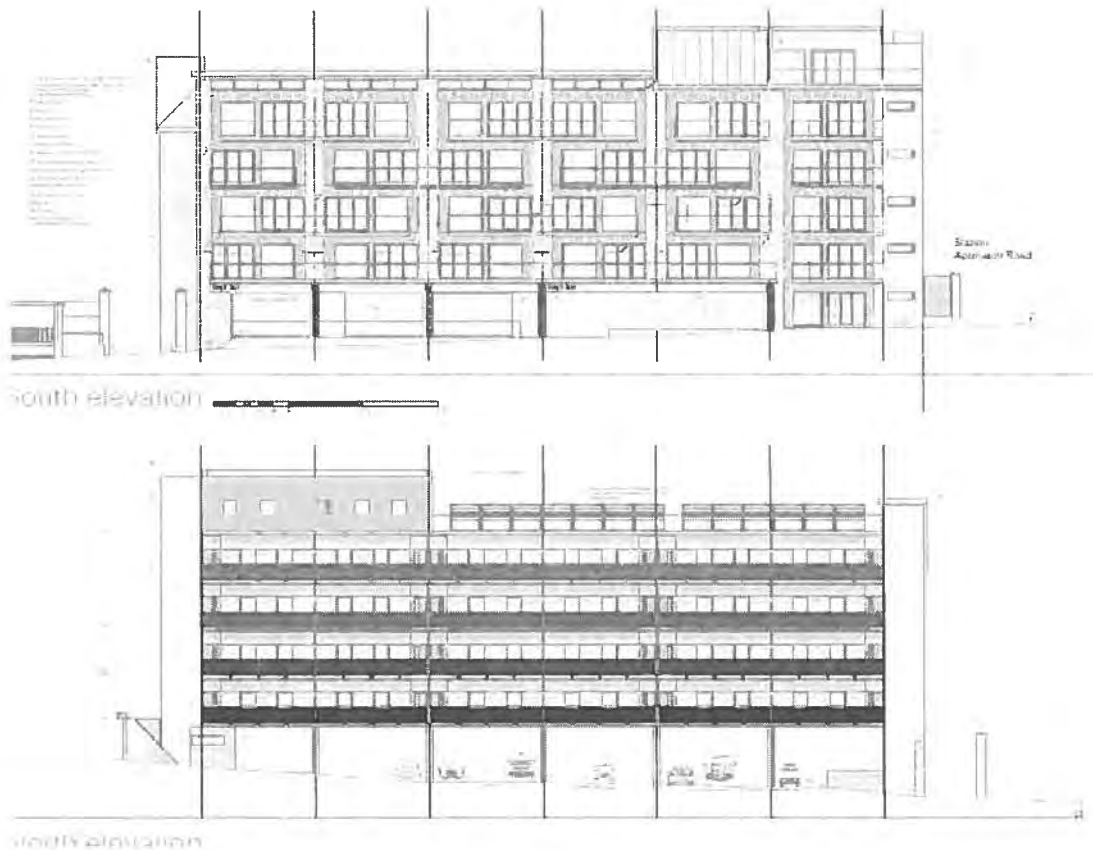
DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the Dolphin and the construction of a new building comprising commercial units at ground floor and 25 residential flats above (24 x 2 bed flats and 1 x 3 bed flat). It should be noted that all of the proposed units are 'market' flats, and no provision of affordable housing is made.

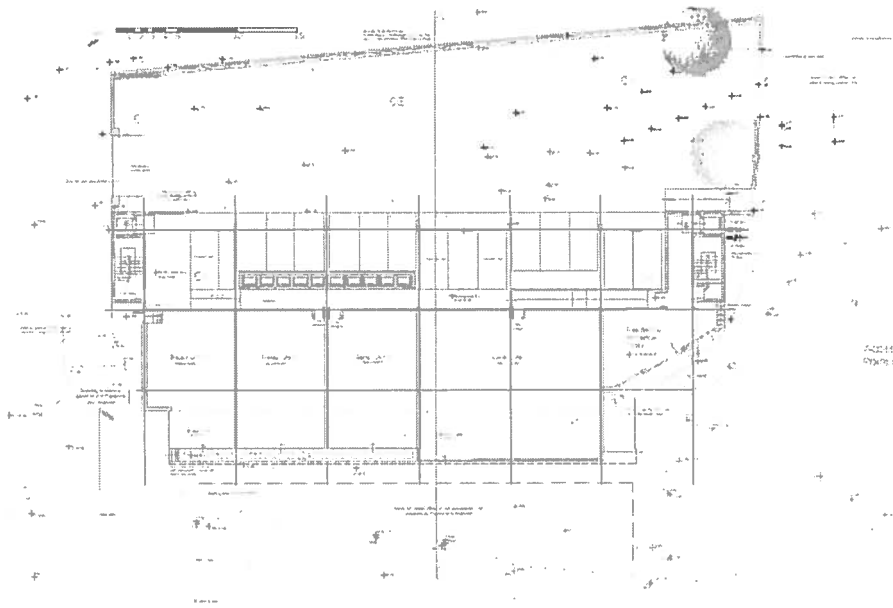
The commercial ground floor comprises of retail units, with a total floor space of 442m².

The proposed building is relatively contemporary in design, with a flat roof and a subservient 'penthouse' section on the roof. The main frontage is punctuated by a staggered pattern of balconies, with large areas of glazing comprising full height windows and doors. The rear elevation contains the pedestrian access points to the flats, comprising a series of walkways with balustrades.

The elevations of the proposed building are shown below:



In terms of the layout, the proposed building would be sited to the front of the site facing onto Friars Road, with vehicular access to the rear from Station Approach Road. The access leads to a parking area at the rear of the building containing 32 spaces, 14 of which would be sited undercroft, within the footprint of the upper floors of the building. The development layout is shown below:



PURPOSE OF THE REPORT

This planning application was reported to planning committee on the 12th March 2015, at which time Members resolved to approve the application subject to a legal agreement. The report to that committee meeting is attached to this report as Appendix A, however, for ease of reference, a resolution was made to approve the application based on the following recommendation:

Approve, subject to the District Valuer confirming that 25 residential units are justified in terms of development viability and subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- *Procure that at least 30% of the residential units built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity.*
- *Pay a contribution of £58,884 towards sustainable transport facilities in the vicinity of the site.*
- *Pay a contribution of £50,000 to contribute towards the enhancement of public open space in the area.*
- *The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.*
- *Pay a contribution of £24962.50 towards community facilities in the area.*
- *The developer will provide public art on site to a value of 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's Public Art Fund.*

At the time of that Committee meeting, a report was awaited from the District Valuer (DV), who had been engaged to consider the viability issues affecting the development. That report has now been received and, therefore, the application is reported back to Planning Committee for members to consider proposed amendments to the recommendation.

Issues

At the time of the previous planning committee, the applicant had submitted a viability appraisal, which concluded that the development could not deliver affordable housing or any financial obligations through a Section 106 legal agreement. However, at the time of that meeting a response to those submissions from the DV had not been received, therefore, it had not been demonstrated that a genuine viability case existed.

Since the meeting, the DV's report has been received and in summary, it concludes that there are viability constraints to the development as proposed. However, it also concludes that a different form of development, principally based on more residential units (but smaller units) could potentially deliver affordable housing and financial contributions to mitigate the impacts of the development in other ways (e.g. sustainable transport facilities etc). This report has been discussed with the applicant, however, their stance is that the application should be determined on the basis of the submitted proposal as it stands, and that the viability assessment should not factor in alternative schemes, which may for other reasons not be policy compliant.

It is, therefore, for the Council to consider whether that development is acceptable, having regard to the viability assessment and the conclusions of the DV.

Members will note that in the report to March 2015 Planning Committee, it was concluded that the proposed development was acceptable, subject to a viability case being demonstrated. I.e. the commercial units and 25 residential flats above were considered acceptable. It is considered that it has been satisfactorily demonstrated that there is a viability case which justifies, in principle, residential development above commercial uses in this location. It has also been demonstrated that (at least) 25 units are required to make the commercial uses viable. However, the main issue in this case is whether it would be reasonable to refuse this application on the grounds that an alternative form of development may be fully compliant with Section 106 requirements.

While a form of development which delivered affordable housing and other justified financial contributions would be desirable in principle, it is difficult to speculate with absolute certainty that such a scheme would be fully policy compliant, rather the DV has suggested that this should form the basis for discussions on a mutually acceptable scheme. However, given that the applicant will not be amending the scheme, a decision must be made on the proposal as it stands. It should also be noted that the DV's suggestions were solely from a viability background and did not consider if the site could accommodate a significant increase in the numbers of flats from a planning perspective.

While there may be an alternative scheme that could potentially deliver affordable housing and other financial contributions, that scheme does not sit before the Council and consequently officers are unable to give a detailed assessment to any such proposal. On that basis, it is considered on balance that a decision to refuse the application based upon an alternative scheme that may be deliverable, would not be a wholly robust or justifiable decision. It is also possible that such an alternative scheme may not be wholly policy compliant given, for example, it would be unlikely to meet the Council's standards in terms of car parking.

It is considered in this case that fundamentally the development remains acceptable in principle (as per the appended report and as per the general conclusion of the DV report that residential is necessary to make the commercial element viable) and following careful consideration, officer's would on balance not recommend refusal of the application where the viability constraints of the proposal before the Council have been demonstrated.

However, given that the failure to meet the Council's affordable housing and other Section 106 requirements is a result of viability constraints, it is considered that any planning permission should be subject to a legal agreement which includes a 'clawback mechanism', which would deliver affordable housing and financial contributions should the viability of the development improve.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside; ENV7 - Water Resources; ENV16 - Protected Species; ENV17 - Protection of Built and Historic Environment; ENV18 - Archaeological Field Evaluation; ENV20 - Development in Conservation Areas, ENV 21 - Demolition in Conservation Areas, ENV27 - Design of New Developments; ENV28 - Access for Disabled People; ENV29 - Protection of Environmental Quality; HOUS2 - Additional Residential Development; HOUS3 - Dwellings in the Countryside; HOUS8 - Residential Development Criteria; HOUS12 - Affordable Housing; TRAN10 - Parking, REC3 - Provision of Open Space within New Residential Development; REC6 - Children's Playing Facilities; REC7 - Sport and Leisure Facilities; TOUR 5- Non-residential tourist attractions, SHOP 10- New Takeaway Outlets, and SHOP 12- New Retail Development Outside District Shopping Centres, Strategic Policies 1 & 2-The Environment, 3-Housing, 6- Tourism, 8-Transportation, 9 and 10- Retailing and 11-Sport & Recreation, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; The Council's Supplementary Planning Guidance on Amenity Standards,

Biodiversity and Development, Design in the Landscape, Planning Obligations, Public Art, Sustainable Development and Affordable Housing (contained within The Vale of Glamorgan Affordable Housing Delivery Statement), the Council's Emerging Local Development Plan Draft Preferred Strategy, national guidance contained in Planning Policy Wales 7th Edition and Technical Advice Notes 1, 2, 4, 6, 11, 12, 13, 14, 15 and 16, and the Barry Marine Conservation Area Appraisal and Management Plan, it is considered that the proposal is acceptable in terms of the principle of the uses, visual/landscape impact, density, sustainability, highways issues including traffic generation and parking, noise, drainage and flood risk, impact on residential amenity, ecology and archaeology.

RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- That the development viability be appraised by an independent expert at the Developer's expense at 1st beneficial occupation of the residential part of the scheme. Any improvement in the development viability to a degree that enables the provision of increased level of community infrastructure or affordable housing shall be recycled to secure planning obligations to be used by the Council at that time having regard to strategic priorities and relevant planning policy at that time.

That, in the event the development viability remains the same or becomes less viable, the developer shall not be required to provide any community infrastructure or affordable housing on the Site or through financial contributions in lieu of on site provision.

That, in the event the development viability improves and the Developer profit exceeds the 15% identified in the District Valuer's Viability Appraisal Report, the Council will receive a 50% share of any profit to provide the following (as viability allows):

- Procure that at least 30% of the residential units built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity or equivalent financial contribution in lieu.
- Pay a contribution of £58,884 towards sustainable transport facilities in the vicinity of the site.
- Pay a contribution of £50,000 to contribute towards the enhancement of public open space in the area.
- Pay a contribution of £24962.50 towards community facilities in the area.
- The developer will provide public art on site to a value of 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's Public Art Fund.

The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. Prior to the commencement of the construction of the building, details of the finished levels of the site and building, in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. This consent shall only relate to the registered on 24 November 2014, other than where amended by plans refs 217a-6030(1), 217a-6031(1); 217a-6032(1); 217a-6033(1); 217a-6034(1); 217a-6035(1); 217a-6036(1); 217a-6037(1) on the 27 January 2015.

Reason:

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

4. Notwithstanding the submitted plans and prior to the commencement of any works on site, full engineering drawings and design calculations of the proposed vehicular / pedestrian access to the site, to include vision splays, sections, drainage and gradients details, and details of the amended layby along Station Approach Road shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed and maintained in accordance with the approved details.

Reason:

To ensure the provision on safe access for the site to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

6. Prior to the first beneficial occupation of the development hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

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

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

Reason:

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

8. Prior to the commencement of development a Site Waste Management Plan in relation to the ongoing construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the measures contained within the submitted SWP unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of flood risk, prevention of pollution and impact on neighbouring amenity in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

9. Prior to the commencement of the construction of any of the residential units, a scheme of noise attenuation shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be fully implemented prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained at all times.

Reason:

To ensure that residential amenity is safeguarded and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

10. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the commencement of development on site to construct the new building, a comprehensive phasing plan for the retail and residential elements of the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be constructed and occupied in full accordance with the agreed phasing plan.

Reason:

To ensure that the development is phased appropriately and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

12. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, ensure no detriment to the environment, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

13. Full details of a scheme for the disposal of foul water, land drainage and surface water shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details. The details shall include a written declaration detailing responsibility for the adoption and maintenance of the drainage system in perpetuity.

Reason:

To ensure the adequate drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. The ground floor units of the development hereby approved shall be used only for the purpose(s) specified in the application, i.e. within Classes A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose whatsoever in any other use class of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. Notwithstanding the submitted plans, no part of the development hereby approved shall be brought into beneficial use until such time as further plans have been submitted to and approved in writing by the Local Planning Authority, to indicate parking areas, the associated access and turning areas and space for servicing within the site. The details submitted under the terms of this condition shall include full details of how parking spaces will be allocated and a servicing management plan. No part of the development shall be brought into beneficial use until such time as the site has been laid out in full accordance with the details approved under the terms of this condition and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. Prior to the first beneficial occupation of any part of the development, 14 no. cycle spaces (ten to serve the flats and 4 to serve the retail units) shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be provided prior to the first beneficial occupation of the building and so retained at all times thereafter.

Reason:

In order to ensure adequate cycle provision to serve the development and to ensure compliance with Policy ENV 27 of the UDP.

17. The vehicular access point shown on plan reference 217a-6010 as 'secondary access gates' shall only be used as an emergency vehicle access and not as the primary vehicular access to the site.

Reason:

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

18. Notwithstanding the submitted forms and plans, prior to their use in the construction of the development hereby approved, a full schedule (including samples) of the proposed materials to be used (including doors, windows, balcony guards, hard surfacing/hard landscaping materials) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and at all times maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan

19. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, further details of the proposed balcony screens shall be submitted to and approved in writing by the Local Planning Authority (including details of the location of all the screens). The screens shall be erected prior to the first beneficial occupation of any of the residential units and shall be so maintained at all times thereafter.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan

20. Prior to the commencement of development on the construction of the front elevation of the retail units, further details and elevational plans of the proposed shopfronts shall be submitted to and approved in writing by the Local Planning Authority. The shopfronts shall thereafter be constructed and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV 27 of the UDP.

21. All of the A1 units hereby approved shall be built, fitted out to a shell and core specification, to be first agreed in writing with the Local Planning Authority, and made available for rent / sale prior to the first occupation of any of the apartments hereby approved. The A1 units shall thereafter be marketed until such time that all of the A1 units are sold or leased, in accordance with a marketing plan (which will detail tenure, rental levels and types of operator) with said plan to first be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure a comprehensive and mixed use development of the site in accordance with Policies 9 and ENV27 of the Unitary Development Plan.

22. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the first beneficial use of any part of the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

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

Reason:

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

NOTE:

1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

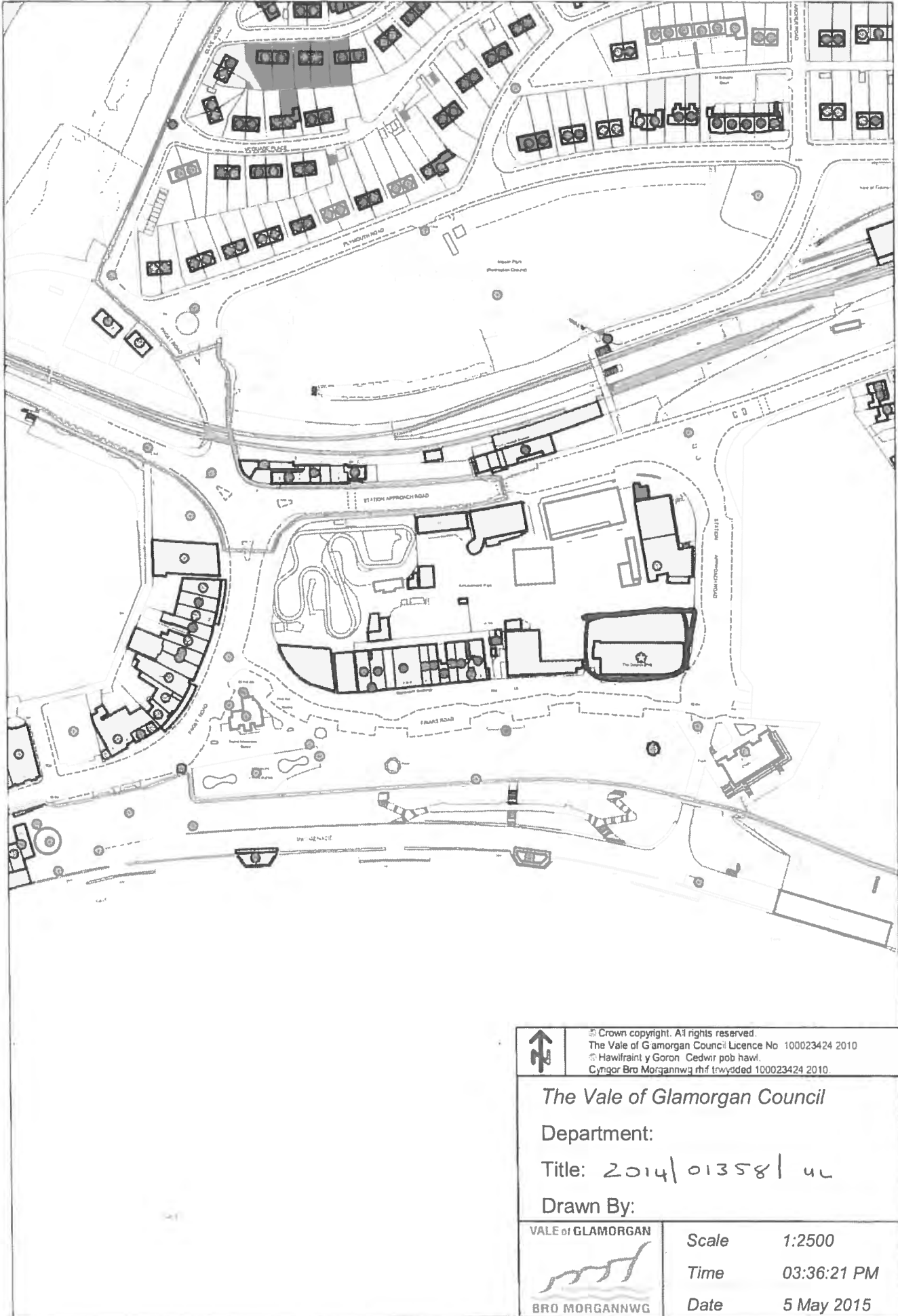
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- 3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 4. The applicants are advised that all necessary consents/ licences must be obtained from Natural Resources Wales prior to commencing any site works.**



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

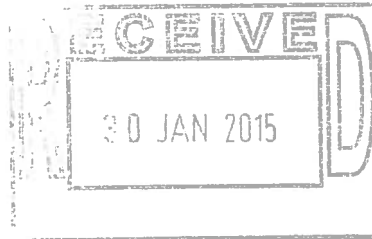
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

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



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	The Vale of Glamorgan Council Department: Title: 2014/01358/UL Drawn By:	
VALE of GLAMORGAN  BRO MORGANNWG	Scale 1:2500 Time 03:36:21 PM Date 5 May 2015	

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



29th January 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**

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

- The application for this development has been put forward outside, and in advance of, the LDP process and given that there are already several new developments approved or under construction within 10 miles of Wick, there is not an urgent need for housing within this area ahead of the LDP
- The proposed number of dwellings, 124, is disproportionate to the present size of the village i.e. it would increase the number of dwellings by 50%.
- The increase in population could not be supported by the amenities in the village; the shop is very small and the primary school is near capacity. This would lead to residents driving to nearby towns adding traffic on B roads and country lanes and increasing their carbon footprint considerably.
- The development fails to meet sustainability criteria e.g. there is no local employment for the residents of the proposed housing, thereby giving rise to additional traffic between Wick and places of work.
- The earliest bus arrives in Bridgend at 09.22 (not 09.00 as stated in their plan), which is unsuitable for most employment. There is no direct bus service to Cowbridge where secondary school pupils generally attend as an alternative to Llantwit Major School.
- The style of the housing proposed does not reflect that of the present village e.g. there are no 3-storey homes in Wick.
- The proposal contravenes the Welsh Government planning policy search sequence. I.e. the site is a green field site, on productive farmland, and policy requires that brown field sites should be prioritized.

I urge the planning committee to reject this application.

Yours sincerely,



Carol Brown

Resident of Wick:

Mrs. Christine Thomas
9 Broughton Road,
Wick. Nr. Cowbridge.
CF717QH

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

26th January, 2015

Dear Sir,

Re: Planning Application 2014/01424/FUL for change of use and the building of
124 dwellings on land off Str Brides Road, Wick.

Firstly I would like it be known that although I have been a resident of Wick for over 50 years I have no objection whatsoever to houses being built in the village of Wick.

However, I felt it was most important in light of the planning application, to read articles, listen to peoples' opinions and finally consulting with professional people in this field who are not remotely biased one way or another. Just a fact finding venture. I have listened intently to the positive and negative information offered relating to this Planning Application and have come to the conclusion as a result that I wish to make the following objections to the above mentioned Planning Application.

The scale of development:

Firstly the kind of estate type of development proposed would be totally out of keeping as the village of Wick has developed over many years into a sprawling but characterful community. There are only approximately 250 houses in the village at present and to have a further 124 houses built at the same time would swamp the current facilities available.

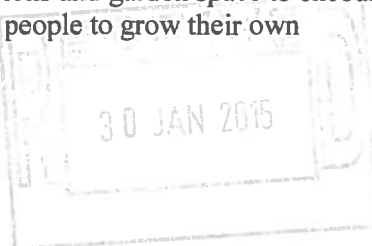
Site

- Having lived in the village for so many years I am familiar with the problems of this proposed field for development. It becomes waterlogged in the winter with excess water flooding the lower end of the field. There has always been a drainage problem there.

Design:

- I am dismayed to note that the plans show 3 storey houses. Such large buildings are certainly not in keeping with the present kind of housing in the village. At the Public Exhibition in the local Pavilion the plans shown were different to the ones that have been submitted previously, in particular the density of housing has increased to 30.1 houses per hectare, which is well above the rural limit of 25 dwellings per hectare. These plans showed a very unsympathetic cramped development with houses more suitable for the middle of a town. We were also told they would be out of the price of first time buyers. Shouldn't consideration be given to affordable houses? Another point I would like to make is that I am a member of a growing organisation – Sustainable Wick Community Group. We are committed to making people aware of the responsibility we have relating to environmental issues. Surely with all the information available about Eco Housing why not be the first Council to come up with an exemplary solution to fulfilling the government's directive by building any future houses by taking into consideration the wider picture and include low carbon emissions and garden space to encourage people to become more sustainable. By this I mean enabling people to grow their own vegetables etc.

RECEIVED
ACTION BY: JAE IR
NO: 22.
PA.86



Traffic *

Based on the figure of one +car per home, the new development would mean over 150 extra cars per home.. There is already congestion near the school and playgroup at drop off /pick up times and resulting parking problems.

As there are no employment opportunities in the village, residents need to travel to towns and cities across Wales so a car is a must.

Bus Service

- The bus service does not provide access to Bridgend or Barry before 9am so any available bus passes would not be of any use to anyone needing to start work by 9. 00am or travel to school, towns or places further afield. There is also no direct bus route to Cowbridge.

Amenities:

- The small village shop and the present capacity of the local school would not service the increase in population. This would amount to additional car journeys being made to the nearby towns and village children would possibly be unable to attend their local school. There are also very few facilities for young people and an increase of numbers in this age group could lead to anti-social behaviour. It could also lead to increased car journeys to local service centres such as Llantwit Major and Cowbridge.

I have tried to put my concerns in writing and hope that you will see the wider picture and think carefully for the future of our rural communities. We all have a huge responsibility to plan any future developments with thought and consideration.

One last point. Is it still too late to consider the original proposal of a settlement at Llandow? If not, why not? This would surely be the solution for everyone. The future of the Vale is in your hands.

Yours sincerely,



Mrs. Christine Thomas.

7 St Brides Road
Wick
Cowbridge
CF71 7QB

Head of Planning and Transport
Vale of Glamorgan Council

29 January 2015

Dear Sir/Madam,

OBJECTION TO PLANNING APPLICATION 2014/01424/FUL

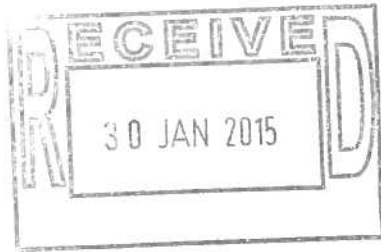
1. I wish to raise objections against the above planning application which aims to develop the land off St Brides Road, Wick.
2. At present there are around 250 houses in Wick so to add an additional 124 would really overdevelop the village. The proposed estate would also be totally out of contrast with the current sprawling layout of the village.
3. The site to which the application refers is currently a green field site used for grazing sheep and cattle. It does become waterlogged in the winter and has issues with drainage. In addition to this there are also protected species such as great crested newts in nearby areas. I therefore consider that this land should remain as agricultural use.
4. At the outset of the proposal the residents were given a display by David Wilson Homes of the properties to be built. The plans that have now been submitted differ greatly in that they are now 3 storey properties and not in keeping with the current properties in the village. In addition to this the density of housing has now been increased to 30.1 houses per hectare which is well above the rural limit of 25 per hectare.
5. Another area of concern is that of traffic. If based on an average of 1 car per house, the development could mean a further 124 cars in the village; it is more realistically going to be in the region of 180. There is already congestion near the school at drop off/pick up times and parking problems. Furthermore there are few employment opportunities in the village so residents would need to travel to major cities/towns in South Wales. With the lack of bus services providing transport to Cardiff/Bridgend/Barry before 9am residents will need to use their vehicles to get to work on time. The B roads and country lanes were not intended for this additional heavy use. Moreover, Wick is already a Red area for speeding with regular police speed vehicles monitoring cars going through St Brides Road. The proposed entrance to the site has potential to lead to accidents/fatalities as during the summer months especially, motorbikes travelling towards Bridgend regularly exceed the current 30 mph limit once they pass The Star public house: many doing in excess of 60 mph.
6. There are few amenities in the village and certainly the one shop and school could not service the additional families. This again would lead to increase in vehicle use as the likelihood is that children would not be able to go to their local school as it

could not take on the extra numbers. There are also few facilities/activities for young people in the village. An increase in numbers in this age group could lead to a potential increase in anti-social behaviour which would subsequently lead to an increase in insurance premiums, both car and house insurance, for the village residents.

7. From a personal perspective I bought my property, which directly faces the proposed site, with a sea view. This view would be taken away should the build go ahead therefore reducing the value of my property. Overall therefore I consider that not only would I personally be affected but the village would lose its character and close knit community. In times when we seem to be building with a disregard for village community life I consider that an alternative location should be sourced for the build.

Yours faithfully,

Mrs Linda Wilkin



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

29th January 2015

Dear Sir,

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

I am delighted that your organisation is fulfilling its civic duty to consider this application that has been put before it. It is your legal obligation and you must complete it.

I am quite keen on democracy and would remind the committee that considers your professional advice, of their duty as well.

Currently the LDP is not finalised. Consultation took place in 2013 and through 2014 alternative sites were publicised and more consultation took place. On learning of the subject application I rang the LDP office, at the council offices, and was informed that the LDP proposal is due to go to Cabinet later this year. Then it may be finalised later this year or early next year.

The LDP is the legal document defining the development of the County. I would ask you to remind the Planning Committee that they should be reviewing plans against that development plan, once it has been finalised, not speculative suggestions as to what the LDP might look in the dreams of a middle manager of a building company. Promotion..... promotion.....

By any description this proposal, placing 124 dwellings in a village with less than 250 existing dwellings is a development that is dramatically larger in scale than anything that has occurred in the 1,000 year life of the village. That an organisation would seek to put such a proposal before the Planning Department, prior to the finalisation of the LDP would appear bizarre. Therefore, I would urge that your professional recommendation to the committee is that this proposal is not supported by your office. I would also ask the committee to follow due process already democratically approved by the council and let the LDP move to finalisation before giving of their time to consider the merits and pitfalls of any proposal submitted in line with the LDP. I urge rejection of this application.

Needless to say as a resident of more than 30 years and having experienced the gentle and appropriate enlargement of the village during that time, I am shocked and dismayed by the scale of the proposal. The list of potential problems is myriad. Principle would be the

school. Many of us in the village organised and participated in fund raising events for the current school. We worked very hard, just as we had done for the new roof on the school shortly before it was damaged in a storm and our children, my own two children, had to be bussed into Bridgend for over a year whilst a replacement school was constructed. So if the village gains an extra 50% of dwellings who will pay for the new school? There will not be a new school or even 50% of a new school. There will be some donation from the developers that will be the smallest amount they can be coerced into providing. It will provide more school accommodation than will be required on completion of the build but as the new families mature, within 5 years, it will be less than that needed. Then things will be done on a shoestring and portakabins will be put in place. The councillors and the developers will have long since left the scene. It will then be down to the villagers to make good what cannot be provided. Until some disaster occurs like last time. Every one who had children in the school when the building failed remembers it. We were all so very thankful it occurred at a time when the school was unoccupied. It would not be an exaggeration to say that had the building been occupied, serious injury or death could have occurred.

Will the water supply be upgraded at the cost to the developer or will the system be developed, only at the repeated complaints of the residents and with the water company disbursing the cost to the residents over the following decade? When my wife and I moved in 30 years ago, I was shocked at the low water pressure. An upstairs shower would not work due to low water pressure, for significant periods of each month. I had the water company out to test the supply and certainly, whilst the pressure was often right at the bottom of the minimum requirement, it didn't drop below it. My solution. My wife and I gave up using the shower until, several years later, we could to install one downstairs. We worked with it. Should we need to work with a greater problem?

The situation regarding sewage disposal will replicate that of the water supply. The main exit pipe from the village runs under the field subject to the application. Undoubtedly the processing unit to the East of the village will need to be upgraded. I have, in the past, helped my distant neighbour clear the blocked sewage pipe at the point where it exits from the row of houses in Trepit Road and turns to cross the field. This is a regular event for that neighbour. It is difficult to image how adding a further 124 dwellings further along this pipe is going to improve an already unacceptable state of affairs. But of course, this will not be the developer's problem, nor the council's. It will blight the owner of the last house in Trepit Road. Currently the villagers work with it. Should we need to work with a greater problem?

I could write a myriad of things down – changing the character of a whole community – the exit from the development onto the St Brides Road. Please believe me, I could fill many sides of paper stating why this application is so wrong on so many levels. However I would waste your time reading it and that of the committee. Fundamentally this application has been made flaunting due process. Let the LDP reach its conclusion and then, and only then should applications, made in line with that confirmed LDP be considered.

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

Yours sincerely,

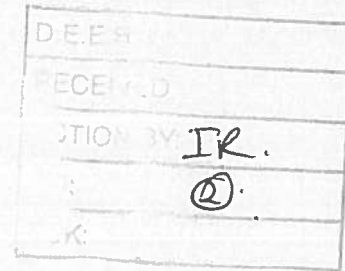
Tony Cooke
(on behalf of Denise Cooke and Nicole Cooke who also reside at this address.)

Obj

②

Robert J Ball
Rose Cottage
David Street
Wick
Nr Cowbridge
CF71 7QF

Head of Planning and Transport
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT
29th January 2015



Dear Sir / Madam

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 and observations to the proposed planning application;

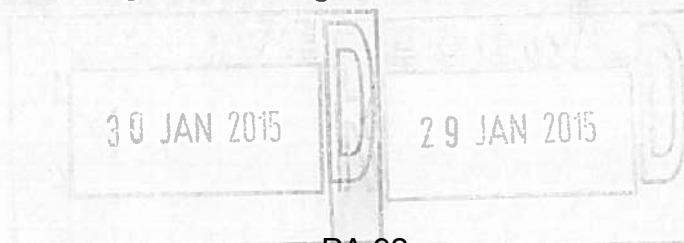
Scale of Development

Wick has approximately 226 dwellings with an estimated population of around 463 residents.

The Village can be described as having a low density mix of housing with no housing clusters of more than 10 dwellings. The majority of housing within the village are over 50 years old with their own self styled characteristics.

With the proposal to develop 124 dwellings, this would be totally out of sync and balance with the character of the village and would appear to contravene Planning Policy Wales recommendations.

The proposed development does not meet the criteria laid out in the PPW.. The New development will not be of an appropriate scale that is either sympathetic to or respects the existing character of the village and the range of services and facilities that are available.



Site

The development site is a green field site predominantly used over previous years for the grazing of cattle and sheep. The land has been well looked after with regular work being carried out by the current tenant farmer.

During extensive periods of the calendar year, the land becomes very water logged with excessive run off to the southern perimeter and into the adjoining lane and fields causing considerable problems to the respective land owners.

The development site is also extremely close to a protected species area such as the great crested newt.

It would appear that David Wilson Homes carried out its land tests during the month of August 2014. Ironically this is a period of the year as you are aware normally associated with a dryer warmer climate...

Planning Policy Wales and the Welsh Government indicates wherever possible avoid development on Greenfield sites and to use previously developed land in preference to green field sites.

Design

The proposed plans submitted indicated some 3 storey houses that are not in keeping and out of character with present dwellings within the village.

David Wilson Homes intention to develop 124 dwellings within Wick would indicate a housing density more in line with 30:1 houses per hectare. This figure is used for developments in urban areas as opposed to the 25:1 hectare for rural areas. Wick is RURAL and not URBAN

It is thought that the extra 24 dwellings are to make up for a short fall in another development site linked to David Wilson Homes? Why should Wick have to pick up this??

Traffic and Transportation

Planning Policy Wales and Welsh Government continually seek to reduce travel patterns and the use of private cars by using public transport as an alternative. It is clear that any development of this scale in a rural village will vastly increase travel patterns and its impact of the environment.

Using the proposed average figures of 1.5 cars per household, the new development of 124 dwellings would indicate around 186 additional cars travelling throughout the village and surrounding roads. Although from available information, whenever a residential planning applications is made, there is a requirement to provide up to 3 cars per dwelling. In addition, with a number of 4 and 5 bedroom houses proposed in this application, it is preposterous to expect only 1.5 cars per household.

There is little to no local employment, so practically all new residents will have to commute to and from work thus failing the Welsh Governments PPW by increasing the demand for the personal car/s.

The public transport that currently runs around the Wick and the Vale is not fit for purpose e.g.; The bus leaves Wick after the train has left Llantwit Major??

David Wilson Homes has indicated that they intend to provide bus passes to the new residents. This is an irresponsible sweetener. How many residents do they think will use these passes and where is their research to back up this gesture. Due to the location of this proposed site within the village, residents will continue to use the private car to travel to the shop or even to drop the children off at school causing even more congestion and potential danger to pedestrians.

Wick is situated along a B classified road with surrounding country lanes, there are a number of poor road junctions with clear visibility concerns. The carriageway between Llantwit Major and Bridgend is at the very least precarious when weather conditions become poor with a number of sections of carriageway susceptible to flooding and excessive frost during winter.

Despite a number of road improvements being carried out by the Vale of Glamorgan Council, no improvements are proposed to extend past Llantwit Major.

Within the village, St Brides Road is predominantly a straight section of carriageway and as such susceptible to many examples of poor and inconsiderate driving.

This fact is emphasised by the regular attendance of the Safety camera partnership speed camera van which still acknowledges that this road is designated as a RED area. David Wilson Homes indicate road improvements which is misleading as all they propose is to put an extra junction for the housing development.

Wick currently has a pedestrian crossing that falls very short with regard to safety. People who attend the crossing find that they have very limited vision of on-coming vehicles due to it being situated next to a lay-by / pull in and bus stop. Adversely this is also the case for some on-coming motorists. with the increase in traffic, this situation will potentially become worse.

Crime and Disorder

Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard must be given by local planning authorities.

Wick Village is currently supported by South Wales Police.

Due to significant cut backs and In order to accommodate these stringent funding measures, South Wales Police have been enforced to reduce its front line officer numbers and change the uses of a number of designated Police Stations.

To this end, Llantwit Major and Cowbridge our local stations have succumbed to the respective cuts with all front line response officers having to attend incidents from either Barry Police station or Bridgend thus increasing response times.

Currently within Wick and Broughton, crime figures are very low however with the proposed increase in population, crime will rise due to more opportunities being available including Anti Social behaviour and burglary.

South Wales Police and local government have embarked on using "Police Community Support Officers" however it must be borne in mind that these officers are little to no use as their overall powers are very limited in many situations and require warranted Officers to deal with many incidents.

Local Amenities

With the proposed application increase of 124 dwellings, the population within the village with increase significantly. Unfortunately despite my previous objections, the village shop was granted permission in 2013 to make a significant reduction in its size. This reduction will mean that residents will travel using their own private cars to neighbouring areas for even the minuscule supplies.

The local primary school is currently at maximum capacity and would not meet the increase in population, moreover, Wick is a feeder school for Llantwit Major Comprehensive School that is also at maximum capacity with no proposed increases in size. Llantwit Major will also have their own increase in population due to their developments etc... Cowbridge School will also be in a similar situation.

There are very few facilities or activities for the current young people of the village to carry out. With the proposed increase in population and with even more children across the age spectrum. anti social behaviour will only be a matter of time thus again increasing pressure on an over stretched Police Service. Additionally parents will be compelled to take their children to local service centres of Llantwit and Cowbridge to meet friends and take part in activities again increasing demand on the use of private cars.

With the proposed development and increase in population, extra strain will be placed on a struggling health service. At present arranging an appointment at the Doctors or Dentists etc...is very difficult. In addition this will become even harder due to the proposed increase from developments in both Llantwit and Cowbridge.

In conclusion, the residents of Wick have during the past few years been requested by the Vale of Glamorgan Council to consider the proposed development as part of an LDP. The LDP set out its conditions to which the residents have responded with integrity believing that the Vale would do the same. Unfortunately David Wilson Homes have been allowed to make this application in what would appear an attempt to short circuit the proposed procedure as laid out in the respective policy documents. Whilst this application may be within the rules, it does not appear ethical or moral.

I hope and trust that the Vale of Glamorgan Council will consider the objections put forward and make the right decisions and thus gaining the support of its constituents.

I have completed this objection on behalf of myself, my wife Mrs Julie Ball, her mother and father namely; Mrs Marian and Mr Anthony Munt (Tonamara, David Street). Mrs Munt is not able to respond due to recent operation on her hand and Mr Munt has limited vision.

I would like to thank you in advance for your considerations.

Yours Faithfully

A black rectangular redaction box covering the signature of Robert J Ball.

Robert J Ball

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

15 January 2015

Ref: VoG/

Dear Mark

PLANNING APPLICATION: 2014/01424/FUL - 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.

As you can no doubt appreciate, I have been contacted by several residents who are extremely concerned about the above proposals, and my purpose in writing is to also express my concerns to the Local Authority and to offer my objections to the proposed planning application.

I must express disappointment at the timing of this application. Firstly, the Local Authority is still determining its Local Development Plan, and site allocations for residential development have not yet been agreed. I am concerned that, with only months until the final publication of the development plan, this application looks speculative at best. Secondly, I have been informed that consultation notices were delivered to local residents on Christmas Eve, and if this is true, it does not seem conclusive to a proper consultation exercise – with many residents being away for the holiday period and associated businesses being closed.

Ultimately, there are a number of planning and social reasons for my objection to this development, but I must underline that this land is not allocated for development under the current development plan. Any residential planning application that seeks to develop beyond the established settlement boundaries and into the countryside must be dismissed.

29 High Street
Barry
CF62 7FB

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mp@parliament.uk
☎ 0207 219 5232 ☎ 01446 403814

29 Y Stryd Fawr
Y Barri
CF62 7EB

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

The addition of 100+ houses to a small rural village such as Wick will overwhelm the current settlement and put substantial pressure on already stretched local services. Wick does not have easy access to public services or facilities or public transport and such an allocation of housing does not support the sustainability of the proposal, in either the Council's Unitary Development Plan or proposed Local Development Plan.

In summary, this application should be rejected because of the conditions of the current UDP. It should be rejected because it falls outside the settle boundary and the land is currently protected against residential development.

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

Yours sincerely

Alun Cairns
ALUN CAIRNS MP
Vale of Glamorgan

29 High Street
Barry
CF62 7EB

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29 Y Stryd Fawr
Y Barri
CF62 7EB

Rees, Vivien

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 12 January 2015 13:42
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2014/01452/FUL

Follow Up Flag: Follow up
Flag Status: Completed

New comments have been received for application 2014/01452/FUL at site address: The Coppice, Park Road, Dinas Powys

from Mr Peter Akers (Clerk to Michaelston CC) clerk@michaelstoncc.co.uk

Address:
3 Archer Road, Penarth,, CF64 3HW

Comment type:
Objection

Comments:

Other type details: Community Council.

Comment: 1. Removal of a fine old Edwardian style house and over 40 trees is not consistent with the Environmental Policy of the UDP which states :

Part 1: Strategic Policies**The Environment****Policy 1**

The Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife and important features of the built heritage.

2. Part of the site is an area designated as a SINC and this application would also not be consistent with this.
3. Replacement of the Coppice by five modern houses could be the start of losing other fine houses on that street thus changing the character of the area and again conflicting with the above policy and the SINC.
4. Pen-y-Turnpike Hill is extremely dangerous for pedestrians, and the residents of the new houses would only be able to reach local amenities by car which is not

Case Officer:

Mr. Steven Rennie

Area:
North

Park Mount
Park Road
Dinas Powys
CF64 4HJ

28th January 2015

Ref Planning Application 2014/01452/Ful

FAO Mr Steven Rennie

Vale Of Glamorgan Council

Dear Mr Morgan

We have spoken on the telephone regarding this planning application above, as requested I have put my thoughts into a letter.

As you are aware I have examined the plans very thoroughly as I live next door to the proposed site. I wish to object strongly to the development of these houses in this location.

Initially I would like to confirm the situation regarding the building that runs close to our boundary. The architect has optimistically described this as "The coach house" when it is in fact a garage with a studio/flat above. At the rear of the garage is a single skin brickwork room & lean to. Neither of the rear rooms are shown on any of the land registry paperwork, I have no idea when they were built or if there is any consent with them, they certainly do not meet building regulations and probably have no footings. To my knowledge The 2nd floor was added to garages in the 1960's as chauffeur accommodation.

The proposed coach house (unit 5) covers the entire footprint of the current garages & lean to's, then extends past my garages completely incasing our property with views of walls and roof top balcony's. Our privacy will be non-existent. The increased size of the new unit is 5/6 times bigger that the current living space in the studio.

I note that the overall site plan disguise's our property by trees to avoid showing how close unit 5 would potentially be.

The Coppice is one of several large historic character properties on Park Road; it has only ever been a single family home with very typical ancillary buildings around it. This is a common style of street in Dinas Powys, many of which have large period homes with substantial gardens. I feel that the application for 5 houses over develops the original house & garden site.

I was shown the previous proposed site design for 4 houses which I was in favour of, as these did not infringe on our property and I felt that the space left between all the new houses gave enough privacy and gave the new homes a size of garden that was adequate for the type of property therefore not requiring any garage with balcony areas to compensate lack of outdoor space.

When we purchased Park Mount several years ago we had no concerns about the Coppice's garages being next door. We extended our property to the rear and also have approved planning permission for a 2nd floor to our garage adding another bedroom. I am sure due to this approved consent the addition of a dwelling in place of the Coppice's garage should be rejected, as its rear windows would look directly into one of our bedrooms in addition. At the time we consulted with our neighbors' on all boundaries and no objections were made. We intend to complete this project in the coming year.

Both the Coppice & Park Mount are completely surrounded by trees, whilst I am aware that a tree survey has been completed I believe it would be impossible to build so close to our boundary without damage to the existing trees & hedges that run along our boundaries.

See Site Section 3 Plan:

This clearly demonstrates the over powering effect that this proposal has on our home. If built Unit 5 and its increased ridge height will significantly reduce the amount of daylight to our kitchen/diner and main living room. It is very out of character with the small-scale building it replaces. The proposed plan shows that the new building will be almost twice the length of the existing one. A complex party wall act would have to be considered & agreed upon to protect the foundations of our property, which we would strongly oppose.

The impact on Park Mount will be devastating; our right to light, privacy and human rights will all be infringed. The increased height width & length of the proposed building will dominate & over shadow our home. The proposal to build unit 5 so close to us is extremely unneighbourly, and we believe it fails to comply with sustaining the historic character of Park Road. As well as numerous planning other conditions.

Further Concerns:

We are completely against the idea of rooftop gardens. As the proposed siting of these

and the very changing levels of ground indicates that they are likely to be significantly higher than our property. This would offer new owners the complete view of our gardens & us of them, again infringing the overlooking regulations. I suggest it would be like living in a fish bowl, and not the privacy that our home Park Mount has enjoyed since the 1980's when built. We would require further detailed clarification of these proposed roof top gardens, however reducing to 4 houses would take away the need to invent this style of outside space.

The increase in traffic to Park Road is also a concern, many of my neighbors at the bottom of the hill do not use or have private drive ways this means that they park on both sides the road, leaving only a 1 car center section to use. 5 properties of this size would require 12 to 15 car park spaces and with the addition of visitors to the proposed properties this could easily rise to 20 and above vehicles, this will have a massive impact on the upkeep and safety of the road not to mention the access to the site itself is directly adjacent to our property at an obtuse angle.

If this application is to be decided by councilors, please take this as notice that we would like to speak at the meeting of the committee.

I also invite my local councilors & the planning officer to Park Mount to consider & evaluate the impact of unit 5 & the potential roof top gardens would have on our home.

Yours Faithfully

Steve & Anne Birkinshaw

[REDACTED]

[REDACTED]

2015/00016/FUL
APPENDIX 'A'

39

50 Craig Yr Eos Road,
Ogmore By Sea,
BRIDGEND,
CF32 0PH

11th February, 2015

Mr. Robert Lankshear,
Vale Of Glamorgan Council,
Planning Department,
Dock Offices,
Barry Docks,
BARRY, CF63 4RT

Dear Sir,

Re: Application No: 2015/00016/FUL/RL
Proposed Residential Development For 21 Dwellings

D.E.E.R
RECEIVED
ACTION BY: <i>il/rl</i>
NO: <i>6</i>
ACK:

I object to the above application on the following grounds:-

1. The problem with the capacity of the public sewer on the common has been known for many years. It seems to be insuperable. If the intention is to use this sewer for the extra drainage there will be health problems.
2. If access to these houses is via Craig Yr Eos Rd, I fear for the safety of pedestrians. A common sight is a mother pushing her pram in the middle of the road – due to car parking on the pavements. Maximum speed permissible should be 20mph.
3. The wall separating the common from the proposed site is in bad repair and at certain places dangerous.
4. Houses nearest to the common should be located some distance from the boundary wall to reduce the visual impact when seen from the Wales Walk Path. The vista now is one of houses, well set back; each one unique, which is quite pleasing.

Yours faithfully,

K. C. Alderman

RECEIVED
12 FEB 2015

RECEIVED
12 MAY 2015

FO

Duffield, Claire E

smc/RL

From: Planning&Transport@valeofglamorgan.gov.uk
 Sent: 15 February 2015 10:01
 To: Planning & Transportation (Customer Care)
 Subject: New comments for application 2015/00016/FUL

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 John Timothy D'Arcy [REDACTED]

Address:
 95 Main Road, Ogmore by Sea, Vale of Glamorgan, CF32 0PR

Comment type:
 Objection

Comments:
 Twenty one properties on this small field, set right up against the Common, will seriously damage the character of this popular part of the Heritage Coast. The committee will be aware that on any sunny weekend people travel a long way to take advantage of the beautiful Common land and beach. Apart from the ridiculous number of properties, the proposal to build houses not bungalows is not within the general character of the village let alone the immediate area.
 My second point relates to the overdevelopment of the whole village. We already have the spectre of almost 200 new properties either being built or already with planning permission, with no guarantee of improved local facilities to cope with the increased population, car numbers, effluent, loss of natural rainwater drainage, etc.

Case Officer:
 Mr. Robert Lankshear

Area:
 South

RECEIVED

16 FEB 2015

D.E.E.R
RECEIVED
ACTION BY: smc/RL
NO: 19
ACK:

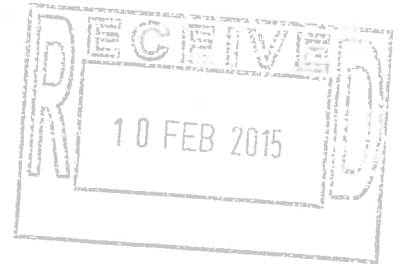
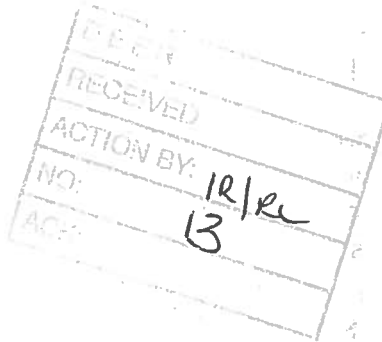
ST. HELENS,
54, CRAIG YR EOS ROAD,
OGMORE BY SEA.
VALE OF GLAMORGAN
CF32 0PH

TEL NO: [REDACTED]
email address: [REDACTED]

26th January, 2015

Yr Ref: P?DC/RL/2015/00016/FUL

Mr. Robert Lankshear,
Vale of Glamorgan Council,
Planning Department,
Dock Offices,
Barry Docks,
Barry,
CF63 4RT



Dear Sir,

Re: Application No: 2015?00016?FUL/RL
Proposed Residential development for 21 dwellings.

I wish to object to the above application on the following grounds:

Further development of our village should at all costs be prevented and refused until facilities are provided for our community i.e.: Community Centre, Village Hall, Play Area, Toilets etc.

1. The entrance to Craig yr eos Road is dangerous to pedestrian traffic, as there is no footpath.
2. Consideration should be made to access being provided via Slon Lane, thus reducing the volume of traffic attempting to squeeze through Craig yr eos Roads narrow entrance. This entrance held up several planning applications in the past as other developments have progressed: Craig Hotel and car park have increased the traffic flow substantially and the houses approved for Craig yr eos Avenue will also increase traffic flow.
3. There are no facilities provided for the community in Ogmore by Sea, and no further planning should be approved until this is rectified.
4. The main Public sewer for the lower Ogmore by sea village is a 9inch clay pipe. This pipe is already stretched beyond it's capabilities. During wet weather, the manhole covers blow off and sewage runs onto the Heritage Coast Footpath and Beach.
5. I have read through the reptile recovery report and find no reference to the lizards that live on the site. I understand that reptiles will be collected and removed to a safer place, but any lizards that are found and collected, should be returned to the adjacent common, their natural habitat, not nearby gardens.
6. The Heritage Coast Footpath will have this site in full view and reduced height should be considered on any buildings built to include them into the general vista, as should different façades. As all buildings in Ogmore are different.
7. The row of houses nearest the common should not be higher than dormer bungalows in order to reduce their impact.
8. 6 new houses have now been approved for Craig yr eos Avenue producing 10 more

vehicles at least, having to traverse this very narrow entrance. To add another 20 plus buildings that may well produce another 40 plus vehicles, at least twice a day is extremely dangerous. There is no footpath at the narrow entrance to Craig yr eos Road.

9. The Boundry wall to the common is falling down and should be repaired urgently. The gateway in the South corner onto the common, only useable by commoners, should be removed as these rights are now revoked.

I await your comments in due course. Should this go to committee I would like an invitation to speak.

Yours faithfully,



Peter Mepham (Mr)
Resident

10. It should be noted that all the houses in the row, adjoining the Commonwall have long gardens. Any further houses built should follow this example

PM

21

O'Keefe, Kevin T

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 30 January 2015 17:27
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00016/FUL
Attachments: Planning Objection .doc

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, Bridgend, CF32 0PX

Comment type:
Objection

Comments:
My grounds for objection to the planning application by Waterstone Homes to build 21 homes on land to the South of Craig yr Eos Avenue are set out in the document attached .

I would be grateful if you would keep me informed of developments in this case.
Thank you

The following files have been uploaded:
Planning Objection .doc

Case Officer:
Mr. Robert Lankshear

Area:
South

D.E.E.R
RECEIVED
ACTION BY: IRRL.
NO: 42
ACK:

RECEIVED

02 FEB 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Dear Sir

RE: Planning application number 2015/00016/FUL for land to South of Craig yr Eos Avenue, Ogmored by Sea

I wish to lodge an objection to the above mentioned planning application on the following grounds

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.

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 6 metres 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.

3. Loss of privacy and visual intrusion :

From the submitted site plan I believe the house on plot 10 of the proposed development will have a direct line of sight into my living room and main bedroom ; and the proposed buildings on plots 1-9 and 10 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.

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 150 house 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.

Dear Sir

RE: Planning application number 2015/00016/FUL for land to South of Craig yr Eos Avenue, Ogmore by Sea

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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.

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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.

03.

②
④

29 JAN 2015

DELETER
RECEIVED
ACTION BY: <i>RL/mc</i>
NO: <i>(14)</i>
ACK:

1, Craig-yr-Eos Place,
Ogmore-by-Sea,
BRIDGEND
CF32 0PX

[Redacted]

28 Jan 2015

Dear Sirs,

Application 2015/00016/FUL

Further to my e-mail, I wish to expand on my objection to the above application. My property abuts immediately upon the area of the proposed development, and would be seriously affected by it.

- 1 Location and density of development. It would result in the disappearance of one of the few remaining open spaces within the settlement area of Ogmore-by-Sea, which has been heavily developed over recent years. The proposed 21 new dwellings would substantially increase the density of population. I calculate that there would be an additional 100 persons living on this restricted site, and probably an additional fifty cars.
- 2 Roads and traffic. The additional population and vehicles would increase the pressure on traffic on Craig-yr-Eos Road, especially on its junction at the top end where it issues by a very narrow one-way exit onto Main Road, which is already difficult to manoeuvre.
- 3 Pressure on existing services. As always with any development in the area, there must be concern about the possible overload on the, drainage, sewerage and waste water system. Can local residents be confident that there would be no harmful results arising from the development, as proposed?
- 4 General effects on the locality. The proposals would eliminate a large open space, and result in adjacent areas, such as Craig-yr-Eos Avenue and Craig-yr-Eos Place, being completely surrounded by development. The height of proposed houses is a particular concern. I understand that all buildings would be at least two to two and a half storeys, plus roof, and therefore approximately 8 metres high. This would far exceed the height of the present bungalows in Craig-yr-Eos Avenue and Craig-yr-Eos Close., which would be completely overshadowed.
- 5 I think a development of this size should be considered by the Planning Committee.

[Redacted Signature]

Mansel J. Lalis

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 31 January 2015 11:45
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00016/FUL
Attachments: Letter of Objection 2015 00016 FUL.docx

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

from Mr Stephen Luzio [REDACTED]

Address:
 The Gables, 44 Craig yr Eos Road, Ogmored by Sea, CF32 0PH

Comment type:
 Objection

Comments:
 Please see attached letter of objection

The following files have been uploaded:
 Letter of Objection 2015 00016 FUL.docx

Case Officer:
 Mr. Robert Lankshear

Area:
 South

D.E.E.R
RECEIVED
ACTION BY: IRRL
NO: 27
ACK:

RECEIVED

02 FEB 2015

ENVIRONMENTAL
 AM

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 for 21 dwellings

We would like to object to the proposal on the basis that the size of the development and size of individual houses and garages is out of all proportion to the existing housing in the Craig yr Eos Road and Avenue area and would adversely affect the appearance and the openness of the area.

We 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.
- The size of the proposed houses are out of character with the current housing stock in Craig Yr Eos Road and Craig Yr Eos Avenue.
- There are no community facilities in Ogmore by Sea, e.g. no pub and no community centre.
- Craig Yr Eos Road and Avenue not designed to take the increased level of traffic that would be created by the 21 dwellings of the proposal and the proposed 6 new dwellings on Craig Yr Eos Avenue.
 - a. The 2 combined housing developments (27 dwellings) will greatly increase the traffic using Craig Yr Eos Avenue and top part of Craig Yr Eos Road.
 - b. The narrow entrance to Craig Yr Eos Road where there is no footpath is the pinch point for vehicles and is already showing signs of damage.
 - c. The increase in traffic will be dangerous for school children on their way to catch the school bus, young families and dog walkers who all walk down Craig Yr Eos Road to gain access to the beach.
- Craig Yr Eos Road already experiences problems with parking and access for vehicles including bin lorries and delivery vans.
- The development will have an impact on the drainage and sewerage system.

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.
- Extremely close proximity and height of the garages of plots 18 and 19 to our house and front garden.
- Overbearing size and position of the houses and garages on plots 18 and 19.
- No consideration of the overall loss of views to The Gables placing garages alongside these proposed very large houses on plots 15 to 19.

- The development will make The Gables part of a housing estate which is not what the owners want or have ever wanted and will completely destroy the rural nature of this part of Craig Yr Eos Road and Avenue.
- No explanation is given regarding the Pumping Station and its close proximity to The Gables.
- No explanation is given regarding where the existing drainage/sewage from The Gables is being diverted to. Currently the drainage/sewage goes directly to where plot 18 is proposed.
- We note the developers have decided to keep a tree which is actually in our garden. There is no indication of what they intend to do with the boundary between the development and The Gables?

Finally what looks so neat on the 2D plans will in reality create a huge impact with large buildings that will adversely affect the beauty, the appearance and the important openness of Ogmore by Sea. We would therefore like to bring attention to a planning application in Ogmore by Sea (2014/01242/FUL) which was recently refused by the Planning Committee for the following reason:

“By reason of the scale, siting and design of the dwellings, and the undeveloped open character of the site, the proposed development would serve to wholly domesticate the land within this undeveloped coastal location, adversely affecting its appearance and fundamentally affecting its important openness. The proposal therefore represents an unjustified and unacceptable form of development in the countryside, to the detriment of the character of the Glamorgan Heritage Coast and the wider setting of the site. It is therefore contrary to Policies ENV1 - Development in the Countryside, ENV 5 – The Glamorgan Heritage Coast, ENV27 - Design of New Developments and HOUS 3 – Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the advice within Planning Policy Wales (7th edition), Technical Advice Notes 6 and 12, and the Council’s Supplementary Planning Guidance on Amenity Standards”.

The proposed planning application of 21 houses on land to the south of Craig Yr Eos Avenue meets all of these criteria and so should be refused.

Prof SD Luzio & Dr RM Luzio

2015/00016/FUL

APPENDIX 'B'

Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

18 March 2015

Ref: VoG

Dear Mark

Planning Application 2015/00016/FUL
Land to the South of Craig Yr Eos Avenue, Ogmore by Sea

I have been contacted by residents living in Ogmore by Sea who have expressed serious concern about the above proposed planning application.

Their main concern is the possible overdevelopment of residential properties in the village, with Ogmore by Sea currently associated with five major applications – if all are granted, it would result in an extra 139 residential units.

As you can no doubt appreciate, this will have an immense detrimental impact on the village, and Ogmore by Sea has very little infrastructure that could cope with such proposals. It has no school facilities, no medical facilities and a very limited bus service. Many of these proposed houses will be reliant solely on private transport.

Conscious that the above application is still under determination, I would ask that the Local Authority give serious consideration to these concerns.

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

Yours sincerely

ALUN CAIRNS MP
Vale of Glamorgan

29 High Street
Barry
CF62 7EB

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mp@parliament.uk
☎ 0207 219 5232 ☎ 01446 403814

29 Y Stryd Fawr
Y Barri
CF62 7EB



2015/00016/Rev Appendix 'C'



1:500



1:250

Extent of Adopted Public Highway

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rev	date	description	by	status
				PRELIMINARY

Drawn:	MCC	Client:	Waterstone Homes
Checked:	CSM	Project:	Ogmora-By-Sea
Date:	July 2015	Title:	Off-Site Highway Works Craig-Yr-Eos Road/Main Road
Scale:	As Shown (A3)	Ref:	2082/SK550
		Rev:	A

spring
design
Unit 3 Chapel Barn, Merryway, New
Bridgeside, CF32 0LS | 01856 656287
mail@spring-consultancy.co.uk

2015/00031/OUT Appendices

- A. Five example letters of representation
- B. Letters from Local AM, MP and MEP
- C. Inspectors Decision Notice for 2010 consent (planning ref: 2008/01203/FUL)
- D. Initial response from applicant to initial Friends of the Earth comment.
- E. Response from applicant to Biofuel watch comments.
- F. Position of applicant on status of the project as a waste disposal.
- G. Second response from applicant to Friends of the Earth follow up comments.
- H. Friends of the Earth second email comments on the application.
- I. Additional letters of representation received regarding proposal (5).

APPENDIX A

52 Enfield Drive
Hunters Ridge
Barry
CF62 8NU

5 June 2015

The Planning Department
Dock Offices
Barry
Vale of Glamorgan

Dear Sirs

Ref: 201500031/OUT

I would like to object to the proposed building of an incinerator at the east end of Barry Docks.

What is this Council thinking? Haven't we enough industry producing lots of toxic gases and waste here already? Why haven't you looked at the fact that Aberthaw Power Station is just down the road and could be used to burn rubbish at high temperatures and even produce electricity while doing so. I do believe that the power station actually came up with this idea some years ago and it was blocked, so why not look at it again?

Barry is trying desperately to regenerate and building affordable housing so very close to the proposed site, I wonder how many houses the building companies will be able to sell should the TV carry a story on their evening news about this. Then would we get the hoped for surge in tourists into Barry? I think not.

Again the worst part about all of this is that just so much information is given out but not enough to let us all really know exactly how much pollution this incinerator will produce. So spare a thought for those who already live on the docks and those living on Dock View Road, not to mention the rest of Barry!

I do hope that you refuse this application for the incinerator although I have little hope as this is the second time this has been proposed! Barry Council listened then to its people and refused permission for the building of this eyesore.

Yours sincerely

P J Long

APPENDIX A

16 CHURCHILL TERR
CADOXTON
BARRY
CF63 2QX
2.6.15


Dear MR Howell,

RE: APPLICATION N^o 2015/00031/OUT/RL
(outline application for Wood fired)
renewable energy plant.

I have been passed information in respect of the above Planning application and must express my concern regarding the Health & Safety risk of hazard materials being released into the atmosphere.

As a long time resident of the Cadoxton area I know that the wind direction is predominately from the west therefore any hazard compounds released to the atmosphere will certainly contaminate the "Cadoxton" areas.

We on Cardiff Road have already seen Daw Corning Chemical Plant grow and grow and grow which we have to live with. However any further possible contamination of the atmosphere with dangerous hazardous substances would be totally unacceptable.

In my view the Planning Community should reject the proposals entirely
yours faithfully,

(local resident)

APPENDIX A

Payne, Adrienne J

From: Max Wallis <[REDACTED]>
Sent: 27 May 2015 16:32
To: Contact OneVale
Cc: keith stockdale; Mahoney, Kevin P (Cllr); Johnson, Ian J (Cllr); Elmore, Christopher (Cllr); Planning & Transportation (Customer Care)
Subject: For Chief Planning Officer: re. Environmental Impact Assessment Regs 1999
Importance: High

Chief Planning Officer,
Vale of Glamorgan Council

Dear Sir

Environmental Impact Assessment Regs 1999 (as amended) 2015/00031/OUT
OUTLINE APPLICATION FOR A WOOD FIRED RENEWABLE ENERGY PLANT - SUNRISE RENEWABLES (BARRY) LTD

The case-file for this major application appears very incomplete. We asked the NRW for their views on aspects of this application, but I see nothing of their views in the case-files on the web-site.

The NRW replied to my first, basic question – As the plant would burn over 100 tonnes waste wood per day, is this a Schedule 1 development under the EIA Regulations?

NRW answer: A plant of this capacity would appear to fall under a Schedule 1 development, Category 10, however this is a decision that would be made by the Local Authority.

Please state and justify your decision on this basic point, noting the application is a new one and independent of previous checkered decisions.

Second, the plant appears to have low energy efficiency so the description “Renewable Energy Plant is false; it is really a waste-wood-fired disposal plant. Will you change the title-descriptor or ask the applicants to justify their description?

Third, please say whether you have sought the views of the NRW on this application, in view of their responsibility for waste management planning as well as statutory consultee on EIA-developments.

Fourth, I submitted questions requesting information from the applicants via the web-site on 7 April, but see no evidence that these requests have been transmitted to the applicants as a Section 19 request for further information or otherwise. Please explain what action has been taken over these requests (copied below).

We look forward to your answers within days, as this application has been on the stocks for too long. We and the public need to know answers to these basic questions.

Max Wallis <[REDACTED]>
pp. Barry & Vale Friends of the Earth
14 Robert Street, Barry

RECEIVED

28 MAY 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

SEER
RECEIVED
ACTION BY: MPHUR
NO: 3
ACK

Objection submitted 7 April

Large tonnages of toxic ash, over 10 tonnes per day (3700 tonnes pa) would be produced. As it derives from burning coated, treated and used wood, including MDF, it is likely to be hazardous waste, so the answer is given to the Q24 on the application form: “is any hazardous waste involved in the proposal” would be false.

Can the applicant supply any information that none of the ash from this plant, both flyash and bottom ash, under all likely combustion conditions, will not be classed as hazardous waste?

If some could be hazardous waste, how do they propose to test it ?

This is an objection that that application is inadequate as to the composition of the ash and probably misleading as to its character and therefore to possible disposal routes.

quotes the South East Wales Waste Group, Regional Waste Plan 1st Review, 2008, but the Welsh Government revoked this under the new TAN21 and Planning Policy Wales 2013. Will the VoG Council tell the applicant that use of the 'revoked' document is inadequate as justification of their claim to Advanced Conversion Technology and Gasification?

Quotes policy to include 'local use of the output heat' and 'potential to use the syngas', but the proposal meets neither of these

Is it 'gasification' ?

2012 review by Mott Macdonald questioned that the Outotec system could be termed 'gasification' in the EU definition of the

technology. <https://www.whatdotheyknow.com/request/mott-macdonald-technical-review> Surrey CC. carried out a 'due diligence' check.

/



APPENDIX A

107 Dock View Road,
Barry,
CF63 3QQ.

25th March, 2015

Mr M Goldsworthy,
Operational Manager,
Development and Building Control,
Vale of Glamorgan Council,
Dock Office, Barry,
CF63 4RT.

Dear Sir,

Town and Country Planning Application
No. 2015/00031/OUT/RL
David Davies Road, Woodham Road, Barry
Outline application for a wood fired renewable energy plant

I refer to the above and would like to **raise serious concern** over the impact of this application in terms of public health, quality of life, environmental issues & visual impact.

The planning application states the site is predominantly an industrial site, located away from neighbours and from the Waterfront Development. The fact that 2000 homes are being built, Asda, primary school & cafe quarter wholly negates the ethos that the waterfront site and adjacent land is 'industrial'. The waterfront project is a catalyst to improve the economic prosperity of the town. This application threatens to damage the environmental outlook for the area, threatens to damage air quality & will impact on current & future generations in terms of long term health. This will also massively impact on future possibilities for expansion of the waterfront development.

Large tonnage of toxic ash will be generated, increasing the likelihood of harmful fumes emanating throughout the area. The plan to burn 72,000 tons per annum of wood; not fresh wood – but chipped up building waste including items that are either painted or chemically treated. There are significant risks of fire hazards, potential for combustion of materials stored. There is high likelihood of fumes reaching the properties in all surrounding areas; including Castleand ward. The height of the stack will ensure that the fumes are pumped higher, which will ultimately reach the land of my property. I am very concerned that the planning application consultation was not extended across all neighbouring, including all of the properties overlooking or adjacent to the site.

Small particles of NO_x can penetrate deeply into sensitive lung tissue and damage it, causing premature death in extreme cases. Inhalation of such particles may cause or worsen respiratory diseases, such as emphysema or bronchitis, or may also aggravate existing heart disease. The plan refers to comprehensive flue gas treatment that will be in place however, there will still be **residual emissions** which need to be discharged via an

RECEIVED

26 MAR 2015

APPENDIX A

elevated stack to ensure resulting pollutant concentrations are acceptable by the time they reach ground level at sensitive receptor locations. Any emissions from the site are very concerning for myself, my family, my neighbours and my town as a whole. The visible vapour plume and the buildings / stack will be unsightly, will impact on the visual appearance of the land; will impact on views from residents situated above the land; Dock View Road and adjacent areas.

Scientists have recently discovered that the pollutants in wood smoke, notably particulate matter, are harmful to human health. In fact, wood smoke has become the most serious kind of air pollution, causing more illness and deaths than smog does. Additionally, the fine particulates in smoke are very effective at reducing visibility. Smoke can also blot out the view, making it difficult for residents and tourists alike to enjoy the scenery, or even travel by road or air. This, in turn, can cause economic losses.

Wood combustion products can include toxic and carcinogenic substances. Generally, the heartwood of a tree contains the highest amounts of toxic substances, and precautions should be taken when burning wood of an unknown nature, since some trees' woodsmoke can be highly toxic and can endanger human health. Burning wood will also produce tons of fine particulate matter, a pollutant associated with asthma, heart disease, and cancer for which no safe level is known.

I would suggest that **additional local publication** of the application is absolutely essential, prior to any decision being made. Local councillors should also be seeking constituent views and the council itself should be very concerned over the health of all residents in Barry, as we are relying on the council to represent our views effectively.

This planning application is illogical, in terms of the benefits to the local community and should not be progressed. We, as the community of Barry are wholly relying on the local council to make the best decisions for our future and for our health, for our children's health and for the future prosperity of the town. Who would look to purchase a house on the new waterfront development when just over 0.3km along the way there could potentially be **an industrial site emitting dangerous toxic particles into the atmosphere.**

Have the builders of the new properties, Asda store and school been privy to the information contained in this planning application? I would suggest that they would also strongly object to the plans, as they could impact massively on the attractiveness of purchasing a home on the new waterfront development site.

This application must be strongly objected on all grounds. I urge you to expand the consultation, **take on board the public views seriously and support the public** by realising the potential impact this application will have on the future of Barry.

Yours faithfully,

Mrs Maria Spence

APPENDIX A

Payne, Adrienne J

From: [Redacted]
Sent: 06 May 2015 10:16
To: Planning & Transportation (Customer Care)
Subject: RE: Comments acknowledgement

Thank you for accepting my Objection to the biomass incinerator plant that I entered on, 29 April 2015. I have sat at the computer for several hrs & the more i read about these biomass plants, the more Danger it would be bringing to the Population of Barry Town. The USA & Europe realize the true cost's of the Unacceptable (risk) to the Public's Health by increasing Air Pollution. Medical & Health associations are all Opposed to Biomass incinerators which Will produce hundreds of tons of Nitrogen Oxides, (Nox.) Sulfur Dioxide & Particulate air Pollution of which is Unacceptable, is associated with increased Cardiopulmonary symptoms, Asthma & Respiratory disease ending in Hospitalization, obviously increasing Healthcare cost's, Sadly some cases ending in their Mortality. Added HGV traffic using the already well worn roads in this area. Dangerous Emissions, & Unacceptable levels of Contamination in the Air that " WE " breath. I could go on & on all day every day about the DANGERS of this Application 2015/0031/out. I beg you Please DO NOT ALLOW the Biomass Incinerator to built anywhere, especially in Barry Town. Regards J.M.Hopkins.

> From: Planning&Transport@valeofglamorgan.gov.uk
> To: [Redacted]
> Date: Wed, 29 Apr 2015 14:01:13 +0100
> Subject: Comments acknowledgement

> Dear Mr John Hopkins.,

> Town and Country Planning Act 1990 (as amended)

> Application Number: 2015/00031/OUT

> Location: David Davies Road, Woodham Road, Barry

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

> I hereby acknowledge receipt of your representations on the above planning application. These have been forwarded onto the planning officer dealing with this application, who will take your views into consideration when considering this application. We are sorry but owing to workload, the planning officer will not be able to respond to any questions which you may have raised in your correspondence.

> Please note that when a decision is made on this application, the Council's on line register will be updated.

> Thank you for taking the time and trouble to let us have your views on this planning application.

> MJ Goldsworthy

> Operational Manager Building & Development Control

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06 MAY 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

2015
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ACTION BY: MPH/IR
NO: 36

APPENDIX B

Payne, Adrienne J

From: CAIRNS, Alun <alun.cairns.mp@parliament.uk>
Sent: 11 June 2015 10:53
To: Planning & Transportation (Customer Care)
Cc: PEARCE, Katharine
Subject: Proposed Wood Gasification Facility: 2015/00031/OUT

RE: Proposed Wood Gasification Facility: 2015/00031/OUT

My purpose in writing is to highlight concerns that have been raised with me about the outline planning permission to change the existing planning consent for a waste wood pyrolysis plant at Woodham Road, Barry.

It has been suggested that there are contradictions in the planning documents that need clarification in order for the proposals to be properly considered to ensure that a full response can be submitted.

I understand that there are discrepancies between the stated efficiency of the current proposals and the previously consent pyrolysis plant and that the proposed development would require an increase in the amount of waste wood to be sourced for the plant. In addition, the Air Quality Assessment suggests that the technology would not reduce emissions of air pollutants as stated in the plans.

It has also been highlighted to me that a similar proposal was submitted by the developers in Barrow-in-Furness, Cumbria which included an explicit request to increase tonnage of feedstock.

It is important that the developer clearly sets out the needs of the new plant and clarifies the efficiency data before the proposals can be fully considered. The current application does not include sufficient information for a fully informed decision to be made at this stage.

I therefore hope that you will consider requesting further details on these points before the permission is changed.

Yours,

Alun

Alun Cairns MP
Vale of Glamorgan



Alun Cairns MP AS
Vale of Glamorgan / Bro Morgannwg
alun.cairns.mp@parliament.uk
House of Commons, London, SW1A 0AA
T: 0207 219 7175
29 High Street / 29 Y Stryd Fawr, Barry / Y Barri, CF62 7EB
t: 01446 403814
www.aluncairns.co.uk

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11 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

10524	
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ACTION BY	MPH12
13 16	

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APPENDIX B

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

16 March 2015

Ref: VoG

Dear Mark

Planning Application 2015/00031/OUT/RL
Outline application for a wood fired 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.

29 High Street
Barry
CF62 7BB

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29 Y Stryd Fawr
Y Barry
CF62 7EB

APPENDIX B

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

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

Yours sincerely

ALUN CAIRNS MP
Vale of Glamorgan

2014/15
Wales
0302 7111

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mp@parliament.uk
☎ 0207 219 5252 ☎ 01446 465811

2014/15
Wales
0302 7111

APPENDIX B

Eluned Parrott

Aelod Cynulliad dros
Ganol De Cymru

Assembly Member for
South Wales Central



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Planning Officer
Vale of Glamorgan Council
Dock Office
Barry

Our Ref: 131531/Vale/Planning

Date: 1st April 2015

RECEIVED

15 APR 2015

Dear Sir

APPLICATION: 2015/00031/OUT
PROPOSED BARRY INCINERATOR

NAME	
ADDRESS	
CITY/TOWN	
POSTCODE	
PHONE	
FAX	
EMAIL	
REF	131531/Vale/Planning
DATE	15 APR 2015
BY	IR/MPH
FOR	MPH

I am writing to object to the above application as one of the Regional Assembly Members for South Wales Central, although I also live in neighbouring Rhose.

I understand a previous application for a wood fired renewable energy plant was rejected by the Council but granted on appeal and the applicants have submitted an amended application for a bigger plant and new technology.

As such, it is my understanding that this new development, which is both bigger in size and scope, is being treated as a new application and is not restrained by the previous application and permission, although the principle of an incinerator may have been established.

The 43m increased height of the stack will be a carbuncle on the local landscape and its emissions will be wide and far reaching. They will extend over a population which is greater in density than the Wales average and, if not properly treated, they may contain copper, chrome, arsenic (CCA) and creosote.

Although it is intended to increase the dispersal range of the 10 tonnes of ash that will be generated every day from the daily incineration of 200 tonnes of "treated" wood chips, residents are obviously concerned that their homes, communities and local environment are within the emissions range and at risk from potentially "contaminated" ash particles.

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Cynulliad Cenedlaethol Cymru
38 Y Parêd, Y Rhath,
Caerdydd, CF24 3AD
Eluned.Parrott@cymru.gov.uk
www.ElunedParrott.com
T +44 (0)29 2046 2326

National Assembly for Wales
38 The Parade, Roath,
Cardiff, CF24 3AD
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APPENDIX B

Concerns have been expressed as to the public cost of fighting the previous appeal but what about the cost of this new "industrial" development in relation to the existing communities and proposed nearby £230m Barry Waterfront scheme of 2,000 homes, new business and a waterfront sports activity centre.

The additional traffic generation will also impact upon all routes in and out of Barry and exacerbate existing congestion problems.

Yours sincerely,

A handwritten signature in black ink that reads "Eluned Parrott". The signature is written in a cursive style with a large initial "E".

ELUNED PARROTT AM

Welsh Liberal Democrat Assembly Member for South Wales Central

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

APPENDIX B

Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd CF99 1NA
www.cynulliad.cymru

National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA
www.assembly.wales

Our ref: JH/CB/

Mark Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Rd
Barry
CF63 4RU

FAO: Cllr Lis Burnett

25 March 2015

Dear Lis

Re: 2015/00031/OUT Wood Fired Renewable Energy Plant Barry

I have been contacted by a number of Barry residents with concerns regarding the above application from Sunrise Renewables Ltd.

I understand that an application was originally submitted 5 years ago for a wood fired renewable energy plant on Woodham Rd Barry, but this latest application contains amendments which have drawn considerable local concern.

It appears that the scale of the plant has been significantly increased-with a bigger wattage and 23m tall building and 43m chimney which would detrimentally affect the view line of nearby houses.

Local residents are very concerned about the visual, public health and environmental impact of this proposal and feel that this application, far from amending the original application, actually plans for a much bigger proposal.

I would be grateful if their concerns could be accorded due attention.

Bae Caerdydd
Caerdydd
CF99 1NA
Cardiff Bay
Cardiff
CF99 1NA

Ffôn / Tel 0300 200 7110
E-bost / Email Jane.Hutt@assembly.wales

APPENDIX B

With very best wishes

Yours sincerely

A handwritten signature in cursive script that reads "Jane". The letter 'J' is large and loops back under the 'a', and the 'e' is written in a simple, connected style.

JANE HUTT AM (VALE OF GLAMORGAN)



Andrew RT Davies AM/AC

Leader of the Opposition
Arweinydd yr Wrthblaid
Welsh Conservative Member for
South Wales Central
Aelod y Ceidwadwyr Cymreig dros
Ganol De Cymru

APPENDIX B

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11 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Please reply to:
Cardiff Bay, Cardiff, CF99 1NA
Bae Caerdydd, Caerdydd, CF99 1NA
Ffon/Tel: 029 20 898523
Ffacs/Fax: 029 20 898371
AndrewRT.Davies@wales.gov.uk

Ein cyf/Our Ref: AD/VB
Eich cyf/ Your Ref: Planning

11th June 2015

Dear Mr Petherick,

In recent months I have received a number of letters and calls from constituents who have expressed their concerns over the proposed wood fire incinerator in Barry and similar concerns regarding this application and the impact that it could have on future efforts to regenerate the Barry area, specifically the Waterfront.

For my part this application raises the question of what kind of waterfront we want to see in Barry? Is a development of this kind in keeping with wider plans to generate tourism in the area? I would argue that these plans are completely out of character.

Not only am I also concerned about the impact of the plans on the local residential area (due in no small part to the height of the development), it is clear that it could have a sizeable impact upon local businesses due to increased traffic flow - leading to heavy congestion in the locality.

I would strongly urge the Vale of Glamorgan council to take into consideration the views of local residents when debating these proposals and find against the application.

APPENDIX B

Kindest regards,

Andrew RT Davies

Andrew RT Davies AM
Leader of the Welsh Conservatives

APPENDIX B



Plaid Cymru | Party of
Wales

Plaid Cymru – The Party of Wales

Leanne Wood AC/AM

Arweinydd Plaid Cymru / Leader of Plaid Cymru

Aelod Cynulliad Canol De Cymru / South Wales Central Assembly Member

Mr. Morgan P. Howell
The Vale of Glamorgan Council,
Development Control,
Dock Office,
Barry,
CF63 4RT

Our Ref: LW/hp/150424/BarryIncinerator

24th April 2015

Dear Mr. Howell

Re: Planning Application reference 2015/00031/OUT

I have been contacted by a number of constituents who have raised concerns about the proposed Waste Wood incinerator by Sunrise Renewables, in Barry Dock.

I understand that the location for the proposed incinerator is in relatively close proximity to the houses on Dock View Road. I understand further that the proposed incinerator relies on new and largely untested gasification processes and that residents are, therefore, naturally concerned about the potential negative effects on their health and the air quality in the surrounding area.

Furthermore, it has been indicated that the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. There also appears to be a lack of information available as to the disposal of the ash produced by the incinerator, which would presumably need to be taken off-site and transported elsewhere.

As this proposal could have significant effects on the environment and health, further testing of the gasification process is needed to monitor the impact on the environment and local residents and, in light of the reasons outlined above, it should be subject to a full Environmental Impact Assessment.

I therefore request that the application is deferred until such a time that adequate information is available to ensure that the proposal can be assessed with proper consideration of the facts.

Yours sincerely,

Leanne Wood AC

Cynulliad Cenedlaethol Cymru, Bae Caerdydd • *Sillafu 0300 200 7202*

Swyddfa Ranbarthol • *Plaid Cymru*
32 Heol Gelliwastad, Pontypridd, Rhondda Cynon Taf CF37 2BN ☎ 01443 480291

leanne.wood@cynulliad.cymru • leanne.wood@assembly.wales



APPENDIX B

Member of the European Parliament

45 Gelligaled Road,
Ystrad,
Rhondda,
CF41 7RQ.
Tel: 01443 441395
Email: post@jillevans.net

Mr. Morgan P. Howell
The Vale of Glamorgan Council,
Development Control,
Dock Office,
Barry,
CF63 4RT

16th of April, 2015.

Dear Mr. Morgan P. Howell,

I am writing with regard to the proposed Waste Wood incinerator by Sunrise Renewables (ref 2015/00031/OUT).

I ask that the application is deferred for the following reasons.

This proposal could have significant effects on the environment and health, and as such should be subject to a full Environmental Impact Assessment. The proposed incinerator relies on new and largely untested gasification processes, and the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. Further testing of the gasification process is needed to monitor the impact on the environment and local residents.

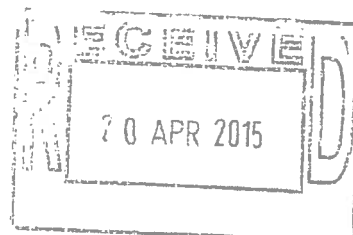
Burning contaminated wood chips would produce toxic ash which would have to be taken off-site and transported elsewhere for specialist disposal. And with inadequate information available regarding the proposal, residents are worried about their health and air quality.

I believe that the Vale of Glamorgan Council needs a great deal more information from the developers before this application can be determined.

Yours sincerely,

Jill Evans

Jill Evans ASE/MEP
Plaid Cymru - The Party of Wales.



D.E.E.R
RECEIVED
ACTION BY. IR. MPH
NO: 7
ACK:



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 NO₂. 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 1st 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

She called

Miss J Walsh Vale of Glamorgan Council

Ms V Abraham Vale of Glamorgan Council*

Mr K James Vale of Glamorgan Council*

Mr S Ball Vale of Glamorgan Council*

* 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

He called

Mr R Leach AB Acoustics, Oldham

Mr S Srimath RSK Environment, Health and Safety Ltd, Hemel
Hempstead

Mr D Appleton The Appleton Group, Bolton

Mr Paul Sedgwick Sedgwick Associates, Bolton

INTERESTED PERSONS:

Mr M Wallis On behalf of Friends of the Earth,

Mrs D Mitchell 58 Redbrink Crescent, Barry

A Cairns MP 29 High Street, Barry

Clr C Elmore 31 Robert Street, Barry

Mr C Farrant On behalf of Barry Town Council

Mr D McCulloch 49 Dock View Road, Barry

Mrs L Lake 74 Castleland Street, Barry

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

1. Is the Project a waste disposal facility? Is it a Schedule 1 Development under the EIA Regulations?

Answer: No it is not. Attached below is the 'R1 Calculation' for the Project showing that it comfortably exceeds the 0.65 threshold required under the "Guidance on applying the Waste Hierarchy", issued by Defra June 2011. As such it is to be considered a 'power generation facility' as opposed to a 'waste disposal facility' and it is not therefore a Waste Disposal Facility for the Incineration of hazardous or non-hazardous waste under Schedule 1 Development of the EIA Regulations.

2. Is the Project Advanced Conversion Technology? Is the technology gasification?

Answer: Yes it is. In the United Kingdom the person who determines whether technology is or is not Advanced Conversion Technology is the Office of Gas and Electricity Markets – Ofgem. According to Ofgem's Renewables Obligation: Guidance for Generators (April 2015):

"2.105. Gasification and pyrolysis are examples of advanced conversion technologies (ACTs). These technologies use waste and biomass feedstocks to produce either a synthesis gas (syngas) and / or liquid fuels (bio-oils) which can be used to generate electricity."

The technology selected by the Applicant for the Project is based on gasification:

"For gaseous fuels produced by gasification or pyrolysis, eligibility for the standard gasification and pyrolysis bands in any month is dependent on the fuel having a minimum GCV of 2 MJ/m³."

Under its supply contract the manufacturer is warranting to the Applicant that it will meet Ofgem's requirements for gasification:

"Syngas CV value: the System shall meet at design capacity a minimum gross calorific value of the produced syngas (as shown within the Firing Diagram conditions as attached hereto) of 2 MJ/m³ measured at 25 degrees Celsius and 0.1 megapascals measured at a point to be jointly determined over the bed and under the overfire and which has been approved by Ofgem. The syngas calorific value will be determined from a minimum of 3 separate gas samples during the Performance Test."

The Project therefore plans to use technology which meets Ofgem's requirements for an Advanced Conversion Technology using gasification.

3. Is the plant a Renewable Energy Plant? How will the syngas be used?

Answer: Yes it is – it generates electricity from a renewable fuel. In the United Kingdom the organisation regulating power generation is the Office of Gas and Electricity Markets – Ofgem. According to Ofgem's Renewables Obligation: Guidance for Generators (April 2015):

“The Renewables Obligation (RO), the Renewables Obligation (Scotland) (ROS) and the Northern Ireland Renewables Obligation (NIRO) are designed to incentivise large-scale renewable electricity generation in the UK and help the UK meet its requirements for 15 per cent of energy to be sourced from renewable sources by 2020.”

As an Advanced Conversion Technology (see Answer 3 below) the plant is eligible for Renewable Obligation Certificates under the RO scheme. As such, Ofgem considers it to be “large-scale renewable electricity generation”, as stated above.

This is in part because the chosen technology takes the biomass – here waste wood – and instead of simply burning it like an incinerator, it ‘boils off’ synthetic gas (called “syngas” which is not dissimilar to natural gas) and uses that as the fuel. The result is that the emissions from the process are much cleaner than an incineration where the products of combustion go straight out with the exhaust: for a gasifier, the vast majority of the combustion products drop out with the ash, making it a much simpler job to clean the emissions before they meet the regulated standards required for release into the atmosphere.

Under its supply contract the manufacturer is warranting to the Applicant that it will meet the applicable requirements for combustion and emissions laid down in the Industrial Emissions Directive:

“Combustion: the System shall meet at design capacity a minimum flue gas temperature of 1562°F (850°C) for at least 2 seconds residence time after introduction of last combustion air in accordance with the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control)).”

“Emissions: Emissions from the System when firing feedstock that meets the Fuel Specification will comply with the requirements of Annex VI, Parts 3 and 4 of the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control))”

Just to emphasise: gasification is not the same as incineration which is often misunderstood.

4. Will the ash produced be hazardous?

Answer: each year the plant will produce approximately 2208 tonnes of non-hazardous bottom ash and 1464 tonnes of hazardous fly ash. The two types of ash are produced in different sections of the plant boiler and are collected separately for storage in separate silos pending disposal. Specialist disposal contractors using sealed powder trucks will handle disposal of the hazardous fly-ash. This will be disposed of at a regulated landfill location specialising in the disposal of fly ash in accordance with applicable law and regulation. Bottom ash will be disposed of separately for use in the construction industry.

5. Is the plant a low-energy efficiency facility? Can the heat output be used?

Answer: The plant is not a combined heat and power plant since there is no viable adjacent heat offtaker. The plant is therefore a dedicated renewable power plant and as such the input energy is converted as efficiently as possible to electricity for use in the locality. The previous selected technology pyrolised 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. Therefore it is more efficient

Schedule
Barry Renewable Energy Project – R1 Calculation

Type of energy	energy Ex [MWh]
amount of incinerated waste (without 1.2 and 1.3)	321,840
e.g amount of incinerated sewage sludge	0
e.g. amount used activated carbon incinerated	0
Ew: energy input to the system by waste	321,840
E _{f1} : amount of light fuel oil for start up (after connection with the steam grid)	0
E _{f2} : amount of light fuel oil for keeping the incineration temperature	0
E _{f3} : amount of natural gas for start up and keeping incineration temperature	0
S E_f: energy input by imported energy with steam production	0
E _{i1} : amount of light fuel oil for start up/shut down (no connection with the steam grid)	350
E _{i2} : e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0
E _{i3} : imported electricity (multiplied with the equivalence factor 2.6)	0
E _{i4} : imported heat (multiplied with the equivalence factor 1.1)	0
S E_i: energy input by imported energy without steam production	350
E _{p_{el} internal used} : electricity produced and internally used for the incineration process	10,400
E _{p_{el} exported} : electricity delivered to a third party	74,080
S E_{p_{el} produced} = E_{p_{el} internal used} + E_{p_{el} exported}	84,480
E _{p_{heat exp.1}} : steam delivered to a third party without backflow as condensate	0
E _{p_{heat exp.2}} : district heat delivered to a third party with backflow as condensate (hot water)	0
S E_{p_{heat exported}} = E_{p_{heat exp.1}} + E_{p_{heat exp.2}}	0
E _{p_{heat int.used1}} : for steam driven turbo pumps for boiler water, backflow as steam	0
E _{p_{heat int.used2}} : for heating up of flue gas with steam, backflow as condensate	0
E _{p_{heat int.used4}} : for concentration of liquid APC residues with steam, backflow as condensate	0
E _{p_{heat int.used5}} : for soot blowing without backflow as steam or condensate	6,484
E _{p_{heat int.used7}} : for heating purposes of buildings/instruments/silos, backflow as condensate	0
E _{p_{heat int.used8}} : for deaeration - demineralization with condensate as water input	0
E _{p_{heat int.used9}} : for NH4OH (water) injection without backflow as steam or condensate	0
S E_{p_{heat int.used}} = S E_{p_{heat int.used1-9}}	6,484
R1 = (E_p - (E_f + E_i)) / (0.97 * (E_w + E_f))	0.73
E_p = 2.6*(S E_{p_{el} int.used}+S E_{p_{el} exported}) + 1.1*(S E_{p_{heat int.used}}+S E_{p_{heat exported}})	226,780

e

Sunrise Renewables (Barry) Ltd - Renewable Power Plant at David Davies Road, Barry ("Project")

Responses to questions raised by Biofuelwatch ("BfW")

1. What is the explanation for changes in emissions?

Answer: All new power plants are required by law to meet the requirements of the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control)). In Wales this is administered by Natural Resources Wales. The revised project has been designed so that on a worst case basis it will meet these limits.

Feedback from the Applicant's Air Quality Consultant, Entran, in response to this question confirms that although the emissions are higher than the previous consented scheme, the stack height has been sized accordingly by means of detailed dispersion modelling in order to ensure that impacts at relevant receptors are negligible. As a worst-case, emissions from the site have been assumed to occur at the IED limits. Actual emissions from the site are anticipated to be significantly lower. Predicted maximum off-site process concentrations are well within the relevant air quality standards for all pollutants considered.

2. Is the Plant less efficient than the original consented Plant?

Answer: 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. Therefore it is more efficient

3. Will the new plant use more waste wood?

Answer: Waste wood, just like any wood, contains moisture and this can vary from very low (eg ~5%) to quite high (eg ~40%). When you process wetter wood, it means you are effectively 'boiling off' more water which does not contribute to generating electricity (in fact it detracts since you have to use energy to boil it off).

The technology selected is warranted to process waste wood with a moisture content in the range 5% up to 30%. Of course you never know how much moisture you will be receiving in a delivery (and indeed it varies according to the time of the year). This is why you often convert it back to dry wood equivalent meaning what it would weigh if it was kiln dry.

For Barry, we are expecting to process up to 72,000 dry tonnes equivalent. In fact it might well be less than this since the equipment may be up to 5% more efficient than warranted which would mean ~68,500 dry tonnes equivalent would be needed. As to how many wet tonnes this will equate to will just depend on the delivery (and in effect how much water is being transported in along with the fuel component).

In contrast, for the Sunrise project in Barrow-in-Furness, the calculations were based on the design fuel used by the manufacturers of 20% moisture. At 20% moisture this equates to up to 86,000 tonnes of wet wood, less if the efficiency level hoped for is achieved. Also at Barrow the connection is for 12MW so the plant is able to operate above 10MW at times so long as the

average does not exceed 10MW whereas for Barry the connection is capped at 10MW at all times which does not therefore allow for this flexibility so you would expect Barry to use less waste wood in any case.

As can be seen, it is not possible to be precise on the number of tonnes of actual wood brought into the site and when submitting for Barry it was felt that specifying it in dry tonnes for Barry would be the most accurate and indeed consistent with the previous application. This was in part because the previous proposal was based around pyrolysis requiring delivered wood to be processed and dried on site before being used for pyrolysis. It was planned for 72,000 tonnes of prepared (therefore dried) wood to be pyrolysed. Nothing has therefore changed in this respect.

4. Will the Plant be a Waste Disposal Plant?

Answer: No it is not. Attached below is the 'R1 Calculation' for the Project showing that it comfortably exceeds the 0.65 threshold required under the "Guidance on applying the Waste Hierarchy", issued by Defra June 2011. As such the energy recovery from the facility is sufficiently high for it not to be considered a 'waste disposal facility' and it is not therefore a Waste Disposal Facility for the Incineration of hazardous or non-hazardous waste under Schedule 1 Development of the EIA Regulations.

5. Is the information supplied 'Contradictory'?

Answer: As has been explained in the responses above, the contradictions claimed by BfW do not in fact exist and instead seem be incorrect speculation on their part.

Schedule
Barry Renewable Energy Project – R1 Calculation

Type of energy	energy Ex [MWh]
amount of incinerated waste (without 1.2 and 1.3)	321,840
e.g amount of incinerated sewage sludge	0
e.g. amount used activated carbon incinerated	0
E_w: energy input to the system by waste	321,840
E _{r1} : amount of light fuel oil for start up (after connection with the steam grid)	0
E _{r2} : amount of light fuel oil for keeping the incineration temperature	0
E _{r3} : amount of natural gas for start up and keeping incineration temperature	0
S E_r: energy input by imported energy with steam production	0
E _{i1} : amount of light fuel oil for start up/shut down (no connection with the steam grid)	350
E _{i2} : e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0
E _{i3} : imported electricity (multiplied with the equivalence factor 2.6)	0
E _{i4} : imported heat (multiplied with the equivalence factor 1.1)	0
S E_i: energy input by imported energy without steam production	350
E _{p_{el} internal used} : electricity produced and internally used for the incineration process	10,400
E _{p_{el} exported} : electricity delivered to a third party	74,080
S E_{p_{el} produced} = E_{p_{el} internal used} + E_{p_{el} exported}	84,480
E _{p_{heat exp.1}} : steam delivered to a third party without backflow as condensate	0
E _{p_{heat exp.2}} : district heat delivered to a third party with backflow as condensate (hot water)	0
S E_{p_{heat exported}} = E_{p_{heat exp.1}} + E_{p_{heat exp.2}}	0
E _{p_{heat int.used1}} : for steam driven turbo pumps for boiler water, backflow as steam	0
E _{p_{heat int.used2}} : for heating up of flue gas with steam, backflow as condensate	0
E _{p_{heat int.used4}} : for concentration of liquid APC residues with steam, backflow as condensate	0
E _{p_{heat int.used5}} : for soot blowing without backflow as steam or condensate	6,484
E _{p_{heat int.used7}} : for heating purposes of buildings/instruments/silos, backflow as condensate	0
E _{p_{heat int.used8}} : for deaeration - demineralization with condensate as water input	0
E _{p_{heat int.used9}} : for NH4OH (water) injection without backflow as steam or condensate	0
S E_{p_{heat int.used}} = S E_{p_{heat int.used1-9}}	6,484
R1 = (E_p - (E_f + E_i)) / (0.97 * (E_w + E_f))	0.73
E_p = 2.6*(S E_{p_{el} int.used}+S E_{p_{el} exported}) + 1.1*(S E_{p_{heat int.used}}+S E_{p_{heat exported}})	226,780

(F

Sunrise Renewables (Barry) Ltd
Renewable Power Plant at David Davies Road, Barry ("Project")
Waste Disposal Status of the Project

1. Waste Framework Directive

1.1 Is the Waste Hierarchy even relevant? The most important point to understand is that the Project is a renewable power plant using syngas derived from the gasification of waste wood biomass as its fuel.

It is not a waste incineration installation and is not therefore regulated by the Waste Framework Directive¹ ("WFD").

As such, it is not necessary to perform the 'R1 Energy Efficiency Calculation' for the purposes of determining whether or not it is a "waste disposal facility" for the incineration of hazardous or non-hazardous waste under Schedule 1 of The Environmental Permitting (England and Wales) Regulations 2010² ("EPR").

1.2 EU Authority. This is clear from the European Union's own guidance on the WFD³ which states in its very first sentence:

"These guidelines are destined to provide legal certainty and a level playing field in the application of the energy efficiency thresholds for municipal waste incinerators in Annex II of Directive 2008/98/EC on waste (Waste Framework Directive - WFD)."

The Annex II cited includes example R1 (which is where the "R1 Energy Efficiency Calculation" nomenclature derives from):

"R1 - Use principally as a fuel or other means to generate energy [which] includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

- 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,*
- 0.65 for installations permitted after 31 December 2008, using the [R1 Energy Efficiency Calculation formula]"*

1.3 Natural Resource Wales Guidance. This is recognised by Natural Resource Wales in its own guidance⁴ on the application of the WFD under the EPR in Wales:

"The Directive allows municipal waste incinerators to be classified as recovery operations provided they achieve a defined threshold of energy efficiency. This has been introduced to:

- promote the use of waste in energy efficient municipal waste incinerators*
- encourage innovation in waste incineration*

Whether or not the energy efficiency threshold is achieved is worked out by using the R1 Energy Efficiency formula included in the Directive."

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:en:PDF>

² <http://www.legislation.gov.uk/ukdsi/2010/9780111491423/contents>

³ <http://ec.europa.eu/environment/waste/framework/pdf/guidance.pdf>

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361544/LIT_5754.pdf

1.4 Environment Agency Guidance. Natural Resource Wales' guidance incorporates the Environment Agency's guidelines⁵ on "How incinerators can be classified as energy recovery", which state under how to "Qualify as an R1 recovery operation":

"The incinerator must be:

- *regulated by the Environment Agency*
- *dedicated to municipal waste (MWI) or automotive shredder residues (ASR)*

This approach applies only to incineration plant as defined by the [EPR]"

It is therefore clear: the Waste Framework Directive applies to incinerators which are dedicated to processing municipal waste and municipal waste-derived products (such as RDF). It does not apply to biomass power plants using waste wood.

2. The Environmental Permitting (England and Wales) Regulations

2.1 WFD application in Wales. A review of the detailed legislation applicable in Wales (being the EPR) and what is to be considered an 'incineration plant' supports the conclusion under Section 1 above:

2.2 Waste Incineration Installations. A "Waste Incineration Installation" is defined in EPR Schedule 13:

2. (1) In this Schedule, "waste incineration installation" means that part of an installation or Part A mobile plant in which any of the following activities is carried on—

(a) the incineration of waste falling within the following provisions of Section 5.1 of Part 2 of Schedule 1—

(i) paragraphs (a) to (c) of Part A(1), or

(ii) paragraph (a) or (b) of Part A(2); or

(b) any other activity falling within Part 2 of Schedule 1 which is carried on in a co-incineration plant (as that term is defined in Section 5.1 of Part 2 of Schedule 1).

Since the Project only uses a single fuel-type, it would not in any event be a co-incinerator for the purposes of (b).

2.2 Incineration Plants. In respect of (a) above, this refers to EPR Schedule 1, Part 2, Section 5.1 the relevant parts of which read as follows:

Part A(1) (c) The incineration of non-hazardous waste in an incineration plant with a capacity of 1 tonne or more per hour.

"incineration plant" means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated, including—

(a) the incineration by oxidation of waste; and

(b) other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated.

This definition covers the site and the entire incineration plant including all incineration lines, waste reception, storage, on site pre-treatment facilities, waste-fuel and air-supply systems, boiler, facilities

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361544/LIT_5754.pdf

for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack, devices and systems for controlling incineration operations, recording and monitoring incineration conditions, **but does not cover incineration in an excluded plant**;

"excluded plant" means—

...

(iv) **wood waste** with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating, **and which includes in particular such wood waste originating from construction and demolition waste**,

...

2.3 Processed Wood: The Project is solely processing waste wood from Grades A to C below (Waste Recycling Association definitions) and does not include halogenated organic compounds or heavy metals:

Grade A: "Clean" recycled wood – material produced from pallets and secondary manufacture etc and suitable for producing animal bedding and mulches.

Grade B: Industrial feedstock grade – including grade A material plus construction and demolition waste, this is suitable for making panel board.

Grade C: Fuel grade – this is made from all of the above material plus that from municipal collections and civic amenity sites and can be used for biomass fuel.

2.4 Excluded Plant: As an 'Excluded Plant' under EPR Schedule 1, the Project is not within the definition of a 'Waste Incineration Installation' and is therefore outside of the WFD.

The "R1 Energy Efficiency Calculation" is a provision having its origins in the WFD and is a means by which to determine whether a waste incineration installation exceeds the energy recovery threshold required in order for it to be considered as a recovery operation for the purposes of the Waste Hierarchy. However, this is not relevant for the Project for the reasons mentioned.

3. Hypothetical R1 Energy Efficiency Calculation

3.1 Hypothetical Scenario: Even though the Project falls outside the WFD/EPR provisions relating to incineration (so that the R1 Energy Efficiency Calculation is not relevant), it would in any case comfortably exceed the 0.65 R1 threshold. This is the threshold above which energy recovery from a municipal waste incineration plant is considered sufficiently high for it not to be considered a 'waste disposal facility' under Schedule 1 of the EIA Regulations. This section 3 therefore considers a hypothetical scenario in which the Project falls to be considered under the EPR.

3.2 Feedstock Specification: For the purposes of the Project, the following common parameters for the supply of Waste Wood have been specified by the manufacturer of the boiler:

Parameter	Unit	Acceptance Range		Design Value
		Minimum	Maximum	
Higher heating value (HHV), d.b	MJ/kg	18.6		19.599
Lower heating value (LHV), a.r.	MJ/kg	11	16	14.275
Moisture Content	wt-%	5.00%	30.00%	20.00%

d.b = dry basis; a.r. = "as received"

This can be compared with the laboratory results from a representative test of a waste wood sample – each sample will vary a little but the heating values are closely aligned with the specification above.

Date Sampled:	20 August 2014				
Date Received:	20 August 2014				
Test Date:	21 August to 10 September 2014				
Date Reported:	11 September 2014				
			Results Basis		
Method Reference		Units	As Received *	As Analysed	Dry *
SP20	Total Moisture	%	17.0	-	-
CA2	Analysis Moisture	%	-	3.3	-
CA 3	Ash	%	1.6	1.9	2.0
CA 6	Volatile Matter	%	66.4	77.4	80.0
CA31	Total Sulphur	%	0.03	0.04	0.04
**	Chlorine	%	0.09	0.11	0.11
CA9	Carbon	%	38.80	45.21	46.75
CA9	Hydrogen	%	4.82	5.62	5.81
CA9	Nitrogen	%	2.55	2.97	3.07
CA11	Gross Calorific Value	kJ/kg	16265	18950	19597
*	Net Calorific Value	kJ/kg	14797	-	-
CA 32	Biomass (dissolution) by energy	%		97.6	

The above data is relevant to determining the energy content of the waste wood used in the R1 Energy Efficiency Calculation below.

3.3 R1 Principles: Were the WFD to apply to the Project then in order to be classed as an R1 operation (use principally as a fuel or other means to generate energy) the process would have to meet the following criteria:

- The combustion of waste must generate more energy than the consumption of energy by the process itself;
- The greater part of the waste must be consumed during the operation;
- The greater amount of the energy generated must be recovered and used (either as heat or electricity);
- The waste must replace the use of a source of primary energy

3.4 R1 Energy Efficiency Formula: The WFD specifies that incineration facilities dedicated to the processing of municipal solid waste can be classified as R1 only where their energy efficiency is equal to or above 0.65 (for installations permitted after 31st December 2008). The formula used to calculate this value of energy efficiency is:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$$

In which:

E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)

E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

E_w means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

E_i means annual energy imported excluding E_w and E_f (GJ/year) 0.97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

In the case of the Project, we have run three R1 scenarios detailed in the Appendix to this paper and the results are as follows:

Scenario	Explanation	R1 Calculation
Scenario A	This is the mode of operation with the Project operating at the minimum guaranteed output according to the Contractor (9.26MW)	0.73
Scenario B	This is the expected mode of operation (10MW) with the installed boiler operating at minimum guaranteed steam load	0.74
Scenario C	This is the expected mode of operation (10MW) with the installed boiler operating at expected steam load	0.78

For the purposes of previous information provided, we have used the most conservative Scenario A to demonstrate that were the Project to come within the WFD/EPR regime, it would in any case comfortably exceed the 0.65 threshold level.

Sunrise Renewables (Barry) Ltd

July 2015

APPENDIX: DETAILED R1 ENERGY EFFICIENCY CALCULATION

	Type of energy	Scenario A energy Ex [MWh]	Scenario B energy Ex [MWh]	Scenario C energy Ex [MWh]
1.1	amount of incinerated waste (without 1.2 and 1.3)	321,726	337,813	321,840
1.2	e.g amount of incinerated sewage sludge	0	0	0
1.3	e.g. amount used activated carbon incinerated	0	0	0
1	Ew: energy input to the system by waste	321,726	337,813	321,840
2.1	Ef 1: amount of light fuel oil for start up (after connection with the steam grid)	0	0	0
2.2	Ef 2: amount of light fuel oil for keeping the incineration temperature	0	0	0
2.3	Ef 3: amount of natural gas for start up and keeping incineration temperature	0	0	0
2	S Ef: energy input by imported energy with steam production	0	0	0
3.1	Ei 1: amount of light fuel oil for start up/shut down (no connection with the steam grid)	350	350	350
3.2	Ei 2: e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0	0	0
3.3	Ei 3: imported electricity (multiplied with the equivalence factor 2.6)	0	0	0
3.4	Ei 4: imported heat (multiplied with the equivalence factor 1.1)	0	0	0
3	S Ei: energy input by imported energy without steam production	350	350	350
4.1	Epel internal used: electricity produced and internally used for the incineration process	10,400	10,920	10,920
4.2	Epel exported: electricity delivered to a third party	74,080	80,000	80,000
4	S Epel produced = Epel internal used + Epel exported	84,480	90,920	90,920
5.1	Epheat exp.1: steam delivered to a third party without backflow as condensate	0	0	0
5.2	Epheat exp.2: district heat delivered to a third party with backflow as condensate (hot water)	0	0	0
5	S Epheat exported = Epheat exp.1 + Epheat exp.2	0	0	0
6.1	Epheat int.used1: for steam driven turbo pumps for boiler water, backflow as steam	0	0	0
6.2	Epheat int.used2: for heating up of flue gas with steam, backflow as condensate	0	0	0
6.3	Epheat int.used4: for concentration of liquid APC residues with steam, backflow as condensate	0	0	0
6.4	Epheat int.used5: for soot blowing without backflow as steam or condensate	6,484	6,484	6,484
6.5	Epheat int.used7: for heating purposes of buildings/instruments/silos, backflow as condensate	0	0	0
6.6	Epheat int.used8: for deaeration - demineralization with condensate as water input	0	0	0
6.7	Epheat int.used9: for NH4OH (water) injection without backflow as steam or condensate	0	0	0
6	S Epheat int.used = S Epheat int.used1-9	6,484	6,484	6,484
	R1 = (Ep - (Ef + Ei)) / (0.97 * (Ew + Ef))	0.73	0.74	0.78
	Ep = 2.6*(S Epel int.used+S Epel exported) + 1.1*(S Epheat int.used+S Epheat exported)	226,780	243,524	243,524



**Sunrise Renewables (Barry) Ltd - Renewable Power Plant at David Davies Road, Barry ("Project")
Responses to comments by Friends of the Earth dated 6th July 2015 to
Head of Vale of Glamorgan Planning Committee**

Friends of the Earth: Sunrise welcomes feedback from Friends of the Earth (FoE) who generally perform a useful public service in holding planners and developers to account on planning applications with an environmental dimension, as here. We also appreciate that their representative in this instance, Mr Max Wallis, has considerable experience as a researcher and also as a campaigner and his comments have probably been submitted with the best of intent.

Professional expertise: However, as far as we are aware, Mr Wallis is not a practising engineer or lawyer and for complex projects such as this, it is essential to have both such skillsets available, as has Sunrise. Without this, it is very easy to stray into areas requiring expert knowhow and to be lured towards conclusions based on incorrect analysis in the hope that this might achieve lobbying objectives. Unfortunately this appears to Sunrise to be the case in the present instance.

Biofuelwatch: Mr Wallis/FoE have placed very considerable reliance on analysis from Biofuelwatch which has since been shown to be technically flawed (refer to "*Waste Disposal Status of the Project*" submitted by Sunrise on 3rd July 2015 in response to claims by Biofuelwatch, a copy of which is attached). Their views have now been repeated by Friends of the Earth without introducing any additional analysis to remedy the legal and technical errors identified.

Consultation: Mr Wallis/FoE variously claims that insufficient time has been allowed for public consultation. This is a stance commonly adopted by campaigners objecting to a planning application. However, in this instance, four weeks will have passed since the Project was first presented to the Planning Committee on 2nd July. At that time Councillor Chris Elmore requested that the Planning Committee carry out a site visit. This was something Sunrise supported since we considered it valuable to enable interested parties the opportunity to review the application and form a measured view based on the facts.

The consultation itself has lasted some five months during which time Sunrise responded in a prompt fashion to comments and questions raised by both planning officers and consultees. It is wrong to suggest otherwise or that there has been inadequate consultation.

Status of the Application: It is important to emphasise that the present application is identical to two other applications made by Sunrise at the Ports of Hull and Barrow. In those instances, the applications were accepted under Section 73 of the Planning Acts and were approved. In the case of Barry, the planning department considered it more appropriate for the change of technology to be addressed by a new planning application. Aside from the change of technology and its necessary consequences (changes to buildings and stack), this remains a biomass power plant converting waste wood to energy, something established in the original application.

As was clearly stated in the planning statement accompanying the current application, "*Except as discussed in this Planning Statement, the Project remains as described in the 2010 Permission and the supporting documents*". Further information provided by us during the course of the consultation has been provided



on a voluntary basis to further assist the consultation process.

Waste Framework Directive:

Probably the biggest confusion on the part of Mr Wallis/FoE, presumably resulting from their belief that Biofuelwatch's analysis was correct, is that a biomass power plant converting waste wood is an "incinerator" covered by the Waste Framework Directive (the legislation that gives rise to the R1 Efficiency Calculation mentioned).

Sunrise has commissioned detailed legal analysis of the primary legislation to demonstrate that the Project is not covered by this Directive (refer to "Waste Disposal Status of the Project" submitted by Sunrise on 3rd July 2015). It is appreciated this conclusion requires detailed legal analysis; however, this is what is required in order to be able to make the claims made by Biofuelwatch which have been willingly adopted by Mr Wallis/FoE. Briefly:

- The plant does not fall within the definition of a "waste incineration installation" set out in Schedule 13, Para 2(1) of The Environmental Permitting (England and Wales) Regulations 2010 (which give effect to the Waste Framework Directive in England and Wales).
- It is therefore not necessary to perform the 'R1 Energy Efficiency Calculation' for the purposes of determining whether or not it is a "waste disposal facility" for the incineration of hazardous or non-hazardous waste under Schedule 1 of those regulations.

As such, the Project sits outside of the body of law and regulation dealing with the waste sector and, strictly speaking, referral as a waste project, whether to Natural Resources Wales or any other body with an interest in the waste sector is not required. This said, we welcome comments from all consultees on any aspect of the Project.

R1 Efficiency Calculation:

It should be noted that despite not being required to do so, Sunrise has nevertheless performed multiple R1 calculations on a voluntary basis (using correct calorific values for waste wood, unlike Biofuelwatch) to demonstrate that even on a worst case basis, the Project would comfortably clear the 0.65 hurdle (making it an energy recovery facility, were it to apply). The Department of Energy and Climate Change has specifically confirmed that 'energy recovery' from waste wood is preferable to 're-use' which elevates its position in the waste hierarchy, apparently contrary to the views of Friends of the Earth. But again, this is hypothetical since the Project does not fall within this regime. It is also worth commenting that since the Sunrise projects at Hull and Barrow are identical to that proposed for Barry, it should not be very surprising that the R1 calculation is also the same.

Most of Mr Wallis's/FoE's observations are based around this fundamental misunderstanding combined with failure to appreciate the technical differences between the moisture content required to convert waste wood to energy using pyrolysis versus gasification - the original project pyrolysed 72,000 tonnes of dry wood - it is not possible to pyrolyse wet wood - it has to be dried at the site first. The proper and fair comparison is with 72,000 tonnes of dry wood which is gasified. The result is at least 1MW more electricity out.

Dealing with some other claims by Mr Wallis/FoE:

Surplus Heat:

Of course there is some heat produced by a power plant during its operations - it seems to us to be naive for Mr Wallis/FoE to be suggesting that neither we nor the planning officers are aware of this. The question they should be asking is whether

there is any “useful heat” that can be used for genuine purposes without having to charge the recipients more than the value of the energy. This would not be possible in the present case (even assuming that there was sufficient surplus heat available to drive a district heat distribution system and that planning permission could be obtained for steel heat distribution pipes to pass through the streets of Barry). The capital cost of doing so would render any heat that was available entirely uneconomic.

Under the original scheme, the surplus heat was discharged to the environment. Under the new scheme, the same quantity of dry wood is used to generate over 10% more electricity but there is insufficient heat available for a heat distribution programme. The bottom line is that the Project is now more efficient: for the same amount of feedstock in, we will generate more power and discharge less heat to the environment. The result is that we will be able to provide sufficient electricity for the residents of Barry Island to be self-sufficient in respect of their electricity needs.

Hazardous Ash:

There have been a number of frivolous claims by objectors surrounding the ash produced by the Project including emotive photos of piles of ash being blown around in the wind. Mr Wallis/FoE themselves imply in their comments that the fly ash resulting from the gasification process may not be properly contained, disposed of or protected. The correct facts are as follows:

- the ash produced is transported internally within the facility using an enclosed transport system directly into sealed silos designed for holding ash;
- on collection for disposal, the ash will be transferred from the silo via sealed nozzles directly into enclosed powder trucks prior to their departure to a government regulated fly ash disposal facility;
- at all times, the ash will be controlled and not exposed to the wider environment.

This is a highly regulated feature of the Project and to suggest otherwise would be to grossly misrepresent what will actually happen.

Mr Wallis/FoE demonstrate their lack of technical familiarity with the workings of a state of the art biomass power plant by making statements such as “*In the event of a fire or explosive event in the incinerator, this hazardous ash could be discharged over the neighbourhood*”. This seems to us to be uninformed scare-mongering. The plant design ensures that neither the explosive event nor the resulting discharge of ash envisaged by Mr Wallis/FoE could ever take place.

Air Quality Assessment:

Mr Wallis/FoE also refer to the Air Quality Assessment as being ‘*dodgy*’. We are not aware that Mr Wallis has any recognised experience in the field of power plant emissions modelling; the same applies to Biofuelwatch. While there are still very few waste wood-fired biomass plants in operation in the UK, the key point is that emissions abatement will have to be agreed with the Natural Resource Wales in accordance with separate regulations which fall outside of the planning regime, something that the Planning Officers will confirm.

Use of waste wood as a fuel source is an established feedstock recognised and promoted by government. To question whether waste wood should be permitted to be used for this purpose flies in the face of this established policy.



NRW have accepted the AQA as sufficient evidence that it will be possible to issue a permit at the required time. The permitting process will ensure that all legislation will be complied with.

Conclusion:

In conclusion, it is important for consultees and objectors to challenge any application based on informed views of accurate information. Unfortunately in this instance Friends of the Earth have fallen short of their usual standards of objectivity and their comments should be disregarded as being misrepresentation and recycling the views of Biofuelwatch which have since been discredited.

Sunrise Renewables

15 July 2015

Howell, Morgan P

From: Goldsworthy, Marcus J
Sent: 13 July 2015 09:31
To: Howell, Morgan P
Subject: FW: Sunrise Renewables application to Cttee, 2 July: 2015/00031/OUT
Attachments: Sunrise=Hull R1-proforma Jan2015.pdf

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
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Visit our Website at www.valeofglamorgan.gov.uk
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Follow us on Twitter / Dilynwch ni ar Twitter

*Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Fred [<mailto:fred@westquayproperty.co.uk>]
Sent: 06 July 2015 16:21
To: Goldsworthy, Marcus J
Subject: FW: Sunrise Renewables application to Cttee, 2 July: 2015/00031/OUT

From: Max Wallis [REDACTED]
Sent: 06 July 2015 16:16
To: ftjohnson@valeofglamorgan.gov.uk
Cc: Christopher Elmore; Barry&ValeFoE; Neil Moore
Subject: Sunrise Renewables application to Cttee, 2 July: 2015/00031/OUT

Cllr. Fred Johnson,

Chair, Planning Cttee.

Dear Chairman,

Our Friends of the Earth group would object to this application being considered and decided by the Committee on 2nd July.

The officers have accepted late documents from the applicant, and given us and the public insufficient time to consider them and respond. The excuse (25 June) was FoE is *not a consultee on this application so it is not reasonable to delay the process of the application*. The excuse is wrong as the standard for "reasonable" is set in the EIA Regs for such major applications, under which the applicants' new information has to be publicly notified and time given for responses.

One new document, the *Waste Planning Statement* was posted in the e-file only on 18 June. This *Declaration in accordance with TAN21 (Annex B)* is an important part of the application. It appears not sent to Consultees (NRW; WG) for their assessment, though the NRW has principal role in waste regulation. The Council's own waste officers appear not to have checked it either, there being no mention in the Report. One outstandingly wrong statement from it is repeated by the Report:

as the plant is proposed to be more efficient, i.e. 9MW rather than 10MW, the efficiency levels means there is no surplus heat generated. As such, the new proposal will not be a combined heat and Power Plan (CHP) Plant.

The lack of understanding shown by this, when all fuel-burning generators produce waste heat, show no qualified officer checked the point. It's an important point of course, as government policy requires use of the waste heat to be considered. The *Waste Planning Statement* also wrongly claims there are no outlets for heat. Within easy reach are Council offices and a Leisure Centre, whose swimming pool could use a lot of waste heat. This goes to prove that the WPS (required by TAN 21) has not been validated.

A second new document is the [updated and corrected AQA .pdf](#) posted on 12 June. The case officer told us the NRW is checking the Air Quality Assessment, but their assessment is not posted up. One pollutant Chromium-VI is picked out in its Table 24 as potentially exceeding the EAL (Environmentally Acceptable Limit) so requires further assessment. But this is not seriously done. All they do is quote average and maximum from 20 municipal waste incinerators. One is half the 0.00027 *Max. PC* of this application. Wood-wastes are quite different and may well emit several times as much Chromium as from municipal waste. The Report's statement "Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions" shows acceptance of a dodgy claim of the applicant, a claim that has not been checked by the Council or NRW specialists.

The officers' *Screening Proforma* dated 11 June 2015 was only posted in the public e-file on 25 June, after I enquired on the 24th, again leaving insufficient time for public response. The case officer replying on the 25th said it's his "double check" of a form on Part-1 of the file. However, his check has a crucial error: its Question: "Will the Project produce solid wastes" is dismissed wrongly as "Mostly energy recovery". It's crucial because there would be several thousand tonnes/year solid wastes, including hazardous flyash, which could have significant effect on the environment if not properly contained and disposed of. In the event of a fire or explosive event in the incinerator, this hazardous ash could be discharged over the neighbourhood.

The Screening form on Part-1 of the file must also have been erroneously completed, as the officers did not have the necessary data to decide the efficiency ("R1") question, to decide between 'disposal' and 'recovery' definitions (data of Appendix C and discussed in the Report).

The R1 form (Appendix C) assumes a figure for energy content (CV) of waste-wood fuel that is far different from government figures. No explanation is given, or has been sought. The submission from *Biofuelswatch* with our support shows that the use of standard CV-values give R1 below the critical value of 0.65 (the Report wrongly says 0.6). A further indication that the submitted R1 form is faulty is that the figures in it are identical to another Sunrise application, that for a waste-wood incinerator in the Port of Hull. That one, however was not for 72 000 but for 85 000 tonnes/year (wet wood-chips). What a surprise that the new R1 form is identical to Hull's (attached)! Sunrise's previous application was limited to 72 000 tonnes/year of wet wood. The officer's claim to be "more efficient" at 10MW instead of the previous 9MW appears the opposite of the truth (10% more electricity but on 20% more fuel). Likewise, accepting "*that the energy recovery at the proposed plant would be efficient enough to meet the efficiency levels set out under the R1 formula*" on the applicants' evidence shows professionally inadequate checking.

The Government's *Energy from Waste: Guide* highlights the importance of energy efficiency and qualifying as energy recovery for compliance with the waste hierarchy:

Page 9: "...*The second principle [Energy from waste should seek to reduce or mitigate the environmental impacts of waste management and then seek to maximise the benefits of energy generation.] is about ensuring that energy recovery is the best solution for the residual waste going to it, and then where this is the case that the most is made of the resource it represents.*

Para. 235: "*To be consistent with the principle of energy from waste supporting waste management in line with the hierarchy, key considerations for the long term development or operation of an energy from waste solution are: The ability to at least qualify as recovery in the waste hierarchy;*

As the R1 and energy efficiency ratings are basic to this incineration proposal, with other critical technical details disputed, we ask you to decide from the chair that they must be clarified and resolved before the application progresses further and is put for Committee decision.

Yours sincerely,

Max Wallis 

for Barry&Vale Friends of the Earth

Attachment: R1-proforma for the Hull application, January 2015.

ANNEX 1
Hull Gasification Project – R1 Calculation

Type of energy	energy Ex [MWh]
amount of incinerated waste (without 1.2 and 1.3)	321,840
e.g amount of incinerated sewage sludge	0
e.g. amount used activated carbon incinerated	0
Ew: energy input to the system by waste	321,840
Ef1: amount of light fuel oil for start up (after connection with the steam grid)	0
Ef2: amount of light fuel oil for keeping the incineration temperature	0
Ef3: amount of natural gas for start up and keeping incineration temperature	0
S Ef: energy input by imported energy with steam production	0
Ei1: amount of light fuel oil for start up/shut down (no connection with the steam grid)	350
Ei2: e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0
Ei3: imported electricity (multiplied with the equivalence factor 2.6)	0
Ei4: imported heat (multiplied with the equivalence factor 1.1)	0
S Ei: energy input by imported energy without steam production	350
E _{pel internal used} : electricity produced and internally used for the incineration process	10,400
E _{pel exported} : electricity delivered to a third party	74,080
S E_{pel produced} = E_{pel internal used} + E_{pel exported}	84,480
E _{heat exp 1} : steam delivered to a third party without backflow as condensate	0
E _{heat exp 2} : district heat delivered to a third party with backflow as condensate (hot water)	0
S E_{heat exported} = E_{heat exp.1} + E_{heat exp.2}	0
E _{heat int used1} : for steam driven turbo pumps for boiler water, backflow as steam	0
E _{heat int used2} : for heating up of flue gas with steam, backflow as condensate	0
E _{heat int used4} : for concentration of liquid APC residues with steam, backflow as condensate	0
E _{heat int used5} : for soot blowing without backflow as steam or condensate	6,484
E _{heat int used7} : for heating purposes of buildings/instruments/silos, backflow as condensate	0
E _{heat int used8} : for deaeration - demineralization with condensate as water input	0
E _{heat int used9} : for NH4OH (water) injection without backflow as steam or condensate	0
S E_{heat int.used} = S E_{heat int.used1-9}	6,484
R1 = (Ep - (Ef + Ei)) / (0.97 * (Ew + Ef))	0.73
Ep = 2.6*(S E_{pel int.used}+S E_{pel exported}) + 1.1*(S E_{heat int.used}+S E_{heat exported})	226,780

To Dock View Road

BARRY

Councillor F.T. Johnson.

WOOD BURNING PLANT WOODHAM RA

Dear Mr Johnson

I am writing to you, to object about the above proposal of a wood burning plant Dand Dune Road Woodham Road Barry Docks. If the proposal is the same as before, to scatter top ash from the burner on the ground, but, have to seal the bottom ash in containers to be buried in landfill sites, to me, it seems to defeat the whole object of it, as the number of jobs it will create and the electricity it produces will be small. There are also small business units in close proximity to the proposed plant which will be affected.

I would like you to give careful consideration to the proposal as it will affect the lives of

residents on Dock View Road the surrounding streets and the Waterfront. As the size of the plant is bigger and the chimney stack higher in time due to the strong winds which occur quite regularly on the dock area the toxic emissions from the plant will pose a health risk to all the residents of Bangor. I feel also it will be detrimental to the development of the Waterfront as they propose to build a school, park area and waterside cafe's, boating lessons on the dock, but, all this will be contaminated in time by this plant. When this plant is built the noise and dust it will generate will deter people from buying property on the Waterfront.

Ths C Webb,

Loft 3
Seamen's Mission
57 Dock View Road
Barry
CF63 4LQ

28 June 2015

Mrs M R Wilkinson
Planning Committee
The Vale of Glamorgan Council
Civic Offices
Holton Road
Barry CF63 4RU

Dear Mrs Wilkinson

Ref: Application No. 2015/00031/OUT

I am writing to express my continuing concerns about the Sunrise application to build an incinerator in Barry Docks and to ask for your support in stopping this mis-judged development.

Councillors could turn down this scheme on any number of points, but our local Planning Officers, when presented with these arguments by local residents, appear to misrepresent or ignore them. This is a new application, yet the Officers are treating it as a renewal of the existing one, but with different technology. Why are they refusing to act in the best interests of local residents and businesses, instead of seeking ways rubber-stamp this proposal?

Despite the fact that significant changes have been made in the design, including doubling the height of the chimney and the admission that 1,440 tonnes per annum of hazardous waste ash will be produced just 300m from residential areas, Officers refuse to say that the application needs correction. Far from 'mostly energy recovery' the development will produce toxic solid waste in huge volumes.

Welsh planning guidance is for incinerators to be sited away from homes and businesses. This makes sense when you consider the impact on local residents and businesses and the long term development of the Barry Docks area. Surely local Councillors should follow this guidance and refuse the current application and direct Sunrise to consider other sites, following Environmental Impact Assessment legislation?

For example, since the original application was made new housing has been approved close to the Swing Bridge. What impact will the incinerator have on these plans and the area's ability to attract and sustain clean light industry in the future?

In addition the scheme's environmental credentials are very shaky.

Issues ranging from the sustainability of the technology and energy efficiency of the incinerator, to the production of waste material and the impact on surrounding residents, businesses and development plans are all ignored by the Planning Officers' extremely late Screening Assessment (completed on 11 June!).

The Screening Assessment also ignores the Public Enquiry evidence (accepted previously by the Inspector) on excessive night time noise and the production of hazardous ash. This hurried Assessment has faulty answers and appears to have been put together only to ensure the scheme's approval.

It is wrongly claimed that all energy produced will be used to generate electricity. However, no plans have been put forward for the use of the waste heat produced by the burning process which is a major omission. It is also claimed that this waste ash will be recycled into building products, however this is false as the developer can name no UK firm that handles this ash or wants it.

It seems very short sighted for the Vale of Glamorgan Council to simply roll over for a company such as Sunrise. It will create very few jobs with a proposal that could kill off investment and future regeneration in an area with great potential.

I am aware that costs were awarded to Sunrise at the Appeal and sincerely hope this is not clouding the current decision-making process. I also feel that the Officers appear to be acting in a laissez-faire manner and that they are not focused on the best interests of an overwhelming proportion of the people of Barry. These misjudged proposals should therefore be scrutinised at the highest possible level.

In light of the above I would ask for your support in halting this irresponsible proposal. As a first step, can I suggest that Councillors require a site visit to see how close the proposed site is to the Woodham Road workshops, existing residential areas and potential sites for future housing?

Yours faithfully



Mr A J Aviles

55 Dock View Road
Barry
Vale of Glamorgan
CF63 4LQ

jselkins3@gmail.com

30th June 2015

Councillor A G Powell
Civic Offices
Holton Road
Barry
CF63 4RU

Dear Councillor Powell

RE: Wood Fired Renewable Energy Plant, David Davies Rd, Woodham Rd - No. 2015/00031/OUT

We have lived on Dock View Road for 30 years and have seen various businesses come and go at Barry Docks with no concern.

We are appalled by the proposal to build a Renewable Energy Plant in Barry which is in such close proximity to our homes. We are concerned about emissions and impact on air quality, as the top of the stack will be level with our houses.

In addition to the emissions and compromised air quality, we are extremely concerned about the unavoidable noise pollution from the site, which will be constant, as the site will be operational 24 hours a day, every day. Also, the increase in heavy vehicles to and from the site will have a negative impact on the whole of Barry and surrounding areas, with increased congestion being inevitable.

The impact of this plant on the health and wellbeing of Barry residents is potentially catastrophic and it should definitely not be sited in such close proximity to residential dwellings.

Yours sincerely

John Elkins



Susan Elkins





OCEAN WATERSPORTS TRUST . Vale of Glamorgan
Operating
BARRY COMMUNITY WATER ACTIVITIES CENTRE



Web site:- www.bcwac.org.uk
Charity Commission Reg. No. 1157946

10 Parc Clwyd,
BARRY,
Vale of Glamorgan.
CF63 1DS
Tel. 01446 741498
Email - secretary@bcwac.co.uk
Or - philipwalters3434@gmail.com

The Planning Officer,
Vale of Glamorgan Council,
Dock Offices,
BARRY DOCKS
CF62 6RN

Sir,

I have been instructed by the Trustees and the Management Committee of the above organisation, to object to the building of an Ash Incinerator at Barry Docks.

The Trust have the responsibility to safely operate the Docks for the use of local organisations and the people of Barry and District for all water activities including sailing, rowing and canoeing at Barry Docks

Although we have only recently become operational, we already have over 1000 affiliated members, using the dock. Our business plan anticipates that within 5 years the usage of the Dock in "Sailing hours" will exceed 12,000 hours per year.

We are very concerned that the proposed Ash Incinerator with ash storage, situated at Barry Docks could cause an environmental hazard to our clients, restricting their enjoyment of the waters and clean air sailing on the Docks and ask that you recommend complete rejection of the scheme.

Yours

Philip Walters
(OWT,VoG Secretary)

TRUSTEES

Chris Basten – Chairman Commodore Martin Westwood RN (Rtd), - Vice Chairman, Philip Walters – Secretary
Keith Williams – Treasurer, Alun Cairns MP VoG. Jane Hutt AM Heather Stevens (High Sheriff of Glamorgan)

Ardwyn case

- The planning permission granted was for the new development to be “over 30m” from the existing residents’ houses on Millbrook Heights. (see note 1)
- The developer is in breach of their planning consent as the development is more than 3.5m closer than this. It is therefore requested that building work on the three new houses, now 14, 15 and 16 backing on to Millbrook Heights are stopped until this issue is resolved
- Due to this breach of planning consent no further consent re 18th house should be given for this development
- The Vale planning Supplementary planning guidance(SPG) Amenities Standards contain no methodology to calculate distances for serious loss of privacy or natural light loss where a difference in elevation of sites occurs. It only states a minimum distance of 21m on flat ground. This means the planning department have to guess what is acceptable.
- This breaches section 5.9 of their own Amenities policy and Planning Policy Wales Edition 5 2012 and Welsh Government Policy Tan 12 (note 2, 3 and photos)
*(Vale of Glamorgan Supplementary planning guidance Amenities Standards
5.9 The positioning of windows roof terraces and balconies which looked directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable)*
- From the photos it is clear to see that the present distance is completely inadequate
- Having breached their own privacy rules they are also in breach of Article 8 of the ECHR (note 4)
- Houses A 14 and 16 on new plan are now 3 storeys
- All 3 houses backing on to Millbrook heights are now 3 storey and have a window the full height of the house from ground floor to the top apex of the gable end. (See plan docs)
- The Vale having no system to determine distances when changes in elevation occur, other than guessing and the new houses having windows the full height of the building structure we have to look elsewhere to find appropriate means.
- This is found in Wrexham and Swansea local planning policy.(note 5) Using this excepted planning policy the new development should be at more than 45m from the Millbrook Heights houses. This clearly shows that the Vales method of guessing is substantially flawed
- Newport planning also has a method for loss of natural light (link attached note 6 and printed page included)
- Having neither of these means of determination shows that the Vale planning have failed to formulate the necessary SPG that is required of them by Planning Policy Wales and Tan 12

Note 1

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 23 OCTOBER 2014

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

P37

Neighbour Impact

The proposed development would be screened from 1-3 The Cottages on Pen Y Turnpike Road by the thick and mature tree belt. However, the separation distance between the proposed houses and these cottages is such that there should be no significant impact to amenities.

Also, the rear of proposed plots 13, 14 and 15 would have views back towards the existing houses of Millbrook Heights, which are on a lower level. The proposed layout would result in a separation distance of over 30m between the rear of the proposed houses and the rear of the nearest houses on Millbrook Heights.

P.38

Overall, it is considered that the proposed development should not have any significant impact to the amenities of neighbouring dwellings.

Note 2

Vale of Glamorgan Supplementary planning guidance Amenities Standards

5.9 The positioning of windows roof terraces and balconies which looked directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable. Developers should ensure that the design of new residential developments respect the privacy of surrounding properties. In order to achieve this objective for the council encourages developers to consider the use of alternative types of fenestration such as rooflights high-level windows and obscure glazing

Planning Policy Wales Edition 5 - November 2012 - Chapter 9 Housing

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity.

This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

Note 3

Planning Policy Wales 5th Edition 2012 (unchanged in latest 7th Edition)

1.3.5 Local planning authorities must take appropriate steps to satisfy themselves, and be able to demonstrate, that their policies, operational practices and organisational culture do not lead to any systematic unfairness in the treatment of any group in the population. The outputs of the planning system, particularly those where discretion is central, should be monitored and the results made widely available.

Welsh Government Policy Tan 12

Design Policy and Advice 6.1 Local planning authorities are responsible for preparing design advice for their areas which takes account of national policy guidance and also reflects local context and issues. Advice should be disseminated through development plans and through a wide range of SPG. In the preparation of advice, local planning authorities should identify the user group or individuals at whom the advice is aimed and work collaboratively to ensure that the content, format and type of advice is most appropriate to meet users needs. Local planning authorities should examine how in the exercise of their statutory functions they can ensure they are responsive to local concerns. This may mean exploring new ways of achieving meaningful participation in policy formulation and in SPG preparation. The level of community involvement should be sufficient to allow adequate evaluation of the needs and concerns of end users, community and business interests at each stage of the design process.

Note 4

1.4.5 The Human Rights Act came into force on 2 October 2000 to incorporate the provisions of the European Convention on Human Rights (ECHR) into UK law and enable the UK Courts to enforce these rights. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every individual together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The Human Rights Act makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The Human Rights Act has implications for the planning system.

http://www.equalityhumanrights.com/sites/default/files/documents/humanrights/hrr_article_8.pdf

Article 8 of the European Convention on Human Rights provides that:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime,

for the protection of health or morals, or for the protection of the rights and freedoms of others

Note 5

Wrexham

Local Planning Guidance Note (LPG) No 20 - House Extensions

Your extension should not result in a significant loss of privacy, daylight or sunlight to neighbouring properties, or be visually overbearing when viewed from adjoining houses.

Where two habitable rooms face one another such that direct overlooking is likely to occur, the windows shall be a minimum of 22 metres apart. Where a window faces a wall which exceeds the height of the top of that window, they must be a minimum of 13 metres apart. This standard applies on flat ground.

On sloping ground, an increased distance will be required so that for every metre (or part there of) difference in height, the distances in the standard shall be increased by two metres. Developers will be required to indicate on their plans the finished floor levels of their buildings and, where there are windows on adjacent existing properties, the level of these properties.

In instances where these standards cannot be fully provided, overlooking can be reduced by:

- the erection of screen walls or fences at ground floor level;
- obscure glazing to windows and doors;
- the installation of high level windows or roof lights following the slope of the roof (minimum sill height 1.7m).

Swansea SPG

C.10 If the application property is at a higher level, then the minimum separation distances will need to be increased to allow for potential increased overlooking. To work out the minimum distances, 2m should be added to the minimum distances (between windows and to garden boundaries) indicated in paragraphs C.5 to C.7 for every 1m difference in height.

C.11 A reduced distance may be acceptable where the landform between the dwellings and boundary treatments provide acceptable screening.

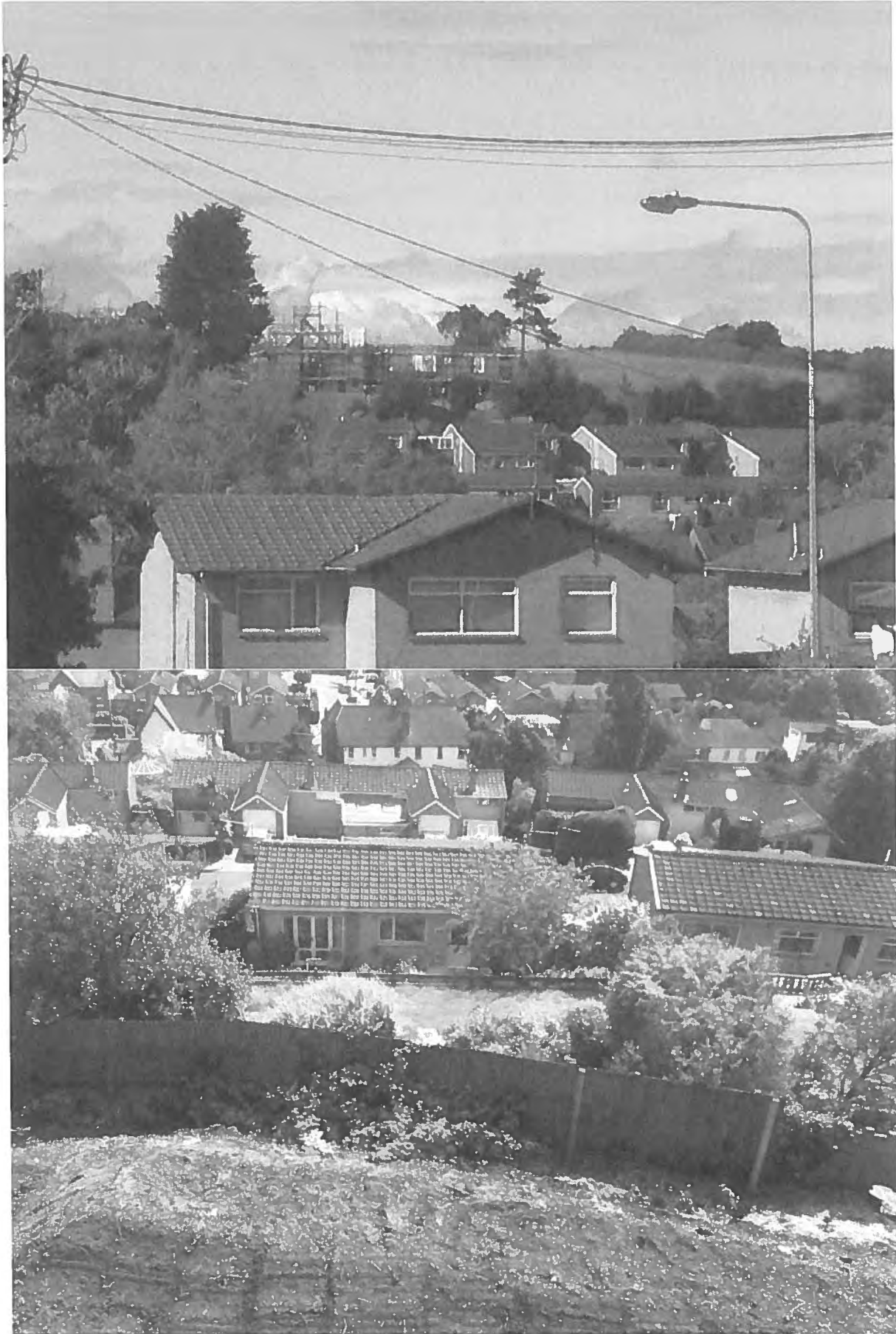
C.12 If it is proposed to add an extra storey to a two storey building, then an increased minimum distance is required to allow for potential increased overlooking. To work out the minimum distances in this situation, 5m should be added to the minimum distances

(between windows and to garden boundaries) indicated in paragraphs C.5 to C.7 for every additional floor proposed.

[file:///C:/Users/Jim/Downloads/A Design Guide for Householder Development%20\(1\).pdf](file:///C:/Users/Jim/Downloads/A%20Design%20Guide%20for%20Householder%20Development%20(1).pdf)

Note 6

http://www.newport.gov.uk/stellent/groups/public/documents/plans_and_strategies/n_040884.pdf







Ms Suzanne Palfrey, 24 Millbrook Heights, chronological notes regarding Vale of Glamorgan Planning Application 2014/00167/FUL and others associated to 'Ardwyn' Pen-y-Turnpike, Dinas Powis:

a.) I did not object to Outline Planning because it was for eleven two-story houses without any window above first floor, with long rear gardens.

b.) I was neither notified nor given the opportunity to object when the initial plans were approved in November 2014. But since then the plans have continually been changed with density increased from 11 to 18 houses, now in the process of being built. Despite being the occupant of the closest existing property I was never invited to comment or object to these considerable variations or to any meeting where these variations were discussed.

The houses being built now have balconies at first floor level overlooking my garden and large panoramic windows at second floor roof level.

At the Planning committee meeting 02 July 2015 Councillors commented that this is 'loft conversion' – that does not need planning permission.

This is disproved by the description of these houses within Waterstone Homes own promotion document that states: 'On the first floor there are four large double bedrooms, one features two glazed walls with a vaulted ceiling and an en-suite shower room. There is also a family bathroom on this floor. The second floor houses a spacious master bedroom with en-suite shower room and dressing room. As this is pre-planned as such it can not be described as a 'loft extension.'

At the meeting a Councillor went so far as to state the only thing in the so-called 'loft conversion' was 'a dressing room. Regardless, how can something be 'converted' that isn't yet built?

*N.B. Even the VoG own Planning Report confuses itself. At page 147 it shows a diagram of the initially approved 11 houses, yet claims at page 148 a new layout still with only 11 houses in the diagram. However, the words at page 147 refer this to being an application for an extra house making up to 18. The 18th house is clearly indicated at page 149 as being necessary to fulfil the Vale of Glamorgan Housing Strategy as a further two bed social rented affordable unit 'or an off-site payment of £101,790 as an equivalent.' The 'issues' at p156 (particularly bullet points 4 and 6) seem to have been ignored.
Does this mean the developer could opt to pay the Council £101,790 and then not comply fully with the Vale of Glamorgan housing strategy?*

c.) Early February 2015 I expressed my concerns to the VOG Planning Department Case Officer Mr Steven Rennie. I found him less than helpful, continually referring me to the application for details. My neighbours and I found the applications of no use whatsoever. The plans had been amended so many times we felt totally confused and bamboozled, even misled by what we were seeing on the various plans. Mr Rennie declined invitations to visit my house to see the problems. The Council's report states a 'Site' notice was displayed on 27th February 2015. Neither I nor my neighbours were aware of it or of any Press advertisement on 3rd March. As I had already made representation I would have expected to

be informed of any variations from the initial plans.

d.) It is clear from the 'Representations' within the report (p150) and the '5' letters of comment received (increased to 35 later in the report, yet summarised to a single letter by Officials at Appendix A) that development had already started before any representations were considered by Councillors or investigated by Officials. All of which adds up to someone giving the developers the Green Light before due process had been completed.

e.) The only plans made available to existing residents showed long rear gardens. It was clear the excavation machinery preparing the foundations of the 'Ardwyn' houses in April were working right against the boundary at the rear of my property No 24 Millbrook Heights.

f.) March 2015. Together with a neighbour from 30 Millbrook Heights, I visited the 'Ardwyn' site to view the boundary lines from the developer's perspective as they clearly differed from the plans. We met with the Site Manager and expressed our concerns on the proximity to our houses and how they did not appear to fit the plans that indicated more than 30 metres distance from our properties.

g.) I referred the matter once more to Mr Rennie who asked me to contact him again once the foundations were in place as he could do nothing until then. All these conversations should be on the Council's recording of telephone conversations. Despite requests for confirmation or answers to questions no Officer from the Vale of Glamorgan has ever put anything in writing to me.

h.) 23rd April 2015. My neighbours and I took measurements between the construction and our properties and found clear violation. I contacted Mr Rennie on numerous occasions but failed to gain any action whatsoever.

i.) Totally frustrated at gaining no assistance from Council staff, as a divorced mother of two teenagers, working full time and inexperienced in these matters I turned to social media for help. I discovered, in addition to other residents beneath the development in Millbrook Heights, residents of Pen-y-Turnpike Road near the entrance to the site also had issues with the development. My Facebook video of the development and my predicament has had thousands of people viewing it.

j.) Further objections were made to the VoG Officials. Eventually Mr Steven Rennie and Ms Hayley Kemp attended the site on 11th June 2014 while I was at work. I was informed they measured the distance from my boundary fence to the nearest building and did not take measurements from my house to the building. They informed me by telephone on 12th June that they'd found that plots No 15 and 16 were closer than the plans had indicated. Ms Kemp informed me that she had notified the builders that they were in breach and if they continued to build they did so at their own risk. They continued to build.

k.) Seeing that I was getting nowhere through official channels I contacted the South Wales Echo that published an article June 20 2015. (attached). The Vale of Glamorgan Press Office confirmed the breach to the reporter. Meanwhile Waterstones were told by Ms Kemp to undertake a further survey to check on the Measurements and boundary levels in question. This survey found in favour of Waterstone Homes. Mr Rennie telephoned me several days later saying he was happy with the new survey Waterstone

Homes had undertaken. In view of the conflict in this matter, including the developers contradicting the Council's own Officers, wouldn't it have been usual to engage the services of an independent surveyor?

l.) I have never been provided with a copy of this survey or told how I could view it. Mr Rennie also notified me that I had been given a three minute slot to speak at the Planning Committee meeting 2 July 2015. I asked Cllr Chris Franks to make an agreed presentation on my behalf at the meeting but he wasn't afforded the three minutes to speak. .

m.) Throughout all this building continued (even on the weekend of 4th July), specifically seeming to focus on the builds directly behind my property with large balconies at first floor. The seeming new design with apex now stands at three stories.

n.) Prior to the 2nd July Planning Meeting several issues were raised with Officers in relation to the height and elevation of the build. Councils in Wrexham, and Swansea have regulations for separation distances on sloping grounds, in the case of three or more storey developments adjacent to a single or two storey development the standard (30 metres) should be increased by 2 metres for each additional storey, in addition to any increases due to difference in ground levels. Despite several requests I am still waiting notification if the Vale of Glamorgan have similar regulations in place.

o.) One day prior to the Planning Meeting Ms Hayley Kemp the Enforcement Officer and Mr Steven Rennie arrived at my property to take further measurements as I had challenged the accuracy of the figures taken initially by the VoG and by Waterstone Homes. They arrived armed with a tape measure that they tried to use over my elevated garden. I'd used an accurate laser gun, which was the method eventually used by Ms Kemp. It proved to everyone's agreement that the distance was indisputably 26.3 metres, short of the mandatory 30 metres without any extra distance added to take in the elevation. I anticipated the information was to be forwarded to the Planning Committee for their deliberations but they gave no indication they were aware of this clear breach that had continued after the developers had been notified of the initial findings. Despite this, and amendments added to the report to Council after it was initially written, nothing appears in the report about the findings of this site visit by the Officers.

p.) Despite a considerable representation of residents present at the Planning Meeting it was clear the Chair, Cllr Fred Johnson and Cllr John Drysdale were eager to dismiss the objections and move to the next item on the agenda. It is surprising that neither the Power Point Projector nor the 'Live Webcast' were working on the night, yet had been at other Planning Meetings. This means there is no record of the flippant comments heard from the Chamber, including that the residents won't be happy until the development is pulled down and the third storey was merely just a dressing room! The Committee was also unable to view pictures residents had supplied showing the imposition the development was having. It should be noted we first entered objections at the foundation phase. It can not be our responsibility what has happened since.

q.) Eventually the Committee voted to hold a Site Meeting on 30th July 2015 in the morning prior to the next Planning Committee meeting that evening. As representatives of the electorate I am hoping the Committee will visit the gardens of the objecting residents to view the sheer enormity, scale, impact and blocking of light from the perspective of

existing ratepayers.

In summary it is fair to say most residents were appreciative and accepting of the initial planning application – it is the increase of properties that is totally inappropriate and seems to have been pushed through despite justifiable objections.

2015/00095/FUL

Appendix A (2)

Shirley Lewis, 28 Millbrook Heights, Dinas Powys, Cardiff, Vale of Glam, CF64 4JJ.

M Goldsworthy
Operational Manager
Development and Building Control
Vale of Glamorgan Council
Dock office
Barry Docks
Barry
CF63 4RT

28th March 2014.

Dear Mr Goldsworthy

Re: Ardwyn Development, Pen-y-Tumpike Rd, Dinas Powys

It has been recommended that I inform you of the following, although I expect you already know of the incident from Welsh Water. My garden is on a steep gradient and abuts from below the Ardwyn grounds.

On Friday 6th of March 2015 water was beginning to collect at the rear of my property on my patio area. Next day there was more water which I found alarming because there had been no rain for some time! My neighbour at no 26 had water running down her garden, then down the side of her property over her steps and down on to Millbrook Heights road. Later that evening outside the back of my house I realised the water level was rising further. Fortunately my drain/soakaway seemed to be coping with this extra water. Throughout the night I kept a vigil only to find that the water level continued to rise. This continued through Sunday and into Monday.

My son visited me Monday morning to view my concern of the flooded patio and went up to the top of the garden. The garden was absolutely saturated. Although having lived at this address for 38 years we had never experienced anything like it before. Alarmed at what he saw my son phoned Welsh Water, the firm carrying out the demolition work of the former Ardwyn House (Youngs?) and the new owners of the site. The demolition workers said they had informed Welsh Water on the Saturday.

Shortly afterwards Welsh Water were clearing drains in my road. At the time I didn't connect this with the Ardwyn problem because there was no obvious build-up of water in the road. Then soon after a Welsh Water representative called and asked "what's the problem?" Looking then at the build-up of water at the back of my home, my absolutely saturated garden, the earth that was being washed down etc. and what he called "a lake" on Ardwyn's land he immediately went to Ardwyn to investigate further.

He later told my son that the demolition people had not capped off the water supply at the mains and had also dug a channel to take the water from the "lake" towards mine and neighbouring properties. He said he had now sealed off the water mains and to be in touch again if the problem worsened and then the Water Board would seal off for good. I thanked Welsh Water for their rapid response.

Within a few days the flow of water had eased and during this past week I have finally been able to clear most of the mud away that had been washed on to my patio. Following some better weather the ground seems to be drying out.

Shirley Lewis, 28 Millbrook Heights, Dinas Powys, Cardiff, Vale of Glam, CF64 4JJ.

tel nos. home – 02920514353, email. shirleylewisdp@outlook.com

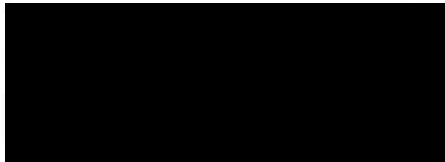
People have informed me that on the Saturday prior (Feb 28th) the Fire Brigade had been called to the Ardwyn site to put out a fire which, so I am told, was visible from the other side of Dinas Powys.

My reasons for writing therefore are:

1. In the event of any damage to my house or walls surrounding my garden as a result of this leak, you are now aware of it.
2. As the overseers of such building development I will hold you equally responsible for such damage as you are there to protect parties and neighbours such as myself and ensure that such major development is carried out correctly.

I look forward to your urgent response on what is being done to keep a close check on this development before anything else untoward happens.

Yours sincerely



Mrs Shirley Lewis

CC: Alun Cairns MP

RECEIVED
31 Mar 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

ACK:	
NO:	9
ACTION BY:	MCS
RECEIVED	
D.E.R	

Appendix A (3)
2015/00095/FUL

9th July 2015

P/DC/jmc/2015/00095/FUL

Dear Mrs Crofts,

'Ardwyn' Development controversy, Dinas Powys

1.) WALL CRACK; POTENTIAL LANDSLIDE in retaining garden wall of 24 MILLBROOK HEIGHTS

N.B. This problem is very serious and could result in catastrophic results.

2.) 2014/00167/FUL / 2015/00095/FUL (undetermined)

P/DC/jmc/2015/00095/FUL

Thank you for your communication of 8th July 2015. I will be taking my complaint to Stage 2. However, in the light of the timing of the site inspection and Planning Meeting on 30th July 2015, plus the further serious new problem contained within, I considered it important to inform all correspondents herewith of this response plus all members of the Planning Committee prior to the site meeting.

No-one has confirmed the 'site meeting' will include a visit to mine and my neighbours' properties to observe the effect of the changes from the original planned development are having on existing ratepayers.

1.) WALL CRACKS: POTENTIAL LANDSLIDE (see attached pics Figs 1, 2 and 3.)

I've recently had the fence in Fig 1 erected at the rear boundary of my property 24 Millbrook Heights, adjoining the new development at 'Ardwyn', replacing the previously rotting fence.

The fence panels had previously been stacked close to the wall in the picture. Only when they were moved out of the way did I notice the crack that has appeared in the wall.

Before notifying you and your colleagues I first wanted it viewed by a qualified surveyor to ascertain it was a fresh crack and the seriousness of the situation. The surveyor has now confirmed categorically the crack is fresh and is of the opinion is likely to have been caused by the work being carried on the adjoining development.

If the wall collapsed he considered it to have potentially serious consequences and could create a landslide that could go back as far as the newly being constructed dwelling.

In this event I would have to hold the developer and the Vale of Glamorgan Council responsible for the potentially life-threatening consequences. The wall is already bowing. It is a serious threat not just to me and my family but also the residents of the house under construction.

I informed Mr Steven Rennie in February 2015 about the closeness of the heavy earth-moving and construction equipment working virtually next to my boundary and how I considered they, and the building under construction were too close. He declined to visit my premises at that time and asked me to inform him when the foundations of the development

were laid. He still did not visit and see what was going on from my side and did not visit until 10th June.

2.) 2014/00167/FUL / 2015/00095/FUL (undetermined)

P/DC/jmc/2015/00095/FUL

In response to the content of your letter dated 8th July 2015:

a.) **NOTIFICATION.** I can categorically state I only received 'neighbour notification' for the initial application with which I could see no problem as the development houses planned closest my property had long rear gardens – although the plans did not show any measurements. I have spoken to several neighbours who also state they did not receive one or more notifications. We all agree there were no Street Signs attached to lamp posts in Millbrook Heights (perhaps they were restricted to notification near to the entrance to the site in Pen-y-turnpike which is over half a mile from our houses and not on any normal pedestrian route). I note that even in your correspondence you fail to list the publications in which notifications were placed.

My name was clearly omitted from the Council's own list of notified persons for the November Planning Application, disproving the statement at Paragraph Six of your 8th July letter.

b.) **SITE VISITS** Mr Steven Rennie may not recall me requesting a site visit to my home during my telephone conversation in February 2015 but, in view of the nature of my verbal complaint it is logically inconceivable it would not have been made. Work had already been started on the foundations of the house closest my home – the subject now of the first part of this letter. (N.B. You state that Mr Rennie made numerous 'site' visits but, prior to 10th June 2015, did he examine the proposals from Millbrook Heights perspective or only from the site? He certainly didn't come onto my property before this time).

c.) **CHANGES** You state developers often change the design and layout of a site numerous times, but omit the word changes in 'density.' The planned increase of properties on the site from 11 to 17 is, in no-one's language 'small.' It is noted in Council documents the increase to this number was due to a considered 'under-usage of the site. As the developers had obviously priced the development for 11 houses prior to printing their marketing documentation, it must be asked if the increase in properties was at the request of the developer or at the suggestion of the Council or their officials?

Again I repeat I received no notification other than to the initial application, noting the application from 17 houses and the 18th is still unapproved. This includes major changes to the house nearest mine and to several others which the Officer seems to pass off in Late Representations to the 2nd July Planning Meeting as unimportant compared to the addition of the small extra dwelling in the centre of the site.

The fourth bullet point, not yet passed by the Committee is referred to in the unnumbered Late Representation pages (possibly Page 46):

- The inclusion of an additional bedroom within the attic space of house type A, (included on plots 16 and 14 backing onto Millbrook Heights) and a single additional rooflight to the rear elevation (serving a non-habitable dressing room).

This differs somewhat from the description of the developers, Waterstone Homes in their Marketing Document of: 'The second floor houses a grand master bedroom with a gallery linking it to an en-suite bathroom and dressing room.'

Mr Rennie continually tries to dismiss this as 'loft conversion' as it does not increase the Overall height of the building.

a.) how can anything be referred to a 'conversion' when it exists at the time of application?

b.) although the building may not increase in height the angle and additional sight into the rear of the houses and gardens in Millbrook heights is significantly added to by the floor-to-ceiling planned window in the 2nd floor Master Suite.

This is not what would normally be referred to as 'loft conversion' but an integral part of the design of this particular style of house.

It further seems you are relying on a communication I did not receive to refer me to object and to other matters on your website.

With reference to the case officer's explanations I would emphasise I am a lay person not used to dealing with such matters. It is of little use referring me to various documents on the telephone without following this information up in writing. Similarly I am not used to speaking in public and feel insecure in making a presentation myself at the meeting, particularly after the abrasive way the last meeting was conducted. Why should I be placed in such a position rather than submitting a document that can be read to the meeting?

You seem to refer only to the application for the 18th house without referring to what has been passed without proper notification to effected residents. Vale of Glamorgan Amenity Standard for planning is guided by the over-riding phrase: 'without adversely affecting the amenity enjoyed by residents'....and...'Whilst ensuring that the privacy and amenity of surrounding properties are safeguarded.' This is clearly not the case in this instance.

It goes on to state: 'The positioning of windows , roof terraces and balconies which look directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable.'

This makes no allowance for a room being in an attic or other part of a building.

The 18th house would appear not to be of the Developer's wish but a requirement of the Council to ensure the increased density of the development fits with Vale Council rules to provide 35% low-cost housing in Dinas Powis developments as opposed to 30% in Barry.

If I am not misreading your documentation the alternative for the developer would be to pay the Council over £100,000 not to provide this house on this development for it to be built 'off site' (in other words somewhere else). This takes us down another path entirely. It is noted the developer is also required to contribute to the cost of schools and transport in the area.

It is safe to say that it would appear it is the Council themselves via their rules that are pressurising the developer to add this two-bedroom low cost house, rather than the reverse. This would appear to makes the Planning Application a foregone conclusion.

d.) DISTANCE BETWEEN PROPERTIES Reference is made to:

http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Amenity_Standards_SPG.pdf

as a guidance to distance between existing residential property and any new development and a statement within:

'This generally requires 21m distance between opposing, principal habitable room windows and gardens of a minimum depth of 10m.'

However, distance is not the only consideration made in the document:

At 1.3. the document states:

'The Amenity Standard contained within the Guidance Note are intended to ensure that new residential development within the Vale of Glamorgan contributes towards a better environment and quality of life for residents, without adversely affecting the amenity enjoyed by residents. Amenity in this instance may be considered to the pleasantness and agreeability of living environment.'

Further, under the title of **Residential Privacy and Amenity**, at **POLICY 3** of the same document it states:

THE CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENT MUST RESPECT THE CHARACTER OF EXISTING RESIDENTIAL DEVELOPMENT WHILST ENSURING THAT THE PRIVACY AND AMENITY OF SURROUNDING PROPERTIES ARE SAFEGUARDED.

(your

document capitals and bold).

'...Consideration should be given to issues such as density, garden size and orientation and siting of buildings.'

I maintain the citing of the dwelling at Plot 16 is clearly defined as unsuitable as shown at **Illustrations 2. and 3.**

At 5.9 of the document it states:

'The positioning of windows , roof terraces and balconies which look directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable. Developers should ensure that the design of new residential developments respects the privacy of surrounding properties. In

order to achieve this objective the Council encourages developers to consider the use of alternative types of fenestration such as roof lights, high level windows and obscure glazing.”

The matter of distance is referred to at 5.10 however, this document can not be seen to be taken in isolation to more specific indications upon which plans were passed for this development as seen at :

www.valeofglamorgan.gov.uk/documents/living/planning / committee/2014/planning-committee-23-10-14.pdf

At page 38 of this document, bottom paragraph, under the heading **Neighbour Impact** the developer is bound by:

“Also, the rear of the proposed plots 13, 14 and 15 would have views back towards the existing houses of Millbrook Heights , which are on a lower level. The proposed layout would result in a separation distance of over 30m between the rear of the proposed houses and the rear of the nearest houses in Millbrook Heights .

“Overall, it is considered the proposed development should not have any significant impact to the amenities of neighbouring dwellings.”

It is entirely reasonable for my neighbours and I to have taken the statement of over 30 metres as binding. When Mr Rennie and Mrs Kemp visited they clearly measured the distance as 26.3m making the new development at least 3.7m too close.

Reference is made to ‘a copy of the developer’s survey and site levels being left with me at the site meeting on 1st July. Two neighbours were with me at that meeting and the only ‘document’ was a piece of paper showing three squares that I would expect my 6-year-old niece to improve upon. I now learn from the Additional Information given the Planning Committee for their 2nd July meeting (estimated at being Page 50) that this constitutes a ‘Site Survey’ of Plots 13 – 15 (I presume renumbered to 16) by Senior Surveys, Land Survey Consultants from Bridgend.

What this drawing is supposed to convey to me or anyone is still a mystery. It shows no relativity with either mine or my neighbours properties, distances or the gradient or new design with huge windows overlooking our properties. Yet your Officers seem to have relied upon this document only to recommend the changes to the properties be approved.

No other document was left with me. Even if it had been, why was it only being handed to me the day before the Planning Meeting, when I’d been asking for a copy for days?

You advise that if the Planning Committee refuses permission for the changes the developer has the right of appeal to the Welsh Government Planning Inspectorate. Similarly I and my neighbours also have our own redress to the Local Government Ombudsman for Wales and possibly elsewhere.

The failure of your Officials to avail the Planning Committee of all complaints makes the effort of 34 individuals or groups a total waste of time. If a summary of the content of each was provided (with the availability of the total) that would show the minimum of courtesy to those aggrieved sufficiently to write.

The well constructed letter and detailed attachment from my neighbour Dr Mike Robinson certainly covers many and detailed points but excludes matters relating solely to my property that is closest the development.

I believe I have covered all the points and assumptions arrived at in your correspondence and will be requesting the complaint taken to the stage 2 procedure within 20 days of your dated communication.

Yours sincerely,

Ms Suzanne Palfrey



2014/00167/FUL

Received on 16 September 2014

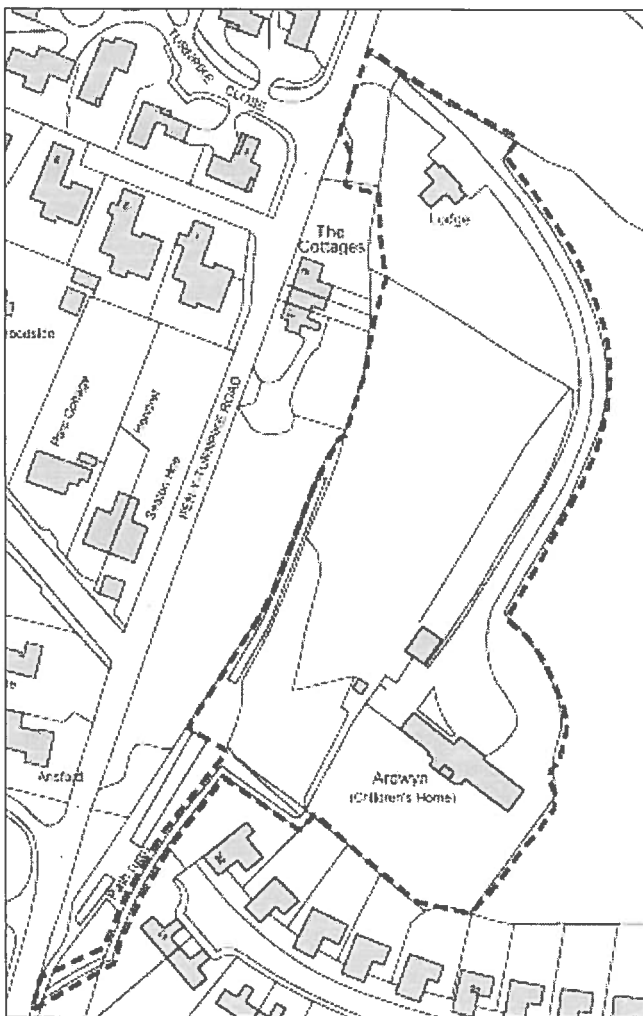
Waterstone Homes & Action for Children, C/o Agent
Asbri Planning Ltd. 1st Floor, Westview House, Unit 6 Oak Tree Court, Mulberry
Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS

Ardwyn, Pen Y Turnpike Road, Dinas Powys

Demolition of existing buildings, construction of 17 dwellings and associated works.

SITE AND CONTEXT

The site is a currently vacant former children's home on the edge of Dinas Powys. The site includes a large house and a detached 'lodge' building with extensive garden areas with mature trees, many of which are protected under Tree Preservation Orders. The site is to the east of Pen-Y-Turnpike Road and north of Millbrook Heights. Ardwyn is to the edge of Dinas Powys, within the designated Green Wedge area (defined under Policy ENV 3 of the Unitary Development Plan) and outside, though immediately adjacent to, the Settlement Boundary of Dinas Powys. Open countryside and agricultural land is predominantly to the east and north of the site. Access is via Pen-Y-Turnpike Road.



DESCRIPTION OF DEVELOPMENT

The proposed development is for 17 dwellings, 11 of which would be detached private houses and 6 would be affordable units, including 2 x 1 bed flats. The dwellings would be served by an access road, being realigned from the existing access off Pen-Y-Turnpike Road, which would be enhanced to improve visibility. The proposed development would follow the full demolition of the existing former children's home of Ardwyn and The Lodge within the site.

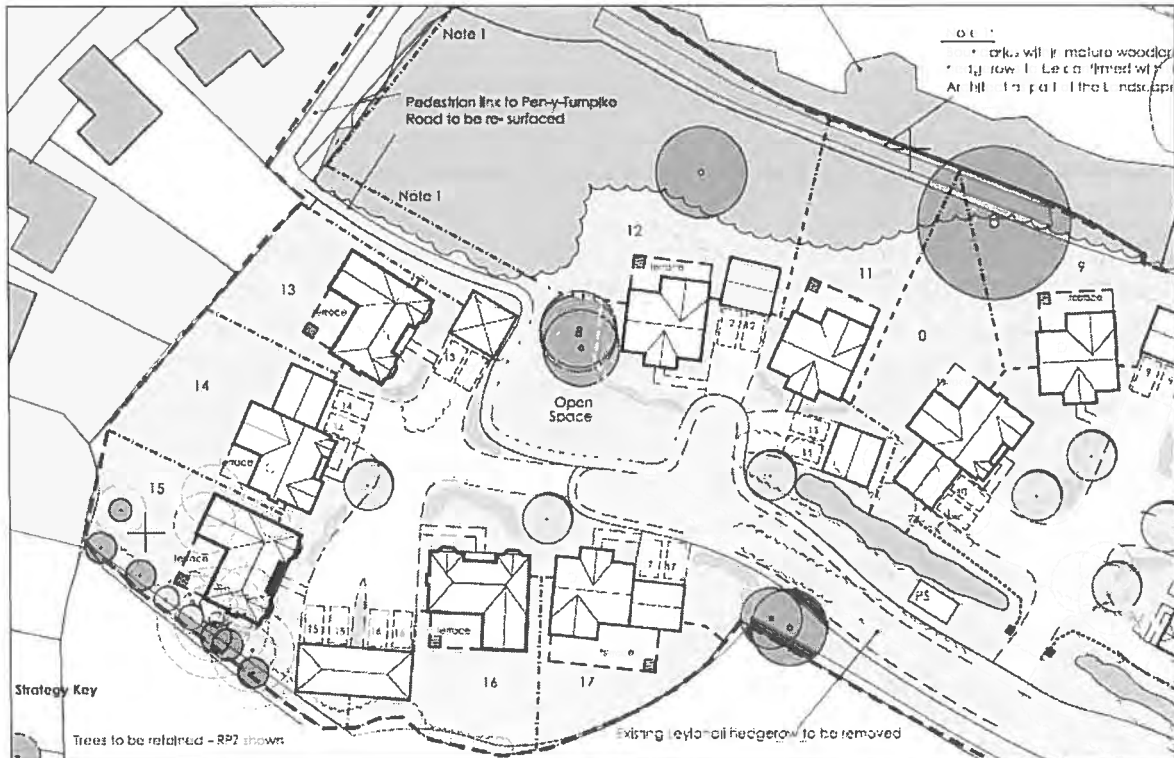


Figure 1 - Section of proposed layout

The existing internal road within the site is to be widened and realigned to connect to two private shared driveway areas serving 9 of the proposed dwellings. There is a historical pedestrian link that connected Ardwyn with Pen-Y-Turnpike Road. The path appears currently in a poor state with overgrown vegetation, and the applicant intends to improve the path with low level lighting etc. However, the path is not within the applicant's ownership, but is assured that they have rights over this pathway.

The plans show the retention of many of the existing trees on the site, especially the larger specimens. Some native hedgerows are to be retained within the site and used to enclose some of the dwellings from other proposed houses. Some new tree and landscaping planting is also proposed to enhance the development. However, some trees are to be removed, of which several are covered by a blanket Tree Preservation Order (No 14 – 1973).

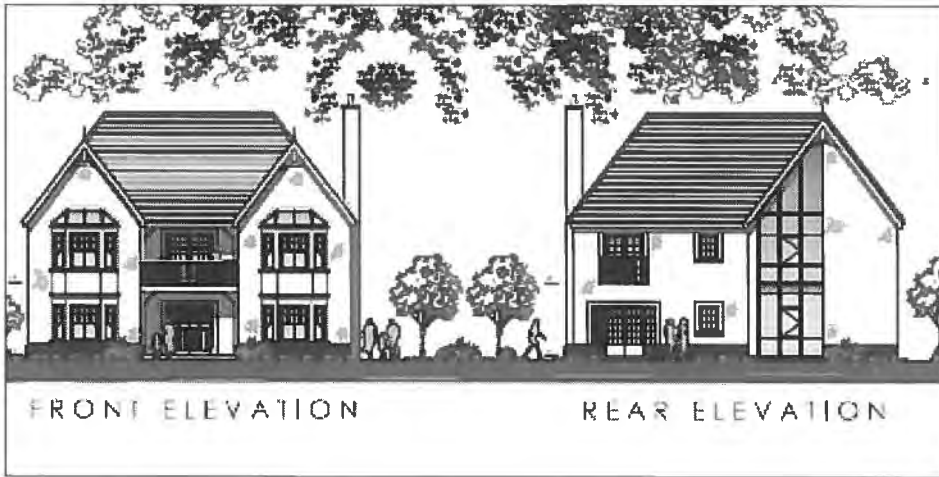


Figure 2 - House Type A

The market-sale houses are generally large with either 4 or 5 bedrooms. They are of a traditional design, akin to early 20th Century character, with features such as hanging tile, large projecting steep pitch gables, and bay windows. The houses appear to be mainly rendered with red brick included, such as for the plinths. The windows and doors are to be painted hardwood.



Figure 3 - Section of affordable housing

The affordable housing reflects the market housing in terms of their appearance and materials, with again the use of a traditional approach. The 6 affordable units will be split into a semi-detached pair of two bedroom houses and a terrace of two houses with two one bedroom flats (which will have the appearance of a single dwelling house – see Plots 4 and 5 above).

PLANNING HISTORY

2000/00636/FUL : Ardwyn Lodge, Penyturnpike Road, Dinas Powys - Renewal of application 95/00983/FUL for change of use - Approved 21 July 2000.

1995/00983/FUL : The Lodge, Ardwyn, Penyturnpike Road, Dinas Powys - Lodge F/F/ Flat - Retained for residential (Caretaker) Lodge G/F Garage and workroom - To be converted into school classroom and staff room resultant 'Change of use'. - Approved 15 December 1995.

1984/00381/FUL : The Lodge, 'Ardwyn', Pen-y-Turnpike Road, Dinas Powys - Multiple occupancy accommodation for 2 or 3 young people to give independent living facilities with overnight by existing staff in 'Ardwyn' - Approved 17 May 1984.

CONSULTATIONS

Dinas Powys Community Council- "Even though this amended application is more in line with the 2013 LDP Deposit Plan for this Candidate Site Dinas Powys Community Council Objects to any further housing allocation being made in Dinas Powys until the necessary improvements to the Highway and Transport network have been undertaken.

Also if there is to be future development on this site we would much prefer a scheme which incorporates re-use/conversion of the existing building.

As previously stated "it was noted that some drawings indicate a pedestrian link to Millbrook Heights – this seems to be an error as the 'Transport Statement' mentions upgrading the present informal link which connects the site with Pen-Y-Turnpike Road".

Dinas Powys Community Council would like this application to be called in and to include a site visit."

Michaelston-Le-Pit Community Council – 'Whilst the Council has no objection in principle to the development it requests that very careful consideration is given to the potential danger in traffic entering from and exiting to Pen-y-Turnpike Road.'

Highway Development – No comments received as yet.

Environmental Health (Pollution) – No objections. Required a 'Construction Environmental Management Plan' via condition.

Glamorgan Gwent Archaeological Trust – No comments received to date.

Dinas Powys Ward Member – Cllr C Williams stated he is "against any further housing developments in Dinas Powys" as he does not feel the road infrastructure can cope with the further traffic that "would inevitably occur".

Dwr Cymru/Welsh Water – No objections subject to standard drainage conditions.

Ecology Officer – Further information required, including a bat method statement and more information to clarify points submitted with the Ecology Report. Further information (method statement) has been submitted and is under consideration. Final comments shall be submitted to the Planning Committee as late representations.

Natural Resources Wales (NRW) – Highlighted the potential impact to bats as a result of the proposed development. Stated the need for a licence from NRW as a result. Also required the submission of a bat mitigation strategy via condition.

South Wales Rescue Service – Provided advice such as the need for suitable access for emergency fire fighting appliances and that all dwellings should be within 45m of a pump appliance. See file for full comments.

REPRESENTATIONS

The neighbouring properties were consulted on 24 February 2014 and re-consulted on the 18 June 2014. A site notice was also re-displayed on the 30 September 2014 and was also re-advertised in the press on the 28 September 2014. There have been 34 letters/emails received (relating to the original proposals and then the amended proposals) citing issues such as the following:

- Concern regarding additional traffic to use Pen-Y-Turnpike Road, adding to existing congestion with a lack of suitable infrastructure.
- The development would set the precedent for further development within the Green Wedge.
- Concerns with the access and doubts as to the effectiveness of the proposed vision splay.
- Loss of the existing building, which was stated to be 'historic'.
- Lack of a pedestrian link along Pen-Y-Turnpike Road to the village, which should be provided with any further development.
- Concern that there would be more traffic generated by the development than claimed with the application Transport Statement.
- Concern that further use of the informal path link from Ardwyn to Pen-Y-Turnpike Road could cause security issues and light pollution to adjacent neighbours to the path.
- Concerns regarding drainage from the site affecting neighbouring residences.
- Objection due to the neighbour claiming they own land within the application site that would affect the access proposals

Please see Appendix A for copies of three of the submitted letters/emails from members of the public.

REPORT

Local Planning Policies

Unitary Development Plan

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT
POLICY 3 - HOUSING
POLICY 8 - TRANSPORTATION
POLICY 11 - SPORT & RECREATION

Policy:

HOUS3	(DWELLINGS IN THE COUNTRYSIDE)
HOUS11	(RESIDENTIAL PRIVACY AND SPACE)
HOUS12	(AFFORDABLE HOUSING)
ENV3	(GREEN WEDGES)
ENV10	(CONSERVATION OF THE COUNTRYSIDE)
ENV11	(PROTECTION OF LANDSCAPE FEATURES)
ENV16	(PROTECTED SPECIES)
ENV27	(DESIGN OF NEW DEVELOPMENTS)
ENV29	(PROTECTION OF ENVIRONMENTAL QUALITY)

Supplementary Planning Guidance

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

Affordable Housing (Partly superseded by the Vale of Glamorgan Housing Delivery Statement 2009)
Amenity Standards
Design in the Landscape
Model Design Guide for Wales
Planning Obligations
Sustainable Development –A developers Guide
Trees and Development
Biodiversity and development

The Local Development Plan

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

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

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

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

- Affordable Housing Background Paper 2013
- Affordable Housing Viability Study 2013 Update
- Housing Supply Background Paper 2013
- Local Housing Market Assessment 2013 Update
- Open Space Background Paper 2013
- Sustainable Settlements Appraisal Review 2013
- Joint Housing Land Availability Study 2014 (July 2014)
- Green Wedge Background Paper 2013
- Findings of the site assessment 2013
- Population and Housing Projection Background Paper 2013
- Transport Assessment of LDP Proposals 2013
- Educational Facilities Assessment 2013

National Planning Policy

National planning guidance in the form of Planning Policy Wales (Edition 5, 2012) (PPW) is of relevance to the determination of this application.

Chapter 2:

In addition to the advice mentioned above with regard to weight to be attached to emerging draft LDP, chapter 2 of PPW provides advice in cases where development plan policies are considered to be outdated or superseded. The following advice is given:

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

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

Chapter 4:

Chapter 4 of PPW deals with planning for sustainability. Paragraph 4.2.2 states that **'The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:**

- *preparing a development plan (see Chapter 2); and*
- *in taking decisions on individual planning applications (see Chapter 3).'*

Paragraph 4.2.4 states that *'A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:*

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

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

Part 4.3 of chapter 4 sets out the principles that underpin the Welsh Government's approach to planning policy for sustainable development, whilst part 4.4 sets out the sustainability objectives that derive from the principles; it states that planning policies, decisions and proposals should accord with the objectives.

Paragraph 4.7.8 of Chapter 4 relates specifically to development in the countryside and states that such development should *'be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.'*

PPW advice on brownfield or previously developed land is of relevance in this case. Paragraph 4.9.1 states:

'4.9.1 Previously developed (or Brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to Greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.'

CHAPTER 9 – Housing:

Finally the advice on housing in chapter 9 of PPW is of relevance, particularly the following extracts:

'9.1.1 The Welsh Government will seek to ensure that:

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

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:

- mixed tenure communities;*

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

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

*9.3.2 Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.*

9.3.3 *Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.*

9.3.4 *In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas. Details of the procedure to be followed in dealing with housing applications identified as **significant residential development** under the notification direction are given in paragraph 3.12.2.*

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

Technical Advice Notes

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2006)

*'2.2 Local planning authorities must ensure that sufficient land is genuinely available to provide a **5 year supply** of land for housing. This land supply must inform the strategy contained in the development plan. Local planning authorities should also have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and Local Development Plans Annual Monitoring Reports (AMR).'*

- Technical Advice Note 2 – Planning and affordable housing (2006)

'10.4 When setting site-capacity thresholds and site specific targets local planning authorities should balance the need for affordable housing against site viability. This may involve making informed assumptions about the levels of finance available for affordable housing and the type of affordable housing to be provided. Local planning authorities should also take into account the impact on the delivery of the affordable housing target and the objective of creating sustainable communities across the plan area and in the individual parts of the plan area.'

- Technical Advice Note 5 – Nature Conservation and Planning (2009)

- Technical Advice Note 12 – Design (2009)

- Technical Advice Note 18 – Transport (2007)

Issues

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

- The principal of the development in the context of the statutory development plan being the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), and any other material considerations.
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, emerging planning policy etc.
- Visual impact of the development, which is within the designated Green Wedge within the countryside;
- Considerations of the proposed access;
- Issues related to the highways impact as a result of the proposed development;
- Consideration of the potential impact to neighbour amenities;
- Consideration of whether the proposals constitute an efficient use of land;
- Resultant loss of protected trees should the proposed development be approved;
- Other issues that will be considered include drainage; ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development;

Principle of Development

Adopted Unitary Development Plan Policies and PPW

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).

The proposals consist of a small-scale residential development of the site of the former children's home, known as Ardwyn, on the edge of Dinas Powys. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to the Settlement Boundary of Dinas Powys as defined in Policy HOUS2 of the UDP. As such, the development is not within the settlement boundaries and does not, therefore, benefit from the provisions of the first part of Policy HOUS2.

In view of the above, the Council's policies that make provision for development in the countryside must be considered. Policy ENV1 seeks to strictly control development within countryside locations and indicates at criterion (i) and (ii) that development will only be permitted that is essential for uses appropriate in the countryside. This proposal does not fall within the definition of such a use. The principle of Policy ENV1 is supported in PPW where, at paragraph 4.7.8, it sets out that new building in the open countryside, away from existing settlements should be strictly controlled. Criterion (iv) of policy ENV1 makes provision for development that is approved under other policies of the plan. As such, consideration must be given to those relevant policies.

Notwithstanding the provision of the first part of policy HOUS2, the policy goes on to state that favourable consideration will be given to small scale development which constitutes the rounding off of the edge of settlement boundaries where it can be demonstrated that the criteria of Policy HOUS8 are complied with. Policy HOUS8 permits development which is '*closely related to the defined settlement boundaries*' providing the development complies with all of the criteria of that policy. The guidance in PPW is also noted at paragraph 9.3.2 where it states that '*Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area*'. Whilst the supporting text of policy HOUS2 defines small scale as no more than 5 dwellings, PPW is not so prescriptive, suggesting that each case should be considered on its merits depending on the context of the site. In addition to the above, the guidance provided at part 4.9 of PPW is noted, with regard to the preference for the re-use of previously developed land. The site is occupied by a large detached building and other associated structures of the former children's home. PPW suggests that, wherever possible, such land should be used in preference to greenfield sites.

With the above guidance in mind, the application site is occupied by multiple buildings and the grounds associated with the former children's home. Whilst the extent of development proposed exceeds that currently occupying the site, PPW does favour the development of such land over 'greenfield' alternatives. In addition to this, whilst being outside the UDP settlement boundary of Dinas Powys, the site of the former children's home and its grounds are read as being part of the settlement of Dinas Powys, being located immediately adjacent to existing residential areas and seen within the context of the village rather than being an isolated rural location. It is also considered that there is a linear form of residential development running along the western side of Pen Y Turnpike that projects north of the village, which would be reflected with the proposed development. In view of this and the linear form of the development within the context of built development along Pen y Turnpike Road and to the rear of Millbrooks Heights, the development would be in keeping with the character of the area. Accordingly, and in the light of the fact that the proposal re-uses previously developed land, the development can be considered to accord with guidance provided in PPW.

Notwithstanding the findings above, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers), which seeks to restrict development to prevent urban coalescence and to retain 'openness' in rural areas. It is also noted that the provisions of HOUS 2 of the UDP with regard to small-scale 'rounding off' of settlements, cannot be considered within areas identified as Green Wedge. This matter however is considered under the section of this report entitled 'Local Development Plan Context'.

Housing Land Supply

Paragraph 2.2 of TAN1 states that 'Local planning authorities must ensure that sufficient land is genuinely available to provide a **5 year supply** of land for housing'. In cases where supply is below 5 years, paragraph 5.1 of the guidance suggests that 'The results of the Joint Housing Land Availability Studies should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply **below the 5 year requirement**, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies'. This guidance is supported in part 9.2 of PPW, in particular paragraph 9.2.3.

The Council has published its Joint Housing land Availability Study 2014 (JHLAS 2014) which presents the housing land supply for the Vale area at the base date of 1st April, 2014. The statement indicates that the Council has a 7.3 year supply of housing land that has been calculated using the past house completion figures, in accordance with the TAN1 guidance. Accordingly, the Council have a sufficient supply of housing land to comply with paragraph 2.2 of TAN1. It should, however, be noted that the Council must maintain a supply of housing land in excess of 5 years at the next JHLAS for 1 April, 2015.

Local Development Plan Context

The Deposit Local Development Plan (DLDP) has been considered by the Council's Elected Members and was placed on Deposit on 8 November 2013, with a subsequent public consultation. In early 2015 the Council's Cabinet Members will consider its responses to the representations made to both the Deposit and Alternative Site Plan Stages. The LDP will then be submitted to Welsh Government where an independent Planning Inspector will be appointed to conduct an Examination into the soundness of the Plan. Until these stages have been complete the DLDP will remain an unadopted document and is not envisaged to be adopted until 2016.

In the Local Development Plan (LDP) Draft Deposit of 2013 the application site has been included as a housing allocation site, under policy MG 2 (28). It is estimated that the site would have capacity for up to 15 dwellings. The Deposit LDP also indicated a requirement for 35% affordable housing for the site. The DLDP also raises issues of pedestrian links to the village centre, safe means of access to the site, the need for suitable drainage, and the need for a full tree survey due to on-site Tree Preservation Orders.

The guidance provided in paragraph 2.6.2 of PPW with regard to the weight that should be given to the policies of emerging LDP, as mentioned above, is noted.

The guidance does, however, state that *'in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2)'*.

With the above guidance in mind, the background evidence gathered in preparation of the LDP can be afforded some weight in its relevance to the development proposed, particularly the background evidence as follows.

The inclusion of the Ardwyn site as an allocated site within the Draft Local Development Plan is also a positive indication that this is a suitable site for development, due to the significant level of assessment that has been undertaken that has led to its inclusion to this stage. A relevant background paper on this issue is the 'Findings of Candidate Site Assessments Process Paper' (2013). This catalogues all the sites that have been rejected, though includes Ardwyn as a site that has been selected and then assesses it from a sustainability perspective. The background paper includes a matrix which colour codes each site under different sustainability indices. The Ardwyn site shows a generally very positive outcome to the sustainability appraisal. This includes a 'positive impact on sustainability' within the assessment on the basis of providing housing to meet people's needs. This is represented by the 17 dwellings proposed on site, together with the 35% affordable housing proportion. The assessment also finds that a residential development of this site would provide a 'positive sustainability impact' for providing an efficient use of land (the provision of 17 dwellings on this site, considering its constraints, would be considered an efficient use of land) and also positive responses for both climate change and reducing needs for travel/use of sustainable transport. This is demonstrated with the path link to the village, allowing for pedestrian connections to the village centre, and therefore decreasing the need for private vehicle use. The positive sustainability aspect, as highlighted through this background paper, is another important aspect that has been considered with assessing this proposal.

Also relevant to this application is a 'Green Wedge Background Paper' (September 2013). As stated above, the site is currently within the designed Green Wedge, as defined by the Unitary Development Plan. However, it is also important to note that this background paper, produced to inform the emerging LDP, illustrated that this site should be omitted from the Green Wedge under the re-defined boundaries. The Ardwyn site would be immediately adjacent to the revised Green Wedge area, with the background paper stating that the Green Wedge between Llandough Hospital and Pen Y Turnpike Road provides a strong and defensible boundary. The background paper explains that the Green Wedge is important to stop encroachment into the countryside. However, it is recognised that this site has already been developed and is essentially a 'brownfield site', given the main Ardwyn building, the smaller Lodge and other ancillary structures within this site and the existing access road and large parking area. Although the site contains extensive garden areas, this cannot be considered an undeveloped site, which is reason for its omission from the revised Green Wedge. Furthermore, the Green Wedge seeks to prevent sporadic development, as stated in the background paper, though this development cannot be considered as sporadic. The site has been put forward and assessed and incorporated as an allocated site within the Draft Local Development Plan. This is a site that has been considered for some time for future development and its inclusion as an allocated site demonstrates that this would not be a sporadic development. The development would also be in keeping with the built form and character of Dinas Powys and be well integrated with the village, as such, the proposed development would not undermine the objectives of the Green Wedge designation, for the reasons set out above.

PPW and Sustainability

The guidance above also refers to section 4.2 of PPW relates to planning for sustainability.

The key sustainability principles and the key policy objectives of PPW are clearly a set of guidelines that set out the Welsh Government's '*vision for sustainable development and the outcomes [they] seek to deliver across Wales*' (paragraph 4.41). The development can be considered to accord with the principles and objectives.

Paragraph 4.2.2 states that '***The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:***

- *preparing a development plan (see Chapter 2); and*
- *in taking decisions on individual planning applications (see Chapter 3).'*

As discussed above, the 'Findings of Candidate Site Assessments Process Paper' (2013) background paper for the LDP concludes that the site would be sustainable for reasons such as providing an efficient use of land. This assessment reflects the sustainability objectives set out in section 4.4.3 of PPW particularly as the proposed development would re-use previously developed land, replacing the redundant children's home and the associated buildings, thereby avoiding the use of greenfield land. Furthermore, the location of the site is notably immediately adjacent to the village and within walking distance to shops and services but promotes sustainable practices through the provision of a footpath link, thereby having a positive contribution to climate change and reducing needs for travel by use of private vehicles.

Overall the site is considered sustainable and is in accordance with the sustainability principles and objectives as set out in Part 4.2 of PPW. With the presumption in favour of sustainable development, which is set out as a key principle within PPW, it has to be considered that the proposals are in accordance with the national policy as set out within PPW.

Conclusion on the Principle of the Development

The proposals consist of a small-scale residential development of the site of the former children's home, known as Ardwyn on the edge of Dinas Powys. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to the Settlement Boundary of Dinas Powys, though is actually outside of this designated area. Furthermore, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers).

In the Local Development Plan (LDP) Draft Deposit of 2013 the application site has been included as a housing allocation site, under policy MG 2 (28), indicated for 15 dwellings with 35% affordable housing included. As stated above, the LDP has not been adopted at the present time, being in draft form. However, the background papers are a material consideration and issues such as the impact to the designated Green Wedge and sustainability factors are assessed through these documents.

Thus although the development is not in full accordance with UDP policies, the LDP background papers and national policies, especially those within PPW, have been fully considered in assessing these proposals, as demonstrated above. In this context, the proposed dwellings would be considered a sustainable development, being the re-use of brownfield land, contributing new housing (including much needed affordable housing) that is well integrated with the village, due both to the location of the site immediately adjacent to existing Dinas Powys residential areas and also the proposed pathway connection. The proposals would not have a detrimental impact to the character of the area or have any significant impacts to the Green Wedge, which is set to be revised under the LDP to omit this site. It is for a combination of all these reasons, that are particular to this case, it is considered that the proposals are an appropriate form of sustainable residential development, which outweighs any conflict with UDP policies.

Whilst the principle of the development is accepted, this is a full planning application and issues such as layout, design, neighbour impact and access will all need to be considered. These remaining issues are considered in the sections below.

Ownership Issue

An objection has been received from a neighbour as they claim that the area south of the access, which is included within the site area and where the realigned access is proposed to be positioned, is within their ownership. The applicant's solicitor has contested this claim and would oppose any effort by the neighbour to register this land in their name through the Land Registry. On this basis the Council has no evidence to dispute the applicant's claim to this land and no objection is raised on this matter.

Layout Proposals

The layout plans submitted for the proposals has been amended since initial submission, with 17 dwellings now. It should be noted that the original proposals for 9 large houses with either double or triple garages were not considered to be an efficient use of the site. To address these concerns the proposals were substantially amended to now propose 17 dwellings, including an affordable housing element. It is considered that 17 dwellings is an acceptable number of units for this site, with both larger dwellings and smaller affordable units to be provided. The number of dwellings now proposed does not overdevelop the site, with the layout safeguarding the existing trees to be retained on the site thus preserving its semi-rural character.

The provision of affordable housing (required to be 35% of the total number of dwellings developed) has been included, with contributions also required towards education and sustainable transport etc. (see the 'planning obligations' section below).

The proposals include the demolition of both Ardwyn, which has retained its appearance as a large detached house (as was its original use) and the detached residential building near the access known as The Lodge. The applicant states that it was considered whether the existing Ardwyn building could be converted to residential use, however it is noted that the poor state of repair means that this approach was unviable. Ardwyn and The Lodge are not listed buildings or locally listed as a County Treasure and there is no objection to the principle of their removal prior to the proposed development.

The proposed dwellings are laid out in such a way to avoid significant loss of existing trees some will still need to be removed, including some with Tree Preservation Orders attached). The layout also makes use of existing native hedgerows within the site to enclose groups of houses. The nature of the site and its shape and size means that the most practical layout is a single main access road with small clusters of dwellings accessing onto this road. There are two sections of private shared drives indicated within the development, each with 5 dwellings served off these drives. The layout is considered to form a suitable arrangement of dwellings that responds to the constraints of the site and works to minimise tree loss. The dwellings are well spaced with generally large rear gardens and parking provision all included. The layout appears suitably spacious, even though several of the houses proposed are large with detached double garages.

The amenity space for each dwelling varies depending on their position within this irregular shaped site. However, the amenity space to be provided is considered acceptable and generally in accordance with the requirements of the Supplementary Planning Guidance 'Amenity Standards'. It is noted that Plot 11's rear garden includes a portion of wooded area, though there would still remain open garden space for general garden activities. The garden space for the flats at Plot 4-5 should be conditioned to remain shared for all occupants.

Much of the development would be obscured from view from the highway due to mature woodland along this boundary. The most visible aspect of the proposed development would be Plot 1, which is side-on to the main site access, in much the same position as The Lodge. Trees on the boundary of the site and within the site would also screen the development from views from the north (the approach to Dinas Powys from Pen Y Turnpike Road) and from the countryside to the east. The proposed development is not anticipated to have a significant visual impact to the countryside setting, subject to landscape and boundary treatment. Furthermore, the development of this site would not be of such a scale to cause a significant impact to the aims of the Green Wedge designation.

The layout includes two areas of open space, including the area around the cluster of protected trees adjacent to Plots 4-5 (0.087ha) and a smaller area to the front of Plot 13 (0.031ha). The total area to be provided is 0.118ha. The Supplementary Planning Guidance 'Planning Obligations' requires an overall on site provision of 55.4sqm public open space per dwelling, which equates to 941.8sqm (0.0941ha). As such, sufficient public open space is to be provided, which is positioned in easily accessible areas within the site. A Local Area of Play (LAP) has been requested as part of the public open space provision, though details have not yet been received. Members will be updated at the Committee Meeting on this matter. Please see the Planning Obligation sections below for details of the 'Public Open Space' planning obligation.

Overall, the layout and proposed density of development is considered acceptable, with no significant adverse impacts to the character of this semi-rural location.

Scale and Design

There are three types of houses proposed for the site (Type A, C and D). These house types are large detached units over two storeys with predominantly traditional features though with some contemporary features, such as the full length glazing to some rear elevations. House Type A is to have a floor area of 2450 sqft, with Type C a similar 2430sqft. House type D is slightly smaller at 1964sqft. These houses are to have a primarily rough cast render treatment with a red brick plinth, with clay tiled roof.

House Type A has a symmetrical front elevation with two projecting gables with bay windows. The house also has a projecting rear gable which is significantly glazed. This house has 4 bedrooms, with the 'master suite' to the rear. The house has a steep pitched roof, though there is no accommodation included within the roof space. Three of the proposed houses are Type A design.

House type C has a two projecting bays to the front elevation, with what appears to be hanging tiles. There is also a two storey section projecting from the rear elevation. This dwelling is to have a traditional style appearance, with a steep pitched roof. This also is to be a five bedroom house, with one bedroom to be in the roof void.

Finally, House D has a centrally positioned projecting bay with high pitched gable, which includes an arch over the front entrance. The dwelling also has a traditional approach to the design, highlighted through the window design and the high pitched roof.

Some of the dwellings have two bay garages. The garages have pitched hipped roofs, rendered walls and timber garage doors.

The affordable housing units also maintain the traditional approach, with use of render and clay tiles for the dwellings. These are arranged with one semi-detached pair and a terrace that includes two houses and a unit split into two one-bedroom flats.

The proposed design approach is considered acceptable, with the dwellings and materials proposed being in keeping with the nearby older properties in the vicinity of Pen-Y-Turnpike Road. Though mainly large dwellings, the provision of affordable housing provides a suitable housing mix within the site. As described above, with the retention of much of the existing trees and hedgerows the proposed dwellings should blend sufficiently into the landscape and not be overly prominent.

Drainage Proposals

The proposals include a 'Drainage Strategy Note' (February 2014). This firstly confirms that the site is outside any flood risk area and existing runoff rates. For surface water, the proposal is to discharge all into an existing ditch located along the western site boundary in the wooded area. The rate of discharge will be approximately half that of the current runoff rate due to the introduction of a flow control device.

The foul drainage is to connect with an existing Welsh Water sewer at Pen Y Turnpike Road. A small pumping station will be required on site due to the topography of the site. Welsh Water has raised no objection to this strategy.

There is no objection to the principle of the drainage strategy proposed, this would however be subject to full drainage details being received via condition.

Neighbour Impact

The proposed development would be screened from 1-3 The Cottages on Pen Y Turnpike Road by the thick and mature tree belt. However, the separation distance between the proposed houses and these cottages is such that there should be no significant impact to amenities.

Also, the rear of proposed plots 13, 14 and 15 would have views back towards the existing houses of Millbrook Heights, which are on a lower level. The proposed layout would result in a separation distance of over 30m between the rear of the proposed houses and the rear of the nearest houses on Millbrook Heights.

Overall, it is considered that the proposed development should not have any significant impact to the amenities of neighbouring dwellings.

Highways Matters

The application is accompanied by a Transport Statement (June 2014) by Asbri Transport. The findings conclude that the development would likely result in 12 two-way peak time vehicles movements at both AM and PM time periods of the day, and would have "minimal impact on the surrounding highway network". It is considered that whilst Pen-Y-Turnpike Road is a busy route between Dinas Powys and the Cardiff area the proposals for 17 dwellings would not cause a significant amount of additional traffic over and above existing levels that could result in any detrimental impact to the highway network.

Concern was raised at pre-application stage as to the existing access, as this is seen as substandard in terms of visibility onto Pen-Y-Turnpike Road. The proposals include the reconfiguration and repositioning of the access point approximately 4.5m to the south of existing. This would link with the existing access road within the site. The access is repositioned to allow for enhanced visibility and to form a new 'priority junction' with the site access as the minor arm. The new section of road would be built to adoptable standards, with a 5.5m width and a 2m wide footpath to both sides.

The visibility splays would effectively be provided by 'pushing' the access out into the existing carriageway, therefore realigning the carriageway route. This is stated by the applicant to be achievable due to the existing wide carriageway at Pen-Y-Turnpike Road. This would enhance visibility, to a degree that it would allow for 2.4m x 90m for the splays in either direction. The Transport Statement is also proposing a 'gateway feature' to try to slow traffic as it approaches Dinas Powys, but it should be noted that the enhanced visibility this is not considered necessary to make this application acceptable.

As regards parking provision, it is noted that each dwelling would include dedicated parking spaces. For the market housing this would include a double garage with further spaces in front of each garage. As such, 4 parking spaces would be provided for each of these dwelling which is considered sufficient. The affordable units would each have two spaces, except for the one bedroom apartments, which would have one space each. Overall, it is considered that the parking provision for the site is sufficient and should avoid any overspill parking outside of the site.

It is noted that there is a lack of pedestrian access to the village along Pen-Y-Turnpike Road. However, amended plans have been submitted to include an established footpath to the south of the site, linking with Pen-Y-Turnpike Road, near the junction with Millbrook Road. The provision of a footpath link is important as otherwise there would be no safe pedestrian route connecting with the village. The footpath enhances the sustainability of the development by allowing for a safe pedestrian links to local services, without the need for the use of private vehicles. The proposed houses would be within walking distance of the village centre and the public transport links as a result of the incorporation of the footpath (this is enhanced by avoiding a length of Pen Y Turnpike Road where there is no pavement or scope for one to be provided).

It is recognised that the path will need significant maintenance works to make the footpath usable and safe, along with the provision of lighting, which would be required by planning condition with any approval. The footpath should be widened to 1.5m with a solid appropriate surface. Levelling works would be required with additional steps required. Full details of the works to enhance the footpath and bring it up to suitable standards would be required via condition if approved.

It is recognised that the path would not be suitable for all, due to the incorporation of steps along the path route due to the incline, which could pose an issue for those with mobility problems and wheelchair users. However, this cannot be resolved due to the incline and the length of path. Nevertheless, it is considered to be of significant benefit to the proposals and will allow for a link where otherwise there would be none. This would benefit future occupants of the development and also existing occupants of the area, such as those in the residential properties further along Pen Y Turnpike Road.

The path connects with Pen Y Turnpike Road, and there is no footpath where the path meets the highway, with the existing footpath starting approximately 14m to the south. A footpath cannot be formed along this area of grass verge due to ownership issues and the narrowness of the highway. However, as there is only a short distance between the footpath to Ardwyn and the highway footpath this is considered acceptable and would be the same arrangement that has been established over the years when Ardwyn was active as a children's home.

It is noted that the land to which the existing path is located is of unknown ownership. The applicant has tried to establish the ownership and Certificate D has been submitted, with a press advertisement displayed. At the time of writing there is no owner identified. Nevertheless the site is within the red line of the application site it is considered reasonable to condition the path is upgraded and maintained in perpetuity for residents to use.

Trees and Hedgerows

The site contains many trees and hedges within its boundary. Other than the main Ardwyn building, the Lodge and the access driveway the site is predominantly green space and vegetation. Many of these trees are protected under Tree Preservation Orders 1973 - No 14 and 2011 - No 4. A Tree Constraints Plan and Arboricultural Method Statement have been submitted (TDA February 2014).

Initially, the cluster of protected trees towards the northern edge of the site was to see several trees felled. Concern was expressed regarding this. However, the amended proposal for 17 dwellings retains almost the entire cluster of these trees. It is also noted that the trees identified in the survey as 'High Quality and Value' are to be maintained. New tree planting is also indicated on the submitted plan.

It is considered that the proposals suitably maintain the majority of the existing trees within the site, with planting indicated to compensate for tree loss. Some internal hedgerows are to be removed, though some are to be maintained to provide screening between proposed dwellings. The development proposed has taken account of the trees with the submitted survey indicating that the most valuable trees are to remain and protection measures incorporated. These protection measures, along with a full landscaping scheme, would be required via condition if approved.

Ecological Issues

The proposals include the demolition of both the main building, Ardwyn, and The Lodge, and developing the site for housing. Demolition of these on-site buildings, both of which are relatively old and appear unused for some time, and therefore it is considered reasonable to assume there could be some impact to protected species. To address this issue an 'ecological assessment and survey for bats' have been submitted by David Clements Ecology Ltd (July 2014).

The survey found that the existing buildings were used by low numbers of roosting Pipistrelle and Myotis bats, with some Lesser Horseshoe Bat droppings also found at Ardwyn. Evidence of nesting birds has also been found. No evidence of reptiles have been found, though the survey advises that it is likely that there are slow-worms or common lizards present within the site. Considering the result, the survey advised the need for mitigation if the site is redeveloped.

Such a scheme must include timing of works to avoid bat roosting season and bird nesting season, along with the provision of bat boxes and a 'fence, trap and clear' operation to avoid harm to reptiles.

Both the Council's Ecologist and Natural Resources Wales (NRW) have considered the submitted survey. It is considered that, based on these consultation responses and the findings of the survey that the proposed development would not result in a detrimental impact to protected species if the mitigation measures are incorporated. Furthermore, it should be required via condition that a bat mitigation strategy be submitted, which should 'build on' the submitted survey, and also a 'Landscape and Ecology Management Plan' (LEMP) which shall include a 5 year management plan for biodiversity post-construction. Such conditions should safeguard protected species and enhance the biodiversity of the site post-development.

Under Article 16 of the Habitats Directive three tests have to be met to establish whether the works can be considered acceptable. In considering the first test, it is noted that the existing buildings would need to be significantly renovated or replaced to avoid it being abandoned. Therefore, the development would have benefits to the local economy with the works also providing a social benefit as it will provide new housing. In considering the second test, there is no reasonable alternative to a demolition of Ardwyn or The Lodge as it is imperative to render the buildings safe and bring the site back to social and economic use, which could not be achieved with the buildings remaining empty in its current condition.

The third test considers whether the proposed derogation will result in there being no detriment to the maintenance of bat species at the site. A method statement with detailed mitigation measures has been submitted, with this approach agreed subject to conditions being attached to a permission requiring the works to be in compliance with the mitigation recommended in the report and a full biodiversity method statement. The applicant would need a full NRW licence for the proposed works.

Planning Obligation (Section 106) Matters

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

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

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

In this case, the application relates to the development of up to 17 dwellings on a site adjoining the settlement boundary of Dinas Powys. Officers have considered the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

Affordable Housing

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

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: "The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale".

In 2010, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. In light of the evidence contained in the latest Housing Market Assessment showing a high level of need for affordable housing throughout the Vale, the Council's Adopted SPG on Affordable Housing (contained in the Affordable Housing Delivery Statement) now seeks 35% affordable housing on sites of 10 or more dwellings. This scheme proposes 6 no. affordable dwellings in a scheme of 17no. dwellings in total which equates to 35%.

The layout has indicated that on a development of 17 dwellings, 4 no. 2 bedroom dwellings and 2 no. 1 bedroom flats will be affordable. This is in accordance with the need identified from the Affordable Housing Enabling Officer.

Education

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

The Council's formula for calculating pupil demand is contained in the Planning Obligations SPG and identifies that the development of this site for 17 houses would generate demand for 2 nursery, 4 primary and 4 secondary pupil places. These are split proportionally between English, Welsh and denominational provision.

At nursery level there is no spare capacity to accommodate the development (current and projected) within all types of provision.

Of the 4 spaces required for primary age children generated, 3 would be allocated to English medium and 1 to Church in Wales provision. In terms of the English medium and Church in Wales sector there is limited surplus capacity overall, current and forecast, with some year groups operating to their maximum capacity. The local authority would therefore seek contributions where specific year groups are full.

At secondary level, based on the percentage split above in terms of the 4 secondary children generated, 3 would be allocated to English medium and 1 to Welsh medium. However, there is surplus capacity in the English and Welsh medium sector over the next five year period and the authority would not be seeking contributions.

Considering the above, based on the anticipated additional pupil numbers and based on the cost of a school place as outlined in the Supplementary Planning Guidance plus other costs need to be factored in, such as professional and legal fees, and would total as follows:

- Nursery - 2 children at £14,463.26 per child = £28,926.52
- Primary – 4 children at £14,463.26 per child = £57, 853.04
- Total contribution required : £86,779.56

The applicant has agreed to this planning obligation requirement.

Sustainable Transport

UDP Policies 2 and 8 favour proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. These policies are supported by the Council's approved Sustainable Development SPG and Planning Obligations SPG and the advice in Planning Policy Wales, TAN 18: Transport, and Manual for Streets, which emphasise the important relationship between land use planning and sustainability in terms of transport.

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

The Council has developed formula to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities, which has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires a contribution of £2,000 per dwelling to be used to improve access to the site, local employment opportunities and other facilities and services likely to be required by the future occupiers, by more sustainable transport modes. In this case, this would equate to up to £34,000.

The agent, on behalf of the applicant has agreed to this planning obligation requirement.

Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. PPW indicates that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments" (paragraph 4.15 refers).

The Supplementary Planning Guidance 'Planning Obligations' requires an overall on site provision of 55.4 sq. m. public open space per dwelling. The site lies within Dinas Powys ward. The LDP Open Space Background Paper (2013) indicates the ward has an under provision of children's play space of 1.58ha but an overprovision of 88.52ha of outdoor sport space. As stated in the 'layout' section, the proposals include two areas of open space within the proposed development site, including the area around the cluster of protected trees adjacent to Plots 4-5 (0.087ha) and a smaller area to the front of Plot 13 (0.031ha). The total area to be provided is 0.118ha. This is considered a suitable amount of public open space provided within the site, with details of a Local Area of Play (LAP) requested as part of this provision.

Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted supplementary planning guidance (SPG) on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

This is considered to be an essential element of high quality design and one that is considered necessary on major housing developments to provide local distinctiveness and character in accordance with the good design principles required under UDP policy ENV27 and TAN 12: Design, which states at paragraph 5.15.1 "Public art plays an important part in creating or enhancing individuality and distinctiveness, and in raising the profile of our towns, villages, cities and urban and rural landscape." This provision needs to be secured through condition or planning obligation.

The agent, on behalf of the applicant has agreed to 1% of build cost for public art.

S106 Administration

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee (£1120) or 2% of the total level of contributions sought whichever is the higher.

CONCLUSION

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

Having regard to Policies ENV1 (Development in the Countryside), ENV3 (Green Wedge), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV27 (Design of New Developments), ENV28 (Access for Disabled People), ENV29 (Protection of Environmental Quality), HOUS2 (Additional Residential Development), HOUS3 (Dwellings in the Countryside), HOUS8 (Residential Development Criteria), HOUS12 (Affordable Housing), ENV16 (Protected Species), REC3 (Provision of Public Open Space for New Developments), REC6 (Children's Play Facilities) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7, 2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; it is considered that the proposals are acceptable, based on the material considerations set out within the report, by reason of its sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan. The proposals are also acceptable by virtue of a suitable means of access with no significant adverse impacts on highways, ecology or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall enter into appropriate Agreement(s) to carry out the necessary alterations/modifications to the adopted highway to create a safe access to the site.
- Procure that 35% of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties.
- Pay a contribution of £86,779.56 for the provision or enhancement of education facilities and school transport
- Pay a contribution of £38,760 for the provision or enhancement of public open space.
- Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted for approval at reserved matters stage.
- Pay a contribution of £34,000 to provide or enhance sustainable transport facilities in the vicinity of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans re-registered on 16 September 2014 other than where amended by plans reference 2024/101 Revision K received on 3 October 2014, plus additional drawings T14.105.CAD.101 (Received 21 July 2014), T14.105.CAD.105C (received 16 September 2014), amended/additional plans 2024-205-01, 2024-204-01, 2024-202-01, 2024-203-01 and 2024-200-01, all received 6 June 2014, and the revised Site Location Plan 2024/100A (16 September 2014) .

Reason:

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

3. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on 2024/101 Revision K and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

6. Prior to the commencement of construction of any of the dwellings, a scheme for the provision and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision. The Public Open Space shall be provided in accordance with the approved details and so retained at all times thereafter.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV27 and REC3 of the Unitary Development Plan.

7. A scheme providing for the fencing of the trees to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development or any site clearance works commencement. No development, site clearance or demolition shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

10. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

12. No development shall commence until a construction/haulage traffic route plan is submitted to and agreed in writing by the Local Planning Authority and this plan shall include confirmation that no deliveries will be made to the site during the peak hours of 8 am until 9.30am and 4pm until 6p.m. on any working day.

Reason:

To minimize the congestion to the surrounding highway network and conflicts between site traffic and in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Notwithstanding the submitted Illustrative Master Plan and associated access/ highway improvements, no works whatsoever shall commence on the development until full engineering details of the proposed access, gateway feature, internal roads, associated works, turning areas, new footway, plus any new street lighting, signage and any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in full accordance with the agreed details and maintained as such thereafter.

Reason:

To ensure the provision on safe access into site, in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. Notwithstanding the submitted drawings and prior to the commencement of any works on site, full engineering drawings/details of the proposed footpath link and associated works (from the site adjacent to Plot 13 and its connection with the highway just north of No 1 Millbrook Road), including levels works and steps to be incorporated, fencing, surfacing and an safety barrier adjacent to the highway, plus new lighting and drainage details shall be submitted to and approved in writing by the Local Planning Authority. The footpath as approved shall be implemented and ready for use prior to the first occupation of any of the dwellings hereby approved and shall be in accordance with the agreed details and maintained as such thereafter.

Reason:

To ensure the provision of safe and appropriate pedestrian access into site to serve the development in the interests of sustainable connections, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. The proposed footpath linking the development (adjacent to Plot 13) and Pen Y Turnpike Road shall be open to public use from the time of the first occupation of any of the dwellings hereby approved and shall remain open to public use in perpetuity.

Reason:

To allow for a pedestrian link to Dinas Powys to ensure the sustainability of the development, in accordance with policy ENV 27 of the Unitary Development Plan.

16. The development hereby approved shall not be brought into beneficial use until the approved access has been constructed in full accordance with the submitted plans, including additional plan T14.105.CAD.101, incorporating the vision splays and the engineering details as required by Condition 13 and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

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

17. The visibility splays as indicated on additional plan T14.105.CAD.101 shall be kept clear of obstructions, or planting exceeding 0.9m in height and shall be constructed in accordance with the engineering details as required under Condition 13. The vision splays as agreed shall be implemented before the first beneficial occupation of any of the dwellings hereby permitted and maintained thereafter.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and ENV8 of the Unitary Development Plan.

18. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished floor levels of the dwellings, in relation to existing and proposed ground levels, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

19. The development hereby approved shall be in accordance with the recommendations of the submitted 'Ecological Assessment and Survey for bats' (David Clements Ecology Ltd - July 2014) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure protection for protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

20. Notwithstanding the submitted information, no development whatsoever shall take place (including any demolition, ground works, site clearance) until a method statement for the protection and enhancement of biodiversity has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Method Statement for sensitive site clearance with respect to reptiles and birds;
- b) Maintenance and enhancement of the site for bats; to include details of dark flight corridors to reduce any impacts on light sensitive species;
- c) Site enhancement details such as locations of gaps under fences/underpasses/green bridges, creation / retention of habitats of value;
- d) Details of post development monitoring (if appropriate);
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the works;

The works shall be carried out strictly in accordance with the approved details to the agreed timetable and shall be retained in that manner thereafter.

Reason:

To ensure protection for protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

21. Prior to the occupation of the first dwelling, a Landscape and Ecology Management Plan (LEMP) shall be submitted to, and agreed in writing with the Local Planning Authority. The LEMP shall include any post development monitoring proposals, and a 5-year Management Plan for biodiversity to guide the management and maintenance of semi-natural habitats and ecologically important features of the site and shall include:

- a) Initial aftercare and long-term maintenance; and

- b) Maintenance and enhancement of the site following development, including the use of locally occurring, native species in the planting scheme; and habitat enhancement measures;

Reason:

To ensure protection for protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

22. The full rear garden area for the flats at Plot 4 and 5 on the approved drawings Ref: 2024/101 Revision K shall be made available for use by occupants of both flats at first beneficial occupation, shall not be enclosed or partitioned in any way and shall be so available at all times for the occupants of the flats thereafter unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure adequate amenity space for occupiers of both flats, in accordance with Policies HOUS8 and ENV27 of the adopted Unitary Development Plan.

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

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan (AA103).

24. All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided in compliance with Condition 23.

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan (CON3).

25. 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:

Monday to Friday 0700 – 1900

Saturday 0700 – 1700

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).

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
3. **Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
4. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**

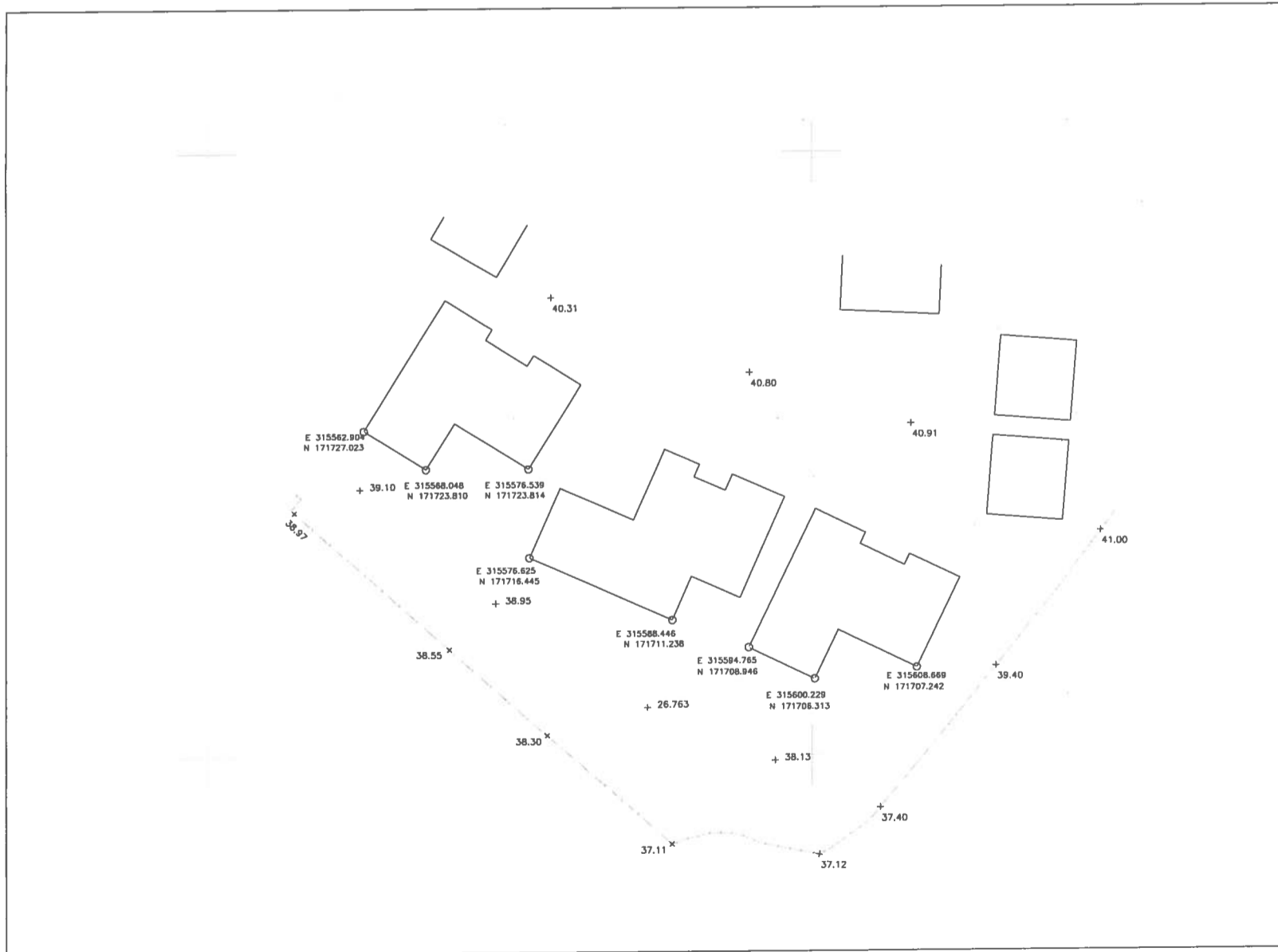
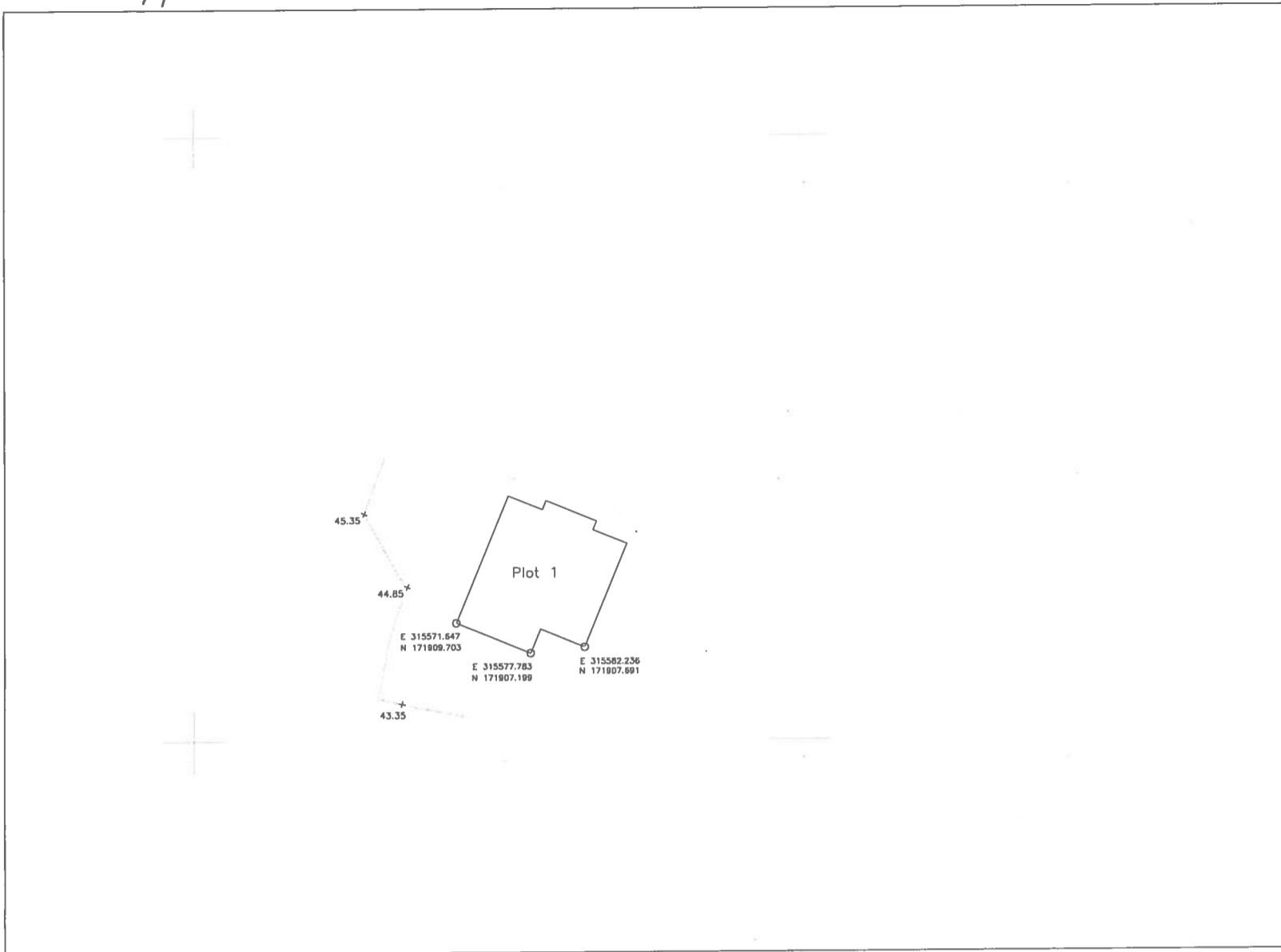
- 5. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
- 6. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 7. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
- 8. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 9. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

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

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

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

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



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