

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16 APRIL 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/BR	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:

2015/0045/AI	A	14, Clevedon Avenue, Sully	Extensions and alterations including roof alterations and associated works
2015/0046/AI	A	13, Highwalls Avenue, Dinas Powys	Proposed two storey rear extension works to include material alterations to structure, controlled services, fittings and thermal elements)
2015/0047/AI	A	20, Sully Terrace, Penarth	Proposed single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2015/0048/AI	A	2, Harbour View Road, Penarth	Loft conversion

2015/0049/AI	A	Loos House, Welsh St. Donats, Cowbridge	Remove conservatory roof, replace with Guardian Warm Roof and associated works at ground level
2015/0050/AI	A	104, Plymouth Road, Penarth	Formation of a structural opening in the rear elevation of existing extension and formation of a suspended bay window to side elevation
2015/0051/AI	A	Idwal House, Town Mill Road, Cowbridge	Single storey orangery extension
2015/0052/AI	A	52, High Street, Cowbridge	Internal alterations of existing unit to convert the unit into a new PA black branch
2015/0053/AI	A	Tynwydd Y Bryn, Trehedyn, Peterston Super Ely	First floor dormer extension over detached garage/workshop and associated works
20150054/AI	A	8, Turnpike Close, Dinas Powys	Formation of internal structural opening
2015/0055/AI	A	Howards End, 1, Craven Walk, Penarth	Extensions, alterations, remodelling, alterations to roof and roof space and associated works.
2015/0056/AI	A	Former Sea Lawns Hotel, Sion Lane, Ogmore by Sea	Residential development of flats and associated works
2015/0057/AI	A	Land at Old Quarry, Gileston, Barry	Proposed six bedroom, three storey detached dwelling
2015/058/AI	A	34, Mill Road, Dinas Powys	Formation of a structural opening between the kitchen and dining room, replacement glazing and alterations
2015059/AI	A	11, Maes Y Ffynnon, Bonvilston	Reinstatement of PRC house

2015/0060/AI	A	25, Heol Sant Bridge, St. Brides Major, Bridgend	Proposed two storey rear extension part over the existing and replacement roof structure to main dwelling (works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0061/AI	R	25, Heol Sant Bridge, St. Brides Major, Bridgend	Proposed single storey rear extension with accommodation in the roof space, alterations to main roof and garage roof structures to increase habitable space and alterations to ground and first floor layouts (works to include material alterations to structure, controlled services, fittings and thermal elements).

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16 APRIL 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**

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| 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   |

2013/00933/FUL	A	Land off Dinas Road, Caversham Park, Penarth	Erection of two 3 bedroom bungalow with dormer roof, providing landscaping and ancillary works at land off Dinas Road, Caversham Park, Penarth
2014/00894/FUL	A	Rear of Unit 7, Redrup Limited, Cardiff Road, Barry	Proposed installation of a liquid bypass separator
2014/00924/FUL	A	6, Badgers Brook Rise, Ystradowen	Two storey and Single Storey Extensions
2014/00942/FUL	A	Rear of 22, Romilly Road, Barry	Proposed two storey retail unit
2014/01053/LAW	A	63(a), Main Road, Ogmore By Sea	Continued use of granny flat as self contained bungalow



2014/01054/FUL	A	63(a), Main Road, Ogmore By Sea	Removal of conditions 1 and 2 within planning permission 1986/01469
2014/01057/FUL	A	Clerk to the Justices, Vale of Glamorgan Magistrates Court, Thompson Street, Barry	Change of use of Unit 1 from A3 to A1 and change of use of Unit 2 (approved under planning ref: 2012/01114/FUL) from A1 to A3, and associated works
2014/01079/RES	A	Former ITV Studios, Culverhouse Cross	Proposed residential development for 224 new dwellings, associated highways and landscaping
2014/01106/OUT	A	Land at the rear of Amberley House, Llantwit Road, Wick	Erection of 1 no. two storey detached dwelling and detached double garage
2014/01134/FUL	A	Wallace Fach Cottage, Ewenny Road, Ewenny	Change of use of redundant stables to self contained holiday let
2014/01170/FUL	A	The Old Vicarage, Wick Road, St. Brides Major	Renovation/replacement of windows in grade II listed building
2014/01171/LBC	A	The Old Vicarage, Wick Road, St. Brides Major	Renovation/replacement of windows in grade II listed building
2014/01189/ADV	A	Former site of Broad Street Motors, Broad Street, Barry	Car wash facility (attended hand wash)
2014/01285/FUL	A	24, Nelson Road, Barry	Proposed extension and roof conversion
2014/01346/LAW	A	Penllyn Estate Farm, Llwynhelig, Cowbridge	Certificate of Lawfulness for proposed solar PV system
2014/01415/FUL	R	Old Lime Works, St. Athan Road, Aberthaw	Proposed steel framed storage barn to store plant and feed
2014/01421/FUL	A	Penrhos, Llysworney	Two storey side extension

2014/01431/LAW	A	Shangri La, Drope Road, St. Georges Super Ely	Proposed change of use from dwelling house (C3) to Care Home (C2)
2014/01460/FUL	R	5, Coed Criafol, Barry	Proposed kitchen, living room, and bedroom extension
2014/01465/FUL	A	Cwm Talwg Community Centre, Plas Cleddau, Barry	Erection of a glazed canopy to protect a safe play area and associated ground works
2014/01471/FUL	A	33, Pontypridd Road, Barry	Proposed single storey side and rear domestic extension
2014/01484/ADV	E	Waterfront Retail Park, Heol Ceiniog, Barry	New retail signage
2014/01494/FUL	R	32, Somerset View, Ogmore By Sea	Add a balcony to the front of the house
2014/01506/FUL	A	43, Millbrook Road, Dinas Powys	Single storey side extension
2014/01517/FUL	A	Land at Twchwyn Garth, Llangan	Amendment to Consent 2010/01073/FUL – change of location of arena in connection with stables at Twchwyn Garth, Llangan
2014/01521/FUL	A	Penybryn, Pen y Lan Road, Aberthin	Covered double garage set within garden topography with green roof
2015/00019/FUL	A	Y Berllan Fach, Dimlands Road, Llantwit Major	Proposed extension and internal alterations
2015/00027/FUL	A	St. Markella, Station Road West, Wenvoe	Retention of boundary fence
2015/00030/FUL	A	Fron, Wellwood Drive, Dinas Powys	Erection of new rear boundary fencing posts and parking area with steps
2015/00032/FUL	A	5, Grove Road, Llandow	Two storey side extension
2015/00035/FUL	A	102, Redlands Road, Penarth	Single storey extension to comprise kitchen and garage

2015/00037/FUL	A	16, Heol y Frenhines, Dinas Powys	Two storey extension, to provide a family room. extend the kitchen and add a bedroom with en suite to the first floor
2015/00039/FUL	A	Cabot Carbon Ltd, Sully Moors Road, Sully	Extension of existing plant to increase capacity: - New finishing plant with new tank and equipment - New switchroom - New pipe track - New silica pre-heater - New vent stack - Extension to existing bund - New tank replacement like for like
2015/00041/FUL	A	The Old Chapel, College Fields Close, Barry	Summerhouse/writing shed and desk area on top of the existing flat roofed garage
2015/00044/FUL	A	Land adjacent to The Retreat, St. Nicholas	Proposed new low energy dwelling. (Renewal of Planning Permission ref:- 2009/01205/FUL)
2015/00045/FUL	A	2, Rookery Close, Sully	An extension of existing garage to create a new utility and conservatory
2015/00053/LAW	A	24, Tyle House Close, Llanmaes	Rear, single storey extension. Front replacement of balcony with pitched roof. New single storey garage to rear of garden
2015/00055/FUL	R	42, Stanwell Road, Penarth	Dormer loft conversion
2015/00056/FUL	A	112, South Road, Sully	Loft conversion to existing bungalow comprising hip to gable and dormer to rear
2015/00059/FUL	A	Trecefn, St. Brides Road, St. Brides Super Ely	Proposed to extend the existing kitchen to the north west and add a porch/utility room to the south west end of the kitchen
2015/00061/FUL	A	22, Aneurin Road, Barry	Rear single extension

2015/00062/FUL	A	57, Brockhill Way, Penarth	Existing rear conservatory to be replaced with a single storey extension; new garage door and roof over to side with glazed canopy to rear
2015/00064/FUL	A	Tyn Y Coed Farm, Bonvilston	Erection of an agricultural building
2015/00065/FUL	A	22, Daniel Hopkin Close, Llantwit Major	Proposed first floor extension to rear of property
2015/00066/FUL	A	The Market Place Restaurant, 66, High Street, Cowbridge	Install a retractable awning in rear yard
2015/00067/LBC	A	The Market Place Restaurant, 66, High Street, Cowbridge	Install a retractable awning in rear yard
2015/00068/FUL	A	8, Cardiff Road, Cowbridge	Erection of double garage
2015/00070/FUL	A	Cowbridge Comprehensive School, Aberthin Road, Cowbridge	The construction of a single extension to the existing Art Block, a single storey extension to the existing Dining Hall/Kitchen and a proposed new two storey Reception Building within the grounds of Cowbridge Comprehensive School
2015/00079/ADV	A	PREZZO , 16, Windsor Road, Penarth	New projecting and fascia signs
2015/00082/FUL	A	Cadoxton Community Primary School, Victoria Park, Cadoxton, Barry	To extend existing annex building to Cadoxton Community Primary School
2015/00084/FUL	A	Kenswood, Kingswood Close, Ewenny	Erection of extensions, dormer, porch and detached garage
2015/00085/FUL	R	Pentre Parc Farm, Llysworney, Cowbridge	Extension to existing bungalow

2015/00088/FUL	A	Rosemount, Peterston Super Ely	Demolition of existing mono pitch rear single storey extension and replacement with a larger single storey extension with a combination of mono pitch and flat roof
2015/00090/FUL	A	7, Port Road East, Barry	Two storey side extension
2015/00091/FUL	A	2, Mill Close, Dinas Powys	External material alterations
2015/00092/RG3	A	20, Crawshay Court, Boverton, Llantwit Major	New conservatory for storage of access equipment and up accessibility upgrades of external access to building
2015/00094/FUL	A	Lower Lodge, Ewenny	Double garage and store
2015/00096/FUL	A	1, Coed Mawr, Barry	Rear extension to provide ground floor disabled bathroom and day lounge
2015/00099/FUL	A	15, Cae Gwyn, Penarth	Conversion of garage to habitable living space
2015/00100/FUL	A	103, Murlande Way, Rhoose	Raise levels at perimeter of rear boundary in line with existing ground level and construction of boundary wall and new fence
2015/00101/FUL	A	The Rectory, 8, Ger y Llan, St. Nicholas	Single storey rear extension
2015/00104/FUL	A	13, Leoline Close, Cowbridge	Retrospective permission for a single storey timber shed erected in rear of garden Nov/Dec 2014. For use ancillary to use of the domestic dwelling house
2015/00107/FUL	A	18, Darren Close, Cowbridge	Two storey extension to front of property adding extra room to existing fourth small bedroom and patio beneath

2015/00109/FUL	A	12, Fforest Drive, Barry	Garage conversion; to convert current garage space into living accommodation
2015/00110/FUL	A	2, Robin Hill, Dinas Powys	Retrospective application for replacement of existing flat roof to garage and entrance lobby with new pitched roof. Roof materials to match that of the existing with ridge and eave heights to be no higher
2015/00115/FUL	A	27, Illtyd Avenue, Llantwit Major	Construction of rear extension consisting of kitchen area, dining area and cloakroom
2015/00122/NMA	A	42, Heol Eryr Mor, Barry	Non material amendment to application 2014/00923/FUL Conservatory - white UPVC frame c/w clear glazed doors/windows including red brick dwarf wall and single gable to 1.7m high and boundary to change roof material
2015/00129/FUL	A	8, John Batchelor Way, Penarth	Extend front balcony and replace frontage of present balcony with glass. Canopy over front door. Replace front ground floor window and widen it by 300mm
2015/00140/NMA	E	Fron, Wellwood Drive, Dinas Powys	Construction of new two storey rear elevation extension with associated internal and external works to residential property including partial attic conversion and ground works. (Ref:- 2013/00346/FUL)
2015/00142/FUL	A	32, Voss Park Drive, Llantwit Major	Kitchen enlargement, first floor extension and double garage C/W driveway

2015/00144/FUL	A	Hougomont, 32, Old Port Road, Wenvoe	Construct new porch
2015/00145/NMA	A	Land at West Hall Farm, West Aberthaw	Installation of ground mounted Photovoltaic (PV) solar arrays. Ref 2013/00724/FUL
2015/00146/FUL	R	The Coach House, 78, Stanwell Road, Penarth	Removal of condition and change of use to separate dwelling
2015/00149/NMA	A	Barn at Pen Y Bryn, Llanmaes,	Amendment to Condition 3 of planning permission ref: 2012/00941/FUL to substitute new method statement ref WWE 110510/MS/NRW
2015/00151/NMA	A	Former Magistrates Court, Thompson Street, Barry	Vary condition 24 of permission 2012/01114/FUL
2015/00152/NMA	A	8, Cae Rhedyn, Craig Penllyn	Conversion of existing basement into habitable accommodation Ref:- 2014/00912/FUL
2015/00155/FUL	A	15, Stanton Way, Penarth	Single storey rear extension
2015/00161/NMA	A	11, Illtyd Avenue, Llantwit Major	Alteration of internal first floor layout to provide a third bedroom - Amendment to 2014/00781/FUL
2015/00175/FUL	A	22, Hillside Close, Barry	The erection of a timber granny annexe for an ancillary residential use
2015/00184/FUL	A	31, Eagle Road, St. Athan	Ground Floor WC with front storm porch
2015/00251/NMA	A	Stourbridge House, Llysworney	Amendment to Condition 14 of planning permission 2014/01445/FUL

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 16 April, 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2014/01060/OUT  
Appeal Method: Written Representations  
Appeal Reference No: 15/3005123  
Appellant: Mr. and Mrs. Clode,  
**Location:** **Spinney Lodge, Beach Road, Swanbridge**  
Proposal: Construction of dormer style detached dwelling,  
with integral carport and garden areas  
Start Date: 9 March 2015

L.P.A. Reference No: 2014/00754/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3005406  
Appellant: Mr. Kevan Regan,  
**Location:** **2, Eastbrook Close, Dinas Powys**  
Proposal: Two storey side extension and single storey rear  
extension  
Start Date: 3 March 2015

L.P.A. Reference No: 2014/00700/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3005141  
Appellant: Mr. Frank Moloney,  
**Location:** **10, Park Road, Penarth**  
Proposal: Appeal against condition 3 of planning  
permission 2014/00700/FUL - screen fence shall  
not exceed 3m above existing ground levels  
Start Date: 20 March 2015

L.P.A. Reference No: 2014/01456/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3006474  
Appellant: Mr. Ian Mead,  
**Location:** **Maes Glas, Broadway, Llanblethian,  
Cowbridge**  
Proposal: Convert and extend garage into a granny  
annexe  
Start Date: 18 March 2015



L.P.A. Reference No: 2014/01254/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3005814  
Appellant: Mr. Paul Ringer,  
**Location:** **88, Salop Street, Penarth**  
Proposal: Extension to second floor to form self contained  
one bedroom flat  
Start Date: 18 March 2015

L.P.A. Reference No: 2014/01484/ADV  
Appeal Method: Written Representations  
Appeal Reference No: H/15/3008817  
Appellant: Pets at Home Limited,  
**Location:** **Pets at Home Plc, Waterfront Retail Park,  
Heol Ceiniog, Barry**  
Proposal: New retail signage 'consisting of two digitally  
printed vinyl signs to ground floor windows of the  
shop front'  
Start Date: 19 March 2015

L.P.A. Reference No: 2014/01073/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3005874  
Appellant: Mr D. Dowdeswell  
**Location:** **8, Cliff Street, Penarth**  
Proposal: Proposed two bedroom house including new self  
contained access to first floor flat (Flat 2)  
Start Date: 16 March 2015

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(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2012/0489/PRO  
Appeal Method: Public Local Inquiry  
Appeal Reference No: C/15/3005213  
Appellant: Mr. Tom Price  
**Location:** **Land at Swn-Y-Mor Stables, Wick**  
Proposal: Change of use of the Land and the stable  
buildings from the keeping of horses to a mixed  
use for the keeping of horses and a residential  
use by virtue of the use of the Buildings as  
residential accommodation and the siting of a  
mobile caravan and horse lorry and their use for  
residential accommodation  
Start Date: 3 March 2015

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(c) Planning Appeal Decisions

L.P.A. Reference No:	2014/00063/OUT
Appeal Method:	Written Representations
Appeal Reference No:	14/2227773
Appellant:	Mr. Paul Michael Stevens,
<b>Location:</b>	<b>Oakdale, Sully Road, Penarth</b>
Proposal:	Construction of a new three bedroom bungalow - Outline application
Decision:	Appeal Dismissed
Date:	26 March 2015
Inspector:	Mr. Gareth Rennie
Council Determination:	Delegated

**Summary**

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of its and neighbouring residents.

With regard to the first issue, the Inspector concluded from the start that the development represents backland development which is not a feature of this part of Penarth. As such, he noted that the proposed house would be very different in terms of its siting, proportions and character to the properties that surround it and would, therefore, have an incongruous appearance, out of character with its surroundings. He also concluded that the proposal could not be considered as infill and its backland position would also erode the amount of open space within this location. He thought this to be an important part of the area's character.

Consequently, the Inspector considered the proposal to be contrary to policies HOUS2 and HOUS8 of the UDP which seek to ensure good design and to protect the character and appearance of the surrounding area.

As for the impact of the development on living conditions, the Inspector found that, as a consequence of the proximity of existing houses, there was a risk of mutual overlooking and subsequent loss of privacy. Whilst he accepted that the proposal was in outline, he noted that the upper floor windows of Oakdale would overlook the entire appeal site and the rear balcony would add significantly to the risk of overlooking and subsequent loss of privacy within it. The Inspector considered that, in view of this proximity and the backland position of the proposed dwelling, this would give rise to a significant perception of overlooking of the proposed dwelling.

In addition to the issue above, The inspector was concerned that the additional activity within the site resulting from additional vehicular movements along the proposed access would introduce a further harmful level of disturbance and noise from cars in close proximity to adjacent properties and in particular Oakdale.

He was of the view that this, combined with the proximity of the access road to the gable end of Oakdale, would give rise to an unacceptable degree of harm to the living conditions of its residents. The Inspector was of the view that this is contrary to policy HOUS11 of the UDP which seeks to protect residential amenity and privacy and to guidance within the Councils Supplementary Planning Guidance on amenity Standards.

On a final matter, whilst the Inspector noted the disagreement between the parties regarding the legality of a second access to the existing property, he was of the view that a second access would improve traffic flow from the site and would separate the traffic from the two properties. Whilst there is some doubt over the need for permission for such a crossing, he considered that it would be a positive step in the interests of road safety that could be secured by condition. Notwithstanding this, he concluded by stating that these matters did not undermine his previous conclusions, summarised above.

(d) Enforcement Appeal Decisions

None

(e) April 2014 - March 2015 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (incl. tree appeals)	<b>W</b>	24	4	<b>28</b>	-
	<b>H</b>	1	3	<b>4</b>	1
	<b>PI</b>	1	1	<b>2</b>	3
<b>Planning Total</b>		26 (76%)	8 (24%)	<b>34</b>	4
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	1	-	<b>1</b>	3
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1	-	<b>1</b>	3
<b>All Appeals</b>	<b>W</b>	24	4	<b>28</b>	-
	<b>H</b>	2	3	<b>5</b>	4
	<b>PI</b>	1	1	<b>2</b>	3
<b>Combined Total</b>		27 (77%)	8 (23%)	<b>35</b>	7

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

Operational Manager Building and Development Control.

ROB THOMAS  
DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16 APRIL 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

2015/00117/TPO E Conifers, Old Rectory  
Drive, St. Nicholas

T1 - Remove Betula  
Pendula; T3 - Reduce  
Lime by 2.5m.; T4 - Fell  
Pinus Nigra

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 16 APRIL 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT AROSFA, EWENNY ROAD, WICK

Background

1. A complaint was received by the Local Planning Authority on 17 November 2014, regarding the use of an approved granny annex as a separate residential unit at Arosfa, Ewenny Road, Wick. The granny annexe is a single story building set within the large curtilage of the dwelling known as Arosfa, which is to the north of the settlement of Wick on Ewenny Road.

Details of the Breach

2. Planning permission was granted by virtue of application 2007/01327/FUL for the construction of a granny annexe within the property at Arosfa. Condition No. 2 attached to the permission states as follows:

2. The ancillary residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Arosfa, Ewenny Road, Wick, Llancarfan and the internal link to the main dwelling shall be retained at all times.

Reason:

To avoid the creation of a separate unit of residential accommodation and to ensure compliance with Policies ENV1 of the Unitary Development Plan.

3. It is understood that the annexe was constructed and originally occupied by a member of the family (the owner's mother). However, the annexe has recently been vacated and occupied by a rent paying tenant. Despite the owners of Arosfa originally stating that the tenant was a caretaker, it would appear that the tenant has no tie to the property and is living independently of the main dwelling house. In addition, the internal link between the annexe and the main dwelling, shown on the plans approved by virtue of the 2012/01327/FUL permission and mentioned in the above condition, has not been provided. A garden area has also been subdivided from the garden serving the main dwelling, and this now serves the annexe building. The annexe building also benefits from its own means of access.

4. Accordingly, the above condition has been breached by virtue of the use of the annexe as a separate residential dwelling and the internal doorway having not been provided. As a consequence, a material change of use of the annexe has occurred without the benefit of planning permission and a new separate residential unit has been created.

#### Action Pursued to Date

5. The owner of the property has been contacted and given the following options that could be pursued in an attempt to regularise or resolve the breach of planning control:
  - Make an application for planning permission for the retention of the use of the annexe as a separate dwellinghouse; i.e. without compliance with the condition 2 of the 2007/01327/FUL.
  - Submit information in an attempt to prove that the annex is being used in compliance with the condition.
  - Cease the use of the annexe in breach of the condition.
6. The owner has been advised that an application submitted in an attempt to, effectively, remove the condition is unlikely to be granted permission. Notwithstanding this, none of the above options have been pursued.

#### Planning History

7. The site benefits from the following planning history, which includes the application mentioned above:
  - **2008/00439/FUL:** Land to the east of Arosfa, Ewenny Road, Wick - New dormer bungalow. Refused on 06/06/2008 for the following reasons:
    1. *By reason of its location outside the settlement boundary of Wick and its relationship to the existing built and natural environment, the proposal represents an unjustified form of development in the open countryside, which is unsympathetic to the environs of the site and would have a harmful effect on the character and wider visual amenities of the area. It is therefore considered that the development is contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development and HOUS3 - Dwellings in the Countryside, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002).*

2. *The proposed vehicular access would make provision for insufficient vision splays to serve the new dwelling, without the unacceptable removal of substantial lengths of hedgerow. Accordingly, the proposed additional dwelling would be detrimental to the safety and free flow of traffic, contrary to the aims of Policies ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.*

- **2008/00436/FUL:** Arosfa, Ewenny Road, Wick - Roof alteration from flat to gable pitch - Approved
- **2007/01327/FUL:** Arosfa, Ewenny Road, Wick - Single storey annex - Approved

### Policy

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

- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
- HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT
- HOUS3 - DWELLINGS IN THE COUNTRYSIDE
- STRATEGIC POLICIES 2 & 8

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

- Sustainable Development - A Developer's Guide

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

11. In this case, in addition to the guidance provided in PPW, the relevant material considerations are considered to be as follows:

- Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) (TAN6)



## Reasons for Serving an Enforcement Notice

12. As outlined above, in the light of the nature of the occupation of the annex, the physical separation of the annexe from the main dwelling and the enclosed garden area serving the annexe building, it is clear that the plot has been divided into two planning units and the annex can no longer be considered ancillary to the residential use of the dwelling. Whilst an ancillary residential use was considered acceptable in this location, such a consideration does not apply to the use of the building as an independent dwelling.
13. If an application were submitted for the use of the annex as a dwelling, such an application would be considered in a similar manner to the bungalow proposed by virtue of application reference 2008/00439/FUL. The property subject of this report is in the open countryside away from the settlement of Wick and its settlement boundary. As such, the unauthorised new dwelling does not benefit from the provisions of UDP policy HOUS2 that permits additional residential development, particularly as the annexe building is not closely related to a settlement. UDP policies ENV1- Development in the Countryside and HOUS3- Dwellings in the Countryside of the UDP would be relevant in this instance. These policies state that only dwellings that are justified in the interests of agriculture or forestry will be permitted in the countryside. These policies are supported by more recent guidance in PPW and TAN6.
14. Whilst an application would only consist of the change of use of an existing annex (no operational development), like the 2008 bungalow application it would still be considered a new residential unit in the countryside. In this case, there is clearly no such justification for the use of the residential unit for agriculture or forestry. The proposal is, therefore, clearly contrary to Policies ENV1 and HOUS3 of the UDP, as the dwelling represents an unjustified form of residential development in the countryside. The advice contained within Planning Policy Wales (PPW) echoes these UDP Policies and states that unjustified dwellings in the countryside should be strictly controlled.
15. In addition, in this location the new dwelling is remote from the nearest village of Wick and does not have immediate access to public transport services or access to basic community services or employment opportunities that are necessary for everyday living. Given their location it is reasonable to conclude that there is likely to be a high reliance on the private car to access basic amenities. Therefore, the location of this new dwelling is considered to be an unsustainable and an unsuitable location for further additional residential development, contrary to UDP strategic policies 2 and 7 as supported by the Council's SPG on sustainable development and government guidance in the form of PPW.

## Conclusions

16. By reason of its location outside the settlement boundary of Wick, the use of the annexe as a separate dwelling in breach of condition 2 of the 2007/01327/FUL represents an unjustified and unsustainable form of development in the open countryside. This unauthorised development is considered to be contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and strategic policies 2 & 8, of the UDP as well as the advice contained within the Council's SPG on sustainable development and government guidance in the form of PPW and TAN6. As such, it is considered expedient to take formal enforcement action requiring the cessation of the use of the annexe as a dwelling in breach of condition 2 of the 2007/01327/FUL permission.

## Resource Implications (Financial and Employment)

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

## Legal Implications (to include Human Rights Implications)

18. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
19. The Action is founded in law. The proposed action may have implications for the rights of the individual currently occupying the property referred to in the Human Rights Act 1998, in particular Article 8 – the right to respect for private and family life. However, in view of the inappropriate nature of the use and the need to protect the countryside from unjustified forms of residential development it is, on balance, considered to outweigh any human rights implications under the 1998 Act.

## Equal Opportunities Implications (to include Welsh Language Issues)

20. None.

## RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the use of the annex as a separate dwelling;
  - (ii) The cessation of the use of the annexe building in breach of condition 2 of planning permission 2007/01327/FUL; and
  - (ii) The construction of the internal doorway link shown on plans approved by virtue of application reference 2007/01327/FUL.

- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

#### Reason for Recommendation

- (1) By reason of its location in the open countryside outside the settlement boundary of Wick, the use of the annexe at Arosfa as a separate dwelling in breach of condition 2 of the 2007/01327/FUL represents an unjustified and unsustainable form of development in the open countryside. This unauthorised development is considered to be contrary to Policies ENV1 - Development in the Countryside, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and strategic policies 2 & 8, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as the advice contained within the Council's Supplementary Planning Guidance on Sustainable Development and Government guidance in the form of Planning Policy Wales (Edition 7 2014) Technical Advice Note 6: Planning for Sustainable Rural Communities (2010).

#### Background Papers

Enforcement File Ref: ENF/2014/0336/INT

Contact Officer – Mrs Justina M Moss Tel: 01446 704690

#### Officers Consulted:

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

ROB THOMAS  
DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 16 April, 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT TREGUFF FARM HOLIDAY COTTAGES, TREGUFF FARM, TREGUFF

Background

1. A complaint was received by the Local Planning Authority on 13 November, 2014, regarding the use of the holiday let units at Treguff Farm Holiday Cottages, Treguff Farm, Treguff as permanent residences.
2. The site is in a rural location and within the Lower Thaw Valley Special Landscape Area. The site is occupied by a complex of single and two storey former agricultural barns (19<sup>th</sup> Century) forming a 'U' shape around a central courtyard. The complex is known as Treguff Farm Holiday Cottages. The building subject of this report accommodates several self-contained units of accommodation. All units of accommodation have a kitchen, bathroom and living space.
3. To the east of the converted barns is the main dwelling which is a large Farmhouse, which is Grade 2\* Listed.

Details of the Breach

4. The alleged breach of planning control consists of the use of Holiday Cottages as permanent residential accommodation, in breach of conditions of the planning permissions granted for their construction/conversion.
5. Planning permission 92/00096/FUL was granted for the conversion of parts of the original barns to 4 holiday let units. Condition 8 of the planning permission restricted the occupation of the units as follows:

*The residential unit(s) hereby approved shall be used for holiday accommodation only and for no other purpose whatsoever, including that of a persons primary residence.*

6. Subsequently, planning permission 93/01175/FUL was granted on 24<sup>th</sup> December, 1993, and 97/00823/FUL was granted 25<sup>th</sup> September, 1997, for additional holiday accommodation units in the remainder of the barns. The same restrictive occupancy condition as above was imposed on these subsequent permissions.

7. It was suggested that at least two cottages are being let out as the occupier's permanent residence and that some occupiers were receiving correspondence to the cottages. It was noted that the website for the cottages was offering long term lets.
8. Whilst the owner of the site is of the view that he is complying with the conditions, a site inspection has revealed that the cottages are being let for periods ranging from a few weeks to a few months to people needing to stay in the area on business or using the cottages as a second home. This type of occupation of the holiday cottages is considered to be in breach of the restrictive occupancy condition and, therefore, in breach of planning control.
9. In addition to the above, a site inspection has revealed that there is an additional unit of accommodation within a further agricultural barn, within the same complex, to the north of the 'U' shaped buildings. The accommodation is in first floor of the North Barn and comprises a kitchen, bathroom, living and sleeping accommodation. The accommodation is accessed from within the barn and is provided on an internal mezzanine floor. Planning permission has not been granted for this accommodation and, as such, this is a material change of use of the North Barn from agriculture to a mixed use for agriculture and residential accommodation.

#### Action Pursued to Date

10. An investigation was carried out in 2008, ref ENF2008/0271/PC, where a Planning Contravention Notice was served and it was determined that the owner had provided enough information to show that the cottages were being used in accordance with the condition.
11. A site visit has been carried out and letter sent to the owner explaining the breach of planning control now occurring, requesting that the breach cease.

#### Planning History

12. In addition to the three planning applications mentioned above, the site also benefits from the following planning history:
  - **2013/00912/FUL** : Treguff Farm, St. Mary Church, Cowbridge - Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm - Refused 17 January 2014
  - **2013/00247/FUL** : Treguff Farm, St Mary Church, Cowbridge - Installation and operation of a ground mounted solar photovoltaic facility (generation capacity of approximately 4.9 megawatts) - Refused 5 July 2013
  - **2012/00874/SC1** : Treguff Farm, Flemingston - Solar farm - Environmental Impact Assessment (Screening) - Not Required 6 September 2012.
  - **1998/00384/OUT** : Treguff Farm, Treguff, St. Mary Church - Agricultural Workers dwelling - Refused 3 September 1998.

- **1996/00642/FUL** : Barn, Treguff Farm, Nr. Cowbridge - To use one bay (of a 3 bay postwar building) to provide lime putty for the repair of historic buildings and erect kiln, in lime kiln field - Approved 13 November 1996.
- **1994/00713/LBC** : Treguff Farm House, St. Mary Church - Restoration and renewal of all but one window, repair roof and chimneys - Approved 16 February 1995.
- **1992/00993/FUL** : Upper Barn, Treguff Farm, Llantrithyd - Convert existing barns into dwelling - Approved 17 November 1992.
- **1992/00905/FUL** : Treguff Farm, St. Mary Church, Cowbridge - Agricultural building - Refused 9 March 1993.

### Policy

13. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), which was formally adopted by the Council on 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

- STRATEGIC POLICY 2 - SUSTAINABLE DEVELOPMENT
- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
- ENV4 - SPECIAL LANDSCAPE AREAS (LOWER THAW VALLEY)
- ENV8 - SMALL SCALE RURAL CONVERSIONS
- ENV10 - CONSERVATION OF THE COUNTRYSIDE
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS
- HOUS3 - DWELLINGS IN THE COUNTRYSIDE

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

- Amenity Standards
- Conversion of Rural Buildings
- Sustainable Development - A Developer's Guide

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

16. In this case, in addition to the guidance provided in paragraphs 4, 5 and 9 of PPW, the relevant material considerations are considered to be as follows:

- Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 9: Enforcement of Planning Control (1997)

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

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

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

#### Reasons for Serving an Enforcement Notice

17. There are two breaches of planning control occurring on site that are to be considered in this report. Firstly, the unauthorised permanent residential use of the holiday let accommodation, in breach of the restrictive occupancy condition, and secondly, the unauthorised residential use of the North Barn. These matters are to be considered as follows

##### *Breach of restrictive occupancy condition*

18. With regard to the use of the holiday cottages in breach of the restrictive occupancy condition, the principle issue to consider is whether it is expedient to pursue compliance with the restrictive occupancy condition, requiring the cessation of their use as permanent living accommodation (i.e. as a traditional dwellinghouse). Regard must be had to the fact that the development was originally considered acceptable and approved on the basis of a farm diversification project for the provision of tourism accommodation.

19. As tourist accommodation, it is accepted that the sustainability, in terms of the location of the development, is not fundamental to the acceptability of the development. Easy access to local facilities and employment is not so essential for holiday makers and an isolated location may in fact result in a more successful tourism accommodation business. Furthermore, such tourism accommodation is often considered acceptable in the light of the benefits to the rural economy, as was the case in this instance. In contrast to this, if the cottages were to be used as permanent accommodation, access to local facilities and employment is more fundamental for the everyday needs of the occupiers.

20. The buildings, subject of this report, are in an isolated location being some 3.3km by road to the nearest settlement of Llancarfan. The site is not served by public transport and, as such, the community services and employment opportunities for the occupiers of the cottages cannot easily be accessed unless by the private car. Llanbethery, which is a HOUS 2 settlement, is closer to the site (at 2.7km by road), but is extremely limited in terms of the services it accommodates; the public house in this settlement having closed and there being no other community facilities. This settlement is also a significant distance from the cottages. Whilst a Public Right of Way runs to the north and south of the site, this does not provide ready or direct access to nearby settlements. There are also no pavements or footways on the highway running to the north of the site that would provide ready or convenient access by pedestrians to local services. In the light of the findings above, the cottages are considered to be in a particularly unsustainable location where the occupiers do not have easy access to local facilities or employment essential for everyday living.
21. Strategic Policy 2 of the UDP states *'proposals which encourage sustainable practices will be favoured including: ... ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.'* Similarly Strategic Policy 8 states that developments will be favoured in locations which *'are highly accessible by means of travel other than the private car'*. These policies are supported by the Council's Sustainable Development SPG.
22. This is further reflected within chapter 4 of PPW - Planning for sustainability. Paragraph 4.4.3 states that *'planning policies, decisions and proposals should.... locate developments so as to minimise the demand for travel, especially by private car'* and *'Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car'*. Also paragraph 4.7.4 also states that *'Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car.'*
23. Whilst the conversion of the former barns to holiday cottages took place some time ago, Policy ENV8 – Small scale rural conversions is still considered to be of relevance in view of the nature of the original development to which the restrictive occupancy conditions relates. The supporting text of policy ENV8 states that *'there are a number of hamlets and isolated pockets of dwellings in the Vale where new dwellings would not be allowed. However, it is accepted that the conversion of existing rural buildings in these hamlets may be acceptable. Isolated conversions in particular are unsustainable. They can place an unacceptable burden on local services, are often at a distance from local public transport services thereby increasing the need to travel by car to work, school or for shopping and they can cause an unacceptable visual intrusion into the rural landscape.'*



24. In the light do the location of the cottages and the lack of easy access to services, facilities and employment upon which the occupiers of a dwelling house would be dependent, the use of the cottages in breach of the restrictive occupancy condition would result in this being an unsustainable form of development that fails to comply with UDP Policies ENV1, ENV8 and strategic Policies 2 and 8, as well as the guidance provided in PPW.
25. In addition to the findings above, the holiday cottages, if used as permanent residence, would fail to provide the occupiers with adequate and sufficiently private amenity space. Whilst the central courtyard provides a shared area of amenity space to serve the holiday cottages, this space is overlooked and not sufficiently private to serve each unit of accommodation. The ability to provide additional amenity space within the farm yard is limited, particularly as the farm yard is still used in association with an active farm. The provision of amenity space elsewhere would have implications in terms of the encroachment of residential activity into the rural landscape. The breach in this case is, therefore, considered to conflict with UDP Policies ENV 27 as well as the Council's SPG on Amenity Standards and guidance provided in PPW.

*Unauthorised residential use of the North Barn*

26. In the light of the location of the north barn, in the open countryside away from any established settlements, Policy ENV1 of the UDP is of relevance as it only permits development within the delineated countryside that is essential for activities that are appropriate to a rural location. Council Policy HOUS3, together with Government Guidance Planning Policy Wales and TAN 6 make provision for new residential accommodation within the delineated countryside that can be justified in the interests of agriculture or forestry. TAN 6 set out certain tests that must be satisfied in order to establish that there is a justification of a new residence. Whilst it is accepted that the site subject of this report is a farm, it was clear that the owner has no evidence to justify the residential use of the North Barn by its occupier on the basis of any agricultural need for that accommodation. In view of the lack of evidence of any agricultural need, over and above the existing farmhouse, the use is unjustified under the tests set out in TAN 6, as supported by Planning Policy Wales, as well as being contrary to Policies ENV1, HOUS3 and HOUS5.
27. UDP policy HOUS8 does permit the conversion of rural buildings, providing the criteria of that policy is met. Whilst the unauthorised development involved the conversion of part of the existing barn (the rest of which is still used for agricultural purposes), its provision is fairly unusual, being accessed internally via the existing agricultural storage area. Whilst the part conversion has done little to the external appearance of the building, in compliance with some of the criteria of policy ENV8, it is questionable as to whether the conversion would comply with building regulations. To do so is likely to require external alteration that may not comply with the relevant criteria of the policy. In addition to this, there is no amenity space or parking currently serving the unit, in breach of criteria of both Policy ENV8 and ENV27. As with the holiday cottages above, the provision of that amenity space may well alter the character of the area to an unacceptable degree.

28. Finally, and in the light of the findings above, with regard to the location of the site, the unauthorised development cannot be considered sustainable and in compliance strategic policies 2 and 8, as well as the guidance provided in chapter 4 of PPW.

### Conclusions

29. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in order to enforce the restrictive occupancy condition imposed on the planning permission for the holiday cottages and to require the cessation of the use of the north barn as a unit of accommodation to cease.

### Resource Implications (Financial and Employment)

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

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

31. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
32. The Action is founded in law. The proposed action may have implications for the rights of the individuals currently occupying the property referred to in the Human Rights Act 1998, in particular Article 8 – the right to respect for private and family life. However, in view of the inappropriate nature of the use and the need to protect the countryside from unjustified forms of residential development it is, on balance, considered to outweigh any human rights implications under the 1998 Act.

### Equal Opportunities Implications (to include Welsh Language Issues)

33. None.

### RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Compliance with the requirements of condition 8 of planning permission 92/00096/FUL, condition 3 of planning permission 93/01175/FUL and condition 3 of planning permission 97/00823/FUL to require that the cottages are used for holiday accommodation only.
  - (ii) The cessation of the use of the North Barn for residential purposes.

- (iii) The removal from the North Barn of all kitchen and bathroom facilities, the boiler, radiators, internal walls, and any other items that facilitate the use of this building for residential purposes.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### Reason for Recommendation

With regard to the breach of the restrictive occupancy condition:

- (1) The use of the holiday Cottages in breach of the restrictive occupancy conditions that limit the use of the cottages for holiday accommodation only is considered to result in those cottages providing an unsustainable form of accommodation that fails to provide acceptable amenity space for its occupiers. The development is, therefore, considered to be contrary to ENV1 – Development in the Countryside, ENV8 – Small Scale Rural Conversions, ENV27 - Design of New Developments, and Strategic Policies 2 and 8, as well as the Council's approved Supplementary Planning Guidance on Amenity Standards, Conversion of Rural Buildings and Sustainable Development - A Developer's Guide. The development is also considered contrary to the advice provided in Planning Policy Wales Ed. 7 2014.

With regard to the use of the North barn for residential purposes:

- (2) The use of the North barn for residential purposes is considered to be an unjustified and unsustainable form of development within the defined countryside, that provides acceptable amenity space for its occupiers. The development is, therefore, considered to be contrary to Policies ENV1 – Development in the Countryside, ENV8 – Small Scale Rural Conversions, ENV27 - Design of New Developments, HOUS3 – Dwellings in the Countryside, HOUS5 – Agricultural or Forestry Dwellings and Strategic Policies 2 and 8, as well as the Council's approved Supplementary Planning Guidance on Amenity Standards, Conversion of Rural Buildings and Sustainable Development - A Developer's Guide. The development is also considered contrary to the advice provided in Planning Policy Wales Ed. 7 2014 and Technical Advice Note 6 on Planning for Sustainable Rural Communities.

### Background Papers

Enforcement File Ref: ENF/2014/0333/PC

Contact Officer – Justina Moss, Tel: 01446 704743

### Officers Consulted:

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

ROB THOMAS  
DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 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 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."*

#### **4<sup>th</sup> 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 PAS110:2010<sup>1</sup>, **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](http://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 24 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

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**

### **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:

ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE  
ENV2 – AGRICULTURAL LAND  
ENV 4 – SPECIAL LANDSCAPE AREAS  
ENV 10 – CONSERVATION OF THE COUNTRYSIDE  
ENV 11 – PROTECTION OF LANDSCAPE FEATURES  
ENV 16 – PROTECTED SPECIES  
ENV 18 – ARCHAEOLOGICAL FIELD EVALUATION  
ENV 19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS  
ENV 27 – DESIGN OF NEW DEVELOPMENTS  
ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY  
EMP 7 – FARM DIVERSIFICATION  
EMP 8 – AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT  
TRAN 10 – PARKING  
WAST 1 – PROVISION OF WASTE MANAGEMENT FACILITIES  
WAST 2 – CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES  
WAST 4 – 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 plans<sup>6</sup>. 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 (7<sup>th</sup> 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. 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 (7<sup>th</sup> 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 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. Any variations shall be agreed in writing with the Local Planning Authority.

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:**

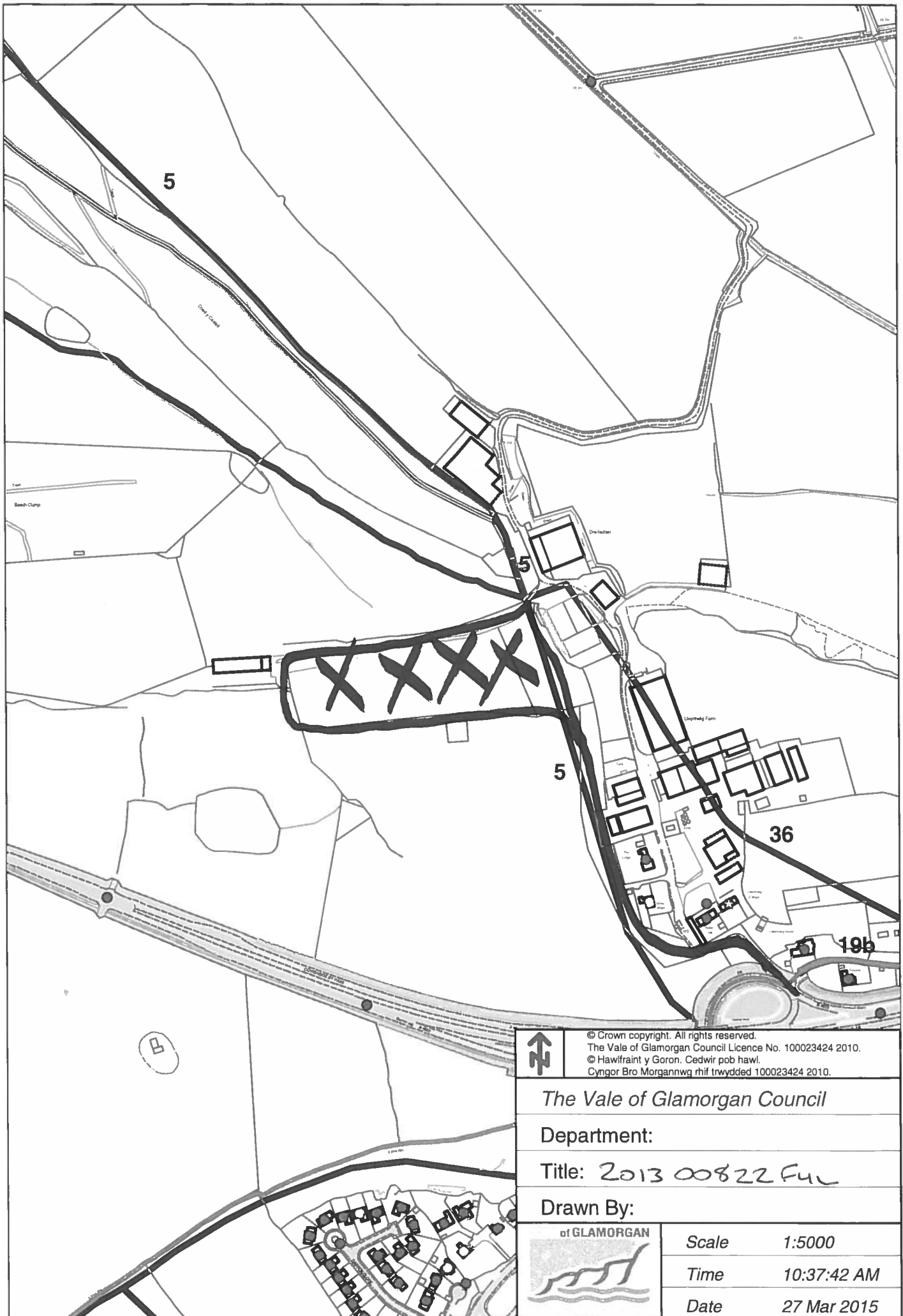
1. In regards to Condition 13 of the approval, the landscape planting should comprise of native species of local provenance that fit into the local character of the site. New plantings should include species that provide nuts, berries and fruit for bird species and evergreen species that provide cover 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).


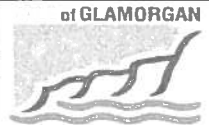
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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	
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	Date	27 Mar 2015

Persimmon Homes Limited Llantrisant Business Park, Llantrisant, CF72 8YP  
Persimmon Homes Limited Persimmon Homes (East Wales), Charles Church  
(East Wales), Llantrisant Business Park, Llantrisant, Rhondda Cynon Taff, CF72  
8YP,

### **Land to the North of the railway line off Pentir Y De, Rhoose**

Reserved matters for appearance, landscaping, layout and scale for 224 dwellings

#### **SITE AND CONTEXT**

The housing land allocation associated with this proposal relates to approximately 14ha of agricultural land located on the eastern side of the village of Rhoose. The site is bounded to the east by the main access road (Pentir y De) which links to residential development to the south at Rhoose Point. To the west, the site abuts a public right of way which provides a pedestrian link between Rhoose Point (from Trem Echni) and the village (Porthkerry Road) via the Happy Valley level crossing, beyond which lies agricultural land (which is allocated for further housing development). The Vale of Glamorgan railway line forms the southern boundary of the site.

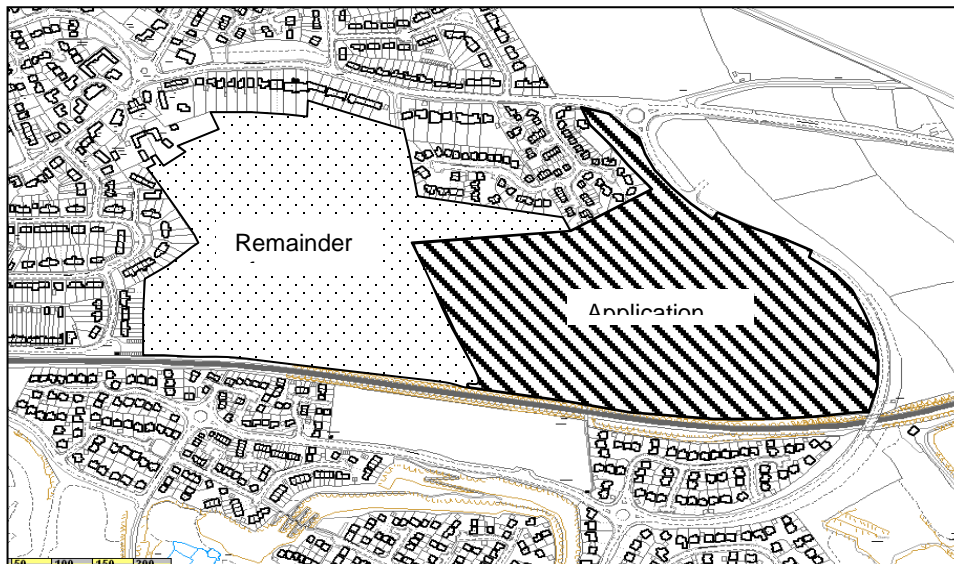
This wider site has been divided in two by the developers Persimmon and Bellway, with the Persimmon site being the larger parcel to the west (224 dwellings and POS) and Bellway being the smaller site to the east (126 dwellings) and is the site subject of this application. The area consists of 14 acres or approximately 6 hectares of land.

In terms of its context Porthkerry Road / Fontygary Road runs to the north of the site, and forms one of the main public transport corridors to Barry, Penarth and Cardiff to the east and to Bridgend and St. Athan to the west. Further to the north lies Cardiff International Airport, which bounds the northern most edge of Rhoose.

The site comprises four fields of farm land, which slope southwards towards the channel. The field boundaries comprise hedgerows, scrub and trees of varying degrees of quality and size.

#### **Outline application site**

The application site comprises of some 54% of the whole (26 hectare) site allocated for residential development under Policy HOUS 1 (22) of the Adopted Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.



## DESCRIPTION OF DEVELOPMENT

The application comprises part of the reserved matters associated with the approved outline application 2010/00686/EAO. Access was approved as part of the outline application, therefore, the reserved matters includes appearance, landscaping, layout and scale. In addition to the necessary requirements of a reserved matters application there were a number of conditions attached to the outline permission that required information on tree surveys, levels, drainage, ecological and reptile survey, affordable housing provision, public open space, children's play areas and a public art strategy. This information has been provided as part of this reserved matters application.

The residential development comprises the Persimmon site to the west of 224 dwellings in a layout that comprises of detached, semi-detached, terraced dwellings, apartments and flats. The dwellings are of a modern design, and are to be finished in brick finish, either Edenhall Clarence (red or buff) with grey or red slate roofs.

The primary access point would be off the main road that passes from Rhoose to Rhoose Point, Pentir y De. The development comprises a relatively suburban layout which includes a large area of public open space to the west of the site set out as a formal playing field as well as including a MUGA, NEAP and community centre. There is a small roundabout centrally that has a primary road that crosses the site from east to the west to and a secondary highway that extends from north to south. There is a buffer area to the south of the site between the dwellings and the railway line and cycle and pedestrian pathway that enters the site from the north from Porthkerry Road area and through the site to the south towards Rhoose Point.

There are three areas of affordable housing, one in the north, to the middle and to the south of the development, amounting to 67 dwellings, however there is a condition proposed requiring this figure to be increased to 68 to accord with the outline permission. The remainder of the 156 dwellings will be open market housing and consist of a variety of two, three and four bedroomed properties.

The application is accompanied by:

- Planning/Design Statement
- Planning Layout
- Tree Survey
- Planting Plan
- Materials Plan and details
- Materials details
- Street Scenes Plans
- Proposed Levels Plan
- House Plans & Design
- Community Building
- Engineering and road Layout details- Including vehicle swept path analysis, proposed roundabout and roundabout road safety audit.
- Drainage proposals and document
- Public Art Strategy
- Ecological Mitigation Strategy
- Mitigation strategy for Reptiles
- Technical Briefing Note- modelling to predict the extent of road and rail noise impact
- Site Investigation Report
- Planting Plans (landscape proposals)
- Statement of Compliance

It should be noted that A Section 106 Legal Agreement was entered into at outline stage requiring the following necessary planning obligations:

- Procure that at least 30% of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties.
- Pay a contribution of £1,115,387 towards primary and nursery education in the vicinity of the site.
- Public open space will be provided on site in the form of the following facilities in accordance with the illustrative Master plan, the exact location and full details of specification of which shall be determined the reserved matters application(s)
  - Layout out of sport pitches
  - Changing facilities
  - MUGA
  - NEAP
  - Three LAPS
- Pay a contribution of £345,000 to provide or enhance community facilities, minus the costs associated with the construction of the changing facilities and MUGA.



- Provide a contribution to the value of 1% of the development costs, minus £61,234, for the provision of community facilities and/or public art on or within the vicinity of the site.
- Provide off-site highway improvements to the roundabouts of Waycock Cross Roundabout, Colcot Cross Roundabout and Barry Docks Link Roundabout in accordance with a fully detailed scheme to be submitted and approved in writing (to an estimated costs of £140,000).
- Pay a contribution of £700,000 towards sustainable transport facilities in the vicinity of the site on the basis of the following :
  - Travel Plan Measures
  - Contribution to the proposed Sustrans National Cycle Route 88
  - Public Transport
    - DDA Compliant Bus Stop Provision
    - Bus Service x 5 years
  - Funding of public rights of way diversion order - closure of the level crossing / transfer of land / temporary arrangements.
  - Financial contribution towards improvements to the public right of way between the site and Porthkerry Road (ie to the Green Lane outside of the application site)
  - Funding\* to provide a pedestrian and cycle linkage to Torbay Terrace (outside of the application site)

## PLANNING HISTORY

### Application Site (and Adjoining Land Allocated by Policy HOUS1)

**2014/00343/FUL**- Drainage infrastructure relating to outline planning permission 2010/00686/EAO- Approved

**2014/00550/OUT** : Land north of the railway line (west), Rhoose. Residential development with associated access and associated works, to include public open space and land for a primary school (including the demolition of 46 Porthkerry Road and its associated outbuildings) - Undetermined.

**2014/00344/RES** : Land to the North of the railway line off Pentir Y De, Rhoose. Reserved matters for appearance, landscaping, layout and scale for 224 dwellings – Undetermined.

**2010/00686/EAO** : Land to the north of the railway line off Pentir Y De, Rhoose. Outline planning for the construction of up to 350 dwellings; the laying out of formal and informal open space, and changing rooms; new means of vehicular access onto Pentir Y De and associated infrastructure. Approved 24 January 2014.

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

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

To date this application cannot be progressed as key information in relation to the submission of the application has not been submitted, which includes an updated TA in addition to additional information in relation to sustainability matters.

#### Land to the South of the Railway

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

**2006/01807/OUT** : Residential Development and community uses with associated infrastructure. Application finally disposed of (deemed withdrawn) 29 September 2009.

**2003/01380/OUT** : Outline application for employment development. Approved 22 August 2005, subject to conditions.

**2002/01518/OUT** : Outline application for residential development. An appeal was made against non-determination to the Welsh Assembly on 7 July 2003. Planning Committee resolved on 30 July 2003 that the application would have been refused had the application been determined prior to the appeal. The appeal was withdrawn on 21 April 2006.

#### Rhoose Point (General)

**2004/01809/FUL** : 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor at land adjacent to interchange. Application not yet determined, but being reported to this Committee.

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

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

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

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

## CONSULTATIONS

**Public Rights of Way Officer** was consulted on 17 April 2014

“Public Right of Way P7/2 (Porthkerry 2) must be kept open and free for use by the public at all times, or alternatively, a legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the paths.

No adverse affect should result to Public Rights of Way used to access the site or that are otherwise involved in the development works. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense”.

**Glamorgan Gwent Archaeological Trust** was consulted on 17 April 2014.

The trust outlined that there did not appear to be an archaeological restraint to the positive determination of the application, and as our understanding of the archaeological resource has not changed, it remains our opinion that there is no archaeological restraint to the proposed development.

**Local Ward Members** – no representations received to date.

**Dwr Cymru Welsh Water** was consulted on 17 April 2014

Welsh water have outline that if the Council are minded to grant planning consent for the proposal then they would request the conditions and advisory notes are set out within the consent to ensure no detriment to existing residents or the environment or Welsh water assets.

Sewage

Conditions

*Prior to the beneficial occupation of the development hereby approved, the developer shall ensure that 44m<sup>3</sup> of storage volume has been constructed at Porthkerry Sewer Pumping Station (SPS) in liaison with Dwr Cymru / Welsh Water (DCWW), and in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.*

*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.*

#### Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact Welsh waters Developer Services on 0800 917 2652

No habitable buildings should be constructed within 15m of the foul pumping station proposed on site, as to minimise any effects of noise or odour.

Some sewers are not recorded as they were privately owned. The presence of such drains may affect the proposal and welsh water request the applicants contact them to establish the location of these sewers.

The applicant must obtain an adoption agreement under Section 104 of the Water Industry Act 1991

#### Sewage treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site.

#### Water Supply

Welsh water has no objection to the proposed development.

**Network Rail** was consulted on 17 April 2014.

Network Rail continues to object to this proposal in its current form. Network Rail submitted an objection to the outline planning application 2010/00686/EAO by virtue of the increased pedestrian use of the level crossing resulting in safety concerns and they request some mitigation to reduce our safety concerns.

**Ecology Officer** was consulted on 17 April 2014. No objection subject to the developer complying with the ecological and reptile mitigation strategies.

**Environmental Health (Private Sector Housing)** was consulted on 17 April 2014. No comments or no objection as the additional information identifies that no noise mitigation is required for the dwellings on the site.

**The Council's Drainage Engineer** was consulted on 17 April 2014. The officer is satisfied that subject to the developer implementing the drainage scheme submitted and entering into a Section 111 or 106 agreement to pay commuted sums for the adoption and maintenance of the highway run off drainage.

**Crime Prevention Design Advisor** was consulted on 17 April 2014. No objection and considers that the current layout affords for good levels of street surveillance and good general levels of surveillance over vehicle parking areas. However, there are some advisory notes on some safety concerns and recommended conditions.

**The Council's Architect Landscape** was consulted on 17 April 2014. No comments.

**Arts Development Officer** was consulted on 17 April 2014. The arts development officer has no objection to the public art strategy.

**Highway Development** was consulted on 17 April 2014. Objections were outlined initially on a layout plan (annotated). i.e. there were concerns regarding the roads footpath widths/surfaces, bus stop provision, turning heads, the safety of the midi roundabout, location of some parking spaces, length of primary road and inflection.

Following amendments, the Highways Officer was consulted on the altered scheme and had no objection to the development in principle.

**The Director of Legal and Regulatory Services (Environmental Health)** was consulted on 17 April 2014.

"We have no adverse comment regarding this submission.

With regard to noise, the layout has been considered within and therefore must be in accordance with, the conclusions of the applicants report WSP, Technical Briefing Note: Noise Assessment and Revised Modelling results ref 40110, 20/08/2013".

**Policy Section (Planning)** was consulted on 17 April 2014. No comments

**Natural Resources Wales** was consulted on 17 April 2014

Thank you for consulting us on the above reserved matters application. We have reviewed the information submitted in support of the application including:

- Drainage design statement – Land to the West of Pentir y De, Rhoose. Prepared by Shear Design dated 20 January 2014.

We do not object to the application as submitted, subject to an appropriately worded condition securing further details regarding the pumping station and oil and petrol separators being attached to any planning permission granted

Following amendments to remove the secondary road to the south of the site, all above were re-consulted on the matter.

## REPRESENTATIONS

The neighbouring properties were consulted on 7 April 2014.

A site notice was also displayed on 15 April 2014

The application was also advertised in the press on 11 April 2014

There were a number of representations made regarding the proposal, twelve letters of objection. The main issues that were raised in the letters of objection were the following: -

- Privacy
- Drainage and flooding issues
- Insufficient School Places, Doctors, Dentist and existing road infrastructure
- It is open countryside and not a brown field site
- Overdevelopment
- Impact upon Landscape
- Noise
- Local Development Plan Housing predications were flawed
- Drainage in Quarry would cause issues regarding the erosion of the cliff face

Two emails, being a representative sample are included at Appendix A.

## REPORT

### Planning Policies

#### National Policy Context

National guidance and planning policy is contained within Planning Policy Wales Edition 7, 2014 and various technical advice notes (TAN's). The following TAN's are considered to be the most relevant to the consideration of this application.

TAN1- JOINT HOUSING LAND AVAILABILITY STUDIES

TAN2 - PLANNING AND AFFORDABLE HOUSING

TAN5 - NATURE CONSERVATION AND PLANNING

TAN11 - NOISE

TAN12 - DESIGN

TAN15- DEVELOPMENT AND FLOOD RISK

TAN16 - SPORT, RECREATION AND OPEN SPACE

TAN18 – TRANSPORT

TAN22 - SUSTAINABLE BUILDINGS

#### Local Policy Context

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

## **Strategic Policies:**

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 - TRANSPORTATION

POLICY 11 - SPORT & RECREATION

## **UDP Part 2 Policies:**

HOUS1	- RESIDENTIAL ALLOCATIONS
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS12	- AFFORDABLE HOUSING
ENV6	- EAST VALE COAST
ENV7	- WATER RESOURCES
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV12	- WOODLAND MANAGEMENT
ENV16	- PROTECTED SPECIES
ENV17	- PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
ENV24	- CONSERVATION AND ENHANCEMENT OF OPEN SPACE
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC6	- CHILDREN'S PLAYING FACILITIES
REC7	- SPORT AND LEISURE FACILITIES
REC12	- PUBLIC RIGHTS OF WAY AND RECREATION ROUTES.

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

More specifically the application pertains to a site that forms part of a larger allocation in the UDP and deposit LDP for residential development. Within the UDP, which is still the relevant development plan, the housing allocation is identified under Policy HOUS1 (22). The accompanying text to the Policy states:

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

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

*The Council will through discussions with the site owners/developers seek to secure affordable housing, Public Open Space, children’s play areas, appropriate landscaping and contribution / provision for educational, recreational, community and public transportation provision.*

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

#### **BIT ABOUT LDP**

#### **Supplementary Planning Guidance (SPG):**

- Biodiversity and Development
- Design in the Landscape
- Planning Obligations
- Sustainable Development - A Developers Guide
- Amenity Standards
- 

#### **Other Planning Guidance:**

Land to the North of the Railway Line Rhoose – Approved Development Brief August 2007.



The Council prepared and approved a Development Brief as part of the Unitary Development Plan process, as the UDP allocation required a comprehensive approach to the development of the land to the north of the Railway line, Rhoose.

The purpose of the Brief was to guide future development of the site. A 6-week consultation took place on the draft development brief between Monday 31 July 2006 and Friday 8 September 2006. The Council received a significant number of comments and some changes were subsequently made to the development brief. The brief was prepared in accordance with the Council's approved procedures for the production and reporting of development briefs and was endorsed by Cabinet on 6 June 2007 (Minute No. C3047 refers).

The Brief states that it will be a significant material consideration in the determination of any forthcoming planning application / appeal and will form the basis to guide the future development of the allocated site. The Brief describes the planning, design and transport requirements for the site along with any constraints. It is stated that it is essential that the development of this site makes an effective and positive contribution to the social, economic and environmental wellbeing of the local community, which the brief seeks to ensure.

However, members should note that due to the extended time period that has passed since the brief was drafted, and the land ownership issues that have resulted in the delay to the bringing forward of this whole site comprehensively, the Council has had to be more flexible with its considerations on the allocated housing site.

## Background

### Outline Application and Conditions

The Outline planning application was determined following the submission of an appeal of non-determination by the applicant for the site. Members will recall that in a stance report to the planning committee on 24<sup>th</sup> January 2014 the application was approved subject to conditions.

As a result of the complexity of the site and the decision having to be made via a non-determination appeal, a significant number of conditions were attached to the outline requiring details to be submitted with the reserved matters application.

In terms of the design and layout, changes have been made to the scheme since the approved outline stage and the development brief. In particular, the key areas of change to the scheme comprise of the following:

- Road and Footpath Layout- Alterations have been made to the road and footpath layout to remove the lower or secondary road to the site.
- 

### Changes to the Road Layout

Following the initial submission it was determined by the Council that the road layout and more importantly, the road linkages to the land to the west did not exactly accord with the indicative plan and Condition 15 of the outline planning permission. The plan illustrated below and the wording of Condition 15

15. The reserved matters application(s) shall ensure that the estate roads laid out as part of the development hereby approved are constructed substantially in accordance with the plan 107/MP.1000 Rev J. and at Points 2 and 3 on plan 107/MP.1000 Rev J (A). The estate roads shall be constructed to the boundary of the land controlled by the applicants or their successor in title.

Reason:

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

The above condition and plan were attached to the outline planning permission to ensure that the housing allocation land for the application site could easily link to the land to the west of the site. From an inspection of the reserved matters plans as well as the indicative outline planning layout for the land to the west, ref 2014/00550/OUT, the Council took the view that the Persimmon application was not complying with the requirements of Condition 15 and would not link sufficiently with the land to the west. This was causing further issue as the land to the west was now proposing a school within the site, in between the two road linkages shown on the indicative plan

Following discussions with both developers, it was agreed that the integral reason for the condition was to provide a vehicle link from the reserved matters application to the allocated housing land to the west. As such, the two applicants agreed that the northern road would have to be positioned further south of its existing position and the lower or secondary road could be removed from the scheme in its entirety. It was considered that this was satisfactory as the lower road did not service any residential properties within the proposal and the northern road maintained a connective link between the two housing sites. It also gave the land to the west greater space for the allocated school site.

As such, while the link did not strictly accord within the indicative plan it was considered that the schemes were achieving the link that both parties were satisfied with and would adequately serve their site.

## Issues

### *Principle of the Development*

The principle of residential development within the site has already been considered acceptable when approving the outline application 2010/00686/EAE, therefore, it is considered that the acceptability of this application depends on the detail of the scheme and specifically the reserved matters. Access was approved as part of the outline application, therefore, the reserved matters includes appearance, landscaping, layout and scale. These matters will be considered under the following headings

- Density & Pattern of Development
- House types and Design
- Amenity of Future Occupiers
- Impact on Neighbouring Properties and neighbouring objections
- Road and Footpath Layout
- Landscaping and POS

As a number of other matters were conditioned as part of the Outline permission, details of the following matters have been submitted and will be considered in turn under the following headings

- Drainage
- Affordable Housing
- Ecology
- Noise Impact from Road & Rail
- Public Art Strategy

## Issues

### *Pattern of Development*

With regards to the pattern of development, the larger detached plots are located north of the primary vehicle road whilst the smaller or more densely built up areas are located to the south of the primary access road. The Public open space is located to the west of the site, adjoining the green lane.

The vehicle highway and pedestrian footpaths or cycle paths are to a degree dictated by the development brief and therefore so it the block pattern of development that is evident on the layout plan. However, the two areas from north to south are not so distinct that there is a clear divide between the larger and smaller dwellings being provided. The change in the pattern of development from north to south is gradual creating a good mix of varied plot sizes that is broken up with the development brief road layout and green spaces. The buildings have been stepped down in relation to the sites topography and terraces running from north to south, affording views out towards the Bristol Channel.

### Density

Since the outline approval the land was divided, with the Persimmon site subject of this report, resulting in 14.5 acres of land or 5.9 hectares. As a result, when removing the areas of land that cannot be built up on, i.e. landscaped, POS, buffers etc., the proposal to construct 224 dwellings on the developed area of land, amounts to 38 dwellings per hectare.

Based on the fact that this area of land has been identified for a significant period of time as housing land, within the UDP and LDP, as well as being located in between the existing settlement of Rhoose and the recently approved and implemented Rhoose Point, the application site is considered to be within a sustainable urban location. As such, the level of density identified is considered to be satisfactory, and supported by the guidance as set out in PPW and the deposit Local Development Plan Policy MD 7 - housing densities Primary settlements, which identifies that development will be permitted where the net residential density is a minimum of 30 dwellings per hectare.

### House Types, Design and Materials

The scheme proposes 2, 3 and 4 bed open market dwellings, with the affordable housing being a mixture of 1, 2, 3 and 4 bed properties. The properties are 2 to 2.5 storey properties with a mixture of either Edenhall Clarence (red or buff) with grey or red slate roofs.

The site is located south of a relatively new housing estate in Murlande Way and an almost brand new housing estate to the South in Rhoose Point. Accordingly, the modern house types, designs and materials will naturally sit within this existing context and provide some continuity with the adjoining sites.

Moreover, all the houses are proposed to be finished with brick (red or buff) and with a grey or red slate roof. These external finishes will allow the new settlement to complement the materials and finishes of the nearby properties and the adjoining estates. As such, it is considered that the proposal comprises a good mix of designs and house types, but with a consistent and modern character, utilising a modern brick finish that is commonplace within the vernacular. It is considered that as a group, the house types are well designed and would result in an interesting and varied built environment.

As such, it is considered that PPW encourages diversity, choice and flexibility while PPW encourages higher density within suburban locations. In this instance, it is considered that the local character and rhythm of the adjacent residential developments has been incorporated into the proposed, complying with the objectives set out within Planning Policy Wales as well as Policies HOUS8 and ENV27 of the Adopted Unitary Development Plan 1996-2011.

### Amenity Space of Future Occupiers

Policies ENV27 and HOUS8 of the Unitary Development Plan require new developments to meet the Council's approved guidelines with respect to the provision of amenity space. The Council also has adopted Supplementary Planning Guidance on 'Amenity Standards', which seeks to ensure that all new residential developments contribute towards a better quality of life for occupiers, without adversely affecting the amenity enjoyed by residents.

In terms of amenity space the Council's approved Supplementary Planning Guidance: (SPG) on Amenity Standards, requires a 1:1 ratio of amenity space to residential floor space. The SPG also requires that 70% of this amenity space should be accommodated in the private rear garden areas of the dwelling. Policy 2 of the Vale of Glamorgan adopted supplementary planning guidance 'amenity space' states that *'the Council will ensure that usable adequate and appropriate private amenity space is provided as part of residential development.'* Paragraph 5.2 notes that front and private rear gardens be included whilst driveways and parking areas are excluded. It states that *'the provision of adequate and usable private amenity space within the curtilage of a development is extremely important to meet the requirements of residents for functional and relaxation space.'*

All of the dwellings either equal or are near to the Councils approved amenity standard guidance set out above. Furthermore, it should be noted that the significant size of the POS, as well as the provision of three LAPS, a MUGA and NEAP ensures the occupiers of these properties will have additional area of amenity to relax and use for their leisure.

Furthermore, it should be noted that the layout of the site and adequate spacing between the proposed dwellings means no dwelling has an overbearing impact upon their neighbouring dwelling and each dwelling is at least 21m between facing habitable windows. Accordingly, there are no issues relating to neighbouring dwellings having any adverse impact on each other by virtue of overlooking or an overbearing impact.

### Impact upon the neighbouring properties

Due to the way in which the site has been subdivided, the Persimmon application site and the dwellings situated on it adjoin the proposed dwellings located within the Bellway site and some properties that adjoin to the north at Murlande Way.

As such, the layout is such that generally the proposed dwellings are sufficiently spaced with no issues of overbearing or overlooking to adjoining neighbours. The nearest existing dwellings are located at no. 61, 59 and 57 as well as 37, 35 and 33 Murlande Way. Two properties will be within 15m of the adjoining properties on Murlande way, specifically 57 and 33 Murlande Way. Nevertheless, the distance between the properties is mitigated by the fact that there is a 6m difference in floor levels and the proposed dwellings have been orientated so that the side elevation faces the rear gardens at Murlande Way. Notwithstanding this, and in order to placate any possible issues of overlooking, a condition will be added to ensure the stairwell windows on the nearest proposed properties are fixed and obscured. There are no other significant concerns with respect to the impact of the proposal on the adjoining neighbours.

Objections have been received with regard to the proposed development. The concerns outlined by the neighbouring properties within Rhoose and Rhoose Point relate to issues of the principle of the development, such as drainage, as well as school and community facility provision within the locality. While the concerns expressed in this respect have been considered, these issues have already been considered within the application at outline stage and are not material to the consideration of the reserved matters application.

### Roads and footpaths

The primary access approved at Outline leads to an internal network of roads. The primary route has a 6.5m road width, the secondary roads have a 5.5m width, and the tertiary routes are designed to a 4.5m-5m road width, with a total shared surface width of 6m minimum. As outlined earlier in the report, following negotiation with the two adjoining developers, the major change to the internal road network is that only one northern road link will occur from the Persimmon site to the land to the west.

In addition, following Highways concerns, some more minor alterations were made to proposed detailed scheme. In particular, a turning area has been included on the POS to ensure that if, due to circumstances beyond the applicant and Council's control, the site does not join with the approved housing site to the west, then there is turning space for any future bus provision to come into the site and turn. In addition, in order to accommodate the requirements of the school bus pick up, a bus layby has been included on the eastern boundary of the POS. Furthermore, the tertiary roads are now illustrated as block paved roads rather than tarmac and the pedestrian footpath link from the west to the east of the site has been increased from 2m to 3m in width to accommodate cycle link as well as a pedestrian footpath.

The Persimmon internal roads are dominated by the primary access route through the site from east to west and a north to south secondary road. The primary road has been assessed via a stage 1 safety audit and was considered to be acceptable by the Council Highway safety officer.

The secondary roads together with the raised tables and block paved mews court areas should naturally reduce speeds, complying with the design ideals of Manual for streets. Manual for Streets outlines the benefits of encouraging low vehicle speeds and creating an environment which pedestrians can walk around without intimidation by traffic and it is considered that this development would now comply with the aims.

The Highways Authority have agreed that the amended scheme is acceptable, although there are still some concerns regarding the future provision of a bus stop along the primary access road, adjacent to Plot 17. Due to the orientation of the dwelling, fronting the road, the Highways Authority considers that conflict will occur with the occupier of Plot 17 when implementing any bus stop facility. While the Highways Authority concerns are noted, the bus stop facilities have not been provided as of yet and it is unknown whether a public bus service will be provided through the site at all. In addition, the final concern is regarding the cycle/footpath from Porthkerry road and the crossover between the cycle/footway and the primary vehicle road access.

Currently, the plan shows the footpath having priority and the road user having duty to give way. It is considered that this crossover would be safer if the priority was allocated to the road user, requiring the pedestrian or cyclist to cross safely. Accordingly, in accordance with the Highways Authority concerns a condition will be attached requesting that the developer submits further details of the crossover and amends the priority to the road user.

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

Network Rail has maintained an objection, which was expressed at the outline stage, concerning the significant increase in housing numbers and as a consequence the increased pedestrian use of the public footpath that passes through the Persimmon site from north to south (Porthkerry Road to the Happy Valley Crossing). Network rail have suggested that the developer should construct a footbridge or divert the public footpath. While the concerns expressed by Network Rail have been considered, it is considered that the principle of the houses being at the site was considered and approved at the outline stage and not something the Council could revisit or refuse the application for Reserved Matters. Furthermore, the erection of a footbridge is not proposed and the diversion of the public footpath and stopping up of the access is not something that can be carried out as part of this application or via a condition attached to the consent.

In addition, there are alternative routes to the south, via the footpath that crosses the site along the southern boundary and via the vehicle highway along Pentir y De.

The Public Right of Way officer has outlined that no adverse effect should result to Public Rights of Way used to access the site or that are otherwise involved in the development works. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense. A condition is attached to ensure that the footpath is kept clear.

## Landscaping and POS

### Landscaping

The Landscaping strategy set out within the Reserved Matters application is a simple but effective scheme to assimilate the impact of the proposed development within the suburban locality.

The existing site has little existing vegetation apart from the grassland and the enclosing native hedgerow. As a consequence, the developer has proposed to retain a large proportion of the enclosing hedgerow and plant in sparser areas in order to reinstate the existing hedgerow around the edge of the site whilst removing the hedgerow that separates the site within the middle.

As such, the extensive hedges located to the northeast, along Pentir y De have been retained through the further planting of trees along this boundary. The hedgerow along the southern boundary has been preserved and protected, as well as tall hedgerows being retained where possible, which is in compliance with the approved Design and Access Statement.

Street tree planting has been implemented formally along the entrance avenue, the primary routes and the secondary vehicle road found within the Persimmon site. Furthermore, where parking is being allocated adjacent to the highway but not within the curtilages of the property, some street planting has been proposed in order to break up the monotony of the hard surfaced areas and to improve wider street amenity. In addition, some buffer planting of trees is proposed surrounding the proposed POS and community building.

Accordingly, it is considered that the landscaping strategy submitted is acceptable and the proposal complies with the objectives of Policies ENV11, ENV27 and HOUS8 of the Adopted UDP 1996-2011. A condition will be attached to ensure that the developer complies with the landscape proposals as set out in the landscape proposals and the planting plan is implemented on site.

#### Public Open Space (POS)

The Public open space/recreation areas/buffers amounts to approximately 7 acres of the site or approximately 2.8 hectares of the site as a whole. The area of open space is predominately to the west of the site and should align with the school site outlined in the recently approved application to the west under ref 2014/00550/OUT. It is considered that the position of the main part of POS is such that it is overlooked by the residential properties to the East and North of the POS, creating a naturally surveyed and more secure, safe play area.

The play areas will be located in both the Persimmon and Bellway site. Specifically, there will be two children's Play area (LAP) within the application site designated to the Persimmon Homes as well as a MUGA, a NEAP and a community building located on the POS. The two LAPs located within the Persimmon side of the site are considered to be appropriately sited and should be naturally surveyed by the surrounding residential properties, providing security to the play facilities.

Policy REC3- Provision of open space within new residential development, ensures that within residential development, open space will be sought at a minimum standard of 2.43 hectares per 1000 population, which equals 55.40sqm per dwelling. Based on the size of the Public open space provided within this scheme it is considered that the provision exceeds the minimum requirements, set out in the Councils adopted supplementary planning guidance, as such, the site sufficiently complies by supplying over and above the POS requirements for 224 dwellings or 350 dwellings as a comprehensive scheme.

Accordingly, the proposal is considered to be over and above the requirement for public open space, therefore, the proposal is considered to comply with the objectives Policy in REC 3- Provision of open space within new residential development of the Adopted UDP 1996-2011 and the Councils Planning obligations Supplementary Planning Guidance.



## Detail of Outline Conditions submitted with Reserved Matters application

Committee members should be aware that this next section has regard to the additional matters submitted as part of this application in order to address the requirements of the conditions attached to Outline consent. These matters will be considered in turn under the headings of Drainage, Affordable Housing, Ecology, Noise Impact from Road & Rail, Public Art Strategy

### Drainage

A drainage condition attached to the Outline consent outlined the following: -

22. No beneficial occupation of any dwelling hereby approved on the site shall occur until the necessary off-site improvements (in accordance with the requirements as outlined in Option 4 of Dwr Cymru Hydraulic Modelling Report (Reference number 410/003249-04 RT-CA-740 01) issued in December 2005) to the public sewerage system have been completed and that this has been confirmed in writing by the Local Planning Authority.

Reason:

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

The proposed scheme submitted with this application provides the detailed strategy for foul and surface water drainage to serve 700 proposed houses to the land to the north of the railway line. Most of the drainage requirements proposed on the housing site could have been considered via this reserved matters application, however, as the scheme submitted does not comply with the above mentioned condition, it means that the developers will have to submit a variation of condition application in order to vary the wording of the condition to include the alternative drainage scheme submitted here.

Nevertheless, the drainage scheme has been assessed and the relevant consultees have commented on the information.

National Resource Wales were consulted regarding the application and requested that further information be provided on aspects of the drainage scheme. Whilst they did not object to the drainage design statement, the scheme details the use of a pumping station, however full details on the pumping station, including whether an emergency outfall is to be constructed, have not been given. The drainage design statement indicates that surface water will drain to an outfall in the quarry however there is no mention of an oil and petrol separator.

However Members will recall that this drainage scheme was dealt with under a separate consent which identified all relevant details (2014/00343/FUL).

In addition, Welsh Water were consulted and while they did not object to the development, they requested that a condition is attached to any consent regarding the drainage at the site to ensure that the prior to the occupation of any of the approved dwellings, the developer is required to improve the capacity of the existing Porthkerry Pumping Station to 44m<sup>3</sup>.

The Council's drainage engineer was consulted and the officer is satisfied that subject to the developer implementing the drainage scheme submitted and entering into a Section 111 or 106 agreement to pay commuted sums for the adoption and maintenance of the adoptable elements of the scheme.

Accordingly, it is considered that the submitted scheme is acceptable, subject to conditions, however, due to the requirements of condition 22 attached to the outline permission, the drainage scheme cannot be approved via the reserved matters application, without also varying the wording of the condition attached to the outline permission. A condition will be attached to this permission to ensure the developer either implements the scheme approved as part of the outline application or another acceptable scheme is submitted as part of a variation of condition application.

#### Affordable Housing requirements

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. 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 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 development proposes a provision of 224 dwellings, resulting in 67 affordable houses being required as a 30%. The application proposes 67 affordable dwellings, sporadically located around the site in three areas. The 67 properties will be split into two 4 bed, nine- 3 bed, forty four – 2 bed (of different floor space) and twelve -1 bed. Upon consulting Housing strategy, it was outlined that the housing department were satisfied with the percentage, position and mix of the affordable housing.

However, 30% of 224 is 67.2, therefore 68 dwellings are required in order to satisfy the requirements of the S106 agreement. Consequently, a condition is recommended which requires a 68<sup>th</sup> affordable unit to be identified and approved.

As such, subject to that condition, it is considered that the provision of affordable housing on this site is acceptable and complies with the Councils policies and Supplementary Planning Guidance on Affordable housing.

### Ecological and Reptile Mitigation

The mitigation strategy for the reserved matters application has been carried out by Soltly Brewster for Persimmon and Bellway as one site. There are two documents that set out the ecological mitigation strategy and the reptile mitigation strategy for the site.

NRW and the Councils Ecology Officer have been consulted in regard to this application. NRW had no comments to make on the species aspect of the application and outlined that the Councils own Ecology Officer must have requested this information at the Outline Stage. The Councils Ecology Officer has outlined that she is satisfied with both programmes of work set out and has no objection subject to the developer complying with the requirements of the mitigation and reptile survey.

Accordingly, subject to conditions requiring the carrying out of the mitigation and reptile strategy on the site in accordance with the documents submitted to the Council as part of this reserved matters application then the Council would raise no objection.

In addition, a lighting scheme has been submitted to the Council in order to comply with condition 36 of the approved outline application, requiring a lighting scheme to be informed by the current and likely future bat lines for bats. The condition reads as follows:

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

Reason:

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

A condition will be attached to ensure compliance with the agreed highway street lighting and layout submitted to the Council in September 2014.

### Noise impact from road and rail.

A Technical Briefing note issued in November 2012 with the outline application was carried out and provided in order to predict the extent of road and rail noise in accordance with TAN11- Noise. The outline application was approved on the basis of this modelling but subject to conditions requiring the following:-

18. *The reserved matters application(s) shall ensure that no dwellings (to include gardens) are shown to be sited within any part of the application site identified as falling within NEC C (both daytime and night time), as defined in Technical Note - Noise prepared by WSP received on 20 November 2012.*

*Reason:*

*In order to ensure that the reserved matters application(s) take account of NEC C so as to ensure that no dwellings are sited within such areas which would be subject to unacceptable high levels of noise, to comply with the requirements of TAN 11 and compliance with Policies ENV27 and ENV29 of the Unitary Development Plan.*

19. *The reserved matters application(s) shall ensure that all dwellings which are shown to be sited within any part of the application site falling within NEC B (both daytime and night time), as defined in Technical Note - Noise prepared by WSP received on 20 November 2012 are supported by full details of acoustic attenuation measures / mitigation (to include consideration of site layout and orientation to ensure that noise sensitive rooms and primary outdoor amenity areas are located away / screened from the identified noise sources) to ensure that all dwellings falling within NEC B achieve the noise standards set out in Table 2 of Technical Advice Note 11.*

*Reason:*

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

The model submitted with the Reserved Matters application illustrates that, based on the projected traffic flow data for the future year 2015, all dwellings and gardens on the development are likely to fall within Noise Exposure categories A and B for both day and night time periods.

As a consequence, the dwellings fall within the requirements of condition 18 and there are no requirements to alter the layout and orientation of the site to ensure that noise sensitive dwellings and gardens are protected in accordance with the requirements of condition 19 of the approved outline consent.

The Council's Environmental Health Section have inspected the WSP technical note submitted with the Reserved Matters application and the outline planning permission 2010/00686/EAO and they have no further comments or any objections to the proposal. Accordingly, the development is considered to comply with the requirements of TAN11- Noise and the relevant policies of the Adopted Unitary Development Plan 1996-2011.

## Public Art Strategy

The Pentir – Y – De, Rhose – Public Art Strategy is a comprehensive document that identifies the strategic pathway and practical process for the effective development commissioning and implementation of art work in the public realm. It outlines that the developer should engage an arts consultant e.g. EMP Projects or another, together with the lead artist. The developers and those named should work closely with the VOGC Arts Development Officer and arts team and relevant members and officers as required.

The Arts Development Officer was consulted and is satisfied with the strategy, provided the developer adheres to the requirements and budgets set out within the strategy and attempts to ensure that combined working enables a cost effective public art scheme. A condition will be attached to require the public art is approved and implemented prior to the completion of the 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 ENV2 - Agricultural Land, ENV7 - Water Resources, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of Built and Historic Environment, ENV18 - Archaeological Field Evaluation, ENV19 - Preservation of Archaeological Remains, ENV27 - Design of New Developments, ENV28 - Access for Disabled People, ENV29 - Protection of Environmental Quality, HOUS1 - Residential Allocations, 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, REC12 - Public Rights of Way and Recreational Routes, Strategic Policies 1 & 2- The Environment, 3-Housing, 8-Transportation 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, Sustainable Development and Affordable Housing (contained within The Vale of Glamorgan Affordable Housing Delivery Statement), national guidance contained in Planning Policy Wales 7<sup>th</sup> Edition (2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5-Nature Conservation and Planning, 11-Noise, 12-Design, 15-Development and Flood Risk, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; Manual for Streets, it is considered that the proposal is acceptable in terms of the reserved matters, including the appearance, landscaping, layout and scale of the scheme as well as provision of affordable housing, ecology, public art and the impact upon nearby residential amenity.

## RECOMMENDATION – OFFICER DELEGATED

### APPROVE subject to the following condition(s):

1. The development shall be carried out in full accordance with the levels details shown on the drawing ref 12112-1-400 submitted to the Council and registered on 19 March 2014.

Reason:

To ensure that the amenities of existing neighbouring properties are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

2. 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 and surface water drainage, 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.

3. The Highways street lighting detail shall be carried out in accordance with the specifications submitted on 16 September 2014, with reference to the Street lighting specification document as well as the layout and contours drawings ref PYDR/CC/01 and PYDR/CC/02, unless otherwise agreed in writing by the Local Planning Authority.

Reason.

In the interests of highway safety and the requirements of Condition 36 of the Outline planning permission ref 2010/00686/EAE.

4. Notwithstanding the submitted plans, further details of the crossover between the green lane cycle/footpath and the primary access road shall be submitted to and approved to the Local Planning Authority. The details should include an amendment to the position of the crossover, giving priority to the primary vehicle access road rather than the cycle/footpath.

Reasons:

For reasons of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. 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.

6. 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 their erection / construction on site, and the means of enclosure shall be implemented in accordance with the approved details prior to the part of the development they relate to 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows other than those expressly authorised by this permission shall be inserted in any of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

8. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order, 2013 (or any Order revoking or re-enacting that Order with or without modification) no dormer extensions shall be constructed on any of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

10. The windows in the first floor side elevations of Plots 38/39, 44 and 48 shall be glazed using obscured glass to a minimum of level 3 of the `Pilkington` scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of dwellings and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 1995 (or any Order revoking or 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 curtilages without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, to ensure there is satisfactory amenity space to serve the dwellings hereby approved and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

12. The garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking, HOUS8 - Residential Development Criteria and ENV27 - Design of New Developments of the Unitary Development Plan.



13. Notwithstanding the submitted plans, prior to the first beneficial occupation of any dwelling hereby approved, full details of the lighting to be provided on the highways, footpaths and public open space areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development in the interest of public safety and security and to accord with Policy ENV27 of the Unitary Development Plan.

14. Prior to the beneficial occupation of the development hereby approved, the developer shall ensure that 44m<sup>3</sup> of storage volume has been constructed at Porthkerry Sewerage Pumping Station (SPS) in liaison with Dwr Cymru/Welsh Water (DCWW), and in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

15. No beneficial occupation of any dwelling hereby approved on the site shall occur until the necessary off-site improvements to the public sewerage system have been completed either in accordance with the requirements as outlined in Option 4 of Dwr Cymru Hydraulic Modelling Report (Reference number 410/003249-04 RT-CA-740 01) issued in December 2005), or an alternative scheme of improvements that have been approved, by virtue of a Section 73 application, varying condition 22 of the approved 2010/00686/EAE.

Reason:

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

16. 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 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.

17. 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.

18. 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.

19. The development shall be carried out in full accordance with the Landscape proposals identified in the tree survey and Arboricultural assessment and Planting Plan drawings 392.01, 392.02 and 392.03 submitted on 4 June 2014 .

Reason:

To ensure the landscaping and tree protection measures are carried out, to ensure compliance with the terms of Policies ENV11 and ENV27 of the Unitary Development Plan.

20. Prior to any demolition/land clearance/preparation, or bringing onto site materials, equipment, vehicles, machinery, Heras steel mesh panels in concrete feet (or appropriate anchorage) must be placed around trees being retained in line with root protection areas as shown on the Arboricultural Impact Assessment plan and protection dated 4 June 2014, and at no time must the protected area within be breached by storage of vehicles, machinery, equipment, waste or soil deposits, materials or be used for mixing of concrete or lighting of fires. At such time as the protective fencing is in situ, the Planning Department must be contacted to arrange a site visit by the Assistant Planner/Tree Officer to inspect and when agreed the fencing must remain in place until substantial completion of the development.

Reason:

In order to safeguard the trees being retained during development.

21. Prior to the commencement of construction of any of the dwellings, a scheme for the provision and maintenance of the Public Open Space (including the children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV27 and REC3 of the Unitary Development Plan.

22. No more than 50 of the dwellings hereby approved shall be brought into beneficial use until the children's play areas (NEAP AND LAP) shown on the approved planning layout plan and detailed on plans ref TDRHOOSE have been constructed on site and is capable of use by the future occupiers of the development.

Reason:

To ensure the recreational facilities are delivered in a timely manner to meet the needs of the future occupiers of the development in accordance with Policies REC3 and REC6 of the Unitary Development Plan.

23. The development shall be carried out in full accordance with the measures set out in the Ecological mitigation strategy and management plan, dated 19 March 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to ensure that Reptiles and habitats are not adversely impacted as a consequence of the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

24. The development shall be carried out in full accordance with the measures set out in the Reptile mitigation strategy, dated 19 March 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to ensure that Reptiles and habitats are not adversely impacted as a consequence of the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

25. 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 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.

26. Prior to the beneficial occupation of any of the dwellings hereby approved, a scheme of Public Art as well as a detailed timescale and budget shall be provided in accordance with the details submitted as part of the Public Art Strategy received on 19 March 2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a high quality form of development in accordance with the provisions of Policy ENV27 of the Development Plan.

27. Notwithstanding the submitted plans, prior to the commencement of development, details of a 68th affordable housing unit shall be submitted to and approved in writing by the Local Planning Authority, to include details of the tenure type and means of its delivery. The dwelling shall be retained in perpetuity as an affordable housing unit.

Reason:

In order to comply with the terms of the Section 106 legal agreement attached to application 2010/00686/EAO and to ensure the delivery of adequate affordable housing.

**NOTE:**

1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**

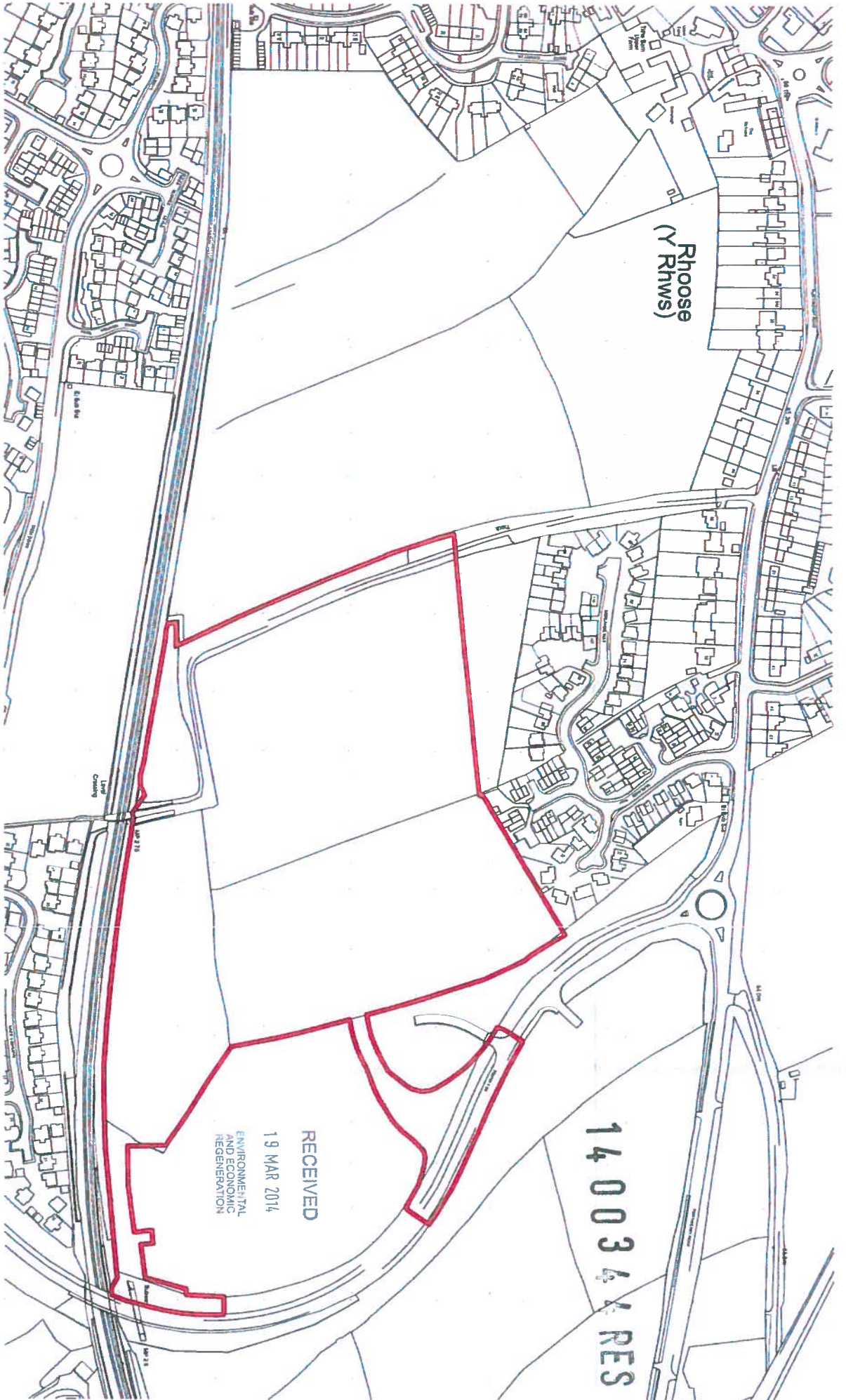
2. **The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.**

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

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

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

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



14 00344 RES

RECEIVED  
19 MAR 2014  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

Rhoose  
(Y Rhws)



1:25,000  
0 50 100m

Arrangement: Rev A: Boundary line amended slightly to accord with planning layout

Job No/Drawing No: 13099/PER/1000 A  
Job Title: Rhoose  
Scale: 1:2500  
Date Drawn: 01/03/14  
Drawn By: NH  
Checked By: NH  
Permitted Site Location Plan  
Date: 12/03/14  
All Dimensions to be checked on site  
Pood Design Ltd - The Tobacco Factory - Smeigh Road - Salford B33 1JF - Tel: 01753 530009 - www.pood-design.com



**2014/00639/RES** Received on 4 June 2014

Bellway Homes Limited, Alexander House,, Excelsior Road,, Cardiff., CF14 3AT  
Boyer Planning Limited, 1B Oak Tree Court,, Mulberry Drive,, Cardiff Gate  
Business Park,, Cardiff., CF23 8RS

### **Land to the north of railway line off Pentir Y De, Rhoose**

Reserved Matters for appearance, landscaping, layout and scale for 126 dwellings.

#### **SITE AND CONTEXT**

The housing land allocation associated with this proposal relates to approximately 14ha of agricultural land located on the eastern side of the village of Rhoose. The site is bounded to the east by the main access road (Pentir y De) which links to residential development to the south at Rhoose Point. To the west, the site abuts a public right of way which provides a pedestrian link between Rhoose Point (from Trem Echni) and the village (Porthkerry Road) via the Happy Valley level crossing, beyond which lies agricultural land (which is allocated for further housing development). The Vale of Glamorgan railway line forms the southern boundary of the site.

This wider site has been divided in two by the developers Persimmon and Bellway, with the Persimmon site being the larger parcel to the west (224 dwellings and POS) and Bellway being the smaller site to the east (126 dwellings) and is the site subject of this application. The area consists of 14 acres or approximately 6 hectares of land.

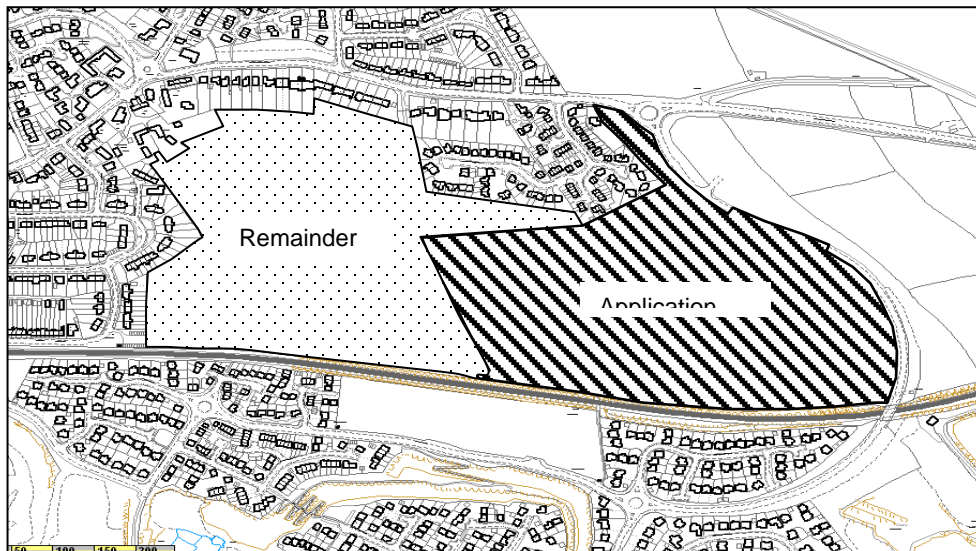
In terms of its context Porthkerry Road / Fontygary Road runs to the north of the site, and forms one of the main public transport corridors to Barry, Penarth and Cardiff to the east and to Bridgend and St. Athan to the west. Further to the north lies Cardiff International Airport, which bounds the northern most edge of Rhoose.

The site comprises four fields of farm land, which slope southwards towards the channel. The field boundaries comprise hedgerows, scrub and trees of varying degrees of quality and size.

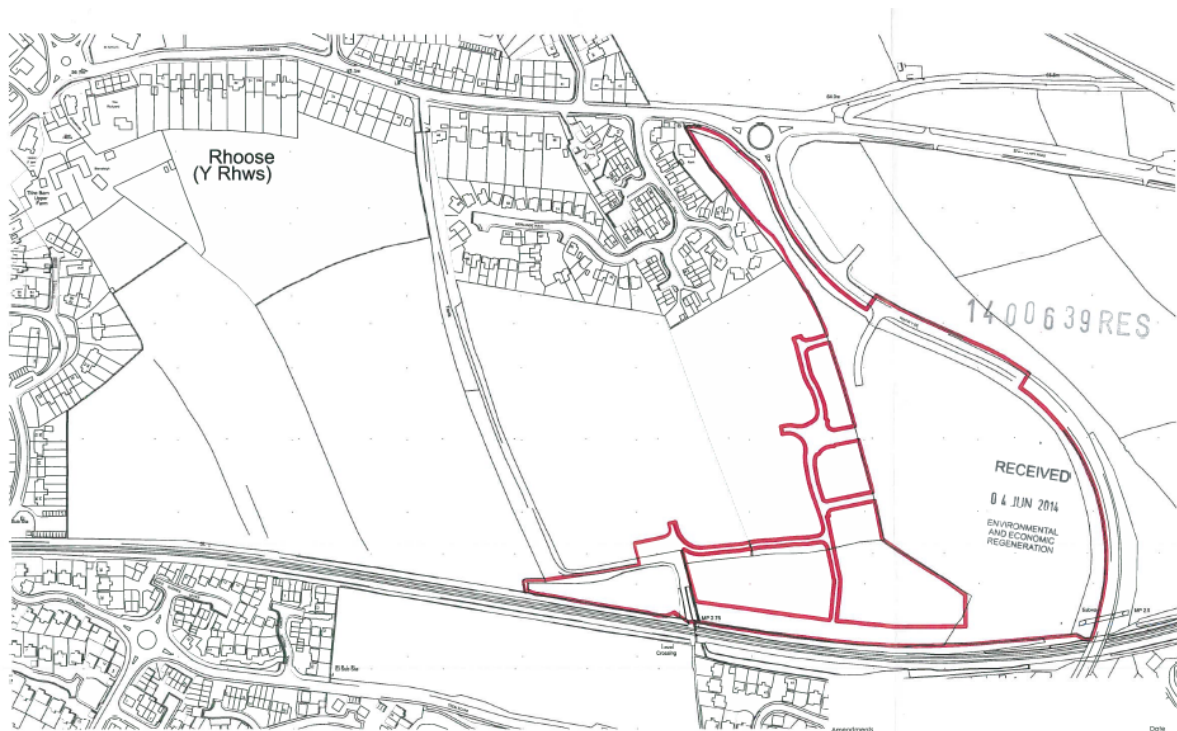
#### **Outline application site**

The application site comprises of some 54% of the whole (26 hectare) site allocated for residential development under Policy HOUS 1 (22) of the Adopted Vale of Glamorgan Adopted Unitary Development Plan 1996-2011





Reserved Matters application site



DESCRIPTION OF DEVELOPMENT

The application comprises part of the reserved matters associated with the approved outline application 2010/00686/EAO. Access was approved as part of the outline application, therefore, the reserved matters include appearance, landscaping, layout and scale. In addition to the necessary requirements of a reserved matters application there were a number of conditions attached to the outline permission that required information on tree surveys, levels, drainage, ecological and reptile survey, affordable housing provision, public open space, children's play areas and a public art strategy. This information has been provided as part of this reserved matters application.



The proposed development comprises 126 dwellings in a layout that includes detached, semi-detached, terraced dwellings, and apartments. The dwellings are of a modern design, and are to be finished in brick finish in a mixture of Red Brick, Ivory Render and Recon Stone and will be a mixture of Grovebury farmhouse red and mini Stonewold grey.

The primary access point would be off the main road that passes from Rhoose to Rhoose Point, Pentre y De. The development comprises a relatively suburban layout which includes a northern and southern section of the site, split by the main access road that enters the site from Pentir Y De. A highway that is located to the west of the site extends from north to south allowing access to all the areas of the housing site. There is a buffer area to the south of the site between the dwellings and the railway line and cycle and pedestrian path that enter the site from the north from Porthkerry Road area (Persimmon site) and through the site to the south towards Rhoose Point (Bellway site) where a ramped access allows access to the south.

There are three areas of affordable housing, one smaller area in the north, (above the main access road from Pentir y De and two larger areas to the south of the development, amounting to 38 dwellings. The remainder of the 86 dwellings will be open market housing and consist of a variety of 2, 3 and 4 and 5 bedroom properties.

The application is accompanied by:

- Planning/Design Statement
- Planning Layout
- Tree Survey
- Planting Plan
- Materials Plan and details
- Materials details
- Street Scenes Plans
- Proposed Levels Plan
- House Plans & Design
- Community Building
- Engineering and road Layout details- Including vehicle swept path analysis, proposed roundabout and roundabout road safety audit.
- Drainage proposals and document
- Public Art Strategy
- Ecological Mitigation Strategy
- Mitigation strategy for Reptiles
- Technical Briefing Note- modelling to predict the extent of road and rail noise impact
- Site Investigation Report
- Planting Plans (landscape proposals)
- Statement of Compliance

It should be noted that a Section 106 Legal Agreement was entered into at outline stage, requiring the following necessary planning obligations across both the Persimmon and Bellway site:

- Procure that at least 30% of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties.
- Pay a contribution of £1,115,387 towards primary and nursery education in the vicinity of the site.
- Public open space will be provided on site in the form of the following facilities in accordance with the illustrative Master plan, the exact location and full details of specification of which shall be determined in the reserved matters application(s)
  - Layout out of sport pitches
  - Changing facilities
  - MUGA
  - NEAP
  - 3 No. LAPS
- Pay a contribution of £345,000 to provide or enhance community facilities, minus the costs associated with the construction of the changing facilities and MUGA.
- Provide a contribution to the value of 1% of the development costs, minus £61,234, for the provision of community facilities and/or public art on or within the vicinity of the site.
- Provide off-site highway improvements to the roundabouts of Waycock Cross Roundabout, Colcot Cross Roundabout and Barry Docks Link Roundabout in accordance with a fully detailed scheme to be submitted and approved in writing (to an estimated cost of £140,000).
- Pay a contribution of £700,000 towards sustainable transport facilities in the vicinity of the site on the basis of the following :
  - Travel Plan Measures
  - Contribution to the proposed Sustrans National Cycle Route 88
  - Public Transport
    - DDA Compliant Bus Stop Provision
    - Bus Service x 5 years
  - Funding of public rights of way diversion order - closure of the level crossing / transfer of land / temporary arrangements.

- Financial contribution towards improvements to the public right of way between the site and Porthkerry Road (i.e. to the Green Lane outside of the application site)
- Funding\* to provide a pedestrian and cycle linkage to Torbay Terrace (outside of the application site)

## PLANNING HISTORY

### Application Site (and Adjoining Land Allocated by Policy HOUS1)

**2014/00344/RES** : Land to the North of the railway line off Pentir Y De, Rhoose. Reserved matters for appearance, landscaping, layout and scale for 224 dwellings – Undetermined.

**2014/00343/FUL**- Drainage infrastructure relating to outline planning permission 2010/00686/EAO- Approved

**2014/00550/OUT** : Land north of the railway line (west), Rhoose. Residential development with associated access and associated works, to include public open space and land for a primary school (including the demolition of 46 Porthkerry Road and its associated outbuildings) - Undetermined.

**2010/00686/EAO** : Land to the north of the railway line off Pentir Y De, Rhoose. Outline planning for the construction of up to 350 dwellings; the laying out of formal and informal open space, and changing rooms; new means of vehicular access onto Pentir Y De and associated infrastructure. Approved 24 January 2014.

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

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

To date this application cannot be progressed as key information in relation to the submission of the application has not been submitted, which includes an updated TA in addition to additional information in relation to sustainability matters.

### Land to the South of the Railway

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

**2006/01807/OUT** : Residential Development and community uses with associated infrastructure. Application finally disposed of (deemed withdrawn) 29 September 2009.

**2003/01380/OUT** : Outline application for employment development. Approved 22 August 2005, subject to conditions.

**2002/01518/OUT** : Outline application for residential development. An appeal was made against non-determination to the Welsh Assembly on 7 July 2003. Planning Committee resolved on 30 July 2003 that the application would have been refused had the application been determined prior to the appeal. The appeal was withdrawn on 21 April 2006.

#### Rhose Point (General)

**2004/01809/FUL** : 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor at land adjacent to interchange. Application not yet determined, but being reported to this Committee.

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

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

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

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

#### CONSULTATIONS

All consultation letters were carried out on 17 June 2014 and the following responses have been received: -

**Highway Development.** No formal written comments have been received to date, but following discussions and meetings with the Highways Officer there are no significant concerns with the layout as proposed/

#### **Public Rights of Way Officer**

Public Right of Way P7/2 (Porthkerry 2) must be kept open and free for use by the public at all times, or alternatively, a legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the paths.

No adverse affect should result to Public Rights of Way used to access the site or that are otherwise involved in the development works. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense

### **Highways and Engineering.**

The Council's Drainage Engineer is satisfied subject to the developer implementing the drainage scheme submitted and entering into a Section 111 or 106 Agreement to pay commuted sums for the adoption and maintenance of the highway run off drainage.

### **Environmental Health (Pollution)**

The environmental health department have viewed the technical briefing note on noise and have no further comments to make regarding the application.

### **Glamorgan Gwent Archaeological Trust.**

The trust outlined that there did not appear to be an archaeological restraint to the positive determination of the application, and as our understanding of the archaeological resource has not changed, it remains our opinion that there is no archaeological restraint to the proposed development.

**Local Ward Members.** No comments have been received to date

### **Dwr Cymru Welsh Water -**

Welsh water have outlined that if the Council are minded to grant planning consent for the proposal then they would request the conditions and advisory notes are set out within the consent to ensure no detriment to existing residents or the environment or Welsh water assets.

Sewage

Conditions

*Prior to the beneficial occupation of the development hereby approved, the developer shall ensure that 44m<sup>3</sup> of storage volume has been constructed at Porthkerry Sewer Pumping Station (SPS) in liaison with Dwr Cymru / Welsh Water (DCWW), and in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.*

*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.*

Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact Welsh waters Developer Services on 0800917 2652

No habitable buildings should be constructed within 15m of the foul pumping station proposed on site, as to minimise any effects of noise or odour.

Some sewers are not recorded as they were privately owned. The presence of such drains may affect the proposal and Welsh water request the applicants contact them to establish the location of these sewers.

The applicant must obtain an adoption agreement under section 104 of the Water Industry Act 1991

#### Sewage treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site.

#### Water Supply

Welsh water has no objection to the proposed development.

#### **Network Rail**

Network Rail continues to object to this proposal in its current form. Network Rail submitted an objection to the outline planning application 2010/00686/EAO by virtue of the increased pedestrian use of the level crossing resulting in safety concerns and they request some mitigation to reduce our safety concerns.

#### **The Council's Ecology Officer.**

No objections to the development subject to compliance with the mitigation and reptile study submitted with the planning application

#### **Housing Strategy**

The Housing strategy department outlined that the applicant has set out the following unit mix:

##### Social rented:

6 x 1 bed flats

19 x 2 bed houses

4 x 3 bed houses

1 x 4 bed house

##### Intermediate:

7 x 2 bed houses

1 x 3 bed house

The current Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Rhoose, with 251 households requiring:

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

Taking into account the high need for one bedroom properties, we would like to amend the mix of social rented unit types to:

- 12 x 1 bed flats
- 13 x 2 bed houses
- 4 x 3 bed houses
- 1 x 4 bed house

The intermediate unit mix is satisfactory and we are happy with the location of the units across the site.

#### **Crime Prevention Design Advisor.**

No objection and considers that the current layout affords for good levels of street surveillance and good general levels of surveillance over vehicle parking areas. However, there are some advisory notes on some safety concerns and recommended conditions.

#### **Arts Development Officer**

The arts Development Officer outlined that she was satisfied with the strategy.

#### **REPRESENTATIONS**

The neighbouring properties were consulted on 17 June 2014.

A site notice was also displayed on 26 June 2014.

The application was also advertised in the press on 26 June 2014

There were three letters of representations made regarding the proposal. The main issues that were raised in the letters of objection were the following: -

- No infrastructure in place- no schools, doctors etc.
- Drainage is inadequate

A sample email has been included at Appendix A

## REPORT

### Planning Policies

#### National Policy Context

National guidance and planning policy is contained within Planning Policy Wales Edition 7, 2014 and various technical advice notes (TAN's). The following TAN's are considered to be the most relevant to the consideration of this application.

TAN1 - JOINT HOUSING LAND AVAILABILITY STUDIES

TAN2 - PLANNING AND AFFORDABLE HOUSING

TAN5 - NATURE CONSERVATION AND PLANNING

TAN11 - NOISE

TAN12 - DESIGN

TAN15 - DEVELOPMENT AND FLOOD RISK

TAN16 - SPORT, RECREATION AND OPEN SPACE

TAN18 - TRANSPORT

#### Local Policy Context

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

#### **Strategic Policies:**

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 - TRANSPORTATION

POLICY 11 - SPORT & RECREATION

#### **UDP Part 2 Policies:**

HOUS1 - RESIDENTIAL ALLOCATIONS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

HOUS12 - AFFORDABLE HOUSING

ENV6 - EAST VALE COAST

ENV7 - WATER RESOURCES

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV12 - WOODLAND MANAGEMENT

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV24 - CONSERVATION AND ENHANCEMENT OF OPEN SPACE

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY



TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC6	- CHILDREN'S PLAYING FACILITIES
REC7	- SPORT AND LEISURE FACILITIES
REC12	- PUBLIC RIGHTS OF WAY AND RECREATION ROUTES.

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

More specifically the application pertains to a site that forms part of a larger allocation in the UDP and deposit LDP for residential development. Within the UDP, which is still the relevant development plan, the housing allocation is identified under Policy HOUS1 (22). The accompanying text to the Policy states:

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

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

*The Council will through discussions with the site owners/developers seek to secure affordable housing, Public Open Space, children’s play areas, appropriate landscaping and contribution / provision for educational, recreational, community and public transportation provision. The development of the site will be guided by a Development Brief, which will be produced in partnership with the Council, the purpose of the brief will be to ensure a comprehensive approach to the development of the site. It is essential that the development of this significant site makes an effective and positive contribution to the social, economic and environmental wellbeing of the local community. In addition to a Development Brief, the Council will require a Traffic Impact Assessment of the site to be undertaken in order to assess the potential impact of the development on the existing highway network and to identify appropriate transportation solutions. Glamorgan Gwent Archaeological Trust have indicated that the site may be of archaeological value and that a desk top survey of the site should be submitted as part of any planning application.*

*Dwr Cymru / Welsh Water's Capital Investment to enable this site to proceed is considered to be long term. Development of this site in advance of the planned improvements would need to be subject to an appropriate planning agreement, to be agreed prior to the granting of planning permission. This approach would, therefore, ensure that essential water and sewerage facilities are in place. The Environment Agency has indicated that the site is located on a major aquifer of high vulnerability. Therefore, no discharge of foul or contaminated run-off must be made to ground. The Agency will need to be consulted prior to any works being undertaken at the site to discuss the necessary measures required to protect the aquifer."*

### **Supplementary Planning Guidance (SPG):**

- Biodiversity and Development
- Design in the Landscape
- Planning Obligations
- Sustainable Development - A Developers Guide
- Amenity Standards

### **Other Planning Guidance:**

Land to the North of the Railway Line Rhoose – Approved Development Brief  
August 2007

The Council prepared and approved a Development Brief as part of the Unitary Development Plan process, as the UDP allocation required a comprehensive approach to the development of the land to the north of the Railway line, Rhoose.

The purpose of the Brief was to guide future development of the site. A 6-week consultation took place on the draft development brief between Monday 31 July 2006 and Friday 8 September 2006. The Council received a significant number of comments and some changes were subsequently made to the development brief. The brief was prepared in accordance with the Council's approved procedures for the production and reporting of development briefs and was endorsed by Cabinet on 6 June 2007 (Minute No. C3047 refers).

The Brief states that it will be a significant material consideration in the determination of any forthcoming planning application / appeal and will form the basis to guide the future development of the allocated site. The Brief describes the planning, design and transport requirements for the site along with any constraints. It is stated that it is essential that the development of this site makes an effective and positive contribution to the social, economic and environmental wellbeing of the local community, which the brief seeks to ensure.

### Background

#### Outline Application and Conditions

The Outline planning application was determined following the submission of an appeal of non-determination by the applicant for the site. Members will recall that in a stance report to the planning committee on 24 January 2014 the application was approved subject to conditions.

As a result of the complexity of the site and the decision being made via a non-determination appeal, a significant number of conditions were attached to the outline requiring details to be submitted with the reserved matters application.

## Issues

### Principle of the Development

The principle of residential development within the site has already been considered acceptable when approving the outline application 2010/00686/EAE, therefore, it is considered that the acceptability of this application depends on the detail of the scheme and specifically the reserved matters. Access was approved as part of the outline application, therefore, the reserved matters includes appearance, landscaping, layout and scale. These matters will be considered under the following headings

- Density & Pattern of Development
- House types and Design
- Amenity of Future Occupiers
- Impact on Neighbouring Properties and neighbouring objections
- Road and Footpath Layout
- Landscaping and POS

As a number of other matters were conditioned as part of the Outline permission, details of the following matters have been submitted and will be considered in turn under the following headings

- Drainage
- Affordable Housing
- Ecology
- Noise Impact from Road & Rail
- Public Art Strategy
- 

### Principle of Reserved Matters as part of the Allocation

It is no unusual for reserved matters to be submitted as part of an allocation and this is different in principle to the issues considered by Members previously in respect of considering the site as a whole at outline stage. In any case, this application is being reported alongside the Persimmon part of the allocation.

### Pattern of Development

With regards to the pattern of development, the site is spilt by the main access road. Above the access road is small section of houses and landscaping that relates to one of the three sections of affordable housing mixed with terraced and detached open market dwellings. Below the access road, the site has a pattern of the larger detached plots located to the north of the site whilst the smaller and more affordable housing areas are located to the south of the application site. The buildings have been stepped down in relation to the sites topography and terraces running from north to south, affording views out towards the Bristol Channel.

The layout is relatively conventional but is considered acceptable as it provides appropriate access, landscaping as well as road/footpath cycle way layouts in addition to using the topography of the site to maximise the attractive views from this site.

Dwellings would address the roads to create a positive frontage and the development would reflect the general character of the wider area.

### Density

Based on the fact that this area of land has been identified for a significant period of time as housing land, within the UDP and LDP, as well as being located in between the existing settlement of Rhoose and the recently approved and implemented Rhoose Point, the application site is considered to be within a sustainable urban location. With respect to density the guidance set out in PPW and the deposit Local Development Plan Policy MD 7 - housing densities Primary settlements, it is outlined that development will be permitted where the net residential density is a minimum of 30 dwellings per hectare.

Since the outline approval, the land has been divided, with the Bellway area comprising of 6.36 hectares of land to the east that abuts the railway line and Pentir y De. When taking into account the whole of the site, including the green space and the buffer to the south, the proposal to construct 126 dwellings on this area of land, amounts to 20 dwellings per hectare. While it may seem like the site is slightly below the density required as part of the LDP policies, the committee must accept that this is without excluding the areas of green space and play areas and the fact that the site is part of a larger comprehensive scheme with the adjoining developer Persimmon. Accordingly, if you were to consider the developable areas it is considered that the density would comply with the requirements of the policy. Furthermore, the Persimmon side of the application site is more densely developed at 38 dwellings per hectare and therefore, the site as a whole will meet the density requirements set out in the above mentioned policy.

### House types and Design

The scheme proposes 2, 3, 4 and 5 bed open market dwellings, with the affordable housing being a mixture of 1, 2, 3 and 4 bed properties. The properties are 2 to 2.5 storey properties with a mixture of either brick finish in a mixture of Red Brick, Ivory Render and Recon Stone and will be a mixture of Grovebury Farmhouse Red and Mini Stonewold Grey.

The site is located south of a relatively new housing estate in Murlande Way and almost brand new housing estate to the South in Rhoose Point. Accordingly, the modern house types, designs and materials will reflect this existing context and provide continuity with the adjoining sites.

Moreover, all the houses are proposed to be finished with brick (red or buff) or an ivory render. These external finishes will allow the new settlement to complement the materials and finishes of the nearby properties and the adjoining estates. As such, it is considered that the proposal comprises a good mix of designs and house types, but with a consistent and modern character, utilising a modern brick finish that is commonplace within the vernacular. It is considered that as a group, the house types are well designed and would result in an interesting and varied built environment.

As such, it is considered that PPW encourages diversity, choice and flexibility while PPW encourages higher density within suburban locations. In this instance, it is considered that the local character and rhythm of the adjacent residential developments has been incorporated into the proposed, complying with the objectives set out within Planning Policy Wales as well as Policies HOUS8 and ENV27 of the Adopted Unitary Development Plan 1996-2011.

### Amenity Space of Future Occupiers

Policies ENV27 and HOUS8 of the Unitary Development Plan require new developments to meet the Council's approved guidelines with respect to the provision of amenity space. The Council also has adopted Supplementary Planning Guidance on 'Amenity Standards', which seeks to ensure that all new residential developments contribute towards a better quality of life for occupiers, without adversely affecting the amenity enjoyed by residents.

In terms of amenity space the Council's approved Supplementary Planning Guidance: (SPG) on Amenity Standards, requires a 1:1 ratio of amenity space to residential floor space. The SPG also requires that 70% of this amenity space should be accommodated in the private rear garden areas of the dwelling. Policy 2 of the Vale of Glamorgan adopted supplementary planning guidance 'amenity space' states that *'the Council will ensure that usable adequate and appropriate private amenity space is provided as part of residential development.'* Paragraph 5.2 notes that front and private rear gardens be included whilst driveways and parking areas are excluded. It states that *'the provision of adequate and usable private amenity space within the curtilage of a development is extremely important to meet the requirements of residents for functional and relaxation space.'*

All of the dwellings either equal or are near to the Councils approved amenity standard guidance set out above. Furthermore, it should be noted that the significant size of the POS ensures the occupiers of these properties will have additional area of amenity to relax and use for their leisure.

### Impact upon the Neighbouring Properties

Due to the way in which the site has been subdivided, the Bellway application site and the dwellings situated on the site adjoin the proposed dwellings located within the Persimmon site and not to any existing neighbours. The layout is such that the proposed dwellings are a sufficiently spaced with no issues of overbearing impacts or overlooking to adjoining neighbours. The nearest existing dwellings are located at Murlande way, however, the land within the application site adjoining Murlande way relates to landscaped open space with the northern pedestrian/cycle footpath access passing through.

As such, there are no significant concerns with respect to the impact of the proposal on the adjoining neighbours.

Objections have been received with regard to the proposed development, the concerns outlined by the neighbouring properties within Rhoose and Rhoose Point relating to issues of the principle of the development, school and community facility provision within the locality. While the concerns expressed in this respect are appreciated these issues have already been considered within the application at outline stage and are not material to the consideration of the reserved matters application.

### Road and Footpath Layout

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

The master plan had been designed to facilitate two vehicular links to the adjacent development site at the points defined by outline planning permission 2010/00686/EAO, however, following negotiation only one northern road link will occur from the Persimmon site. The Bellway internal roads mostly relate to secondary roads of 5.5m width with a 1.5m footpath. There are three areas of block paved surfaces to the north above the main access road, and two smaller private paved roads in the southern area. Furthermore, there are three areas of private shared drives to the larger properties located within the estate, mainly plots 87 to 101. New pedestrian and cycle path infrastructure is proposed to provide pedestrian access within the site and to connect to existing provision on Porthkerry Road and the adjacent development site. This includes the retention of the Public Right of Way that links the site to Porthkerry Road to the north, the formation of a new east/west pedestrian/cycle link parallel with the railway line.

The secondary roads together with the block paved areas will naturally reduce speeds, complying with the design principles of Manual for Streets. Manual for Streets outlines the benefits of encouraging low vehicle speeds and creating an environment which pedestrians can walk around without intimidation by traffic and it is considered that this development would comply with the aims.

The site does not include areas of shared surfaces, however, it is nevertheless considered to represent an acceptable layout that is not unduly dominated by the road and would not appear as over-engineered. While formal written comments have not to date been received by the highways engineer, discussions have taken place throughout the course of the application and no fundamental highway or pedestrian safety objections are raised to the internal layout. As noted above, access was approved at outline stage.

Network Rail has maintained an objection, which was expressed at the outline stage, concerning the significant increase in housing numbers and as a consequence the likely increased pedestrian use of the public footpath that passes through the persimmon site from north to south.

Network rail have suggested that the developer should construct a footbridge or divert the public footpath. While the concerns expressed by Network Rail have been considered the principle of the houses being at the site was considered and approved at the previous outline consent and not something the Council could revisit or refuse the application for the reserved matters stage. Furthermore, the erection of a footbridge is not proposed and the diversion of the public footpath and stopping up of the access is not something that can be carried out as part of this application or via a condition attached to the consent.

In addition, there are alternative routes to the south, via the footpath that crosses the site along the southern boundary and via the vehicle highway along Pentir y De.

The Public Right of Way officer has outlined that no adverse effect should result to Public Rights of Way used to access the site or that are otherwise involved in the development works. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense. A condition should be attached to ensure that the footpath is kept clear.

Having regard to the above, it is considered that the proposed provides for an acceptable layout that would adequately preserve highway and pedestrian safety.

### Landscaping and POS

#### Landscaping

The Landscaping Strategy set out within the reserved matters application is a simple but effective scheme to assimilate the impact of the proposed development within the suburban locality.

The existing site has little existing vegetation apart from the grassland and the enclosing native hedgerow. As a consequence, the developer has proposed to retain a large proportion of the enclosing hedgerow and plant in sparser areas in order to reinstate the existing hedgerow around the edge of the site whilst removing the hedgerow that separates the site within the middle. As such, the extensive hedges located to the northeast, along Pentir y De have been retained through the further planting of trees along this boundary. The hedgerow along the southern boundary has been preserved and protected, as well as tall hedgerows being retained where possible, which is in compliance with the approved Design & Access Statement.

Street tree planting has been implemented formally along the entrance avenue, the secondary vehicle road and tertiary roads found within the Bellway site. Furthermore, where parking is being allocated adjacent to the highway but not within the curtilages of the property, some street planting has been proposed in order to break up the monotony of the hard surfaced areas and to improve wider street amenity.

Accordingly, it is considered that the landscaping strategy submitted is acceptable and the proposal complies with the objectives of Policies ENV11, ENV27 and HOUS8 of the Adopted UDP 1996-2011.

A condition will be attached to ensure that the developer complies with the landscape proposals as set out in the document. A condition will be applied to ensure that the landscape proposals and planting plan is implemented on site.

### Public Open Space (POS)

The Public open space/recreation areas/buffers amounts to approximately 6 to 7 acres of the site or approximately 2.8 hectares of the site as a whole. The area of open space is predominately to the west of the site, in the Persimmon application, and should marry with the school site outlined in the recently approved application to the west under ref 2014/00550/OUT. It is considered that the position of the main part of POS is such that it is overlooked by the residential properties to the East and North of site, creating a naturally surveyed and more secure, safe play area.

The play areas will be located in both the Persimmon and Bellway site, however, there will only be one children's play area (LAP) within the application site designated to the Bellway Homes. Nevertheless, this along with those provided in the adjoining Persimmon site will amount to the provision of a large area of POS, a MUGA and a NEAP, as well as three LAP's and a community building.

Policy REC3 - Provision of open space within new residential development, ensures that within residential development, open space will be sought at a minimum standard of 2.43 hectares per 1000 population, which equals 55.40sqm per dwelling. Based on the size of the Public open space provided within this scheme it is considered that the provision meets the requirements, set out in the Councils adopted Supplementary Planning Guidance by supplying over and above the POS requirements for 126 dwellings or 350 dwellings as a comprehensive scheme.

Accordingly, the proposal meets the requirements for public open space, therefore, the proposal is considered to comply with the objectives in Policy REC 3 - Provision of open space within new residential development of the Adopted UDP 1996-2011 and the Councils Planning obligations SPG.

### Detail of Outline Conditions submitted with Reserved Matters application

Committee members should be aware that this next section has regard to the additional matters submitted as part of this application in order to address the requirements of the conditions attached to Outline consent. These matters will be considered in turn under the headings of Drainage, Affordable Housing, Ecology, Noise Impact from Road & Rail, Public Art Strategy



## Drainage

A drainage condition attached to the Outline consent outlined the following: -

22. No beneficial occupation of any dwelling hereby approved on the site shall occur until the necessary off-site improvements (in accordance with the requirements as outlined in Option 4 of Dwr Cymru Hydraulic Modelling Report (Reference number 410/003249-04 RT-CA-740 01) issued in December 2005) to the public sewerage system have been completed and that this has been confirmed in writing by the Local Planning Authority.

Reason:

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

The proposed scheme submitted with this application provides the detailed strategy for foul and surface water drainage to serve 700 proposed houses to the land to the north of the railway line. Most of the drainage requirements proposed on the housing site could have been considered via this reserved matters application, however, as the scheme submitted does not comply with the above mentioned condition, it means that the developers will have to submit a variation of condition application in order to vary the wording of the condition to include the alternative drainage scheme submitted here.

Nevertheless, the drainage scheme has been assessed and the relevant consultees have commented on the information.

National Resource Wales were consulted regarding the application and requested that further information be provided on aspects of the drainage scheme. Whilst they did not object to the drainage design statement, the scheme details the use of a pumping station, however full details on the pumping station, including whether an emergency outfall is to be constructed, have not been given. The drainage design statement indicates that surface water will drain to an outfall in the quarry however there is no mention of an oil and petrol separator. However Members will recall that this drainage scheme was dealt with under a separate consent which identified all relevant details (2014/00343/FUL).

In addition, Welsh Water were consulted and while they did not object to the development, they requested that a condition is attached to any consent regarding the drainage at the site to ensure that the prior to the occupation of any of the approved dwellings, the developer is required to improve the capacity of the existing Porthkerry Pumping Station to 44m<sup>3</sup>.

The Council's drainage engineer was consulted and the officer is satisfied that subject to the developer implementing the drainage scheme submitted and entering into a Section 111 or 106 agreement to pay commuted sums for the adoption and maintenance of the adoptable elements of the scheme.

Accordingly, it is considered that the submitted scheme is acceptable, subject to conditions, however, due to the requirements of condition 22 attached to the outline permission, the drainage scheme cannot be approved via the reserved matters application, without also varying the wording of the condition attached to the outline permission. A condition will be attached to this permission to ensure the developer either implements the scheme approved as part of the outline application or another acceptable scheme is submitted as part of a variation of condition application.

### Ecological and Reptile Mitigation

The mitigation strategy for the reserved matters application has been carried out by Soltly Brewester for Persimmon and Bellway as one site. There are two documents that set out the ecological mitigation strategy and the reptile mitigation strategy for the site.

NRW and the Councils Ecology Officer have been consulted in regard to this application. NRW had no comments to make on the species aspect of the application and outlined that the Councils own Ecology Officer must have requested this information at the Outline Stage. The Councils Ecology Officer has outlined that she is satisfied with both programmes of work set out and has no objection subject to the developer complying with the requirements of the mitigation and reptile survey.

Accordingly, subject to conditions requiring the carrying out of the mitigation and reptile strategy on the site in accordance with the documents submitted to the Council as part of this reserved matters application then the Council would raise no objection.

In addition, a lighting scheme has been submitted to the Council in order to comply with condition 36 of the approved outline application, requiring a lighting scheme to be informed by the current and likely future bat lines for bats. The condition reads as follows: -

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

Reason:

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

A condition will be attached to ensure compliance with the agreed highway street lighting and layout submitted to the Council in September 2014.

Noise impact from road and rail.

A Technical Briefing note issued in November 2012 with the outline application was carried out and provided in order to predict the extent of road and rail noise in accordance with TAN11- Noise. The outline application was approved on the basis of this modelling but subject to conditions requiring the following:-

18. *The reserved matters application(s) shall ensure that no dwellings (to include gardens) are shown to be sited within any part of the application site identified as falling within NEC C (both daytime and night time), as defined in Technical Note - Noise prepared by WSP received on 20 November 2012.*

*Reason:*

*In order to ensure that the reserved matters application(s) take account of NEC C so as to ensure that no dwellings are sited within such areas which would be subject to unacceptable high levels of noise, to comply with the requirements of TAN 11 and compliance with Policies ENV27 and ENV29 of the Unitary Development Plan.*

19. *The reserved matters application(s) shall ensure that all dwellings which are shown to be sited within any part of the application site falling within NEC B (both daytime and night time), as defined in Technical Note - Noise prepared by WSP received on 20 November 2012 are supported by full details of acoustic attenuation measures / mitigation (to include consideration of site layout and orientation to ensure that noise sensitive rooms and primary outdoor amenity areas are located away / screened from the identified noise sources) to ensure that all dwellings falling within NEC B achieve the noise standards set out in Table 2 of Technical Advice Note 11.*

*Reason:*

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

The model submitted with the Reserved Matters application illustrates that, based on the projected traffic flow data for the future year 2015, all dwellings and gardens on the development are likely to fall within Noise Exposure categories A and B for both day and night time periods.

As a consequence, the dwellings fall within the requirements of condition 18 and there are no requirements to alter the layout and orientation of the site to ensure that noise sensitive dwellings and gardens are protected in accordance with the requirements of condition 19 of the approved outline consent.

The Council's Environmental Health Section have inspected the WSP technical note submitted with the Reserved Matters application and the outline planning permission 2010/00686/EAO and they have no further comments or any objections to the proposal. Accordingly, the development is considered to comply with the requirements of TAN11- Nosie and the relevant policies of the Adopted Unitary Development Plan 1996-2011.

### Public Art Strategy

The Pentir – Y – De Rhoose – Public Art Strategy is a comprehensive document that identifies the strategic pathway and practical process for the effective development commissioning and implementation of art work in the public realm. It outlines that the developer should engage an arts consultant e.g. EMP Projects or another, together with the lead artist. The developers and those named should work closely with the VOGC Arts Development Officer and arts team and relevant members and officers as required.

The Arts Development Officer was consulted and is satisfied with the strategy, provided the developer adheres to the requirements and budgets set out within the strategy and attempts to ensure that combined working enables a cost effective public art scheme. A condition will be attached to require the public art is approved and implemented prior to the completion of the development.

### Affordable Housing requirements

TAN2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. Unitary Development Plan Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. 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 development proposes a provision of 126 dwellings, resulting in 38 affordable houses being required (30%). The application proposes 38 affordable dwellings, sporadically located around the site in three areas. The 38 properties will be split into one 4 bed, five- 3 bed, twenty six – 2 bed (of different floor space) and six-1 bed. Upon consulting housing strategy it was outlined that the housing department were satisfied with the percentage and position of the affordable housing but had concerns over the mix.

The recent information outlined by the Housing department was that the mix required a greater percentage of 1 bed properties over two bedroom dwellings. Accordingly, it was requested that the mix is altered to double the 1 bedroom units being provided. The developer was asked to alter the scheme in order to incorporate the affordable housing demands within the area. The developer did consider the matter but has not altered the scheme as it was outlined that the change would impact too greatly on the viability of the scheme and prior to detailing the scheme the housing association was consulted and were satisfied with the mix proposed.

On consideration of this issues, it is considered that while it would have been favourable to meet the affordable housing demand for more one bedroom properties, it is considered that the as the developer has provided 30% requirement set out within the Councils policies and integrated them into the scheme successfully, it is considered that on balance the matter of the preferred mix is not significant enough to warrant a refusal in this instance and the scheme is considered to comply with the relevant policies outline above. 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, ENV2 - Agricultural Land, ENV7 - Water Resources, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of Built and Historic Environment, ENV18 - Archaeological Field Evaluation, ENV19 - Preservation of Archaeological Remains, ENV27 - Design of New Developments, ENV28 - Access for Disabled People, ENV29 - Protection of Environmental Quality, HOUS1 - Residential Allocations, 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, REC12 - Public Rights of Way and Recreational Routes, Strategic Policies 1 & 2- The Environment, 3 -Housing, 8 -Transportation 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, Sustainable Development and Affordable Housing (contained within The Vale of Glamorgan Affordable Housing Delivery Statement), national guidance contained in Planning Policy Wales 7<sup>th</sup> Edition (2014) and Technical Advice Notes 1 - Joint Housing Land Availability Studies, 2 -Planning and Affordable Housing, 5 -Nature Conservation and Planning, 11 -Noise, 12 -Design, 15 -Development and Flood Risk, 16 -Sport, Recreation and Open Space, 18 -Transport, and 22-Sustainable Buildings; Manual for Streets, it is considered that the proposal is acceptable in terms of the reserved matters, including the appearance, landscaping, layout and scale of the scheme as well as provision of affordable housing, ecology, drainage and archaeology and the impact upon nearby residential amenity.

#### RECOMMENDATION – OFFICER DELEGATED

1. The development shall be carried out in full accordance with the levels details shown on the drawing ref 12112-1-400 submitted to the Council and registered on 4 June 2014, unless any variation is first agreed to in writing by the Local Planning Authority.

Reason:

To ensure that the amenities of existing neighbouring properties are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

2. 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 and surface water drainage, 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.

3. 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.

4. 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 their erection / construction on site, and the means of enclosure shall be implemented in accordance with the approved details prior to the part of the development they relate to 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amended) (Wales) Order 1995, or any Order revoking or re-enacting that Order, no windows other than those expressly authorised by this permission shall be inserted in any of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

6. Notwithstanding the provisions of Schedule 2, Part 1, Class B 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 dormer extensions shall be constructed on any of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) 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 curtilages without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, to ensure there is satisfactory amenity space to serve the dwellings hereby approved and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order) the garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking, HOUS8 - Residential Development Criteria and ENV27 - Design of New Developments of the Unitary Development Plan.

10. Notwithstanding the submitted plans, prior to the first beneficial occupation of any dwelling hereby approved, full details of the lighting to be provided on the highways, footpaths and public open space areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development in the interest of public safety and security and to accord with Policy ENV27 of the Unitary Development Plan.

11. Prior to the beneficial occupation of the development hereby approved, the developer shall ensure that 44m<sup>3</sup> of storage volume has been constructed at Porthkerry Sewer Pumping Station (SPS) in liaison with Dwr Cymru/Welsh Water (DCWW), and in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

12. No beneficial occupation of any dwelling hereby approved on the site shall occur until the necessary off-site improvements to the public sewerage system have been completed either in accordance with the requirements as outlined in Option 4 of Dwr Cymru's Hydraulic Modelling Report (Reference number 410/003249-04 RT-CA-740 01) issued in December 2005), or an alternative scheme of improvements that has been approved, by virtue of a Section 73 application, varying condition 22 of the approved 2010/00686/EAE.

Reason:

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

13. 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 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.

14. 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.

15. 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.

16. The development shall be carried out in full accordance with the Landscape proposals identified in the tree survey and Arboricultural assessment and Planting Plan drawings 392.01, 392.02 and 392.03 submitted on 4 June 2014 .

Reason:

To ensure the landscaping and tree protection measures are carried out, to ensure compliance with the terms of Policies ENV11 and ENV27 of the Unitary Development Plan.

17. Prior to any demolition/land clearance/preparation, or bringing onto site materials, equipment, vehicles, machinery, Heras steel mesh panels in concrete feet (or appropriate anchorage) must be placed around trees being retained in line with root protection areas as shown on the Arboricultural Impact Assessment plan and protection dated 4 June 2014, and at no time must the protected area within be breached by storage of vehicles, machinery, equipment, waste or soil deposits, materials or be used for mixing of concrete or lighting of fires. At such time as the protective fencing is in situ, the Planning Department must be contacted to arrange a site visit by the Assistant Planner/Tree Officer to inspect and when agreed the fencing must remain in place until substantial completion of the development.

Reason:

In order to safeguard the trees being retained during development and to comply with Policy ENV27 of the Unitary Development Plan.

18. Prior to the commencement of construction of any of the dwellings, a scheme for the provision and maintenance of the Public Open Space (including the children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV27 and REC3 of the Unitary Development Plan.

19. No more than 50 of the dwellings hereby approved shall be brought into beneficial use until the children's play areas shown on the approved plan has been constructed on site and are capable of use by the future occupiers of the development.

Reason:

To ensure the recreational facilities are delivered in a timely manner to meet the needs of the future occupiers of the development in accordance with Policies REC3 and REC6 of the Unitary Development Plan.

20. The development shall be carried out in full accordance with the ecological and reptile mitigation measures set out in the ecological and reptile Mitigation Strategy, dated 4 June 2014.

Reason:

In order to ensure that Reptiles and habitats are not adversely impacted as a consequence of the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

21. 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 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.

22. Prior to the beneficial occupation of any of the dwellings hereby approved, a scheme of Public Art as well as a detailed timescale and budget shall be provided in accordance with the details within the submitted Public Art Strategy received on 4 June 2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a high quality form of development in accordance with the provisions of Policy ENV27 of the Unitary Development Plan.

**NOTE:**

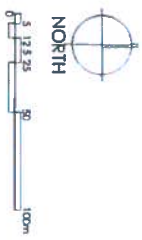
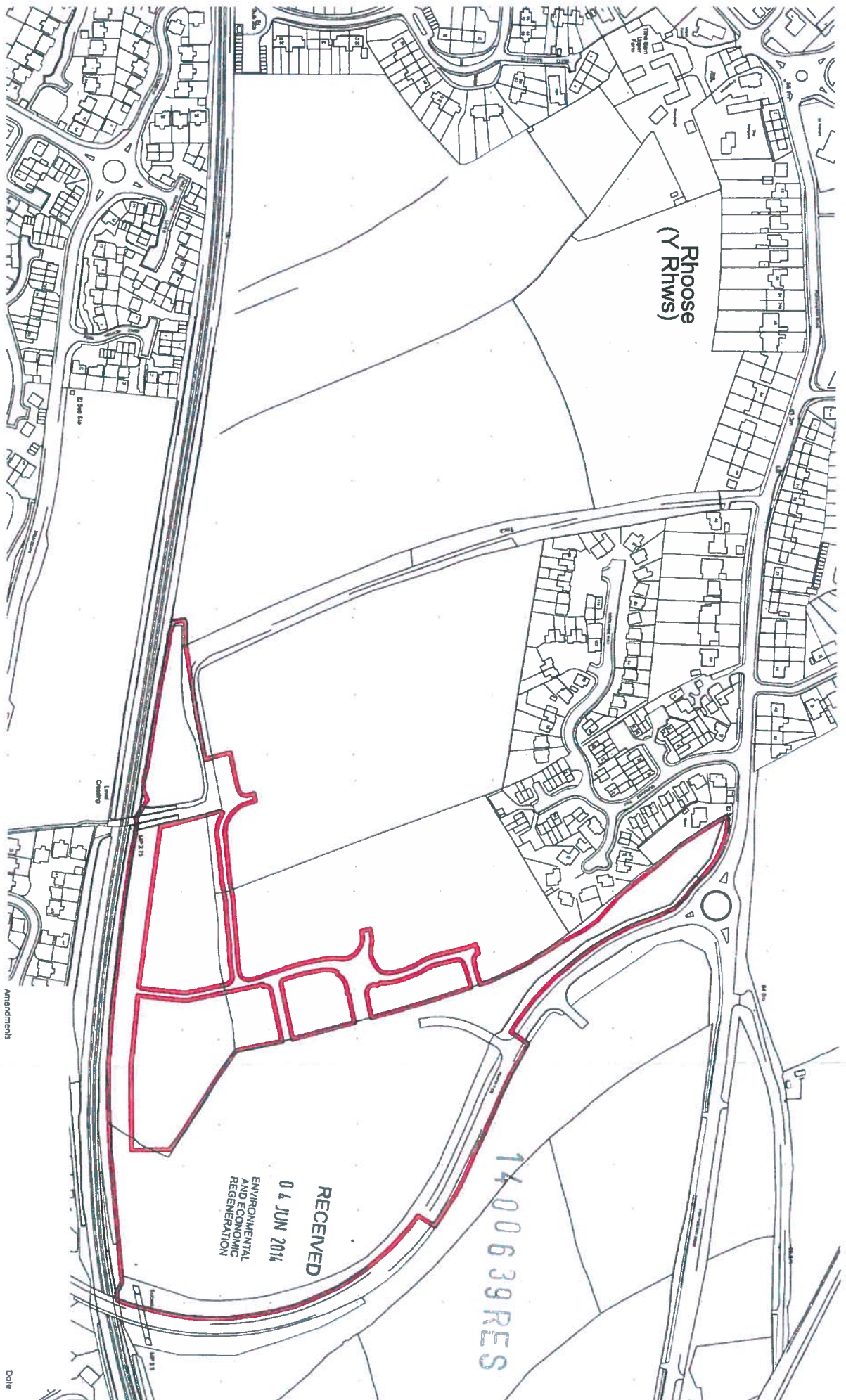
1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
2. **The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.**

**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.**



Job No./Drawing No	Job Title	
13099/BEL/1100	Rhoose	
Scale	Drawn	Created By
1/2500	01	NH
0/20	2014	
All Dimensions to be checked on site		
pod Design Ltd - The Tobacco Factory - Radnor Road - Bkfstal BS3 1PE - Tel: 01753 52039 - www.pod-design.com		

**2014/01354/FUL** Received on 5 January 2015

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

**1, Hastings Avenue, Penarth**

Construction of three bedroom detached house in side garden

SITE AND CONTEXT

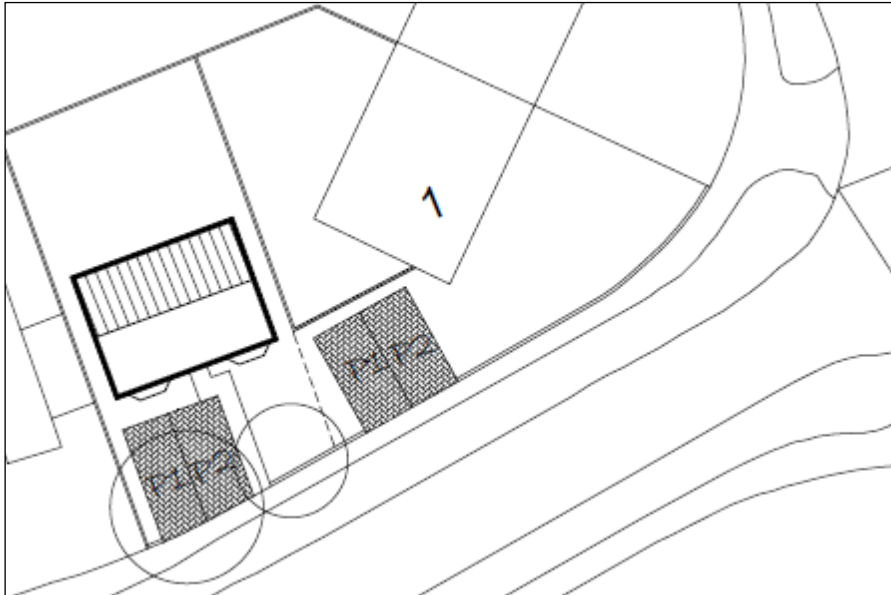
The site is a section of side and rear garden of No. 1 Hastings Avenue, in a residential area and Penarth's Settlement Boundary.

DESCRIPTION OF DEVELOPMENT

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



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



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

#### PLANNING HISTORY

No planning history.

#### CONSULTATIONS

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

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

**The Council’s Highway Development Team** comments:

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

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

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

- 1 The proposed parking provision shown on the approved plans shall be laid out in accordance with the Council's car parking standard and provided before beneficial occupation and thereafter maintained and retained at all times for the use of residents. Reason: To maintain adequate parking provision within the boundary of the site.
- 2 The proposed vehicle crossover and the widening of the existing vehicle crossover along Hastings Avenue, shall be constructed in accordance with the Council's standard details for adoption, before beneficial occupation.

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

**Ecology Officer** – No comments have been received to date.

**Cornerswell Ward Members** – Councillor Birch called in the application.

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

## REPRESENTATIONS

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

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

## REPORT

Please note this application was initially deferred from the Planning Committee of the 12 March 2015 to allow for a Committee site visit. This application will now return to Planning Committee on Thursday, 16 April 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 18 April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICY 3 - HOUSING

#### *Policy:*

POLICY ENV27	- DESIGN OF NEW DEVELOPMENTS
POLICY HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA
POLICY HOUS11	- RESIDENTIAL PRIVACY AND SPACE
POLICY TRAN10	- PARKING

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

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

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

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

## **Planning Policy Wales:**

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

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

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

## **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2014)

## **Supplementary Planning Guidance:**

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

- Amenity Standards

## **The Local Development Plan:**

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

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

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

The policies in the Draft Local Development Plan relevant to the proposal are consistent with the National Planning Policy advice outlined above, but do not supersede the Unitary Development Plan policies above.

### Issues

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

### Siting of the Proposed House

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

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

The dwelling as proposed would have an area of rear garden, which would be relatively private, and also an area of front garden next to the parking spaces. The amount of amenity space proposed falls slightly short of the standards required in the 'Supplementary Planning Guidance Amenity Standards' (by apparently 8m<sup>2</sup>).

It is also acknowledged that the proposals would result in a decrease of amenity space for the existing dwelling, No 1 Hastings Avenue which would level the rear garden of that property in deficient by approximately 11.5m<sup>2</sup>. However there would remain adequate rear and side garden for the existing house, along with a relatively large front garden area which would overall exceed the requirement with approximately 122m<sup>2</sup> of amenity space. It is preferable for there to be more amenity space to the rear as this is usually a more private area, although it is noted that the front garden space for this property is well screened with high hedges to the front boundary. Whilst the proposals would result in amenity space that falls short of the standard requirements in respect of the rear garden, the proposed and existing houses would have significant usable amenity space for occupants, which would also be supplemented by open space and parks in the vicinity. As such, no objection is raised on this issue and the proposals are not considered to overdevelop the site, in this regard.

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

### Proposed Design and Scale

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

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

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

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

### Parking Provision

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

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

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

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

### Drainage Issues

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

### Neighbour Impact

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

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

### Loss of Trees

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

### CONCLUSION

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

Having regard to Policies ENV27 (Design of New Developments), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

### RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference Hast-001 Rev A received on the 4 February 2015 and Has-001 Rev C, received 26 February 2015 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

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



10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

**NOTE:**

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

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


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

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


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



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**The Vale of Glamorgan Council**  
 Department:  
 Title: 2014/01354/FUL  
 Drawn By:

 BRO MORGANNWG	Scale	1:1250
	Time	09:58:26 AM
	Date	24 Mar 2015

**2015/00086/FUL** Received on 9 February 2015

Taylor Wimpey, Eastern Business Park, Building 2 Wern Fawr Lane, St. Mellons, Cardiff, CF3 5EA  
Taylor Wimpey, Eastern Business Park, Building 2 Wern Fawr Lane, St. Mellons, Cardiff, CF3 5EA

**Land south of the Railway line, Trem Echni, Rhoose Point, Rhoose**

Variation of Condition 11 of planning permission ref. 2012/00937/FUL to allow occupation of 20 units, to connect to the public sewerage system, prior to the solution identified in the Hydraulic Modelling Assessment being completed.

**SITE AND CONTEXT**

The application site relates to a vacant rectangular shaped area of land measuring some 2.95 hectares, located along the northern boundary of the Rhoose Point housing estate, Rhoose.



Directly north of the site is a railway line (Vale of Glamorgan Line) and further north lies open agricultural fields (which is allocated for housing under Policy HOUS1(22) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011). There is a hedgerow bank leading up to the railway line beyond.

To the south and running parallel to the site is Trem Echni, the main highway through the Rhoose Point development. To the west and east the site adjoins modern residential dwellings.

The site slopes downwards in a north/south direction, is vacant and comprises largely of ephemeral/short perennial and grassland vegetation with areas of bare ground.

### DESCRIPTION OF DEVELOPMENT

The application proposes to vary condition 11 of the original permission ref 2012/00937/FUL, which requires the implementation of the approved solution to the drainage capacity at the site prior to the occupation of any dwellings approved as part of the permission. The condition reads as follows:

11. No development shall take place on site until a hydraulic modelling assessment (HMA) has been undertaken on the public sewerage system to assess the capacity of the sewerage network to accept the flows generated by the proposed development. Any necessary improvements identified in the HMA shall be funded by the developer and implemented in full, prior to the first occupation of any of the dwellings hereby approved at the site and written confirmation of the completion of the necessary improvements shall be submitted to and approved by the Local Planning Authority.

Reason:

To protect the integrity of the existing public sewerage system and prevent pollution of the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

The application seeks to vary the condition to allow 20 dwellings to be constructed and occupied prior to the solution identified in the approved Hydraulic Modelling System being carried out and completed.

### PLANNING HISTORY

2014/01502/NMA : Land south of the railway line, Trem Echni, Rhoose Point, Rhoose - Variation of Condition 11 of planning permission 2012/00937/FUL - Withdrawn 8 January 2015.

2014/01426/NMA : Land South of the Railway Line, Trem Echni, Rhoose Point, Rhoose - Variation of the wording of Condition 11 of planning permission 2012/00937/FUL relating to hydraulic modelling assessment - Withdrawn 22 December 2014.

2014/01132/NMA : Land South of the Railway Line, Trem Echni, Rhoose - Removal of Condition nos. 3, 4 and 5 of 2012/00937/FUL - Approved 22 October 2014.

2013/00220/ADV : Land south of the railway line, Trem Echni, Rhoose Point, Rhoose - Signs - Approved 3 May 2013.

2012/00937/FUL : Land South of the Railway Line, Trem Echni, Rhoose Point, Rhoose - Proposed development of 87 No. residential units with associated public open space, landscaping, the creation of two new access points into the site from Trem Echni and diversion of the Public Right of Way (as amended by

2014/01132/NMA) - Approved 15 May 2014.

2012/00851/SC1 : Land south of the Railway Line, Rhoose - Proposed residential development - Environmental Impact Assessment (Screening) - Not Required 3 September 2012.

2006/01807/OUT : Land to the south side of the railway line Rhoose Point, Rhoose - Residential Development and community uses with associated infrastructure - Withdrawn 28 September 2009.

2003/01380/OUT : Land allocated for employment use, Rhoose Point - Outline application for employment development - Approved 22 August 2005.

2002/01518/OUT : Land allocated for employment use, Rhoose Point - Outline application for residential development - Appeal Withdrawn 21 April 2006.

2002/00962/OUT : Land at Rhoose Quarry (west), west of the emerging residential development at Rhoose Point - 200 dwellings, employment, nine hole golf course and club house, open space, surgery/nursery, primary school - Withdrawn 11 November 2003.

1993/01186/OUT : Rhoose Point (including former cement works, eastern, central & western quarries, & Cardiff Airport Ind. Estate - 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/ restaurant, environmental centre, nine hole golf course & club house, open space, playing fields, new access road etc. - Approved 27 March 1996.

## CONSULTATIONS

**Highways and Engineering** were consulted on 12 February 2015. No objections received.

**Local Ward Members** were consulted on 12 February 2015. No comments

**Dwr Cymru Welsh Water** were consulted on 12 February 2015

Welsh Water hold no objection to the proposed variation of the condition but request that the following Condition provided below is included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

## SEWERAGE

### Condition

There shall be no beneficial use or occupation of any more than 20 dwellings hereby approved until such time that any necessary improvement works to the public sewerage system as identified in the Hydraulic Modelling Assessment have been completed and approved by Dŵr Cymru Welsh Water and the Local Planning Authority has been informed in writing of its completion.

Reason:

To ensure that the proposed development does not adversely affect the integrity of the existing public sewerage system and to prevent pollution of the environment

### WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The proposed development is crossed by a 110mm trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

**Natural Resources Wales** were consulted on 12 February 2015. No comments

**Highway and Engineering (Drainage)** were consulted on 12 February 2015.

No objection subject to Welsh Water being satisfied with the matter. It is for DCWW to advise as this is relating to capacity of the foul network. Although we manage the pumping station it is due to be transferred to DCWW on 25 March 2015 and the HMA did not identify any changes being required to the Rhoose Pt SPS anyway. The Council did an assessment of the overflow capacity and there was spare capacity based on the original design calculations for the 20 properties. I recommend DCWW are asked for comment as they reviewed / approved the HMA.

### REPRESENTATIONS

The neighbouring properties were consulted on 12 February 2015. A site notice was also displayed on 17 February 2015.

The application was also advertised in the press on 26 March 2015. No comments have been received to date.

## REPORT

### Planning Policies and Guidance

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

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

#### Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICIES 4 & 5 - ECONOMIC DEVELOPMENT & TOURISM

POLICY 8 – TRANSPORTATION

POLICY 11 - SPORT & RECREATION

#### UDP Part 2 Policies:

ENV6 - EAST VALE COAST

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV26 - CONTAMINATED LAND AND UNSTABLE LAND

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

HOUS12 - AFFORDABLE HOUSING

EMP1(12) - LAND FOR EMPLOYMENT USES'

EMP4 - PROTECTION OF LAND FOR EMPLOYMENT USES

TRAN9 - CYCLING DEVELOPMENT

TRAN10 - PARKING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS

REC6 - CHILDREN'S PLAYING FACILITIES

REC7 - SPORT AND LEISURE FACILITIES

REC12 - PUBLIC RIGHTS OF WAY AND RECREATION ROUTES.

#### Supplementary Planning Guidance (SPG):

- Amenity Standards
- Biodiversity and Development
- Design in the Landscape
- Planning Obligations



- Public Art
- Sustainable Development - A Developers Guide

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

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 1 – Joint Housing Land Availability Study (2006)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2014)

## **Supplementary Planning Guidance:**

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

- Sustainable Development
- Amenity Standards
- Planning Obligations
- 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:

- Housing Supply Background Paper (2013)
- Local Housing Market Assessment (2013 Update)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- SLAs Integration with Adjoining Local Authorities (2013 Update)
- Sustainable Settlements Appraisal Review (2013) Joint Housing Land Availability Study (2014)

## Issues

Members should note that in the previous planning approval 2012/00937/FUL, Dwr Cymru / Welsh Water, had stated that they have concerns with respect to insufficient capacity of the public sewerage system which serves Rhoose Point, where there are no improvements planned within Capital Investment Programme. In view of this, Welsh Water stated that it is likely that the proposed development would overload the existing public sewerage system.

However, it was agreed that a condition be attached to any consent granted to request that a Hydraulic Modelling Assessment (HMA) be undertaken on the public sewerage system to assess the capacity of the sewerage network to accept the flows generated by the proposed development. The necessary improvements identified in the HMA would then need to be funded by the developer and implemented in full. As such, as the Committee will be aware, the following Grampian condition was recommended to require this work to be carried out prior to the occupation of any dwelling. Condition 11 of the permission read as follows:

-

11. No development shall take place on site until a hydraulic modelling assessment (HMA) has been undertaken on the public sewerage system to assess the capacity of the sewerage network to accept the flows generated by the proposed development. Any necessary improvements identified in the HMA shall be funded by the developer and implemented in full, prior to the first occupation of any of the dwellings hereby approved at the site and written confirmation of the completion of the necessary improvements shall be submitted to and approved by the Local Planning Authority.

The Committee should understand that the original scheme approved in 2012 is the same and will not be altered by the proposed variation of the Grampian condition attached to the 2012 permission. (The original report for the approved residential development is attached as Appendix A.) Accordingly, this report will not revisit all aspects of the original consent but focus on the acceptability of varying the requirements of condition 11.

As a result, the main issue, the Committee should consider in particular, whether the existing foul drainage system has the capacity to allow 20 new dwellings to connect, without overloading, the existing public sewerage system.

It should be noted that the applicant, Taylor Wimpey, has identified in a statement submitted with the application, that Welsh Water undertook the required hydraulic modelling assessment in the latter half of 2013 and published the findings on 9<sup>th</sup> Jan 2014. Three options were considered as a solution to the capacity issues and Welsh Water's preferred option, Option 1, was agreed by Taylor Wimpey in February 2014. As such, there is partial discharge of the original condition by the fact that the two parties, Taylor Wimpey and Welsh Water, have agreed on the necessary improvements and are setting out the work to be completed. There are two stages of work to be carried out, specifically: -

1. Improvements to the Combined Sewer Overflow (CSO) in the vicinity of the Rhoose Main Sewage Pumping Station. These improvements will be completed in December 2015.

2. Upsizing foul sewage pipes in Bryn Y Gloyn between its junctions with Cilgant Y Meillion and Nyth Yr Eos. Taylor Wimpey is currently investigating options of carrying out work in conjunction with Welsh Water and the Councils Highways Department. .

Welsh Water were consulted as part of this application and have raised no objection to the varying of the wording of the condition. It has been outlined that the existing system has the capacity to deal with an additional 20 dwellings. However, it has been requested that the condition should be varied to ensure that no more than 20 dwellings are occupied until the agreed solution has been carried out. Accordingly, the existing condition requiring the solution to be implemented prior to any dwelling being occupied could be seen as excessive as no overloading of the system should occur subject to no more than 20 dwellings being added to the existing system.

Having regard to the above and the gradual way that Taylor Wimpey will be adding plots to the site, it is beneficial to the applicant to vary the condition to allow the first 20 houses to be occupied and brought into beneficial use without having to make improvements to the existing pumping station and foul sewage pipes. In summary, it is considered that the varying of condition 11 to allow 20 units to be occupied prior to the works to improve the system being carried out is acceptable and would cause no overloading of the existing public sewage system..

Members should note that as the application varies the condition of the originally approved application, all of the relevant conditions attached to the 2012/00937/FUL permission shall be reapplied, apart from Condition 11, which will be varied to allow the applicant to occupy the first 20 dwellings and connect to the existing public sewage system, prior to any modelling works being carried out.

Furthermore, the Councils legal team have been made aware of the application and have been requested to draft a deed of variation to the originally agreed S106 legal agreement. As such, any permission granted is subject to the applicant agreeing to the updated legal agreement.

## 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 the proposed variation it is considered that the amendment will not materially affect the approved scheme and the variation of the condition can be amended without impacting upon the existing public sewage system. Accordingly, having regard to Strategic Policies: 1, 2, 3, 4, 5 & 11 and Policies ENV6 East Vale Coast, ENV16 Protected Species, ENV17 Protection of the Built and Historic Environment, ENV26 Contaminated Land and Unstable Land, ENV27 Design of New Developments, ENV29 Protection of Environmental Quality, HOUS2 Additional Residential Development, HOUS8 Residential Development Criteria – Policy HOUS2 Settlements, HOUS12 Affordable Housing, EMP1(12) Land for Employment Uses, EMP4 Protection of Land for Employment Uses, TRAN9 Cycling Development, TRAN10 Parking, REC3 Provision of Open Space within New Residential Developments, REC6 Children’s Playing Facilities, REC7 Sport and Leisure Facilities and REC12 Public Rights of Way and Recreation Routes of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, National guidance contained in Planning Policy Wales 7<sup>th</sup> Edition (2014) and the associated Technical Advice Notes, it is considered that the development of the site for 87 dwellings is considered acceptable.

### RECOMMENDATION

#### APPROVE subject to the following condition(s):

1. This consent shall relate to the plans registered on 28 August 2012 other than where amended by plans reference 0460-103A, 104-1A, 104-2A, 104-3A, 106B, 108A, 109A, 151B, 152A, 302-1B, 302-2, 320A, 460-1000, Housetype booklet Issue 2 A3L received on 2 April 2013 and amended plans reference 0460-102D and 107C (solely in relation to Plot Nos. 52 and 63) received on 24 April 2013.

Reason:

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

2. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to 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 Unitary Development Plan Policies 2, 8 and ENV27 - Design of New Developments.

3. Notwithstanding the submitted details, and prior to the commencement of the construction of any of the dwellings, full details of the finished levels of the site and dwellings, in relation to existing ground levels, features and adjacent existing dwellings, 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 drawings and prior to the commencement of any works on site, full engineering drawings of internal road layout and the Trem Echni highway frontage (to include sections, street lighting and surface water) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the provision on safe access into 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. The dwellings hereby permitted shall not be brought into beneficial use until such time as the roads have been constructed to the satisfactory standard inclusive of street lighting and drainage in accordance with the details agreed under Condition No. 8.

Reason:

In the interests of highway safety and to ensure compliance with the terms of Policies ENV27 and HOUS8 of the Unitary Development Plan.

6. 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.

7. No more than 20 dwellings hereby approved shall be brought into beneficial use or occupied until the necessary improvement works to the public sewerage system, identified in the hydraulic modelling assessment (HMA) undertaken by Welsh Water, has been undertaken and implemented in full, and written confirmation of the completion of the necessary improvements shall be submitted to and approved by the Local Planning Authority.

Reason:

To protect the integrity of the existing public sewerage system and prevent pollution of the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. No development shall commence on site until full details of discharge of the new foul drainage system to a point of adequacy on the public sewerage system have been submitted to and approved in writing by the Local Planning Authority, where the point of discharge shall be determined by the hydraulic modelling assessment. Thereafter no foul water connection from the development hereby approved to the public sewerage system shall take place until this exercise has been completed and approved in writing by the Local Planning Authority.

Reason:

To protect the integrity of the existing public sewerage system and prevent pollution of the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage (to include details of oil and petrol separators) will be dealt with shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of drainage shall be fully implemented prior to the occupation of any of the dwellings on site.

Reason:

To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

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

Reason:

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

11. In connection with Condition No. 13, the detailed scheme for drainage shall identify all existing land drainage ditches within the site and demonstrate that they are still utilised for their intended use, or alternative provisions made.

Reason:

To ensure that the developer of the site is fully aware of the need to accommodate all existing land drainage runs through the site and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

12. In connection with Condition No. 13, the detailed scheme for drainage shall identify the location of the carrier drain which passes near the northern boundary of the site (which takes land drainage / surface water run-off from land to north of railway), and no surface water or any other form of connection shall be made to this carrier drain.

Reason:

To ensure that the developer of the site is fully aware of the need to protect the integrity and operation of the carrier drain and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

13. Prior to any site clearance works, a detailed Method Statement for the protection of reptiles, before and during site works shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include, but not be limited to: methodology for site clearance, identification of receptor site, survey of receptor site and an outline post development monitoring strategy. The site clearance shall be undertaken in strict accordance with the agreed details.

Reason:

To demonstrate Local Authority compliance with S40 of the NERC Act 2006 and to ensure compliance with Policies ENV16 and ENV27 of the Unitary Development Plan.

14. Development works to which this consent applies (including demolition and vegetation clearance), shall not take place between 1 March and 31 August, unless it can be demonstrated that nesting birds are absent in a report prepared by a qualified ecologist (immediately prior to development commencing) or a method statement for works is submitted to and approved in writing by the Local Planning Authority and where a method statement is agreed that it is fully implemented.



Reason:

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

15. Prior to commencement of development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, detailing all areas of landscaping, tree planting and the areas of hard and soft landscaping forming part of the Public Open Space, which shall take into account the elevated coastal position of the site. The landscaping scheme shall also include indications of all existing trees 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.

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

Reason:

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

17. Prior to the commencement of development, full details of the laying out and means of construction of all areas of open space within the site, including full details, specifications and costings of all play equipment within the area of Public Open Space (including any facilities for seating and other associated features such as lighting) to be sited within these areas shall be submitted to and approved in writing by the Local Planning Authority .

Reason:

In order to fully consider the acceptability of the provision and layout of open space and areas of play and to ensure compliance with Policies ENV27, HOUS8 and REC3 of the Unitary Development Plan.

18. No more than 50 of the dwellings hereby approved shall be brought into beneficial use until the play areas as agreed under Condition No. 21 have been constructed on site and capable of use by the future occupiers of the development.

Reason:

To ensure the recreational facilities are delivered in a timely manner to meet the needs of the future occupiers of the development in accordance with Policies REC3 and REC6 of the Unitary Development Plan.

19. The clearance of the site shall be undertaken in full accordance with the Geo-technical and Geo-environmental report completed by Terra Firma (Wales) Limited January 2012.

Reason:

In order to ensure that risks from land contamination are managed and to protect future users of the land and to ensure compliance with Policies ENV7, ENV26 and ENV27 of the Unitary Development Plan.

20. If during construction / site clearance works, any unforeseen contamination encountered during development, then the Local Planning Authority shall be notified as soon as is practicable, and an appropriate ground investigation and/or remediation strategy shall be undertaken and submitted to the Local Planning Authority for approval, prior to the occupation of any dwelling. On the completion of the development a Completion/Validation Report, confirming the remediation has being carried out shall be submitted to the Local Planning Authority.

Reason:

In order to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised 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.

21. No construction work (including any deliveries to the site) 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

Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority and includes deliveries to site.

Reason:

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

22. 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 shall include pollution risk on water quality. The CEMP will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://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.

23. 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.

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

Reason:

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

25. Prior to their erection on site, full details of the proposed sheds / stores in relation to their siting and elevations which are shown to serve the affordable houses as set out on plan ref. 0460-102, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

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

26. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art to be provided on the site, shall be submitted and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details no later than 12 months following the substantial completion of the development.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art Supplementary Planning Guidance.

27. The garages hereby approved shall only be used for the parking of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse as such, and shall not be used for any business or commercial use and shall not physically altered or converted without first obtaining the formal consent of the Local Planning Authority.

Reason:

To ensure the satisfactory development of the site and that adequate off-street parking provision and garaging facilities are retained and in accordance with Policies TRAN 10 and ENV27 of the Vale of Glamorgan Unitary Development Plan.

28. 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) the dwelling(s) 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.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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.

30. Prior to the sale of any individual plot or conveyance of any area of land identified falling within Plots 9-41 inclusive (as shown on the approved layout plan), or any revised plot numbers that include the land drain shown on the approved drainage strategy plan, the developer shall submit to the Local Planning Authority for approval in writing, an example of the covenant and the steps to be taken to ensure that the plot owners are made fully aware of the responsibilities passed to them in respect of the carrier drain. The responsibilities to be conveyed shall be not to obstruct the drain, not to tamper with it, not to put permanent structures over it, and to maintain it in good order over their demise. The agreed wording of the covenant shall thereafter be contained in all legal land transfer documents relating to the above identified plots.

Reason:

To ensure that any future homeowners are fully aware of the need to protect the integrity and operation of the carrier drain and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

**NOTE:**

1. **Any future owners / occupiers of the dwellings which adjoin the railway line shall be made aware that a carrier drain (which takes land drainage / surface water run-off from land to north of railway) runs through the curtilage (back gardens of the dwellings) and a number of vehicle parking areas which serve these properties.**
2. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development and that no structure shall be sited a minimum distance of 3 metres from the centreline of the pipe.**
3. **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.**
4. **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 Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
5. **It is an offence under the Wildlife and Countryside Act 1981 (Section 1) to take, damage or destroy the nest of any wild bird. Therefore, it is advised that the felling of any trees in association with the residential development hereby approved shall only be undertaken outside the nesting season, which is generally recognised as being from March to August inclusive.**

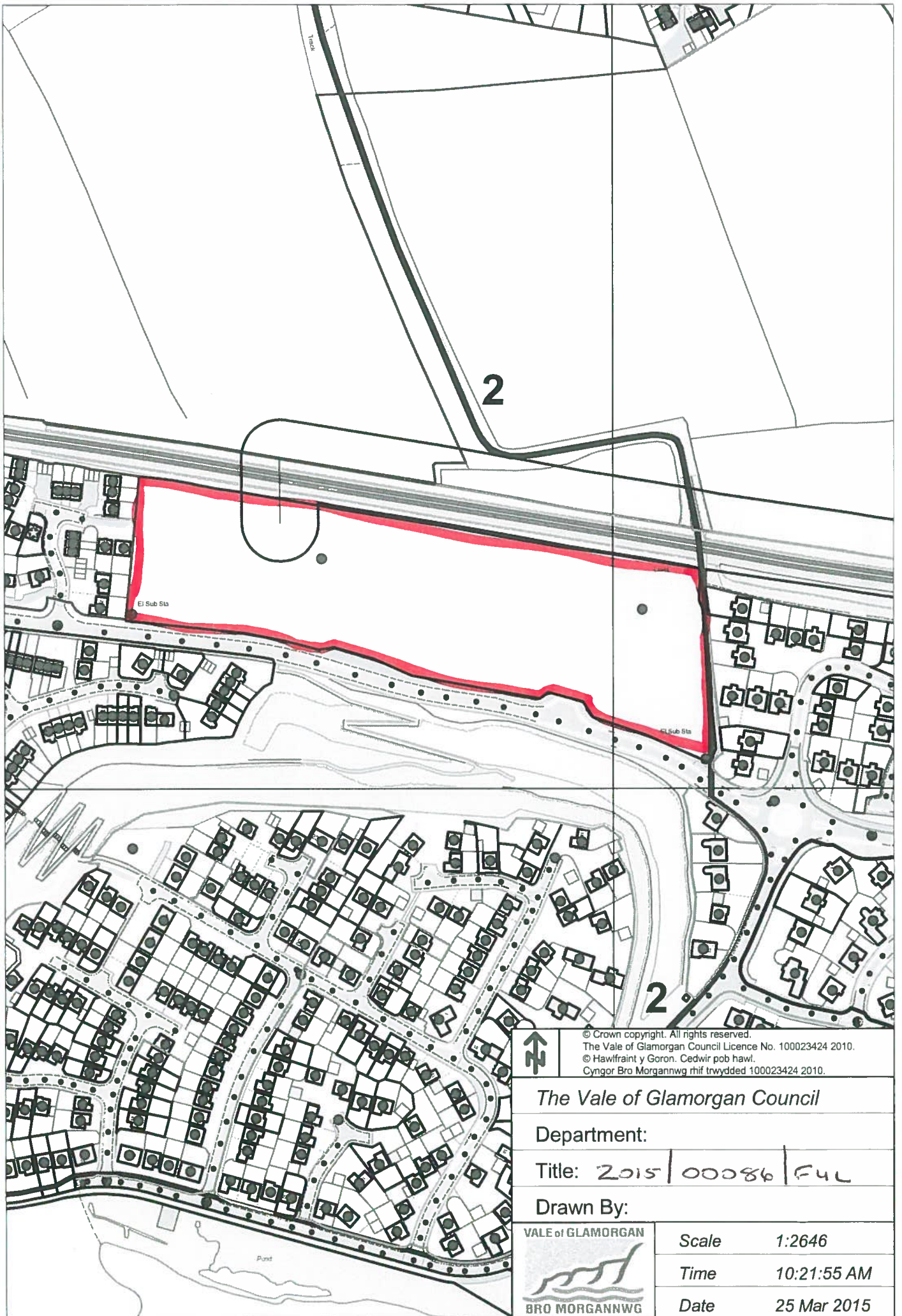
- 6. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal and that a diversion is required in the eastern part of the site. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in 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.**
- 7. This consent does not convey any authorisation that may be required to gain access onto/under land not within your ownership or control.**

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

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

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

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



**2015/00260/FUL** Received on 12 March 2015

SA Brain and Company Ltd. C/o Agent  
Boyer Planning Limited, 1B Oak Tree Court, Mulberry Drive, Cardiff Gate  
Business Park, Cardiff, CF23 8RS

**Tynewydd Inn , 103, Tynewydd Road, Barry**

Installation of seven square concrete paved areas in landscaped trading area

**SITE AND CONTEXT**

The application relates to the Tynewydd Arms, a public house on Tynewydd Road, Barry. The public house is set in a broadly rectangular and topographically flat site, with customer parking, outdoor seating and areas of hard and soft landscaping.

**DESCRIPTION OF DEVELOPMENT**

The applicant seeks consent for the installation of seven areas of hard surfacing within the curtilage of the public house. The seven paved areas each measure approximately 1.8 square metres and are constructed in block paving slabs.

The application is in part retrospective as the works on site have commenced.

**RELEVANT PLANNING HISTORY**

2015/00013/FUL Demolish two storey outbuilding and excavate tarmac hardstanding to form new landscaped external trading garden and children's play area WITHDRAWN February, 2015

2014/01075/PND Demolition of derelict outbuilding situated to the rear of the public house in the corner of the site APPROVED October, 2014

**CONSULTATIONS**

Barry Town Council was consulted and have raised no objections.

Local Councillors were consulted and Councillor Anthony Powell has requested the application be considered by the Planning Committee and that a site visit is undertaken.

**REPRESENTATIONS**

The neighbouring properties were consulted on 19 March 2015. Two letters of objection has been received, raising concerns with regard to noise and disturbance and lack of parking associated with the use..



## REPORT

### Planning Policies and Guidance

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

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

*Policy:*

#### ENV27 – DESIGN OF NEW DEVELOPMENTS

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.

## Issues

The principal issue to consider in this application is the impact the development has on the character and appearance of the area, as well as the amenity of the neighbouring properties.

The development consists of seven paved areas within the curtilage of the public house. In terms of visual impact, their addition is nominal and causes no harm to the established character of the area. In respect of neighbouring amenity, the development subject to this application is not considered to impact on the amenity of the neighbouring properties given that it relates to hard surfacing.

It is noted that concern has been raised over the use of the area for outdoor seating and specifically issues around the noise, light and additional footfall. However, the use of the outdoor areas of the public house for seating or a beer garden would not amount to development requiring the benefit of planning permission and this is not before the Local Planning Authority for consideration. This application solely relates to hard landscaping. As such, these concerns cannot be considered as part of this application as they are not material to the appearance of the works.

Moreover Members should note that tables and chairs could be sited on this area without the hardstanding having been provided and no further permission would be required.

Accordingly given the above and the limited nature of the development, it is not considered that the provision of the small hard surfaced areas would have any impact on the street scene or the character of the area and as such the following recommendation is made.

## CONCLUSION

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

Having regard to Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 the additional hard landscaping is not considered to impact on the character and appearance of the property and wider street scene, nor impact on the amenity of the neighbouring properties.

## RECOMMENDATION

APPROVE subject to the following condition(s):

1. NO CONDITIONS

### NOTE:



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

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

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

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



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