

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 FEBRUARY 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:

2014/0012/PV	A	Martin's (Newsagents), The Parade, Castle Drive, Dinas Powys	Construction of external accessible ramp
2014/0840/BR	AC	Ty Tandderwen, Bonvilston	1) Remove flat roof and build first floor extension over 2) single extension on the side; new monopitch roof on the front 3) internal alteration
2014/0845/BR	A	Woodland View, Summerhouse Point, Boverton	Single storey domestic extension to the rear of the property.
2014/0850/BR	AC	The Pheasant House, Nash Manor, Cowbridge	Rear single storey orangery. New entrance porch
2014/0856/BR	AC	23, Cambrian Avenue, Llantwit Major. CF61 1QU	Rear extension comprising of a Sun room and Utility Room
2014/0858/BR	AC	113, Redlands Road, Penarth	Proposed single storey rear extension and new garage (previously approved, resubmitted with alts to roof to garage)
2014/0859/BR	AC	30, St. Ambrose Close, Dinas Powys	Single storey rear extension and new front porch
2014/0862/BR	AC	4, Runcorn Close, Barry	Two storey side extension & single storey porch extension

2014/0863/BR	AC	136, Fontygary Road, Rhoose	Remove existing roof - construction of new ground floor extension with 2 No. new bedrooms to first floor (within dormer roof construction )
2014/0864/BR	AC	12, Romilly Avenue, Barry	Construct a two storey rear extension and rear ground floor balcony
2014/0865/BR	AC	3, The Mount, Dinas Powys	Single storey extension
2015/0001/BN	A	15, Morningside Walk, Barry	Installation of wood burning stove flue liner
2015/0002/BN	A	18, Victoria Road, Penarth	Extension to rear of existing house
2015/0003/BN	A	10, St. Lukes Avenue, Penarth	Remove pantry and install fan through kitchen window to accommodate WHQS kitchen design
2015/0004/BN	A	1, St. Pauls Avenue, Penarth	Remove pantry to accommodate WHQS kitchen design
2015/0005/BN	A	12, St. Pauls Avenue, Penarth	Remove dividing bathroom and WC wall and block up WC doorway to enlarge bathroom
2015/0006/BN	A	14, St. Pauls Avenue, Penarth	Remove pantry to accommodate WHQS kitchen design
2015/0007/BN	A	16, St. Pauls Avenue, Penarth	Remove pantry to accommodate WHQS kitchen design
2015/0008/BN	A	18, St. Lukes Avenue, Penarth	Remove pantry to accommodate WHQS kitchen design
2015/0009/BR	AC	50, Wenvoe Terrace, Barry	Proposed loft conversion
2015/0010/BN	A	6, Pembroke Terrace, Penarth	Loft conversion, GF conservatory, installation of steel beams

2015/0011/BR	AC	Ninian House, Wine Street, Llantwit Major	Demolition of existing rear annexes. Construction of 2 storey rear extension and internal alterations to property
2015/0012/BN	A	6, Redlands House, Penarth	Conversion of bedsit to 1 bed flat new stud partitioning, new doors 2No FD 30
2015/0013/BN	A	1, Redlands House, Penarth	Conversion of bedsit to 1 bedroom flat new stud partitioning, new doors 2no FD 30
2015/0014/BN	A	4, Redlands House, Penarth	Conversion of bedsit to 1 bedroom flat, new stud partitioning, new doors 2No FD 30
2015/0015/BR	AC	76, Lavernock Road, (Back Garden), Penarth	Knock down existing double length garage and rebuild. One single length section to be kept as single skin store room/workshop. 2nd single length section to be extended to form `habitable `games room`
2015/0016/BR	AC	Can Y Mor, 92, Main Road, Ogmore By Sea	Erection of a two storey detached dwelling with miscellaneous and ancillary works
2015/0017/BN	A	12, Carne Court, Boverton Llantwit Major	Removal of non loadbearing pantry in kitchen
2015/0018/BN	A	13, De Clare Court, Llantwit Major	Removal of non loadbearing pantry in kitchen.
2015/0019/BN	A	7, Dyfrig Court, Llantwit Major	Removal of non loadbearing wall between bathroom and wc
2015/0021/BN	A	10, Westward Rise, Barry	Single storey rear extension
2015/0022/BN	A	17, Dochdwy Road, Llandough	Structural alterations 2 rooms into 1

2015/0023/BR	AC	37, Albert Road, Penarth	Creation of l/f shower room
2015/0025/BR	AC	5, Pontypridd Street, Barry	Form new doorway to front elevation, form new ground floor wc
2015/0027/BN	A	8, North Walk, Barry	En suite shower room
2015/0028/BN	A	Preswylfa, Llangan, Bridgend	New shower room to 1st floor bedroom
2015/0029/BN	A	14, Cwrt Newton Pool, Rhoose	Convert garage into habitable room
2015/0030/BN	A	12, Primrose Close, Cowbridge	Rear extension & alterations
2015/0032/BN	A	37, St. Pauls Avenue, Penarth	Remove pantry to accommodate WHQS kitchen design
2015/0033/BN	A	38, St. Pauls Avenue, Penarth	Remove 2nd pantrys to accommodate WHQS kitchen design
2015/0034/BN	A	19, St. Pauls Avenue, Penarth	Remove pantry to accommodate WHQS kitchen design
2015/0035/BN	A	8, Cae Canol, Penarth	Removal of existing lean to conservatory construction of single storey lean to extension on same foundation as existing conservatory
2015/0036/BN	A	42, Cosmeston Drive, Penarth	Conversion and extension of existing single storey detached garage to form art / gym room
2015/0037/BR	AC	119, Westward Rise, Barry	Conversion of un-used garage into a habitable room (office), with new small extension to existing house
2015/0040/BN	A	3, Lon Lindys, Rhoose	Replace conservatory with single storey extension
2015/0041/BN	A	33, Pinewood Square, St. Athan	Loft conversion , habitable room

2015/0042/BN	A	9, Raglande Court, Llantwit Major	Demolition of exterior wall and poly-carb roof, construction of new wall and conventional roof with sloping ceiling. Floor to remain single storey extension to the rear of dining room.
2015/0043/BN	A	5, Park Road, Barry	Renew roof to include velux windows & 1 or 2 fire operated velux windows. Rear top floor double glazed window. Internally replace ceilings. Replace all walls, 2 chimneys to be taken down & rear ground floor bay window roof
2015/0044/BN	A	31, Heol Eyr Mor, Barry	Installation of steel beam
2015/0046/BN	A	10, The Grange, Baroness Place, Penarth	Garage conversion and new build on the side of the house of a storage unit
2015/0049/BN	A	313, Barry Road, Barry	Single storey extension to enlarge kitchen area
2015/0050/BN	A	25, Wimbourne Close, Llantwit Major	New roof on attached garage

(b) Building Regulation Applications - Reject

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

2015/0026/BN	R	67, Porlock Drive, Sully	Single storey orangery to extend the kitchen
--------------	---	--------------------------	--

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

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

2015/0001/AI	A	1, Carne Terrace, Llysworney	Proposed single storey rear extension, including material alterations
2015/0002/AI	A	42, Fairfield Road, Penarth	Internal alterations and replacement windows and associated works

2015/0003/AI	A	22, Munro Place, Barry	Two storey side extension
2015/0004/AI	A	16, Windsor Road, Penarth	Fitting out of an existing building to a shell to form a Prezzo restaurant
2015/0005/AI	A	Land at Broadshoard, Cowbridge	Construction of pharmacy building shell and associated works
2015/0006/AI	A	The Stables, Sheepcourt, Bonvilston	Single storey rear extension and associated works
2015/0007/AI	A	13, Salop Place, Penarth	Proposed loft conversion to create 1 No. habitable room at second floor level, including material alterations
2015/0008/AI	A	137, Holton Road, Barry	Internal fit out to create CeX Retail Entertainment Unit
2015/0009/AI	A	Watercross House, 10, Stanwell Road, Penarth	Proposed internal structural opening
2015/0010/AI	A	13, Windsor Terrace, Penarth	Construction of a detached double garage with 1 <sup>st</sup> floor office and associated works
2015/0011/AI	A	5, Beech Park, Colwinston	Proposed single storey rear extension and internal alterations to layout including material alterations
2015/0012/AI	A	Barry Cadet Centre, r/o Memorial Hall, Barry	Constructio of cadet centre and associated works
2015/0013/AI	A	34, Coleridge Avenue, Penarth	Proposed single storey extension and associated works
2015/0014/AI	A	Y Berllyn Fach, Dimlands Road, Llantwit Major	Extensions, internal alterations, new roof structure and associated works
2015/0015/AI	A	Bryn Awel, High Street, Llantwit Major	Loft conversion, single storey rear extension and associated works

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 FEBRUARY 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

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

**Decision Codes**

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

2014/00557/FUL	A	87, Main Street, Barry	Conversion of property to form 9 No. self-contained flats with associated elevational changes and external works to rear.
2014/00946/FUL	R	Erwr Delyn Stud Farm, Sully Road, Penarth	Construction of new rural enterprise dwelling
2014/01041/FUL	A	45, Westbourne Road, Penarth	Replacement windows
2014/01068/FUL	A	Ffos y Crydd Farm, Peterston Super Ely	Retention of single storey extension and proposed use of flat roof as balcony
2014/01138/FUL	A	15, Greys Drive, Llantwit Major	Ground floor and first floor extension

2014/01142/FUL	R	Tudor Lodge, Bonvilston	Change of use from current agricultural store to proposed cow shed
2014/01146/FUL	A	Glendale Hotel, 10, Plymouth Road, Penarth	The rear annexe is to be converted into an apartment to accommodate the Hotel Manager. An additional floor will be inserted into the annexe building, accommodating sleeping area upstairs, with living, kitchen and dining spaces below. There will be no change to the main hotel building.
2014/01147/LBC	A	Glendale Hotel, 10, Plymouth Road, Penarth	The rear annexe is to be converted into an apartment to accommodate the Hotel Manager. An additional floor will be inserted into the annexe building, accommodating sleeping area upstairs, with living, kitchen and dining spaces below. There will be no change to the main hotel building.
2014/01172/FUL	A	Ebenezer, Colhugh Street, Llantwit Major	Change of use from UR Church to dwelling house
2014/01191/FUL	R	10, Beach Road, Penarth	Retention of change of use of existing outbuilding to an independent dwelling
2014/01217/LBC	A	The War Memorial, The Twyn, Dinas Powys	An additional small bronze plaque to be replaced underneath the existing first world war plaque
2014/01220/ADV	A	Post Office, 57, High Street, Cowbridge	Sign 1) Plywood fascia with pinned of acrylic letters The Co-operative food and Opening Hours with vinyl face. Externally illuminated.
2014/01228/FUL	A	76, Lavernock Road, Penarth	Rebuild of existing garage complete with games room to rear



2014/01233/FUL	A	9, John Batchelor Way, Penarth	Proposed glazed balcony to front and rear with window modifications and glass canopy over front door
2014/01244/FUL	A	Land adjacent to Plymouth House, West Street, Llantwit Major	New Dwelling
2014/01248/FUL	A	149, Fontygary Road, Rhoose	Proposed retention of existing dormer and balcony
2014/01254/FUL	R	88, Salop Street, Penarth	Extension to second floor to form self contained one bedroom flat
2014/01271/FUL	A	The Friendly Dental Practice, 212, Holton Road, Barry	Proposed change of use from former dentist (D1 use) to part ground floor ancillary use and conversion of upper floors to 3 No apartments with refurbishment of 1 No coach house (C3 use)
2014/01274/FUL	A	West Barn, Moulton, Barry	Addition of new rooflights and new roof windows
2014/01276/FUL	A	7, Lakeside, The Knap, Barry	Proposed single storey extension to front of property creating extended living room
2014/01282/LBC	A	HSBC, 61, High Street, Cowbridge	Proposed new ATM to replace existing ATM in same location, minor adjustments around aperture to allow new model to fit
2014/01287/RG3	A	Ty Robin Goch, Robins Lane, Barry	Minor extension to main hall of building for Children's Services
2014/01288/RG3	A	Colcot Junior and Infant School, Florence Avenue, Barry	Erection of a new prefabricated building for early years teaching including site works

2014/01295/FUL	A	5, Croft Lane, Southerndown	Variation of Condition 1 of planning approval 2009/00426/FUL
2014/01297/FUL	A	HSBC, 1, Herbert Terrace, Penarth	Proposed new ATM to replace existing ATM in same location, minor adjustments around aperture to allow new model to fit
2014/01298/FUL	A	1, Carne Terrace, Llysworney	Single storey rear extension
2014/01318/FUL	A	HSBC, 61, High Street, Cowbridge	Removal and replacement of 1no. external ATM
2014/01339/FUL	R	Land adjacent to Millands Park, Llanmaes	Provision of five licensed affordable mobile homes, including parking and landscaping
2014/01385/FUL	A	Plas Hen, Bonvilston	Change of use to return Plas Hen Bed and Breakfast back to residential use
2014/01390/NMA	A	Former Magistrates Court, Thompson Street, Barry	Non Material amendment to application 2012/01114/FUL comprising of plant room, bollards and changes to elevations at Unit 3 to be occupied by Filco Supermarkets
2014/01408/NMA	A	Croes y Parc Chapel, Peterston Super Ely	Alterations to application 2012/01092/FUL for single storey community building, including temporary caravan
2014/01430/NMA	A	243, Holton Road, Barry	Amendment to application 2014/00300/FUL regarding amendments to front elevation
2014/00744/FUL	A	The Rectory, Llandough	Proposed three car garage & log store
2014/00925/FUL	A	16, Archer Road, Penarth	Replacing wooden window frame in bay window on the upper floor in upvc

2014/01111/FUL	A	71, Queens Road, Penarth	Three storey and single storey rear extension
2014/01257/FUL	A	Rosedew, Bonvilston, Cardiff	Removal of existing front boundary wall and replacing with higher wall to span front boundary of house incorporating pedestrian and driveway wooden gates
2014/01289/FUL	A	Plot 77, Fontygary Road, Rhoose	Proposed detached 4 bedroom dwelling with adjoining double garage to front
2014/01291/FUL	A	63, Heol Y Frenhines, Dinas Powys	Two storey house side extension with a single storey utility room and rear single storey dining room extension
2014/01293/ADV	A	Fox and Hounds Car Park, Ewenny Road, St. Brides Major	Proposed hoarding for the advertisement of 'The Barns' development at Penylan Farm, St. Brides Major
2014/01294/FUL	A	Fox and Hounds Car Park, Ewenny Road, St. Brides Major	Proposed temporary structure to accommodate sales office (12 month period)
2014/01299/FUL	R	11, Highwalls Road, Dinas Powys	Cut back hedges, demolish wall in part and excavate soil to provide a car port for two vehicles. Build a rendered blockwork retaining wall and build a car port with Dutch Barn style roof and timber weatherboard elevations to the back and sides.
2014/01304/FUL	A	113, Redlands Road, Penarth	Proposed single storey rear extension and new garage (previously approved, resubmitted with alterations to roof of garage)

2014/01310/LAW	A	9-9A, Cliff Street, Penarth	A dwelling house used as two flats for more than 10 years
2014/01312/FUL	A	35, Millbrook Heights, Dinas Powys	Demolition of existing entrance hall and utility room and construction of a new entrance porch and play room
2014/01313/FUL	R	45, Hinchsliff Avenue, Barry	Proposed single storey annex to existing domestic dwelling to rear
2014/01317/FUL	A	Island View Residential Home, 8- 12, Friars Road, Barry	Single storey rear extension (sun lounge)
2014/01325/FUL	A	Hillcrest, 40, Broadway, Llanblethian, Cowbridge	Proposed alterations to include new roof dormer windows, porch, and terrace
2014/01326/FUL	A	The Old Farmhouse, Treerhyngyll	Proposed conversion of existing farm house and construction of detached garage
2014/01337/FUL	A	Stanwell School, Salisbury Avenue, Penarth	Engineering works comprising the construction of 41 new parking spaces within the existing school grounds
2014/01347/FUL	A	67, John Batchelor Way, Penarth	Remove rear ground floor sash window and replace with patio door to rear garden
2014/01374/ADV	A	Clerk to the Justices, Vale of Glamorgan Magistrates Court, Thompson Street, Barry	Fascia and projecting sign
2014/01384/FUL	A	Plot 62, The Hedgerows, White Farm, Barry	Proposed alteration of approved dwelling to include rear conservatory extension

2014/01404/FUL	A	Craigwen, Barren Hill, Penmark	Single storey front extension to project in-line with most prominent front wall of building with balcony above
2014/01413/NMA	A	88, Lavernock Road, Penarth	First floor extension over existing garage and two storey extension to rear - Amendment to 2012/01357/FUL
2014/01492/PND	F	The Links, off Pen Y Lan Road, Aberthin	Demolition of bungalow and attached garage
2014/01501/NMA	A	Former ITV Studio, Port Road, Culverhouse Cross	Removal of conditions relating to Code for Sustainable Homes i.e. 17, 18 and 19 of application 2013/01152/OUT
2014/01208/FUL	A	The Village Green, Colwinston	Erection of a War Memorial
2014/01210/FUL	A	143, Port Road West, Barry	Proposed rear dormer extensions and alterations to existing dwelling
2014/01250/FUL	A	Site known as Westpond, Barry Waterfront, Barry	Construction of substation for Phase 1 of the Westpond Barry Redevelopment
2014/01261/FUL	A	5, Trepit Road, Wick	Amendment to approvals 2009/00686/FUL and 2010/00279/FUL - Single storey garage constructed of timber
2014/01280/FUL	R	Tudor Lodge, Bonvilston, Cardiff	Change of use from current agricultural store to proposed chicken shed
2014/01284/FUL	A	6, Clive Place, Penarth	Demolition of existing front elevation and reinstatement of stone facade complete with bay window
2014/01290/FUL	A	Abbey Farm, Abbey Road, Ewenny	Garage

2014/01303/FUL	A	27, South Road, Sully, Penarth	Proposed temporary building on land adjacent to 27 South Road, Sully
2014/01316/ADV	A	Downs Filling Station, Stalling Down, Cowbridge	Replacement shop fascias and freestanding totem pole signage
2014/01328/FUL	A	13/13A, Arcot Street, Penarth	Change of use of ground floor to offices/counselling rooms and food bank
2014/01332/FUL	A	13, Westward Rise, Barry	Two storey extension to rear ground floor kitchen/lounge first floor bedroom with ensuite. Porch extension to include cloak room and WC
2014/01333/FUL	A	6, Plover Way, Penarth	Single storey front, side and rear extensions
2014/01336/FUL	A	59, North Walk, Barry	Proposed double storey side extension
2014/01341/FUL	A	20, Marine Drive, Barry	Proposed window alterations to front and side elevations
2014/01353/FUL	A	The Paddocks, Colwinston, Cowbridge	Erect porch to rear of dwelling
2014/01361/FUL	A	81, South Road, Sully	Demolition of existing garage and outbuildings. Reroofing of existing rear extension connecting to new side extension
2014/01362/FUL	A	Glade View, St Mary Church	Rear two storey and single storey extension
2014/01366/RG3	A	Nightingale Cottage, Porthkerry Park, Barry	Material change of use from C3 residential to B1 business use and public display area
2014/01369/FUL	A	Crack Hill House, A48, Brocastle, Bridgend	Single Storey Extension
2014/01412/LAW	A	TecMarina, (former KMS House), Terra Nova Way, Penarth	Use of the building as B1 use

2014/01486/NMA	A	McDonalds Restaurant, Valegate Retail Park, Culverhouse Cross, Cardiff	Minor amendment to planning application 2014/01043/FUL to allow the retention of the installation of a goal post height restrictor
2014/01024/FUL	A	152, Port Road East, Barry	Single storey rear extension
2014/01226/FUL	A	56, Redlands Avenue, Penarth	Renewal of planning permission 2010/00075/FUL change of use of single dwelling to two flats with associated works
2014/01255/FUL	A	1, Pembroke Close, Dinas Powys	Two storey side extension
2014/01264/FUL	A	52, High Street, Cowbridge	Change of Use from A1 Shops to A2 Financial and professional services. New fascia advertisement sign and replacement of the existing shopfront to match the existing.
2014/01266/ADV	A	52, High Street, Cowbridge	Change of Use from A1 Shops to A2 Financial and professional services. New fascia advertisement sign and replacement of the existing shopfront to match the existing
2014/01277/FUL	A	The Murch Recreation Ground, off Sunnycroft Lane, Dinas Powys	Siting of storage container to store football club equipment
2014/01281/FUL	R	3, Maes Y Coed, Barry	Division of a plot and the construction of two new two bedroom apartments
2014/01283/FUL	R	74, Stanwell Road, Penarth	Construction of driveway to the front of the property, with access over the pavement to the highway

2014/01307/LBC	A	52, High Street, Cowbridge	Change of use from Class A1 shops to A2 financial and professional services, and for the replacement of the existing shopfront
2014/01319/FUL	R	Ffream Annwfn, Sully Road, Penarth	Conversion of rural building to residential dwelling
2014/01321/FUL	A	4, Voss Park Close, Llantwit Major	Existing garage to be changed to habitable space, new window in place of garage door. New extension to side elevation to match existing front projection, to become new garage/store existing garage door utilised here. Existing stone cladding removed to front projection and rendered
2014/01322/FUL	A	20, High Street, Penarth	Proposed alterations to existing dormer window and additional dormer window
2014/01323/FUL	A	The Stables, adjacent The Old Rectory, St. Brides Super Ely	Alterations to previously approved scheme for a replacement dwelling (reference 2014/00705/FUL)
2014/01324/FUL	A	Westgate Lodge, 1 Llantwit Major Road, Cowbridge	Proposed utility room extension to ground floor including disabled shower room
2014/01331/LAW	A	24, Cae Gwyn, Penarth	Single storey rear extension
2014/01343/FUL	A	109, Glebe Street, Penarth	Remove existing glazed aluminium shop front and replace with traditional wooden shop front with glazing
2014/01351/FUL	A	25, Minehead Avenue, Sully	Extension to back of house for dining room



2014/01357/FUL	A	8, Cae Canol, Penarth	Removal of existing lean to conservatory and construction of single storey lean to extension
2014/01360/LAW	A	23, Morningside Walk, Barry	Single storey lean-to type rear extension
2014/01363/ADV	A	PDSA, 6, Windsor Road, Penarth	Replacement fascia, projecting signage and vinyl posters affixed to rear of shop front windows and doors
2014/01364/FUL	A	31, High Street, Barry	Change of use from A1 (shop) to A3 (Micro-Pub)
2014/01365/FUL	A	58, Porthkerry Road, Rhoose	Creation of first floor area and ground floor extensions to existing bungalow
2014/01368/ADV	E	Barry Waterfront, Powell Duffyn Way, Barry	Car park and building signage to a new Asda Store
2014/01373/LEG	R	Pentwyn House, Church Road, Llanblethian	Removal of unilateral undertaking to allow for change (subject to planning) to two dwellings
2014/01381/LAW	A	Unit 2, Heol Ceiniog, Waterfront Retail Park, Barry	Ancillary pet care and treatment facility within an existing A1 retail unit
2014/01383/FUL	A	2, Regency Close, Llantwit Major	Erection of front porch, double storey side extension, detached garage. Demolition of existing garage
2014/01394/FUL	A	9, Parklands, Corntown	Proposed new extension to existing property
2014/01395/FUL	A	144, Plassey Street, Penarth	Proposed single storey rear/side extension
2014/01400/FUL	A	48, Porthkerry Road, Rhoose	To form new front and rear elevation dormers to accommodate two bedrooms

2014/01403/ADV	A	Medical Centre, Hood Road, Barry	Installation of an advertisement fascia for pharmacy on premises
2014/01455/OBS	P	Pant Ruthin Fach Farm, St. Mary's Hill	Divert part of overhead network and replace with new overhead and underground sections, under the Electricity Act 1989
2014/01497/NMA	A	Forty Farm, St. Brides Road, St. Brides Super Ely	Non-Material Amendment to 2014/00897/FUL for replacement dwelling
2014/01504/NMA	A	UWC Atlantic College, St. Donats	Amendments to planning application 2014/01058/FUL
2014/01525/PNA	F	Land between Pop Hill and Cross Common Road, Dinas Powys	To provide a dry track during Autumn/Winter months for tractors and trailers. Land to be used for cattle and may crops
2014/01361/FUL	A	81, South Road, Sully	Demolition of existing garage and outbuildings. Reroofing of existing rear extension connecting to new side extension

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12 FEBRUARY 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

None.

---

(b) Enforcement Appeals Received

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

Start Date: 23 December 2014

---

(c) Planning Appeal Decisions

L.P.A. Reference No: ENF/2013/0361/A and 2012/00956/FUL  
Appeal Method: Hearing  
Appeal Reference No: C/14/2221179 and 14/2219004  
Appellant: Mr. M. Walsh  
**Location:** **Land at Allt Isaf Alpacas, Groes Faen Road, Peterston-Super-Ely**  
Planning Application Proposal: Temporary dwelling for a rural worker  
Enforcement Notice Breach: Without the benefit of planning permission, the erection of a wind turbine and solar panel for domestic purposes and the material change of use of the Land from agriculture to a mixed use for agriculture and a residential use by virtue of the siting of a static caravan and its use for residential purposes; and, temporary dwelling for a rural worker

Decision: Planning appeal allowed.  
Enforcement appeal dismissed  
Date: 20 January 2015  
Inspector: Mr. T. S. Belcher  
Council Determination: Committee

As noted above, the appeal in respect of the refusal of planning permission for the temporary worker's dwelling and the appeal against the issues of an enforcement notice in respect of the site were linked and a joint decision was issued by the Inspector. That decision is summarised as follows.

## **Summary**

The appeal relates to an Enforcement Notice issued in respect of siting and residential use of land and the decision of the Council to refuse planning permission for a temporary rural workers dwelling on the land.

The Inspector identified the principal issues in the case related to the requirement for the proposed development to meet the tests established in national planning guidance on rural workers dwellings, as well as the impact of the development on the special landscape area. A significant issue that was also considered was whether the development related to a new or established rural enterprise.

In respect of the question as to whether the development relates to a new or established rural enterprise, the Inspector noted the Council's concerns that the Appellant had livestock on the land and had also commenced residential occupation of the land in April 2011. The Inspector had sympathy with the Appellant's personal circumstances, and concluded that whilst the business has commenced that it was more appropriate to consider the proposal as if it was a new dwelling on a new enterprise. The Inspector cited that national policy explains that the evidence provide to support a temporary dwelling can be tested by the grant of a planning permission for a limited period where the proposed dwelling can be easily dismantled.

Considering the intention and ability of the Appellant to develop the rural enterprise the Inspector concluded that the investment in buildings on the site together with his previous experience in livestock husbandry was sufficient to pass this first element of the tests. In respect of the necessity to develop this site over another suitable site where a dwelling is likely to be available, the Inspector concluded that the Appellant personal circumstances and financial position is such that it would be inconceivable to conclude that the Appellant would have chosen to live in the a caravan if there had been a farm with a dwelling that was available and affordable. Similarly it was concluded that there was no other locally available dwellings to fulfil the need on the site. Turning to the financial soundness of the enterprise the Inspector understood the Council's caution adopted in respect of the matter, however, it was considered that the proposed annual trading income would be sufficient to remunerate the work carried out on the enterprise. The Inspector gave limited weight to the Appellant's secondary employment outside of the rural enterprise. In respect of functional need, the Inspector was satisfied that the current holding and predicted stocking levels was sufficient to warrant the temporary grant of planning permission.

Considering the issue of landscape impact, specifically in regard to the special landscape area, the Inspector concluded the proposed siting was appropriate. Moreover, the Inspector placed weight on the fact that if the enterprise cannot be justified within the three year temporary period the dwelling would be removed and the character and appearance of the special landscape area would be fully restored.

During the course of the appeal, the Appellant confirmed that if the Inspector was minded to allow the appeal in respect of a temporary rural workers dwelling he would not wish to pursue his appeal in respect of the Enforcement Notice under grounds (a) or (f), that planning permission ought to be granted for the development subject to the notice and that the steps required by the Notice were excessive, and that only the ground (g), the period for compliance is too short, should be progressed. In view of the Inspector's conclusions relating to the grant of permission for a temporary workers dwelling, the Enforcement Notice was upheld. In respect of the ground (g) appeal, the Inspector amended the Notice to benefit the Appellant with six months to implement the temporary consent and comply with the requirements of the Enforcement Notice.

An application for a full award of costs was submitted by the Appellant during the course of the appeal hearing. That decision is subject to a separate decision letter. The Inspector found that the Council had not acted unreasonably in refusing planning permission for the development and had substantiated the reasons for refusal during the course of the appeal specifically citing the evidence given by a professional witness instructed by the Council. No award of costs was granted.

---

L.P.A. Reference No:	2014/00669/FUL
Appeal Method:	Written Representations
Appeal Reference No:	14/2228427
Appellant:	Mr. D. S. Marriot,
<b>Location:</b>	<b>31, Marine Drive, Ogmores By Sea</b>
Proposal:	Single storey extension, first floor extension including loft conversion, new access driveway and associated works and balcony
Decision:	Appeal Dismissed
Date:	21 January 2015
Inspector:	Richard Duggan
Council Determination:	Delegated

## Summary

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area, and on the living conditions of the occupiers of No 30 Marine Drive with regard to loss of light and outlook. He determined that the appeal property occupies a prominent corner plot and is part of a linear group of detached dwellings which display a distinct uniformity in terms of their spacing and positioning within their respective plots. He was of the view that the proposed first floor extension and loft conversion would significantly increase the height and massing of the property.

The Inspector considered that the resulting two-storey dwelling, especially the side elevation fronting the highway, would be seen as a dominant and bulky feature, compounded by its prominent corner position on the street. It would therefore stand out as a discordant element in the street scene at odds with the scale of other properties in the vicinity of the site.

The Inspector noted that whilst the side extension is modest in scale, he felt that it would reduce the sense of space that exists between the dwelling and the highway and would disrupt the uniform qualities of the street, to the detriment of the character and appearance of the area.

The Inspector noted that the proposed first floor extension would be closest to No 30 Marine Drive, which has windows on the side elevation that face the appeal property. Although No 30 is sited on higher ground than the appeal site, the inspector felt that the increased massing and ridge height of the dwelling would cause additional shading of the neighbouring windows and would reduce the amount of natural light that reaches them, especially on cloudy days, to the detriment of living conditions. This would be exacerbated by the fact that No 30 is sited to the north of the appeal property.

Due to the eaves height and forward projection of the proposed first floor extension the Inspector was of the view that the development would have the effect of significantly reducing this sense of space. The additional height and massing would, in the Inspector's view, have an imposing and oppressive effect on the outlook of the occupants of No 30 when viewed from the first floor habitable rooms and patio doors. Moreover, he was of the view that the height, mass and proximity of the extension to the neighbouring property would result in an overbearing form of development that would be visually over-dominant, with consequent adverse effects on the living conditions of the occupants concerned.

The Inspector concluded that the proposed development would have a harmful impact on the character and appearance of the area, and would have a damaging impact on the living conditions of the occupiers of No 30 Marine Drive with regard to loss of light and outlook. As a result, he considered that the appeal proposal would conflict with Policy ENV27 of the adopted Vale of Glamorgan Unitary Development Plan (2006) and the Council's approved Supplementary Planning Guidance 'Amenity Standards'.

---

L.P.A. Reference No:	2014/00429/FUL
Appeal Method:	Written Representations
Appeal Reference No:	14/2226130
Appellant:	Mrs. N. Richards
<b>Location:</b>	<b>Tudor Lodge, Bonvilston</b>
Proposal:	The extension and improvement of existing wall at access, with a stone faced wall with stone piers at 2.0m crs
Decision:	Appeal Dismissed
Date:	22 January 2015
Inspector:	Janine Townsley
Council Determination:	Committee

## Summary

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

The Inspector noted that whilst the access is used by the appellant to drive to the property, the track itself passes over agricultural land. Accordingly, he identified the character of the entrance to be agricultural in nature and appearance. He also noted that when approaching Bonvilston from the west, the appeal site has the appearance of open countryside and, whilst the built form of the village commences opposite the site, this does not affect the character of the site itself.

The Inspector noted the number of examples of stone walls in the village, but was of the view that these contrasted with the appeal proposal in that they serve as boundary features to buildings.

With regard to the proposal itself, the inspector found that this would change the character of the appeal site from agricultural to domestic as a result of the design of the proposed wall, gate and piers which do not reflect traditional field boundaries. This, he felt, would detrimentally affect the character and appearance of the appeal site and would fail to maintain and improve the features of the countryside contrary to Policies ENV1 and ENV10 of the Vale of Glamorgan Unitary Development Plan 1996-2011 (“UDP”) and the Supplementary Planning Guidance “*Design in the Landscape*”.

Furthermore, whilst the Inspector noted that the appeal site does not fall within the conservation area, the fact that it is adjacent to it means that it has the potential to have an impact. He noted that, whilst UDP Policy ENV20 and the Bonvilston Conservation Area Appraisal and Management Plan did not appear to be directly relevant, Policy ENV27 does require that new development should minimise any detrimental impact on adjacent areas. For the reasons stated above the Inspector concluded that the proposal would result in a detrimental effect on the character and appearance of the broader area which includes the conservation area and this reinforces the conclusion that this is an inappropriate location for the proposal.

The Inspector noted that the permitted development rights for the construction of a boundary wall at the appeal site would allow for a maximum height of one metre. This is in contrast with the appeal proposal which would result in a two metre wall. The inspector concluded that this difference in height would result in harm to the character and appearance of the area.

---

L.P.A. Reference No:	2014/00086/FUL
Appeal Method:	Written Representations
Appeal Reference No:	14/2224901
Appellant:	Ms. J. Atkinson,
<b>Location:</b>	<b>34A, Plassey Street, Penarth</b>
Proposal:	Change of use from art studio to two bed dwelling
Decision:	Dismissed
Date:	8 <sup>th</sup> January 2015
Inspector:	Melissa Hall
Council Determination:	Delegated

## Summary

The Inspector considered the main issues to be the effect of the development on the living conditions of its residents and neighbours.

The Inspector noted that the windows on the side elevation of the appeal building are within some 11 metres of the closest rear facing first floor windows of the neighbouring properties. These windows are also sited on the common boundary with the amenity space serving No 34. When in an open position, the inspector was of the view that the occupants of the development would overlook No 34 and, to a lesser extent, No 7 from an unacceptably close distance. It would therefore have a direct and harmful effect on the privacy of the residents and would compromise the living conditions that they should reasonably expect to enjoy.

The Inspector noted that the Council had considered the appropriateness of a condition requiring the windows to be fixed shut as well as obscurely glazed. However, the Inspector shared the Council's view that such a measure would result in inadequate living conditions for the occupants of the appeal property.

Access to outdoor space for purposes such as sitting out, hanging washing or storing refuse is a basic requirement, as has been found by a number of other Inspectors in situations such as this. Whilst the Inspector noted the appellant's view that there is sufficient space to store a bicycle and bins, its size and character is such that it would feel awkward, dark and cramped. In the Inspector's view it would not cater for the day to day needs of the occupants.

The Inspector had regard to the sustainability of the location and the availability of recreational facilities in close proximity, but found that the site did not provide the same degree of private and useable space that is required in association with a residential use of this nature.

In conclusion, the Inspector found the development to have an unacceptable overlooking impact on neighbouring properties and fails to provide adequate living conditions for its occupants, in conflict with UDP Policies HOUS8 and ENV27.

---

L.P.A. Reference No:	2014/00075/FUL
Appeal Method:	Written Representations
Appeal Reference No:	14/2223366
Appellant:	Mr.Gerry Steinhauer,
<b>Location:</b>	<b>101, Boverton Road, Llantwit Major</b>
Proposal:	Demolish existing garage on east side of house, extend drive on east side of existing house. Build new garage on west side of existing house, build two 4 bed detached houses with garages to the North East of the existing house within curtilage of the garden
Decision:	Appeal Dismissed
Date:	5 January 2015
Inspector:	Melissa Hall
Council Determination:	Delegated



## Summary

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the surrounding area and on the living conditions of neighbours.

### *Character and Appearance:*

Owing to the shape of the site, its set back from the highway and the relationship with the existing built form, the Inspector acknowledged that the development would not be highly visible from any public vantage point along Boverton Road. Nevertheless, she noted that both dwellings would be orientated such that their principal front elevations would face the side elevation or rear garden of No 101 rather than towards the highway. In this respect, their orientation would differ from that of the existing built form on Boverton Road to which the development would most closely relate. In addition, the Inspector noted that the siting of the northernmost dwelling beyond the rear elevation of No 101 and closer to the northern boundary with the railway line would be at odds with the siting of the existing dwellings along this part of Boverton Road. Consequently, the Inspector was of the view that the siting, orientation and layout of the development would be at odds with the established pattern of development. He commented that, whilst this relationship may not be prominent in the wider street scene, when viewed at a closer range it would appear awkward, unsympathetic and cramped, having a harmful effect on the character and appearance of the surrounding area in conflict with UDP Policies ENV27, HOUS8 and HOUS11.

The Inspector noted the appellant's contention that the UDP is now out of date. Even so, she was of the view that the harm to the character and appearance of the area would result in the proposal not meeting with the sustainability aims of PPW and not reflecting the advice in TAN 12, that design which is inappropriate in its context, or which does not take the opportunity to enhance the local area, should not be accepted.

### *Living Conditions:*

In terms of the northernmost dwelling, one of the first floor windows on the principal elevation facing the rear garden of No 101 would serve a bedroom. The Inspector noted that, from this window, future occupants would have a direct view into the rear garden of the existing dwelling from an unacceptably close distance, resulting in unacceptable overlooking of No 101, to the detriment of the privacy that its occupants should reasonably expect to enjoy.

Whilst the Inspector acknowledged that the southernmost dwelling would be angled away from No 3, its rear garden would be of limited depth and it would have a significant two storey massing when viewed in this plane. He was of the view that in these circumstances, it would also have a significant overbearing effect on the occupants of the neighbouring property when viewed from their rear garden.

The proposed access arrangement would result in vehicles associated with the two additional dwellings travelling along the common boundary with No 103 Boverton Road and in close proximity to the existing dwelling on the site. The Inspector noted that existing residents would thus be exposed to the activity associated with the increased vehicular movements.

She was of the view that such an increase in activity would be likely to result in a significant level of disturbance for the occupants of these neighbouring dwellings, thereby having an unacceptable impact on their living conditions, in conflict with UDP Policies ENV27, HOUS8 and HOUS11.

---

L.P.A. Reference No: 2014/00200/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 14/2223195  
Appellant: Dr. Jerry Heath,  
**Location: Lane End, Michaelston Le Pit**  
Proposal: Demolition of pole barns and light industrial buildings. Creation of a new dwelling and barn and reinstating pond  
Decision: Appeal Dismissed  
Date: 5 December 2014  
Inspector: Melissa Hall  
Council Determination: Delegated

### Summary

The Inspector considered the main issues to be:

- Whether the proposed development is justified having regard to policies designed to control the location of new housing, and
- Whether the proposed development would preserve or enhance the character or appearance of the Michaelston le Pit Conservation Area (CA) and its effect on the Cwrt yr Ala Special Landscape Area (SLA).

The Inspector noted the location of the appeal site, forming part of the curtilage of an existing dwelling, in the Cwrt yr Ala SLA and partly within the Michaelston le Pit CA. She also noted the extensive planning history to the site. Despite the appellant's contentions, she considered the site to be in the open countryside where Policies ENV1 and HOUS3 of the UDP would apply.

The Inspector noted the appellant's contention that the UDP is out of date and that greater weight should be given to Planning Policy Wales (PPW). In particular, her attention was drawn to the guidance in respect of maximising the use of previously developed land and the infilling or minor extensions to existing settlements. She accepted that this is a brownfield site, but noted the guidance in paragraph 4.7.8 of PPW which also states that development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of *inter alia* infrastructure and access. The Inspector noted that Michaelston le Pit scores low on the LDP Background Paper 'Sustainable Settlements Review' 2013 and was of the view that there would be a significant reliance on the car as a means of travel for the future occupiers of the development.

The Inspector found a distinct difference between the scheme proposed and that approved under planning permission Ref 2013/00843/FUL, insofar as the approved building is linked by condition to the existing dwelling which would function as ancillary accommodation whereas the proposed development is a new independent dwelling resulting in additional people living in an unsustainable location relying predominantly on the facilities and services outside of the village. In this context it was found that the site would not constitute a sustainable location for new housing development and the proposal would not therefore represent an acceptable extension to the built form. Furthermore, it would undermine the Council's strategy in relation to the location of new housing which directs such development to settlements that have sufficient physical form and capacity for growth. Consequently, the inspector found conflict with UDP Policies ENV1, HOUS3 and Strategic Policies 2 and 8.

With regard to the appellant's contention that the proposal would amount to affordable housing complying with UDP Policy HOUS13 (for exception sites in the rural Vale), the Inspector was not convinced that appropriate mechanisms for securing affordable housing provision were in place which may enable the proposal to be exceptionally justified as an exceptions site for affordable housing in the rural Vale.

Turning to the visual impact of the development, the Inspector had regard to the fall back position which is the development approved under the 2013 permission. She did not find that the proposal would have a more significant effect than that of the approved scheme and was of the view that the proposal would preserve the character and appearance of the conservation area. Whilst the Inspector did not find conflict with UDP Policies ENV4, ENV10, ENV20, ENV27 or Strategic Policy 1 in this regard, she confirmed that this does not overcome the harm identified above in the balance of acceptability.

---

L.P.A. Reference No:	2014/00037/FUL
Appeal Method:	Written Representations
Appeal Reference No:	14/2222350
Appellant:	Mrs C Harries
<b>Location:</b>	<b>The Old Vicarage, Penmark</b>
Proposal:	New dwelling in garden of property on site of existing tennis court
Decision:	Appeal Dismissed
Date:	7 January 2015
Inspector:	Melissa Hall
Council Determination:	Committee

## Summary

The Inspector considered the main issues to be:

- Whether the proposed development would preserve or enhance the character or appearance of the Penmark Conservation Area (CA) and its effect on the Nant Llancarfan Special Landscape Area (SLA).

- Whether future occupants of the development proposed would be provided with adequate opportunity to travel by means other than the private car, so contributing to sustainable patterns of development.

*Character and Appearance:*

The Inspector noted the location of the appeal site and the Council's case, that the site lies outside of any defined settlement boundary in a village that is not one identified in Policy HOUS2, where favourable consideration should be given to 'rounding off'. As such, and for the purposes of the UDP, the proposal would not be consistent with the Council's strategy for directing small scale residential development to villages which have sufficient physical form and capacity to assimilate such infill development.

In this context, the inspector considered that the principle of the construction of a dwelling on this site would not meet the objectives of Policy ENV1 to safeguard the character and appearance of the countryside, or the objectives of Policies HOUS2 and HOUS3 in relation to the Council's strategy for new housing development.

The Inspector noted the '*Penmark Conservation Area Appraisal and Management Plan*' (PCAAMP). The Inspector was of the view that the site is read predominantly in the context of the open, natural landscape that gives Penmark its rural setting and character. She commented that, in these circumstances, the construction of a dwelling in this location would result in an intrusion of substantial built form into what is otherwise a largely unspoilt and verdant area on the edge of the conservation area, thus compromising wider views of the landscape and harmfully erode the prevailing rural and natural character of its setting, which are important features of this part of the conservation area. The Inspector was of the view that the visual impact of a dwelling would be more significant and harmful to this established character and appearance of the conservation area than that of an existing hardstanding and fence (tennis court).

Having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the Inspector found that the proposal would neither preserve nor enhance the character and appearance of the conservation area and would conflict with UDP Policy ENV20 and ENV17. In view of this she was also of the view that the development would be at odds with UDP Policy ENV27 and Strategic Policy 1, as well as PPW and Technical Advice Note 12 '*Design*'.

With regard to the Council's contention that the proposed dwelling would detract from the undeveloped and unspoiled character of the surrounding rural landscape of the Nant Llancarfan SLA, the Inspector was of the view that the evidence before her failed to demonstrate that a proper assessment had been made of the effect of the development on these important features. Consequently the inspector was not persuaded that the proposal would not have an unacceptable impact on the special qualities of the SLA in conflict with Policy ENV4 and ENV10 or the Supplementary Planning Guidance '*Design in the Landscape*' (SPG).

### *Sustainability of Location:*

In terms of the location of the development, the Inspector found conflict with UDP Strategic Policies 2 and 8 and Policy ENV27, which require highly accessible development that is located to minimise the need to travel, especially by car. It would further conflict with the advice in the Council's '*Sustainable Development*' SPG which encourages easy and safe movement for all modes of transport.

The inspector noted that a fundamental objective of national planning policy is to create balanced sustainable rural communities, with new development located within and adjoining those settlements where it can be best accommodated in term of *inter alia* infrastructure and access. In this context, the view was that a development located away from essential facilities and services would be inadequate in terms of its accessibility by non-car modes, in conflict with PPW.

---

L.P.A. Reference No:	2014/00560/FUL
Appeal Method:	Written Representations
Appeal Reference No:	14/2224920
Appellant:	Mr. Paul David Mahoney,
<b>Location:</b>	<b>Potting Sheds, Church Rise, Wenvoe</b>
Proposal:	Demolish existing potting sheds and replace with 2 bedroom dwelling
Decision:	Appeal Dismissed
Date:	15 January 2015
Inspector:	Melissa Hall
Council Determination:	Delegated

### **Summary**

The Inspector considered the principle issues in this appeal to be:

- The effect of the proposed development on the character and appearance of the area.
- The effect of the proposed development on the living conditions of the neighbours and future occupants, and
- Whether the proposed off-street parking arrangements would be adequate.

The Inspector identified the principal issues to relate to the effect of the proposed development on the character and appearance of the area, as well as the future living conditions of the occupants and neighbour.

In respect of character and appearance, the proposed development was not considered to reflect the character and appearance of the surrounding area as intended by the Council. Moreover, the Inspector concluded that the development would appear cramped and contrived, describing the proposal as appearing to be 'shoehorned' into the plot. The resultant development was considered to be wilful and awkward in form.

Notwithstanding the Appellant's contention that there is adequate public open space as identified in the Council's LDP background papers in the vicinity of the site, the Inspector agreed with the Council's contention that this space does not provide the same degree of private, useable space that is required in association with a residential dwelling.

The Inspector was not satisfied that the development afforded an acceptable level of amenity space, and concluded that it would be of insufficient size and thus failed to provide any meaningful amenity space to the property and future occupants. Moreover, the courtyard nature of the space, with high boundary walls, would create an oppressive environment which would fail to cater for the day to day needs of the occupants for outdoor space. The Inspector acknowledges the presumption in favour of the use of previously developed land and the promotion of a mixed choice of housing that this development would have provided, however, the harm identified was not sufficient to outweigh these issues.

In respect of the impact on the neighbouring dwelling, the Inspector agreed that the development would result in an unsatisfactory relationship with the neighbouring property resulting in a harmful impact on the living conditions that the occupants should reasonably expect to enjoy. The Inspector did not consider the fenestration layout to impact on the amenity of the neighbouring property.

Finally, the Inspector concluded that there would be no impact on ecology issues, nor parking provision at the site. In view of the above, the Inspector dismissed the appeal.

---

(d) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2013/0287/PCENF/2013/0287/PC
Appeal Method:	Hearing
Appeal Reference No:	C/14/2229762
Appellant:	Mr. & Mrs. M. Boland
<b>Location:</b>	<b>Land adjacent to The Limes, Cowbridge</b>
Proposal:	Without planning permission, the erection of a means of enclosure comprising of green netting and a wooden hoarding on the boundary of the Land.
Decision:	Appeal Invalid
Date:	16 December 2014
Inspector:	
Council Determination:	Committee

**Summary**

This appeal was invalid. The Enforcement Notice has already come into effect and the period to appeal the notice has expired. In fact a successful prosecution has already been brought against the failure to comply with the requirements of the Notice.

(e) April 2014 - March 2015 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (incl. tree appeals)	<b>W</b>	20	3	<b>23</b>	-
	<b>H</b>	1	2	<b>3</b>	1
	<b>PI</b>	1	1	<b>2</b>	3
<b>Planning Total</b>		22 (79%)	6 (21%)	<b>28</b>	4
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	1	-	-	3
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		-	-	-	3
<b>All Appeals</b>	<b>W</b>	20	3	<b>23</b>	-
	<b>H</b>	2	2	<b>4</b>	4
	<b>PI</b>	1	1	<b>2</b>	3
<b>Combined Total</b>		23 (79%)	6 (21%)	<b>29</b>	7

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.

ROB THOMAS

DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 FEBRUARY 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

2014/01251/TPO	A	Pentre Beili, Colwinston	Repollard and reshape 1 No Sycamore
2014/01273/TPO	A	Tesco Stores Ltd, Culverhouse Cross, Cardiff	T1 Ash - remove 2 lower limbs; T2 Beech - remove 11 small lateral limbs; T3 Ash - crown lift 3 limbs; T4 Beech - remove 2 lower lateral limbs; T5 Oak - reduce from building and crown lift 3 limbs; T6 Willow - remove lower limb and clear lamppost; T7 Hazel - coppice; T8 Willow - remove upper limb; T9 Beech - crown lift
2014/01279/TPO	A	6, Ger Y Llan, St. Nicholas	Reduce and reshape Whitbeam
2014/01342/TCA	A	Wentworth, Bradford Place, Penarth	Removal of one Cypress, two Sycamores and a Whitebeam
2014/01376/TPO	R	39, Cardiff Road, Dinas Powys	Fell Thuja (Western Red Cedar)
2014/01379/TPO	A	1, Manor View, Ham Manor Park, Llantwit Major	Take down two Scot pines and crown raise Silver Birch



2014/01418/TPO A Causeway House, The  
Causeway, Llanblethian

Crown reduce Ash (side boundary) by 30%, crown reduce Ash (adjacent to house) by 25%, remove dead Horse Chestnut, remove Ash (roadside boundary) and remove Eucalyptus

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12 FEBRUARY 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT LAND AT SAITH FARM, PETERSTON-SUPER-ELY

Background

1. Members will recall that authorisation was granted at planning committee on 3 July, 2014, to serve an enforcement notice in respect of a breach of planning control at Saith Farm, Peterston Super Ely. The notice was issued on 11 November, 2014, and alleged the following breach of planning control:

*Without planning permission, the material change of use of the Land from agriculture to a mixed use for agriculture and:*

- (i) *the storage of skips;*
  - (ii) *the sorting and storage of waste material;*
  - (iii) *the storage of lorries;*
  - (iv) *the storage of builder's materials, equipment, machinery and vehicles; and*
  - (v) *the use of the Land for residential purposes by virtue of the siting of a domestic trailer and its use for residential accommodation.*
2. An appeal was made against the service of the enforcement notice in December, 2014. As such, the enforcement notice has not come into effect and is being held in abeyance pending the determination of the planning appeal. The appeal is to be dealt with by way of a public inquiry which is not scheduled to take place until 5 June, 2015.
3. In the meantime, your officers have received a number of complaints regarding the activities at the site that would suggest that the use of the site alleged in the enforcement notice, in particular the uses (i) to (iv), are still occurring.
4. For the reasons set out in the original authorisation report, the continuation of these activities is considered to generate vehicle movements that are detrimental to the amenity of nearby residential occupiers and a risk to highway safety on the access track and the adjoining highway network. The activities are also considered to have an adverse impact on the rural setting, recognised for its landscape value. Attached as Appendix A to this report is a copy of the original committee report for your information.

5. Accordingly, and in light of the fact that the appeal is not likely to be determined until July, 2015, at the earliest, urgent authorisation was sought from the Chair of the Planning Committee to serve an immediate stop notice to require the cessation of the following uses that are alleged in the original enforcement notice:
  - (i) the storage of skips;
  - (ii) the sorting and storage of waste material;
  - (iii) the storage of lorries; and
  - (iv) the storage of builder's materials, equipment, machinery and vehicles.
6. Authorisation was granted by the Chair on 2<sup>nd</sup> February, 2015. Members will be verbally advised at Committee of the date the notice was served.

#### Resource Implications (Financial and Employment)

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

#### Legal Implications (to include Human Rights Implications)

8. As noted above, the owner of the site has exercised his right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended) in respect of the Enforcement notice that has already been issued.
9. For information, it should be noted that the issuing of a Stop Notice must be preceded by an Enforcement Notice, although they may be served concurrently. As mentioned above, the enforcement notice has already been issued. In serving a Stop Notice, the Council must ensure all details contained therein are precise, clear and enforceable. Compensation may be payable only where the notice is flawed in some respect, subsequently altered, varied or withdrawn. Compensation is not payable if a subsequent appeal under ground (a) is allowed to the benefit of the appellant. In view of the serious nature of the above unauthorised activities and the possible implications for the amenity of nearby residents, highway safety and the countryside, it was considered that the Stop Notice is warranted.
10. I would confirm my officers have undertaken a risk assessment in respect of the service of such a Notice. It has been concluded that the operator has no legitimate reason to be undertaking the activities specified above and that accordingly the possibility for compensation would be extremely low.

11. It is considered that the only grounds on which any appeal may successful would be in respect of ground (a), that planning permission should be granted, and in this respect no compensation would be payable by the Authority. It should be noted that the appeal against the enforcement notice was made under ground (a), as well as grounds (b) – that the breach has not occurred and (c)- that the use has occurred but that it is lawful, but the ground (a) appeal has now fallen as the necessary fee has not been paid.
12. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

13. None.

RECOMMENDATION

- (1) That Members note that Authorisation has been granted to serve a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended) to require the cessation of the following activities that are alleged in the original enforcement notice issued on 11<sup>th</sup> November, 2014:
  - (i) the storage of skips;
  - (ii) the sorting and storage of waste material;
  - (iii) the storage of lorries; and
  - (iv) the storage of builder's materials, equipment, machinery and vehicles.
- (2) In the event of non-compliance authorisation has been granted to take such legal proceedings as may be required.

Background Papers

Enforcement File Ref: ENF/2013/0192/A

Contact Officer - Mrs. Justina M. Moss, Tel: 01446 704690

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

ROB THOMAS  
DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 FEBRUARY 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.

Taylor Wimpey Plc and South Wales Land Development  
Savills 12 Windsor Place, Cardiff, CF10 3BY

**Land north of the railway line (west), Rhoose**

Residential development with associated access and associated works, to include public open space and land for a primary school (including the demolition of 46 Porthkerry Road and its associated outbuildings)

**SITE AND CONTEXT**

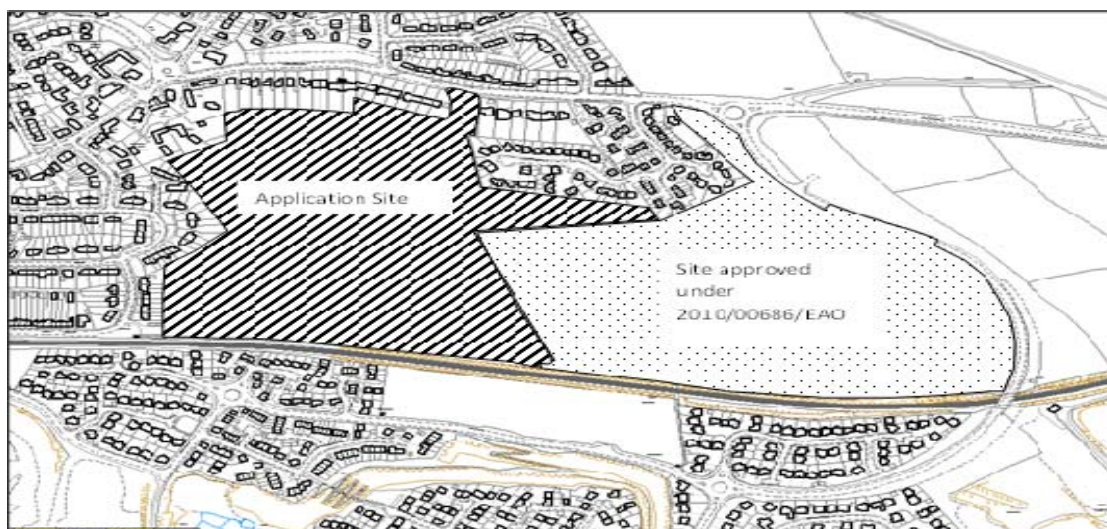
The application site relates to approximately 12.5ha (30.8 acres) of agricultural land located on the eastern side of the village of Rhoose. The site is located between Murlande Way and Porthkerry Road (to the north) and the more recent residential development at Rhoose Point (to the south). The site is irregular in shape, although is approximately square, with irregular boundaries and an eastern 'finger'.

The site is bordered to the east by residential properties of Murlande Way, and hedgerows and track (known as the 'green lane' or Happy Valley). The 'green lane' forms part of a public right of way (PROW) which provides a pedestrian link between Rhoose Point (from Trem Echni) to the village (Porthkerry Road).

The Vale of Glamorgan railway line forms the southern boundary of the site with the west of the site bordered by the built up area of Rhoose, principally the residential properties off St Curig's Close, Castle Road and Torbay Terrace.

The site currently only benefits from direct pedestrian access from Porthkerry Road via the PROW along the 'green lane'

Hedgerows form the majority of the boundary to the east and south of the site and boundary fencing to the north and west. The site includes an existing residential property (46 Porthkerry Road) which is to be demolished in order to form the access point. The site slopes gently to the south with a general fall of about 1:18 (60m to 40m AOD). The site has southerly views of the Bristol Channel.



The site falls within the defined residential settlement boundary of Rhoose and is allocated for residential development under Policy HOUS1 (22) of the Adopted Unitary Development Plan.

## DESCRIPTION OF DEVELOPMENT

This is an outline planning application for residential development, land for a Primary School, associated access and associated works (including demolition of No 46 Porthkerry Road)

The application is submitted with all matters reserved except for the main access, with the proposed vehicular access to Porthkerry Road. Whilst detailed layout and appearance/scale of the dwellings is reserved, the application is supported by a Master plan (as shown below).



The following land uses are proposed for the 12.5ha site:

The proposal is to provide:

- Circa 350 new homes with a range and choice of house types and size.

- A network of open spaces including areas for informal recreation.
- New roads, parking areas, accesses and paths, including several 'green routes' through the site linking the site to the designated footpath running broadly north/south across the site, plus a new east/west pedestrian/cycle link running parallel to the railway line and, a link diagonally across the site to the central area of open space.
- A comprehensive landscaping scheme and ecological mitigation measures.
- A SUDS attenuation basin along the southern boundary of the site,
- A new primary access point to Porthkerry Road plus a vehicular link to the central hedgerow to facilitate access to the adjacent development site; and
- 1 Ha of land for a new primary school, to comprise of a 258 Pupil Primary School (210 primary pupils and 48 part time nursery spaces).

#### Amount and Mix of Residential Development

Overall the proposed development will provide circa 350 new homes. Housing types will vary from 2 to 5 bed roomed houses. The scheme will include 30% of affordable housing.

Building heights will range from two to two and a half storeys within the residential areas, with limited locations for 3 storey buildings. A varied roofscape would be created to provide visual interest and variety throughout the development.

#### Open Space

The indicative Masterplan proposes a hierarchy of open space. The main area of public open space is shown indicatively to be broadly central within the site. Pockets of open space for Local Areas of Play are proposed to be dispersed around the site. Finally, the green routes described above also provide informal open space as part of the network of spaces.

The proposed development includes the provision for a total of circa 1.2 hectares of public open space across the application site.

#### Movement and Access Strategy

The site will be accessed from a primary vehicular access to be formed on to Porthkerry Road. The access has been designed in detail to accommodate the entirety of the likely development traffic associated with the new homes and the proposed primary school (based upon 210 primary places and 48 part time nursery places).



The primary access leads to an internal network of roads designed around the principles of Manual for Streets. The primary route has a 6.5m road width, the secondary roads have a 5.5m width, and the tertiary routes are designed to a 4.5m-5m road width, with a total shared surface width of 6m minimum.

The Master Plan has been designed to facilitate a vehicular link to the adjacent development site.

New pedestrian infrastructure is proposed to provide pedestrian access within the site and to connect to existing provision on Porthkerry Road and the adjacent development site. This includes the retention of the Public Right of Way that links the site to Porthkerry Road, the formation of a new east/west pedestrian/cycle link parallel with the railway line and, green links across the site.

The application has been supported by the following documents:

- Planning Statement
- Transport Assessment and Appendices
- Flood Consequences Assessment
- Revised Drainage Strategy Report
- Archaeological and Heritage Baseline Assessment
- Agricultural Land Assessment
- Landscape and Visual Appraisal
- Ecology reports
- Arboricultural report
- Hedgerow Report
- Noise and Vibration Assessment Note (prepared by INVC, dated 13 May 2014)
- Air Quality Assessment (prepared by Waterman Transport and Development, May 2014)
- Site Investigation Report
- CIV/15342/SA/92/007/A03 Southern boundary basin option plan
- Amended Design and Access Statement Additional Hedgerow Calculation,
- Additional Technical Note – Assessment of Revised
- Additional Noise and Vibration Assessment Note
- Additional Proposed Drainage Layout Plan
- Amended Flood Consequences Assessment and Drainage Strategy Report
- Amended Masterplan
- Southern Boundary Basin Option

## PLANNING HISTORY

### Application Site

2008/00541/OUT : Land to the north of the railway line, off Pentir Y De, Rhoose. Residential development comprising the erection of dwellings and garages, provision of infrastructure, open space and landscaping and all associated building and engineering operations - Withdrawn.

### Adjoining land (to the east) allocated under Policy HOUS1

2014/00639/EAR : Reserved Matters for appearance, landscaping, layout and scale for 126 dwellings. Application not yet determined.

2014/00344/RES : Reserved matters for appearance, landscaping, layout and scale for 224 dwellings. Application not yet determined.

2010/00686/EAO : Outline planning for the construction of up to 350 dwellings; the laying out of formal and informal open space, and changing rooms; new means of vehicular access onto Pentir Y De and associated infrastructure. Approved 24 January 2014, with a S106 Legal Agreement.

### Land to the South of the Railway

2012/00937/FUL : Proposed development of 90 No. residential units with associated public open space, landscaping, the creation of two new access points into the site from Trem Echni and diversion of the Public Right of Way. Approved 15 May 2014 with a S106 Legal Agreement.

### Rhose Point (General)

2004/01809/FUL : 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor at land adjacent to interchange. Application finally disposed of (deemed withdrawn) 28 September 2009.

2003/01311/OUT : Outline application for pub/restaurant. Refused 18 October 2004.

2002/01515/FUL : Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23 October, 2003.

98/01065/FUL : Determination of updated conditions for mineral site at Rhose Quarry. Outstanding to date.

93/01186/OUT : 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, nine hole golf course & club house, open space, playing fields, new access road etc. Approved 20 March 1996 with a Section 106 Legal Agreement.

### CONSULTATIONS

**Highway Development Team** were consulted and made the following comments:

“The priority junction is to be designed in accordance with the Design Manual for Road and Bridges (DMRB) to ensure the junction will operate within capacity with limited queuing in the AM and PM peak time of the Forecast Year with LDP scenario.

The submitted Drawing No SK15 showing the preliminary design of the access road indicates suitable radii in accordance with the recommended standards outlined within the DMRB. The submitted swept path analysis (Drawing No SK12) indicates that the revised layout provides suitable geometry to accommodate the movements of an 11.20m bus as required by the Highway Authority and is now considered acceptable in highway terms.

Similarly the 90 degree internal bend geometry has been amended and widened (Drawing No SK15) to ensure the safe two way movements of an 11.20m bus can be accommodated and this has been supported by the submission of swept path analysis (Drawing No SK16) and is acceptable in highway terms subject to the appropriate forward vision being provided.

Similar treatment will be required on the second 90 degree bend further along the main access road.

The proposed width of 6.5m is acceptable for the main access road to cater for predicted traffic flows and public transport infrastructure. A suitable turning head will be required at the boundary of the site if no formal connection to the Persimmon/Bellway development is agreed.

There are highway safety concerns with the proposal to cross the main access road with the cycleway/footway at the location indicated and an alternative design possibly involving the diversion of the existing public right of way to form a safer route must be submitted.

There are no highway objections in principle to the outline proposals subject to the implementation of the access in accordance with the amended details, approval of the TA by the Council's Traffic Engineer, submission and approval of the recommended off-site mitigation measures and subject to the following highway requirements being fully satisfied at the reserved matters stage:

- Internal road layout to be in accordance with recommendations of MfS with dimensions as indicated on the DAS. (Secondary roads 5.5m wide with 2.0m wide footways, shared surfaces 6.1m wide).
- Lighting columns on shared surfaces to be protected from vehicles.
- Internal forward vision on bends and visibility splays on internal junctions to be in accordance with MfS.
- Off street parking provision to be in accordance with CSS Wales Parking Standards 2008.
- Drainage Strategy to be approved by the Council's Drainage Engineer in consultation with the Highway Engineer.

- Notwithstanding the submitted plans no works whatsoever will commence until full engineering details of the approved layout with sections, vertical alignment, horizontal alignment, plateaux, street lighting, surface water drainage, construction details, lining, signing etc have been submitted to and approved by the Local Planning Authority.
- No works on the existing adopted highway until the appropriate Highway Legal Agreement between the Developer and the Council has been signed and sealed.
- Submission of a Construction Traffic Management Plan for approval by the Local Planning Authority.”

**Traffic Team** was consulted and made the following comments:

“The TA is acceptable. There will be a significant number of new trips generated as a result of the development. However, the modelling exercise has demonstrated that this can be accommodated by the proposed priority junction, and it will operate within capacity. It should be noted that although within capacity, the modelling does show that it will be approaching the recognised capacity limit for a standard priority junction. Thus, it will be a relatively busy junction at peak times and there will inevitably be some queuing/delay (particularly at school pick-up and drop off). Although the TA indicates that this will be minimal.

It was agreed back in 2010-11 (following the submission of the application for the eastern site) that the methodology and assessment of the off-site highway improvements is acceptable. The TA identified that mitigation requirements will be required at Weycock Cross, Colcot Roundabout and Barry Docks Link Road Roundabout. The proposed improvements were minor alterations to junction geometry and signing/lining. Due to that fact that we (the Council) have a number of future developments, that will all potentially impact on each of the three junctions, it was felt that the best approach would be to ‘pool’ the monies as part of a S106 Agreement. This can then be used for design, feasibility and construction of a more suitable and long term solution at each junction.

Parking restrictions, by way of double yellows lines, will be required to prevent parking in close proximity to the junction. To keep the junction clear of parked vehicles and allow safe manoeuvre into and out of the junction. Site observations indicate that this section of road is currently used by local residents for on-street parking, which as a result will be displaced further along Porthkerry Road.

There is clear benefit in linking the two sites internally (west and east). I realise there are land issues, but from a traffic/highway perspective it would be more appropriate and preferable if the sites were linked, as the eastern access is a lot better suited, leaving the junction onto Porthkerry Road as more of a secondary access. However, based on the assessment there would be no grounds on which to object if the sites were not connected.”

**Public Rights of Way Officer** was consulted and made the following comments:

“Public Right of Way P7/2 (Porthkerry 2) is currently recorded on the Definitive Map as a Public Footpath. The proposed application shows the addition of a new road at the top of the development site. The road would bisect the path and the proposed addition of barriers would obstruct its use.

It is an offence to obstruct a public right of way and as such an appropriate diversion/extinguishment order should be sought. The public path should remain available for public use until such time as an Order has been confirmed and the alternative route laid out.

Should the path require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions, other than where a public path order has already been confirmed.

Public footpaths provide rights of passage to the public on foot only. If the footpath is to be upgraded to provide for cyclists then the route should either be subject to a cycle track order or an appropriate permissive declaration/agreement should be put in place to provide assurance to the public of such rights.”

**Highways and Engineering Team (drainage)** has been consulted and comment as follows on land drainage and coast protection matters, where officers are aware of such implications:

“A revised Flood Consequences Assessment & Drainage Strategy Report (Issue C) was presented in December 2014 as part of application 2014/00550/OUT. The latest revision was produced following ongoing discussions with Waterman Transport and Development Ltd, acting on behalf of Taylor Wimpey Ltd. Whilst there is no objection to the development in principle, I have the following observations to make on the submission and subsequently three conditions to be applied to any approval.

#### General Observations

The report identifies that the Welsh Assembly’s Technical Advice Note 15 Development Advice Map and the Environment Agency’s Flood Maps, indicate that the Site is not at risk of fluvial or tidal flooding. The report does not directly consider surface water flood risk to the site but does identify that the steep nature of the site results in overland or subsurface flows across the Site. A review of Natural Resources Wales’ surface water flood maps identifies a low to very low flood risk across the site. Reports of previous flooding incidents affecting the existing development to the south of the railway embankment indicate that overland flows have built up behind the embankment, acknowledged within the report, although this is only confirmed to the east of the proposed development. No consideration has been given to overland flows from Murlande Way which has previously been reported and could impact on the eastern spur from the proposed development.

Given the proposed open space at the bottom of the Site containing services and the proposed soakaway trenches, the risk of flooding from surface water flows ponding behind the embankment is considered low. The form of culverts under the embankment has not been confirmed and the proposed development would not affect the performance of the existing infrastructure. Any existing land drainage discovered during works on the site must be reported to the Council's land drainage team to consider the impact of any proposed changes to the drainage system on existing properties south of the embankment.

Reports have been received of overland flows from Murlande Way, which appear to be due to soakaways being overwhelmed during extreme rainfall. These flows appear to be focussed east of the proposed development but this risk must be considered as part of the detailed drainage design and exceedance flowpaths considered across the final development layout.

The drainage strategy presented relies on attenuating run-off to greenfield rates using storage crates and an attenuation pond to manage surface water flood risk up to a 1 in 100yr standard of service, with an appropriate allowance for climate change. The existing development south of the railway embankment has previously suffered flooding related to flows through the embankment entering a land drainage system. The drainage strategy presented is acceptable in principle but only subject to approval of the detailed design by both DCWW and the Vale. The Vale will consider adoption of the SuDS elements of the drainage network, subject to these approvals and the provision of appropriate commuted sums. Adoption of the SuDS elements by the Vale enables the transfer of the remaining surface water system to DCWW, thus ensuring long term maintenance and renewal of the surface water network (as per TAN 15, section 8.6), managing surface water flood risk to the existing development. Given the existing flood risk to the development south of the embankment via existing culverts and land drainage management of the proposed surface water network by alternative arrangements, i.e. private ownership or management companies, is not considered appropriate for this site.

The acceptability of soakaway trenches at the bottom of the site has been discussed at length with the developer. Given that the run-off is attenuated to  $Q_{bar}$  up to the 1 in 100yr critical event it is accepted that this represents betterment for peak flows through the existing land drain / carrier drain south of the embankment during more extreme rainfall. Furthermore, the disposal of surface water via a soakaway trench set 10m back from the embankment will further slow the peak flows reaching the existing culverts under the embankment. Although anecdotal reports have been received of flooding during construction directly to the south of the proposed site no records are held of these incidents on file. Records are held of flows through the embankment occurring to the east of the proposed development during the same period. During recent extreme rainfall events reports were received of flooding to the east of Rhoose Pt but no incidents of flooding were received below the proposed development. A positive outfall to the coast, allowed for in the drainage strategy for the proposed development to the east of this site, would further reduce the potential impact of groundwater flows on the existing development to the south. Although a positive discharge to the coast is preferable the drainage strategy proposed is technically viable, subject to the conditions identified herein.

The final detailed drainage strategy must include an updated estimate of impermeable area, including an appropriate allowance for urban creep. Potential land drainage on the education site must also be accounted for within the overall drainage strategy. Additional soakaway tests will be required to confirm the performance of the proposed soakaway trenches, as per the BRE365 guidance. Overall the drainage strategy must follow the guidance and best practice set out in BS8582:2013. The developer has been advised that nearby sites have experienced ongoing issues with groundwater flows emanating from embankments into properties or across the highway, especially where sites have been benched or retaining walls utilised. Given the shallow depth of soils across the site the risk of such flows should be considered as part of the strategy for managing potential exceedance flows across the site.

During construction no discharge of contaminated water shall be permitted through the existing land drainage / carrier pipe which eventually discharges onto Council owned land via a cascade down to the coast. This is to manage the risk of blockages on the existing system and prevent the discharge of polluted surface water offsite.

#### Required Conditions

Given the above, it is recommended that no development shall commence on site until a detailed scheme for the drainage of the site, showing how road and roof / yard water will be dealt with has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial occupation. This is to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere.

It is also recommended that no development shall commence on site until a Construction Environmental Management Plan, for the management of surface water run-off during construction, has been submitted to and approved in writing by the Local Planning Authority; the approved measures must be implemented prior to commencement of development (including site clearance) and during the entire construction phase. The CEMP should have regard to the phases of development proposed for the site. This is to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere.

A written declaration is required detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation. The developer shall also provide as built drawings for the surface water drainage system to the Local Planning Authority.”

**Environmental Health (Pollution Control)** was consulted and has made the following comments:

“We would not object to such development but would advise (as per earlier adjacent application) that properties closest to the railway line are subject to necessary protection from railway noise and vibration. Essentially a TAN 11 assessment (Railway noise) followed by any required mitigation as below:

#### Railway Noise – Internal

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external railway noise in excess of 55 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected.

#### Railway Noise – External

Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external railway noise shall not exceed 55 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected.

#### Railway Vibration

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed  $0.4\text{m/s}^{1.75}$  between 07.00 and 23.00 hours, and  $0.26\text{m/s}^{1.75}$  between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled “*Guide to Evaluation of Human Exposure to Vibration in Buildings*”, [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme.

Reason: To ensure that the amenities of future occupiers are protected.



Following further consideration, a request was made to assess the noise impact from traffic generated in and out of the new access onto Porthkerry Road, and potential impacts on the remaining dwellings located either side and in close proximity to the new access road, following the demolition of No. 46 Porthkerry Road.

In summary the report states that increase in noise levels will be less than 3 dB(a), where such an increase would not be perceptible. It is stated that the noise levels in the gardens of the adjacent properties to the east and west can be satisfactorily protected with the provision of a 1.8 m close boarded fence.

The Environmental Health officer notes that there is to be a 1.8m close boarded fence erected to act as a noise barrier. Whilst acknowledging that there may be a slight increase in the noise levels predicted, from traffic idling during peak times whilst queuing to get onto Porthkerry Road, does not envisage noise levels within the premises exceeding guidelines as set by the WHO.

As an advisory note, it is recommended to keep as many trees in the vicinity as possible as they will add to background noise levels and help mask extraneous noise when in full leaf.”

**Ecology Officer** was consulted and welcomes the submission of the ecology report(s) and has made the following comments:

#### Bats

We note the recommendations for further survey in the report, however whilst bat use cannot be ruled out completely, it is the opinion of the County Ecologist that the bat use of the buildings in question is highly unlikely and therefore there is no reasonable likelihood of European Protected Species (bats) being affected by the granting of permission for this development. Therefore, the information provided to date is sufficient to allow the Local Planning Authority to make a fully informed decision with respect to protected species and is currently able to determine the application.

#### Reptiles

In addition, whilst a reptile survey has been recommended as optional, given the known population of slow worm on/adjacent to the site, it is reasonable to assume that reptiles are also present on the development site. To prevent offences occurring, it is sufficient to include a condition for the submission and implementation of a reptile strategy. This can either be a stand-alone document or part of a wider Ecological Strategy (as suggested below).

## Hedgerows

Hedgerows are listed on Section 42 as a Habitat of Principle Importance for Conservation of Biological Diversity in Wales. Therefore, all hedgerows should be retained where ever possible. Where removal is required as part of the development, the developer shall provide a minimum of 1:1.5 replacement. Accordingly it is recommended that Nature conservation interests are secured via planning condition, as outlined below.

### Suggested Planning Condition 1

Prior to the commencement of development, an Ecological Strategy to be submitted and approved in writing by the Local Planning Authority. The Ecological Strategy shall protect nature conservation interests on the development site during and post construction. The Ecological Strategy should make provision for, but not exclusively:

- Reptiles; clearance strategy
- Dark flight corridors for bats (lighting strategy)
- Post development ecological enhancement & site management

### Suggested Planning Condition 2

Artificial nesting sites for birds shall be incorporated within 10% of the new build on site for increasing bird nesting site availability and to deliver ecological enhancement. Bird nest sites can be built in or boxes and should target the following species: swift, starling, house sparrow and house martins.

### Suggested Informative

Include standard informative regarding European Protected Species.”

**Conservation Officer (Planning)** was consulted and made the following comments:

“I am mindful of the outline nature of the application. These comments relate solely to the impact on the historic environment and do not include a detailed analysis of the urban design merits (or otherwise) of the proposed scheme. The preparation of an archaeological and heritage baseline (AHB) report is noted and welcomed.

I agree with the findings of the AHB that impacts on Rhoose conservation area are likely to be limited and also agree that treatment of the NW portion of the site should be designed appropriately to minimise any harm. Due to the outline nature of the application it is difficult to assess the full extent of any harm to the conservation area and this will need to be considered at the reserved matters stage if you are minded to approve.

Subject to details which will need to be submitted and considered at reserved matters stage, I do not object to the proposal.”

**Waste Management** was consulted and no comments have been received to date.

**Estates Section** was consulted and has stated that the site shares a boundary with several Council assets which must not be interfered with as a result of the proposal.

**The Council's Strategy and Supporting People Manager (Housing Strategy Team)** was consulted and has made the following comments:

"There is a critical need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2010 Local Housing Market Assessment (LHMA) which determined that 915 additional affordable housing units were required each year to meet housing need in the area.

The Rural Housing Needs Survey, also commissioned by the Council in 2010, identified a net need for 81 affordable homes per annum in Rhose. In addition to this research, the current Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Rhose, with 251 households requiring:

1 Bed Need	161
2 Bed Need	63
3 Bed Need	20
4 Bed Need	7
Total	251

This application for up to 350 homes will be required to deliver 30% affordable housing under a S106 Agreement, a total of 105 units. We ask for 80% to be social rented and 20% to be Intermediate.

We will require the following unit sizes:

Social Rented (84 units) comprising of:

30 x 1 bed flats  
44 x 2 bed houses  
6 x 3 bed houses  
4 x 4 bed houses

Intermediate (20 units) comprising of:

18 x 2 bed houses  
3 x 3 bed houses

We look forward to working with the developer at the earliest stage to discuss location of these units, which we will require to be pepper potted throughout the site to encourage community integration and cohesion.”

**Cardiff Airport (Safeguarding)** was consulted and no safeguarding objection has been raised. However a request is made to access the site to monitor bird activity and also request that any trees or bushes should not be berry producing so as not to attract birds.

**Glamorgan Gwent Archaeological Trust** was consulted and in their amended comments, state that that the proposed works will require archaeological mitigation, by way of a written scheme of investigation for the implementation of a programme of archaeological work, prior to the commencement of the development.

**Dwr Cymru / Welsh Water** was consulted and in relation to the amended drainage strategy has stated that the following:

“We confirm that the drainage strategy is acceptable in principle and that we are satisfied with the strategy. Our normal requirement regarding the storage tank is that they are to be located in public open space. However, we will consider the tank being located under the school playing fields in any Section 104 Adoption Application.

Furthermore as the applicant has not confirmed whether the development will be drained independently or via the drainage infrastructure to be provided by the development to the east. In the absence of confirmation of their intention, we propose an ‘either or’ condition, as we believe that this approach will provide the applicant with flexibility in their drainage solution whilst also ensuring that whichever option is progressed, there is no detriment to our customers our assets or the environment. We would therefore request that the Condition and Advisory Notes listed below are included within the approval:

### Sewerage

Conditions:

Prior to the beneficial occupation of the development hereby approved, the developer shall ensure:

- (a) That 44m<sup>3</sup> of storage volume has been constructed at Porthkerry Sewer Pumping Station (SPS) in liaison with Dwr Cymru Welsh Water (DCWW), and in accordance with details that have been submitted to and approved in writing by the Local Planning Authority in the event that the foul discharges from the development are drained via the development to the east; or

- (b) That a hydraulic modelling assessment has been commissioned in liaison with Dwr Cymru / Welsh Water, and the foul sewerage infrastructure works required by the commissioned hydraulic modelling assessment have been completed and approved in writing by Dwr Cymru / Welsh Water and the Local Planning Authority.

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.

The proposed development site is crossed by a 300mm public rising main with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.”

**Natural Resources Wales** was consulted and in relation to the amended scheme and have stated that their original comments remain unchanged in that they have not raised any objection to the proposed development as submitted, but offer the following advice.

#### “Drainage

The proposed development lies within the main DCWW sewerage catchment, however we note from the information submitted that a foul drainage scheme is yet to be finalised. The drainage strategy report entitled ‘Land North of the Railway Line (West), Rhose – Flood Consequences Assessment & Drainage Strategy’ prepared by Waterman Transport & Development Limited dated May 2014 confirms that further hydraulic modelling work is ongoing to confirm a suitable point of connection to the public sewer.

If DCWW does not allow the proposed development to connect to their sewerage network, then we should be re – consulted on the application. This is because the proposal may have an unacceptable risk of pollution to the water environment. Depending on the applicant's latest proposal, we may need to discuss the requirement for an environmental permit for alternative means of sewerage disposal.

We wish to highlight now that the installation of private sewage treatment facilities within publically sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems. This is supported by Welsh Government guidance on non mains drainage in WO Circular 10/99 (Paragraphs 3 & 4) which stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer.

With regards to surface water drainage, we recommend you consult with your land drainage department on the suitability of the proposed drainage strategy for surface water disposal.

### Flood Risk

We agree with the Flood Consequences Assessment prepared by Waterman for land north of the railway line (west) Rhoose dated May 2014 which concludes that the site is not at risk of flooding during an extreme 0.1% predicted flood event. We are no longer responsible for issuing flood defence consent on ordinary watercourses therefore the local authority's land drainage department must determine if any works that affect an ordinary watercourse require such consent. We wish to remind the applicant that responsibility for the maintenance of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

### European Protected Species

We welcome the submission of the following ecological reports:

- Land to the North of the Railway line (West) Bat Survey Report, The environmental Dimension Partnership (EDP), dated April 2014.
- Upper House Farm, Rhoose. Ecology Survey, Sturgess Ecology, dated June 2013.

We note from the bat survey report that no evidence of roost sites for bats was identified within the buildings on site but that surveys recorded use of the site for foraging and commuting by a number of species of bat, predominantly common pipistrelle. We note and agree with the assessment within Section 4 of the ecology survey report that although there are records for great crested newts approximately 400m west and 500m south, as there is no aquatic habitat on site and the site does not support foraging habitats, the risk of this species being present on site is negligible.

## Ecology

Please note that we 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. To comply with your duty under Section 40 of the NERC Act, local planning authorities must have regard to purpose of conserving biodiversity and your decision should take account of possible adverse effects on such interests.”

**Network Rail** was consulted and made the following comments:

“After studying the details submitted with the application and consultation with our Level Crossing Manger, Network Rail objects to the above proposal as we have safety concerns due to the impact this development will have on the nearby footpath level crossing.

We note in the Planning Statement page 44 which states “The crossing as been considered at length as part of the consideration of the adjacent planning permission, with the conclusion that improvements are not necessary or deliverable”.

We note a sum has been allocated in the Section 106 Legal Agreement in relation to the neighbouring Persimmon scheme (2010/00686/EAO) to close the level crossing and therefore Taylor Wimpey’s Masterplan for land to the west of Persimmon’s development should be amended to reflect this and the public right of way will correspondingly need to be diverted which is currently not shown by Taylor Wimpey.

Therefore, if this level crossing is not closed and the public right of way is not diverted then Network Rail raises a strong objection in respect of Taylor Wimpey’s planning application as the proposed residential development and inclusion of land for a primary school on the site will increase usage of the level crossing, with consequent implications for the safety of users of the level crossing and this must be addressed and mitigated by the developer.”

## REPRESENTATIONS

Nearby and neighbouring occupiers were notified on 4 June 2014 and on 28 October 2014 and 23 December 2014, in light of amended details and additional information. Site notices were also posted and the application was advertise in the press. Some 41 letters of representation have been received, three of which are attached as Appendix A. The objections are summarised below:

- Proposed access onto Porthkerry Road is inadequate and unsafe.
- Proposed access will result in a loss of existing parking on Porthkerry Road.
- Visibility along Porthkerry Road is poor.

- Porthkerry Road is already congested and a busy road.
- The access onto Porthkerry Road is unacceptable deviation from the agreed Masterplan.
- Impact on Happy Valley footpath as a result of the new access road.
- Proposed use of holding tanks requires further investigation in relation to their function and capacity.
- There is a deficiency of facilities in Rhoose to accommodate the new development.
- Proposal will result in a loss of value to property.
- Concern over the impact of the demolition of No 46 Porthkerry Road.
- Loss of light and overshadowing.
- Issue over access rights to existing fencing to property in Porthkerry Road.
- Concern in respect of heights of buildings.
- Loss of habitats for bats.
- Concerns over construction management issues.
- Concerns over the strategy for surface water drainage.
- Existing issues with flooding at Murlande Way.

A 230 named petition has also been submitted on the grounds that the proposed access point onto Porthkerry Road is highly hazardous and will cause a life threatening situation with traffic merging onto an already dangerous traffic flow going East and West. Moreover it is stated that residents will be put at supreme risk when using their own driveways and when parking on the road.

Letters of representation have also been received from Councillor Clark, Councillor James and Alun Cairns MP.

Two letters from Herbert R Thomas have been submitted (on behalf of the adjoining landowner) with the most recent letter (with previous letter attached) attached as Appendix B. Whilst this letter was not formally submitted as a representation to the application, it was sent to all Members of the Planning Committee for consideration. The contents of this letter are considered in the report and the response to Members from the Operation Manager for Development and Building Control, is attached at Appendix C.



## REPORT

### Planning Policies

#### **Unitary Development Plan:**

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

#### Strategic Policies

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

POLICY 11 - SPORT & RECREATION

POLICY 14 - COMMUNITY AND UTILITY FACILITIES

#### Policy

HOUS1 - RESIDENTIAL ALLOCATIONS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

HOUS12 - AFFORDABLE HOUSING

ENV6 - EAST VALE COAST

ENV7 - WATER RESOURCES

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV20 – DEVELOPMENT IN CONSERVATION AREAS

ENV24 - CONSERVATION AND ENHANCEMENT OF OPEN SPACE

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

TRAN9 - CYCLING DEVELOPMENT

TRAN10 - PARKING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS

REC6 - CHILDREN'S PLAYING FACILITIES

REC7 - SPORT AND LEISURE FACILITIES

REC12 - PUBLIC RIGHTS OF WAY AND RECREATION ROUTES

More specifically the site forms part of a larger allocation in the UDP for residential development under Policy HOUS1 (22), (for which the remainder of the site has the benefit of outline planning permission under application ref. 2010/00686/EAO). The accompanying text to the Policy states:

*“The site comprises 26 hectares of greenfield land located between the existing settlement of Rhoose and the Rhoose Point development. It is anticipated that the site will yield approximately 400 units during the Plan period (1996 – 2011) and 200 units during the next Plan period (2011 – 2026). The Council is keen to ensure that anticipated development rates at the Rhoose Point site are achieved and that sufficient land at this location is available throughout this Plan period and the next.*

*Therefore planning permission for the development of this site will not be granted until 80% beneficial occupation of the residential units on the Rhoose Point site has been achieved.*

*The Council will through discussions with the site owners/developers seek to secure affordable housing, Public Open Space, children’s play areas, appropriate landscaping and contribution / provision for educational, recreational, community and public transportation provision. The development of the site will be guided by a Development Brief, which will be produced in partnership with the Council, the purpose of the brief will be to ensure a comprehensive approach to the development of the site. It is essential that the development of this significant site makes an effective and positive contribution to the social, economic and environmental wellbeing of the local community. In addition to a Development Brief, the Council will require a Traffic Impact Assessment of the site to be undertaken in order to assess the potential impact of the development on the existing highway network and to identify appropriate transportation solutions. Glamorgan Gwent Archaeological Trust have indicated that the site may be of archaeological value and that a desk top survey of the site should be submitted as part of any planning application. Dwr Cymru / Welsh Water’s Capital Investment to enable this site to proceed is considered to be long term. Development of this site in advance of the planned improvements would need to be subject to an appropriate planning agreement, to be agreed prior to the granting of planning permission. This approach would, therefore, ensure that essential water and sewerage facilities are in place. The Environment Agency has indicated that the site is located on a major aquifer of high vulnerability. Therefore, no discharge of foul or contaminated run-off must be made to ground. The Agency will need to be consulted prior to any works being undertaken at the site to discuss the necessary measures required to protect the aquifer.”*

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 majority of 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.

HOUSING –CHAPTER 9 – Following extracts relevant:

9.1.1 The Welsh Government will seek to ensure that:

- previously developed land is used in preference to Greenfield sites;
- new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:

mixed tenure communities;

development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;

mixed use development so communities have good access to employment, retail and other services;

- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact by using nationally prescribed sustainable building standards; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and
- 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.1.4 Local authorities must understand their whole housing system so that they can develop evidence-based market and affordable housing policies in their local housing strategies and development plans. They should ensure that development plan policies are based on an up-to-date assessment of the full range of housing requirements across the plan area over the plan period. Local authority planning and housing staff should work in partnership with local stakeholders, including private house builders, to produce Local Housing Market Assessments (LHMA). LHMA's must include monitoring so that responses to changing housing requirements can be reflected in updated development plans and housing strategies.

9.2.3 Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study.

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the 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 2 – Planning and affordable housing (2006)

10.4 When setting site-capacity thresholds and site specific targets local planning authorities should balance the need for affordable housing against site viability. This may involve making informed assumptions about the levels of finance available for affordable housing and the type of affordable housing to be provided. Local planning authorities should also take into account the impact on the delivery of the affordable housing target and the objective of creating sustainable communities across the plan area and in the individual parts of the plan area.

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 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 (Partly superseded by the Vale of Glamorgan Housing Delivery Statement 2009)

- Amenity Standards
- Design in the Landscape
- Model Design Guide for Wales
- Planning Obligations
- Public Art
- Sustainable Development –A developers Guide
- Trees and Development
- Biodiversity and development
- Rhose Conservation Area Appraisal and Management Plan (CCAAMP)

### **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 8 November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1 May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

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

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

Notwithstanding the status of the Deposit LDP, given that the site falls within the residential settlement boundary of the Adopted Unitary Development Plan, it is considered that the Policies within the Deposit LDP are in the case of this application have weight given that they are supported by background evidence as set out below.

The emerging Deposit Local Development Plan (DLDP) maintains the long-standing residential allocation of the site, inherited from the UDP.

Policy MG2(33) identifies the site as being 25.82ha and allocated for 650 units.

Rhose is identified as a primary settlement within the DLDP and, given the allocation, the site also falls within the Rhose settlement boundary. The DLDP recognises the site as mixed use to include residential uses, the provision of open space and/or community infrastructure allocation or part of the site for the provision of a new school. The draft allocation also notes that part of the site already benefits from planning permission, or a resolution to grant planning permission.

#### Policy MG 6 – Provision of Education Facilities

This policy allocated land of 1ha for a new primary and nursery school within the allocated housing site

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 2011
- Affordable Housing Viability Study 2010
- Findings of the Candidate Site Assessment Process (November 2011)
- Housing Supply Background Paper 2011
- Local Housing Market Assessment 2010
- Open Space Background Paper 2011
- Population and Housing Projections Background Paper 2011
- Sustainable Settlements Appraisal Review 2011
- Affordable Housing Delivery Statement 2009
- Designation of Special Landscape Areas 2008
- Joint Housing Land Availability Study 2012 (Published May 2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)

#### **Other Relevant Evidence or Policy Guidance:**

Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (Welsh Government, 2009)

Circular 13/97 – Planning Obligations

The Community Infrastructure Levy Regulations 2010

One Wales: Connecting the Nation - The Wales Transport Strategy (2008)

National Transport Plan (March 2010)

Sewta Regional Transport Plan (March 2010);

## Issues

The application site is located within the defined residential settlement boundary of Rhoose and as previously stated, the site forms the western half of a much larger allocation in the UDP for residential development under Policy HOUS1 (22). The residential development of the allocated site as a whole has, therefore, been accepted in principle. The Adopted Development Brief however sets out the principles for residential development of the allocated site.

Members will be aware that the eastern side of the allocated site has the benefit of outline planning permission (ref. 2010/00686/EAO) and your officers are currently considering Reserved Matters applications ref. 2014/00639/EAR and 2014/00344/RES for the appearance, landscaping, layout and scale for 126 dwellings and 224 dwellings respectively.

Whilst the principle of residential development of the site is supported by Policy HOUS1 (22), the supporting text states that the development of the site will be guided by a Development Brief. The purpose of this brief, amongst other things is to ensure a comprehensive approach to the development of the site.

Members will be aware that in the assessment of outline planning permission (ref. 2010/00686/EAO), which lies to the east, it was considered, subject to appropriate conditions and planning obligations, that the eastern part of the wider allocated site could be brought forward, in the absence of a comprehensive scheme for the whole allocated site. Consideration was given to ensure that the development of the eastern part of the allocation would not prejudice the future development of the western part of the allocation, the land of which is subject to this application. In particular consideration was given to ensure that satisfactory movement and accessibility links could be achieved in line with the requirements of the Adopted Development Brief and that infrastructure could be provided to facilitate development of the adjoining site.

## Adopted Development Brief

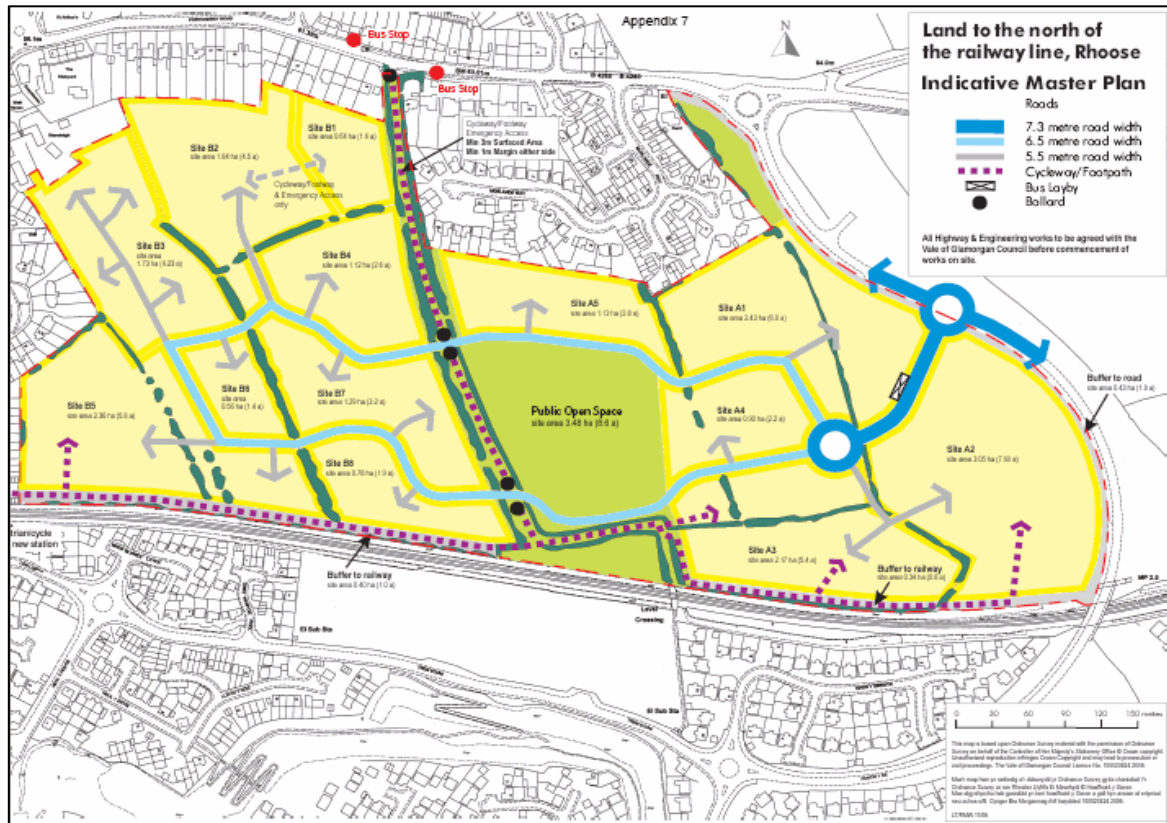
By way of background, the principal requirements of the August 2007 Adopted Development Brief for the allocated site has been summarised below.

### Land Use Layout:

The Adopted Development Brief details the site's constraints together with the planning, design and transport requirements which sets out a development framework for future applications.

The Brief states that the allocated site will comprise of residential development of approximately 600 units, in accordance with the housing allocation in the UDP and that such development will be phased and a condition attached to the planning permission to ensure that a maximum of 400 units are provided to 2011 and 200 units to 2011 plus.





The development is also required to include the provision of at least 3.4 hectares of open space that will be offered to the Council for adoption, to incorporate fully equipped sports pitches, a permanent changing facility and vehicular access suitable to service the sports pitches, a multi use games area, skateboard facility, LEAP and a NEAP and two Local Areas for Play (LAPs). There is also a requirement to retain the “green lane” and the public right of way that runs north-south which should be enhanced with additional landscape planting.

The Indicative Master Plan (as shown below) shows the design of an indicative layout and phasing for the site, where the green lane broadly divides the allocated site into two areas of almost equal size. Adjoining it is a large area, shown as open space, which incorporates playing facilities. The main open space provision is stated as being centrally located, with residential development located to the west and east of the green lane. A series of individual residential development areas are shown formed by the layout of the road and the retention of existing hedgerows.

The road network within the site is shown to be laid out to provide a loop system, linking the western part of the site to the eastern side in two locations. The number of points where the track and other existing mature hedgerows are crossed are shown to be minimised with existing openings / breaks utilised where possible.

The loop road is shown to change direction frequently in order to help slow traffic; together with other traffic management measures. A secondary, emergency road access is also required. Pedestrian and cycle routes are to be provided through the site to link with the surrounding community facilities, the railway station and bus stops.

The Brief states that the allocated site for up to 600 houses can be achieved via a new roundabout on the existing unadopted link road, Pentir y De. It adds that once the development reaches the completion of 300 houses, an additional access for emergency purposes will need to be made available, where developers will need to agree the access to the site and the means of satisfying the requirements for an emergency access.

The detailed design of the roundabout will require further investigation following highway data collection and analysis. From this new roundabout, there will be a requirement for a length of 7.3m wide carriageway, which will not have any direct frontage access. This section of road, leading to another roundabout, will be approximately 125m in length and will be capable of accommodating bus services.

#### Current Position in relation to the Adopted Development Brief

It is recognised that the August 2007 Development Brief is now partly superseded, largely due to the requirement within the LDP Deposit for the inclusion of a primary school within the allocation. Moreover Members will recall that in the granting of outline planning permission 2010/00686/EAO, the Committee report considered that the two sites could be considered separately, whilst ensuring that a cohesive scheme of development for the allocated site is still delivered. Nevertheless, the principle of securing a comprehensive development across the two sites remains and linkages between the two sites, still remains an overriding objective, in line with one of the key principles of the brief.

One of principle objectives was to secure vehicular and pedestrian / cycle links between the two sites and the outline planning permission sought to ensure that connectivity between the two sites was provided.

The Planning Statement submitted to support the application states that:

*“... there is no guarantee of when the links will be provided (i.e. at what stage will they be built within the development of the land east of the hedgerow) or, whether the land owner (who is separate from the developers – Bellway / Persimmon) will prevent those linkages being used.”*

The agent is therefore of the opinion that the conditions attached to the permission do not, in the considered view of the applicants and their advisors, offer comfort that the land within this application could be accessed via land to the east and

*“...the applicants therefore must be in a position to be able to access, drain and develop the application site independently of the land to the east. Not to do so would result in unacceptable uncertainty over the timing or delivery of any form of development on their land”.*

Proposal:

In light of the above, the agent states that the approach has been to secure a safe and appropriate access directly onto Porthkerry Road, where the aim remains however, to facilitate, as far as possible within the gift of the applicants, a comprehensive development across the whole of the application site.

The stated aim is to link up to the points of access that are required to be planned for on the adjacent land and to compliment the positions of POS and pedestrian / network on the adjacent land. It is also stated that a similar approach is required to be taken in respect of the drainage of the site. Due to uncertainties over whether connections could be made to the future planned drainage network on the adjacent land, an independent drainage strategy must be devised for the application site.

It is stated that the context to the site, the allocation, the development brief and the land ownership has therefore been at the forefront of the master planning process, which has not compromised the aim to deliver comprehensive development across the entire allocation. Moreover it is stated that the approach taken is more likely to deliver the full potential of the allocation and the benefits that will arise from it in the provision of a new primary school and sustainable linkages across the allocated site.

Therefore in light of the above the key issues in considering this application (having regard to the issues raised in considering the adjacent site), relate to the following:

- The acceptability of a direct access from the site to Porthkerry Road.
- Principles of the Masterplan layout including connectivity to the adjoining site.
- Deliverability of the school site.
- Drainage and Flooding Matters.

Furthermore consideration should also be given to other matters including the responses from the consultees, with particular regard to matters of ecology, archaeology, noise, Network Rail and PROW issues.

Section 106 Contributions are also a matter for consideration. These include Affordable Housing, Education, Public Open Space, Public Art, Highways, Sustainable Transport Facilities and Community Facilities.

### Access and Highways

The site is shown to have a principal access by way of a new priority junction on Porthkerry Road adjacent to the existing PROW. As previously stated, the reason put forwarded by the agent for this direct access is to enable the land to be accessed due to the unacceptable uncertainty over the timing or delivery of any form of development on the land to the east land.

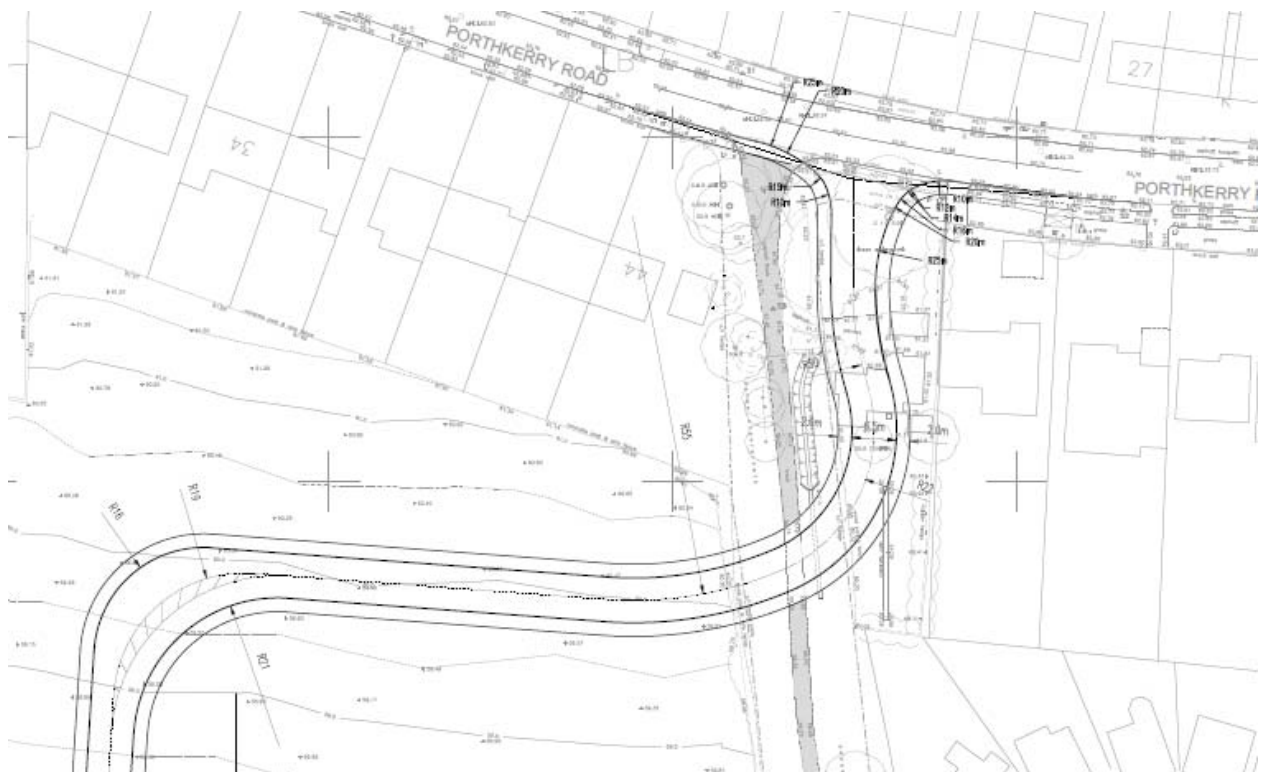
It is acknowledged that the Adopted Development Brief shows access into the allocated site can be achieved via a new roundabout on the existing link road, Pentir y De. However the Brief does not state that this is the only acceptable means of accessing the housing allocation. Moreover the Brief states that once the development reaches the completion of 300 houses, an additional access for emergency purposes will need to be made available. Such an access, would have likely been onto Porthkerry Road at the point where the PROW abuts Porthkerry Road.

In this regard there is no policy objection to a primary access onto Porthkerry Road, only a comment within the Brief which states that the access should be for emergency purposes and not as a general vehicular access to the site. This limitation would be on the basis that the geometry of the junction and width of access road would only need to be sufficient for emergency use, rather than discounting the principle of a primary access onto Porthkerry Road,

### Proposed Junction

Access, is a matter for consideration of this application and as such the acceptability of the geometry and location of the access has been fully considered by the Council Highway Development and Traffic Teams.

The geometry of the junction has been revised and the revised layout (as shown below) has been supported by a Technical Note to provide further supporting evidence.



The Council's Traffic Team has stated that there will be a significant number of new trips generated as a result of the development. However, the modelling exercise within the Transport Assessment (TA) has demonstrated that this can be accommodated by the proposed priority junction, and it will operate within capacity. Whilst within capacity, it is stated that the modelling does show that it will be approaching the recognised capacity limit for a standard priority junction. However on the basis that the junction would not be at capacity, there is not a technical reason to resist the proposed priority junction. Whilst the Council's Traffic Team acknowledge that this will be a relatively busy junction at peak times and there will inevitably be some queuing/delay (particularly at school pick-up and drop off), the TA indicates that this will be minimal and as such is not considered to cause highway safety concerns.

It is also stated that parking restrictions, by way of double yellow lines, will be required to prevent parking in close proximity to the junction, in order to keep the junction clear of parked vehicles and allow safe maneuvering into and out of the junction. Whilst site observations indicate that this section of road is currently used by local residents for on-street parking, some of which will be displaced, there is availability for parking further along Porthkerry Road and the displacement of parking from the public highway is not considered to cause concern given the nearby availability of on street parking.

Following ongoing discussions and having particular regard to the fact that the site is allocated for a primary school, the original access proposals have been revised in terms of its geometry in addition to an updated capacity assessment of the junction.

The submitted Drawing No SK15 showing the preliminary design of the access road indicates suitable radii in accordance with the recommended standards outlined within the DMRB and the submitted swept path analysis (Drawing No SK12) indicates that the revised layout provides suitable geometry to accommodate the movements of an 11.20m bus as required by the Highway Authority and is now considered acceptable in highway terms. Similarly the 90 degree internal bend geometry has been amended and widened (Drawing No SK15) to ensure the safe two way movements of an 11.20m bus can be accommodated.

The Highway Development Team has confirmed that the proposed width of 6.5m is acceptable for the main access road to cater for predicted traffic flows and public transport infrastructure.

Highway safety concerns have however been raised in relation to the proposal to cross the main access road with the cycleway/footway. The green lane which is proposed to be upgraded to a cycleway/footway will be crossed by the proposed access road at a point some 60 metres to the south of the junction. It is noted that the point where the cycleway/footway will be crossed will be on a bend. Whilst the details of the access forms part of this application, the concerns can be resolved by relocating the crossing point to a safer place at a point to the west, with appropriate levels of pedestrian visibility. This will require a diversion of the public rights of way which is considered separately in this report.

In summary to the above, there are no highway objections in principle to the outline proposals, subject to the following highway requirements being fully satisfied at the reserved matters stage:

- Internal road layout to be in accordance with recommendations of MfS with dimensions as indicated on the DAS. (Secondary roads 5.5m wide with 2.0m wide footways, shared surfaces 6.1m wide).
- Lighting columns on shared surfaces to be protected from vehicles.
- Internal forward vision on bends and visibility splays on internal junctions to be in accordance with MfS.
- Off street parking provision to be in accordance with CSS Wales Parking Standards 2008.
- Drainage Strategy to be approved by the Council's Drainage Engineer in consultation with the Highway Engineer.
- Notwithstanding the submitted plans no works whatsoever will commence until full engineering details of the approved layout with sections, vertical alignment, horizontal alignment, plateaux, street lighting, surface water drainage, construction details, lining, signing etc have been submitted to and approved by the Local Planning Authority.
- No works on the existing adopted highway until the appropriate Highway Legal Agreement between the Developer and the Council has been signed and sealed.
- Submission of a Construction Traffic Management Plan for approval by the Local Planning Authority.

### Masterplan Layout

The development seeks to create a high quality, legible development that is responsive to its contextual and landscape setting. The inspirations for the layout design are stated to be drawn from the variations in local development patterns. The historic areas of the village are fairly organic in form which is in contrast with the majority of the village which is of more recent development and which is characterised by a uniform and more continuous building line. This is also reflected in the perimeter block design characterised on the adjacent scheme to the east and as depicted in the Rhoose Development Brief for the site. The layout of the site has been influenced by the site's existing vegetation through either its retention, or through replanting in similar positions to those existing, reinforcing the green infrastructure.

The topography also influences the proposals and the laying out of the blocks. The central green space and school have both been sited as identified to benefit from green links and far reaching views of the Bristol Channel.



The main access is from Porthkerry Road and the link identified on the approved Masterplan from the neighbouring development to the east have been respected ensuring good connectivity.

A series of spaces have been created across the site which are visually linked to each other, providing a number of interesting nodal points across the development, aiding in legibility and helping achieve an interesting scheme. The spaces will be a mix of hardscaped and softscaped areas, including natural areas of play, informal seating zones, green corridors providing direct and lit strategic cycleways and a focal space from which main movement patterns intersect.

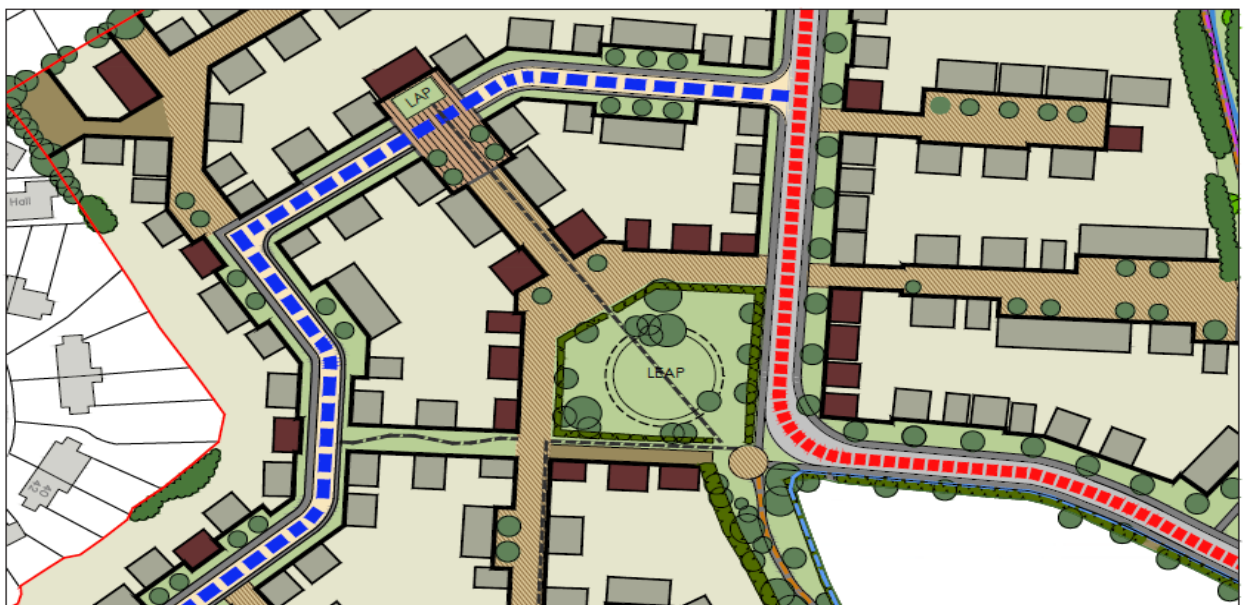
The school has been positioned adjacent the central space and alongside the primary street and public open space to the eastern development. This provides the school with good vehicular, pedestrian and cycle access to highways and public green spaces which can be utilised in the future. It is also located roughly central to the wider development area (comprising both west and east sites).

The indicative Masterplan provides a strong frontage to all streets and public spaces which will be fully overlooked ensuring continuity of enclosure and good surveillance.

Building lines and massing are shown to vary based on the character and hierarchy of street to which they are related. Focal buildings have been identified in key locations where a vista termination or nodal space is formed. The site will be visually linked to the wider area through the creation of views east-west and north-south along the linear green corridors.

Existing hedgerows and trees are shown to be retained where possible, to provide a mature landscape setting and new tree and shrub planting will be introduced to add diversity and interest within the scheme.

One of the key “feature spaces” is the Central Green, as shown below:



This space is described as a key nodal point within the site. It is stated in the DAS that the character of this area will be different to elsewhere on the site due to its architectural style as well as the size of the space and landscape led design. It also provides visual and pedestrian links to other green nodal spaces within the development.

### Scale

The majority of the buildings are stated as being 2 storeys with regular floor to ceiling heights, however it is recognised that there are opportunities to increase heights to focal buildings and around the central green space. However this is a detailed matters which will form the assessment of part of any subsequent reserved matters application(s).

Similarly, the height of the school is to be considered at reserved matters stage and will be subject to design by the Council.

It is acknowledged that as a result of the sloping topography of the site, the heights of buildings will vary, which will be particularly evident where running against the slope which will add interest at ridge and eaves level without necessarily needing to vary specific building heights.

The primary route is shown to be defined by a strong continuous frontage, with narrow and wide fronted buildings. The width and nature of the street will remain regular, maintaining a legible road pattern to link into the development to the east. The depth of most dwellings is stated as being between approximately 6 and 10m, with a similar garden length, providing sufficient privacy distances between properties. Dwellings have widths varying from 5.6m to 11m. These ranges are typical for buildings in the local vicinity.

### Public Open Space

As illustrated in the plan below, this is to be provided through the provision of a central green, similar to that of a 'village green' that forms the central focal point within the site, providing an intersection of movement patterns and well located to benefit the greater majority of properties across the development. This area will be equipped in part as a play space.

Members will be aware that the Council is proposing 1ha for a new primary and nursery school within the allocated housing site (Policy MG 6 – Provision of Education Facilities with the DLDP) on land which would have formed part of the open space provision for the site. In this regard it is critical to ensure that the areas of open space proposed are well designed and integrated into the development and fully accessible.

The central green is shown to be linked to other green spaces located across the development including the existing but enhanced PROW to the eastern boundary; two LAPs; the green corridor incorporating the southern strategic cycle route; and the north-south link between the cycle link and the central space.





### Circulation and Connectivity

As stated above under Access and Highways section of this report, there is no objection to the indicative layout and hierarchy of streets as detailed in the DAS, where the primary street (dashed red in the plan below) shall be 6.5m wide and the secondary street (dashed in blue in the plan below) shall be 5.5m wide with 2.0m wide footways, The remaining streets (coloured brown in the plan below) comprise of shared surfaces with several feature squares which provide vistas and nodal points to create a sense of place and visual connectivity between spaces. These shared surface street are required to be 6.1m wide.



Members should note that the consideration of this application has been made having regard to the adjoining site and the current reserved matters application submitted by Persimmon Homes Limited under application ref 2014/00344/RES. In particular, full consideration has been given to ensure that the road linkages between the two sites are contiguous. Whilst the internal highway layout shown in the application under the Masterplan is indicative, extensive discussions with the applicants of these adjoining sites nevertheless took place, in order to ensure that both schemes can demonstrate that their sites can be connected.

A condition of outline planning permission (ref. 2010/00686/EAO - Condition 15) was to ensure that the road linkages to the land to the east were provided to provide certainty for future development of land to the west and to ensure connectivity between the allocated site as a whole. However on the submission of reserved matters application ref 2014/00344/RES on the land to the east, the two primary road were not shown to link. The Council took the view that the Persimmon application was not complying the requirements of Condition 15 and would not link sufficiently with the land to the west, subject of this application.

Following discussions with both developers, it was agreed that the integral reason for the condition was to provide a vehicular link from the reserved matters application to the allocated housing land to the west. As such, the two applicants agreed a location for the northern road and it was also agreed that the lower linking road could be removed from the scheme in its entirety, on the basis that there was not a highway objection to its omission, subject to the northern road being shown to link and align with the Masterplan layout shown within this application to a width of 6.5m. It is considered that a single linking road between the two sites, of an adequate width, is acceptable to cater for predicted traffic flows and public transport infrastructure.

Members should also note that whilst the two sites are shown to link (without prejudice to any subsequent decision in relation to reserved matters application ref 2014/00344/RES) the Council have been advised by letter on behalf of the adjacent landowners (attached as Appendix B) that if planning permission with access directly from Porthkerry Road is granted, they will prevent any access to through to the land to the east. It is stated that this would be achieved by through fencing. They further advise of the possible costs of the Council to seeking to link the sites through compulsory purchase of the land to allow access from one side to the other and that the landowners will seek the maximum contribution in this instance.

All Members of Planning Committee have been advised of the contents of this letter and the issues raised, by letter dated 12 November 2014 and the clear interests of the neighbouring landowners and to consider their correspondence in light of this clear interest.

Members were advised by letter which is attached at Appendix C, that whilst this course of action may be possible in respect of vehicular traffic, the pedestrian links between the two sites cannot lawfully be blocked. This is because the western boundary of the adjacent site is formed by a PROW which comprise of the Green Lane. The width of a public right of way is that recorded within the Definitive Statement, however it is not uncommon to find footpaths with either no recorded width or where that width is undefined, as in the case of this PROW. Where this is the case, the width may be taken as the whole area between boundary features (such as two walls, fences or hedge lines) if those features have been laid out by reference to the highway. In view of this the public can lawfully use this route as a Public Rights of Way between the existing hedgerows either side of the Green Lane. Given the above and whilst not wanting the situation to develop where ransom strips prevent such vehicular linkages, it is clear that the Council would not seek to use tax payers money to compulsory purchase any land in this regard.

In summary, as this application is made in outline, the Masterplan shows that the vehicular link will abut the eastern part of the site, however the entirety of the links from the land to the east, which is as a matter which falls outside of the control of this application.



## Phasing

The DAS includes a phasing strategy, indicating the sequence of development and relationship to the delivery of infrastructure and facilities. It is stated that the application site consists of four phases as illustrated on the Phasing Plan below:



Phase 1 - Approximately 100 residential dwellings; principal access and primary infrastructure; primary street in full through to the eastern boundary linking to adjacent site and upgrading of existing PRow between existing hedgerows.

Phase 2 - Approximately 100 residential dwellings; delivery of central green space and a LEAP; Provision of a LAP and Secondary infrastructure (in part).

Phase 3 - Approximately 100 residential dwellings; drainage features within green corridor; strategic cycleway link east-west (in part); provision of a LAP and secondary infrastructure (in part).

Phase 4 - Approximately 50 residential dwellings; drainage features within green corridor; completion of strategic cycleway link east-west; completion of highway infrastructure and completion of north-south green corridor.

It is stated that the provision of a Primary School and Nursery are reliant upon the Local Authority delivering the school following the transfer of the land. As stated elsewhere in this report, the correct Phasing of development within the site is critical in order to ensure that the school can be delivered early on the construction phase, as discussed further below. The Section 106 Agreement will provide triggers which will deliver the various parts of the development.

### Proposed Site for Primary School

As a result of the Education Facilities Infrastructure analysis, as a background document to the LDP, it was been concluded that the remainder of the allocated site will need to provide and safeguard a site of 1.0 hectare for the provision of a new primary and nursery school (210 places) on site. Having regard to the absence of this requirement in the 2007 Development Brief, the supporting text to DLDP Policy MG2(33) states that a flexible approach will be adopted to ensure the delivery of the requisite density of dwellings alongside necessary education and strategic open space.

Accordingly it has been agreed that the education land can be partially offset against the open space requirements of the development.

The need to accommodate a 1.0 hectare site for the provision of a new primary and nursery school, was discussed early on the pre application process, as the location of the school (as described under the Master Layout above) formed one of the key considerations in the formulation of the Masterplan. The land in question is shown below.



As a result of pre application discussion, it was agreed that the site should be:

- Centrally located in order to be as accessible as possible to future residents of the whole of the allocation.
- Accessible by sustainable modes such a foot.

- Sited sufficiently distant from noise sources such as the railway line to the south and Porthkerry Road to the north.
- In one parcel and should not be sub divided by roads.
- Defensible and secure boundaries.

As previously stated, the timing of the delivery of the school land is one of key objective in this outline application as the Council wish to acquire the land for the school at the earliest opportunity and to ensure that development is not encumbered by works in relation to the surface water drainage system that is proposed for the playing field / yard areas of the site, which will serve the whole of the development site.

In order to facilitate this, the road leading to the school site will need to be constructed to a level to allow construction traffic to progress and the drainage works would need to be complete. The drainage works are required in order to facilitate the first phase of the housing development and therefore it is in the applicant's interest to implement these at the earliest opportunity. However, it would not be practical to have the construction works for the school and the drainage works taking place alongside each other. As such it is accepted that the handover would need following the completion of the drainage works within the school site to both the satisfaction of the Councils Drainage Section, Education Dept. and Welsh Water.

Following consultation with the Head of Strategy, Community Learning & Resources, with particular regard to the acceptability of the drainage attenuation within (underground) the school site, the principle of the layout is supported, subject to full details subsequent to the reserved matters application(s) in respect of the position of the building on the site; a design assessment to be completed prior to finalising the size, shape and location within the buildings within the agreed boundaries and provision of appropriate surface water drainage connections.

The key consideration is to ensure that the attenuation tanks are located at the lowest level of the school site, however the final siting and design of the attenuation can only be determined following further discussions with the Head of Strategy, Community Learning & Resources when the siting and footprint of the school has been finalised, together with details of car parking and surfacing of any play areas.

The land identified for the school will be subject to preparatory works in relation to grading of land in order to accommodate the attenuation tanks and associated pipework etc. Given the uncertainty as to when the school will be constructed following the transfer of the land, it is necessary to ensure that when the drainage works are completed (including covering of the tanks and localised re-grading) that the site is transferred to the Council in the condition that it would have been in prior to these works being undertaken. In addition the site will also need to be suitably enclosed prior to its transfer (details to be agreed by condition) to restrict any further access onto this land during the construction works, in readiness for the construction of the school.

The agent has confirmed that the earliest that the applicants can commit to delivering (transferring) the school land (with completed sub surface drainage works in place) would be 12 months from the commencement of development of the first dwelling. It is stated that the first year of construction will deliver approximately 25 houses, either occupied or ready for occupation. Therefore in the period between commencement of the houses and the handover of the school site, only 25 units will be occupied. However prior to the transfer of the land to the Council, a great deal of the preparatory works can be undertaken by the Council in terms of design and procurement of the school, ensuring that there is minimal delay between demand arising from the development and the provision of the new school facility.

In light of the above, a condition requiring a phasing programme for the drainage works to be submitted and agreed alongside the reserved matters in order to ensure that the drainage works within the school site are completed in a timely manner prior to the commencement of the construction of any housing.

### Drainage

Waterman Transport and Development Ltd. were commissioned by the applicants to investigate the existing drainage provisions that serve the existing site and to establish a drainage strategy for the proposed development. The strategy has been developed having general regard to the planning recommendations in Planning Policy Wales, TAN 15 and the guidance contained within the Construction Industry Research and Information Association (CIRIA) document C697, entitled 'The SUDS manual' (2007).

### Proposed Surface Water Drainage

Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites. The redevelopment of existing permeable 'Greenfield' land to form hard (impermeable) surfaces such as highways, buildings and associated hardstandings will cause an increase in surface water runoff rates and volumes unless appropriate mitigation measures are designed.

NRW and TAN 15 require all new developments to consider, and where possible incorporate, the use of sustainable drainage techniques (SuDS) to effectively dispose of surface water emanating from the Site, and provide betterment where practicable. It should be noted that the proposed development site is located above a minor aquifer. The site is not located within a groundwater source protection zone.

It is stated that the integration of SuDS techniques into the development proposals will provide betterment to both the proposed development site and downstream properties in terms of flood protection and water quality. One of the key aims of utilising SuDS is to replicate the runoff from the existing regime, to ensure that the hydrological status quo is retained. This has particular relevance to 'Greenfield' (i.e. undeveloped) sites, which forms the majority of the Site area.



In the case of the proposed development site, a Site Investigation (SI) has been carried out to determine whether certain SuDS techniques (such as soakaways) are viable options to manage surface water runoff. The SI comprised infiltration tests to identify the permeability of the underlying soils and thus the suitability of soakaways. The SuDS hierarchy, has been used to provide a basis for the choice of SuDS techniques used to manage surface water runoff from the proposed development site.

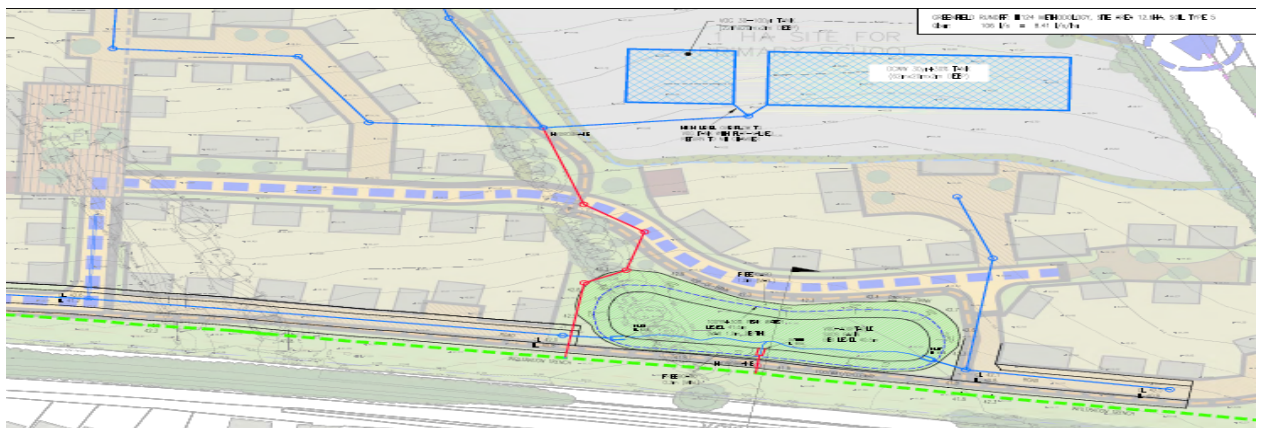
There are several options for draining surface water from the proposed development site. One such option would be to construct a new surface water sewer, which would finally discharge to the sea. This was the preferred option by the design team on the adjacent Persimmon/Bellway application site.

Outline Consent has been granted for the Persimmon/Bellway scheme which not only promoted the construction of a new outfall sewer under the Railway but also undertook to provide a surface water sewer connection to serve the currently proposed development site. The conditions attached to the permission on the adjacent land do not, in the considered view of the applicants and their advisors, offer comfort that the land within this application could be drained via land to the east.

It is stated that the applicants therefore must be in a position to be able to access, drain and develop the application site independently of the land to the east. Not to do so would result in unacceptable uncertainty over the timing or delivery of any form of development on their land.

An alternative option would be to restrict the post development rate of run off of surface water to existing greenfield rate and to continue to discharge to the existing (and natural) land drainage system. This option would retain the hydrological status quo by providing attenuation on site. The attenuation facilities could be in the form of a surface pond and/or swale or alternatively sub-surface. Attenuation facilities could be designed to fit under the future highways or landscaped/public areas. A flow control device would then restrict the outfall from the attenuation facility into the open ditch that runs along the southern site boundary.

The proposals in respect of the future strategy for disposal of surface water are indicated on Drawing No. CIV15342/SA/92/0007/A03 (Southern Boundary Basin Option) illustrated below.





During discussion in respect of surface water drainage it was stated that there have been historic concerns expressed by local residents and the Local Authority over the ownership and potential use of the existing land drainage system to the south of the Railway. For this reason the proposed drainage strategy for the proposed development works does not include the use of the downstream land drainage system.

Given that the strategy relies on attenuation facilities under the land designated as the school site, consideration must be given at outline stage to ensure that the scheme of attenuation would not prejudice the future delivery of the school and associated playing fields and parking facilities, which has previously been considered.

In order to replicate the existing hydrology and hydrogeology in respect of the future drainage design it is proposed to collect all surface water runoff generated by the future site impermeable areas in a piped network with in-built storage and hydro brake flow-control points to attenuate flows down to the greenfield Qbar rate. This greenfield flow would then be released in a controlled manner back into the ground via an infiltration trench/distribution system (or other groundwater recharge system) constructed along the full length of the southern site boundary. This distribution system will consist of a perforated pipe within a granular trench to receive and distribute the attenuated flow and would effectively act as a groundwater recharge system, replicating the existing hydrology.

#### Surface Water Drainage Adoption and Future Maintenance

The report states that in accordance with local approving authority requirements, the overall on-site attenuation provided and the infiltration trench itself is sized to accept the 100yr critical storm flows (including a 30% allowance for climate change) without flooding properties, hence providing betterment at the southern boundary. It adds that the inherent 'betterment' within this proposal is therefore the attenuation of all future site storm return periods and storm durations to the existing Qbar 'greenfield' rate. This will bring significant betterment (reduction) to flows entering the downstream catchment.

Discussions with Dwr Cymru / Welsh Water have confirmed in principle acceptance to adopt the proposed surface water system, notwithstanding the provision of detail, and subject to the following:

- 30-yr sub-surface tank storage being used in lieu of surface storage for any DCWW-adoptable storage.
- Domestic runoff being greater than highway runoff.
- Soakaway trench and any surface storage being adopted by Vale of Glamorgan.

Discussions between the Council's land drainage department have confirmed in principle acceptance to adopt storage infrastructure for up to 100yr +30% design storms. In the case of the majority of the site storage which is located in the proposed school grounds, separate adjacent DCWW (up to 30yr storm capacity) and VoG (30 to 100yr+30% storm capacity) sub-surface storage tanks are required. Each tank will require maintenance access provision to be incorporated in the school layout design.

The report states, in the case of the remaining site storage requirement for development south of the school, the proposed storage is a single VoG-adoptable basin sized to contain up to 100yr+30% storm runoff. All DCWW-adoptable drainage infrastructure (including 30yr storage tank) will be subject to S104 technical approval procedures to ensure suitable design, future maintenance access requirements are in place. Likewise all VoG-adoptable drainage infrastructure (including 100yr storage tank, 100yr storage basin and infiltration trench) will be subject to VoG technical approval procedures to ensure suitable design, future access and maintenance plans are in place.

The proposed scheme drawing (extract above) illustrates which elements of the drainage infrastructure are proposed for adoption by DCWW and which elements are proposed for VoG adoption.

The Highways and Engineering Team (drainage) have confirmed that there is no objection to the development in principle (in terms of the surface water drainage strategy), however observations have been made (as fully detailed under the Consultations Section of this report) and the need to ensure conditions are attached to any approval, to ensure that:

1. a comprehensive drainage scheme shows how road roof and yard water will be dealt with;
2. a Construction Environmental Management Plan includes measure for the management of surface water run-off during construction, and
3. a written scheme of declaration is submitted detailing the responsibilities for adoption and maintenance of all elements of the drainage system.

The above will form the basis of the drainage and environmental conditions attached to any planning permission granted.

Following re-consultation with Welsh Water in respect of the updated Drainage Strategy, they are satisfied with the strategy for the disposal of surface water and have confirmed that it is acceptable in principle. They state that their normal requirement regarding the storage tank is that they are to be located in public open space. However, they will consider the tank being located under the school playing fields in any Section 104 Adoption Application.

## Proposed Foul Sewerage

Recent discussions have taken place with DCWW regarding the provision of the foul water drainage facilities to serve the proposed development. Discussions covered issues relating to constraints in the DCWW network and points of adequacy to discharge foul flows from the proposed development. Dwr Cymru Welsh Water's (DCWW) response to our foul sewage capacity enquiry for the proposed 350 units and a copy of the adopted sewerage plan is included in Appendix C. It states that an updated Hydraulic Modelling Assessment (HMA) would need to be carried out in order to confirm the required solution. This additional modelling exercise is now on-going, and a primary school is now also being included in the Assessment.

Given the topography of the site, the proposed foul drainage system will comprise a network of on-site gravity sewers, which drain the proposed development to the southern corner of the site. The location of the existing local foul drainage infrastructure means that a new on-site foul pumping station would need to be constructed to pump flows to the public sewerage system. The point of connection to the public sewer will be determined by the on-going HMA.

Given that Taylor Wimpey are required to fund upgrades to the Rhoose PS (as part of their nearby scheme), which lies to the west of this site, it has been suggested to DCWW that the potential to discharge a pumped flow from the aforementioned on-site foul PS into Rhoose PS should be explored.

The adjacent Bellway/Persimmon site is due to provide a connection for foul drainage from the site, however preliminary advice from the adjacent developers suggests that there would still be a requirement to pump some of the site's foul flows into the proposed drainage system on the adjacent site. A combined drainage system with the adjacent site is likely to generate economies of construction but there are obvious issues around timing of delivery of the adjacent site compared with this development site.

Following re-consultation with Welsh Water in respect of the updated Drainage Strategy, they state that as the applicant has not confirmed whether the development will be drained independently or via the drainage infrastructure to be provided by the development to the east, Welsh Water propose an 'either or' condition, as they believe that this approach will provide the applicant with flexibility in their drainage solution whilst also ensuring that whichever option is progressed, there is no detriment to customers assets or the environment. They have therefore requested following condition:

Prior to the beneficial occupation of the development hereby approved, the developer shall ensure:

1. That 44m<sup>3</sup> of storage volume has been constructed at Porthkerry Sewer Pumping Station (SPS) in liaison with Dwr Cymru / Welsh Water (DCWW), and in accordance with details that have been submitted to and approved in writing by the Local Planning Authority in the event that the foul discharges from the development are drained via the development to the east; or

2. That a hydraulic modelling assessment has been commissioned in liaison with Dwr Cymru / Welsh Water, and the foul sewerage infrastructure works required by the commissioned hydraulic modelling assessment have been completed and approved in writing by Dwr Cymru / Welsh Water and the Local Planning Authority.

NRW have raised no objection, subject to a connection with DCWW sewerage network.

### Network Rail and PROW Issues

Network Rail (NR) has raised an objection to the proposal on the grounds of safety concerns due to the impact the development will have on the nearby footpath level crossing.

Reference is made to an allocated sum in the Section 106 Legal Agreement in relation to the adjacent site (2010/00686/EAO) to close the level crossing. NR has therefore requested that applicants Masterplan for land to the west should be amended to reflect this and the public right of way will correspondingly need to be diverted which is currently not shown within the Masterplan.

Members will recall that NR made similar comments in relation to the adjoining site and it was accepted that due to the siting of the areas of open space, that the most direct access from Rhoose Point into this part of the site would be via the level crossing (PROW).

The submitted Masterplan is not reliant on the level crossing remaining opening and as concluded in the adjacent application, the provision of the south-east pedestrian / cycle link onto Pentir Y De as part of the adjoining development would provide a viable and safe alternative to the level crossing. Moreover this application will also deliver a pedestrian and cycle linkage to Torbay Terrace along the southern edge of the site with onward access onto the Railway Station. In view of this should an application be made to close the level crossing and divert the PROW, the Masterplan layout would not be compromised and the site and the wider allocation would still be able to provide sustainable linkages to Rhoose Point to the south (via the adjacent site or Torbay Terrace) and the village via the Green Lane onto Porthkerry Road and via Torbay Terrace.

The comments made by the Highway Development Team in respect of highway safety concerns are noted where the main access road is crossed by the cycleway/footway (PROW) at the location indicated. Moreover the PROW officer also noted that the road would bisect the path. It is therefore considered necessary to ensure that appropriate barriers are put in place, or another agreed means to ensure that the road can be safely crossed.

Should any diversion be required, the public path should remain available for public use until such time as an order has been confirmed and the alternative route laid out. Should the path then require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions other than where a public path order has already been confirmed.

It is also stated that public footpaths provide rights of passage to the public on foot only. On the basis that the Council is seeking to upgrade this route to allow it use by cyclists as well as pedestrians, it is stated that an appropriate permissive declaration/agreement should be put in place to provide assurance to the public of such rights.

### Impact on Amenities of Future and Existing Occupiers

The application has been supported by a survey to establish the noise climate of the site, the analysis shows that the site falls outside of the 57dB<sub>L</sub>aeq noise contour associate with Cardiff International Airport and that the majority of the site lies within Noise Category A of Tan 11. Only the area adjacent to the railway line to the south falls within noise category B. The entire site is therefore suitable for residential use in noise terms, subject to consideration of the slightly raised noise profile of the southernmost area, where noise needs to be taken into account in the design and orientation of the housing proposed. This can be secured by way of conditions to ensure that the proposed dwellings which fall with noise Category B will require mitigation in terms of internal and external living spaces and that the dwellings are designed and constructed so as to ensure that vibration dose values (as specified) are not exceeded.

Given this this scheme proposes to demolish an existing residential property (46 Porthkerry Road) in order to form the access point, consideration must given to the associated noise and disturbance as a result this new junction on adjacent and nearby occupiers of the dwellings in Porthkerry Road. A formal request was therefore made to assess the noise impacts associated with the new access road.

In summary the report submitted states that any increase in noise levels will be less than 3 dB(a) and that such an increase would not be perceptible. It is stated that the noise levels in the gardens of the adjacent properties to the east and west can be satisfactorily protected with the provision of a 1.8 m high close boarded fence. The Environmental Health Officer notes that there is to be a 1.8m close boarded fence erected to act as a noise barrier. Whilst acknowledging that there may be a slight increase in the noise levels predicted, from traffic idling during peak times whilst queuing to get onto Porthkerry Road, does not envisage noise levels within the premises exceeding guidelines as set by the WHO.

In light of the above, the proposed access would not impact on the amenities of adjacent and nearby occupiers. However details of a close boarded fence and any other barriers such as landscaping alongside the boundaries of the access shall be submitted and form part of the first reserved matters application, to ensure that the amenities of the nearest occupiers to the site are protected during any construction works and at all times thereafter.

In terms of impact on privacy, as the application in outline, an assessment cannot be made in relation to the impact on specific dwellings which adjoin the site. However subsequent reserved matters applications will seek to ensure that the siting, levels, layout, orientation of windows and distances between dwellings is such that the amenities of adjacent occupiers are not impacted upon, to comply with the terms of the Amenity Standards Supplementary Planning Guidance and Policy HOUS8.

## Ecology

The site has historically been subject to a number of ecological investigations, the most recent of which includes an Ecological Appraisal of the site undertaken by Sturgess Ecology in 2013. This appraisal confirmed the findings of previous surveys, namely that the site does not contain or form a part of any area that has been designated for its nature conservation interest. Principally, the site comprises of improved horse grazed pasture, dissected by species-poor and often gappy hedgerows with limited potential for protected or notable species. However, detailed surveys to evaluate the importance of the hedgerows for wildlife under the Hedgerow Regulations (1997) and the value of the site to roosting and foraging/ commuting bats were undertaken to support the application by EDP in 2013/2014.

The hedgerows on site are stated as being predominantly species-poor, dominated by hawthorn stands and small elm trees and are generally unmanaged and gappy. Of the 15 hedgerows assessed, 3 qualified as “important” - H1, H2 and H3 - which are located bounding the track running along the east edge of the site. These hedgerows are not species rich, but qualify as important due to their additional interest features (e.g. adjacent to bridleway) and are considered to provide important corridors for the movement of wildlife.

Where the loss of “important hedgerows” for access and infrastructure is unavoidable, this has been kept to a minimum and compensatory hedgerow planting and enhancement will be undertaken. Whilst the other hedgerows were not considered to qualify as “important”, they provide corridors for wildlife through the site and the wider landscape and where possible have been retained accordingly and will be subject to enhancement.

The Ecology Officer requested further information in rest of the hedgerows within the site in order to show those to be retained, removed and additional planting, in order to calculate whether there was a net gain in hedgerows within the site. The submitted plan demonstrates that there is an overall net gain where new and retained hedgerows will exceed the total hedgerow loss, In line with the requirements of the Biodiversity and Development Supplementary Planning Guidance. It is therefore necessary to ensure that subsequent reserved matters applications have regard to this plan to ensure no further hedgerows are lost and that there is an overall net gain as a result of the development of the site.

## Bats

Surveys were undertaken to update and build upon previous ecological appraisals of the site carried out in 2004 and 2007 by Capita Symonds and in 2013 by Sturgess Ecology. This included an inspection of the buildings on site for their roosting potential, follow up emergence/re-entry surveys and an activity surveys across the wider site in August and September 2013. The results of the surveys concluded that the site is considered to be at most, of local value, to foraging and commuting bats and no roosts were identified.

Bats therefore do not pose an “in principle” constraint to development however, given that the boundary vegetation provides commuting and foraging opportunities for local bat populations, due consideration has been given to retaining or replacing, and consolidating/ enhancing such habitat links and maintaining them as dark corridors within the development proposals. In addition, it is proposed that new roosting opportunities are provided on site.

It is proposed that the protection and long-term management of retained, enhanced or created habitats and associated species interests within the proposed development are secured through the preparation of an Ecology Management Plan.

The Council’s Ecology Officer notes the recommendations for further bat surveys in the report, however whilst bat use cannot be ruled out completely, it is the opinion of the County Ecologist that the bat use of the buildings in question is highly unlikely and therefore there is no reasonable likelihood of European Protected Species (bats) being affected by the granting of permission for this development. Therefore, the information provided to date is sufficient to allow the Local Planning Authority to make a fully informed decision with respect to protected species and is currently able to determine the application.

In addition, whilst a reptile survey has been recommended as optional, given the known population of slow worm on/adjacent to the site, it is reasonable to assume that reptiles are also present on the development site. To prevent offences occurring, it is sufficient to include a condition for the submission and implementation of a reptile strategy. This can either be a stand-alone document or part of a wider Ecological Strategy (as suggested below).

Accordingly it is considered that nature conservation interests can be secured by planning condition, on the basis of the submission of an Ecological Strategy (to be submitted and approved in writing) by the Local Planning Authority to make provision for, but not exclusively: Reptiles; clearance strategy; Dark flight corridors for bats (lighting strategy) and Post development ecological enhancement & site management.

In addition it is also considered necessary to ensure that artificial nesting sites for birds shall be incorporated within 10% of the new build on site, which can be built in or boxes and should target the following species: swift, starling, house sparrow and house martins.

In addition to the above it is also considered necessary to include informatives in relation to European Protected Species.

### Archaeology

The supporting information to the original application included an archaeological desk-based assessment, undertaken by EDP, Report Reference: EDP2127\_03a, dated May 2014. Glamorgan Gwent Archaeological Trust have confirmed that the report meets current professional standards and provides an understanding of the known archaeological resource which allowed a suitable detailed and targeted mitigation strategy to be made.

As a GGAT recommend the attachment of a condition, which will ensure that suitable mitigation is prepared and implemented, which will reduce the impact of the development on the archaeological resource and heritage assets.

The amendments are of a minor nature and do not alter the recommendation made in their earlier letter, that the applicant employs an archaeological contractor to submit a written scheme of investigation for the implementation of a programme of archaeological work, prior to the commencement of the development. It is envisaged that this scheme would take the form of a targeted watching brief during all ground disturbance works, the recording of the holloway identified and the recording of any other features. The written scheme should also include detailed contingency arrangements to ensure sufficient time and resources to allow that any archaeological features or finds that are revealed during the work are fully investigated and recorded and a report containing the results of the work produced.

In light of the above, a written scheme of investigation for the implementation of a programme of archaeological work, shall be required to be submitted by way of condition prior to the commencement of the development on site.

#### Planning Obligations (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 any material circumstances.

In this case, the application relates to a development of 350 dwellings. Officers have considered the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

#### Affordable Housing

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

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: “



The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale". In 2010, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan.

The LHMA concluded that an additional 915 affordable housing units (for rent or low cost home ownership) are required each year over the next 5 years. The most needed properties are social rented properties where tenants pay benchmark rents set by the Welsh Government. In light of evidence contained in the latest Housing Market Assessment showing a high level of need for affordable housing throughout the Vale, the Council's Adopted Supplementary Planning Guidance on Affordable Housing (contained in the Affordable Housing Delivery Statement) now seeks a minimum of 30% affordable housing on sites of 10 or more dwellings.

The Rural Housing Needs Survey, also commissioned by the Council in 2010, identified a net need for 81 affordable homes per annum in Rhose. In addition to this research, the current Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Rhose, with 251 households requiring:

1 Bed Need	161
2 Bed Need	63
3 Bed Need	20
4 Bed Need	7
Total	251

On the basis that 350 homes are proposed at outline stage, the developer will be required to deliver 30% affordable housing, which would equate to 105 units. Moreover this tenure mix required is for 80% to be social rented and 20% to be Intermediate.

The Council's Strategy and Supporting People Manager has confirmed that the following unit sizes are required based on the development of the site for 350 dwellings:

Social Rented (84 units) comprising of:

- 30 x 1 bed flats
- 44 x 2 bed houses
- 6 x 3 bed houses
- 4 x 4 bed houses

Intermediate: (21 units) comprising of:

- 18 x 2 bed houses
- 3 x 3 bed houses

It is stated that the affordable housing are required to be pepper potted throughout the site to encourage community integration and cohesion.

The agent has agreed to the 30% provision of affordable housing of the unit sizes and tenure mix specified above. However should the number of dwellings be reduced the mix should be proportional to the 30% provision of affordable housing.

Given that there are likely to be several reserved matters applications, it is important to ensure that each reserved matters application contains an appropriate proportion of affordable housing, in order to ensure that the affordable housing is spread throughout the site and are appropriately brought forward during the construction phase, which shall be set out within the clauses of the Legal Agreement.

### 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.

Whilst the proposal relates to 350 dwellings, based on the required split of affordable housing units, 30 of the Social Rented dwellings should be 1 bedroom units. On the basis that the developer is in agreement to securing the specified mix (which shall be secured by Legal Agreement), it is agreed that 30 No. 1 bedroom units can be discounted from the calculation, as 1 bedroom units are not considered to be of a size which would generate children of a school age.

In view of the above, based on 320 residential units, this would yield:

- 32 nursery
- 89 primary
- 80 (13 post 16) secondary age children.

Based on current school data, that has changed since the approval for the 350 houses off Pentir Y De, the situation would be as follows.

### Nursery

The development currently serves Rhws primary for English medium, Ysgol St Curig for Welsh medium (Ysgol Dewi Sant from September 2015) and All Saints / St Helens for denominational education.

There is no spare capacity at nursery level, current and future, within all types of provision to accommodate the development and the authority would therefore seek a S106 contribution for 16 full time equivalent children at a cost of £14,463.26 per place, including professional, legal fees etc, totalling £231,412.16. The cost per place factor is contained in the Council's supplementary planning guidance document.

### Primary

The development currently serves Rhws primary for English medium, Ysgol St Curig for Welsh medium (Ysgol Dewi Sant from September 2015) and All Saints / St Helens for denominational education. The 89 primary children splits down to 74 (83%) requiring English medium education at Rhws primary, 6 (7%) requiring Welsh medium education, 4 (5%) requiring Roman Catholic education and 3 (3.5%) requiring Church in Wales education and 1 (1.5%) would be allocated to children with special educational needs. The percentages are based on figures contained in the current LDP education facilities papers.

Over the next five year period there is no spare capacity at Rhws Primary School to accommodate children from the development and the Authority would therefore be seeking contributions for 74 children at a cost of £14,463.26 per place, including professional, legal fees etc.

Members will recall that in the consideration of application ref. 2010/00686/EAO, which related to the land to the east, there was, at that time, capacity of 48 spaces within the local primary school, 24 of which were deducted from the pupil requirements for the 350 dwellings proposed (on the basis of half of the allocated site was being developed), in order to fairly equalise the capacity over the whole of the allocation.

Whilst there is no longer any capacity at Rhws Primary School and this "rolled on capacity" no longer exists, the applicant has previously been advised that this site would benefit from the 24 space "capacity" rolled forward. On this basis contributions for 50 children at Rhws primary at a cost of £723,163 is sought.

In terms of denominational education, there is minimal surplus capacity that could accommodate children from the development over the next five year period. There is spare capacity at Ysgol Dewi Sant to accommodate Welsh medium demand. The authority would therefore be seeking contributions for 4 children in respect of denominational education at a cost of £14,463.26 per place, including professional, legal fees etc, totalling £57,853.04

### Secondary

The development serves Barry Comprehensive, Bryn Hafren and Llantwit Major for English medium, Ysgol Gyfun Bro Morgannwg for Welsh medium and St Richard Gwyn/Bishop of Llandaff for denominational education.

The 67 (11- 16) and 13 (post 16) secondary pupils splits down to 41 (11-16) and 8 post 16 (61% overall) requiring English medium, 8 (11-16) and 2 post 16 (12.5% overall) requiring Welsh medium, 9 (11-16) and 2 post 16 (13.5% overall) requiring Roman Catholic education and 2 pupils aged 11-16 (3% overall) requiring Church in Wales education. The percentages are based on figures contained in the current LDP education facilities papers.

Over the next 5 year period there is spare capacity at English and Welsh medium level, but no spare capacity at denominational level. The Authority would be seeking contributions for 11 pupils (11-16) in respect of denominational education at a cost of £21,793.42 per place totalling £239,727.62 and 2 pupils (post 16) in respect of denominational education at a cost of £23,635.40 per place totalling £47,270.08.

### Overall Contribution Required

Nursery - £231,412.16  
Primary - £781,016.04  
Secondary - £286,997.70

Total - £1299,425.90

The total £1299,425.90 for 350 dwellings would therefore equate to £3,712.65 per dwelling. The agent has agreed to the total contribution, which shall be secured on the basis of £3,712.65 per dwelling.

As previously stated in detail, in addition to securing financial contributions to ensure that the education needs from the development are met, the developer will also be required to transfer 1ha of land at nil cost to the Council to construct a Primary School.

The land in question, whilst shown somewhat indicatively on the Masterplan, is nevertheless the location the Council would like to see brought forward. In this regard, the land in question, will be defined by way of a scaled plan to be attached to the Legal Agreement, to provide certainty for the Council as to the location and extent of the land to be transferred, in order to allow the Education Dept. to progress the procurement of the school.

### 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. This would equate to £700,000 for the development of 350 dwellings.

Having regard to the enhancements suggested in the sustainable transport facilities as identified under 2010/00686/EAO, the following is a list of additional and complementary measures which could be sought in addition to those previously identified in the adjacent site. This would facilitate improved sustainable links into the village, enhancement to public transport infrastructure and sustainable walking and cycling routes, which can include some or all of the following, which is not an exhaustive list:

- Formalised controlled crossing points/TRO's on Porthkerry Road
- Upgrading of cycle storage facilities in Rhoose Primary School
- Cycle parking facilities in Rhoose
- Upgrading bus stops and infrastructure on Porthkerry Road
- Signposting within Rhoose
- Dropped kerbs/crossing points within Rhoose
- CCTV camera in Rhoose Station
- Signage to Railway station

- Upgrading of walking routes on Torbay Terrace and Station Road
- Further works to NCN Route 88 and links to the route

The agent has confirmed that the developer is in agreement to the payment of £2,000 per dwelling.

### Off Site Highway Works

Members will recall that to £140,000 was secured by way of Legal Agreement on the adjacent site in order to fund feasibility design and construction works at Waycock Cross Roundabout, Colcot Cross Roundabout and Barry Docks Link Roundabout in order to increase capacity and flow, to mitigate the impact of the development.

In considering the application at the adjacent site, an assumption was made that when the west part of the allocation came forward, (this application) the additional works required to mitigate the impact of the development from 350 to 700 dwellings only related to additional minor works to Waycross Roundabout, which was estimated to be at a cost of £20,000. This was on the basis the eastern part of the allocated site would be developed before the western part, and that the western part would utilise the eastern site for access onto Pentir y De.

However, given that the scheme now seeks a direct access onto Porthkerry Road, the development of the western part of the allocated site is not reliant on the eastern part coming forward in advance of the western part. In view of this consideration has to be given to the fact that if the development of the western part of the allocated site is developed before land the east, there would not be any contribution in place (given the trigger point for payments on the adjacent site) to fund feasibility design and construction works to the identified roundabouts along the highway network.

In light of this, the agent has been advised that if a financial contribution has not been received from the adjacent site, the developer will have to submit £140,000, to undertake the same mitigation as set out above.

The agent has agreed to the payment of either £140,000 or £20,000, dependant on whether the Council is in receipt of the payment from the adjacent development, the triggers of which will be set out in detail in the Legal Agreement.

### 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).

In terms of open space, Policy REC3 advises that 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.

On residential developments of 5 or more dwellings open space will be sought at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for the children's playing space and 1.6-1.8 hectares for outdoor sport). In accordance with policy UDP Policy REC 6, within new developments, children's play facilities shall be provided at a standard of 0.2-0.3 hectares per 1000 population (falling within the provisions set down in policy REC 3). The standard can be broken down to 2.43 ha per 1000 population which equates to 24.3 sq.m per person or 55.40 sq. m per dwelling.

More specifically and in relation to the allocated site, the adjoining site (to the east) currently subject to reserved matters application, proposes a total of 2.82 ha of POS.

Draft LDP Policy MG25 (Public Open Space Allocations) sets out a requirement of 3.60 ha of open space within the wider allocation, based on an allocation of 650 units. The outline planning permission granted on the adjacent site was on the basis that some 2.4 ha of open space will be provided within it. However based on 700 units (across the whole allocated) based on the standard POS ratios, 3.87 ha of POS would need to be provided across the whole allocation.

The submitted layout on the adjoining site has now been largely finalised as part of the Reserved Matters Application and will be delivering 2.82 ha of POS, although some 0.63 ha of this figure relates to "Strategic" Open Space by way of hedges and cycle-path along west boundary. In view of the above, there would in theory be a residual requirement of 1.05 ha on the application site, which would therefore leave little provision for any other POS, if the calculation were to be made solely on the standard provision across both sites.

The supporting text to DLDP Policy MG2 (33) states that a flexible approach is required to ensure the delivery of the requisite density of the allocated site alongside necessary education and strategic open space. Whilst it states that the need to deliver the 1 ha site for the school will be partially offset against the open space requirements, it is stated that this will be mitigated through the opportunity for dual use of the education facility for recreation and open space purposes.

However following consultation with the Head of Strategy, Community Learning & Resources, it has been stated that the Education Department would not be supportive of the potential dual use of the school playing field. In this regard the 1ha site for the school will have to be fully discounted off the POS provision.

The layout of open space breaks down (indicatively) to total 1.12 ha as follows:

<i>Central Open Space(including LEAP)</i>	<i>0.227</i>
<i>LAPs</i>	<i>0.018</i>
<i>Southern Corridor</i>	<i>0.506</i>
<i>Central Green Link</i>	<i>0.293</i>
<i>Northern Entrance</i>	<i>0.025</i>
<i>Southern Link Green Space</i>	<i>0.054</i>

The indicative Masterplan, shows a centrally located green space, being the main focus and destination within the site and will provide a Locally Equipped Area of Play (LEAP) within it. Two Local Areas of Play (LAPs) are provided to the north and south of the LEAP, visually connected back to the central green space.

It is acknowledged that if we were considering this site in isolation to the adjoining site (and their over provision), 350 units would require 1.939 ha in total with 1.12ha, plus the 1ha school site, to total 2.12 ha.

In light of the above, the overall provision of POS within the site is considered acceptable, balanced against the POS overprovision on the adjoining site and the need set land aside for a school. The provision of a centrally located area of POS with a Locally Equipped Area of Play (LEAP), together with two Local Areas of Play (LAPs) (to the north and south of the LEAP) is considered acceptable and will be defined and delivered on the site by way of a S106 Legal Agreement and appropriate planning conditions.

### Community Facilities

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

The LDP Community Facilities Assessment Paper identifies that within Rhoose (Ward) the projected housing growth over the plan period of the LDP would result in a deficiency of provision by 2026. Additional community space and library space is required, amongst other things, to accommodate the projected housing growth, part of which will be delivered by the adjacent site.

To calculate the community facilities contribution, the Council will require, in line with the formula from the Planning Obligations SPG, 0.75m<sup>2</sup> of floor space or £988.50 per dwelling in lieu of on-site provision, which equates to £345,975 in this case.



The agent has agreed to the contribution of £988.50 per dwelling.

### 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 agent has agreed to the contribution of from 1% of the development costs.

### S106 Administration

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

The fee is calculated on the basis of 2% of the total financial contributions being sought under the agreement, or 20% of the planning application fee, whichever is the greater, subject to a minimum fee of £150.

In this case, the larger fee would equate to 2% of the total financial contribution, being £49,708.

### 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 Strategic Policies 1, 2, 3, 8, 11 and 14 and Policies HOUS 1 - Residential Allocations, HOUS 2 - Additional Residential Development, HOUS 8 - Residential Development Criteria – Policy HOUS 2 Settlements, HOUS12 – Affordable Housing, ENV6 - East Vale Coast, ENV7 – Water Resources, ENV11 Protection of Landscape Features, ENV16 – Protected Species, ENV17 – Protection of the Built and Historic Environment, ENV20 – Development in Conservation Areas, ENV 24 - Conservation and Enhancement of Open Space, ENV 27 - Design of New Developments, ENV29 - Protection of Environmental Quality, TRAN 9 - Cycling Development, REC 3 - Provision of Open Space within New Residential Developments, REC 6 - Children's Playing Facilities, REC 7 -

Sport And Leisure Facilities and REC 12 - Public Rights of Way and Recreation Routes of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; and the Land To The North Of The Railway Line Rhoose – Approved Development Brief August 2007 and Supplementary Planning Guidance on Affordable Housing (Partly superseded by the Vale of Glamorgan Housing Delivery Statement 2009), Amenity Standards, Design in the Landscape, Model Design Guide for Wales, Planning Obligations, Public Art, Sustainable Development –A developers Guide, Trees and Development, Biodiversity and Development, Rhoose Conservation Area Appraisal and Management Plan (CCAAMP), National guidance contained in Planning Policy Wales 7<sup>th</sup> Edition (2014) and Technical Advice Notes 5-Nature Conservation and Planning, 11- Noise, 12-Design, 15-Development and Flood Risk, 16-Sport, Recreation and Open Space,18-Transport and Manual for Streets, it is considered that the proposed outline application is acceptable in terms of the principle of the development, visual/landscape impact, density, sustainability, access and traffic issues, noise, drainage and flood risk, impact on residential amenity, public safety, ecology and archaeology.

### RECOMMENDATION

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

- Procure that at least 30% of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties. To comprise of the following mix\*

Social Rented:

30 x 1 bed flats - (28%)  
44 x 2 bed houses – (42%)  
6 x 3 bed houses – (6%)  
4 x 4 bed houses – (4%)

Intermediate:

18 x 2 bed houses – (17%)  
3 x 3 bed houses – (3%)

*\*In the event that the number of units developed is less than 350, the mix shall be proportional, in line with the percentages above.*

- To transfer to the Council, a 1 hectare parcel of land in accordance with the illustrative Master plan, for the use of the land for the construction of Primary School
- Pay a contribution of £3,712.65 per dwelling for the provision or enhancement of education facilities to meet the needs of future occupiers.

- Public open space will be provided on site to include the following facilities in broad accordance with the illustrative Master plan, the exact location and full details of specification of which shall be determined the reserved matters application(s)
  - 2 No. Local Areas of Play
  - 1 No. Local Equipped Area of Play
- Pay a contribution of £988.50 per dwelling to provide or enhance community facilities, within the vicinity of the site
- Pay a contribution\* of £140,000 for feasibility design and construction works for the off-site highway improvements to the roundabouts of Waycock Cross Roundabout, Colcot Cross Roundabout and Barry Docks Link Roundabout.
- *\*In the event that payment is made in full in respect of the adjacent site, the developers will only have to pay a contribution of £20,000.*
- Pay a contribution of £2,000 per dwelling to provide or enhance sustainable transport facilities in the vicinity of the site.
- Provide a contribution to the value of 1% of the development costs, for the provision of public art on or within the vicinity of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£49,708.02 in this case).

APPROVE subject to the following condition(s):

1. The consent hereby approved shall relate to the following plans and documents:
 

Topographical Survey (reference 0508-100), Transport Assessment and Appendices (prepared by Waterman Transport and Development, May 2014), Planning Statement (prepared by Savills, May 2014), Archaeological and Heritage Baseline Assessment (prepared by EDP, May 2014), Agricultural Land Assessment (prepared by the Andersons Centre, May 2014) Landscape and Visual Appraisal (prepared by EDP, May 2014), Ecology reports (Sturgess Ecology Phase 1 Habitat Survey 2013 and EDP Bat Survey Report 2014), Arboricultural report (incorporating Arboricultural Impact Assessment and Tree Protection Measures) (prepared by EDP, May 2014) Hedgerow Report (May 2014) Noise and Vibration Assessment Note (prepared by INVC, dated 13 May 2014) Air Quality Assessment (prepared by Waterman Transport and Development, May 2014), Site Investigation Report registered on 22 May 2014

Amended site location plan (reference 0508-101 Rev A), Amended Design and Access Statement , Additional Hedgerow Calculation Plan 0508-1013 A, Additional Technical Note – Assessment of Revised Access (prepared by Waterman Transport and Development, May 2014), Amended Preliminary Design of Access Road (reference SK15), Additional Noise and Vibration Assessment Note (prepared by INVC, dated 13 October 2014), Additional Proposed Drainage Layout Plan 0001 A03, Received on 22 October 2014,

Amended Flood Consequences Assessment and Drainage Strategy Report (prepared by Waterman Transport and Development, December 2014), Amended Masterplan 0509-1003-B, Additional Drawing – Southern Boundary Basin Option ref. 0007 A03, Updated Design and Access Statement plans ref. 0508-1004 B, 1005 –B, 1006-B, 1007-B, 1008-B, 1009-B, 1010-B and 1011-B, received on 19 December 2014.

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

Reason:

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

2. Approval of the details of the layout, scale, appearance and landscaping of the development (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
  - (a) The expiration of five years from the date of this permission.

- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Plans and particulars of the reserved matters referred to in Condition No. 2 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

6. The development hereby approved shall be undertaken in full accordance with the aims and objectives of the Amended Design and Access Statement submitted in support of the application.

Reason:

To ensure a sustainable form of development in accordance with the Supplementary Planning Guidance on Sustainable Development, and to meet the requirements of Strategic Policy 2 of the adopted Unitary Development Plan.

7. The reserved matters application(s) shall have full regard to the guidance and advice as set out in Manual for Streets and Secure by Design and shall incorporate the principles for development as set out in the Development Brief.

Reason:

To ensure that the reserved matters application is submitted in accordance with good practice and the submitted Development Brief Statement and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

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

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

9. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan (which shall cover all phases of the development and subsequent reserved matters application(s)) shall be prepared and shall be submitted to and approved in writing by the Local Planning Authority and 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 full 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 Unitary Development Plan Policies 2, 8 and ENV27 - Design of New Developments.

10. As part of the discharge of Condition No. 2 above, and prior to the commencement of the construction of any of the dwellings or infrastructure within the site, full details of the finished levels of the site, dwellings and structures, in relation to existing ground levels and features 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.

11. Notwithstanding the Amended Preliminary Design of Access Road (reference SK15), prior to the commencement of any works on site in relation to the proposed access onto Porthkerry Road, full engineering drawings of the approved layout with sections, vertical alignment, horizontal alignment, plateaux, street lighting, surface water drainage, construction details, lining, signing etc shall be submitted to and approved by the by the Local Planning Authority.

Reason:

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

12. The dwellings hereby permitted shall not be brought into beneficial use until such time as:
- (1) The applicant/developer enter into a highway legal agreement of the Highways Act 1980 with the Council to provide the proposed new junction (including, if considered necessary, Traffic Regulation Orders), in accordance with a scheme which shall first have been submitted to and agreed in writing by the Local Highway Authority; and
  - (2) The requirements of the proposed scheme and any associated requirements of any amended or new Traffic Regulation Order have been fully implemented and completed.

Reason:

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

13. The reserved matters application(s) shall ensure that the vehicular routes (entrance avenue, primary, secondary and tertiary) pedestrian and cycle routes are broadly laid out in accordance with the road widths as set out within the Amended Design and Access Statement.

Reason:

In order to ensure that the reserved matters application(s) are in line with the agreed movement framework for the site, in accordance with the requirements of the Adopted Development Brief and to ensure compliance with Policies ENV27 of the Unitary Development Plan.

14. The relevant reserved matters application which relate to the eastern part of the site (being the primary highway route north of the land identified for a school and broadly identified as the Phase 1 area in the Amended Phasing Plan ref 0508-1006-B received on 19 December 2014) shall ensure that the primary road is laid out and constructed to the boundary of the land controlled by the applicant or their successor in title.

Reason:

In order to ensure that the reserved matters application(s) permit connectivity to the remaining part of the allocated site, in accordance with the requirements of the Adopted Development Brief and to ensure compliance with Policies ENV27 of the Unitary Development Plan.

15. Notwithstanding the submitted phasing plan, a safe temporary pedestrian gravel path/track shall be constructed along the line of the proposed east/west cycle/pedestrian footpath (to link the site from the PROW to Torbay Terrace (within the scope of the application site)), the details of which shall be submitted to approved in writing by the Local Planning Authority, (including details of phasing, levels and means of construction). The path/track hereby approved shall be fully completed prior to occupation of the 50th dwelling within the site and shall be retained on site as a continuous route (including diversions as necessary during other construction works), until such time as the hard surfaced route (the details of which would form part of the subsequent reserved matters application(s) has been completed on site in full which shall be completed prior to the occupation of 75% of the dwellings within the site.

Reason:

In order to ensure that the connectivity to the remaining part of the allocated site and the adjoining development and railway station is in place early on during the development phase, in accordance with the requirements of the Adopted Development Brief and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

16. The reserved matters application(s) which relate to or form part of the site falling with Phases 3 and 4 (as set out on Phasing Plan 0508-1006-B) shall be accompanied by a noise map indicating any dwellings which fall within NEC B (both daytime and night time) and shall include full details of acoustic attenuation measures / mitigation (to include consideration of site layout and orientation to ensure that noise sensitive rooms and primary outdoor amenity areas are located away / screened from the identified noise sources) to ensure that all dwellings falling within NEC B achieve the noise standards set out in Technical Advice Note 11 Table 2 in relation to internal and external noise levels.

Reason:

In order to ensure that the reserved matters application(s) take account of NEC B so as to ensure that the occupiers of the dwellings within such areas are not subject to high levels of noise, to comply with the requirements of TAN 11 and compliance with Policies ENV27 and ENV29 of the Unitary Development Plan.

17. The reserved matters application(s) which relate to or form part of the site falling with Phases 3 and 4 (as set out on Phasing Plan 0508-1006-B) shall be accompanied by a scheme to demonstrate that dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s<sup>1.75</sup> between 07.00 and 23.00 hours, and 0.26m/s<sup>1.75</sup> between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall thereafter be constructed in accordance with the approved scheme.



Reason:

In order to ensure that the reserved matters application(s) take account of any potential vibration so as to ensure that the occupiers of the dwellings within such areas are not subject to high levels of vibration, to comply with Policies ENV27 and ENV29 of the Unitary Development Plan.

18. Prior to the commencement of any works at the site (including any site clearance and preparatory works), a Construction Environmental Management Plan relating to the preliminary and construction phases of works, including details of site, material and storage compounds, site lighting, hours of operation, control of noise, dust (details of wheel washing), management of surface water run off, any vibration issues and haul routes, temporary access works and surfacing, (having regard to each phase of development within the site) which shall be submitted to and approved in writing by the Local Planning Authority. The agreed method statement shall be fully implemented during the whole construction phase of the development.

Reason:

In the interests of highway safety, amenities of nearby occupiers and environmental protection and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. The reserved matters application(s) shall ensure that the layout reflects the Additional Hedgerow Calculation Plan 0508-1013 A and retains the hedgerows and those shown to be planted identified within the plan.

Reason:

In order to ensure that the reserved matters application(s) take account of all existing hedgerows within the site and to ensure no net loss of hedgerows, to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

20. Prior to the beneficial occupation of any of the dwellings located within the development hereby approved, the developer shall ensure :
  - a) That 44m<sup>3</sup> of storage volume has been constructed at Porthkerry Sewer Pumping Station (SPS) in liaison with Dwr Cymru Welsh Water (DCWW), and in accordance with details to be submitted to and approved in writing by the Local Planning Authority in the event that the foul discharges from the development are drained via the development to the east; or

- b) That a hydraulic modelling assessment has been commissioned in liaison with Dwr Cymru Welsh Water, and the foul sewerage infrastructure works required by the commissioned hydraulic modelling assessment (HMA) has been completed and Local Planning Authority receives written confirmation from Dwr Cymru Welsh Water that all improvement works identified in the HMA have been undertaken to the full satisfaction of Dwr Cymru Welsh Water.

Reason:

To protect the existing community and the environment from the adverse affects of sewage flooding and pollution and to ensure the development is effectually drained and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

21. The proposed development site is crossed by a rising main with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason:

To protect the integrity of the public sewer and avoid damage thereto and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

22. All reserved matters application(s) shall be supported by a scheme for the comprehensive and integrated drainage of the site, showing how foul water, road, roof / yard water and land drainage will be dealt, with including hydraulic flow calculations and shall include full details of all existing drains / connections running through the site. The approved scheme of drainage shall be fully implemented prior to the occupation of any of the dwellings on site.

Reason:

To ensure the effective drainage of the site and ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties and environment, with respect to flood risk and to protect the integrity and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

23. The submitted scheme(s) for drainage of the site shall ensure that all foul and surface water discharge separately from the site and that all land drainage / surface water run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

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

24. In connection with Condition No. 22, the submitted scheme for drainage shall include a written declaration to confirm the responsibility for the future maintenance and repair of the surface water / land drainage system.

Reason:

To ensure that responsibility of the land drainage system is clearly defined.

25. In connection with Condition No. 22, the detailed scheme for surface water and land drainage shall include an assessment of any water which may enter the site from the adjoining land and demonstrate that it can be appropriately managed.

Reason:

To ensure that the developer of the site is fully aware of the need to mitigate for additional surface water and land drainage that may enter the site.

26. The detailed scheme of drainage shall ensure that potentially adoptable surface water sewers are designed to the guideline publication 'Sewers for Adoption' as required by Dwr Cymru / Welsh Water and the submitted scheme in line with agreed principles of the Amended Flood Consequences Assessment and Drainage Strategy Report (prepared by Waterman Transport and Development, December 2014).

Reason:

To ensure that the surface water is designed to cater for storm events and to reduce flood risk to occupiers, both within and adjacent to the site and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

27. The information submitted in accordance with the requirements of Condition No. 22 of this consent 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 and plan 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 ENV7 and ENV27 of the Unitary Development Plan.

28. The detailed site layout shall ensure that the submitted scheme of drainage has appropriate permanent easement widths for sewers on all land outside the public highway, where such easements shall be restricted for future development (where the management of this zone should be discussed and agreed with the appropriate Council Departments) and shall be detailed in the submitted reserved matters application(s).

Reason:

In order to ensure that the reserved matters application(s) are developed having full regard for the need to ensure that permanent access is provided for maintenance / works and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

29. Prior to the commencement of development, an Ecological Strategy to be submitted and approved in writing by the Local Planning Authority. The Ecological Strategy shall protect nature conservation interests on the development site during and post construction.

The Ecological Strategy should make provision for, but not exclusively:

- Reptiles; clearance strategy
- Dark flight corridors for bats (lighting strategy)
- Post development ecological enhancement & site management

Reason:

To demonstrate Local Authority compliance with S40 of the NERC Act 2006 and to ensure compliance with Policies ENV10 and ENV27 of the Unitary Development Plan.

30. The reserved matter(s) application shall be supported by a lighting scheme for the whole site which will be informed by the analysis of current and likely future bat flight lines, to ensure routes to be used by bats for commuting or foraging are kept dark. Where standard height street lighting is required adjacent to the retained habitats, directional or cowled lanterns should be adopted that limit light spill. The scheme shall provide specific evidence that these areas will be kept dark by providing light overspill / spread diagrams.

Reason:

To secure the long-term protection of the species to demonstrate Local Authority compliance with S40 of the NERC Act 2006 and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

31. Prior to the commencement of any works on site, a method statement shall be submitted to demonstrate that nesting birds are considered in all vegetation clearance activities (include timing of works and how cleared areas will be kept unsuitable for ground nesting birds) which shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented.

Reason:

To ensure compliance with the Wildlife and Countryside Act 1981, where it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use and to demonstrate Local Authority compliance with S40 of the NERC Act 2006 and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

32. The reserved matter(s) application shall be supported by a scheme for the provision of artificial bird nesting sites, which shall equate to a minimum of one tenth of the total number of residential units to be developed on the application site (which can be built in or boxes) and should target the following species: swift, starling, house sparrow and house martins.

Reason:

To secure the long-term protection of the species to demonstrate Local Authority compliance with S40 of the NERC Act 2006 and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

33. Prior to commencement of development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall take into account the elevated coastal position of the site. The landscaping scheme shall also 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.

34. 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 dwellings 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.

35. The first reserved matters application shall include all of the land shown on the Masterplan for a school (and highway frontage) and shall be supported by a phasing plan/schedule showing the timing of all proposed works within the school land relating to drainage and excavation works and shall include details of any changes in levels as a result of the drainage works (including sections) and restoration and enclosure of the site.

Reason:

In order to ensure that all of the works undertaken within the school site prior to transfer to the Council are fully considered so as not to prejudice the construction and operation of the school on the land thereafter and ensure to ensure compliance with Policy ENV27 of the Unitary Development Plan.

36. The reserved matters application shall be supported by a public art strategy and the details shall include a feature or features of public art integrated within the development which shall be specifically commissioned for the site.

Reason:

To ensure that public art is provided as integral part of the development in accordance with the Public Art Supplementary Planning Guidance.

37. The first reserved matters application shall include details of fencing and any associated noise attenuation along the boundary of the site which abuts the residential cartilage of No. 48 Porthkerry Road, Rhoose.

Reason:

In order to ensure that amenities of the residential occupiers are protected and to ensure to ensure compliance with Policy ENV27 of the Unitary Development Plan.

**NOTE:**

1. The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.
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. It is an offence under the Wildlife and Countryside Act 1981 to take, damage or destroy the nest of any wild bird. Therefore, it is advised that the felling of any trees in association with the residential development hereby approved shall only be undertaken outside the nesting season, which is generally recognised as being from March to August inclusive.
4. Where any species listed under Schedules 2 or 4 of the Conservation of Habitats and Species Regulations 2010 (as amended) is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place, unless a licence to disturb any such species has been granted by Natural Resources Wales in accordance with the aforementioned Regulations.
5. 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.
6. The preferred proposal may require a new outfall to sea which will require the approval of the Council as Coast Protection Authority. The developer should consider the effect of the outfall and the proposed discharge of surface water run-off to the sea on the coastal erosion process and submit appropriate details to the Operational Manager Highways and Engineering for consideration and approval.
7. The proposed development site is crossed by a rising main. No development will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru / Welsh Water's Network Development Consultants on 0800 9172652.

8. The proposed development site is crossed by a trunk / distribution water main. Under the Water Industry Act 1991 Dwr Cymru / Welsh Water has rights of access to its apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

The developer should contact the New Connections Department, Players Industrial Estate, Clydach, Swansea, SA6 5BQ. Telephone 0800 9172652 for further information on this matter.'

9. This consent does not convey any authorisation that may be required to gain access onto/under land not within your ownership or control.

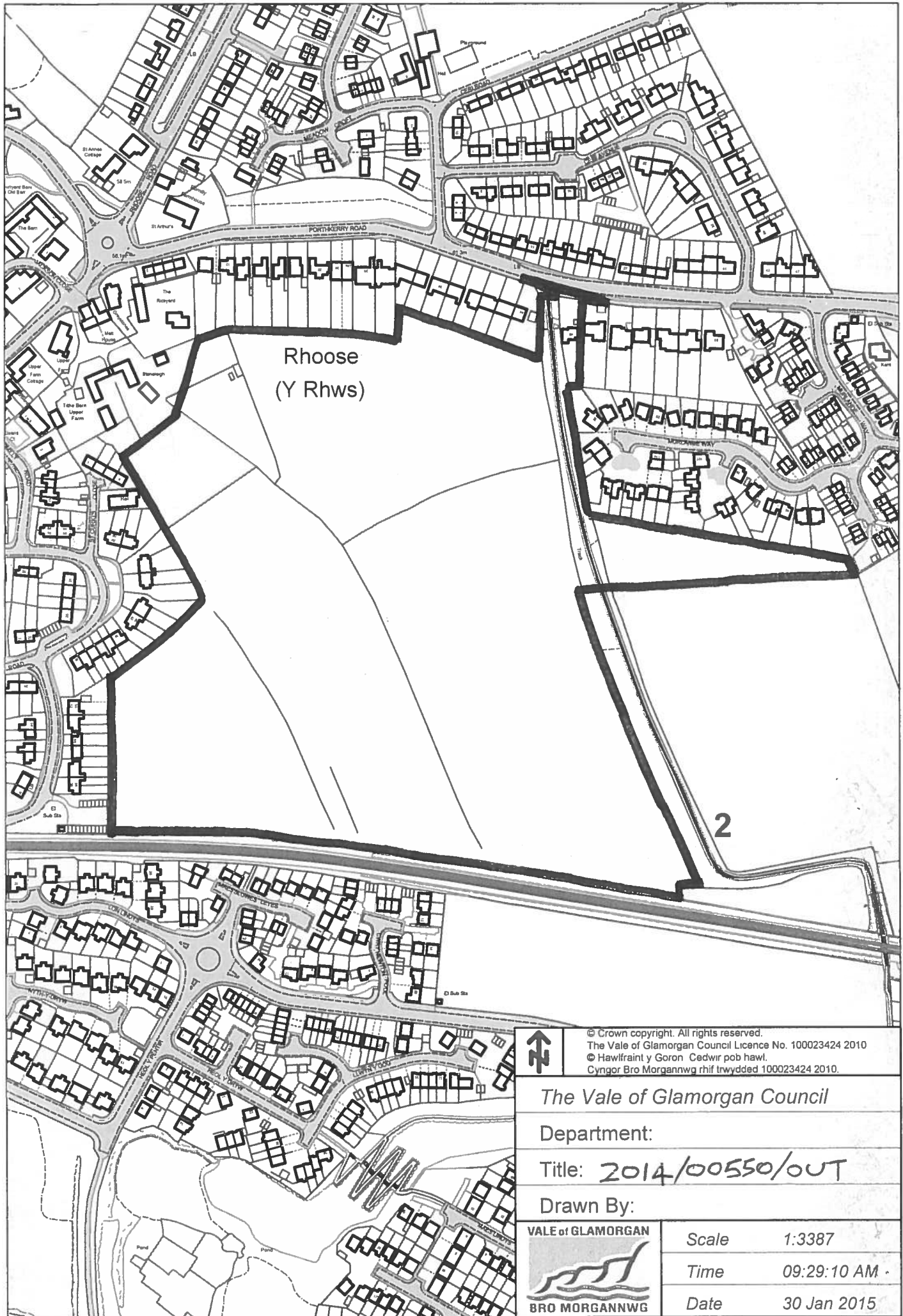
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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


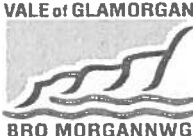
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.





	© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010 © Hawlfraint y Goron Cedwir pob hawl. Cyngor Bro Morgannwg rhif trwydded 100023424 2010.	
	The Vale of Glamorgan Council	
	Department:	
	Title: 2014/00550/OUT	
Drawn By:		Scale 1:3387
	Time 09:29:10 AM	
	Date 30 Jan 2015	

Stavrakis Consultants  
WYG Planning and Environment, 5th Floor, Longcross Court, 47, Newport Road,  
Cardiff, Glamorgan., CF24 0AD

**Former Mortuary building, Hayes Point,  
Hayes Road, Sully**

Conversion and extension of former mortuary building to residential bungalow

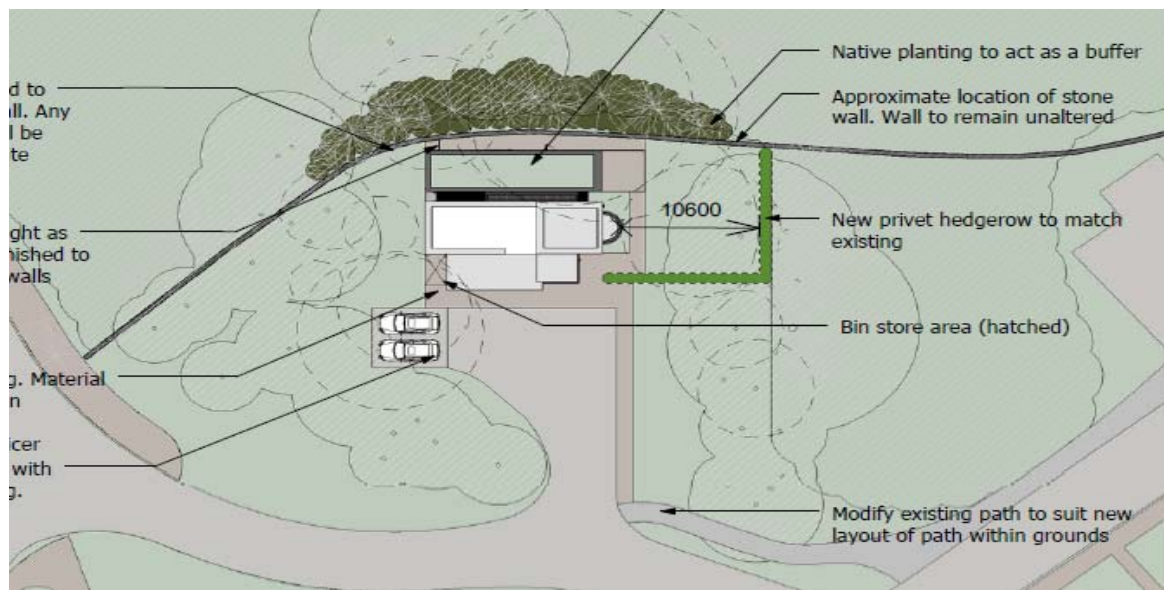
**SITE AND CONTEXT**

This application relates to the former mortuary building that sits within the grounds of the former Sully Hospital site, Hayes Point. The site is located outside of the settlement boundaries as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011 and as such falls in the countryside for the purposes of the plan. The principal building itself is Grade 2\* listed and as a result the building to which this enquiry relates is curtilage listed.

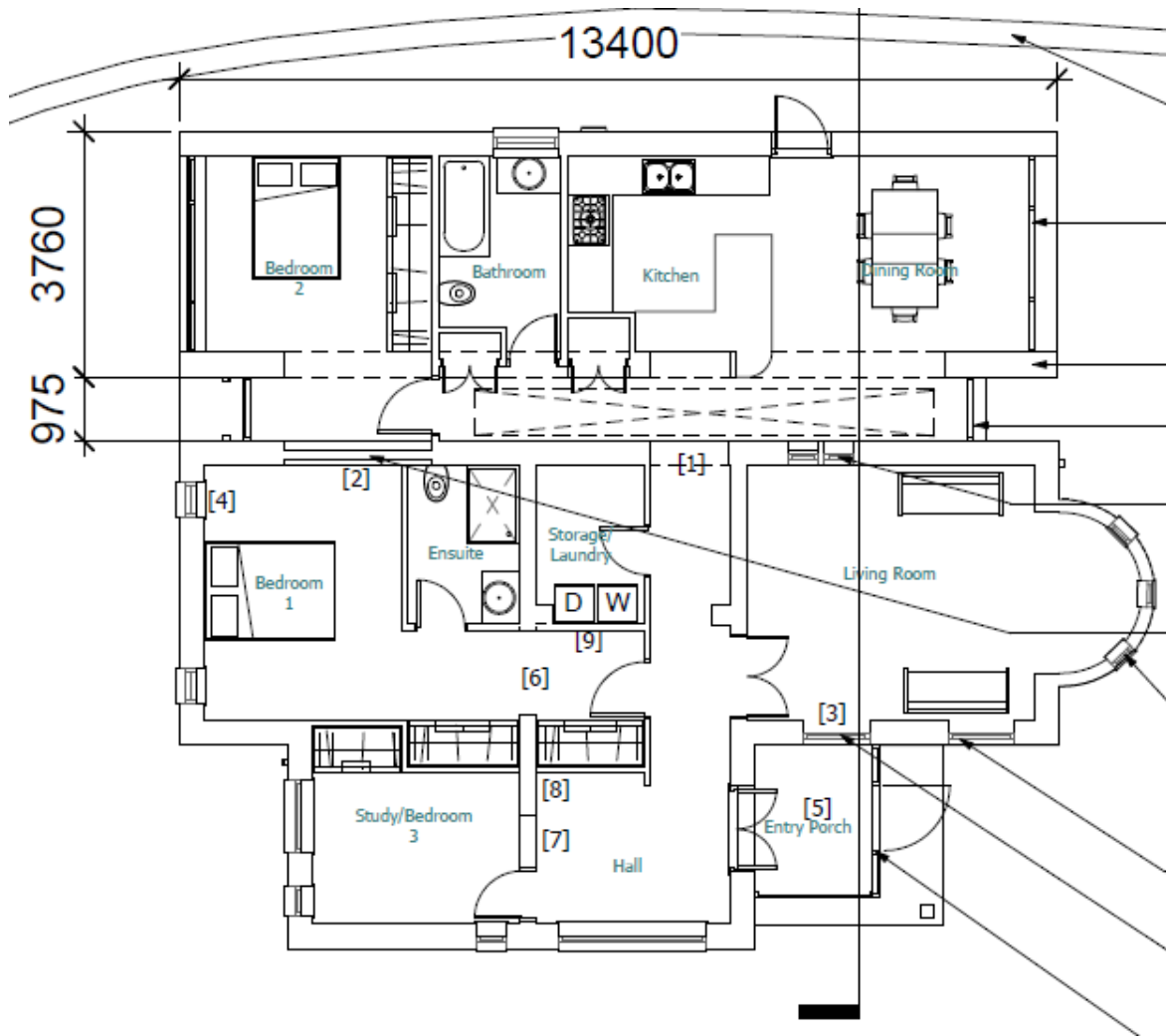
There are a number of trees on the application site that are covered by Tree Preservation Order 156 - 1994 - 18 - W01 that consists of mixed deciduous and coniferous woodland.

**DESCRIPTION OF DEVELOPMENT**

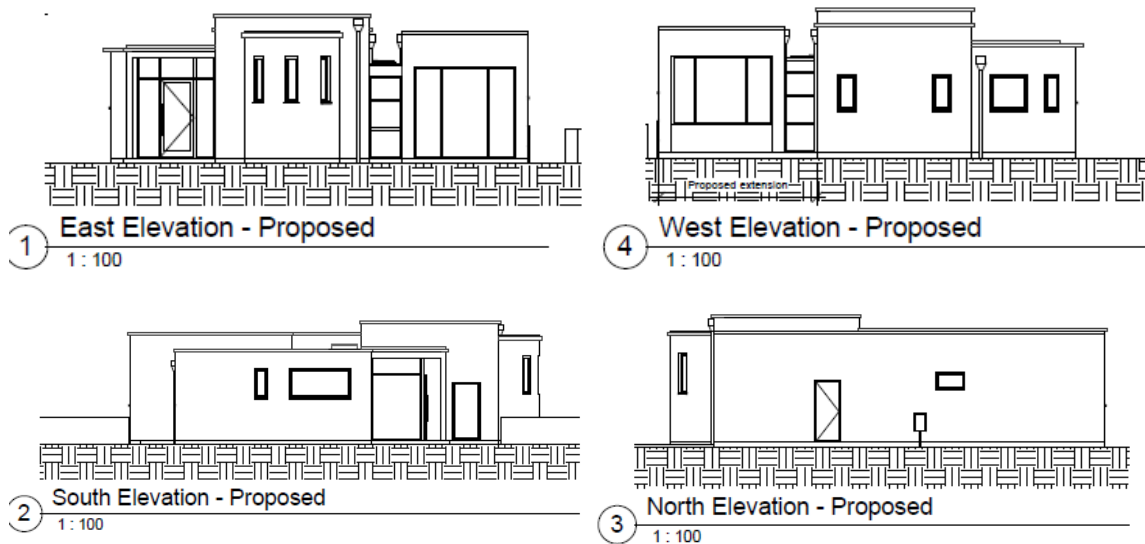
The application relates to the conversion and extension of the existing Mortuary Building for use as a 3 bedroom dwellinghouse. To the rear of the building a single storey flat roofed extension is proposed to provide enhanced living accommodation within the building. The proposed dwelling will benefit from parking on the existing area of hardstanding to the front of the building and an enclosed private garden to the rear enclosed by a privet hedge. A site layout of the proposed dwelling is shown in the plan below:



*Proposed layout indicating parking area to the front and enclosed private garden by privet hedge.*



*Proposed floor plan of dwelling within mortuary building*



**Proposed Elevations of the Proposed Dwelling**

**PLANNING HISTORY**

2006/01594/FUL : Hayes Point, Sully Hospital, Hayes Road, Sully - Erection of grounds maintenance store and car port incorporating bat roost. Approved.

2006/00309/ADV : Hayes Point - Sully Hospital, Hayes Road, Sully - Advertisement board mounted on metal legs. Approved.

2005/01220/LBC : Hayes Point, Sully Hospital, Hayes Road, Sully - Refurbishment of former mortuary. Amendments to application 04/00799/LBC to provide additional units, elevational alterations, provision of new lift shafts and addition of plant Approved.

2005/00904/LBC : Former Gatehouse - Sully Hospital, Hayes Road, Sully - Refurbishment of existing gatehouse lodge including internal demolitions to produce a new 4 bedroom dwelling. The existing structure is to be extended with a 2 storey structure, part in render and part in timber. Approved.

2005/00893/FUL : Hayes Point, Sully Hospital, Hayes Road, Sully - New works including:- 1) Refurbishment and extension of gatehouse to provide single dwelling and detached garage. 2) Change of use of mortuary to cafe/shop. 3) New maintenance storage building. 4) Additional 3 No residential unit in basement East wing. 5) Alterations to pent house facade and woodlands elevations. Approved.

2005/00468/LBC : Hayes Point, Sully Hospital, Hayes Road, Sully - Demolition of brick piers and sections of existing rendered walls, rebuilding of brick piers in new position Approved.

2005/00430/TPO : Sully Hospital, Hayes Point, Hayes Road, Sully - Felling and pruning works to trees. Approved.

2004/01195/TPO : Sully Hospital, Hayes Road, Barry - Reduce and re-shape two bay laurel, reduce or coppice hawthorn and blackthorn and re-shape two holly. Approved.

2004/00799/LBC : Sully Hospital, Hayes Road, Sully - Repair and conversion of the hospital buildings to create 234 residential apartments and ancillary uses including gym and squash courts. Approved.

2004/00745/FUL : Sully Hospital, Hayes Road, Sully - Repair, alteration and conversion (including new build) of existing hospital buildings to create 234 residential flats with associated access, parking and landscaping, plus demolition of incinerator building and upgrading of drainage system. Approved.

## CONSULTATIONS

**Sully Community Council** was consulted and state 'The Community Council have no objection to the development and feel that due to the present condition of the building, the development would result in beneficial reuse of a curtilage listed building and would appear to conserve and maintain the character of the building, with the single storey extension not being visually obtrusive from southern (frontal) locations.

**The Council's Highway Development section** was consulted although no comments had been received at the time of writing this report.

**Dwr Cymru / Welsh Water** was consulted although no comments had been received at the time of writing this report.

**The Council's Ecology Officer** was consulted and had no comment.

**Local Ward Members** were consulted with regard to the application. A request was received from Councillor Mahoney for the application and associated Listed Building application to be reported to Planning Committee.

## REPRESENTATIONS

Site notices were displayed adjacent to the building on 11 August 2014 and the application was also advertised in the press on 22 July 2014. At the time of writing this report 12 letters of representation had been received, raising the following points:

- When purchasing property (one of adjacent flats) objector was led to believe that the building would be used as a café. Writer has offered to purchase the site to run such a facility.
- Other uses of the building should have been considered.
- Loss of trees protected by a Tree Preservation Order.
- Impact upon Listed Building.
- Proposals would be out of keeping with the rest of the site in terms of extension and enclosure of the site.
- Lack of adequate expertise for Vale of Glamorgan Council to determine application.
- Inadequacy of bat assessment.
- Lack of archaeological mitigation.
- Lack of consultation with the Hayes Point Right To Management Company with regard to land that they indicate is under their control.
- Lack of consultation with residents of the principal building.

A sample copy of a letter of objection is attached at Appendix A. An electronic petition was also submitted by the Hayes Point RTM Company as 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, which was formally adopted by the Council on 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 – TRANSPORTATION

#### *Policy:*

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV11 – PROTECTION OF LANDSCAPE FEATURES

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV24 – CONSERVATION AND ENHANCEMENT OF OPEN SPACE

ENV27 – DESIGN OF NEW DEVELOPMENT

HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS3 – DWELLINGS IN THE COUNTRYSIDE

TRAN10 – PARKING

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

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

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

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

### **Planning Policy Wales:**

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

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

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 10 – TREE PRESERVATION ORDERS (1997)  
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:

SUSTAINABLE DEVELOPMENT  
AMENITY STANDARDS  
CONVERSION OF RURAL BUILDINGS  
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 – 20 December 2013 on the Deposit Local Development Plan and the ‘Alternative Sites’ public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

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

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

The guidance provided in Paragraph 4.2 of PPW is noted above.

### Issues

As such the main issues to consider are the principle of the development, the impact upon the character of the building and setting of the adjacent Listed Building, impact upon amenity of neighbouring residential properties, amenity space provision, car parking, ecological implications and the impact upon trees.

### Principle of Development

The whole of the wider site falls outside of the settlement boundaries as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011 and as such the site technically falls within 'open countryside'. Policy ENV1 is a criteria based policy relating to development within the countryside and states 'Within the delineated countryside permission will only be granted for:

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.
- (ii) Appropriate recreational use.
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
- (iv) Development which is approved under other policies of the plan.

Policy HOUS3 relates more specifically to the erection of new dwellings in the countryside and states 'subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry'. The policy also notes that the 'undeveloped and attractive appearance' of the countryside should be protected and that new housing outside villages and towns often creates unacceptable intrusions into the rural landscape and often create unacceptable burdens on local services.



With regard to the conversion of the main hospital building (under permission 2004/00745/FUL) it is noted that the conversion of the building originally was justified by virtue of it securing the long term of future of a very significant Listed Building and as such this formed justification of a departure from the development plan and overarching planning policy.

Paragraph 9.2.22 of Planning Policy Wales (edition 7) states that *'in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled.'* In addition paragraph 9.3.6 of PPW states:

*"New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of the area. Isolated new houses in the open countryside require special justification, for example, where they are essential to enable farm or forestry workers to live at or close to their place of work in the absence of nearby accommodation."*

TAN6 provides further guidance on the circumstances in which applications for new dwellings within the countryside including those for rural enterprise dwellings or affordable housing schemes, and the justification that would need to be provided. No such justification has been provided in this instance.

However, notwithstanding the above, noting its curtilage listed status and its evident architectural value, it is considered that the conversion of the mortuary building for residential purposes would secure a long term future for this building by bringing it back into beneficial use. It is noted from the planning history that consent has previously been granted under application 2005/00893/FUL for the conversion of the building for use as a café although this part of this consent has not been implemented. Whilst being mindful of the concerns of residents, the application has been submitted for residential use and ultimately would not result in the loss of a community facility, given this has not been implemented. As such and being mindful of the Listed status of the building it is not considered that the Local Planning Authority could sustain an objection on these grounds. The continued use of this building of significant architectural merit represents a significant material consideration and strong justification for the provision of a new dwelling within a countryside which would usually amount to a departure from the development plan.

In conclusion therefore it is considered that the proposed conversion of the mortuary building would be acceptable in principle given it would result in the beneficial re-use of a Listed Building.

## Visual Impact

The submitted plans indicate the erection of a flat roofed single storey extension to the less visible northern rear elevation of the building which would largely be screened from view by the existing protected mature vegetation to the north, west and east and the existing building when viewed from the south. The proposals also indicate the erection of a new glazed entry porch to the front elevation and the insertion of Crittal double glazed units within existing openings and the creation of 1 No. additional opening on the north, south and west elevations of the building.

The proposed extension to the rear is of a contemporary design with a flat roof and largely glazed elevations to the east and west elevations, and separated from the principal building by a glazed link. As noted the proposed extension to the north of the building would be to a secondary elevation and would largely be obscured from view. It is considered that a minimally framed contemporary extension, with substantial glazing providing a clear break between contemporary and historic form is an appropriate form of extension to a secondary elevation would not unacceptably disrupt the architectural and historic value of the principal building. As such this element of the works is considered to be acceptable.

With regard to the glazed front porch and additional openings the extent of these works are minor and would not unacceptably detract from the historic importance and value of the host building and as such are considered to be acceptable. In this regard, it is also of some relevance that previous consent for the change of use of the building (2005/00893/FUL) included a number of interventions with the external fabric of the building.

During the course of the application, concern was raised with regard to the proposed enclosures to the building, particularly those to the front and the building and the potential impact this would cause to the historic, open and park-like feel of the environs as well as the trees which contribute to the character of the building. Following extensive negotiation with the applicant it was agreed that there would be no enclosures to the front with the only enclosures now proposed being the privet hedgerow to the side to provide a degree of defensible private amenity space and a small barrier to provide security adjacent to the north-western corner of the proposed extension. The existing stone wall to the rear of the property will remain in situ and separate listed building consent would be required for any works to this in the future. Overall it is considered that the revised scheme of enclosures proposed are more sympathetic to the immediate area and wider site which are largely open in character which achieves an acceptable balance between the need to maintain the open nature of the site against the aspirations of future occupiers of the building in relation to defensible amenity space.

Noting that the building has been vacant for a considerable time and the proposed alterations would allow the beneficial re-use of an important curtilage Listed Building, it is considered that the proposed alterations are relatively minor in terms of their scale and impact and this coupled with the proposed scheme of enclosures would not unacceptably detract from the character of the Listed Building.

As such the extent of works proposed to allow the beneficial re-use of the building is considered to be acceptable, to accord with Policies ENV11, ENV17, ENV24 and ENV27 of the Development Plan.

### Impact upon Amenity of Neighbouring Residential Properties

The proposed dwelling would be single storey in height and significantly separated from the flats within the main hospital building, in excess of 40 metres distant. As such it is not considered that the proposals would cause detriment to the amenity of neighbouring residential properties in accordance with policy ENV27 of the Development Plan.

### Amenity Space Provision

Policy ENV27 of the Unitary Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provides guidelines to ensure that all new residential developments contribute towards a better quality of life without adversely affecting the amenity enjoyed by existing residents. Policy 2 of this document is considered to be of particular relevance in this instance, which states that 'the Council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development'. The guidance contained within this policy notes that developers at a minimum should provide 1m<sup>2</sup> of amenity space per 1m<sup>2</sup> of the gross floor area for new dwelling houses.

The proposals would provide an enclosed area of amenity of approximately 100m<sup>2</sup> which would be enclosed by a privet hedge, which is considered to provide an area of defensible amenity space within an area characterised by open parkland. The amenity standards SPG states that the detailed amounts are not intended to be a prescriptive standard and the proposed area would provide future occupiers with access to an area of private and defensible amenity space which would be sufficient for functional requirements including relaxation, clothes drying, refuse storage etc. Overall therefore it is considered that the proposals seek to find a beneficial use for a Listed Building and that the proposed level of amenity space provision is considered to be acceptable.

### Impact upon Trees

As noted previously, there are a number of trees covered by Tree Preservation Order\_156 - 1994 - 18 - W01 within close proximity to the site. There was significant concern during the course of the application with regard to the potential impact that the proposals would have upon trees through the introduction of a residential use, the proposed nature of enclosures and proposed extensions and alterations. As originally submitted it was not considered that potential detriment to the trees had been adequately addressed and as such further survey work was requested from the applicant.

Following further discussion and negotiation, the applicant proposed that the woodland immediately adjacent to the proposed dwelling could be managed through a Woodland Management Plan, as well providing as an Arboricultural Impact Assessment and details of tree works required in conjunction with the development. The submitted assessment indicates that in total, 6 no. trees of poor condition and a small area of hedgerow would need to be removed as a result to accommodate the residential use of the site. It was agreed that the Method Statement and Tree Condition Survey were considered to be acceptable, subject to conditions being attached to any planning consent given. These conditions would relate to the submission of details of a tree consultant to undertake a watching brief during the tree works and erection of protective fencing; further details of a schedule of tree works to trees to be retained on the site; and restrictions on operations in the woodland to the north of the building including the erection of protective fencing and the restrictions on the storage of materials in this area.

It is also requested that further details of the Woodland Management Plan should be submitted to and approved by the Local Planning Authority and should be implemented at an appropriate time, which could also be sought through condition attached to any consent given. Given the above it is considered that the proposals would not result in undue detriment to the group TPO adjoining the development and as such this is not considered to constitute a reason to refuse planning permission.

#### Ecological Issues

The application is supported by a Biodiversity Survey and Report prepared by WYG. The submitted report concludes that *'no bats were recorded emerging or returning to building during the surveys and therefore no direct impacts to roosting bats are anticipated. However, it must be noted that the results of this survey cannot be taken as a future reflection of conditions on site. Given the presence of potential roosting features, it is possible that bats may utilise these features at some point in the future. Therefore, if works to the building are delayed beyond 12 months from the date of these surveys, it may be necessary to consider a resurvey of the buildings.'* Following consultation with the Council's Ecologist they indicate that had no comment to make with regard to the submissions and as such there is not considered to be an ecological constraint prohibiting the grant of planning permission.

#### Highways Issues

To the front of the building is an existing area of hardstanding would remain pursuant to the change of use of the building. This area would provide more than ample parking and turning for a property of the size proposed and as such is considered to be acceptable with regard to CSS Parking Guidelines and Policy TRAN10 of the Development Plan.

## Other Issues

The concerns of residents are noted and the majority of which are addressed within the officer report above. However, it is noted that concern has been raised with regard to the lack of consultation with the management company and neighbouring residents. With regard to neighbouring residents it must be noted that the mortuary building is significantly separated from the principal building (approximately 45 metres away at its closest point). Given this degree of separation, site notices and a press advert were utilised to advertise the application to ensure that those with an interest were notified with regard to the application which was considered to be adequate in this instance.

With regard to consultation with the management company the LPA forwarded these concerns to the agent and in response they *'reiterate that the applicant is the sole owner of the app site. The management company does not have a lease interest and the residents' leases extend to their properties only. Formal notification of the application (cert B) is not required.'* Given this, the LPA do not feel that it is necessary or reasonable to request that the applicant serve notice on the management company, and this would be a legal matter that the management company could pursue further if they felt necessary, which falls outside of the remit of the consideration of this planning application. With regard to access to the site and existing services to the site, if there is a dispute in this regard it is not considered that this is a matter for the LPA to mitigate nor is it considered to be a reason to prevent determination of the planning application.

It is noted that the application relates to the conversion of a building within the curtilage of a Grade II\* Listed Building and as such the associated listed building consent (2014/00860/LBC) would have to be determined separately.

## 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, 3 and 8 ENV1 – Development in the Countryside, ENV11 – Protection of Landscape Features, ENV17 - Protection of Historic and Built Environment, ENV24 – Conservation and Enhancement of Open Space, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 – Dwellings in the Countryside, TRAN10 - Parking , Supplementary Planning Guidance 'Amenity Standards' and Supplementary Planning Guidance 'Planning Obligations', it is considered that the proposed works are acceptable.

## 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 plans reference A06 received on 17 July 2014, A14, A15, A16 and A17 received 13 October 2014, A04B and A05B received 02 December 2014 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. 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 Policies ENV17 and ENV27 of the Unitary Development Plan.

4. No part of the development shall be commenced until additional details including plans at a scale of 1:20, cross sections, specifications and finishing of all of the proposed windows (including rooflights), rainwater goods and doors have been 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 safeguard local visual amenities, as required by Policy ENV17 of the Unitary Development Plan.

5. Prior to their use on site samples of the materials to be used in the hard surfaced external areas, including the parking areas, 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 safeguard the setting and visual amenities of the County Treasure and Listed Building and to meet the requirements of Policies ENV17, ENV27 and HOUS8 of the Unitary Development Plan.

6. 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.

7. 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 the purpose incidental to the enjoyment of the 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.

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

Reason:

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

9. Notwithstanding the details shown on the approved 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. The means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use and maintained as such thereafter unless otherwise agreed by the Local Planning Authority.

Reason:

To safeguard local visual amenities and protected species, and to ensure compliance with the terms of Policies ENV17 and ENV27 of the Unitary Development Plan.

10. Notwithstanding the details shown on the approved plans, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of any of the dwellings hereby approved, which shall include details of proposed planting and replacement trees (including species and size), 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.

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 commencement of any works on-site including clearance, the approved protection scheme shall be implemented in accordance with the arboricultural report 'Arboricultural Report' and accompanying plan TPP01 received 22 December 2014, and the scheme of tree protection shall be so retained on site for the duration of development works.



Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

13. Two weeks prior to commencement of land preparation/excavations, details of the arboricultural consultant to undertake a watching brief at the site, must be provided in writing to the LPA and, following satisfactory erection of protective fencing as laid out on Drawing No. TPP01 dated 16 December, 2014 (received 22 December, 2014), shall supervise any excavation/trenching within root protection areas of retained trees and following substantial completion, but prior to beneficial occupation, shall supervise the removal of protective fencing.

Reason:

In the interests of safeguarding protected trees and to ensure compliance with Policies ENV24 and ENV27 of the Development Plan.

14. Prior to any land preparation/excavations/trenching and stockpiling of materials, equipment, machinery, portacabins, a schedule of any tree works for all the retained trees pruning and other remedial, preventative, facilitative work, whether for physiological, hazard abatement, aesthetic or operational reasons must be submitted to the Local Planning Authority for approval in writing. All tree works shall be carried out in accordance with the approved details and with B.S. 3998:2010 - Tree Work – Recommendations.

Reason:

To safeguard the health of protected trees and to ensure compliance with Policies ENV11 and ENV24 of the Development Plan.

15. The Construction Exclusion Zones within the Heras fencing (as required by Conditions 12 and 13 of this consent) shall remain free from any construction-related equipment, vehicles, materials, waste deposit, soil, cement/concrete mixing, mixing of toxic materials, plant, site cabins or lighting of fires, at all times.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

16. Prior to the commencement of development, full details of a Woodland Management Plan to include a schedule of management of the woodland edged green on the plan attached to the email received from the agent on 01 December 2014, shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the approved details.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

**NOTE:**

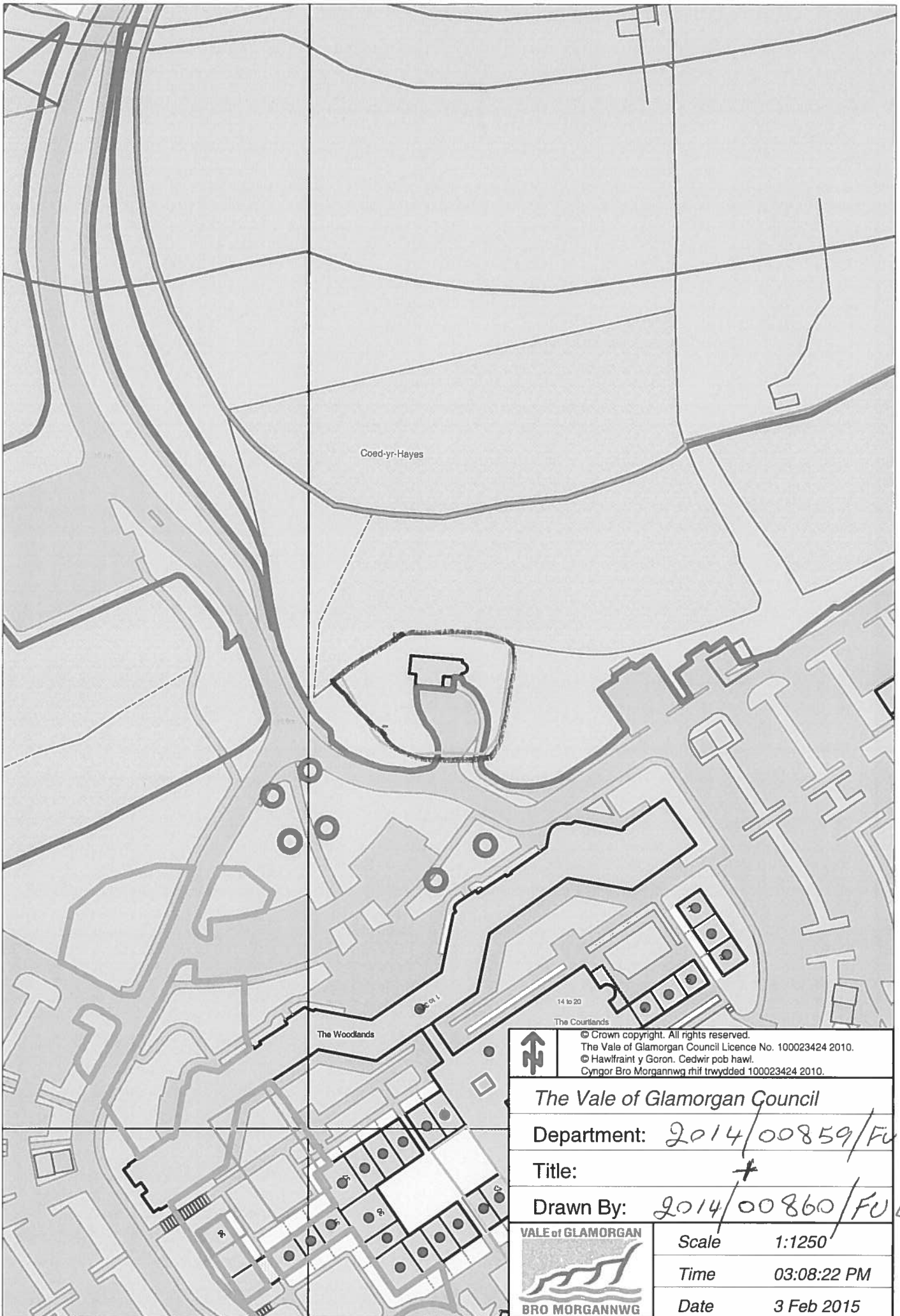
- 1. Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
- 2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 3. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
- 4. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
- 5. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**



**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.**



	© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010. © Hawifraint y Goron. Cedwir pob hawl. Cyngor Bro Morgannwg rhif trwydded 100023424 2010.	
	<b>The Vale of Glamorgan Council</b>	
Department: <i>2014/00859/FUL</i>		
Title: <i>+</i>		
Drawn By: <i>2014/00860/FUL</i>		
	Scale <span style="float: right;">1:1250</span>	
	Time <span style="float: right;">03:08:22 PM</span>	
	Date <span style="float: right;">3 Feb 2015</span>	

Stavrakis Consultants  
WYG Planning and Environment, 5th Floor, Longcross Court, 47, Newport Road,  
Cardiff, Glamorgan., CF24 0AD

**Former Mortuary building, Hayes Point,  
Hayes Road, Sully**

Conversion and extension of former mortuary building to residential bungalow

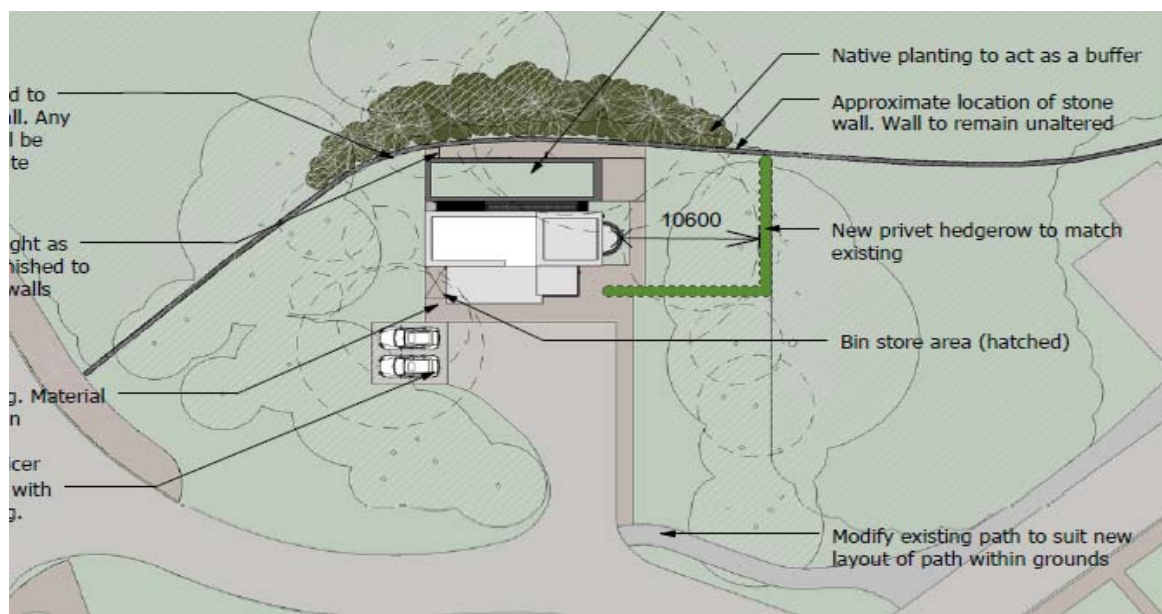
SITE AND CONTEXT

This application relates to the former mortuary building that sits within the grounds of the former Sully Hospital site, Hayes Point. The site is located outside of the settlement boundaries as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011 and as such falls in the countryside for the purposes of the plan. The principal building itself is Grade 2\* listed and as a result the building to which this enquiry relates is curtilage listed.

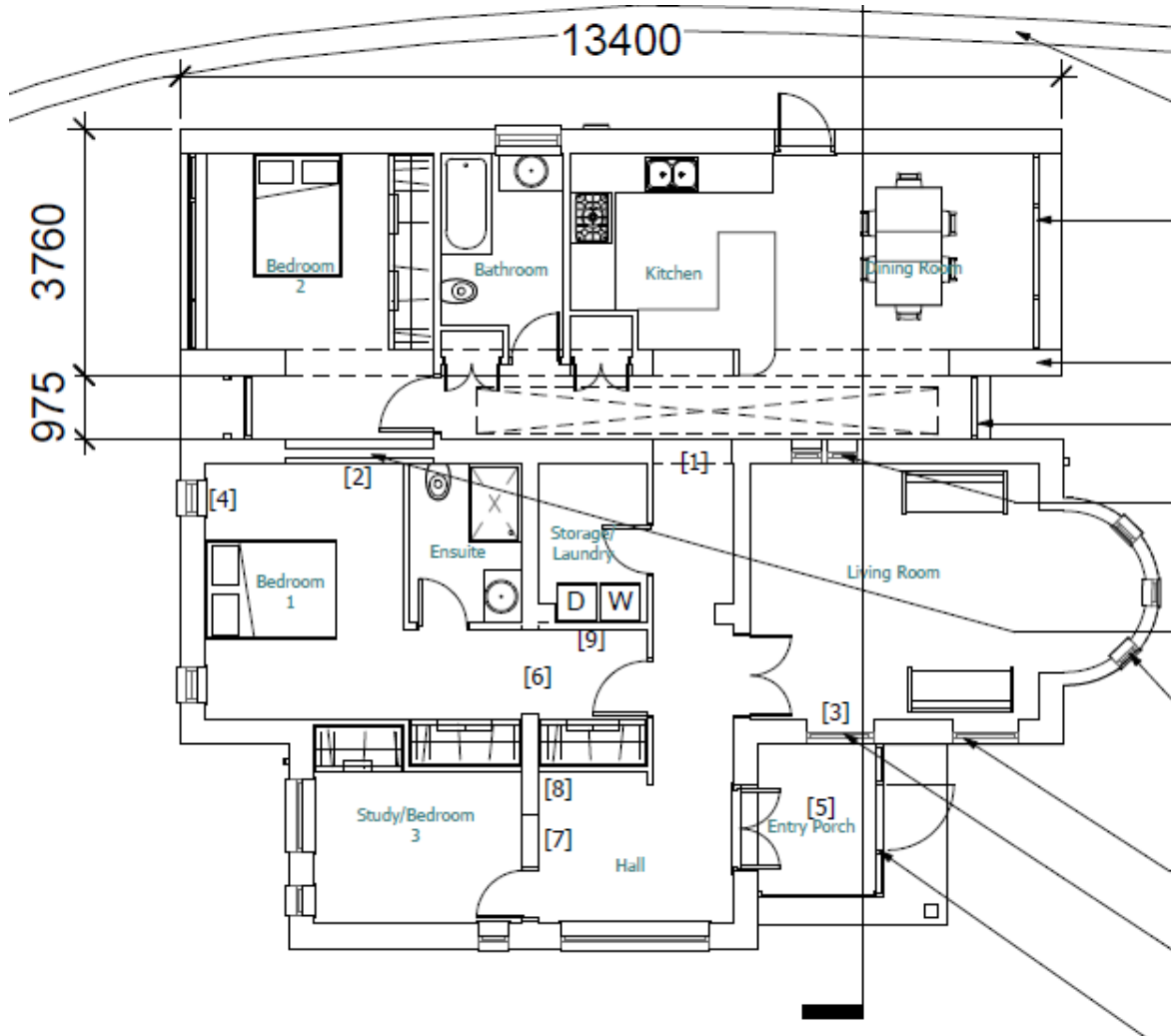
There are a number of trees on the application site that are covered by Tree Preservation Order 156 - 1994 - 18 - W01 that consists of mixed deciduous and coniferous woodland.

DESCRIPTION OF DEVELOPMENT

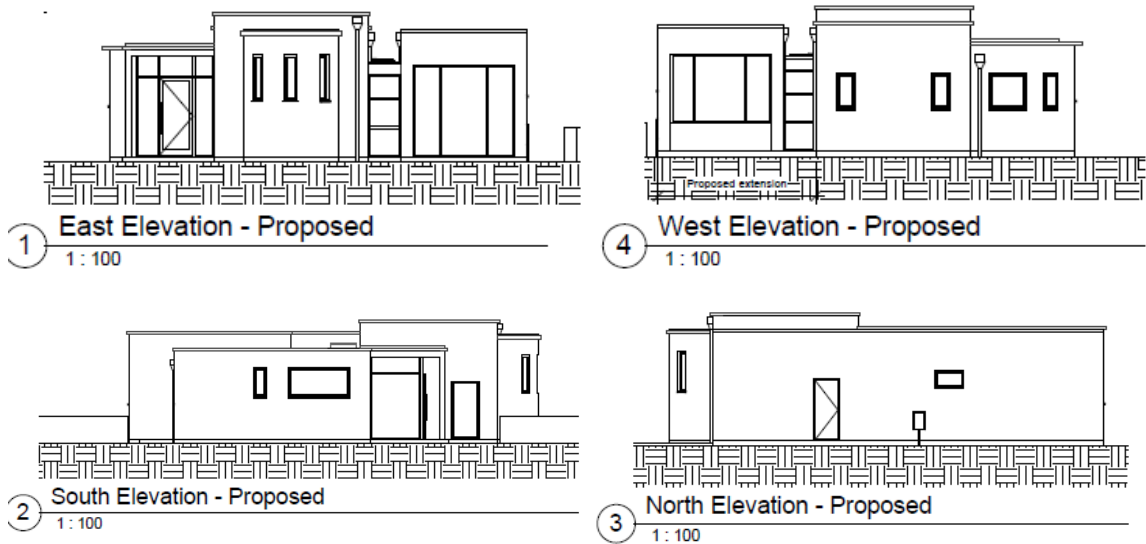
The application relates to the conversion and extension of the existing Mortuary Building for use as a 3 bedroom dwellinghouse. To the rear of the building a single storey flat roofed extension is proposed to provide enhanced living accommodation within the building. The proposed dwelling will benefit from parking on the existing area of hardstanding to the front of the building and an enclosed private garden to the rear enclosed by a privet hedge. A site layout of the proposed dwelling is shown in the plan below:



*Proposed layout indicating parking area to the front and enclosed private garden by privet hedge.*



*Proposed floor plan of dwelling within mortuary building*



**Proposed Elevations of the Proposed Dwelling**

## PLANNING HISTORY

2014/00859/FUL: Former Mortuary building, Hayes Point, Hayes Road, Sully - Conversion and extension of former mortuary building to residential bungalow – Being considered concurrently with this application.

2006/01594/FUL : Hayes Point, Sully Hospital, Hayes Road, Sully - Erection of grounds maintenance store and car port incorporating bat roost. Approved.

2006/00309/ADV : Hayes Point - Sully Hospital, Hayes Road, Sully - Advertisement board mounted on metal legs. Approved.

2005/01220/LBC : Hayes Point, Sully Hospital, Hayes Road, Sully - Refurbishment of former mortuary. Amendments to application 04/00799/LBC to provide additional units, elevational alterations, provision of new lift shafts and addition of plant Approved.

2005/00904/LBC : Former Gatehouse - Sully Hospital, Hayes Road, Sully - Refurbishment of existing gatehouse lodge including internal demolitions to produce a new 4 bedroom dwelling. The existing structure is to be extended with a 2 storey structure, part in render and part in timber. Approved.

2005/00893/FUL : Hayes Point, Sully Hospital, Hayes Road, Sully - New works including:- 1) Refurbishment and extension of gatehouse to provide single dwelling and detached garage. 2) Change of use of mortuary to cafe/shop. 3) New maintenance storage building. 4) Additional 3 No residential unit in basement East wing. 5) Alterations to pent house facade and woodlands elevations. Approved.

2005/00468/LBC : Hayes Point, Sully Hospital, Hayes Road, Sully - Demolition of brick piers and sections of existing rendered walls, rebuilding of brick piers in new position Approved.

2005/00430/TPO : Sully Hospital, Hayes Point, Hayes Road, Sully - Felling and pruning works to trees. Approved.

2004/01195/TPO : Sully Hospital, Hayes Road, Barry - Reduce and re-shape two bay laurel, reduce or coppice hawthorn and blackthorn and re-shape two holly. Approved.

2004/00799/LBC : Sully Hospital, Hayes Road, Sully - Repair and conversion of the hospital buildings to create 234 residential apartments and ancillary uses including gym and squash courts. Approved.

2004/00745/FUL : Sully Hospital, Hayes Road, Sully - Repair, alteration and conversion (including new build) of existing hospital buildings to create 234 residential flats with associated access, parking and landscaping, plus demolition of incinerator building and upgrading of drainage system. Approved.

## CONSULTATIONS

**Sully Community Council** was consulted and state 'The Community Council have no objection to the development and feel that due to the present condition of the building, the development would result in beneficial reuse of a curtilage listed building and would appear to conserve and maintain the character of the building, with the single storey extension not being visually obtrusive from southern (frontal) locations.

**Ancient Monument Society** was consulted with regard to the application although no comments had been received at the time of writing this report.

**CBA Wales Cymru Listed Buildings** was consulted with regard to the application although no comments had been received at the time of writing this report.

**The Georgian Group** was consulted with regard to the application although no comments had been received at the time of writing this report.

**Society for the Protection of Ancient Buildings** was consulted with regard to the application although no comments had been received at the time of writing this report.

**The Victorian Society** was consulted with regard to the application although no comments had been received at the time of writing this report.

**Royal Commission on Ancient & Historical Monuments** was consulted with regard to the application although no comments had been received at the time of writing this report.

**Glamorgan Gwent Archaeological Trust** was consulted with regard to the application although no comments had been received at the time of writing this report.

**Local Ward Members** were consulted with regard to the application. A request was received from Councillor Mahoney for the application and associated Listed Building application to be reported to Planning Committee.

## REPRESENTATIONS

Site notices were displayed adjacent to the building on 11 August 2014 and the application was also advertised in the press on 22 July 2014. At the time of writing this report 12 letters of representation had been received, raising the following points:

- When purchasing property (one of adjacent flats) objector was led to believe that the building would be used as a café. Writer has offered to purchase the site to run such a facility.
- Other uses of the building should have been considered.



- Loss of trees protected by a Tree Preservation Order.
- Impact upon Listed Building.
- Proposals would be out of keeping with the rest of the site in terms of extension and enclosure of the site.
- Lack of adequate expertise for Vale of Glamorgan Council to determine application.
- Inadequacy of bat assessment.
- Lack of archaeological mitigation.
- Lack of consultation with the Hayes Point Right To Management Company with regard to land that they indicate is under their control.
- Lack of consultation with residents of the principal building.

A petition was also received with regard to the full application and this has been attached as an appendix to application 2014/00859/FUL.

## REPORT

Members should note that in considering whether to grant listed building consent Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, or any features of architectural or historic interest which it possesses. Issues, such as overlooking, cannot inform the decision making process, and are considered as part of the planning application.

## Issues

The issues to be assessed relate to an assessment of the works on the special interest of this curtilage Grade 2\* Listed Building.

The submitted plans indicate the erection of a flat roofed single storey extension to the less visible northern rear elevation of the building which would largely be screened from view by the existing protected mature vegetation to the north, west and east and the existing building when viewed from the south. The proposals also indicate the erection of a new glazed entry porch to the front elevation and the insertion of Crittal double glazed units within existing openings and the creation of 1 No. additional opening on the north, south and west elevations of the building.

The proposed extension to the rear is of a contemporary design with a flat roof and largely glazed elevations to the east and west elevations, and separated from the principal building by a glazed link. The proposed extension to the north of the building would be to a secondary elevation and would largely be obscured from view. It is considered that a minimally framed contemporary extension, with substantial glazing providing a clear break between contemporary and historic form is an appropriate form of extension to a secondary elevation would not unacceptably disrupt the architectural and historic value of the principal building. As such this element of the works is considered to be acceptable.

With regard to the glazed front porch and additional openings the extent of these works are minor and would not unacceptably detract from the historic importance and value of the host building and as such are considered to be acceptable. In this regard, it is also of some relevance that previous consent for the change of use of the building (2005/00893/FUL) included a number of interventions with the external fabric of the building.

During the course of the application, concern was raised with regard to the proposed enclosures of the building, particularly those to the front and sides of the building and the potential impact this would cause to the historic, open and park-like feel of the wider site as well as the trees which contribute to the special character of the building. Following extensive negotiation with the applicant it was agreed that there would be no enclosures to the front of the building, with the only enclosures now proposed being the privet hedgerow to the side to provide a degree of defensible private amenity space and a small barrier to provide security adjacent to the north-western corner of the proposed extension. The existing stone wall to the rear of the property will remain in situ and separate listed building consent would be required for any works to this in the future. Overall it is considered that the revised scheme of enclosures proposed are more sympathetic to the immediate area and wider site which are largely open in character which achieves an acceptable balance between the need to maintain the open nature of the site against the aspirations of future occupiers of the building in relation to defensible amenity space.

In order to extend the building to the rear, some intervention will be required to existing openings. The large opening adjacent to 'bedroom 1' as shown on the revised proposed floor plans will be blocked and an alcove formed to indicate the position of this opening. Two smaller openings adjacent to the living room (as shown on the proposed plans) are currently blocked and the applicant indicates that opaque glazing will be fitted in existing frames and blocks will be rendered flush with wall. This level of intervention is considered to be acceptable and maintain the interest of these openings within the development.

Noting that the building has been vacant for a considerable time and the proposed alterations would allow the beneficial re-use of an important curtilage Listed Building, it is considered that the proposed alterations would not unacceptably detract from the historic interest of the building and would accord with Cadw's Conservation Principles.

Members should also be aware that given that the application relates to the conversion of a building within the curtilage of a Grade II\* Listed Building, following any such resolution this application would have to be sent to CADW for their determination as given the grade of listing this does not fall under the Council's scheme of delegation.

## CONCLUSION

The decision to recommend Listed Building Consent has been taken in accordance with Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the desirability of preserving a listed building, its setting, and any features of special architectural or historic interest which it possesses.

The works proposed in this application are considered acceptable and will not have an adverse impact on the special interest, character or setting of the Grade 2\* Curtilage Listed Building.

## 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This consent shall only relate to the plans reference A06 received on 17 July 2014, A14, A15, A16 and A17 received 13 October 2014, A04B and A05B received 02 December 2014 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. 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 safeguard the visual amenities of the Listed Building, as required by Policy ENV17 of the Unitary Development Plan.

4. No part of the development shall be commenced until additional details including plans at a scale of 1:20, cross sections, specifications and finishing of all of the proposed windows (including rooflights), rainwater goods and doors have been 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 safeguard local visual amenities, as required by Policy ENV17 of the Unitary Development Plan.

5. Prior to their use on site samples of the materials to be used in the hard surfaced external areas, including the parking areas, 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 safeguard the visual amenities of the Listed Building, as required by Policy ENV17 of the Unitary Development Plan.

6. No part of the development shall be commenced until a method statement for all demolition works have been 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 safeguard the visual amenities of the Listed Building, as required by Policy ENV17 of the Unitary Development Plan.

7. The Local Planning Authority\* shall be notified in writing by the developer or his agent of the proposed commencement date of the works hereby granted consent. The notification shall be provided not less than 14 days prior to the commencement of work on site.

Reason:

To ensure that all conditions relating to this consent are discharged appropriately, and to ensure for the preservation of the special character of this building in this respect.

**NOTE:**

1. **Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**

2. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
3. **\* Contact:**

**Peter Thomas,  
Planning and Transportation Policy,  
Directorate of Development Services,  
Vale of Glamorgan Council,  
Dock Office,  
Barry Dock,  
Barry.  
CF63 4RT**

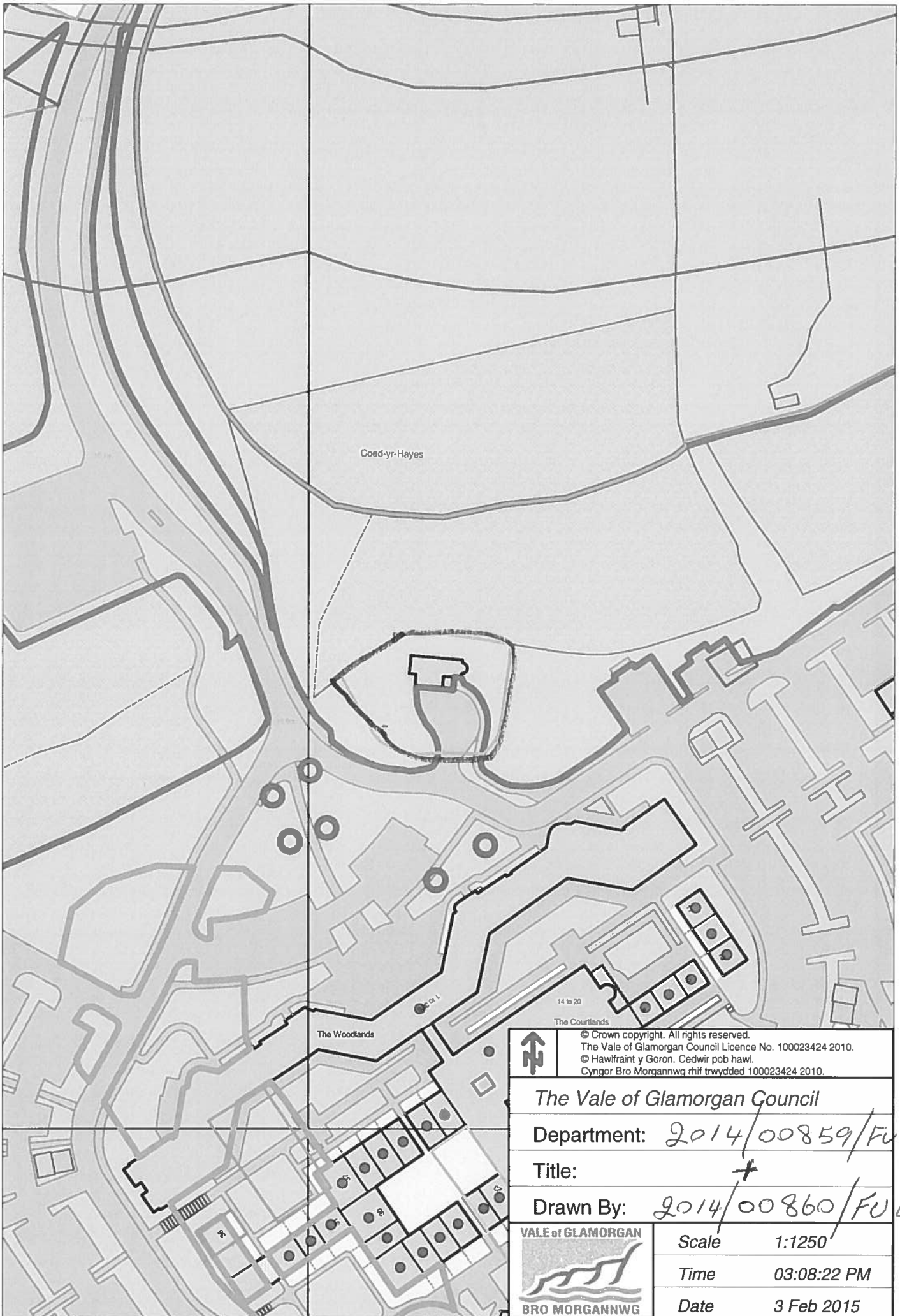
**Tel: 01446 704628.**



**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.**



	© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010. © Hawifraint y Goron. Cedwir pob hawl. Cyngor Bro Morgannwg rhif trwydded 100023424 2010.	
	<b>The Vale of Glamorgan Council</b>	
Department: <i>2014/00859/FUL</i>		
Title: <i>+</i>		
Drawn By: <i>2014/00860/FUL</i>		
	Scale <i>1:1250</i>	
	Time <i>03:08:22 PM</i>	
	Date <i>3 Feb 2015</i>	

**2014/00994/FUL** Received on 8 December 2014

Mrs. N. Richards, Tudor Lodge, Bonvilston, Vale of Glamorgan., CF5 6TR  
Mrs. N. Richards, Tudor Lodge, Bonvilston, Vale of Glamorgan., CF5 6TR

### **Tudor Lodge, Bonvilston**

New stable/agricultural block

#### **SITE AND CONTEXT**

The application site relates to the land to the rear of Tudor Lodge in Bonvilston. The site lies immediately outside of the Bonvilston Conservation Area, and to the North of the Dyffryn Basin and Ridge Slopes Special Landscape Area. The land to the rear of the house falls outside the Bonvilston residential settlement boundary.

There is an existing building in use for storage, set adjacent to the rear boundary of Tudor Lodge and to the west of the boundary with the neighbouring property Stone Court. There is a track across the field connecting the area of the new building with an existing agricultural entrance to the field off the A48.

The building work has already begun for the proposed stables with the concrete base and block-work walls.

#### **DESCRIPTION OF DEVELOPMENT**

The proposals are for a stable block in the northern corner of a paddock to the rear of the main house Tudor Lodge. The stables are to the side of the boundary with neighbouring property Stonecourt and is nearest their stable block. The proposed building would contain 4 separate stables, with a store section to the rear of each.

Each stable is 5m in depth and approximately 3.7m wide. There is to be a 1.2m overhang to the front and a 1m deep lean-to to the rear to provide space for the store. The building is proposed to be constructed in block-work and then timber clad with a pitched roof (ridge height of 4.5m) clad with clay tiles.

#### **PLANNING HISTORY**

2014/01142/FUL : Tudor Lodge, Bonvilston – Change of use from current agricultural store to cow shed – Refused.

2014/00568/FUL : Tudor Lodge, Bonvilston - Erection of external sheep shed for water and feed storage - Refused 6 August 2014.

2014/00430/FUL : Tudor Lodge, Bonvilston - Change of use from agricultural store to domestic vehicle storage on ground floor with office/study space to roof space, plus dormers, roof extension and exterior alterations – Refused,

2014/00568/FUL : Tudor Lodge, Bonvilston - Erection of external sheep shed for water and feed storage - Refused 06/08/2014.

2014/00429/FUL : Tudor Lodge, Bonvilston - The extension and improvement of existing wall at access, with a stone faced wall with stone piers at 2.0m - Refused 5 September 2014.

2014/00031/FUL : Tudor Lodge, Bonvilston, Cardiff - Erection of external sheep shed for water and feed storage - Approved 4 March 2014.

2014/00025/FUL : Tudor Lodge, Bonvilston - The construction and replacement of an existing retaining wall due to collapse, the retaining structure will be of masonry blockwork and faced with natural stone for a height of 1.5m, the wall will be finished on top with 1.5m high close boarded fencing - Approved 4 March 2014.

2013/00411/FUL : Land to the north and east of Tudor Lodge, Bonvilston - Proposed resurfacing of existing access track and retention, the amendment of earthworks providing existing - to the rear of the property, and stopping-up of existing residential access - Approved 20 December 2013.

2013/00208/FUL : Tudor Lodge, Bonvilston - Construction/retention of a timber clad single storey storage block to include equine related tack room and feed store, plus a store for field maintenance vehicles (tractor etc.) - Approved 26 June 2013.

2012/00436/FUL : Tudor Lodge, Bonvilston - Replacement front boundary wall to height of 2.9 metres - Approved 22 August 2012.

2012/00359/FUL : Tudor House, Bonvilston (formerly Tudor Lodge) - Construction of two storey building, consisting of gym and one bedroom granny flat annex - Approved 28 November 2012.

2011/00248/FUL : Tudor Lodge, Bonvilston - Retention and completion of a manege, ponds and access track. Construction of a boundary wall and amendment to a stable block previously approved by virtue of application reference 2008/01361/FUL - Refused 27 July 2011.

2010/00623/FUL : Tudor Lodge, Bonvilston - Proposed amendment to stable block as approved 2008/01361/FUL Drawing No 439/01A and removal of condition 7 in respect of access - Refused 12 August 2010.

2009/00709/FUL : Tudor Lodge, Bonvilston - Proposed summerhouse, formal landscaped garden, proposed improvements to eastern boundary wall and new walls and gates providing access to the rear of the site - Approved 30 September 2009.

2008/01361/FUL : Land to the rear of Tudor Lodge, Bonvilston - Proposed stable block and hay store - Approved 29 April 2009.



2008/01160/FUL : Tudor Lodge, Bonvilston - Construct of front wall to boundary of property - Approved 8 October 2008.

2008/00461/FUL : Tudor Lodge, Bonvilston - Proposed garden store & tractor shed to rear of property - Refused 29 August 2008.

2008/00073/TPO : Tudor Lodge, Bonvilston - Fell & remove conifers - Approved 14 February 2008.

2005/00955/OUT : Land to the rear of Tudor Lodge, Bonvilston - Erection of Stables - Refused 13 September 2005.

### CONSULTATIONS

**St. Nicholas and Bonvilston Community Council** – No comments have been received to date.

**Environmental Health (Pollution)** advised that the stables be moved to be a minimum of 30m from the curtilage of the neighbouring property. As the stables are less than 30m from the curtilage then an objection is raised.

**Local Ward Member** – No comments have been received to date.

**Glamorgan Gwent Archaeological Trust** required a condition for a watching brief due to the potential for archaeological features in the area.

### REPRESENTATIONS

The neighbouring properties were consulted on 1 October 2014. A site notice was also displayed on the 27 November 2014. There have been objections from a neighbour and their representative citing such issues as:

- Visual impact of stables which is considered obtrusive.
- Size and intrusive height excessive.
- Necessity for stable is questioned.
- Existing construction works includes cavity wall insulation.
- Potential for noise and odour from the proposed stables.

Please see Appendix A for copies of neighbour letters.

## 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 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

#### POLICIES 1 & 2 - THE ENVIRONMENT

##### *Policy:*

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV9 - DEVELOPMENT INVOLVING HORSES

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV11 – PROTECTION OF LANDSCAPE FEATURES

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV20 – DEVELOPMENT IN CONSERVATION AREAS

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

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:

- No 6 Planning for sustainable rural communities
- Technical Advice Note 12 – Design (2014)

### **The Local Development Plan:**

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

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

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

## Issues

It is noted that the building works have already commenced for the proposed stables, with the concrete base and concrete block walls in place. However, it is far from complete and it is also noted that there are some aspects as built which differ from that proposed, such as the inclusion of cavity walls. However, for clarity any approval would relate to the proposed plans and not the unauthorised construction already partly built.

The applicant states that the stables are required for 4 large horses that are kept on the applicant's land. It is understood that the horses are not under the applicant's ownership though they are kept on his land with a non-commercial arrangement. No horses have been seen at the time of the site visit, although the applicant states that they are frequently kept at his fields and therefore needs a stable block. It should be noted that there has been a previous approval for a stable block on the applicant's land, but this has subsequently been developed as a store building. On this basis, there is no objection to the principle of a stable block on this site.

It is considered that the size of the stables are larger than is typical 12ft x 14ft internal dimensions, as stated by the British Horse Society. The proposed 4.8m x 3.7m exceeds these recommended stable dimensions, especially in terms of the depth. However, the additional depth of approximately 1m would not be particularly noticeable from outside of the site and is not considered to result in any significant visual harm as a result. There is also the 1m lean-to to the rear, though again this is in a position that would not be readily visible from the public highway to the south. The height of approximately 4.1m generally representative of similar size stables and is not such that would result in the stables appearing particularly over-scaled and would be comparable to the existing store building nearby to the south. The impact of the height is also mitigated by the proposed building being on a lower level than the adjacent property and being positioned against the backdrop of a line of tall trees.

The stables have been amended so they have an appearance and design more suitable for a stable block. The 'double skin' walls have been removed from the proposals as this was seen as unnecessary for a stable building. In terms of the construction, the applicant wanted to maintain a single concrete block wall to be clad in timber and not just a timber constructed building alone. The applicant states this is to make the interior more robust. Considering the building work has commenced on site it is considered that to address this issue a condition should be attached which would require full construction methods and material details to be submitted to and agreed by the Planning Authority before work progresses on the stable block. This is to ensure that the construction of the building is suitable for that of a stable block only as proposed.

Overall, the proposed stables are of a suitable appearance and would not result in any discernable harm to the rural setting or the visual amenities of the area, including the nearby Conservation Area due to their location set back behind Tudor Lodge on a lower ground level than the adjacent property.

## Neighbour Impacts

The Environmental Health Officer in his response to this application has raised an objection based on the fact that the proposed stables are within 30m of the neighbour's (Stonecourt) rear garden, due to concerns about potential environmental impacts such as odour and noise. Whilst it is accepted that ideally the stables would be set further away from the neighbouring property it is also important to note that it would be located adjacent to this neighbour's own stable block. As such, it is considered unreasonable to require the proposed stables to be set further away from a neighbouring house when this neighbour has their own stables at a similar distance away. It is considered also that if there was to be any environmental issue arising from the proposed stables then this is an issue that could be potentially addressed under Environmental Health legislation.

The neighbour has objected to the proposals, citing issues such as the height of the building and overdevelopment of this area of land to the rear of Tudor Lodge. The size and appearance of the stables have been addressed above, although it is recognised that the neighbour would be able to view the new building from their property. However, being able to view a building is not reason enough to refuse the application. The stable block, it would not be positioned near the house at Stonecourt (being approximately 28m separation distance) and so would not have any significant direct impact, especially as the land on which the stables are positioned is on a lower ground level. It should also be noted that the proposed stables are in close proximity to the neighbour's stables, which are on a higher ground level.

The neighbour's concerns have been fully considered, it is considered that the proposed stables in this location would have no significant impact to the adjacent neighbour at Stonecourt or any other neighbouring property in the vicinity. Whilst it would result in another building in the area to the rear of Tudor Lodge, a stable block within such a rural setting is considered acceptable and would not overdevelop this area of land.

## Archaeology

Glamorgan Gwent Archaeology Trust (GGAT) has highlighted the potential for archaeology in the area and has requested a watching brief for the proposed development. Unfortunately, as the base of the stables has already been constructed prior to any planning approval it is considered that any disturbance to archaeology would have already happened and such a condition would be futile. Whilst the Planning Authority strongly advises against unauthorised development, the applicant has commenced works which means that any watching brief would not be able to be conducted and any damage to archaeology would already be done. GGAT have been informed of this situation.

## 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, ENV9 - Development Involving Horses, ENV20 - Development in Conservation Areas, ENV10 - Conservation of the Countryside, ENV29 - Protection of Environmental Quality 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 detrimental impact to the character of the area, adjacent Conservation 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. This consent shall only relate to the amended plans reference 14-08-SB Revision D received on 7 January 2015 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.

2. The building hereby approved shall only be used the stabling of horses and associated equine storage and shall not be used for any commercial or livery purposes at any time.

Reason:

To safeguard the amenities of neighbours, in accordance with Policies ENV27 and ENV29 of the Unitary Development Plan.

3. The building and all associated materials and slab hereby approved shall be removed from the site within 3 months of the cessation of use of the building for the purposes hereby approved, as indicated on approved plan 14-08-SB Revision D.

Reason:

To ensure that the approved building is only used for the uses approved and not left as a redundant structure and to ensure compliance with Policies ENV1 and ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted details and the works already commenced on site, no further development shall commence on the stables hereby approved until details of the construction and a schedule of materials (including samples) of the stables have been submitted to and approved in writing by the Local Planning Authority. The stables shall only be constructed in accordance with the method of construction and using the materials as so approved and shall be retained as such thereafter.

Reason:

To ensure a suitable construction method and materials for the stables hereby approved, in accordance with Policies ENV1, ENV9 and ENV27 of the Unitary Development Plan.

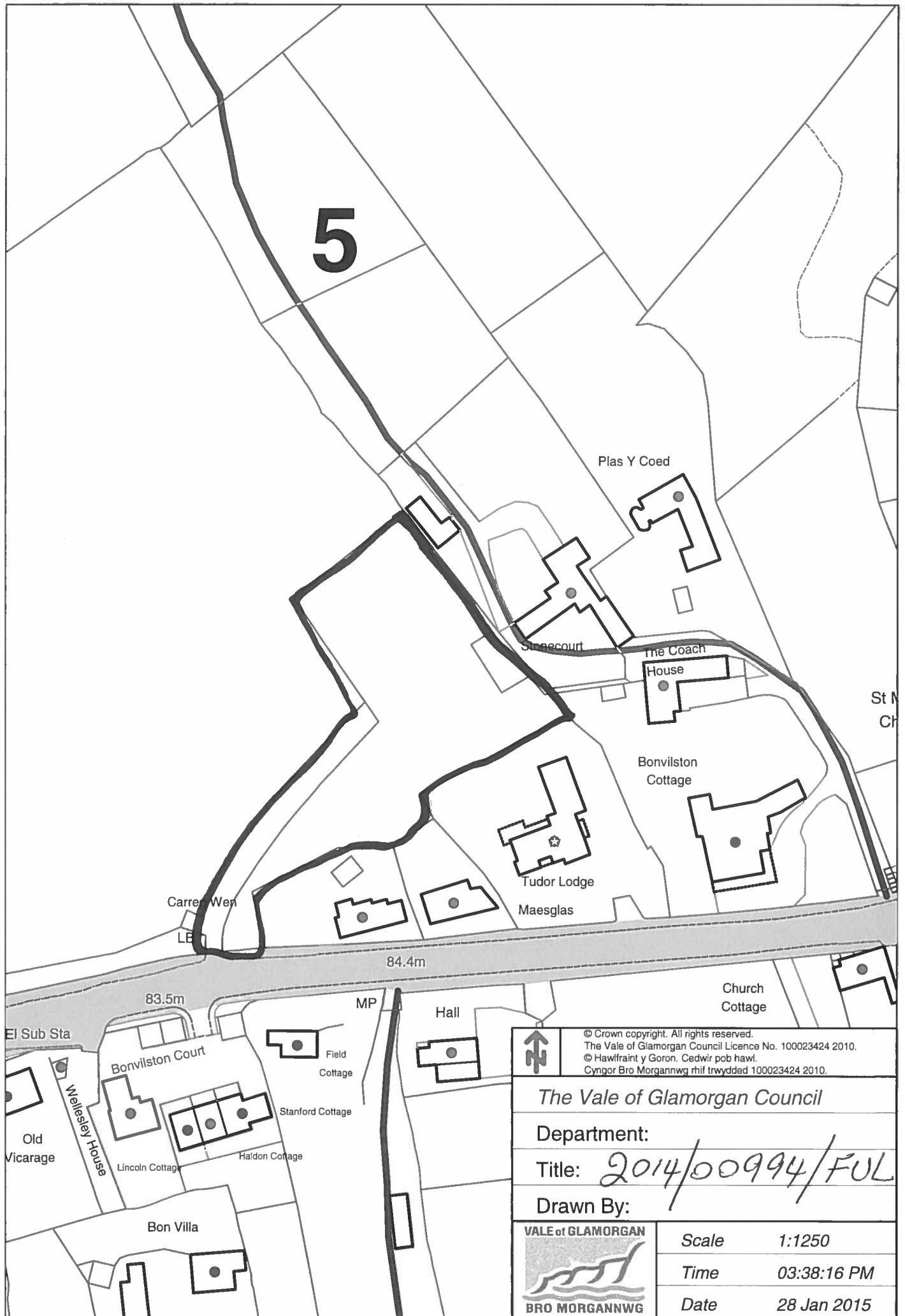
**NOTE:**

**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.**



© Crown copyright. All rights reserved.  
 The Vale of Glamorgan Council Licence No. 100023424 2010.  
 © Hawffraint y Goron. Cedwir pob hawl.  
 Cyngor Bro Morgannwg rhif trwydded 100023424 2010.



**The Vale of Glamorgan Council**  
 Department:  
 Title: *2014/00994/FUL*  
 Drawn By:

	Scale	1:1250
	Time	03:38:16 PM
	Date	28 Jan 2015



Mrs. Jane White, Higher End, Llanbethery, Barry, Vale of Glamorgan., CF62 0SB  
Reading Agricultural Consultants, Gate House, Beechwood Court, Long Toll, Woodcote, Oxfordshire., RG8 0RR

**Coed y Colwen Barn, Llancafarn**

Conversion of a redundant stone barn to a residential dwelling

**SITE AND CONTEXT**

The application site is a stone barn situated approximately 1.2km to the west of the settlement of Llancafarn outside of the settlement boundaries as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. As such the building is situated in open countryside. The barn itself is of a stone construction with a cement-fibre roof and currently does not appear to be used in conjunction with agriculture although some wrapped hay bales are being stored on an area of hardstanding to the north of the barn. The application site also falls within the Lower Thaw Valley Special Landscape Area.

**DESCRIPTION OF DEVELOPMENT**

The application is for the conversion of the barn to a 2 no. bedroom residential dwelling, with the provision of a single storey monopitch extension to the rear which is indicated as being a rebuild of a previously collapsed extension to the rear elevation. The existing external walls are to be cleaned and re-pointed with a lime mortar. The barn would also be re-roofed with a slate roof. Plans and elevations of the proposed conversion are shown below:



The proposed dwelling would be served by a parking and turning area in the position of the existing hardstanding and an enclosed garden provided to the north-east between the road running to the north and the front of the proposed dwelling. A site layout of the dwelling is shown below:



Site layout plan indicating proposed parking/turning area and garden to the front of the dwelling (officer note: the existing shed shown on the plan was not in situ at the time of visiting the site). There is presently no delineation along the southern boundary of the application site, which is annotated on the plan above with 'no boundary delineation to field.'

## PLANNING HISTORY

1990/00741/OUT : Enclosure 8574 and part enclosure 8361, Llancarfan - Convert barn to dwelling, change of use enclosure 8574 & part of 8361 from agricultural to domestic - Refused for the following reason:

1. The proposal represents an intrusion into the rural landscape thereby damaging the amenity of the countryside in conflict with policy H.10 of the County of South Glamorgan Structure Plan and policies H.4 and H.5 of the Draft Rural Vale Local Plan.

## CONSULTATIONS

**Llancarfan Community Council** was consulted with regard to the application and state that the 'Council has no objection to this application but the following comment was received; "Although outside of both the Llancarfan and Llantrithyd Conservation Areas, due to its prominent location, the conversion of the barn should comply with the supplementary planning guidance "The Conversion of Rural Dwellings" and "Conservation Areas in the Rural Vale" as in the adapted UDP."

**Rhose Ward Members** were consulted and Councillor James has requested that the application be considered by the Planning Committee.

**The Council's Building Control Section** was consulted although no comments had been received at the time of writing this report.

**The Council's Ecology Officer** was consulted and had no objection subject to a condition relating to the provision of alternative nest sites for swallows being attached to any planning consent given.

**Natural Resources Wales** was consulted with regard to the application and 'do not object to the application' although provide further advice relating to the provision of the package treatment plants, protected species and local biodiversity.

## REPRESENTATIONS

A site notice was displayed to the front of the site on 24 October 2014 although no comments have been received at the time of writing this report.

## REPORT

Members will recall that the application was reported to the January 2015 Planning Committee and Members resolved to defer the determination of the application to allow for a site visit.

### 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 18<sup>th</sup> 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:*

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE  
POLICY ENV4 – SPECIAL LANDSCAPE AREAS  
POLICY ENV8 – SMALL SCALE RURAL CONVERSIONS  
POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE  
POLICY ENV16 – PROTECTED SPECIES  
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS  
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT  
POLICY TRAN 10 – PARKING

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

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

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

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

**Planning Policy Wales:**

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

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

Paragraph 4.4.3 states that '*planning policies, decisions and proposals should... locate developments so as to minimise the demand for travel, especially by private car*' and '*Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car*'.

Paragraph 4.7.4 also states that '*Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car.*'

**4.7.8 Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

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

**9.2.22 In planning for housing in rural areas** it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

**9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity.** This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

*9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.*

*9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.*

#### **Technical Advice Notes:**

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

*Paragraph 3.6.1 'whilst residential conversions have a minimal impact on the rural economy, conversions for holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use'.*

- Technical Advice Note 12 – Design (2009)

#### **Supplementary Planning Guidance:**

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

- Sustainable Development
- Amenity standards
- Biodiversity and Development
- Conversion of Rural Buildings
- Design in the Landscape

## **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

As such, the principal issues in this application relate to the principle of the provision of a dwelling within a countryside location, the sustainability of the location of the site to accommodate a dwelling, the suitability of the structure for conversion and visual impact of alterations, the impact upon amenity of neighbouring residential properties and impact upon ecology.

### Principle of Conversion and Policy Context

As detailed, the application site falls outside of the residential settlement boundaries as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011 (UDP) and therefore amounts to the provision of a new dwelling within a countryside location. As such the provisions of policy ENV1 'Development in the Countryside' of the UDP is of particular relevance. Policy ENV1 is a criteria based policy relating to development within the countryside, noting that development will only be granted for appropriate uses including development essential for agriculture or other rural activities, appropriate recreational use, re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy or development allowed under other policies of the plan. In this case, most relevant to that final criterion Policy ENV8, which in principle allows for small scale rural conversions.

Policy ENV8 states that proposals that small scale conversions of rural buildings to new uses will be permitted if a number of criteria are met. These criteria include that the building can be converted without substantial reconstruction of the external walls or extension to the building (iii); conversion work can be undertaken without unacceptably altering the appearance and rural character of the building (iv).

The conversion of the building could therefore be acceptable in principle subject to visual impact of the proposed conversion works and the sustainability of the location of the building to be converted.

### Sustainability

The application site is isolated and does not have ready access to public transport services, basic community services or employment opportunities and is substantially divorced from the nearest sustainable settlement of Llancarfan that provides some of these services (in excess of 1.9km away by road to the east). It should be noted that Llanbethery, which is a HOUS 2 settlement is nearer (at 1.4km by road) but is extremely limited in terms of services (having lost a public house and possessing no other community facilities) and is also a significant distance from the application site. Whilst noting that a Public Right of Way runs to the north of the site this does not provide ready or direct access to nearby settlements while there are also no pavements or footways provided on the highway running to the north of the site that would provide ready or convenient access by pedestrians to local services. The lack of physical proximity to local services and the lack of pedestrian facilities linking the site to the nearby settlement demonstrate the reliance of future occupiers of this development on the private car and furthermore indicate that this site represents an unsuitable and unsustainable location for additional residential development within the countryside. Given this the proposal is considered to be contrary to both local and national policy as the site is located in an isolated position substantially divorced from essential local services and is therefore in an unsustainable location with future occupiers being overly reliant on the use of the private car to access local services.

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

The supporting text of policy ENV8 states that *'there are a number of hamlets and isolated pockets of dwellings in the Vale where new dwellings would not be allowed. However, it is accepted that the conversion of existing rural buildings in these hamlets may be acceptable. Isolated conversions in particular are unsustainable. They can place an unacceptable burden on local services, are often at a distance from local public transport services thereby increasing the need to travel by car to work, school or for shopping and they can cause an unacceptable visual intrusion into the rural landscape.'*



The barn subject of this application is considered to be substantially divorced from the nearest settlement and does not fall within a group of buildings and is therefore considered to be isolated for the purposes of the above policy.

Supplementary Planning Guidance Conversion of Rural Buildings is also of relevance and Point 2.5 states that *'the most frequent proposals are to convert rural buildings, in particular barns, to residential use. Whilst this can often be the most financially attractive option it is generally the least desirable from a building conservation and sustainability point of view. Other uses may be more appropriate particularly where they require less physical alteration to the building. These may include small farm shops, small business uses and community halls. Small businesses are particularly acceptable where they are appropriate to the rural scene and where they create new employment or help to secure the future of the farm'*. The applicant indicates within their supporting statement that *'with regard to commercial use... would be prohibitively expensive to convert and provide services to other more attractive units in far more accessible locations.'* However, limited further information has been provided in this regard and as such it is not considered that these claims have been substantiated. The applicant was requested to consider alternative uses and/or provide additional evidence to support the above, and indicate that alternative uses have been considered and discounted due to a lack of connection to a farm and that there is already a community hall in Llancarfan. As such they indicate that the residential use of the building would be the most appropriate means of preserving the building. The additional correspondence fails to demonstrate that alternative uses have been adequately considered. Furthermore it is not considered that the absence of an adjoining farm would strictly prohibit the use of the building for an alternative use to residential such as a holiday let and there are many examples of similar single unit holiday let conversions in the Vale.

Therefore it is not considered that it has been adequately demonstrated that alternative, more appropriate uses have been considered prior to the submission of the application at odds with the guidance contained within the adopted SPG. The sentiments of the SPG are also echoed within Technical Advice Note 6: Planning for Sustainable Rural Communities which states that *'whilst residential conversions have a minimal impact on the rural economy, conversions for holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use'*. (Paragraph 3.6.1).

This sentiment is further reflected within chapter 4 of PPW. With regard to planning for sustainability part 4.4.3 states that *'planning policies, decisions and proposals should... locate developments so as to minimise the demand for travel, especially by private car'* and *'Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car'*. Also paragraph 4.7.4 also states that *'Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car.'*

The above sentiment is also echoed within paragraph 9.2.22 of PPW as noted previously which states that *'in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled.'*

The building is significantly isolated from day-to-day services and facilities upon which future occupiers would be dependent and divorced from nearby settlements, clearly indicating that the proposed conversion for residential use would represent an unsustainable form of development at odds with the thrust of both local and national planning policy. Furthermore, whilst noting the proposals would result in the beneficial re-use of an existing building, it has not been adequately demonstrated that alternative uses for the building have been considered at odds with the provisions of TAN6 and relevant local policy. As such the principle of the conversion of the building to provide a new dwelling in this location is considered to be at odds with the provisions of policies ENV1 and ENV8 of the UDP and the provisions of Planning Policy Wales (edition 7, 2014) and TAN6.

This view has been supported by the Planning Inspectorate with regard to previous appeals within the Council's area and an example of one of these appeals is attached at Appendix A.

The agent for the application submitted late representations to the previous committee (included at Appendix B), indicating that they believed that a number of 'isolated barns' had previously been granted permission for residential conversion previously with particular reference to application 2008/01429/FUL and 2009/00317/FUL at Slade Barn. With reference to that particular application, they indicate that the application site is a similar distance to the nearest settlement whilst future occupiers would be able to utilise transport options such as Green Links. This application site is substantially more divorced from nearest settlements than the conversion at Slade Farm, noting that the site is 1.4km from Llanbethery and 1.9km from Llancarfan, and the facilities contained therein. Notwithstanding the lack of proximity, Llanbethery is devoid of many of the local services upon which future occupiers would depend and has not been identified as a sustainable settlement within the Sustainable Settlements Review background paper prepared as background evidence for the LDP. The conversion approved at Slade Farm was a finely balanced case, although it was located closer to two settlements benefitting from a wide range of services as well as a bus stop within 600 metres and was considered to be significantly closer to similar services than the application site. As such the current proposal is considered to be more remote and therefore not considered to be comparable or to set a precedent for such development.

The agent also refers to a number of other residential conversions previously granted within the Vale of Glamorgan at Gigham Barn, St. Mary Church; Meadow Barn & Y Grawnby, Llantrithyd; barn at Caemen Farm, Bonvilston; barn at New Barn, St. Athan; and barn at Treguff, Llancarfan; although does not provide application references for these particular conversions. No planning references have been provided for a number of the barns stated and as such it has not been possible to fully assess these consents. However, a number of these consents are historic as follows: Gigman Barn (1994/00347/FUL), Meadow Barn & Y Grawnby (1992/01048/FUL 1996/00286/FUL), Caemaen Farm (1990/00842/FUL and 1994/00879/FUL) and New Farm, Treguff (1992/00993/FUL). Given the historical nature of these permissions and given that there has been a substantive change in planning policy since this time including increasing the weight to be given to sustainable development, it is not considered that these permissions should be given significant weight in this instance given their historic nature and the development in planning policy since this time.

### Visual Impact

The application is supported by a structural survey which indicates that the building is in good condition and suitable for conversion, whilst the proposal in general proposes minimal intervention to the fabric of the barn itself which is welcome. However, it must also be acknowledged that an extension is proposed to the southern elevation which the applicant has indicated would be a rebuild of a previously collapsed structure, although when on site it was considered that there was limited evidence of such a structure which if previously in situ appears to have collapsed or removed some time ago and is not therefore considered to justify the provision of a new timber-clad extension which does little to complement or enhance the existing barn. It is considered that the extension would adversely alter the character of the barn, changing its original form, domesticating it and eroding the original and simple rural character of the building. Therefore it is considered that the proposal including a domestic extension to the rear would be at odds with the provisions of criterion iii) of policy ENV8 which indicates that conversions requiring extension to necessitate conversion will not be supported.

Paragraph 3.4.31 of Policy ENV8 states that '*whilst new uses can frequently be the key to the preservation of historic buildings, it is important to ensure that the new development is sympathetic to the rural character. For example the creation of a residential curtilage around a newly converted building can have a harmful effect on the character of the countryside, especially in areas of high quality landscape.*' The submitted layout plan indicates the provision of a garden area forward of the building adjacent to the road running to the north whilst the red line to the south of the building includes land which currently forms part of the field parcel to the south. The provision of a garden area to the front of the building, associated enclosure and domestic paraphernalia would serve to domesticate the site which would be at odds with the rural aesthetic of the surrounding landscape. Furthermore no delineation is indicated between the proposed dwelling and the field parcel to the south and there is concern that the introduction of a residential use within this building would result in the domestication of the adjoining field parcel to the detriment of the visual amenities of the countryside area.

It is also noted that the site falls within the Lower Thaw Valley Special Landscape Area and policy ENV4 of the Development Plan seeks to restrict development that would adversely affect the landscape character or visual amenities of the Special Landscape Area.

It should also be noted that a previous application (1990/00741/OUT) for the residential conversion of the barn was refused by reason of 'the proposal represents an intrusion into the rural landscape thereby damaging the amenity of the countryside in conflict with policy...' Whilst there has been a substantive change in policy since the date of this refusal of planning permission, the fundamental principle of the visual impact that the conversion, associated curtilage and domestic paraphernalia would have upon the rural character of the area. It is also of note that the plans submitted as part of this permission do not indicate a projection to the south of the barn as shown below:



Noting the absence of any such projection is considered to further demonstrate the lack of any historical structure in this position that might in any way provide justification for the erection of an extension to this rear elevation.

Therefore it is evident from assessing the history of the site that it has previously been found that the use of the land as private garden and resulting domestication of this land would be detrimental to the visual amenities of the wider countryside. Noting this it is considered that the harm associated with the residential use of the site, the conversion of the barn for residential use, resulting domestication of surrounding land, erection of associated structures and other paraphernalia associated with such a use would be at odds with the provisions of policy ENV1, ENV4 and ENV8 of the Development Plan.

#### Impact upon the Amenities of Neighbouring Residential Properties

Given the degree of separation between the application site and nearby residential properties it is considered that the proposal will not cause undue detriment by reason of overlooking, being overbearing or loss of light.

### Highways and Parking Provision

The application proposes the erection of a two bedroom house and as such would require at least two on-site car parking spaces. Although the site layout plan does not indicate the exact position of spaces within the driveway to the front, it is considered that there is more than ample scope for provision of these spaces within the curtilage of the dwelling.

The application site would be accessed via an existing access from the road to the north. The Council's Highways Development Section has been consulted with regard to the application although no comments had been received at the time of writing this report. However, while the proposal would result in a small intensification of the use of the access, it is considered that the access benefits from adequate visibility and it is considered that the intensification of the use of the access would not unacceptably impact upon highway safety.

### Ecological Issues

The application is supported by an ecological assessment prepared by Spectrum Ecology and dated June 2014. Whilst the report indicates that a number of bats were detected within the vicinity of the barn, no bats were seen entering or exiting the building and there was no evidence that bats had been using the building as a roost site. However the survey does indicate the use of the building as a nesting site for Swallows. Following consultation with the Council's Ecologist and Natural Resources Wales, no objections were received with regard to the conversion of the building subject to conditions being attached to any consent to be granted relating to the provision of alternative nest sites for Swallows.

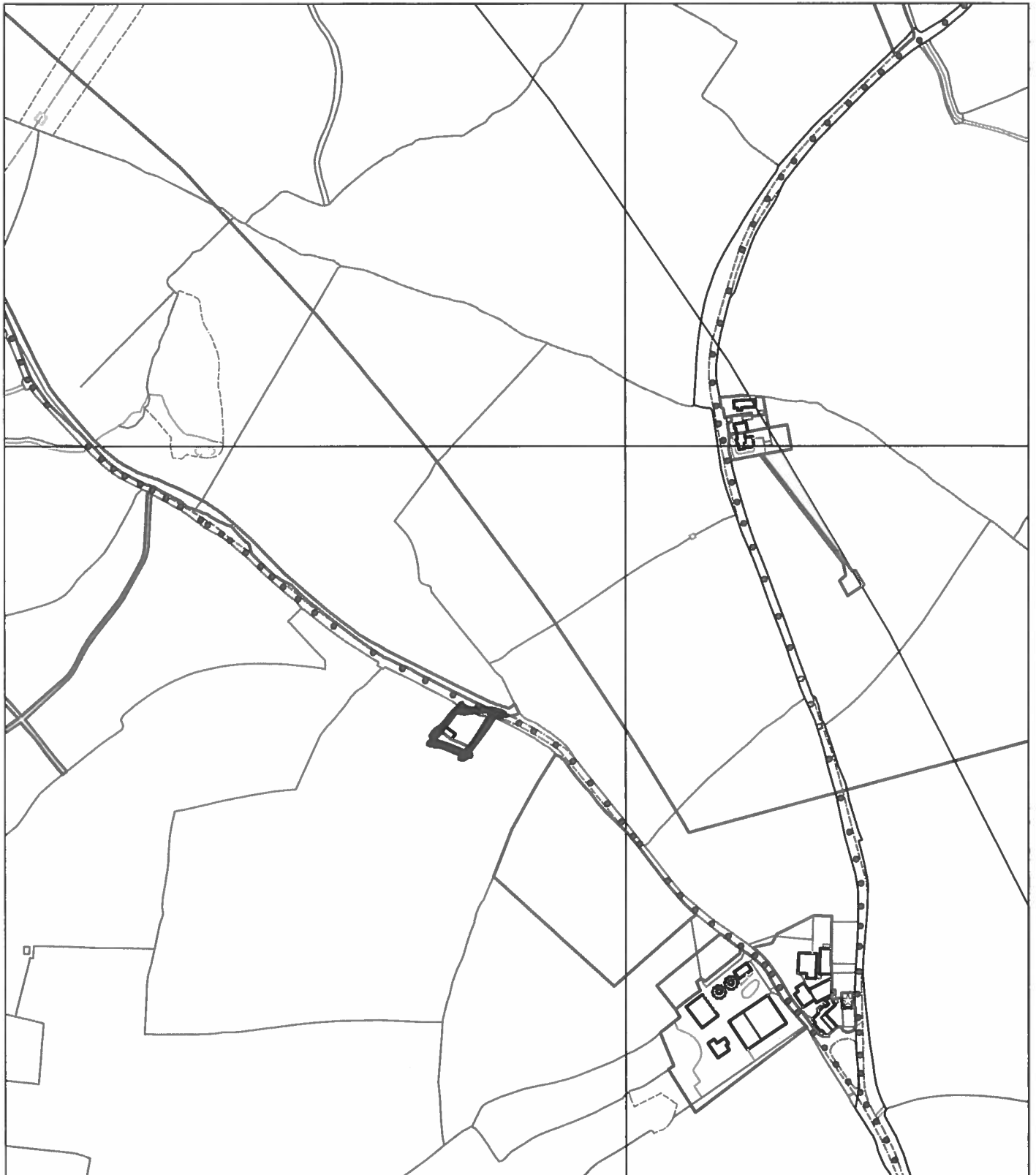
### CONCLUSION



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

### RECOMMENDATION

## REFUSE (W.R.)

1. By reason of the nature of the alterations to the building and the extent of the proposed domestic curtilage, the proposed development would represent an unjustified and inappropriate new dwelling in the countryside, which would adversely impact upon the simple rural character of the existing building and the character of the wider area. The proposal is contrary to local Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Conversions, ENV10 - Conservation of the Countryside, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, and Strategic Policies 1 & 2-The Environment and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Communities and TAN12-Design.
2. By virtue of its isolated position outside of any defined settlement boundary and absence of comprehensive pedestrian/alternative modal links to the nearest settlement, the site is considered to be in an unsustainable and unsuitable location where the new dwelling would be remote from day to day amenities/services and occupiers would be over-reliant on the private car. The proposal is consequently contrary to strategic Policies 2 and 8, and Policy ENV27 - Design of New Developments of the Vale of Glamorgan Unitary Development Plan (1996-2011) and the national policies regarding sustainable development contained within Planning Policy Wales Ed. 7 2014.



	© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010. © Hawifraint y Goron. Cedwir pob hawl. Cyngr Bro Morgannwg rhif trwydded 100023424 2010.	
	The Vale of Glamorgan Council	
Department:		
Title: <b>2014/01186 / FUL</b>		
Drawn By:		
	Scale	1:5000
	Time	10:17:30 AM
	Date	8 Jan 2015

**2014/01334/FUL** Received on 10 December 2014

Mr. Paul Hartman, The Old Farmhouse, Trerhyngyll, Vale of Glamorgan., CF71 7TN  
Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan., CF5 6TR

### **The Old Farmhouse, Trerhyngyll**

Proposed new dwelling in grounds of the Old Farm House, Trerhyngyll to be known as Farmhouse Lodge

#### **SITE AND CONTEXT**

The site comprises the side garden and part of the established dwelling known as The Old Farmhouse. The building is a stone property of some age though not listed. The dwelling sits on the northern boundary of the property with the highway.

A telegraph pole, street sign and road gritting bin adjoin the north western highway boundary.

There are several trees on the site.

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks consent to build a dwelling in the side /rear garden of the dwelling. The development will entail loss of a single storey gable roof part of the original dwelling and the creation of an access onto the highway. The access would be from the north western corner of the site and would result in some alteration/removal of a telegraph pole/grit bin and road sign.

The dwelling would be two storey with a split level ridge line to the side projection. The materials for the external finishes will be stone and render to walls with a roof of slate and timber doors, UPVC windows and stone boundary walls. The footprint of the dwelling will measure approximately 10 by 10.5 m in an L-shape. The main ridge is indicated as approximately 8m above ground level and the side return at 7.2m due to site levels.

#### **PLANNING HISTORY**

2014/01326/FUL : The Old Farmhouse, Trerhyngyll - Proposed conversion of existing farm house and construction of detached garage approved.

2012/00382/FUL : The Old Farmhouse, Trerhyngyll - Extensions and alterations to dwelling including dormer window and alterations to access - Approved 20/06/2012.



## CONSULTATIONS

**Penllyn Community Council** object on the grounds of inappropriate alterations to an historic house, Dangerous access onto the highway, loss of amenity including telegraph pole, grit bin and village name sign, loss of parking in an area where parking is restricted, tandem development, conflict of interest in that the agent is a Councillor.

**Highway Development Team** comment:

“The development is for the construction of an additional 3 bedroom dwelling within the boundary of the site. As part of the proposals, 2 No. car parking spaces will be for the use of residents, with vehicle and pedestrian access provided from (the public highway).

When reviewing the proposals, it is noted that the site is not within a sustainable location and can only be accessed by private vehicles. As a result, and based on the number of bedrooms within the proposed dwelling, the maximum car parking provision of three parking spaces is required to serve the development.

In addition, when considering the means of access to the site, it is noted that visibility along the adjacent highway is substandard and is not in accordance with the requirements of the Manual for Streets. Furthermore, due to the absence of any manoeuvring facilities within the site, vehicles would be required to either enter or exit the site in a reverse gear into oncoming traffic.

Therefore, an objection is raised in relation to the highway and transportation aspect of the proposals, as the development fails to provide adequate car parking facilities within the boundary of the site and a substandard means of access, to the detriment of highway safety.”

**Local Ward Members** were notified. No comments have been received to date.

**Dwr Cymru / Welsh Water** advise that they have no objection but require no surface water to connect either directly or indirectly to the public sewerage system.

## REPRESENTATIONS

A site notice was displayed on 6h January 2015. The neighbouring properties were consulted on 12 December 2014. Fourteen letters of representation have been received the comments can be summarised as follows:

Objections on the grounds of:

- Inappropriate alterations to an historic house Welsh farmhouse and subsequent loss to the amenity of the wider village.
- Dangerous access onto the highway.

- Loss of amenity including telegraph pole, grit bin ( with resultant detriment in icy weather) and village name sign.
- Loss of parking in an area where parking is restricted to the detriment of highway safety.
- Tandem development with resultant detriment to privacy and amenity of neighbours with an overbearing development.

Three letters are attached as Appendix A, being generally representative of the views expressed.

## 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<sup>th</sup> 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

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

HOUS 11 - RESIDENTIAL PRIVACY AND SPACE

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 and 4.3.1 in particular

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

### **Technical Advice Notes:**

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2006)
- 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:

- Sustainable Development
- Amenity standards
- 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 – 20 December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

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

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

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

- Housing Supply Background Paper (2013)
- Population and Housing Projections Background Paper (2013)
- Sustainable Transport Assessment (2013)
- Joint Housing Land Availability Study (2014)

### Issues

The site lies within a recognised settlement as identified in the development Plan. As a consequence there would be no objection to the principle of a dwelling in the site. Whilst this may be the case, the site specifics have to be assessed as to impact on the amenity of the area in general the privacy and amenity of adjoining occupiers and on highway safety.

## Privacy and Amenity

The dwelling would be set back within the site to be roughly in line with the dwelling known as Listowel at the front but, given the depth of dwelling proposed, it would project back approximately 5m beyond that dwelling's rear wall. Given the orientation of the plot, being to the east of Listowel, there would be a level of overshadowing of that garden/property for part of the day. The proposed dwelling would also be sited to the south of Old Farmhouse. Given the floor plan, this would result in two storey development on the southern boundary with the original dwelling and there would remain approximately 6m between the proposed and existing dwelling. This arrangement of development results in a poor layout with significant detriment to the amenity of occupiers of The Old Farmhouse and to some degree to that of Listowel.

The development therefore fails to have regard to the advice laid down in the SPG 'Amenity standards' and results in the Old Farmhouse having a very limited outlook for that part of the garden nearest the proposed property. The rear garden area adjacent to a dwelling is usually considered to provide the most used and private garden area. At present The Old Farmhouse's most private area is provided by the part of the garden which would be occupied by the new dwelling. Thus the quality of the garden remaining for the Old Farmhouse is adversely affected by the proposed scheme.

Overall it is considered that the layout results in a poor form of development and appears as over development of the site. In visual terms the dwelling would appear oversized for the site. The development does not compliment or enhance the local character of buildings and open spaces, does not minimise detrimental impact on adjacent areas and thus would therefore be contrary to criteria (i), and (iv) of Policy ENV27 and (i) and (ii) of Policy HOUS8 of the UDP.

In relation to the amenity of the occupier of Rose Villa, whilst the development would be visible from that dwelling and noting the finished level of the site is higher than that property's garden the immediate impact would not be sufficient to warrant refusal. However this is in contrast to the detriment that would result to the amenity of the Old Farmhouse, and to a lesser extent Listowel.

The dwelling to the rear of the site known as Whispering Winds, has a relatively large garden and lies approximately 13m from the common boundary with the application site. Noting the dwelling proposed has a rear garden of approximately 10m in depth the development would not be overbearing or have an unacceptable impact on that property.

In terms of the wider amenity, the character and setting of development in this area, the dwelling, due to its scale and relationship to the Old Farmhouse, would represent a cramped and contrived development. When seen from the public highway to the north of the site and to an extent when viewed from the east, the dwelling would fill the current visual gap created by the garden. Given the elevated nature of the site the dwelling would appear to tower above the Old Farmhouse.

The details submitted with the application indicate that part of the original dwelling near to the proposed dwelling has a ridge height of approximately 6.7m, the proposed dwelling would have a ridge height of 7.7m for the two storey side extension and a main roof ridge height of approximately 8m on land elevated above the level of the Old Farmhouse by approximately a further 0.5m. The proximity and height of the dwelling in relation to the Old Farmhouse is such that it would not be an acceptable form of development.

The Local Planning Authority's adopted SPG Amenity standards seeks to ensure that new development safeguards existing dwelling's amenities to an acceptable degree and ensures new development meets a good standard of design, form, layout and respects the character of development in the environs. Thus amenity in the broadest sense, including for the future occupiers should be safeguarded to an acceptable degree. In this respect Policies 2 and 3 of the adopted SPG are relevant. Also having regard to planning Policy Wales Edition 7, 2014 specific reference is made to paragraph 4.3.1 as follows:

*"4.3.1 The following principles underpin our approach to planning policy for sustainable development and reflect those principles that we expect all those involved in the planning system to adhere to:*

- *putting people, and their quality of life now and in the future, at the centre of decision-making;"*

Chapter 9 of PPW advises:

*"9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.*

*9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered."*

It is considered the scheme does not meet these guidelines

### Parking

The scheme indicates two on site parking spaces. The arrangement on site is such that vehicles would either have to exit or enter in reverse gear. The visibility in an easterly direction is limited by The Old farmhouse.

Two spaces on site can be provided and whilst other properties in the area may reverse onto the road in this relatively quiet location in terms of traffic flow, the substandard visibility to the east would result in a highway danger and further indicates the inadequate arrangement on site for the proposed dwelling.

The access arrangement would result in a telegraph pole, grit bin and sign having to be relocated. It is not considered that this would be grounds to refuse the scheme.

### Ecology

There is no indication that there are any issues relating to ecology on the site.

### Drainage

The indication by Dwr Cymru/Welsh Water is that there is no objection to the development but an indication that surface water should not connect either directly or indirectly into the public sewerage system. If the application were to be approved this would be controlled by condition.

### Trees

The scheme will result in the loss of some trees and shrubs on site however whilst the trees offer some amenity value none are considered to be of such value to warrant formal protection by Tree Preservation Order.

### Archaeology

There are no constraints indicated in respect of archaeology. Whilst comments have been made regarding the need to safeguard the 'store' addition to the western side of the Old farmhouse as the dwelling is believed to be of historic interest the dwelling is neither in a conservation area nor is the Old Farmhouse a listed building.

### CONCLUSION

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

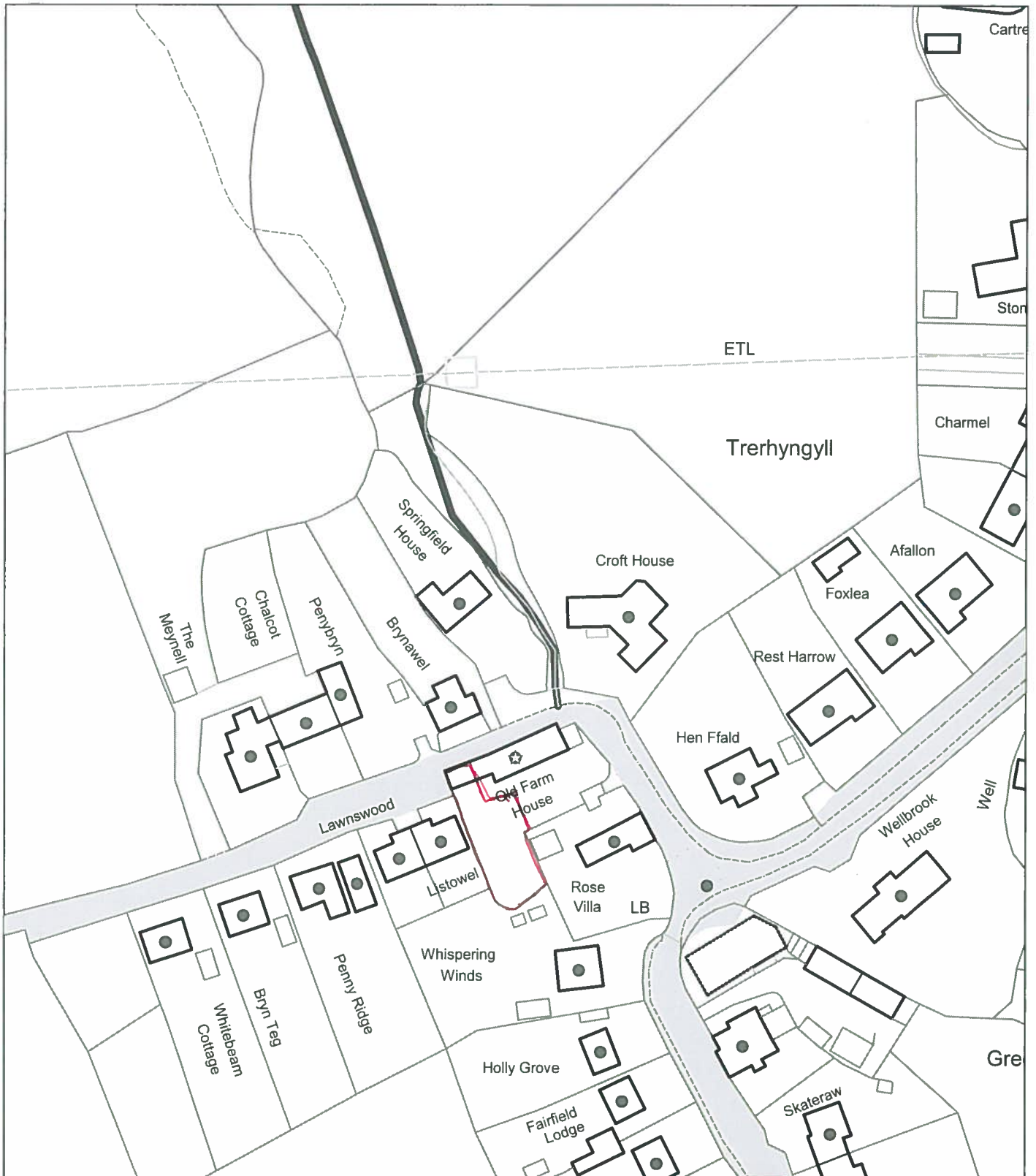
Having regard to Policies ENV27 Design of New Developments, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria, TRAN10 - Parking and adopted Supplementary Planning Guidance 'Amenity Standards' the development represents a cramped and contrived form of development that adversely affects the amenity of adjoining occupiers, detracts from the visual amenity and character of development in the area, thus representing overdevelopment of the site and results in a substandard access to the site to the detriment of highway safety.



## RECOMMENDATION

### REFUSE (W.R.)

1. The development represents a cramped and contrived form of development that adversely affects the amenity of adjoining occupiers, detracts from the visual amenity and character of the area and represents over development of the site. The development also results in a substandard access to the site which would be to the detriment of highway safety. The development is therefore considered to be contrary to Policies ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria, TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011, Planning Policy Wales (7, 2014) and adopted Supplementary Planning Guidance 'Amenity Standards'.





	<small>© Crown copyright. All rights reserved.          The Vale of Glamorgan Council Licence No. 100023424 2010.          © Hawfiraent y Goron. Cedwir pob hawl.          Cyngor Bro Morgannwg rhif trwydded 100023424 2010.</small>	
	<b>The Vale of Glamorgan Council</b>	
Department:		
Title: <b>2014 / 01334 / Ful</b>		
Drawn By:		
	Scale      1:1250	
	Time        12:11:33 PM	
	Date        28 Jan 2015	