

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 4 JUNE 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

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

(a) Building Regulation Applications - Pass

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

2015/0004/PV	AC	144, Plassey Street, Penarth	Single storey rear/side extension with internal alterations
2015/0266/BR	AC	Sully Moors Road, Barry	Single storey Industrial building to house electricity unit
2015/0291/BR	AC	Dow Corning Ltd, Cardiff Road, Barry, Vale of Glamorgan. CF63 2YL	Installation of permanent contractor village, comprising permanent underground electrical, water & foul drainage services, to supply 40No steel cabins (36No double stacked; 4No single storey). Cabins to be purchased & installed in phases over the next 3 years. (Note: Cabins will not be permanently occupied, apart from during 4weeks in June during planned site shutdown/maintenance period, to supply facilities for transient contractors)
2015/0296/BN	A	10, Romilly Avenue, Barry	Re-Roof
2015/0308/BR	AC	Norton House, Drope Terrace, St. Georges Super Ely	Shower room adaption installation of a through floor lift and a stepped platform lift

2015/0310/BR	AC	26, Guthrie Street, Barry	New door opening to existing walls for wheelchair access
2015/0315/BR	AC	23a, Whitewell Drive, Llantwit Major	Demolish existing garage, construct extension to rear/side of dwelling, construct porch to front of dwelling
2015/0371/BR	AC	22, Daniel Hopkin Close, Llantwit Major	First floor bedroom & bathroom extension & ramped access
2015/0372/BR	AC	Cefn Llys, Hensol Road, Hensol	Internal refurb including the removal of one chimney and the removal of another
2015/0375/BR	AC	7, Britway Road, Dinas Powys	Single storey rear extension

2015/0380/BN	A	23, Albany Court, Beach Road, Penarth	Creation of a new doorway in existing concrete wall between kitchen and hallway. Installation of a lintel above. Blocking up of existing doorway.
2015/0381/BN	A	9, Clos Tyniad Glo, Barry	Conversion of garage to bedroom
2015/0382/BN	A	14, Cold Knap Way, Barry	Single storey extension to kitchen and a porch
2015/0383/BN	A	39, Coleridge Avenue, Penarth	Installation of a through floor lift to enable access to first floor bedrooms & bathroom
2015/0385/BN	A	Min Y Don, 12, Marine Parade, Penarth	Reduction of existing chimney stack and new pitched/hip roof over
2015/0386/BN	A	5, Main Road, Ogmere By Sea	Loft conversion (no dormer) to existing bungalow
2015/0387/BR	AC	78, Althorp Drive, Cosmeston, Penarth	Single storey extension to rear and side of property to include enlarged kitchen, sitting room and bathroom facilities.
2015/0388/BR	AC	29, Willow Close, Penarth	Take down existing conservatory & construct new sun lounge
2015/0390/BR	AC	Ty Newydd Farm, Clemenstone, Wick	New bedroom in annex roof with ensuite (phase 4)
2015/0391/BN	A	7, Cardigan Crescent, Llantwit Major, Vale of Glamorgan. CF61 2GP	Conversion of the existing garage, which is currently used as a workshop, into a kitchen
2015/0392/BR	AC	Bank House, Durrell Street, Llantwit Major	Residential development - 2 dwellings
2015/0393/BN	A	Brocastle Barn, Colwinston, Cowbridge . CF71 7NL	Conversion of barn into dwelling

2015/0394/BN	A	100, Millfield Drive, Cowbridge	Two storey side extension
2015/0395/BR	AC	Community Centre, Byrd Crescent, Penarth	Part demolition and rebuild of Byrd Crescent Community Centre
2015/0396/BN	A	4, Shelley Crescent, Penarth	Extension over existing garage with associated works
2015/0397/BN	A	15, Druids Green, Cowbridge	W.C. Facilities in existing utility room
2015/0398/BR	AC	Unit 46, Llandow, Cowbridge	Change yard to sell building aggregates to the public
2015/0399/BR	AC	11, Coates Road, Penarth	Single storey extension involving rebuilding the existing outbuildings and garage
015/0400/BN	A	22, Plymouth Road, Barry	Part re-roofing of dwelling
2015/0401/BN	A	137, Pontypridd Road, Barry	Loft conversion
2015/0402/BR	AC	Moreton, St. Mary Church	Demolish existing side extension & replace with new single storey lean to to side & rear extension will comprise of enlarged kitchen, WC & utility room
2015/0403/BR	AC	24, Whitcliffe Drive, Penarth	2 single storey extensions to rear of property and a two storey side extension
2015/0405/BN	A	5, Devon Avenue, Barry	Re-roof
2015/0406/BN	A	34, Devon Avenue, Barry	Re-roof
2015/0407/BN	A	9, Devon Avenue, Barry	Re-roof
2015/0408/BN	A	13, Devon Avenue, Barry	Re-roof
2015/0409/BN	A	4, Devon Avenue, Barry	Re-roof
2015/0410/BN	A	16, Devon Avenue, Barry	Re-roof

2015/0411/BN	A	18, Devon Avenue, Barry	Re-roof
2015/0412/BN	A	21, Devon Avenue, Barry	Re-roof
2015/0413/BN	A	22, Devon Avenue, Barry	Re-roof
2015/0414/BN	A	31 Devon Avenue, Barry	Re-roof
2015/0415/BN	A	37, Devon Avenue, Barry	Re-roof
2015/0416/BN	A	43, Devon Avenue, Barry	re-roof
2015/0417/BN	A	45, Devon Avenue, Barry	Re-roof
2015/0418/BN	A	4, Dorset Avenue, Barry	re-roof
2015/0419/BN	A	302, Holton Road, Barry	Re-roof
2015/0420/BN	A	304, Holton Road, Barry	Re-roof
2015/0422/BN	A	308, Holton Road, Barry	Re-roof
2015/0423/BN	A	310, Holton Road, Barry	Re-roof
2015/0424/BN	A	11, Shakespere Road, Barry	Single storey extension to side of property
2015/0425/BN	A	9, Cadoc Crescent, Barry	Re-roofing
2015/0426/BN	A	2, Dorset Avenue, Barry	Re-roof
2015/0427/BN	A	15, Cadoc Avenue, Barry	Re-roof
2015/0428/BN	A	18, Cadoc Cresceny, Barry	Re-roof
2015/0429/BN	A	1, Dorset Avenue, Barry	Re-roof
2015/0430/BN	A	24, Cadoc Crescent, Barry	Re-roof
2015/0431/BN	A	25, Cadoc Crescent, Barry	re-roof
2015/0432/BN	A	26, Cadoc Crescent, Barry	Re- roof
2015/0433/BN	A	44, Palmerston Road, Barry	Re-roof
2015/0434/BN	A	46, Palmerston Road, Barry	Re-roof
2015/0435/BN	A	71, Princes Street, Barry	Re-roof
2015/0436/BN	A	1, Cawley Place, Barry	Re-roof

2015/0437/BN	A	27, Cawley Place, Barry	Re-roof
2015/0438/BN	A	6, Cawley Place, Barry	Re-roof
2015/0439/BN	A	12, Cawley Place, Barry	Re-roof
2015/0440/BN	A	14, Cawley Place, Barry	Re-roof
2015/0441/BN	A	15, Cawley Place, Barry	Re-roof
2015/0442/BN	A	16, cawley Place, Barry	Re-roof
2015/0443/BR	AC	1, Mountjoy Place, Penarth	Two storey side extension, new kitchen, utility room and sotre room, ground floor. New bedroom & bathroom on first floor
2015/0444/BR	AC	67, Lavernock Road, Penarth	Single storey rear extension
2015/0445/BR	AC	24, Nelson Road, Barry	Roof conversion and side extension
2015/0446/BN	A	17, cawley Place, Barry	Re-roof
2015/0447/BN	A	18, Cawley Place. Barry	Re-roof
2015/0448/BN	A	20, Cawley Place, Barry	Re-roof
2015/0449/BN	A	21, Cawley Place, Barry	Re-roof
2015/0451/BN	A	25, Cawley Place, Barry	Re-roof
2015/0452/BN	A	4 , Birch Grove, Barry	Installation of Shower Room and WC in existing outbuilding. Includes below ground drainage.
2015/0453/BR	AC	7, Oyster Bend, Sully	Demolition of existing conservatory to be replaced with brick walled/tiled roof building of same dimensions and profile
2015/0454/BN	A	Waterton House, Brocastle, Nr Bridgend	Loft conversion
2015/0455/BR	AC	45, Hawthorn Avenue, Penarth	Two storey rear extension

2015/0456/BR	AC	25, Maes Lindys, Rhoose	Single storey rear extension and (EXEMPT new detached garage)
2015/0457/BN	A	7, The Green, Leckwith	Remove dividing wall between kitchen and dining room to accommodate WHQS Kitchen
2015/0459/BN	A	Rosemount, 9, Gwern Y Steeple, Peterston Super Ely	Demolition of existing rear single storey extension and replacement with larger extension with pitches and flat roof
2015/0460/BN	A	11, Seaview Drive, Ogmore by Sea	Form new opening between kitchen & lounge
2015/0461/BN	A	5, Seaview Place, Llantwit Major	single storey garage detached
2015/0462/BN	A	46, Trem Y Don, Barry	Ground floor extension to living room. Conversion of garage to hobby room
2015/0463/BN	A	8 - 10, Glanmore Crescent, Barry	Re-roof
2015/0464/BN	A	12 - 14, Glanmor Crescent, Barry	Re-roof
2015/0465/BN	A	16 - 18, Glanmor Crescent, Barry	Re-roof
2015/0466/BN	A	20 - 22, Glanmor Crescent, Barry	Re-roof
2015/0467/BN	A	28 - 30, Glanmor Crescent, Barry	Re-roof
2015/0468/BN	A	24 - 26, Glanmor Crescent, Barry	Re-roof
2015/0470/BN	A	36 - 38, Glanmor Crescent, Barry	Re-roof
2015/0471/BN	A	40 - 42, Glanmor Crescent, Barry	Re-roof

2015/0472/BN	A	44 - 46, Glanmor Crescent, Barry	Re-roof
2015/0474/BN	A	10 - 12, Jenner Road, Barry	Re-roof
2015/0475/BN	A	38 - 40, Jenner Road, Barry	Re-roof
2015/0476/BN	A	42 - 44, Jenner Road, Barry	Re-roof
2015/0477/BN	A	41 - 43, Jenner Road, Barry	Re-roof
2015/0479/BN	A	46 - 48, Jenner Road, Barry	Re-roof
2015/0480/BN	A	50 - 52, Jenner Road, Barry	Re-roof
2015/0482/BN	A	90 - 92, Jenner Road, Barry	Re-roof
2015/0483/BN	A	1 - 3, Jenner Road, Barry	Re-roof
2015/0484/BN	A	5 - 7, Jenner Road, Barry	Re-roof
2015/0485/BN	A	9 - 11, Jenner Road, Barry	Re-roof
2015/0486/BN	A	13 - 15, Jenner Road, Barry	Re-roof
2015/0487/BN	A	14 - 16, Jenner Road, Barry	Re-roof
2015/0488/BN	A	18 - 20, Jenner Road, Barry	Re-roof
2015/0489/BN	A	17 - 19, Jenner Road, Barry	Re-roof
2015/0490/BN	A	21 - 23, Jenner Road, Barry	Re-roof

2015/0491/BN	A	22 - 24, Jenner Road, Barry	Re-roof
2015/0492/BN	A	26 - 28, Jenner Road, Barry	Re-roof
2015/0493/BN	A	25 - 27, Jenner Road, Barry	Re-roof
2015/0496/BN	A	37 - 39, Jenner Road, Barry	Re-roof
2015/0497/BN	A	49 - 51, Jenner Road, Barry	Re-roof
2015/0498/BN	A	53 - 55, Jenner Road, Barry	Re-roof
2015/0499/BN	A	54 - 56, Jenner Road, Barry	Re-roof
2015/0500/BN	A	58 - 60, Jenner Road, Barry	Re-roof
2015/0501/BN	A	62 - 64, Jenner Road, Barry	Re-roof
2015/0502/BN	A	66 - 68, Jenner Road, Barry	Re-roof
2015/0503/BN	A	70 - 72, Jenner Road, Barry	Re-roof
2015/0504/BN	A	74 - 76, Jenner Road, Barry	Re-roof
2015/0505/BN	A	78 - 80, Jenner Road, Barry	Re-roof
2015/0506/BN	A	82 - 84, Jenner Road, Barry	Re-roof
2015/0507/BN	A	54, Lewis Road, Llandough	Re-roof
2015/0508/BN	A	16, Cedar Way, Penarth	Re-roof
2015/0509/BN	A	2, Church Terrace, St. Mary Church	Re-roof
2015/0510/BN	A	15, Wimbourne Crescent, Sully	Re-roof

2015/0511/BN	A	125, Cardiff Road, Dinas Powys	Re-roof
2015/0512/BN	A	90, Clive Road, Barry	Re-roof
2015/0513/BN	A	43, Whitmore Park Drive, Barry	Conversion of garage to habitable room
2015/0514/BN	A	91, Clive Road, Barry	Re-roof
2015/0515/BN	A	92, Clive Road, Barry	Re-roof
2015/0517/BN	A	15, Chesterfield Street, Barry	Re-roof
2015/0518/BN	A	17, Chesterfield Street, Barry	Re-roof
2015/0519/BN	A	20, Chesterfield Street, Barry	Re-roof
2015/0520/BN	A	21, Chesterfield Street, Barry	Re-roof
2015/0521/BN	A	23, Chesterfield Street, Barry	Re-roof
2015/0522/BN	A	25, Chesterfield Street, Barry	Re-roof
2015/0523/BN	A	30, Chesterfield Street, Barry	Re-roof
2015/0524/BN	A	32, Chesterfield Street, Barry	Re-roof
2015/0527/BN	A	37, Chesterfield Street, Barry	Re-roof
2015/0528/BN	A	39, Chesterfield Street, Barry	Re-roof
2015/0529/BN	A	41, Chesterfield Street, Barry	Re-roof
2015/0530/BN	A	43, Chesterfield Street, Barry	re-roof

2015/0531/BN	A	24, Fairford Street, Barry	Re-roof
2015/0532/BN	A	121, Phyllis Street, Barry	Re-roof
2015/0534/BN	A	13 - 17, Severn Avenue, Barry	Re-roof
2015/0535/BN	A	14 - 18, Severn Avenue, Barry	Re-roof
2015/0538/BN	A	21, Plas Taliesin, Penarth	Conversion of garage to habitable room
2015/0545/BN	A	296, Holton Road, Barry	Relocation of kitchen within apartment, plus installation of velux rooflight
2015/0546/BN	A	6, Senni Close, Barry	Garage conversion
2015/0550/BN	A	36, Denys Close, Dinas Powys	Garage conversion
2015/0551/BN	A	21, Pardoe Crescent, Barry	Renew Cornish roof
2015/0552/BN	A	19, Pardoe Crescent, Barry	Replace Cornish roof
2015/0553/BN	A	23, Pardoe Crescent, Barry	Replace Cornish Roof
2015/0554/BN	A	23, Pardoe Crescent, Barry	Replace Cornish roof
2015/0555/BN	A	17, Pardoe Crescent, Barry	Replace Cornish roof
2015/0561/BN	A	Krasnia, Romilly Park Road, Barry	Installation of steel beam
2015/0563/BN	A	14, Chandlers Way, Penarth	Balcony
2015/0565/BN	A	34, Pardoe Crescent, Barry	Roofing works to mansard property concrete tiles
2015/0566/BN	A	36, Pardoe Crescent, Barry	Roofing works to mansard property concrete tiles
2015/0567/BN	A	37, Pardoe Crescent, Barry	Roofing works to mansard property concrete tiles
2015/0568/BN	A	38, Pardoe Crescent, Barry	Roofing works to mansard property concrete tiles
2015/0569/BN	A	39, Pardoe Crescent, Barry	Roofing works to mansard property concrete tiles

2015/0570/BN	A	40, Pardoe Crescent, Barry	Roofing works to mansard property concrete tiles
2015/0571/BN	A	41, Pardoe Crescent, Barry	Roofing works to mansard property concrete tiles

(b) Building Regulation Applications - Reject

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

(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2015/0080/AI	A	56, Broadshoard, Cowbridge	Proposed single storey rear extension to dwelling, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0081/AI	A	Maendy Isaf, Maendy, Cowbridge	Proposed first floor side extension, single storey rear extension and detached out-building (works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0082/AI	A	64, Brean Close, Sully	Loft conversion
2015/0083/AI	A	20, Heol Yr Ysgol, St. Brides Major	Double storey extension to rear comprising extended kitchen and additional bathroom and ensuite and internal works
2015/0084/AI	A	Abernant, St. Marys Church	First floor extension with associated works
2015/0085/AI	A	73, Westward Rise, Barry	<ol style="list-style-type: none"> 1. Proposed two storey side extension. 2. Proposed single storey front extension 3. Proposed single storey rear extension 4. Proposed loft conversion at

second floor level

2015/0086/AI	A	25, Southey Street, Barry	Installation of solar photovoltaic units on roof
2015/0087/AI	A	9, Upper Cosmeston Farm, Penarth	Proposed first floor extension over existing garage, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0088/AI	R	4, Wye Close, Barry	Single storey rear extension and associated works
2015/0089/AI	A	Swanbridge Beach Front, Beach Road	Proposed erection of a single storey shop premises incorporating public toilets
2015/0090/AI	A	21, South Road, Sully	Proposed single storey and two storey extensions to front, sides and rear and internal alterations, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0091/AI	A	114, Dock View Road, Barry	Proposed construction of dormer and installation of bathroom to existing loft, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0092/AI	A	The Paddocks Colwinston	Extension, internal alterations and associated works
2015/0093/AI	A	NatWest Bank, 2, Plymouth Road, Penarth	Internal alterations to improve existing banking services

2015/0094/AI	A	12, Erw'r Delyn, Penarth	Internal structural openings and alterations
2015/0095/AI	A	16, Heol Y Frenhines, Dinas Powys	Two storey side extension

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A	-	Approved	O	-	Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C	-	Unclear if permitted (PN)	B	-	No observations (OBS)
EB	-	EIA (Scoping) Further information required	E	-	Split Decision
EN	-	EIA (Screening) Not Required	G	-	Approved the further information following "F" above (PN)
F	-	Prior approval required (PN)	N	-	Non permittal (OBS - objections)
H	-	Allowed : Agricultural Condition Imposed : Appeals	NMA	-	Non Material Amendments
J	-	Determined by NAFW	Q	-	Referred to Secretary of State for Wales (HAZ)
L	-	Approved <u>AND</u> refused (LAW)	S	-	Special observations (OBS)
P	-	Permittal (OBS - no objections)	U	-	Undetermined
R	-	Refused	RE	-	Refused (Enforcement Unit Attention)
			V	-	Variation of condition(s) approved

2013/00050/FUL	A	Land adjacent 91, Main Road, Ogmore by Sea	Erection of one detached dwelling at land adjacent to No. 91 Main Road, Ogmore by Sea, comprising two bedrooms and a study on the ground floor, and a kitchen/dining/living area and a balcony on the first floor, three car parking spaces and ancillary amenity areas (NMA)
2014/00956/FUL	A	Site to rear of Tesco Store, Mariner's Way Rhoose	Proposed development of six flats and two houses, with associated parking and amenity space

2014/00988/FUL	A	Greenway Cottage, Greenway Lane, Bonvilston	Proposed single storey garage to replace garage and hobby room (as approved 2013/00801/FUL) and also new amendments to main house extension as previously approved
2014/01036/FUL	A	The Garn Farm, St. Hilary	Installation of a 150kw Ground Mounted Photovoltaic Array
2014/01121/LBC	A	2-6 Cottages, Church Row, Pendoylan	Repair and replace single glazed windows with double glazing windows to match existing design and colour (Green/White)
2014/01235/LAW	A	1, Elmgrove House, Elmgrove Road, Dinas Powys	The property is an apartment in a building. The Local search revealed a Section 215 Notice-untidy Land ID: ENF/104/0593/E Dated 22/4/05
2014/01243/FUL	A	110, High Street, Barry	Change of use 1st and 2nd floor to A2 and new shopfront
2014/01335/RES	A	74, Murch Road, Dinas Powys	Demolition of existing dwelling and construction of two new dwelling with revised vehicular access
2014/01348/FUL	A	Site adjacent to A4226/Tredogan Road and Penmark roundabout, Cardiff International Airport, Rhoose	Vary Condition 1 of planning permission reference 2004/01930/FUL to extend time period for commencement of development
2014/01417/FUL	A	62, Adenfield Way, Fontygary, Rhoose	Proposed two storey extension to side and single storey extension to rear

2014/01443/FUL	A	Greenway Farm, Bonvilston	Change of use of land to residential curtilage of Greenway Farm and conversion of barn and alterations to form 'granny annexe'
2014/01483/RES	A	Badgers Brook Rise, Ystradowen	Residential development, comprising the erection of 40 dwellings and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping, pumping station and all associated building and engineering operations at Land off Badgers Brook Rise, Ystradowen, Cowbridge
2015/00024/FUL	A	8, Beach Road, Penarth	Proposed demolition of existing detached garage, proposed split level store/workshop extension to side elevation, proposed gable parapet to front elevation (Drawn with previously approved two storey entrance extension and window replacement)
2015/00033/PNT	A	CTIL 124028, VF 6778 TEF N/A, Atlantic Spray Limited, Priority Enterprise Park, Barry	Installation of base station
2015/00069/ADV	A	Cabot Carbon Ltd, Sully Moors Road, Sully	Replacement of existing Cabot Carbon sign located near site entrance. New sign to display updated logo and graphics
2015/00071/FUL	R	40, Westbourne Road, Penarth	Application for a dropped kerb and vehicular access to the front of the property
2015/00081/FUL	A	32, Fonmon Road, Rhoose	Retrospective erection of a fence

2015/00087/FUL	A	St. Nicholas House, St. Nicholas	Conversion of St. Nicholas House and garage block into two semi detached dwellings
2015/00097/FUL	A	9, Park Road, Penarth	Alterations and extensions to existing dwelling; existing lean-to to be demolished
2015/00114/FUL	A	Ash Cottage, Ystradowen	Change of use of existing building and store to provide residential accommodation
2015/00128/OUT	A	12, Laburnum Way, Penarth	Outline consent for a single detached three bedroom dwelling with access details included
2015/00164/FUL	A	108, Stanwell Road, Penarth	Replace timber door and sliding sash windows with detail matched UPVC door and sliding sash windows
2015/00185/FUL	A	3, Pinewood Close, Llandough	Loft dormer extension to include bedroom and en-suite bathroom
2015/00187/FUL	R	Villa Rosa, 7, Adenfield Way, Rhoose	New timber fence - panels and posts applied to existing rockfaced low level wall. Removal of existing diseased hedgerow
2015/00192/FUL	A	Kim Sharp Motors, Robins Lane, Barry	Change of use of property from Class Use B2 (General industry) to Class Use C3 (Residential), to include the addition of a single storey extension
2015/00193/FUL	A	Land at West Hall Farm, Aberthaw	Retrospective application for the retention of an internal access track and x32, 2.5m high CCTV poles with cameras set at a height of 2.3m. Provision of a control room measuring 2.7m (h) x 2.5m x 4.1m

2015/00202/FUL	A	Dewi Sant, Station Road West, Wenvoe	Erection of a timber fence around the eastern aspect of the property adjacent to the vehicle exit gate
2015/00212/FUL	A	1, Pen Y Bryn, Trerhyngyll	Proposed replacement of existing flat roof single garage for a pitched roof single garage
2015/00222/FUL	A	35, Southey Street, Barry	Proposed single storey side and rear extensions
2015/00226/FUL	A	42, Maes Y Gwenyn, Rhoose Point, Rhoose	Proposed rear extension
2015/00230/FUL	A	Cartref, Llanquian Road, Aberthin	Proposed detached garage
2015/00237/FUL	A	1, Elm Grove Place, Dinas Powys	Single storey rear extension
2015/00238/FUL	A	1, Dunraven Close, Dinas Powys	Single storey side extension
2015/00241/FUL	R	Westmoor Barn, Primrose Hill, Cowbridge	Extension to existing dwelling house to form two new bedrooms, dining room and utility room
2015/00243/ADV	A	Ocean View, Ogmore by Sea	Signage
2015/00247/FUL	A	1, Mountjoy Place, Penarth	Proposed two storey side extension providing extended kitchen and utility spaces; new bedrooms and bathroom at first floor
2015/00248/FUL	A	Brooklands, Pen Y Lan Road, Aberthin	Extensions and alterations to dwelling (an amendment to original Planning Permission 2014/00389/FUL) to include dormers and garage
2015/00257/FUL	A	138, Fontygary Road, Rhoose	Single storey extension

2015/00258/FUL	A	Greystones, Westgate, Cowbridge	Proposed demolition of existing conservatory and construction of new conservatory extension
2015/00263/FUL	A	3, Regency Close, Llantwit Major	Erection of a front porch, 4m2
2015/00265/ADV	A	Cardiff Road, Nr. Merrie Harriers, Llandough	One double advertising unit fully integrated into bus shelter
2015/00266/FUL	A	HSBC, 85, Holton Road, Barry	Existing external ATM to be replaced with new model ATM in same location
2015/00269/FUL	R	Pear Tree Cottage, Marcross	New timber framed holiday cottage in garden of Pear Tree Cottage
2015/00271/FUL	A	The Garage, Evans Street, Barry	Remove existing window, remove stone wall below and make good stonework, opening to match existing front new door and frame with outer roller shutter door for pedestrian access into the reception area
2015/00272/FUL	A	44, Holton Road, Barry	Change of use from hairdresser Beauty Salon/Retail to Tattoo Studio Sui Generis
2015/00274/FUL	A	16, Castle Road, Rhoose	Single storey side extension
2015/00276/FUL	A	Ty Nant, St. Brides Super Ely	Erection of flat roof single storey rear extension, two storey side extension
2015/00278/FUL	A	The Links, off Pen Y Lan Road, Aberthin	Erection of new five bedroom dwelling, with a ridge height 300mm above the ridge height approved in planning permission Ref:- 2014/01446/FUL
2015/00280/FUL	A	11, Heol Pilipala, Rhoose Point, Rhoose	To convert existing integral garage into a dining room

2015/00284/RG3	A	Redlands House, Redlands Avenue, Penarth	Provision of Disabled scooter shed to rear of Redlands House
2015/00286/FUL	A	3, Weston Avenue, Sully	Two storey rear extension
2015/00287/FUL	A	7, Eckley Road, Sully	Extension of existing garage plus associated works
2015/00288/FUL	A	Honeysuckle Cottage, Colwinston	Front porch and rear single storey kitchen extension
2015/00290/FUL	A	4, Paget Place, Penarth	Single storey rear extension to provide open plan kitchen and family space. Extension to front of existing garage and Juliet balcony at first floor
2015/00291/FUL	A	10, The Grange, Baroness Place, Penarth	Proposed rear aluminium conservatory/sun lounge and retention of garden store/shed to side
2015/00292/FUL	A	8, Spencer Drive, Llandough	First floor extension over existing kitchen
2015/00293/FUL	A	106, Stanwell Road, Penarth	Convert existing property from two self contained flats into a single dwelling, internal alterations. External fire escape metal staircase to be removed. Existing lean-to access to ground floor flat to be demolished and existing openings to be blocked up. New single storey extension to the rear of the property to infill where the external staircase were. New bi-folding doors to rear elevation

2015/00296/FUL	A	3, Forrest Road, Penarth	Conversion of existing three bedroom detached bungalow with annexe into four bedroom dormer bungalow. Extensions and alterations including demolition of annexe at rear of property and proposed dormer extensions
2015/00297/LAW	A	8, Wordsworth Avenue, Penarth	The proposed works consist of building a single storey flat roof (living roof) extension to the rear of the property comprising dining area, toilet with shower and sitting area
2015/00298/FUL	A	16, Meadowside, Penarth	Rear single storey extension
2015/00300/FUL	A	307, Barry Road, Barry	Single storey rear extension
2015/00301/LAW	A	22, Cwrt Syr Dafydd, Llantwit Major	Single story extension to rear of house
2015/00303/FUL	A	3, Baron Close, Penarth	Proposed double storey extension to side elevation and single storey to rear elevation
2015/00304/FUL	A	4, Voss Park Close, Llantwit Major	Existing conservatory removed new single storey rear extension
2015/00305/FUL	A	Hawarden, 6, Church Place South, Penarth	Ground floor extension and balconies to rear
2015/00307/FUL	A	28, Readers Way, Rhoose	Two storey side and rear extension
2015/00309/LAW	A	Upper floors of 51, Hewell Street, Penarth	Establish flat above The Cogan Public House remains as residential use
2015/00310/FUL	A	Barclays Bank Plc, 62, High Street, Cowbridge	Installation of bollards

2015/00311/FUL	A	22, Lake Hill Drive, Cowbridge	Proposed two storey side extension and single storey rear extension, to form new garage and utility room to ground floor, and master bedroom and en-suite bathroom to first floor
2015/00313/FUL	A	4, Is Y Coed, Wenvoe	Extension to family room and minor internal alterations
2015/00314/FUL	A	Flat 2, 66, Victoria Road, Penarth	Single storey rear extension comprising a dining room accessed from the existing kitchen, a glazed roof verandah and a glazed greenhouse
2015/00315/FUL	A	Min Y Don, 12, Marine Parade, Penarth	Demolition of part of existing chimney to reduce height. Extension of existing pitched roof over reduced chimney with hipped end
2015/00320/FUL	A	14, Dyffryn Place, Barry	Demolition of garage, proposed two storey extension to form garage to ground floor and family room. Master bedroom suite to first floor
2015/00322/FUL	A	66, Heol y Frenhines, Dinas Powys	Proposed front garage conversion and rear extension
2015/00323/FUL	A	Rhos Dawel, Tre'rhyngyll	Single storey garage to side elevation with dormers and alterations
2015/00326/FUL	A	15, Westbourne Road, Penarth	Demolition of existing rear conservatory, single storey extension on the rear/side, and alterations including new windows
2015/00327/FUL	A	1, Porlock Drive, Sully	Proposed first floor bedroom extension
2015/00329/FUL	A	143, Port Road West, Barry	Proposed detached garage

2015/00330/FUL	A	15, Laburnum Way, Dinas Powys	Replacement single storey extension to rear, new pitched roof over garage and entrance hall with associated works
2015/00332/FUL	A	38, Victoria Road, Penarth	Proposed single storey utility room side extension and increased area of patio, and bi-fold doors to the rear elevation
2015/00337/FUL	A	180, Jenner Road, Barry	Extend existing roof line and construct rear elevation dormer to provide new second floor bedroom with ensuite
2015/00348/NMA	A	Land At Plasnewydd Farm, Cowbridge Road, LLantwit Major	Change to previous approved application 2014/00831/FUL - Change of all 639 house types to new 669 house types in order to comply with WHQS standards, plots 36-39, 76-77, 80-82 and 90-92
2015/00349/FUL	A	15, Hawthorne Avenue, Penarth	Proposed ground floor bedroom, sitting area, and shower room
2015/00356/FUL	A	Hafod Y Gan, Ogmore Road, Ewenny	Raising of ridge height with accommodation to roof, Ground Floor windows and internal modifications
2015/00357/FUL	A	Y Ffermdy Gwyn, Heol St. Cattwg, Pendoylan	Proposed glazed porch and veranda to side entrance
2015/00358/FUL	A	5, Archer Road, Penarth	New garage to rear
2015/00359/OUT	A	BCWAC, The Mole, Powell Dyffryn Way, Barry	Water sports facility
2015/00362/NMA	A	Land adjacent to Sutton Mawr Farm, Barry	Non-material amendment to 2013/00617/FUL, Installation of ground mounted Photovoltaic (PV) Solar Arrays, to provide 68 x 2.5m high CCTV camera poles

2015/00363/RG3	A	Llangan Primary School, Llangan	Demolition of an existing demountable unit and relocated replacement double demountable unit
2015/00366/FUL	A	1, Meliden Lane, Penarth	Proposed shed
2015/00368/FUL	A	Tynywaun Farm, Newton	Single storey extensions to front and rear of existing single storey dwelling (resubmission of application reference 2014/00111/FUL)
2015/00373/FUL	A	28, Victoria Road, Penarth	Block paving to drive and footpath
2015/00376/PNA	A	Amelia Trust Farm, Five Mile Lane, Barry	Glasshouse
2015/00380/FUL	A	26, Cilgant Y Meillion, Rhoose Point, Rhoose	Construction of a single storey rear extension and conversion of garage
2015/00381/FUL	A	10, The Paddock, Cowbridge	Proposed single storey orangery to rear of property
2015/00382/FUL	A	38, Westward Rise, Barry	Single storey rear extension to accommodate new living area.
2015/00393/LAW	A	23, Cardigan Close, Dinas Powys	Single storey rear domestic extension
2015/00394/FUL	A	3, Greenmeadow Close, Dinas Powys	Single storey rear extension, loft conversion and roof alterations
2015/00400/FUL	A	The Haven, 28, Cog Road, Sully	Alterations to rear annexe proposals, planning application 2014/01270/FUL, swimming pool position to be relocated following consultation with Welsh Water
2015/00402/RG3	A	238, Holton Road, Barry	Take down the elevations to Holton Road and Lower Morel Street and rebuild

2015/00408/NMA	A	St. Annes, Old Port Road, Wenvoe	Removal of design of first floor balcony and setting external wall within roof space to provide internal type balcony which will satisfy Clause 3 of the planning consent - amendments to application 2007/01090/FUL
2015/00430/FUL	A	49, Enfield Drive, Barry	Single storey side extension with mono-pitch roof
2015/00437/ADV	A	New shop unit at Thompson Street, Barry	One fascia and one projecting sign

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 4 June, 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00055/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3018505
Appellant: Mr. Kenny Willan,
Location: 42, Stanwell Road, Penarth
Proposal: Dormer loft conversion
Start Date: 8 May 2015

L.P.A. Reference No: 2014/00840/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3027435
Appellant: Glyn Watts Jones
Location: Development plot facing the road, west of Primrose Cottage, Penllyn
Proposal: Construction of one detached 3 bed dwelling and garage west of Primrose Cottage
Start Date: 6 May 2015

L.P.A. Reference No: 2014/00863/OUT
Appeal Method: Public Local Inquiry
Appeal Reference No: 15/3010121
Appellant: Taylor Wimpey PLC
Location: Land south of Port Road West, Weycock Cross, Barry
Proposal: Residential development of up to 200 No. dwellings and associated works
Start Date: 27 April 2015

(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2014/0081/PRO
Appeal Method: Hearing
Appeal Reference No: C/15/3023004
Appellant: Ms. Joy Atkinson
Location: **34A, Plassey Street, Penarth**
Proposal: Change of use of the property to a single dwelling house
Start Date: 1 May 2015

(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/00754/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3005406
Appellant: Mr. Kevan Regan,
Location: **2, Eastbrook Close, Dinas Powys**
Proposal: Two storey side extension and single storey rear extension
Decision: Appeal Dismissed
Date: 13 May 2015
Inspector: Melissa Hall
Council Determination: Delegated

Summary

The inspector considered the main issue to be the effect of the proposed development on the character and appearance of the surrounding area.

The Inspector described the property as a modern, semi-detached dwelling, situated within a small cul-de-sac of semi-detached properties of similar design, form and massing. She noticed that there are several examples of two storey side extensions in the cul-de-sac, including the attached dwelling at 1 Eastbrook Close. However, in each case, they have been set down from the ridge and back from the front elevation of the dwellings to which they relate.

The Inspector noted that, in the case of the appeal proposal, the two storey side extension would align with the front of the host property and the continuation of the eaves and ridge levels would create an uninterrupted elevation. She considered that this design, combined with its siting, would fail to represent a subservient addition to the existing dwelling. She also noted that, when read in the context of the attached dwelling, the proposal would have an unbalancing effect on the pair.

In addition to this, the Inspector noted that the extension would fill almost the entire width of the existing gap between the host dwelling and 3 Eastbrook Close. She was of the view that this would create a terracing effect such that it would be at odds with the spacing and character of the semi-detached housing and street scene.

For the reasons set out above, the Inspector was of the view that the proposed development would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area contrary to Policy ENV 27 of the UDP, Planning Policy Wales and the 'Design Guide for Householder Development' produced by the Planning Officers Society for Wales.

Whilst the Inspector's attention was drawn to a number of examples of two storey extensions in the vicinity of the site, these did not change her view with regard to the development subject of the appeal.

In relation to the rear extension, the Inspector noted that the Council did not raised any concerns with this element of the scheme. She stated that she had no reason to disagree. As the appellant did not indicated that they would wish to implement this aspect of the scheme in isolation, the Inspector determined the appeal on the basis of the scheme as submitted.

(d) Enforcement Appeal Decisions

None

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	W	1	-	1	-
	H	-	1	1	-
	PI	-	-	-	-
Planning Total		1 (50%)	1 (50%)	2	-
Enforcement Appeals	W	1	-	-	-
	H	-	1	1	-
	PI	-	-	-	-
Enforcement Total		- (0%)	1 (100%)	1	-

All Appeals	W	1	-	1	-
	H	-	2	2	-
	PI	-	-	-	-
Combined Total		1 (33%)	2 (67%)	3	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

Operational Manager Building and Development Control.

DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 4 JUNE 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved

R - Refused

E Split Decision

2015/00318/TPO	A	The Longfield, Factory Road, Llanblethian	10-15% reduction and reshape of Birch tree. Crown lift, 15% crown reduction/thinning of Norway Maple. Pollard back Willow tree.
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Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 4 JUNE 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

8. GENERAL PLANNING MATTERS

WELSH GOVERNMENT CONSULTATION

Proposed changes to the Environmental Impact Assessment Regulations and Local Development Orders

Purpose of the Report

1. To update Members on the Welsh Government (WG) consultation and to recommend an appropriate response to this consultation.

Background

2. This consultation seeks the Council's views on proposed changes to the Environmental Impact Assessment Regulations (EIA) 1999. It also proposes changes to the (Development Management Procedure) (Wales) Order 2012 in order to facilitate Local Development Orders that grant permission for EIA development.
3. The consultation papers (Appendix A) include a set of specific questions to which the Welsh Government is requesting views. The closing date for replies is 18 June 2015.
4. This consultation paper sets out the Welsh Government's (WG) proposals for consolidating and amending the EIA Regulations. It also proposes changes to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 in order to facilitate Local Development Orders (LDOs) that grant permission for EIA development.

Relevant Issues and Options

5. EIA is required for all development projects that are listed in Schedule 1 of the EIA Regulations. Development listed in Schedule 2 of the EIA Regulations needs to be screened if it exceeds certain thresholds or is in a sensitive area.

6. Schedule 2 of the EIA Regulations establishes the screening thresholds for certain types of development projects. We have analysed requests for screening decisions that are submitted to the Welsh Ministers and the evidence suggests that some of the existing screening thresholds are too low, leading to many developments being screened unnecessarily. This delays the planning application process and places an administrative burden on the planning system. To address this issue, the consultation paper proposes raising the screening thresholds for certain development projects. These proposed changes are the same as those which will be implemented in England.
7. The consultation paper also proposes amendments to regulations associated with LDOs in order to allow LPAs to make LDOs for development schemes that comprise Schedule 2 EIA development. This could encourage LPAs to make LDOs for larger development proposals, supporting economic growth and regeneration.
8. WG intend to consolidate the regulations, which have been subject to many amendments since 1999, and use the opportunity to incorporate a number of changes that take account of case law. These include:
 - Proposals to change or extend existing development – it is proposed to apply the thresholds in Schedule 2 to the development as a whole once modified, and not just to the change or extension. WG are also proposing a new provision that requires all changes or extensions to Schedule 1 projects, where these are not Schedule 1 developments in their own right, must be screened as to the need for EIA.
 - Reasons for negative decisions – WG are proposing a new provision that will make it clear that when the Welsh Ministers or a Planning Authority issue a negative screening decision, they shall make available their reasons for that decision (note: Vale of Glamorgan Council already does this).
 - Multi-stage consents – Amending Regulations in 2008 required public consultation on the environmental statement at each stage of a multi-stage consent, even in cases where the environmental statement produced at outline stage satisfies the requirements of the EIA Regulations at the later stage. WG intend to remove this requirement to reduce the burden on applicants and Local Planning Authorities.
 - Geological Storage Directive – European Directive 2009/31/EC ('the Geological Storage Directive') amends annexes I and II of the EIA Directive. The consultation paper sets out the proposed approach to implement the requirements of the Geological Storage Directive.
9. WG are also asking whether specific provision should be made in the EIA Regulations to address discontinuance and modification orders.

Resource Implications (Financial and Employment)

10. Responding to the consultation can be met from within the Directorate resources. Some of the proposals may well have resource implications and where this is the case, the response to the consultation paper (Appendix B) makes reference to this.

Sustainability and Climate Change Implications

11. Land use planning has a significant impact on sustainability, ranging from influencing the need to travel, the location of new development, the sustainability credentials of new development as well as energy efficiency. Legal Implications (to Include Human Rights Implications)
12. Land use planning is a statutory process and the Bill contains numerous references to elements of that process including planning appeals, development planning and the rights of individuals.

Crime and Disorder Implications

13. None specific to this report.

Equal Opportunities Implications (to include Welsh Language issues)

14. None specific to this report, although there are matters contained within the Bill to ensure that the planning service is delivered in a fair, consistent and equitable manner.

Corporate/Service Objectives

15. The efficient handling of planning matters impacts on the corporate objectives relating to regeneration, the environment and housing.

Policy Framework and Budget

16. This is a matter within the policy framework.

Consultation (including Ward Member Consultation)

17. There has been no specific Ward Member consultation as this matter is not Ward specific.

Relevant Scrutiny Committee

18. Economy and Environment.

RECOMMENDATIONS

- (1) That the content of the report be noted and the response to the consultation be agreed.

- (2) That the matter be referred to Cabinet for information.

Reasons for the Recommendations

- (1) To allow the Council to respond to the consultation.
- (2) To inform Cabinet of the views of Planning when responding to the consultation.

Background Papers

Welsh Government consultation – Proposed changes to the Environmental Impact Assessment Regulations and Local Development Orders

Contact Officer

Marcus Goldsworthy, Operational Manager Development and Building Control - Tel. 01446 704661

Officers Consulted

None

Miles Punter

DIRECTOR OF DEVELOPMENT SERVICES



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Welsh Government

Consultation Document

Proposed changes to the Environmental Impact Assessment Regulations and Local Development Orders

Date of issue: 26 March 2015

Action required: Responses by 18 June 2015

Overview

This consultation seeks your views on proposed changes to the Environmental Impact Assessment Regulations (EIA) 1999. It also proposes changes to the (Development Management Procedure) (Wales) Order 2012 in order to facilitate Local Development Orders that grant permission for EIA development.

How to respond

The closing date for responses is 18 June 2015. You can respond in any of the following ways:

Email:

Please complete the consultation form at Annex 2 and send it to:

planconsultations-f@wales.gsi.gov.uk

Post:

Please complete the consultation response form at Annex 2 and send it to:

Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

E-mail: planconsultations-f@wales.gsi.gov.uk

Tel: Alan Groves on 029 2082 5362

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full.

Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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INTRODUCTION

Background

1. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended (“the EIA Regulations”), transpose Directive 85/337/EEC (replaced by Directive 2011/92/EU) on the assessment of the effects of certain public and private projects on the environment, as amended (‘the EIA Directive’), in its application to development under the Town and Country Planning Act 1990.
2. Environmental Impact Assessment (EIA) is a process by which information is collected, in a systematic way, to inform an assessment of the likely significant environmental effects arising from a proposed development.
3. EIA aims to prevent, reduce or offset the significant adverse environmental effects of development proposals, and enhance positive ones. It ensures that planning decisions consider the environmental effects of development. The EIA process also provides for engagement with statutory consultees, local and national groups, and the public.
4. The EIA Directive is subject to further amendment following the adoption of Directive 2014/52/EU¹ by the European Parliament and Council on 16 April 2014. Member states are required to comply with the provisions of Directive 2014/52/EU by 16 May 2017. The Welsh Government will issue a separate consultation on the new Directive.

Purpose of consultation

5. This consultation paper sets out the Welsh Government’s proposals for consolidating and amending the EIA Regulations. It also proposes changes to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 in order to facilitate Local Development Orders (LDOs) that grant permission for EIA development.

Why is there a need to update and consolidate legislation?

Screening thresholds

6. EIA is required for all development projects that are listed in Schedule 1 of the EIA Regulations. Development listed in Schedule 2 of the EIA Regulations needs to be screened if it exceeds certain thresholds or is in a sensitive area.
7. Schedule 2 of the EIA Regulations establishes the screening thresholds for certain types of development projects. We have analysed requests for

¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2014_124_R_0001

screening decisions that are submitted to the Welsh Ministers and the evidence suggests that some of the existing screening thresholds are too low, leading to many developments being screened unnecessarily. This delays the planning application process and places an administrative burden on the planning system. To address this issue, the consultation paper proposes raising the screening thresholds for certain development projects. These proposed changes are the same as those which will be implemented in England in April².

Local Development Orders

8. The consultation paper also proposes amendments to regulations associated with LDOs in order to allow LPAs to make LDOs for development schemes that comprise Schedule 2 EIA development. This could encourage LPAs to make LDOs for larger development proposals, supporting economic growth and regeneration.

Consolidation and amendments

9. We intend to consolidate the regulations, which have been subject to many amendments since 1999, and use the opportunity to incorporate a number of changes that take account of case law. These include:

Proposals to change or extend existing development – it is proposed to apply the thresholds in Schedule 2 to the development as a whole once modified, and not just to the change or extension. We are also proposing a new provision that requires all changes or extensions to Schedule 1 projects, where these are not Schedule 1 developments in their own right, must be screened as to the need for EIA.

Reasons for negative decisions – We are proposing a new provision that will make it clear that when the Welsh Ministers or a planning authority issue a negative screening decision, they shall make available their reasons for that decision.

Multi-stage consents – Amending Regulations in 2008 required public consultation on the environmental statement at each stage of a multi-stage consent, even in cases where the environmental statement produced at outline stage satisfies the requirements of the EIA Regulations at the later stage. We intend to remove this requirement to reduce the burden on applicants and local planning authorities.

Geological Storage Directive – European Directive 2009/31/EC ('the Geological Storage Directive') amends annexes I and II of the EIA Directive. The consultation paper sets out the proposed approach to implement the requirements of the Geological Storage Directive.

² S.I. 2015/660 The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

10. We are also asking whether specific provision should be made in the EIA Regulations to address discontinuance and modification orders.

PROPOSED AMENDMENTS

Screening Thresholds

11. Development projects that fall within Schedule 1 of the EIA Regulations always require EIA. Development listed in Schedule 2 of the EIA Regulations needs to be screened if it exceeds certain thresholds or is in a sensitive area.
12. We have undertaken an analysis of requests for screening directions made to the Welsh Ministers and have found that a significant majority did not require EIA. This suggests that there may be scope for increasing the existing screening thresholds, as subjecting projects to screening for EIA when they are unlikely to have significant effects on the environment causes unnecessary delay in the planning application process.
13. In considering whether to revise the screening thresholds for Schedule 2 development we have assessed the evidence base against the indicative thresholds and criteria for the identification of Schedule 2 development requiring EIA (see paragraph A.19 of circular 11/99)³, the selection criteria in Annex III of the EIA Directive, and the need to ensure that only those projects that are not considered likely to give rise to significant environmental effects are removed from the need for screening.
14. Based on this assessment we consider that there is scope to increase the screening thresholds associated with "urban development projects" and "industrial estate development". The existing screening threshold for both types of development is 0.5ha, as set out in paragraph 10 in the table to Schedule 2 of the EIA Regulations.
15. We remain committed to protecting the environment and all Schedule 2 urban development projects that are located in a 'sensitive area', irrespective of their size, will still be subject to screening.
16. We propose the following:
- The screening threshold for "industrial estate development" (paragraph 10 (a) of the table in Schedule 2) to be raised from 0.5ha to 5ha.
 - The screening thresholds for "urban development projects" (paragraph 10 (b) of the table in Schedule 2) to be raised and amended so that projects will need to be screened if -
 - (i) the development exceeds 1 hectare and does not include the construction of dwellinghouses; or
 - (ii) the development includes more than 150 dwellinghouses; or
 - (iii) the overall area of the development exceeds 5 hectares.

³ <http://wales.gov.uk/topics/planning/policy/circulars/welshofficecirculares/circular1199/?lang=en>

17. The reason for proposing a specific screening threshold for dwellinghouses based on number of units is to address the potential significant environmental effects of high density residential accommodation.

Q1

Do you agree that the screening thresholds for urban development projects and industrial estate projects, as set out in Schedule 2 of the EIA Regulations, are too low?

Q2

Do you agree with our proposed screening thresholds?

Changes or extensions to existing development

18. The High Court in the Baker case⁴ held that paragraph 13 of Schedule 2 ('Schedule 2.13') to the 1999 EIA Regulations does not properly implement the Directive as it limits consideration of the environmental effects of a change or extension to the change or extension itself, rather than the effects on the whole development, as modified.

Changes to Schedule 2 development

19. To address the implications of the Baker judgement we propose to amend paragraph 13 of Schedule 2 to the EIA Regulations so that the references to thresholds in 13 (a) (i) apply to the whole development, as modified by the change or extension, and not just to the change or extension itself.

Q3

Do you have any comments on the proposed approach to addressing changes or extensions to Schedule 2 development?

Changes to Schedule 1 development

20. Paragraph 21 of Schedule 1 of the existing EIA Regulations relates to extensions or changes to development, which comprise Schedule 1 development in their own right. We do not propose any changes to paragraph 21 of Schedule 1.
21. Paragraph 13 (a) (ii) of Schedule 2 of the 1999 EIA Regulations deals with changes or extensions to Schedule 1 development that fall below the Schedule 1 thresholds. These thresholds are currently applied only to the change or extension, rather than to the whole development.

⁴ High Court of Justice, R (*on the application of Baker*) v Bath and NE Somerset Council, 2010.

22. Again to address the Baker judgement, we propose that any change or extension to Schedule 1 development (where that change or extension is not Schedule 1 development in its own right) must be screened when either :
- the thresholds set out in Schedule 2.13(a)(ii) of the existing 1999 EIA Regulations, applied to the change or extension, are met or exceeded; or
 - the development as changed or extended may have significant adverse affects on the environment.

Q.4

Do you have any comments on the proposed approach to addressing changes or extensions to Schedule 1 development?

Reasons for Negative Screening Decisions

23. The 1999 EIA Regulations provide that any screening opinion which states that EIA is required must be supported by reasons for the determination. The ‘Mellor’ case⁵ confirmed that the EIA Directive does not require reasons for a negative screening decision – a screening opinion that states that EIA is not required. But it did clarify that if a reason for a negative screening opinion is requested by an interested party, it must be provided. In the interests of transparency, and to satisfy requirements relating to accessible information, we intend to amend the EIA Regulations to require reasons to be provided for all screening opinions or directions.

Q.5

Do you have any comments on the proposal to amend the EIA Regulations to require reasons to be provided for all screening opinions and screening directions?

Multi-stage consents

24. In response to rulings from the European Court of Justice, amending regulations⁶ were issued in 2008 to transpose the requirement that consideration must be given to the need for EIA before determining a planning application for the approval of reserved matters. This was because the court held that outline planning permission and the decision which subsequently grants approval of reserved matters must be considered to comprise a grant of multi-stage development consent in terms of article 1(2) of the EIA Directive.
25. The 2008 amending regulations, in order to satisfy the requirements of the EIA Directive, required applications for multi-stage consents to be screened (i) to

⁵ European Court of Justice, case C-75/08 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62008J0075:EN:HTML>

⁶ <http://www.legislation.gov.uk/wsi/2008/2335/contents/made>

check if EIA was needed when it had not been required at outline stage and (ii) to check if additional environmental information was required at the subsequent consent stage (i.e. an application for approval of reserved matters) when a ES had already been produced. In cases where either (i) EIA was required or (ii) additional environmental information was needed, public consultation would be required.

26. However the 2008 Amending Regulations also required a repeat of the public consultation process at subsequent consent stage even in cases when the environmental statement provided at outline stage remained fit for purpose. We intend to remove this requirement to reduce the burden on applicants and LPAs while maintaining the full transposition of the Directive.

Q.6

Do you agree that, in the case of a subsequent application (e.g. reserved matters application), where an environmental statement was provided with the original outline application and remains fit for purpose, there is no merit in repeating the public consultation process?

Geological Storage Directive

27. Directive 2009/31/EC ('the Geological Storage Directive') on carbon capture and geological storage establishes a legal framework for the environmentally safe geological storage of carbon dioxide.
28. Paragraphs 22 and 23 of Annex I and paragraph 3(j) of Annex II to Directive 2011/92 apply EIA requirements to the capture and transport of carbon dioxide streams for the purposes of geological storage, and to certain storage sites.
29. We propose to add new categories of development to Schedule 1 and 2 of the EIA Regulations to reflect these requirements.

Q.7

Do you have any comments on the proposed approach to implementing the Geological Storage Directive?

Local Development Orders

30. Local Development Orders (LDOs) grant planning permission for certain types of development, in a specified area, subject to conditions and limitations, without the need to submit a planning application to the LPA.
31. Article 27 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPO) relates to LDOs. It prevents a LDO being made that would grant permission for EIA development.

32. We want to encourage LPAs to adopt LDOs as they are a tool that can assist wider planning objectives by contributing towards streamlining the planning system through removing the need for developers to make applications to the LPA. They can add certainty to the planning system, helping to encourage developers. They can also save time and money for stakeholders in the planning system.
33. The Welsh Government has recently published a research report on Local Development Orders in order to demonstrate the opportunities offered by LDOs and to provide practical guidance on their design and implementation⁷. One of the conclusions of the report is that LDOs can facilitate large-scale development that can have significant impacts, providing difficult planning issues are resolved before the LDO is adopted.
34. To facilitate and encourage the use of LDOs we propose to make changes to the DMPO and the EIA Regulations in order to allow LDOs that could grant planning permission for Schedule 2 EIA development, subject to consideration of an environmental statement.

Q.8

Should the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPO) and the EIA Regulations be amended in order to allow LDOs to grant planning permission for Schedule 2 development?

Modification Orders

35. Section 97 of the Town and Country Planning Act 1990 provides the power for LPAs to modify any planning permission. Section 100 of the 1990 Act provides similar powers for the Welsh Ministers.
36. When a LPA propose to make an order they must notify the owner and occupier of the land and all persons who in the authority's opinion will be affected by the order. In cases where the notified persons object to the order, it must be confirmed by the Welsh Ministers.
37. A Court of Appeal judgment⁸ makes it clear that modification orders comprise development consent for the purposes of Annex 2 of the EIA Directive. So if a LPA or the Welsh Ministers intend to make a modification order they should consider whether an environmental impact assessment is required.

Q.9

Do you have any comments on the proposal to prevent modification orders for EIA development being made or confirmed unless the order is accompanied by an Environmental Statement that is taken into account when making or confirming the order?

⁷ Local Development Orders: Impact and Good Practice. Welsh Government, January 2014

⁸ Smout v Welsh Ministers and Wrexham CBC, Case number C1/2011/0188

APPENDIX A

Discontinuance Orders

38. Section 102 of the Town and Country Planning Act 1990 provides the power for local planning authorities to make a discontinuance order that would require the removal of any buildings or works or the cessation of any use of land, in circumstances where planning permission was previously granted for the buildings, works or use.
39. Discontinuance orders are capable of granting planning permission for development of land to which the order relates. Discontinuance orders must be confirmed by the Welsh Ministers before they can take effect.
40. Section 104 of the Planning Act 1990 provides Welsh Ministers with the power to make a discontinuance order.
41. We intend to amend the EIA Regulations to make specific provision to prevent the Welsh Ministers from making or confirming a discontinuance order that is likely to have significant effects on the environment unless an environmental statement has been prepared in relation to the order and the decision to confirm the order takes account of the environmental statement.

Q.10

Do you have any comments on the proposal to prevent discontinuance orders for EIA development being made or confirmed unless the order is accompanied by an Environmental Statement that is taken into account when making or confirming the order?

Consultation Response Form

Proposed changes to the Environmental Impact Assessment Regulations and Local Development Orders

We would like your views on our proposals to make changes to the Environmental Impact Assessment Regulations and Local Development Orders.

Please submit your comments by 18/06/2015.

If you have any queries on this consultation, please email: planconsultations-f@wales.gsi.gov.uk or telephone Alan Groves on 029 2082 5362.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response or tick the box at the end of this form. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Proposed changes to the Environmental Impact Assessment Regulations and Local Development Orders		
Date of consultation period: 26/03/2015 – 18/06/2015		
Name	Marcus Goldsworthy	
Organisation	Vale of Glamorgan Council	
Address	Docks Office Barry Docks	
E-mail address	planning&transportation@valeofglamorgan.gov	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree that the screening thresholds for urban development projects and industrial estate projects, as set out in Schedule 2 of the EIA Regulations, are too low?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Screening opinions submitted separately to planning applications are a draw on a Councils resources and should be subject to a separate charging regime			

Q2	Do you agree with our proposed screening thresholds?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The levels set in the proposed guidance would still seem to low and could be increased to 200 dwellings and 6ha which would remove a significant amount of medium sized developments from the screening requirements and bring the regulations in line with consultation for call-in procedures.				

APPENDIX B

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Q3	Do you have any comments on the proposed approach to addressing changes or extensions to Schedule 2 development?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 The approach to this must be very clearly set out in legislation to ensure that timescales are clear and that historic developments which have existed for many years are not subject to undue or overbearing requirements every time they want to apply for small changes or extensions. One example would be with regard to small extensions to business parks which have existed for years but which were of a size to require an EIA at the outset. It is feasible that if not drafted correctly a small extension could trigger a requirement for a new EIA. Likewise with regard to housing and other commercial developments?

Q4	Do you have any comments on the proposed approach to addressing changes or extensions to Schedule 1 development?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 As above

Q5	Do you have any comments on the proposal to amend the EIA Regulations to require reasons to be provided for all screening opinions and screening directions?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 With regard to screening applications submitted independently of planning applications, WG should consider implementing a separate fee charging regime to allow LPAs to properly fund the work, failure to do so could lead to authorities taking significantly longer than 3 weeks to determine such applications and a significant increase in the numbers of applicants approaching WG direct for opinions.

Q6	Do you agree that, in the case of a subsequent application (e.g. reserved matters application), where an environmental statement was provided with the original outline application and remains fit for purpose, there is no merit in repeating the public consultation process?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

APPENDIX B

Q7	Do you have any comments on the proposed approach to implementing the Geological Storage Directive?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Q8	Should the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPO) and the EIA Regulations be amended in order to allow LDOs to grant planning permission for Schedule 2 development?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you have any comments on the proposal to prevent modification orders for EIA development being made or confirmed unless the order is accompanied by an Environmental Statement that is taken into account when making or confirming the order?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Q10	Do you have any comments on the proposal to prevent discontinuance orders for EIA development being made or confirmed unless the order is accompanied by an Environmental Statement that is taken into account when making or confirming the order?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Q11	Do you have any additional comments on the consultation paper?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

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I do not want my name/or address published with my response (please tick)

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation response form and send it to: planconsultations-f@wales.gsi.gov.uk</p>
Post
<p>Please complete the consultation form and send it to: Development Management Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>
Additional information
<p>If you have any queries on this consultation, please Email: planconsultations-f@wales.gsi.gov.uk Telephone: Alan Groves on 029 2082 5362</p>

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 4 JUNE 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

9. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2014/00863/OUT Received on 31 July 2014

Taylor Wimpey plc
Asbri Planning Ltd., Unit 9,, Oak Tree Court,, Cardiff Gate Business Park,,
Cardiff., CF23 8RS

Land south of Port Road West, Weycock Cross, Barry

Residential development of up to 200 No. dwellings and associated works

BACKGROUND

This report relates to the application for outline planning permission, reference 2014/00863/FUL, for the construction of up to 200 dwellings on land south of Port Road West, Weycock Cross, Barry. An appeal has been made to the Welsh Government in respect of the non-determination of this application. The Planning Inspectorate has confirmed that this appeal is valid and, as such, started the appeal on 27th April, 2015.

It should also be noted that the Welsh Ministers consider that the appeal be determined by themselves. The reason being that the proposal is for residential development of more than 150 houses. Accordingly, an appointed Inspector will consider the appeal and make his or her recommendation to the Welsh Ministers.

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

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

SITE AND CONTEXT

The application site is located to the north western edge of Barry, immediately to the south of Port Road (A4226) which links the site to Rhoose to the west and Cardiff to the east. Almost immediately to the north east of the application site is Weycock Cross roundabout, which forms the junction of the A4226, Port Road and Weycock Road (often referred to as Five Mile Lane), the B4266 Pontypridd Road and Port road West.



**The
Location Plan**

The application site is 8.14 hectares including the area of highway subject to improvement works. The site comprises three agricultural fields; one large field parcel separated from the two smaller fields by hedgerow that dissects the site from north to south. The two smaller fields are dissected by a hedgerow from east to west. The fields are currently in agricultural use.

The application site does not include any built structures. At the south of the site is an existing water course, the Nant Talwg, which has been culverted as it flows beneath Nant Talwg Way.

The site has a frontage along the A4226 Port Road for approximately 180 metres, extending between a detached bungalow, No. 183 Pontypridd Road, to the east and Green Farm to the west. Green Farm is a residential dwelling with outbuildings that was previously in use as commercial dog kennels. To the west of Green Farm is a further grouping of buildings which includes a pair of semi-detached dwellings, Ty-Newydd Farm and a hotel complex which comprises a pub/restaurant and a hotel.

The largest field parcel is bounded to the north/east by detached and semi-detached residential properties that front onto Pontypridd Road and to the south-east by detached dwellings off Nant Talwg Way and St. James Crescent. There are no access points to the site from these areas.

The application site does not have any public rights of way (PROW) across it. There is a PROW near the site along Cwm Ciddy Lane approximately 120 metres away. There is also a PROW through Mill Wood to the south of the application site which is separated from the site by the houses in Nant Talwg Way and St. James Crescent.

DESCRIPTION OF DEVELOPMENT

The application proposes outline planning permission for up to 200 dwellings and associated works, with all matters reserved. A masterplan has been developed for the site and has been submitted in support of the application which provides a broad framework of how the site would be developed based on the constraints of the site as identified by the accompanying surveys and reports.



Concept Masterplan (Drawing number: 13123/3010/G)



Framework Masterplan (Drawing number 13123/3200A)

The concept masterplan envisages perimeter block development for the centre of the site with linear form development adjacent to the site boundaries. The masterplan indicates a vehicular access via a standard priority junction, off Port Road, that will serve the whole development.

Internally, a loop road arrangement is proposed. The main road into the site branches off to the east and west and loops around two perimeter blocks. A number of secondary, private drives branch off the loop to serve small clusters of dwellings. The masterplan also shows a 15 metre landscaping buffer to be planted along the western boundary of the site between the site and the open countryside. The development will include a number of areas of open space, the largest of which has been proposed in the southern portion of the site adjacent to the stream. This area will also incorporate a pond which will have dual purposes in relation to ecology and drainage.

The proposals are indicative at this stage since this is an outline planning application with all matters reserved. The application has been accompanied by the following supporting surveys and reports:

- Radon Report
- Archaeological Desk Based Assessment
- Tree Survey and Arboricultural Constraints Report
- Drainage Strategy Report
- Landscape and Visual Impact Assessment
- Air Quality Assessment

Noise Impact Assessment
Code for Sustainable Homes Pre-Assessment
Construction Environmental Management Plan
Ecological Assessment, with update
Ecological Method Statement, Mitigation Strategies & Compensation Measures
Agricultural Land Classification and Soil Resources Report
Geotechnical & Geo-Environmental Desk Study Report
Design and Access Statement
Planning Statement
Transport Assessment

PLANNING HISTORY

The site benefits from the following relevant planning history:

- 2013/00701/OUT: Land south of Port Road West, Weycock Cross, Barry. Residential development of up to 200 No. dwellings and associated works.

This application was almost identical to that subject of this report. Members may recall that an appeal was made against the non-determination of this application. The appeal was, however, withdrawn before the planning inspectorate made their decision on the application.

- 1990/01028/OUT: Land adjoining Nant Talwg Estate & Port Road, Barry. Residential development associated highway & drainage works. Refused 11 December 1990.

-

The application was refused for the following reasons:

1. The site is not allocated for residential development in the Barry Local Plan. Sufficient land has been allocated or approved in the Plan area to meet foreseeable requirements.
2. The proposal represents an intrusion into the rural landscape thereby damaging the amenity of the countryside in conflict with the policies of the Local Planning Authority and the County Structure Plan.
3. There is insufficient information submitted as to the proposed means of vehicular access to the site to enable the highway and traffic generation implications of the proposal to be properly considered.

CONSULTATIONS

All consultees were notified of the application on 4th August, 2014. The following comments were made:

Highway Development - Since the application is in outline with all matters reserved, no comments have been provided on the internal road layout on the masterplan provided.

Traffic Management - In principle the proposed ghost island arrangement into the site and the improvements to Weycock Cross Roundabout are accepted, as long as at detailed design they conform to DMRB standards. However, the need for a footway on the northern side of the road, directly opposite the site, is questioned. It seems to run as far as the junction with Five Mile Lane and then stop. It is suggested that the footway join into the existing footway on the southern side of the highway and that the footway as a whole is widened.

There is concern that the development will not address increased capacity problems at the Colcot and Barry Docks Link roundabouts. The TA briefing note suggests that the development will mitigate against this due to its sustainable location and by providing additional public transport infrastructure and a robust Travel Plan (i.e. less car trips will actually be generated from the site than estimated). At present these two junctions are at or over capacity in the peak hours and the development will make conditions worse. This will need to be mitigated against by providing physical improvements to these junctions, increasing capacity, unless the Council is convinced that it is a sustainable location and there will be increased journeys made by foot, cycle or public transport.

If this is not the case, consideration should be given to a 106 contribution to the improvement of the wider junctions. Design feasibly would be required.

Highways and Engineering commented on the proposed surface water drainage, advising that infiltration should be considered and that soak away tests should be carried out. If SuDS features are to be used to dispose of surface water drainage, details of these should be submitted to the Council for approval along with details of how these are to be maintained. The drainage scheme should also show how road and roof/yard water will be dealt with. This is to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere.

Environmental Health (Pollution) has provided comments on the following:

Noise Impact assessment – The Officer concurs with the report with regard to the properties deemed to fall within Noise Exposure Category C (NEC C) and, therefore, requested the imposition of a condition to ensure adequate protection from noise is provided. The Officer does, however, suggest that consideration be given to mechanical ventilation for the properties facing Port Road West. The Officer also provides advice on the interpretation of the British Standards.

Noise, Dust and Vibration – The Air Quality Assessment identifies to the potential impact in terms of dust (air quality and potential nuisance) and the necessity for mitigation. As such, it is requested that a condition be imposed to require the submission of details for the control of noise dust and vibration. The officer has also recommended the restriction of the times of operations and deliveries due to the potential for noise disturbance to local residents.

Contamination – It is requested that a condition be imposed to require the risk assessment and remediation of contamination, if contamination is encountered during earth works.

The Public Rights of Way Officer has confirmed that there are no Public Rights of way on the site shown on the Definitive Map of Public Rights of Way

The **Ecology Officer** has not objected to the application, subject to the imposition of planning conditions requiring the following:

- The submission of a copy of the EPS licence granted by Natural Resources Wales authorising the development.
- The implementation of biodiversity conservation enhancement measures.
- The provision of dark flight routes via a lighting scheme.
- A landscaping and ecology management plan (LEMPs)

The **Landscape Section** does not have any issue with the conclusions of the Landscape and Visual Impact Assessment in respect of the magnitude of impacts and significance of effects of the proposed development. They have, however, confirmed that the designation of the site within the LDP as Green Wedge currently remains unchanged and is in their view the overriding consideration in determining the application.

Public Sector Housing has advised that the Homes4U waiting list shows that 1475 people in Barry are in need of homes. A suggested tenure mix of 80/20 split is recommended. It has also been suggested that 20 units on the site are no.1 bed units.

Education Section – In the light of the Housing comments above and on the basis that 20 units on site will not accommodate any children, the Education Section have provided the following comments:

“There is no spare capacity at nursery primary and secondary level in all sectors taking into account the effects of Barry Waterfront and Rhoose developments. The development of 180 houses would generate 18 nursery, 50 primary and 44 secondary pupils (37 pupils aged 11 to 16 and 7 pupils post 16), the S106 requirement is as follows;

- *68 nursery and primary children at a cost of £14,463.26 per place = £983,501.68.*
- *37 secondary pupils (11-16) at a cost of £21,793.42 per place = £806,356.54.*
- *7 secondary pupils (16-18) at a cost of £23,653.40 per place = £165,573.8*

Total S106 requirement of £1,955,432.”

GGAT has advised that archaeological resource in this area has remained unchanged since the last application. As such, their comments in respect of the previous application remain unchanged. The proposed works will require archaeological mitigation. As such, three conditions have been requested.

Firstly a condition requiring the applicant to submit a written scheme of archaeological investigation prior to the commencement of the development. We recommend that the condition continue to be worded in a manner similar to the model given in Welsh Office Circular 60/96 Section 23.

Secondly a condition requiring a Level One survey to record the Cast Iron Post and Rail Fence (WC038) to ensure its preservation by record.

Thirdly a condition to ensure that the Hedgerows WC032 and WC037 are investigated and a historic hedgerow survey be conducted in accordance with Hedgerow Regulations 1997.”

Natural Resources Wales does not object to the application, subject to the appropriately worded conditions and/or planning obligations dealing with the following:

European protected species – The Ecology survey has confirmed the presence of dormice on the site. These are European Protected Species. As such, the development may only commence under a licence granted by NRW. Whilst the dormice mitigation measures are welcomed, they have requested further clarification and details on certain matters, which can be achieved via planning condition. They would also welcome details securing funding for ongoing maintenance of retained, translocated and newly planted habitats through a planning obligation, as well as details of the management and monitoring of those areas.

Dwr Cymru Welsh Water has made the following comments:

“SEWERAGE

No development shall take place until a foul water drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

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 and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.”

Advisory Notes for the developer have also been provided by Welsh Water Dwr Cymru.

Crime Prevention Design Advisor confirmed that he concurs with the concerns of the Wales Police Traffic Management unit with regard to the proposed access to the site. He also strongly recommended that not just the affordable/social housing on the site, but all housing be built to Secure by Design (SBD) Standards.

Barry Town Council has a strong objection to the application for the following reasons:

- Traffic studies undertaken by the Vale Council indicate that development in at these locations would further exacerbate traffic congestion in the surrounding areas, particularly along port road. This would lead to an unacceptable environment for existing residents of the area.
-
- The development would result in a development outside the established and proposed residential settlement boundary.
- The developers would not be able to provide sufficient on-site infrastructure. The development would result in increased traffic movements for the needs of the new population to be satisfied. As the area has poor public transport provision, further development would lead to increase traffic congestion, pollution and poor living environment for local residents.
- The development would result in the loss of fertile agricultural land, would increase local flood risk, and would seriously damage areas of nature conservation and archaeological interest within and adjacent to the site.

REPRESENTATIONS

The neighbouring properties were consulted on 4 August 2014.

A site notice was also displayed on 22 August 2014.

The application was also advertised in the press on 21 August 2014.

There have been a significant number of objections submitted (approximately 110 at time of writing), including a letter from the Friends of Weycock Cross. The primary concerns raised in these objection responses are summarised as follows:

- Foul sewerage - the existing system is already overloaded and inadequate.
- The proposed pond will become stagnant and collect flies.
- Concern with regard to surface water drainage and the impact the development will have on Nant Talwg.
- The application site is outside the settlement boundary of Barry, as defined in the UDP, and within the open countryside.
- The development does not accord with the LDP. There are already a substantial number of sites allocated in the LDP. The proposal is premature to the consideration of the LDP.
- Priority should be given to building on brown field sites, not green wedge.
- The site is prime agricultural land (grade 3) that is still farmed and should be protected.
- The application site is Green Wedge. It is green wedge for a good reason and should not be developed.
- The development will create urban sprawl.
- Concerns for the archaeology on the site.
- Concern for the historic hedgerow.
- The development will cause air pollution.
- Concern for the loss of woodland.
- The development will have a negative impact on the sites ecology and biodiversity.
- The development will cause an intrusion into the rural landscape, damaging the amenity of the countryside, in conflict with Council policy.
- The accompanying transport assessment is incorrect – the figures for the local train station give the impression its walking distance.
- The proposed access is in a dangerous position.
- Traffic congestion, particularly at Weycock Roundabout and along Port Road West is already a problem and will get worse. The problem will be exacerbated when combined with the traffic that will be generated from nearby development (Walters Farm).
- Potential impact on Cardiff Airport, RAF St Athan and Aberthaw Power Station, the access road already suffers from congestion.
- The development will impact upon the Welsh Government plans to develop air traffic and passenger numbers at Cardiff Airport.
- It will cause congestion for traffic trying to access the airport and the Western Vale.
- The development will affect tourism and the use of Cardiff Airport.
- The development will have a detrimental impact on existing facilities such as Schools, doctor's facilities in the area.
- The development could have a drastic effect on emergency services.
- Residential development shouldn't be considered here when there are so many empty homes in Barry, the waterfront hasn't been developed and there is more land in the area to be developed.
- A similar development in 1990 (1990/01028/OUT) and 2014 was rejected and there have been no major changes.
- Loss of security and amenity of existing residents.

- The development will devalue house prices in the area.
- The development will set a precedent for further development towards Rhoose.
- The developers are only interested in selling the top soil and sub soil from the site and bringing inert material creating a landfill operation, which is more profitable than housing
- Main housing need in Barry is for smaller, affordable housing which should be closer to the town.
- There are 749 identified empty homes in the Vale, these should be used to fill the housing need.
- The development would impact upon the housing development in Barry Waterfront, leading to an excess of housing and prejudicing the regeneration of the Waterfront.
- The forecast housing needs are inaccurate. There is no new employment planned for the area and, as such, no demand for property.
- Housing should be located in the western vale, close to the employers at Cardiff Airport, RAF St Athan, Llandow and Aberthaw Power Station.
- Application is contrary to ENV1, TOUR1 and EMP3 of the UDP and guidance in PPW.
- The application was submitted during the school holiday, which is an attempt by the developers to get their own way.
- The site is not easily accessible by foot.

A sample copy of five letters of objection received in relation to these proposals is attached at Appendix A, including a response from the Friends of Weycock Cross.

Letters have also been received from Cllr C Curtis and Cllr R Probert (Ward Councillor) who have raised the following objections:

- This area of Weycock Cross is Green Wedge which delineates and protects the Western edge of Barry. Any development will prejudice its open nature.
- The site is greenfield and not brownfield. There are sufficient brownfield sites in Barry, proposed in the LDP.
- The site is outside the settlement boundary of Barry.
- The volume of houses proposed will have a detrimental effect on the area. The increase in pollution from vehicles and residential would be harmful to the surrounding Countryside.
- There is insufficient infrastructure.
- Development of the site would be a breach of the defensible boundary at the western edge of Barry, and would represent a start of ribbon development westwards towards Rhoose.
- Sufficient land for a 5 year supply for housing can be available without use of this site.
- Foul sewerage capacity in the area is unlikely to be sufficient to cope with additional flows from the proposed development and a solution is yet to be assessed.
- Loss of grade 3 agricultural land.
- Additional housing will generate more traffic on to Weycock Cross roundabout and Port Road which already suffer congestion at peak periods.
- Access to public transport and safe cycle ways is poor.
- Additional demand on local and community facilities.

- Dangerous access from Port Road West.
- Destruction of environmental and natural habitat.
- Additional traffic will cause considerable congestion on an already busy road.
- The Welsh Government recently acquired Cardiff Wales Airport, and their aim is to increase passengers. Additional traffic would add to already congested roads having a negative effect on the airport and the designated Enterprise Zone.
- Insufficient study has been completed on the impact on the natural environment.
- The site is not included within the LDP.

A copy of the letters from each of the Councillors is attached at Appendix B.

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 (UDP), which was formally adopted by the Council on 18 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:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
 ENV2 - AGRICULTURAL LAND
 ENV3 – GREEN WEDGES
 ENV7 - WATER RESOURCES
 ENV10 – CONSERVATION OF THE COUNTRYSIDE
 ENV11 - PROTECTION OF LANDSCAPE FEATURES
 ENV12 – WOODLAND MANAGEMENT
 ENV16 - PROTECTED SPECIES
 ENV18 - ARCHAEOLOGICAL FIELD EVALUATION
 ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS
 ENV26 – CONTAMINATED LAND AND UNSTABLE LAND
 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
TRAN9 – CYCLING DEVELOPMENT
TRAN10 - PARKING
REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT
REC6 - CHILDREN'S PLAYING FACILITIES
REC7 - SPORT AND LEISURE FACILITIES
REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

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

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

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

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

Planning Policy Wales:

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

Chapter 4 of PPW deals with planning for sustainability and development within Green Wedge – It should be noted that while the presumption in favour of sustainable development within PPW is noted, the UDP policies referred to above are still considered relevant and are therefore not out of date. This has been considered with specific regard to the proposals contained within the Deposit Draft LDP and the fact that, both the settlement boundary (ENV1) and the Green Wedge (ENV3) remain as shown in the UDP.

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 (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards
- Biodiversity and Development
- Design in the Landscape
- Model Design Guide for Wales
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development
- Biodiversity and Development

Other Relevant Guidance:

- Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (Welsh Government, 2009)
- Circular 13/97 – Planning Obligations
- The Community Infrastructure Levy Regulations 2010

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 August 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).'

In addition to the above the guidance provided in Paragraph 4.2 of PPW is noted above and regard to this, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the fact that the DLDP is very close to examination, it is considered that the following proposed policies of the draft LDP are of relevance to the consideration of this application:

- Policy SP3 - residential requirement.
- Policy MG2 Housing allocations
- MG18 – Green Wedge

It is however recognised that the weight that can be attached to the above is only limited. Further to the above, the background evidence to the Deposit Local Development Plan is material to the consideration of this application and the various supporting documents are listed below:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Findings of the Site Assessment Process (2013)
- Green Wedge Background Paper (2013)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)
- Local Housing Market Assessment (2013 Update)
- Open Space Background Paper (2013)
- Population and Housing Projections Background Paper (2013)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)
- Draft Infrastructure Plan (2013)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy

Issues

The primary issues to be considered with this application are considered to be the following:

- The principle of the development having regards to relevant Unitary Development Plan, National policies, and prematurity.
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, development viability, emerging planning policy etc.
- Impact of the development on the openness of the Green Wedge
- Visual impact of the development, which is currently an area of agricultural land in the open countryside.
- Considerations of the proposed access and junction arrangement off Port Road/Port Road West.
- Issues related to the potential increased traffic levels on Port Road as a result of the proposed development.
- Consideration of the potential impact to neighbour amenities.

- Amount and tenure of Affordable Housing to be provided on site; and
- Other issues that will be considered include the need to protect archaeology; flood risk and drainage (including the proposed attenuation pond); ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development

Unitary Development Plan Context

The proposals consist of the development and therefore loss of an area of mainly Grade 3B agricultural land, immediately to the south of Port Road, close to the Weycock Cross junction, for housing. The site is within the countryside as it is outside of the defined Settlement Boundary of Barry and is within designated Green Wedge, both of which are defined in the UDP.

Policy ENV1 of the UDP states that in the delineated countryside, development will only be permitted in the interests of agriculture / forestry; for appropriate recreational uses; for the conversion of rural buildings; or for development approved under another policy of the UDP. In this case when solely considering this policy, the proposed development would not be considered to benefit from the provisions of this Policy. This policy along with all those highlighted above remain relevant to the consideration of this application especially when considered with specific regard to the supporting information to the DLDP (Findings of the Site Assessment Process (2013), Green Wedge Background Paper (2013) and Sustainable Settlements Appraisal Review (2013))

In considering the other policies of the UDP, Policy HOUS2 states 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). In this case, while the application site adjoins the existing settlement of Barry, it is considered that the scale of the proposed development could not be considered as “small scale” rounding off. Accordingly, it is considered that the proposed development could not be considered as compliant with the terms of Policy HOUS2. Furthermore, Policy HOUS3 states that the erection of new dwellings in the open countryside will be restricted to those justified in the interests of agriculture or forestry. The proposals have no such justification and are not linked to any rural enterprise, such as those mentioned under Technical Advice Note 6 (Sustainable Rural Communities). As such, in terms of UDP local policy, the proposal for residential development would not be considered as a rounding off development and would have no justification in accordance with TAN 6 or Policy HOUS3. Therefore, the proposed residential development is considered contrary to the relevant policies of the UDP.

In addition to the Countryside protection policies above, the site is also within an area designated within the UDP as Green Wedge. Policy ENV3 of the UDP refers to Green Wedges (and it should be noted that this remains largely unaltered by the supporting paper to the DLDP 'Green Wedges') which have been identified in order to prevent urban coalescence between and within Barry, Rhoose and St. Athan. Policy ENV3 states that development which prejudices the open nature of the land will not be permitted which is supported by PPW which provides in Green Wedges there is a general presumption against development which is inappropriate in relation to the purposes of the designation. Whilst this matter is considered in more detail later in this report, on the face of it, it is considered that the proposed development of circa 200 dwellings would prejudice the open nature of the site and it is, therefore, considered to be contrary to Policy ENV3.

It is clear that the principle of the proposed development is considered to be contrary to Policies ENV1, ENV3, HOUS2 and HOUS 3 for the reasons given above. It is acknowledged that the plan is, effectively, time expired, having run to 2011. However, having considered the guidance in paragraph 2.6.2 of PPW, the DLDP and the supporting information to the DLDP, it is considered that all the policies of the UDP referred to above remain relevant to the consideration of this application. Therefore it is necessary to consider whether there are specific material considerations which could justify any departure from the development plan to out-weigh the objection set out in the UDP.

Local Development Plan Context

Policy SP3 of the LDP sets out that land will be made available for the provision of 9950 new residential units up to 2026. Policy MG2 identifies the locations where the Council propose to meet that housing requirements. The application site has not been identified as one of those sites.

Whilst it is accepted that the previous deposit LDP (February, 2012) identified the site as being a site allocated to meet the housing requirement, Members will recall that, on 23 January 2013, the Council resolved not to progress any further with the 2012 Deposit LDP. In response to Welsh Government's concerns regarding the distribution of new housing development across the Vale, changes were made to the housing allocations set out in policy MG2 of the new Draft LDP (2013). The application site, along with other sites in the south east Vale, were either removed from the housing allocations or reduced in terms of their housing number, in line with the preferred strategy for residential development.

The strategy for Barry is to focus on the comprehensive redevelopment of Barry Waterfront and in any case since the proposals are not in accordance with the adopted UDP there would still need to be sufficient material considerations to allow the proposed residential development contrary to adopted Development Plan policies.

Green Wedge and Visual and Landscape Impact

The site lies within the designated Green Wedge 'Barry, Rhoose and St. Athan' (Policy ENV3). As well as considerations of the proposed development layout, it is important to consider the visual impacts of the development from a wider context. As mentioned above, the submitted DAS states that there would be a landscaping scheme for the site, to include reinforcing the vegetation at the site boundaries to further mitigate the visual impact of the development.

To support the application a 'Landscape and Visual Impact Assessment' (LVIA) has been received (prepared by Anthony Jellard Associates-June 2013). The LVIA has been carried out to assess the likely landscape and visual effects of the proposed residential development. The study has been carried out in accordance with nationally agreed best practice standards of landscape assessment. It has involved an examination of various data about the site, including historic maps, aerial photographs and planning background information and the following conclusions have been drawn:

- The development will consolidate the existing settlement pattern of North West Barry.
- None of the development is closer to Rhoose than existing parts of Barry which means minimal coalescence in this currently designated green wedge (there will be some localised loss of openness).
- The level nature of the site will mean that no significant changes will be needed to construct the development.
- The new structural planting will improve landscape character and add ecological diversity and interest.
- Residential receptors are amongst the most sensitive to visual impact. Properties on the edges of Barry are significantly affected
- There will be minor visual effects on road users when the development is complete.

Notwithstanding the above conclusions the application site is within a designated Green Wedge where Policy ENV3 of the UDP seeks to ensure that areas of important and vulnerable open land between Barry and Rhoose are protected from all forms of development. The application site is on the urban fringe of Barry which is vulnerable to speculative development which can result in urban sprawl and incremental loss of open space that the Green Wedge designation seeks to protect.

Whilst it is noted that steps have been taken by the developer to minimise visual impact e.g. extent of peripheral planning in relation to layout, etc. the LVIA also acknowledges that there will be some localised loss of openness. The site is important in terms of providing the setting to the town when approaching from the West in particular, and it is considered that the development would fundamentally and adversely compromise the openness of the site and the role it has to play as part of the Green Wedge in preserving the setting of Barry and its distinction from other settlements. Given the site is located within a designated Green Wedge, in principle residential development could not be supported in terms of existing policy together with the adverse effects the development will have on the wider landscape setting and existing settlement boundary. As such the proposal is considered to be contrary to Policy ENV3 and the provisions of Policies HOUS2 and HOUS8.

Finally it should be noted that the background paper to the DLDP 'Green Wedge' assessed those existing wedges within the UDP and suggests no change to the specific designation other than the removal of an area close to Cardiff Airport, which is unaffected by these proposals. It points out the following at page 23:

'Given its location within the South East Zone, the proximity of the settlements of Barry and Rhoose, the attraction of Cardiff Airport and the likely impact of the Enterprise Zone designation and the general openness of the majority of the land, the retention of the green wedge in this area is recommended. The retention of the green wedge is supported by the Vale of Glamorgan LDP Coastal Study (June 2008) which considers that the area designated by the green wedge is sensitive to development and provides an important setting for the undeveloped coast. The study strongly recommends that the green wedge designation is retained as it is an important area in maintaining the separate character of the surrounding areas. The restriction of development to maintain the rural character of the area is also a management guideline recommended in the Visual and Sensory aspect of the latest LANDMAP assessment. Within the Adopted Unitary Development Plan 1996 - 2011, additional protection was afforded to the undeveloped coast by Policy ENV6. This designation has not been defined in the LDP and the green wedge designation as proposed will therefore afford additional protection to the open and sensitive countryside between Barry and Rhoose.'

Consequently the DLDP retains the Green Wedge allocation under Policy MG18 (5) and accordingly any development of this land would also be contrary to the aims of this policy as contained in the DLDP.

Prematurity

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

Planning Policy Wales provides advice on prematurity. Paragraph 2.6.3 says *“refusing planning permission on grounds of prematurity may be justifiable in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development that ought properly to be taken in the LDP context. Refusal will therefore not usually be justified except in cases where a development proposal goes to the heart of a plan. This requires careful judgement. A refusal might be justifiable where a proposal would have a significant impact on an important settlement, or on a substantial area, with an identifiable character, but is rarely justifiable if a development proposal is likely to impact upon only a small area”*. In addition, paragraph 2.6.4 says *“The stage which a plan has reached will also be an important factor in judging whether a refusal on prematurity grounds is justifiable”*. Considering the advice of PPW, it is important to consider the potential impacts of allowing such a development at this stage and its impact to the LDP process, the overall strategy and the provision of housing supply with the Vale of Glamorgan.

The application site will accommodate up to 200 dwellings. Taken as a percentage of the 9950 that the LDP identifies as the Housing need for the whole of the Vale of Glamorgan over the plan period, this only amounts to just 2% of the total housing allocations proposed in the draft LDP. Furthermore it is acknowledged that the Council has already approved other major housing developments outside of UDP settlement boundaries where they have been consistent with the draft LDP and material considerations have outweighed the UDP policies.

However, Barry is identified in the UDP as the key settlement within the Vale of Glamorgan where a total of 2,360 homes are proposed. It is, therefore, important to consider whether or not the proposal will have a significant impact on an important settlement. The scheme will amount to 8.5% of the 2,360 units proposed in Barry, which is not an insignificant portion of the total allocation, particularly when one considered the that the site would be the largest housing site within Barry, save for the Strategic Housing site at the Barry Waterfront.

Barry is the key Settlement identified in the UDP and this accommodates the largest strategic housing site by far within the Vale of Glamorgan, being the brownfield development of 1700 homes on Phase 2 of Barry Waterfront. The Barry Waterfront site is not only identified in the LDP as a key housing site, the strategy also has a vision for the Waterfront:

“The creation of a sustainable new urban quarter with distinctive neighbourhoods, attractive places and community facilities that complement, integrate and link with Barry Town and Barry Island, whilst taking full advantage of the Maritime setting of the No. 1 Dock”

The Council's strategy for Barry is clearly for the concentration of new development on brownfield land within the docks, close to the existing centre and retail park and the new tourism, leisure and retail facilities, including those within the 'Innovation Quarter'. The proposed development would not accord with the strategy in terms of its location and, being the largest site within Barry (save for the Waterfront development), the development could be prejudicial to the Strategy in that it could direct attention away from more suitable and sustainable sites identified through the LDP process. Thus it is considered that the development would undermine the strategy and delivery of the LDP and that the approval of the application would adversely impact upon the LDP process.

Moreover the proposal is to develop a significant site on the edge of the largest settlement in the Vale of Glamorgan and would have a significant impact upon this large settlement especially with regard to the effect on the character of its setting and the surrounding landscape and Green Wedge . In this regard, it should be noted that there are a suite of policies that relate to the area situated to the west of the settlement of Barry. These include the designation of a significant area of land for business and employment purposes to the east of Cardiff Airport and forming part of the Enterprise Zone, the proposed extension to Porthkerry Country Park and the provision of a Green Wedge. The approval of this application is therefore likely to impact significantly on other policies.

Housing Need and Supply

The applicant has stated that the land available for housing within the Vale is insufficient to provide a 5-year supply, as required by Planning Policy Wales. If there is a significant demand that is not being met under existing housing land supply levels then this is a material consideration that may support granting planning permission for a residential development of this size. As such, the housing land supply and the need for housing levels and mix are important factors that must be considered in the assessment of this application.

Firstly, consideration should be made as to whether there is a need for additional housing within the Vale of Glamorgan. PPW (9.2.3) states that Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.

Members will be aware that Technical Advice Note 1 (TAN1) has been recently updated and that a key change to the revised TAN1 guidance is that the use of JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the new TAN1 guidance the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those LPAs without an up-to-date development plan are unable to demonstrate a housing land supply for determining planning applications.

Members will be aware that the adopted Vale of Glamorgan UDP expired on 1st April 2011, and officers are currently preparing for submission of the LDP to Welsh Government for independent examination by an appointed Inspector, which is timetabled to take place from August 2015. As a consequence of the revised TAN 1 guidance, it is not until the Council has formally adopted its LDP that the Council will be able to produce its annual JHLAS report. Moreover the 2014/15 JHLAS for the Vale of Glamorgan which indicated over 7 years supply, expired at the end of March 2015.

Under the Council's LDP Delivery Agreement, adoption of the LDP is anticipated to take place in September/October 2016. Local Planning Authorities that do not have either an adopted LDP or UDP will be unable to formally demonstrate its housing land supply position and will effectively be considered not to have a five year housing land supply and as such the need to increase supply would be given considerable weight.

In this regard officers will need keep under review the housing land supply noting that it remains a material consideration(TAN 1, 3.3) in the determination of planning applications, particularly given the emphasis on evidencing a 5 year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a 5 year housing land supply on its adoption, and these are themselves considered to be important material considerations.

Therefore, the determination of planning applications for residential development in advance of the LDP Examination, would need to fully consider all other material considerations, such as the LDP background evidence and the wider environmental, social and economic benefits of the scheme (such as meeting local housing needs and the provision of local infrastructure). In this regard it should be noted that the Council continues to receive many applications for housing development in advance of the adoption of the LDP, the majority of which are identified as housing sites within the LDP. From 1st April 2014 (date of the last JHLAS) until the date of this report, the Council resolved to approve, subject to the signing of a legal agreement, or approved 18 applications for major housing developments in the form of outline or reserved matters applications which provided over 1700 dwellings.

Further to the above the Council is currently considering 19 applications for major housing developments, all of which are allocated within the DLDP, within settlements or on sites where previous development has been approved or is brownfield and totalling over 1600 dwellings.

Finally the Council is currently dealing with formal pre-application enquiries for 2 sites allocated within the DLDP, for a total of 250 dwellings.

Accordingly in total the Council has either approved, is considering or giving advice on sites which will provide over 3600 dwellings.

Conclusion on Housing need and supply

It is accepted that the Councils position with regard to the JHLAS and the required formal 5-year supply is severely prejudiced by the new TAN 1 and its requirements, particularly para 6.2 below:

The housing land supply figure should also 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 or where the local planning authority has been unable to undertake a study the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.

However it must be recognised that the Council has tried to ensure that suitable sites are permitted through the correct planning process and that the supply of suitable sustainable land for residential development has been substantially increased .

Furthermore the Council has already approved over 3400 dwellings (including the outline application for the Barry Waterfront) and critically while some of these sites are currently under construction, Including the Waterfront, Wenvoe and the former ITV site, there remain a considerable number of consents which have yet to be commenced including, Land North of the Railway, Rhoose, Llantwit Major and Colwinston.

Notwithstanding the above and in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, the determination of a planning application must be made in accordance with the development plan (currently the UDP), unless material considerations indicate otherwise. In this circumstance it is considered whilst a lack of sufficient housing land would be a substantial material consideration, the current position in terms of housing land provision is healthy and the recent approval of sites that are within the Deposit Local Development Plan, has resulted in a significant housing land supply. Nevertheless formally the Council cannot now produce a JHLAS.

Having regard to the above and weighing up the councils lack of a JHLAS against all the other material consideration outlined above It is, considered that on balance the approval of this development on the basis that it would be required to address a long standing shortfall in housing land in the Vale is not justified. This is particularly relevant in this case given that the site is not allocated in the Draft LDP and it is evident that the site is not considered to be an appropriate extension of the town or an appropriate site to meet strategic housing need in the Vale. It is also considered that the development would undermine the implementation of the LDP and the fundamental process of how the Council allocates appropriate land for housing.

Traffic and Transport Issues

This is an outline application with all matters reserved; however an indicative access arrangement has been shown (with proposals for works to the surrounding highway network) and the application has been accompanied by a Transport Assessment (TA) by Asbri Transport (July 2014), which appears to be an update of the report that accompanied the previous application, dated July, 2013.

The TA is based on a proposed development of 200 dwellings and confirms as part of the development of the site, it is proposed to construct a new vehicular (and pedestrian) access from the A4226 fronting the site. The proposed locations of these access points are indicated on the accompanying Framework Plan (13123/3200/A). It is also proposed to construct a dedicated pedestrian and cycle access into the site - which can be used as an emergency access to the site.

In addition to the above it is proposed that enhancements will be made to the local pedestrian/cycle infrastructure west-bound along the A4226 (on the southern side of the carriageway) and the provision of an informal crossing facility on Pontypridd Road (to the east of the site). It is anticipated that car parking provision will be provided in accordance with 'County Surveyors Society (CSS) Wales- Wales Parking Standards 2008' and the parking will comprise a mix of on-plot parking spaces (including garages), parking courts, and (some) on street parking spaces for visitors.

Given that the development is proposed to be accessed off Port Road close to the Weycock Cross roundabout, where Port Road, Weycock Road, Port Road West and Pontypridd Road meet it is necessary to assess the highways impact of the development in the immediate context of Port Road and, given the scale of the development, the wider context.

The accompanying TA assesses the likely traffic generation and traffic/highways impacts that would result from the development, in the context of the existing road network, the number of dwellings proposed and the likely number of car movements and movements by alternative modes.

The TA concludes that, based on a development of 200 dwellings and a review of TRICS trip generation database, it is anticipated that the proposed development could generate up to 130 vehicle movements (two-way) in the am peak period and 160 vehicle movements (two-way) in the pm peak period.

Capacity analysis of the six off-site junctions indicates that other than the Weycock Cross junction, the proposed development will have a marginal impact on the operation of the junctions, and therefore no mitigation measures are proposed. However, with regard to the Weycock Cross junction, mitigation measures have been proposed, and it is predicted that the modified junction will have sufficient capacity to accommodate base traffic flows, plus committed and proposed development generated traffic in all future year scenarios. The analysis also indicates that the proposed site access has sufficient capacity to accommodate base traffic flows, plus committed and proposed development generated traffic in all future year scenarios.

The TA concludes that with the exception of the Weycock Cross roundabout, the proposed development will have a marginal impact on the operation of the junctions within the study area. The TA also considered that the proposed site access and the modified Weycock Cross roundabout will have sufficient capacity to accommodate base traffic flows, plus committed and proposed development generated traffic in all future year scenarios. Finally, it is also considered that the implementation of a Travel Plan can further mitigate the impact of the proposed development.

An audit of the submitted TA was carried out by Capita Symonds on behalf of Council Highways and a number of requests for additional information were made and inaccuracies were identified. The TA Audit was copied to Asbri Transport, authors of the TA, for comment and a rebuttal has also been received either providing the information requested, justifying why it is not required and correcting inaccuracies or assumptions made.

The rebuttal from Asbri Transport, the Audit report from Capita Symonds and the TA have all been reviewed by the Council's Highways and Development Team. They recognise that the application is in outline, with access reserved which Asbri state will be in compliance with DMRB standards. As long as the access conforms to these standards then it is considered acceptable and this detail could be dealt with at reserved matters stage, assuming the outline were acceptable. In response to the comments received in the rebuttal regarding accident data, the Council now has up to date data from the Police and this can be obtained by the developer.

With regards the TA and Capita's review, the overall approach and methodology used in the TA is considered acceptable and the following issues would need to be taken into consideration at reserved matters stage, assuming the outline was acceptable. Proposed cycle/pedestrian access will need to tie into existing facilities and consideration should be given to how cyclists will negotiate Weycock Cross roundabout. Off-site works may be required to provide a shared cycle/footway (along the southern side of Port Road) heading east and connecting into the existing facilities at the comprehensive school. In addition, speed of traffic along the A4266 (Port Road) will need to be surveyed.

With regards traffic increases the TA demonstrates that the development will only increase traffic along Port Road through each junction assessed by approximately 1-2% and that they consider this to be negligible in respect to overall junction capacity (with the exception of Weycock Cross). With flows already high along this stretch of road, the links and junctions are all considered to be at or over capacity during peak periods. As such, even a small increase will have an impact on junction operation and performance, with increased queuing and delay. The Port Road corridor and subsequent junctions are at the point where (during peak times) there is insufficient capacity to cope with demand. Although the development flows are relatively small in comparison to the existing flows, capacity improvements will still be required at all junctions (Colcot and Barry Dock link), where it is shown that development traffic will push the junction further over capacity.

It is noted that the developer proposes the promotion of other, more sustainable modes of transport, as set out in the Design and Access Statement. The matter of a sustainable transport contribution from Section 106 provision will assist in this and is considered in the following section regarding Section 106 contributions. However, regardless of the developer's aims for this scheme, it is clear that additional traffic will be generated by the proposal, which will introduce new traffic flows along a stretch of road where such flows are already high and the junctions are at or over capacity at peak periods. As set out in the Planning Obligations section of this report, the appeal for non-determination has been made without the submission of any draft legal agreement or heads of terms for a proposed section 106 agreement to mitigate the impact of the development, including any proposed mitigation to address the impact of increase traffic flows along Port Road. As such, this matter is fundamental for the Council, particularly in view of the potential conflict with UDP Policies ENV27, HOUS2 and HOUS 8 (ii) in respect of the likely impact on traffic congestion, paragraphs 9.3.1-3 of PPW 7 and 3.2 of TAN 18 Transport. Moreover it has been confirmed by the Councils Highways officer that without proposals to overcome the likely issues at the two particular roundabouts (which have not been addressed in any meaningful way by the applicant), an objection would be raised to the scheme from a strategic traffic perspective as follows:

“the development will not address increased capacity problems at the Colcot and Barry Docks Link roundabouts. The TA briefing note suggests that the development will mitigate against this due to its sustainable location and by providing additional public transport infrastructure and a robust Travel Plan. i.e. less car trips will actually be generated from the site than estimated. As it stands these two junctions are at or over capacity in the peak hours and the development will make conditions worse. This will need to be mitigated against by providing physical improvements increasing capacity”

This objection on highways grounds could potentially be overcome by further works and a sufficiently robust travel plan, but the applicants have clearly not yet demonstrated this and although this matter was raised with them earlier this year, they chose to ignore these concerns and proceed directly to non-determination appeal.

Layout and Scale of Development

The proposal indicates a development of up to 200 dwellings on what is currently agricultural land. Whilst the application is in outline with all matters reserved, the accompanying Concept Masterplan (13123/3010/G) and Framework Plan (13123/3200/A) provide an indication of the layout and scale of development proposed. The sites constraints and opportunities have been assessed in the submitted Design and Access Statement (DAS), which also explains the land use Masterplan.

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

In terms of density, while the overall site is 8.1ha in area, the application states that this is a gross area including 1.1 hectares set aside for the improvement of existing infrastructure, with the stated area to be developed limited to 7ha net. The Land Use Masterplan identifies which areas of the site are to be developed and which are to remain as landscape areas. These are:

Residential	5.4 hectares
Infrastructure	0.68 hectares
Strategic Landscape	1.32 hectares
Public Open Space	0.6 hectares
SUDS pond	0.12 hectares

The DAS states that the aim is to create a high quality, integrated residential extension to Barry of up to 200 dwellings. A level of affordable provision is to be agreed. It is stated that the density will vary across the site to respond to its constraints and to form distinctive character areas, with the density ranging from 20 to 45 dwellings per hectare. Two densities are suggested across the site, a low density wrapping around the site to respond to sensitive nature of the location and provide a softer edge to the development and a medium density core to create variation and efficient use of the land.

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

The DAS states that the development will promote the use of sustainable modes of transport providing the choice of walking, cycling or to travel by bus. In addition, the development will benefit from improved links into the main highway network. A cycle path and pedestrian route is to be incorporated into the site along the internal highway to connect the development with adjacent routes through Barry. Access is to be taken off Port Road where strategic improvements are proposed. A series of street typologies will be provided throughout the development to suit the varied density and scale of the scheme. These will include a range of traffic management features to produce a low speed environment.

The DAS goes on to explain that the development will be supported through a landscape framework, a series of green corridors, open spaces and strategic landscape buffers. These will accommodate a range of uses whilst enhancing and protecting the sites existing natural features. The green spaces across the site will provide areas for new and existing planting, recreational opportunities and good water management. The development will provide a designated play area, a LEAP, in a central location so it is accessible to the whole site. The remaining Public Open Space will facilitate the SUDs pond a more ecological area including the existing watercourse, Nant Talwg. This feature will control the flow of surface water into the existing watercourse and provide opportunities for new habitats to be created.

The general indicative layout and supporting details of the proposed development are considered suitable and in general accordance with the advice of the Manual for Streets documents. However, this would be subject to the details that would be required through a Reserved Matters application where more detailed consideration would need to be given, in the event that this outline application is considered to be acceptable.

Open Space Provision

In terms of open space, Policy REC3 advises that public open space will be sought within all new residential developments, in accordance with the Council's approved minimum standards for outdoor playing space. Under this Policy, new residential developments are expected to provide public open space on site and/or contribute towards the enhancement of public open space in the area (at a standard of 2.43 hectares per 1000 population, which equates to 24.3sq metres per person or 55.40 sq. metres per dwelling).

The advice in Planning Policy Wales and TAN16: Sport, Recreation and Open Space (2009) support the UDP policy requirement, and require local planning authorities to ensure that all new developments make adequate provision for public open space and recreational facilities to meet the needs of future occupiers.

The concept Masterplan indicates three areas of open space to serve the development; a large area incorporating a pond and green corridor to the south, an open space located centrally and a smaller open space to the east of the site. The public open space is indicated to be 0.6 hectares in area. Whilst at outline stage the full details of on-site public open space are not fully known, the required public open space for the site has been calculated as 1.1 hectare, which presents a shortfall of 0.5 hectares.

The level and type is considered further in the planning obligations section of this report.

Noise, Dust, Vibration and Contamination

As noted above, the applicant has provided a Noise Impact Assessment, Air Quality Assessment and Geotechnical & Geo-Environmental Desk Study Report. The reports suggest that any impact of the development can be mitigated. The Council's Environmental Health Officers have considered the reports and, in general, concur with the findings. Conditions have been recommended, should permission be granted, to secure the mitigation measures. Accordingly, the development is not considered to be any conflict with UDP policies ENV 26 or ENV27.

Impact of the Development on the Amenities of Existing Properties

The submitted illustrative layout plan includes dwellings relatively close to the rear boundaries of dwellings fronting Pontypridd Road, St. James Crescent and Nant Talwg Way. As such, it would be necessary as part of any reserved matters application to ensure that the siting of the dwellings has regard to the criteria of Policies ENV27 and HOUS8 of the UDP, and the Council's Supplementary Planning Guidance 'Amenity Standards'. However, it is considered that there is no reason why an acceptable layout cannot be achieved in principle, which provides for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

Objections have been received in respect of the additional traffic that would use Port Road as a result of the development. Concern also has been raised relating to the lack of existing infrastructure and local services within this area of Barry. Both these issues are considered in more detail in the relevant sections in the report.

It is possible that existing residents would experience disturbance during the course of construction works. However, such impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless a construction management plan can be requested by condition to ensure that any impacts as a result of the construction phase of development is minimised and appropriate conditions can be attached to any permission to ensure working hours are restricted.

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

Trees and Hedgerows

To support the application a Tree Survey and Arboricultural Constraints Report by Jerry Ross Arboricultural Consultancy (May 2013) has been submitted. The tree survey identifies the site is fairly open with gently undulating agricultural fields dissected by low wide neatly trimmed hedgerows. The study area extends across the application site, the southern boundary of which is close to the woodland (Mill Wood) which forms a continuous block leading into Porthkerry Country Park.

There are several distinct groups including a small copse in the south-west corner, large woodland block on the south-west corner and group of large mature ash along an open ditch bounding onto properties along Nant Talwg Way. The groups within both the copse and woodland block have limited arboricultural value when assessed individually but are collectively of some significance in the local landscape, as a result of which they have been elevated to 'Bii' retention category.

The group of large mature ash on the boundary with properties within Nant Talwg Way have significant arboricultural value both individually and as a group and they have been classified as retention category 'A' or 'B'. Those trees located to the south of the open drain will have a limited rooting area into the site due to the restrictions imposed on root growth by the small stream.

The site is enclosed and divided into large fields by low, wide, neatly trimmed hedgerows. These hedgerows are dominated by hawthorn and blackthorn but with abundant hazel, ash, elder, field maple, dog-rose and honeysuckle throughout. Some hedgerows have associated open ditches. While most are functional as field boundaries they have limited arboricultural value and have therefore been classified as retention category 'Cii' (their historical importance will be discussed later in the report).

The woodland block, copse and other boundary tree groupings are edged by outgrowth hedgerow shrub species (hawthorn and blackthorn) which have been trimmed-up on the field side.

The Tree Survey and Arboricultural Constraints report has been reviewed and since the few existing trees are confined to the boundary of the site with Nant Talwg Way and vehicular access to the site will be from Port Road, coupled with the indicative layouts showing the existing trees to be incorporated within amenity area/spaces, there are no particular concerns at this stage, pending the submission of further details in any reserved matters application assuming this outline application is approved.

The hedgerows, whilst not being considered to be of high value in the Arboricultural Constraints report, have some historic significance and ecological value and these will be discussed further in the relevant sections.

Agricultural Land Classification

The proposed site for the residential development is primarily agricultural land. The site is made up of three agricultural fields, divided by important hedgerows, which are still used for farming. There is woodland to the southern boundary of the site.

It is Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output (Technical Advice Note 6).

Planning Policy Wales 2012 states the following on this matter:

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

The application has been supported by an Agricultural Land Classification and Soil Resources Report by Reading Agricultural Consultants Ltd (October 2013) which classifies the land as Grade 3b. The report has assessed Site and Climatic Conditions including general features, land form and drainage, agro-climatic conditions, soil parent materials and soil types and Agricultural Land Quality including soil survey methods and agricultural land classification and soil resources.

The assessment of quality has been carried out according to MAFF revised guidelines (1988). Soil profiles have been described according to Hodgson (1997). The soil comprises slightly to moderately stony, silty clay or clay topsoil which overlies poorly structured or structureless clay subsoil. At observation Point 5 the clay subsoil layer exceeded 15cm in thickness, and therefore represents a poorly permeable layer. The soil profile extend to an average of just 28cm depth before rock and large pebbles are encountered, resulting in a severely restricted water storage capacity in the soil profiles which limits the entire site to Subgrade 3b.

Since the application site has been assessed to be Grade 3B, it is considered not to conflict with Policy ENV2 and no objection is therefore raised on this basis.

Operation of Existing Agricultural Holding

In connection with the above the site is currently farmed by a tenant farmer. This farmer has been served notice of the application which affects the land he farms.

Additional information regarding the tenant farmer and the land that he owns or farms has been requested from the agent in order to assess the impact of the loss of this section of land. At the time of writing the report, this information has not been provided.

Any late representations regarding this matter will be reported at Planning Committee.

Ecology and Biodiversity

The application was accompanied by an Ecological Assessment by David Clements Ecology Ltd (November 2013), which was an update to an earlier assessment so as to include the updates to the surveys targeted at key fauna species, including dormouse, amphibians and reptiles which had been reported as ongoing in June 2013. In addition to this, and not provided with the previous application, David Clements Ecology Ltd has also prepared a second document entitled 'Method Statement, Mitigation Strategies and Compensation Measures' (March 2014), which was submitted with the application. All documents have been considered by the Council's Ecologist and NRW.

The Assessment identifies that the site lies in an area of some ecological sensitivity, but the site itself does not either contain or lie immediately adjacent to any designated sites of ecological interest, either statutory or non-statutory. A number of such sites lie in the vicinity, however, mainly comprising semi-natural woodlands. These include a number of Statutory Sites of Special Scientific Interest and non-statutory Sites of Important for Nature Conservation. Porthkerry County Park covers an extensive area to the south of the site, and contains a number of designated sites, both statutory and non-statutory. At its closest point, the site lies within about 150m of the Cwm Cidi section of the Country Park, and the small watercourse which forms the site's southern boundary is a tributary of the Nant Cidi which flows through the cwm.

In addition to habitat and vegetation surveys, specific surveys were carried out targeted at key fauna species including dormouse, amphibians and reptiles. The nesting bird fauna of the site was investigated by means of a Common Bird Census.

A concept masterplan has been developed for the site which has taken into account the main findings of the ecological survey from an early stage. The masterplan envisages the development of the site for new dwellings, requiring the loss of almost all of the internal habitats. The main priority in the ecological design has been the retention and reinforcement of habitat connectivity and 'site porosity' through linear habitat corridors, including the retention and beneficial management of the southern stream-valley. The existing eastern and western site boundaries are almost entirely without hedges, and the former especially is largely unfavourable for most fauna species.

In addition to this, the second David Clements Ecology Ltd document was prepared in response to biodiversity issues that were identified as requiring further assessment and or the provision of details mitigation strategies and method statement during the course of consideration of the previous planning applications. The document sets out these issues and suggests the following:

- Mitigation strategy & method statement for Dormouse
- Mitigation strategy & method statement for reptiles
- Method statement for the translocation of hedgerows
- Method statement of the eradication of Japanese Knotweed
- Maintaining and enhancing habitats connectivity

Natural Resources Wales (NRW) formerly Countryside Council for Wales (CCW) has commented on the application and requires the development to progress in line with Ecological Assessment and the concept masterplan (13123/3010/G). NRW consider that planning permission could be granted for the proposed development if planning conditions are used to secure the recommendations in the report to ensure that the biodiversity value of the site is protected and enhanced -this includes the submissions of a lighting plan for the site and a management statement for the site.

NRW also state that they have not considered possible effects on all species and habitats listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 or on the Local Biodiversity Action Plan or other local natural heritage interests and recommend further advice is sought from the Council's Ecologist. NRW comments were received prior to the updated report being submitted.

The Council's Ecologist reviewed the submitted Ecological Assessment (June 2013) and noted in relation to fauna species, some of the surveys including dormouse, amphibians and reptiles were ongoing and therefore requested the additional information be submitted to allow appropriate assessment. The Ecologist has now reviewed the additional information and has raised no objection to the application, subject to the imposition of a number of conditions, which have been reported in the consultations section of this report. Nevertheless it is clear that protected species are present on the site and the developer will require a licence from NRW which will require them to show there is no satisfactory alternative to the development of this site. Accordingly it could be argued that housing should instead be directed to sites without European protected species such as those identified within the DLDP where a desk assessment has already been made of the likely ecological impacts by the Council's ecologist.

Drainage Issues

The application has been accompanied by a Drainage Strategy Report by Waterman Transport and Development (June 2013). The report objectives were to identify suitable outfall locations for the Surface Water and Foul Drainage from the proposed development; establish whether there is sufficient capacity within the Foul Sewerage network from the development; undertake hydraulic calculations to identify peak design flows or restrictions for the development and any subsequent attenuation requirements; consult with local authority, Natural Resources Wales (NRW) and Dwr Cymru Welsh Water (DCWW) regarding the proposals and provide a schematic layout of the proposed foul and surface water drainage proposals.

The submitted report reviewed three possible mechanisms (in order of preference) a) infiltration/soakaways on site, b) discharge to the nearest watercourse and c) discharge to the nearest public surface water sewer or highway drain. A drawing in the drainage report shows a schematic layout of the surface water drainage strategy. The preferred solution includes an attenuation pond towards the south of the site near to the outfall and watercourse. Attenuation storage will be provided by a combination of above ground and sub- surface storage.

It is envisaged that the attenuation pond will either be adopted by Vale of Glamorgan Council within the Public Open Space area subject to detailed approvals or maintained by a private management company. The report also identifies that Sustainable Urban Drainage Systems (SuDs) should be considered and integrated into the development's surface water proposals where appropriate.

With regards to foul drainage, the report states that DCWW records show that there are no Foul Sewers running within the site. There is a separate foul system serving the residential properties within Nant Talwg Way to the south east of the site. The hotel complex to the north west of the site is served by an adoptable foul pump station. Records are not available of the foul systems serving the farm buildings to the North West.

There are two potential outfall options for the foul drainage:

- a) discharge to the foul sewer in Nant Talwg Way; and
- b) discharge to the Combined Sewer nearby Weycock Cross roundabout.

Both options are considered in detail in the report and are shown schematically on a drawing within the report.

The conclusions of the report are:

- There is an ordinary watercourse at the southern end of the site which would be an adequate outfall point for the surface water drainage provided a soakaway solution is proved unviable for the site.
- The rate of discharge into the ordinary watercourse would need to be agreed with Vale of Glamorgan. This report considers a Greenfield run-off restriction of Q_{bar} (25.82 l/s), which results in the requirement of 2,357- 3,401 m³ in a 1 in 100 year storm event plus 30% climate change allowance. This attenuation volume will primarily be provided by an online attenuation pond (with supplementary sub-surface storage) sited within the Public Open Space at the southern end of the site.
- The peak foul design flow for the development is 9.26 l/s based on Sewers for Adoption the edition.
- There are two options for the offsite foul connection -a) to the south within Nant Talwg Way and b) to the north/north west within Weycock Cross roundabout.
- Welsh Water have confirmed that a hydraulic modelling exercise is required to establish whether there is sufficient capacity within the sewerage network for the proposed development flows.

The Council's Drainage Engineer reviewed the submitted scheme for the previous and current application. Comments for both are combined as follows with regards land drainage and coast protection matters. The Council's Engineer has commented that the application indicates that surface water and highway drainage will be connected to a single drainage system discharge to an ordinary watercourse via an attenuation pond. Disposal of surface water via infiltration should be considered as the preferred method of discharging surface water before other approaches will be considered suitable for this site. Soakaway tests should therefore be undertaken to establish whether infiltration drainage is suitable for this site. It is also recommended that no development shall commence on site until a Section 104 Agreement is entered into with DCWW to ensure effective drainage facilities are provided for the proposed development. If SuDS features are to be used to dispose of surface water the scheme must be submitted to and approved in writing by the Local Planning Authority prior to development commencing. Given all of the above, the Council's Drainage Engineer recommends a condition that no development shall commence on site until a scheme for the drainage of the site, showing how road and roof/yard water will be dealt with has been submitted and approved. This is to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere.

Whilst NRW did not comment on the drainage scheme in response to the consultations on this application, it reviewed the drainage strategy on the previous application and acknowledged that the strategy has been discussed with DCWW. As such, it would request that proposals for the development are agreed and implemented to the satisfaction of the Local Planning Authority. NRW requested that details for foul water disposal should be confirmed prior to development commencing. Based on development size and proximity to exiting foul sewers no alternate method would be considered acceptable. NRW was opposed to private sewerage systems in a publicly sewered area.

DCWW have provided comments and does not object to the development but requests if minded to grant planning consent that conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to DCWW's assets.

DCWW have recommended conditions that prior to construction works commencing on site, a foul drainage scheme be submitted to satisfactorily accommodate the foul water discharge from the site and that there shall be no beneficial use or occupation of any buildings until such time as the approved foul drainage system is constructed, completed and brought into use. They have also requested that foul and surface water to discharge separately and that no surface water or Land Drainage connect or discharge to the public sewer.

The proposed development is in outline with all matters reserved and in any case it is unusual to have the full details of how foul and surface water drainage will be dealt with included with the submitted planning application details. The Council's Drainage Engineer, Natural Resources Wales and Dwr Cymru Welsh Water have all reviewed the submitted Drainage Strategy Report and none raise an objection but all suggest appropriately worded conditions should the application be approved to ensure full details are provided to allow adequate assessment and implementation of foul and surface water drainage.

Flood Risk

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

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore the site is considered to be at little or no risk of fluvial or tidal flooding.

A number of the consultation responses from neighbours have referred to concerns regarding flooding within and beyond the site. Comments have also been received relating to a housing development in North Wales which suffered from severe flooding in 2012, which was a scheme developed by Taylor Wimpey.

Again, NRW did not comment on the drainage scheme in response to the consultations on this application. However, on the previous application it did not raise any concerns with regards flooding on the site or elsewhere. However, they did recommend a condition be imposed requiring the submission of a scheme to dispose of surface water, similar to the suggested condition by the Council's Drainage Engineer (details in the previous section). NRW also advised that the scheme should ensure that run-off from the development will not exceed 'Greenfield' runoff rates for the area of the catchment; and that details of adoption and management are submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Therefore subject to the receipt of information by condition it is considered the potential for off-site flooding can be adequately managed to ensure there is no risk to properties.

Archaeology

The application has been accompanied by an Archaeological desk-based assessment by Glamorgan Gwent Archaeological Trust Projects (GGAT Projects) July 2013. The assessment identified six sites within the development area which have all been assessed as being potentially affected by the development to a 'major' degree. These include hedgerows (WC032 and WC037), Depression (WC033), Stone Feature (WC034), Guide Post (WC014) and Cast Iron Post and Rail (WC038) and the assessment of these features is detailed below. It is indicated that Hedgerow (WC032), potentially of Medieval origin, is to be demolished resulting in the site being assessed as potentially affected by the proposed development to a 'major' degree and requiring mitigative measures. From at least 1878 onwards to the present day, Hedgerow (WC032) appears to be consistently placed and maintained throughout historic mapping, and the site visit confirmed that it is in good condition and well maintained. This hedgerow bordering the road would appear to be visible on the Porthkerry Tithe Map dating to 1838. The Hedgerows meet the criteria of importance as set by the Review of the Hedgerow Regulations 1997 (1998) and within the Judicial Review of the application of the regulations (Flintshire County Council v NAW and Mr J T Morris) due to it being a part of a substantially complete field system pre-dating 1845 shown on Tithe and Parish maps at the Glamorgan Record Office.

It is indicated that Hedgerow (WC037) and the Cast Iron Post and Rail (WC038) are to be demolished resulting in the site being assessed as potentially affected by the proposed development to a 'major' degree and requiring mitigative measures. Although these features are not historic according to regulations they may represent the subdivision of the manorial estate by the Romilly family, indicating an important historic association.

Furthermore the site visit identified a cropmark situated within the development area (WC033) of which the proposed development will entail the destruction of and therefore it has been assessed as having a 'major' effect. Although it is unlikely that this feature may be geological, it may also possibly be indicative of subterranean archaeological remains and this cannot be verified without requiring further investigation to ascertain its true nature.

A stone feature was also identified (WC034) in the south-western corner of the proposed development in close proximity to the stream; any excavation works or attempts to install water management systems associated with the proposed development has the potential to disturb or destroy this feature as it is situated directly on the stream forming the southern boundary of the site and therefore it has been assessed as having a 'major' effect. Although it is thought to be post-medieval in date, this again cannot be verified without requiring further investigation to ascertain its true nature.

The final site identified within the proposed development area is a Guide Post (WC014) depicted on the Third Edition Ordnance Survey map. This structure was not identified during the walkover survey but could survive and therefore may be impacted upon the proposed development. The site has been assessed as having a 'minor' effect.

GGAT Projects has also proposed mitigation in the accompanying report which acknowledges that the proposal plan suggests that this historic hedgerows will be not be reserved *in-situ*, therefore it is recommended that an historical hedgerow survey be conducted in accordance with the Hedgerow Regulations (1997) prior to commencement of any alteration to the boundaries. To reduce the effect of the development on the Cropmark (WC033), Stone Feature (WC034) and Guide Post (WC014) and to ensure any further potential archaeological remains a watching brief with contingencies to record unforeseen remains should be effected during initial workings and in foresee to reduce the effect of the development on the Cast Iron Post and Rail Fence (WC038) it is recommended a Level Building Survey is conducted.

Glamorgan Gwent Archaeological Trust Ltd (GGAT) in their capacity as consultees has reviewed the submitted assessment and has commented on the findings. They do not object but recommend three conditions are attached that will ensure that suitable mitigation is implemented which will reduce the impact of the development on the archaeological resource and heritage assets. The first condition requires the submission of a written scheme of archaeological investigation prior to the commencement of development, the second condition requiring a Level One survey to record the Cast Iron Post and Rail Fence (WC038) to ensure its preservation by record and thirdly a condition to ensure the Hedgerows (WC032 and WC037) are investigated and a historical hedgerow survey be conducted in accordance with the Hedgerow Regulations 1997.

Whilst it is acknowledged that there are important features identified which are of architectural, historic and cultural importance, the direct impact can be mitigated by appropriately worded conditions and the proposal is therefore considered to be acceptable with regards archaeological interests.

Construction Sustainability Issues and Code for Sustainable Homes

Whilst a Code for Sustainable Homes - Pre-Assessment Report was submitted with the application, in the light of the Welsh Governments withdrawal of TAN22: Planning for Sustainable Buildings, it is not necessary to consider this matter in this report, as such matters are now primarily controlled through Building Regulations.

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. Members should note that discussions have been held with the applicants with regard to the Councils Section 106 requirements as set out in SPG and they have indicated a willingness to comply with the terms as set out below. However the appeal has not been accompanied by a formal unilateral undertaking to this effect.

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

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

As the proposal subject of this report seeks permission for the construction of 200 dwellings, the following section of this report considers the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. It concludes that planning obligations are required in respect of the following:

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

The appeal was submitted for the non-determination of the application subject of this report without a draft section 106 agreement or draft heads of terms for planning obligations that will attempt to mitigate the impact of this development. Accordingly, at this stage the scheme of development that is subject of the current appeal would fail to comply with both the Council's Planning Obligations SPG and the Community Infrastructure Levy Regulations. However as the appeal is at an early stage, it is possible for officer's to request a legal agreement and negotiate its terms during the course of the appeal, for consideration by the appointed Planning Inspector. Your officer's will seek the following obligations:

- *Affordable Housing*

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households. 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". The Council's Adopted Supplementary Planning Guidance on Affordable Housing (contained in the Affordable Housing Delivery Statement) seeks a minimum of 30% affordable housing on sites of 10 or more dwellings.

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. Out of this annual number 552 units or 59.9% are required in Barry. Housing need is determined by households lacking their own housing or living in housing which is inadequate or unsuitable, or those who are unable to meet their needs in the local housing market without assistance.

The close proximity of Cardiff to the Vale of Glamorgan and the attraction of the Vale as an accessible and desirable place to live have led to a high demand for affordable housing. This means there is significant upward pressure on local house prices despite the fact that average earnings from employment within many areas of the Vale are substantially below the Cardiff average.

In addition to the research above, up to date information from the Council's housing register (Homes4U) shows that there are 1475 people in Barry are in need of homes.

National guidance contained within Technical Advice Note 2 (Planning and Affordable Housing) places a requirement on local planning authorities to ensure that local planning policy requirements for the provision of affordable housing should be based on a robust assessment of site viability across the authority's administrative area (paragraph 10.4 refers).

As the application is in outline, the house type and size mix is unknown and the same is true of the affordable housing units. However, these details would be considered as part of any subsequent reserved matters application, if the outline application were approved. The affordable housing units, would be expected to reflect the overall house type mix of the market housing units on the site, whilst having regard to affordable housing need and deliverability. It has, however been recommended that there be a tenure mix of 80/20 split and that 20 units on the site are no.1 bed units. Your Officers will, therefore, seek a 106 agreement on this basis for consideration by the appointed Planning Inspector.

- *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. As noted from the consultations section of the report, as Housing has requested that 20 units on site be 1 bedroom units, the Education Section have based their comments on the provision of 180 potential family homes. This would generate demand for 68 nursery and primary places and 44 secondary pupil places. These would be split proportionally between English, Welsh and denominational provision. The Education Facilities background paper and the Education Department in its comments (above) confirm that there is clearly not adequate capacity to accommodate these pupils in existing schools taking account of existing approved and committed developments.

Accordingly an overall S106 contribution of £1,955,432 is required for the additional provision of both primary and secondary education for the development area. Your Officers will, therefore, seek a 106 agreement on this basis for consideration by the appointed Planning Inspector.

- *Off Site Highway Improvements*

As noted from the section above the TA has identified that the development will increase traffic along Port Road through each junction by approximately 1-2%. In the light of the fact that the roundabout junctions at Colcot Road and Barry Docks Link Road are at or over capacity at peak times, the Council's Highway Engineer is of the view that, even a marginal increase should be mitigated.

The CIL Regulations state that a planning obligations may only legally constitute a reason for granting planning permission if it is 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. Any improvement works should only mitigate the impact of development traffic and should not address existing capacity issues at Colcot Cross Roundabout and Barry Docks Link Roundabout. On this basis it is considered that a contribution sought by your officers for improvements to these junctions is in compliance with the CIL Regulations. Your Officers will, therefore, seek a 106 agreement to contain a requirement for a contribution to off-site highway improvements on this basis for consideration by the appointed Planning Inspector.

It should also be noted that the CIL Regulations (Reg 123) restrict the pooling of s106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that the Council has secured off-site highway contributions from 2 developments in Rhose that would contribute towards infrastructure improvements along this corridor (see 2010/00686/EAO and 2014/00550/OUT) and furthermore, the Barry Waterfront application (2009/00946/OUT) contained planning obligations in respect of Barry Docks Link Road improvements. Therefore, to date, this pooling restriction has not been breached in respect of the highway matters referred to above.

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 £400,000.

The submitted Transport Assessment (TA) does not include much information in terms of commitments to off-site sustainable transport although proposals within the site include a pedestrian/cycling to Port Road, linking with the central public open space area and pedestrian/cycle routes created along the proposed green corridors. In the Design and Access Statement (DAS) however a commitment is made to create a legible development with a clear street hierarchy, to assist in finding and encourage walking and cycling and to maximise connections to the existing community. The DAS states that the development will promote the use of sustainable modes of transport providing the choice of walking, cycling or to travel by bus.

Whilst the above commitments have been made, no detailed information is provided as to how this will be achieved beyond the proposed development. Given the green-field nature of the site located on the edge of Barry, the existing connections to local facilities and services are relatively limited. There is a need for significant improvement to make the proposed development sustainable and to provide access by alternative modes of transport (other than private car) for all future occupants.

Your officers will seek a 106 agreement for the appointed Inspector to consider, containing an obligation for a contribution as set out above. Your officers will also seek clarification from the developer as to how it intends to achieve the commitment to promote the use of sustainable modes of transport because this will be key to mitigating the clear effects of the development on the road network.

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 development for 200 dwellings is likely to generate an additional population of 484 persons, based on the average household size of 2.42 for households in the Vale of Glamorgan who will require access to appropriate recreational facilities and open space. Contained within the Supplementary Planning Guidance 'Planning Obligations' there is normally a requirement for 55.4sqm of public open space per dwelling.

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

Accordingly, your Officers will seek a 106 agreement for the appointed Inspector to consider, containing an obligation ensuring the full allocation of public open space is provided within the site, or if considered appropriate an off-site contribution in accordance with the Council's SPG is secured.

Community Facilities

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

The Community Facilities LDP Background Paper assessed the level of provision of community facilities throughout the Vale of Glamorgan and the additional demand generated by new development planned in the DLDP. It identifies a deficit of Community Building Space of 834 sqm in Illtyd Ward where the site is located. The proposed development would compound this deficit.

The Council has developed formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan.

The Community Facilities contribution for the scale of development indicated would be based on the formula of 0.75sqm of community floor space per dwelling or £988.50 per dwelling if not provided on site. Given the scale of development proposed, it is not considered appropriate to require a building on site, which would be too small to provide a meaningful community facility. Therefore a proportionate contribution of £197,700 would be used to provide improved community facilities off site.

Accordingly, your Officers will seek a 106 agreement for the appointed Inspector to consider, containing an obligation ensuring the above contribution is achieved.

Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted supplementary planning guidance (SPG) on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works. This is considered to be an essential element of high quality design and one that is considered necessary on major housing developments to provide local distinctiveness and character in accordance with the good design principles required under UDP Policy ENV27 and TAN 12: Design, which states at paragraph 5.15.1 "Public art plays an important part in creating or enhancing individuality and distinctiveness, and in raising the profile of our towns, villages, cities and urban and rural landscape." This provision needs to be secured through condition or planning obligation.

Your Officers will, therefore, seek a 106 agreement for the appointed Inspector to consider, containing an obligation ensuring on site public art to the value of a minimum of 1% of the project budget.

CONCLUSION

There are key objections to the principle of this development application, namely:

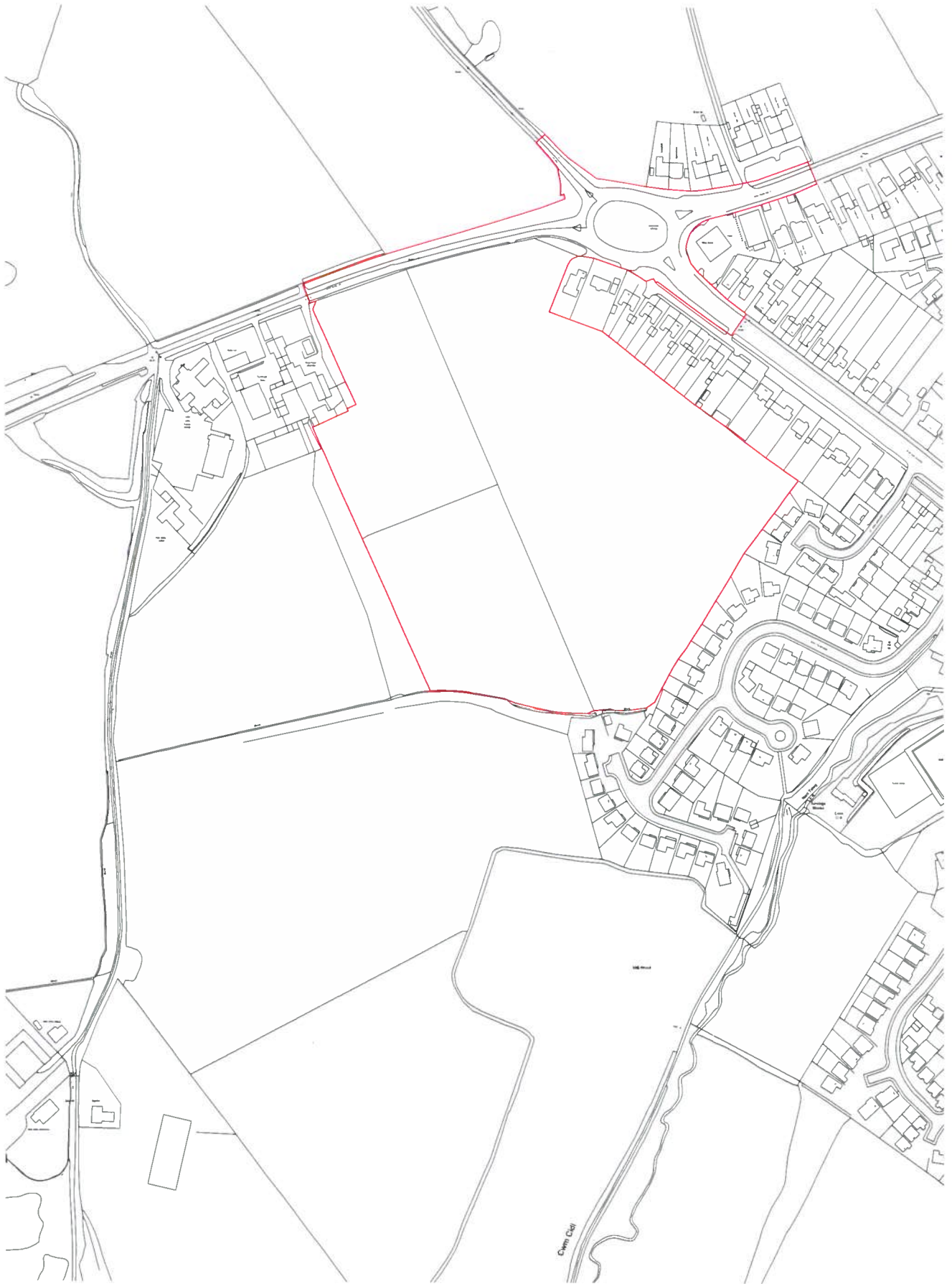
1. The Development is clearly contrary to the adopted Unitary Development Plan and Planning Policy Wales, being outside of any recognised settlement boundary.
2. The development would impact upon the existing Green Wedge between Barry and Rhoose and would therefore lead to coalescence of settlements.
3. The development has failed to mitigate against the increase in traffic created at two important roundabouts which are already over capacity at peak times.
4. The proposals are premature in advance of the examination of the Deposit Draft Local Development Plan which is programmed to take place in August of this year.

RECOMMENDATION

REFUSE (W.R.)

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

1. The proposed residential development is outside the defined settlement boundary of Barry and there is no overriding justification or material consideration to outweigh the in principle policy presumption against such development. As such the development would be contrary to Policies ENV1 - Development in the Open Countryside, and HOUS3 - Dwellings in the Countryside of the adopted Vale of Glamorgan Development Plan 1996 – 2011 and Planning Policy Wales (Edition 7) July 2014.
2. By virtue of the parameters for development and indicative site layout forming part of this outline submission, the proposed development of 200 No. houses would adversely prejudice the open nature of the landscape and countryside and consequently the identified Green Wedge between Barry, Rhoose and St. Athan causing a detrimental effect upon the landscape and the amenity value of the land and ultimately leading to the coalescence of the settlements identified. As such the development would be contrary to Policy ENV3 - Green Wedges of the adopted Vale of Glamorgan Development Plan 1996 – 2011 and Planning Policy Wales (Edition 7) July 2014 and the Background paper to the LDP 'Green Wedge'.
3. The development as proposed would be considered detrimental to the capacity and free flow of traffic on the strategically important A4226 which links directly with Cardiff Airport, by virtue of failing to mitigate the effects of up to 200 dwellings on the highway network and particularly the Colcot and Barry Docks Link roundabouts which are at, or over capacity in the peak hours, as such, the proposals are considered contrary to Strategic Policies 2 and 8, Policies ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Vale of Glamorgan Unitary Development Plan 1996-2011, Planning Policy Wales (Edition 7) July 2014 and Technical Advice Note 18 'Transport'.
4. The proposed development would be contrary to the aims and objectives of the Vale of Glamorgan Deposit Local Development Plan, and as such would pre-determine decisions about the location, scale and phasing of such new development which ought properly to be taken with the context of the Local Development Plan and the development is therefore considered premature pending the adoption of the Deposit Local Development Plan, and would have a significant detrimental impact on the setting of the strategically important settlement of Barry, contrary to the advice and guidance in Chapter 2 of the Planning Policy Wales (7th Edition) July 2014.



2014/00863/04T

4th September 2014

The Vale of Glamorgan Council
Development Control Officer

30 Rheidol Drive
Cwm Talwg
Barry
Vale of Glamorgan
CF62 7HB

Dear Miss E. L. Langmaid

Planning Application 2014 / 00863 / OUT – Location : Land South of Port Road West , Weycock Cross, Barry.

(Agricultural Mining – Rape of the Fair Country)

I hereby wish to strongly object to the above Planning Application.

As a Chartered Civil Engineer I have had reason to be associated with Developers and "Greenfield" sites, and wish to enlighten you of the following:-

The developers are primarily interested in the following activities:-

- Excavation, export and sale of excellent grade "A" quality topsoil (potentially 250,000 tonnes on above site – approx. market value £4 million)
- Excavation, export and sale of good quality subsoil – to mix with "green waste" and produce good quality man-made topsoil to relevant British Standard (potentially 500,000 tonnes on above site – approx. market value of £3 million)
- Necessary importation of inert suitable fill to make up the development levels - this is a primarily a "landfill operation" without landfill tax (potentially 400,000 tonnes – with current landfill rates – potential income £4 million)

The above is more profitable than housing development and sales.

The above activities hide behind the political need for housing.

If Developers were truly interested in purely the development of housing, and meeting the alleged housing needs laid down by the Welsh Government and Vale of Glamorgan Council, then they would investigate the potential re-development of the numerous existing derelict, run-down, vacant, neglected, available properties within the area or the various "brown field" sites.

However, the profit margin in this venture is not obviously as attractive as Planning Application 2014/00863/OUT.

I trust that the above is suitably explicit, and assists with your detailed review.

However, should you require any further information, clarification, substantiation etc. please do not hesitate to contact me.

Yours sincerely,

S.P.Thorne B.Sc.(Hons)., C.Eng., MICE, MCIHT

*By Post and E-mail

Steve Thorne Mobile Phone: [REDACTED]

Home Phone: [REDACTED]

[REDACTED]

✓

Friends of Weycock Cross
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Mr Rob Thomas
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D.E.E.R
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NO: P299
ACK: 11/9/14

RECEIVED
11 SEP 2014
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

8th September 2014

Dear Mr Thomas,

Re.: Application 014/00863/OUT -GREEN FARM, WEYCOCK CROSS DEVELOPMENT

We write further to our earlier correspondence objecting to the above development application.

This letter sets out the potential conflict between the application by Taylor Wimpey and Welsh Assembly Planning Policy Wales guidance. We refer to the relevant sections from the guidance throughout this correspondence.

Our objections:

1. Building on active agricultural land that has been designated as grade 3 arable land.

4.3. Respect for **environmental limits**, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;

4.3.3. Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; **the conservation of the best and most versatile agricultural land**; and enhancement of the urban environment all need to be promoted.

4.5.2 The Welsh Government has set out to achieve annual carbon reduction-equivalent emissions reductions of 3 per cent per year from 2011 in areas of devolved competence, which include land use planning. We are also committed to achieving at least a 40% reduction in all greenhouse gas emissions in Wales by 2020 against a 1990 baseline. This will assist in making a significant contribution to the UK Carbon Budgets. The Climate Change Strategy for Wales and associated Delivery Plans on Emission Reduction and Adaptation set out how we intend to limit greenhouse gas emissions and adjust to changes in our climate. This includes a specific action to ensure that land use and spatial planning promote sustainable development and enable a move towards a low carbon economy which takes account of future climate impacts.

Key areas that underpin actions in each sector are as follows:

- Supporting behaviour change
- Research and good practice
- Innovation and skills
- Buildings
- Energy generation
- Food

4.6.4 The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and **agricultural value**.

2. **Current police states that priority is to be given to build on existing brown field sites. This land is currently a designated Green Wedge, what has changed? Building outside of the urban boundary. The environmental impact.**

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.

4.10.1 In the case of **agricultural land**, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC)¹⁸ is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a

choice between sites of different grades, development should be directed to land of the lowest grade.

9.2.10 In determining the order in which sites identified, the presumption will be that previously developed sites or buildings for re-use or conversion should be allocated before greenfield sites.

3. Traffic and access issues.

8.1.4 Land use planning can help to achieve the Welsh Government's objectives for transport through:

- reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling;
- locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys;
- improving accessibility by walking, cycling and public transport;
- ensuring that transport is accessible to all, taking into account the needs of disabled and other less mobile people;
- promoting walking and cycling;
- supporting the provision of high quality public transport;
- supporting traffic management measures;
- promoting sustainable transport options for freight and commerce;
- supporting sustainable travel options in rural areas;
- supporting necessary infrastructure improvements; and
- ensuring that, as far as possible, transport infrastructure does not contribute to land take, urban sprawl or neighbourhood severance.

8.1.5 Development plan strategies and policies need to be consistent and integrated with the strategies and policies contained in RTPs, Road Traffic Reduction Reports, and Air Quality Management Plans and information in Strategic Noise Maps. Each regional consortium must prepare an RTP that includes a review of existing transport provision and sets out its proposals for the coordination and improvement of all transport modes, future investment priorities and the implementation of specific measures. Any RTP proposal that directly involves the development or use of land, or has land use implications, should appear as a policy or proposal in the development plan.

8.1.6 Local authorities should ensure that when planning transport centred projects their approach is compatible with the Welsh Transport Appraisal Guidance. They should ensure that the full range of possible solutions, including solutions other than road enhancement, is considered.

8.1.8 Transport emissions contribute significantly to climate change, diffuse pollution of groundwater and surface water and poor local air quality, which can in turn affect people's health. The Environment Act 1995 requires local authorities to review and assess air quality in their areas to determine whether air quality objectives are likely to

be met. Where it is found that air quality objectives are unlikely to be met, an air quality management area must be declared and an action plan must be developed.

Development plan policies and decisions on planning applications should take into account statutory air quality objectives, together with the results of air quality reviews and assessments and any Air Quality Management Plans or Area Action Plans

8.4.1 Local authorities should adopt an integrated approach to traffic management. They should consider how different measures can complement one another and contribute to the achievement of wider planning and transport objectives, taking into account the needs of the disabled and less mobile sections of the community. Within town centres priority should be given to walking, cycling, public transport and delivery vehicles through the reallocation of road space.

8.4.2 Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

8.7.4 Direct access to a motorway or motorway slip road would not be acceptable other than to a motorway service area approved by the Welsh Ministers. **Direct access from new development on to a primary road should be avoided where possible.** Where feasible, access should be on to a secondary road. At any location, traffic flow and safety can be assisted by good junction design. The number of accesses permitted will depend upon the type and nature of the road. Similarly, the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road.

4. Impact upon the local community/quality of life/privacy & security

9.2.9 Local planning authorities should consider the following criteria in deciding which sites to allocate for housing in their development plans:

The capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals), to absorb further development, and the cost of adding further infrastructure;

The compatibility of housing with neighbouring established land uses which might be adversely affected by encroaching residential development;

12.1.1 Adequate and efficient infrastructure, including services such as education and health facilities along with water supply, sewers, waste management, electricity and gas (the utilities) and telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working. At the same time,

infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

13.15.1 Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer.

5. Drainage & Sewerage:

13.2.1 Flood risk is a material consideration in land use planning. All development on land within the flood plain of a watercourse, **or drained via a culvert**, or on low lying land adjacent to tidal waters, is at some risk of flooding and whilst flood risk can be reduced by using mitigation measures it can never be completely eliminated.

13.2.2 Flooding as a hazard therefore involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Therefore local planning authorities should recognise when assessing development proposals located within areas of flood hazard that the development is still at risk from flooding which may threaten human life and cause substantial damage to property, even where mitigation measures are proposed.

13.2.3 Meeting the Welsh Government's objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard. Planning authorities should therefore adopt a precautionary approach when formulating development plan policies on development and flood risk, and when considering planning applications. In this context, the principle should be applied on the basis that climate change is likely to increase the risk of coastal and river flooding as a result of sea-level rise and more intense rainfall and reduce service levels provided by surface water drainage infrastructure.

13.2.4 Local planning authorities should take a strategic approach to flood risk and consider the catchment as a whole. They should ensure that new development is not exposed unnecessarily to flooding. Therefore, by considering flood risk in terms of the cumulative impact of the proposed development in the locality on a catchment wide basis (river catchment and coastal cell), recognising that this may require working across administrative boundaries. Development proposals should seek to reduce, and certainly not increase, flood risk arising either from river and/or coastal flooding or from additional run-off from development in any location.

13.4.1 Development proposals in areas defined as being of high flood hazard should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and

- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event (and see 12.4.1 and 12.4.2).

13.4.2 In determining applications for development, local planning authorities should work closely with the Environment Agency, drainage bodies, sewerage undertakers, prospective developers and other relevant authorities to ensure that surface water run-off is to be controlled as near to the source as possible by the use of sustainable urban drainage systems. They should also ensure that development does not:

- increase the risk of flooding elsewhere by loss of flood storage or flood flow route;
or
- increase the problem of surface water run-off.

12.1.1 Adequate and efficient infrastructure, including services such as education and health facilities along with water supply, sewers, waste management, electricity and gas (the utilities) and telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working. At the same time, infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

12.1.4 The Welsh Government aims to secure the environmental and telecommunications infrastructure necessary to achieve sustainable development objectives, while minimising adverse impacts on the environment, health and communities. New approaches to infrastructure will be needed in light of the consequences of climate change. The objectives are:

- to protect and improve water resources through increased efficiency and demand management of water, particularly in those areas where additional water resources may not be available;
- to ensure that appropriate sewerage facilities are provided to convey, treat and dispose of waste water in accordance with appropriate legislation and sustainability principles;
- to ensure that appropriate facilities are established to reduce, re-use, recover and, where necessary, safely dispose of waste, so as to meet the Welsh Government's objectives for waste management;
- to promote the generation and use of energy from renewable and low carbon energy sources at all scales and promote energy efficiency, especially as a means to secure zero or low carbon developments and to tackle the causes of climate change;
- to facilitate the development of an advanced broadband telecommunications infrastructure throughout Wales;
- to promote an integrated approach to the provision and renewal of environmental and telecommunications infrastructure;
- to ensure that environmental and telecommunications infrastructure is provided in such a way as to enable sustainable development objectives to be met, avoiding adverse impacts on the environment (including the natural and historic environment), local communities and health;

to ensure that in considering environmental and telecommunications infrastructure account is taken of the impacts of climate change in the location, design, build, operation and, where appropriate, the decommissioning of new infrastructure and

- to ensure that the vulnerability of infrastructure to severe weather events is minimised and that infrastructure is designed to cope with higher average temperatures and increasing risk of storm surges, drought and flooding.

We would be grateful if these considerations are taken into account and that the proposals are firmly rejected.

Yours sincerely,



The Friends of Weycock Cross

cc. Alun Cairns MP
Jane Hutt AM
Coun. Rhona Probert
Coun. John Drysdale
Coun. Howard Hamilton

D.E.E.R
RECEIVED
ACTION BY: <i>IRULL</i>
NO: <i>P298</i>
ACK: <i>11/9/14</i>

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CF63 4RT

RECEIVED

11 SEP 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

8th September 2014

Dear Miss Langmaid,

Re.: Green Farm Planning Application: 2014/00863/OUT

I write to object to the above planning application at Green Farm, Barry.

I live behind the proposed development and the quiet enjoyment of my property will be severely affected if the development is approved. Inevitably, there would be an excessive amount of noise generated during the building of this proposed development which is a concern to a mainly elderly local population.

I have looked at the plans and I am particularly concerned about the pond that the developer proposes to include in the development. This will collect water which will become stagnant, attracting flies and putting severe pressure upon an ageing drainage system.

The nant talwg stream runs under my house and I have grave concerns about the impact upon drainage that a further 200 houses would have upon the area. How would the nant talwg stream cope with extra housing which potentially will lead to flooding in the area.

I am greatly concerned that this development will be built outside of the unitary development plan and on land where a previous planning application was refused upon the basis that it fell outside of the town boundary. It is the thin edge of the wedge – if this development is allowed, it will lead to further developments towards Rhoose and down the 5 mile lane towards Bonvilston. It would completely alter the western edge of the town and eat into our countryside.

I am further concerned about the destruction of the green wedge between Barry and the rest of the Vale of Glamorgan. It will be disgraceful if our council allows the destruction of a green field site which is a grade 3 agricultural area that supports many species of animals and is a support to several communities of bats. I am also worried about the potential destruction of an historic hedgerow at Green Farm. This land has

been farmed for generations supplying crops to turn into food. We need to generate food to an ever increasing population.

I have concerns about the impact the development will have upon traffic in the Weycock cross area. It is incredibly difficult to gain access onto Pontypridd Road from Nant Talwg Way during peak times. The town of Barry is in desperate need of a dual carriageway road into the town. Without proper road and infrastructure projects, it is ridiculous to even consider new developments until the congestion problem is properly resolved. It will potentially lead to the complete gridlock of Pontypridd Road, Port Road and the 5 mile lane at a time when the Welsh government is attempting to revive the fortunes of Cardiff airport. If travellers experience delays in and around Weycock Cross, it will inevitably detract them from flying out of Cardiff.

I am further concerned about the impact upon local services, schools, doctors, dentists etc these proposals will have upon an overstretched services.

I wish to register my total opposition to Taylor Wimpey's plans in their entirety and I would be grateful if my comments are passed onto the planning committee of the council.

Yours sincerely,


Mrs Yvonne Williams



Mr John Butcher
 167 Pontypridd Road
 Barry
 Vale of Glamorgan
 CF62 7LW

11 September 2014

Miss E Langmaid
 Vale of Glamorgan Council
 Development Control
 Dock office
 Barry Docks
 Barry
 CF63 4RT

Dear Miss Langmaid

Reference 2014/00863/OUT - Weycock Cross

I cannot download the Representation Form. I am 76 years old and do not use a computer. Please accept this letter as my objection and representation to the above.

I am sending this letter to express my views and comments on the planning proposals relating to the references above: I understand that Taylor Wimpey has put in a new planning application to build 200 houses at Green Farm Weycock Cross.

As a local resident living on Pontypridd Road, I am seriously concerned over the detrimental consequences for the economic future of Barry and the impact an additional 200+ houses along the A4050 (Port Road) South West of Weycock Cross, (with more houses planned 500), will have on the current inadequate road infrastructure. Already there is increased congestion that development sites along Port Road have caused, with gridlock at peak times. **This is at a time when we are supposed to be supporting tourism to Barry and encouraging the use of Cardiff Airport.** Building so many houses along this route is not good business sense.

I also believe that Taylor/Wimpey have lacked insight to consider the further impact of approved developments (e.g Barry Waterfront, North of Weycock Cross, Wenvoe etc.....) have had in their Transport assessment. I understand that the analysis of proposed developments have according to them a 'marginal impact' on the operation of the junctions and perceive that no mitigation measures are proposed. How can this be when Port Road is the main arterial road through Barry from the M4 and leads to the Airport, which is supposed to be significant part of the **Welsh Government's proposal for tourism within Barry.**

I also bring to your attention that the same site was rejected in 1990, I refer to planning application 1990/01028/OUT and to my knowledge nothing has changed. If it has I would like to know.

D.E.E.R
RECEIVED
ACTION BY: <i>IRELL</i>
NO: <i>397</i> <i>P397</i>
ACK: <i>15/9/14</i>

RECEIVED

15 SEP 2014

ENVIRONMENTAL
 AND ECONOMIC
 REGENERATION

There does not appear to be any scheme to control traffic at the junction off the exit road to A4226 from the said planned site. There is already a hazardous right turning from the Cwm Ciddy Inn and the proposed exit from the development site would only add to the danger.

Pontypridd Road is already un-passable for residents and pedestrians at certain times of the day with the volume of traffic and the continuous use of the Texaco garage on the Weycock Roundabout. Although we have been informed that recent works being carried out will put a pedestrian crossing across Pontypridd Road. Although this will aid us crossing and youngsters going to and from school the road it will not halt the traffic congestion at this Weycock Cross junction.

The Vale Council need to consider since they have purchased Cardiff Airport that as this road suffers already with heavy traffic congestion and which in some cases can be commercially unattractive to both new and existing businesses which will not encourage businesses to use the airport. Consequently vital jobs may be lost when businesses relocate elsewhere to where there are better road links with less congestion.

I have looked at the Transport Assessment which I believe is substantially incorrect. The mileage figures stated for the local train station give the impression that people can walk to the train station but it is 1km more than stated. If cars are used then this will enhance the congestion along Port Road and Pontypridd Road. **Public services are being reduced** not increased to accommodate people working in Cardiff. Already the bus services have been reduced along Pontypridd Road from Cardiff.

I am also concerned over the absorption of schools and doctors and dentist surgeries with further developments being planned on and along the Port Road both East and West.

Yours Sincerely

A large black rectangular redaction box covers the signature area of the letter.

Mr John Butcher

Mrs Suzanne Butcher
167 Pontypridd Road
Barry
Vale of Glamorgan
CF62 7LW

11 September 2014

Miss E L Langmead
Vale of Glamorgan Council
Development Control
Dock office
Barry
CF63 4RT

Dear Miss Langmead

Reference 2014/00863/OUT - Weycock Cross

I am not able to download the Representation Form. Please accept this letter as my representation to the above.

I object strongly to the new planning application from Taylor Wimpey to build 200 houses at Green Farm, Weycock Cross

I am sending this letter to express my views and comments on the planning proposals relating to the references above, as I understand that Taylor Wimpey have changed their mind about withdrawing their planning application for Green Farm and they have written to every single Councillor arguing that Weycock Cross be reinstated back into the LDP. If Taylor Wimpey 'brow beat' the Councillors there will be a detrimental consequence for Barry due to the impact of an additional 200+ and a further 500 behind Hunters Ridge. A4050 (Port Road) South West of Weycock Cross. This would have a severe impact on the current inadequate road infrastructure especially towards Cardiff airport and local tourism.

Congestion along Port Road have caused, gridlock at peak times. This is at a time when we are supporting tourism to Barry and encouraging the use of Cardiff Airport. Building so many houses along this route is not good business sense.

How can Councillors allow to even consider reinstating Weycock Cross as a development when Port Road is the **main arterial road through Barry** from the M4 and leads to the Airport, which is supposed to be significant part of the Welsh Government's proposal for tourism within Barry.

I am writing to object to this proposal and I agree with the settlement boundary as it is a green wedge and support the **absence of development sites at Weycock Cross.**

Yours Sincerely



Mrs Suzanne Butcher

D.E.E.R
RECEIVED
ACTION BY: <i>IR 02</i>
NO:
ACK:

RECEIVED

15 SEP 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



Duffield, Claire E

From: Claire Curtis <[REDACTED]>
Sent: 11 September 2014 23:41
To: Planning & Transportation (Customer Care)
Subject: 2014/00863/OUT

FOA: Elaine Langmaid

Dear Elaine,

Please would you add my objection to the above planning application.

The area off Weycock Cross constitutes a "green wedge" i.e . "between Barry and Rhoose" and any development which prejudices the open nature of the land will not be permitted.

This is not brown field site and there are sufficient brown field sites in Barry being proposed for housing under the Draft LDP.

[REDACTED] is outside the settlement boundary of Barry.

The volume of proposed housing will have a detrimental effect on the area. The increase in pollution from vehicles and residents would be harmful to the surrounding countryside.

The infrastructure is not in place to support this number of houses and people (schools, doctors etc).

The additional traffic on the road would cause considerable congestion on an already busy road and a main route into Barry.

The substantial increase in the volume of traffic would have a negative impact on access to the airport and the designated Enterprise Zone.

The loss of the green fields may result in flooding in the area.

Insufficient study has been completed on the impact on natural environment.

This is agricultural land and should remain as such.

This land is not included in the current deposit Local Development Plan.

Many thanks

Clr Claire Curtis

D.E.E.R
RECEIVED
ACTION BY: IR OLL
NO: P352
ACK:

RECEIVED

12 SEP 2014

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

O'Keefe, Kevin T

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 12 September 2014 11:49
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2014/00863/OUT
Attachments: Green Farm objection letter 12-9-14.doc

New comments have been received for application 2014/00863/OUT at site address: Land south of Port Road West, Weycock Cross, Barry

from Ms Rhona Probert rprobert@valeofglamorgan.gov.uk

Address:
28 Le Sor Hill, Peterston super Ely, Vale of Glamorgan, CF5 6LW

Comments:

Other type details: local councillors.
Comment: Please see attachment .

The following files have been uploaded:
Green Farm objection letter 12-9-14.doc

Case Officer:
Miss E. L. Langmaid

Area:
South

D.E.E.R
RECEIVED
ACTION BY: IR ELL
NO: P304
ACK:

RECEIVED
15 SEP 2014
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Letter of objection to proposals to build on Green Farm, reference:
2014/00863/OUT

1. Site is outside the settlement boundary of Barry

The settlement boundary is set by the Urban Development Plan (UDP) for the Vale of Glamorgan.

2. Site is greenfield

Planning Policy Wales (Housing, chapter 9) advises that previously developed land is used in preference to greenfield sites.

3. Development of the site would be a breach of the defensible boundary at the western edge of Barry, and would represent a start of ribbon development westwards towards Rhoose.

PPW (9.3.1) requires 'expansion of towns ... should avoid creating ribbon development, coalescence of settlements ...'. The development would put a significant built frontage along the south side of Port Rd. West and alter fundamentally the transition from urban Barry to countryside.

4. Site is within a designated 'green wedge' which delineates and protects the western edge of Barry

PPW (4.8.16) states that 'construction of new buildings in a locally designated Green Wedge is inappropriate development unless for the following purposes:'; this site does not comply with any of the listed purposes.

5. Sufficient land for a 5 year supply for housing can be available without use of this site

PPW (9.2.3) requires local authorities to provide a 5 year forward supply of land for housing. The new LDP intends to meet requirements for land supply without changing the settlement boundary for Barry.

6. Foul sewerage capacity in the area is unlikely to be sufficient to cope with additional flows from the proposed development and a solution is yet to be assessed.

7. Loss of grade 3 agricultural land

PPW (4.10) requires that "Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development" and there is no overriding need to develop this land.

8. Additional housing will generate more traffic on to Weycock Cross roundabout and Port Rd. which already suffer congestion at peak periods.

No amount of section 106 (or similar) spending will improve the traffic congestion in this area at peak times.

9. Access to public transport and safe cycle ways is poor

PPW (9.1.2) requires local authorities to promote 'development that is easily accessible by public transport, cycling and walking ..', however public transport for this area has recently been reduced.

10. Additional demand on local and community facilities

There will be additional demand on local schools and there are few community facilities serving this area.

11. Dangerous access from Port Rd. West

Additional traffic coming from the site, probably much of which will want to turn right, will be a significant intrusion into traffic flow and likely to create a delay point in itself. It is a very busy road with fast traffic, and trying to turn left or right from the pub there is already very dangerous.

12. Destruction of environment and natural habitat

The hedgerows and streams in the area provide biodiversity and habitat value, and studies have shown that "mitigation" in the form of planting new hedgerows and creating new waterways still results in a loss of biodiversity that does not improve over time.

Sybac Solar International GmbH, C/o Agent.
CDN Planning (Wales) Ltd, North Hill, 7, St. James Crescent, Swansea, SA1 6DP

Land at Court Farm, Treoes

Installation of a 2.2MW solar farm and associated infrastructure

SITE AND CONTEXT

The application site is land at Court Farm, Treoes, and comprises 5.1 hectares of land to the east of the village, shown on the plan below:



The site is located approximately Court Farm farmhouse and 185m from the nearest dwelling to the west within the village. It is located approximately 540m from St. Mary Hill and 750m from Llangan. The site slopes from north to south and east to west, varying between 32m AOD and 21m AOD. A public right of way runs to the south of the site.

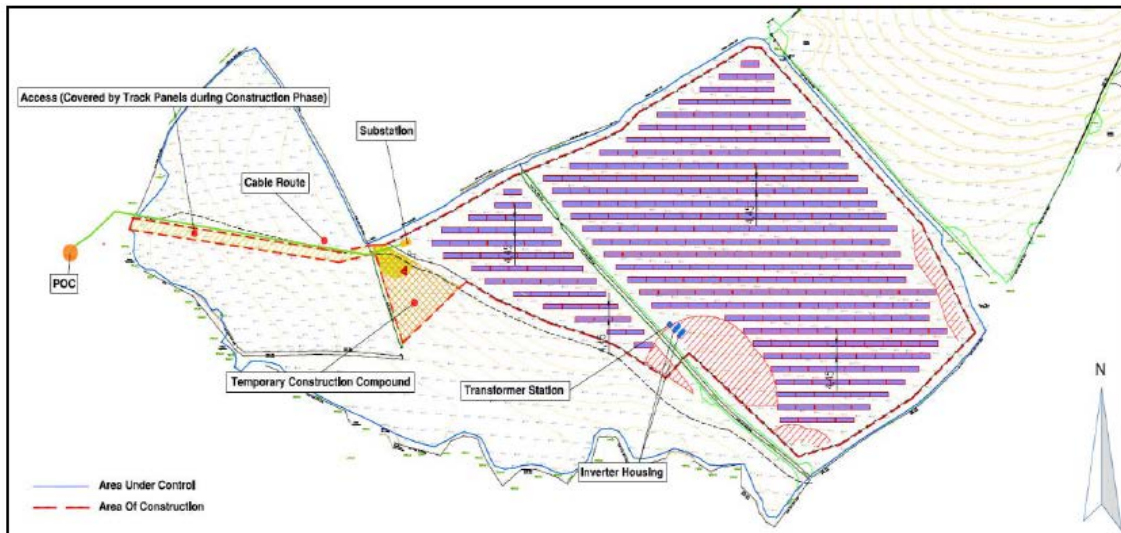
The site does not lie within a Special Landscape Area, however, as noted below, the site is included within an enlarged Special Landscape Area within the Council's Draft Local Development Plan.

DESCRIPTION OF DEVELOPMENT

The proposed development is for a solar farm, principally involving the installation of arrays of solar panels, i.e. metal frames piled into the ground in parallel rows, oriented to the south to maximise their efficiency. The current layout shows 8,976 panels, which provides a generating capacity of around 2.2MW.

Associated electrical infrastructure includes small units that house inverters, transformers and a substation. All cabling will be underground.. It should be noted that the point of connection to the local grid has been agreed with Western Power Distribution to be underground, on the corner of Yr Efail.

Further infrastructure included within this planning application includes perimeter fencing and CCTV along with the access arrangements for construction. The plan below, which is taken from the applicant's design and access statement, shows the proposed development layout:



Access to the site would be from the eastern edge of the village, adjacent to Yr Efail, along a track that runs west to east and into the fields of solar panels.

PLANNING HISTORY

2014/00434/SC1 : Land at Court Farm, Treoes - Solar Photovoltaic Farm with generating capacity up to 7.5MW - Environmental Impact Assessment (Screening) – EIA Not Required

2013/00559/PNA : Court Farm, St Mary Hill, Treoes - Replacement building - Approved

2001/00440/FUL : Court Farm, St. Mary Hill - Conservatory - Approved

1999/01314/FUL : Court Farm, St. Mary Hill, Treoes - Redevelopment of Court Farm to provide a new detached dwelling - Approved

CONSULTATIONS

Llangan Community Council have raised objections on behalf of local residents in respect of flood risk and transport access.

Ministry of Defence- No representations received.

Civil Aviation Authority- No representations received.

Highway Development- No objection subject to conditions relating to compliance with the submitted Construction and Operational Management Plan, the approval of details of passing bays, highway condition surveys, surfacing the access in a bound material and vision splays.

Public Rights of Way Officer has advised that Public Right of Way (PROW) no. 42 runs through where the temporary construction compound would be sited and therefore a temporary order to secure closure or diversion of the PROW must be sought.

Highways and Engineering (Drainage)- No representations received to date.

Director of Legal and Regulatory Services (Environmental Health)- No objection subject to a condition to control hours of working.

Cardiff Airport (Safeguarding)- No objection.

Glamorgan Gwent Archaeological Trust- No objection.

Local ward members- No representations received.

The Council's Ecology Officer- No objection subject to a condition requiring an Ecological Management plan to be submitted.

National Air Traffic Control Centre- No objection.

Natural Resources Wales (NRW)- No objection subject to a condition relating to a method statement for the removal of Himalayan Balsam. In respect of flood risk, NRW have advised that the access road into the site could be at flood risk and, therefore, the Local Planning Authority should consider the tests in TAN 15 when determining if this is an acceptable risk. It should be noted that NRW have not raised concerns in respect of wider flood risk within the catchment.

The Council's Landscape Architect agrees with the applicant's assessment of the visual impact and notes that it will be moderate from wider viewpoints as opposed to significant. Concerns are raised in respect of views from the nearby PROW, particularly in respect of the (originally proposed) security fencing. Deer fencing was therefore recommended and it should be noted that the application has been amended to change the means of enclosure to deer fencing.

REPRESENTATIONS

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

- Inappropriate use of agricultural land.
- Too close to residential properties.
- Flood risk.

- Increased field run off.
- It would set a precedent for other applications in the area.
- Volume of traffic.
- Adverse impact on the landscape.
- Adverse impact on highway and pedestrian safety.
- Damage to grass verges.
- Adverse impacts on residential amenity.
- Adverse impact on emergency services access.
- Adverse impact on public right of way.
- Inadequate access lanes.
- Impact on property value.
- Noise.
- Solar power isn't economically viable.
- There is a restrictive covenant on the land.
- Inappropriate and unsafe access.
- Damage to drainage ditch system around the village.
- Adverse impacts on wildlife.
- Safety implications from the development itself, especially regarding children.
- Loss of hedgerows.

Two example objection letter is attached as Appendix A.

Jane Hutt AM has conveyed concerns of local residents in respect of impact on the character of the area, impact on agricultural land and highway safety implications.

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 1 AND 2

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV2 - AGRICULTURAL LAND

ENV4 - SPECIAL LANDSCAPE AREAS

ENV 7- WATER RESOURCES

ENV10 - CONSERVATION OF THE COUNTRYSIDE

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV27 - DESIGN OF NEW DEVELOPMENTS
ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
EMP7 - FARM DIVERSIFICATION
COMM8 - OTHER RENEWABLE ENERGY SCHEMES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) 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.

Planning Policy Wales (Edition 7) provides the following guidance in section 12 (Infrastructure and Services):

12.8.1 The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change. The Welsh Government's Energy Policy Statement (2010) identifies the sustainable renewable energy potential for a variety of different technologies as well as establishing our commitment to energy efficiency.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability; and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the Coast and the Historic Environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
-

ways to avoid, mitigate or compensate identified adverse impacts;

- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Technical Advice Notes:

TAN 6 - Planning for Sustainable Rural Communities considers farm diversification, and advises as follows:

3.7.1 When considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.

3.7.2 Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005):

1.6 As well as developing new sources of renewable energy which are essential to meeting the targets set by energy policy, the Assembly Government is fully committed to promoting energy efficiency and energy conservation. The land use planning system is one of a number of mechanisms which can help deliver improved energy efficiency and local planning authorities are expected to consider matters of energy efficiency when considering planning policy and applications.

3.15 Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

TAN5 – Nature Conservation and Planning

Other National Guidance / Statements:

“A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement – March 2010”

“Energy Wales: A Low Carbon Transition - March 2012” : sets out what the Welsh Government intend to do to drive the change to a sustainable, low carbon economy for Wales. It also emphasises that Wales has significant assets in virtually every energy source, including one of the best solar resources in the UK.

Welsh Government Practice Guidance: “Planning Implications of Renewable and Low Carbon Energy - February 2011”

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)

UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014)

Supplementary Planning Guidance:

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

- Design in the Landscape
- Sustainable Development
- Biodiversity and Development
- Trees 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 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:

- Designation of Special Landscape Areas (2013 Update)
- Designation of Landscape Character Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Renewable Energy Study (2013 Update)
- Renewable Energy Assessment (2013)
- Minerals Background Paper (2013)

Issues

Having regard to the above national and local policy context the main issues are considered to relate to the principle of the development; the impact on the landscape / character of the countryside, highway safety, impact on residential amenity, potential glare, impact on agricultural land quality and flood risk/drainage.

The Principle of the Development

Policy ENV1 of the UDP states that development will be permitted in the countryside if it is justified in the interests of agriculture or forestry; other development including utilities or infrastructure for which a rural location is essential; or under the terms of another policy of the plan.

In this respect, Policy COMM8 (Other Renewable Schemes) of the UDP is of primary relevance to the assessment of the application. This policy is generally permissive in principle, subject to detailed criteria relating to visual impact, residential amenity, construction traffic, ecology, archaeology, etc.

In addition, UDP Policy EMP7 states that the diversification of existing farmsteads will be permitted, subject to criteria relating to the nature of the use (employment, commercial, recreation or tourism), landscape impact, highway safety, ecology and archaeology. The policy does not prohibit a development of this nature in principle.

Planning Policy Wales and TAN 8, along with “A Low Carbon Revolution - The Welsh Assembly Government Energy Policy Statement - March 2010” are explicit in support for the principle of renewable energy schemes and they affirm the Welsh Government’s commitment to delivering an energy programme which contributes to reducing carbon emissions and tackling climate change. They also highlight the need to secure a mix of energy forms by strengthening renewable energy production.

PPW in particular notes that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy, which should help to tackle the causes of climate change. However this is not without qualification, as paragraph 12.8.6 states:

“The Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

Local planning authorities are therefore encouraged to facilitate the development of all forms of renewable and low carbon energy and ensure that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations.

In addition, and with specific reference to the nature of the location, TAN 6 states that many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

Within the above Policy context, it is considered that the proposal represents an acceptable form of development in principle, and an acceptable form of farm diversification. It is also clear that rural locations will in most cases be required for solar farms of this scale and also that countryside locations are generally supported in principle, both in local and national policy and guidance. Consequently, the acceptability of the development rests upon an assessment against the criteria of Policies COMM8 and EMP7 of the UDP, notably in respect of its landscape impact.

Landscape Impact

Planning Policy Wales (Section 12.8-10) makes it clear that renewable energy projects should generally be supported by Local Planning Authorities provided environmental impacts are avoided or minimised, and nationally and internationally designated areas are not compromised.

The importance of renewable energy schemes in Wales, and the need for consistency in dealing with applications for such developments, is indicated by the Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy – issued in February 2011. This advice includes guidance in respect of solar arrays, and advises (at para 8.4.9) that “designated landscapes such as National Parks and AONBS are likely to be particularly sensitive in respect of one or more of these types of visual effect. Extreme care therefore needs to be taken to ensure the siting of solar arrays does not affect the special qualities of designated landscapes”.

Nevertheless, at 19.2.4 it is generally acknowledged that designated areas and in particular protected landscapes have a vital role to play in contributing towards reducing carbon emissions. The reference to ‘protected landscapes’ relates primarily to national designations. The site does not lie within a Special Landscape Area, however, the Draft LDP identifies an extension of the Special Landscape Area, which would include the application site.

It is therefore relevant to note the terms of UDP policy ENV4, which states that:

“new development within or closely related to the following special landscape areas will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the special landscape area.”

However Policy ENV4 is not meant to be a ‘blanket’ ban on development, with the supporting text noting that “applicants will need to demonstrate that their proposal has been designed to minimise the impact of the development on the landscape”.

Policy COMM8, relating to renewable energy schemes, states that “proposals for other renewable energy schemes will be permitted if all of the following criteria are met:

- i. The proposal has no unacceptable effect on the immediate and surrounding countryside.
- ii. The proposal has no unacceptable effect upon the sites of conservation, archaeological, historical, ecological and wildlife importance.
- iii. Adequate measures are taken, both during and after construction, to minimise the impact of the development on local land use and residential amenity.

TAN 8 states that other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported. It does not make specific reference to wider landscape considerations and it is unclear whether the above advice is designed to relate to all solar / PV applications or just small scale proposals, sited on buildings. Notwithstanding this advice, it is considered reasonable and necessary to assess the wider landscape impact and the degree to which the character of the land would be affected.

The application is accompanied by a Landscape Visual Impact Assessment (LVIA), which indicates a series of points in the vicinity of the site where the development would be visible from. It also includes a plan of the Zone of Theoretical Visibility (ZTV), which indicates that the development would be visible from a range of distant views, although this study does not take account of natural features (trees, hedges etc.) and the built environment, therefore the actual areas where the development would be visible are less expansive than shown on the ZTV.

The Landscape Assessment includes an assessment of landscape character areas based on the updated LANDMAP information, which has also been used in the Council's Designation of Special Landscape Areas (2013) document, which forms a background paper to the emerging LDP.

There are 12 LANDMAP Aspect areas affecting the site, comprising Visual and Sensory, Historic Landscape, Cultural Landscape, Landscape Habitat and Geological Landscape. The entire Application Site and surrounding lies within the Northern Vale Lias Slopes Visual and Sensory Aspect Area, the Llangan Welsh St Donats and Pendoylan Historic Landscape Aspect Area, the Vale of Glamorgan Rural Landscape Cultural Landscape Aspect Area, the Cowbridge West Landscape Habitat Aspect Area and is lies across two Geological Aspect Areas – Llangan and Ty Candy and Caerphilly Basin.

The Application Site is not currently within any statutory or non-statutory landscape designations, however the Draft LDP proposes enlarging the Upper and Lower Thaw Valley Special Landscape Area to extend as far as Treoes, taking in the application site.

The close range viewpoints from which the development would be most highly visible are those at the site boundaries, particularly from the public footpath that runs close to the site. From here, the addition of the development would bring about an immediate and apparent change to the rural character of the site, arising from the introduction of new and contrasting elements, notably the solar panels and related infrastructure. However, notwithstanding the above, while the development would introduce a feature that has not previously been part of a rural context such as this, screen hedgerows are proposed to the side of the footpath and the fields would remain visible through and around the panels, given that the mounting structure comprises a series of poles driven into the ground (as opposed to large scale concrete bases / hard standings). While, therefore, the existing rurality of that part of the footpath network would be affected by the proposal, it is considered that those impacts would be mitigated, particularly when the hedge matures, and would not be so severe as to render the development fundamentally unacceptable. It is acknowledged that the sense of rurality along this part of the footpath would be subject to change, however, it is considered that this comprises a relatively modest length of the footpath as a whole and the attractiveness of this as a route would not be significantly undermined.

However, while visible from the areas close to the site including the footpath, it is considered relevant to note the commentary of the Appeal Inspector who allowed the appeal against the refusal of permission for a solar farm at Treguff (planning application 2013/00912/FUL). The Appeal Inspector noted:

(Solar panels)... can be compared to an installation of glasshouses or polytunnels which may well be regarded as acceptable in some agricultural settings without unduly disrupting the character of the landscape. Overall the effect of the proposal on the character of the landscape and its quality would be acceptable.

And...

At a distance of some 500 metres, the development would be clearly seen, but its generally dark appearance would be visually recessive, and it would be contained by the dense line of woodland associated with the railway and by the reinforced hedgerows when mature.

While the context and views are different here, it is considered that the general commentary on the appearance of the panels is relevant to this and other solar farm applications, and is relevant when considering closer views and wider landscape views.

The development would also be visible within the wider landscape, most notably from points on the highway to the south (that raises up on the approach to the A48), the road that runs east to west to and from Llangan and the highway and public footpath to the north east of the site. However, while the site itself and much of the surrounding fields are green/undeveloped in appearance, the wider setting to the site (particularly from the viewpoints described) is strongly influenced by the settlements of Treoes and Bridgend and the industrial estate. Consequently, it is considered that the wider landscape setting is different in character to a parcel of land located in a more isolated rural context and that the visual impact would not be so severe as it may be in a more wholly rural context.

Furthermore, the proposed development is of low profile and would sit within the existing landscape framework of the application site and the field boundaries that define it. Consequently, while it would be visible from a number of viewpoints in the surrounding area (particularly those listed above), it is considered that the development would sit relatively well assimilated within the existing landscape features. It is considered that the intervening fields and hedgerows would largely mitigate the visual impact of the development on the wider landscape and would soften views of the development from along these roads and rights of way.

It is acknowledged that heavy goods vehicles in particular may experience clearer views of the development from a raised position, however, it is considered that the nature and extent of roadside hedgerows would largely obscure views of the development to the majority of road users, also taking into account the distance that the development would be located away from those surrounding highways.

(The ZTV identifies relatively wide ranging views of the site, however, that does not take into account the intervention of trees, hedges and the built environment.)

From those points above, the development would have the effect of altering the wider landscape, by introducing features that contrast with the character of the existing natural environment. Consequently, this development would represent the introduction of a significant change to the traditional agricultural landscape in the area and it is considered that notwithstanding the comments of the Inspector in the Treguff case, the scheme should still adhere to highest standards of design in order to minimise the visual impact, especially given its location within what may be an extended SLA.

In that respect, it is important that the proposed development would retain key landscape characteristics such as the existing hedges and trees. The existing field pattern would be retained and the development would, therefore, maintain the existing field patch work and would not seek to introduce a large open expanse of panels into a landscape that is typically characterised by an irregular pattern of smaller field parcels.

NRW have considered the application and while their remit includes commenting on landscape issues, they have not objected in this regard. It is, therefore, considered that at a local level, the containment of the proposals within the framework of existing field boundaries and woodland will minimise visual intrusion and not unacceptably affect wider landscape designations.

In the case of some solar farms previously approved by this Council, Natural Resources Wales have recommended the reinstatement of hedgerows where they have been previously removed to create bigger field parcels. It has been held that this would mitigate the impact of those solar farms by reinstating a smaller field patchwork to break up the overall expanse of panels. However, no such recommendation is made in this case, since it is evident that the panels would sit within what appears to be the historic pattern of hedgerows.

Finally, the ancillary associated equipment (the substation, inverter cabinets and security cameras) and enclosures are of a relatively modest scale and it is considered that these aspects of the development, which would be viewed in the direct context of the solar park, would in their own right not impact significantly on the character of the land.

Accordingly, while it is accepted that the development will materially change the character of the site, given the relatively local nature of such impacts it is concluded that any harm arising from the development in landscape terms will be local and would not unacceptably undermine the character of the wider area (and Special Landscape Area if it incorporated in as part of the LDP) or be so severe that it outweighs the benefits in terms of renewable energy production. The Council's landscape architect has considered the application and has concluded that the impacts would be localised and not significant within the wider landscape. The only concerns raised were in respect of the type of fencing, and this has now been amended accordingly.

It should also be noted that the development is proposed for a period of 25 years, therefore the impacts on the character of the land associated with the development would not be permanent, while the enhancements to the scheme through the provision of additional planting to recreate historical field boundaries will provide long-term benefits to the landscape. In this respect, it is considered that it would comply with the aims of Policies ENV10, ENV27, EMP7 and COMM8 of the UDP, and the national guidance within TAN6 and 8, and PPW.

In reaching this conclusion, it is emphasised that the solar park of this capacity would make a significant contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases according with the government's aims concerning climate change, while also having energy security benefits. These are all important considerations that appeal Inspectors have recently emphasised should be given considerable weight in the overall planning balance. In this respect, they emphasise that landscape and visual impacts only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects.

Impact upon the Historic Environment

The Council's archaeological advisors Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the proposal and have raised no objection, noting that the development would be unlikely to adversely impact upon archaeology in the area

It is also considered that the development would be sufficiently far away from the nearest listed buildings and scheduled ancient monuments to ensure that their setting would not be adversely affected.

Site Restoration

In order to make the proposed development viable, the submissions advise that it is important that it is operational for a period of at least 25 years. At the end of its operational life, all equipment associated with the solar farm will then be removed from the site, and minor remediation works undertaken to backfill any excavated areas.

A time-limited condition with restoration requirements is therefore included as a recommended condition, thus ensuring that the site can be fully restored, with no permanent adverse environmental effects.

Access Matters and Impact on Local Highway Network

Impact on Local Highway Network – Construction Phase

A significant number of objections have been received from local residents in respect of the inadequacy of the rural lane network to serve the development, particularly during the construction phase where larger numbers of large vehicles would need to use the lanes to access the site. The Council's Highways Engineer initially also raised concerns with the proposed access route and subsequently entered substantial negotiations with the developer with a view to establishing whether an acceptable construction traffic route could be achieved.

The application is supported by a Transport Statement which identifies that the development would be constructed over a 15 week period, typically with 4-6 two way trips per day for 12m HGVs. However, it is noted that this could increase in relation to specific parts of the construction phase. It is anticipated that maintenance vehicles would require access much more infrequently, typically up to three times a year.

The submissions propose the site being accessed from the field entrance adjacent to Yr Efail, and from two unnamed lanes that connect to Horsefair Road to the north. The following extract is taken from the Construction and Operational Management Plan (COMP):

"All site traffic will adhere to the agreed construction traffic route. A holding area is located on the eastbound side of the A473 and all oncoming delivery drivers will be advised to wait within the holding area when necessary. If the A473 holding area is not available a backup holding area on Horsefair Road would be used. Deliveries are normally shipped to an east coast port such as Felixstowe. The initial part of the delivery route will be via the strategic road network. Delivery vehicles will exit the M4 at junction 35, continue westbound on the A473 until the A473 / Brocastle Avenue / B4181 then turning left onto Brocastle Avenue. From here vehicles will turn left into Horsefair Road, then onto a series of unnamed roads (A and B) to the site access.

Passing bays are proposed on Roads A and B as part of the development proposals. The construction traffic route is shown on the attached Appendix 1. All deliveries will be managed to ensure that no vehicles entering or exiting the site meet on the final section of the delivery route from the Waterton Industrial Estate to the site access. Approaching delivery drivers will be advised to remain at the holding area on the eastbound side of the A473 or on Horsefair Road until an appropriate time to proceed towards the site.

Due to the width of the existing carriageway on the final section of the delivery route on Roads B and A, all large delivery vehicles would be guided to and from the site by site staff-driven vans using flashing lights to ensure other approaching traffic is aware of oncoming large vehicles. All deliveries would be guided between the Waterton Industrial Estate and the site access.

On Horsefair Road the HGV would wait with a guiding vehicle until advised to proceed towards the site. A second guiding vehicle would drive to the junction of Roads A and B to request that public vehicles do not proceed along Road B to allow the HGV to be called through. In event that a public vehicle ignores the request, passing places would be provided on Road B to enable the HGV to wait, until the public vehicle has passed. From Road B the guiding vehicles would then lead the HGV southwards along Road A until reaching the site access."

The Highways Engineer's initial concerns centred upon inadequate passing places and the associated impact on the safety and free flow of traffic. Consequently, and as noted above in the extract from the COMP, the application now proposes 4 additional passing places. The COMP will also put measures in place in respect of temporary signage and restricted delivery times.

The highways engineer has given close scrutiny to the construction traffic route and the proposed passing bays are considered to represent a significant improvement to the access route to the site. The engineer is now satisfied that subject to the measures in the COMP being carried out, the highway network is capable of adequately accommodating the construction traffic without unacceptably impacting upon pedestrian highway safety, and the free flow of traffic. In coming to this conclusion, it should also be noted that the impacts would be for a temporary period and that the lanes are lightly trafficked.

Notwithstanding the above, it is accepted that residents would observe an increase in traffic (and in particular large vehicles) during the construction phase and there may be an impact on amenity during this time. However, it is considered that the measures proposed in the COMP would largely mitigate those impacts to the point where the development can now be accessed by construction and maintenance vehicles in a way that would not unacceptably impact upon the local highway network. This issue, as with visual impact and all of the other material considerations assessed above, must be weighed against the benefits of the scheme, and it is considered that the temporary construction impacts would not be so significant as to justify refusing the application.

A construction compound would be sited in the southern part of the site, for the duration of construction. The compound will allow storage of materials, to allow delivery vehicles and any other staff vehicles to park within the site clear of the highway, and for vehicles to turn without having to reverse out onto the highway.

Impact on Local Highway Network – Operational Phase

Once constructed, there is little requirement for maintenance, with access to the solar farm likely to involve infrequent vehicles movements for maintenance works, including mowing grass beneath the panels, and washing the panels. Except for maintenance visits, the site will be an unmanned, passive installation. It is considered that these visits will have negligible impact upon overall traffic in the area.

Impact on Local Highway Network – Conclusion

Having regard to the above, it is considered that the introduction of additional HGVs over a three-four month construction period will have a temporary impact on the local network, and that this route can adequately accommodate the level of daily HGV movements proposed during construction. No objections have been raised by the highways engineer, and it is also considered that ongoing maintenance will have negligible impact on the highway network.

The development is, therefore, considered to be acceptable in terms of highway safety, in accordance with Policies ENV27 and COMM8 of the UDP.

Impact on Residential Amenity

The dwellings that are sited closest to the site and closest to the construction traffic route will inevitably be impacted upon to a degree by deliveries and activities associated with the construction of the development. However, it is considered that the number of vehicles movements would not be overly intensive during that period, as outlined in the highways issues section above, and the COMP would control the hours of operation. The applicant considered alternative routes, including through the village, however, it was considered that the route now proposed would be preferable in terms of minimising disruption to residents. It is considered that the route proposed is more appropriate and while it would run close to residents at the eastern edge of the village, it would be located well away from the majority of dwellings. Notwithstanding this, it is considered that the number of vehicle movements associated with the construction would not be excessively harmful to residential amenity by way of noise.

The construction compound would be sited approximately 200m from the nearest dwellings at the edge of the village, which is considered to be sufficient distance to ensure that the activities associated with the compound would not unacceptably impact upon residential amenity in terms of noise or disturbance. The Council's Environmental Health section has raised no objection subject to controls over the hours of operation.

The impact on landscape character is considered above, however, while there would clearly be a change to the character of the land and wider landscape from a number of wider public viewpoints, it is considered that there would not be a significant change in views (particularly close views) from residential properties. Furthermore, it is considered that any change in view or outlook experienced from individual residential properties would not be so harmful to the living conditions of the occupiers that it would warrant the refusal of the application.

Wind Noise - There has been no evidence submitted to suggest that wind blowing between the solar arrays is inherently noisy but notwithstanding this, the Council's Environmental Health Officer (EHO) (pollution control) has assessed the development as a whole, including the impact of inverters and substations. No objection is raised in respect of noise and the Council's EHO is therefore satisfied that the development would not result in a level of noise that would unacceptably impact upon the residential amenity of the nearest occupiers.

The CCTV cameras associated with the development are to be directed at the development, therefore, it is considered that the privacy of this residential property would not be adversely affected.

It is also considered that nearby properties would not be unacceptably impacted upon in terms of noise or light pollution (any external lighting can be restricted and controlled by condition). In this and the above respects, the development is considered to be in accordance with Policies ENV27, ENV29 and COMM8 of the UDP, in terms of residential amenity.

Impact on Trees

The existing trees are located outside of where the arrays and enclosures would be site. Furthermore, none of the trees are protected with TPOs and the site does not lie within a conservation area. It is therefore considered that the development would not unacceptably impact upon trees.

Nevertheless, it is considered reasonable to recommend a condition which requires further clarification of the comprehensive landscaping scheme, including details of trees to be retained and how they will be protected during the course of the development.

Ecology

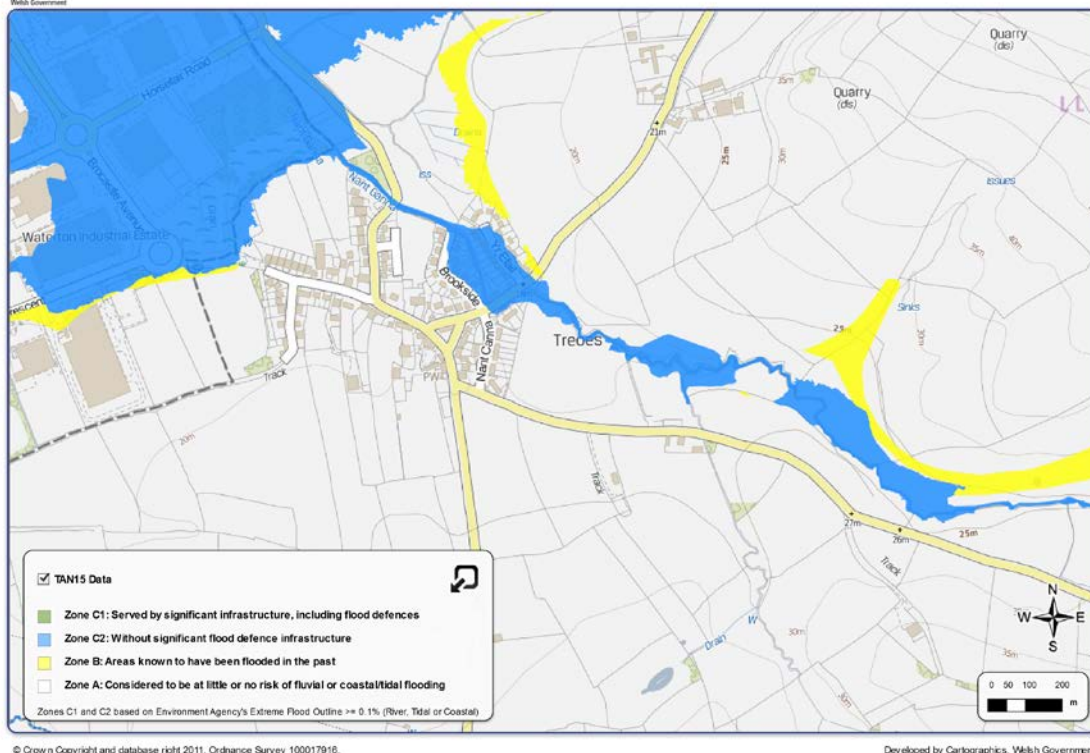
The application has been accompanied by an ecological appraisal, which made a series of recommendations in respect of protected species, habitats and ecological enhancement.

Natural Resources Wales (NRW) have reviewed the submissions and raise no objection subject to a condition relating to a method statement for Himalayan Balsam. The Council's Ecologist has raised no objection, subject to an Ecological Management Plan condition.

On this basis and subject to the conditions above, and the implementation of the measures/recommendations contained in the reports, it is considered that the development would not unacceptably impact upon ecology, in accordance with Policies ENV16, ENV27 and COMM8 of the UDP.

Flood Risk Management / Drainage Matters

The application site lies partially within Flood Zone B1 (the eastern edge) and partially within flood Zone C2 (part of the access track). It is, therefore, supported by a Flood Consequences Assessment, which considers the risk of the development being subject to flooding and the risk of flooding elsewhere in the catchment as a consequence of the development. The map below shows an extract from the Development Advice maps that accompany TAN 15 and this shows that the majority of the site lies outside of the C2 flood Zone.



The FCA concludes that while in extreme storm events there may be localised flooding at the entrance to the site, the development by its nature would not increase field run off from the current levels.

It is evident from the representations received from residents that there is significant local concern in respect of flooding. However, the nature of the existing situation does not in itself infer that the development is unacceptable, rather it must be considered as to whether the proposed development would worsen the existing situation and if so whether that would be to such an extent that it has unacceptable flooding/run off impacts.

Natural Resources Wales (NRW) do not context the applicant's conclusions that the development would not increase surface run off and on that basis they have not objected in respect of flood risk. However, in light of local concerns and the fact that there is evidence of flooding issues around the site entrance, it is considered that it would nevertheless be prudent to place a condition upon any planning permission which requires details of surface water management to be agreed, including the surface water proposals for the access track. That will give the Council's drainage engineers and NRW if necessary, scope to consider further detail in this respect. However, it should be emphasised that notwithstanding the local objections, the consultation responses received from NRW do not raise concerns with regarding to increased run off or flooding.

As noted above, NRW have considered the development and the FCA and have not raised an objection to the application on flooding grounds. NRW note that the majority of the site is located outside of the fluvial floodplain of the Nant Ganna but that part of the proposed access track may be at flood risk in the 1 in 100 and 1 in 1000 flood year flood events. They do however note that this is a small proportion of the overall scheme would potentially be affected.

NRW have invited the Local Planning Authority to consider the test set out in TAN 15, when deciding whether the development at this location is justified.

TAN 15 states that:

6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Firstly, it is considered that the proposal development is not highly vulnerable and is not related to emergency services. While the development does not strictly relate to regeneration initiatives, insofar as it doesn't relate to a specific regeneration scheme on a local level, it is considered that this development and wider renewable energy aims are nevertheless highly relevant to wider regeneration aims (particularly from an environmental perspective).

While the proposal would not be upon previously developed land, it is considered that it would meet PPW objectives in terms of renewable energy, and the potential consequences of part of the access road flooding are considered to be minimal (subject to the applicant demonstrating adequate surface water drainage mechanisms).

No representations have been received to date from the Council's drainage engineer, however, while there has been no representations received from that consultee to suggest the development will pose a flooding or run off problem, as noted above it is nevertheless considered prudent to impose a condition to require the detailed proposals in terms of surface water to be submitted and approved.

Accordingly, and subject to this condition, it is considered that the development is acceptable in terms of flood risk and drainage, in accordance with Policy ENV7 of the UDP and the advice contained within TAN 15.

Glint and Glare

With reference to 'glint and glare', it is noted that WAG Practice Guidance does state that despite their non-reflective design, it is possible that intense direct reflections of the sun ('glint'/'specular reflection') or more diffuse reflections of the bright sky around the sun ('glare') by solar PV panels (and their supporting frames) may cause viewer distraction. In addition to increasing the visual impact of a development in the landscape this can potentially impact on air traffic safety.

In terms of air safety, it should be noted that the site lies a significant distance from Cardiff Airport. The Civil Aviation Authority suggests that aerodromes may be affected within a 5km radius, although no objections have been received from Cardiff Airport or the Ministry of Defence.

The proposal is therefore considered to be acceptable in these terms and it is considered that there is no evidence to suggest that the development would represent a hazard to air safety.

Agricultural Land Quality

National practice guidance recognises that, in view of the national policy support for farm diversification and the relatively large area of land required for solar PV arrays, that a significant proportion of proposals for solar PV arrays will be on agricultural land.

Policy ENV2 states amongst other things, that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated. The application is accompanied by an assessment of the agricultural land quality and it concludes that the land is 3A.

The 1966 Agricultural Land Classification Maps indicate that the site is Grade 2 and the subsequent subdivision maps (subdivision of Grade 3 into 3A, 3B and 3C in 1986) do not cover this area. It is considered that relatively limited weight can be afforded to the 1966 map, given the significant period of time that has elapsed, and there is no evidence to dispute the findings of the submitted assessment that concludes it is 3A.

However, the proposed development would not irreversibly affect the land, since the panels are mounted on poles that are driven into the ground and not on concrete bases or similar. The associated transformer station etc would be constructed upon a hardstanding/base, however, these parts of the development are small in scale and could be easily removed when the development has ceased, as could any access tracks between panels.

The nature and spacing of the panels are also such that typically sheep could continue to graze between them, should this be proposed.

Subject to condition controlling the de-commission of the site following a period of 25 years, or within 6 months of the cessation of electricity generation, whichever is sooner, (as suggested by PPW) the land will in any respect be restored to its former condition such that any impact would not be irreversible.

Additional Works in connection with Solar Farm

The installation of a Distribution Network Operator (DNO) of switchgear cabinets, the laying of the underground cable, and the connection to the overhead line are can be undertaken by the DNO as a Statutory Undertaker under Part 17, Class G(a) of the General Permitted Development Order. They do not, therefore, technically form part of this application or require planning permission.

Cumulative Impacts

It is considered that the only cumulative impact that needs to be considered is one of landscape setting and visual impact. In this respect, there are not any other similar approved developments in the locality. It is, therefore, considered that there would not be a cumulative impact with other similar developments.

Public Right of Way (PROW) Issues

As noted above, the PROW officer has advised that Public Right of Way (PROW) no. 42 runs through where the temporary construction compound would be sited and therefore a temporary order to secure closure or diversion of the PROW must be sought. However, it is considered that this would be temporary, through the duration of the construction works and would not permanently affect the route. However, there are in any case legal procedures available to formalise such changes and it is considered that this would not fundamentally affect the functional usability of the PROW. Issues related to the visual impact of the PROW are considered above.

Minerals

It should be noted that the site is located within an area than falls under policy SP9 of the Draft LDP, due to the findings contained in the Minerals Background Paper 2013. That policy requires the Council to maintain a minimum of 10 years land bank of hard rock through the plan period. However, while the development is in any case temporary, the Draft LDP notes that the Council currently has a land bank of 56 years as of 2012. Accordingly, the development of this site for a solar farm, for a temporary period of 25 years, would not prejudice compliance with that policy and would not permanently prejudice the use of that land for that minerals purpose.

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 1, 2, ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV4 – Special Landscape Areas, ENV 7- Water Resources, ENV10 - Conservation of the Landscape, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of the Built and Historic Environment, ENV27 - Design of New Developments, ENV29 - Protection of Environmental Quality, EMP7 - Farm Diversification, and COMM8 - Other Renewable Energy Schemes, and the advice contained within Planning Policy Wales 5th Edition (November 2012) and Technical Advice Notes 6: Planning for Sustainable Rural Communities and 8: Planning for Renewable Energy and 11- Noise, and the Council's Supplementary Planning Guidance, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of the Lower Thaw Valley Special Landscape Area, while also having no unacceptable impacts on highway safety, residential amenity, ecology, potential glare / air traffic safety and impact on agricultural land quality.

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. Within 25 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production or within 25 years of the completion of construction, whichever is the sooner.

Reason:

In the interests of visual amenity and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

3. Prior to the commencement of development details of measures for wheel washing, road sweeping 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 construction phase 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.

4. No development shall commence until such time as full details of the proposed site compound - to include details of any site office, parking, manoeuvring areas, enclosures and storage areas - and the precise route and any alterations to facilitate the temporary access to the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual and residential amenity and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

5. Notwithstanding the submitted plans and reports, the construction phase of the development shall at all times be in accordance with a scheme of hours that shall first be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason:

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

6. No external artificial lighting shall be installed during the operation of the site as a solar photovoltaic facility, unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

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

7. The development shall only be enclosed with Deer Fencing, as indicated on plan 880_140911.002 received on the 15 April 2015, unless any variation is first agreed to in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the Special Landscape Area and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

9. Prior to the commencement of development, an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the EMP shall be carried out in full and the development shall at all times be carried out in accordance with the EMP.

Reason:

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

10. Notwithstanding the submitted plans, a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and details of all new hedges and trees, 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.

11. 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.

12. Prior to any work commencing on site the developer shall appoint an independent highway maintenance consultant to carry out a full and comprehensive condition survey of the local highway network (the relevant scope of which shall be first agreed in writing with the Local Planning Authority) and the survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

13. Following the construction of the solar panels and prior to their first commissioning the developer shall appoint an independent maintenance consultant to carry out a full and comprehensive condition survey of the highway network referred to in Condition No. 12 above, so as to identify any difference in the condition of the highway since the commencement of the construction of the solar park, and any repairs required as a consequence. The survey shall be submitted to and approved in writing by the Local Planning Authority, prior to the first commissioning of the solar panels.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

14. Following the construction of the solar panels and prior to their commissioning, the developer shall carry out any repairs to the adopted highway identified in the second survey required by Condition No. 13 above, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

15. This consent shall only relate to the plans and documents registered on the 21 January 2015, other than where amended and supplemented by the following documents:

- Amended Transport Statement- May 2015
- Amended Construction and Operational Management Statement May 2015.
- Amended means of enclosure plan 880_140911.002

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.

16. Prior to the commencement of development, further details of the proposed means of surface water/land drainage to serve the development (for the site as a whole, incorporating the proposed access track and site compound) shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times be carried out in accordance with the approved details.

Reason:

In order to ensure that surface water/land drainage is adequately catered for and to ensure compliance with Policies ENV7, ENV27 and COMM8 of the Unitary Development Plan.

17. The development shall at all times be carried out in accordance with the Peter Evans Partnership Construction and Operational Management Plan, dated May 2015.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

18. Prior to the commencement of development, full construction details of the proposed four new passing bays and areas of localised highway widening/realignment as identified on plan 2671.06B (to include full details of the proposed culverts) shall be submitted to and approved in writing by the Local Planning Authority. The passing bays/highway alterations shall be implemented in full prior to the commencement of any works within the submitted 'red line' application site.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

19. Notwithstanding the submitted plans and prior to the commencement of development, further details of the proposed site access from the vehicular highway shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the means of surfacing of the site access (for a distance of 20m from the highway), vision splays and any landscaping works associated with the access (removal and/or reinstatement).

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

20. No development shall take place until a method statement for removing/the long terms maintenance of Himalayan Balsam on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be carried out in accordance with the approved method statement.

Reason:

To prevent the spread of Himalayan Balsam and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

NOTE:

1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
2. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

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

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

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

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

2015/00076/FUL Received on 12 February 2015

Persimmon Homes East Wales, Llantrisant Business Park, Llantrisant, Rhondda Cynon Taff, CF72 8YP
Persimmon Homes East Wales, Llantrisant Business Park, Llantrisant, Rhondda Cynon Taff, CF72 8YP

Ysgol Maes Dyfan, Gibbonsdown Rise, Barry

Redevelopment of the site for 34 dwellings, car parking and any associated works

SITE AND CONTEXT

The application site encompasses part of the former site of Ysgol Maes Dyfan (centre of the aerial photograph below) which until recently included a series of 1960s single storey buildings with associated extensions, playing fields, car park area and maintained play areas. The site is generally flat with a south facing aspect. The surrounding area is predominantly residential with an area of open grassland towards the south of the site. The site is enclosed by Gibbonsdown Rise to the west, Willows Crescent to the south, Treharne Road to the north and O'Donnell Road to the east.



The redevelopment of Ysgol Maes Dyfan for 81 dwellings is divided into two Phases. Phase 2 is the subject of this application and relates to 34 dwellings. Phase 1 received a resolution to approve (subject to a legal agreement) at the previous planning committee on 14th May 2015.

The site was divided into two phases to allow further ecological survey work to take place on the Caretakers house; this survey work has now been completed and further discussion is within the Ecology section of the report. The red line in the drawing below represents the extent of the application site for Phase 2.

- Nine 2 bedroom 2 storey house (Morden style)
- Two 3 bedroom 2 storey house (Hanbury style)
- Three 3 bedroom 2 ½ storey house (Souter style)
- Three 3 bedroom 2 storey house (Hatfield style)
- One 3 bedroom 2 storey house (Clayton Corner style)
- Six 4 bedroom 2 ½ storey house (Leicester)

A selection of the house types proposed is show below.

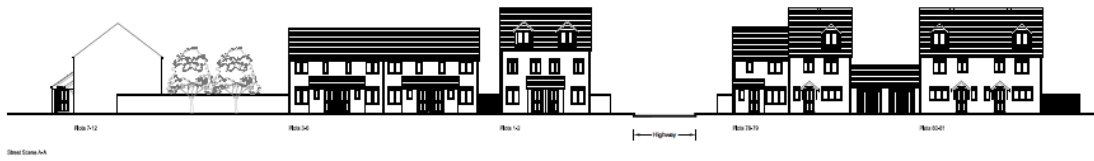


House Type – Morden

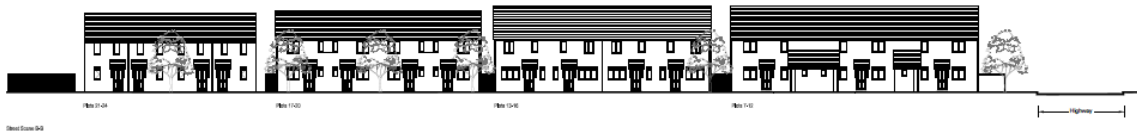


House Type - Leicester

The proposed street elevation along Gibbonsdown Rise is shown on the drawing below.



The proposed street elevation along Treharne Road is shown on the drawing below.



The affordable housing dwellings consist of:

- Four 2 bedroom 2 storey house (Alnwick Style) – Low cost ownership
- Three 1 bedroom flat (565 sqft) – Social Rented Unit
- Three 1 bedroom flat (629 sqft) – Social Rented Unit



House Type – Alnwick

The proposed layout, including Phase 1 and Phase 2, has been based around outward facing positive frontages onto both Treharne Road and Gibbonsdown Rise. Internally the site has a primary access point off Gibbonsdown Rise leading to the secondary frontages within the site. The dwellings vary in size, with the majority proposed at two storey with around a third of the units at 2 ½ storey to add interest to the built form. Phase 2 also includes six flats in a single two storey block.

Vehicular access to the site will be achieved via a new access off Gibbonsdown Rise, directly opposite the access to Sycamore Crescent. Within the site the main road will run west to east with a secondary street running to the south leading to a shared surface tertiary street running west to east.

PLANNING HISTORY

2014/01166/PND : Ysgol Maes Dyfan, Gibbonsdown Rise, Barry - Demolish single storey school building and Caretaker's house - Approved 6 November 2014.

2014/00800/FUL : Ysgol Maes Dyfan, Gibbonsdown Rise, Barry - Redevelopment of the site for 81 dwellings, car parking and any associated works - Withdrawn

There is also an associated planning application which received a resolution to approve and the previous Planning Committee on 14 May 2015:

2015/00075/FUL: Ysgol Maes Dyfan, Gibbonsdown Rise, Barry – Phase 1 – Redevelopment of the site for 48 dwellings.

CONSULTATIONS

Barry Town Council – “provided that the Town Council is party to any discussions with the developer that will help mitigate the impact of the development on the surrounding area by appropriate and necessary contributions to improve local infrastructure, including local community facilities, no objection is made”.

Highway Development – no objection, subject to conditions, following requests for amendments to the originally proposed internal layout

Highways and Engineering (Drainage) – no objection, subject to condition

(Environmental Health) (Now Shared Regulatory Services) – no objection subject to conditions requiring submission of a Construction Environmental Management Plan, a restriction of working hours and a condition relating to contamination, if found during construction.

The Council’s Ecology Officer – No objection subject to a condition requiring submission of an Ecological Management Plan.

Estates Strategic Property (Estates) - No objection

The Council's Housing Officer – Support the proposed unit mix of 4 x 2 bed houses (intermediate) and 6 x 1 bed flats (social rented).

The Council's Education Section – Requirement for Phase 1 and Phase 2 would generate 8 nursery, 21 primary and 19 secondary age pupils. Contribution for Phase 2 taking account of surplus capacity and other permitted development in area. Primary contribution is £14,463.26 and Secondary contribution is £87,173.68

Dwr Cymru/ Welsh Water – No objection subject to conditions including request for a comprehensive and integrated drainage scheme.

Natural Resources Wales – No objection.

South Wales Police – Welcome the opportunity for detailed consultation with developers with an aim of fully exploring opportunities for designing out crime

South Wales Fire and Rescue Service – Developer should consider the need for the provision of a) adequate water supplies on the site for firefighting purposes; and b) access for emergency firefighting appliances.

REPRESENTATIONS

The neighbouring properties were consulted on 10 February 2015.

Six site notices were displayed around the site on 11 February 2015.

The application was also advertised in the press on 19 February 2015

One letter of representation has been received on the Phase 2 application raising concerns regarding highway safety due to the increase in traffic movements across a 24 hour period.

Members may recall that five letters were received on the Phase 1 application, some of which referred to the development as a whole. Whilst some previous concerns related to specific plots within Phase 1, other comments included:

- Leaving this small area of green space will enhance the estate as a whole and provide much needed roosting and cover for birds and wildlife.
- Concerns regarding highway safety and increase traffic to junctions which are already dangerous.
- Object to number of dwellings proposed.
- Further rainfall and run off will add to an already flooded area.

Non-planning matters were also raised.

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:

ENV16	- PROTECTED SPECIES
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
HOUS1	- RESIDENTIAL ALLOCATIONS
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS11	- RESIDENTIAL PRIVACY AND SPACE
HOUS12	- AFFORDABLE HOUSING
TRAN10	- PARKING
TRAN11	- ROAD FREIGHT
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
COMM5	- RETENTION OF COMMUNITY FACILITIES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) 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 deals with conserving and improving natural heritage and the coast and provides advice regarding biodiversity.

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 (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Members will be aware that **Technical Advice Note 1** (TAN1) has been recently updated and that this is the second planning application to come before committee under the new TAN1. Members will also be aware that a key change to the revised TAN1 guidance is that the use of JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the new TAN1 guidance the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those LPAs without an up-to-date development plan are unable to demonstrate a housing land supply for determining planning applications.

Members will be aware that the adopted Vale of Glamorgan UDP expired on 1st April 2011, and officers are currently preparing for submission of the LDP to Welsh Government for independent Examination by an appointed Inspector, which is timetabled to take place from August 2015. As a consequence of the revised TAN 1 guidance it is not until the Council has formally adopted its LDP that the Council will be able to produce its annual JHLAS report. Under the Council's LDP Delivery Agreement, adoption of the LDP is anticipated to take place in September/October 2016. Local Planning Authorities that do not have either an adopted LDP or UDP will be unable to formally demonstrate its housing land supply position and will effectively be considered not to have a five year housing land supply.

In this regard officers are of the view that this requirement to keep under review the housing land supply retains the ability for the housing land supply to be a material consideration in the determination of planning applications, particularly given the emphasis on evidencing a 5 year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a 5 year housing land supply on its adoption, and these are themselves considered to be important material considerations.

Therefore, the determination of planning applications for residential development in advance of the LDP Examination would need to fully consider all other material considerations, such as the LDP background evidence and the wider environmental, social and economic benefits of the scheme (such as meeting local housing needs and the provision of local infrastructure).

It is of course material to this application that whilst the UDP is technically time expired the site is within the settlement boundary of Barry and in principle, therefore, acceptable for residential development. Moreover, Ysgol Maes Dyfan is an allocated site within the LDP.

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
- Barry Garden Suburb
- Biodiversity and Development
- Model Design Guide for Wales
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees 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 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
- Findings of the Site Assessment Process (2013)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)
- Identification of SINC's (2013)
- Local Housing Market Assessment (2013 Update)
- Open Space Background Paper (2013)
- Plan Preparation and Assessment of Flood Risk (2013)
- Population and Housing Projections Background Paper (2013)
- Small Sites Viability Report (2013)
- Spatial Options Background Paper (2007)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)
- Draft Infrastructure Plan (2013)
- Joint Housing Land Availability Study (2014)
- Planning and Working Together: The VoG Community Strategy 2011-2021
- The Affordable Housing Delivery Statement (2009)
- Vale of Glamorgan Council Local Development Plan Delivery Agreement
- Vale of Glamorgan Housing Strategy
- Vale of Glamorgan Tourism Strategy (2011-2015)

Issues

Having regard to the above national and local policy context, the location of the site and consultation responses, the main issues in relation to this application are the principle of development; design and layout; house types, design and siting; residential amenity; trees and landscaping; drainage and flood risk; ecology and Planning Obligations.

Principle of Development

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise.

Unitary Development Plan

In this case, the Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This Plan is technically time expired (as of 31 March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where 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.

Ysgol Maes Dyfan was an operational school at the time of the adoption of the UDP, and was not at that time anticipated as coming forward for potential residential development. However since the site is within the settlement of Barry, UDP Policy HOUS2 applies which allows for housing infill, small-scale development and redevelopment which meets the criteria of HOUS8. Policy HOUS8 states that development within settlement boundaries will be permitted provided certain criteria are met including a development with sympathetic scale, form and character, no unacceptable effect on amenity and character of existing or neighbouring environments of noise, traffic congestions, exacerbation of parking problems or visual intrusion and that amenity standards are in accordance with Council's approved guidance.

Local Development Plan

Policy MG2 of the Deposit Local Development Plan sets out the Housing allocations to meet the housing requirement identified in Policy SP3 – Residential Development.

Policy MG2 set outs a hierarchy of allocated sites relating to Strategic Housing Sites, Key Settlement Sites, Service Centre Settlements, Primary Settlements and Minor Rural Settlements. The application site is in the Key Settlement of Barry and is referred to as Ysgol Maes Dyfan allocation MG2 (12) anticipated for 45 dwellings. The development is also expected to contribute towards delivery of enhanced open space on land to the south.

Policy MG25 refers to Public Open Space Allocations and allocates land for the provision of open space at the application site referred to as 'Land adjoining Ysgol Maes Dyfan for 0.16HA'.

Therefore, notwithstanding that the current LDP remains un-adopted, in the context of the UDP and national planning policy regarding the re-use of previously developed land; the redevelopment of Ysgol Maes Dyfan is considered acceptable subject to detailed considerations.

Density of the development

In terms of density, PPW advises that 'Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by public transport, walking and cycling should either not be allocated for development or be allocated or reallocated for uses which are not travel intensive.'

The development across Phase 1 and Phase 2 proposes 81 units whereas the Draft Deposit LDP allocates it for up to 45 units. Given that the LDP is in draft form, the reference to 45 units is not definitively prescriptive to the site; however, it provides a basis to consider the appropriate density for the site. It is important to ensure that sites in sustainable locations are developed efficiently, and it is also necessary to consider the character of the area and whether an increase in density would be appropriate and sympathetic to the surrounding context. The site does not form part of a minor rural settlement, where densities may typically be lower, and it is considered that the proposed density is compatible with the nature of surrounding residential development and is considered an efficient use of previously developed land in an urban location.

Internal Road and Footpath Layout

The development involves the provision of a secondary access road from Gibbonsdown Rise (a principal road), leading west to east at the northern end of the site to a Cul de sac, with a continuation to the south, which also leads west to east to a Cul-de-de-sac. The road layout incorporates areas of block paved shared surfaces within the two cul-de-sacs.

In addition to the benefits of reducing traffic speeds (see below), it is considered that this highway layout (and use of different materials within shared surfaces) adds character to the development, gives distinction between the different parts of the site and would reduce vehicle speeds. In this respect, it is considered that the layout would create a sense of place as opposed to comprising a series of replicated/repetitive cul-de-sacs.

As noted above, the plans show a change in materials at various points to denote a change from primary to secondary and secondary to shared surface and it is considered that this accords with the aims of Manual for Streets to create a hierarchy of routes through the site.

The layout also prioritises pedestrian permeability; the proposed footways, pedestrian link and shared surfaces mean that pedestrian movements from any part of the site towards the main entrance onto Gibbonsdown Rise would be relatively easily facilitated. It is considered that this would encourage pedestrian and cycle movements, maximise the connectivity between the site and other parts of Barry and accord with the principles of Manual for Streets. The developer has also proposed a pedestrian link to the area of public open space to the south of the site. Further consideration will be given to the use of some of the S106 Public Open Space contribution to provide a link through to Willows Crescent across this Council owned land.

In terms of parking, the majority of dwellings would be served by off street parking within their curtilages. A forecourt parking area is provided in the north western corner of the site, to the rear of the proposed flats and affordable housing units. The majority of parking for the rest of the development is to the front of the dwellings, with the larger houses in the south (adjacent to the open space) with parking to the side.

In summary, it is considered that the layout has regard to the principles of Manual for Streets (insofar as it relates to the network or roads and footways) and would accord with the aims of Policy HOUS8 of the UDP.

House Types, Design and Siting

The application proposes 34 dwellings in total with a mix of houses types including:

- Nine 'Morden' a two bedroom, two storey house with an area of 51m²
- Two 'Hanbury' a three bedroom, two storey house with an area of 71m²
- Three 'Souter' a three bedroom, two and a half storey house with an area of 87m²
- Three 'Hatfield' a three bedroom, two storey house with an area of 90m²
- One 'Clayton Corner' a three bedroom, two storey house with an area of 93m²
- Six 'Leicester' a four bedroom, two and a half storey house with an area of 107m²
- Four 'Alnwick' a two bedroom, two storey house with an area of 59m²
- Three one bedroom flats with an area of 52m² with another three one bedroom flats with an area of 58m² in a two storey block.

The existing context to the site comprises the surrounding residential development in Gibbonsdown. There is little consistency within the surrounding built environment (including detached, semi-detached and terraced with material including brick, brick and render, stone and render) and accordingly, there are no overriding design cues to follow. The proposed houses comprise a mix of designs and house types, but with a consistent and relatively 'conventional' character, predominantly utilising brick.

The overall design of the house types and flat development, whilst fairly typical of a volume house builder, are considered as a group to be of an acceptable design that with varying heights including two storey and 2 ½ storey houses, would result in a sufficiently interesting and varied built environment that is sympathetic to the site's context and has regard to the character of the surrounding residential development.

Importantly the dwellings have been orientated to ensure that primary elevations front the roads along the western side of the site to Gibbonsdown Rise and along the northern part of the side to Treharne Road.

The dwellings are also comparable in their general scale, massing and height to the existing neighbouring residential developments and in this respect also, the proposed dwellings will be in keeping with the surrounding built environment.

Highways issues associated with internal road layout, and parking.

As noted above, the highway layout involves the provision of a principal access road, which leads to two shared surface cul-de-sacs.

It is considered that the layout has been designed upon the principles of Manual for Streets and in particular, it is considered that the development gives opportunities for wholly shared surfaces that are advocated by Manual for Streets, given their modest size, their location and the relatively low levels of traffic that would use them.

The Highways Engineer initially raised some concerns in respect of the proposed layout including requesting amendments to ensure sufficient junction radii at the main entrance, adequate visibility splays on internal junctions, extending the width of the internal linked footway, removing some of the proposed ramps, ensuring sufficient width on the shared surface and incorporation of an additional footway. A revised layout plan was subsequently received incorporating the majority of the requests made. Persimmon were unable to provide the requested width for the shared surface areas, however, on re-consultation Highways were happy with the amended layout in this case.

Having regard to the above and on the basis of the amended layout, it is considered that the concerns initially raised by the Highways Engineer have been overcome and the proposed internal road layout is considered to be safe and acceptable in planning terms. In particular, the principal access into the site is considered to be safe and served by adequate vision splays.

While TAN 18 doesn't require a Transport Assessment (TA) until over 100 units, a TA has nevertheless been carried out to assess the traffic and transport impacts. It concludes that the highway network can accommodate the development without unacceptable impacts in terms of traffic and congestion, and that the relevant junctions will operate within capacity. The highways engineer has not objected in terms of traffic generation and congestion, and consequently it is considered that the development is acceptable in these terms.

Impact on residential amenity of existing residents.

A number of letters have been received from existing residents raising their concerns regarding the redevelopment of this site and the potential impacts this will create. Concerns regarding highways, loss of trees and drainage have been addressed elsewhere in this report.

With regards the direct impacts of the development on existing levels of privacy and general amenity, whilst the introduction of a residential use adjacent to existing properties will undoubtedly change the existing relationship, the proposed dwellings have been located to ensure that the minimum distance of 21m between principal opposing windows is maintained, in the line with the Council's Amenity Standards SPG.

It is therefore considered that the new dwellings are sited so as to ensure they would not be overbearing or unneighbourly to any neighbour and would not unacceptably impact upon parking, in accordance with Policy ENV27 of the Unitary Development Plan and the Council's Supplementary Planning Guidance.

The Council's Environmental Health Officer has reviewed the application and whilst raising no objection to the proposed development, suggests conditions are attached to request submission of a Construction Environmental Management Plan (CEMP) a condition relating to working hours and specifically timings relating to founding or other piling or drilling on site (if required) as well as a condition in the event that contamination is found when carrying out the approved development.

Amenity of the future occupiers of the site

The dwellings would be served by private garden spaces, a number of which would not meet the requirements of the Council's SPG. The gardens that do not meet the requirement of 1m² of amenity space per 1m² of gross floor space do not amount to a significant shortfall and it is considered that all of the gardens are of sufficient size to meet the outdoor relaxation and functional needs of the occupiers. While the areas of amenity space are considered adequate, it is considered that the contribution the development would make to strategic housing provision outweighs the deficit in amenity space relative to the requirements of the Council's SPG.

Furthermore it is considered that the relationship of the proposed buildings to each other is such that the respective dwellings would not appear as overbearing or unneighbourly to each other, and each dwelling would benefit from adequate levels of privacy.

Drainage and flood risk.

The Council's drainage engineer commented that whilst no details of a drainage strategy have been submitted with this application, the drainage section has been involved with the development of a drainage strategy due to the existing surface water flood risk in the Coldbrook catchment to which this development discharges. As such the principles of surface water drainage and attenuation of flows off site have been agreed separately, limiting run-off to greenfield rates (12l/s) and providing storage up to a 1 in 100 yr standard + 30% allowance for climate change. The attenuation and flow control device will be adopted by the Council, subject to appropriate commuted sums. The surface water system above the flow control device will be vested in Dwr Cymru Welsh Water (DCWW).

In the latest plans submitted to DCWW there is a single soakaway utilised to drain yard water from two lots to the north-east of the site. If this system is to remain in private ownership details should be submitted identifying responsibility for ongoing maintenance and repairs.

No details have been given how run-off from the site will be managed during the construction phase to ensure no detrimental impact on the watercourse into which the system discharges. The development has the potential to introduce pollution, including silt, cement and other waste materials to the Coldbrook watercourse. The surface water sewer down to the watercourse also remains in the Council's ownership and adequate measures must be in place to protect the integrity of the existing system.

The Council's drainage engineer, in light of the above, has made recommendations for conditions including requesting a detailed scheme for drainage of the site, a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system and a Construction Phase Surface Water Management Plan.

DCWW has no objection to the development and recommends conditions relating to foul and surface water discharges draining separately, surface water not connecting either directly or indirectly to public sewerage system (unless agreed), land drainage not discharging directly or indirectly to public sewerage system and the submission of a comprehensive integrated drainage scheme for the site.

Natural Resources Wales had no comments to make on this application.

Drainage and flood risk is a concern which has been raised in one of the letters of representation received. The Council, Dwr Cymru Welsh Water and Natural Resources Wales have considered the drainage and flood risk issues in detail and subject to the imposition of conditions (as referred to above) do not raise an objection to the development.

Having regard to the above, it is considered that the development complies with Policies ENV7 and ENV27 of the UDP.

Trees and Landscaping

The application has been accompanied by a Tree Survey, Tree Constraints Plan and a Detailed Soft Landscape Proposals. The application site is not within a conservation area and there are no TPO protected trees within the site.

Nevertheless, there are a number of existing trees around the boundary edges of the site, which will be lost as a result of the proposed development. These are mainly along frontages facing Gibbonsdown Rise and Treharne Road. A cluster of trees on the eastern boundary (which are within the site area for Phase 2) are marked to be retained.

The submitted landscape proposals for the site show a number of trees being planted along the road frontage facing Gibbonsdown Rise and Treharne Road, in addition, additional trees as well as grassed areas to the front of properties are shown within the internal layout.

Whilst the loss of trees is always regrettable, none of the trees within the site are of such quality or contribution to visual amenity that they represent a constraint to the development and the proposed landscaping scheme is considered to mitigate for their loss.

Ecology

The application has been accompanied by an Extended Phase 1 Habitat Survey Report. The Survey Report concluded that the majority of the site has low ecological value and that the proposals for residential development will not have a detrimental impact on any priority species, habitats or designations.

No part of the site is covered by any statutory national or international designation. Although the site is 1.25km from Barry Woodlands SSSI and 2.75km from Hayes Point and Bendrick Rock SSSI the distance between these sites and the application site means that the development proposals are highly unlikely to impact on any feature of these sites. The grassland and hard standing areas dominating the site are considered to have low or negligible ecological value and these along with the location of the school buildings are the most suitable areas for development.

The Extended Phase 1 Habitat Survey has been reviewed by the Council's Ecologist who raised a concern in relation to this phase of the development and in particular the demolition of the caretaker's cottage due to the potential for bats. It was considered there had been a lack of survey effort.

A 'Bat Survey Report Caretakers House' has subsequently been received which concluded that following an assessment that no evidence of bat activity was recorded anywhere within the interior or exterior of the structure. All areas of the building were easily examined and no parts were inaccessible for survey purposes. Following a daylight assessment, further work in the form of emergence surveys were undertaken in May 2015 with the results confirming that bats are not using any part of the building as a roost site and that the building can be safely demolished.

The additional Bat Survey Report has been reviewed by the Council's Ecologist who confirmed its acceptability and removed their holding objection subject to a condition being attached to secure biodiversity interests on site.

S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

In view of the type and form of development proposed in this location, having regard to local circumstances, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Affordable Housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where staircasing 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.

The application proposes ten affordable units comprising four no. two bed houses (in one style) and six no. one bed flats (in a single block). This equates to just under 30% of the 34 units and the Council's Strategy and Supporting People Manager has accepted this number of units. Six of the units would be social rented and four of the units would be low cost home ownership to reflect the need in Barry.

The units would be in the north eastern corner of the site, with the flats fronting Treharne Road and the houses fronting Gibbonsdown Rise.

In terms of phasing, the affordable housing will need to be delivered alongside the market housing on the site to ensure that it is fully integrated in the development and delivered in a timely manner to satisfy housing need in the area. Therefore, the Section 106 Agreement will include clauses requiring an appropriate percentage of affordable housing to be provided prior to beneficial occupation of a certain percentage of the market housing units.

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 contained in the Planning Obligations SPG indicates that the overall development for 81 units (Phases 1 and 2) would generate the need for education facilities for 8 nursery school age children, 21 primary school age children and 19 secondary school age children. Taking account of existing capacity in the relevant schools, there would be a requirement for a Phase 2 contribution to provide spaces for:

- Primary - £14, 463.26
- Secondary - £87, 173.68

The contributions would be used to increase capacity and facility at identified schools.

This totals £101,636.94 and the applicant has agreed to this amount.

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.

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council as a member of Sewta (South East Wales Transport Alliance) is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

Whilst in this case the site is located within an existing settlement, in line with the rationale set out in the Council's SPG, a contribution of £68,000 is sought, as the basic contribution required to off-set the impacts of the development. The contribution will be used for specific projects.

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). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

The completion of 34 dwellings means a contribution of £77, 520 has been sought in line with the Council's guidance, in order to mitigate the impacts of the development. This is considered to be proportionate to and directly relevant to the needs created by the development and the applicant has agreed to this request. The contribution will be used on specific projects close to the application site.

Community Facilities

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

The Council has developed formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires community facilities to be provided at a ratio of 0.75m² per dwelling (1500m² in this case) or alternatively a contribution of £988.50 per dwelling towards the provision of community facilities. Due to the scale and nature of the proposed development, it is not considered appropriate to require a facility on site.

The applicant has agreed to an amount of £33, 949 which reflects the need that results from the development and accords with the guidance in the Council's SPG. The contribution will be used to improve specific facilities.

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.

The applicant has agreed to the principle of this at 1% of build cost which is estimated to be £18, 102.

S106 Administration

The Council requires the developer to pay an administration fee 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. In this case, the fee will be paid in instalments to reflect the negotiation costs to date, and ongoing monitoring and implementation costs over the build life of the development. The applicant has agreed to this cost.

CONCLUSION

Having regard to Policies 1, 2, 3, 8 and 11, ENV7- (Water Resources), ENV16- Protected Species, ENV27 (Design of New Developments), ENV28 (Access for Disabled People), ENV29 (Protection of Environmental Quality), HOUS2 (Additional Residential Development), HOUS 8 (Residential Development Criteria), HOUS12 (Affordable Housing), TRAN9 (Cycling Development), TRAN10- (Parking) and REC3 (Provision of Public Open Space for New Developments) 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) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5-Nature Conservation and Planning, 10 – Tree Preservation Orders, 12-Design, 16-Sport, Recreation and Open Space and 18-Transport; 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 the appropriate layout and scale of the proposed development, its suitable means of access, and with no unacceptable impact in terms of residential amenity, flood risk and ecology.

RECOMMENDATION

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 10 of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which 40% would be lost cost ownership and 60% would be social rented properties.
- Pay a contribution of £68,000 towards sustainable transport facilities and projects to be identified.
- Pay a contribution of £77,520 towards the enhancement of public open space to be identified.
- Pay a contribution of £33, 949 to provide or enhance community facilities which may include open space or recreational facilities and which will be identified.
- Pay a contribution of £101,636 to meet the cost of providing education services to children arising from the development, to be identified.
- Pay a contribution of 1% of the total build cost or £18,102 (whichever is the larger) for commissioning of art incorporating sufficient measures for the appropriate future maintenance of the works.
- 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 and documents registered on the 27 January 2015, other than where amended and supplemented by the following:

- Amended Site Layout Plan PL-02 Rev H received on 23 April 2015
- Amended detailed soft landscape proposals TDA.2055.01 Rev F received on 24 April 2015
- Refuse vehicle tracking layout 10040-122 received on 23 April 2015
- Amended Design and Access Statement received on 29 April 2015
- Amended Planning Statement received on 29 April 2015

Reason:

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

3. Prior to the commencement of the construction of any of the dwellings, details of the finished levels of the site and dwellings, 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.

4. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access to the site and all internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and the details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any roads/drainage on site. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policy ENV27 of the Unitary Development Plan.

5. The alterations to the highway as approved under the terms of Condition 4 of this permission shall be completed in accordance with a schedule of timescales that shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of those works and prior to the commencement of works to create the new access into the site.

Reason:

In the interests of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

6. 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.

7. 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.

8. 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.

9. Prior to the commencement of development, a Construction and Environmental Management Plan to include such matters as the control of noise, vibration, dust and other deposits (and to include proposed hours of working during the development construction phase) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented throughout the course of the construction phase of the development.

Reason:

To safeguard the amenities of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately, with follow up in writing, to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of current guidance, and where remediate is necessary a remediation scheme must be prepared, which is subject to approval in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted plans, further details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority 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.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.

13. Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

14. Prior to the commencement of development, a Biodiversity Strategy, made up of an Ecological Design Statement (EDS) and a Post-construction Management and Monitoring Strategy (MMS) shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

16. Notwithstanding the submitted plans, all means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

17. Notwithstanding the submitted plans, all means of enclosure associated with the development (to include means of enclosure around the public open space and pond) hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

18. 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, in the interests of residential 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, 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.

20. 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 (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

21. The information submitted in accordance with the requirements of Condition 20 above shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, including provisions to be put in place in respect of individual dwelling houses and including a written declaration to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the sites drainage system and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

22. The information submitted in accordance with the requirements of Condition 20 above shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, including provisions to be put in place in respect of individual dwelling houses and including a written declaration to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the site's drainage system and to ensure compliance with Policies ENV 7 and ENV 27 of the Unitary Development Plan.

23. No dwelling hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas to serve that dwelling, have been laid out in full accordance with the details shown on the approved plans 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.

24. Notwithstanding the submitted plan, further details of the proposed hard landscaping materials (including the roads and raised table and including details of the proposed location and design of all rumble strips) shall be submitted to and approved in writing by the Local Planning Authority. the development shall at all times thereafter be carried out 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 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 (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.

2015/00089/FUL Received on 4 February 2015

Mr. Tom Gent, 9, Grange Close, Wenvoe, Vale of Glamorgan, CF5 6AT
1010 Architects, Studio 1, The Coach House, Stanwell Road, Penarth, Vale of Glamorgan, CF64 3EU

9, Grange Close, Wenvoe

The demolition of the existing dwelling and associated garage with the erection of a replacement single two storey dwelling

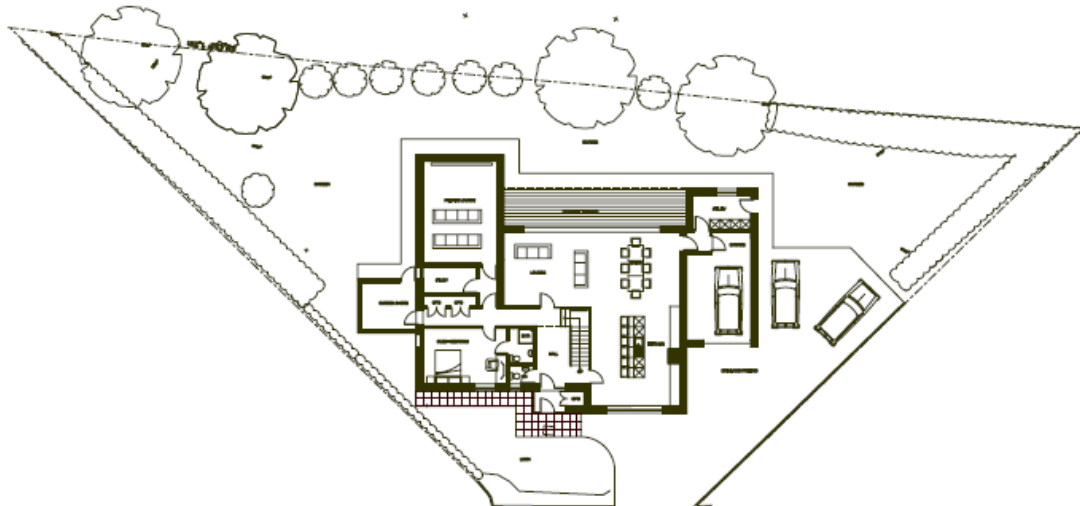
SITE AND CONTEXT

The site is a bungalow in a residential area of Wenvoe, at the end of a cul-de-sac which includes both houses and bungalows. The bungalow has a ridge height of approximately 4.5m. The bungalow is on an almost triangular shaped plot with a detached single garage to the side. The site is within the settlement boundary of Wenvoe.

DESCRIPTION OF DEVELOPMENT

The proposal is to replace the existing bungalow with a predominantly two storey property. The replacement dwelling would include a gable at the front and rear elevation, with a catslide roof over the front door. In the lower section there are two dormer windows in the front elevation and two to the rear. Also proposed is a single garage attached to the west (side) elevation and a garden store to the east elevation.

Site Plan (Proposed):



The new dwelling would have larger plot coverage than existing, especially at ground floor level, with the utility room and private lounge projections towards the rear boundary. There are to be three large bedrooms at first floor and a guest bedroom to the ground floor.

Front Elevation Proposed:



PLANNING HISTORY

2004/00776/FUL: 9, Grange Close, Wenvoe - UPVC conservatory - Approved 9 July 2004.

CONSULTATIONS

Wenvoe Community Council – Objection – “Council resolved to strongly object to the granting of this application on the grounds as set out in the objections lodged with you by occupiers of neighbouring properties and to support them in their objections.”

Highway Development – Further to reviewing amended plans submitted in relation to the above, an objection in relation to the highway and transportation aspect of the development is not raised in this instance, provided that the following details are made conditional to the planning consent.

Condition:

Before beneficial occupation of the development, 3 No car parking spaces shall be provided in accordance with the approved drawings. Thereafter, the car parking provision shall be maintained and retained at all times for the use of the proposed dwelling.

Reason: To ensure adequate car parking is provided within the boundary of the site in accordance with the Council's parking standards.

Wenvoe Ward Member – Requested the application be taken to Planning Committee and a site visit due to the volume of objection to the proposals – Cllr Bird;

Dwr Cymru/Welsh Water – No objections subject to standard drainage conditions.

The Council's Ecology Officer – Likelihood of bats is low. Recommend informative if approved to highlight possible presence of bats and to state that if bats are found then Natural Resources Wales should be consulted.

REPRESENTATIONS

The neighbouring properties were consulted on 24 February 2015. There have been ten objections from neighbours to the site. Their objections include the following:

- Proposed new dwelling would not blend with existing '60s dwellings
- Proposed dwelling would be out of character with area
- Demolition and construction would be disruptive
- Lack of parking provision and parking within the turning head
- Loss of another bungalow in Wenvoe
- Size of proposed dwelling would be disproportionate to other dwellings in area
- Overdevelopment of the plot
- Overlooking of adjacent properties by first floor windows
- Overbearing impact to neighbouring properties due to the increase in size and height of the proposed dwelling.
- Loss of outlook by increased height of the replacement dwelling
- Overshadowing of neighbouring properties
- Design features not in keeping with neighbouring properties
- Proposed dwelling would be unneighbourly and obtrusive

Please see **Appendix A** for copies of three objection letters/emails.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

ENV27	– DESIGN OF NEW DEVELOPMENTS
HOUS2	– (ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	– RESIDENTIAL DEVELOPMENT CRITERIA
HOUS11	– RESIDENTIAL PRIVACY AND SPACE
TRAN10	– PARKING

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

- Amenity Standards

The Local Development Plan:

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

Issues

The proposals are for a replacement dwelling at Grange Close, in a residential area of Wenvoe. The primary issues to be considered include the proposed scale and design of the dormer style dwelling, the potential neighbour impacts and parking provision. These issues will be assessed below.

In terms of planning policy, the site is within a residential area and part of the Settlement Boundary of Wenvoe. As such, the principle of a replacement dwelling is accepted, subject to the criteria of related policies such as ENV 27 (Design of new developments) and HOUS 8 (Residential Development Criteria).

Design and Scale of proposed dwelling

The proposal is for a replacement dwelling, which has aspects of a dormer style bungalow, with a full first floor. The street scene is a mix of houses to the eastern side and bungalows to the western side. The dwellings all appear of similar designs and era with similar materials used. The proposed dwelling would to an extent be visually different from the neighbouring properties within Grange Close. Mainly by virtue of the use of modern materials and would introduce design features not evident on adjacent dwellings, for example.

The proposed dwelling appears of a more modern style than neighbouring properties, but the other properties within Grange Close are of no particular architectural merit and so there is no reason why any replacement dwelling should mimic the design of existing properties. It is considered not a different design approach in this context is not considered to be harmful to the street scene overall.

The proposed dwelling would include timber cladding to walls and shingle tiles to the roof. Nevertheless it is considered that if approved a condition should be added requiring full details of external materials including samples of the shingles and timber cladding etc., to be approved, prior to their use in construction.

Overall, the design approach is considered acceptable and would not result in a harmful visual impact to the street scene or the wider residential setting in this part of Wenvoe.

The dwelling would be positioned centrally within the triangular shaped plot (much the same as the existing bungalow) with front garden space, parking provision and a larger rear garden space. Whilst the proposed dwelling would result in significant, additional floorspace over and above the existing bungalow, it is considered that the plot would not be overdeveloped. It is considered that the site would allow for sufficient amenity space (based on the requirements of the Supplementary Planning Guidance 'Amenity Standards') for future occupants, even with the larger dwelling proposed.

The proposed dormer bungalow would have a higher ridge line than the existing dwelling but of a maximum ridge height of 7.5m is considered acceptable (much of the dwelling is at a lower 6.9m height approx.) and would not result in the dwelling being overly prominent within the street scene, which is made up of approximately 50% full two storey dwellings.

Overall, the proposed scale of dwelling is considered acceptable for what is a sizeable plot and a property of this size would not cause any adverse visual impact to the character of the area based on its bulk or height. It is, though, considered that further extensions and/or outbuildings should be restricted via condition by removing usual permitted development rights.

The proposals include the retention of the boundary hedgerows, save that the agent has indicated a fence along the rear boundary. Nevertheless it is considered that a condition should be attached to require new landscaping and also tree protection measures to protect the trees and their root systems near the boundary from damage throughout the construction process

Parking Provision

The proposed plans indicate three parking spaces can be provided off-street within the confines of the site. This includes two spaces to the side of the house (on the area of the existing garage which is to be demolished) and also a space within the new attached garage, which has been amended to provide more internal space. This is considered a suitable amount of parking provision within this sustainable location. Furthermore, more parking could be achieved within the plot with tandem parking arrangements if necessary for visitors etc. There is no reason to believe that with this level of parking provision that there would be any need for regular parking within the adjacent turning head.

It is noted that vehicles would have to either reverse in or out of the plot, due to a lack of turning space. However, as the property is to the end of a cul-de-sac with no through traffic and generally low traffic levels this is not considered a highway danger and is therefore acceptable.

Neighbour Impact

There have been objections received from neighbours within adjacent properties highlighting a range of concerns, which have been summarised in the relevant section above. As for the direct impacts of the proposed larger replacement dwelling, they are most likely to impact the dwellings that are immediately adjacent, which are Nos.45 and 47 Old Port Road, and No. 8 Grange Close.

Firstly, No 45 Old Port Road is to the rear (south) of the site. This property is a dormer bungalow. As highlighted by the occupant, this dwelling is orientated so that the front faces towards the A4050 to the east, though access is off the Old Port Road to the west. This property has a 'sitting-out' area adjacent to the west elevation, with a large garden area between the dwelling and the boundary with the A4050. The proposed dwelling would be visible from the west and north elevations of No. 45 given the existing boundary is quite open between the properties other than a wire fence and vegetation. The replacement dwelling would have a higher ridge line and larger roof area than the existing bungalow, though the higher two storey section is approximately 8-9m from the boundary, with another 4m (approximately) to the neighbouring house. This separation distance is considered sufficient to minimize any overbearing or oppressive impact to a degree that it would not warrant refusal of the application on this basis. The fact that the new dwelling would be more visible is not any reason in itself to refuse the scheme. This neighbouring property is to the south of the site and so would not be overshadowed.

In terms of overlooking impact, the nearest first floor windows to the dwelling at No.45 Old Port Road serve an ensuite and a secondary window to the master bedroom, both within the rear gable. On this basis, both windows could be conditioned to be obscure glazed to minimize any potential overlooking impact. The rear first floor dormers would mainly have views over the lower sections of the garden of No 45 and there would be a separation distance of over 20m at a significant angle to this neighbour's house and more than meets the adopted standards for distance between opposing principal windows. As such, these windows would only result in limited overlooking impact, which is mitigated by to a large part of the eastern portion of No. 45's garden significant levels of vegetation along the boundary in this section.

There are ground floor projections towards the rear boundary with No.45 Old Port Road which are closer than the existing bungalow. However, being at ground floor level their impact is limited in terms of potential overlooking impact or overbearing impact. Furthermore, it has been stated by the agent that the applicant intends to erect a fence to the rear boundary for their own privacy, which should also enhance the privacy of the neighbour at No. 45.

The neighbour at No. 45 has also raised the concern of additional noise from the utility room and rear terrace as a result of the development. However, there is no reason to believe based on the information submitted and general residential use of garden that there is to be a significant level of noise as a result of the proposed dwelling. If there is any particular issue regarding noise that transpires in the future then this should be pursued through Environmental Health legislation rather than the planning system.

The bungalow at No. 47 Old Port Road is to the west of the site. It is considered that the proposed dwelling would result in some additional shadowing impact over and above existing levels, however, this would not be to a significant degree and only for certain periods of the day. Also, the proposed dwelling is set a minimum of approximately 4m from the boundary with No 47, with the majority of the side elevation at a further distance due to the angled orientation to the boundary (the parking provision/driveway is between the dwelling and the boundary with No. 47). This separation distance is sufficient to mitigate any shadowing or overbearing impact, especially considering the bungalow at No. 47 is a further 5m or more minimum distance from this boundary.

The third immediately adjacent dwelling is the house at No. 8 Grange Close. This property is to the northeast of the site, and its garden area and detached garage extends to the east of the site. The additional height of the replacement dwelling over that of the existing bungalow would result in some increase of shadowing impact for some of the day. However, this would mainly be to the parking space/driveway and a portion of the front garden of this neighbour, with some impact to the garden area to the east of the site. Large sections of the garden of No. 8 would not be affected in terms of overshadowing impact, including the area to the rear of this house. This level of overshadowing impact is not considered to be at a level that would warrant refusal of the application.

The neighbour at No. 8 has also raised concern that the additional height would have a detrimental impact to their outlook, including from their front balcony. However, this is not reason for refusal of this application as loss of view is not a material planning consideration. Whilst it is understandable that the occupiers of No. 8 would not want to see an increase in building height at No. 9, the impact to their outlook would not be to a significantly detrimental level. Furthermore, the proposed dwelling would not be of a height that would result in a significant overbearing impact to the occupiers of No. 8, especially considering the separation distance between the two.

It is important to note that the agent has confirmed that the replacement dwelling would be built off the lower ground level of the site, which is approximately 200mm lower than the floor level of the existing bungalow. As such, this would further minimize the impact to the adjacent neighbours, though to confirm finished floor levels a condition should be attached to any approval requiring full levels details.

Overall, it is noted that while the proposed two storey replacement of the existing bungalow would result in a limited increased impact above existing levels. the position of the dwelling within the plot and the separation distance to neighbouring dwellings would minimize any impacts to an acceptable level. There is not considered to be any potential for significant overlooking impact, subject to conditions restricting new first floor windows and the obscure glazing of the aforementioned windows to the rear. Loss of view is not a material consideration. Impact on outlook is not considered to result in any significant impact to neighbours amenities. As such, whilst the comments from neighbours to the site have been fully considered it is assessed that the direct impact to neighbour amenities (either the immediately adjacent neighbours or any other neighbour to the site) is not considered to be at a level that would warrant refusal of this application.

CONCLUSION

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

Having regard to Policies ENV27 (Design of New Developments), HOUS11 (Residential Privacy and Space) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no significant detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the original and amended plans AS 01 (1), AL01 (1), AL02, AE03, AE04, AE01 (1), AE02 (1) 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking, amending or re-enacting that Order) no windows other than those hereby approved shall be inserted in the first floor of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. The window in the rear elevation at first floor of the dwelling, serving the 'Master Bedroom' and 'Ensuite' shall be glazed using obscured glass to a minimum of level 3 of the `Pilkington` scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of dwelling hereby permitted and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. The dwelling 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 AS 01 (1) and the parking, access and turning areas shall thereafter be so retained at all times to serve the dwelling 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.

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

Reason:

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

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. 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 the dwelling hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

11. Prior to their use in the construction of the dwelling hereby approved, details of the materials (to include samples) to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

12. Prior to the commencement of development, details of the finished levels of the site and the finished floor level of the dwelling hereby approved 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 and neighbour amenities are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

14. No development , including demolition, shall be commenced on site until the approved tree and hedgerow protection scheme has been implemented on site 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 Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **You are advised that there could be species, such as bats, protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats. For specific advice or if protected species are uncovered on site 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 as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**
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.**

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

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

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

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

2015/00141/FUL Received on 17 April 2015

Sully and Lavernock Community Council Jubilee Hall, Smithies Avenue, Sully,
Vale of Glamorgan, CF64 5SS

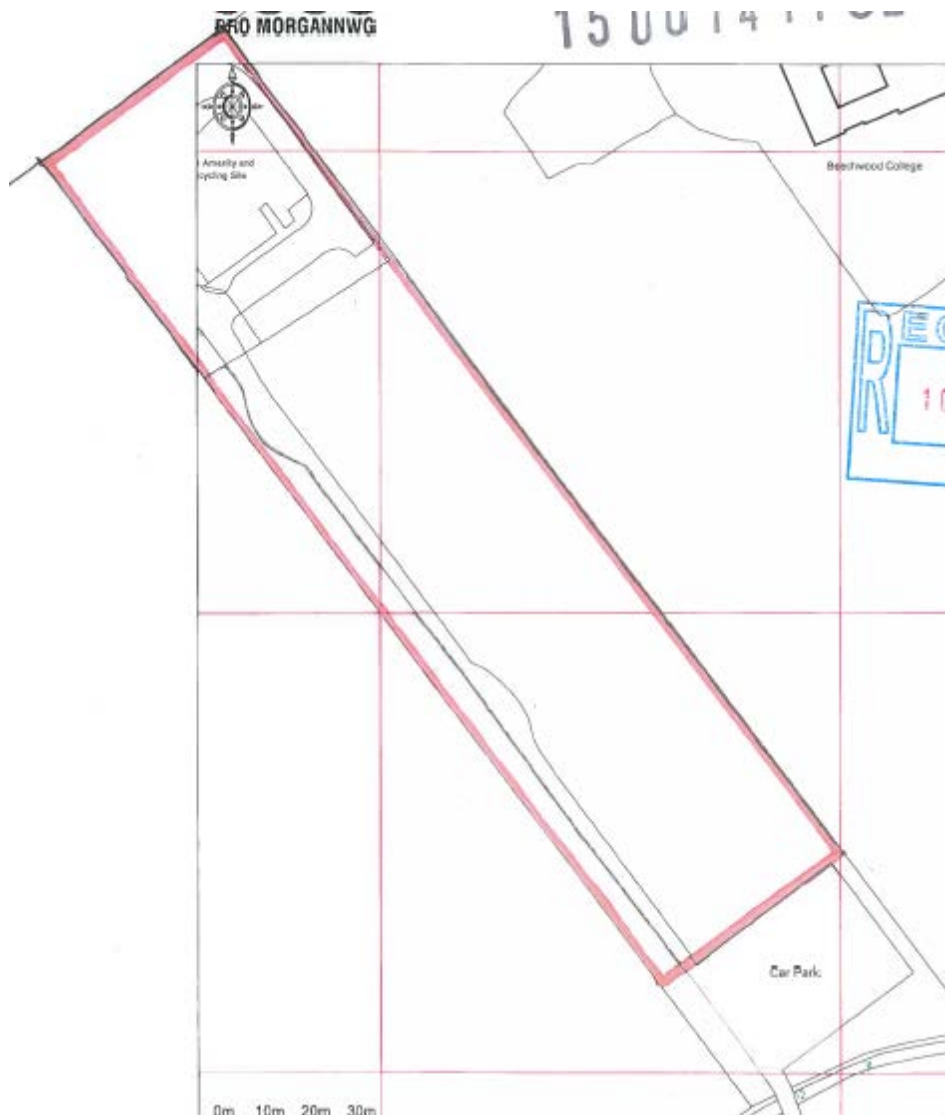
Sully and Lavernock Community Council Jubilee Hall, Smithies Avenue, Sully,
Vale of Glamorgan, CF64 5SS

Land adjacent to Beechwood College, off Hayes Road, Sully

Change of use to Community Allotments

SITE AND CONTEXT

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

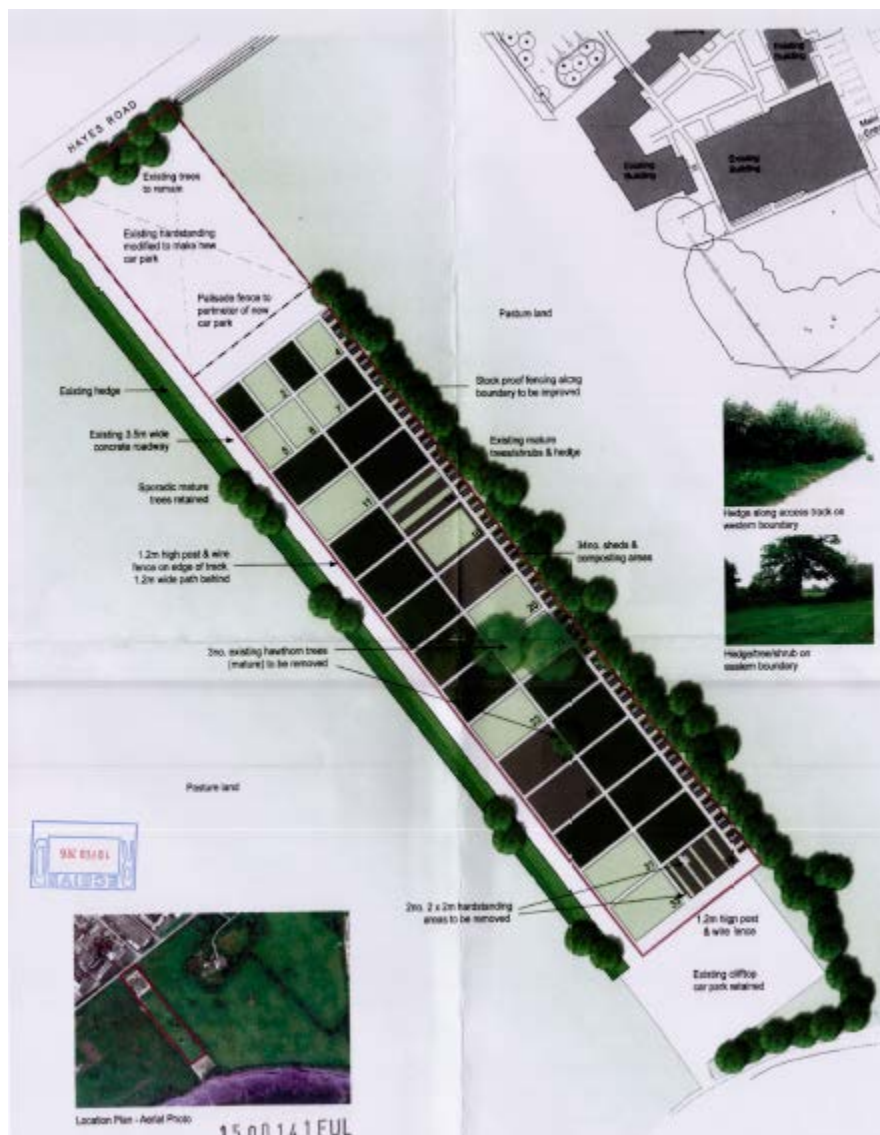


The linear site measures approximately 35m wide x 225m deep and lies adjacent to Hayes Road. The front boundary of the site is relatively well screened with trees and vegetation and the two longer side boundaries are defined by hedges and trees. A vehicular track runs along side the site on the western side.

The site lies within the East Vale Coast, as defined by Policy ENV6 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (see below). The land is owned by this Council and the front part of the site, nearer to Hayes Road, was formally used as a civic amenity site. However, the site is currently occupied by travellers.

DESCRIPTION OF DEVELOPMENT

The application is for the change use of the site to community allotments. The plan below shows the proposed layout, however in summary, it involves using an area 35m wide x 55m deep at the front as a car park, with 34 allotment plots to the rear. The site would be enclosed with a 1.2m high post and wire fence, with a palisade fence to the car park.



PLANNING HISTORY

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

CONSULTATIONS

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

Highway Development- The Highways Engineer initially responded to request further information in respect of the parking layout and access. This information has now been received however, no comments have been received in respect of the additional detail.

Director of Legal and Regulatory Services (Environmental Health)- No objection in principle, however, concerns are raised in respect of the previous use of the site for MOD purposes and the potential for contamination. Consequently, a condition is recommended which requires investigations to be carried out to establish what contamination exists and the remediation of that, if any exists.

Dwr Cymru Welsh Water- No representations received to date.

Operational Manager for Parks and Grounds Maintenance- No representations received to date.

Local ward members- Councillor Bob Penrose has called the application in to Planning Committee and requested a site visit.

Natural Resources Wales- Have objected in respect of contamination of controlled waters, but recommended condition to overcome this.

REPRESENTATIONS

The application has been advertised on site. Sixteen letters of support have been received, along with objection.

The points made in support of the application area as follows:

- Allotments are a much needed facility in Sully.
- Health and social well-being benefits.
- Would enable people to get involved in gardening.
- It would assist community integration for users of Beechwood College and Ty Hafan.

The points of objection are as follows:

- The application is directed to cause disruption to the travellers occupying the site.
- Parked vehicles on the access lane would cause an obstruction to emergency services.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT
- POLICY 3 - HOUSING
- POLICY 4 – ADDITIONAL EMPLOYMENT LAND
- POLICY 8 – TRANSPORTATION
- POLICY 11 - SPORT & RECREATION
- POLICY 14 COMMUNITY AND UTILITY FACILITIES

Policy:

- ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
- ENV6 – EAST VALE COAST
- ENV10 – CONSERVATION OF THE COUNTRYSIDE
- ENV26 – CONTAMINATED LAND AND UNSTABLE LAND
- ENV27 – DESIGN OF NEW DEVELOPMENTS
- ENV28 – ACCESS FOR DISABLED PEOPLE
- ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
- HOUS14 – GYPSY CARAVANS
- REC1 – PROTECTION OF EXISTING RECREATIONAL FACILITIES
- REC2 – JOINT PROVISION AND DUAL USE OF FACILITIES
- REC5 – NEW PLAYING FIELD PROVISION
- REC10 – DEVELOPMENT OF ALLOTMENT LAND
- TRAN10 – PARKING

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

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

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

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

Planning Policy Wales:

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

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

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2006)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

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

Supplementary Planning Guidance:

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

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

The Local Development Plan:

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

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

Issues

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

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

The principle of the use

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

Loss of open space in its current form.

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

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

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

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

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

The case for allotments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The use of the land for Travellers

The principal competing material consideration in this case is that part of the site is currently occupied by travellers and the whole of the site is allocated in the deposit draft LDP for travellers.

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

Therefore, while the UDP remains the adopted plan, the LDP is at a relatively advanced stage and it is considered that weight must be afforded to the background papers that have informed the policies. The key policy in this respect is MG 5, which states as follows:

POLICY MG 5 - GYPSY AND TRAVELLER SITE

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

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

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

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

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

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

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

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

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

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

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

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

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

Therefore while the site is only 0.59 hectares in size and while the gypsy and traveller allocation only relates to 18 pitches, critically these are the only 18 pitches allocated within the plan. This site has been identified to meet short-medium term need and consequently there remains a requirement to monitor need in the latter plan period. However, the consideration of this matter is an on-going process and no alternative sites have been formally identified to meet any additional need that may arise or be evidence in the latter part of the plan period. It is considered that the loss of the only identified site could not be justified by the on-going process to consider latter plan period gypsy and traveller need, since that remains under consideration and would undermine the deliverability of a site to meet short-medium terms need.

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

Given that the development relates to 100% of the gypsy/traveller allocation, it is considered that the grant of permission for the development concerned would prejudice the outcome of the LDP process and that this is a decision which is individually so substantial (since it involves the whole of gypsy/traveller allocations in the plan) that it ought to be properly to be taken in the LDP context. This is because the loss of the site would fundamentally prejudice the deliverability of the LDP in respect of this key issue.

The plan is at a relatively advanced stage of preparation and therefore having regard to the advice in paragraph 2.6.4 of PPW, it is considered that prematurity could not be discounted by the stage at which the plan has reached.

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

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

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

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

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

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

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

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

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

Accordingly, it is considered that the proposed use is unacceptable in this context and grant of permission would be premature, contrary to the advice within paragraph 2.63 of PPW.

Visual impact

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

Highway safety

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

Environmental issues

The Council's Environmental Health Officer has no objections subject to a condition regarding contaminated land, therefore, it is considered that this would give adequate control over ensuring there would be no adverse impact in respect of contamination. Natural Resources Wales have similarly recommended conditions in this respect.

Residential amenity

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

CONCLUSION

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

RECOMMENDATION

REFUSE (W.R.)

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

2015/00328/FUL Received on 7 April 2015

Mr. Sid Gautam, 14, Clinton Road, Penarth, Vale of Glamorgan, CF64 3JB
Mr. Andrew Zacharias, DISEGNO Planning Drawings, 73, Cedar Way, Penarth,
Vale of Glamorgan, CF64 3PW

14, Clinton Road, Penarth

Double extension to the rear including a basement with a single storey extension to the side

SITE AND CONTEXT

The application site comprises an existing detached hipped roof, two storey dwelling, with a flat roofed garage attached to the side. The property sits on the south side of Clinton Road close to the junction with Robinswood Crescent. There are two vehicular entrance points on to Clinton providing an in/out access arrangement with forecourt parking.

The site lies within the residential settlement boundary for Penarth as defined in the Unitary Development Plan.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the extension of the existing dwelling. The proposal entails the following:-

- Demolition of an existing rear annexe comprising a ground floor hipped roof part of the living room and a first floor flat roofed bay window.
- Construction of a two storey hipped roof extension on the rear elevation, measuring approximately 11m x 4m, to a ridge height of approximately 9.2m. The extension will accommodate a ground floor kitchen and two bedrooms and ensuite at first floor.
- A flat roofed dormer extension within the roof of the new two storey rear extension. The dormer will measure approximately 3.25m in width and 2.6m in height and will allow for additional accommodation within the roof at second floor level, including two bedrooms, a bathroom and storage.
- A single storey, flat roofed conservatory with lantern roof light on the rear elevation of the proposed two storey, measuring approximately 7.7m x 3m to a height above ground level to the ridge of the lantern roof light of approximately 3.9m.
- A single storey, lean-to extension to the rear of the existing garage on the side west elevation. The extension will measure approximately 4.4m x 3.9m, to a height of approximately 3m.

- An extension to the existing single storey mono-pitched roof annexe on the opposite side east elevation, providing a new side extension measuring approximately 4.1m at its widest, narrowing to 3m at the rear, and to a height of approximately 3.9m. The extension will accommodate an office, hall/stairway, boot room and store room.
- A new basement level, measuring approximately 18.8m at its widest and 4.3m in depth increasing to 7.2m in part. The basement will accommodate a bedroom with ensuite, gym, fitness studio, lobby and storage.



SOUTH ELEVATION

The external finishes of the proposal are identified as facing brick and render with roof tiles.

PLANNING HISTORY

1990/01272/FUL - Two storey playroom and study extension – Approved 14 December 1990.

CONSULTATIONS

Penarth Town Council – “That the application should be approved.”

Local Ward Member Cllr Clive Williams – Concerns over the proposed development including future use.

Local Ward Member Cllr M Kelly-Owen – Request that the delegation be removed due to concerns raised by local residents and the effect the development could have on the wider area of Penarth and its future development.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 14 April 2015. In addition a site notice was posted on 11 May 2015. To date representations have been received from the occupiers of Nos. 8, 9, 10, 11A and 12 Clinton Road, and Nos. 1 and 6 Robinswood Crescent. Whilst all of the representations are available on file for Committee Members inspection, the representations from the occupiers of Nos.12 Clinton Road and 1 Robinswood Crescent are attached at Appendix A as being generally indicative of the concerns raised. In summary the main points of objection relate to:-

- Inappropriate size in relation to neighbours, effectively a four storey building, adversely affecting the character of the building and detrimental to the general character of Clinton Road.
- Inappropriate design.
- Over development and failure to meet the Council's SPG on Amenity Standards.
- Adverse impact on privacy.
- Reduction in light to neighbouring garden.
- Potential use of the extended property for something other than a family home, including a business use.
- Potential business use would exacerbate existing traffic congestion and parking problems due to nearby school and bowls club.
- Disruption during construction.

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:

POLICY 1 - THE ENVIRONMENT.

Policy:

ENV27 - DESIGN OF NEW DEVELOPMENTS.
HOUS11 - RESIDENTIAL PRIVACY AND SPACE.
TRAN10 - PARKING.

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

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

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

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular paragraph 9.3-Development management and housing.

Technical Advice Notes:

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

- TAN12 – Design, including paragraph 2.6.

Supplementary Planning Guidance:

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

- Amenity Standards

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to design; impact on neighbouring and residential amenity; and highway safety.

Design and visual impact

A number of the objections raised by neighbours relate to the inappropriate design and size of the new works, with concerns that the proposal would adversely affect the character of the building itself and that of the wider area. One objection refers to the building being within a Conservation Area (Members should note that this is not in the Conservation Area).

It is acknowledged that the proposal does represent a large increase in the floor area of the existing house, including a new basement level and accommodation within the roof. However, in relation to the external appearance of the building and the increase in its bulk and massing, it is considered that the proposal is proportionate. The proposal will introduce a flat roofed dormer feature to building, but this will be on the secondary rear elevation. When viewed from the primary front elevation the dwelling will appear virtually unaltered.

Thus it is considered that the proposal will not detract from the character and appearance of the existing house and should have no adverse impact on the wider street scene.

Neighbouring and residential amenity

The objections received have also raised concerns over the impact of the proposal on neighbouring amenity, in particular loss of light and privacy. It is noted that some of these concerns have been raised by occupiers of properties that do not immediately adjoin the site and are located such a distance away that their current levels of light and privacy would not be adversely affected by the proposed development. It is considered that the two properties most affected by the proposal are the immediate neighbours at Nos. 12 and 16 Clinton Road.

Whilst there are extensions proposed to the side elevations of the existing house these are single storey in nature and, as such will not have an adverse impact on the neighbours in relation to loss of light or of an overbearing nature. The proposal will introduce an additional two storey mass to the rear which will project out approximately 4m from the existing main rear wall. In this instance it is also set off both boundaries with the neighbours, in the case of the boundary with No. 16 to the west the distance is around 5m, while on the opposite east side to No. 12, the distance off the boundary will be approximately 4m. The extension will also maintain the hipped roof nature of the building which serves to reduce the mass and therefore the overall impact. The position of the extension relative to the neighbours means that there will be some limited overshadowing but this will be mostly early or late in the day, and would not be to such a degree as to justify a refusal of the application. Overall it is considered that the proposed extension will not be detrimental to neighbouring amenities.

As regards the issue of privacy, it is noted that the majority of the new openings will be on the rear elevation directly overlooking the application site's own garden. There is one new opening proposed at first floor on the west side elevation but this is only a small window to a non-habitable ensuite facility. Similarly on the opposite east side elevation an existing first floor bathroom window will be replaced with a larger window but this will still serve a non-habitable ensuite facility. There is also a roof light proposed on the east elevation to a second floor bedroom, but this is positioned within the existing roof towards the front of the building where it would afford limited views of the neighbouring property. Thus it is considered that the proposal will not have an adverse impact on the current levels of privacy enjoyed by the neighbouring occupiers.

On the issue of the residential amenity of the application site itself, it is noted that a number of the objections refer to the proposal being over development, and the failure to meet the Council's requirements as outlined in the Amenity Standards SPG. It is acknowledged that the proposal will serve to increase the floor area of the house, and therefore the requirement for private amenity space in line with Council's guidelines. These require 1m² of amenity space per 1m² of the gross floor area of the dwelling. The gross floor area of the extended dwelling will be around 600m², and whilst the OS plan shows the total size of the plot as 1030.81sqm, when the forecourt parking/manoeuvring area and the footprint of the dwelling is discounted, the proposal does show a shortfall in relation to the amenity space requirements. Despite this the dwelling will still be served by a not insubstantial private rear garden of over 500sqm which compares favourably with some of the other houses in the vicinity. As such it is not considered that the shortfall of private amenity space would justify a refusal in this instance.

Highways

The existing property is already a three bed dwelling over 120sqm gross floor area, and, as such, even with the increased size now proposed, there is no change to the Council's on-site car parking requirement, which will be three spaces. The property currently provides for forecourt parking and has two access points which can allow for an in/out arrangement. This layout will not be affected by the proposed works which are to the rear and sides of the dwelling.

The objectors have raised highway concerns noting the existing traffic congestion and parking problems in the area due to the nearby school and bowls club. However, as the proposal relates only to an extension to an existing dwelling it cannot be argued that the development would exacerbate such problems, particularly as it meets the Council's parking requirements.

Other issues

The neighbour objections over traffic congestion and parking have arisen from their concerns over the potential use of the property for a business use. The neighbours refer to the resulting size of the building, including the layout of rooms, and the occupation of the applicant, and note that this quiet residential area is not appropriate for a business use. However, the application that has been submitted to the Council for consideration relates solely to an extension to an existing dwelling. In addition the applicant's agent has confirmed that the proposed new basement level will form part of the existing dwelling and not be used as a separate unit. The subdivision of the building for a separate residential unit, and/or material change of use, would require formal permission, the acceptability of which the Council would need to assess at the time of any such submission.

Finally, the neighbour concerns over the likely disruption during construction, including the excavation works for the new basement level, are matters that would be controlled by other legislation, in particular the Council's Environmental Health section.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV27-Design of New Developments, TRAN10-Parking and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales and TAN12-Design, it is considered that the proposal represents an acceptable form of extension to the existing dwelling that should have no significant adverse effect on the neighbouring or general residential amenities of the area, nor detract from highway safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans, Drg. Nos. 144-14-CF64-001 Rev A, -002 Rev A, -003, -004, -005, -006, -007, -008 Rev C, 009 Rev C, -010 Rev D, -011 Rev B, -012 Rev B, and -013 Rev D, all received 24 March 2015, and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. The extensions hereby approved, including the new basement level, shall be occupied only for domestic purposes in connection with, and ancillary to the residential use of 14 Clinton Road as a single dwellinghouse, and shall not be used for any other purpose including any business use.

Reason:

For the avoidance of doubt as to the extent of this permission, as the creation of a separate unit of residential accommodation, or other use, has not been considered as part of this application which has been assessed as an extension to an existing dwelling in accordance with Policies ENV27-Design of New Development, HOUS11-Residential Privacy and Space and TRAN10-Parking of the Unitary Development Plan.

4. The external finishes of the development hereby approved shall match those of the existing building.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no additional windows other than those expressly authorised by this permission shall be inserted at first floor level in either side elevation of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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