

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 MARCH 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:

| | | | |
|--------------|----|--|---|
| 2014/0836/BR | AC | 7, Penlan Rise, Llandough | 3 Storey extension to side and single storey to rear of existing dwelling |
| 2015/0039/BR | AC | 60, Broad Street, Barry | Move floor plus alterations to existing roof and ground floor |
| 2015/0047/BR | AC | Fron, Wellwood Drive, Dinas Powys | Construction of rear garden levels to accommodate rear extension with associated ground works, drainage and foundations |
| 2015/0048/BR | AC | Llanerch Vineyard, Hensol, Pendoylan | Marquee function room to be used for 6 month, April-October, temporary kitchen, toilets, table & chair storage, bar & cellar to be used for a max of 3 years while function room as approved is constructed |
| 2015/0053/BN | A | 2, Manorbier Close, Dinas Powys | Proposed rear extension to full width of dwelling |
| 2015/0055/BN | A | 3, Llwyn Passat, Penarth Marina, Penarth | Balcony extension to front elevation |

| | | | |
|--------------|----|---|--|
| 2015/0056/BN | A | 12 Salop Street, Penarth | Removal of load bearing wall and insertion of a steel lintel (RSJ) (please note on the structural calcs, the plans show the complete removal of 2 walls and therefore 2 steels but we are now only removing 1 which is the east side wall and keeping the lintel on the north wall in place) Removal of partial wall, window and internal door into conservatory. Replacement of polycarb conservatory roof with a 'Guardian Warm Roof'. Insulation of floor, insertion of electric underfloor heating and tiling through hall, kitchen and conservatory. |
| 2015/0057/BR | AC | 31, Fairfield Rise, Llantwit Major | New entrance porch and cloakroom |
| 2015/0058/BR | AC | 64, Church Meadow, Llantwit Major | Single storey extension-ground floor bathroom to be adapted for disabled persons. Attached utility room to assist with cleaning |
| 2015/0059/BR | AC | 4, Charter Avenue, Barry | Side & rear extension. Strengthening of loft in preparation for a loft conversion at a later date |
| 2015/0060/BN | A | 42, Lower Pyke Street, Barry | Two rooms into one |
| 2015/0061/BR | AC | Ty Robin Goch, Robins Lane, Barry | Single storey extension to main hall & rear of building & associated site work. Minor internal works to toilet area |
| 2015/0062/BR | AC | Romilly Primary School, Romilly Road, Barry | Demolition of existing dilapidated nursery unit & replacement with the dismountable nursery unit together with all service connections |

| | | | |
|--------------|----|---|--|
| 2015/0063/BR | AC | Llanfair Primary School, St. Mary Church, Cowbridge | Demolition of existing dilapidated classroom & its replacement with a dismantable classroom unit & two additional classrooms |
| 2015/0064/BR | AC | Colcot Primary School, Florence Avenue, Barry | Erection of demountable nursery unit together with all site works |
| 2015/0065/BN | A | 9, St. Teilos Avenue, Barry | Underpinning of internal walls, renewal of concrete floors to lounge and kitchen. Also renewal of upto 30m2 of rendered walls to first floor |
| 2015/0066/BR | AC | Crawshay Court, Eagelswell Road, Llantwit Major | New conservatory for storage of disability equipment works to entries to provide easy access |
| 2015/0067/BR | AC | Evenlode Primary School, Evenlode Avenue, Penarth | Erection of new school hall |
| 2015/0068/BN | A | 43, Porth Y Castell, Barry | New Roof |
| 2015/0069/BN | A | 40, Holton Road, Barry | Make small office, larger & 2nd doorway |
| 2015/0070/BN | A | 110, High Street, Barry | No structural work. it is cosmetic and repair to existing building & window installation |
| 2015/0071/BR | AC | 17, York Place, Barry | Conversion of rear office into one residential unit |
| 2015/0072/BR | AC | Keepers Cottage, Llandough, Cowbridge | Two Storey extension to provide additional living space |
| 2015/0073/BR | AC | Ty Celyn, Westra, Dinas Powys | Side & over garage extension |
| 2015/0074/BN | A | 4, Beryl Place, Barry | Single storey front & side extension to provide porch and side utility room |
| 2015/0075/BN | A | 31, High Street, Penarth | Rear extension, insert steels and re-instate chimney |

| | | | |
|--------------|----|--|--|
| 2015/0077/BN | A | 14, Trem Mapgoll, Barry, Vale of Glamorgan CF631HD | Garage conversion |
| 2015/0079/BN | A | 4, Colcot Road, Barry | Demolish single storey extension. New single storey garage and associated room to side & rear of property |
| 2015/0080/BN | A | 9, Robert Street, Barry | Replace floor in hallway, replace rotted lintels with concrete lintels. Replace eroded brickwork and flint. Replace back door with patio doors |
| 2015/0082/BR | AC | W 706, Dow Corning, Cardiff Road, Barry | Upgrade of an existing single internal door to a set of double doors |
| 2015/0086/BN | A | 17, Church View Close, Llandough | Single storey to extend kitchen |
| 2015/0088/BN | A | Greensayce, Sully Road, Penarth | To demolish the load bearing spine wall between kitchen and dining room, utilising a steel beam to take the load (please see attached engineers calculations). Additionally to move an electrical socket from the demolished wall to an adjacent wall. |
| 2015/0089/BN | A | 14, Blenheim Close, Barry | Single storey rear extension approx 4.6mx 2.9m with lean-to roof built over drain pipe. Welsh Water build over agreement applied for |
| 2015/0091/BN | A | 1, Lon Cefn Mabley, Rhoose | Single storey orangery style extension to rear elevation |
| 2015/0093/BN | A | 4, Baron Close, Penarth | Single storey extension to kitchen |
| 2015/0095/BN | A | 11, Hayes Road, Sully | Single storey side extension |

| | | | |
|--------------|---|---|---|
| 2015/0096/BN | A | 40, St. Pauls Avenue, Penarth | Remove pantry to accommodate WHQS kitchen |
| 2015/0097/BN | A | 33, St. Pauls Avenue, Penarth | Remove pantry and install window fan to accommodate WHQS kitchen design |
| 2015/0098/BN | A | 25, St. Pauls Avenue, Penarth | Remove pantry to accommodate WHQS kitchen design |
| 2015/0099/BN | A | 2, St. Peters Road, Penarth | Remove dividing bathroom wall and block up WC doorway to enlarge existing bathroom |
| 2015/0100/BN | A | 35, St. Pauls Avenue, Penarth | Remove bathroom dividing wall and block up WC doorway to enlarge existing bathroom |
| 2015/0101/BN | A | 7, Redbrink Crescent, Barry Island | Garage conversion |
| 2015/0102/BN | A | 101, Jenner Road, Barry | Re-roofing in fibre cement slate to match existing up-grade of roof insulation |
| 2015/0104/BN | A | 29, Main Street, Barry | Replacent of first floor to rear annex and rear bedroom. Replacement of concrete ground floor |
| 2015/0107/BN | A | 48, Pill Street, Cogan, Penarth | Knock two rooms into one with structural beams |
| 2015/0109/BN | A | 10, Blodyn Y Gog, Barry | Garage conversion |
| 2015/0111/BN | A | 1, Vale View Crescent, Llandough, Penarth | Single storey side extension to form W.C., garage & study |
| 2015/0112/BN | A | 32, Eagleswell Road, Boverton | Change front hip to gable with associated internal alterations |
| 2015/0113/BN | A | 30, St. Pauls Avenue, Penarth | Remove pantry to accommodate WHQS kitchen design |

| | | | |
|--------------|---|----------------------------------|---|
| 2015/0114/BN | A | 28, St. Pauls Avenue, Penarth | Remove dividing WC wall and block up doorway to enlarge bathroom |
| 2015/0117/BN | A | 89, Barry Road, Barry | Knock two rooms into one and replace window to rear with a door. Other new windows |
| 2015/0118/BN | A | 13, St. Johns Place, Rhoose | New roof to rear ground floor elevation and install 2No. new lintels. Conversion to kitchen including internal alterations |

(b) Building Regulation Applications - Reject

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

| | | | |
|--------------|---|----------------------------|--------------------|
| 2015/0081/BN | R | Aberthin Cottage, Aberthin | 2 Storey Extension |
|--------------|---|----------------------------|--------------------|

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

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

| | | | |
|--------------|---|-------------------------------------|---|
| 2015/0016/AI | A | 18 Mountjoy Place, Penarth | Proposed single storey extension |
| 2015/0017/AI | A | 2, Penyrheol Terrace, Llysworney | Single storey rear extension |
| 2015/0018/AI | A | 6 Sycamore Close, Dinas Powys | Replacement of a conservatory roof with Guardian Warm Roof system |
| 2015/0019/AI | A | Land adj Cruiskeen, Llanblethian | Construction of new dwelling |
| 2015/0020/AI | R | Cruiskeen, Llanblethian | Two storey side extension |
| 2015/0021/AI | A | Kenwood, Kingswood Close, Ewenny | Single storey ground floor extensions and first floor loft conversion |
| 2015/0022/AI | A | 9, Park Road, Penarth | Two storey rear extension, detached single storey music room and link cloister and refurbishment |

| | | | |
|--------------|---|--|--|
| 2015/0023/AI | A | Co-operative Food, Weycock Cross, Barry | Internal alterations and refurbishment or retail unit in existing petrol station |
| 2015/0024/AI | A | Cruiskeen, Llanblethian | Two storey extension |
| 2015/0025/AI | A | 5d, Stanwell Road, Penarth | Fit out as Subway Station Store |
| 2015/0026/AI | A | 18, Fryatt Street, Barry | Loft conversion to dwelling to create 1 new room at 2 nd floor level |
| 2015/0027/AI | A | 18, Andrew Road | Internal alterations and external alterations to elevation |
| 2015/0028/AI | A | Pennant Farm, Llancarfan | Extensions, remodelling |
| 2015/0029/AI | A | Former KMS House, Terra Nova Way, Penarth | Alterations to external envelope, drainage and associated works |
| 2015/0030/AI | R | 32, Eagleswell Road, Boverton | Single storey front extension |
| 2015/0031/AI | A | 22d, Arcot Street, Penarth | Internal alterations, installation of a bathroom |
| 2015/0032/AI | A | 2, Rutland Close, Barry | Single storey side extension to dwelling |
| 2015/0033/AI | A | 20 Windsor Terrace, Penarth | Replacement of roof coverings, renovation of thermal elements |
| 2015/0034/AI | R | 4, Alberta Terrace, Penarth | Proposed structural beam |
| 2015/0035/AI | A | 2, Solent Road, Barry | Single storey extension |
| 2015/0036/AI | A | 8, Cae Rhedyn, Cowbridge | Conversion of existing basement into habitable room |
| 2015/0037/AI | A | 15, Stanton Way, Sully | Single storey extension |
| 2015/0038/AI | A | 27, Main Road, Ogmore by Sea | Conversion of detached garage to granny flat |
| 2015/0039/AI | A | 113, Westbourne Road, Penarth | Single storey rear side extension |

| | | | |
|--------------|---|---------------------------------------|---|
| 2015/0040/AI | A | The Rectory & Ty Teilo, Llandow | Formation of internal structural opening to dwelling |
| 2015/0041/AI | A | 4, Alberta Place, Penarth | Structural beam |
| 2015/0042/AI | A | 23, Britten Road, Penarth | Single storey extension and loft conversion |
| 2015/0043/AI | A | 62, Lavernock Road, Penarth | Alterations and refurbishment |
| 2015/0044/AI | A | Brooklands, 3 Mill Park, Cowbridge | Single storey front and rear extensions with first floor side extension |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 MARCH 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 |

| | | | |
|----------------|---|--|---|
| 2013/00733/LBC | A | Fonmon Castle, Fonmon | Repairs to four roofs at Fonmon Castle and associated alterations |
| 2014/00575/FUL | A | 5, Seys Close, Cowbridge | Dormer extension |
| 2014/00993/FUL | A | Seawalls, 62, Craig Yr Eos Road, Ogmere by Sea | New dwelling |
| 2014/01180/HAZ | A | Dow Corning Limited, Cardiff Road, Barry (OS grid reference: ST 13863 68702) | Storage of hazardous substances |

| | | | |
|----------------|---|---|---|
| 2014/01190/LBC | A | 1, Pwll Y Min Crescent, Peterston Super Ely | Removal of render and sprayed textured coating and replacement with new render. Removal of existing double glazed white UPVC windows and replacement in existing openings with UPVC double glazing windows with revised glazing pattern |
| 2014/01192/FUL | A | Duffryn Bach Farm, Clawddcoch, Cowbridge | Proposed agricultural building with equine veterinary surgery with associated works. Amendment to previous planning permission, ref 2012/00194/FUL |
| 2014/01314/RG3 | A | Redlands House, Redlands Avenue, Penarth | Refurbishment and cladding of front elevation new canopy to front entrance, parking, spaces, and soft and hard landscaping |
| 2014/01320/FUL | A | 71, Westbourne Road, Penarth | Proposed rear extension and internal amendments |
| 2014/01355/FUL | A | 12, Park Road, Penarth | One replacement dwelling, including all external works and access from the highway |
| 2014/01356/CAC | A | 12, Park Road, Penarth | Demolition of existing buildings and one replacement dwelling, including all external works and access from the highway |
| 2014/01367/FUL | A | 70, Holton Road, Barry | Change of use from A2 to A3. The property held an A3 use up until 2011 when the last occupier changed to A2 use |
| 2014/01371/NMA | A | 5, Mountjoy Crescent, Penarth | Non material amendment to planning permission 2013/00984/FUL to remove first floor of approval |

| | | | |
|----------------|---|---------------------------------------|---|
| 2014/01382/FUL | A | Elm Cottage, The Common, Dinas Powys | Change of use of land south of Elm Cottage from agricultural to domestic garden |
| 2014/01386/FUL | A | Brackendene, Burdonshill Lane, Wenvoe | Retention of the material change of use of the land from agricultural to equine and the retention of the existing buildings and horse exercise area |
| 2014/01387/FUL | A | 21, South Road, Sully | Proposed extension, plus internal and external alterations to remodel the dwelling |
| 2014/01388/FUL | A | 118A, Park Crescent, Barry | Change of use from a furniture shop to a beauty shop |
| 2014/01392/FUL | R | 2, Stanwell Road, Penarth | Extension and alterations of existing property to form nine self contained residential apartments |
| 2014/01396/FUL | A | Tanglewood, Westra, Dinas Powys | Two storey extension to the front of the property |
| 2014/01397/FUL | R | 12, Sea Lawns, Crosshill, Barry | Removal of section of external lounge wall of first floor flat to facilitate patio doors |
| 2014/01405/FUL | A | 22-23, High Street, Barry | Demolition and reconstruction of lean-to to rear as well as conversion of existing apartments into two x two bed apartments |
| 2014/01406/FUL | A | 22-23, High Street, Barry | New shop front, single storey extension to rear and internal alterations |
| 2014/01409/FUL | A | Stoneleigh, Rhoose Road, Rhoose | Proposed store outbuilding/workshop |
| 2014/01411/FUL | R | 3, Weston Avenue, Sully | Two storey rear extension |

| | | | |
|----------------|---|---|--|
| 2014/01414/LAW | A | 2, Harbour View Road, Penarth | This project will consist of a rear dormer loft conversion with a flat roof and hanging tile or slate to the sides of the dormer |
| 2014/01420/FUL | A | 19, Augusta Crescent, Penarth | Proposed erection of rear and side extension |
| 2014/01437/FUL | A | 4, Beryl Place, Barry | Erection of a single storey front and side extension with front facing door and windows to provide front porch and side utility room |
| 2014/01440/FUL | R | Pear Tree Cottage, Marcross | New timber framed holiday cottage in garden of pear tree cottage |
| 2014/01446/FUL | A | The Links, off Pen Y Lan Road, Aberthin | Demolition of existing bungalow, erection of one new five bedroom house |
| 2014/01448/FUL | A | 8, Elm Grove Place, Dinas Powys | Loft conversion with rear dormer |
| 2014/01449/FUL | A | Stoneleigh House, Llancadle | Single storey rear extension |
| 2014/01457/FUL | A | The Nurseries, Fontygary Road, Rhoose | Rear garage extension to Foxes Ridge, No. 3, The Nurseries, Fontygary Road, Rhoose |
| 2014/01476/NMA | A | 4, Cwrt Dyfed, Barry | Demolition of existing conservatory and erection of single storey rear extension relating to 2014/01158/FUL |
| 2014/01489/PND | A | Garages, Tair Onnen, Cowbridge | Proposed demolition of sheds |
| 2014/01511/FUL | A | Easter Barn, Moulton | To construct new detached garage |
| 2014/01155/FUL | A | Brocastle Barn Cottage, Colwinston | Conversion of a barn to a three bedroom dwelling |
| 2014/01185/FUL | A | 40, Salop Place, Penarth | Rebuild of existing single storey rear extension with addition of first floor extension over. |

| | | | |
|----------------|---|---|---|
| 2014/01286/FUL | A | Cogan Hotel, 51, Hewell Street, Penarth | Change of use from A1 retail to C3 dwelling house |
| 2014/01389/FUL | A | The Pheasant House, Nash Manor, Cowbridge | Provide a new porch to the front entrance to dwelling |
| 2014/01391/RES | A | Site adjacent to Pwll Y Myn Farm, Peterston Super Ely | The details of the layout, scale, appearance, access and landscaping of the development |
| 2014/01393/FUL | A | 67, Lavernock Road, Penarth | The construction of a single storey extension to the rear of the property and a single garage to the side |
| 2014/01410/RES | A | 11, Llantwit Major Road, Cowbridge | New detached dwelling |
| 2014/01416/LBC | A | The Pheasant House, Nash Manor, Cowbridge | Provide a new porch to the front entrance to dwelling |
| 2014/01450/FUL | A | 29, Tair Onen, St. Hilary | Single storey extension to the rear of the property |
| 2014/01461/FUL | A | Brook House, Main Avenue, Wyndham Park, Peterston Super Ely | Proposed extension |
| 2014/01472/FUL | A | Bute House, Grove Place, Penarth | Alterations and extension to existing dwelling. Conversion of existing outbuildings to ancillary residential accommodation |
| 2014/01477/FUL | A | Upper Barn, Southra, Dinas Powys | Removing one small window enlarging the opening to accommodate glass sliding door. Move front door to swap with adjacent window |
| 2014/01488/FUL | A | Abernant, St. Athan Road, St. Mary Church | First floor extension |
| 2014/01509/FUL | A | 1, Howards End, Craven Walk, Penarth | Extensions and alterations to dwelling, including ground floor extension and roof dormers |

| | | | |
|----------------|---|---|---|
| 2015/00009/NMA | A | Plot 1, Orchardleigh, Pen Y Turnpike Road, Dinas Powys | Amendments to approved dwellings - 2012/00400/RES and remove conditions 5, 6 and 7 of the Outline Application 2011/000459/OUT |
| 2015/00060/NMA | A | Site adjacent to Pwll Y Myn Farm, Peterston Super Ely | Application to remove Code for Sustainable Homes Condition for application 2013/00375/OUT for a two storey detached dwelling |
| 2014/01173/FUL | A | 3, Grove Terrace, Penarth | Demolition of existing single and two storey rear annexes; construction of two storey rear extension |
| 2014/01345/FUL | A | Land next to 24 Cedar Road, Eglwys Brewis, St. Athans | Proposed detached five bedroom dwelling house with associated parking - variation of Condition 1 of permission 2009/01135/FUL to extend time period for implementation of planning permission |
| 2014/01402/FUL | A | TecMarina (Former KMS House), Terra Nova Way, Penarth Marina, Penarth | External alterations to building comprising new apertures and repositioning of main entrance and associated canopy |
| 2014/01423/ADV | A | The Co-operative Food, Boverton Road, Llantwit Major | Sign 1) Replace existing trough light on existing fascia with new LEDs trough light; Sign 2) Replace existing trough light on existing fascia with new LEDs trough light; Sign 3) Additional vinyl Opening Hours text to be applied to existing fascia. Replace existing trough light on existing fascia with new LEDs trough light |
| 2014/01432/FUL | A | RAF St. Athan, St. Athan | Application to remove condition 9 of planning permission 2014/00022/FUL |

| | | | |
|----------------|---|---|---|
| 2014/01463/FUL | A | 41 and 42, High Street, Barry | Proposed conversion of retail unit to one house and two flats |
| 2014/01470/FUL | A | Barain, 10, St. Quentins Close, Llanblethian, Cowbridge | Rebuild of bay window, porch, alterations to fenestration and part rendered facade upgrade |
| 2014/01482/FUL | A | 43, Whitmore Park Drive, Barry | Conversion of garage to habitable room |
| 2014/01491/FUL | A | 30, St. Ambrose Close, Dinas Powys | Single storey rear extension and new front porch |
| 2014/01500/ADV | A | 131, Holton Road, Barry | New corporate image fascia and projecting sign |
| 2014/01503/LAW | A | 85, Glebe Street, Penarth | Lawful development certificate for two existing flats |
| 2014/01507/FUL | A | 2, Rutland Close, Barry | Erect single storey tiled roof extension to side elevation |
| 2014/01510/FUL | A | 23a, Whitewell Drive, Llantwit Major | Demolish existing garage, construct extension to rear/side of dwelling, construct porch to front of dwelling |
| 2014/01514/LAW | A | 34, Coleridge Avenue, Penarth | Single storey rear extension |
| 2014/01515/FUL | A | 2, Solent Road, Barry | Proposed side extension to form a new cloak room and new entrance hall |
| 2014/01526/FUL | A | 2, Lake Hill Drive, Cowbridge | Single storey rear extension and two storey front extension |
| 2015/00004/LAW | A | Hill House, Sigingstone | Rear conservatory |
| 2015/00007/FUL | A | 14, Cold Knap Way, Barry | Extensions to existing bungalow comprising new porch to main entrance and utility room extension off existing kitchen |

| | | | |
|----------------|---|--|---|
| 2015/00008/NMA | A | Unit 8, Atlantic Trading Estate, Barry | Non material amendment to planning permission 2013/00926/FUL comprising alteration to windows and doors on office building |
| 2015/00010/FUL | A | 2, Police Houses, Higher End, St Athan | Orangery to side of property |
| 2015/00012/RG3 | A | Romilly Primary School, Romilly Road, Barry | Demolition of an existing dilapidated nursery classroom and its replacement with a demountable building including all necessary ground works and services connections |
| 2015/00047/NMA | A | Glynderwen, Peterston Super Ely | Non-material amendment to planning permission 2014/00723/FUL for extensions to dwelling |
| 2015/00072/NMA | A | UWC, Atlantic College, St. Donats Castle, St. Donats | Non Material Amendment to proposed new sports hall facility to compliment existing sporting amenities at UWC Atlantic College approved under application reference 2014/01058/FUL |
| 2014/01199/FUL | A | 117, St. Davids Crescent, Penarth | Extension to an existing dwelling to be used as a kitchen/diner |
| 2014/01223/FUL | A | 1, Grange Avenue, Wenvoe | Ground floor rear/side extension |
| 2014/01315/FUL | A | 292, Gladstone Road, Barry | To take down existing outbuildings including conservatory and construct new single extension for sun lounge and shower room |
| 2014/01428/FUL | A | Holton Dental Centre, 157, Holton Road, Barry | Erect scaffolding, paint exterior, replace 3 bay windows with UPVC, remove cladding in lower bay and replace with tyrolene |

| | | | |
|----------------|---|--|---|
| 2014/01442/FUL | A | 7, Esplanade Building, Friars Road, Barry Island | Change of use from A1 to mixed use A1/A3 shop and coffee shop, with associated work including layout changes within the site |
| 2014/01444/FUL | A | PADS Trailers Ltd, Sully Moors Road, Sully | Change of use from B2 general industrial to caravan sales area |
| 2014/01445/FUL | A | Stourbridge House, Llysworney | Demolition of existing two-storey, 1970's house and replacement with a new two-storey dwelling with rooms in the roof, storey and a half extensions to the North and West |
| 2014/01456/FUL | R | Maes Glas, Broadway, Llanblethian, Cowbridge | Convert and extend garage into a granny annexe |
| 2014/01458/CAC | A | Stourbridge House, Llysworney | Demolition of existing two-storey, 1970's house and replacement with a new two-storey dwelling with rooms in the roof, storey and a half extensions to the North and West, and a new storey and a half garage/study outbuilding |
| 2014/01495/FUL | A | 8, Heol Miaren, Barry | Conversion of existing ground floor integral garage to living accommodation together with an extension at first storey level above the garage |
| 2014/01496/FUL | A | Maendy Isaf, Lane - Junction A4222 at Maendy to Treerhyngyll | Proposed first floor side extension, single storey rear extension and detached out building |
| 2014/01516/FUL | A | Mon Repose, Pleasant Harbour, East Aberthaw | Proposed new single storey extensions, to form a garden/family room with roof terrace above and new rear entrance porch, incorporating wash down facilities |

| | | | |
|----------------|---|---|--|
| 2015/00002/FUL | A | Tyr Berllan, Piggery Lane, St. Mary Church | Extension to the front elevation of the existing property |
| 2015/00003/FUL | A | 115-117, Port Road East, Barry | Conversion of care home to two dwellings |
| 2015/00006/FUL | A | 6, Caer Worgan, Llantwit Major | Conversion of existing detached double garage to increase living space via extension link between existing two bedroom semi detached dwelling and garage |
| 2015/00014/FUL | A | 1, Porth y Green Close, Llanblethian, Cowbridge | Erection of single storey garden room/study |
| 2015/00018/ADV | R | 4, Westgate, Cowbridge | Installation of the following shopfront signage, post removal of signage currently in situ: 2 no 350mm fascia with 2 no 245mm high halo illuminated lettering and chevron logo; 1 no 600mm non-illuminated projecting sign; 1 no 420mm high ATM tablet with illuminated accent lines, lettering and chevron logo; (replacement of 1 no ATM with new- like for like replacement); 1 no 480mm high reverse applied vinyl entrance sign; other permitted signage 2 no Nameplate; 2 no Car park sign |
| 2015/00034/LAW | A | 4, Wye Close, Barry | Erection of a single storey rear extension |
| 2015/00038/FUL | A | Lagonda Lodge, 39, Sully Terrace, Penarth | Retention of 2 no. rooflights installed in south elevation of existing roof |

| | | | |
|----------------|---|---|--|
| 2015/00040/FUL | A | White Lodge, The Elms, Peterston Super Ely | Demolition of existing sub-standard flat roof annexe and conservatory, construction of a single storey flat roof extension to provide accommodation for a family room, utility and wc. Two flush glazed roof lights over family area |
| 2015/00052/LBC | R | 4, Westgate, Cowbridge | Illuminated new signage |
| 2015/00121/NMA | A | 105, Plymouth Road, Penarth | Creation of a gateway and off road parking space for a disabled person Ref:- 2014/00637/FUL |
| 2014/00317/LAW | A | Duffryn House, Welsh St. Donats | Use as domestic garden |
| 2014/01238/FUL | A | Brynheulog, Welsh St. Donats | Replacement of existing 2-storey 4-bedroom detached house, garaging and outbuildings with new 2-storey 5-bedroom detached house with detached double garage / hobby room |
| 2014/01263/FUL | R | Llantrithyd Lake, Treguff Farm, Llantrithyd | The construction of a stone access track from existing car park to the lake side, and construction of a new 6 no. space car park adjacent to lake side |
| 2014/01439/LAW | A | Bryn Sych Farm, Morfa Lane, Llantwit Major | Use of dwelling as care home, falling within class C3 |
| 2014/01513/FUL | A | 5, Church Road, Barry | Change of Use for an unoccupied A1 commercial shop to C3 residential dwelling and convert an unoccupied C3 2nd and 3rd floor maisonette into 2 no. C3 residential dwellings |
| 2014/01524/LAW | A | 88, Windsor Road, Penarth | Application for certificate of lawfulness for the proposed retail use (A1) of the site |

| | | | |
|----------------|---|--|---|
| 2015/00001/FUL | A | 3, Ael y Bryn, Peterston Super Ely | Extend existing front gable and bathroom/porch gable, and associated alterations to windows |
| 2015/00011/RG3 | A | Llanfair Primary School, St Mary Church | Demolition of 2no. Dilapidated classrooms and their replacement with 2no. demountable classrooms together with a nursery unit including all necessary ground work and service connections |
| 2015/00028/ADV | A | Burger King (UK) Ltd, Culverhouse Cross Retail Park, Culverhouse Cross | LED red band to roof ridge perimeter |
| 2015/00050/FUL | A | 24, Forrest Road, Penarth | Construction of new single storey flat roof garden room and garage. Demolition of existing pitched roof garage |
| 2015/00116/NMA | A | The Old Post Office, 61-63 Eastgate, Cowbridge | Removal of conditions 16, 17 and 18 of planning permission 2012/00455/FUL |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12 MARCH 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2014/01242/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3004211
Appellant: Mr. J. E. Langley,
Location: Site Opposite No. 10 Seaview Drive, Ogmores-
by-Sea
Proposal: Proposed 2 no. ECO Homes on site of
redundant Septic Tanks
Start Date: 18th February 2015

L.P.A. Reference No: 2014/01191/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/2230128
Appellant: Mr. Chris Williams,
Location: 10, Beach Road, Penarth
Proposal: Retention of change of use of existing
outbuilding to an independent dwelling
Start Date: 9th February 2015

L.P.A. Reference No: 2014/00655/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/2230126
Appellant: Mr. David Thomas,
Location: Yew Tree Cottage, The Lane, St. Nicholas
Proposal: Change of use from agricultural use to
residential use
Start Date: 13th February 2015

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/00101/FUL
Appeal Method: Written Representations
Appeal Reference No: 14/2226885
Appellant: Mr G J Hutchings
Location: **Lilypot Farm, Bonvilston**
Proposal: Removal of Condition 16 of planning permission 2013/00861/FUL, relating to two cabins for holiday let
Decision: Appeal Allowed
Date: 12 February 2015
Inspector: Janine Townsley
Council Determination: Committee

Summary

The Inspector considered the main issue to be whether a condition requiring removal of the log cabins upon the cessation of tourism use is reasonable or necessary.

From considering the relevant guidance, the Inspector stated that the planning permission which has been granted for two log cabins is a permanent permission and it is therefore unreasonable to effectively render a permanent permission temporary. The Inspector considered the appellant's evidence that the design and construction of the cabins represent a significant financial commitment. Whilst the Council has suggested that a more economical means of construction could have been pursued this does not detract from the appellant's clear intention that the development would be a permanent feature. This is a factor that the Inspector considered should be taken into account when assessing the reasonableness of condition No 16.

The Council's evidence is that condition No 16 is required to ensure the log cabins are put only to tourism use. However, condition No 7 places a limitation on the period of time any individual(s) can occupy the accommodation and condition No 8 requires a register of names and addresses of all occupants of the accommodation be kept. Condition No 9 states that "holiday cabins hereby approved shall only be used or occupied for holiday accommodation". These conditions all serve to provide control to the Council that the log cabins are put only to tourism use. The Inspector considered this to amount to duplication and therefore, insofar as the Council's justification for condition No 16 relates to the need to ensure the development is put only to tourism use, the condition fails the test of necessity as set out at paragraph 3.6 of the circular.

The Inspector stated that Condition No 16 as currently drafted does not define what is meant by the cessation of tourism. In this respect the condition lacks sufficient clarity and this would result in it being unenforceable. Similarly no flexibility is built into the condition to allow for periods when the log cabins may be temporarily vacant without the tourism use having ceased. Whilst it would be possible to amend the wording of the condition to address these issues, given the conclusions made above that the condition is neither reasonable nor necessary, there would be no purpose in me doing so.

The Inspector concluded that the condition fails the tests of necessity, reasonableness and, as currently drafted, enforceability and for those reasons given The Inspector also concluded that the appeal should succeed and therefore varied the planning permission by removing the disputed condition as set out in the formal decision.

| | |
|------------------------|--|
| L.P.A. Reference No: | 2014/00325/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 14/2225690 |
| Appellant: | Mr. Michael Harris, |
| Location: | Land between 15 & 17, The Paddocks, Penarth |
| Proposal: | Construction of single dwelling with associated works (variation to previously approved application ref: 2012/00873/FUL) |
| Decision: | Appeal Dismissed |
| Date: | 26 January 2015 |
| Inspector: | Melissa Hall |
| Council Determination: | Delegated |

Summary

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

- The effect of the proposed development on the character and appearance of the area
- The effect on the living conditions of neighbours.

Character and Appearance

The appeal site is a vacant plot situated between two detached dwellings at 15 and 17 The Paddocks, which forms part of a cul-de-sac of eight properties. The proposed dwelling would be of a contemporary design with a rectangular form, a flat roof and extensive glazing. However, the main differences to the form of the proposed dwelling from that approved are increases in its overall height and footprint at basement level. Regarding the height of the proposed dwelling, the submitted drawings indicate the relationship with the existing neighbouring properties. It would remain below the ridge height of No 17 and would more or less align with that of No 15. In this context and based on my own observations, The Inspector was satisfied that the marginal height increase would not represent an unacceptable change to that approved and the additional height would not be so significant as to dominate the street scene.

The changes at basement level result in a wholly enclosed swimming pool and a larger recreation room; the effect of which is a reduction in the size of the outdoor amenity space. The Council has clarified that its concern in respect of the amenity space does not relate to the living conditions of the future occupants of the proposed dwelling, but to the amount of built form in comparison to the outdoor space, resulting in over-development of the site. The dwelling approved under Ref 2012/00873/FUL is substantial and would result in a relatively small back garden area. The proposed dwelling would occupy a greater proportion of the plot, further reducing the amount of undeveloped garden area in comparison to the built form. Although the extended basement area may not be of a considerable size in itself, given the restricted amount of the rear amenity space, the effect of the additional elements would be significant. Consequently, the Inspector was of the view that the dwelling would appear monolithic and 'shoehorned' into the site as a result. The Inspector also noted that the dwellings in the vicinity of the site are relatively large and set within plots that allow for more generously proportioned rear gardens. When viewed in the context of the existing properties and their associated gardens, the proposed dwelling would appear out of scale and disproportionate in terms of the ratio of built form to undeveloped outdoor space. This would exacerbate the adverse visual impact of the proposed dwelling, thus further convincing the Inspector of the unacceptable nature of the development.

The Inspector also found the massing of the proposed dwelling to represent a cramped form of development that would be out of scale with the plot and its surroundings. Thus, it would have a harmful effect on the character and appearance of the area. For these reasons, it would conflict with the aims of Policies HOUS 2, HOUS 8, ENV 27 and HOUS 11 of the adopted Vale of Glamorgan Unitary Development Plan (UDP), which require existing residential areas to be protected against insensitive infilling and for new development to be sympathetic to the scale, form and character of the area. It would also conflict with the aspirations of Planning Policy Wales and Technical Advice Note 12 'Design' in this regard. The Inspector was satisfied that the development would still be capable of accommodating the day-to-day needs of its occupants and therefore did not find any conflict with the SPG in this respect, Policy 1 of the SPG also states that visual amenity should be secured in any proposed development. For the reasons given above, the Inspector stated that the development would fail in this regard and would not therefore meet the aims of the SPG.

Living conditions

Regarding the matter of the living conditions of neighbours, the Council has taken issue with the overbearing impact of the proposed dwelling on the occupants of property to the north of the plot, which is No 17. The Inspector stated that the side elevation of the proposed dwelling would be some 0.3 metres closer to the boundary with No 17 than the approved dwelling, and the curved wall at first floor would project an additional 1.2 metres beyond its approved position. Furthermore, a privacy screen would be required along the common boundary with No 17 as a direct result of the introduction of a raised terrace area.

In this case, the privacy screen would need to be of a height that would prevent any harmful overlooking of the garden of this neighbouring property. Due to the finished level of the terrace, the Council has confirmed that the screen is likely to have a height in excess of 3 metres. The Inspector also stated that the massing of the three storey dwelling would extend significantly beyond the rear elevation of No 17 and in close proximity to the common boundary and its rear facing habitable room windows. Together with the overall height increase of the dwelling, the additional impact of the development when viewed from the closest habitable rooms and rear garden of this neighbouring dwelling would be significant. The introduction of the privacy screen in close proximity to the common boundary and along most of its length beyond the rear elevation of the proposed dwelling would do little to minimise the adverse effect on the outlook from No 17. In view of this, the Inspector stated that the cumulative impact of these changes would be a development which would be overbearing for the occupants of No 17, thereby adversely affecting the living conditions that they should reasonably expect to enjoy.

The Inspector concluded that the additional massing of the proposed dwelling and the introduction of a solid structure along the common boundary would have an unacceptable effect on the outlook from the neighbouring dwelling over and above that approved under planning permission Ref 2012/00873/FUL. Thus, the proposed development would conflict with UDP Policies HOUS 8 and ENV 27 which seek to ensure that new development has no unacceptable effect on the amenity of neighbouring environments. For the reasons mentioned above the Inspector dismissed the appeal.

| | |
|------------------------|--|
| L.P.A. Reference No: | 2014/00647/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 14/2225169 |
| Appellant: | Mr. Howard Whittaker, |
| Location: | The Croft, Old Port Road, Nurston |
| Proposal: | Change of use of small parcel of agricultural land on the South, West and East boundary of The Croft to garden |
| Decision: | Appeal Dismissed |
| Date: | 19 February 2015 |
| Inspector: | Mr. Gareth Rennie |
| Council Determination: | Delegated |

Summary

The Inspector considered the main issues to be:

- a) Whether the development represents inappropriate development in the Green Wedge.
- b) Whether the benefits of the development would clearly outweigh any harm to the Green Wedge together with any other harm, and thus justify the development on the basis of exceptional circumstances.

- c) Whether the proposal would harm the character and appearance of the surrounding area.

The appeal site lies within area designated as Green Wedge. Planning Policy Wales (PPW) explains that new development within a Green Wedge is inappropriate except under certain circumstances. The inspector was of the view that the proposal to enclose an area of open agricultural land to form a garden extension is not an exceptional circumstance therefore would be considered inappropriate development within the Green Wedge.

The Inspector noted that the appeal property already has a substantial garden and that no reasons have been put forward to explain a specific need for the extension. He recognised the intention of the appellant to maintain the land as informal nature conservation land, however, was of the view that a change of use of the land to garden would extend the curtilage of the appeal dwelling into open land having a harmful effect on the openness of the Green Wedge. He concluded that there are no exceptional circumstances which clearly outweigh that harm by reason of inappropriateness.

The inspector noted that there are some large scale developments in the area however considered the appeal site to be in an area of open rural land. He considered that the approval of the proposal would allow the introduction of garden structures and paraphernalia that would give the appeal site a more built up appearance and quality. The inspector was of the view that the inclusion of the land as garden area would have an urbanising effect that would represent a damaging erosion of the open rural quality of the surrounding area that would significantly harm its character and appearance.

The inspector noted the client's intentions to accept conditions, however, concluded that the imposition of conditions would not fully protect the openness of the Green Wedge or the character and appearance of the area. He also noted that whilst suitable conditions could perhaps control the erection of structures within the extension, they would do little to control the overall change in character or the usual paraphernalia associated with gardens.

In conclusion the Inspector found that no exceptional circumstances exist to justify the development, therefore, the proposal is considered to be inappropriate development within the Green Wedge which would have a harmful impact on the character and appearance of the surrounding area.

| | |
|----------------------|--|
| L.P.A. Reference No: | 2014/00470/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 14/2226418 |
| Appellant: | Mr. Lee Peacock, |
| Location: | The Moorings, Highlight Lane, Barry |
| Proposal: | Erection of two storey dwelling within plot with new vehicular access off Highlight Lane |
| Decision: | Appeal Dismissed |
| Date: | 28 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;
- The effect on the living conditions of future occupants and neighbours.

Character and appearance

Highlight Lane is characterised predominantly by residential development of varying form, scale and design set within spacious plots with generous front and rear gardens. Although there is little uniformity in design terms, the dwellings along this part of the lane have a loosely staggered building line which steps back in a west- east direction. Given the mixed character described above, together with the design of the proposal, the Inspector did not find that the scale of the dwelling would in itself have an adverse visual impact on the street scene.

However, the siting of the proposed dwelling forward of the existing dwellings to which it most closely relates would fail to respect the established building line. Furthermore, the existing sense of space created in part by the generous front gardens serving the dwellings in the immediate vicinity would be undermined as a result of the proposal. To this end, the siting of the dwelling would appear awkward and the layout would be at odds with the surrounding pattern of development. It would therefore have a harmful effect on the character and appearance of the surrounding area.

In terms of the amount of amenity space, and whilst it would be distributed around the dwelling, overall its size would be sufficient for such purposes. The Inspector, therefore concluded that it would adequately cater for the day to day needs of the future occupants in this regard. However, the Inspector stated that whilst she did not find the amount of amenity space to be deficient, the SPG also provides advice in relation to the quality of the outdoor amenity space. In particular, it states that privacy must be secured in any proposed development by careful design and that the amenity space provided should be useable, adequate, and appropriate. The Inspector observed that occupants of The Moorings would have a direct view of the amenity space serving the proposed dwelling from a first floor habitable room window at an unacceptably close distance. This would have a harmful effect on the privacy that the future occupants of the proposed dwelling should reasonably expect to enjoy, thus compromising the quality and usability of the outdoor amenity space. To this end, it would not meet the aspirations of the SPG.

The Inspector acknowledged that the appellant has suggested the existing first floor bedroom window could be obscurely glazed to prevent overlooking of the amenity space. However, such a proposal to prevent an outlook from a habitable room window, thus adversely affecting the living conditions of the existing occupants of The Moorings, would not represent a satisfactory solution. This matter only compounds the Inspector's concerns regarding the unacceptable nature of the proposed development in terms of its layout and siting relationship with neighbouring properties. In this context, the proposal would conflict with Policies ENV 27, HOUS 8 and HOUS 11 of the adopted Vale of Glamorgan Unitary Development Plan (UDP), which seek to protect existing residential areas from insensitive or inappropriate infilling and ensure that the form and character of new development is sympathetic to its environs.

Living conditions

The Council has raised concern regarding the tandem form of development and the resultant disturbance to future occupants of the proposed dwelling as a result of its siting adjacent to a vehicular access serving the two existing dwellings, The Moorings and Fox Hollows. The Inspector accepted that the proposed dwelling would not be sited directly in front of the existing, and that the garden and landscaped buffer would be located between the dwellings. However, the existing vehicular access serving The Moorings and Fox Hollows would be located in close proximity to the side and rear elevations of the proposed dwelling. Future residents of the proposed dwelling would thus be exposed to the activity associated with the existing vehicular movements, including impulse noise, such as raised voices, the slamming of car doors or the start-up of a car engine. The Inspector was of the view that such activity would be likely to result in a significant level of disturbance for the future occupants of the proposed dwelling, thereby having an unacceptable impact on their living conditions.

The creation of a new separate access to serve the proposed dwelling would ensure that there would be no additional vehicular movements alongside the neighbouring dwelling known as Oakdene. Be that as it may, this would not overcome the harm identified to the living conditions of future occupants of the proposed dwelling arising from the existing vehicular access arrangement. It is also considered that the 'offset' siting relationship between the properties, the two storey massing of the proposed dwelling in such close proximity to the existing would have an unacceptable overbearing impact. It would therefore have a harmful effect on the living conditions of the occupants of the existing dwelling. The Inspector also considered that there would be no serious adverse overshadowing impact on either the dwelling or its amenity space arising from the proposal. Nevertheless, the lack of harm in this regard does not negate that associated with the unacceptable overbearing impact. As such, the proposal would conflict with the aims of UDP Policies ENV 27, HOUS 8 and HOUS 11 which, inter alia, require new development to have no unacceptable effect on the amenity of existing or neighbouring environments.

In view of the reasons outlined above, and having regard to all matters raised, the Inspector concluded that the appeal is dismissed.

L.P.A. Reference No: 2014/00671/FUL
Appeal Method: Hearing
Appeal Reference No: 14/2223890
Appellant: Mr. Carey Jones,
Location: Brooklands Hall, Brook Lane, St. Nicholas
Proposal: Change of use of land to a residential use associated with Brooklands Hall, and retention and alterations to existing barn for a use ancillary to the main dwellinghouse
Decision: Appeal Dismissed
Date: 11 February 2015
Inspector: Melissa Hall
Council Determination: Delegated

Summary

The Inspector considered the main issue to be in this appeal:

- The effect of the development on the character and appearance of the surrounding area.

The appeal site consists of a dwelling known as Brooklands and its associated garden together with a recently constructed barn which lies to the east of the dwelling alongside a small group of former agricultural buildings and farmyard.

There is a detailed planning history associated with the site, including a planning permission for the retention of the barn as a leisure and amenity building ancillary to the main house granted in February 2014. The building was under construction when the application was made in 2010. Conditions were attached to the permission requiring external and internal changes to that which had been constructed; these included inter alia the removal of internal walls, window openings, internal staircase, kitchen units / appliances and accommodation at first floor together with the recladding of the building. There is no substantial difference in terms of the massing, scale and height of the building from the scheme granted under Ref 2010/01267/FUL and that subject of this appeal. The external finishes, including the steel profile sheeting to the upper sections of the external elevations and the aluminium clad barrel and mono-pitched roofs, are consistent with that approved. The Inspector noted that some of the details shown on the scheme before me differ from that already constructed. Changes to the fenestration would result in inter alia the introduction of large, vertical first floor windows on the front elevation. In order to facilitate internal access to the upper floor of the building, the external staircase has been omitted from the rear elevation and an enclosed stairwell atrium has been constructed on the front elevation to provide headroom, albeit alterations to its appearance are proposed. The Inspector was of the view that, cumulatively, these changes materially alter the appearance of the building from that which was approved.

The proposed first floor windows on the front elevation would read as domestic features on what was otherwise an unarticulated elevation at first floor under the approved scheme. The enclosed stairwell atrium is an awkward addition to the simple form of the barrel roof and the proposed alterations would do little to improve this relationship. Consequently, the development would not read as a simple and modest agricultural building in the context of other former agricultural buildings of simple form and design. The Inspector also considers that the landscaping could not be relied upon to provide screening of the building indefinitely.

In this context, and also having regard to the appearance of the building at close range, for reasons relating to its overtly domestic and incongruous features, the Inspector did not find that it represents a sympathetic addition to the group of former agricultural buildings to which it most closely relates. To this end, it would compromise the predominantly rural character of its surroundings. The development would therefore conflict with UDP Policies ENV1, ENV10 and ENV27, which seek to protect the countryside from inappropriate development and ensure that proposals have full regard to the context of the local natural and built environment and its special features. It would also conflict with UDP Policy ENV4 which seeks to protect the landscape character, landscape features and visual amenities of the SLA which, in this case, is characterised predominantly by a small group of agricultural buildings set within a rural landscape to which the development would poorly relate.

The appellant stated that the building is intended for sporadic use by family members and / or as accommodation for visiting friends and family. He added that there is no intention to use it for continuous or independent residential use. Due to its detached nature and that it is capable of being accessed separately from the main dwelling, the Inspector agreed that it has the potential to be used as an independent dwelling and she also accepted that the inclusion of an internal staircase, together with minimal alterations to the layout, could easily and readily lend itself to such a use. In such an event, and given that a case is not being made for a justified exception for new housing development in the open countryside, such a use would conflict with the aims of UDP Policy HOUS 3. Nevertheless, the proposal is not for a dwelling, but a use ancillary to the main dwelling as the Inspector saw no evidence of separate kitchen facilities such that meals could be prepared in the building and it could be used entirely independently of Brooklands. Neither is there an appropriately worded condition that follows the advice in Circular 016/2014 'The Use of Conditions in Development Management' could not place adequate control over the development.

Although the Inspector considered a number of previous appeal decisions involving the question of whether development is ancillary to an existing dwelling or tantamount to a new dwelling, it seems that each case is a matter of fact and degree, and must therefore be judged on its own merits. The Inspector concluded that whilst she was not persuaded that, on the basis of the evidence provided, the proposal is tantamount to a new dwelling in the open countryside, this matter does not outweigh the harm that has otherwise been identified to the character and appearance of its surroundings and for the reasons mentioned above, the appeal is dismissed.

(d) Enforcement Appeal Decisions

None

(e) April 2014 - March 2015 Appeal Statistics

| | | Determined Appeals | | | Appeals withdrawn /Invalid |
|---|-----------|--------------------|------------|-----------|----------------------------|
| | | Dismissed | Allowed | Total | |
| Planning Appeals (incl. tree appeals) | W | 23 | 4 | 27 | - |
| | H | 1 | 3 | 4 | 1 |
| | PI | 1 | 1 | 2 | 3 |
| Planning Total | | 25 (76%) | 8 (24%) | 33 | 4 |
| Enforcement Appeals | W | - | - | - | - |
| | H | 1 | - | 1 | 3 |
| | PI | - | - | - | - |
| Enforcement Total | | 1 | - | 1 | 3 |
| All Appeals | W | 23 | 4 | 27 | - |
| | H | 2 | 3 | 5 | 4 |
| | PI | 1 | 1 | 2 | 3 |
| Combined Total | | 26 (76%) | 8 (24%) | 34 | 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 MARCH 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

| | | | |
|----------------|---|--|---|
| 2014/01377/TPO | A | 12, Blodyn Y Gog, Barry | Reduce limbs growing towards house, thin crown by 15% of Oak to side of house and reduce crown of Oak near rear boundary. |
| 2014/01425/TPO | A | 34, Britway Road, Dinas Powys | Remove Cypresses leaving lower layer of trees/shrubs |
| 2014/01453/TPO | A | The Old Surgery, Church Street, Llantwit Major | Removal of two Field Maples |
| 2014/01435/TPO | A | The Captains Wife, Beach Road, Swanbridge, Penarth | G1 -The taking down and removal of 5 trunk tree |
| 2014/01508/TPO | A | The Bower House, Pen Y Lan, Cowbridge | Removal of one lowest lateral from two Beech trees, one each side of avenue, overhanging track |
| 2015/00042/TCA | A | 14, Victoria Road, Penarth | Fell and replace Chestnut tree |
| 2015/00022/TPO | R | 2, Hollyrood Close, Barry | Fell and replace Silver Birch |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 MARCH 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT LAND AT HEOL LAS (NEAR JUNCTION TO WATER STREET) MONKNASH

Background

1. A complaint was received by the Local Planning Authority on 31 March 2014, that the erection of a building, creation of a new road and removal of trees had taken place at Land at Heol Las (near junction to Water Street) Monknash.
2. It is apparent that the works are sited on land to the south west of Broughton House, which is itself to the west of the settlement of Broughton. Broughton House is a two storey, detached dwelling, the original access to which is via the small hamlet of houses to the north east of the property. A parking area is provided adjacent to the north east elevation of the house. The dwelling is served by a front and rear garden which has been enclosed by a stone boundary wall. The additional land to the south east and south west appears to have been historically used for agriculture and contains a wooded area and paddock. The unauthorised development subject of this report is located on this additional land.
3. A timber building has been constructed close to the boundary of the site with Heol Las and a track has been laid from Broughton House to an existing gated access onto the adopted highway, Heol Las, to the south west of the house.
4. The site is within the Monknash Conservation Area.

Details of the Breach

5. Following an initial site inspection it was noted that a timber structure/outbuilding had been erected outside the curtilage of the dwelling, adjacent to the boundary of the site with Heol Las. The building is sited adjacent to a row of trees and is some 50 metres from the existing dwelling. The building is some 13 metres in length and has a slight hipped roof and has been divided into three separate units, which decrease in width as the building extends to the rear, being some 3.7 metres at its widest to 1.3 metres at its narrowest. There are two sets of double doors to the front (south east) elevation, with two windows to the side (south west) elevation. This section of the building is proposed to be used for the purposes of storage for machinery. A doorway gains access from the front section of the building to an area laid with tarmac to the rear and adjacent to the remainder of the building.

6. The two rear sections of the building are exposed and front onto the area of tarmac. The proposed use of this section of the building is as a log store. The development is not currently in use, however is nearing completion and consists of lighting and electrical sockets within the front section.
7. The development is sited outside the recognised curtilage of the dwelling but will have a use for domestic (not agricultural) purposes. In view of this the development does not benefit from permitted development rights granted under the Town and Country Planning (General Permitted Development) Order 2013 for the erection of domestic outbuildings.
8. As for the access track, it is understood to have been laid temporarily for the undertaking of the construction works for an extension to the existing dwelling (planning application reference 2012/01091/FUL). Whilst the track would have been considered permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) for the duration of the works to construct the extensions to the dwelling, these works are now complete and to date the track has not been removed and the land restored to its original grassed state. The track has been laid with gravel and extends from the access at Heol Las to the front (south east) elevation of the dwelling. Its length is some 55 metres.
9. In addition to the above, and in the light of the domestication of the land in question that has resulted in from the unauthorised development described above, it is also considered that there has been a material change of use of the land from agricultural to domestic garden associated with Broughton House.

Action Pursued to Date

10. The owner of the property submitted a planning application to retain the outbuilding, which was subsequently refused planning permission on 12 November 2014. As a result of the development being used for domestic purposes and being sited outside the curtilage of the dwelling, the owner has been advised that the principle of the development is considered unacceptable representing an unjustified and unacceptable form of development in the countryside to the detriment of the character of the conservation area and the visual amenities of the surrounding countryside. Whilst an application hasn't been submitted to retain the track, the owner has been advised of its unacceptability for the same reasons as the outbuilding.

Planning History

11. The site benefits from the following planning history:
 - 2014/01028/FUL Retrospective application for retention of log store, tractor and mower shed. Refused on 12th November, 2014 for the following reasons:

“The proposal, by nature of its siting, design, scale and function would represent an unjustified and unacceptable form of development in the countryside to the detriment of the character of the Monknash Conservation Area and the visual amenities of the surrounding countryside. The proposal which does not have the appearance of being designed for agricultural purposes would serve to domesticate the land within the open countryside, adversely affecting its appearance. It is therefore contrary to Policies ENV1 – Development in the Countryside, ENV17 – Protection of the Built and Historic Environment, ENV20 – Development in Conservation Areas and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, and the advice within Planning Policy Wales”.

- 2012/01091/FUL Demolition of existing house extension and provision of new extension. Approved on 6th December, 2012. The access track did originally form part of this application proposal but was removed from the application following the advice of the Planning officer that permission was unlikely to be granted.
- 1991/00873/OBS Access from Heol Las into field for purposes of LPG gas supply and maintenance of field – No observations.

Policy

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

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
ENV10 – CONSERVATION OF THE COUNTRYSIDE
ENV17 – PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
ENV20 – DEVELOPMENT IN CONSERVATION AREAS
ENV27 – DESIGN OF NEW DEVELOPMENTS

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

- Conservation Areas in the Rural Vale
- Monknash Conservation Area Appraisal and Management Plan

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

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

- Planning Policy Wales (Chapters 4, 5 & 6)
- Technical Advice Note 9: Enforcement of Planning Control (1997)

Reasons for Serving an Enforcement Notice

16. The primary issues in the consideration of this development are the principle of siting a domestic building and access track outside the curtilage of the dwelling and the impact of the development on the character and visual amenity of the surrounding area having regard to its siting within the Monknash Conservation Area and outside the settlement boundary within open countryside.
17. The provision of an outbuilding for the purposes of domestic storage outside the curtilage of a dwelling is considered unacceptable in principle as it does not benefit from any of the provisions of UDP Policy ENV1 for Development in the Countryside. The owner has stated that the building will be utilised for the storage of domestic machinery and a log store, consequently there is no agricultural justification for siting the building outside the curtilage of the dwelling. Furthermore, the dwelling is served by a relatively large front and rear garden, where there is sufficient space to accommodate the building in question.
18. The development is considered to be excessively large in scale, particularly depth, and due to its relatively shallow pitched roof appears as a flat roof structure. As a result, the development is highly visible from Heol Las and, due to its substantial scale and domestic design, it is considered to have a particularly harmful impact on the rural character of paddock within which it is located, and the surrounding area.
19. Turning to the unauthorised access track, the existing (lawful) access to Broughton House is via the village of Broughton. Its setting is, therefore, characteristically residential. In contrast the unauthorised access from Heol Las is across land that is wholly rural in character. The track is a prominent feature in this rural setting and its visibility from Heol Las further increases its prominence. The harmful impact of the track is further exacerbated by its context, i.e. the unauthorised domestic building and the use of the paddock as domestic garden, also subject of this report.
20. Whilst a small number of dwellings in the area enjoy an access of Heol Las, unlike Broughton House those dwellings are positioned closer to Heol Las and their curtilage forms a boundary with that adopted highway.
21. As noted above, whilst the track was required for the construction of the approved extension, these works have been completed. As such, there is no justification for retaining the track any longer, particularly as there is sufficient access to the site through Broughton, via Chapel Road to the east of the dwelling, which itself is also within the settlement boundary.

22. In the light of the findings above, the access track, unauthorised building and use of the land for domestic garden are considered to be unjustified forms of development that have a harmful impact upon the character and appearance of their rural setting and wider rural landscape, contrary to UDP Policies ENV1 and ENV27 as well as guidance provided in Chapters 4 & 5 of PPW, particularly the principle of the protection of the countryside for its own sake.
23. In addition to the findings above, in the light of the location of both the track and the building within the Monkash Conservation Area, regard must be had to the duty imposed on the Council by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The paddock is a large part of the conservation area and its historic agricultural use and open, undeveloped nature plays an important role in contributing towards the rural character of the conservation area, recognised as important in the Monkash Conservation Area Appraisal and Management Plan. The domestic development subject of this report is harmful to the rural character of this field parcel and conflicts with the recommendations in the Appraisal and Management Plan for the protection of the landscape setting and open spaces within and adjacent to the conservation area. As such, the unauthorised development subject of this report neither preserves nor enhances the character and appearance of the Monkash Conservation Area. Accordingly, the development is in conflict with Section 72(1) of the 1990 Act as well as UDP Policies ENV17 & ENV20 and advice provided in Chapter 6 of PPW.
24. The owner has stated his intention to plant additional trees along the boundary of the site with Heol Las to further screen the development, whilst this may reduce the visual impact of the development, it is highly unlikely that such planting would fully screen views of the development and this does not overcome the principle objections to the development being sited outside the curtilage and not justified for agricultural purposes.

Conclusions

20. The unauthorised development, including an outbuilding, access track, and use of the land as domestic garden are, by virtue of their scale, design and siting, considered to be unjustified forms of development in this location. The development is an unacceptable domestic encroachment into the rural landscape, which detracts from the character and appearance of the surrounding area. Furthermore, the development neither enhances, nor preserves the special character of the Monkash Conservation Area.
21. In view of the issues identified in the paragraphs above, it is considered expedient to pursue formal enforcement action.

Resource Implications (Financial and Employment)

22. 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)

23. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
24. 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)

25. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Permanently remove from the land the building, access track, tarmacadam and any other associated paraphernalia.
 - (ii) Restore the land to its former condition.
 - (iii) Permanently cease the use of the land as domestic garden
- (2) In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The access track, building and use of the land as domestic garden are considered to be an unjustified form of development in this location that results in an unacceptable domestic encroachment into the rural landscape. The unauthorised development has a harmful impact on the character and appearance of the site itself and the surrounding area. Furthermore, the unauthorised development neither enhances nor preserves the special character and appearance of the Monknash Conservation Area. As such, the development is considered to conflict with Policies ENV1 – Development on the Countryside, ENV10 - Conservation of the Countryside, ENV17 - Protection of the Built and Historic Environment, ENV20 - Development in Conservation Areas, and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as Planning Policy Wales (Editions 7 July 2014) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Background Papers

Enforcement File Ref: ENF/2014/0099/PC

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 MARCH 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT LAND ADJACENT TO THE HOLLIES, WENVOE

Background

1. A complaint was received by the Local Planning Authority on 6 August 2014, relating to the storage of commercial vehicles on agricultural land adjacent to The Hollies, Wenvoe.
2. The site relates to a small parcel of agricultural land adjacent to the residential property known as The Hollies, Wenvoe. The land lies outside the residential settlement boundary, within the open countryside and designated green wedge. There is a public footpath located to the east of the property.

Details of the Breach

3. Following an initial site inspection it was noted that several vehicles were parked on a small parcel of agricultural land adjacent to The Hollies.
4. As noted from the planning history below, the adjacent residential property 'The Hollies' benefits from a number of permissions, one of the most recent being 2011/00015/FUL. This granted permission for the extension of residential curtilage in order to construct the new access, which amounted to an area of 300m² of the adjoining paddock. The area of land subject of this report results in a further incursion of approximately 250m² into the adjoining paddock.
5. The storage of commercial vehicles on the land results in a material change of use of the land. This material change of use requires the benefit of planning permission, as no such permission has been granted, this change of use is unauthorised and in breach on planning control.

Action Pursued to Date

6. A letter was sent to the owner of the land 3 November 2014 requesting comments on the matter. Following a telephone call and subsequent email correspondence the Council agreed a period of 3 months to remove the vehicles from the land. During a meeting at the Dock Offices in February 2015 the owner of the land confirmed that the vehicles had not been removed from the land within the agreed time period and that it was not likely that the vehicles would be removed within the near future.

Planning History

7. The site benefits from the following planning history:
- 2012/00570/FUL - Amendments to previously approved garage building – APPROVED August 2012.
 - 2011/00015/FUL - Demolition of existing garage and construction of new timber clad garage. Closing up of existing vehicle access onto Caerau Lane, and construction of new vehicle access onto Caerau Lane to include small extension of residential curtilage – APPROVED March 2011.
 - 2010/01179/FUL - Construction of new rear extension, remodelling of roof to create first floor living space and construction of new porch and roof over existing bays – APPROVED January 2011.

Policy

8. 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:
- ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
ENV2 – AGRICULTURAL LAND
ENV3 – GREEN WEDGE
ENV10 – CONSERVATION OF THE COUNTRYSIDE
ENV27 – DESIGN OF NEW DEVELOPMENTS
9. Planning Policy Wales (Edition 7, 2014) advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.
10. In this case, the relevant material considerations are considered to be as follows:
- Planning Policy Wales (July 2014) (PPW): Chapter 5 recognises the need to protect the character and appearance of the countryside for its own sake. In addition to this, comprehensive guidance relating to development within green wedges is provided in Chapter 4. One of the purposes of the Green Belt set out in Paragraph 4.8.3 is to '*assist in safeguarding the countryside from encroachment*'. Paragraph 4.8.5 of PPW (July 2014) states, '

The most important attributes of Green Belts are their permanence and their openness', 'To maintain openness, development within a Green Belt must be strictly controlled'. Paragraph 4.8.5 goes on to say there is, 'a general presumption against development which is inappropriate in relation to the purposes of the designation'. Paragraph 4.8.16 relates to purposes for which the construction of 'new buildings' within a designated green wedge are appropriate, however Paragraph 4.8.18 specifically states, 'other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it'. Paragraph 4.10.1 of PPW that states that the best and most versatile land 'should be conserved as a finite resource for the future.'

Reasons for Serving an Enforcement Notice

11. The main issues to consider in this case are the principle of the commercial storage use on agricultural land and the impact that the storage of the vehicles has on the character and openness of the countryside and designated green wedge.
12. The unauthorised material change of use of the land subject to this report is not considered to fall within the categories of development identified in Policy ENV1 which may be exceptionally permitted in the countryside. Additionally, Paragraph 4.8.16 of PPW sets out the purposes for which the construction of new buildings within a green wedge is considered appropriate. Whilst it is recognised that the breach of planning control subject to this report is not considered to be operational development, Paragraph 4.8.18 states, '*Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including the land within it*'.
13. To maintain openness, development within a green wedge must be strictly controlled. Policy ENV3 states that, '*Development which prejudices the open nature of the land will not be permitted*'. This Policy is supported by more comprehensive guidance found under Part 4.8 of PPW. Paragraph 4.8.5 states, '*The most important attributes of Green Belts are their permanence and their openness.*' Whilst a green wedge designation does not convey the same permanence as a Green Belt, the land serves the same purpose.
14. It is considered that the almost permanent storage of large commercial vehicles on the land would appear out of place or incongruous to the open countryside and green wedge in which they are located. The land is highly visible from the Caerau Lane public footpath and from further afield in the Wenvoe Village. It is considered that the unauthorised change of use has a detrimental impact on adjacent areas and that the use of the land fails to compliment the surrounding areas of open space. Consequently, the unauthorised change of use is not considered to comply with Policies ENV1, ENV3, ENV10 and ENV27 as well as the guidance provided in Chapters 4 and 5 of PPW.

15. The land subject to the unauthorised change of use is Grade 2 agricultural land. Policy ENV2 states that, '*the best and most versatile land (Grade 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated*'. This is supported by Paragraph 4.10.1 of PPW that states that the best and most versatile land '*should be conserved as a finite resource for the future.*' Whilst it is noted that the material change of use of the land for the storage of commercial vehicles is not considered to be an irreversible form of development, the site has insufficient drainage to protect the land against possible contamination of fuel/ oil from spillages as a result of its use.

Conclusions

16. It is considered that the material change of use of the land is inappropriate development that represents an unjustified and unnecessary encroachment into the surrounding rural landscape having a detrimental impact on the openness of that landscape and on the rural setting of the existing dwelling. As a consequence, the development conflicts with policies ENV1; ENV2; ENV3; ENV10; and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and guidance found in Planning Policy Wales (Edition 7, July 2014).
17. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action.

Resource Implications (Financial and Employment)

18. 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)

19. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
20. 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)

21. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of the use of the land for the storage of commercial vehicles.
- (2) In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) In view of its location within the open countryside and designated green wedge the unauthorised material change of use of the Land is considered to be an unacceptable form of development that diminishes the quality of the rural landscape and the openness of the designated green wedge. The use is, therefore considered to be contrary to Policies ENV1- Development in the Countryside; ENV2- Agricultural Land; ENV3- Green Wedges; ENV10 – Conservation of the Countryside; and ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as supported by guidance found in Planning Policy Wales (Edition 7, July 2014).

Background Papers

Enforcement File Ref: ENF/2014/0222/PC

Contact Officer - Mr. Darryl Rowlands, Tel: 01446 704694

Officers Consulted:

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

ROB THOMAS
DIRECTOR OF DEVELOPMENT SERVICE

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12 MARCH 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 1, OLD PORT ROAD, WENVOE, CARDIFF

Background

1. In April 2011 it was noted that a gap had been created in the existing hedgerow of the property known as 1, Old Port Road, Wenvoe, with the intention of creating a means of access onto Port Road (the A4050). At a later date it was also noted that the hedgerow had been removed in its entirety and had been replaced by a wall of block construction around the perimeter of the property.
2. No.1, Old Port Road is the former Police Station and sits at the roundabout junction of Port Road and Old Port Road. The site is occupied by a large, extended detached dwelling set in a large garden. The property is bound on the eastern side by Port Road (A4050 linking Barry to Culverhouse Cross) and on the western side by Old Port Road, Wenvoe. There are further detached dwellings and the Wenvoe Conservation Area to the north of the site.
3. Prior to the carrying out of the works subject to this breach, the boundary of the property was formerly defined by a hedgerow along Port Road and a low stone retaining wall and hedgerow along the Old Port Road boundary.

Details of the Breach

4. As mentioned above, this property was first brought to the Council's attention in April, 2011, following the removal of a section of the existing hedgerow. Whilst the gap has been blocked up with timber fence panels, the owner of the property was contacted in view of the Council's concerns that a means of access would be created onto Port Road. Such an access would be particularly hazardous to highway users in view of its location on the bus stop and close to a busy roundabout. The owner of the property explained that this gap in the hedgerow was a temporary measure in order to bring materials onto the site for the construction of extensions to his property. The site was, subsequently monitored and the access never observed in use.

5. In addition to the works above, the hedgerow around the eastern, southern and western boundary of the site was eventually removed in its entirety. Whilst the low stone wall was retained on the Old Port Road boundary, a block wall measuring approximately 2 metres in height was constructed above the low stone wall and around almost the entirety of the boundary of the site with the adjoining highways, including around the rear of the bus stop on Port Road. The block wall did not fill the gap that had originally been created in the hedgerow; this was still stopped up with timber fence panels. In addition to this, a pedestrian access had been created onto Port Road, to the left of the gap. Whilst part of the block wall had been faces in stone, to match the original low stone wall, the majority of the wall remained as unfinished block.
6. Finally, and more recently, a section of timber fencing and fence post have been constructed above a section of the block wall to a height that is estimated to exceed 3 metres when measured from the adjoining highway.
7. As noted from the planning history below, planning permission (reference 2013/00148/FUL) has been granted for the retention and completion of the section of enclosure adjacent to Port Road. The approved scheme permits the retention of the block enclosure to the rear of the bus stop and the completion of the remainder of the enclosure, up to the pedestrian access, in block with a facing stone. As noted above, this section of the enclosure has not been completed in accordance with the approved scheme. The remainder of the new enclosure that measures above one metre in height is unauthorised and in breach of planning control.

Action Pursued to Date

8. As mentioned above, the owner was contacted following the initial works to create the gap in the hedgerow. During a discussion the owner advised of the intention to remove the hedgerow and construct a new means of enclosure. The owner was advised that the Council would prefer the retention of the hedgerow, but would not be in a position to prevent its removal. The owner was, however, advised that planning permission would be required for the construction of a means of enclosure above 1 metre high. The hedgerow was removed and the enclosure currently on site today was constructed without an application having been submitted or permission obtained.
9. Whilst an application was subsequently submitted and approved (2013/00148/FUL) for the retention and completion of the section of the enclosure adjacent to Port Road (as noted above), this section has not been completed as approved and the remainder of the enclosure is still unauthorised.

Planning History

10. The site benefits from the following planning history:
- **2013/00148/FUL:** Police House, 1, Old Port Road, Wenvoe - Wall to east side of house (Port Road) - Approved 18/04/2013
 - **2012/01233/FUL:** 1, Old Port Road, Wenvoe, Cardiff - Rear and side extension, with detached garage - Approved 13/03/2013
 - **2009/00688/FUL:** 1, Old Port Road, Wenvoe - Erection of a pigeon loft (Retrospective consent) - Approved 16/04/2010
 - **2007/01241/TCA:** Police House, 1, Old Port Road, Wenvoe - Remove various trees on west side of property - Finally Disposed of 14/09/2007
 - **2006/00749/FUL:** Police Office, 1, Old Port Road, Wenvoe. - Renewal of temporary planning permission for change of use of domestic accommodation to office use, and ancillary storage and the removal of the condition that limits the use of the building by the Princes Trust only - Approved 04/08/2006

Policy

11. 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 18th April 2005, and within which the following policies are of relevance:
- **ENV27** – Design of New Development
12. Planning Policy Wales (Edition 7, July 2014) advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.
13. In this case, the relevant material considerations are considered to be as follows:
- Technical advice note 12: Design (TAN12)

Reasons for Serving an Enforcement Notice

14. Since the works to remove the hedgerow and construct a new means of enclosure have commenced (some 3 to 4 years ago), the enclosure to this property has remained in an unfinished and, therefore, unsightly appearance. Attempts have been made during this time to complete the block construction in stone work to match the existing, but these works have not been completed. In fact some sections of the new stonework have recently been removed.

15. The enclosure, being adjacent to the highway, is a highly visible structure. In its current, incomplete condition it is considered to be poorly designed and detrimental to the amenity of the general area, contrary to UDP Policy ENV27 and the advice on good design contained in TAN12.
16. In addition to the findings above, the height of enclosure is considered to be excessive, especially if it were not finished in facing stone or some other appropriate material, it would be considered poorly designed as it forms a solid and monotonous structure along a significant length of the boundary serving the property. Nevertheless, the enclosure forms the boundary to the private garden serving 1, Old Port Road. As such, the occupiers of that property are entitled to the private enjoyment of the rear garden. Accordingly, when considered within the context of the major traffic route of Port Road, the retention of an appropriately finished means of enclosure to the height of the current block construction, would be considered acceptable, on balance.
17. With regard to the recent addition of a timber fence section above the block wall, it is considered to be an excessive and particularly odd addition to the existing unauthorised enclosure. As existing, and if completed, this addition is incongruous within the setting and harmful to the character and amenity of the surrounding area.
18. In the light of the findings above, it is recommended that formal action is pursued to require the completion of the section of the enclosure to the east of the dwelling to accord with the 2013/00148/FUL permission, which will include the blocking up of the existing gap in compliance with this scheme. Formal action will also require the completion of the remainder of the block enclosure in appropriate material, either stone work or smooth painted render, and the removal of the sections of timber fencing above the block enclosure.

Conclusions

19. In view of the issues identified in the paragraphs above, it is considered expedient to pursue the action recommended.

Resource Implications (Financial and Employment)

20. 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)

21. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
22. 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)

23. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The completion of the section of enclosure to the east of the dwelling with facing stone, including the removal of the timber fencing panels in the gap in the block wall and the stopping up of the gap in block with a stone render.
 - (ii) The completion of the remainder of the enclosure in appropriate material, either stone work or smooth painted render.
 - (iii) The removal of the section of timber fencing above the block enclosure.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) By virtue of its highly visible location, the enclosure in its current, incomplete condition it is poorly designed, incongruous and detrimental to the amenity of the general area, contrary to policy ENV27: Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice on good design contained in Technical Advice Note 12: Designs.

Background Papers

Enforcement File Ref: ENF/2011/0151/INT

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 MARCH 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

8. GENERAL PLANNING MATTERS

THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (UNCONVENTIONAL OIL AND GAS) (WALES) DIRECTION 2015

Purpose of the Report

1. The purpose of this report is to inform Planning Committee about the publication of a new direction by the Welsh Government which requires that any planning application for onshore gas or oil development which proposes to use unconventional methods (including hydraulic fracturing) to stimulate extraction for any stage of development (exploration, appraisal, or commercial extraction) be referred to the Welsh Government, where local planning authorities are minded to approve them.

Background

2. On 13th February 2015 the Welsh Minister for Natural Resources wrote to all Chief Planning Officers to notify them of the new Direction which requires that any planning application for onshore gas or oil development which proposes to use unconventional methods (including hydraulic fracturing) to stimulate extraction for any stage of development (exploration, appraisal, or commercial extraction) be referred to the Welsh Government, where local planning authorities are minded to approve them.
3. This new direction will apply to any application for planning permission registered as valid on or after 16th February 2015. Guidance has been provided to clarify the new requirements (attached at Appendix A).
4. The Welsh Government advise that they have adopted a precautionary approach to the development of unconventional oil and gas resources in Wales. In support of this approach this Notification Direction requires that where it is proposed to approve a planning application for unconventional oil and gas development which would involve using hydraulically fracturing technology then the local planning authority must first refer the planning application to Welsh Ministers to determine whether the application should be called in. This will provide Welsh Ministers an opportunity to consider whether appropriate scrutiny has been given to environmental and public health concerns, as these may raise issues of more than local importance. The Welsh Ministers may choose to call in the planning application, or if appropriate issue a direction that the application may not be approved until such time as directed by the Welsh Ministers.

Relevant Issues and Options

5. Members will be aware that in recent years the Council has received a number of applications for test drilling for shale gas, as follows:

2011/00115/FUL - Unit 1, Llandow Industrial Estate, Llandow - Drill and test the insitu lower limestone shale and associated strata. Withdrawn 12/04/11.

2011/00812/FUL - Unit 1, Llandow Industrial Estate, Llandow - Drill and test the insitu lower limestone and associated strata for the presence of gas. Refused for the following reason:

The applicant has submitted insufficient information to satisfy the Local Planning Authority that the quantity and quality of groundwater supplies in the vicinity of the site, would be protected, in accordance with the requirements of paragraph 30 of Minerals Planning Policy Wales (2000) (MPPW) which advises that development should 'not cause unacceptable impact, or otherwise damage or adversely affect water resources or sources of water which might be an integral part of sites of high landscape value or nature conservation importance' and where doubt remains, Councils should adopted the precautionary principle. Accordingly the development is contrary to the advice contained in the above guidance and Policies MIN 1 – Mineral Exploration and ENV 29 – Protection of Environmental Quality, of the Adopted Unitary Development Plan 1996-2011.

A subsequent planning appeal was allowed subject to conditions on 6th July 2012.

2013/00333/FUL - Site located in field 400m along an unnamed road between the A4266 and Duffryn (grid ref 308215 : 171623) - Drill a single vertical exploration borehole. Approved 04/10/13.

2013/00334/FUL - Unit 20, Sutton Spring Road, Llandow Trading Estate - Drill a single vertical exploration borehole. Approved 04/10/13.

2013/00335/FUL - Land on the west side of the road leading from Llancarfan to Bonvilston (Grid ref. 305209:172962) - Drill an exploration borehole to test for gas reserves. Approved 04/10/13.

6. The Direction clarifies the arrangements and criteria for notifying the Welsh Ministers in relation to planning applications for unconventional oil and gas development, that being development involving the onshore exploration, appraisal or production of coal bed methane or shale oil or gas using unconventional extraction techniques, including fracturing (but does not include the making of exploratory boreholes which do not involve the carrying out of such unconventional extraction techniques). Therefore, the applications considered to date in the Vale of Glamorgan area would not be covered by the Direction. National Planning Policy governing the consideration of these applications remains unchanged at this time.

Resource Implications (Financial and Employment)

7. There are no financial implications as a result of this report.

Sustainability and Climate Change Implications

8. The Direction deals with the consideration of applications relating to unconventional oil and gas development. Such applications are considered in light of relevant national and local planning policies which consider issues of sustainability and climate change.

Legal Implications (to Include Human Rights Implications)

9. Section 77 of the Town and Country Planning Act 1990 (the "1990 Act") allows the Welsh Ministers to give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to them instead of being determined by local planning authorities.

This report refers to the introduction of a new direction, namely The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015.

There are no Human Rights Implications arising out of this report.

Crime and Disorder Implications

10. None arising out of this report.

Equal Opportunities Implications (to include Welsh Language issues)

11. None arising out of this report.

Corporate/Service Objectives

12. The report and its implications comply with the Service Plan Objectives of the Planning and Transportation Division.

Policy Framework and Budget

13. This report is for information.

Consultation (including Ward Member Consultation)

14. No Ward Member consultation has been undertaken as the report has implications for the Vale as a whole rather than specific wards.

Relevant Scrutiny Committee

15. Economy and Environment.

RECOMMENDATIONS

- (1) That Planning Committee note the content of the report.
- (2) That Planning Committee refers the report to Cabinet for information.

Reasons for the Recommendations

- (1) To inform Planning Committee of the new direction and the implications for the Vale of Glamorgan Council.
- (2). To inform Cabinet of the new direction and the implications for the Vale of Glamorgan Council.

Background Papers

Town and Country Planning Act 1990
The Town and Country Planning (Notification) (Unconventional Oil and Gas)
(Wales) Direction 2015 - Guidance (13 February 2015) (Appendix A)

Contact Officer

Victoria Robinson, Principal Planner (Development Control) - Tel: 01446 704662

Officers Consulted

Operational Manager – Legal Services
Principal Accountant - Finance

ROB THOMAS
DIRECTOR OF DEVELOPMENT SERVICES

**The Town and Country Planning (Notification)
(Unconventional Oil and Gas) (Wales) Direction 2015**

Guidance

Date of issue: 13 February 2015

The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015

| | |
|----------------------------|---|
| Audience | Chief Planning Officers of Local Planning Authorities; Businesses; Government Agencies; Other Public Sector Groups; Professional Bodies and Interest Groups; Voluntary Groups and the general public. |
| Overview | This guidance and direction set out new requirements for local planning authorities to refer certain planning applications to the Welsh Ministers, to enable them to decide whether they wish to call in the application for their determination. |
| Action required | <p>For local planning authorities to be aware that from 16 February 2015:</p> <p>The direction requires planning applications for “Unconventional Oil and Gas Development” to be referred to Welsh Ministers, where the local planning authority does not propose to refuse them.</p> |
| Further Information | <p>Development Management Branch Planning Division Welsh Government Cathays Park Cardiff, CF10 3NQ Tel: 02920 823878 Email: planning.directorate@wales.gsi.gov.uk</p> |
| Additional copies | <p>This guidance is available from the Welsh Government website at: http://wales.gov.uk/topics/planning/policy/circulars/nafw/?lang=en</p> |

Contents

Introduction

Context for New Direction

Commencement and Extent

The Direction

Purpose and Scope

Submission of Information to the Welsh Ministers

Restriction on the Grant of Planning Permission

Monitoring and Review

Annex 1 - The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015

The Town and Country Planning (Notification) (Wales) Direction 2015

INTRODUCTION

1. Section 77 of the Town and Country Planning Act 1990 (the “1990 Act”) allows the Welsh Ministers to give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to them instead of being determined by local planning authorities.
2. Article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801) (the “DMPO”) provides that the Welsh Ministers may give directions restricting the grant of planning permission by an LPA, either indefinitely or during such period specified in the directions, in respect of any development or in respect of any class so specified. In accordance with article 18(3), an LPA must deal with applications for planning permission for development to which such a direction applies in such manner as to give effect to the direction.
3. Article 22(5) of the DMPO provides that an LPA must provide such information about applications made under article 4 and 5 of that Order (applications for approval of reserved matter and applications for planning permission respectively), including information as to the manner in which any such application has been dealt with, as the Welsh Ministers may by direction require. Any such direction may include provision as to the persons to be informed and the manner in relation to which the information is to be provided.
4. The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015 (the “Direction”) is set out at Annex 1.
5. The notification requires that where a local planning authority do not propose to refuse an application for unconventional oil and gas development, the authority must notify the Welsh Ministers. Where a local planning authority are required to give such notification to the Welsh Ministers, the authority must not grant planning permission on the application until the expiry of the period of 21 days beginning with the date which the Welsh Ministers tell the authority in writing is the date upon which they received information specified in the Direction. However, the local planning authority may proceed to determine the application if before the expiry of that 21 day period, the Welsh Ministers notify the authority that the Welsh Ministers do not intend to call-in the application in question under section 77 of the 1990 Act in respect of that application, or if the Welsh Ministers do not consider the development to be unconventional oil and gas development..
6. This guidance is intended to ensure that the Welsh Ministers are notified only where necessary and all decisions are taken at the appropriate level.

CONTEXT FOR NEW DIRECTION

7. The Welsh Government has adopted a precautionary approach to the development of unconventional oil and gas resources in Wales. In support of this a approach this Notification Direction requires that where it is proposed to approve a planning application for unconventional oil and gas development which

would involve using hydraulically fracturing technology then the local planning authority must first refer the planning application to Welsh Ministers to determine whether the application should be called in.

8. This will provide Welsh Ministers an opportunity to consider whether appropriate scrutiny has been given to environmental and public health concerns, as these may raise issues of more than local importance. The Welsh Ministers may choose to call in the planning application, or if appropriate issue a direction that the application may not be approved until such time as directed by the Welsh Ministers.

COMMENCEMENT AND EXTENT

9. With effect from 16 February 2015, the guidance contained in this circular and the direction at Annex 1 will require planning applications for “Unconventional Oil and Gas Development” to be referred to Welsh Ministers, where the local planning authority does not propose to refuse them.

10. This guidance and the Direction at Annex 1, apply only in relation to Wales.

THE DIRECTION

11. The Direction does not affect the power of the Welsh Ministers under section 77 of the 1990 Act, to direct that any particular planning application should be called in for their own determination, irrespective of whether it falls within the terms of the new direction, having regard to their policy on call in.

PURPOSE AND SCOPE

12. The Direction clarifies the arrangements and criteria for notifying the Welsh Ministers in relation to planning applications for unconventional oil and gas development, that being development involving the onshore exploration, appraisal or production of coal bed methane or shale oil or gas using unconventional extraction techniques, including fracturing (but does not include the making of exploratory boreholes which do not involve the carrying out of such unconventional extraction techniques).
13. The purpose of the Direction is to give the Welsh Ministers an opportunity to consider whether to exercise their call in powers under section 77 of the 1990 Act.

NOTIFICATION REQUIREMENTS

14. Paragraph 3 of the Direction introduces a notification requirement for local planning authorities to refer applications for unconventional oil and gas development to the Welsh Ministers where the authority does not propose to refuse such an application. Such information may be sent to Welsh Ministers electronically, or in hard copy. The notification requirement is inclusive of the provision of the information specified in paragraph 5 of the Direction.

RESTRICTION ON THE GRANT OF PLANNING PERMISSION

15. Where the local planning authority is required to notify the Welsh Ministers, paragraph 6 of the Direction places a restriction on the grant of planning

permission for a period of 21 days, that period beginning with the date the local planning authority is notified in writing by Welsh Ministers as being the date that the information specified in paragraph 5 of the Direction was, received.

16. However, paragraph 7 of the Direction permits the authority to proceed to determine the application before the expiry of the 21 day period in circumstances where the authority have received notification in writing that the Welsh Ministers do not intend to call in, or do not consider the development to be unconventional oil and gas development.

MONITORING AND REVIEW

17. The Welsh Government will closely monitor the number of applications that are referred to the Welsh Ministers resulting from this notification requirement, and the numbers of applications that are consequently called in. Its effect will be reviewed when the new Direction has been operating for an appropriate period of time.

Neil Hemington
Chief Planner
Planning Directorate
Department for Natural Resources

Chief Executive:
County and County Borough Councils in Wales
The National Park Officer:
National Park Authorities

Annex 1

The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015

THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (UNCONVENTIONAL OIL AND GAS) (WALES) DIRECTION 2015

The Welsh Ministers, in exercise of the powers conferred by articles 18(1) and 22(5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012⁽¹⁾, give the following Direction.

Commencement

1. This Direction comes into force on 16 February 2015.

Interpretation

2. In this Direction—

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)⁽²⁾;

“unconventional oil and gas development” (“*datblygiad olew a nwy anghonfensiynol*”) means development involving the onshore exploration, appraisal or production of coal bed methane or shale oil or gas using unconventional extraction techniques, including hydraulic fracturing (but does not include the making of exploratory boreholes which do not involve the carrying out of such unconventional extraction techniques).

Application

3. This Direction applies to any application for planning permission—

- (a) relating to land in Wales;
- (b) made on or after 16 February 2015;
- (c) for development which is unconventional oil and gas development;
- (d) which the local planning authority does not propose to refuse.

Notification to the Welsh Ministers

4. Where a local planning authority do not propose to refuse an application for unconventional oil and gas development, the authority must notify the Welsh Ministers.

5. Where a local planning authority is required to notify the Welsh Ministers, they must as soon as practicable send to the Welsh Ministers by means of electronic communication or otherwise a copy of—

- (a) the application (including copies of any accompanying plans and drawings and any appropriate flood risk, transport, noise or other assessment) and supporting information;
- (b) the requisite notice;
- (c) any representations made to the authority in respect of the application (including any views expressed by a government department, another local planning authority or other consultee);
- (d) any report on the application prepared by an officer of the authority;

(1) S.I. 2012/801.

(2) 2000 c.7. Section 15(1) was amended by section 406(1) of and paragraph 158 of Schedule 17 to the Communications Act 2003 (c.21).

- (e) any screening opinion issued under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999⁽³⁾;
- (f) any appropriate assessments carried out under the Conservation of Habitats and Species Regulations 2010⁽⁴⁾.

Relevant period before a local planning authority may grant planning permission

6. Subject to paragraph 7, where a local planning authority are required to notify the Welsh Ministers, the authority must not grant planning permission on the application until the expiry of the period of 21 days beginning with the date which the Welsh Ministers tell the authority in writing is the date upon which they received the information specified in paragraph 5.

7. The local planning authority may proceed to determine the application if before the expiry of the period referred to in paragraph 6, the Welsh Ministers notify the authority that—

- (a) the Welsh Ministers do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application; or
- (b) the Welsh Ministers do not consider the development to be unconventional oil and gas development.

Carl Sargeant

Minister for Natural Resources, one of the Welsh Ministers

13th February 2015

(3) S.I. 1999/293, to which there are amendments.

(4) S.I. 2010/490, to which there are amendments.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 MARCH 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.

Mr. Duncan Barber C/O Agent
James Carter : Alan Barker, Bank Chambers, 92, Newport Road, Cardiff., CF24
1DG

1-3, Llandough Castle Flats, Llandough

Demolition, alteration and extension works to apartment Nos. 1- 3 Llandough
Castle Flats

SITE AND CONTEXT

The application property is a Grade II listed building and adjoins the scheduled ancient monument situated within the group of dwellings known as Llandough near Cowbridge. There is no settlement boundary for Llandough and thus the site is classified as falling within open countryside. The property is also locally designated as a County Treasure and falls within the Lower Thaw Valley Special Landscape Area.

The building is situated to the west of Llandough Castle and was formerly attached to the main building. The original part of the property dates back to the early to mid 19th Century although a number of additions and alterations have been made to the building in the latter 19th Century and 20th Centuries. Currently the building is designated as being at risk, with the residential use of the property ceasing in 2004 (as per the application forms). Given the building is currently vacant it has fallen into a state of disrepair.

There are a number of trees within the site that are covered by Tree Preservation Order No. 1 - 1950 .

DESCRIPTION OF DEVELOPMENT

The application as originally submitted was the extension and refurbishment of the building to provide 3 no. self contained dwellings with two split level flats being provided within the main extended building and a two storey dwelling situated to the east.

The scheme as amended deletes the dwelling to the east of the site from the scheme. The building will be restored and renovated with extension to create two properties.

The alterations and additions will use a palette of materials dressed stone, slate, sedum roof to flat roof areas, timber windows, lime render to internal areas of the retained 19th Century parts, aluminium rainwater goods, gravel and setts to paved areas.

Access to the site would be via the current access from the south which serves other dwellings. Car parking for up to 8 vehicles is shown to the south of the building.

Balconies are indicated to the east of the building and paved areas to the south and north to serve as parking areas/garden.

Demolition of the later 20th Century additions are indicated.

PLANNING HISTORY

2012/01166/FUL : consent for the alterations sought under this application currently undetermined and the subject of a separate report to Committee.

1991/00530/FUL : Llandough Castle Flats, Llandough, Nr. Cowbridge - Retention of existing 3 no. residential flats - Approved.

1990/01394/LBC : Llandough Castle Flats, Llandough, Nr. Cowbridge - Refurbishment and internal alterations to 3 no. flats - Approved.

1990/01393/FUL : Llandough Castle Flats, Llandough, Nr. Cowbridge - Refurbishment and internal alterations to layout of 3 flats, in addition, location of an external wall is to be altered - Approved.

CONSULTATIONS

Llanfair Community Council were consulted with regard to the application who note that 'The Community Council is sympathetic to the developer's intention to restore and re-develop the existing derelict and potentially dangerous site but would wish to raise the following issues for consideration:

- Visual appearance – concern that the scale of the works would result in overdevelopment of the site.
- Access – access route is a private drive that is not considered to be adequate or safe for additional traffic movements associated with this development.
- Adequacy of infrastructure – with particular regard to sewage system.

Following the submission of the first set of amended plans the Community Council comment in respect of the equivalent full planning application advised.

They were pleased that the scale of the development had been reduced and would also like their previous observations to be considered.

The Georgian Group, in respect of the amended plans of November 2013 comment that the footprint of the east elevation as amended has been reduced they remain of the opinion that the extensions to the east and south detract from the appearance and setting of the house. Although the extensions are lower in height than the original they remain dominant competing visually with the house. A contemporary response could work well but the extensions need to sit quietly and politely alongside the existing building rather than dominate. The extensive use of glazing in the design is a particularly dominant feature and does not complement the original building. In conclusion they consider the extension unsympathetic to the listed building and will be damaging to its character and architectural interest.

Royal Commission on the Ancient and Historical Monuments of Wales who note that 'the structures proposed for demolition appear to be largely ad hoc and of little architectural interest but the early C19th core will be retained. We will not need to make a special record of these structures before demolition. Given the historical continuity of the site, an archaeological watching brief during ground disturbance is desirable.

Society for the Protection of Ancient Buildings : No comments have been received.

Victorian Society : No comments have been received.

Cadw, Ancient Monuments : see Appendix A in respect of application 2012/01165/FUL.

Cowbridge Ward Members were notified and no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 15 November 2012.

A site notice was also displayed on 13 November 2012 and 14 October 2013.

The application was also advertised in the press on 22 November 2012.

REPORT

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 whilst this is more specifically relevant to planning applications rather than those for listed building consent, nevertheless the following policies are of relevance:

ENV16 - PROTECTED SPECIES

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

Strategic Policy 1 – The Environment

Supplementary Planning Guidance (SPG) on Biodiversity and Development.

National guidance contained in Planning Policy Wales (Edition 7, July 2014); TAN12 – Design.

Other legislation includes Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended by Circular 1/98-Planning and the Historic Environment: Directions), and the Conservation of Habitats and Species Regulations 2010.

Issues

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. As such it is considered that the principal issue relates to the impact on the special interest, character or setting of the listed building.

It will be noted from the planning history that a separate application for planning permission has been submitted and is being assessed concurrently with the application for listed building consent in line with paragraph 6.5.10 of PPW.

However of overriding importance in this particular case is the building's status as of importance in architectural and historic terms and which is as a result, a Grade 2 listed building.

It must be recognised that the building has fallen into a poor state of repair, with partial roof collapse evident and in places the structure has had to be supported. The building is recognised as being 'at risk, it is in a poor condition and is vacant' in the Council's 'Buildings at Risk' survey 2011. The survey states that the 'condition gives cause for concern, overall refurbishment is needed' noting actions required include major repairs to roof covering, structure and flashings, as well as to roof lights, dormers, rain water goods and the porch as well as extensive re-glazing, minor repointing and maintenance of doors and frames. Since this report was published the built fabric of the building appears to have deteriorated.

Any scheme should require the Grade 2 listed building brought back into reuse and restored to secure it for the future.

The Local Planning Authority must have regard to preserving the setting and character and advice contained in (Welsh Office) circular 61/96:

The Setting of Listed Buildings

11. Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

Policy ENV17 of the UDP follows national guidance in PPW which states at paragraph 6.5.9:-

“Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

Given the above, the restoration and repair of the listed building whilst preserving the setting of the building should be given significant weight and thus any development or restoration needs to ensure the future of the listed building and its setting.

The submitted plans initially proposed substantial, contemporary additions to the building with additions to the south, and west of the buildings. A two storey dwellinghouse was proposed to the east of the property.

The two storey dwelling would have increased the visual mass of the property by approximately 15 metres, with a flat roof and highly contemporary design approach. To the south of the building the existing more recent (early 20th Century) additions were proposed to be demolished and a substantial part two storey, part single storey extension was to be erected forward most of the principal elevation of the building. To the west of the building a substantial single storey extension was proposed. An element of the main dwelling was to be removed, ‘opening up’ the first floor of the building with a large expanse of glazing at first floor level.

Whilst there may not have been an ‘in principle’ objection to demolition of some of the more recent, unsympathetic additions to the building, significant concern was raised with regard to the inappropriateness of the scale and design of the proposed works. These were considered to have failed to have regard to the special architectural and historic interest and character of the listed building.

It was also considered that insufficient justification had been provided for extensions of the scale initially proposed as enabling works to allow the renovation of the building which is designated as a listed building ‘at risk’.

Following negotiation with the agents and an assessment of varying amendments, the current plans were submitted. These plans have resulted in a reduction in the number of units proposed from 3 to 2. This significantly reduces the level of projection to the eastern elevation of the building, with a more modest part two, part single storey projection of 5.2 metres at two storey height and 7 metres at ground floor level.

The reduction in the scale of works to this elevation allows the original fabric of the host building towards the rear of this elevation to remain unaltered and 'exposed'. As such, when viewed from the southern elevation, the proposed new build has been substantially reduced in terms of its width. The proposed extensions have also been modified by reducing their height and altering canopies and fenestration to provide a more simplified and subservient design to the host building. To the western elevation, the large expanse of first floor glazing has been removed from the scheme and the existing stone built extension is shown to be retained. A single storey, mostly glazed extension, is proposed to be added to this elevation.

The amended scheme significantly reduces the scale of the works proposed, resulting in a more subservient form of development against the scale of the listed building by losing much of the bulk to the east of the site, lowering roof heights of the extensions to the front (south) of the scheme and simplified design.

Internal repair and restoration works are included and thus conditions requiring a method statement for repair and restoration of these elements are required if listed building consent is granted.

The scale and form of the development as two units is considered to be an acceptable development having regard to the need to ensure the future of the listed building and county treasure. The development is considered to enable the sensitive restoration of the listed structure and retain its setting.

Having considered the scheme and the amended details, which have been submitted following extensive discussion with the agent, owner and the conservation office, the development as now before the Council is considered to ensure this setting is preserved and that the future of the building can be secured without further deterioration of its special architectural and historic interest. Conditions, including a requirement for detailed method statements for the work, in amplification of the reports submitted should be required in any approval.

The loss of the more recent additions will serve to enhance the setting of the building and whilst of contemporary design, the additions to create the two properties, are such that they will not detract from the overall character and setting of the listed structure retained but will serve to secure its long term future as a listed building of note.

Ecology

Policy ENV16 of the UDP relates to protected species and states that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:- (i) there are exceptional circumstances that justify the proposals; (ii) there is no satisfactory alternative; and (iii) effective mitigation measures are provided by the developer. This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

In view of the above it is considered that in assessing the application the Council must again have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. As already noted the accompanying report re-affirms a likely impact on protected species, i.e. bats. Indeed it is recognised that the submitted report has been prepared in anticipation of an application for a European Protected Species licence. It is noted that NRW have examined this additional survey work and confirmed that there is no objection subject to a condition requiring the implementation of the scheme in accordance with Sections E 'Works to be Undertaken' and F 'Post-Development Site Safeguard' of the report. They also note that the timetable in section G requires up-dating, and advise that the applicant seek the required licence from NRW pursuant to Regulation 53(2) e of The Conservation of Habitats and Species Regulation 2010 before any works on site commence that may impact on the bats. The Council's own Ecology Officer has also confirmed that there is no objection but has recommended a condition requiring no removal of the roof until such time as a licence has been issued or confirmation received that it is not required for the proposed works. On this point it is noted that works have already.

Notwithstanding this, it is considered that the revised proposal meets all three tests for derogation as follows.

Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

It is considered that there has been no change since the requirements of this test were considered in the 2009 application. The structure is a listed building in a very poor state of repair and is at risk. Its renovation and use for residential purposes offers a viable, long-term future use for the building. Thus the renovation of the property is not only important in relation to the available housing stock, but is of primary importance to the character and appearance of the listed building and its historic setting. The proposed works are therefore considered to be of overriding public interest that offers long-term benefits.

Test ii) - There is no satisfactory alternative

It is considered that without a viable re-use for the building will fall further into disrepair. It is considered that there are no other solutions that will resolve the situation. The demolition of a listed building would be unacceptable and would adversely affect the protected species. In addition the continued decay of the property would not only pose a safety, but would increasingly detract from the character and appearance of the listed building and its historic setting. The alternative of doing nothing would ultimately result in the loss of a Grade II Listed Building to the detriment of the heritage of the Vale of Glamorgan.

Thus it is considered that there is no satisfactory alternative.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

As regards this third test, the revised scheme will provide mitigation of a replacement bat roost within a roof void, As such it is considered that the revised proposal meets the requirements of this test. NRW have confirmed that there is no objection subject to a condition requiring the implementation of the scheme in accordance the submitted reports and plans . They also advise that the applicant seek the required licence from NRW pursuant to Regulation 53(2) e of The Conservation of Habitats and Species Regulation 2010. Thus subject to the above, it is considered that any derogation would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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.

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 relate to the plans reference 012-03/00 received on 2 August 2012 plans 012-03/ 01b,02b,03a,04b,05b,06b,07b,14,15,16,22b, 23b,24b,26b,28b,29B, 30 received on 17 July 2013, plans E12-03 25D and 27D received on 22nd August 2014 and plan E12-03/39A, method statement -Application for Bat Licence CRM.1012.001 received 5th November 2014,Bat license/likely-absence Survey and Mitigation scheme CRM.1022.01 received 24 February 2014, Structural Survey and Condition Report January 2013, Demolition Method Statement September 2013, Design and access statements, Preliminary Roost Assessment CRM 1022.001 and CRM.1022.001.EC.002 received 18 September 2014 and the development shall be carried out in accordance with these details .

Reason:

To ensure the development preserves and enhances the character and setting of the listed building.

3. A detailed specification for the repair of existing stonework, of any areas of new stonework and of existing and proposed internal floors, walls and ceilings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development or any demolition works. The specification to be submitted shall include:

- (a) a method statement for the removal of vegetation,
- (b) a method statement for raking out and repointing,
- (c) a specification for the mix for laying in pointing,
- (d) a schedule of areas requiring reconstruction or restoration,

and the development shall thereafter be carried out strictly in accordance with the approved specifications.

Reason:

To safeguard the historic and architectural interest of the listed building.

4. Notwithstanding the submitted drawings details of the windows doors, balconies and balustrade at scales of 1:1, 1:5, 1:10 shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out strictly in accordance with the approved details.

Reason:

To safeguard the special architectural and historic interest of the listed building.

5. Details of the construction of the proposed new roof and of repairs to the existing roof shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development including any demolition. The specification to be submitted shall include the use of natural slate (a sample of which shall accompany the specification) , details of rainwater goods, any vents, flues or extractors to the building, details of eaves, and gable verge, a method statement for repair and timber replacement to roof structures, including principal trusses, purlins, common rafters and wall plates and the development shall thereafter be carried out strictly in accordance with the approved details.

Reason:

To safeguard the character and historic interest of the listed building.

6. Notwithstanding the approved plans referred to in Condition 2 above this consent shall not relate to the bay window detailing at first floor level in the south elevation. Details of an alternative window design and detailing shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of this window and only the window as so approved shall be installed.

Reason:

To ensure the design and detailing of the development preserves and enhances the character and setting of the listed building.

7. No development approved by this permission shall commence until the scheduled ancient monument in the development area has been protected and details of a scheme for protection shall first have been submitted to and agreed in writing by the Local Planning Authority and such protection shall be undertaken on site for the duration of the development works.

Reason:

In order to protect the Scheduled Ancient Monument during development works.

8. 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. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For further advice to the requirements of this consent it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
3. Please note that the site is subject to a Tree Preservation Order and all trees and their root systems must be protected from damage during the course of development. Also, if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.
4. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
5. * Contact:

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

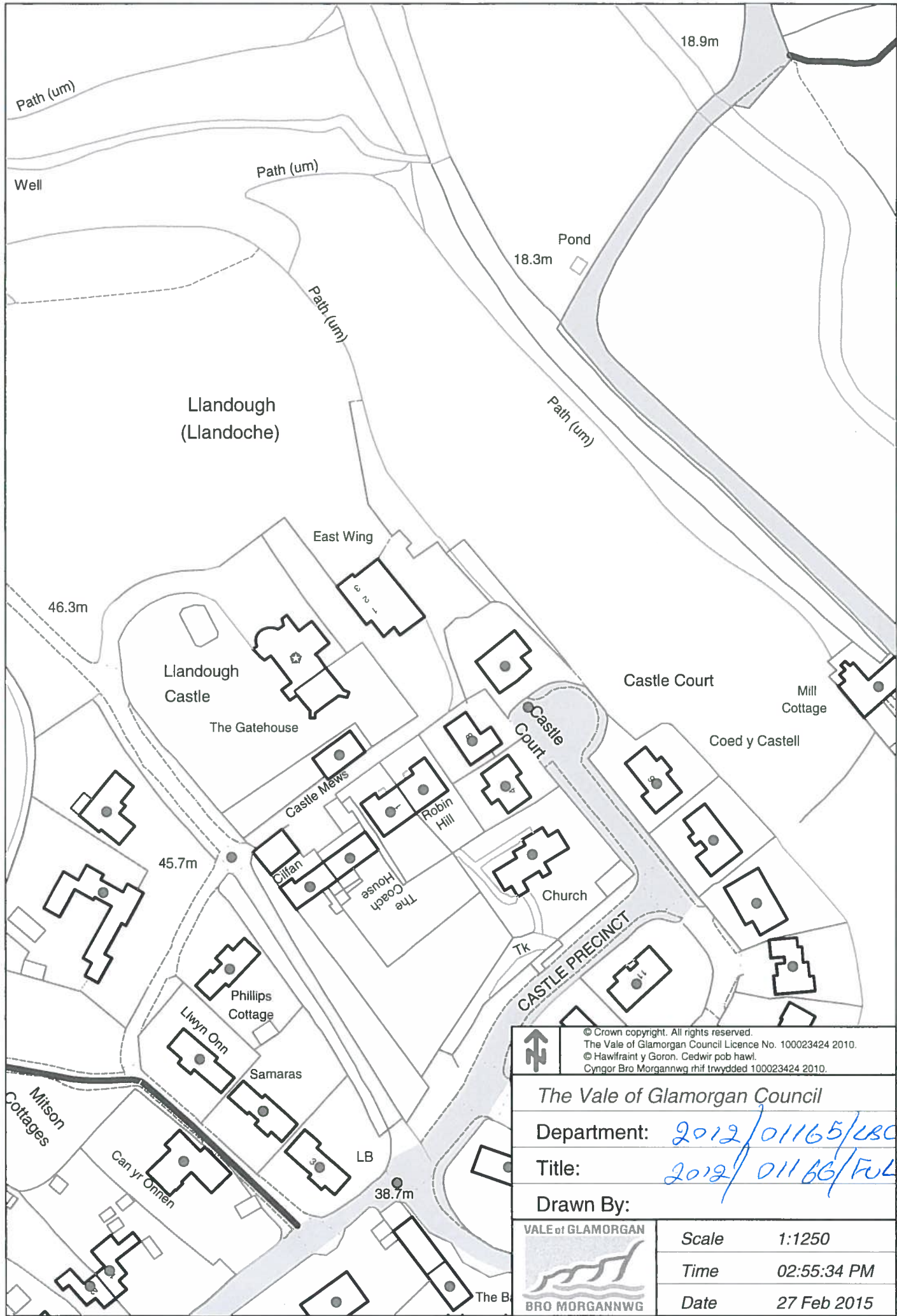
Tel: 01446 704628.

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.



| | |
|---|------------------|
| <p>© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010. © Hawfrant y Goron. Cedwir pob hawl. Cyngor Bro Morgannwg rhif trwydded 100023424 2010.</p> | |
| <p>The Vale of Glamorgan Council</p> | |
| Department: | 2012/01165/UBC |
| Title: | 2012/01166/FUL |
| Drawn By: | |
| | Scale 1:1250 |
| | Time 02:55:34 PM |
| | Date 27 Feb 2015 |

Mr. Duncan Barber C/O Agent
James Carter : Alan Barker, Bank Chambers, 92, Newport Road, Cardiff., CF24
1DG

1-3, Llandough Castle Flats, Llandough

Demolition, alteration and extension works to apartment Nos. 1- 3 Llandough
Castle Flats

SITE AND CONTEXT

The application property is a Grade II listed building and adjoins the scheduled ancient monument situated within the group of dwellings known as Llandough near Cowbridge. There is no settlement boundary for Llandough and thus the site is classified as falling within open countryside. The property is also locally designated as a County Treasure and falls within the Lower Thaw Valley Special Landscape Area.

The building is situated to the west of Llandough Castle and was formerly attached to the main building. The original part of the property dates back to the early to mid 19th Century although a number of additions and alterations have been made to the building in the latter 19th Century and 20th Centuries. Currently the building is designated as being at risk, with the residential use of the property ceasing in 2004 (as per the application forms). Given the building is currently vacant it has fallen into a state of disrepair.

There are a number of trees within the site that are covered by Tree Preservation Order number 1 - 1950.

DESCRIPTION OF DEVELOPMENT

The application as originally submitted was the extension and refurbishment of the building to provide 3 no. self contained dwellings with two split level flats being provided within the main extended building and a two storey dwelling situated to the east.

The scheme as amended deletes the dwelling to the east of the site from the scheme. The building will be restored and renovated with extension to create two properties.

The alterations and additions will use a palette of materials dressed stone, slate, sedum roof to flat roof areas, timber windows, lime render to internal areas of the retained 19th Century parts, aluminium rainwater goods, gravel and setts to paved areas.

Access to the site would be via the current access from the south which serves other dwellings. Car parking for up to 8 vehicles is shown to the south of the building.

Balconies are indicated to the east of the building and paved areas to the south and north to serve as parking areas/garden.

PLANNING HISTORY

2012/01165/LBC : listed building consent for the alterations sought under this application currently undetermined and the subject of a report to Committee

1991/00530/FUL : Llandough Castle Flats, Llandough, Nr. Cowbridge - Retention of existing 3 no. residential flats - Approved.

1990/01394/LBC : Llandough Castle Flats, Llandough, Nr. Cowbridge - Refurbishment and internal alterations to 3 no. flats – Approved.

1990/01393/FUL : Llandough Castle Flats, Llandough, Nr. Cowbridge - Refurbishment and internal alterations to layout of 3 flats, in addition, location of an external wall is to be altered – Approved.

CONSULTATIONS

CADW: comments attached as Appendix A, they do not object to the development but advise they are uncertain whether scheduled ancient monument consent is required and that as the monument already has a domestic setting together with enhancement of the setting which will be attained from improving the derelict building Cadw is of the opinion that the development will have a positive impact on the setting of the scheduled monument.

Llanfair Community Council were consulted with regard to the application who note that 'The Community Council is sympathetic to the developer's intention to restore and re-develop the existing derelict and potentially dangerous site but would wish to raise the following issues for consideration:

- Visual appearance – concern that the scale of the works would result in overdevelopment of the site.
- Access – access route is a private drive that is not considered to be adequate or safe for additional traffic movements associated with this development.
- Adequacy of infrastructure – with particular regard to sewage system.

Following the submission of the first set of amended plans the Community Council 'were pleased that the scale of the development has been reduced and would also like their previous observations to be considered.'

Cowbridge Ward Members were consulted with regard to the application although no comments had been received at the time of writing this report.

Ecology were consulted with regard to the application and initially raised a holding objection due to insufficient information being submitted with regard to potential impact upon protected species as such they recommend that an ecological assessment of the building be undertaken.

Following the submission of the Preliminary Roost Assessment, the Council's Ecologist maintained their objection to the proposed works given that insufficient information had been provided with regard to protected species utilising the buildings and that there were a number of anomalies within the submitted report.

Following the submission of further bat mitigation measures and more detailed survey work, the Council's Ecologist was able to confirm that they had no objection to the works subject to conditions being attached to any planning consent being granted.

Environmental Heath (Private Sector Housing) note that fire detection systems should be fitted in each unit, should be suitable means of escape from the lounge area of apartment 1 and suitable ventilation to this room, mechanical ventilation should be provided to bathroom and provide comments with regard to guarding to roof areas.

Natural Resources Wales were also consulted with regard to the application and initially objected to the proposals pending the provision of further information regarding bats protected under the EU habitats directive. They indicate that 'no information is given regarding the impact upon these bat species as a result of the proposals and no mitigation measures have been provided to demonstrate how they will be conserved and what provisions will be made for them in the development. Therefore based upon the information provided we are unable to fully assess potential impacts upon bats. Following the submission of further details in February 2014, NRW maintained their objection to the proposals given the lack of adequate information.

Following further extensive negotiations, additional information was provided included an alternative scheme of mitigation and further bat protection measures and in December 2014, NRW state that 'on the basis of the revised mitigation plans and method statement, we are able to remove our objection, providing appropriately worded conditions... are attached to any planning permission your authority is minded to grant'.

Glamorgan Gwent Archaeological Trust ; comments awaited.

REPRESENTATIONS

The neighbouring properties were consulted on 7 January 2012, re-notified on 2 April 2013 and 10 October 2013.

Twenty one letters of representation were received in respect of the original submission with regard to the application raising the following main concerns:

- Presence of bats within the structure and lack of appropriate survey assessing the use of the building by bats and other protected species.
- Access to the development using privately owned driveway which is considered to be inadequate for additional traffic movements and suitability for use by refuse and delivery vehicles.
- Inadequate parking and issues of parking adjacent to neighbouring residential properties.
- Potential use of external security lighting.
- Concerns over capacity of existing sewage system.
- Misleading description of the planning application and alleged inaccuracies within Design and Access Statement and application forms present misleading information.
- Inaccurate red line on submitted location plan.
- Lack of consideration of historic merit of existing building or details of demolition.
- Proposed extension and additional dwelling represent inappropriate and disproportionate additions to the host Listed Building and overdevelopment of the site.
- Wider detriment to the character of the Lower Thaw Valley Special Landscape Area.
- Loss of privacy and detriment to the amenity of neighbouring residential properties.
- Impact upon trees, loss of trees currently, proposed removal of further trees and pressure on protected trees.
- Proximity to Scheduled Ancient Monument and potential detriment to this structure.

Two letters are reproduced at appendix B being generally representative of the views expressed.

REPORT

Planning Policies

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

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV4 - SPECIAL LANDSCAPE AREAS

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV11 – PROTECTION OF LANDSCAPE FEATURES

ENV16 – PROTECTED SPECIES

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV27 - DESIGN OF NEW DEVELOPMENT

HOUS3 – DWELLINGS IN THE COUNTRYSIDE

HOUS7 – REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE

TRAN10 –PARKING

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

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

National Planning Policy;

Planning Policy Wales Chapter 6: Conserving the Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990

Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology

Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

Technical Advice Notes:

Technical Advice Note 12: Design

Supplementary Planning Guidance:

Country Treasures (2009)

Issues

As such the primary issues to consider are the potential impact of the works upon the amenity of neighbouring residential properties, the character and setting of the Listed Building and area, as well as issues including but not strictly limited to highway implications, parking provision, ecology and impact upon trees.

Principle of Conversion

It will be noted from the planning history that a separate application for planning permission has been submitted and is being assessed concurrently with the application for listed building consent in line with paragraph 6.5.10 of PPW.

In this instance the building has not been used for residential purposes for some time as indicated in the application forms which state that the building has not been occupied since about 2004. Whether this constitutes abandonment is a difficult matter.

“Abandonment is a legal concept used by the courts to describe the circumstances in which rights to resume a use which has been lawfully carried on in the past may be lost because of the cessation of that use. As it is not a principle embodied in planning law assessments of whether ‘abandonment’ has occurred may create contention, particularly as court decisions on the matter have not been entirely consistent. However, the basic rules which have emerged are that abandonment may occur where a use has ceased a) due to leaving premises vacant for a considerable period or by allowing the building/s on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding b) by the introduction of a different use (whether with or without planning permission) supplanting that which went before.

The four factors relevant to an assessment of abandonment are:

- 1) The physical condition of the building.
- 2) The length of time for which the building had not been used.
- 3) Whether it had been used for any other purposes; and
- 4) The owner's intentions.

The High Court has stated that abandonment carries with it the notion of intention. If the cessation of a use with no intention to resume takes place then this could be considered abandonment.”

(Development Control Policy notes paragraph 4.3.251)

An owner may not have intended to abandon the use, notwithstanding the very poor physical condition of the building.

Notwithstanding the above, the building itself lies within the countryside as defined by the adopted Unitary Development Plan. There is a presumption against new residential units outside defined settlement boundaries unless justified for appropriate activity and that such sites are not usually adjudged to be in sustainable locations. Policies ENV1 and ENV3 reflect national planning policy for the control of development in the countryside.

However of overriding importance in this particular case is the building's status as of importance in architectural and historic terms and which is as a result, a Grade 2 listed building.

It must be recognised that the building whilst listed has fallen into a poor state of repair, with partial roof collapse evident and in places the structure has had to be supported. The building is recognised as being 'at risk, it is in a poor condition and is vacant' in the Council's 'Buildings at Risk' survey 2011. The survey states that the 'condition gives cause for concern, overall refurbishment is needed' noting actions required include major repairs to roof covering, structure and flashings, as well as to roof lights, dormers, rain water goods and the porch as well as extensive re-glazing, minor repointing and maintenance of doors and frames. Since this report was published the built fabric of the building appears to have deteriorated.

Any scheme should require the Grade 2 listed building brought back into reuse and restored to secure it for the future.

The Local Planning Authority must have regard to preserving the setting and character and circular 61/96 advises:

The Setting of Listed Buildings

11. Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

Policy ENV17 of the UDP follows national guidance in PPW which states at paragraph 6.5.9:-

"Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Given the above, the benefit of restoration and repair of the listed building should be given significant weight. It is considered that the need to ensure the restoration of the listed building outweighs the policy objections to new residential uses in this sensitive location.

Impact upon Character

Turning to the impacts of the scheme on the setting and character of the listed building, which is also noted also as a county treasure being located in close proximity to an ancient monument, the scheme has been the subject of lengthy discussion and subsequent amendment.

With regard to the external alterations and extensions proposed as part of this full application the principal issues will be the impact on, not only the character and appearance of the Listed Building itself but also to the wider area and whether it serves to preserve or enhance that setting.

The submitted plans initially proposed substantial, contemporary additions to the building with additions to the south, and west of the building. A two storey dwellinghouse was proposed to the east of the property.

The two storey dwelling would have increased the visual mass of the property by approximately 15 metres, with a flat roof and highly contemporary design approach. To the south of the building the existing more recent (early 20th century) additions were proposed to be demolished and a substantial part two storey, part single storey extension was to be erected forward most of the principal elevation of the building. To the west of the building a substantial single storey extension was proposed. An element of the main dwelling was to be removed, 'opening up' the first floor of the building with a large expanse of glazing at first floor level.

Whilst there may not have been an 'in principle' objection to demolition of some of the more recent, unsympathetic additions to the building, significant concern was raised with regard to the inappropriateness of the scale and design of the proposed works. These were considered to have failed to have regard to the special architectural and historic interest and character of the listed building.

It was also considered that insufficient justification had been provided for extensions of the scale initially proposed as enabling works to allow the renovation of the building which is designated as a listed building 'at risk'.

Following negotiation with the agents' amended plans was submitted. These plans have resulted in a reduction in the number of units proposed from 3 to 2. This significantly reduces the level of projection to the eastern elevation of the building, with a more modest part two, part single storey projection of 5.2 metres at two storey height and 7 metres at ground floor level.

The reduction in the scale of works to this elevation allows the original fabric of the host building towards the rear of this elevation to remain unaltered and 'exposed'. As such, when viewed from the southern elevation, the proposed new build has been substantially reduced in terms of its width.

The proposed extensions have also been modified by reducing their height and altering canopies and fenestration to provide a more simplified and subservient design to the host building. To the western elevation, the large expanse of first floor glazing has been removed from the scheme and the existing stone built extension is shown to be retained. A single storey, mostly glazed extension, is proposed to be added to this elevation.

The amended scheme significantly reduces the scale of the works proposed, resulting in a more subservient form of development against the scale of the listed building by losing much of the bulk to the east of the site, lowering roof heights of the extensions to the front (south) of the scheme and simplified design.

Details for internal repair and restoration works will be covered by the listed building consent application 2012/01165/LBC and associated conditions and method statements.

The scale and form of the development as two units is considered to be an acceptable development having regard to the need to ensure the future of the listed building and county treasure. The development is considered to enable the sensitive restoration of the listed structure and retain its setting and meets the requirements of Policies HOUS7 and ENV17.

Impact upon Amenity

The development will involve the conversion of the building to its former use as residential development. Noting that three flats existed previously the use for two units is not considered to materially harm the privacy or amenity of any adjoining occupiers. The detailing of the new development, site levels in relation to neighbours and the positioning of windows are considered to reasonably preserve the privacy and amenity of the nearest occupiers.

There is a degree of conifer screening afforded between the site and the neighbour Penybryn. The window proposed at first floor in the south elevation is set at an angle to the garden of that property and the partial conifer screening, noted above, further reduces overlooking.

Sufficient amenity space can be provided within the site edged red to serve the two properties and control of subdivision of the space should be conditioned to retain a sympathetic setting for the building.

Taking the above into account the development is considered to safeguard the amenity and privacy of nearby occupiers and provide a good level of amenity and privacy for future occupiers to meet the requirements of Policy ENV27.

Impact on the Special Landscape Area

The development contained within the context of the built development of the site is considered not to adversely affect the special landscape of the area. The extent of boundary treatments and their form should however be carefully controlled.

Tree survey reports indicate that the extent of works affecting trees does not materially harm the landscape and again, subject to conditions over tree protection and works, the development is in accordance with Policies ENV4 - Special Landscape Areas and ENV11 - Protection of Landscape Features.

Ecology

The application as originally submitted was not supported by an ecological assessment and as such objections were raised by both the Council's Ecologist and Natural Resources Wales. Following extensive negotiation with the applicant further ecological details were submitted, and in September 2014 a Mitigation and Compensation Plan prepared by Enzygo was received.

A compensatory roost for bats was proposed within the roof space of the proposed extension to the principal building. Following the receipt of this information, the Council's Ecologist and Natural Resources Wales were able to withdraw their objection to the proposed development subject to suitable conditions being attached to any planning consent granted.

Policy ENV16 of the UDP relates to protected species and states that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:-

- there are exceptional circumstances that justify the proposals;
- there is no satisfactory alternative;
- effective mitigation measures are provided by the developer.

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). Survey work undertaken, identified the presence of protected species on the site, namely Soprano Pipistrelle Bats, and therefore the need for a licence from the Welsh Assembly Government.

In assessing the application the Council must have regard to the Habitats Directive's requirement to establish a system of strict protection. Derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met as noted below.

Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

As noted previously the application relates to the restoration and development of the Grade II listed building of Llandough Castle Flats. Currently the building is designated as being at risk, with the residential use of the property ceasing in 2004 (as per the application forms). Given the building is currently vacant it has fallen into a state of disrepair.

The Local Planning Authority have a statutory duty to preserve Listed Buildings and without the beneficial re-use of this building it is considered that there is a significant chance that the building will continue to disintegrate and eventually would be lost. Not only would the Listed Building be lost but the roosting opportunities that this building currently presents would also be lost. Given the listed status of the building it is considered that there is overriding public interest, including social and environmental reasons, for enabling the scheme to take place.

Test ii) - There is no satisfactory alternative

The site is currently vacant and derelict and given its Listed status and its acknowledged status of being at risk, it is considered that there is no satisfactory alternative to the derogation of the existing roost to allow the preservation and conservation of this heritage asset.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

As noted the bat roost is identified as providing habitation for soprano pipistrelle bats and lesser horseshoe bats and as such a licence for the derogation of the roost would need to be submitted prior to any works to disturb this habitat. The applicant has submitted ecological surveys and accompanying mitigation measures with the application. These include the provision of a replacement roost within the roofspace of the extension proposed to the front of the building. Following the receipt of further survey and mitigation information and the withdrawal of objections from both the Council's Ecologist and Natural Resources Wales it is considered that, subject to suitable conditions and provision of the replacement roost as described within the supporting documentations, the proposals would not be detrimental to the favourable conservation status of the species identified.

Overall therefore it is considered that the works would comply with the above tests and as such the proposals would not cause undue harm to protected species identified within the accompanying documentation, subject requiring the mitigation to be implemented.

Highways Implications

The building sits at the end of a communal driveway which is not adopted highway. Indeed a number of the objections received in relation to this application relate to the adequacy of this access both during construction and upon completion. Indeed it is acknowledged that this driveway is predominantly single track and in places is not in a good state of repair.

However it is also noted that a residential use of three units appears to have existed at the site and the proposed use would reduce that potential number to two. Given that this unadopted lane is relatively lightly trafficked with low vehicular speeds it is not considered that the additional traffic would create an unacceptable highway risk.

It is also noted that sufficient parking and turning facilities are proposed at the site for development of the scale proposed.

It is considered that the opportunity to restore and reuse this listed building at risk should be given additional weight in this instance.

Other Issues

In terms of drainage of the site the development is indicated as utilising the local sewage treatment plant. The agent advises that there is capacity, that the building formerly used this system and users of the treatment plant are responsible for its maintenance and upkeep. Given the length of time that there has been no active use of the drainage system from the building to the treatment plant it would be prudent to require details of drainage by condition.

CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV4 - Special Landscape Areas, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV27 - Design of New Development, HOUS3 – Dwellings in the Countryside, TRAN10 - Parking, HOUS – 7 Replacement and Extension of Dwellings in the Countryside the proposed scheme serves to preserve and enhance the setting of the listed building and ancient monument , provides an acceptable level of amenity of future occupiers and does not detract unacceptably from the amenities of adjoining occupier. The development provides adequate on-site parking and does not adversely affect highway safety .

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans reference 012-03/00 received on 2 August 2012 plans 012-03/ 01b,02b,03a,04b,05b,06b,07b,14,15,16,22b, 23b,24b,26b,28b,30 received on 17 July 2013, plans E12-03 25D and 27D received on 22 August 2014 and plan E12-03/39A, method statement - Application for Bat Licence CRM.1012.001 received 5 November 2014, Bat license/likely-absence Survey and Mitigation scheme CRM.1022.01 received 24 February 2014, Structural Survey and Condition Report January 2013, Demolition Method Statement September 2013, Design and access statements, Tree Survey by Treescene 12 August 2013, Tree Survey (revised) May 2013, Preliminary Roost Assessment CRM 1022.001 , Application for a licence-Bats: Mitigation and Compensation Plan CRM.1022.001.EC.002 received 18th September 2014 and the development shall be carried out in accordance with these details .

Reason:

To ensure the development preserves and enhances the character and setting of the listed building, does not adversely affect the amenities of the area, the protected trees on site, adjoining occupiers amenity and privacy and the Special Landscape Area to meet the requirements of Policies ENV27, ENV17, ENV11 and ENV4 a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Full details of the capacity of the foul drainage to serve the development, including any details of improvements required to the system, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details including any required improvement or before the occupation of the first beneficial development hereby approved.

Reason:

To ensure adequate foul drainage is provided to service the site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. A detailed specification for the repair of existing stonework shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development or any demolition works. The specification to be submitted shall include:

- (a) a method statement for the removal of vegetation;
- (b) a method statement for raking out and repointing;
- (c) a specification for the mix for laying in pointing;
- (d) a schedule of areas requiring reconstruction, and the development shall thereafter be carried out strictly in accordance with the approved specification.

Reason:

To safeguard the historic and architectural interest of the building and to meet the requirements of Policies ENV17 and ENV27 of the Unitary Development Plan.

5. Notwithstanding the submitted drawings details of the windows, doors, balconies and balustrade at scales of 1:1, 1:5, 1:10 shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out strictly in accordance with the approved details.

Reason:

To safeguard the special architectural and historic interest of the building to meet the requirements of Policies ENV17 and ENV27 of the Unitary Development Plan.

6. Details of the proposed new roof and roof repairs to the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development including any demolition. The specification to be submitted shall include the use of natural slate (a sample of which shall accompany the specification), details of rainwater goods, any vents, flues or extractors to the building, details of eaves, and gable verge, a method statement for repair of and any timber replacement to roof structures, including principal trusses, purlins, common rafters and wall plates and the development shall thereafter be carried out strictly in accordance with the approved details.

Reason:

To safeguard the character and historic interest of the listed building and its setting and to meet the requirements of Policies ENV17 and ENV27 of the Unitary Development Plan.

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

Reason:

To safeguard the visual amenities of the Special Landscape area and to protect the setting of the listed building and ancient monument to ensure compliance with the terms of Policies ENV17 and ENV27 of the Unitary Development Plan.

8. A scheme providing for the fencing of the trees to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development including site clearance. No development including site clearance shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

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

9. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist and no work shall commence on site until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

10. Notwithstanding the approved plans referred to in condition 2 above this consent shall not relate to the bay window detailing at first floor level in the south elevation. Details of an alternative window design and detailing shall be submitted to and approved in writing by the local planning authority prior to the installation of this window and only the window as so approved shall be installed.

Reason:

To ensure the design and detailing of the development preserves and enhances the character and setting of the listed building and to meet the requirements of policies ENV17 and ENV27 of the Unitary Development Plan.

NOTE:

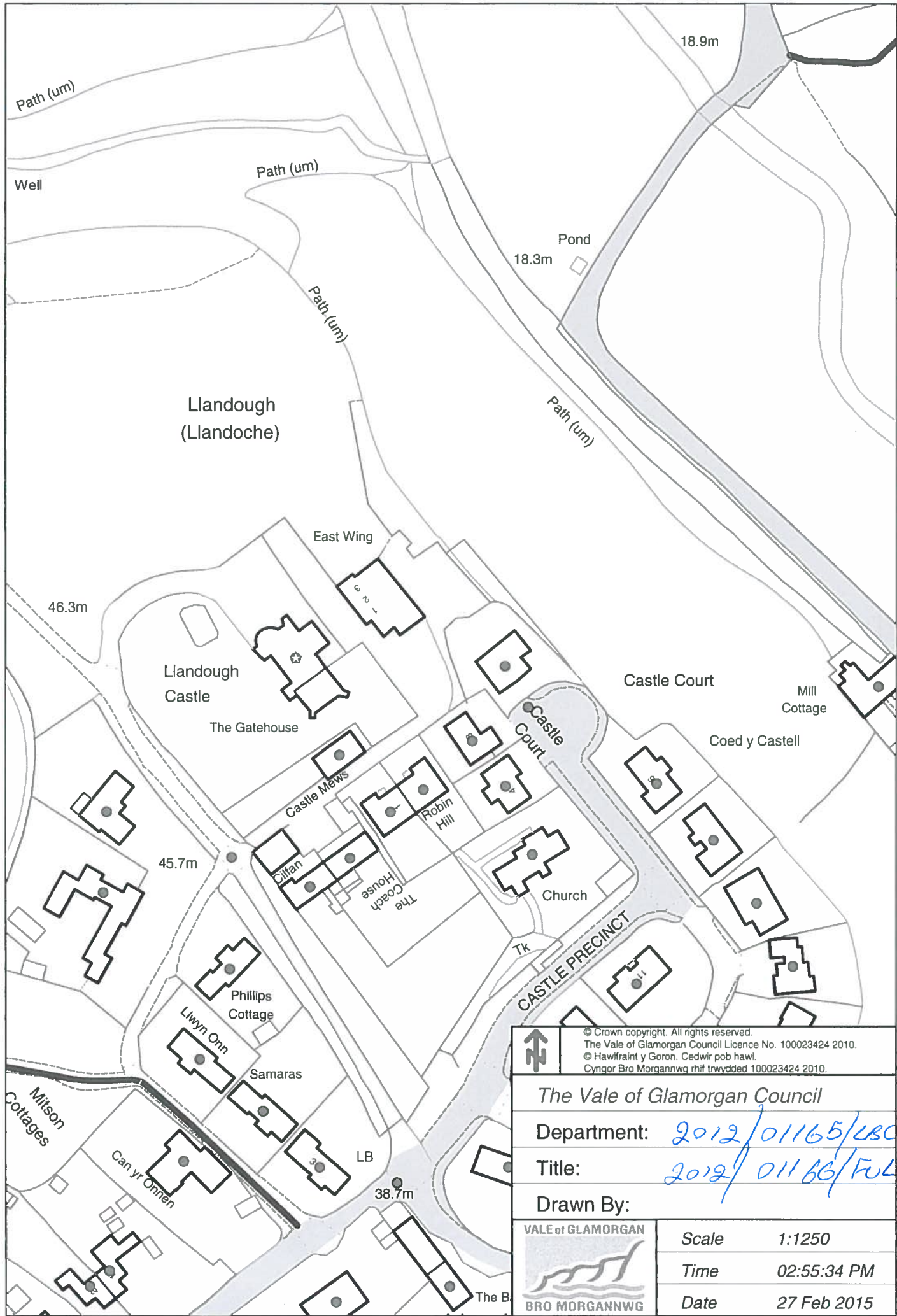
1. Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.
2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
3. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For further advice to the requirements of this consent it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
4. 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.

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.



| | |
|---|------------------|
| <p>© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010. © Hawfrant y Goron. Cedwir pob hawl. Cyngor Bro Morgannwg rhif trwydded 100023424 2010.</p> | |
| <p>The Vale of Glamorgan Council</p> | |
| Department: | 2012/01165/LBC |
| Title: | 2012/01166/FUL |
| Drawn By: | |
| | Scale 1:1250 |
| | Time 02:55:34 PM |
| | Date 27 Feb 2015 |

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

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)

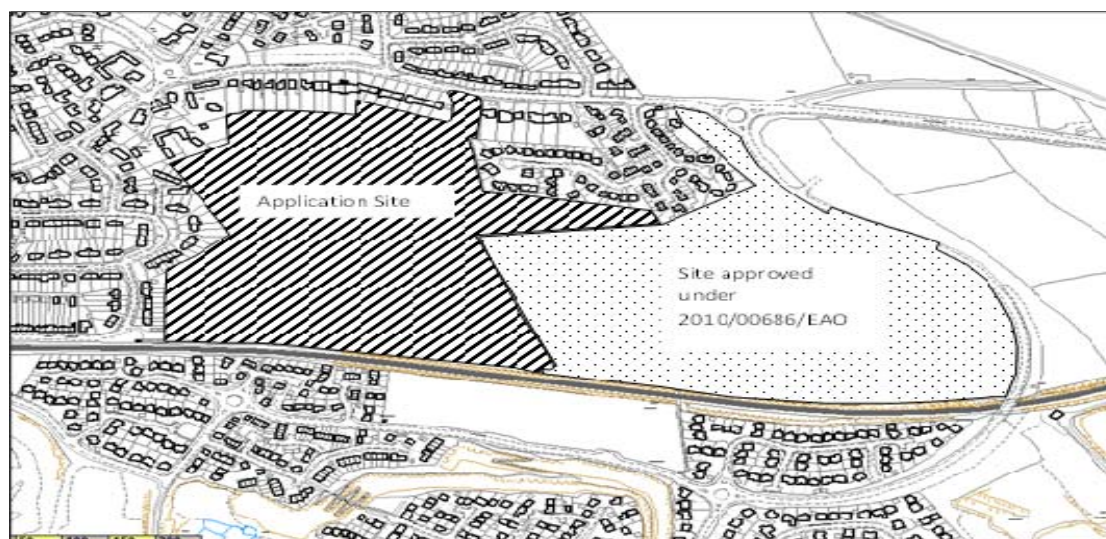
SITE AND CONTEXT

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 has 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 yellow 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 44m³ 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 advertised in the press. Some 42 letters and emails 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

Members will recall that this application was deferred at the 12 February 2015 meeting of Planning Committee to allow Members to visit the site. Members should also note that a further email has been received from the agent acting on behalf of the landowners of the adjoining housing site which forms part of the total housing allocation in the Unitary Development Plan and can be found at Appendix E. For Members information the issues raised in this email (specifically with regard to Condition 28) only highlight the problem that the applicants on the neighbouring site have caused by making a separate application for residential development and splitting the allocated site in two. Clearly when the Council considered the previous application 2010/00686/EAO it had to protect the position of the Council in respect of the surface water drainage of the whole allocated site (from the UDP). The applicants in the case of the current application have now shown that the surface water drainage from the application site can be dealt with on site and accordingly, Condition 28 of application ref 2010/00686/EAO is not now needed and as such it will be for the applicants of that application to apply to amend this condition accordingly if they so wish.

Members will also note at Appendix F a letter received from the applicants' agents with points and the attempts that have been made to work with the adjoining site owners and developers and the difficulties that they experienced in doing so.

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
- Rhoose 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

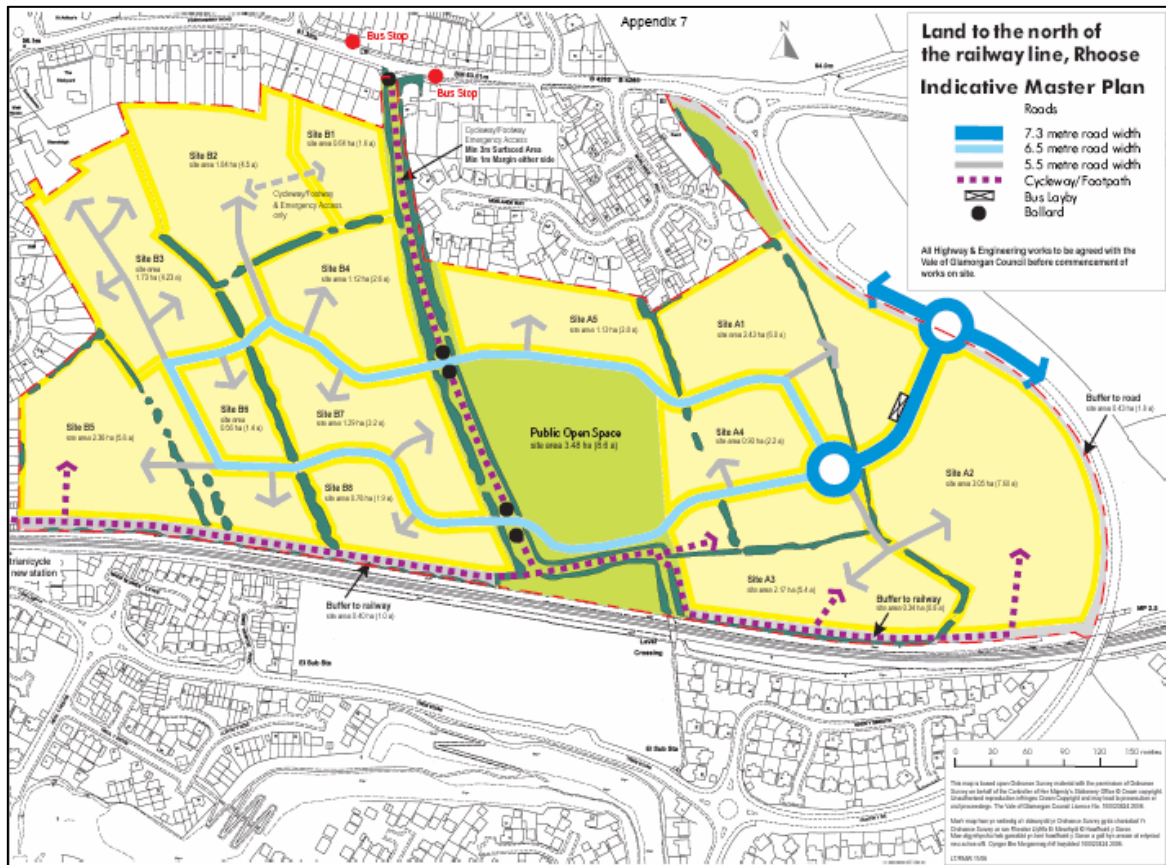
By way of background, the principal requirements of the August 2007 Adopted Development Brief for the allocated site has been summarised below.

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 there 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 landscaped 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.

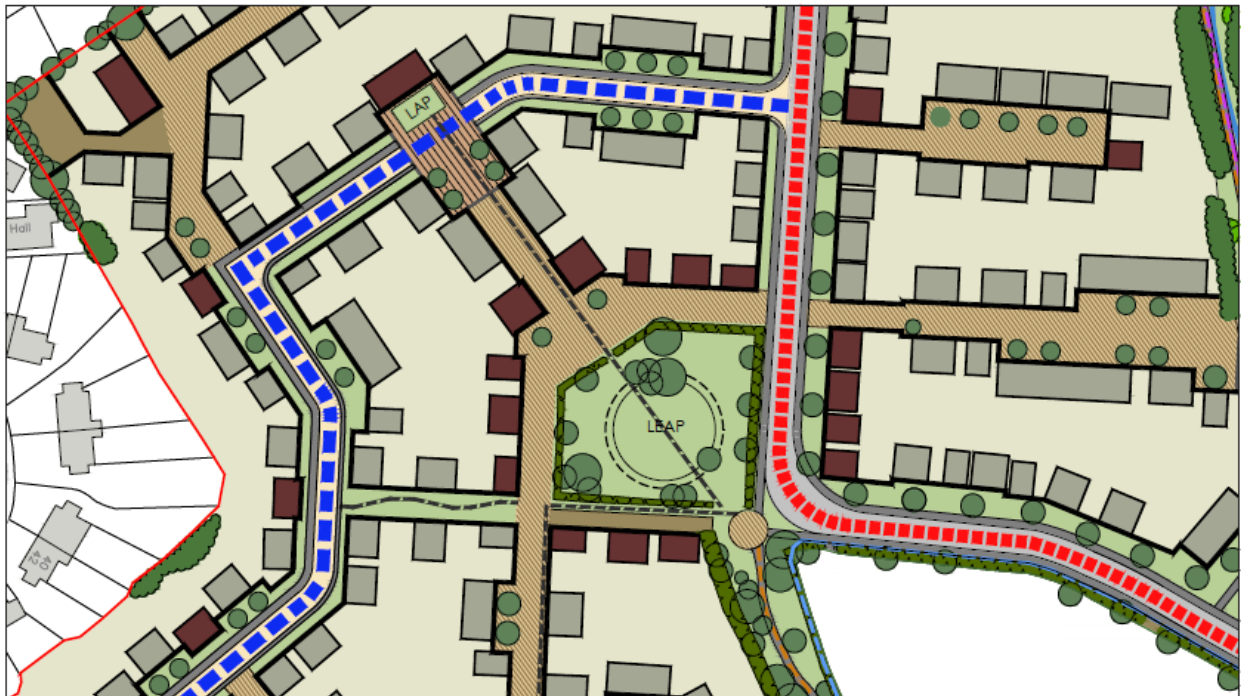
The school has been positioned adjacent the central space and alongside the primary street and public open space to the eastern development. This provides the school with good vehicular, pedestrian and cycle access to highways and public green spaces which can be utilised in the future. It is also located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

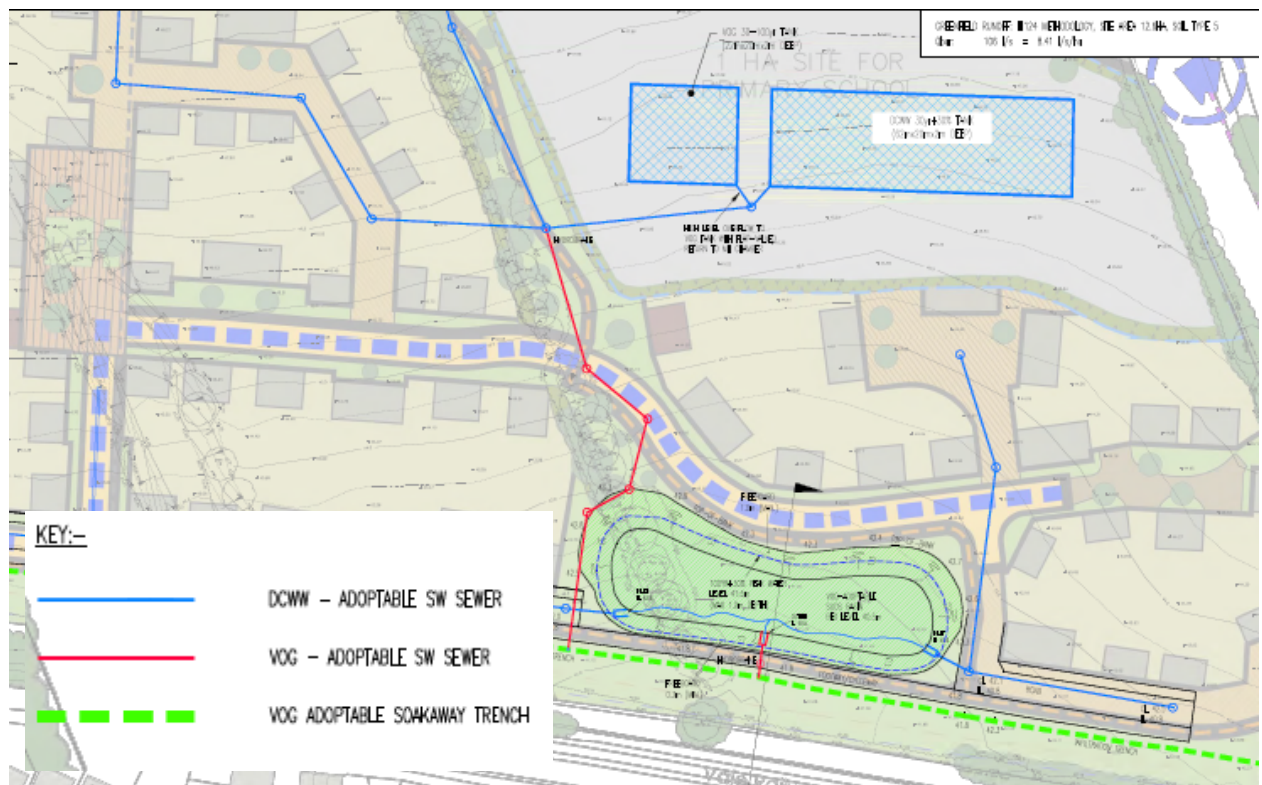
There are several options for draining surface water from the proposed development site. One such option would be to construct a new surface water sewer, which would finally discharge to the sea. This was the preferred option by the design team on the adjacent Persimmon/Bellway application site.

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 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 44m³ 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_Laeq 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 Rhoose. 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 Rhoose, 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, 0.75m² 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 7th 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 in 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 reflect the principles, parameters and objectives of the indicative masterplan reference 0509-1003-B.

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^{1.75} between 07.00 and 23.00 hours, and 0.26m/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 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 44m³ 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 each phase of the development. The scheme must show 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 and a phasing programme. The approved scheme of drainage for each phase of development shall be implemented and completed in full accordance with the agreed details, specifications and phasing programme, prior to the first occupation of any dwelling within each of the agreed phases.

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.'

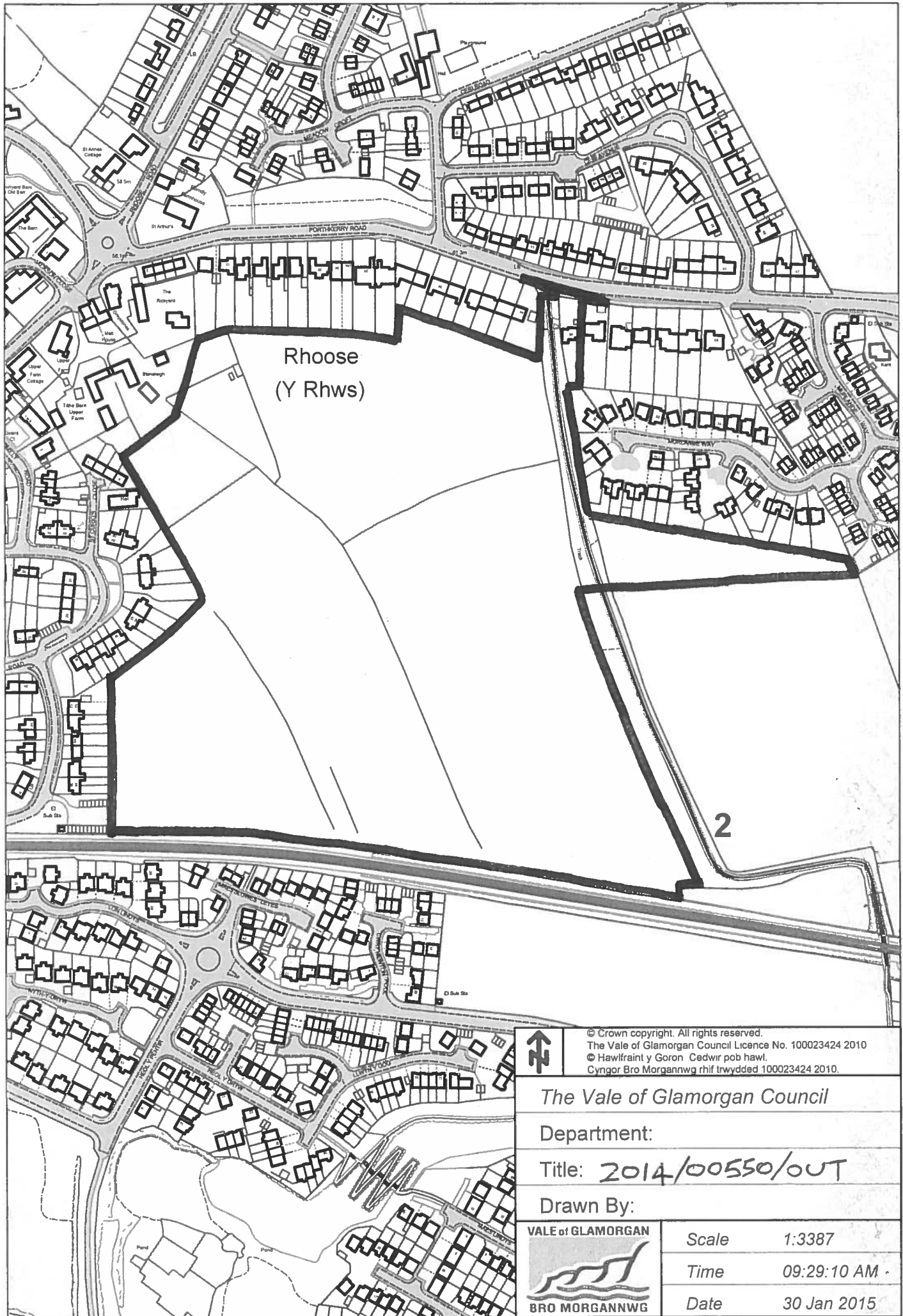
9. **This consent does not convey any authorisation that may be required to gain access onto/under land not within your ownership or control.**


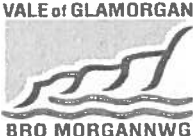
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

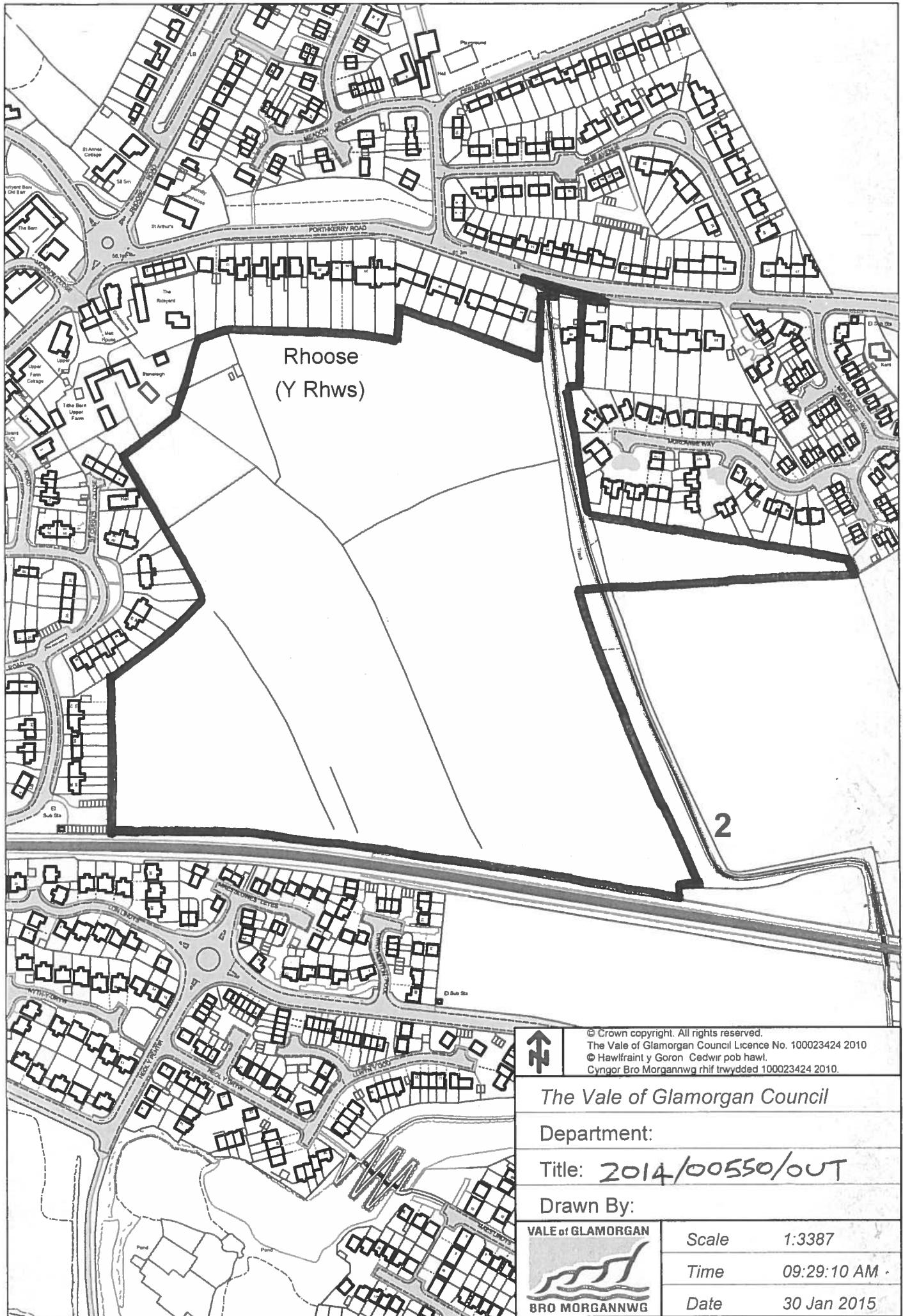



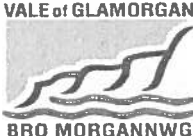
| | | |
|--|--|-------------|
|  | © Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010 © Hawlfraint y Goron Cedwir pob hawl. Cyngor Bro Morgannwg rhif trwydded 100023424 2010. | |
| | The Vale of Glamorgan Council | |
| Department: | | |
| Title: <i>2014/00550/OUT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

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: <i>2014/00550/OUT</i> | | |
| Drawn By: | | |
|  | Scale | 1:3387 |
| | Time | 09:29:10 AM |
| | Date | 30 Jan 2015 |

Mr. Yadgari Wahidullah, 89, Salisbury Road, Barry, Vale of Glamorgan., CF62 6PD,
Mr. Maredudd ab Iestyn - Architect, 3, Kingsland Road, Canton, Cardiff., CF5 1HU

Former site of Broad Street Motors, Broad Street, Barry

Car wash facility (attended hand wash)

SITE AND CONTEXT

The application site relates to a piece of land located next to One Stop shop on Broad Street, Barry.

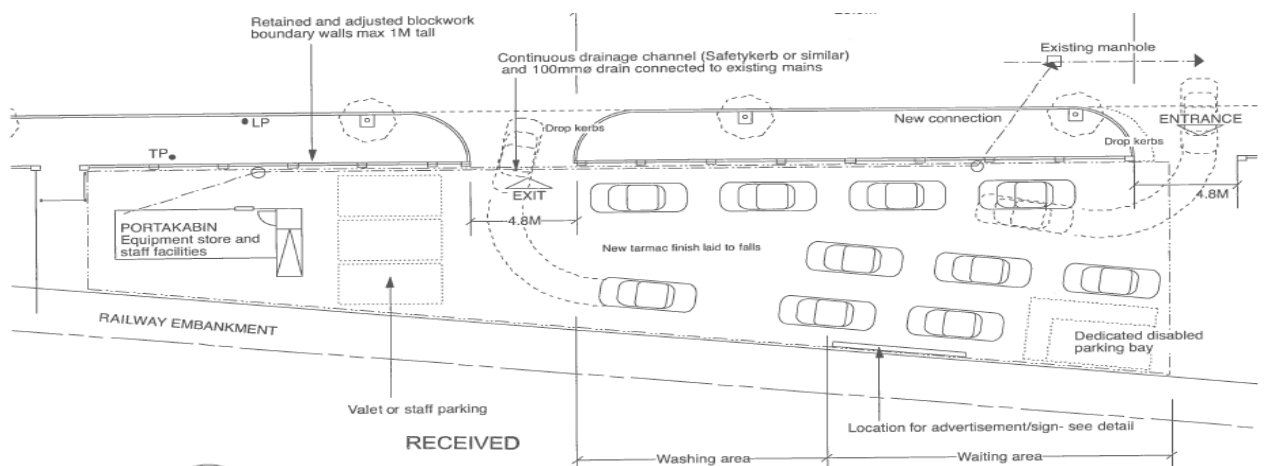
The site, locally known as the former site of Broad Street Motors was last used as a car sales premises.

This part of Broad Street comprises a few commercial units on the southern side of the street (including the application site), whilst terraced dwellings predominantly occupy the opposite side of the street.

DESCRIPTION OF DEVELOPMENT

The application is for full planning permission for the implementation of a hand car wash facility. The site lies within the Barry Settlement Boundary with the area being a mixture of residential, with some A1 and Sui Generis uses in the surrounding area.

The site is accessed off the public highway. It currently has a low boundary wall to the front of the application site, facing the pedestrian and public highways and a chain link fence to the rear of the site. There is currently a single storey building on site which has been boarded up.



The application proposes to demolish the existing building on site and insert a portacabin structure which will be for staff facilities and equipment. The portacabin will measure approximately 7.5 metres in width, 3 metres in depth and 2.6 metres in overall height. The cabin will be coloured mid grey, with two single windows on the northern elevation fronting Broad Street, a single window to the southern elevation, a single window to the western elevation and a single door to the eastern elevation. A small ramp is to be inserted leading up to the door on the eastern elevation. The proposed portacabin is to be located to the western end of the site.

The proposed car wash business is to operate seven days a week, 8am-6pm Mondays to Saturday and 10am-5pm on Sundays and bank holidays. Four full time workers are to be employed with the possibility for additional seasonal workers.

The application proposes to create an additional opening onto the site. As such, there will be a designated entrance and exit onto the site allowing vehicles to move in one direction throughout. Parking is to be provided for a total of 15 vehicles, made up of 3 staff parking spaces and at least one designated disabled parking space. The existing entrance onto the site is proposed to be widened nominally.

PLANNING HISTORY

2011/00222/FUL : New Broad Street Motors Limited, Broad Street, Barry - Variation of Condition 2 on application.

2007/00905/FUL : The primary use of the site is changing to an A1 use and it is therefore necessary to vary the condition to ensure that the use of the extension will be compliant with the condition.

2011/00127/FUL : Broad Street Motors, Broad Street, Barry - Installation of an external ATM machine and installation of 6 security anti ram raid bollards.

2011/00111/ADV : Broad Street, Barry - Erection of various advertisements in connection with 'One Stop' store. Approved 31 March 2001.

2010/00173/ADV : New Broad Street Motors, Broad Street, Barry - Erection of free standing advertisement sign. Approved 15 April 2010.

2009/01050/FUL : New Broad Street Motors Ltd., Broad Street, Barry - Removal of existing timber screens and dwarf brick walls to front elevation facing onto Broad Street. Replacement with new aluminium framed screens and some areas of infill brickwork. Replacement of existing fascia above. Approved 26 November 2009.

2007/00905/FUL : New Broad Street Motors Ltd, Broad Street, Barry - Rear showroom extension for vehicle ramp/hoist. Approved 7 August 2007.

1999/00349/FUL : Compton Show site/New Broad Street Motors, Broad Street, Barry - Change of use from Compton Show site, (garages and bunkers), to car show site (storage and sales). Approved 21 May 1999.

1994/00067/LAW : Compton Show site, Broad Street, Barry - Display and storage of sale cars and sale of pre-cast concrete section garages and ancillary products, sheds coal bunkers etc. Approved 12 April 1994.

1974/00139

CONSULTATIONS

Barry Town Council was consulted and comments received stated they object to the application due to the following:

- Based on evidence from local neighbours and Town Councillors, a considerable number of traffic accidents have occurred near the site.
- The car wash facility may generate a large number of customers queuing to get onto the site.
- Drainage appears inadequate and may lead to flooding.

The Council's Highway Development Team has been consulted.

Local Ward Members were consulted and Councillor Ian Johnson has objected and called the application into Planning Committee. The objections are on the grounds of queuing vehicles within the highway, additional traffic and a history of accidents within the highway in this area.

Natural Resources Wales was consulted and comments received state they do not object to the proposed application, provided appropriately worded conditions are included to prevent contamination of the site.

Dwr Cymru / Welsh Water was consulted and no comments have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 11 November 2014. A site notice was also displayed on 25 November 2014.

Five letters of objections have been received from members of the public, raising issues including:

- Inappropriate development close to residential properties.
- Limited Parking.
- Entry and exit points will increase danger to pedestrians and other road users.

- Sunday operating hours.
- Noise from pressure washer guns.
- Air pollution from chemicals.
- No requirement of a facility in this location.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICY 5 - BUSINESS AND INDUSTRIAL USES

Policy:

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

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.

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 11 – Noise (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:

- Barry Development Guidelines

The Local Development Plan:

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

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

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

Issues

The main issues concern the principle of such a commercial use, together with consideration of the impact of the use with regard to highway safety, neighbours' amenities, visual appearance and pollution of water.

Principle of Use

The site has a long history of commercial motor related uses and is set within a wider street of mixed commercial premises. The site lies between the one stop convenience store and Morris Motorcycles. While the opposite side of the road is predominantly residential in character, the application site sits within predominantly commercial area and as such it is considered that a new business use would not be out of keeping with the character of the southern side of Broad Street.

Taking into account the surrounding commercial uses, and its previous uses, it is considered that the proposed car wash is appropriate in this location complying with the requirements of Policies ENV27 and EMP2 of the Adopted UDP 1996-2011 in principle.

Impact upon Residential Amenity and Street Scene

The car wash is located opposite residential properties, the nearest being approximately 20m away from the entrance along Broad Street. The use will operate during normal day time hours between 9am and 8pm and, whilst the use of pressure washers would generate some noise, it is considered that this noise would not be significantly different or greater than that caused by the traffic on Broad Street, and nearby commercial units. The use wouldn't be functioning before 8am or in the evenings.

In view of the above, it is considered that the distance from any nearby residential property (over a road), the proposed hours of operation and the nature of the proposed use ensure that the development will not have an unacceptable impact upon the nearest residential occupiers. Accordingly, the use is not considered inappropriate to the surrounding area, complying with the requirements of Policies ENV27 and EMP2 of the Adopted UDP 1996-2011.

Visual Impact of Portacabin

The proposed portacabin is to be located at the western end of the site and is to provide staff and storage facilities. The cabin is to be coloured mid grey with minimal detailing and be single storey in height. The cabin is considered to be of appropriate size and scales as not to appear over scaled or overbearing on site. It is considered that the proposed cabin is of sufficient style as to not be out of keeping within the surrounding commercial buildings or cause any visual harm in general to the application site or surrounding area.

Highway Safety

There have been concerns raised by residents and the local ward member with regard to cars queuing to enter the site, causing highway safety issues and congestion on Broad Street. The Highways Authority was consulted but they have raised no objection to the proposed use being implemented at the site, and have advised that while there may be multiple customers waiting to use the facility at peak times, there is sufficient space within the site to accommodate queuing vehicles, such that it would not be likely to cause an obstruction within the highway. In addition, the plans show a one way system so there would be no conflict at the entry or exit points between vehicles entering and leaving the site.

It is reasonable to suggest that a slight increase of traffic on to and off the site will be expected, however it is considered that this will not be to an unacceptable level given the relatively busy nature of Broad Street at present and given the relatively modest size of the facility.

The Highways Engineer has raised concerns in respect of the removal of an existing potential exit point for customers using the One Stop retail store (since the proposed entrance point for the car wash can currently be used by customers of the One Stop). The concerns relate to the width of the One Stop entrance and the potential impact on the free flow of traffic in the highway should someone turning into the One Stop entrance meet a car that is leaving. Consequently, the Engineer has requested that entrance point be widened to allow vehicles to pass.

The applicant has confirmed that the One Stop land is in the same ownership as the application site and, therefore, an amended plan has been submitted showing that land outlined in blue. The applicant's agent has confirmed that the owner of the land is prepared to widen the One Stop Entrance and the Highways Engineer has confirmed no objection subject to a condition requiring this. Accordingly, a condition is recommended to that effect.

In addition to overcoming the concerns initially raised by the Highways Engineer, it is considered that these works would also materially improve the existing situation in terms of access to the One Stop, since while customers may choose to use the alternative exit at present, there is no such imposition to do that and the situation of conflict at the One Stop entrance could occur currently. However, the proposed condition would remove this possibility.

Therefore, while the concerns of local residents have been fully assessed, it is considered that there is no evidence to suggest that the proposed development would be likely to cause accidents or queuing in the highway.

Water Pollution

A key issue associated with the use proposed relates specifically to the correct disposal of the used water. Natural Resources Wales was consulted on this matter and has stated no objections to the proposal providing a condition imposed to mitigate any possible contamination if any were found during development. A condition is therefore recommended to alleviate any contamination concerns, given that no Welsh Water comments have been received to date.

The surface water and waste water generated from the business is proposed to be disposed of through the existing drainage system and main sewer. It is considered, that the proposed drainage into main sewer is acceptable in principle, providing all waste water is directed into this sewer. It is advised that the applicant should consult Dwr Cymru / Welsh Water to confirm that this connection to main sewer is acceptable.

It should be noted that trade effluent consent is required from Dwr Cymru Welsh Water before any car wash liquid waste is discharged into the sewer system.

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 EMP2 – New Business and Industrial Developments, ENV27 - Design of New Developments, ENV29 - Protection of Environmental Quality, and TRAN10 - Parking of the adopted Unitary Development Plan 1996-2011, as well as Supplementary Planning Guidance, it is considered that the proposed hand car wash facility is considered acceptable in that it will not result in any demonstrable harm to the visual amenities of the character of the area, highway safety or to the residential amenities of the neighbouring properties

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 amended plans reference C1.1/1, C2.1/1 and C2.2/1 received on 10 October 2014, 5 November 2014 and 20 January 2015 and the amended site plan received 26 February 2015 and the development shall be carried out strictly in accordance with these details, including the provision of the access points, parking and turning areas as indicated on those plans.

Reason:

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

3. Full details of a scheme for drainage of foul, surface water and trade effluent shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to the first beneficial use and so maintained at all times thereafter.

Reason:

To ensure the quality of controlled waters in the area, and to ensure compliance with the terms of Policy ENV29 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, prior to the first beneficial use of the site for the purposes hereby approved, further details of the appearance and siting of the one way system regulation signs shall be submitted to and approved in writing by the Local Planning Authority. The use shall at all times be operated in accordance with the one way system shown on Plan 296/09.14 Rev C and the signage details approved under the terms of this condition.

Reason:

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

5. If, during the course of the development, contamination not previously identified within the site is found to be present, then development shall cease until such time as a remediation strategy has been submitted to and approved by the Local Planning Authority (to include details for the implementation and carrying out of that strategy). The strategy shall thereafter be carried out in accordance with the approved details.

Reason:

In order to prevent contamination of controlled waters in the area and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details, within 3 months of the date of this consent, written confirmation should be provided to the Local Planning Authority that a Trade Effluent Consent has been granted allowing car wash run off to discharge to foul drainage.

Reason:

To ensure that the used water is being discharged appropriately, and to ensure compliance with the terms of Policy ENV27 and EMP2 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**

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
 [Redacted] 2014/01209/FUL
 [Redacted]
 [Redacted]

| | | |
|--|-------|-------------|
|  | Scale | 1:1250 |
| | Time | 02:38:41 PM |
| | Date | 20 Jan 2015 |

Mrs. Hayley Clare, 75, Cae Canol, Penarth, Vale of Glamorgan., CF64 5RL
Mrs. Hayley Clare, 75, Cae Canol, Penarth, Vale of Glamorgan., CF64 5RL

1, Hastings Avenue, Penarth

Construction of three bedroom detached house in side garden

SITE AND CONTEXT

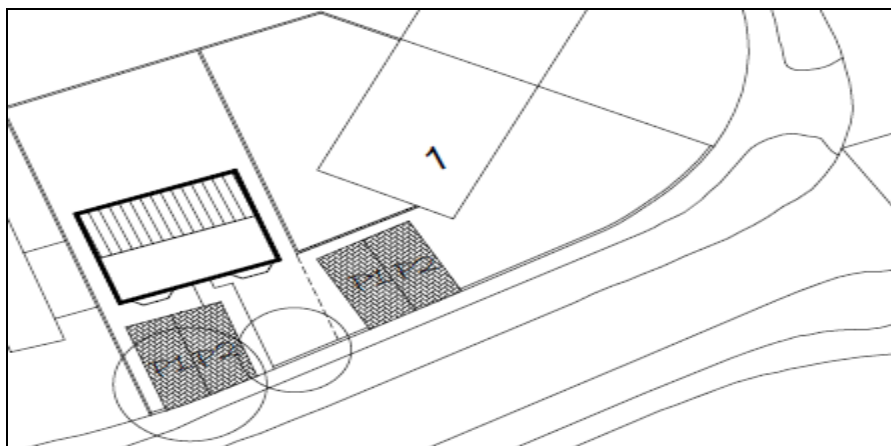
The site is a section of side and rear garden of No 1 Hastings Avenue, in a residential area and Penarth's Settlement Boundary.

DESCRIPTION OF DEVELOPMENT

The proposals consist of a 3-bedroom single detached dwelling with hipped roof to the side of 1 Hastings Avenue, which is currently part of this properties garden. The house would be 6m deep and 7.9m wide with three bedrooms at first floor. The walls are to be painted render and have slate effect tiles to the roof. The dwelling has a ridge height of 8.2m approximately, with eaves height of 5.2m.



There is to be 2 car-parking spaces to the front of the new house, with two also formed to the front spaces to the front of the existing house.



There is to be a garden area to the rear of the new house and a small garden area to the front of the house. The development would result in a reduction of amenity space for 1 Hastings Avenue.

PLANNING HISTORY

No planning history.

CONSULTATIONS

Penarth Town Council advises that the application should be refused due to the following:

- “It is an overdevelopment of a restricted site.
- It would result in an incongruous form of development in the street scene.
- There would be insufficient amenity space for both the new building and the existing dwelling on the application site.
- An additional property at this location is likely to impact on and exacerbate what are already very cramped driving conditions in the evenings and on weekends in what can be a heavily parked road at this well used junction.”

The Council’s Highway Development Team comments:

‘The development is for the construction of a 3 bedroom dwelling and the provision of 2 No. car parking spaces within the boundary of the site. Access to the proposed car parking spaces will be provided via an existing vehicle crossover along Hastings Avenue, which will be widened. As part of the proposals, an additional car parking space will be provided to serve the existing dwelling, which will be accessed via a new crossover constructed along Hastings Avenue.

When reviewing the proposals, based on the Council’s car parking standards, the proposed dwelling will require the maximum car parking provision of 3 No. parking spaces, to be provided within the boundary of the site. However, when considering the additional parking space that will be provided to serve the existing dwelling, it is noted that there would not be an increase in the demand for kerb side parking along the adjacent highway.

Therefore, provided that the details below are made conditional to the planning consent, an objection in relation to the highway and transportation aspects of the proposals is not raised.

- 1 The proposed parking provision shown on the approved plans shall be laid out in accordance with the Councils car parking standard and provided before beneficial occupation and thereafter maintained and retained at all times for the use of residents. Reason: To maintain adequate parking provision within the boundary of the site.

- 2 The proposed vehicle crossover and the widening of the existing vehicle crossover along Hastings Avenue, shall be constructed in accordance with the Council's standard details for adoption, before beneficial occupation.

Dwr Cymru / Welsh Water has no objections subject to standard drainage conditions.

Ecology Officer – No comments have been received to date.

Cornerswell Ward Members – Councillor Birch called in the application.

Wales and West Utilities stated that their apparatus may be affected during the construction process and therefore required the developer to contact them. Please see file for full details.

REPRESENTATIONS

The neighbouring properties were consulted on 6 January 2015. A site notice was also displayed on the 8 January 2015. There have been 6 letters of objection/comment received, citing reasons including the following:

- Overdevelopment of the site appearing cramped.
- Problems with drainage in the area.
- Being contrary to Policy HOUS8.
- Original proposed roof not in keeping with character of area.
- Problems with construction on narrow highways.
- Exacerbation of parking problems and loss of on-street parking provision.
- Overshadowing on neighbouring properties.

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 April 2005, and within which the following policies are of relevance:

Strategic Policies:

POLICY 3 - HOUSING

Policy:

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE

POLICY 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.

9.3.2 Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

- Amenity standards

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 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 policies in the Draft Local Development Plan relevant to the proposal are consistent with the National Planning Policy advice outlined above, but do not supersede the Unitary Development Plan policies above.

Issues

The site is within a residential area and part of the Settlement Boundary of Penarth. As such, the principle of an infill development is accepted, subject to the criteria of related policies such as ENV27 (Design of New Developments) and HOUS8 (Residential Development Criteria). Consideration of issues such as the design and scale of the proposed dwelling and the parking provision will be assessed below.

Siting of the Proposed House

The house as proposed is to be positioned in what is the side and partially the rear of the garden of No 1 Hastings Avenue. Due to the corner plot location of No 1 Hastings Avenue there is a sizable garden space to the side of the house, which includes a shed and an area which could be used for parking behind the high timber boundary gate.

The dwelling as proposed would occupy the space to the side of No 1 Hastings Avenue and would be orientated to front the road. As such, the proposed house would form part of the continuous street frontage. The dwelling would be set back from the highway and follow much the same line as the adjacent dwellings.

The dwelling as proposed would have an area of rear garden, which would be relatively private, and also an area of front garden next to the parking spaces. The amount of amenity space proposed falls slightly short of the standards required in the 'Supplementary Planning Guidance Amenity Standards' (by apparently 8m²). It is also acknowledged that the proposals would result in a decrease of amenity space for the existing dwelling, No 1 Hastings Avenue which would level the rear garden of that property in deficient by approximately 11.5m². However there would remain adequate rear and side garden for the existing house, along with a relatively large front garden area which would overall exceed the requirement with approximately 122m² of amenity space. It is preferable for there to be more amenity space to the rear as this is usually a more private area, although it is noted that the front garden space for this property is well screened with high hedges to the front boundary. Whilst the proposals would result in amenity space that falls short of the standard requirements in respect of the rear garden, the proposed and existing houses would have significant usable amenity space for occupants, which would also be supplemented by open space and parks in the vicinity. As such, no objection is raised on this issue and the proposals are not considered to overdevelop the site, in this regard.

Overall, there is no objection to the siting of a dwelling in this location, subject to the dwelling being of a suitable design and scale etc.

Proposed Design and Scale

It is acknowledged that the majority of dwellings in the area are semi-detached. The proposed house would be detached, although in the space provided this would be the only option available. Also, it is noted that there is a detached house opposite (No 2 Hastings Avenue). It is considered that a two storey dwelling as proposed would not appear incongruous in the street scene.

The design and scale of the proposed house has been amended to better reflect the character of the area. The roof has been reduced in height and is to be hipped. The ridge would now be of a similar height to adjacent dwellings and the hipped roof feature would be in keeping with the predominant character of the area. The dwelling is considered to be of a suitable scale in relation to the plot size with an appearance that is considered acceptable within the street scene.

The proposals include the retention of much of the hedgerow to the front boundary of the existing house and replacement hedgerow is proposed between the parking spaces and to the side boundary with No 3 Hastings Avenue. Details can be required as part of a landscaping plan condition. Details should also be provided as to the partition between the new and existing house, which is indicated to be a close boarded fence. This information can be required via a condition relating to enclosure details.

Overall, the revised design and scale of the proposed dwelling is considered acceptable and would have no harm to the character of the area.

Parking Provision

The proposals include two off-street parking spaces for both existing and proposed houses. At present, it appears that the occupants of No 1 Hastings Avenue park on the road. There is a pavement cross-over which links with the side garden area of this house, though it appears that this is not currently used for parking. The proposals would create formal parking for two vehicles per house, which is considered an acceptable total. Also the spaces are not positioned particularly close to the junction between Hastings Avenue and Milton Road, with no highway safety issues therefore anticipated.

It is acknowledged that there are significant levels of on-street parking in the area and that the additional house would increase parking requirements for the area. However, all parking is to be catered for off-street and whilst this would reduce the amount of on-street parking spaces available it remains a preferable approach.

The proposals would overall result in less on-street parking (to allow access to the parking spaces provided), although the width of the parking spaces would total approximately 10m and so the loss of potential on-street parking space would not be significant, especially when considering that vehicles associated with No 1 Hastings Avenue would be able to use off-street parking instead of parking on the side of the road. With the highway being narrow in this area, less on-street parking would also have the benefit of removing obstructions from the carriageway.

Overall, the additional parking requirements, all of which being off-street spaces, would not have any significant impact to existing parking pressures in the area and should not result in any highway safety issues.

Drainage Issues

There have been issues raised in the correspondence from neighbours concerned with the overloading of the sewer system pipes in the area. However, there has been no objection raised from Welsh Water. It should also be noted that surface water drainage from the new dwelling is proposed to be connected to soakaways as a form of sustainable surface water drainage (and so would not add to any capacity issues for the sewer network). If there are any land drains that run through the site this would have to be considered by the developer and could be an issue for Building Regulations. However, subject to a condition requiring full details of drainage with any approval, there is no objection raised on the issue of drainage.

Neighbour Impact

The nearest neighbours to the proposed dwellings are both Nos 1 and 3 Hastings Avenue to the sides of the site. It is noted that there are no side elevation windows proposed in the house, which therefore removes the possibility of undue levels of overlooking. There will be views towards the rear boundary with the garden of No 15 Milford Road, but the proposed house would not result in any significant increase of overlooking of this neighbour's garden over and above existing levels.

It is acknowledged that the house may cause some additional overshadowing of the surrounding gardens, although this has been significantly mitigated by the reduction in height of the roof and the hipped sides as shown on the amended plans. The dwelling has also been set off both side boundaries by approximately 1m which reduces any potential overshadowing/overbearing impact. It is considered that the position and size of the proposed dwelling, together with the reduced height and bulk of the roof will reduce any overshadowing impact to a level considered acceptable in this urban area.

Loss of Trees

It has been identified that the proposal would result in a loss of the tall Leyland Cypress trees to the boundary with Hastings Avenue. These trees were subject to a tree survey which considered them as "fair to poor" physical condition with a C category rating. Considering the type and condition of these trees there is no objection to their removal. However, a landscaping plan will be required via condition with any approval to compensate for this loss of trees and to enhance the development in this 'garden suburb' location.

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), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria) and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference Hast-001 Rev A received on the 4 February 2015 and Has-001 Rev C, received 26 February 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.

3. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of the dwelling hereby approved.

Reason:

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

4. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access areas, have been laid out in full accordance with the details shown on plan Has-001 Rev C, received on the 26 February 2015, and the parking and access areas shall thereafter be so retained at all times to serve the development hereby approved and also the occupants of 1 Hastings Avenue.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies TRAN 10 and ENV27 of the Unitary Development Plan.

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

Reason:

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

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling hereby approved, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained (which shall include the sections of front boundary hedge as shown on plan Has-001 Rev C), 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.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling; 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.

8. Prior to their use in the construction of the dwelling hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

9. 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.

10. 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 a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows shall be inserted in the first floor side elevations hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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.



| | |
|---|-------------------------|
| <p>© 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.</p> | |
| <p>The Vale of Glamorgan Council</p> | |
| <p>Department:</p> | |
| <p>Title: 2014/01354/FOL</p> | |
| <p>Drawn By:</p> | |
| <p>VALE of GLAMORGAN BRO MORGANNWG</p> | <p>Scale 1:1250</p> |
| | <p>Time 02:09:59 PM</p> |
| | <p>Date 25 Feb 2015</p> |

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

The Dolphin, Friars Road, Barry

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

SITE AND CONTEXT

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

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



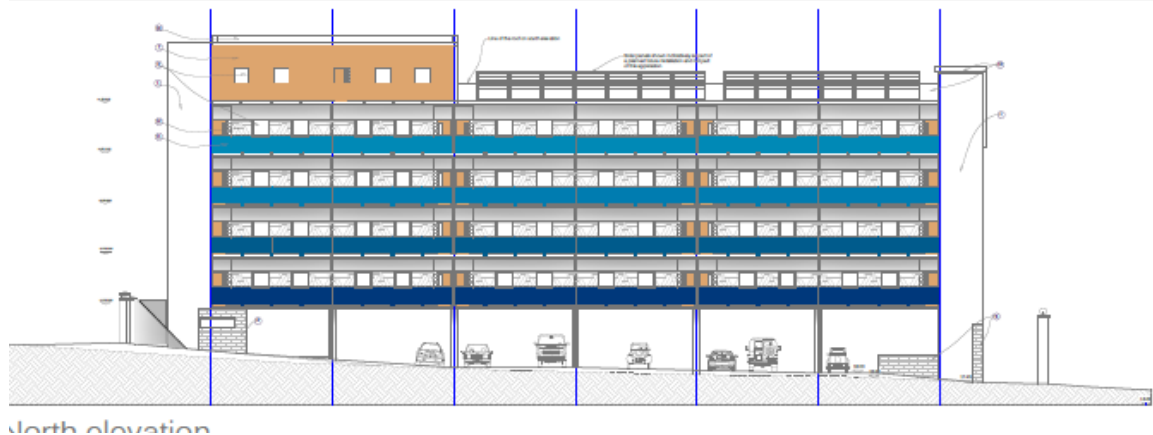
DESCRIPTION OF DEVELOPMENT

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

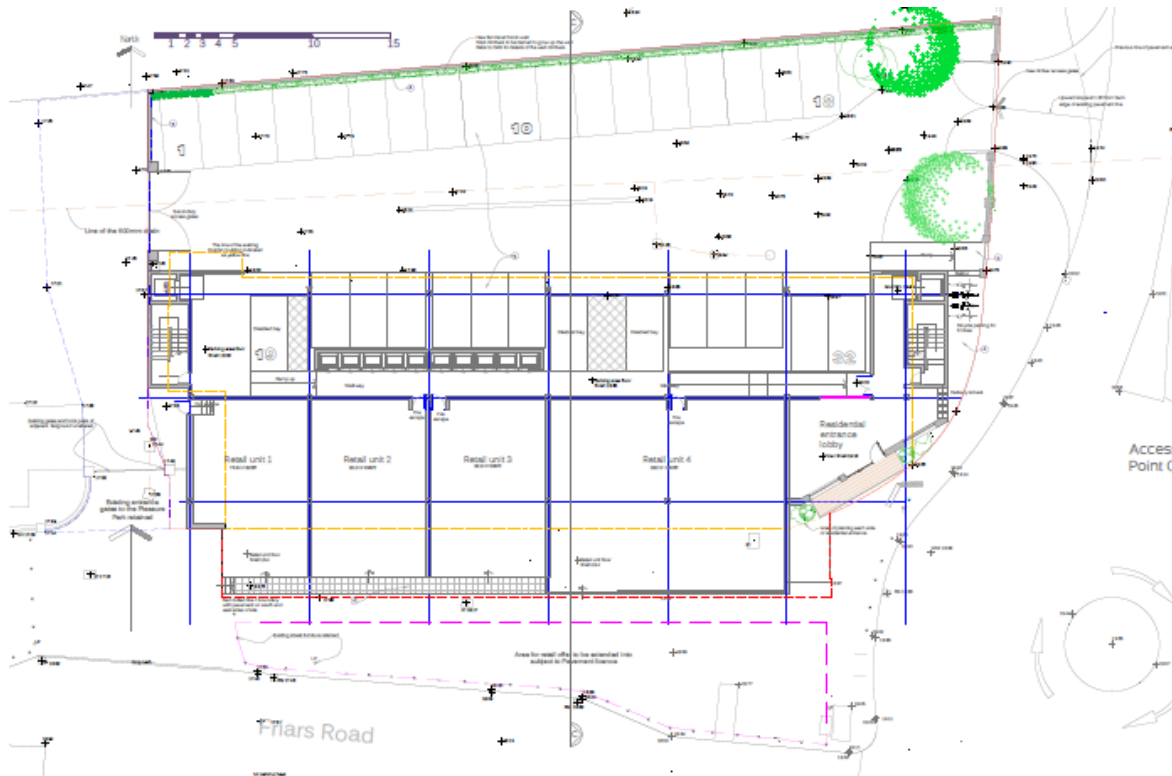
The commercial ground floor comprises 4 retail units, with a total floor space of 442m².

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

The elevations of the proposed building are shown below:



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



PLANNING HISTORY

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

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

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

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

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

CONSULTATIONS

Barry Town Council - "OBJECTION

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

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

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

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

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

Glamorgan Gwent Archaeological Trust - No objection.

Local Ward Members - No representations received to date.

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

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

Waste Management- No representations received to date.

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

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

REPRESENTATIONS

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

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

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

An example letter is attached at Appendix A.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 6 – TOURISM

POLICY 8 – TRANSPORTATION

POLICY 9 – SHOPPING FACILITIES

POLICY 10 – SHOPPING FACILITIES

POLICY 11 - SPORT & RECREATION

Policy:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV7 - WATER RESOURCES

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION

ENV20 – DEVELOPMENT IN CONSERVATION AREAS

ENV 21 – DEMOLITION IN CONSERVATION AREAS

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV28 - ACCESS FOR DISABLED PEOPLE

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS12 - AFFORDABLE HOUSING

TRAN10 – PARKING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT

REC6 - CHILDREN'S PLAYING FACILITIES

REC7 - SPORT AND LEISURE FACILITIES

SHOP10- NEW TAKEAWAY OUTLETS

SHOP12- NEW RETAIL DEVELOPMENT OUTSIDE DISTRICT SHOPPING CENTRES

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

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

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

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

Planning Policy Wales:

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

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

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

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

Technical Advice Notes:

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

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

Supplementary Planning Guidance:

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

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

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

The Local Development Plan:

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

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

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

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

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

Issues

Background

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

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

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

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

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

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

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

POLICY MG 26 - TOURISM AND LEISURE FACILITIES:

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

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

The supporting text states:

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

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

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

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

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

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

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

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

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

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

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

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

Ground Floor Retail Uses

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

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

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

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

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

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

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

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

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

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

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

Residential Units above the A1 Ground Floor

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highways Issues

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

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

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

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

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

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

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

Amenity Space Provision

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

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

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

Drainage

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

Ecology

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

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

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

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

Archaeology

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

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

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

Viability / Section 106 Issues

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

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

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

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

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

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

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

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

Affordable Housing

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

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

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

Sustainable Transport

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

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

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

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

Public Open Space

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

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

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

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

Community Facilities

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

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

Education

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

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

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

Public Art

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

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

S106 Administration

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

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

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

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

CONCLUSION

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

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

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

RECOMMENDATION

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

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

APPROVED subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

NOTE:

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

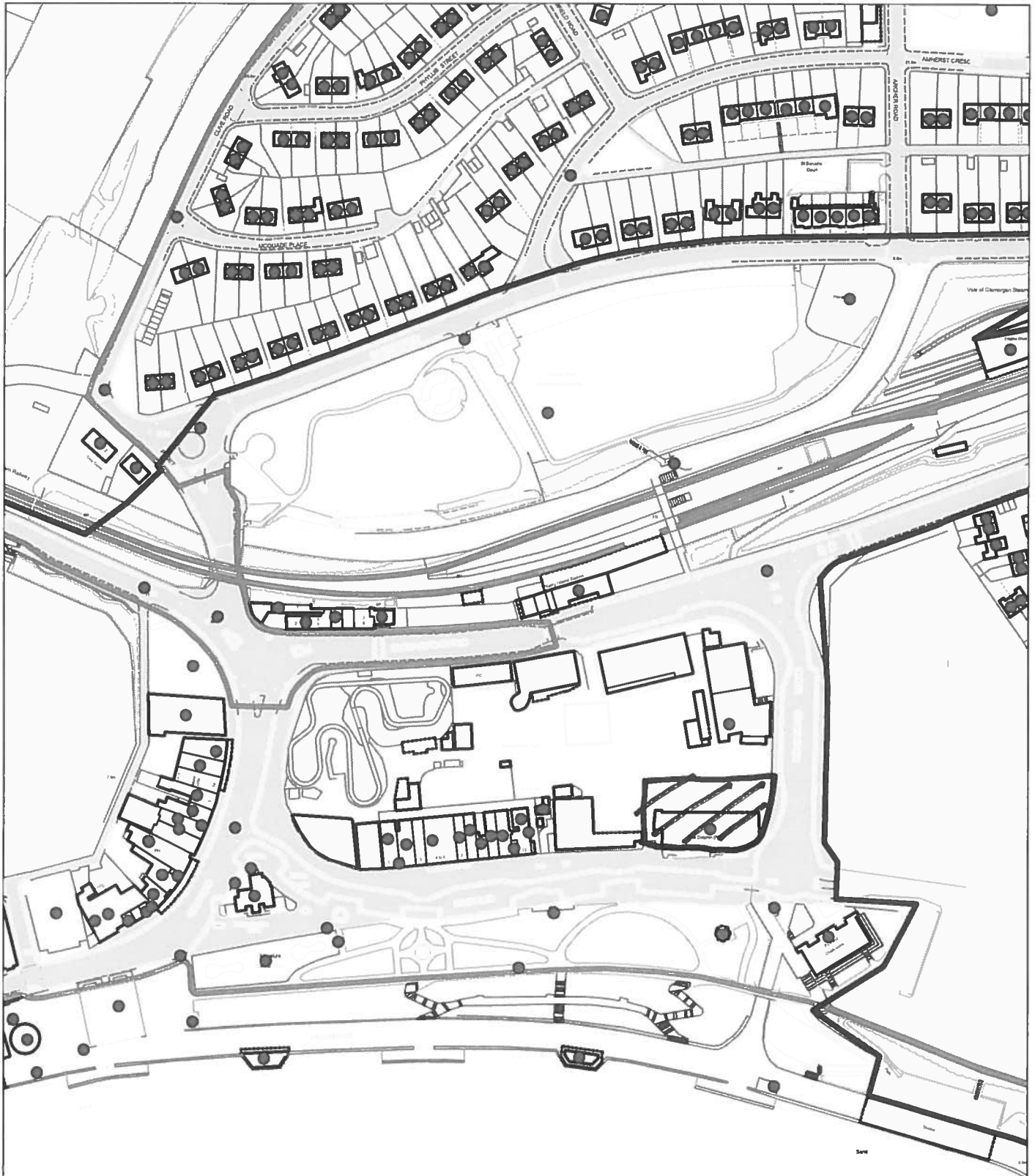
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**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

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

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

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

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



| | |
|--|-------------------------|
| <p>© 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.</p> | |
| <p><i>the Vale of Glamorgan Council</i></p> | |
| <p>Department:</p> | |
| <p>Title: <i>2014/01358/FUL</i></p> | |
| <p>Drawn By:</p> | |
| | <p>Scale 1:2500</p> |
| | <p>Time 02:09:44 PM</p> |
| | <p>Date 3 Mar 2015</p> |