

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES
TO BE HELD ON 14 MAY 2015

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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 MAY 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

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

(a) Building Regulation Applications - Pass

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

2015/0038/BR	AC	Elim Church, Pyke Street, Barry	New build development to form 6no. flats
2015/0052/BR	AC	Island View Care Home, Barry Island	Sun lounge extension
2015/0076/BR	AC	Former Car Park, 2, Stanwell Road, Penarth	Proposed new dwelling
2015/0078/BR	AC	145, Redlands Road, Penarth	Loft conversion with dormer
2015/0092/BR	AC	121, Westbourne Rd, Penarth	Loft conversion, rear and side elevation extensions
2015/0103/BR	AC	16, Mill Road, Dinas Powys	Modification to dwelling
2015/0105/BR	AC	44, Arcot Street, Penarth	New drainage layout for level access shower room
2015/0106/BR	AC	4, Winston Road, Barry	New drainage layout & ground floor W.C.
2015/0108/BR	AC	7, Nant Lais, Corntown	Single storey kitchen/lounge rear extension
2015/0116/BN	A	33, Whitecliffe Drive, Penarth	Demolish existing conservatory. Erect new single storey garden room
2015/0117/BR	AC	Coach House, Crossways, Cowbridge	Demolition of existing glasshouse & conservatory. Erection of new single storey kitchen extension

2015/0119/BR	AC	Unit 2, Former Magistrates Court, Thompson Street, Barry	Shop fit out
2015/0120/BR	AC	Crack Hill House, Brocastle, Bridgend	Single storey extension to enlarge kitchen
2015/0121/BN	A	19, Augusta Crescent, Penarth	Rear extension to enlarge lounge and front extension to enlarge the entrance
2015/0122/BN	A	138, Westbourne Road, Penarth	Dormer roof to create 2 further bedrooms and a Jack & Jill bathroom. Single storey rear extension for kitchen/dining room. Conversion of bedroom to en-suite/family shower room
2015/0123/BN	A	108, Fontygary Road, Rhose	Single storey extension
2015/0127/BN	A	Dale Cottage, Corntown	Single storey extension to enlarge kitchen and extend above utility room to expand bedroom
2015/0129/BN	A	1, Maendy Ganol, Maendy, Cowbridge	Dormer extension above existing detached garage
2015/0131/BN	A	67, Princes Street, Barry	Refurbishing two rooms
2015/0135/BN	A	3, Teasel Avenue, Penarth	Conversion of garage to habitable room
2015/0136/BN	A	Ty Berllan, St. Mary Church, Cowbridge	Double extension to front elevation
2015/0137/BN	A	Priory Cottage, Llan Lane, Marcross, Llantwit Major	Extension & conversion of existing stables
2015/0139/BN	A	3, Carne Court, Boverton. CF61 2LQ	Removal of non-loadbearing pantry in kitchen
2015/0140/BN	A	1 Carne Court, Boverton CF61 2LQ	Removal of non-loadbearing pantry in kitchen.
2015/0141/BN	A	7, Rees Court, Boverton. CF61 2LL	Removal of non-loadbearing pantry in kitchen.

2015/0142/BN	A	34, Nicholl Court, Boverton. CF61 2LR	Removal of non-loadbearing pantry in kitchen.
2015/0143/BN	A	36 Nicholl Court, Boverton. CF61 2LL	Removal of non-loadbearing pantry in kitchen.
2015/0144/BN	A	6, Carne Court, Boverton. CF61 2LQ	Removal of non-loadbearing pantry in kitchen.
2015/0145/BN	A	54, Lewis Road, Llandough	Demolition of chimney stack and extension of roof verge detail to facilitate external wall insulation
2015/0146/BN	A	5, Pant Y Celyn, St. Athan	Demolition of chimney stack and extension of roof verge detail to facilitate external wall insulation
2015/0147/BN	A	17, Pant Y Celyn, St. Athan	Demolition of chimney stack and extension of roof verge detail to facilitate external wall insulation
2015/0148/BN	A	19, Pant Y Celyn, St. Athan	Demolition of chimney stack and extension of roof verge detail to facilitate external wall insulation
2015/0149/BN	A	12 Berry Court, Boverton CF61 2LJ	Removal of non-loadbearing pantry in kitchen.
2015/0150/BN	A	6, Sir Ivor Place, Dinas Powys	Remove pantries to accommodate WHQS kitchen designs
2015/0151/BN	A	7, Sir Ivor Place, Dinas Powys	Remove pantries to accommodate WHQS kitchen designs
2015/0152/BN	A	9, Sir Ivor Place, Dinas Powys	Remove pantries to accommodate WHQS kitchen designs
2015/0153/BN	A	10, Sir Ivor Place, Dinas Powys	Remove pantries to accommodate WHQS kitchen designs

2015/0154/BN	A	12, Sir Ivor Place, Dinas Powys	Remove pantries to accommodate WHQS kitchen designs
2015/0157/BN	A	6, Caer Worgan, Boverton	Single storey extension & change of use of garage
2015/0158/BN	A	First Choice Housing Association Ltd, 19, Stanwell Road, Penarth	New single person internal stud enclosure (office) comprising one solid partition, one glazed partition with integral blinds
2015/0205/BN	A	Next to 9, Barons Close, Llantwit Major	1 New dwelling
2015/0222/BN	A	Pwllwyrach Farm, Colwinston	Extension to provide tack & boot room to ground floor & bedroom to first floor
2015/0223/BN	A	20, Glyn Y Gog, Rhoose	Disabled adaptation converting existing garage into bedroom with en-suite shower room.
2015/0227/BN	A	2, Ludlow Street, Penarth	Remove chimney stack, hacking off re-render property
2015/0228/BN	A	23, Arcot Street, Penarth	Renewal of roof and EWI Render
2015/0229/BN	A	10, Britway Road, Dinas Powys	Replacement Windows to bedroom & lounge
2015/0230/BN	A	28, Salisbury Road, Barry	Dormer attic Conversion
2015/0231/BN	A	Ty Gwyn, The Downs, St. Nicholas	Two rooms into one
2015/0232/BN	A	66, Redlands Road, Penarth	Attic conversion
2015/0234/BN	A	120, Jenner Road, Barry	Attic conversion
2015/0235/BN	A	Nant Fach, 98, Broadway, Llanblethian	Demolition of porch and replace with larger one (exempt). Replacement of flat roof on front bedroom with pitched roof. Conversion of garage into garden room

2015/0236/BN	A	18, Groeswen, Llantwit Major	Conversion of garage to habitable room
2015/0239/BN	A	Foresters House, Off The Green, Leckwith. CF11 8AS	Proposed alterations and extensions to existing detached dwelling house
2015/0240/BN	A	5, St. Peters Road, Penarth	Remove W/C wall and block up W/C wall to enlarge existing bathroom
2015/0241/BN	A	32, St. Peters Road, Penarth	Remove pantry and block up kitchen to dining room door to accommodate WHQS kitchen design
2015/0242/BN	A	70, Holton Road, Barry	Internal renovations and alterations to A3 premises

(b) Building Regulation Applications - Reject

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

2015/0130/BN	R	16, The Heathers, Barry, Vale of Glamorgan CF62 7FL	Single storey orangery to rear of property
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2015/0062/AI	A	74, Celtic Way Rhoose	Proposed alterations to existing playroom and store at ground floor level and existing bedroom at first floor level, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0063/AI	A	Edwinton, Port Road, Wenvoe	Single storey extensions to side and rear elevations, internal alterations and associated works
2015/0064/AI	A	2, Trebeferad, Boverton	Loft conversion
2015/0065/AI	A	Trevithyn House, Bonvilston	Internal alterations and associated works

2015/0066/AI	A	Old School House, Cardiff Road, Cowbridge	New Dwelling
2015/0067/AI	A	102, Redlands Road, Penarth	Single storey rear extension
2015/0068/AI	A	28, Andrews Road, Barry	Proposed two storey side and rear extensions and single storey front extension, works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0069/AI	A	49, Penlan Road, Llandough	Single storey side and rear extension with second floor dormer loft conversion works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0070/AI	A	1, Spencer Drive, Llandough	New structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0071/AI	A	2, Robins Lane, Barry	External alteration to existing opening to install new door
2015/0072/AI	A	St. Athan Pharmacy, The Square, St. Athan	Alterations to shop front and internal alterations. Works to include material alterations to structure, controlled services, fitting and thermal elements.
2015/0073/AI	A	Land adjacent to Evenlode School, Robinswood Crescent, Penarth	New build dwelling
2015/0074/AI	A	Lloyds Pharmacy, The Health Centre, The Broad Shoard, Cowbridge	Internal alterations and associated works
2015/0075/AI	A	6, Clive Place, Penarth	Proposed re-build of housed and Bathstone bay and associated works

2015/0076/AI	A	Cardiff International Airport, Rhosse	Minor alterations to existing eastern pier WCS to incorporate disabled facilities and alterations to existing ventilation systems with associated works
2015/0077/AI	A	3, Pinewood Close, Llandough	Proposed second floor dormer loft conversion, works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0078/AI	A	54a, Clive Place, Penarth	Internal alterations erection of new spiral staircase and refurbishment of existing balcony and conservatory
2015/0079/AI	A	6, Brean Close, Sully	Loft conversion

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PLANNING COMMITTEE : 14 MAY 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 |

2013/01148/FUL	A	Land at St. Johns Well, St. Athan	To extend time periods for the submission of reserved matters details and for the implementation of the permission
2014/01007/FUL	R	Land next to Tennis Court at Cross Common Road, Dinas Powys	Resubmission of planning application for access to field including gate
2014/01050/FUL	A	Fontygary Holiday and Leisure Park, Rhoose	Planning application for change of use from amenity land to the seasonal siting of touring caravans with associated shower/toilet block and additional parking provision
2014/01063/FUL	A	Idwal House, 9, Town Mill Road, Cowbridge	Single storey rear extension

2014/01176/OBS	B	Land north and south of Llantrisant Road, North West Cardiff	The development of up to 630 residential dwellings (C3), primary school (D1), open space (including children's play space), landscaping, sustainable urban drainage, vehicular access, pedestrian and cycle accesses and related infrastructure and engineering works. For information: detailed permission is sought for strategic vehicular accesses now
2014/01197/OBS	B	Land south of Pentrebane Road, North West Cardiff	The development of up to 290 residential dwellings (C3), open space (including children's play space), landscaping, sustainable urban drainage, vehicular access, pedestrian and cycle accesses and related infrastructure and engineering works
2014/01239/OUT	R	Land Adjacent to Long Acre, Sully Road, Penarth	Proposed New Domestic Dwelling
2014/01258/FUL	A	11, Beach Road, Penarth	Replace existing roof slates to main house
2014/01438/FUL	A	27, Myrtle Close, Penarth	Single storey garage/store to rear garden
2014/01473/FUL	A	Ysgol Gymraeg Nant Talwg, Heol Colcot, Barry	Proposal to include overspill car park to existing site
2014/01474/FUL	A	18, Hickman Road, Penarth	Replacement roof covering
2014/01480/FUL	A	The Parade, Castle Drive, Dinas Powys	Construction of external accessible ramp

2014/01519/OBS	B	North West Cardiff	Outline planning application with all matters reserved apart from strategic access junctions for residential-led mixed use development, to be developed in phases
2015/00036/FUL	A	The Nest, St. Hilary	To provide new extensions to the rear of dwelling to extend living space at ground level (below natural ground level in rear garden) with new principle bedroom above, plus minor works
2015/00049/FUL	A	Ty Anna, 13, Smithies Avenue, Sully	Remove existing roof and form pitched roof to front with dormer and flat roof to rear to provide living accommodation to first floor. Works to include internal and external ground floor alterations. Existing garage to be demolished and new garage constructed
2015/00058/FUL	A	42, Pill Street, Cogan, Penarth	Retention of converted garage
2015/00073/LAW	A	20, Heol Yr Ysgol, St. Brides Major	Two storey extension to rear of property comprising of extended kitchen space and additional bedroom with en suite
2015/00074/FUL	R	Church House, Fort Road, Lavernock	Proposed part single storey and part two storey extension/s to the existing dwelling to include; provision of new detached garage, internal reconfiguration / enabling works to existing dwelling and minor external works
2015/00078/FUL	A	Dickens, 26, Forrest Road, Penarth	Construction of two storey dwelling

2015/00083/FUL	R	85, Port Road East, Barry	New two bedroom detached dwelling within the curtilage of 85, Port Road, Barry
2015/00102/FUL	A	2, Priory Gardens, Churchfields, Barry	Proposed single storey extension to rear to form sun room
2015/00105/FUL	A	Tesco, Culverhouse Cross	Installation of dry cleaning, key cutting, shoe and watch repairs pod to Class 1 retail premises (re-sited to that approved under planning reference 2013/01193/FUL)
2015/00106/FUL	A	23, Westbourne Road, Penarth	Demolition of garage and construction of new garage/gym
2015/00112/FUL	A	89, Greenacres, Barry	Flat roof porch to infill recessed area at front
2015/00118/ADV	A	5D, Stanwell Road, Penarth	Installation of 1 No. 'halo' illuminated fascia sign and 1 No. externally illuminated projecting sign
2015/00119/FUL	A	Ambleside, Pen Y Lan Road, Aberthin	First floor extensions over garage and facade remodelling
2015/00120/ADV	A	Tesco, Culverhouse Cross	Proposed signage to Pod (re-sited to that approved under planning reference 2013/01194/ADV)
2015/00123/LAW	R	28A, The Yard, Station Road, Penarth	Lawful use of workshop as B2 use
2015/00125/FUL	A	7, Borough Close, Cowbridge	Proposed demolition of existing flat roof single storey portion of existing dwelling. Proposed two storey side extension to form kitchen/dining and utility space on the ground floor and 2 bedrooms, one with en-suite, on the first floor. Proposed new front entrance porch

2015/00131/FUL	A	5th Barry Sea Scouts, Corner of Holton Road and Everard Street, Barry	Proposed installation of timber fencing to the top of an existing boundary wall
2015/00132/FUL	A	Waitrose, Palmerston Road, Barry	Installation of new external seating, 11 no. bollards to the front of store and associated works
2015/00135/FUL	A	Southfield, 11, Wick Road, Ewenny	Alterations and side and rear extension
2015/00136/FUL	A	172, Jenner Road, Barry	Two storey extension of the side of property, on to the existing driveway, and extension to the rear of the property, over existing garage and kitchen. Addition of a garage at the end of the rear garden, adjoining the rear access road.
2015/00137/FUL	A	31, Sully Terrace, Penarth	Single storey rear extension
2015/00138/LAW	A	49, Hillside Drive, Cowbridge	Replace current conservatory with more solid building
2015/00139/FUL	A	21, Lidmore Road, Barry	Demolish existing single storey rear /side extension and construct new two storey rear / side extension
2015/00147/LBC	A	North Hydraulic Pumping House, Hood Road, Barry	The demolition and removal of the existing granite and brick machine bases from South Range, and associated reconstruction in the external public area
2015/00148/FUL	A	Fern Lodge, Llanquian Road, Aberthin	Demolition of existing conservatory and balcony/patio area on side elevation and construction of single storey side extension
2015/00154/FUL	A	28, Baron Road, Penarth	Rear two storey extension

2015/00157/LAW	R	85, Lavernock Road, Penarth	Construct new garage in garden to rear of 85 Lavernock Road and to form new crossover to allow access
2015/00158/FUL	A	1, The Spinney, Aberthin	Part demolition of existing garage and construction of a single storey dining room extension and re-cladding the first floor of the existing house
2015/00160/FUL	A	100, Millfield Drive, Cowbridge	Two storey side extension
2015/00162/FUL	A	45, Hawthorne Avenue, Penarth	Proposed two storey rear extension
2015/00165/RG3	A	Cwrt y Vil Community Centre, Byrd Crescent, Penarth	Part demolition and rebuild
2015/00166/FUL	A	47, Westward Rise, Barry	Proposed two storey extension to rear of existing domestic dwelling to replace existing ground floor extension and conservatory
2015/00167/FUL	A	Sideways, 65, Eastgate, Cowbridge	Proposed single storey extension to rear of existing dwelling
2015/00169/FUL	A	9, Crescent Close, Cowbridge	Proposed two storey extension
2015/00170/FUL	A	9, Birch Grove, Barry	Construct new infill, single storey, flat roof extension
2015/00173/FUL	A	ABP Port of Barry, Atlantic Way, Barry	Proposed solar photovoltaic system with an output of 10MW including raising of ground levels
2015/00179/LAW	A	Middle Stump, Beach Road, Southerndown	Rear single storey extension

2015/00180/FUL	A	6, Meadow View Court, Sully	Single storey extension to front and rear with new porch. Existing double garage to be demolished and replaced with off road parking
2015/00181/FUL	A	1, Ewbank Close, Coldbrook, Barry	Demolition of existing single storey porch & construction of two storey side extension.
2015/00186/FUL	A	61, Murch Road, Dinas Powys	Loft conversion with rear dormer and single storey rear extension plus associated works
2015/00190/FUL	A	96, Broadway, Llanblethian, Cowbridge	Removal of existing conservatory and replacement with larger flat roofed extension. Removal of existing flat roofed dormer window and replacement with new gable roof. Existing failing flat roof to narrow side extension to be replaced with pitched roof
2015/00191/FUL	A	18, The Heathers, Barry	Proposed rear extension. Comprises a single and double storey incorporating a ground floor dining/kitchen extension and a first floor bedroom extension
2015/00195/FUL	A	Land at West Hall Farm, Aberthaw, St. Athan	Variation of Condition 15 and removal of Condition 19 on original planning application 2013/00724/FUL approved 17 January, 2014
2015/00196/FUL	A	11, Shakespeare Road, Barry	New single storey side extension in place of existing garage

2015/00198/FUL	A	The Moorings, Highlight Lane, Barry	Replace existing flat roof on single storey. Extension to front of property with two storeys. A two metre extension to the existing garage
2015/00199/FUL	A	8, Britten Road, Penarth	Single storey rear extension and new front porch
2015/00200/FUL	R	Neonta Stores, 5, Vere Street, Barry	Change of use of ground floor shop (Class A1) to Hot Food Takeaway (Class A3) and installation of fume extraction unit to rear
2015/00201/FUL	A	Premier, 107, Broad Street, Barry	Retention of ATM with internally illuminated, halo illuminated surround with blue LED tapes
2015/00203/FUL	A	North Hydraulic Pumping House, Hood Road, Barry	Vary Condition 10 of planning permission 2014/00920/FUL
2015/00204/FUL	R	15, Maillards Haven, Penarth	Retention of two external air conditioning units
2015/00207/FUL	A	73, Westward Rise, Barry	Two storey side and single store rear extension
2015/00209/FUL	A	8, Tair Gwaun, Penarth	Conversion of existing garage to lounge, new utility room and external alterations to rear with linked extension
2015/00210/FUL	A	29, Willow Close, Penarth	Take down existing conservatory and construct to rear dwelling new sun lounge extension
2015/00211/FUL	A	86a, High Street, Barry	New external steel staircase to rear to access flat above (existing) and new front door to rear elevation and alterations to garage/store

2015/00214/ADV	A	Premier, 107, Broad Street, Barry	Retention of ATM with internally illuminated lettering, halo illuminated surround with blue LED tapes
2015/00215/FUL	A	St. Brides Major Riding and Trekking Centre, Farmers Arms Lane, St. Brides Major	Application for an equestrian barn
2015/00219/FUL	A	121, Westbourne Road, Penarth	Demolition of existing rear single storey conservatory and utility room. Construction of new rear single storey extension and loft conversion with flat roof dormer and extension to side elevation. Revision to application 2014/01051/FUL
2015/00220/FUL	A	98, Churchfields, Barry	Erection of a detached garage and aged brick fence
2015/00221/FUL	A	49, Port Road East, Barry	Proposed front porch
2015/00223/FUL	A	14, Chandlers Way, Penarth	Addition of a glass balcony onto the first floor of the front of a house
2015/00228/ADV	A	Asda Stores Ltd, Ffordd Y Mileniwm, Barry	Directional post sign located on edge of public realm to direct customers to car park entrance
2015/00233/ADV	A	Unit 1, Stirling Road, Barry	Fabricated aluminium stencil cut fascia powder coated white. Signs internally illuminated by means of white LED's giving edge illumination only to letters
2015/00236/FUL	A	22, Hinchsliff Avenue, Barry	Proposed replacement single garage
2015/00239/NMA	A	Hillcrest, Penylan Road, St. Brides Major	Application to demolish existing dormer bungalow and construct new dormer bungalow

2015/00250/NMA	A	Land to the North of the Railway Line off Pentir Y De, Rhoose	Removal of Conditions 5, 6 and 7 attached to Outline planning permission 2010/00686/EAO granted in respect of the residential development 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 at land to the north of the railway line, Pentir Y De, Rhoose
2015/00267/ADV	A	Ysgol Maes Dyfan, Gibbonsdown Rise, Barry	Free standing sign
2015/00273/PNA	A	Court Farm Granary, Llansannor	Proposed hay barn and plant store
2015/00275/PNT	A	Barry Town AFC, Jenner Park, Barry	Proposed Base station installation
2015/00279/NMA	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 at 6 Caer Worgan, Llantwit Major. Ref: 2015/00006/FUL
2015/00282/FUL	A	64, Colcot Road, Barry	Two storey rear and side extension
2015/00285/FUL	A	The Walled Cottage, 25, Britway Road, Dinas Powys	Demolish existing single storey extension to rear construct new two-storey extension to rear of existing dwelling
2015/00308/NMA	A	Tudor Lodge, Bonvilston	New stable/agricultural block - amendment to 2014/00994/FUL
2015/00319/FUL	A	46, Trem Y Don, Barry	Proposed ground floor extension to living room with balcony to first floor garage conversion to form hobby room

2015/00331/FUL	A	88, Plymouth Road, Penarth	Removal of existing bay window and the addition of two French door sets and Juliet balconies
2015/00344/NMA	A	Former Magistrates Court, Thompson Street, Barry	Amendment to permission 2012/01114/FUL - Change from 6 X 3 bed houses, 33 X 2 bed flats and 13 X 1 bed flat to 6 X 3 bed houses, 32 X 2 bed flats and 14 X 1 bed flats
2015/00361/NMA	A	Site known as West Pond, Barry Waterfront, Barry	Amendment to layout as permitted by applications 2009/00946/OUT and 2014/00484/RES - substitution of house types approved in respect of plots 71-78
2015/00377/NMA	A	Boverton Grange, Mill Road, Boverton	Amendment to 2014/00694/FUL - Remove higher level of glass above doors and replace with block and render to match existing building
2015/00410/NMA	A	St. Johns Well, St. Athan	Removal of condition Nos. 22, 23 and 24 From application 13/01148/FUL

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 14th May, 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2014/00640/FUL
Appeal Method: Hearing
Appeal Reference No: 15/3014936
Appellant: Mr. J. Navidi,
Location: Mill Barn, Boverton, Llantwit Major
Proposal: Proposed partial reconstruction and conversion
of disused barns to form a three bedroom
dwelling
Start Date: 21st April 2015

L.P.A. Reference No: 2014/00962/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3014551
Appellant: Mr and Mrs A. P. Hill,
Location: Field to the east of Trerhyngyll
Proposal: Retrospective application for the erection of
small, lockable storage shed for agricultural and
equine purposes
Start Date: 20th April 2015

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/00247/FUL
Appeal Method: Hearing
Appeal Reference No: 14/2227169
Appellant: Mr. M. I. Baildon-Smith,
Location: The Barley Field, The Lawns, Cwrt yr Ala Road,
Cardiff
Proposal: Retrospective application for the excavation of 3
ponds/basins
Decision: Appeal Allowed
Date: 7 April 2015
Inspector: Melissa Hall
Council Determination: Delegated

Summary

The Inspector considered the principal issues to relate to if the development was justified having regard to policies design to control development in the countryside and its effect on the character and appearance of the surrounding area, including the Cwrt Yr Ala Special Landscape Area.

The Inspector concluded that, whilst not an established agriculture or commercial enterprise, the operation amount to a agricultural activity Planning Policy Wales advises that a constructive approach should be adopted towards agricultural development, even in such unconventional formats. Considering the condition observed at the site and provided in evidence the Inspector was convinced that the ponds are required to provide sustainable drainage of the site to sustain productive agricultural use.

The Council's concerns in respect of the urbanising effect if the development was noted by the Inspector, however, the Inspector concluded that the ponds are not highly prominent in the landscape nor were the Inspector persuaded that the ponds have a domestic or urban appearance. It was the Inspector's view that the fencing from the subdivision of the land that has the greatest impact on the character and appearance of the surrounding area.

Given the small scale nature, natural appearance and localised impact of the ponds, the Inspector concluded that the development would not compromise the important characteristics and features of the special landscape area.

In view of the above, the Inspector granted permission for the development subject to a condition requiring the removal of spoil from the land immediately adjacent to the ponds.

(d) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2013/0252/PRO
Appeal Method:	Hearing
Appeal Reference No:	C/14/2221623
Appellant:	Mr. Leighton Fernandes
Location:	Land at The Lawns, Michaelston Le Pit
Proposal:	Without planning permission, the carrying out of operational development consisting of the erection of a building including a hard surfaced apron surrounding the building and the laying of a hard surface access track
Decision:	ENF appeal ALLOWED
Date:	15 April 2015
Inspector:	Janine Townsley
Council Determination:	Committee

Summary

The appeal against the enforcement notice was made on three grounds, (C), (A) and (F). The Inspector's decision is as follows:

The Appeal on Ground (c):

The Inspector concluded that the access track as currently constructed could only be considered to be reasonably necessary for the purposes of agriculture and therefore benefit from permitted development rights if the building itself is authorised. In view of this, the appeal on ground (c) fails.

The Appeal on Ground (a) and the Deemed Planning Application:

The Inspector considered the main issues to be whether, in the light of local and national policies, there exists an agricultural need for the building and access track at this location and the effect of the development on the character and appearance of the surrounding area, in particular the Cwrt yr Ala Basin Special Landscape Area ("SLA").

It is the Council's view that the appellant's activities are more akin to "hobby farming", a term which appears in the explanatory text to the policy. There is no definition of "hobby farming" in either national or local policy and therefore there is no clear means of objectively distinguishing between it and agricultural enterprises which may justify appropriate development. The appellant has entered a niche area of rearing young calves until they are able to feed independently. And the appellant's agricultural consultant has asserted that shelter is a necessity for the needs of the animals. The Council has not provided any evidence or suggestion that this is not the case. Whilst the appeal site is limited in size, the Inspector was satisfied that it is large enough to support the enterprise. The farming enterprise has commenced and can continue without reliance on any external factors. As a consequence of this, the Inspector conclude that the appellant is operating a viable agricultural enterprise, and that the building is necessary for the purposes of agriculture. Therefore the development complies with policy ENV1, ENV2 and EMP8 of the UDP.

In relation to the design of the building, the appellant's position is that it has been designed and constructed to meet his agricultural need. The appellant's evidence is that the building has been sited near the row of trees at the far end of the appeal site as this provides additional shelter for the young animals. The Inspector was satisfied that the purpose of the building is to provide well ventilated and dry shelter for the calves and that this is a small enterprise and that the building has been constructed to an appropriate size and height to meet the needs of that enterprise and therefore is designed specifically for agricultural purposes. In that respect it satisfies policy EMP8.

The land falls slightly from the Cwrt yr Ala track to the building. It is therefore at a relatively low point in the landscape. Whilst the building and access track are visible from the Cwrt yr Ala track when approaching the appeal site, they are not visible from other view points on the public footpath or from any nearby properties. The building is situated against a backdrop of a row of trees. The topography of the land is such that the land which forms part of the SLA rises relatively steeply to the rear of the building. These factors assist the appearance of the building to blend into the landscape and, consequently, and the Inspector considered the building does not have an adverse effect on the SLA. Therefore the development complies with Policy ENV4 and ENV10 of the UDP. On the basis that the building is necessary for the purposes of agriculture and given the appellant's land is restricted in size, the Inspector considered that the building is appropriately sited within the appeal site and therefore minimises the impact on the surrounding areas in accordance with policy ENV27 of the UDP. A consequence of the siting of the building to the rear of the appeal site is that the access track runs almost the full length of the appeal site. This inevitably means the access track is visible. This is unavoidable since the building is most appropriately sited to the rear of the unit for visual purposes and due to the agricultural need. Taking all of this into account, and having regard to the permitted development rights which exist for the construction of a "private way", the Inspector considered the access track is acceptable in its current location.

For the reasons given above the Inspector conclude that the appeal should succeed on ground (a). In the circumstances there was no need to consider further the appeal on grounds (f) or (g), and in view of this, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building and the laying of a hard surfaced apron around the building and the laying of a hard surface access track on land at The Lawns, Michaelston-Le-Pit, Dinas Powys, CF64 4HE, referred to in the notice, subject to the conditions requiring the removal of the building and track, should the agricultural use cease and the removal of permitted development rights for the creation of hard surface areas.

At the hearing an application for costs was made by the Vale of Glamorgan Council against Mr Leighton Fernandes. This application was refused.

(e) Other appeal decisions

L.P.A. Reference No: 2014/00411/HH
Appeal Method: Written Representations
Appeal Reference No: T/14/516018
Appellant: Jean Davies
Location: Bonvilla, Bonvilston
Proposal: High hedge
Decision: Appeal Dismissed
Date: 30 March 2015
Inspector: Melissa Hall
Council Determination: Delegated

Summary

The Inspector considered the principal issues to relate to if the reasonable enjoyment of the Complainant's property was adversely affected by the height of the hedge, and if so, whether or not action should be taken in relation to the high hedge to remedy the adverse effect.

The Inspector identified that the methodology used in the Council's assessment of impact and measures used to calculate the action hedge height were correct and sufficiently accurate, appropriate and reasonable to the circumstances of this case. The Inspector agreed with the conclusion that the height, breadth and proximity of the hedge blocks light into the garden, representing a dominant and overbearing feature when viewed from the garden. In view of this, the Inspector concludes that action should be pursued in the form of a remediation notice.

The height and method of reduction required under the remediation notice were upheld and the Inspector concluded that the requirement was reasonable.

(f) April 2015 - March 2016 Appeal Statistics

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

Enforcement Appeals	W	-	-	-	-
	H	-	1	1	-
	PI	-	-	-	-
Enforcement Total		- (0%)	1 (100%)	1	-

All Appeals	W	-	-	-	-
	H	-	2	2	-
	PI	-	-	-	-
Combined Total		- (0%)	2 (100%)	2	-

*Please note that the High Hedge appeal decision referred to above has not been included within this table as the decision was made in the last financial year.

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 : 14 MAY 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2015/00174/TCA	A	Laburnum Lodge, St. Nicholas	Fell Fir tree to front of Laburnum Lodge only
2015/00244/TCA	A	Cowbridge Physic Garden, Church Road, Cowbridge	Removal of Maple
2015/00264/TCA	A	Chy Avallan, Church Road, Llanblethian	Reduce Ash sympathetically by 2m and sycamore lop by half
2015/00334/TCA	A	24, Archer Road, Penarth	Fell lime and replace with fastigate tree

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16 APRIL 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.

Syrus Energy Ltd
Asbri Planning Ltd. 1st Floor Westview House, Oak Tree Court, Cardiff Gate
Business Park, Cardiff, Glamorgan, CF23 8RS

Penllyn Estate Farm, Llwynhelig, Cowbridge

Construction and use of an anaerobic digestion facility and associated works

SITE AND CONTEXT

The site is within an agricultural field, which is adjacent to the Penllyn Estate (Llwynhelig) Farm, which is to the northwest of Cowbridge. The site is approximately 300m north of the A48 in a rural and primarily agricultural area, with patches of woodland (some of which are protected under Tree Preservation Orders). The site also falls within the Special Landscape Area of the Upper Thaw Valley.

The site is currently accessed via the private access road that runs through the farm complex, and has Public Right of Way (Penllyn) No 5 running along the eastern edge of the site. There are dwellings in the vicinity of the site, though at a distance of approximately 200m or more. The farm and existing composting buildings are the closest structures to the site.

DESCRIPTION OF DEVELOPMENT

The proposals are for a 0.5MW on-farm Anaerobic Digester (AD) within an existing field, which is part of the Penllyn Farm Estate between Cowbridge and Penllyn, north of the A48. It is understood that the AD process would incorporate using up to 20,000 tonnes of agricultural slurry and commercial food waste (10,000 tonnes slurry, with 2000 tonnes from Penllyn Farm, and 10000 tonnes of food waste) to produce biogas and digestate. This is formed by using bacteria to break down the waste organic matter to produce the biogas, which would be used to produce electricity and feed into the National Grid. This would result in approximately 0.5MW of renewable energy being generated using a biogas generator. The digestate could be used to form a natural fertilizer for the farm.

Some of the slurry waste would be from Penllyn Farm, though slurry would also be transported to the site from an approximate 10 mile radius. Also, food waste would be transported to the site for processing into biogas. As such, the proposed development would result in haulage traffic to and from the site.

The development that would be required for the AD plant would include a 40m x 30m reception building, a smaller site office, plus four circular storage tanks/gas holders of varying sizes, though the largest has a diameter of approximately 28m. A transformer, a 'Combined Heat and Power' (CHP) unit and other associated equipment and units are included within the site area. A gravel road, turning area, concrete apron and asphalt access is all to be included within the site.

PLANNING HISTORY

2013/00693/SC1: Penllyn Estate Farm, Llwynhelig - Proposed 0.5 MW Anaerobic Digestion Facility (ADF) –

‘Welsh Office Circular 11/99 states that EIA will usually only be needed for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations); and c) for developments with unusually complex and potentially hazardous environmental effects. It also states that the number of cases of such development will be a very small proportion of the total number of Schedule 2 developments.

In this respect, and taking into account each of the above, it is concluded from the information submitted that, whilst further details regarding certain environmental issues, such as traffic impact, noise and air quality will be required for any application on this site, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted.’

2013/00115/FUL: Penllyn Estate Farm, Llwynhelig, Penllyn - Retrospective planning application for the retention of a solar photovoltaic array and associated equipment with a maximum capacity of 50 KW (amended location to 2011/01190/FUL) - Approved 10 April 2013.

2011/01190/FUL: Penllyn Estate Farm, Llwynhelig, Penllyn - Installation and operation of a solar photovoltaic array and associated equipment with a maximum array height of 2.6m and a maximum installed capacity of 50kW - Approved 18 January 2012.

2008/01504/FUL: West of Llwynhelig Farm Cowbridge – Conversion of an existing agricultural building for use as a waste composting plant with associated engineering, drainage and landscaping works – Approved 16 January 2009

2007/01376/FUL: Newton Moor, Penllyn Estate Farm, Llwynhelig, Cowbridge - Construction of a lake designed for disabled use and to be used as a teaching school for all age groups - Withdrawn 20 May 2008.

2001/00036/FUL: Penllyn Estate Farm, Llwynhelig, Cowbridge - New farm shop and access road - Refused 29 June 2001.

1997/00569/PN: Penllyn Estate Farm, Llwynhelig, - Forest access track - Approved 20 June 1997.

1994/01033/FUL: Penllyn Estate Farm, Cowbridge - Steel framed agricultural building for use as a lambing shed and general storage - Approved 16 December 1994.

1994/00752/TPO: Penllyn Estate Farm, Llwynhelig, Cowbridge - Woodland Management - Approved 25 August 1994.

CONSULTATIONS

Penllyn Community Council-

'Whilst the Committee has no objection to the proposed buildings and concepts it has major concerns over the transport to and from the site and especially as to the number of vehicles that will be involved; the increase in the number of vehicles that may result in future years and how this might impact on the current road network. The Committee considers that this is a major factor that needs to be fully addressed before approval is given to this planning application.'

Cowbridge with Llanblethian Town Council -

"Whilst the Committee has no objection to the proposed buildings and concepts, it has major concerns over the transport to and from the site and especially as to the number of vehicles involved; the increase in number of vehicles that may result in future years and how this might impact on the current road network. The Committee considers that this is a major factor that needs to be fully addressed before approval is given to the planning application."

4th March 2015:

"Whilst there is no objection to the proposed buildings and concepts, there is major concerns over the transport to and from the site and especially as to the number of vehicles that will be involved; the increase in the number of vehicles that may result in future years and how this might impact on the current road network. The Committee considers that this is a major factor that will need to be fully addressed before approval is given to the planning application."

The Council's Highway Development Team - The Traffic Engineer has analysed the submitted Transport Statement and it is considered that the proposal will have negligible impact on the local highway network.

There are therefore no highway or traffic objections to this proposal subject to the following highway requirements being fully satisfied:

- No commencement of construction work until the new vehicle access and track off the A48, which is the subject of the planning application 2014/01000/FUL, has been fully approved and implemented to the satisfaction of the Highway Engineer.
- Suitable details of a highway improvement to enable vehicles in excess of 8m overall length to turn right out of the existing access in a single sweep are to be submitted to the LPA for approval subject to consent for the whole scheme being granted.
- A weight limit of 5 tonnes (GVW) is imposed at the existing access to the farm on Gibbetts Hill – applicant to provide details of proposed enforcement/control.

- All surface water run-off to be dealt with within the confines of the site
- On-site parking provision to be in accordance with the requirements of CSS Wales Parking Standards 2008.
- Applicant to provide a Construction Management Plan to include proposed haul routes and site delivery times to be agreed and approved by the Highway Engineer.

Wheel washing and sweeping facilities to be provided within the boundary of the site to ensure that no mud and loose material are dragged onto the adopted highway to the detriment of highway safety. Positioning of the wheel wash to be agreed with the Highway Engineer.

Public Rights of Way Officer – Public Right of Way P3/5 must be kept open and free for use for the public at all times or a legal diversion or stopping up order should be sought.

Economic Development Section – No comments received

Highways and Engineering (Drainage) – Required details via condition for all surface water drainage (such as the soakaways as proposed) which should be implemented prior to beneficial use.

The Director of Legal, Public Protection and Housing Services (Environmental Health - Pollution) –

‘Having reviewed the further documentation received, namely the Revised Planning Statement, Revised Transport Statement and Proximity Principle Statement, please note the following comments in relation to the further documentation as well as consolidation of the previous comments and conclusions drawn.

Cowbridge Compost in Vessel Composting (IVC) Facility

*Although it is stated at 7.35 of the Planning Statement, dated February 2015, that the use of the IVC will cease when the proposed AD is operational this intention has not always been clearly stated. Previously there had been consideration given to accepting and processing food waste at both the existing IVC and the proposed anaerobic digestion (AD) facility. In light of the odour issues that have occurred due to the operation of the IVC plant **I advise that it should be conditioned that once the proposed AD is operational that the use IVC for the accepting and processing of food waste cease.***

Anaerobic Digestion (AD) facility

The facility will be the subject of a permit that will be applied for and granted by Natural Resources Wales (NRW). It is understood that if successful the facility will be granted a Standards Rules SR2010 No16 On-farm anaerobic digestion facility including use of the resultant biogas permit.

As part of the requirement to be granted and operate the permit the applicant/ operator is obliged to produce, maintain and implement an Odour Management Plan (OMP). The plan should consider the facility itself as well as the management and storage of the feedstock and spreading of the subsequent end product as well as the combined impacts of the multiple odour sources on site including the green waste composting facility and sources of fugitive emissions. The applicant has stated that they are happy to accept a Planning Condition for the final OMP to be submitted to yourselves, (the Local Planning Authority (LPA) and Pollution Section) for approval prior to start of operations. (email from Nicola Williams of Syrus Energy dated 13 January 2015)

The OMP should consider the combined impact of the multiple odour sources on site including the green waste composting facility and specify expected European Odour Unit (ou_E/m^3) for the complete site as well as the proposed facility because as noted by the operators, in their OMP, the current IVC is only ½ mile from Cowbridge Town Centre.

*In light of the above and the fact that some activities will not be the subject of the permit, namely the handling and processing of the resulting digestate/ end product, as it is envisaged the end product will meet the requirements of PAS110:2010¹, **I advise that it be conditioned that the applicant produce a comprehensive Odour Management Plan that encompasses all activities, including those processes and activities that will not be the subject of the permit. The OMP should be submitted and deemed adequate prior to the beneficial use of the permission.***

Digestate and feed stock

It is understood that the resulting digestate will be taken from site and spread by third parties, who may also provide some of the feedstock, namely slurry, that will be feed into the AD process. I have been advised by the applicant that the spreading of digestate will be the subject of the latest best practice guidance that will be provided to all parties who take the digestate away. (email from Nicola Williams of Syrus Energy dated 13 January 2015).

It is essential that the delivery of all feed stock and removal of resulting digestate be the subject of best practice, including the delivery of all slurry and removal of all digestate in clean enclosed tankers. At no time should feedstock such as food waste or any other odorous product or waste be stored outdoors or in such a manner so to give rise to odours.

I have also been advised that all I resulting digestate should be spread by the soil injection or soil incorporation methods. Slurry can be spread close to the ground using an inverted splashplate or bandspreader, trailing shoe or trailing hose, however these methods can produce increased odours compared to injection and incorporation.

The best practice guidance to be disseminated and worked to by an recipient of the digestate should be made available to and agreed with the LPA and Pollution Section.

Noise

The Noise Assessment Report compiled by Hunter Acoustics has been reviewed. We agree in principal with the conclusions drawn by the consultant and the necessity for noise limits to be established, noting the criteria detailed at section 4.0 of the report, and the requirement for plant and equipment to be housed within buildings capable of providing sufficient noise attenuation. With planning conditions being drafted accordingly so to protect residential amenity and prevent nuisance.

In light of the predictions and assumptions that have been made it is essential that further data is provided and finalised as detailed in the Conclusion of the report, at section 8.

It is also essential in light of the area being quiet and background noise levels are 'very low', section 4.0, that those issues raised as Good Practice, in section 5.5, are implemented and adhered to as part of a Noise Management Plan.

In terms of the operation of the Anaerobic Digester (AD) facility itself, as in accepting deliveries, it is advised that the hours be conditioned as proposed;

Intake of waste

<i>Monday to Friday</i>	<i>7:30 to 18:00</i>
<i>Saturday</i>	<i>8:00 to 14:00</i>

If permission were to be granted a further noise assessment should be carried out once the facility is fully operational so to ensure that the criteria is meet, if the criteria set out in section 4 of the report is found not to be meet all necessary corrective action would have to be taken within a set time period, agreed with the LPA, so to ensure compliance with the planning condition/s imposed.

Construction Environmental Management Plan (CEMP)

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

Conclusion

In Vessel Composting (IVC) Facility

It is advised that if permission for the Anaerobic Digester (AD) is granted that it be on the condition that the In Vessel Composting Facility (IVC) cease to be used for the processing of food waste or any other composting or odour process.

Anaerobic Digester (AD) facility, digestate and feed stock

Details of the design of the building/s themselves ,the biofilter and ancillary equipment should be provided as well as details of the supply and transportation of feedstock and management of resultant products and un-compostable waste.

It is advised that the applicant provide a comprehensive Odour Management Plan for this application. The plan should consider the facility itself as well as the management and storage of the feedstock and spreading of the subsequent end product as well as the combined impacts of the multiple odour sources on site including the green waste composting facility and sources of fugitive emissions. The plan should define and quantify the odour impact of the facility.

Noise

As stated above we agree in principal with the conclusions in terms of noise. However in light of the assumptions that have had to made, and low background noise levels (L_{90}) it is essential that as advised plant and equipment is housed internally, operating hours controlled and a post-construction assessment is carried out once the facility is fully operational, if permission was to be granted, so to ensure the criteria established was meet. To facilitate this process a Noise Management Plan should be provided and the recommendations be the subject of appropriate planning conditions.

Construction Environmental Management Plan (CEMP)

The application, if granted, it is advised should be the subject of a condition requiring a CEMP as detailed above.'

Glamorgan Gwent Archaeological Trust – Requires mitigation via planning condition for a watching brief to be conducted. The response identifies the area's Roman history as a particular reason for the watching brief being needed.

Policy Section (Planning) – Raised concerns relating to visual impact and traffic generation, though stated that generally national and local policy would support the proposal.

Cowbridge Ward Members – No comments received

Dwr Cymru/Welsh Water – No objection raised. Advised that NRW should be consulted due to the use of a septic tank as proposed.

Ecology Officer –

“The Ecology welcomes the provision of the following ecological reports to support the planning application.

- *Penllyn Estate Farm, Llwynhelig, Cowbridge; Preliminary Ecological Appraisal; August 2013*
- *Penllyn Estate Farm, Llwynhelig, Cowbridge; Reptile Survey; October 2013*

We are of the opinion that the reports have been carried out to an adequate standard and we have confidence in the findings and conclusions contained therein. We support the recommendations made in the Preliminary Ecological Appraisal.”

Recommended conditions attached referring to lighting design, landscaping for biodiversity, dealing with non-native invasive species (Himalayan Balsalm), vegetation clearance and enhancement to biodiversity strategies.

Waste Management – No objections were raised. Explained that the Vale of Glamorgan is committed to a joint procurement hub with Cardiff County Council which would not involve ‘Cowbridge Compost’ or the proposed AD plant.

Natural Resources Wales – No objections. Impact to adjacent SSSI will not be significant. Environmental Permit will be required. Please see [Appendix A](#) for copy of response.

South Wales Fire and Rescue Service – Provided advice and information relating to the need for adequate water supplies and access for emergency firefighting appliances and vehicles. This has been forwarded to the applicant.

REPRESENTATIONS

The neighbouring properties were consulted on 12 September 2013. A site notice was also displayed on the 16 September 2013 and was also advertised in the press on the 19 September 2013. There have been 25 letters/emails received from the general public with issues raised including the following:

- Concerns over noise pollution
- Concerns relating to odour from the AD plant
- Air pollution from the AD plant
- Visual impact of large building within the countryside and Special Landscape Area
- The proposed AD plant would add to the odour problems already at the site
- Proposal would lead to the industrialisation of the countryside
- Increased traffic to and from the site and the highway network
- Overdevelopment of a rural farm
- Transport of waste over significant distances being unsustainable
- Detrimental impact to the Special Landscape Area
- Concern about the process and how the electricity is to be generated

Further to the above there has been a petition submitted objecting to the proposals on the basis of air pollution, odours, environmental pollution, property price loss, health risks, increased traffic and congestion, visual impact and impact to wildlife. It has been signed by over 45 signatories. The petition was accompanied by a letter highlighting various news stories relating to AD plants around the country and complaints that have resulted in negative press coverage.

Please see [Appendix B](#) for full copies of 3 representation letters/emails from neighbours that have been received and represent the objections received.

Also, please see [Appendix C](#) for a copy of an example page from the submitted petition.

REPORT

Please note this application was initially deferred from the Planning Committee of the 16 April 2015 to allow for a Committee site visit. This application will now returned to Planning Committee on the 14 May 2015 after the Committee site visit.

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 – THE ENVIRONMENT
POLICY 13 – WASTE MANAGEMENT

Policy

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
ENV2 – AGRICULTURAL LAND
ENV4 – SPECIAL LANDSCAPE AREAS
ENV10 – CONSERVATION OF THE COUNTRYSIDE
ENV11 – PROTECTION OF LANDSCAPE FEATURES
ENV16 – PROTECTED SPECIES
ENV18 – ARCHAEOLOGICAL FIELD EVALUATION
ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27 – DESIGN OF NEW DEVELOPMENTS
ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
EMP7 – FARM DIVERSIFICATION
EMP8 – AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT
TRAN10 – PARKING
WAST1 – PROVISION OF WASTE MANAGEMENT FACILITIES
WAST2 – CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES
WAST4 – WASTE DISPOSAL ON AGRICULTURAL LAND

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.

12.5.1 The Welsh Government’s general policy for waste management is contained in its overarching waste strategy document Towards Zero Waste and associated sector plans⁶. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

12.5.4 There are a number of specific principles, in addition to these general principles, which should guide planning approaches and inform decisions. Of these principles, the waste hierarchy provides the key starting point for all types of waste management proposals and consideration of the hierarchy should be set against the wider social, economic and environmental considerations which are relevant in any given case. The ‘Nearest Appropriate Installation’ concept and the principle of self-sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive (rWFD) and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.

12.7.2 The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable, and, if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused. Further advice on general and specific planning principles and detailed planning considerations can be found in TAN 21 Waste.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:

– considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;

– ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;

– recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and

– ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.8.10 - At the same time, local planning authorities should:

– ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;

– ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and

– encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).

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 5 – Nature Conservation and Planning (2009)

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

Technical Advice Note 8 – Renewable Energy (2005) –

Anaerobic Digestion (Biogas)-

3.3 The siting of biogas plant and the associated energy generation equipment is dependent upon the source of the digestate. That material might be human sewage, in which case the plant is almost certain to be within the sewage treatment works. Animal wastes are more likely to be transported into a central site from the surrounding area and kitchen and catering wastes could come from further afield again. Criteria based policies should be supportive subject to appropriate siting, adequate vehicular access etc. Planning applications will need to be carefully assessed and planning permissions adequately conditioned to ensure good practice is followed and nuisance avoided.

3.4 Local planning authorities should adopt policies for larger sewage treatment facilities to include anaerobic digestion facilities with a positive utilisation of the methane fuel. Intensive livestock units such as large poultry or pig units should also be required to demonstrate responsible waste management practices (which might include anaerobic digestion).

- Technical Advice Note 21 – Waste (2014) –

1.10 Sustainable development is a key functioning principle of the Welsh Government and its policies. The movement towards sustainability in relation to planning for waste should be guided first by the wider principles of sustainability contained in Planning Policy Wales, however, with specific reference to waste management land use planning should help to:

- *Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities;*
- *Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities;*
- *Recognise and support the economic and social benefits that can be realised from the management of waste as a resource within Wales.*

*2.9 The **nearest appropriate installation principle** states that waste falling with Article 16, should be disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health. This means taking into account environmental, economic and social factors, to ensure the right waste management facilities are located in the right place and at the right time. There are several reasons why it is important to manage such waste close to where it arises. This includes reducing the detrimental environmental impacts associated with the transportation of waste and retaining the intrinsic value of waste as a resource in line with the need to secure greater resource efficiency. Planning authorities should not attempt to restrict waste management developments within their boundaries to deal only with arising in their areas. The proximity of a waste disposal or mixed municipal waste recovery installation will depend upon the quantities and types of arisings at local, regional and national levels.*

3.26....In general, the most appropriate locations will be those with the least adverse impacts on the local population and the environment, and with the best potential contribution to a broad infrastructure framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses.

4.16 Applicants should clearly justify why a proposal is necessary and where it cannot be clearly demonstrated that there is a need for the proposal it may be appropriate to consider refusing planning permission. This is likely to be the case where the level of provision exceeds the upper range identified in the Collections, Infrastructure and Markets Plan for any given region.

- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

Sustainable Development
Amenity Standards
Biodiversity and Development
Design in the Landscape
Sustainable Development - A Developer's Guide

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:

- Local Development Plan Waste Planning Background Paper (2013)
- The Waste (England & Wales) Regulations 2011, as amended by the Waste (England and Wales) (Amendment) Regulations 2012, SI 2012 No.1889.
- *Directive 2009/28/EC* of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable resources.
- Directive 2008/98/EC – The Waste Framework Directive (including Article 4 – Waste Hierarchy; and Article 16 – Nearest Appropriate Facility)
- Directive 1999/31/EC - The landfill of waste

Other relevant evidence or policy guidance:

Towards Zero Waste: The overarching waste strategy document for Wales.
(Welsh Assembly Government)

South East Wales Regional Waste Plan

Energy Policy Statement (Welsh Assembly Govt.) 2010

Issues

The major issues to be considered are compliance with national and local policies on renewable energy generation and waste management, the strategic implications of this development in the countryside and on the Upper Thaw Valley Special Landscape Area, together with its overall visual impact, potential noise and odour nuisances and traffic implications.

National Policy Issues

The UK Renewable Energy Strategy set a target of 15% of UK energy being generated by renewable sources by 2020, whilst the Welsh Assembly Government's Energy Policy Statement aims to have almost all local energy needs met by low-carbon electricity production by 2050. This is encouraged by Planning Policy Wales (7th Edition, 2014), which advises (para. 12.8.9) that Local Planning Authorities should facilitate all forms of renewable and low-carbon energy to move towards a low-carbon economy and help tackle the causes of climate change by ensuring (amongst other things) that development control decisions are consistent with national obligations whilst (12.8.10) ensuring that mitigation measures are required for potential detrimental effects on local communities.

The Welsh Assembly Government also produced the document 'Towards Zero Waste' which provides a waste strategy for Wales based on EU directives (such as the Waste Framework Directive - 2008/98/EC). This document sets out key principles such as protecting the environment, applying the 'waste hierarchy' and the 'proximity principle', with the strategy to prevent waste creation or reuse/recycle waste rather than deposit in landfill.

Technical Advice Note (TAN) 21 (waste) 2014 also supports sustainable waste processing. This states that proposals for Anaerobic Digestion (AD) plants could be considered as a form of 'Recycling' in the 'Waste Hierarchy' through the reproducing of organic material which can be used as fertilizer ("Anaerobic digestion may fall within the recycling category where certain standards and quality of bio-waste are achieved"). TAN 21 describes the process of Anaerobic Digestion as:

Anaerobic digestion is a natural process where microorganisms break down organic matter (such as food waste, manures and slurries, sewerage sludge and purpose grown crops for energy) in the absence of oxygen. The process can produce both biogas and digestate. Biogas can be used in combined heat and power to produce heat or cleaned and used in the same way as a natural gas or vehicle fuel. Digestate is used as a renewable fertiliser or soil conditioner. Where the anaerobic digestion facility satisfies BSI PAS 110 and the quality protocols for use as a soil conditioner or fertiliser, it will be considered as a recycling facility, where the digestate does not meet those quality standards the operations will be other recovery (4.4.1).

TAN 21 also states that AD has "greater potential to reduce greenhouse gas emissions than other composting treatments such as In-Vessel Composting or Open-Windrow Composting", which currently exist at Llwynhelig Farm. TAN 21 makes clear WAG's support of renewable energy from waste and are particularly supportive of AD for its potential environmental virtues in providing natural fertilizer and energy.

The national (UK and Welsh) policy guidance outlined above clearly favours renewable energy enterprises at this scale, subject to appropriate environmental controls, and concludes that these may be appropriate on farms. The proposed AD plant is to be located within land that is part of Llwynhelig Farm, in close proximity to existing farm structures and barns. The site is within the open countryside, though it is considered that this is a generally appropriate setting, away from high density residential areas. The functions of an AD plant should be well suited to the existing farm uses, with it also be noted that there has been waste treatment at this site established for several years.

In addition, Planning Policy Wales states that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices. Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) advises (paras. 3.7.1 and 3.7.2) that when considering planning applications for farm diversification projects, planning authorities should consider the scale and nature of activity, stating that many economic activities can be sustainably located on farms, with small on-farm operations such as the production of renewable energy likely to be appropriate uses.

At the local level, the adopted Unitary Development Plan policies WAST 1 and WAST 2 are of particular relevant to the proposed AD plant. Policy WAST 1 includes a statement that waste plants could be suitably accommodated “on land or within farm building complexes”. Policy WAST 2 provides an 8-point criteria to consider proposals for waste management facilities, which includes the need to conform with the waste hierarchy; to protect residential amenity; minimise the demand to the highway/transport network; protect the landscape and environment etc.

‘Waste Planning’ (2013) is a background paper to support the emerging Local Development Plan, which is at the Draft Deposit stage. The document states that food and garden waste are currently being collected by the Vale of Glamorgan Council and processed at ‘Cowbridge Compost Ltd’, which is at the Llwynhelig Farm and uses the existing In-Vessel Composting (IVC) near the site of the proposed AD plant. For food and garden waste the document states that there is a plan for an AD facility to process both the Vale and Cardiff waste. The Background Paper acknowledges the current waste processing facilities at Llwynhelig Farm and also states that generally there may be potential to expand existing sites. The Background Paper also states that locations on or adjacent to existing farm complexes such as this site would generally be a suitable location for new facilities.

Overall, it is considered that both National and Local planning policies support AD facilities as a sustainable form of waste-to-energy development, subject to criteria including the prevention of environmental impacts or unsustainable traffic generation. Also, National and Local planning policy support farm diversification, which the proposed AD plant could be considered a form of as it would underpin the viability of the existing farming operation and provide a source of fertilizer to use on the farm.

Impact on the Countryside setting and Special Landscape Area

The site is located within the Special Landscape Area (Upper Thaw Valley). Accordingly, the impact of the proposal on the landscape is of great importance, with Policies ENV4 and ENV 1 being of notable relevance.

Policy ENV1 of the Unitary Development Plan restricts development in the countryside to that which is essential for agriculture and a number of other appropriate uses. It is clear that the present proposal is related to the agricultural unit on which it is situated (inputting slurry with a digestate being the output that can be used as a form of fertilizer) and also that it has been identified in planning policy that sites adjacent to farm complexes are suitable locations for such development. As such, in these circumstances, there is no objection to the principle of a waste facility at this site, especially considering the existing waste facilities at Llwynhelig Farm.

The proposed AD plant would be larger than the existing adjacent IVC plant. The main building, which would have an industrial/utilitarian appearance, would be approximately 40m in depth and 30m wide, with the ridge of the shallow pitched roof being just less than 10m from ground level. The 4 adjacent circular tanks proposed are also large structures, with the largest being approximately 28m in diameter and 13m in height. Other smaller buildings include a site office and a transformer for grid connection, plus CHP unit (of which indicative details have been provided). All the structures would be clustered in a compound on a levelled area of ground.

The application has been accompanied by a 'Landscape and Visual Impact Assessment' (Anthony Jellard Associates – August 2013). The study notes that the site is within a steeply sided valley and is not a level site, with the land rising gently east to west and much more steeply north to south. The report also notes the hedgerow boundaries to the fields and nearby tree belts. The report also notes the presence of the 'public right of way' P3/5 (Penllyn 5) running alongside the site.

In terms of the assessment, the report acknowledges the scale of the proposed building, though states that it is "of a scale typical of other farmsteads in the Cowbridge area". The report also states that the "enclosed nature of the landscape, with steep side valley slopes and woodland and hedgerows obstructs longer views" and that there are "almost no locations (except immediately adjacent) where the full scale and massing of the development can be appreciated." The report concludes that the massing and scale of the proposed development would have a 'negligible' or 'minor adverse' landscape impact.

In terms of the impact to the Special Landscape Area the report concludes that the potential effects are 'negligible' to 'minor adverse', especially as the site is not within a widely visible area and the buildings being of an agricultural appearance.

The report states that the development would not be visible from the A48 to the south, with only glimpsed and distance views from the A4222 to the east. When viewed from local roads the development is stated to have a 'negligible adverse' impact. The public right of way is considered with the report and as it runs in close proximity to the proposed development there is likely to be a 'moderate adverse' impact once planting is matured.

The residential receptors are also considered as part of this Visual Assessment. No views of the development have been identified from Cowbridge. The maximum visual impact has been identified as those on the Western edge of Maendy, though when mitigation planting becomes established the visual impact would be limited to 'minor adverse'.

In conclusion, the submitted Landscape and Visual Impact Assessment states that the proposals would comply with planning policies that relate to visual impact within the landscape and that the AD development "would be acceptable in landscape and visual terms".

In considering the submitted report, it is considered that the findings are well justified. The site is set within a small valley which will limit the visual impact of even the large buildings proposed, especially when the proposed landscaping is implemented and established. The close proximity of similar sized farm buildings also means that the AD buildings would not appear out of character within its context and would appear as an extension to the existing agricultural farm cluster as part of the Penllyn Estate.

The most significant visual impact would be from users of the Public Right of Way, though views of the AD plant would be brief and transient for those passing through the farm on this route. As such, it is considered that the direct visual impact to Public Right of Way users is limited and would not warrant refusal of the application on this basis.

It is therefore concluded that the proposed AD plant, despite its significant size, is well located near existing farm buildings of similar form, and uses the topography and existing vegetation to limit its visual impact in this Special Landscape Area of the Rural Vale.

Access and Traffic Generation

The proposal consists of an AD plant which will use farm slurry and food waste to produce both biogas (which can be converted to electricity) and digestate which can be used as fertilizer. The slurry is stated to come from both within Penllyn Farm (2000 tonnes approx.) and the other 8000 tonnes from "local farms". These are anticipated to be transported to the site in sealed tankers of 20 tonne payloads. The commercial food waste (10,000 tonnes) will all come from offsite waste brokers (examples given as one based in Cardiff and the other is a national company with a depot in Newport).

The submitted revised Transport Statement (TS) (Asbri – February 2015) anticipates that the AD plant would generate approximately 7 goods vehicle trips per day (14 two-way movements) and 10 light vehicle trips per day (including staff). The TS also notes that there would be no discernable peak of heavy vehicles at the site but would be done over working hours.

The TS highlights that there is an existing waste plant (IVC plant) on site that currently processes 8000 tonnes of waste per year. This is all to be transferred to the AD plant with the IVC to cease operations completely. As such, 8000 tonnes of the AD plant commercial food waste is argued to be already taken to the site for processing within the IVC plant. Also, 2000 tonnes of slurry is to come from Penllyn Farm and therefore will not need to use the public highway network. As such, the proposed AD plant would result in an increase of traffic to transport 10,000 tonnes of waste per annum to the site (2000 of commercial waste and 8000 slurry from nearby farms) over and above existing levels.

Whilst it is acknowledged that there is an existing IVC plant operating on site, the proposals would result in an increase in traffic to and from the site. The existing access off the A4222 Gibblet's Hill (near the junction with the A48 Cowbridge) is narrow with a steep initial rise. The access also has a tight turn off the junction which would make it potentially difficult for larger vehicles to manoeuvre. With an access such as this, which is considered substandard based on current standards, there is strong concern that adding to the existing traffic flows with a new development would be unacceptable and could result in conflict of vehicles within the highway. As such, following these concerns being relayed to the applicant, the revised TS include reference to a new access off the A48.

Planning application 2014/01000/FUL is proposing a new access off the A48 to the west of Cowbridge to link with Llwynhelig Farm. This is proposed by the farm owner and not Syrus Energy, though it is acknowledged that the new access track could serve the AD Plant also. The new access off the A48 would allow for this route to be part of a 'one-way' system, with traffic entering the farm complex through the new access, with the existing access for egress only. This would have the benefit of avoiding passing traffic going opposite directions on the substandard existing access.

This would address the primary concern relating to additional traffic generation for the farm complex. Also, there would be a significant benefit for Cowbridge, as traffic looking to enter the site from the east would not have to travel through the centre of Cowbridge and could instead stay on the A48 bypass and enter from the new access. As this is a separate application it is considered that a condition should be required that the track is formed and ready for use prior to any construction of the AD plant and shall continue to be in use as long as the AD plant is in operational use. It is also considered that plans have been submitted to improve the existing access to enhance manoeuvrability, which is also a beneficial part of the proposal which should be conditioned to be included if the scheme is approved.

In terms of basic traffic generation, the additional slurry and food waste being brought to the site would increase traffic especially along the A48, though this is not considered likely to be at a significant degree. The total vehicle daily trips anticipated of less than 17 per day (of which seven would be goods vehicles) would not be at a level that would result in capacity issues for the A48 or the surrounding highway network in general.

Overall, if a new access is provided (which would provide an improvement for the whole Penllyn Estate Farm) then there is no objection to the proposed AD plant based on highway issues. There is also proposed to be sufficient on-site parking for staff and turning for goods vehicles within the development.

'Nearest Appropriate Installation' Principle

As is clear from the consideration of the policies above, an important aspect of waste facility proposals relates to the proximity to the nearest installation from the source of the waste (Nearest Appropriate Installation Principle – Section 2.9 TAN 21). Reasons for this includes “reducing the detrimental environmental impacts associated with the transportation of waste” (TAN 21) which is intrinsic to the values of sustainable waste management.

Information has been sought from the applicant as to the source of the waste as it appears that neither Cardiff Council nor the Vale of Glamorgan Council would be likely to use the AD facility. The applicant has provided information of two waste brokers that currently work with Syrus Energy at their Cardigan site. The companies have not been named though they have been described as one based in Cardiff (Company A) and a national broker and cooking oil recycling business with a nearest depot in Newport (Company B). It is acknowledged that it would not be possible to guarantee that the waste for the proposed AD plant would always be sourced from these two companies, though it is considered that it is likely that there will be potential sources of food waste from within a reasonably close proximity to the site. It is also considered that it would be unlikely that waste brokers would transport waste over a significant distance to the Cowbridge site due to the additional transport costs that would incur.

Based on the submitted information it is considered that Syrus Energy can source its waste locally, both from waste brokers in the South Wales region, and from adjacent farms for the slurry, therefore being in accordance with the proximity principle of using the nearest appropriate installation.

Public Right of Way

Public Right of Way No 5 (Penllyn) runs to the eastern edge of the site. It has been recently diverted to follow the edge of the existing track. However, the applicant should be aware that the right of way should remain open at all times through the course of construction and should not be obstructed in any way.

Agricultural Land Classification

To accompany the proposals an 'Agricultural Land Classification' report (Kernon Countryside Consultants Ltd- March 2015) has been submitted. This was required as there the development would cover a significant area of grazing agricultural land that could have been of high quality. The best and most versatile agricultural land (Grade 1, 2 and 3a) should be retained where possible (policy ENV 2 of the Unitary Development Plan) and not lost to irreversible development. It is considered that the proposed AD plant and the levelling works necessary would irreversibly lose the land to future agricultural use and so the assessment was required.

Of the site area assessed 23% was non-agricultural (access track etc) with 59% being subgrade 3b (Moderate quality) and the remaining 18% land classed 3a (Good). The 3a land is limited by soil wetness, though remains within the defined category of the best and most versatile agricultural land. However, this is less than one-fifth of the total site area. On this basis, though it is considered regrettable that there would be an area of good quality agricultural land lost by the development, the area would be relatively small (0.4ha) with the majority of the site being of lesser agricultural land quality. It is also considered that there are benefits to the proposal in terms of renewable energy and sustainable waste provision which outweighs the loss of the relatively small area of high quality agricultural land.

Environmental Impact

The proposals have been considered by Natural Resources Wales who state that they have no objection and do not anticipate the proposal would have any significant impact to nearby Sites of Special Scientific Interest. They did state that the applicant would need the relevant Environmental Permit for the proposed waste and energy AD plant.

Planning Policy Wales (Edition 7, 2014 para. 13.10.02) advises that planning authorities should operate on the basis that the relevant pollution control regimes will be properly applied by other agencies, and should not seek to control through planning matters that are the proper concern of the pollution control authority. Natural Resources Wales advise that this development is likely to require a Permit under the Environmental Permitting Regulations.

Environmental Impact - Process

The process of anaerobic digestion is complex. It involves the processing of both slurry and food waste and the creation of biogas (which would be converted to energy) and digestate. As such, the process has the potential for significant environmental impacts if the plant is not operated using suitable methods. Whilst NRW would address this issue primarily through the Environmental Permit, the process has also been considered by the Environmental Health Officers.

Environmental Health (EH) has no objection to the proposals, following receipt of further information from the applicant in recent months. However, to ensure against potential environmental impacts they have advised the addition of some conditions concerning issues such as noise and odour management. EH have also stated that they would want to ensure that both the proposed AD plant and existing IVC facility were not used to process waste at the same time, as this could lead to a cumulation of impacts. The applicant has stated that the AD plant would take over the processing of all the waste currently sent to the IVC facility. It is considered that if the potential impacts to the environment if both the AD plant and IVC facility were both in use could be considerable. As such, it is recommended that a legal agreement should be required to cease operations of the IVC facility if the AD plant is developed and operational. This would also ensure against significantly more waste being taken to the site than stated in the submitted documentation, which would also have a potential impact to the local highway network.

Environmental Impact - Odours

The Council's Environmental Health Officers have also considered the submitted details (Air Quality Assessment – Air Quality Consultants August 2013). As is evident from the submitted representations from neighbours to the site there has been some current problems with odour from the IVC unit and other practices at the farm. However, the AD plant would use a sealed process and as such even though there would be more waste taken to this facility it should potentially have less of an odour impact. The submitted report finds that the air quality impacts would be “insignificant” and that the potential for odour impacts at “nearby sensitive receptors are highly unlikely”.

EH have considered the details and report submitted and have no objection to the AD proposals on this basis, though would require the submission of a comprehensive Odour Management Plan for all parts of the process (some of which are not covered by the required Environmental Permit) such as the storage of feed stocks and spreading of the subsequent end product. This shall be requested via condition.

On the basis of a suitable Odour Management Plan being submitted there is no objection to the proposals on the basis of odour potential, and it is considered that with the use of the AD plant rather than the IVC the situation could significantly improve over existing odour levels in the area.

Environmental Impact - Noise

The noise impact of the proposed operation of the plant is a concern of some of the objectors to the proposal, with the closest dwellings being approximately 200 metres away to the southeast, albeit out of direct sight from many of the nearby residences, being in a valley and screened by the intervening slopes/vegetation.

A report to address the issue of noise has been submitted (Hunter Acoustics – August 2013). The report concluded that to address any issues of potential noise pollution significant plant should be housed inside the proposed buildings. Due to the minimal increase of traffic over existing levels there is no concern raised with regards HGV traffic in the area.

EH concur with the report though also required a post-development noise assessment once the AD is fully operational and based on the noise limits as set out in Section 4 of the submitted report. This should follow an initial Noise Management Plan which should set out methods of mitigating noise in this area of low background noise.

It should also be considered that hours of operations would be restricted, which should ensure against significant evening and night time noise and traffic. This should be required by condition with any approval.

Ecology Issues

The application is supported by two documents by 'Hartley Preserve'. There is a Preliminary Ecological Assessment and a Reptile Survey. The Ecological Assessment found that the site had "little ecological value" though acknowledged that small areas of the site had potential to provide habitats for bats, reptiles and birds. The potential impacts were assessed with the report and recommendations made. This included the need to limit light pollution from the development; to eradicate the invasive Himalayan Balsam plant; to limit the loss of foraging resources and to provide ecological enhancement within the site (promote thick hedgerows and limit grass cutting etc.).

The reptile survey found no reptiles within the site and it concluded that it was not likely that the site would support any reptiles and so the development would have no impact.

Considering the findings of the submitted survey it is considered that the proposals would not have any significant impact to local ecology or protective species, subject to conditions for ecological enhancement and protection (lighting scheme and hedgerow protection etc.) being attached to any approval.

Archaeology

The site is in an area which has a potential for archaeology, which could be disturbed or destroyed with the development of the proposed AD plant. As such, as recommended by Glamorgan Gwent Archaeological Trust, any approval for the development should include a condition for a watching brief during the construction phase and a subsequent reporting of findings.

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 ENV 1 (Development in the Countryside), ENV 4 (Special Landscape Areas), ENV 10 (Conservation of the Countryside), ENV 11 (Protection of Landscape Features), ENV 16 (Protected Species), ENV 27 (Design of New Developments), ENV 29 (Protection of Environmental Quality), ENV 18 (Archaeological Field Evaluation), ENV 19 (Preservation of Archaeological Remains), TRAN 10 (Parking), WAST 1 (Provision of Waste Management Facilities) and WAST 2 (Criteria for Assessing Waste Management Facilities) of the Unitary Development Plan, and the Waste Planning Background Paper (2013), and to national policy on renewable energy generation set out in the UK Renewable Energy Strategy and Energy Action Plan, the Welsh Assembly Government's Waste Strategy 'Towards Zero Waste', Planning Policy Wales (7th edition, 2014) and Technical Advice Note 6: Planning for Sustainable Rural Communities (2010), Technical Advice Note 8: Planning for Renewable Energy, and Technical Advice Note 21 (Waste), it is concluded that the proposal meets the objectives of those policies and guidance in respect of renewable energy generation and waste processing, with no significant adverse impact to the character and appearance of the rural setting, the Special Landscape Area or to residential or environmental amenity.

RECOMMENDATION

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

- To cease operations of the existing In Vessel Composting (IVC) Facility (approved under planning application 2008/01504/FUL) prior to the first operation of the Anaerobic Digester Plant and agree not to recommence while the approved AD plant is in operation.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the plans reference PL(90) 201, 101, 103, PL(20) 200, PL(20) 203, 100, PL(20) 202, the swept path analysis plans Figures 2, 4, 5, 6, 7 and 8, plus the 'Agricultural Land Classification' report, the Transport Statement (Feb 2015), Air Quality Assessment (August 2013), Noise Survey (Hunter Acoustics - Ref 3110/ENA2_Rev 1), Landscape and Visual Assessment (August 2013), Reptile Survey (October 2013), Planning Statement (February 2015) and Preliminary Ecological Appraisal (August 2013) 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, prior to the commencement of development details shall be submitted of the finished levels of the site in relation to existing ground levels and finished 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 amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

4. Full details of a scheme for foul and surface water drainage 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 operational use of the development hereby approved.

Reason:

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

5. No development whatsoever shall commence until details of a new access to the site off the A48 has been submitted to and approved in writing by the Local Planning Authority. The new access shall be implemented and available for use before the commencement of development of the anaerobic digester hereby approved and the thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the commencement of development full engineering details of improvements to the junction with the A4222 (Gibbons Hill) based on plan Figure 2.3 and 001A of the amended Transport Statement shall be submitted to and approved in writing by the Local Planning Authority. The junction improvements as approved shall be implemented prior to the commencement of development of the AD plant hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Prior to the first beneficial use of the development hereby approved a Noise Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be operated in full accordance with the agreed recommendations of the Noise Management Plan.

Reason:

To protect residential amenities, in accordance with Policies ENV27 and ENV29 of the adopted Unitary Development Plan.

8. A noise survey post installation at the nearest residential premises (The Lodge) shall be undertaken when the AD plant is initially commissioned and again after six months. The noise survey is to be provided in the same format as in the developer's Noise Assessment in section 4.0 of the submitted report 3110/ENA2_Rev 1 (Hunter Acoustic's). The results of the first noise assessments shall be submitted to the Local Planning Authority, within two months of the date of commissioning the plant and, should either of the surveys indicate that the noise levels exceed those stated in the application documents, the use of the plant shall cease until such time as a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of residential amenity and to ensure compliance with Policy COMM7 of the Unitary Development Plan.

9. Should in future a justified noise complaint be made to the Local Authority, within 28 days from the receipt of a written request from the Local Planning Authority, the operator of the development shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise from the plant at the complainant's property. During the course of the investigation, should the plant be identified as operating outside of the parameters specified in the original noise assessment the equipment will be modified, limited or shut down. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating plant to a level within the parameters specified in the noise assessment.

Reason:

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

10. Prior to the first beneficial use of the AD plant hereby approved a comprehensive Odour Management Plan which shall encompass all the process (including storage of feedstock and spreading of the subsequent end product) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be operated in full accordance with the agreed recommendations within the Odour Management Plan.

Reason:

To protect residential amenities, in accordance with policy ENV 27 and ENV 29 of the adopted Unitary Development Plan.

11. Prior to the commencement of development, details (including elevations and floorplans) of the site office, transformer and CHP unit shall be submitted to and agreed in writing by the Local Planning Authority. The development of the site office, transformer and CHP unit shall only be implemented in accordance with the agreed details.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV4 and ENV27 of the Unitary Development Plan.

12. Notwithstanding the submitted details, 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 Policies ENV4 and ENV27 of the Unitary Development Plan.

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV4 and ENV27 of the Unitary Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11, ENV4 and ENV27 of the Unitary Development Plan.

15. 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.

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

Reason:

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

17. The hours of operation of the plant as extended shall be restricted to between 0730 to 1800 hours Monday to Friday, 0800 to 1400hrs Saturdays, with no operation on Sundays. Deliveries of waste shall be received only between 0730 to 1800 hours Monday to Friday, 0730 to 1300 hours on Saturdays, and not at all on Sunday.

Reason:

In the interests of the amenities of neighbouring occupiers in accordance with Policy WAST2 - Criteria for Assessing Waste Management Facilities of the Unitary Development Plan and TAN21 - Waste.

18. The quantity of waste processed through the Anaerobic Digester hereby approved shall not exceed the amounts stated in sections 3.9 and 3.10 of the amended Planning Statement (Asbri Planning - February 2015).

Reason:

In the interest of the amenities of neighbouring occupiers in accordance with Policy WAST2- Criteria for Assessing Waste Management Facilities of the Unitary Development Plan and TAN21 - Waste.

19. The development shall be carried out in accordance with the recommendations of the submitted 'Preliminary Ecological Assessment' (August 2013), detailed in the section entitled 'Recommendations' of this report produced by Hartley Preserve, to a timetable to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

20. Prior to the operational use of the development hereby approved, a 'Lighting Design Strategy' in regards to biodiversity for the site shall be submitted to, and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for all light-sensitive species of bat such as Lesser Horseshoe Bats, Brown Long Eared bats and Natterers Bats; and that are likely to cause disturbance in or around their breeding sites and resting places or along routes used to access key areas of their territory, for example foraging; and

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species (and others that may be using the site) from using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations sets out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed that is not identified in the strategy.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

- 21. Prior to the first operational use of the development hereby approved, a 'Landscape Planting Scheme' for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify areas of vegetation to be cleared and areas to be replanted.

- b) Detail the species list for the habitat / landscape planting which shall comprise only native species.

The landscaping scheme shall be implemented in accordance with this scheme and the requirements of Condition 7 above.

Reason:

To safeguard protected species and provide ecological enhancements, in accordance with Policy ENV16 of the Unitary Development Plan.

- 22. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and/or eradication of Himalayan Balsalm on site. The measures shall be carried out strictly in accordance with the approved scheme to a timetable to be set out in the protocol.

Reason:

To safeguard protected species and provide ecological enhancements, in accordance with Policy ENV16 of the Unitary Development Plan.

NOTE:

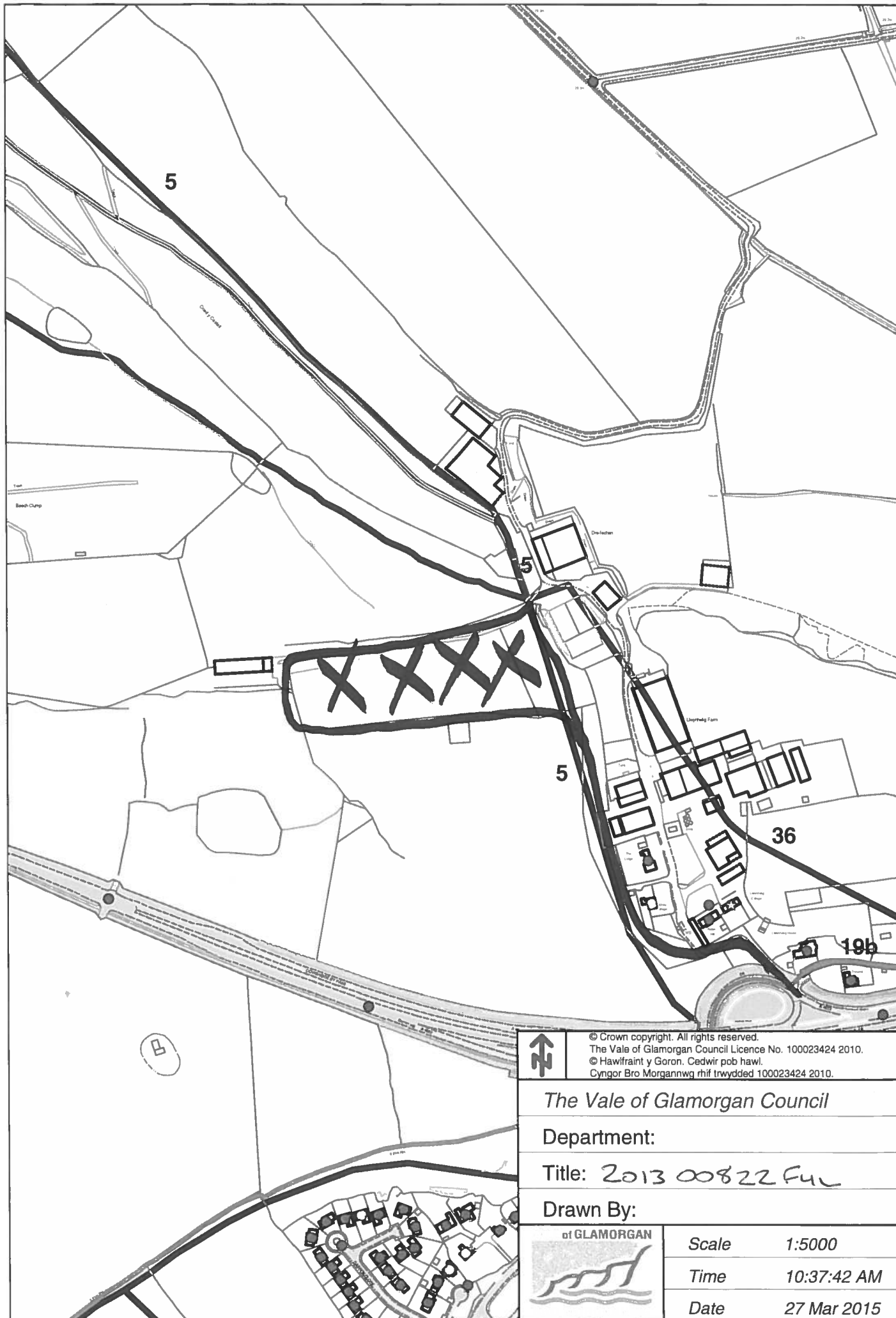
1. In regards to Condition 13 of the approval, the landscape planting should comprise of native species of local provenance that fit into the local character of the site. New plantings should include species that provide nuts, berries and fruit for bird species and evergreen species that provide cover for birds.
2. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.
3. The applicants are advised that all necessary consents / licences / permits must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).


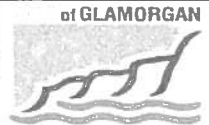
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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



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	The Vale of Glamorgan Council	
Department:		
Title: 2013 00822 Ful		
Drawn By:		
	Scale	1:5000
	Time	10:37:42 AM
	Date	27 Mar 2015



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Appendix A

2013/00822/FUL

FAO Steven Rennie
The Vale Of Glamorgan Council
Development Control
Docks Office Subway Road
Barry
South Glamorgan
CF63 4RT

Ein cyf / Our ref: 2013/00822/FUL

Eich cyf / Your ref: 2013/00822/FUL

Dyddiad/Date: 16 November 2013

Annwyl Syr/Madam / Dear Sir/Madam

CONSTRUCTION AND USE OF AN ANAEROBIC DIGESTION FACILITY AND ASSOCIATED WORKS AT PENLLYN ESTATE FARM, LLWYNHELIG, COWBRIDGE.

Thank you for referring the above planning application which we received on 3 September 2013. Please accept our apologies for the delay in responding.

We have **no objections** to the proposed development as submitted, and provide you and the developer the following advice and comments.

Impact on Designated Sites (Cors Aberthin Site of Special Scientific Interest (SSSI))

We welcome the submission of an impact assessment on the ecological features of the Cors Aberthin SSSI. The assessment has demonstrated that the nitrogen oxide concentration (Tables 8 and 9), nutrient nitrogen deposition and acid deposition (Table 10) at the SSSI will not be significant. Therefore we have no adverse comments to make in relation to designated sites.

Environmental Permitting (England and Wales) Regulations 2010

The proposal will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010. This will be regulated by us. The applicant is advised to contact their local Environment Management team (Jaqui Collier - 029 20245239) to discuss the issues that may need to be addressed during the permit application at an early stage.

Finally, we recommend that Pollution Prevention Guidelines

www.cyfoethnaturiolcymru.gov.uk www.naturalresourceswales.gov.uk

Natural Resources Wales, Rivers House (St. Mellons Business Park), Fortran Road, St. Mellons, Cardiff, CF3 0EY.

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Appendix A

(<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>) are followed as the site is on a principal aquifer. These aquifers may support water supply and/or river base flow on a strategic scale.

2013/00624
FLU

We trust this advice is clear.

Yn gywir / Yours faithfully

James Davies
Swyddog Cynllunio / Planning Officer

Ebost/Email: James.Davies@naturalresourceswales.gov.uk

Ffôn/Tel: 02920 245 039

Ffacs/Fax: 02920 362 920

RECEIVED
8 NOV 2013
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.R
RECEIVED
ACTION BY: SHC SR
NO: 0281
ACK:

Objection to

Construction and use of an anaerobic digestion facility and associated works

Application No 2013/00822/FUL/SR2

My home is located fronting the A48 at The Broad Shoard and therefore close to the planned development. At present I am against the facility for the following reasons

- No duty of care is given by the facility provider. There appears no consideration for the general public affected by this facility. Communication is non existent and the company carries on its business with no consideration for the extremely negative effects that the public has to put up with.

- At very regular intervals there is an extremely bad stench in the air which results in the public having to close all their windows and keep out of their gardens. The smell is so bad that the public has to hibernate. The regularity of the smells mean that people's lives are restricted daily especially in warmer months and the daily routine causes frustration and depression. We invest in our homes and gardens but cannot fully enjoy them. We have to invest in windows and doors to ensure that they keep out the smell.

- The air pollution is regular throughout the year and cannot be ignored. I question if the air pollution levels are acceptable. Was this a consideration when the company was given the go ahead in the first instance? Indeed the overwhelmingly strong smells not only affect all the households in Cowbridge but it also carries to outlying villages.

The stench is intolerable and persistent for this reason I object to the existence of the plant so close to residents and affecting their lives. I would suggest that such a plant emitting air pollutants and stench should not be in close proximity to Cowbridge homes.

Mrs Ruth Thomas

38 The Broad Shoard

Cowbridge CF71 7DB

Appendix B
2013/00822/FUL

Mrs Susan Brace,
36 Broadshoard,
Cowbridge,
Vale of Glamorgan
CF71 7DB

7 October 2013

Vale of Glamorgan Council,
Planning Department,
Dock Office,
Barry Docks,
Barry.
CF63 4RT

Dear Sirs,

Reference: Construction and use of an anaerobic digestion facility and associated works. Application No: 2013/00822/FUL

I and my neighbours, living at The Broadshoard, Cowbridge, are most concerned about the proposed construction of an anaerobic digestion plant and its associated works at Penllyn Estate Farm. Our concerns are summarized as follows;

- The Penllyn Estate Farm is already responsible for a pervasive stench of a mixed organic/phenolic nature which frequently persists throughout the town of Cowbridge for many days.
- We are concerned that the construction of an industrial scale plant will only add to an existing problem which Penllyn Estates have done little to address.
- We have no confidence that industrializing the countryside by building on green field sites will help to relieve the odour related problems we are currently experiencing.
- We are concerned that once established this industry has the space available for future significant enlargement leading to greatly increased traffic involving large lorries laden with foul-smelling loads.
- We have read accounts from other locations where on-going problems have arisen from anaerobic digesters, including foul odours, escape of toxic fluids and large increase in traffic nuisance by heavy goods vehicles

Whilst we understand the desirability of using organic wastes to create useful by-products we do not wish to have to suffer a persistent nuisance for the foreseeable future. The foul odours could well influence the saleability of our properties and our right to enjoy our gardens without a persistent stench. As

Appendix B
2013/00522/Flu

residents of a market town we are all used to the occasional smell of manure but the agri-industrial stench created by Penllyn Estates is of a different order.

We would like to know if the council planners have any experience of overseeing the installation and monitoring of the environmental impact upon neighbouring dwellings and businesses arising from the construction of this new industry.

We would like the council's planning department to protect us from any possible nuisance that may arise from the proposed new industry. We presume the planners will have researched the impact these digesters have had on other communities. We would like to suggest that they read some of the experiences of other communities that we have researched and attached (Enclosure 1).

May we have the council's assurance that if this industry goes ahead the council will have the power to close it down if the operators are unable or unwilling to contain any offensive stench. Additionally, we would like the council to define what is an intolerable level of odour and how is it measured.

We have enclosed a 48 signature petition of concerned residents of The Broadshoard, Cowbridge. (Enclosure 2)

Yours faithfully,

Mrs. S.A. Brace

S.A. Brace.

*Appendix B
2013/00822/FUL*

Comment for planning application 2013/00822/FUL

Application Number	2013/00822/FUL
Location	Penllyn Estate Farm, Llwynhelig, Cowbridge
Proposal	Construction and use of an anaerobic digestion facility and associated works
Case Officer	Mr. Steven Rennie
Name	Mrs sian vaughan
Address	Rock House, Westgate, cf717Ar
Type of Comment	Objection
Comments	I have major concerns over the number of vehicles to and from the site. These may increase in future years. There will be a detrimental impact on the current road network. there has already been additional farm buildings added over the years and this is overdeveloping the farm site which is on the edge of the town of Cowbridge. This is not a suitable location for an anaerobic digestion facility and associated works. I am concerned about smell and the potential build up of gases.
Received Date	19/3/2015 08:47:57
Attachments	19/3/2015 08:47:57

Objection to Penllyn Farm Estate Anaerobic Digester and associated works.

Penllyn Farm Estate have applied for planning permission to build an anaerobic digester and associated works, a plant to rot down waste (12,000 tonnes of slurry and 8,000 tonnes of food waste per year) to produce heat, electricity and compost.

The application says it will not produce a noticeable smell in Cowbridge. However Penllyn farm currently makes compost, which is the source of the unpleasant smell that afflicts Cowbridge several times per week.

If this goes ahead, Cowbridge could suffer from:

- Air/ smell pollution due to transportation/ storage of animal slurry/ waste & food waste (environmental pollution) in the close proximity to residential dwellings.
- Property price losses.
- Environmental and health risks due to air pollution.
- Increased traffic & congestion.
- Local wildlife loss, environmental & eye sore within the beautiful green belt.

The planning application can be found here:

Select documents. <http://vogonline.planning-register.co.uk/PlaRecord.aspx?AppNo=2013/00822/FUL>

We the undersigned urge the Vale of Glamorgan council to ensure proper scrutiny be given to planning application 2013/00822/FUL and guarantee that there will be absolutely no negative impact on the town of Cowbridge and surrounding communities.

Signatures

Printed Name and Address

Date

MRS. M. DURHAM 4 THE BROAD SHOARD 24-09-2013
MR. P. DURHAM " " " 24-09-2013.

MI. J. LEWIS 7 " "

Mrs. H. WRIGHT 7 " "

MR. P. C. PRICE FFYRLINKS, BROADSHOARD 24/13

MRS AM COOKE 13, THE BROAD SHOARD
COWBRIDGE,

MRS. J. A PARSONS 22 The Broadshard Cowbridge
24/9/13 CF71 7DB

Mrs. Mrs J. HARRIS, 54 THE BROADSHOARD CF71 7DB
24-9-2013

2014/00940/FUL Received on 1 September 2014

Mrs. E. Davies, Church Cottage, Aberthin Lane, Aberthin, Vale of Glamorgan, CF71 7LD

Mr. Chris Williams, Spring Design Consultancy , Unit 3, Chapel Barns, Merthyr Mawr, Bridgend, CF32 0LS

Church Cottage, Aberthin Lane, Aberthin

Demolition of existing bungalow and construction of four semi detached single storey dwellings

SITE AND CONTEXT

The application site is an existing detached chalet bungalow situated within the settlement of Aberthin as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. There is a pronounced levels difference in this location with the property and adjoining land being significantly elevated above Aberthin Lane. The southern and western boundaries of the property form the defined settlement boundary whilst the north-eastern part of the site falls within the Aberthin Conservation Area. The property also falls within the Upper Thaw Valley Special Landscape Area.



Existing Cottage

DESCRIPTION OF DEVELOPMENT

The proposed demolition of the existing dwelling and the erection of four two bedroom dwellings with associated access and landscaping. The dwellings are to be semi-detached in two blocks with the dwellings at right angles within the site. The dwellings are to have the appearance of a converted barn style dwelling, despite being new-build. This approach used to fit in with the rural character of the area. Materials proposed include stone walls and a slate pitched roof.

Between the two sets of dwellings is to be an open parking and turning area, with two spaces for each dwelling. A new vehicular access is to be formed off Aberthin Lane and turn into the parking/turning area. There is to be private garden areas for each of the four proposed dwellings.

The land and existing cottage which is defined as the site is on a higher level than the road to the frontage, with the dwellings as proposed to be set on this higher level. The sloping verge down to the road is indicated to remain adjacent to Plot 4. The existing stone steps and ramp to the site frontage is also set to remain, along with some sections of retaining wall. It is anticipated that there would need to be some new sections of retaining wall, such as to the roadside frontage adjacent to Plot 1.



Proposed Layout

The layout plan includes suggestion of a 'possible area for shared allotment/kitchen garden. However, this is outside the red-line boundary and is not considered as part of this application. It should however be noted that such a domestic garden area would likely be considered as an encroachment into the countryside.



Impression of proposed dwellings

PLANNING HISTORY

2013/00966/FUL: Church Cottage, Aberthin Lane, Aberthin - Demolition of Church Cottage and development of two three bed houses and one four bed house - Withdrawn 29 November 2013.

CONSULTATIONS

Cowbridge with Llanblethian Town Council – ‘No objection to the proposals, subject to a satisfactory solution being found in respect of access to and from the site’.

Highway Development –

‘The development is for the demolition of an existing bungalow and the construction of 4 No dwellings within the site. Under the proposals, 8 car parking spaces (2 parking spaces per dwelling) will be provided for the use of residents. Vehicle and pedestrian access to the site will be provided via a new access constructed adjacent to the adopted highway.’

When reviewing the proposals, it is noted that an existing retaining wall, located adjacent to the adopted highway will remain. As a result, adequate visibility splays (2.4m x 25m) cannot be provided from the proposed means of access, along the adjacent highway. Furthermore, it is noted that part of the site will encroach on to the adopted highway, immediately to the southwest of the proposed access.

When considering the layout of the site, it is noted that there are no facilities provided to enable servicing vehicles to manoeuvre and turn within the site. As a result, larger servicing vehicles will be required to reverse in/out of the site, via the substandard access with limited visibility.

Finally, when assessing the car parking provision within the site, it is noted that the number of parking spaces provided for the use of residents is in accordance with the councils requirements. However, no car parking has been provided for the use of visitors to the site, who will be required to park along the adjacent highway.

Therefore, based on the above, an objection is raised in relation to the highway and transportation aspects of the proposals as the development does not provide a satisfactory means of access, adequate manoeuvring facilities within the site or car parking in accordance with the Councils parking standards.'

Environmental Health (Pollution) – Required submission of a 'Construction Environmental Management Plan' by condition, relating mainly to the control of dust and noise through the construction process.'

Conservation (Planning) – Comments as follows:

'I am mindful of the previous application, which was withdrawn, and comments from the Conservation and Design team (submitted by Jonathan Morgan) on that scheme. I am also mindful that the scheme currently being considered is different in many aspects from the withdrawn scheme. Notwithstanding this, many of the previous observation relating to the character and appearance of the conservation area its setting remain valid.

The Aberthin Conservation Area Appraisal and Management Plan identifies the qualities of the conservation area. The qualities of the conservation area that may be sensitive to this development are 'spacious character' and 'rural character [...], open grassed areas and views out to woodlands far behind private gardens'. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

The CAAMP is not prescriptive about which areas may be suitable for development but is guidance on general principles. It provides more detail than the Unitary Development Plan and is the preferred guidance for assessing the impact of the proposed scheme.

Whilst the amended scheme has attempted to overcome some of the concerns raised previously the scheme as proposed remains of concern. The topography of the site means that it will be highly prominent on the approach to and from the conservation area and the amount of development will serve to significantly dilute the rural character which contributes to the special interest which justified its designation as a conservation area in the first place. It is this special interest that we have a statutory duty to preserve or enhance and, in my view, the proposed scheme will not achieve this important outcome.

On this basis, I am unable to offer my support to the proposal.'

Cowbridge Ward Members – No comments received

Dwr Cymru/Welsh Water – No objections subject to standard conditions

The Council's Ecology Officer – 'We have no objection to the development, but suggest that the applicant follow the recommendations made in the Bat Survey report'.

Natural Resources Wales – No adverse comments. Advice note included with comments

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.

Glamorgan Gwent Archaeology Trust – Indicated that Church Cottage was shown on maps in 1833. Stated that as the site is within a Conservation Area that negative impacts “must be mitigated”. Considered the demolition of the cottage as a negative impact. Required a condition for the recording of the existing cottage to be carried out prior to demolition.

REPRESENTATIONS

The neighbouring properties were consulted on 2 September 2014. A site notice was also displayed on 26 September 2014. The application was also advertised in the press on the 8 September 2014. There has been one letter received concerned with the effect of development on highway safety, parking provision and traffic levels.

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 3 - HOUSING

Policy:

- ENV4 - Special Landscape Areas
- ENV 17 - Protection of built and historic environment
- ENV20 - Development in Conservation Areas
- ENV27 - Design of New Development
- HOUS2 - Additional Residential Development
- HOUS8 - Residential Development Criteria – Policy HOUS2 Settlements
- 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:

TAN12: Design

Supplementary Planning Guidance:

Adopted Supplementary Planning Guidance Amenity Standards
Aberthin Conservation Area Appraisal and Management Plan (2009)

The Local Development Plan:

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

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

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

Issues

The main issues to consider are the acceptability of the development in principle, the potential impact upon amenity of neighbouring residential properties, the provision of adequate amenity space and parking provision on-site, highway safety issues, impact upon trees or ecology and the impact upon the character of the street scene, Aberthin Conservation Area and the adjoining countryside which is designated Special Landscape Area.

Principle of development

Policy HOUS2 of the adopted UDP permits small-scale redevelopment and rounding off subject to the conditions of policy HOUS8 can be met, particularly criterion (i) which emphasises the scale, form and character of any proposal is sympathetic to the surrounding area.

In this instance it is acknowledged that the site is within the edge of the defined settlement boundary. This boundary been drawn in this position to accord with the established existing boundaries of Church Cottage and the agricultural land to the south and east. The proposed development falls within the boundaries of the Settlement Boundary and as such would not encroach into the adjoining countryside, as defined by the Unitary Development Plan.

The property also falls within the Upper Thaw Special Landscape Area. Policy ENV4 of the UDP states that new development will only be permitted where it can be demonstrated that it will not adversely affect the landscape character ... or visual amenities of the Special Landscape Area. Therefore the addition of any additional development to this site would need to respect and be sensitive to the adjoining rural landscape.

Overall, it is considered that as the proposed residential development is within the Settlement Boundary then the principle of the proposals are acceptable, subject to the criteria set out within Policy HOUS 8 and other relevant policies, such as ENV 4 for example.

Impact upon the character of the area

The existing dwelling of Church Cottage is in the style of a chalet bungalow as are properties to the north-west in Chapel Close. There are a number of single storey outbuildings on the site which appear to be in a poor state of repair. The current proposal seeks to introduce four single storey dwellings within the application site, with a shared access to the site to be positioned opposite the entrance to Chapel Close.

The existing property sits on a sensitive interface between the village of Aberthin and the adjoining countryside. The north-eastern corner of the site (front of the paddock) falls within the Aberthin Conservation Area, and Church Cottage was also within the conservation area until the boundary review and associated appraisal of 2009. The north-eastern corner of the site has been retained within the Conservation Area to maintain significant views out of the area, whilst its open undeveloped character also contributes positively to the setting of the Aberthin Community Centre (former Calvinistic Methodist Chapel) which is designated locally as a County Treasure.

As previously mentioned, the site is significantly elevated above road level and therefore the potential urbanising impact of new dwellings and the appropriateness of their design in this sensitive location needs to be carefully considered. Indeed the Conservation Area appraisal recognises the negative impact of some previous 'twentieth century infill severely eroding the openness' of the village Conservation Area.

The existing property of Church Cottage sits on a plot within the defined settlement boundary which is surrounded by paddocks and a garden area. The proposal would introduce four semi-detached single storey dwellings on this site. Although there is no principle objection to such development, it is considered that given their elevated position and siting that the proposed dwellings they would cause significant detriment to the character of the Conservation Area. Particular concern is raised to the positioning of Plot 4, which would have a 15.2m wide elevation set along the top of the verge of what is currently the open paddock area. This would clearly be very prominent from the roadside and within the setting of the former Chapel opposite.

It has remained our position throughout this application and the previous withdrawn application that the paddock between Church Cottage and neighbouring property Awel-Fan is considered an important open space, being at this approach to the Aberthin Conservation Area. The Aberthin Conservation Area Appraisal Management Plan (CAAMP) 2009 states in its recommendations that it would oppose development of open spaces within the Conservation Area where the open spaces contribute to the area's character. The CAAMP also states the following:

“Open areas and ‘greens’ between buildings and groups of buildings play an aesthetic part in forming the character of the village.”

The paddock contributes to the character of the Conservation Area as it allows views between properties and out of the Conservation Area into the surrounding countryside, whilst also maintaining an important spacious undeveloped space between buildings. As such, it is considered that any development of the paddock should be set back from the frontage and be of a form and scale that would allow views through the site to the countryside beyond, whilst maintaining the spaciousness of its setting. In this case, the position and orientation of the proposed dwelling at Plot 4 would form a physical and visual barrier to views through the site and therefore have a significant adverse effect to the character of the area. It is acknowledged that the proposed dwellings are single storey, although they would be on a raised ground level and therefore would be particularly prominent. The layout of the proposal would therefore erode the spaciousness of the site by encroachment into the existing open space between dwellings with further residential development.

The concern has been also raised by the Conservation Officer's comments (see comments above in full) referring to the importance of maintaining the 'spacious character' within parts of the Conservation Area and also *that the “topography of the site means that it will be highly prominent on the approach to and from the conservation area and the amount of development will serve to significantly dilute the rural character which contributes to the special interest which justified its designation as a conservation area in the first place.”* As the Conservation Officer notes, it is the proposal for 4 dwellings within this constricted site that has resulted in a cramped arrangement with two dwellings to be positioned in the paddock area, with one (plot 4) positioned prominently adjacent to the boundary with the highway.

It is considered that some development may be acceptable in the paddock area, but would need to be positioned in a set-back position from the boundary with the road maintaining views through to the countryside beyond. Two dwellings on the section of the part of the site which is currently an undeveloped paddock would be unlikely to be able to achieve this. As such, the current proposals would have an adverse impact to the character of the Conservation Area and setting of the historic former Chapel, contrary to Policies ENV17 and ENV 20 of the Unitary Development Plan.

In terms of the design and appearance of the proposed dwellings, it is considered that the 'mock barn-conversion' style is not appropriate. Whilst being in an edge of settlement location, adjacent to the countryside, this is predominantly a village setting and residential area with no other agricultural buildings or farm yards of any note in close proximity. To propose dwellings that would appear as agricultural stone barns is not considered suitable in this location, on the site of an existing cottage and paddock, surrounded by other residential buildings. It has been advised that a rural style dwelling of an appropriate scale would be the best approach, similar in form and appearance to the existing cottage. However, the design approach taken with these proposals are not considered suitable in this location and would appear out-of-context and therefore add to the detrimental impact on the character of the Conservation Area.

With the unsuitable mock-barn conversion design approach of the proposed dwellings and the overdevelopment of the site the proposals would also have a negative impact to the Special Landscape Area. The development of the site, which is partly an open paddock area, with the dwellings and arrangement as proposed, would be harmful to the semi-rural character and landscape setting, which is all part of the Upper Thaw Valley Special Landscape Area. As such, the proposals are considered to be contrary to Policy ENV4 of the Unitary Development Plan.

Overall, it is considered that the proposed semi-detached barn-conversion style dwellings would have an adverse and detrimental impact on the character of the Conservation Area and village setting, eroding the spacious nature of the site and blocking outward views from the Conservation Area through to the countryside. As such, the proposals are considered contrary to Policies ENV27, ENV4 and ENV20 of the Unitary Development Plan, and the Aberthin Conservation Area Appraisal Management Plan 2009.

Arrangement of the proposed dwellings

The proposed dwellings are arranged in two semi-detached blocks, with each semi-detached pair attached at right-angles to each other. As explained in the section above, the proposals would detrimentally impact the character of the Conservation Area and dilute the spacious rural character of the site. The previous application (2013/00966/FUL) was withdrawn after concerns were raised at the proposed three houses, though with this subsequent application the unit number has increased to four, albeit with smaller dwellings. To fit in four units within this restricted site would result in the cramped nature of proposed development, especially when considering the need for parking, turning space and amenity space for each dwelling.

There are some clear indicators that the proposals constitute overdevelopment of this site. For instance, there is no visitor parking accommodated within the development, with just the basic number of parking spaces for occupants catered for. It is also considered that the amount and suitability of amenity space varies for each dwelling. An example of this is the small area of garden to the side of Plot 2, which is much less than Plot 3 despite the dwelling being of the same size. This is less than that required by the adopted Supplementary Planning Guidance 'Amenity Standards'. Also, the amenity space for Plot 4 would be largely along the boundary with the highway, which would lack privacy for occupants using this space. It is also noted that the amenity space land for Plot 4 slopes steeply towards the highway, which would lessen its usability for future occupants. With fewer dwellings on site there would be more space for suitable amenity space provision, in an area where there is a prevalence of large private garden areas for dwellings.

It is noted that the proposal would include an area of adopted highway at Plot 1 as part of the development. The small area of verge between the side of Plot 1 and the road is shown on the plans to be part of the curtilage of this proposed dwelling and for it to be landscaped. Whilst this land may be in the applicant's ownership it is adopted highway and would need to have this adoption extinguished if it was to form part of the development. The need to include this area of verge and adopted highway is again indicative of an overdeveloped and cramped proposal. The Agent has been informed of this issue related to the area of adopted highway though no amendments have been made as a result of this.

Overall, the proposed arrangement would constitute a clear overdevelopment of the site, which would have negative impacts to the character of the Conservation Area and also result in a poor level of amenity space and parking provision, contrary to policies TRAN 10, ENV 27, ENV 4 and ENV 20 of the Unitary Development Plan and the Supplementary Planning Guidance 'Amenity Standards'.

Neighbour Amenity Impact

The dwellings proposed would be on a raised ground level over the highway adjacent to the site frontage. There are dwellings opposite, such as 'Spinfield' on the opposite side of the road. However, considering the separation distance across the highway the proposed dwellings should not result in any significant impact to these opposite dwellings. There would be windows with views towards the side boundary with Awelfan, though these would be at ground floor level with a 1.8m (approx.) fence to this boundary. Being single storey only, the proposed dwellings are not considered to result in any overshadowing or overbearing impact to neighbour amenities.

Parking and Access

The proposal includes a new access off Aberthin Lane that leads to the centre of the site between the two semi-detached blocks. This has been assessed by the Highways Officer who has raised several concerns. Firstly, it would be required that the new access would have a vision splay of 2.4m x 25m. However, as it is clearly shown on the submitted plans (and confirmed by the agent) that the front boundary steps and ramp are to remain then this would obscure the vision possible at this access, to a degree that the required vision splay could not be achieved. If developed as proposed, this could lead to a threat to highway safety due to the sub-standard access proposed. As such, the proposals would be contrary to policy ENV 27 (Criterion ii) which refers to the need to accord with the Council's standards on access provision.

In terms of parking provision, as noted in the section above, there is a lack of any visitor parking within the development. Furthermore, there is a concern that there is a lack of a turning space within the development for larger service vehicles. With the four dwellings proposed, there is no available space within the development as proposed for additional parking spaces or an enlarged turning space without reorganising the proposals or reducing the size of the dwellings. On this basis an objection has been raised by the Highways Department and it is also considered indicative of the overdevelopment of the site that these basic requirements cannot be met with the four dwellings as proposed within the confines of the site. Moreover there will be no availability for road side overspill parking due to the narrowness of the lane.

Trees and Landscaping

The site of the proposed development does not contain any significant trees or hedgerows. Parts of the site are overgrown, though the paddock area is open grassland. There is indication of new landscaping with the proposed layout plan, including trees and hedgerows. However, this is just indicative and if approved conditions requiring a full landscaping scheme should be included.

Ecology Issues

A Bat Survey (Mr Steve Pickering) has been submitted to accompany the application, based on surveys in September 2013. The survey found no evidence of bats and concluded as follows:

*'12.1 The lack of evidence to support the presence of roosting bats within the buildings surveyed would suggest that the site is **not currently used for roosting purposes** and that it is reasonable to assume there will be **no adverse impact** upon this group of protected species as a result of the proposed development.'*

Despite the lack of evidence of bat roosts the report suggests enhancements, such as gaps in the soffits for example, to allow for 'bat-friendly' dwellings. If approved, a condition should be attached to ensure the recommendations of the bat survey are incorporated with any development of the site.

CONCLUSION

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

The proposals are considered to be an overdevelopment of a sensitive site on the edge of the Aberthin, with an inappropriate design approach and arrangement which would have a harmful impact to the character of the Conservation Area and the Special Landscape Area setting. Furthermore, the proposal would not achieve sufficient parking space numbers, turning area, or access visibility onto Aberthin Lane. As such the proposals are considered to be contrary to Policies ENV27 (Design of New Developments), ENV4 (Special Landscape Areas), ENV17 (Protection of Built and Historic Environment), ENV20 (Development in Conservation Areas), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria) and TRAN 10 (Parking) of the adopted Unitary Development Plan (1996-2011), the policies of Planning Policy Wales (Edition 7, 2014) and the Adopted Supplementary Planning Guidance Amenity Standards and the Aberthin Conservation Area Appraisal and Management Plan (2009).



RECOMMENDATION

REFUSE (W.R.)

1. The proposal represents a cramped and confined, overdevelopment of the site, with a design approach that would be out of context within its setting and an arrangement that would result in the infilling of an important open space within and adjacent to the Aberthin Conservation Area, obstructing important views into and out of the Conservation Area. Furthermore, the cramped and contrived nature of the development results in an unsuitable and unsatisfactory provision of amenity space for the proposed dwellings and an unsatisfactory parking and vehicle turning layout, which would also be to the detriment of the safety of highway users. Therefore, the development of this plot would be considered an insensitive and inappropriately designed proposal that would neither preserve nor enhance the character and appearance of the village setting, or the Aberthin Conservation Area. As such, the proposals are considered contrary to Policies ENV17 (Protection of Built and Historic Environment), ENV27 (Design of New Developments), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), ENV20 (Development in Conservation Areas) and TRAN10 (Parking) of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011; Supplementary Planning Guidance on 'Amenity Standards'; the Aberthin Conservation Area Appraisal and Management Plan, and national guidance contained in Planning Policy Wales (Edition 7, 2014) and TAN 12 (Design).

2. The proposal for a residential development includes a substandard access onto the public highway (Aberthin Lane) with the potential vision compromised by the steps/ramp structure to the front of the site. As such, there would be a lack of suitable vision splays for the proposed new access to serve the development and therefore the proposals would be detrimental to highway safety and thus contrary to Policy ENV27 (ii) of the adopted Unitary Development Plan 1996-2011.



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	The Vale of Glamorgan Council	
Department:		
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	Date	29 Apr 2015

Mr. John Homfray, Penllyn Court,, Penllyn,, Vale of Glamorgan.
Fidmac Limited, Rosevine Cottage,, Vistla Road,, Penllyn,, Vale of Glamorgan.,
CF71 1RQ

Agricultural land to the west of the Llwynhelig Farm and to the North of Cowbridge By-pass, Cowbridge

Construction of a new highway junction and track (ingress only)

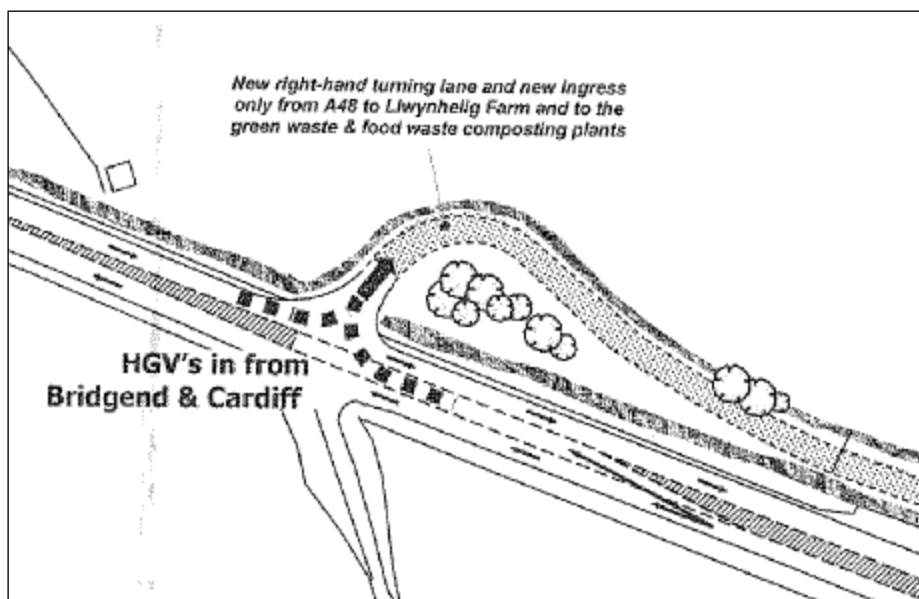
SITE AND CONTEXT

The site is within agricultural fields, which are part of the Penllyn Estate (Llwynhelig) Farm, which is to the northwest of Cowbridge. The site of the proposed access track is within the field to the north of the A48 in a rural and primarily agricultural area, with patches of woodland (some of which are protected under Tree Preservation Orders) nearby. The site also falls within the Special Landscape Area of the Upper Thaw Valley.

There are dwellings and farm buildings in the vicinity of the proposed access track, near where the route meets the existing track running north through the farm complex.

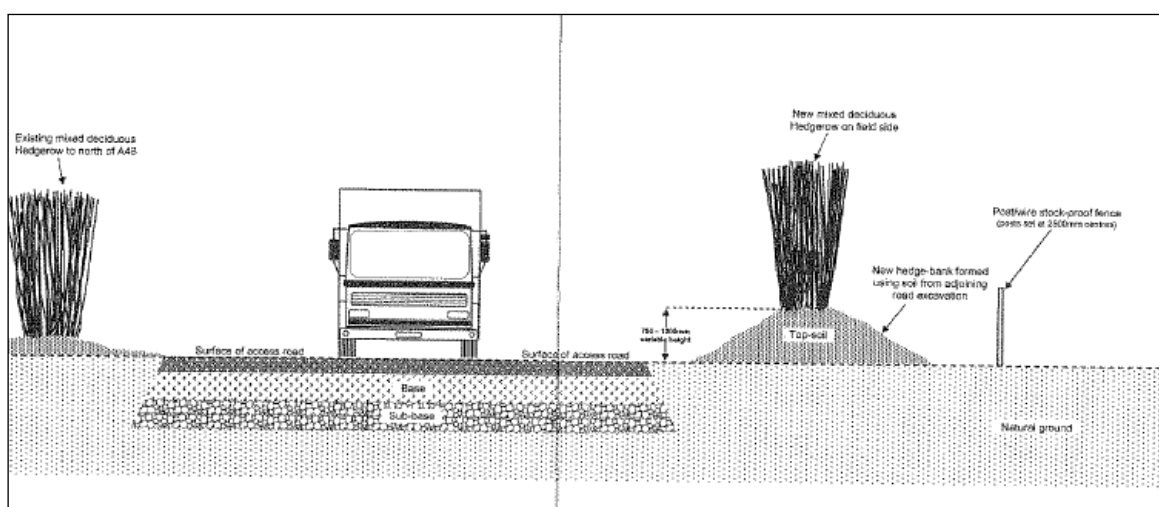
DESCRIPTION OF DEVELOPMENT

The proposal is for a new access track to link with the farm complex and the various businesses that make up Penllyn Estate Farm. The track is to provide ingress only, primarily for commercial vehicles, such as those en route to the composting facilities. The existing access would then be used as an 'exit only' route for vehicles, which would avoid traffic conflicts on this narrow and steep section of private road.



The track is to link with the northern boundary of the A48, with works proposed within the highway to facilitate a holding lane centrally within the carriageway for those turning right to access the track. The track would then turn right and follow the length of the agricultural land parallel to the boundary hedgerows with the A48 to connect back with the Penllyn Estate Farm approximately 900m to the east. As the track meets the Penllyn Estate Farm it will bend north to meet with the existing track which links with the composting facility to the north. This junction of tracks will be close to the existing bunkhouse and public right of way.

The track is to be 4m wide with a sub-base of crushed limestone, a base course of limestone hard-core, and a surface course of asphalt planings. Soil from the track excavations is to be mounded to form a hedge bank to the northern side of the track, with new mixed deciduous hedgerows planted on this bank. With the existing hedgerow to the southern side of the track this would enclose the track on both sides.



PLANNING HISTORY

2013/00822/FUL: Construction and use of an anaerobic digestion facility and associated works- Not yet determined (Committee Site Visit).

2010/01277/FUL: Existing agricultural building situated 300m to the west of Llwynhelig Farm, Cowbridge - Extension to existing food and green waste in-vessel composting plant - Approved 12 April 2011.

2009/00656/FUL: Agricultural land to the north of Cowbridge by-pass and to the west of Llwynhelig Farm, Cowbridge - Removal of Condition No.1 of approved application ref: 2008/01606/FUL to allow the access track and associated works which serve the waste composting plant to be retained permanently - Approved 21 May 2010.

2009/00654/FUL: Existing agricultural building situated 300m to the west of Llwynhelig Farm, Cowbridge - Removal of Condition No. 1 of approval.

2008/01504/FUL to allow the composting plant to remain indefinitely and minor amendments to building, site and drainage layout. - Approved 21 May 2010.

2008/01606/FUL: Land north of Cowbridge by-pass and west of Llwynhelig Farm - Construct hard core access track to serve new waste composting plant and existing green waste composting; construct new weighbridge and wheel wash on route of access track; construction of hedgerow screening banks; new tree and hedgerow screen planting on western edge of Llwynhelig Farm; planting of new copses/woodland; and diversion of public footpath No. 5 Penllyn - Approved 13 March 2009.

2008/01606/FUL: Land north of Cowbridge by-pass and west of Llwynhelig Farm - Construct hard core access track to serve new waste composting plant and existing green waste composting; construct new weighbridge and wheel wash on route of access track; construction of hedgerow screening banks; new tree and hedgerow screen planting on western edge of Llwynhelig Farm; planting of new copses/woodland; and diversion of public footpath No. 5 Penllyn - Approved 13 March 2009.

CONSULTATIONS

Penllyn Community Council – No objections raised.

Highway Development – Comments below:

The Traffic Engineer has analysed the submitted Transport Statement and it is considered that the proposal will have negligible impact on the local highway network.

There are therefore no highway or traffic objections to this proposal subject to the following highway requirements being fully satisfied:

- No commencement of construction work until the new vehicle access and track off the A48, which is the subject of the planning application 2014/01000/FUL, has been fully approved and implemented to the satisfaction of the Highway Engineer.
- Suitable details of a highway improvement to enable vehicles in excess of 8m overall length to turn right out of the existing access in a single sweep are to be submitted to the LPA for approval subject to consent for the whole scheme being granted.
- A weight limit of 5 tonnes (GVW) is imposed at the existing access to the farm on Gibbetts Hill – applicant to provide details of proposed enforcement/control.
- All surface water run-off to be dealt with within the confines of the site
- On-site parking provision to be in accordance with the requirements of CSS Wales Parking Standards 2008.
- Applicant to provide a Construction Management Plan to include proposed haul routes and site delivery times to be agreed and approved by the Highway Engineer.

Wheel washing and sweeping facilities to be provided within the boundary of the site to ensure that no mud and loose material are dragged onto the adopted highway to the detriment of highway safety. Positioning of the wheel wash to be agreed with the Highway Engineer.

Public Rights of Way Officer – Wanted to raise that Public Right of Way No 5 (Penllyn) is affected by the proposal. The Right of Way should remain unobstructed or alternatively apply for a legal diversion or stopping-up order.

Environmental Health (Pollution) – No objections

Glamorgan Gwent Archaeological Trust – Considering the Roman history in the area a request is made for a condition with any approval for a programme of archaeological works in accordance with a written scheme of investigation to be submitted in writing and agreed.

Cowbridge Ward Members – No comments received

Dwr Cymru/Welsh Water – No comments received

The Council's Ecology Officer - No objection in principle; we recommend planning conditions to secure biodiversity interests.

Natural Resources Wales - Required suitable conditions for a hedgerow planting scheme. Provided basic guidance notes on pollution control measures.

The Council's Landscape Section (Dock Offices) – See below:

I am satisfied with the assessment of the extent of visual impact of the proposed development and that the mitigation measures proposed are appropriate to the site.

Whilst no details appear to have been submitted regarding the species, size and densities of new native hedgerow and tree planting I would recommend the following as a minimum requirement:

Native hedgerow

60-80mm transplants, bare root (container grown for Ilex), planted in double staggered rows, 450mm apart, at 5 per lin metre.

40% *Crataegus monogyna*

60% mix of a selection of the following

<i>Acer campestre</i>	<i>Ilex aquifolium</i>
<i>Corylus avellana</i>	<i>Malus sylvestris</i>
<i>Euonymus europaeus</i>	<i>Cornus sanguinea</i>
<i>Viburnum opulus</i>	<i>Viburnum lantana</i>
<i>Ligustrum vulgare</i>	<i>Prunus domestica</i>

A selection of these can be allowed to grow freely as emergent trees within the hedgerow.

Copse Tree planting

60-80mm transplants 90-120cm whips planted at 1m centres
From selection of trees and woody shrubs including:

Acer campestre	Corylus avellana
Crataegus monogyna	Quercus robur
Malus sylvestris	Prunus avium
Sambucus nigra	Cornus sanguinea

All plants should be fitted with suitable spiral guard supported with a cane to protect from rabbit damage and stock proof fencing erected as required to protect hedging and copse planting from grazing.

All planting of hedgerow and trees to be carried out during planting season (October – March)

REPRESENTATIONS

The neighbouring properties were consulted on 1 October 2014. Site notices were also displayed on the 22 October 2014. The application was also advertised in the press on the 14 October 2014. Concern has been raised with one email from a member of the public relating to increased levels of traffic and the odour from the composting works existing at the farm.

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 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

Policy:

ENV1	– DEVELOPMENT IN THE COUNTRYSIDE
ENV2	– AGRICULTURAL LAND
ENV4	– SPECIAL LANDSCAPE AREAS
ENV10	– CONSERVATION OF THE COUNTRYSIDE
ENV11	– PROTECTION OF LANDSCAPE FEATURES
ENV16	– PROTECTED SPECIES
ENV18	– ARCHAEOLOGICAL FIELD EVALUATION
ENV19	– PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27	– DESIGN OF NEW DEVELOPMENTS
EMP8	– AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT
TRAN11	– ROAD FREIGHT

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

- Sustainable Development
- Design in the Landscape

The Local Development Plan:

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

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

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

Issues

Visual Impact of Proposals

The proposed new access track would traverse a section of agricultural fields within rural countryside which is also part of the Special Landscape Area (Upper Thaw Valley). The proposals are accompanied by a Visual and Landscape Assessment.

The proposed track follows a course that is parallel to the hedgerow that forms the boundary between the field and the A48 highway to the south. In keeping the new track close to the boundary with the A48 the visual impact of the proposals is minimized by avoiding the track through the centre of fields, which would then be much more prominent.

The Visual and Landscape Assessment states that the track would not result in any significant topographical changes and that the non-permanent surfacing would have less impact than a tarmac alternative. The report points to the “comprehensive tree, hedgerow and shrub planting scheme, designed to enhance both the visual appearance and biodiversity of this part of the SLA in the medium and long-term”, given time for the landscaping to mature.

It is considered that the proposed planting, especially the proposed mixed deciduous hedgerow to the northern side of the track, would suitably screen the track and also the traffic using the track. The visual impact would be softened in this rural location, with minimal impact to the character of this Special Landscape Area.

It is considered that a comprehensive landscaping and planting plan should be required by condition, which should include species and spacing of hedgerows (the Landscape Officer’s response included above makes suggestions on the matter of species mix etc.). This would also compensate for the loss of a section of hedgerow where the track meets the A48 junction. The requirement for the loss of sections of hedgerow along the A48 is minimised as the track will be ingress only and not egress, therefore avoiding the need for large vision splays. The significant amount of planting proposed would more than compensate for the section of existing hedgerow that would have to be removed.

Overall, with the proposed landscaping, the track should have minimal visual impact in this and rural sensitive landscape area, with the route parallel to the A48 considered the most suitable approach to further reduce the prominence of this long track.

Highway Matters

The application includes plans detailing the works needed to the public highway, within the A48, to create a safe junction to enter the site from this busy classified road. The proposals include a central holding lane of 3.65m width and a combined deceleration distance and turning section of 92m. The through lanes would maintain a width of 3.65m also. This layout is based on 85th percentile speed figures.

Based on the proposed plans and accompanying Transport Assessment, the Highways Development Officer has no objections to the proposal, subject to conditions requiring full engineering details of the works prior to development commencing. Also, the junction design should meet with road standard safety audits.

Swept path analysis plans for large commercial HGVs have been included to show suitable access onto the track around the initial bends, before the track straightens towards the east. As the access is for vehicles entering the site only, there will be no conflict of vehicles along the track or at the new junction. As the track will be 'one-way', the 4m width is considered acceptable for the type of large vehicles expected.

It is noted that there is a public highway lane opposite the junction that leads to St Brynach Church to the south. This is a minor highway and does not appear to have significant levels of traffic that would be affected by the proposed junction works.

Overall, the proposed junction and access track is considered acceptable from a highway safety perspective. The formation of the track in itself should not cause any increase in traffic to and from the site, whilst it should also be recognised that the proposals should avoid HGV traffic traveling to the farm through Cowbridge as there will be direct access from the A48 when travelling from the east. Also, it is recognised that the proposed track would ease the use of the substandard existing access at the A4222 near the A48. The existing access could be limited to HGV traffic exiting the farm only, which would be a significant improvement, given its tight geometry and gradient.

Ecological Impacts

As stated above (in the Visual Impacts section) the proposed track would mean that up to 165m of existing hedgerow would be affected by the proposal, much of which is to be removed. However, approximately 900m of new hedgerow would be planted. It is considered by the submitted 'Preliminary Ecological Appraisal and Hedgerow Survey' (Hartley Preserve – October 2014) that the additional planting would result in a long term increase in the ecological value of the site. Protection of existing hedgerows that are to remain should also be included and requested via condition.

In terms of protected species, it is considered that the proposed works would have no likely impact to bats, barn owls, badgers etc. However, the report on a precautionary basis includes a list of recommendations to safeguard protected species, including reptiles and dormice, stating the times of year construction would be appropriate. The recommendations also include points to deal with the invasive Himalayan Balsam plants evident in the field. It is considered that a condition to tie any development into accordance with these recommendations would be necessary if the application is approved.

Agricultural Field Quality

The application documentation identified the relevance of policy ENV 2 of the UDP, in protecting the best and most versatile agricultural land from irreversible development. No survey has been completed to accompany the application although the applicant recognised that the nearby site at Darren Farm was rated 3b and so is prepared to accept the proposals would result in the limited loss of what is probably quality agricultural land. However, the Planning Statement identifies the overall benefits of the proposal, especially in terms of highway safety, whilst also stating that as the track is to be of a non-permeable material with the top-soil stored as part of the new hedge bank the land could be returned to agricultural use. It is recognised also that the track only uses a small area of large fields and being set at the field boundary it would not cause significant interference to agricultural use of the remaining field land. As such, there is no objection to the proposal for these reasons in relation to policy ENV 2 of the UDP, as the land could be returned to agricultural use in the future if needed and there is good justification for the proposed works.

Archaeology

Glamorgan Gwent Archaeological Trust has assessed the proposal and they have requested a condition for a full programme of archaeological works, based on a written scheme of investigation. This is justified by the Roman history of the area and the undeveloped nature of the land to which the track is proposed. As such, a condition requiring the archaeological works is recommended if the application is approved.

Neighbour Impact

The majority of the track is not near any adjacent properties. Where the track meets with the existing track at the southern end of the Penllyn Estate Farm there are some dwellings nearby. However, the proposed 4m wide track should have no significant detrimental impact to the dwellings within or adjacent to the farm complex. The proposals for the new track itself should not cause any additional traffic to and from the site. It should also be recognised that the new access into the site should avoid the need for HGVs to travel through Cowbridge centre to gain access to the farm complex when travelling from the east. This would have a beneficial impact to those living in Cowbridge.

Overall, considering the position and course of the proposed access junction and track there should be no detrimental impact to neighbour amenities, whilst it is also recognised the benefits for local residents in providing a suitable new access point directly off the A48.

Public Right of Way

Public Right of Way (No5 Penllyn) runs from the A48 and A4222 junction north along the western edge of the farm complex. The new access track would meet with the existing line of the public right of way near where it meets with the existing track through the site. The public right of way cannot be obstructed and therefore a legal diversion or stopping-up order would need to be applied for under the footpath regulations. This process would have to be concluded prior to implementation of the access track if approved.

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), ENV1 (Development in the Countryside), ENV2 (Agricultural Land), ENV4 (Special Landscape Areas), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV16 (Protected Species), ENV18 (Archaeological Field Evaluation), ENV19 (Preservation of Archaeological Remains), EMP8 (Agricultural Enterprise and Associated Development) and TRAN11 (Road Freight) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate arrangement, layout, surface materials, landscaping proposals, with no detrimental impact to the character of the Special Landscape Area and open countryside, highway safety, 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. The development shall be carried out in accordance with the following approved plans and documents: NJA48/04A, NJA48/07A, NJA48/03A, NJA48/06, NJA48/01A, NJA48/02 and NJA48/05.

Reason:

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

3. Notwithstanding the submitted details, no works whatsoever shall commence on the development until full engineering details (to include sections, vertical and horizontal alignments) of the proposed access junction, highway works and access track, including street lighting, signage, drainage systems and any structures, have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in full accordance with the agreed details and maintained as such thereafter.

Reason:

To ensure the provision on safe access onto the access track in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. The track shall not be brought into beneficial use until the approved access and works to the A48 highway has been constructed in accordance with the details agreed with Condition 3 above.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to the track, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall also include the species mix and spacing details of the proposed new hedgerow.

Reason:

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

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

Reason:

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

7. Notwithstanding the submitted details, prior to their use in the construction of the track hereby approved, details of the surface materials of the track 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.

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. The development shall be carried out in accordance with the recommendations of the submitted 'Preliminary Ecological Appraisal and Hedgerow Survey', detailed in section entitled 'Recommendations' (Page 22 - 24) of this report produced by Hartley Preserve (October 2014).

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

10. Prior to the commencement of development (including site clearance) a methodology for vegetation clearance shall be submitted to and agreed in writing by the Local Planning Authority. The methodology shall include details of timings of works in addition to specifying the methods used. The site clearance shall thereafter be conducted in full accordance with the agreed methodology.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

NOTE:

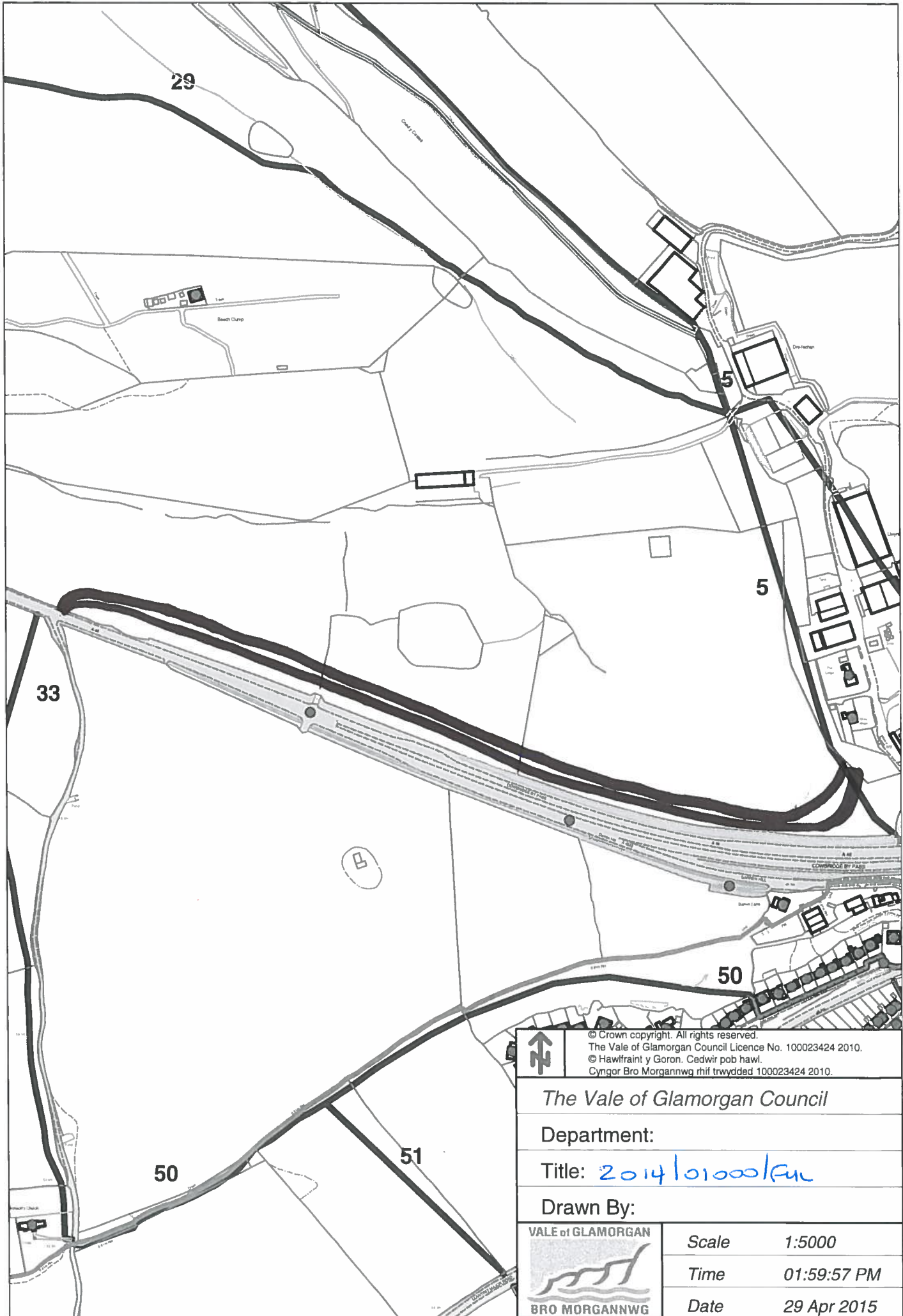
1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
2. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**
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 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.**



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

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

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

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



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	<i>The Vale of Glamorgan Council</i>	
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Title: <i>2014/01000/fu</i>		
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	Date	29 Apr 2015

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

The Dolphin, Friars Road, Barry

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

SITE AND CONTEXT

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

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



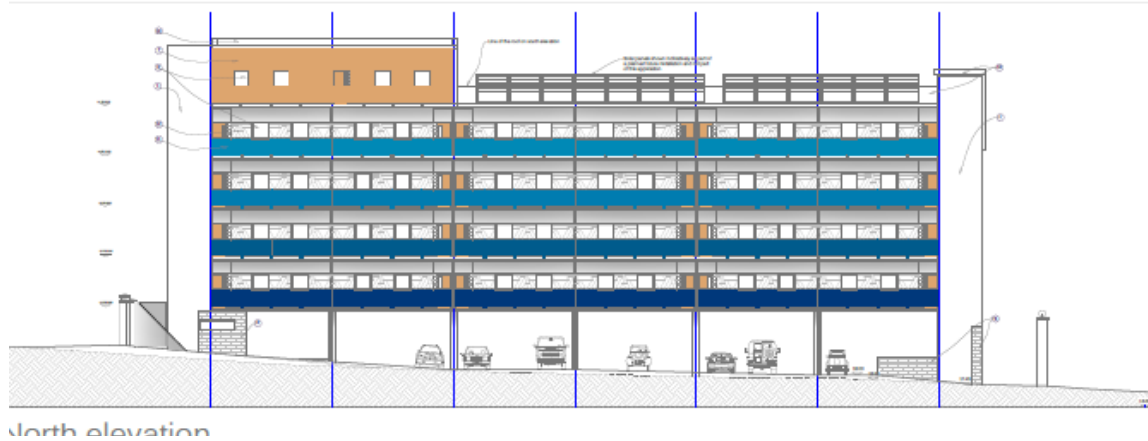
DESCRIPTION OF DEVELOPMENT

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

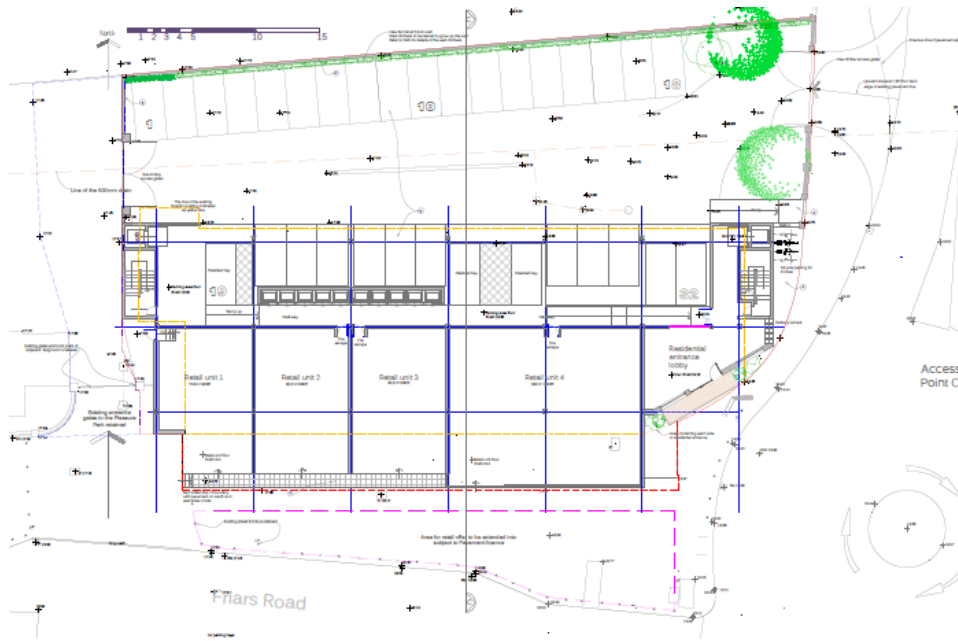
The commercial ground floor comprises of retail units, with a total floor space of 442m².

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

The elevations of the proposed building are shown below:



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



PURPOSE OF THE REPORT

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

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

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

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

Issues

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

RECOMMENDATION

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

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

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

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

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

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

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

10. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours. The CEMP will utilise the Considerate Constructors Scheme (www.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 Classes A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose whatsoever in any other use class of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

NOTE:

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

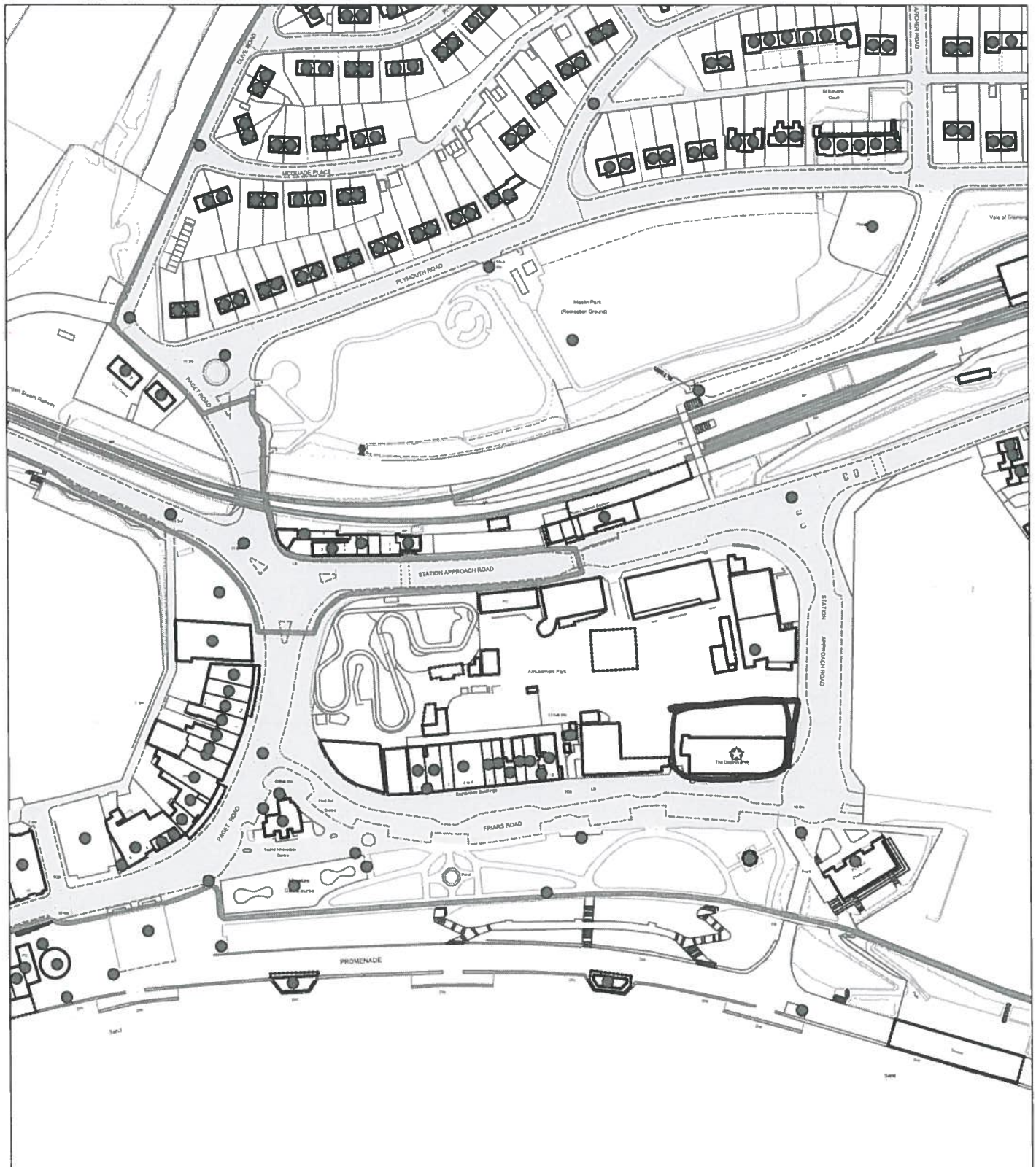
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**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


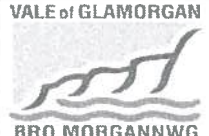
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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



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	<i>The Vale of Glamorgan Council</i>	
Department:		
Title: 2014/01358/FUL		
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	Date 5 May 2015	

2014/01358/FUL - APPENDIX A

2014/01358/FUL Received on 24 November 2014

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

The Dolphin, Friars Road, Barry

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

SITE AND CONTEXT

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

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



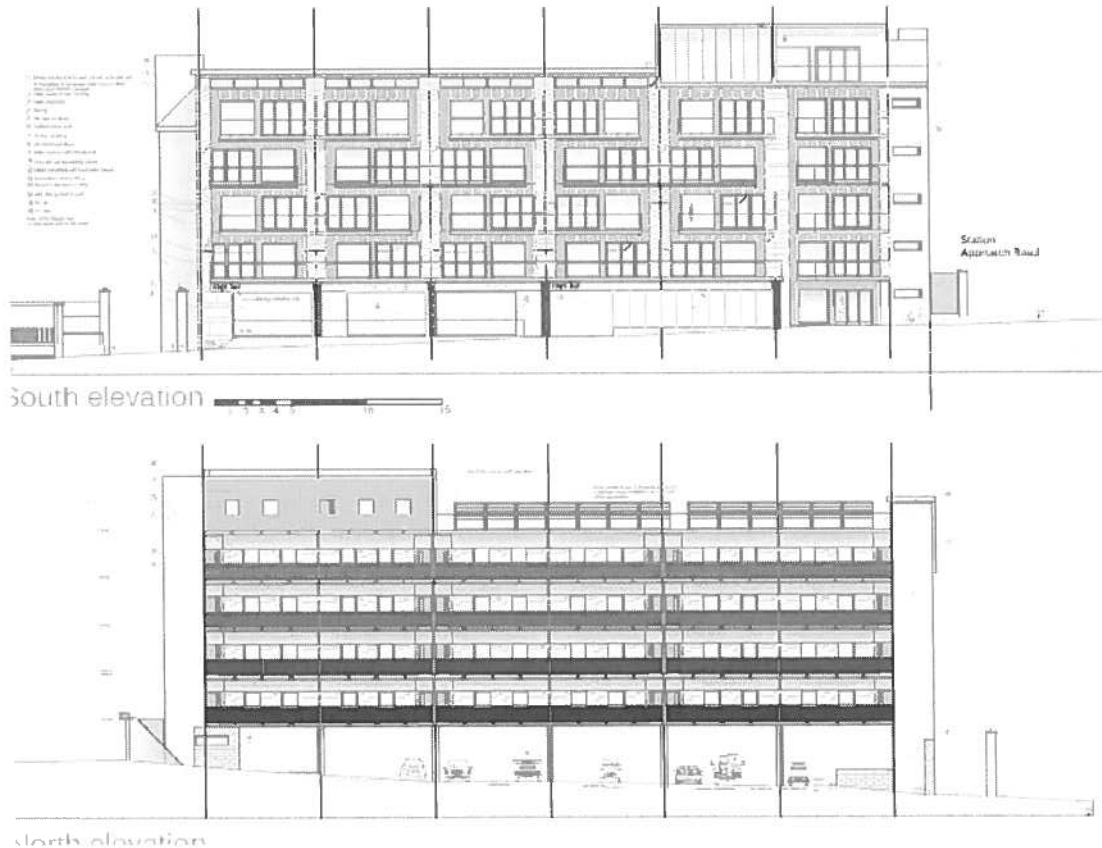
DESCRIPTION OF DEVELOPMENT

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

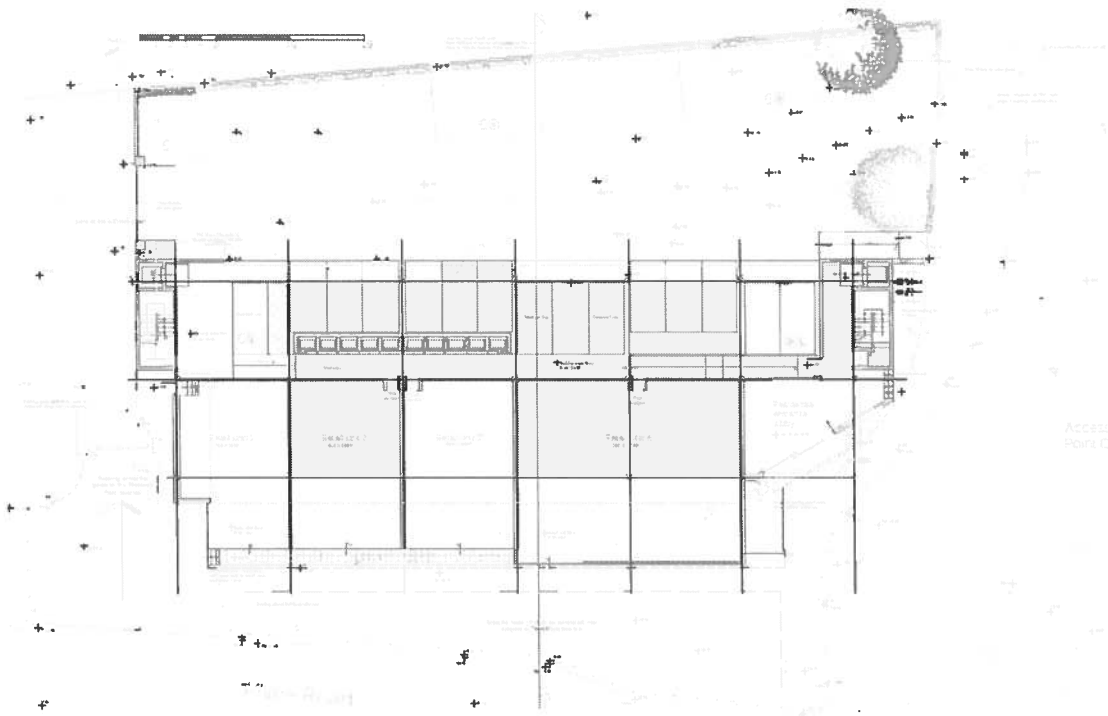
The commercial ground floor comprises 4 retail units, with a total floor space of 442m².

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 considerable reasonable to adopt a figure of 2 persons per unit. (This equates to 48.6m² per unit).

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

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

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

Community Facilities

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

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

Education

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

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

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

Public Art

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

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

S106 Administration

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

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

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

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

CONCLUSION

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

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

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

RECOMMENDATION

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

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

APPROVED subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

10. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours. The CEMP will utilise the Considerate Constructors Scheme (www.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).**

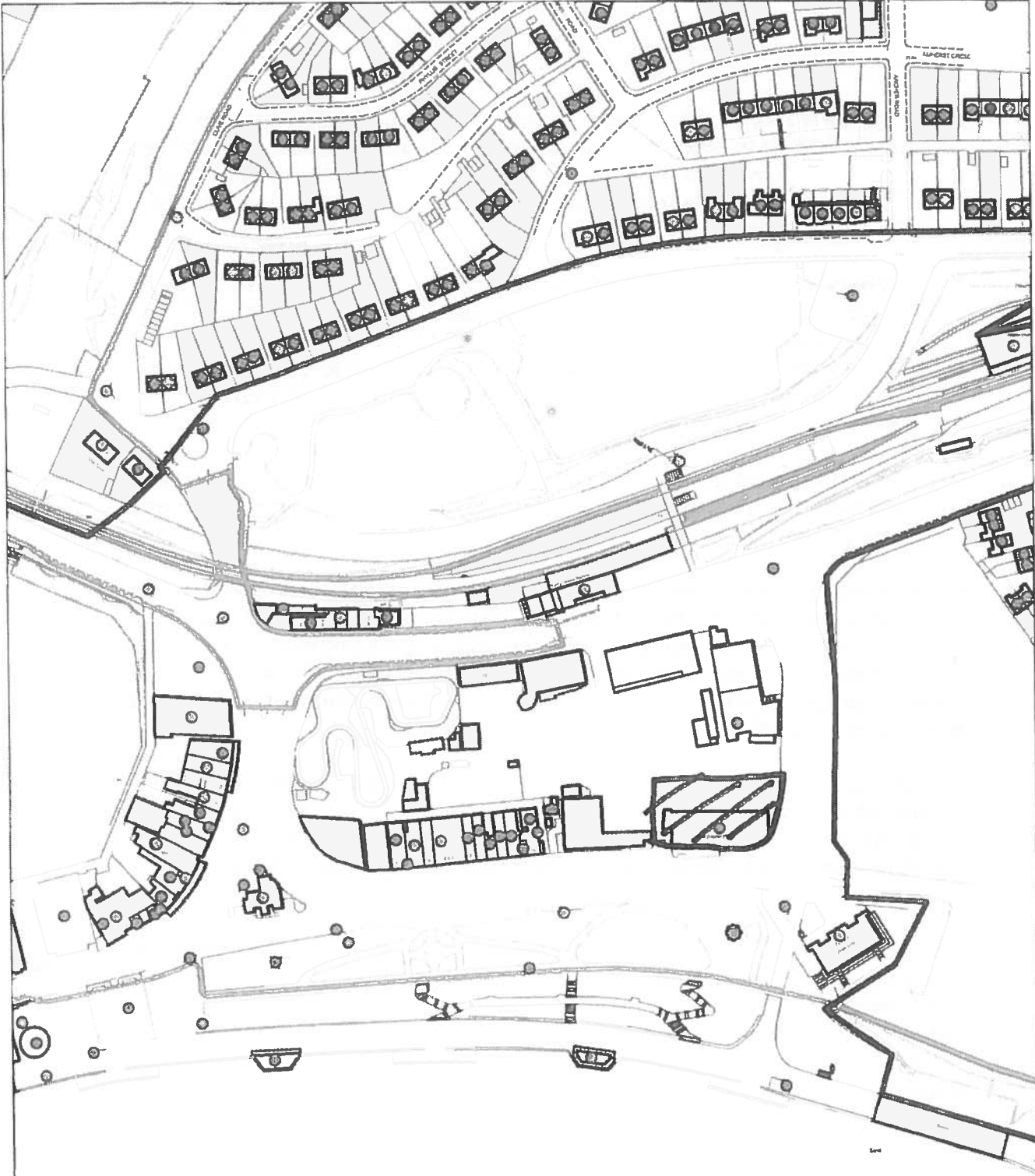
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
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.



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

2014/01441/FUL Received on 24 February 2015

Ms. Paula Warren, C/o Hide at St. Donats., 57, Eastgate., Cowbridge., Vale of Glamorgan., CF71 7EL
Andrew Parker Architect, The Great Barn., Lillypot., Bonvilston., Vale of Glamorgan., CF5 6TR

Site at Tresilian Wood, Dimlands Road, St. Donats, Llantwit Major

Proposed five holiday lodges and upgrade of campsite to include extension of existing reception building to provide five star facilities and 2 no. WC and shower units

SITE AND CONTEXT

The application site comprises an agricultural field directly adjacent to a property called the Anchorage, located on Dimlands Road, east of Llantwit Major. The site lies outside the settlement boundary and just outside the Glamorgan Heritage Coast.

The site slopes up from the road (North) towards the back of the site and is heavily landscaped with a planted woodland to the outer perimeters of the field boundary. The site is screened from public views from the highway but partially visible from the access to the site. There is an existing building to the north west corner of the site, which is accessed via an existing two rut track. The field is approx. 7 to 7.5 acres.



DESCRIPTION OF DEVELOPMENT

The application proposes the change of use of the site to a campsite. This will include with 5 holiday lodges and six Cabans and a campsite area as well as two new toilet and shower blocks as well as an extension to the existing reception and shower/toilet building. The extended building will also include provision for a moderate sized workshop and storage of the Cabans over the off season.

The Cabans are temporary structures that can be erected within a few hours; they are a timber construction with a metal frame of an Octagon Shape. They measure 6.2m depth x 5.8m wide by 3.6m high. The Cabans will be built onto a metal frame/stand rather than have any hard standing or foundations.

The lodge buildings are slightly larger than the Cabans but are purpose built to maximise the minimal floor space and provide self-sufficient accommodation. The lodges are of wooden construction supported on posts standing on 11 circular concrete pads, the pads being approx. 30cms in depth and 40cms in diameter, these being excavated by hand for each location. The lodges have different designs and are detailed as below: -

Lodges

Blue Sky

4.5m high (to its highest point)
6.3m length
6.25m wide

Sugar Magnolia- Asymmetrical roof

4.7m at its highest point
2m at its lowest
5.3m at its widest point
5.0m length

The Walden

6.8 x
3.8m x
2.7m high to eaves and 4.3m to ridge.

Toilet/Shower Unit 1

7.5m wide
2.8m depth
3.4m high

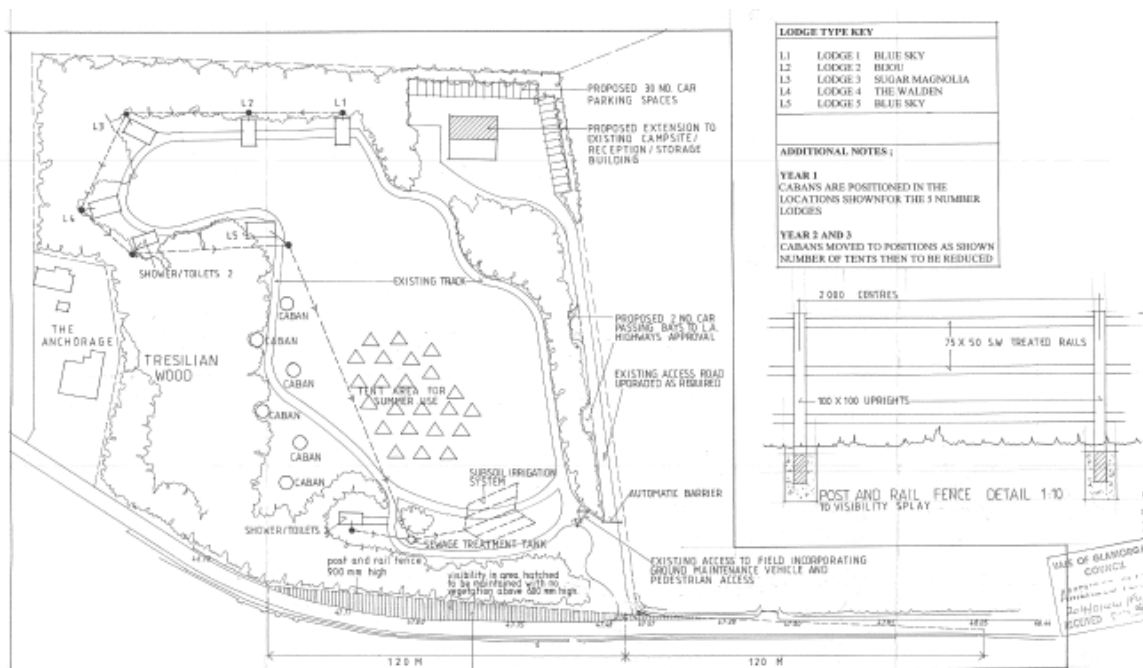
Toilet/Shower Unit 2 (with covered walkway)

9.25m wide
6.2m depth
4.4m high

Extended amenity building will include disabled toilet, laundry, reception/amenity building, office and workshop. The building will measure

- 14m depth
- 15m wide
- 4.4m high (shallow pitch)

In addition, the proposal will include an improved access and track, 30 parking spaces and passing bays. A proposed sewage treatment system and subsoil irrigation system is proposed to deal with the foul and surface run off from the site.



The use is proposed to alter across a three year period, year 1 the cabans will be located to the north of the site and the camping area (tents only) will be utilised resulting in a maximum of 24 people camping. The use will alter slightly in year 2 and 3 where the self-contained lodges will be brought to the site, the cabans relocated to the areas shown on the site plan and the camping pitches reduced in year two to 22 and 10 in year 3.

The lodges can be utilised all year round while the cabans will be used from 1st March until November, whereas the camping area will be 1st March until 30th September each year.

PLANNING HISTORY

No Planning history to the site.

Nevertheless, it is understood that for the past few years the site has been used as a summer campsite for a maximum of 28 days over a calendar year.

CONSULTATIONS

St. Donats Community Council were consulted on 7 January 2015. They outline that there are no adverse comments to the proposal.

Highways and Engineering were consulted on 7 January 2015. The highways officer has no objection subject to the following conditions being imposed upon any consent: -

Conditions.

- 1 Before beneficial occupation, the existing site access from Dimlands Road shall be widened to 4.5m for a minimum distance of 20.0m into the site, from the adjacent carriageway. **Reason:** To allow for two-way traffic to enter/exit the site, in the interest of highway safety.
- 2 Before beneficial occupation, visibility splays of 2.4m x 120m along the adjacent highway shall be provided from the proposed means of access to the site. Within the visibility splays, no obstructions, inclusive of planning, fencing or boundary walls shall exceed 600mm in height. **Reason:** In the interest of highway safety.
- 3 Before beneficial occupation, the proposed means of access to the site shall be constructed from a bound material for a minimum distance of 20.0m from the boundary of the adjacent carriageway. **Reason:** To prevent loose material being deposited on the adjacent highway, in the interests of highway safety.
- 4 The proposed gates located at the means of access to the site shall be setback by a minimum distance of 20.0m from the boundary of the adjacent highway. **Reason:** To prevent vehicles queuing along the highway when entering the site, in the interests of highway safety.
- 5 Before beneficial occupation, details of 2 No. vehicle passing places along the internal access track shall be submitted to and agreed in writing by the LPA and thereafter, constructed in accordance with the approved plans. **Reason:** To prevent vehicles queuing along the adjacent highway when entering the site and in the interests of highway safety.
- 6 Before beneficial occupation, the proposed car parking provision as shown on the submitted plans shall be laid out in accordance with the Council parking standards and thereafter, maintained and retained at all times for the use of the development. **Reason:** To ensure the provision of adequate car parking that will serve the development.
- 7 Before beneficial occupation, 10 No. cycle parking spaces shall be provided within the boundary of the site, secured and undercover and thereafter, maintained and retained at all time for the use of the development. **Reason:** To promote sustainable means of transport to and from the site and to ensure the provision of adequate cycle parking to serve the development.

Local Ward members were consulted on 7 January 2015. No comments have been received to date

Dwr Cymru Welsh Water were consulted 7 January 2015. No objections as the development is proposing a private treatment works they advised that the applicant contact National Resource Wales.

Natural Resources Wales was consulted on 7 January 2015. No objection to the development subject to them contacting the environmental management department and obtaining a permit for the drainage system.

Principal Engineer (Coastal and Flood Risk Management) was consulted on 7 January 2015. No comments have been received to date.

The Councils Events Officer (Tourism) 11 February 2015 - The events officer has highlighted that the councils tourism department fully support the proposals as the development would provide much needed accommodation along the heritage coast.

REPRESENTATIONS

The neighbouring properties were consulted on 7 January 2015.

A site notice was also displayed on 23 September 2014

One letter of representation has been received to date. The main issues raised in respect of the proposed development are: -

Traffic and sustainability

Highway safety

Permanent lodges in the Countryside- Previous refusals

Light Pollution

Noise Pollution

Visual Appearance

No demand for the campsite given the 5 existing campsites within the vicinity.

REPORT

Planning Policies and Guidance

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
- ENV5 – GLAMORGAN HERITAGE COAST
- ENV10 – PROTECTION OF LANDSCAPE FEATURES
- ENV27 – DESIGN OF NEW DEVELOPMENTS
- TOUR4 – CARAVAN, CHALET AND TENT SITES

SUPPLEMENTARY PLANNING GUIDANCE – AMENITY STANDARDS

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. In particular Chapter 11, which outlines

11.1.1 **Tourism** is vital to economic prosperity and job creation in many parts of Wales. It is a significant and growing source of employment and investment, based on the country's cultural and environmental diversity. Tourism can be a catalyst for environmental protection, regeneration and improvement in both rural and urban areas.

11.1.2 The Welsh Government's aim is for :

Tourism to grow in a sustainable way and to make an increasing contribution to the economic, social and environmental well-being of Wales¹.

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 13 – Tourism (1997)

Supplementary Planning Guidance:

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

- Amenity Standards

The Local Development Plan:

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

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

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

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:

- Coastal Study (2013 Update)
- Vale of Glamorgan Tourism Strategy (2011-2015)

Other relevant evidence or policy guidance:

E.g. Circulars, Corporate documents, Technical Reports, DCLG guidance. Letters from Minister etc.

Issues

In considering this application, an assessment needs to be made with regard to the above referenced policies and guidance in relation to the following broad criteria:

- The principle of the use in this location (incorporating sustainability issues).
- Visual Impact.
- Impact on neighbouring dwellings.
- Highways issues.
- Agricultural Land Classification.

Principle of the Use

While the proposal is for wooden lodges and Cabans, as opposed to caravans and chalets, these are very similar in nature and principle to those forms of accommodation, and it is considered that Policy TOUR4 of the UDP is centrally relevant to the assessment of the application.

Policy TOUR4 advises that new caravan and tent sites will be permitted in principle outside of the Glamorgan Heritage Coast, subject to a series of criteria being satisfied. In this case, the site does not lie within the Glamorgan Heritage Coast, a Special Landscape Area or any other form of landscape designation, therefore, the development is not prohibited in principle by Policy TOUR4.

PPW stresses the importance of tourism in assisting the local economy and specifically states that in rural areas, tourism-related developments are an essential element in providing for a healthy, diverse, local and national economy. It states that they can contribute to the provision and maintenance of facilities for local communities but acknowledges that development should be sympathetic in nature and scale to the local environment and to the needs of visitors and the local community.

Given the importance of developing the rural tourism economy in the Vale, it is considered important to encourage uses such as this in appropriate locations. Furthermore, given the integral role that the Glamorgan Heritage Coast has to play in attracting visitors to the Vale, it is considered that such uses should be located so as to maximise the contribution that the Heritage Coast makes to the rural tourism economy.

The following advice from PPW and TAN 13 is also considered to be of relevance and demonstrates support towards the principle of developments such as that proposed:

TAN 13: Tourism (1997), states:

“.... Holiday and touring caravan parks are an important part of the self-catering holiday sector and can contribute as much to the local tourism economy as serviced holiday accommodation, while using less land for the purpose. Holiday caravan sites can be intrusive in the landscape, particularly on the coast.”

Planning Policy Wales, states:

11.1.1 ...Tourism is a major element in the Welsh economy, particularly in rural and coastal areas. It is a significant and growing source of employment and investment, based on the country's cultural and environmental diversity. Tourism can be a catalyst for environmental protection, regeneration and improvement in both rural and urban areas.

11.1.4 ...The planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion.

11.1.6 ...In rural areas, tourist development is an essential element in providing for a healthy, diverse, local and national economy. It can contribute to the provision and maintenance of facilities for the local community. Here too development should be well designed and sympathetic in scale and nature to the local environment and the needs of the local community.

11.3.1 ...In determining planning applications for tourist developments, local planning authorities need to consider the impact of proposals on the environment and local community. They may seek to reduce the impact of development using arrangements for traffic and visitor management.

The use is proposed all year round, with the lodges capable of being used through the year, while the tent accommodation will run from 1st March to 30th September and the Cabans providing accommodation until 30th November. As such, the impact of the use and its intensity will differ throughout the seasons, having very minimal movements throughout the winter months and clearly taking advantage of the summer months for optimum use of the facilities.

Within the Vale, tourism is a primary sector through which the rural economy can be developed, and it is considered that proposals such as this, where sited appropriately, should be encouraged so as to maximise those benefits. Accordingly, it is considered that the proposed development represents the kind of development promoted by Planning Policy Wales, which would provide benefits to the rural economy and assist the aims of Strategic Policy 6 of the UDP.

In terms of sustainability, the site is located approximately 500m from the village of St. Donats and 45 min walk from Llantwit Major. There is a bus route from St. Donats (303 service) to Llantwit Major, which is an 18 minute journey or 7 mins by car. A railway station is present in Llantwit Major and provides links to Cardiff and Bridgend. A certain number of car trips are an inevitable by product of a rural tourism site such as this, however, it is clearly not possible for persons to access the site via train and bus or on foot and it is considered that the economic benefits to the rural economy outweigh any harm that results from this.

Visual Impact

Under Policy TOUR4 of the UDP developments such as this are considered acceptable in the countryside in principle, subject to detail criteria and subject to the site not lying within a protected designation. In that respect, the policy recognises that if the rural economy is to be effectively supported, with the benefits genuinely experienced by rural areas, sites for such developments will often necessarily be located in a rural setting, while accepting that this will in turn inevitably impact upon the appearance of the individual piece of land in question to a degree.

The proposed wooden Cabans measure just 3.6m in height while the proposed lodges are slightly higher at 4.5m high. However, both Cabans and lodges are sited within close proximity of the canopy of the woodland that encloses the majority of the site. In addition, all of the lodge and Cabans would be sited between 50-100m from the adjoining highway. The development would, therefore, very well screened from the distant views from the road or in any direction.

The proposed toilet blocks and extended amenity building would be taller than the camping Cabans, however, they would only be between 3 and 4.4m in height and are also, therefore, considered to be a relatively low lying buildings that would not be visually intrusive within the wider landscape. They are also of a simple design and form and would be constructed out of materials that are considered appropriate for a rural context.

There is a public footpath to the south on the opposite side of the road, which stretches to the coastal locations along the Heritage Coast. However, the footpath runs along lower ground than the application site, and given the distance of these views, the low lying form of the units and woodland concealing the site, it is considered that the wider rural landscape would not be significantly or adversely affected from this view point.

The proposed parking area would alter the character of the land around the amenity building, however, it would also only be visible from inside the site and it is considered that aggregate and grass crete finishes proposed would not unacceptably impact upon the appearance of the land. In terms of the materials, it is considered that a stone aggregate surface or grasscrete such as that proposed is more appropriate in a rural context than tarmac or concrete and would not irreversibly alter the land.

The application does set out that a number of trees will have to be removed for siting of the lodges, however, these are clearly considered in an arboriculturist report provided with the application. Specifically, the trees would need to be felled in order to develop the lodges and parking area, however, the trees that need to be removed are smaller or failing trees, which would not result in a wider impact to the existing visual amenity of the site.

The applicant has not submitted specific details of the proposed lighting, however, it is considered that this element of the proposal need not in principle have an adverse impact upon the wider area. Given the remote rural location, it is considered that any lighting of the development should be limited to low level and low intensity, and this can be controlled by condition.

In summary, it is considered that the proposed development is of a scale and form that, given the degree to which the site is naturally screened from surrounding views, would not unacceptably impact upon the character of the surrounding area, in accordance with the requirements of Policies ENV27 and TOUR4 of the UDP.

Highways Issues

The development would be served by an existing field access into the site and the application proposes the widening of the existing access as well as providing a 2.5 m x 120m visibility in either direction. This will require minimal removal hedgerow on the right hand side (but on the adjoining neighbours land) while on the left hand side 120m of vegetation to the front of the site will have to be removed in order to provide the views from the access..

The removal of the 120m of hedgerow to the front of the site was a matter of concern, especially given the length and the rural location of the site. However, with a benefit of a site visit it was determined that the vegetation to the front to the site was not a long established/indigenous hedgerow and was of very little amenity value. In addition, the woodland within the site is located directly behind the existing hedgerow to be removed, providing a significant amount of vegetation cover for the site, reducing the overall impact of removing the length of hedgerow. Furthermore, the site and area is not characterised by well-maintained indigenous hedgerows but stone boundary walls and undeveloped/unspoilt heritage coast to the south. As such, on balance it is considered that the removal of the hedgerow is justified in the interest of highway safety and will not have a detrimental impact upon the wider visual amenities of the area.

The parking area would be sufficient and is large enough to provide turning facilities to ensure that vehicles do not have to reverse out onto the highway and two passing bays will be provided along the access. The access track will be formalised by levelling the track slightly and laying compacted aggregate. The parking areas and passing bays are proposed to be laid out with grasscrete materials in order to not impact greatly on the appearance of the site

It is likely that access to the site would be via the old coast road and Dimlands road via Llantwit Major. While the development would increase the number of vehicles using the existing road network, it is considered that the scale of the development is such that there would not be a significant impact upon traffic that would cause congestion or adversely impact upon highway safety.

The highways officer has no objection to the proposal subject to a number of conditions, including visibility splays and ensuring the first 10m of the access is laid with bound material.

Having regard to the above, it is considered that the development can be adequately served by the existing highway network and that it would not adversely impact upon the safety and free flow of traffic, in accordance with Policies ENV27 and TOUR 4 of the UDP.

Impact on Residential Amenity

The nearest neighbouring residential property is adjoining but approximately 60m from the camping and Caban locations. In respect of the lodges, two of the lodges will be within 15m of the rear boundary of the adjoining neighbour but approx. 36m from the rear elevation of the property. The space between the property and the camping site will be occupied by woodland.

It is considered that the distance coupled with the woodland screening is enough to ensure that the change of use would not adversely impact upon residential amenity, both in terms of privacy and noise/nuisance. It is also considered that the number of vehicle movements associated with the proposed use would not unacceptably impact upon residential amenity, especially as the vehicle movements would occur on the opposite side of the site.

It should be noted that while the designation has not been carried out as of yet, it is understood that the Councils Tree officer is near to serving a Preservation Order on a number of the trees located on the site and the woodland as a whole. As such, the removal of the planting on site would be subject to a formal application if works were to be carried out to remove or alter the trees.

In this respect, it is considered that the development would comply with the aims of Policies ENV27, ENV29 and TOUR4 of the UDP.

Agricultural Land Classification

As the proposal entails the change of use of what is currently an agricultural field, consideration must be given to the agricultural land quality of the site. Policy ENV2 states amongst other things, that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated. The 1966 Agricultural Land Classification Maps indicate that the site is Grade 2

Notwithstanding this, the policy precludes development which would result in the irreversible loss of versatile agricultural land and, given the limited extent of the proposed groundwork and the use of grass crete/ compacted aggregate for the parking area and metal frames for the cabans, it is considered that the development would not unacceptably or irreversibly impact upon the land.

Drainage

Dwr Cymru / Welsh Water have raised no objection to the application as there is a proposed sewerage treatment tank and subsoil irrigation system. NRW were consulted and have no objection to the proposed sewerage treatment tank 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 Strategic Policies 1, 2 and 6 and Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV27 - Design of New Developments, ENV29 – Protection of Environmental Quality, TOUR4 - Caravan, Chalet and Tent Sites and TRAN10 – Parking, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, TAN 13 - Tourism and Planning Policy Wales, it is considered that the proposed development would not unacceptably impact upon the character of the wider area, the residential amenities of neighbouring properties, the safety or free flow of traffic, the quality of the agricultural land or any protected species. It is also considered that the development represents a positive tourism use which would support the local rural economy, in accordance with the aims of the above policies and 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 relate to the plans registered on the 29 December 2014, other than where superseded by the amended site layout plan (1:500 scale) ref 599/P/20 and site location plan received on the 18 April 2015 and the additional highway visibility plan submitted on 2 April 2015 ref AP2841-01 .

Reason:

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

3. The Lodge accommodation hereby approved shall be used or occupied solely as holiday accommodation only and not as a permanent dwelling falling with Class C3 of the Town and Country Planning Use Classes Order 1987.

Reason:

The proposed Lodges is not suitable for permanent residential accommodation, which would be contrary to the Council's adopted policies and national guidance, and to ensure compliance with Strategic Policy 2 and Policies ENV1 and ENV27 of the Unitary Development Plan.

4. A register of the names and addresses of all occupiers of the Lodges, including the dates of occupancy of the accommodation hereby approved shall be made available for inspection by the Local Planning Authority within two weeks of the Local Planning Authority making a request in writing to inspect the register.

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policy ENV1 - Development in the Countryside of the Unitary Development Plan.

5. The consent hereby granted shall only permit the use of the site for no more than five lodges, six cabans, along with the approved shower and toilet block facilities.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the use of the site.

6. Prior to the commencement of construction of the car park area, passing bays, and formalising of access track further details (including a section plan of the construction detail) and samples of the proposed materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details at all times thereafter.

Reason:

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, 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, other than those post and rail fences approved in connection with development as submitted as of this planning permission and shown on drw 599/P/20.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV27 and TOUR4 of the Unitary Development Plan.

8. A landscaping and woodland management scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees on the land to be retained and a plan indicating those to be removed as detailed in the Arb consultancy report on 24 February 2015.

Reason:

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the use of the site as a campsite; and any parts of the hedge that subsequently dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with a 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 protect the amenities of the neighbouring properties to ensure compliance with Policies ENV11, TOUR4 and ENV27 of the Unitary Development Plan.

10. Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

11. Prior to the erection of any new means of external lighting within the site, associated with the use of the land as a campsite, details of a lighting strategy relating to all parts of the site and buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The site and buildings shall thereafter only be illuminated in accordance with the agreed strategy unless otherwise approved in writing by the Local Planning Authority.

Reason:

In order to protect the residential amenities of neighbouring properties and the character of the wider area, and to ensure compliance with Policies ENV27, ENV29 and TOUR4 of the Unitary Development Plan.

12. Prior to their use in the construction of the buildings hereby approved and notwithstanding the submitted plans, further details and samples of the materials to be used in the construction of the reception block, toilet shower buildings and lodges shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained 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.

13. Prior to the first beneficial occupation of the development hereby approved, further details of the proposed sewerage treatment tank and subsoil irrigation system shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial use of the site and so maintained at all times thereafter.

Reason:

In order to ensure the adequate drainage of the site in a manner that will not pollute the environment, and to ensure compliance with Policies ENV27 and TOUR4 of the Unitary Development Plan.

14. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access, laybys and turning areas, have been laid out in full accordance with the details shown on drw 599/P/20 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.

15. The campsite shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. Prior to the beneficial use, the proposed means of access to the site shall be constructed from a bound material for a minimum distance of 10m from the boundary of the adjacent carriageway.

Reason:

To prevent loose material being deposited on the adjacent highway, in the interests of highway safety.

17. Prior to beneficial use, the proposed visibility splays of 2.4m x 120m along the adjacent highway shall be provided in accordance with the submitted details as identified on drw AP2841-01 received on 2 April 2015. Within the visibility splays, no obstructions, inclusive of planting, fencing or boundary walls shall exceed 600mm in height.

Reason:

In the interest of highway safety.

18. Full details of a cycle parking facility/ area shall be submitted to and approved in writing by the Local Planning Authority and the approved cycle parking facility shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

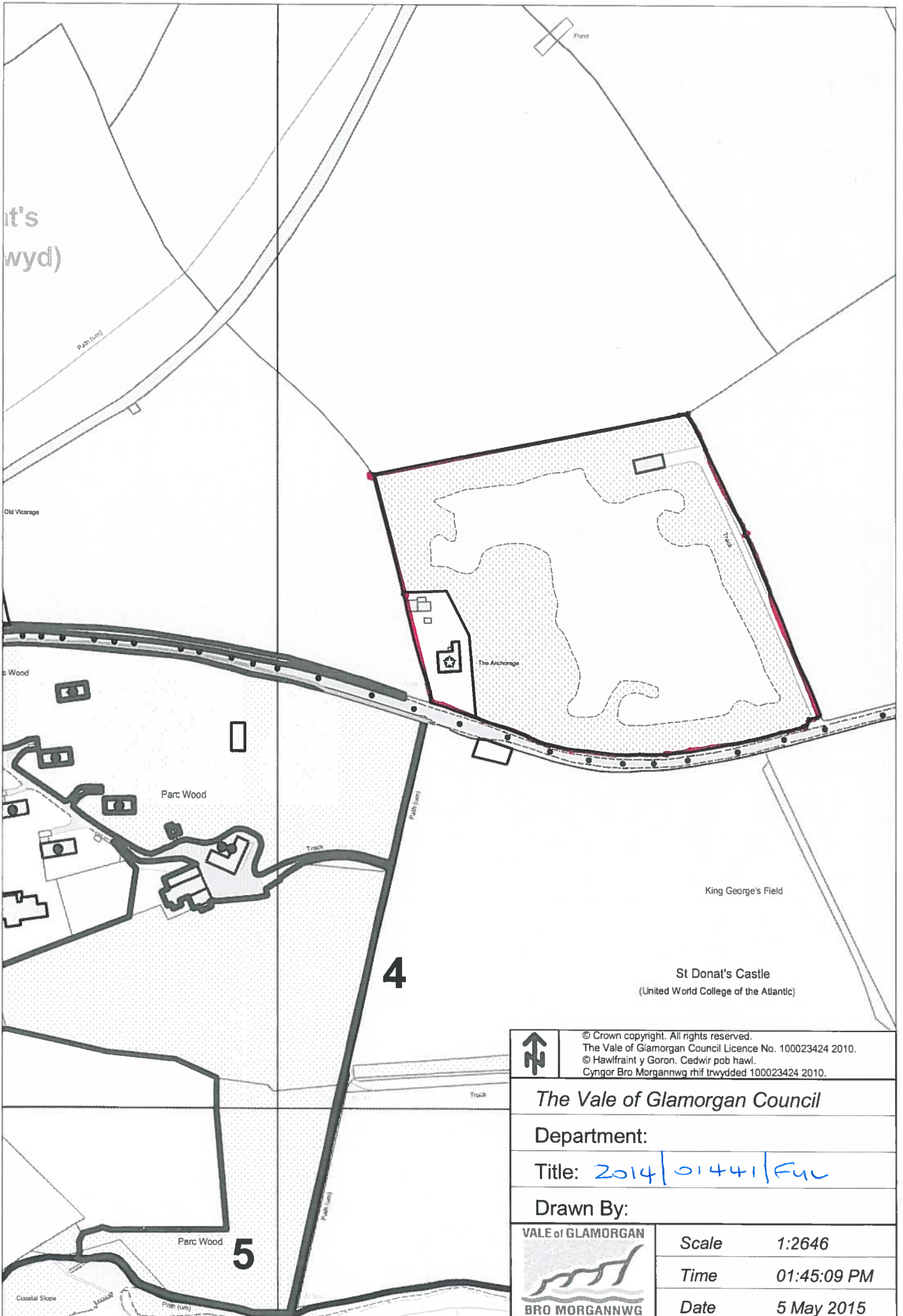
1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport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


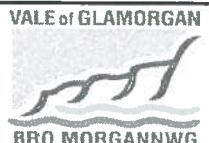
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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



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	The Vale of Glamorgan Council	
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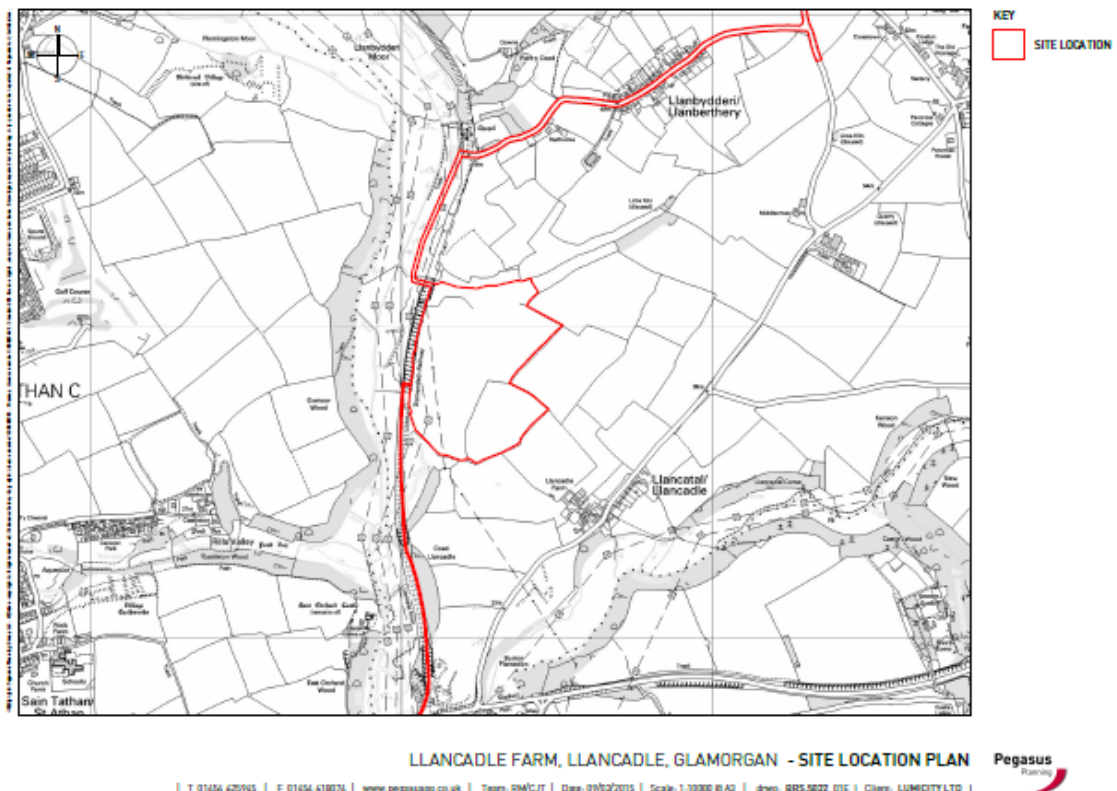
Llancadle Solar Farm Limited
Pegasus Planning Group Ltd, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

Llancadle Farm, Llancadle

Installation of ground mounted photovoltaic solar arrays to provide approximately 5MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; deer fencing, CCTV and associated access gate.

SITE AND CONTEXT

The application site is located in the open countryside situated approximately 300m to the north of the centre of Llancadle and to the south west of Llanbethery. The site at Llancadle Farm consists of two agricultural fields in addition to proposed highway access during construction (to the south) and operational management (to the north). The site measures 12.83 (31.7 acres).



The boundaries of the site where the solar array is to be located are framed mainly by hedgerows with some native shrubs and trees. On entering the site via the gate to the far southern end, a small area of woodland consisting of mainly mature Ash trees of up to 15m high, overhang the site and run alongside the southern boundary.

The southern boundary itself consists of a mixed native hedgerow (about 1.5m high) with some gaps. The western boundary extends for almost 500m, and is delineated by an unmanaged belt of semi-natural trees and shrubs. Species include Hawthorn, Ash, Blackthorn and Field Maple and heights are approximately 4-10m. This woodland belt extends westwards beyond the site to the valley bottom where the dismantled railway line is located.

The northern site boundary is fairly open, although there is a short stretch of woodland planting to the western end. The boundary between the western part of the site and the adjoining eastern field is delineated by a tall but 'gappy' hedge line of up to 3m height. Further north beyond the eastern field, the eastern boundary hedgerows are between 1.5m and 3m tall. The eastern field is bound on all sides by managed hedgerows of between 1-2m height.

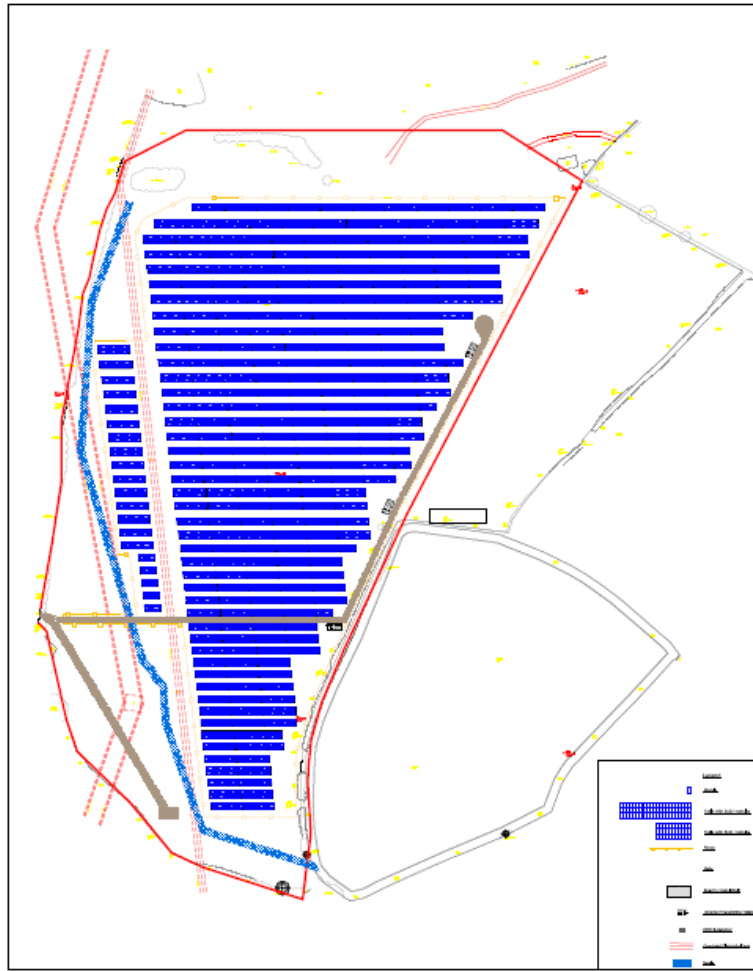
There are no Public Rights of Way that intersect the site or run along any part of the site boundary, although the public footpath connecting the villages of Llanbethery and Llanccadle, lie approximately 600m east of the site. A nationally designated footpath connecting Flemingston with Llanbethery runs approximately 600m to the north.

There are no environmental designations within 1km of the centre of the site. Several scheduled ancient monuments associated with St Athan have been identified within 1km and these are considered further later in the report. Within 5 km to the south is a section of Heritage Coast and East Aberthaw Coast SSSI. Nant Whitton Woodland SSSI is situated 5 km to the north.

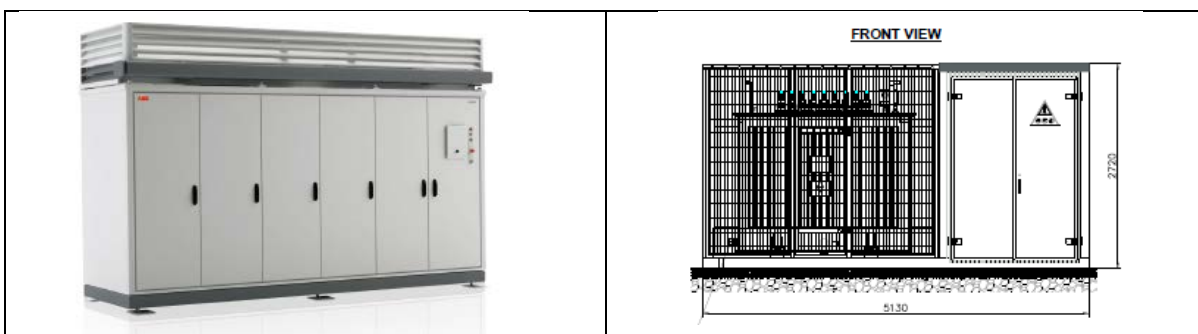
The site is located within the Lower Thaw Valley Special Landscape Area (SLA)

DESCRIPTION OF DEVELOPMENT

The proposal comprises a solar farm for electricity production consisting of parallel south facing solar panel arrays with a maximum height of approximately 2.4 metres, supported by metal frames bolted to steel piles driven approximately 1.5 metres into the ground. The solar farm will occupy approximately 12.83 hectares of land and produce approximately 5MW of electricity.



A gravel track within the site will connect three transformer and inverter compounds located on the eastern side of the solar arrays, with each compound comprising a transformer building and two inverter cabinets approximately 2.75 and 3.95 metres in height respectively.



Security fencing will be located approximately 2 to 10 metres from site boundaries so as to provide protection for the roots of trees and hedgerows (and provide space for the trees and hedges to continue to grow) and to provide ecological and wildlife corridors. The security fencing will comprise a 1.8m high deer fencing attached to 2 m high timber posts set approximately 3 m apart with 100mm ground clearance to allow movement of small mammals and reptiles within and through the site.

Remote infra –red CCTV cameras and equipment with a black finish will be located at approximately 50m intervals around the perimeter of the solar farm and attached to 0.2m diameter wooden posts approximately 2.4m high and set in from the fence line. The proposal does not require any external lighting.

The application has been supported by the following documents:

- Planning Statement (Pegasus Group)
- Design and Access Statement (Pegasus Group)
- Land and Visual Impact Assessment (LVIA) (Pegasus Group)
- Photomontages (Pegasus Group)
- Ecological Assessment Phase 1 Habitat Survey (Michael Woods Associates)
- Flood Consequences Assessment (Clive Onions Ltd)
- Waste Audit (Pegasus Planning)
- Statement of Community Engagement (Pegasus Planning)
- Draft Construction Traffic Management Plan (Transport Planning Associates)
- Heritage Desk Bases Assessment (Cotswold Archaeology)
- Tree Survey Report and Tree Survey Plan (Pegasus Environmental)

PLANNING HISTORY

There is no relevant planning history on the application site itself, other than the recent Screening Opinion application.

2014/00052/SC1: Solar farm at Land at Llancadle Farm. Environmental Impact Assessment not required of the following reason:

1. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

Members are advised to note the recent appeal decision at Treguff Farm, St Mary Church, Cowbridge which is also within the locally designated Lower Thaw Valley Special Landscape Area (SLA). The proposal was for a solar farm where the main issues were considered to be the effect on:

- The character and appearance of the countryside.
- The character and appearance of Flemingston Conservation Area and other heritage assets.
- The living conditions of local residents.

The appeal was allowed and planning permission granted for the solar farm. The appeal decision is attached at Appendix A for ease of reference.

CONSULTATIONS

Llancarfan Community Council has the following comments:

1. There is conflict between the Statement of Community Engagement document which states that the scheme has been downsized from 8MW to 3.5m MW (12ha) and the Planning Application which states that the scheme is 5MW (12.8ha).
2. Substantial screening will be required to ensure that there is no visual blight affecting the houses to the west of the scheme.
3. The operational access route is shown as through the village of Llanbethery. The road through the village is not at all suitable for large vehicles. A more agreeable site access would be through the Lime Works. The Tree survey is out of date and still refers to the route of original site access.
4. The scheme will adversely impact on the Lower Thaw Valley Special Landscape Area.
5. During the construction phase, constraints will need to be placed on the working hours to limit noise disruption to the local communities.

The Director of Legal and Regulatory Services (Environmental Health) has no concerns regarding the proposal of the solar farm but recognises problems can arise from the installation of panels. Suggest condition for hours of installation to be agreed prior to commencing activities.

Glamorgan Gwent Archaeological Trust have stated that as a result of assessment work and the changes in size and layout, they have sufficient information to make an informed decision. There is considered to be no adverse impact to the proposal, and no further archaeological mitigation is necessary in this case.

Natural Resources Wales has reviewed the Landscape and Visual Impact Assessment, Tree Survey Report and Tree Survey Plan, Ecological Survey and Flood Consequence Assessment and do not object to the application provided that appropriately worded conditions are included in any planning permission

The Council's Ecology Officer accepts the survey findings and conclusions and recommends a planning condition be included to secure biodiversity interests and biodiversity enhancement on site.

The Council's Drainage Officer No objection to date.

The Council's Landscape Officer having reviewed the proposals for the development including the Landscape and Visual Assessment, Tree Survey and Landscape plan is satisfied that there would be no significant landscape character or visual impact and that the proposed retention of existing hedgerows will mitigate the limited visual impact.

Highway Development have no objection in relation to the highway and transportation aspects of the proposals provided that a condition is attached requested a Construction Traffic Management Plan prior to the commencement of works.

REPRESENTATIONS

The neighbouring properties were consulted on 13 February 2015, with additional letters sent on 26 March 2015. A press notice was published on 29 January 2015.

Three letters of representation have been received from nearby residents with the following comments:

- Routine maintenance access would be better accessed via the original construction road access than via Llanbethery village.
- Llanbethery Road is very narrow in places and any volume of traffic using it would represent a safety hazard.
- The area is for agriculture and not commercial development.

Some non-planning matters were also raised.

REPORT

Planning Policies and Guidance

Unitary Development Plan

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

STRATEGIC POLICIES 1 AND 2

- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
- ENV2 - AGRICULTURAL LAND QUALITY
- ENV4 - SPECIAL LANDSCAPE AREAS
- ENV7 - WATER RESOURCES
- ENV10 - CONSERVATION OF THE COUNTRYSIDE
- ENV11 - PROTECTION OF LANDSCAPE FEATURES
- ENV16 - PROTECTED SPECIES

- ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
- EMP7 - FARM DIVERSIFICATION
- COMM8 - OTHER RENEWABLE ENERGY SCHEMES

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

National Planning Policy:

Planning Policy Wales (Edition 7, 2014) provides the following guidance in section 12 (Infrastructure and Services):

12.8.1 The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations.

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

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

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

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

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the Coast and the Historic Environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

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

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

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

TAN5 – Nature Conservation and Planning
TAN15 – Development and Flood Risk
TAN6 – Planning for Sustainable Rural Communities

Other National Guidance / Statements:

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

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

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

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance is of relevance.

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

Background Evidence:

LDP Background papers, including:

- Renewable Energy Study (2013 Update)
- Renewable Energy Assessment (2013)

Issues

Having regard to the above national and local policy context, the representations received and the location the site, the main issues in relation to this application are the principle of the development; the overall impact on the landscape / character of the Special Landscape Area, ecology, flooding/drainage, archaeology and highways / access.

Environmental Impact Assessment

The site has been subject to a formal EIA screening opinion application under application Ref. 2014/00052/SC1. This screening opinion application considered a slightly larger site.

Given that it was concluded that any potential impact of the development of the larger site was not likely to be significant upon the environment, for the reasons identified in the screening opinion report the view remains the same, in that the reduced application site would not require an Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

The Principle of the Development

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

Policy COMM8 (Other Renewable Schemes) is one such policy of the UDP which could allow development in the countryside and is therefore key to the assessment of this application. This policy is generally permissive in principle, subject to detailed criteria relating to visual impact, residential amenity, construction traffic, ecology, archaeology, etc.

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

Paragraph 12.8.9 of PPW6 in particular notes that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy, which should help to tackle the causes of climate change. However this is not without qualification, as paragraph 12.8.6 states:

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

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

Within the above Policy context, it is considered that the proposal represents an acceptable form of development in principle. It is also clear that rural locations will in most cases be required for solar farms of this scale and also that countryside locations are generally not unacceptable in principle, both in local and national policy and guidance. Consequently, the acceptability of the development rests upon an assessment against the criteria of Policies COMM8 and EMP7 of the UDP, notably in respect of its landscape impact. Similarly PPW and TAN8 explicitly support the principle of renewable energy and low-carbon energy generation in Wales.

Agricultural Land Quality

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

Policy ENV2 states amongst other things, that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated.

The application has been supported by a desk-based assessment of agricultural land quality and shows the majority of the site cannot be graded higher than 3b due to climate limitations.

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

It is also asserted in the application submission that the land will continue to be grazed by sheep for the lifetime of the scheme and that in this sense the agricultural use is maintained.

Access and Traffic

The application has been supported by a Draft Construction Traffic Management Plan (CTMP) which sets out the strategy for site access, construction vehicle routing, vehicle size and frequency and condition surveys.

Access to the site during the construction phase will be via the existing Lliswerry Old Limeworks access from the B4265. The access is already constructed of a bound material and has been used by industrial vehicles in the past. Access during the operational phases will be from an existing rural lane to the north of the site which connects to Llanberthery.

A number of comments from neighbours and Llancarfan Community Council object to the operational access route through Llanberthery; however it will only be one small vehicle (either a small van or 4 x 4) visiting the site approximately once a month for operational and maintenance purposes. It is considered that this will not adversely impact upon amenity or traffic flows through the village.

Given the scale of development, level of vehicular movements anticipated for both construction and maintenance and that there are no highway objections to the proposed development it is considered that there would not be significant traffic impacts and no highway safety implications. A condition is recommended to secure a Construction Traffic Management Plan to be submitted and agreed prior to commencement of development which will shall include mitigation measures identified within the draft document. A condition survey of the highway prior to commencement of development and a requirement to correct any issues is also recommended.

Landscape and Visual Impact

The application is supported by Landscape and Visual Impact Assessment (LVIA) and an Assessment of Landscape and Visual Effects (ALVE). The development site lies within the Lower Thaw Special Landscape Area (SLA); SLA is a non-statutory designation which aims to protect areas that are considered to be important for their geological, natural, visual, historic or cultural significance.

The conclusions of the ALVE provide a summary of the findings:

- The proposed solar panels would be generally dark in colour, low lying and follow the existing topography, and as a consequence would not be dominant feature in the landscape. The proposal would be in scale with the existing fields and agricultural infrastructure that already exists at Llancadle Farm. At the end of the 25 year life of the development it is proposed that the site would be decommissioned and reinstated to full agricultural use.
- This assessment demonstrates that the proposed development could be successfully accommodated within the existing SLA designated landscape without causing any long-term harm to the landscape character, visual amenity or existing landscape attributes of the area.
- There would be a negligible change to the landscape elements of the site (arising from the widening of an existing field gateway) and enhancements to the existing hedgerows and new tree planting would bring about a positive landscape change.
- Whilst the proposal would result in a large change to the site itself, the scheme would be fully enclosed by existing and proposed planting, so would not materially change the existing character of the wider landscape.
- There would be some limited views of the development from one property adjacent to and associated within Llancadle Farm, but not from any other properties in Llancadle. There would be some very limited views of the development from the 1st floor windows of south facing properties in Llanberthery.
- Views from local highways are generally restricted by tall roadside hedgerows, but there are some very limited opportunities for oblique views from the roads through Llanberthery and Llancadle.
- Of the nine representative viewpoints assessed, five would undergo minor adverse effects with the remainder undergoing negligible or no effects. Of the four which would undergo minor effects, the effects on two would be removed once the proposed mitigation planting becomes established and fills out; whilst for the other two the effects are limited to specific gateways with the majority of the respective routes not undergoing any effect as a result of the proposed development.

The cumulative assessment concluded that the distances involved, intervening vegetation and the local landform severely restrict the opportunity for combined sequential views of the Llancadle site together with either the West Aberthaw or Treguff Farm solar farm sites. From a site visit, your officers are of the view that the above assessment is sound and the impacts would be mitigated as described.

In summary it is considered that the topography of the site and surrounding area, together with the screening and enclosure of the site by existing hedgerows, tree planting and woodland, restrict the opportunity for clear views of the site, and also serve to restrict temporary effects on the local landscape character during the operational phase of the proposed development. From any locations where views may be obtained of the proposed development, only small parts of the solar farm would be visible, seen in the context of a much wider landscape which already includes strong human influences such as power lines and the cerement works and power station at Aberthaw.

The Council's Landscape Officer has reviewed the submitted documents is satisfied that there would be no significant landscape character or visual impact and the proposed retention and enhancement of existing hedgerows will mitigate the limited visual impact.

It is therefore considered that while the development would alter the appearance and character of the land, the adverse impacts in this respect would be limited and any such limited harm arising would be outweighed by the sustainable energy benefits. It is considered that the special character of the SLA would not be unacceptably affected. It is also considered that the siting of the development is such that it would not adversely impact upon the setting of Llancadle Conservation Area.

Ecology

The application is supported by an Ecological Survey which has been reviewed by the Council's Ecology Officer. A summary of the report findings is below:

- The hedgerows and woodland belt on site and bordering the railway line were suitable for dormice and nesting birds.
- The proposals indicate that all perimeter hedgerows will be retained. This habitat will be protected by 2.0m high deer or temporary Heras-type fencing during construction. A buffer of at least 2-6m should be established between the hedgerows and fencing. This will prevent damage to any of the field boundaries during construction, minimise disturbance to species that may occupy these hedgerows/tree lines and ensure that adequate access is available for their routine maintenance.
- A small section of hedgerow will require removal to widen an existing field access point. Avoidance measures are provided to prevent adverse impacts to protected species. No clearance works will be required along the access route as the railway line is intact and sufficiently clear of vegetation due to its current use for vehicular access.

- Once mature ash tree was noted to provide suitable roosting features for bats. Current proposals show this tree will be retained as part of the solar array proposals. Any works to this tree may necessitate further survey work for bats.
- The site and access route supported suitable terrestrial habitat for great crested newts and several ponds were identified during the survey, as well as records of great crested newts within 300m of the site. However, a series of pond surveys was undertaken on ponds within 250m of the site and no great crested newts were recorded. Therefore, no specific mitigation or further survey effort relating to great crested newts is recommended.
- Areas of coarse grassland within the site were also considered suitable for reptiles. However, since the area to be cleared is a very small proportion of the available habitat on the site, habitat dissuasion techniques will be used to temporarily encourage reptiles away from the construction areas, should they be present. No vegetation clearance will be required along the access route of the railway track.
- The new habitats and future management of the site will be detailed within a Landscape and Ecological Management Plan for the site.

As stated under the Consultations section of this report, the Ecology Officer was satisfied with the information supporting the application, subject to a planning condition to protect the environmental and biodiversity interests of the site.

The proposal is therefore considered to be acceptable within the context of Policy ENV16 of the Unitary Development Plan, and that ecology and protected species would not be adversely impacted upon.

Trees and Hedgerows

The application has been supported by a Tree Survey Report and Tree Survey Plan. The survey identified twenty two low quality items which was considered appropriate due to their structural and physiological defects that have reduced their anticipated life expectancy to 10+ years. Seven items were identified as moderate quality items during the survey. These were identified to have minor structural or physiological defects that have resulted in an anticipated life expectancy of at least 20 years. One category 'U' tree was identified to have major structural and physiological defects. As a result this tree was regarded as unsuitable for retention in the current site context.

The accompanying Landscape Plan, which has been informed by the Tree Survey Report shows all areas of existing planting (trees, hedgerows and grassland) to be retained including the existing broadleaf woodland which forms the western boundary of the site adjacent to the disused railway line. Additional planting is also proposed as follows:

- Hedgerows along the eastern boundary which are currently species poor will be reinforced with trees at 10m intervals and additional hedge species to form species rich shrubby hedgerow with trees;
- Hedgerow along the northern boundary which is currently species poor will be reinforced with additional tree and hedgerow planting to form species rich shrubby hedgerow with trees.
- Existing woodland on the northern boundary to be retained and reinforced with additional tree and hedgerow planting along a length of approximately 260m

The submitted Landscape Plan and the proposed retention and reinforcement of existing boundaries is welcomed. An appropriately worded condition will be attached to ensure submission of a fully detailed landscaping scheme.

Flood Risk and Surface Water

The application has been supported by a Flood Consequence Assessment (FCA) which identifies the site as being located within Flood Zone A (according to TAN 15 Development Advice Map) and therefore considered to be a little or no risk of fluvial or coastal/tidal flooding. This is consistent with being located on sloping ground above the valley

The FCA in respect of surface water runoff does not propose any specific drainage channels or pathways, other than a swale along the western boundary of the site. Access tracks will be formed in permeable gravel designed to encourage infiltration and allow excess runoff to flow over the edge and into the long grass, to natural infiltrate. The swale will be formed to intercept runoff in intense storms and encourage infiltration and evapotranspiration, thus reducing further the rate of run-off from the site.

NRW reviewed the FCA and were satisfied with its content, referring only to the Council's land drainage team with regards suitability of the surface water proposals and surface water requirements.

The Council's Drainage Engineer has been consulted and although a formal response has not been received, there are no indications of a fundamental objection regarding flood risk and drainage of the site. Full comments will be reported at Committee, however, it is considered that the proposed development will not have adverse impacts in terms of flooding or run off.

Archaeology

A desk based study was undertaken to consider the potential impact on heritage assets and archaeology. Glamorgan Gwent Archaeological Trust (GGAT) reviewed the study and were happy that it meets current profession standards and has collated information on the known archaeological sites within the given study area from a range of sources. Given that the area that will be directly impacted has been reduced in size and the layout will ensure the preservation of historic hedgerows in-situ, the potential for adverse impact has been significantly reduced.

Also given the nature of the known archaeological resource in the study area there remains a possibility that archaeological features or finds may be located during the work but as noted in the assessment the actual ground disturbance areas are minimal. GGAT are of the opinion that as advisors to Members, there is no adverse impact to the proposals, and no further archaeological mitigation is necessary. The proposal therefore complies with Policy ENV17 of the Unitary Development Plan.

Residential Amenity

Whilst the proposed solar farm will undoubtedly change the appearance of the landscape for nearby residents, it is considered that there will be no significant adverse impacts from the operation of the solar farm on living conditions or residential amenity. It is considered that the development would be sufficiently far away from the nearest residential properties to ensure that there are no direct demonstrably harmful impacts. However, during construction of the solar farm there is potential, particularly from pile driving, to cause noise and disturbance to nearby residents. Whilst this cannot be avoided completely, it can be managed so that such works are carried out within restricted time periods.

To ensure the protection of residential amenity as much as possible, it is recommended that a condition requiring a Construction Environmental Management Plan is submitted and approved prior to the commencement of development.

CONCLUSION

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

Having regard to Policies 1, 2, ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV4 – Special Landscape Areas, ENV 7- Water Resources, ENV10 - Conservation of the Landscape, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of the Built and Historic Environment, ENV27 - Design of New Developments, ENV29 - Protection of Environmental Quality, EMP7 - Farm Diversification, and COMM8 - Other Renewable Energy Schemes, and the advice contained within Planning Policy Wales 7th Edition (July 2014) and Technical Advice Notes 5: Nature Conservation and Planning, 6: Planning for Sustainable Rural Communities and 8: Planning for Renewable Energy and 15 Development and Flood Risk, and the Council's Supplementary Planning Guidance, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of the Lower Thaw Valley Special Landscape Area, while also having no unacceptable impacts on highway safety, residential amenity, ecology, flooding/drainage and impact on agricultural land quality.

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

Reason:

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

3. This consent shall relate to plans/drawings - Site Location Plan (Dg BRS.5022_01E) Received on 26 February 2015 and Landscape Plan (Dg. 2014-12-10_Llancadle_Landscape Plan_03), Inverter Specification Sheet, CCTV Specification Sheet, Transformer Station Elevation Drawing (Dg. PRG-C412_A), GRP Substation Drawing (Dg. I005 (02)-29-01), Panel Elevation (Dg. D15_1796_04) and Site Layout Plan (Dg. 2014-12-04_Llancadle_Site Layout 02) received on 19 December 2014.

Reason:

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

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

Reason:

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

5. Notwithstanding the submitted plans and prior to their use in the development hereby approved, a scheme to detail all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

7. The development shall at all times be carried out in accordance with the measures, recommendations and requirements of the Just Mammals Consultancy (amended version received 7 April 2014) except for recommendation 10.11 which suggests an inappropriate wildflower seed mix.

Reason:

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

8. Prior to the commencement of development, an Environmental Strategy shall be submitted and approved in writing the Local Planning Authority. The Environmental Strategy shall be implemented as agreed. The Environmental Strategy should include, but not be exclusively limited to:

-Methodology for ecologically sensitive site (vegetation) clearance, particularly with respect to reptiles, dormice and birds.

-Details of pollution prevention control measures.

-Details of proposals for site enhancement e.g. planting seed mix to be used, location of badger/terrestrial animal access points.

-Short, medium and long term management of the habitats (either retained or to be created).

-Details of any measures being implemented to benefit wildlife.

Reason:

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

9. Notwithstanding the submitted plans, a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and details of all new hedges and trees, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

11. 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.

12. 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.

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

Reason:

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

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

Reason:

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

15. Following the construction of the solar panels and prior to their first commissioning the developer shall appoint an independent maintenance consultant to carry out a full and comprehensive condition survey of the highway network referred to in Condition No. 15 above, so as to identify any difference in the condition of the highway since the commencement of the construction of the solar park, and any repairs required as a consequence. The survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

16. Following the construction of the solar panels and prior to their commissioning, the developer shall carry out any repairs to the adopted highway identified in the second survey required by Condition No. 15 above, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

NOTE:

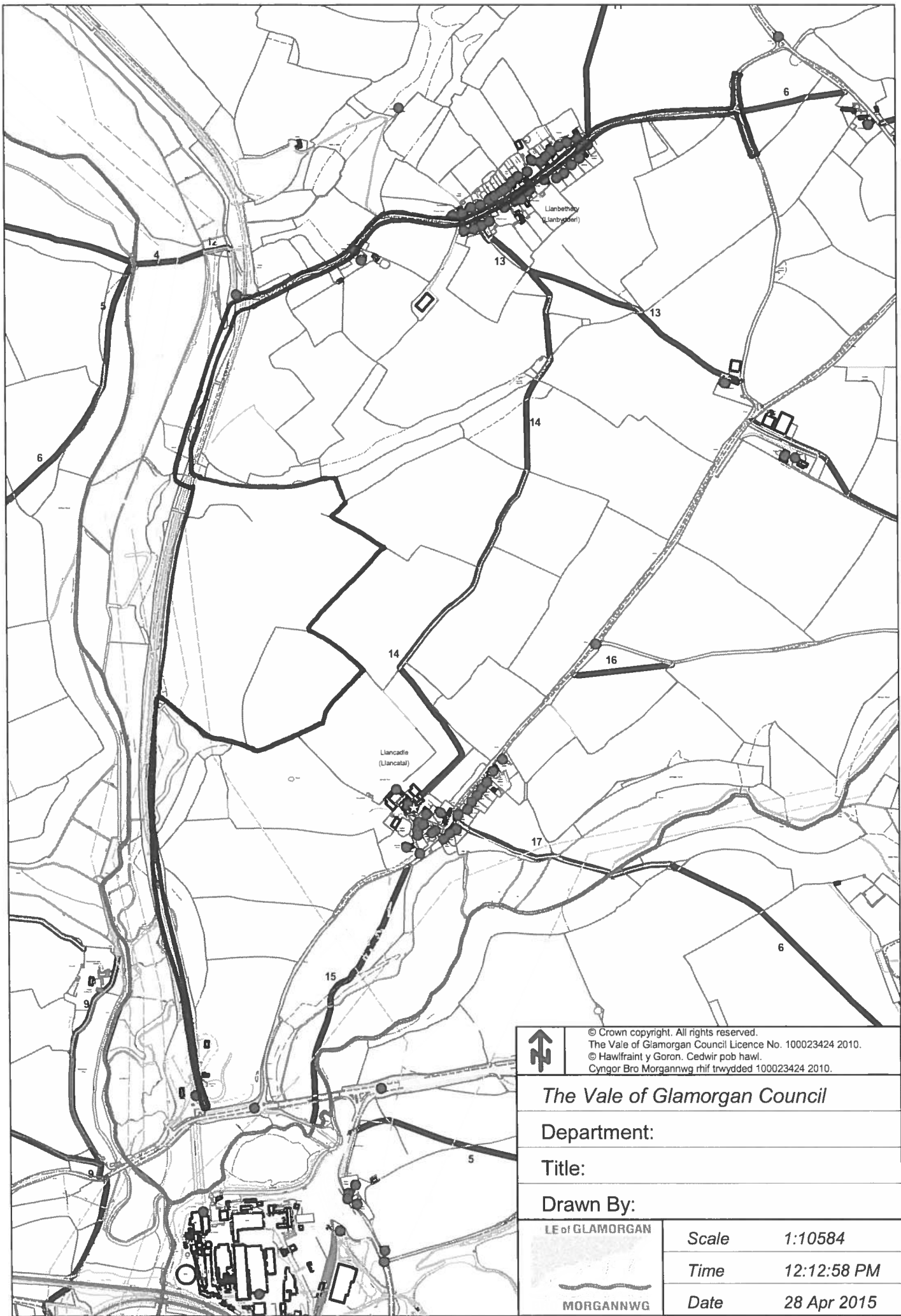
1. **The proposed development site is crossed by a 225m foul sewer and 600mm surface water sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. For that reason, no development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centre line of the foul sewer, and within 6m either side of the centre line of the surface water treatment.**

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

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

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

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



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	The Vale of Glamorgan Council	
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	Date	28 Apr 2015



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 09/07/14
Ymweliad â safle a wnaed ar 08/07/14

gan Alan Novitzky BArch (Hons)
MA(RCA) PhD RIBA

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 12 Awst 2014

Appeal Decision

Hearing held on 09/07/14
Site visit made on 08/07/14

by Alan Novitzky BArch (Hons) MA(RCA)
PhD RIBA

an Inspector appointed by the Welsh Ministers
Date: 12 August 2014

Appeal Ref: APP/Z6950/A/14/2213400

**Site address: Treguff Farm, St Mary's Church, Cowbridge, Vale of Glamorgan
CF71 7LT**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lightsource SPV 76 Ltd against the decision of The Vale of Glamorgan Council.
 - The application Ref 2013/00912/FUL, dated 19 September 2013, was refused by notice dated 17 January 2014.
 - The development proposed is the installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications buildings, fence and pole mounted security cameras, for the life of the solar farm.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications buildings, fence and pole mounted security cameras, for the life of the solar farm at Treguff Farm, St Mary's Church, Cowbridge, Vale of Glamorgan CF71 7LT in accordance with the terms of the application, Ref 2013/00912/FUL, dated 19 September 2013, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on :
 - The character and appearance of the countryside.
 - The character and appearance of Flemingston Conservation Area and other heritage assets.
 - The living conditions of local residents.

Reasons

First Issue – *Character and Appearance of the Countryside*

3. The development plan comprises the Vale of Glamorgan Unitary Development Plan, 1996-2011, adopted April 2005 (UDP). The emerging Local Development Plan (ELP) was placed on deposit in November 2013. There are no national landscape designations covering the site or its surroundings. However, at a local level, the site falls into the Lower Thaw Valley Landscape Character Area (LCA 19)¹ and forms part of the Lower Thaw Valley Special Landscape Area (SLA) defined under UDP Policy ENV4 (Special Landscape Areas).
4. The LCA description refers to a relatively broad, steep sided valley, running southwards from Cowbridge to Aberthaw. The valley sides are formed by the exposed deposits of the dissected plateau, and the steeper slopes are often covered in woodland. The valley suffers from the presence of overhead power lines running northwards from Aberthaw Power Station.
5. Under Visual and Sensory Landscapes, the LCA notes, a wide, sinuous floodplain with a mosaic of pastoral fields, including areas of rougher vegetation, surrounded by a mixture of gappy hedges and fences following the pattern of drainage ditches on the valley floor.....the eastern side of the valley is characterised by the distinct line of the disused railway that ran northwards from Aberthaw. There are a number of visual detractors, including overhead power lines and the quality of field boundaries. The developments at Aberthaw.....visually dominate the LCA, and provide detractors to its overall quality.
6. One of the LCA Key Policy and Management points concerns management of field boundaries and ditches to retain the integrity of the agricultural landscape.
7. Policy ENV 4 aims to permit new development where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area. I have not been supplied with any descriptive material which may have formed the basis of the designation of the SLA in the UDP. However, a background paper, *Designation of Special Landscape Areas*, published September 2013, reassesses the contents of the Vale of Glamorgan Council *Designation of Special Landscape Areas – Final Report (March 2008)* and considers that it remains relevant. The 2008 report deals with the SLA as the Upper and Lower Thaw Valley, jointly.
8. Points which emerge from the Report endorse the LCA description and add that the strong valley, semi-natural and planted broadleaf woodland, and juxtaposition with valley settlements is very attractive and one of the best examples of this landscape in the Vale. Key Policy and Management Issues include maintaining hedgerow and tree cover and restricting development in widely visible areas and introducing blocks of broadleaf woodland.
9. Other relevant material includes the LANDMAP Llancarfan Historic Landscape Aspect Area evaluation, which is rated 'outstanding'. The evaluation tells us that the area has been characterised as one of the best surviving, most typical historic sections of the

¹ *Vale of Glamorgan County Borough Council Designation of Landscape Character Areas*, produced on behalf of the Vale of Glamorgan Council in 2008, based upon published LANDMAP data.

whole of the Vale of Glamorgan characterised by a well preserved irregular fieldscape and a pattern of small, nucleated villages with diverse evidence of land use dating from the Iron Age, Roman, medieval and post-medieval periods. The site lies near the Area's western border and the committee report on the proposal notes that views of the site from the wider Area, particularly the Cadw Historic Landscape Area contained within the Area to the east, are limited.

10. The LANDMAP Vale of Glamorgan Rural Landscape Cultural Landscape Aspect Area evaluation records a 'high' rating as a picturesque and relatively unspoiled historic rural landscape. However, this is an overall evaluation of a large Area rather than a fine grained analysis that can be applied directly and reliably to the site and its surroundings.
11. The appellant prepared a Landscape and Visual Impact Assessment (LVIA) based on a zone of 5 km radius from the site, but with a narrower focus of 2 km radius as the area within which the principal impacts would be likely to occur. A Visual Impact Statement (VIS) was also prepared on behalf of third party objectors.

Character

12. The fabric of the landscape would be affected very little by the proposal. All the generating equipment and associated supports, buildings and fencing would be removed at the termination of operation, or of the period of permission, and the land restored. Foundations would be shallow, the land would continue to be used for grazing during the operation of the permission, and there would be little long term physical alteration of the landscape.
13. The proposal would overlay a renewable energy function onto the landscape. However, its existing character noted in the LCA as a relatively broad valley, with its steeper sides often covered in woodland, containing a wide, sinuous floodplain with a mosaic of pastoral fields enclosed by gappy hedges, would not fundamentally change. In one sense, the character would be enhanced through reinforcement of the boundary hedges and tree planting, benefitting the historic well preserved irregular fieldscape. Loss of the mature trees which run west to east across part of the site would be harmful. However, I understand they are in poor condition with limited life.
14. To an extent, the area of the solar array would be broken up, visually, by new hedge lines on historic boundaries running through the site, and by the areas identified as of archaeological interest remaining undeveloped. The presence of associated small buildings, similar in size and appearance to farm stores and equipment, would not appear alien within an agricultural landscape. Moreover, the largest buildings, the sub-stations, would be positioned well to the west, adjacent to the dense tree cover associated with the disused railway line, and therefore less easily seen. The CCTV masts, at 3 metres height, would be similar in impact to the poles supporting the low voltage power lines, a feature of the landscape, and the 2 metre high deer-proof fence of open square mesh and timber poles, following site boundary hedge lines, would not appear alien or visually assertive.
15. The wider landscape contains a number of solar arrays which have been successfully absorbed. They can be compared to an installation of glasshouses or polytunnels which may well be regarded as acceptable in some agricultural settings without unduly disrupting the character of the landscape. Overall the effect of the proposal on the character of the landscape and its quality would be acceptable.

Appearance

16. The site is located on a slight rise in the valley surrounded, except for the narrow gap in the topography to the south through which the River Thaw flows, by the higher land of the valley sides. Beyond the 2km radius, within the 5km zone, occasional glimpses of the development might be available, but they would be too distant to be significant. The Zone of Theoretical Visibility (ZTV) is quite extensive within the 2km radius, but visibility diminishes substantially when blocks of woodland are taken into account, and local obstructions of trees and hedges reduce visibility still further.
17. The areas of visibility mainly comprise the roads to the north, from Cross Inn Well to Cross Inn, and from Cross Inn to Gigman Bridge; from points to the west and south associated with the Valeways Millennium Trail; and from points on the road to the east, between Cross Inn and Abercrgwm Farm.
18. Roadside vegetation obscures most views from the roads to the north, the view with the greatest visibility being at Gigman Bridge across open land near to the line of the dismantled railway. At a distance of some 500 metres, the development would be clearly seen, but its generally dark appearance would be visually recessive, and it would be contained by the dense line of woodland associated with the railway and by the reinforced hedgerows when mature. Moreover, the view already suffers from the presence of two high tension electricity lines and supporting towers, and a set of undistinguished buildings and vehicles associated with the old railway station, as well as industrial stacks on the distant horizon.
19. Following the Millennium trail, along the road from Gigman Mill to Flemingston, to the west of the site, there would be occasional opportunities for views. At a distance of 500 or 600 metres, the array would be seen at a relatively shallow angle and its western edge would be masked by the railway woodland. Moreover, the intermediate ground, between the viewer and the site, would be dominated by the electricity lines and towers.
20. Rising into Flemingston, the development would be most visible from the road, looking north eastwards. Here the view would be from a less shallow angle, but greater distance of some 1km, and the array would appear as a darkish patch in the landscape with light gridding corresponding to the framing of the panels. Once again, the overhead high tension lines and their towers would interpose between the viewer and the site. I note that Flemingston attracts tourists seeking out the landscape and ambience of the Welsh Bard Iolo Morganwg, who was raised in the village, and they would experience the altered views.
21. Following the Millennium Trail eastwards, across open countryside, the panorama of the valley opens up. The development would be seen from a distance of some 1.2km and might appear as a focus of the wide view. However, there would be other foci including the dark blocks of woodland, offering a similar tone in the landscape as the array, the electricity towers, and broadcasting transmitter masts on the horizon. Although its presence would be unavoidable, to an extent the array would be visually absorbed, along with other points of attention, into the wider sweep of the landscape.
22. Almost all potential views from the road to the east of the site are obscured by roadside foliage. Where they occur, views would be very shallow often with further foliage and buildings intervening in the mid distance. Also, a third high tension electricity line, running north eastwards, might be in view in the foreground. Public views from this direction would not be significantly harmed by the development.

23. Concern has been expressed about glint and glare caused by sporadically reflected sunlight. However, solar panels are primarily designed to absorb sunlight rather than reflect it. The appellant told us at the hearing that the proportion of light reflected is equivalent to that of water, and much lower than glass. Residual effects may occur with low sun glancing off the surface of the panel for only a few minutes a day during limited times of the year. I see no reason to doubt this evidence. Moreover, the site's location in a valley with higher ground to the east and west would seem to diminish the risk of reflection occurring.
24. Concern has also been expressed that, although lower in height than those in a previous scheme, the solar panels would be positioned closer together, giving a dense visual appearance. However, I have assessed the scheme as presented and this aspect of its appearance does not seem to me to be crucial.
25. Turning to cumulative effects, there are several solar arrays either existing, with planning permission, or for which planning permission is being sought, within the Vale of Glamorgan. However, given their disposition and the restrictions on views of the present proposal, it is unlikely that material harm would arise from simultaneous, serial or sequential experience of the various arrays.
26. Overall, the effect of the proposal on the appearance of the landscape would be harmful to a minor degree. The harm identified will be balanced against the public benefits of the proposal.

Second Issue – *Heritage Assets*

27. The significance of the Flemingston Conservation Area springs mainly from its historic and architectural interest. The Appraisal and Management Plan notes that the overall character of the village is mostly defined by the important group of historic buildings around Flemingston Court and that the defining spatial feature of the Conservation area is the network of lanes which converge on the village around St Michael's Church.
28. St Michael's Church and the early 16th century Flemingston Court, both Grade II* listed, form the historic core of the small settlement, the whole of which is embraced by the Conservation Area. Flemingston contains a number of other, Grade II, listed buildings, namely the Farm Barns and other structures at Flemingston Court, Y Hen Fferm Dy, and the Giles Gilbert Scott telephone box together with locally listed County Treasures. Even though the site might be seen from some of these buildings, I do not consider that any of their settings extends to include the site. This is because of the part they play in the village layout, with its largely inward focus.
29. However, the Appraisal and Management Plan also notes Flemingston's rural setting overlooking the valley of the River Thaw. Originally, Flemingston Castle, of which little now remains, was a principal building which may account in part for the village's topographical positioning, overlooking the Thaw Valley. Views into and out of the Conservation Area are, therefore, an important part of its character.
30. The Appraisal and Management Plan indicates, in the Townscape Appraisal Map, the location of significant views. The effect of the view north-eastwards from the road as it rises into Flemingston has been described in the first issue. There are other, less direct, views further south, alongside or between buildings, which I was shown during the site visit. In addition, the appearance of the Conservation Area seen across the site from the north east might be harmed to a small extent.

31. Overall, the effect of the proposal on the Conservation Area would be to impose a minor degree of harm associated with its character and appearance as a contained settlement overlooking the Thaw Valley. The character and appearance of the Conservation Area would, therefore not be entirely preserved.
32. I have considered the effects of the proposal on the settings of the other heritage assets to which attention has been drawn. The Grade II* listed Treguff Place, a 16th century farmhouse, whose significance springs from its architectural and historic interest, lies some 500 metres to the east of the site. For functional and historic reasons, its setting, which includes the site, contributes to the significance of the listed building, although visual connection is limited because of screening by surrounding farm buildings. The solar array would represent another phase in post medieval field uses, whilst their boundaries would be maintained and reinforced. In my view, the proposal preserves the setting of Treguff Place.
33. Visual connection between other assets, including the Cadw Historic Landscape Area, and the proposed development, if possible at all, would be very limited. I do not regard any relationship between the proposal and a heritage asset, besides that involving the Flemingston Conservation Area, to be harmful. The harm to the Conservation Area will be balanced against the public benefits of the proposal.

Third Issue – *Living Conditions*

34. There are several dwellings in Flemingston and elsewhere whose outlook would be affected by the development. However, Kingsland on the Cross Inn to Gigman Bridge Road, some 400 metres to the north of the site and directly overlooking it, would be affected most of all. Kingsland is effectively single aspect with the outlook from all main habitable rooms, terraces and garden areas directed towards the site, from positions elevated above it. A fuller angle of view than from viewpoints on the road would be given, without masking by foliage. Moreover, the view would be towards the rear of the south facing photovoltaic panels and supporting framework.
35. There is normally no right in planning law or practice to a private view, but harm can arise from the overbearing effect of a development. The test sometimes used to judge if the effect would be overbearing is whether the dwelling would become an unattractive place to live.
36. I well understand the dismay of the occupants of Kingsland at the prospect of the development. However, although it might become less attractive, I do not consider that the dwelling would become an unattractive place to live overall. The effect would not be overbearing, either in the case of Kingsland or the other dwellings to which reference has been made. An industrial landscape would not arise.

Other Matters

37. Concern was expressed about the effects of construction access through narrow country lanes. A transport statement accompanying the application analysed the route and manner of use, concluding that the route would be adequate geometrically and of sufficient capacity, and that there would be no unacceptable disruption to traffic or living conditions, during either construction or operation. The Council accepted the conclusions of the report, subject to conditions attached to planning permission and I see no reason to disagree.
38. Criticism was made of the proposed use of an undeveloped agricultural site in the countryside rather than urban or industrial sites or the roofs of commercial or

industrial buildings. Whilst there may well be a good case for the use of previously developed land and existing or proposed buildings, I must consider the merits of the proposal before me, and have done so in the issues set out above. The loss of usable Grade 3 (good to moderate quality) agricultural land would not be significant, since much of it could still be put to grazing.

Conclusions

39. The proposed development would give rise to a minor degree of harm to the appearance of the countryside and the character and appearance of the Flemingston Conservation Area. The public benefits of the proposal include the production, without carbon or other polluting emissions, of electricity sufficient to serve approaching 900 homes; a contribution to the security of national energy supply; the enhancement of biodiversity and of the historic fieldscape by the reinforcement of hedgerows; and a contribution to farm diversification and support.
40. On balance I find that, subject to conditions, the proposal is acceptable. Although there would be conflict to a small extent with UDP Policy ENV 4 (Special Landscape Areas) and ENV 17 (Protection of Built and Historic Environment), the proposal would satisfy or gain support from the other policies to which attention has been drawn, including ENV 11 (Protection of Landscape Features, including trees, woodland and hedgerows) and COMM 8 (Other Renewable Energy Schemes, which tells us that renewable energy schemes will be permitted provided there are no unacceptable effects on the countryside, on heritage and other sites, and residential amenity is protected). The proposal would accord overall with the development plan.
41. The proposal would also accord with TAN 8: Planning for Renewable Energy, which notes at paragraph 3.15 that, other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported. It would be consistent with Planning Policy Wales' support, in Chapter 12: Infrastructure and Services, for the generation and use of energy from renewable and low carbon sources.
42. Conditions, based on the Council's suggested conditions, discussed at the hearing, are set out in the attached schedule. The first condition is necessary to prevent permissions being implemented at a time when circumstances may well have changed. The second condition requiring removal after the useful life of the development or when redundant, is necessary to help preserve the character and appearance of the countryside. The third requires an approved scheme of ecological mitigation to be carried out, to protect flora and fauna. The fourth and fifth conditions are necessary in the interests of highway safety, as are the ninth and tenth conditions.
43. The sixth, seventh and eighth conditions regarding landscaping are necessary to protect the character and appearance of the historic landscape. The eleventh and twelfth conditions, concerning working hours and restrictions on artificial lighting, are necessary to protect local residents' living conditions. The thirteenth condition, on fencing, is necessary to protect the character and appearance of the countryside. The fourteenth condition is necessary to protect archaeological remains. The fifteenth condition is necessary in the interests of visual amenity, and the sixteenth condition is necessary for the avoidance of doubt and in the interests of proper planning.

Alan Novitzky

APPEARANCES

FOR THE APPELLANT:

Brendan Clarke	Lightsource Renewable Energy Ltd
Stephen Wadsworth	Landscape Consultant, Pegasus Planning Group
Jonathon Smith	Heritage Consultant, CgMs Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Haley Kemp	Council Officer
Justina Moss	Council Officer

INTERESTED PERSONS:

Mike Davis	Local Resident
Roger Eustace	Local Resident and Community Councillor
Councillor Kenneth Jeffrey James	Member of the Planning Committee
Andrew Plant	Local Resident and land owner

DOCUMENTS SUBMITTED AT THE HEARING

- Doc 1 Hearing Notification and list of people notified
- Doc 2 Statement delivered by Councillor Jeffrey James
- Doc 3 Statement delivered by Mr Roger Eustace
- Doc 4 Statement delivered by Mr Michael Davies
- Doc 5 Suggested site visit viewing locations

Schedule of Conditions

1. The development hereby permitted shall begin not later than five years from the date of this decision.
2. Within 25 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar voltaic facility coming into operational use, whichever is the sooner, the solar voltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production or construction. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority, no later than three months following the cessation of power production or construction, or within 25 years of the completion of construction, whichever is the sooner.
3. No development shall take place until a scheme for ecological mitigation and enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, protection measures for badger, reptiles and breeding birds; and post construction ecological site enhancement including hedgerow improvements. The scheme shall include where appropriate any post development monitoring considered necessary, recommendations for habitat management and an aftercare package for any recommended planting. Development shall be carried out in full accordance with the approved scheme.
4. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority to manage all vehicle movements associated with the construction of the development, which shall include full details of parking and manoeuvring areas for construction traffic within the site compound, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. 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.
5. No development shall take place until details of measures for wheel washing, road sweeping and dust suppression have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented on site prior to the commencement of any works and shall thereafter be so retained for the duration of the construction phase of the development unless the Local Planning Authority gives prior written consent to any variation.
6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows within the site and those to be retained, and details of the composition and specific location of the new hedgerows to be provided within and along the boundaries of the site (including the reinstatement of historic field boundaries as identified on the approved Site Layout Revision N) and additional tree planting within the boundaries,

together with measures for the protection of existing trees and hedges during the course of development.

7. Notwithstanding the submitted plans and submissions, the landscaping scheme required by Condition No. 6 shall include the retention of T5 (Oak) on the northern boundary of the site
8. The new hedgerows and other approved landscaping shall be completed in full accordance with the approved landscaping scheme during the first planting and seeding seasons following the completion of the development, with all new hedgerows and other planting provided as part of the approved landscaping scheme, together with the existing hedgerows and trees along the boundary, managed and maintained for the duration of the life of the solar park in accordance with a programme of works that shall first be submitted to and approved in writing by the Local Planning Authority.
9. No development shall take place until such time as full details of the proposed site compound, including details of any site office, parking, manoeuvring areas, enclosures and storage areas, and the precise route and any alterations to facilitate the temporary access to the site, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details.
10. Within two months of the completion of construction of the development, the temporary construction compound and access (where such access route included a new route or hard surfacing) shall be removed from site and the land restored in accordance with a scheme, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.
11. No construction work or deliveries associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:
Monday to Friday 0800 – 1800
Saturday 0800 – 1300
Unless such work:
 - (a) is associated with an emergency (relating to health and safety or environmental issues), or
 - (b) is carried out with the prior written approval of the Local Planning Authority.
12. No external artificial lighting shall be installed during the operation of the site as a solar photovoltaic facility apart from a domestic security light to the DNO sub-station installed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority beforehand.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within or around the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.

14. No development shall take place 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.
15. No development shall take place until details, including samples if requested, of the materials to be used in the construction of the external surfaces of the permitted development, including finishes and colours, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details.
16. This consent shall relate to the plans registered on 24th September 2013, other than where amended by site layout plan revision N, received on the 2nd December 2013 and the single tier panel plans received on the 26th November 2013, except where modified in accordance with requirements of these conditions.

2015/00075/FUL Received on 28 January 2015

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

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

Ysgol Maes Dyfan, Gibbonsdown Rise, Barry

Redevelopment of the site for 47 dwellings, car parking and any associated works

SITE AND CONTEXT

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

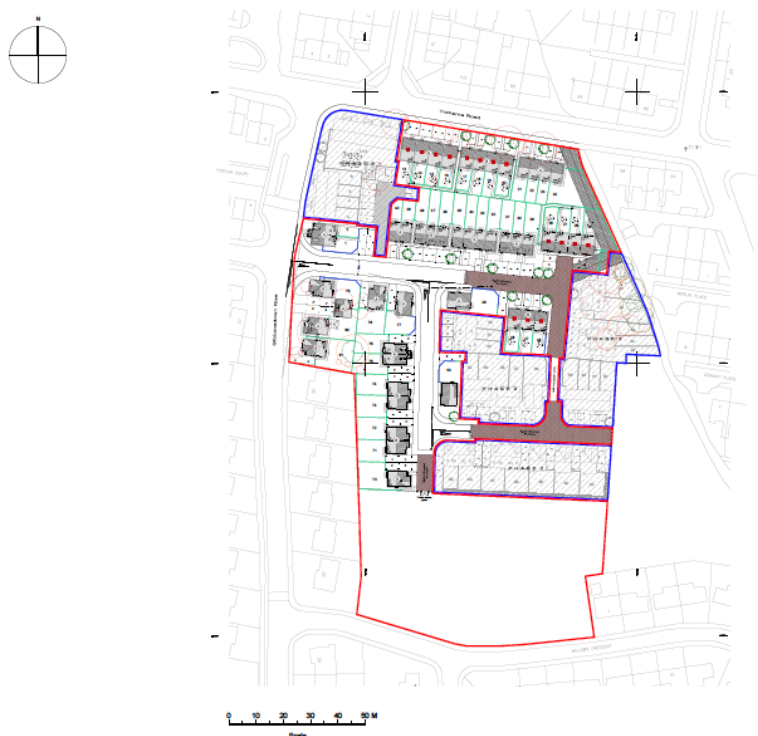


The redevelopment of Ysgol Maes Dyfan for 81 dwellings is divided into two Phases. Phase 1 is the subject of this application and relates to 47 dwellings. Phase 2 will be considered at a later date once the outcome of bat survey on the Caretakers Cottage is known. (2015/00076/FUL) The red line in the drawing below represents the extent of the application site for Phase 1.



DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the construction of 47 new dwellings, a new means of vehicular access and pedestrian access onto Gibbonsdown Rise and pedestrian access onto the southern area of public open space. The layout plan below shows Phase 1 (this application), whilst the remaining land is Phase 2.



The scheme proposes 32 dwellings for open market sale and 15 affordable dwellings comprising a mix of 2 and 3 bedroom dwellings. The private dwellings are comprised of:

- Ten 2 bedroom 2 storey house (Morden style)
- Six 3 bedroom 2 storey house (Moseley style)
- Four 3 bedroom 2 storey house (Hanbury style)
- Four 3 bedroom 2 ½ storey house (Souter style)
- Five 2 bedroom 2 storey house (Hatfield style)
- Three 3 bedroom 2 storey house (Clayton Corner style)

A selection of the house types proposed is show below.

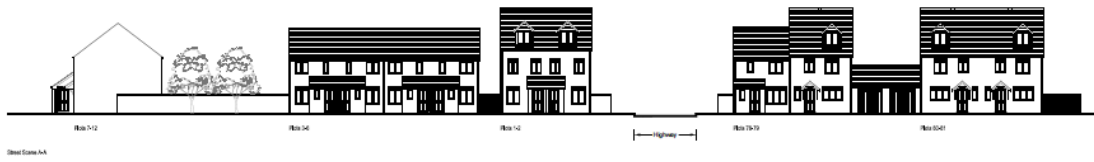


House Type – Morden

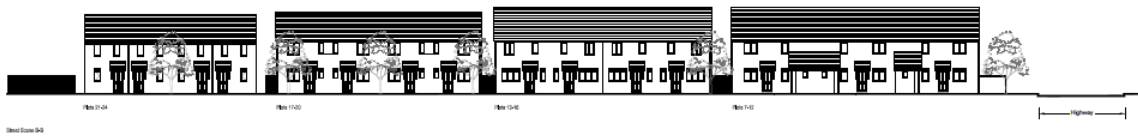


House Type - Hatfield

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



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



The affordable housing dwellings consist of:

- Eleven 2 bedroom 2 storey house – (Clwyd style) Social Rented
- Four 3 bedroom 2 storey house – (Cothi) Social Rented



House Type – Cothi

The proposed layout has been based around outward facing positive frontages onto both Treharne Road and Gibbonsdown Rise. Internally the site has a primary access point off Gibbonsdown Rise leading to the secondary frontages within the site. The dwellings vary in size, with the majority proposed at two storey with just under a quarter of the units at 2 ½ storey to add interest to the built form.

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

PLANNING HISTORY

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

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

There is also an associated planning application which remains undetermined:

2015/00076/FUL: Ysgol Maes Dyfan, Gibbonsdown Rise, Barry – Phase 2 – Redevelopment of the site for 33 dwellings.

CONSULTATIONS

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

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

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

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

The Council's Ecology Officer – No objection subject to a condition requiring submission of Biodiversity Strategy including Ecological Design Strategy and Post Construction Management Plan.

The Council's Housing Officer – Support the proposed unit mix of 11 x 2 bed houses (social rented) and 4 x 3 bed houses (social rented). Note location of social rented units at plots 17-23, which provided a better pepper potting arrangement when taken into considerations with the Phase 2 units.

The Council's Education Section – Requirement for Phase 1 and Phase 2 would generate 8 nursery, 21 primary and 19 secondary age pupils. Contribution for Phase 1 taking account of surplus capacity and other permitted development in area. Primary contribution is £28, 926.52 and Secondary contribution is £173, 347.36

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

Natural Resources Wales – No comments to make.

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

REPRESENTATIONS

The neighbouring properties were consulted on 10 February 2015.

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

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

Five letters of representation have been received with the following comments:

- Building of plots 79, 80 and 81 will result in the removal of mature trees, one of these is an oak.
- Plots 79, 80 and 81 will not be built in the same style as existing properties.
- Leaving this small area of green space will enhance the estate as a whole and provide much needed roosting and cover for birds and wildlife.
- Object to building of 2 x 3 storey houses (plots 75 and 76) – they will cause overlooking, invade privacy and could also reduce the light to our home and garden.
- Concerns regarding highway safety and increase traffic to junctions which are already dangerous.
- Object to number of dwellings proposed.
- Further rainfall and run off will add to an already flooded area.

Non-planning matters were also raised. Two sample letters attached as 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:

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

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

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

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).⁷

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

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

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

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

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

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

Supplementary Planning Guidance:

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

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

The Local Development Plan:

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

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

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

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

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Findings of the Site Assessment Process (2013)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)
- Identification of SINC's (2013)
- Local Housing Market Assessment (2013 Update)
- Open Space Background Paper (2013)
- Plan Preparation and Assessment of Flood Risk (2013)
- Population and Housing Projections Background Paper (2013)
- Small Sites Viability Report (2013)
- Spatial Options Background Paper (2007)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)

- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)
- Draft Infrastructure Plan (2013)
- Joint Housing Land Availability Study (2014)
- Planning and Working Together: The VoG Community Strategy 2011-2021
- The Affordable Housing Delivery Statement (2009)
- Vale of Glamorgan Council Local Development Plan Delivery Agreement
- Vale of Glamorgan Housing Strategy
- Vale of Glamorgan Tourism Strategy (2011-2015)

Issues

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

Principle of Development

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

Unitary Development Plan

In this case, the Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This Plan is technically time expired (as of 31 March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications.

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

Local Development Plan

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

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

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

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

Density of the development

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

The development across Phase 1 and Phase 2 proposes 81 units whereas the Draft Deposit LDP allocates it for up to 45 units. Given that the LDP is in draft form, the reference to 45 units is not definitively prescriptive to the site; however, it provides a basis to consider the appropriate density for the site. It is important to ensure that sites in sustainable locations are developed efficiently, and it is also necessary to consider the character of the area and whether an increase in density would be appropriate and sympathetic to the surrounding context. The site does not form part of a minor rural settlement, where densities may typically be lower, and it is considered that the proposed density of approximately 50 dwellings a hectare is compatible with the nature of surrounding residential development and is considered an efficient use of previously developed land in an urban location.

Internal Road and Footpath Layout

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

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

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

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

In terms of parking, the majority of dwellings would be served by off street parking within their curtilages. Given the density of the development, a relatively high proportion of parking spaces would be to the front of dwellings, as opposed to driveways to the sides.

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

House Types, Design and Siting

The application proposes 47 dwellings in total with a mix of houses types including:

- Ten 'Morden' a two bedroom, two storey house with an area of 51m²
- Six 'Moseley' a three bedroom, two and a half storey house with an area of 69m²
- Four 'Hanbury' a three bedroom, two storey house with an area of 71m²
- Four 'Souter' a three bedroom, two and a half storey house with an area of 87m²
- Five 'Hatfield' a three bedroom, two storey house with an area of 90m²
- Three 'Clayton Corner' a three bedroom, two storey house with an area of 93m²

- Eleven 'Clwyd' a two bedroom, two storey house with an area of 62m²
- Four 'Cothi' a two bedroom, two storey house with an area of 78m²

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

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

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

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

Highways issues associated with internal road layout, and parking.

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

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

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

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

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

Impact on residential amenity of existing residents.

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

With regards the direct impacts of the development on existing levels of privacy and general amenity, whilst the introduction of a residential use adjacent to existing properties will undoubtedly change the existing relationship, the proposed dwellings have been located to ensure that the minimum distance of 21m between principal opposing windows is maintained, in the line with the Council's Amenity Standards SPG. This relates in particular to the distances between Nos. 28 to 32 Gibbonsdown Rise and plots 70 to 74 in the proposed development.

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

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

Amenity of the future occupiers of the site

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

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

Drainage and flood risk.

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

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

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

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

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

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

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

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

Trees and Landscaping

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

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

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

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

Ecology

The application has been accompanied by an Extended Phase 1 Habitat Survey Report. The Survey Report concluded that the majority of the site has low ecological value and that the proposals for residential development will not have a detrimental impact on any priority species, habitats or designations. (It is noted that further ecological work is required on the Caretakers Cottage regarding possible use by bats, but that this is part of the Phase 2 application).

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

The Extended Phase 1 Habitat Survey has been reviewed by the Council's Ecologist who offers no objection to the proposed development subject to the imposition of a condition. The condition requires the submission of an Ecological Design Strategy and a Post Construction Management and Monitoring Strategy.

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

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

Affordable Housing

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

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

The application proposes fifteen affordable units comprising fifteen two bed houses (in two different styles). This equates to just over 30% of the 47 units and the Council's Strategy and Supporting People Manager has accepted this number of units. 100% of the units in Phase 1 would be social rented to reflect the need in Barry.

The units would be split into three general areas across the site, in the north and centrally. The Council's Housing section have raised a concern regarding the location of the proposed affordable units, indicating that it varied from the first layout shown which they considered provided a better pepper potting of units when taking into consideration Phase 2. However, given the overall size of the development is 81 units; the proposed dispersion is considered acceptable and would appropriately integrate the affordable units.

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

Education

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. Planning Policy Wales emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

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

- Primary - £ 28, 926.52
- Secondary - £174, 347.36

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

This totals £203, 273.88 and the applicant has agreed to this amount.

Sustainable Transport

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

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council as a member of Sewta (South East Wales Transport Alliance) is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

Whilst in this case the site is located within an existing settlement, in line with the rationale set out in the Council's SPG, a contribution of £94,000 is sought, as the basic contribution required to off-set the impacts of the development. The contribution will be used for specific projects.

Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

The completion of 47 dwellings means a contribution of £107,160 has been sought in line with the Council's guidance, in order to mitigate the impacts of the development. This is considered to be proportionate to and directly relevant to the needs created by the development and the applicant has agreed to this request. The contribution will be used on specific projects close to the application site.

Community Facilities

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

The Council has developed formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires community facilities to be provided at a ratio of 0.75m² per dwelling (1500m² in this case) or alternatively a contribution of £988.50 per dwelling towards the provision of community facilities. Due to the scale and nature of the proposed development, it is not considered appropriate to require a facility on site.

The applicant has agreed to an amount of £46,292.50 which reflects the need that results from the development and accords with the guidance in the Council's SPG. The contribution will be used to improve specific facilities.

Public Art

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

The applicant has agreed to the principle of this at 1% of build cost which is estimated to be £26, 329.

S106 Administration

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

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, the fee will be paid in instalments to reflect the negotiation costs to date, and ongoing monitoring and implementation costs over the build life of the development. The applicant has agreed to this cost.

CONCLUSION

Having regard to Policies 1, 2, 3, 8 and 11, ENV7- (Water Resources), ENV16- Protected Species, ENV27 (Design of New Developments), ENV28 (Access for Disabled People), ENV29 (Protection of Environmental Quality), HOUS2 (Additional Residential Development), HOUS 8 (Residential Development Criteria), HOUS 12 (Affordable Housing), TRAN 9 (Cycling Development), TRAN10- (Parking) and REC3 (Provision of Public Open Space for New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5-Nature Conservation and Planning,

10 – Tree Preservation Orders, 12-Design, 16-Sport, Recreation and Open Space and 18-Transport; it is considered that the proposals are acceptable, based on the material considerations set out within the report, by reason of its sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan. The proposals are also acceptable by virtue of the appropriate layout and scale of the proposed development, its suitable means of access, and with no unacceptable impact in terms of residential amenity, flood risk and ecology.

RECOMMENDATION

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

- Procure that at least 15 of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which 100% would be social rented properties.
- Pay a contribution of £94,000 towards sustainable transport facilities and projects to be identified.
- Pay a contribution of £107,160.47 towards the enhancement of public open space to be identified.
- Pay a contribution of £46,929.50 to provide or enhance community facilities which may include open space or recreational facilities and which will be identified.
- Pay a contribution of £203,273.88 to meet the cost of providing education services to children arising from the development, to be identified.
- Pay a contribution of 1% of the total build cost or £26,329 (whichever is the larger) for commissioning of art incorporating sufficient measures for the appropriate future maintenance of the works.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans and documents registered on the 27 January 2015, other than where amended and supplemented by the following:
- Amended Site Layout Plan PL-01 Rev H received on 23 April 2015
 - Amended detailed soft landscape proposals TDA.2055.01 Rev F received on 24 April 2015
 - Refuse vehicle tracking layout 10040-122 received on 23 April 2015
 - Amended Design and Access Statement received on 29 April 2015
 - Amended Planning Statement received on 29 April 2015

Reason:

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

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

Reason:

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

4. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access to the site and all internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and the details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policy ENV27 of the Unitary Development Plan.

5. The dwellings hereby approved shall not be brought into beneficial use until such time as the applicant / developer enter into a legal agreement under Section 38/278 of the Highways Act 1980, with the Council to secure the proper implementation of the highway works approved in conjunction with Condition 4 of this planning permission. The alterations to the highway as approved under the terms of Condition 4 of this permission shall thereafter be completed in accordance with a schedule of timescales that shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of those works and prior to the commencement of works to create the new access into the site.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

9. Prior to the commencement of development, a Construction and Environmental Management Plan to include such matters as the control of noise, vibration, dust and other deposits (and to include proposed hours of working during the development construction phase) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented throughout the course of the construction phase of the development.

Reason:

To safeguard the amenities of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately, with follow up in writing, to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of current guidance, and where remediate is necessary a remediation scheme must be prepared, which is subject to approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies ENV7 and ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted plans, further details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

13. Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings 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 Policy ENV27 of the Unitary Development Plan.

16. Notwithstanding the submitted plans, all means of enclosure associated with the development (to include means of enclosure around the public open space and pond) hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

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

Reason:

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

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

Reason:

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

19. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

20. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off and surface water 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.

21. The information submitted in accordance with the requirements of Condition 20 above shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, including provisions to be put in place in respect of individual dwelling houses and including a written declaration to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the site's drainage system and to ensure compliance with Policies ENV 7 and ENV 27 of the Unitary Development Plan.

22. No dwelling hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas to serve that dwelling, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

23. Notwithstanding the submitted plan, further details of the proposed hard landscaping materials (including the roads and raised table and including details of the proposed location and design of all rumble strips) shall be submitted to and approved in writing by the Local Planning Authority. the development shall at all times thereafter be carried out and maintained in accordance with the approved details.

Reason:

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

NOTE:

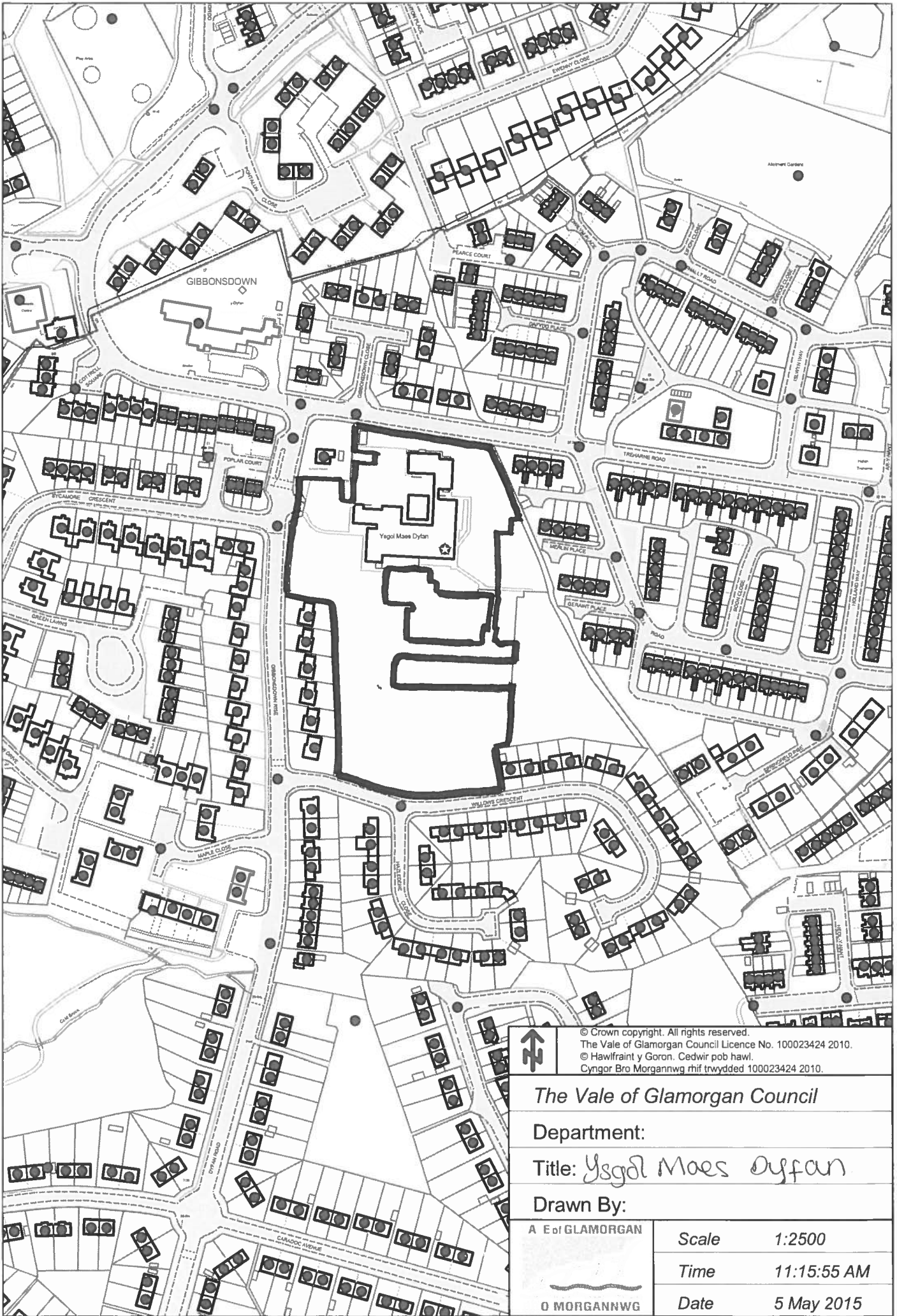
1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
3. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
4. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**


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

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

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

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



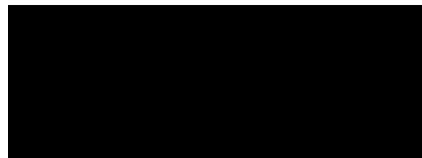
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	The Vale of Glamorgan Council	
Department:		
Title: <i>Ysgol Moes Dyfan</i>		
Drawn By:		
A E of GLAMORGAN  O MORGANNWG	Scale	1:2500
	Time	11:15:55 AM
	Date	5 May 2015

Mr & Mrs ABERY ✓
12, LABURNUM CLOSE
BARRY
CF62 9DZ.

March 3rd 2015.

We are writing to object to the development of
7? A8/34 dwellings respectively on the site of Maes
Dyfan School, Gibbonsdown Rise Barry V09.

We are objecting to the sheer number of houses
82 in total on both applications 00075/00076.
we not only object to the number of houses but
the fact that there is a covenant on part of
the land which cannot be built on. (This was
discussed at a meeting with Cllr Burtin last year).
Also the question of further rainfall adding to
an already flooded area at the lower part of
the rise, exacerbating the situation for us in
that area.



D.E.E.R
RECEIVED
ACTION BY: IR.
NO: 8
ACK:

RECEIVED

04 MAR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

4, ST. BRIDES WAY.
BARRY,
VALE OF GLAMORGAN,
CF63 1DU
19-2-15

Dear Sir,

Re: PROPOSED DEVELOPMENT OF YSGOL MAES
DYFAN, GIBBONSDOWN RISE.
APPLICATION NO 2015/00075/FUL/SDB.

May I first of all thank you for allowing me the opportunity to give my views on the above proposed development.

After living in my home for 40 yrs, I have watched with alarm as the surrounding land has been taken over by housing bringing increased traffic, air & noise pollution & being left on a dangerous junction, below road level with traffic heading straight for the house.

During this time I have had a motor car & motor bike through my front windows, and my neighbours have had a car through their garden followed by 2 massive incidents when twice in 5 yrs their house has been almost demolished by out of control cars.

I have written letters, nagged, moaned & made myself unpopular in an attempt to have something done about this junction, in all this time I received 2 responses, 1 from a previous Head of the Council, blaming the previous one & one from a previous M.P. stating basically that the council had no money. I didn't know whether to laugh or cry.

As Ysgol Maes Dyfan is now about to be demolished there is an opportunity to do something about this junction, a roundabout would be the obvious answer, especially as my own

Councillor Mr. Richard Burton is proposing to send even more traffic up over Gibbonsdown Rise in his quest for a new road. As I have said previously I feel for the people in Hannah St, but this could have been solved years ago with a one-up, one-down traffic system.

I have no problem with housing at Maes Dyfan, but having seen the plans on your web site I feel that 48 dwellings on such a small site is far too many, with a vacant field behind the school surely it would have been better to spread the housing over a larger site. 48 dwellings equal 48 cars creating even more traffic, noise & pollution.

Not only have I suffered stress, I have lost any privacy, one comment I received was "I saw you doing your hair in your bedroom", this as she was on a bus stopped waiting to turn the corner. My home has also been devalued as a result of alterations to plans carried out previously, the whole thing has left me at times feeling very depressed.

I look forward to your comments.

Yours sincerely,


ANICE STARR (MRS)

RECEIVED
20 FEB 2015

2015/00242/FUL Received on 10 March 2015

Mr. Shaun Cuddihy, Tithe Barn, Picketston, Vale of Glamorgan, CF62 4QP
Mr. Shaun Cuddihy, Tithe Barn, Picketston, Vale of Glamorgan, CF62 4QP

Brackendene, Burdonshill Lane, Wenvoe

Proposed lodge building on redundant rural buildings

SITE AND CONTEXT

The application site comprises an area of agricultural land situated to the South West of the agriculturally tied dwelling Brackendene.

The land forms part of a larger field area and includes buildings currently used for stabling of horses. Vehicular access to the site is via a crushed stone access track joining with Burdonshill Lane, an unadopted lane/track to the North East of the site.

The application site lies in the open countryside within the Dyffryn Basin and Ridge Slopes Special Landscape Area as defined in the Unitary Development Plan.

DESCRIPTION OF DEVELOPMENT

The application proposes to demolish the existing buildings on the site and erect a dwelling. The dwelling to be oak framed with tiled roof. The dwelling would have a maximum height of 5.9m to ridge and a footprint of 8.2 by 16.8m maximum. The residential curtilage includes the access road, of some 110m in length and a garden around the property.

PLANNING HISTORY

2014/01386/FUL : 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 - Approved 28 January 2015.

1989/01221/OUT : 'Brackendene', Burdons Lane, Wenvoe - Dormer Bungalow - Refused 21/11/1989 An appeal against this decision was dismissed and a copy is appended. Appendix A.

1984/00224/OUT : 'Brackendene', Burdonshill, near Wenvoe - Proposed bungalow (residential) - Refused 05/04/1984 An appeal against this decision was dismissed and is appended. Appendix B.

CONSULTATIONS

Wenvoe Community Council: objects as per their comments in 2014 in respect of a withdrawn scheme, namely; they object as it is development in the open countryside.

Highway Development - Further to reviewing the above proposals, it is noted that access to the site will be provided via an existing private drive, which currently serves approximately ten residential dwellings, a working farm and a garden centre.

However, the maximum number of dwellings (or operators) that the Highway Authority will allow to be served from a private access is five. As a result, the above development will increase the existing number of dwellings that are currently served off the existing access, which already exceeds the council's permitted maximum.

In addition, to allow this application would set a precedent leading to proliferation of similar piecemeal developments, affecting the Council's position in resisting the same.

Therefore, based on the above, an objection is raised in relation to the highway and transportation aspects of the proposals.

Wenvoe Ward Member was notified, no comments received.

Dwr Cymru Welsh Water: Have not objected but request standard conditions to safeguard the public sewerage system if the scheme is approved.

Ecology Officer: We note the findings of the report which state that the building has low potential and is unlikely to support a bat roost however, roosting cannot be completely ruled out from the building inspection. The Consultant Ecologist has suggested two ways in which this may be progressed, either through bat activity surveys or by a supervised roof strip. We agree with the findings, conclusions and recommendations. In this case, we are satisfied that the consultant has shown that the building to be of low enough potential that a supervised roof strip could be possible.

With reference to the defunct Swallow nest, we recommend that the applicant provide alternative nesting space for at least one pair of Swallows. We recommend that the consultant ecologist provide advice on type and siting of nest.

Therefore, we recommend the following conditions to secure the recommendations made by the consultant.

Suggested planning condition #1

An appropriately qualified and experienced ecological consultant shall be present during any works to the roof; and the works must be carried out as detailed in Section 5 Recommendations (Soft Strip Methodology). Following completion of the supervisory works, the consultant shall submit a report to the LPA, in writing detailing the works supervised and the findings.

Suggested planning condition #2

A replacement nest site for Swallows shall be provided after completion of development works, but prior to occupation of the building. No works must take place which would damage or destroy an active nest of any bird species.

REPRESENTATIONS

The neighbouring properties were consulted on 18 March 2015.

A site notice was also displayed on 7 April 2015

The application was also advertised in the press on 27 March 2015.
No comments received.

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:

POLICY ENV1	– DEVELOPMENT IN THE COUNTRYSIDE
POLICY ENV2	– AGRICULTURAL LAND
POLICY ENV4	– SPECIAL LANDSCAPE AREAS
POLICY ENV10	– CONSERVATION OF THE COUNTRYSIDE
POLICY ENV11	– PROTECTION OF LANDSCAPE FEATURES
POLICY ENV16	– PROTECTED SPECIES
POLICY ENV27	– DESIGN OF NEW DEVELOPMENTS
POLICY HOUS1	– RESIDENTIAL ALLOCATIONS
POLICY HOUS2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS3	– DWELLINGS IN THE COUNTRYSIDE
POLICY HOUS5	– AGRICULTURAL OR FORESTRY DWELLINGS

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

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

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

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

Planning Policy Wales:

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

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 and 4.1.3 in particular

“4.3 Principles

4.3.1 The following principles underpin our approach to planning policy for sustainable development and reflect those principles that we expect all those involved in the planning system to adhere to:

- putting people, and their quality of life now and in the future, at the centre of decision-making;.....
- respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;
- tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change;..”

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. While the bulk of Chapter 9 is of relevance to housing proposals in general, the following is considered to be of specific reference to this proposal:

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

9.3.1 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.

9.3.2 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.

9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation. All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. New rural enterprise dwellings should be located within or adjoining the existing farm/business complex or access. Local planning authorities should follow the guidance in TAN 6 with regard to the requirements for rural enterprise dwelling appraisals.

Technical Advice Notes:

Technical Advice Note 6: Planning for Sustainable Rural Committees (TAN6)
Technical Advice Note 12: Design (TAN12)

5.8.1 The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.

5.8.2 Design is relevant to rural settlements, urban fringe, steep sided valleys, mountain top plateaus and broad agricultural areas vary significantly. Policies and guidance should take account of the need to steer activity to avoid negative impact on distinctive rural landscapes and the best agricultural land and to conserve and enhance diversity of species and habitats.

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 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 10 – Tree Preservation Orders (1997)
Technical Advice Note 12 – Design (2014)
Supplementary Planning Guidance:

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

Sustainable Development
Amenity Standards
[Biodiversity and Development](#)
[Design in the Landscape](#)
[Model Design Guide for Wales](#)
[Sustainable Development - A Developer's Guide](#)

The Local Development Plan:

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

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

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

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

- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)

Issues

The main issues in the assessment of the application are the principle of the development, visual impact, sustainability issues and highway safety.

The principle of the development

The site falls outside of a residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and as such the proposal constitutes a dwelling in the countryside. Policy ENV1 is a criteria based policy relating to development within the countryside and states 'Within the delineated countryside permission will only be granted for:

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

No agricultural or other relevant justification for a dwelling in this rural location has been submitted with the application. The development is therefore considered contrary to Policy ENV1.

Policy HOUS3 relates more specifically to the erection of new dwellings in the countryside and states 'subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry'. The supporting text to the policy adds additional weight to this noting that "the many groups of scattered and loose knit buildings in the Rural Vale cannot be regarded as settlements under the terms of Policy HOUS2.

The site lies approximately 0.8km from the nearest settlement, Wenvoe. It forms part of a field with stables and associated buildings. The site has a rural setting as does the surrounding area. Any dwellings in the vicinity either form isolated pockets of development or a ribbon of development on to the A4050 road. An additional dwelling would be inappropriate in such a rural location unless justified in the interests of agriculture or forestry. There is no such justification for the dwelling sought under this application.

Policies ENV1 and ENV10 seek to protect the countryside from inappropriate, development. The creation of a dwelling on this site would be contrary to local and national planning policy for the protection of the countryside. The undeveloped and attractive appearance of the countryside should be protected and new housing outside villages and towns often creates unacceptable intrusions into the rural landscape, placing unacceptable burdens on local services.

Technical Advice Note 6 (TAN 6) promotes sustainable rural housing and allows for residential development in the countryside where it meets an affordable housing need or where accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. No such justification is provided here, therefore, the proposed dwelling would not benefit from the support of TAN6, which states:

"4.3.1 One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work²². Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence."

As noted above, there is no justification provided for the dwelling in terms of agriculture, forestry or any supporting rural enterprise and it would not amount to the re-use or adaptation of an existing building to assist the rural economy. Given this, it is considered that the principle of erecting a new dwelling on the land in question would be contrary to the provisions of both Policies ENV1 and HOUS3 of the Unitary Development Plan as set out above which strictly control the erection of new houses in the countryside.

In terms of other material considerations, the applicant's submissions state that the development would be built to a 'high standard and quality employing excellent design principles'. (Design and Access statement p.2) It is considered that, if the principle of the dwelling in this rural location were acceptable, then the design principles applied would be welcomed however there is a fundamental objection to the construction of a dwelling in this countryside location.

In conclusion, it is considered that the development is contrary to the above named policies in principle, and would be contrary to the aims of Planning Policy Wales Chapter 9, in terms of where new housing should be directed.

Impact upon the character of the area

The proposed dwelling would replace existing agricultural/stable buildings and the applicant's submission indicates that the proposed dwelling would be of similar footprint. However the existing buildings are relatively low key in the environment. They are single storey, indicated at 4.5m maximum height and with very low profile roofs. The proposed dwelling would be over two floors and have a pitched roof of 6m in height. The applicant asserts that the proposal "enhances the area" and that the current buildings are of no architectural merit. The local planning authority agrees they are of no architectural merit but would contend that the removal of these low key, agricultural style buildings and their replacement with a larger, domestic form of development would not be an enhancement of the special landscape area. Policy ENV4 advises new development within or closely related to a special landscape area will be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the special landscape area.

The site lies within a Special Landscape Area, The buildings on the site are currently very low key in the landscape and it is considered that a dwelling and associated residential curtilage would be more visible, both locally around the entrance to the site and within the wider landscape moreover the development of a dwelling and associated domestic curtilage would significantly alter the character of this landscape as a consequence.

The buildings within the site are overtly agricultural in scale and character and such buildings are common place within the rural scene. While they are of a fairly utilitarian design, they are recognisably agricultural in nature and use and it is considered that they do not appear out of place in a rural landscape such as this.

Notwithstanding this, the comparison to be drawn between these agricultural buildings and the proposed dwelling cannot be limited to massing/volume alone. It is considered that a dwelling would have a markedly different visual impact than the existing structures such that a new dwelling in this location, irrespective of its design, would fundamentally change and harmfully domesticate and urbanise the character of the site from one which is rural/agricultural to one which is more urban in form.

The applicant has asserted that the buildings are in domestic use; this is clearly not the case noting the very recent approval, 2014/01386/FUL, to regularise the use of the buildings and manage for horse related stabling. The dwelling would be considered an unacceptable extension to the scattered group of dwellings. The proposal would clearly not comprise infilling, since the site lies in an open field location. The nearest dwellings are physically divorced from the site by intervening field(s). The nearest dwelling to the site, Brackendene, is an agriculturally tied dwelling. Consequently, it is considered that the proposed dwelling would not read as part of any residential group, rather it is considered that the site identifies predominantly with the rural character of the surroundings and the natural landscape quality of the Special Landscape Area.

It is therefore considered that the proposal would be contrary to Policy ENV4 of the UDP in that it would fail to preserve the landscape character and visual amenities of the Special Landscape Area and would also conflict with policy ENV27 Design of New Developments, which requires all new developments to have full regard to the site's context and environment stating "Proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it: (i) complements or enhances the local character of buildings and open spaces".

In particular the site does not read as physically part of any group of dwellings and does not appear visually in the context of any group. Consequently, it is considered that the development would appear as an arbitrary visual intrusion of built form into the countryside, which would harmfully impact upon the landscape character of the area.

It would also conflict with the aims of UDP Strategic Policy 1 and Policy ENV10 to safeguard the countryside, paragraphs 9.2.22, 9.3.1, 9.3.2 and 9.3.6 of PPW (7, 2014) and paragraphs 5.8.1 and 5.8.2 of TAN 12.

The Council produced the SPG, Design in the Landscape, to:

Finally, it would conflict with the Council's SPG on Sustainable Development, since it would not ensure effective protection of the environment and the SPG on Design in the Landscape. The SPG was produced to ;

" 5. SPECIAL LANDSCAPE AREAS

5.1 The Council's Special Landscape Areas have been derived from a study of the character of the Vale's landscape. "Landscapes Working for the Vale of Glamorgan" which was prepared in partnership with the Welsh Development Agency and the Countryside Council for Wales. This study considers the importance of the environmental assets of the Vale in securing sustainable development and also design guidelines to address issues raised by particular types of development proposals experienced in the Vale".

Since the proposal would adversely impact upon the character of the rural setting of this part of the SLA, the development is considered unacceptable.

The development would conflict with the Council's SPG on Sustainable Development, since it would not ensure effective protection of the environment and the SPG on Design in the Landscape.

Sustainability

The application site is located approximately 0.8km from the nearest village.

It is considered that occupiers of the dwelling would be extremely (if not solely) reliant on the private car to access day to day services. It may be possible to cycle in some instances however, such an arrangement would not adequately cater for the day to day needs of the future occupants of this development without significant reliance on the car as a means of travel.

Therefore, the proposed development would conflict with the aims of Strategic Policies 2 and 8 and Policy ENV27 of the UDP, all of which encourage highly accessible forms of development that are located in identified ,sustainable locations in order to minimise the need to travel, especially by car.

Planning Policy Wales echoes the aims of the above mentioned policies, particularly at paragraphs 9.2.2 and 9.3.2, where it states:

“In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled”.

It is therefore clear that national planning policy seeks to create balanced sustainable rural communities, with new development located within and adjoining those settlements where it can be best accommodated by existing infrastructure and access. It is therefore considered that the proposed development in the countryside, which would encourage and be reliant upon the car for occupiers to travel, would be unsustainable and contrary to PPW.

Amenity space provision

Notwithstanding the in-principle policy objection the plans indicate a dwelling with a rear garden of approximately 10m by 23m and an extensive access and associated 'garden' area at the entrance of a further 20 by 30m approximately within the site. The provision of amenity space to serve a dwelling would therefore be met however it is that very use of the land for residential purpose that is contrary to Policies ENV1, ENV10 and ENV4 as detailed above.

Highway safety and parking:

The Council's Highway Development Engineer has objected to the increased use of a substandard, unadopted access. The adopted highway ends at the edge of carriageway on the A4050. Thus both the driveway and the access track from the A4050 are not adopted. The road is substandard and appears to be poorly maintained. The additional use created by a residential property, including visitors and service vehicles, would result in an intensification of use of this substandard road. The highway development office considers this contrary to highway safety and therefore objects to the application.

Planning history:

There have been two previous applications for residential development on and in the vicinity of the site for a dwelling. These were refused and dismissed at appeal. Notwithstanding the date of these decisions (in the 1980s) it is considered that the aims of the policies at that time and the decisions made at appeal are relevant today and are still reflected in current planning policy for the protection of the countryside. It is also considered that there has been no material change in the planning circumstances of the area. Whilst planning consent has been granted for the former garage site (for two dwellings) this is not considered to set any precedent for isolated residential development in this rural location on the site of agricultural/stable buildings.

CONCLUSION

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

The proposed dwelling would be sited in the countryside and would comprise residential development unrelated to any settlement or any significant group of dwellings. In the absence of any agricultural/forestry/rural enterprise justification, the proposal represents a visually harmful and unjustified form of development in the countryside, which would detract from the site's rural appearance, and the character of the surrounding countryside and Special Landscape Area. The development is therefore contrary to Policies ENV1 - Development in the Countryside, ENV10 - Conservation of the Countryside, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, and Strategic Policies 1 & 2-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development and Design in the Landscape; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Communities and TAN12-Design.

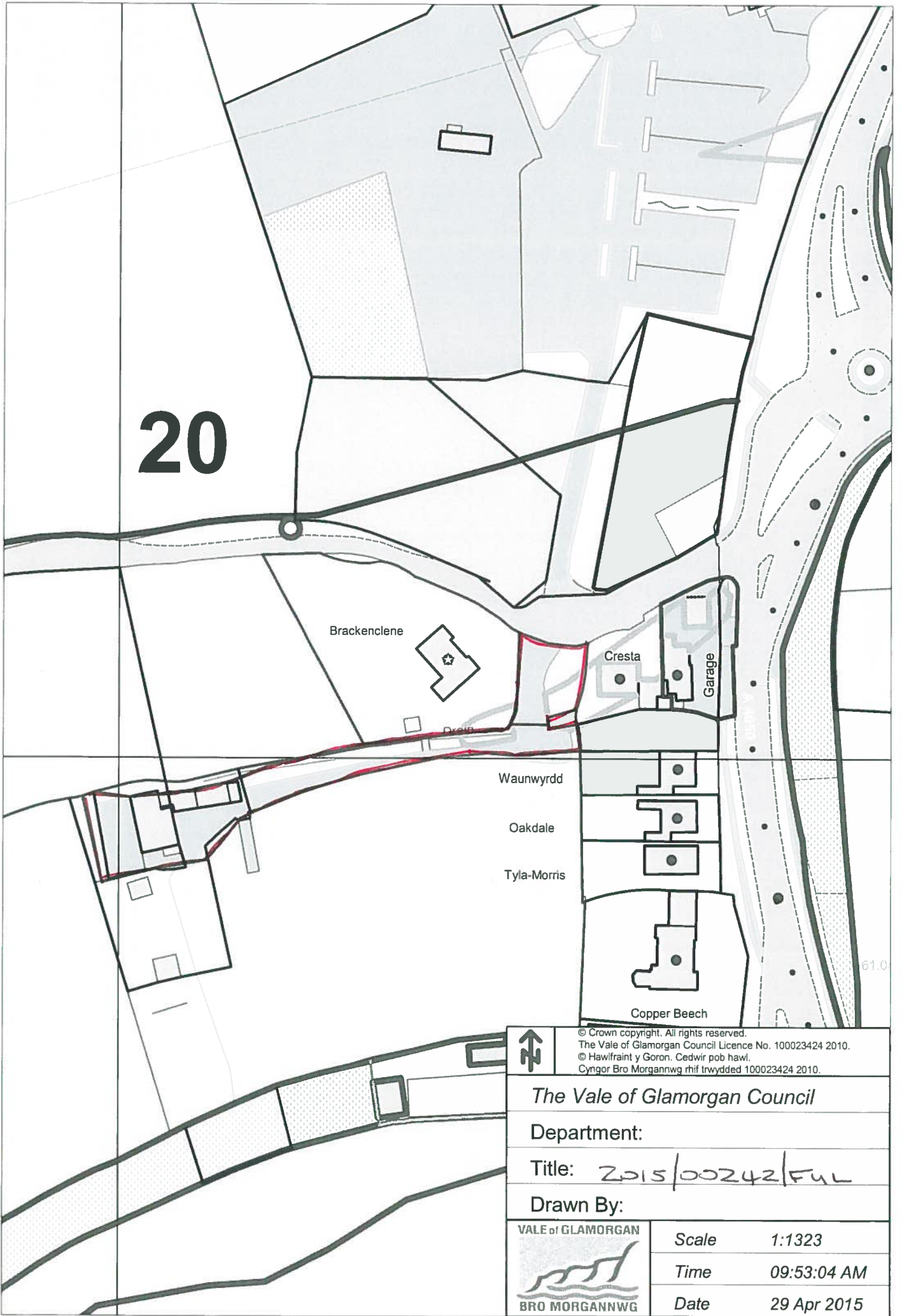
By virtue of the distance to any defined settlement the site is considered to be in an unsustainable and unsuitable location where a dwelling would be remote from day to day amenities/services and occupiers would be over-reliant on the private car. The proposal is consequently contrary to strategic Policies 2 and 8, and Policy ENV27 - Design of New Developments of the Vale of Glamorgan Unitary Adopted Development Plan 1996-2011, the advice contained within Planning Policy Wales and the Council's Supplementary Planning Guidance on Sustainable Development.



The proposed dwelling would be served by a substandard access and any intensification of use of this substandard access would be to the detriment of highway safety. The development would therefore be contrary to Policy ENV27 Design of New Developments criteria (ii) in that an acceptable access cannot be provided from the adopted highway.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed dwelling, in the absence of any agricultural/forestry/rural enterprise justification, represents a visually harmful and unjustified form of development in the countryside, which would detract from the site's rural appearance, and the character of the surrounding countryside and Special Landscape Area. The development is therefore contrary to Policies ENV1 - Development in the Countryside, ENV10 - Conservation of the Countryside, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, and Strategic Policies 1 & 2-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Communities and TAN12-Design.
2. By virtue of its rural location, the site is considered to be in an unsustainable location where a dwelling would be remote from day to day amenities/services and occupiers would be over-reliant on the private car. The proposal is consequently contrary to strategic Policies 2 and 8, and Policy ENV27 - Design of New Developments of the Vale of Glamorgan Unitary Adopted Development Plan 1996-2011, the advice contained within Planning Policy Wales and the Council's Supplementary Planning Guidance on Sustainable Development.
3. The proposed access to the dwelling would be to the detrimental of highway safety by virtue of the number of properties already accessing of the unadopted or private road, Burdonshill Lane and the undesirable precedent that this would set. The development would therefore be contrary to Policy ENV27 Design of New Developments criteria (ii) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 in that an acceptable in highway engineering terms ,safe access cannot be provided from the adopted highway.



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2015/00242/FUL</i>		
Drawn By:		
	Scale 1:1323	
	Time 09:53:04 AM	
	Date 29 Apr 2015	

Y Swyddfa Gymreig

Parc Cathays
Caerdydd CF1 3NQ



Welsh Office
Cathays Park
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Telex 499228
Telephone (Switchboard) 0222 825111 GTN Code 1208
(Direct Line) 0222 82 5670
Fax: GP2 - 0222 823204; GP3 - 0222 823036

Mr and Mrs S P Cuddihy
53 Trinity Street
BARRY
South Glamorgan
CF6 8BX

Eich Cyf/Your ref:

Ein Cyf/Our ref:
P72/1549

Date:

5 MAY 1990

Sir and Madam

**TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 89/01221/OUT**

1. I have been appointed by the Secretary of State for Wales to determine your appeal. This appeal is against the decision of the Vale of Glamorgan Borough Council to refuse planning permission for the erection of a detached dormer bungalow on land between "Brackendene" and "Cresta", Burdonshill Lane, Wenvoe. I have considered all the written representations that have been made in this case, and as you know I inspected the site and the surrounding area on Tuesday 8 May 1990.

2. From the representations and in consideration of what I saw it is now clear to me that there is one main issue in the determination of this appeal. This is whether the construction of a dwelling on the appeal site would unduly harm the character of the area.

3. The appeal site, which is currently in use as part agricultural access and part private parking area, is placed between two dwellings fronting a private road known as Burdonshill Lane. The appeal site has a road frontage and depth each of about 20 metres. On the western side of the site is "Brackendene" a detached bungalow, followed by undeveloped agricultural land. Whereas to the east there is a single detached house: "Cresta" followed by a petrol filling station at the junction of the private road and the A4050. Five other houses, fronting the main road, form the remainder of this small group. Open undeveloped agricultural land runs up to the rear of the appeal site and the nearby houses. There are other groups of houses in the vicinity, such as those further up Burdonshill Lane, and some ribbon development along St Andrews Road, on the opposite side of the A4050.

4. In my opinion the appeal site is not within a village or established settlement where there are well defined development boundaries. I consider that the housing near the appeal site

'A' contd.

would be reasonably described as a small group of of well spaced dwellings set within open countryside. In a rural area such as this it would be appropriate to apply Policy H10 of the approved Structure Plan which states that there is a presumption against new dwellings in the open countryside, unless there are exceptions related to agricultural need. In my view the application of this policy is a material consideration in the determination of your appeal.

5. To my mind the construction of a dwelling on the appeal site would bring about serious harm to the rural character of the area. The project would close the pleasing spacing between houses in this location, promoting the impression of an entirely built up frontage along the lower length of Burdonshill Lane. Such a feature, I consider, would be incongruous here as it would cause the unacceptable consolidation of housing in the open countryside. Moreover, I consider that to allow the appeal would not only breach but undermine approved planning policies which seek to prevent the proliferation of new housing in a rural area.

6. I have taken account of the reference that has been made to other permitted development nearby that you claim could be seen as similar to the appeal site. In my opinion the new house in St Andrews Road is in line with the normal definition of infilling along a frontage. Therefore, in my opinion, there is no reason for this project to be taken as an example to support harmful development to proceed on the appeal site.

7. I have taken account of all other matters raised including the reference to the width of the access road. However, I can find no compelling reason to change my decision which overrides my consideration of the main issue in this case.

8. For the reasons given above and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Sir and Madam
Your obedient Servant


Anthony H Vaughan BSc CEng MICE
Inspector



Rgd. Computer. Copied to. C.H.C. May 90
W.P. (H)
15/5/90

PLANNING SERVICES DEPT.	
103	19684
Att.	
Ac.	Y <i>P.H.</i>
COF	2
FILE	

VALE OF GLAMORGAN BOROUGH COUNCIL

Town and Country Planning Act 1971
Town and Country Planning General Development Order 1988

REFUSAL
OF OUTLINE PLANNING PERMISSION

Agent:
Mr. and Mrs. S. Cuddihy,
53, Trinity Street,
Barry,
South Glamorgan.

Applicant:
Mr. and Mrs. S. Cuddihy,
53, Trinity Street,
Barry,
South Glamorgan.

Dormer Bungalow at 'Brackendene', Burdons Lane, Wenvoe

In accordance with the application and plans received on 28th September, 1989 the Council in pursuance of its powers under the above mentioned Act and Order hereby REFUSES TO PERMIT the proposed development for the following reason(s):

1. In order to preserve the countryside, the Local Planning Authority considers that no additional development shall take place there other than is necessary for agriculture or forestry.
2. The proposal would constitute an undesirable intensification of an existing sporadic group of dwellings in the countryside.

Dated: 21st November, 1989



Chief Executive (2)

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ATTACHED TO THIS FORM.



Telex 498228

Telephone (Switchboard) 0222 825111 GTN Code 2064
(Direct Line) 0222 82 4673Mr S Cuddihy
Barry Dock Conservative Club
Station Street
BARRY
South GlamorganEin Cyf/Our reference
P72/1007
Eich Cyf/Your reference

Dyddiad/Date

[11 JAN 1985]

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 84/0224

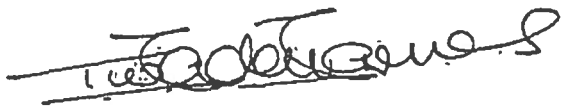
1. As you know, I have been appointed by the Secretary of State for Wales to determine your appeal against the decision of the Vale of Glamorgan Borough Council to refuse planning permission for the erection of a bungalow on land at Brackendene, Burdons Lane, near Wenvoe, South Glamorgan. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 27 November 1984.
2. I find, from my inspection of the site and its surroundings and the representations made, that the main issue is whether the site lies within an area where further residential development would be acceptable.
3. The site of 0.1 ha lies about half a mile from the nearest compact settlement of Wenvoe. It comprises part of a field with a 20 m frontage to the south-east side of an unadopted highway Burdons Lane, which joins the A4050, Cardiff to Barry road, some 280 m to the east. The site is adjoined to the south-west by a dwelling, which forms part of an isolated pocket of development, totalling 8 dwellings, on each side of Burdons Lane and including a cottage opposite the site. Open countryside separates the site from a pocket of development at the Burdons Lane/A4050 junction. This development extends in ribbon form along the A4050 and contains 7 dwellings together with the Wenvoe Service Station and the Wenvoe Garden Centre to the north. Some 100 m to the north-east of the service station there is a further ribbon development of 19 dwellings along St Andrew's Road, which runs from the east side of the A4050.
4. Development Control Policy Note 4 indicates that permission will not usually be given to extend an isolated group of houses. Moreover I do not consider that your proposal would fall within Policy No. 27 of the approved County of South Glamorgan Structure Plan which, subject to certain criteria, favours limited development within and adjoining small towns and villages. Furthermore the Rural Settlement Strategy, approved by the Borough Council in 1981, and intended eventually to be included in the Structure Plan's Formal Review, provides that until 1991 there shall be a general presumption against giving consent for further dwellings in the Rural Vale. The draft Rural Vale Local Plan, which was approved for public consultation in May 1984, contains a policy that no residential development will be permitted outside existing settlements unless required in connection with agriculture or forestry. The pocket of development in the vicinity of the site at Burdons hill cannot be regarded as an existing settlement. I consider that the site lies well outside any area where further residential

development would be acceptable. I can find no justification for allowing your proposal, which would be contrary to well established national and local policies aimed at restricting further dwellings in the countryside. The proposed dwelling would not only add to the existing isolated pocket of development at Burdons Hill, but if allowed it would make it very difficult to refuse future applications for the similar development of other land in the locality. Because there is a compelling planning objection to the proposed development it is unnecessary for me to comment upon the highway matters raised by the County Council.

5. I have noted that the site has remained fallow for many years due to the shallow depth of the soil, but this is not of itself sufficient to justify approval. I have also taken into account all the other matters raised in the representations, but these are insufficient to be regarded as overriding.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Sir
Your obedient servant



T W B BARNES LLM LMRTPI
Inspector

VALE OF GLAMORGAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING, ACT, 1971
THE TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977

REFUSAL OF PLANNING PERMISSION

Mr. S. Cuddihy,
Barry Dock Conservative Club,
Station Street, Barry.

On the 8th day of March, 1984

you made application in writing to the Council for permission to develop land at "Brackendene",
Burdons Road, Nr. Wenvoe (approximately .099 hectares)

short particulars of the development being as follows:-

NAME OF APPLICANT	DESCRIPTION OF PROPOSED DEVELOPMENT
Mr. S. Cuddihy	Proposed bungalow (residential)

TAKE NOTICE that the Vale of Glamorgan Borough Council in pursuance of its powers under the above-mentioned Act and Order **REFUSES TO PERMIT** the proposed development for the following reasons, namely:-

- In order to preserve the countryside the Local Planning Authority considers that no additional development shall take place there other than is necessary for agriculture or forestry.
- There is no justification on agricultural grounds for a departure from the policy of the Local Planning Authority as expressed in Reason 1.
- It is not the intention of the Local Planning Authority to allow the additional sporadic and isolated siting of new dwellings in the open countryside.

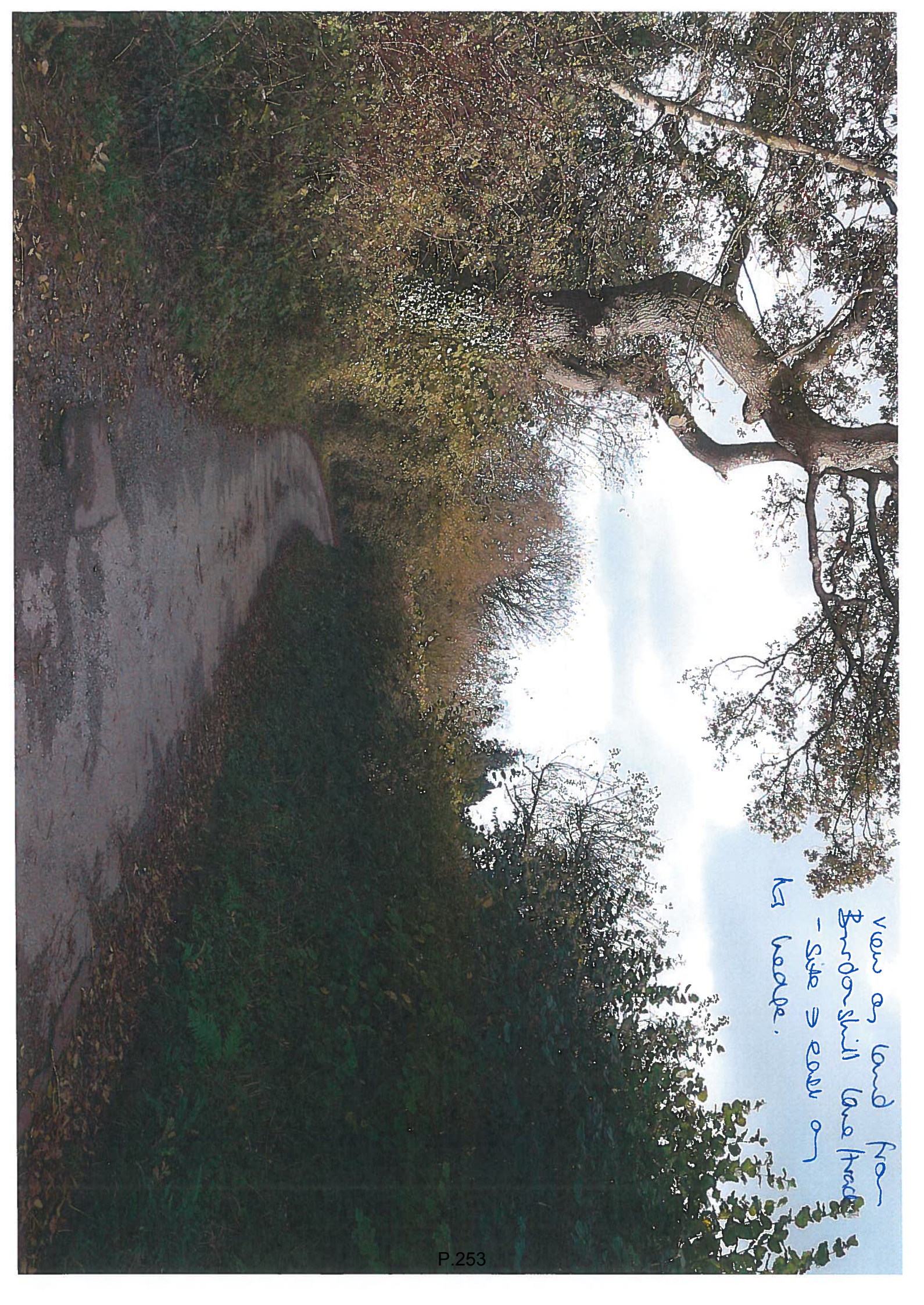
Dated this 5th day of April, 1984

[Signature]
Chief Executive.

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for Wales in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Welsh Office, Summit House, Windsor Place, Cardiff.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements *, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Wales and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
4. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act, 1971.

* The statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.



View of road from
Borden skill lane head
- side \Rightarrow east on
K3 road.

