

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 19 NOVEMBER 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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:

2015/0024/BN	A	9, John Batchelor Way, Penarth	Glazed balcony to front and rear, front & rear window modifications, glass canopy over front door, internal rearrangement
2015/0130/BN	A	16, The Heathers, Barry	Single storey orangery to rear of property
2015/0258/BN	A	23, Morningside Walk, Barry	Single storey rear extension
2015/0294/BN	A	1, Coed Mawr, Barry	Rear extensions
2015/0384/BN	A	7, Port Road East, Barry	Two storey side extension to include reroof of main dwelling
2015/1196/BN	A	50, St. Davids Crescent, Penarth	Proposed single storey rear extension to provide additional wash facilities , kitchen and living space
2015/1382/BR	AC	31, Dyserth road, Penarth	Rear single storey extension
2015/1412/BR	AC	Pen Carreg, Bonvilston	New Dwelling
2015/1424/BR	AC	Parc Cottage, Park Road, Dinas Powys	Single storey rear extension and general house repairs

2015/1433/BN	A	Murch House, Murch Road, Dinas Powys	Extension to existing converted garage to form Utility room
2015/1434/BR	AC	5, Lydstep Road, Barry	Two storey side extension
2015/1436/BN	A	2, Pembroke Place, Barry	Roofing works, painting carpentry, rendering
2015/1437/BN	A	50, Somerset Road, Barry	Rendering -(Roofing works, painting, timber works already under 15/1213/BN)
2015/1438/BN	A	1, Pembroke Place, Barry	Roofing works, painting, carpentry, rendering
2015/1452/BN	A	38, Somerset Road East, Barry	Roofing works, painting, rendering, timber works
2015/1460/BR	AC	7, Sandringham Close, Barry	Two storey front to rear extension
2015/1470/BN	A	8, Grove Place, Penarth	Single storey extension to enlarge existing kitchen
2015/1477/BN	A	1 Romilly Avenue, Barry	New roof on dwelling, comprised of Spanish slate. Breathable felt to be installed. Either soffit or over fascia vents installed on either side of the roof - 10mm continuous to provide cross-ventilation to the cold space. Insulation to be fitted also.
2015/1478/BR	AC	64, Coleridge Avenue, Penarth	Single storey rear/side extension for living/kitchen accommodation with new garage, utility room & cloak
2015/1479/BN	A	52, Hastings Avenue, Penarth	Loft conversion with rear dormer
2015/1480/BN	A	3, Ludlow Street, Penarth	Loft conversion, renovation to rear kitchen
2015/1482/BN	A	7, Lower Cwrt Y Vil Road, Penarth	Formation of utility room at ground floor in place of play room. New shower room at first floor & associated works

2015/1483/BN	A	11, Blodyn Y Gog, Barry	Garage conversion
2015/1484/BN	A	28 Glyndwr Ave, St. Athan	External of property. 20mm insulated render system with a Dash finish as per Wetherby spec.
2015/1485/BN	A	31 Glyndwr Ave, St. Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby spec.
2015/1486/BN	A	17 & 19 Pantycelyn Place, St. Athan	External of property, Removal of concrete panels, reboard, 60mm insulation with a dash and silicone finish (Airey property)
2015/1487/BN	A	40 Glyndwr Ave, St. Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby spec.
2015/1488/BN	A	42 Glyndwr Ave, St. Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby spec.
2015/1489/BN	A	47 Glyndwr Ave, St. Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby spec
2015/1490/BN	A	46 Glyndwr Ave, St. Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby spec.
2015/1491/BN	A	20 Seaview Place, Llantwit Major	External of property. 20mm insulated render system with a Dash finish as per Wetherby spec.
2015/1492/BN	A	27 Glyndwr Ave St. Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby specification
2015/1493/BN	A	25 Seaview Place, Llantwit Major	External of property. 20mm insulated render system with a dash finish as per Wetherby spec

2015/1494/BN	A	2 Channel View, Llantwit Major	External of Property. 90mm insulated render system with a dash finish a per Wetherby spec
2015/1495/BN	A	2 Glebeland Place, St. Athan	External of property. 20mm insulated render with a dash finish as per Wetherby spec
2015/1496/BN	A	11 Glebeland Place, St. Athan	External of Property. 20mm insulated render system with a dash finish as per wetherby spec.
2015/1497/BN	A	20 Glebeland Place, St Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby spec.
2015/1499/BN	A	5, Irvin Place, Barry	New FD30 door to entrance of property
2015/1502/BN	A	26, Rhoose Road, Rhoose	External of Property 20mm Insulated Render System with a dash finish as per Wetherby specification
2015/1503/BR	AC	1 Crescent Close, Cowbridge	Proposed Two Storey Side Extension
2015/1504/BN	A	Southerndown Lodge, Southerndown	Proposed 2 storey side extension to incorporate bedroom / study / 1st floor lounge and balcony
2015/1505/BN	A	30, The Parade, Barry	Balcony repair & new glazing. knock through between living room & dining room.
2015/1506/BR	AC	123, Windsor Road, Penarth	Removal of load bearing walls at ground floor with insertion of steels.
2015/1507/BN	A	3, Pembroke Place, Barry	Rendering and painting- (Roofing & carpentry already on 15/1223/BN)
2015/1508/BN	A	8, Tennyson Road, Penarth	Removal of GF wall & install RSJ

2015/1509/BN	A	48, Somerset Road, Barry	Rendering-(re-roof, timber works painting already on 2015/1217/BN)
2015/1510/BN	A	40, Somerset Road, Barry	Rendering-(re-roof, timber works painting already on 2015/1219/BN)
2015/1511/BN	A	42, Somerset Road, Barry	Rendering-(re-roof, timber works painting already on 2015/1215/BN)
2015/1513/BN	A	44, Somerset Road, Barry	Rendering-(re-roof, timber works painting already on 2015/1218/BN)
2015/1514/BN	A	45, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1230/BN)
2015/1515/BN	A	44, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1229/BN)
2015/1516/BN	A	42, Somerset Road East, Barry	Roofing works, painting, rendering, timber works
2015/1517/BN	A	4, Pembroke Place, Barry	Rendering, painting-(re-roof, timber works already on 2015/1244BN)
2015/1518/BN	A	5, Pembroke Place, Barry	Rendering, painting-(re-roof, timber works already on 2015/1225BN)
2015/1519/BN	A	6, Pembroke Place, Barry	Rendering, painting-(re-roof, timber works already on 2015/1226BN)
2015/1520/BN	A	21, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1236BN)
2015/1521/BN	A	23, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1232BN)
2015/1523/BN	A	35, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1233BN)

2015/1524/BN	A	33, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1235BN)
2015/1525/BN	A	31, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1234BN)
2015/1526/BN	A	27, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1227BN)
2015/1527/BN	A	29, Somerset Road East, Barry	Rendering, painting-(re-roof, timber works already on 2015/1231BN)
2015/1529/BN	A	52, Porthkerry Road, Rhoose	Roof replacement
2015/1531/BN	A	2, Harbour Rd, Barry CF62 5SA	Taking down a dividing wall to create a kitchen diner
2015/1532/BN	A	38, Victoria Road, Penarth	Utility extension, remove chimney & install steelwork.
2015/1533/BN	A	21, Cardiff Road, Dinas Powys	Two rooms into one and widening access
2015/1535/BR	AC	Awelon, Troes, Vale of Glamorgan CF35 5DH	Dormer conversion to existing bedroom roof space & utility room extension.
2015/1536/BN	A	Primrose Cottage, Turkey Street, Llantwit Major	Two storey lounge and bedroom extension
2015/1537/BN	A	33, Vere Street, Barry	Install Saniflow
2015/1538/BN	A	90, Windsor Road, Penarth	Kitchen extension
2015/1539/BN	A	23, Milward Road, Barry	Replacement of rear roof on extension
2015/1540/BR	AC	Pinfold, 1 Broadway Green, St Nicholas	Two Storey and single storey side extension
2015/1541/BN	A	20, Maes Y Gwenyn, Rhoose	Removal of wall 2 into 1
2015/1542/BN	A	8, Manobier Court, Barry	Re-roof/windows

2015/1545/BN	A	Whitton Lodge, Five Mile Lane, Barry	Single storey porch to front and rear of property. Remove adjoining wall to rear porch making a very small extension.
2015/1546/BN	A	8-9, Glebe Street, Penarth	Formation of two residential units plus alterations to existing shop
2015/1548/BN	A	Rhose Chapel , Fontygary Road, Rhose	Conversion of chapel to 4 bed dwelling.
2015/1551/BN	A	90, Fontygary Road, Rhose	Construction of detached house at Plot 2
2015/1552/BN	A	14, Clinton Road, Penarth	Double extension to the rear including a basement with a single storey extension to the side
2015/1553/BN	A	94, Windsor Road, Penarth	2 rooms into 1
2015/1555/BN	A	35, Trem Y Don, Barry	1. Replacing existing upstairs bedroom windows with one set of sliding/fixed windows complete with Juliette balcony. 2. Removing existing internal load bearing wall between dining room and utility room and installing french doors in outside wall to garden.
2015/1556/BN	A	12, Whitewell Road, Barry	Disabled adaptation, Converting the separate bathroom and WC. into one room.
2015/1559/BN	A	13, Summerland Close, Llandough	Convert GF to kitchen, install steel beams, AFD system & escape windows
2015/1562/BN	A	Jenner Park Club House, Barry Road, Barry	Refurbishment of club house prior to opening ceremony.
2015/1565/BN	A	Lower Lodge, Abbey Road, Ewenny	Double garage with room above

2015/1566/BN	A	5, Seaview Terrace, Barry	New Roof
2015/1568/BN	A	147, Plymouth Road, Penarth	Single storey rear extension to provide new kitchen & living facilities

(b) Building Regulation Applications - Reject

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

2015/1534/BN	R	46, Gelyn y Cler, Barry	Attached garage to side of house
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2015/0178/AI	A	Gwenith Gwyn, Windmill Close, Wick	Proposed first floor side extension and alterations to ground floor (works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0179/AI	A	White Walls, 22, Cory Crescent, Peterston Super Ely	Proposed construction of rear dormer to existing second floor habitable accommodation, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0180/AI	A	2, St. Teilo Close, Dinas Powys	Proposed single storey side extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0181/AI	A	13, Whitehall Close, Wenvoe	Conversion of existing garage into living room and utility room
2015/0187/AI	R	Cliff Farm, Llancarfan	Proposed single storey conservatory extension and internal works to include material alterations to structure, controlled services, fittings and thermal elements

2015/0188/AI	A	15, Craven Walk, Penarth	Extensions, internal alterations, roof alterations and associated works
2015/0189/AI	A	White Lodge, Peterstone Super Ely	Single storey extension, internal alterations and associated works
2015/0191/AI	A	14. Pwll-y-Myn Crescent, Peterston Super Ely	Proposed construction of two storey rear extension and internal alterations

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

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

Decision Codes

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

2014/01061/FUL	A	Land off Cwrt Yr Ala Road, Michaelston Le Pit	Siting of a not fixed container to store material for the operation and maintenance of the PV Plant
2014/01064/FUL	A	The Croft, Sigingstone	Conversion of existing outbuilding
2015/00176/FUL	A	Rushmoor House, St. Mary Church	Demolition of existing sub standard dwelling and erection of new 4 bedroom dwelling, triple garage and stable block

2015/00569/FUL	A	Coedhirion, 8, Walston Road, Wenvoe	Proposed part single and part double storey rear and side extension to the existing dwelling including demolition of existing rear extension, detached garage and minor internal and external works
2015/00644/FUL	A	Twynbach and Hellas, St. Nicholas	Alterations and new access arrangements
2015/00651/FUL	A	The Woodlands, Beach Road, Swanbridge	Proposed two storey extension and retention of single storey utility room extension and regularisation of conservatory
2015/00656/FUL	A	7, Cowper Close, Penarth	Side extension
2015/00675/FUL	A	Hillside, Pendoylan	Proposed agricultural shed
2015/00701/FUL	A	Hendrewennol, Bonvilston	Erection of polytunnels
2015/00728/FUL	A	2, Rectory Road, Penarth	Single storey side extension. existing garden fencing facing Rectory Road to be replaced with metal railings complete with new entrance gates (electronically opened)
2015/00765/FUL	A	Currys, 1, Brooklands Retail Park, Port Road, Cardiff	Installation of new fire exit doors to an existing retail unit
2015/00767/FUL	A	PC World, 4, Brooklands Retail Park, Port Road, Cardiff	Installation of new fire exit doors to an existing retail unit
2015/00780/FUL	A	Vacant Unit 1B (ex Comps 4 Africa), 1, Brooklands Retail Park, Port Road, Cardiff	Installation of new fire doors to an existing retail unit

2015/00789/LBC	A	Pear Tree Cottage, Turkey Street, Llantwit Major	Replace three windows on the front elevation with identical wooden casement windows. The new windows will be fitted with low line slim spec double glazing. The current windows have been extensively repaired, but are no longer viable nor secure
2015/00791/FUL	A	6, Romilly Park Road, Barry	Proposed single storey rear extension with lantern roof
2015/00796/FUL	A	3, Croft Gardens, Sully	New two storey side extension
2015/00802/FUL	A	Pwll Y Min Farm, Main Avenue, Peterston Super Ely	Move fence identifying front garden boundary
2015/00826/PNA	R	The Piggery, Logwood Hill, Peterston Super Ely.	Agricultural building
2015/00853/FUL	A	Cliff Farmhouse, Llancafán	Alterations to listed building and new conservatory
2015/00860/FUL	A	St. Brides Major Church In Wales Primary School, Heol Yr Ysgol, St. Brides Major	Proposed construction of nursery unit
2015/00889/LBC	A	Cliff Farmhouse, Llancafán	Alterations to listed building and new conservatory
2015/00898/FUL	A	61, Hillside Drive, Cowbridge	Construction of a balcony to rear
2015/00903/FUL	R	Land at The Lawns, Cwrt y Ala Road, Michaelston le Pit	Construction of a replacement agricultural building

2015/00912/FUL	A	223, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00913/FUL	A	269, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00914/FUL	A	267, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00918/FUL	A	240, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00919/FUL	A	284, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00920/FUL	A	265, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia

2015/00923/FUL	A	255-257, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00924/FUL	A	Bahaven, Sigingstone	Loft conversion and garage extension
2015/00940/FUL	A	70, Lavernock Road, Penarth	Decking within rear garden (retrospective)
2015/00941/FUL	A	New Beaupre Farm, St. Athan Cowbridge	Construction of new steel framed agricultural cattle shed
2015/00946/FUL	A	38, Salop Place, Penarth	First floor extension
2015/00955/FUL	R	Curnix Farm, Cuckoo Mill Lane, Moulton	Proposed replacement dwelling with ancillary garage/store and home office
2015/00957/FUL	A	Wyndham House, Boverton Road, Llantwit Major	Remove redundant nightsafe and signage. Create secure ATM room and install illuminated sign
2015/00961/FUL	A	Glan Ynys, Colwinston	Remodelling of property including two storey extension and resitting of off street garage
2015/00969/FUL	R	Springbank Nursing Home, College Road, Barry	Replacement of existing first floor conservatory with two storey infill to east side of front elevation. Construction of matching infill on west side of front elevation
2015/00971/FUL	R	Spinney Lodge, Beach Road, Swanbridge	Proposed new single storey detached 2 bed bungalow with parking area and gardens
2015/00974/FUL	A	Hazelhurst Nursing Home, Sully Road, Penarth	Conversion of store room to bedroom with the introduction of two new windows

2015/00980/FUL	A	Fern Hill, Michaelston Le Pit, Dinas Powys	Outbuilding to accommodate garage and home office
2015/00981/ADV	A	Wyndham House, Boverton Road, Llantwit Major	Illuminated signage
2015/00984/FUL	A	232, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00985/FUL	A	220, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00987/FUL	A	250, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00988/FUL	A	253, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00989/FUL	A	235, Holton Road, Barry	New powder coated aluminium shopfront. New fascia and shop sign. New external security shutter with shutter housing behind fascia

2015/00990/FUL	A	218, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter with shutter housing behind fascia
2015/00991/FUL	A	40, Burlington Street, Barry	New powder coated aluminium shopfront, including stall riser. New fascia and shop sign. New external security shutter, with shutter housing behind fascia
2015/00992/FUL	A	254, Holton Road, Barry	New powder coated aluminium shopfront. New fascia and shop sign. New external security shutter, with shutter housing behind fascia
2015/00993/FUL	R	1, Bungalow, Waycock Road, Five Mile Lane, Barry	Single storey extension and garage conversion
2015/00994/REG 3	A	Vale of Glamorgan Council, Alps Quarry Road, Wenvoe	Solar panels installation
2015/00999/FUL	A	West Lodge, West Aberthaw	Proposed conversion and alterations of existing building to form granny annexe, ancillary to existing dwelling house
2015/01000/FUL	R	Heol Gerrig Farm, St Mary Hill	Barn conversion, access and curtilage
2015/01002/FUL	A	220, Redlands Road, Penarth	Proposed double storey front/side extension. Main roof removal. New pitched roof to form second floor accommodation
2015/01004/FUL	A	12, Park Road, Penarth	One replacement dwelling, including all external works and access from the highway. Revision of 2014/01355/FUL

2015/01005/FUL	A	216, Holton Road, Barry	New Powder Coated Aluminium shopfront including riser, new fascia and shop sign, new external security shutter, with shutter housing behind fascia
2015/01006/FUL	A	239, Holton Road, Barry	New Powder Coated Aluminium shopfront, new stall riser, new fascia and shop sign, new external security shutter, with shutter housing behind fascia
2015/01007/FUL	A	264, Holton Road, Barry	New powder coated aluminium shopfront including stall riser, new fascia and shop sign, new external security shutter, with shutter housing behind fascia
2015/01008/FUL	A	294, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser, new fascia and shop sign, new external security shutter, with shutter housing behind fascia
2015/01009/FUL	A	8, Village Farm, Bonvilston	Single storey conservatory extension to rear elevation
2015/01012/FUL	A	St. Mary's Church, Holton Road, Barry	Replace existing boundary wall with metal railings. Create new access and car parking area
2015/01015/FUL	A	54a, Clive Place, Penarth	Proposed replacement of conservatory, renovation of balcony, addition of external helical stair, replacement windows and internal modifications
2015/01016/FUL	A	2, Church Road, Rhoose	Loft conversion and construction of new dormers to front and rear

2015/01025/ADV	A	Specsavers Opticians, 108, Holton Road, Barry	Sign A) Specsavers fascia, aluminium panel with opal moulded pod with Perspex Specsavers logo and aluminium audiologists and opticians letters. Internally illuminated. Sign D) Specsavers opal moulded projection sign with Perspex Specsavers logo. Internally illuminated.
2015/01028/LAW	A	2, Sunnycroft Lane, Dinas Powys	Extend existing house from a hipped roof to a gable, plus flat-roof dormer extension on the rear roof slope
2015/01029/FUL	A	88, Glebe Street, Penarth	Proposed change of use from B1 (Ground Floor) and Residential Flats (First and Second Floor) to all B1, including alterations and general refurbishment and balcony
2015/01033/FUL	A	41, Murch Road, Dinas Powys	Part two, part single storey rear extension.
2015/01034/FUL	A	1, John Batchelor Way, Penarth	Proposed extension to existing first floor balcony
2015/01035/FUL	A	Plot 85, Reflections at The Quays, Barry	Proposed alteration of approved dwelling to include rear conservatory extension
2015/01041/ADV	A	Tesco Stores Ltd., Culverhouse Cross, Cardiff	Installation of pet grooming / crèche operation, along with the erection of two associated buildings, outdoor area and associated advertisement

2015/01044/FUL	A	United World College of the Atlantic, East Drive, St. Donats	Diversion of the existing culvert to prevent flooding over the jousting field. The works involves excavation of a new route in the direction of the boat house for a large diameter pipe to be installed
2015/01047/FUL	A	61, Andover Close, Barry	Proposed ground, first floor extensions including garden room and porch
2015/01053/FUL	A	87, Heol Y Frenhines, Dinas Powys	Single storey rear extension, single storey front porch extension
2015/01054/FUL	A	40, Marine Drive, Barry	Single storey front extension
2015/01056/FUL	R	6, The Square, Dinas Powys	First floor extension over existing ground floor building, to comprise a room arrangement as shown on the drawing
2015/01059/FUL	A	57, Queens Road, Penarth	Proposed single storey rear extension incorporating additional living space
2015/01060/FUL	A	296, Holton Road, Barry	New powder coated aluminium shopfront, including stall riser, new fascia and shop sign, new external security shutter, with shutter housing behind fascia
2015/01063/ADV	A	Land to rear of St. David's Primary School, Heol Cae Pwll, Colwinston	Two sales boards to be placed on grass land at the front of site
2015/01065/FUL	A	22, Maes Glas, Barry	Construct new playroom to adjoin existing garage of part converted garage (one parking bay) to form part of playroom
2015/01066/FUL	A	1, Bradenham Place, Penarth	Rear single storey extension forming kitchen dining room

2015/01067/FUL	A	Kenswood, 10, Kingswood Close, Ewenny	Proposed garage
2015/01081/FUL	A	41 , Rhoose Road, Rhoose	First floor extension to side and single storey rear extension
2015/01083/FUL	A	80, Victoria Road, Penarth	Two storey extension and modifications to all elevations
2015/01086/FUL	A	64, Coleridge Avenue, Penarth	To provide rear and side single storey extension to give new kitchen living space together with provision for a utility room, cloaks, garage and porch
2015/01088/LAW	A	6, Percy Smith Road, Boverton	Single storey rear extension
2015/01095/FUL	A	1, Trem Powys, Barry	Proposed first floor extension over existing ground floor garage. New bedroom space and en suite
2015/01099/FUL	A	12, Sunnycroft Lane, Dinas Powys	Proposed two storey rear extension comprising kitchen, dining room, bedroom and bathroom
2015/01104/FUL	A	4, Cherry Close, The Paddocks, Penarth	New single storey rear extension as family dayroom & new front entrance porch & ground level facade
2015/01107/FUL	A	2, Victoria Square, Penarth	Amendment to kitchen windows to make single large opening. Addition of French doors to rear. New skylight window to top floor bathroom and new skylight to existing flat roof dormer in top floor ensuite
2015/01114/FUL	A	1, Craven Walk, Penarth	Construction of double garage with pitched roof and widening of existing crossover

2015/01136/FUL A 33, Enfield Drive, Barry

Two storey side extension to provide kitchen, utility room, cloaks and two bedrooms together with internal alterations

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 19 November, 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00470/OUT
Appeal Method: Public Local Inquiry
Appeal Reference No: 15/3134308
Appellant: Walters Land (Barry) Ltd
Location: Land at Walters Farm, Weycock Cross, Barry
Proposal: Development of up to 200 residential homes (Use Class C3) along with associated parking, access, public open space and landscaping and including the demolition of existing buildings

Start Date: 19 October 2015

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/01373/LEG
Appeal Method: Written Representations
Appeal Reference No: Q/15/3005392
Appellant: Estate of Mrs. R. Norris,
Location: Pentwyn House, Church Road, Llanblethian
Proposal: Removal of unilateral undertaking to allow for change (subject to planning) to two dwellings
Decision: Appeal Withdrawn
Date: 7th October 2015
Council Determination: Delegated

Summary

Appeal Withdrawn

L.P.A. Reference No: 2015/00242/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3049270
Appellant: Mr. Shaun Cuddihy,
Location: Brackendene, Burdonshill Lane, Wenvoe
Proposal: Proposed lodge building on redundant rural
buildings
Decision: Appeal Dismissed
Date: 6 October 2015
Inspector: Ms. P. Davies
Council Determination: Committee

Summary

The Inspector considered that main issues to be the effect of the proposal on the character and appearance of the area, highway safety, and whether the proposal would be a sustainable form of development having particular regard to the demand for travel by private car.

Character and Appearance

The Inspector noted the provisions of UDP Policy ENV8 which deals specifically with rural conversions however this policy is aimed at preserving traditional agricultural buildings so that they can continue to contribute to the rural character. The existing buildings in this case are to be demolished and UDP Policy ENV8 is therefore clearly irrelevant. No other evidence is put forward to support the proposal in any of the other policy exceptions and the principle of the development therefore conflicts with established planning policies that exist in part to safeguard the rural character and appearance of the countryside. The Inspector stated that although the proposal would be of timber construction and with admirable sustainable design concepts, it would be domestic and patently residential in design with a dormer feature and other glazed windows and openings. A residential curtilage with associated paraphernalia such as a washing line and outdoor furniture would exacerbate these suburban connotations. As such, the proposal would fail to have regard to its rural context contrary to one of the objectives of UDP Policy ENV27. The Inspector also had regard to the domestic residential design and scale of the proposal, and considered that the development would result in a significant intrusion of hard built form that would cause demonstrable harm to the character and appearance of the area.

The appeal site lies within the Dyffryn Basin and Ridge Slopes Special Landscape Area (SLA) and the Inspector concluded that by reason of its harmful intrusion into this setting, the proposal would also significantly affect the visual amenities of the SLA. The Inspector also acknowledged that the proposal can be considered as previously development land; however, the Welsh Government also recognises that not all previously developed land may be suitable for development.

By reason of its location in the countryside and the visual harm identified above, the Inspector considered the appeal proposal to be one such case. In view of the above, the Inspector concluded that the proposal would be harmful to the character and appearance of the surrounding area, contrary to the objectives of UDP Policies ENV1, ENV4, ENV27, HOUS3 and PPW.

Highway Safety

The Inspector considered that the proposal would not materially add to existing traffic movements along the lane or materially change pre-existing highway conditions in the locality. In the absence of any tangible evidence of serious harm to highway safety, the proposal would be acceptable in this regard and it would comply with UDP Policy ENV27.

Sustainability

The Inspector considered that the appeal site is within a level walking distance of Wenvoe, which has a primary school, community centre, public house and a shop and that the proposal would not generate any significant additional demand for private travel, especially relative to the present use of the site. In view of this, the Inspector stated that the proposal would not therefore be regarded as so unsustainable as to result in conflict with UDP Policy ENV27, the Council's supplementary guidance on sustainable development, or PPW.

Whilst the Inspector found the proposal to be acceptable in terms of its effects on highway safety and the demand for private travel, the harm to the character and appearance of the countryside is an overriding consideration and the appeal should be dismissed.

L.P.A. Reference No:	2015/00370/ADV
Appeal Method:	Written Representations
Appeal Reference No:	H/15/3121594
Appellant:	Insite Poster Properties - Mr Ben Porte,
Location:	Unit E1-E2, Westpoint Industrial Estate, Penarth Road, Cardiff
Proposal:	Erection of free standing advertising structure comprising 2 no. 12m x 3m LED digital displays
Decision:	Appeal Dismissed
Date:	7 October 2015
Inspector:	Mr. Hywel Jones
Council Determination:	Delegated

Summary

The Inspector considered that the main issues in this case were the effect of the proposed advertisement upon visual amenity, particularly in terms of the character and appearance of the surrounding area.

The Inspector notes that the site lies close to the A4232 dual carriageway, and that the base of the supporting structure would be immediately adjacent to a row of modest size industrial units within West Point Industrial Estate. However, given the height of the structure (over 18m high), the Inspector considers that it would be markedly out of scale with these buildings, although given the size and position of the flyover this would limit the harm to visual amenity to this area caused by the supporting structure to the immediate industrial estate.

The Inspector however considers that given its size and proximity to the road, and absence of other large structures of similar prominence would mean it would be a visually incongruous feature. They go further to note that against the open, attractive character of the landscape when viewed from the carriageway, that the signs would harm visual amenity for users of this important distributor road that would be accentuated by display of changing illuminated images.

In conclusion the Inspector determines that on the main issue of the proposed advertisement would appear as a prominent and incongruous feature, that be detrimental to the visual amenity of the area, in conflict with the Council's policies and national policy.

(d) Enforcement Appeal Decisions

None

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	W	19	1	20	2
	H	1	1	2	-
	PI	-	-	-	1
Planning Total		20 (91%)	2 (9%)	22	3
Enforcement Appeals	W	-	-	-	-
	H	1	1	2	-
	PI	1	-	1	-
Enforcement Total		2 (67%)	1 (33%)	3	-

All Appeals	W	19	1	20	2
	H	2	2	4	-
	PI	1	-	1	1
Combined Total		22 (88%)	3 (12%)	25	3

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 19 NOVEMBER 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

2015/00983/TPO	A	Llanblethian House, Church Road, Llanblethian	Remove 3 conifers. Reduce Magnolia by approx. 1.5M. Reduce 2 Yews by 1.5M
2015/01171/TPO	A	Bahaven, Sigingstone	Reduction works to the Cherry tree
2015/01247/TPO	A	4, Porth y Castell, Barry	Take down existing Magnolia Tree

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 19 NOVEMBER 2015

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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.

Hafod Housing Association Ltd, c/o Agent.
Mr. Jon Hurley, WYG Planning and Environment, 5th, Floor Longcross Court,
47, Newport Road, Cardiff, CF24 0AD

Land at Pentre Meyrick, Pentre Meyrick

Development of 13 affordable homes, access arrangements and associated works

SITE AND CONTEXT

The application site as edged red extends to an area of approximately 0.4 ha and comprises predominantly agricultural land. There is an existing track that runs across the southern section of the site and gives access to private residences 'West House' and 'Crosswinds' which lie to the south west of the site. In addition the south-eastern corner includes a grass verge and crossover that forms part of the adopted B4268 highway.

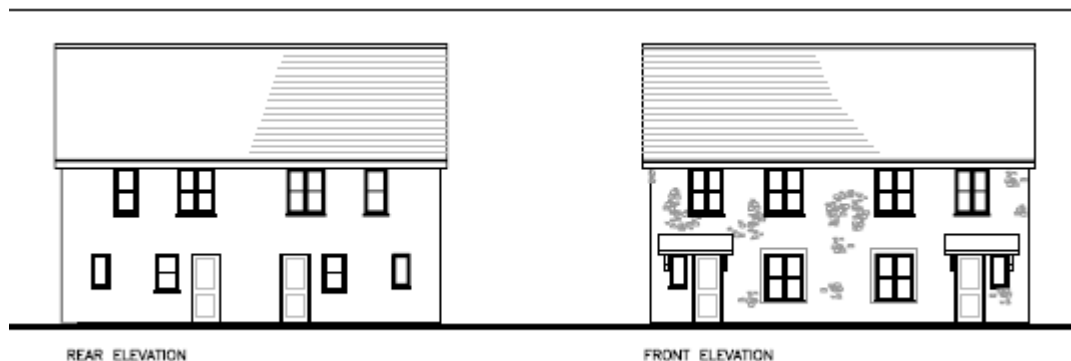
The site is located immediately to the north of a group of existing houses at Nash View. These form part of a larger collection of housing and the commercial business at Cross Farm, Pentre Meyrick, which are clustered around the northern side of the main junction on the A48.

The site lies within the open countryside and outside of any residential settlement boundary as defined in the Unitary Development Plan.

DESCRIPTION OF DEVELOPMENT

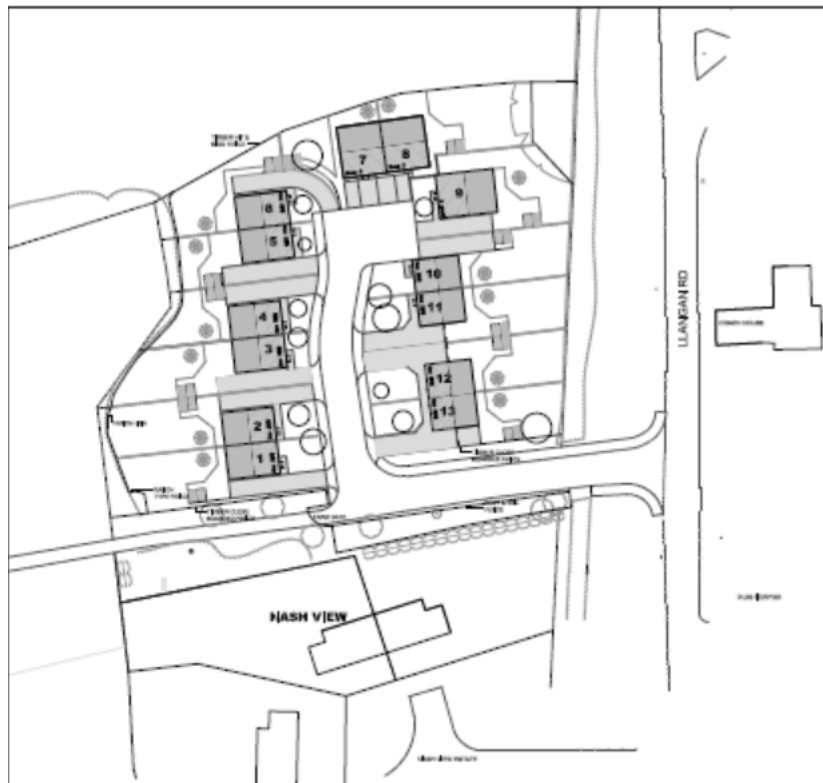
This is an application for full planning permission for the development of the site for 13 No. affordable residential units. These will include 2 No. two bed bungalows, 1 No. three bed dormer bungalow, 4 No. two storey, two bed houses, and 6 No. two storey, three bed houses.

The design of the proposed dwellings will be a simple traditional form and include a mix of finishes of coloured render, reconstituted stone, and slate effect tiles.





The proposed layout shows a new access road positioned centrally on the site running north off the existing unadopted access track to the south. The proposed dwellings will be sited around, and front onto this road, which will have a turning head on its north eastern side. This will connect to the adopted highway and will include improvements to the existing southern track to provide a 5.5m carriageway with a 2m footpath and dropped pedestrian crossing facility on its northern side, and a 2m adoptable verge to the south.



The application is accompanied by a Design and Access Statement (DAS); a Planning Statement; an Ecological Assessment by David Clements Ecology; an Agricultural Considerations Report by Kernon Countryside Consultants Ltd; a Statement of Community Involvement; and a Public Transport Trip Generation Assessment.

PLANNING HISTORY

None on the application site itself. However, there have been applications for new dwellings in the vicinity, including:-

1982/00819/OUT - Pentre Meyrick House (opposite eastern side of the B4268 from the application site) - Two dwellings - Refused 16 September 1982 for reasons including, to preserve the countryside there shall be no additional development other than that necessary for agriculture or forestry; no agricultural justification for development; would intensify isolated development in the countryside unrelated to any existing community or facilities; and detrimental to trees protected by TPO No. 21 (A12). A subsequent appeal was dismissed on 28 November 1983.

1992/00849/OUT - Land to the west of application site and north of Crosswinds - Retirement home for staff and tenants at Penllyn Farm Estate - Refused 20 October 1992 on the grounds of unjustified dwelling in the countryside. A subsequent appeal was dismissed on 4 March 1993.

2009/00805/OUT - Pentre Meyrick House (opposite eastern side of the B4268 from the application site) - Detached dwelling and garage - Refused 4 December 2009 for the following reason:

“The proposed development by reason of its location and siting in the countryside divorced from any settlement would represent an unjustified dwelling within the countryside in an unsustainable location. The development is therefore contrary to Policies ENV1 (Development in the Countryside), ENV10 (Conservation of the Countryside) and HOUS 3 (Dwellings in the Countryside) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.”

2013/00007/FUL – Pentre Meyrick House (opposite eastern side of the B4268 from the application site) – Proposed four bed dwelling – Withdrawn 8 April 2013.

CONSULTATIONS

Penllyn Community Council – No objection provided it is involved in the development of the local lettings policy for future occupation of the dwellings.

Natural Resources Wales – No adverse comments to make on the application.
Dwr Cymru/Welsh Water – Have requested that their standard Conditions and Advisory notes be attached to any permission. These relate to foul, surface and land drainage. They also note that the site is crossed by a public sewer and that no development will be permitted within 3m either side of the centreline of the sewer.

Glamorgan Gwent Archaeological Trust – The Trust indicate that the proposals will require archaeological mitigation. The Historic Environment Record shows the site close to the location of a Roman road, linking forts at Cardiff and Neath, and the Llangan Road, a postulated Roman road linking the uplands to the coast. There is extensive evidence for prehistoric, Roman and medieval activity in the immediate vicinity of the application site and numerous find spots. As such they recommend a condition be attached to any permission requiring the submission of a written scheme of archaeological investigation prior to the commencement of development.

Crime Prevention Design Advisor – Have undertaken an analysis of crime in the area which shows overall crime in the Pentre Meyrick area is below average for the South Wales Police area. It is noted that most of the 30 reported incidents in the past year were traffic/road related. They note that it is a requirement that all affordable/social housing achieves the Secured by Design Award and request that the preferred developer contact them to clarify several issues in relation to the detail of the application.

The Council's Housing Enabler, Public Sector Housing – Confirms there is a demonstrated need for additional affordable housing in the Vale. The Homes4U waiting list shows a considerable current need in the Cowbridge ward with 160 people requiring homes and a further 59 households who have stated they require housing "Anywhere in the Rural Vale". The Housing Strategy department confirms its support for the proposal. A full copy of their comments is attached at Appendix A.

The Council's Ecology Team - Welcome the provision of the ecological survey and support the recommendations made in Section 6. These recommendations for protection of birds, reptiles and hedgerows during development can be secured through planning conditions at the appropriate time. However, they recommend further enhancements should be made such as:- a native species hedgerow to the new northern boundary in place of the proposed close boarded fence; bird and or bat nesting/roosting sites be provided in at least 25% of the new build; boundaries to the site to remain unlit, and unspoiled by light pollution and a scheme of lighting to be agreed; and all landscape and boundary planting to comprise locally occurring native species.

The Council's Legal, Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – No comment to make regarding the application.

The Council's Strategic Property Estates Section – Consulted on 19 August 2014. No comments received to date.

The Council's Highway Development Team – Initially notified on 19 August 2014 and re-notified on 14 September 2015. Their comments received on 9 November 2014 stated:

"The Highway Authority would inform the Local Planning Authority that the site is located fronting onto Ruthin Road approximately 135m North of its junction with the A48 which is a high speed road which has had a number of road traffic collisions at this location.

The Highway / Planning Authority have previously met with the developer and their consultants to discuss the scheme proposals which identified a number of internal changes required to the highway layout, onsite parking facilities for individual plots, the provision of suitable bus stop facilities along Ruthin Road to improve rural transport facilities and footway links and to cater for school transport generated by the development and the provision of a suitably designed and located pedestrian crossing facility across Cowbridge Road (A48) linking the site with the existing historic public Transport facilities with Cardiff / Cowbridge to the East and Bridgend to the west.

The Highway Authority would advise the Local Planning Authority that the latest Plans produced for Hafod Homes, reference (PA) 1007A Highway Works & (PA) 1003 Road Levels appear to have taken on board our requirements for minimum widths of roads, footways and the provision of parking in accordance with the Councils Parking Standards. However, the developer has not incorporated our requirement for a safe pedestrian crossing facilities across Cowbridge Road (A48) and the provision of suitable bus stop facilities and footway link along Ruthin Road.

The Highway Authority would raise an objection to the proposals as submitted based on the following:-

1. The proposed development will generate additional pedestrian movements to and from existing public Transport facilities located on the Cowbridge Road (A48) without the appropriate safe pedestrian crossing facilities to the detriment of highway / public safety.
2. The proposed site is remote from local service provisions and the failure to incorporate the new Public Transport Facilities along Ruthin Road and appropriate safe pedestrian crossing facilities across Cowbridge Road (A48) does not encourage the use of Public Transport Facilities to reduce the reliance over the private car contra to National & Local Policy.

The Council's Highways and Engineering Drainage Section – Consulted on 19 August 2014. No comments received to date.

The Council's Education Section – Consulted on 3 October 2014. No comments received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 19 August 2014. In addition the application was advertised on site and in the press on 5 and 11 September 2014 respectively.

To date representations of objection to the proposal have been received from the occupiers of 'Crosswinds', 'West House', 2, 4 and 6 Nash View, 2 Holly Cottage, and 23 Fferm Goch, Llangan. This total of eleven individual representations are all available on file for Committee Members to view. However, in summary the main points of concern relate to:-

- 'Greenfield' agricultural land not within the development plan and would compromise the 'ethos' of the LDP, with 'brownfield' sites available, such as Llandow.
- Adversely affect the quiet country surroundings and tourism.
- Highway safety issues, including, increased traffic with exacerbation of dangers at junction; already problems with parking at Nash View; increase dangers to Llangan school; no safe walking to school; affect the use of the private way.
- No infrastructure to support the houses, including, no available local facilities or amenities (such as shops, social meeting places, safe children's play area); Llangan school already full; and poor and expensive bus service.
- Adverse effect on ecology.
- Risk from groundwater flooding.
- Other such housing developments in the area have been refused.
- Would set precedent for further such expansion.
- Devaluation of property.
- Disruption during construction.

The AM Andrew RT Davies has submitted a letter in support of the objectors. This is reproduced at Appendix B, however, the main concerns highlighted relate to:- the potential impact on local services such as Llangan school and local GPs; increase in road traffic at a dangerous junction; and no provision for shared equity or alternative means to purchase long term.

A representation in support of the proposal has been submitted by the occupiers of Moorlands House, Penllyn, noting the need and suitability of the site. In addition a letter from the occupier 7 Leoline Close in Cowbridge expressed an interest in future occupation.

The applicant's agent has submitted further representations in support of the proposal. A copy of one such submission is attached at Appendix C as being generally indicative of the arguments made.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT.
- POLICY 3 - HOUSING.
- POLICY 7 - TRANSPORTATION NETWORK IMPROVEMENT.
- POLICY 8 - TRANSPORTATION.

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE.
ENV2	- AGRICULTURAL LAND.
ENV10	- CONSERVATION OF THE COUNTRYSIDE.
ENV11	- PROTECTION OF LANDSCAPE FEATURES.
ENV16	- PROTECTED SPECIES.
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION.
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS.
ENV27	- DESIGN OF NEW DEVELOPMENTS.
ENV28	- ACCESS FOR DISABLED PEOPLE.
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY.
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT.
HOUS3	- DWELLINGS IN THE COUNTRYSIDE.
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.
HOUS12	- AFFORDABLE HOUSING.
HOUS13	- EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE.
TRAN10	- PARKING.
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC6	- CHILDREN'S PLAYING FACILITIES.

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

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

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

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular, Chapter 3-Making and Enforcing Planning Decisions, including paragraphs 3.1.2 and 3.7; Chapter 4-Planning for sustainability, including paragraphs 4.1.1, 4.3.1, 4.4.3, 4.6.3-Priorities for rural areas, 4.6.4, 4.7-Sustainable settlement strategy, and 4.10-Conserving agricultural land; Chapter 5-Preserving and improving natural heritage and the coast, including paragraphs 5.1.1 and 5.2-Caring for biodiversity; Chapter 6-Conserving the historic environment, including paragraph 6.1.1, 6.1.2 and 6.5.1; Chapter 8- including paragraphs 8.7.1 and 8.7.3; Chapter 9-Housing, including paragraphs 9.2.22, 9.2.23, 9.3.1, and 9.3.6-New house building and other new development in the countryside.

Technical Advice Notes:

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

- TAN 1 - Joint Housing Land Availability Study.
- TAN 2 - Planning and Affordable Housing.
- TAN 5 - Nature Conservation and Planning, including paragraphs 1.6.1 and 4.6.
- TAN 6 - Planning for Sustainable Rural Communities, including paragraph 4.2.
- TAN 12 - Design, including paragraphs 2.6, 5.5.1, 5.5.2, 5.8-Rural areas, and 5.11-Housing design and layout.

- TAN 16 - Sport, Recreation and Open Space, including paragraph 4.15
- TAN 18 – Transport, including chapter 3-Location of development.

Supplementary Planning Guidance:

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

- Affordable Housing SPG.
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above).
- Sustainable Development SPG.
- Amenity Standards SPG.
- Biodiversity and Development SPG.
- Design in the Landscape SPG, including, DG1-Sustainable development.
- Model Design Guide for Wales.
- Planning Obligations SPG.
- Public Art SPG.
- Trees and Development SPG.

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 (PPW) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it.'

Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

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

- Affordable Housing Background Paper (2013).
- Affordable Housing Viability Study (2013 Update).
- Affordable Housing Delivery Statement 2009.
- Housing Supply Background Paper (2013).
- Local Housing Market Assessment (2013 Update).
- Open Space Background Paper (2013) .
- Rural Affordable Housing Needs Survey Report (2013 Update).
- Sustainable Settlements Appraisal Review (2013).
- Joint Housing Land Availability Study (2014).
- Rural Affordable Housing Needs Survey Report (2010).
- Vale of Glamorgan Housing Strategy

Other relevant evidence or policy guidance:

Conservation of Habitats and Species Regulations 2010.

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

Circular 13/97 – Planning Obligations.

The Community Infrastructure Levy Regulations 2010.

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification and sustainability of the site for new residential development; the impact on the character of the surrounding countryside; the effect on highway and pedestrian safety; neighbouring and general residential amenity; and appropriate S106 planning obligations; all bearing in mind the affordability of the housing proposed.

Justification and sustainability

It will be noted from the planning history that there have been several applications over the years for new residential development in and around this small cluster of properties at Pentre Meyrick. Indeed, the development of a retirement home for staff and tenants of Penllyn Estate was sought on land immediately to the west of the current site. The Penllyn Estate now intends to gift the present land for 11 No. affordable housing units plus nomination rights on two properties for retiring staff of the estate. The previous applications for new dwellings were refused, and in some cases also dismissed on appeal, essentially on the same grounds, i.e. that there was no justification for residential development in this unsustainable countryside location. Notwithstanding this historical background the present proposal must be assessed against the current policies and guidance, and bearing in mind the nature of the application as an affordable housing development.

In local policy terms the site lies in the countryside where policy ENV1 restricts development to that which is essential for agriculture, horticulture, forestry or other development including mineral extraction; for appropriate recreational use; for the re-use or adaptation of existing buildings particularly to assist in the diversification of the rural economy; and for development which is approved under other policies of the plan. Similarly policy HOUS3 only permits new dwellings in the countryside where they are justified for agricultural purposes. The justification for this is clarified within the accompanying text to Policy HOUS3, which states:

“Furthermore, the many groups of scattered and loose knit buildings in the Rural Vale cannot be regarded as settlements under the terms of Policy HOUS2. These are little more than pockets of dwellings and farmsteads lying in isolation in the countryside. Additional dwellings would be inappropriate in these locations unless justified in the interests of agriculture or forestry.”

This is supported by national guidance with paragraph 9.2.22 of Planning Policy Wales (PPW) noting that:

“In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled.”

In addition policies HOUS2 and HOUS8 of the UDP relate to residential development proposals within or adjoining settlement boundaries. It is noted that Pentre Meyrick is omitted from the list of rural settlements identified under this policy, as it is considered that it does not provide sufficient physical form to accommodate further development that would not detrimentally affect its character. As such it would not meet the provision within policy HOUS2 which allows for small scale ‘rounding off’ of the edge of settlement boundaries. Even if it was located on the edge of a settlement it is noted that it would not meet the requirements of the policy, which states at paragraph 4.4.63:-

“Small scale rounding off, which for the purpose of this Plan is defined as development which constitutes no more than five dwellings, may also be permitted where the site lies within or immediately adjacent to the settlement boundary and conforms to a logical site boundary. All site boundaries should be existing man made or natural physical features. Arbitrary lines drawn for the convenience of plot size do not qualify as such.”

In the case of the application site it is noted that the site forms part of a larger parcel of land with no defined physical boundaries along its northern edge. The development site is defined by an arbitrary line and would not therefore comply with the above requirements.

Notwithstanding this, policy HOUS 13 of the UDP does allow for exception sites for affordable housing within the rural Vale. This is supported by national guidance including PPW and TAN6, however, like the Council’s policy this is not without qualification. As paragraph 9.2.23 of PPW states:-

*“The special provision of **affordable housing exception sites** must be considered to help ensure the viability of the local community. To support policies, local planning authorities should refer to their up-to-date local housing market assessment or local survey. Policies should make clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms.”*

As the guidance notes the exception sites should ensure the viability of the local community and be within or adjoining existing settlements and meet local needs. Council’s policy is in line with this and requires an identified local need and that it meets a number of stated criteria, with criterion (i) requiring that the site is within or adjoining an existing settlement boundary. It is accepted that there is an identified need for affordable housing which is outlined by the Council’s Affordable Housing Enabler at Appendix A to this report. However, the site is not located within or adjoining an existing settlement. As paragraph 4.7.8 of PPW states:-

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

Thus it is clear that the proposal does not comply with the above policies and must be considered as a departure from the development plan. Section 38 of The Planning and Compulsory Purchase Act 2004, requires that the Council determine an application in accordance with the development plan unless material considerations indicate otherwise. The case put forward by the agents relates to the need for affordable housing and the argument that the site is a sustainable one. The main plank of this is to compare the application site to an entirely separate site at The Herberts to the south of Cowbridge where the Council approved affordable housing as an exception to policy, reference 2011/00732/FUL. The argument put forward by the agents, that the application site is more sustainable than The Herberts, and that to be considered sustainable it does not need to be accessible to public transport, is not accepted. It is true that a site could be considered sustainable even with poor access to public transport, but it would need to have available or be within easy and safe walking distance of necessary facilities such as shops, employment and education. The application does not fall within this category, and in contrast to The Herberts, which is located very close and within easy and safe walking distance to the local school, is located over 1.4km away from Llangan Primary school. In addition, as is pointed out by a number of the objectors, the route has no pavements and is very unsafe for pedestrians as it carries considerable traffic, including heavy vehicles, with links from the north and the M4, to the south beyond the A48, including Llandow and Llantwit Major.

In relation to the sustainability of the site and the emerging LDP, in the Councils Sustainable Settlements Appraisal Review Pentre Meyrick's initial sustainability score and ranking was relatively high. However, that Appraisal concludes that the score is an anomaly and that Pentre Meyrick is more rightly to be included within the "Hamlets and Rural Area". Paragraphs 6.12 notes:

"Within the initial sustainability rankings a number of rural settlements which score 5 or more can be identified as an anomaly settlement given their location, role, function, form and sensitive rural character. These overall attributes mean they are similar in nature to the settlements contained within the 'Hamlets and Rural Area' category and have been identified by overriding or limiting factors such as:

- (v) a generally limited range of services and facilities within the settlement,*
- (vi) a low population (generally below 100),*
- (vii) a settlement with a wide or dispersed assessment area with no real village core except for historic sporadic ribbon development, and/or*
- (viii) the settlement being in an otherwise isolated or sensitive location."*

It is considered that both the current and emerging development plan are consistent with national guidance in relation to the settlement strategy. Paragraph 4.7.4 of PPW states:-

*“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**. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling.”*

Thus it is evident therefore that the site is not a sustainable location, as Pentre Meyrick contains no services or facilities to meet the local needs, as such future residents would be largely dependent on the private car for access to shops, employment, leisure, education, etc., contrary to Strategic Policies 2 and 8 of the UDP, and national guidance which states at paragraph 4.7.7 of PPW:-

*“For most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. **In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes** when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.”*

Pentre Meyrick is formed by a small collection of rural houses around a junction with the A48. Whilst this is a strategic highway along which a bus service is available, this is not currently safely accessible to pedestrians. Criterion (ix) of policy HOUS13 requires that adequate community and utility services exist, are reasonably accessible or can be readily or economically provided. The applicants have been requested to explore the provision of facilities to improve pedestrian safety and thereby the accessibility to public transport but they have dismissed this as unnecessary (see Appendix C). This is explored in more detail below.

In addition to the unsustainable nature of the site it must be recognised that in contrast to national guidance which seeks the provision of affordable housing to ensure the viability of the local communities, the proposal will put pressure on local services as outlined by the existing residents and supported by their AM Andrew RT Davies (see Appendix B). The concerns raised refer to the fact that the development would nearly double the amount of properties in the area and have the potential to adversely impact on local services such as the school and local GPs, particularly given the recent housing development on the brownfield site to the north, and the likely increase in road traffic issues in the area. Indeed, it is noted that the Crime Prevention Design Advisor indicates that most of the 30 reported incidents in the past year were traffic/road related.

Thus whilst it is accepted that there is a need for affordable rural housing, it is not considered that this is sufficient to override the significant harm that will be caused as a result of the development of this unsustainable and inappropriate location. If granted such development would set an undesirable precedent that would seriously undermine the local and national objectives to safeguard the countryside for its own sake. Indeed it is noted that one exception site elsewhere is itself being referred to as a precedent for the approval of the current site. It is considered that, in contrast to The Herberts the current proposal will result in a number of adverse impacts which will not be mitigated. These are examined in detail below.

The two other sites referred to in the accompanying Planning Statement, i.e. Former Emporium Garden Centre, Fferm Goch and Old Station Yard, St Athan, are also not considered to set any precedent for the application site. Amongst other reasons, as their names suggest, the sites are previously developed land. The current application site is undeveloped agricultural land. Although the accompanying agricultural assessment indicates that the land is not high quality, being only Grade 3b, it is not accepted that it has no agricultural value due to its shape. If that were true then a whole swath of agricultural land could be immediately classified as of no value.

Impact on the surrounding countryside

The supporting documentation suggests that the proposal will have little adverse impact which can be mitigated by suitable landscaping. Whilst it is acknowledged that PPW does accept that extensions to existing small groups of dwellings in the countryside may be acceptable, this is dependent on the character of the surroundings and the number of such groups in the area. Indeed, national guidance at paragraph 5.1.1 of PPW recognises the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic wellbeing of individuals and communities. In addition PPW states at paragraph 4.6.4:-

“The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors. Central to this is ensuring that the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source.”

As already noted PPW accepts that new house building in the countryside should be strictly controlled and paragraph 9.3.1 requires that new housing should be well integrated with and connected to the existing pattern of settlements, with the expansion of towns and villages avoiding the creation of ribbon development, the coalescence of settlements or a fragmented development pattern. Criterion (iv) of HOUS13 requires that the scale and form of the proposed development is in keeping with surroundings uses, whilst criterion (v) requires that there is no unacceptable effect on the amenity or character of existing or neighbouring environments by virtue of certain factors, including visual intrusion.

The supporting Planning Statement notes at paragraph 5.2.41:-

“It is therefore considered that this form of development, at this location, will not be viewed as an incursion into the open countryside nor is it considered would cause significant and adverse harm to the rural character of the area.”

This is not accepted. In contrast it is considered that the scale of the development, comparative to the existing houses, is such that it will represent a considerable intensification and consolidation of housing in this rural location. The site forms part of an existing agricultural field set in a predominantly rural landscape with a small cluster of dwellings to the south of the site and opposite the site. The proposed development will be particularly prominent on approach from the north, and east from Penllyn. Rather than be viewed as merely part of the backdrop to the existing houses, it is considered that they will represent a significant intrusion into the landscape and serve to urbanise the area to the detriment of the existing undeveloped rural character.

As regards the proposed landscaping of the site, whilst it is accepted that the houses may be screened by planting, it is not considered that they can be ‘hidden’ from view on this widely visible site in relation to the public highway. Screening alone cannot make the development acceptable, as it could be too easily repeated elsewhere contrary to national guidance to avoid a fragmented development pattern.

In terms of the visual impact it is considered that the proposal will cause significant harm to the character of the area which is one of a group of houses totally surrounded by farmland and giving the impression of just a few dwellings set in a rural landscape akin to those isolated groups scattered throughout the Vale of Glamorgan and which are regarded as being part of the countryside. Thus it is considered that the proposal would give rise to a sporadic form of development to the detriment of the character and appearance of the rural area and contrary to national and Local Plan objectives to restrict new residential development outside designated settlement areas.

Highways

The proposal intends to access the site by utilising an existing entrance off the adopted B4268 and a private track. Improvements are intended to upgrade this. The applicants have been advised that in addition to these highway improvements, and the provision of a suitable internal road and off-site parking, a number of off-site highway works are considered necessary, in particular, the provision of a safe pedestrian crossing over the A48 to the south of the site to allow access to the existing bus stops.

These works are considered to be essential to ensure that the site has access to an alternative mode of transport to the private car, which is an essential prerequisite for sustainable development. The existing arrangement means that pedestrians are required to cross the busy strategic highway (the A48) where vehicles are travelling at high speeds and where there are inadequate measures to protect pedestrian safety or slow vehicle speeds. The applicant has discussed providing an appropriate crossing (such as a signalised crossing) but have found it to be cost-prohibitive given the scale and form of development proposed. As such, the concerns about the increased demand to cross the A48 to access bus services have not been overcome and remain a significant issue in this application.

Indeed it is noted that one of the main concerns raised in the objections submitted relates to highway safety issues. These including concerns over increased traffic with the potential to exacerbate existing dangers at the junction (see the Crime Prevention Design Advisor's comments); the existing problems with parking at Nash View; and increased dangers to Llangan School; plus no safe walking to school. The requirement to provide a safe pedestrian crossing is considered both reasonable and necessary bearing in mind the unsustainable nature of the site, and is in line with local and national policy. Strategic policy 7 of the UDP seeks improvements to the transportation network, including, local schemes necessary for environmental and safety reasons, and schemes to encourage travel by cyclists and pedestrians. This approach is also supported by national guidance, with paragraph 8.7.3 of PPW stating:-

"It is also expected that the proposed access to a development will reflect the likely travel patterns involved. It should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car. Large-scale development proposals may merit special traffic measures or road works to cater for them in the existing network. They may also require other works within the overall transport network, for example new rail infrastructure. Where transport improvements will be needed to enable the proposal to go ahead, these should normally be provided first."

In addition paragraph 8.7.5 of PPW states:-

"Where necessary, planning conditions may legitimately be imposed on the grant of planning permission to secure on-site transport measures and facilities as part of the proposed development. Planning obligations may also be used in appropriate circumstances to secure off-site improvements in public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved."

As alluded to above applicants agents have contested the Council's requirement for such improvements making reference to a pedestrian and public transport trip generation survey undertaken by Acstro Highway and Transportation Consultants. This survey found low existing use and from this extrapolated the likelihood that the use would not be much greater as a result of the proposed development.

They also suggest that the local lettings policy will ensure that occupiers will be local, therefore not generating 'new' trips, and that the Housing Association will be able to 'highlight the transport options available'. Presumably this will be to inform them that public transport is available but they will have to cross an unsafe, busy junction, with a high record of traffic accidents in the last year, in order to access this. This argument is considered to be entirely unacceptable as it fails to acknowledge the role played by planning in seeking to encourage the use of public transport. It is highly likely that if a safe pedestrian crossing was provided that more residents/visitors would make use of such a facility in place of private car use.

Furthermore the suggestion put forward by the agents that the strategic importance of the A48, as outlined in the emerging LDP, will result in the Council provide improvements/enhancements, and, as such, absolves the applicants from mitigating the impacts of their own development, is not accepted. Such works must be provided in advance of the development to overcome the issues outlined above, and the Council does not currently have plans to carry out such works.

Thus although the formal comments of the Council's Highway Development team are still awaited, it is considered that without the provision of the necessary safe pedestrian crossing of the A48 there would be a highway objection to the proposal.

Neighbouring and residential amenity

On the issue of the likely impact on the residential amenities of the existing occupiers, it is accepted that the position of the proposed new dwellings is unlikely to adversely affect the neighbours in relation to issues of privacy, overshadowing or of an overbearing nature. In addition the concerns raised over the devaluation of property and disturbance during construction would not be issues that would justify a refusal in planning terms. However, it is agreed that the objection relating to the adverse effect on their quiet enjoyment of the surrounding countryside is relevant, although this alone would be unlikely to warrant refusal if the application was acceptable in all other regards.

As regards the residential amenity of the future occupiers of the proposed dwellings, the Council's Amenity Standards SPG requires a minimum provision of private amenity space of 1m² per 1m² of gross floor area of the dwellings. It is noted that a number of the plots fall short of this. Indeed comparative to the existing houses at Nash View the layout plan identifies a much more restricted provision and a higher density of development. Again something that contributes to the adverse visual impact on the surrounding countryside. Further, it is noted that despite criterion (vii) of HOUS13 and policies REC3-Provision of open space within residential developments and REC6-Children's Playing Facilities, the proposed layout does not provide for any open space or play facilities. Whilst this is explored in more detail within the planning obligations section below, it is noted here to be unacceptable for such development and in this location, and would be grounds for refusal even if the need for affordable housing outweighed the concerns already outlined in relation to sustainability and highway/pedestrian safety.

S106 Planning obligations

Aside from assessing the acceptability of the scheme in relation to adopted policies and other material considerations, the Council has an approved SPG on Planning Obligations which provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances. In addition the Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), which requires that a planning obligation may only legally constitute a reason for granting planning permission if it is:

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

In this case, the proposal relates to a full planning application for the development of the site for 13 affordable residential units. Although this report outlines the justification for the refusal of the development, it is still necessary to examine what planning obligations would be required if the application were acceptable in all other respects. Having considered the nature and scale of the development, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies, the planning obligations referred to below are considered necessary. However, the applicant's agent does not agree with the stated requirement and has submitted an argument covering the viability issues relating to the site. A copy of the letter on the S106 issues is reproduced at Appendix D. In summary this indicates that there are both viability and procedural issues with the contributions requested. However the applicant is prepared to agree to the primary education and transport contributions only amounting to £108,066.30.

The requested contributions include:-

Affordable Housing

In 2010, the Council undertook an update to the Local Housing Market Assessment in order to determine the level of housing need in the Vale of Glamorgan. In light of the evidence contained in the Council's Affordable Housing Viability Update Report (2014), the Council now seek the delivery of 40% affordable housing, with a 70/30 split on site between Social Rented and Intermediate. It is noted that the scheme proposes 100% affordable dwellings, comprising 2 No. two bed bungalows, 1 No. three bed bungalow, 4 No. two bed houses, and 6 No. three bed houses, which exceeds the basic threshold and is being promoted on the basis of being an 'exception site' for affordable housing.

The Council's Affordable Housing Enabler has confirmed the need for affordable housing in the Cowbridge ward, with the most accurate and up-to-date picture of local need provided by the Homes4U waiting list, indicating 160 people requiring:

1 Bed Need	100
2 Bed Need	45
3 Bed Need	7
4 Bed Need	6
5 Bed Need	2
Total	160

There are a further 59 households who have stated they require housing "anywhere in the Rural Vale". Therefore, the Housing Strategy department confirms support for the proposal based on the above provision.

If the application was considered to be acceptable on the basis that it is an 'exception site' for affordable housing then the s106 agreement would need to secure the 100% affordable housing provision on the site in perpetuity. However, as outlined above, the principle of the development in this unsustainable location is not accepted.

Education

As per the authority's pupil yield formula the construction of 13 dwellings would be anticipated to yield the following number of children:

- Pre-school – $13 \times 0.1 = 1$ nursery
- Primary – $13 \times 0.278 = 4$ primary
- Secondary (11 to 16) – $13 \times 0.208 = 3$ secondary (11-16)
- Secondary (post 16) - $60 \times 0.04 = 0$ secondary (post 16)

Although no formal comments have been received to date from the Council's Education Department, it is noted that the neighbouring objections received refer to concerns over the impact on the local Llangan primary school, particularly bearing in mind the recent approval for new dwellings at the former garden centre to the north.

The LDP Background Paper on Education Facilities considered this in 2013 and on the basis of the information contained therein the following Education Contributions are required.

Nursery and Primary:

Having regard to existing evidence of parental preference for schooling in the area, it is envisaged that all 4 primary pupils and 1 nursery aged pupil would attend Llangan Primary School which does not have adequate capacity to meet demand. Therefore, a contribution of **£72,316.30** (including 18% fees) would be required to meet nursery and primary education needs.

Secondary:

Having regard to existing evidence of parental preference for schooling in the area, it is envisaged that the 3 pupils would go to Cowbridge Comprehensive. Taking into account the findings of the LDP Background Paper on educational facilities, it is important to look at this site alongside other LDP sites that are expected to come forward soon and take a strategic overview. The Council therefore intends to seek contributions for 64% of those English medium secondary aged pupils generated from each development site in the Cowbridge Comprehensive catchment area, having regard to available capacity and school admissions management. Therefore, for this site, it equates to 2 pupils at £21,793.42 (including 18% fees) which totals **£43,586.84**.

In relation to this contribution the agent argues that as the proposal is not 'within or closely related to the defined settlement boundaries' then policy HOUS8 is not relevant and accordingly the requirement to provide adequate community services does not apply. Consequently they are prepared to meet only the primary contribution of £72,316.30 and not the secondary contribution of £43,586.74. This argument is contested as being illogical given the proposal is for housing albeit outside a settlement boundary. The principles of what makes housing development acceptable remain applicable. This pressure on secondary school places in the area would be another adverse impact of the development that would not be mitigated.

School Transport

Given the location of the site, there is also a requirement for contributions towards 'home to school' transport. There are statutory requirements to provide free school transport where schools are beyond walking distance. I note that the site is within 3 miles of Llangan Primary, however, there is still likely to be a demand for fare paying services, which usually need to be subsidised. In addition, depending on parental preferences some children would also be entitled to free 'home to school' transport to primary school (i.e. for Welsh medium and religious schools).

The average current cost per student for free home to school transport in the Vale of Glamorgan is £650 and, accordingly, based on there being 3 secondary age pupils, the requested contribution amounts to 3 x £650 pa = £1950 per annum, for a 5 year period, totalling **£9,750**.

The applicant is willing to meet this requirement.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car. TAN 18 'Transport' was published in March 2007 and paragraphs 9.20-9.23 support the Councils' request for sustainable transport contributions.

Therefore, it is considered appropriate to seek contributions to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving new developments. In accordance with the Planning Obligations SPG the Council usually seeks a financial contribution of £2000 per residential unit to provide sustainable transport facilities. Based on 13 dwellings this would equate to **£26,000**. This is required in addition to the provision of basic access into the site.

It is also noted in the highways section of this report that the Council has requested that the applicants provide improved pedestrian access to connect to the bus stops on the A48. The applicant's agents have undertaken a Public Transport Generation Assessment which concludes that the low level of trip generation does not justify the provision of a safe pedestrian crossing. Notwithstanding this the applicants are prepared to contribute the £26,000 towards the Council run Greenlinks Rural Community Transport Service, noting that the Council obtained a contribution of £80,000 towards sustainable transport from the redevelopment of the former Emporium Garden Centre site to the north.

However, given that this contribution would not be sufficient to secure the necessary safe crossing on the A48, it is considered that this does not overcome the highway safety and sustainability concerns with the proposal.

Public Art

The Council introduced a 'percent for art' policy in July 2003 which is supported by the Council's adopted supplementary planning guidance (SPG) on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

The applicant's agents consider that this contribution does not meet the tests, particularly as the development will provide much needed affordable housing. They argue that the proposed design of the scheme is of a high standard seeking to provide a high quality development, and therefore additional public art is not necessary. It is considered that the stated high design quality is not evident from the submitted plans and that public art is a legitimate requirement on major development sites such as this, as a fundamental part of good design.

Public Open Space

Criterion (vii) of HOUS13 requires that open space is provided in accordance with the Council's approved standards. On residential developments of 5 or more dwellings open space is sought at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for the children's playing space and 1.6-1.8 hectares for outdoor sport). In accordance with policy UDP Policy REC 6, within new developments, children's play facilities shall be provided at a standard of 0.2-0.3 hectares per 1000 population (falling within the provisions set down in policy REC 3). The standard can be broken down to a minimum square metre requirement per person as follows:

Total public open space:

2.43 ha per 1000 population = 24.3 sqm per person = 55.40 sqm per dwelling.

Areas of public realm such as footpaths, cycleways and highways and other forms of circulation space are not counted as part of on-site public open space provision. Likewise, incidental areas of landscaping or drainage basins are not considered to be useable areas of public open space, which contribute to satisfying this policy requirement.

Where it is impractical to provide open space and/or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off-site contribution payments. This will be the exception rather than the norm, and is only likely to apply on smaller sites (i.e. 15 or less units) or particularly constraint sites.

It is noted that no areas of public open space provision are shown within the confines of the site. However given the size and location of the site, it is considered appropriate for all of the POS provision to be by way of an off-site contribution. Such an off-site contribution is normally calculated on the basis of £2280 per dwelling (based on 55.4 sq m per dwelling) which amounts to a contribution of **£29,640**.

In regard to this element of the required contribution, again the agents consider that it is not appropriate for the development to provide any on-site open space or play facilities on an isolated site remote from any facilities. Furthermore, they make reference to informal negotiations in a meeting with Council representatives where a suggestion was made that the required off-site contribution could enhance existing facilities in the area. They appear to suggest that as a contribution to public open space, play equipment, access and public art has been made by the developers of the site at Fferm Goch, there is no longer a need to contribute in relation to the current site. This is not accepted as the addition of 13 households will put additional pressure on local facilities which should be met by the development itself.

Furthermore, the LDP Background Paper on open space identifies an existing deficiency of children's play facilities in the ward that would be exacerbated by the increase in population arising from the proposed development.

Conclusion to Planning Obligation Matters

Thus it would appear that the applicant's agent is suggesting that because the development relates to affordable housing it should not need to meet the planning obligations required to mitigate the negative impacts of the development outlined within this report. The agents state in their letter of 6 August 2015:-

"It is considered that the requested planning obligations should be considered in view of the nature of the scheme. Significant weight should be given to the provision of affordable housing and particularly the benefits which the scheme will provide, in considering the S106 contributions that have been suggested."

This argument is not accepted. It is considered that the unsustainable nature of the site will result in a number of harmful effects that are not outweighed by the need for affordable housing or the agents arguments relating to the 5 year land supply. This points out that in the absence of a 5 year supply the contribution of small-scale residential development to the Vale's housing stock should be given significant weight in the determination of the application. Whilst this may be a material consideration it is not considered that it justifies the approval of the current application. In this regard it should be noted that the Council continues to receive many applications for housing development in advance of the adoption of the LDP, the majority of which are identified as housing sites within the LDP. The Council has already approved over 3400 dwellings (including the outline application for the Barry Waterfront) and critically while some of these sites are currently under construction, including the Waterfront, Wenvoe and the former ITV site, there remain a considerable number of consents which have yet to be commenced including, Land North of the Railway, Rhoose, Llantwit Major and Colwinston. In addition, it is noted that there is a current application for the residential development of land adjacent to Cowbridge, reference 2014/01505/OUT, an initial examination of which suggests that it can provide for affordable housing in a much more appropriate location, and in line with local and national policy.

Other issues

On the issue of ecology it is noted that some concern has been raised by neighbours, however, the Council's Ecology team has confirmed there are no objections subject to a request for further enhancements, including, the provision of a native species hedgerow to the new northern boundary in place of the proposed close boarded fence, and consideration of lighting to ensure minimum impact from light pollution.

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, have advised that the proposals will require archaeological mitigation, and have recommended a condition be attached to any permission requiring the submission of a written scheme of archaeological investigation prior to the commencement of development.

In relation to drainage, a neighbour objection refers to a risk from groundwater flooding. However, both NRW and Welsh Water have no objections to the proposal. Welsh Water have requested that their standard Conditions and Advisory relating to foul, surface and land drainage be attached to any permission. They also note that the site is crossed by a public sewer and that no development will be permitted within 3m either side of the centreline of the sewer.

CONCLUSION

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

Having regards to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, HOUS12-Affordable Housing, HOUS13-Exception Sites for Affordable Housing in the Rural Vale, TRAN10-Parking, REC3-Provision of Open Space within New Residential Developments, REC6-Children's Playing Facilities, and Strategic Policies 1 & 2-The Environment, 3-Housing, 7-Transportation Network Improvement and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Affordable Housing, Sustainable Development, Design in the Landscape, Amenity Standards, Biodiversity and Development, and Planning Obligations; and national guidance contained in Planning Policy Wales, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN16-Sport, Recreation and Open Space, and TAN18-Transport; it is considered that the need for affordable rural housing is a material consideration but it does not outweigh the harm that would be caused from the residential development of this unsustainable countryside location particularly bearing in mind the failure to fully meet the Council's S106 planning obligation requirements. The residential development of the site would detract from the undeveloped, unspoilt character of the surrounding rural landscape, and would cause detriment to highway and pedestrian safety.

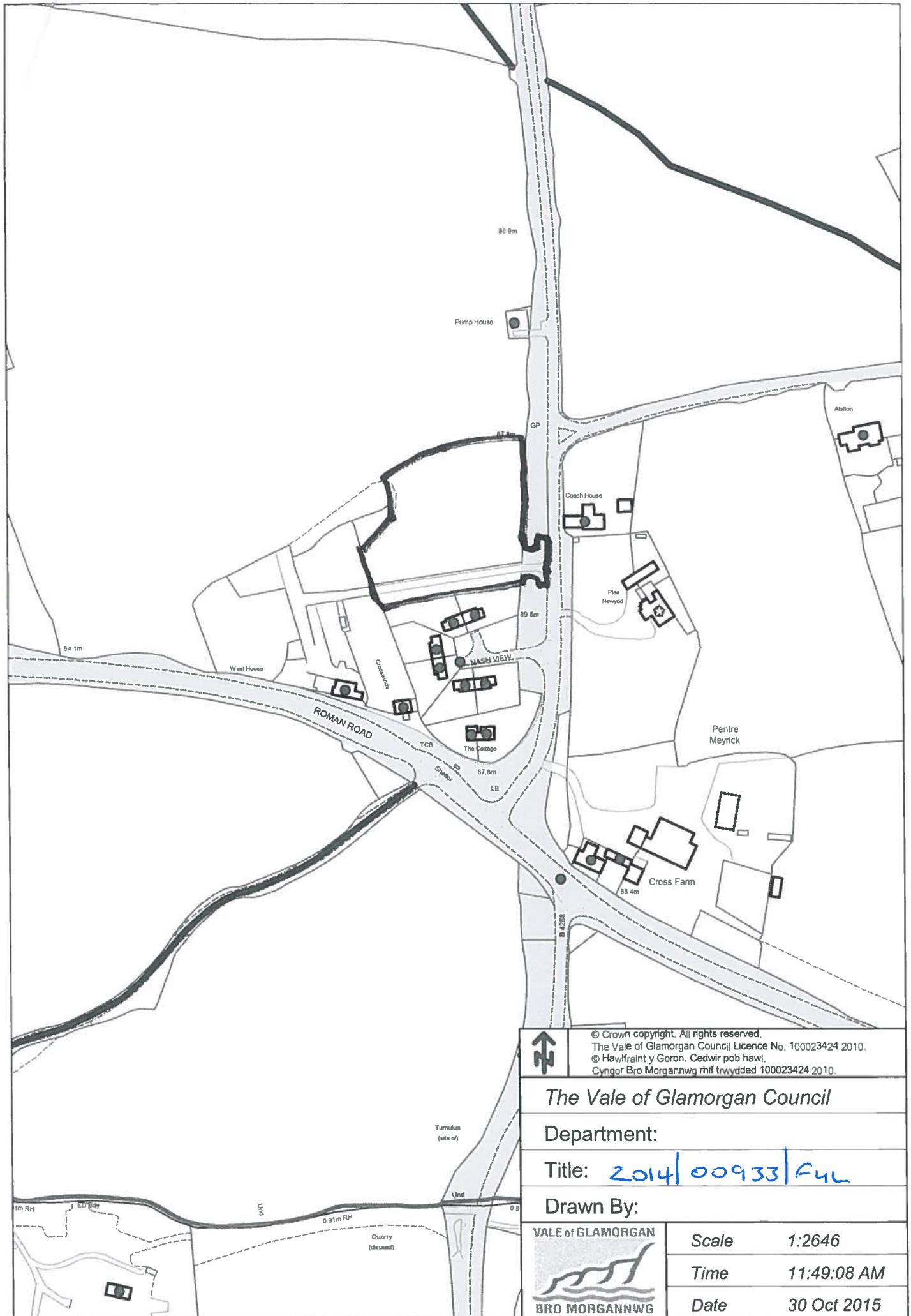
RECOMMENDATION


REFUSE (W.R.)

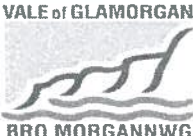
1. By reason of the site's rural location and the absence of adequate links to sustainable modes of transport (in a way which would not prejudice pedestrian and highway safety) occupiers of the proposed development would be overly reliant on the private car to access basic day to day services. The proposal would therefore represent an unsustainable form of development that would be contrary to Policies 2 (Environment) and 8 (Transportation), ENV27-Design of New Developments, HOUS13-Exception Sites for Affordable Housing in the Rural Vale of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Rural Communities and TAN18-Transport.

2. By reason of the site's rural context, the lack of a clear physical relationship to an established settlement and the absence of an agricultural / forestry / rural enterprise need, the proposal represents an unjustified form of residential development in the countryside that would detract from the undeveloped and unspoilt character of the surrounding rural landscape. The development is therefore contrary to Policies ENV1-Development in the Countryside, ENV10-Conservation of the Countryside, ENV27-Design of New Developments, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, HOUS13-Exception Sites for Affordable Housing in the Rural Vale, and Strategic Policies 1 & 2-The Environment and 3-Housing of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Affordable Housing, Sustainable Development, Design in the Landscape; and national guidance contained in Planning Policy Wales, TAN2-Planning and Affordable Housing, TAN6-Planning for Sustainable Rural Communities, and TAN12-Design.

3. The applicant has failed to agree to adequately mitigate the impact of the proposed development in terms of education, sustainable transport facilities, public art and public open space, via an appropriate Section 106 agreement. The development would therefore fail to provide appropriate facilities to meet the needs arising from this residential development in this isolated location, contrary to the aims of Policies 2 (Environment) and 8 (Transportation), ENV27-Design of New Developments, HOUS8-Residential Development Criteria, HOUS13-Exception Sites for Affordable Housing in the Rural Vale, REC3-Provision of Open Space within New Residential Developments, and REC6-Children's Playing Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Affordable Housing, Sustainable Development, and Planning Obligations; and national guidance contained in Planning Policy Wales, TAN2-Planning and Affordable Housing, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN16-Sport, Recreation and Open Space, and TAN18-Transport.




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<i>The Vale of Glamorgan Council</i>	
Department:	
Title: 2014/00933/F4L	
Drawn By:	
 VALE of GLAMORGAN BRO MORGANNWG	Scale 1:2646
	Time 11:49:08 AM
	Date 30 Oct 2015

14/00933/FUL A!

MEMORANDUM / COFNOD

The Vale of Glamorgan Council



To / I:	Development Services
Dept / Adran:	Development Services Docks Office,
Date / Dyddiad:	02/09/14
Your Ref / Eich Cyf:	

From / Oddi Wrth:	Elisa Faulkner – Affordable Housing Enabler Public Sector Housing, The Alps Depot, Wenvoe.
My Ref / Fy Cyf:	
Tel / Ffôn:	01446 709 237
Fax / Ffacs:	01446 709 841

Subject:	Planning Consultation Response
Planning Application No.	2014/00933/FUL (YP)
Location:	Land at Pentre Meyrick, Pentre Meyrick
Proposal:	<u>Development of 13 affordable homes, access arrangements and associated works</u>

Thank you for asking Housing Strategy to consult on this application.

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

In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in the Cowbridge ward, with 160 people requiring:

1 Bed Need	100
2 Bed Need	45
3 Bed Need	7
4 Bed Need	6
5 Bed Need	2
Total	160

There are a further 59 households who have stated they require housing "Anywhere in the Rural Vale".

The Housing Strategy department is supportive of this proposal and have worked closely with the landowner and Housing Association in bringing this site forward. It

14/00933/FULA²

represents an innovative opportunity to develop much needed rural affordable housing in an appropriate location.

The landowner, who runs a large farm estate in the Vale, will be gifting the land to the Housing Association, in return for nomination rights on two of the thirteen properties, which they will use for retiring staff leaving tied accommodation on the estate. These two properties will remain in ownership of the Housing Association and if the landowner does not have a suitable nomination at any time, they will be allocated via the Homes4U waiting list.

Land availability for affordable housing is a particular problem in the Vale and we support this innovative solution.

In partnership with the Housing Association, we met with the Penllyn Community Council in March 2014 to discuss the proposal and the principle of a Local Lettings Policy which could be applied to the site. This was then followed up with a public consultation event in Penllyn, which was very well attended by the local community. Since then, we have received numerous enquiries from local residents who would be eligible under the terms of a Local Lettings Policy.

Many of these are currently living in Pentre Meyrick itself and include young people working locally in farming, education and a local small business owner. We have also had enquiries from people with caring responsibilities for elderly parents in the village who cannot afford to move to the area.

They have all been encouraged to join the Homes4U waiting list and we will continue to work closely with the community, if planning permission is granted, to ensure the homes are allocated to local people, satisfying the terms of the Local Lettings Policy which will be formulated by the Community Council and the Affordable Housing Enabler.

We hope that the Planning Committee will find in favour of this innovative and much needed development.

Elisa Faulkner

Affordable Housing Enabler



Andrew RT Davies AM/AC

Leader of the Opposition
Arweinydd yr Wrthblaid
Welsh Conservative Member for
South Wales Central
Aelod y Ceidwadwyr Cymreig dros
Ganol De Cymru

14/00933/FULB!

Marcus Goldsworthy
Development Control
Dock Office
Barry Docks
Barry
CF634RT

Please reply to:
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AndrewRT.Davies@wales.gov.uk

Ein cyf/Our Ref: **AD/VB**
Eich cyf/ Your Ref: **VB**

24th September 2014

Dear Marcus,

I am writing to you on behalf of a group of constituents from Pentre Meyrick who I recently met to discuss a planning issue. They are extremely concerned about the impact of a new development of 13 properties in the hamlet.

The proposed development would nearly double the amount of properties in the area and as such the plans have caused a great deal of concern with local residents.

The main concerns raised by the constituents include the following:-

- 1) The potential impact on local services such as the provision of school and GP places; particularly given there is another such development taking place in nearby Llangan. This already has a high portion of properties that would be suitable for young families and this will place considerable pressure on Llangan School, which is already full.
- 2) The current access plans to the proposed development; it is feared that these might lead to an increase in road traffic issues in the area, creating a dangerous junction for local residents. What considerations have been given to this part of the plan, and would an access route at the north of the site be a better solution to this aspect? It is worth noting that there is already an agricultural entrance to the field.
- 3) The current plan for affordable housing does not contain a provision for shared equity or alternative means to purchase the properties in the long term. Therefore, there is a fear that this could create an unsustainable development given the likelihood that potential occupants would not view the properties as a permanent housing solution.

14/00933/FULB₂

The residents have indicated that they would welcome the chance to engage with the planning department to address these concerns and to see if an accommodation can be reached between all parties. I would be more than happy to put you in touch with them if this would be a possible way forward.

I look forward to hearing from you in due course.

Kind regards

Andrew RT Davies

Andrew RT Davies AM
Assembly Member for South Wales Central

14/00933/FUL'c!



Our Ref: A088822/JH
Date: 1 June 2015

Yvonne Prichard
Vale of Glamorgan Council
Planning Department
Dock Office
Barry Docks
Barry
CF63 4RT

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02 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Dear Yvonne

**Land at Pentre Meyrick, Vale of Glamorgan
2014/00933/FUL**

Further to our recent discussions I write in relation to the above application and the following issues:

- Position to Date
- Pedestrian Survey and Public Transport Trip Generation
- Planning Policy, Sustainability and Parallels with the Herberts
- Housing Land Supply and Housing Need

Position to Date

Following the submission of the application in August 2014, and subsequent meetings and discussions with the Authority, it is considered that the scheme is generally acceptable in all respects (design, layout, etc) save for the issue as to whether the site is 'sustainable'.

The scheme is a proposed affordable housing rural exception site and needs to be considered within this context. By the very definition of the term 'rural exception site', and within the relevant planning policy framework, it is accepted that schemes such as this can be located in rural areas to satisfy the requirement for local needs affordable housing where there may not be the full range of services and facilities ordinarily expected to be available to new housing development.

It is considered that the site, within the context of the overall policy approach to rural exception sites, is inherently sustainable. The enclosed Transport and Facilities Links plan, which formed an appendix to the Planning Statement submitted as part of the planning application, demonstrates that:

- The site is strategically located close to the A48 providing access to the main settlements of Cowbridge and Bridgend. In the case of Cowbridge this provides a range of facilities commensurate with its size / status, and position at the top of the settlement hierarchy in the Authority.
- The services and facilities of the other rural settlements of Penllyn, Craig Penllyn and Llangan are also all within a short distance of the site.
- The site is well placed for public transport – both in the form of bus services and the Greenlinks rural community transport service operated by the Authority.



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It is also crucially important that recognition is given to the status of the A48 and the vision of the Authority to its future role. Within the emerging LDP there are a number of relevant policies and these include:

- Strategic Policy SP7 (7) recognises that a key priority to enable the economic, social and environmental needs of the Vale of Glamorgan is that cycle routes will be improved / delivered along the A48 at Culverhouse Cross to Bridgend.
- Policy MG 16 identifies key transport proposals for the LDP, which will support the strategic objectives of the Plan and realise enhanced sustainable transport facilities and highway improvements. As part of this Policy MG16 (03) identifies that the A48 through the Vale will be a focus for walking and cycling improvements. In addition Policy MG16 (08) states that the A48 will also be a focus for bus improvements.
- As part of the supporting text to Policy MG16, paragraph 6.96 specifically states that the *'the A48 Bridgend to Culverhouse Cross is recognised by the South East Wales Transport Alliance as a major strategic transport route that connects Bridgend to Cardiff and the rural Vale to Cardiff and the M4. Whilst this route has been identified as in the top 10 corridors within the Sewta area for bus priority improvements, the route will also benefit from improved walking and cycling routes to enhance this strategically important transport corridor and connect the rural communities to the transport interchange at Culverhouse Cross.'*

The above demonstrates that the Authority recognise that the A48 is a strategically important transport corridor for both the private car, public transport, walking and cycling opportunities – all of which will be available and enhanced, benefitting the residents of the proposed development.

Notwithstanding the above sustainable credentials relating to the site, the Authority have previously indicated that they were of the view that there is a need to provide a pedestrian crossing facility over the A48 to the bus stop on the southern side of the A48, which provides opportunities for west bound public transport, so that the site was sustainable in planning terms. Rather than the applicant undertaking the works to install a crossing point, it was considered that the works could be costed and agreed with the Authority. A commuted sum could then be made as part of the overall financial package of S106 contributions that are being proposed to deliver this.

In response to this, and considering the format that a pedestrian crossing point could take, further detailed assessment work has been undertaken to establish if there is a planning policy justification for actually providing a pedestrian crossing point. To this end a pedestrian survey was commissioned to establish the frequency of the use of both bus stops, but also the number of pedestrians who crossed the A48 in both directions to the bus stops. Following this Acstro Highway and Transportation Consultants were appointed to assess and report on the likely public transport trip generation of the scheme. A copy of the survey is included and discussed in more detail below.

Pedestrian Survey and Public Transport Trip Generation

The pedestrian survey was undertaken on Thursday 26 March and Saturday 28 March. The survey company's brief was to confirm:

- The number of people crossing the A48 from the north to use the bus stop on the south side of the A48.
- The number of people getting off at the bus stop on the southern side of the A48, and then crossing the A48 to the northern side.
- The total number of people using both bus stops.



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In summary, and confirmed within the highways report, the results were as follows:

	Thursday 26 March		Saturday 28 March	
	Westbound Stop	Eastbound Stop	Westbound Stop	Eastbound Stop
No. pedestrians crossing A48	0	1	0	1
No. of passengers boarding	2	2	0	1
No. of passengers alighting	1	6	0	5

This therefore demonstrates that the current use of the bus stops is generally low – particularly in the case of the bus stop on the southern side of the A48. It also demonstrates that there were no pedestrians crossing the road from the north (where the scheme is located) to the bus stop on the southern side of the A48.

In addition to establishing the current level use of the bus stops, the accompanying Public Transport Generation Assessment has also considered the number of public transport movements that the proposed 13 dwellings would generate. The results of this, alongside the pedestrian survey, will establish whether there is a reasonable justification for the provision of the pedestrian crossing facility across the A48.


The highway report concluded that, based on typical trip generation rates, the scheme would only generate between 1 to 2 public transport trips per day. It is also of specific relevance (as outlined with the highway report) that regard is given to the fact the A48 bus stops are not the only option for the residents of Pentre Meyrick to access public transport. As you will be aware the Authority operates the Greenlinks Rural Community Transport Service in the area. This is a demand responsive service which provides access to a number of villages and Cowbridge.

As part of the recent outline planning permission (ref:2012/00862) granted for the redevelopment of the Former Emporium garden centre in Llangan (to the north of the application site) a contribution of £80,000 was made to sustainable transport. The committee report states that in justifying this amount within the context of the relevant 'tests' that this could be used towards the *'running cost and possible expansion in this area of the Council-run 'Greenlinks Rural Community Transport' service provision'*. This demonstrates that the Greenlinks service has received previous S106 funding and is therefore considered by the Authority as being a viable means of public transport within the area. We can confirm that Hafod Housing Association would also be prepared to contribute to the running of this service which would improve the overall viability of the service.

As we have previously confirmed the development will also be subject to a local lettings policy. This will ensure that Hafod Housing Association, in association with the Authority, give priority to those applicants with a local connection. The relevance of this to the issue of sustainability is twofold.

- Firstly, based on the feedback that was received at the public exhibition held in March 2014 (where over 70% of the respondents were in favour of the scheme) a large number of those who expressed a formal interest in the scheme were already living in Pentre Meyrick / Penllyn with for instance parents, relatives, etc. Accordingly they already have the option of using public transport and / or have access to a car. This is therefore a relevant consideration as the scheme will therefore not generate 'new' trips – rather existing trips will be re-distributed. For instance it is entirely reasonable to conclude that a young adult currently living with their parents in Penllyn as they are unable to afford housing in the area, could drive to Cardiff or Bridgend for work. By becoming a tenant of the proposed affordable homes this will not alter the 'status quo' as the private car / public transport trips that they generate will not be in addition to the current position.



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- Secondly, Hafod Housing Association in their discussions with potential tenants will be able to highlight the transport options available. It will be their duty to ensure that any tenants do have the ability to access jobs, services and facilities. Even if all tenants have access to a car, as the site is well placed strategically adjacent to the A48, the distance of these car trips will be shorter than if they were to originate from more remote areas of the rural Vale.

As you will be aware there are a number of tests set out within the Community Infrastructure Levy Regulations 2010 (section 122) as to whether a request for a planning obligation (financial sum to secure works such as the pedestrian crossing facility) is justifiable. These are as follows:

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

This framework therefore should only allow those obligations which are absolutely necessary to render the development acceptable (i.e. without which there would be a policy conflict which material considerations cannot outweigh). On this basis, and having gathered evidence that there is currently a low level of usage of the bus stops, a negligible number of pedestrians crossing the A48, and a very limited number of new public transport trips would be generated from the development, we would suggest that;

- it is not necessary to provide a pedestrian crossing in planning terms.
- the issue of the pedestrian crossing is not directly related to the development.
- the associated cost for a pedestrian crossing is not fairly or reasonable related to the development of 13 rural affordable dwellings.

Planning Policy, Sustainability and Parallels with the Herberts

Turning to issues of planning policy and sustainability which have been raised, we do not consider that this site is that dissimilar to the Herberts (ref: 2011/00732/FUL) where the Authority approved 8 rural affordable dwellings in 2012, and that a more consistent approach should be taken in considering the overall benefits of our proposal. The reasons for this are as follows:

- Planning Policy at the national level is materially relevant (particularly paragraph 9.2.22 of PPW and TAN6) not least as national guidance postdates the policies in the current unitary development plan – specifically in terms of heightening the importance attached to the delivery and provision of affordable housing.
- Paragraph 9.2.22 of PPW confirms that the *'sensitive filling of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages'*.
- TAN6 paragraph 2.2.3 specifically states that *'Where development proposals are intended to meet local needs, planning authorities should recognise that a site may be acceptable even though it may not be accessible other than by the private car.'*

These extracts from national policy confirm beyond doubt that rural affordable housing exception sites, such as this, to be considered sustainable do not need to be accessible to public transport.



Within the committee report for the Herberts there are a number of references to sustainability which are directly material to the application. These include:

- 'TAN 6 recognises that where development proposals are intended to meet local needs, planning authorities should recognise that a site may be acceptable even though it may not be accessible other than by the private car (paragraph 2.2.3 refers). Therefore, on balance, it is not considered that the development should be resisted on the grounds of accessibility'.
- Furthermore in terms of the private car 'it is noted that the site is located at some distance from shops and services and therefore the development will generate travel demand. Whilst there is provision for public transport via bus services operating along St. Athan Road, these are infrequent, and it is considered that future occupiers are likely to rely in the main on private cars to access goods and services'

This demonstrates that as a starting point there needs to be a greater level of consideration given to planning policies at the national level. In terms of sustainability the Herberts is inherently similar to this proposal and it was ultimately considered acceptable in terms of sustainability – not least due to the pressing need for the Authority to deliver affordable housing which is enshrined in national guidance. Due to the proximity of the application site to the A48 it can be argued that Pentre Meyrick should be considered as inherently more sustainable than the Herberts.

Housing Land Supply and Housing Need

The most up-to-date guidance provided in TAN 1 clarifies that with a time expired UDP, and the absence of an adopted LDP, the Vale of Glamorgan does not have a 5 year housing land supply. Accordingly, and in the absence of a 5 year supply, the contribution of small-scale residential development to the Vale of Glamorgan's housing stock should be given significant weight when determining the application.

In addition to the lack of a 5 year land supply, it is acknowledged in the Deposit LDP that there is a pressing requirement to deliver affordable housing on windfall sites such as this. It is also understood that the Penllyn Community Council area has been ranked as 4th in the terms of the wards in the Authority that require affordable housing to be delivered. Accordingly it is considered that this proposal, as was demonstrated through the recommendation to approve the planning application at the Herberts, will go some way in providing affordable housing to meet the identified need.

Summary

In summary, we consider that there are numerous parallels in terms of the planning policy position with the Herberts proposal which would be considered material to this case – and in certain instances this scheme is even more policy compliant. We consider that:

- The site is sustainable in that there are a number of public transport options available to any potential residents. It is also adjacent to the A48 which is a priority route for the Authority in terms of improving, walking, cycling and bus opportunities.
- It has been demonstrated that there is currently a low level of usage of the bus stops, a negligible number of pedestrians crossing the A48, and a very limited number of new public transport trips would be generated from the development. There is accordingly no justification within the relevant tests to request a pedestrian crossing facility.



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- The sub five year housing land supply position represents a very significant change in planning circumstances which weighs heavily in favour of granting permission for the proposed development.
- The development will contribute to an identified shortfall in affordable housing supply in the Rural Vale of Glamorgan. The scheme, comprised of entirely affordable housing, will directly contribute to an assessed need within the Ward of Penllyn.
- Through a local lettings policy the scheme will be for local people in housing need, and it is recognised in national planning policy that rural affordable housing exception sites, such as this, to be considered sustainable do not need to be accessible to public transport.

Having regard to the above key material considerations, it is considered that the proposed development represents an appropriate and policy compliant scheme, which makes good use of this site, to the benefit of the wider community. We would welcome the opportunity of discussing this further and look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Hurley'.

Jon Hurley
Associate

For and on behalf of
WYG Environment Planning Transport Ltd
jon.hurley@wyg.com

Enc: Transport and Facilities Links plan
Public Transport Trip Generation Assessment

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14/00933/FUL'D



Our Ref: A088822/JH
Date: 6 August 2015

Yvonne Prichard
Vale of Glamorgan Council
Planning Department
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Yvonne

**Land at Pentre Meyrick, Vale of Glamorgan
2014/00933/FUL**

Further to our letter of 1 June 2015, and our subsequent correspondence, we write specifically in response to the initial proposed S106 amounts outlined in your letter of 13 November 2014.

Prior to considering the proposed S106 amounts, it is necessary to re-confirm our position with regards to the acceptability of the proposal. Despite the current views of officers, there are numerous material considerations in favour of the application, and these are documented in our letter of 1 June. In addition, and as we have requested, there is fundamental requirement for us to meet to discuss the position with regards to the proposed S106 amounts. Whilst we appreciate the current staffing and workload issues faced by the Authority, as an entirely affordable housing scheme is being proposed and this in principle meets a number of the Council's corporate priorities, we would request that you please re-consider this position.

In relation to the proposed S106 amounts this letter is structured as follows:

- Framework for Planning Obligations
- Viability Considerations
- Affordable Housing
- Education – including school transport
- Sustainable Transport
- Public Art
- Public Open Space
- Planning Obligations administration fee

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12 AUG 2015

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Framework for Planning Obligations

As you will be aware there are a number of tests set out within the Community Infrastructure Levy Regulations 2010 (section 122) as to whether a request for a planning obligation is justifiable. These are as follows:



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

The above 'framework' therefore sets out the key tests that all must be met when requests for planning obligations are made in relation to planning applications. Our response (as outlined below) to the requests made in relation to the proposed development is therefore made in view of this framework.

Viability Considerations

In terms of any agreement between the Penllyn Estate and Hafod the land is essentially being 'gifted'. Accordingly as there is essentially no land value to be taken into account this represents an opportunity for a reduced level of Social Housing Grant to be required than would otherwise be the case and consequently this will 'free up' monies for other affordable housing schemes within the Authority.

In addition the scheme could be provided as "Neutral Tenure" to enable local need to be reflected in the tenure of the properties offered and this will offer further opportunity for the SHG investment to be recycled within the Vale of Glamorgan and utilised for the development of additional affordable housing. It is considered that this is an innovative approach to delivering affordable housing, if agreed with the Authority in due course, and should be welcomed.

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications. It is accepted that the burden of proof in such cases falls to the applicant to prove that viability is an issue for their development.

Despite the fact that the land is being 'gifted' there are significant issues in terms of scheme viability in the context of the proposed S106 amounts. In order to demonstrate this a number of scenarios have been modelled in 3 Dragons. These are as follows;

- 1) Full S106 contributions as requested by the LPA. Build cost at £1,400 per square metre
- 2) Full S106 contributions as requested by the LPA. Build costs at £1,425 per square metre
- 3) Reduced S106 contribution requested by the LPA. Build costs at £1,400 per square metre
- 4) Reduced S106 contribution requested by the LPA. Build costs at £1,425 per square metre

Scenarios 3 and 4 have only included contributions for education (primary school only) and public transport (school transport and sustainable transport) – these being the contributions on which we consider there could be a justification for them to be sought within the framework. The variation in build costs have been used in order to reflect the current upward spiral in increase costs which the applicant has experienced through tendering recent developments, and evidence how a minimal change to this figure can have a further negative impact upon scheme viability.

An amount of £100,000 has also been legislated for in terms of abnormal costs. Initial ground investigating works have been undertaken and these have uncovered a void on the site in the proximity of one of the proposed dwellings. This amount is therefore required in order to cover the works that are required to deal with this abnormality. There is also a requirement to relocate the telegraph pole at the entrance to the site.

14/00933/FUL'D₃ WYG

In summary the position with the 4 scenarios that have been modelled is as follows:

Scenario	Residual value
1	£-64,000
2	£-98,000
3	£29,000
4	£-5,000

Although there is the theoretical ability for additional social housing grant (SHG) to be allowed for within the scenarios in order to deliver a greater level of contributions and a nil land value, this is in no way considered acceptable within the framework for the reasons set out in more detail below.

The viability exercise has demonstrated that, notwithstanding whether there is in fact a case for the contributions that have been requested, there are viability issues relating to the development. These are material considerations in the determination of the planning application.

Affordable Housing

As noted in your letter of 13 November 2014, the application proposes a development of 100% affordable housing and therefore voluntarily provides a level of affordable housing over and above that required by the Vale of Glamorgan Unitary Development Plan and the Planning Obligations SPG (which would only be 35%). These affordable units will therefore go towards meeting a high level of need for affordable housing in the area – a point which has been agreed with the Authority.

It is considered that the requested planning obligations should be considered in view of the nature of the scheme. Significant weight should be given to the provision of affordable housing and particularly the benefits which the scheme will provide, in considering the S106 contributions that have been suggested.

This scheme represents a significant investment by Hafod Housing Association and will only be possible through an element public subsidy in the form of grant assistance. If this grant assistance was not available then scheme would not be financially viable. Accordingly, any significant requests for S106 contributions will bring into question the viability of the overall development as we have outlined above.


Education – including School Transport

Within your letter of 14 November 2014, based on the SPG and having regard to the 'the parental preference for schooling in this area', amounts of £72,316.30 and £43,586.84 have been proposed as contributions for Llangan Primary School and Cowbridge Comprehensive School respectively.

In relation to Education contributions the Planning Obligations SPG refers to UDP policy HOUS 8. However, this policy relates to development proposals "within or closely related to the defined settlement boundaries" and accordingly is not a relevant policy in the determination of this application.

The detail of this requirement is set out in the SPG with paragraph 4 of appendix III noting that "where the new pupils generated cannot be met by available spare capacity within existing local schools, a planning obligation will be required...". Accordingly, the requirement is to ensure developments "within or closely related to the defined settlement boundaries" provide "adequate community services" (HOUS 8) and that the need for planning obligations arises only where the development cannot be accommodated "by available spare capacity within existing local schools".



14/00933/KU'D₄' 

Notwithstanding the contradictory planning policy position, and based on the discussions that we had when we met on 16 December 2014 we understand that there would be no requirement to provide a secondary education contribution.

Nonetheless, we accept that the development will result in 1 nursery, 4 primary age pupils. Accordingly, we can confirm that the applicant is prepared to offer £72,316.30 as a primary school contribution.

In terms of school transport, we note that no information whatsoever has been provided in respect of demand for or capacity of existing school bus services and, accordingly, there is no indication that the £9,750 sought would be "necessary" to allow the development to proceed, in compliance with the relevant tests. Notwithstanding this we can confirm that the applicant is willing to offer the above amount.

Sustainable Transport

Based on the 13 affordable dwellings that have been proposed, and in accordance with the SPG, an amount of £26,000 has been requested.

Of relevance to this issue, and as we have documented, the Public Transport Generation Assessment that we have previously supplied has considered the number of public transport movements that the proposed 13 dwellings would generate.

This report concluded that, based on typical trip generation rates, the scheme would only generate between 1 to 2 public transport trips per day. It is also of specific relevance (as outlined with the report) that regard is given to the fact the A48 bus stops are not the only option for the residents of Pentre Meyrick to access public transport. As you will be aware the Authority operates the Greenlinks Rural Community Transport Service in the area. This is a demand responsive service which provides access to a number of villages and Cowbridge.

As part of the recent outline planning permission (ref:2012/00862) granted for the redevelopment of the Former Emporium garden centre in Llangan (to the north of the application site) a contribution of £80,000 was made to sustainable transport. The committee report states that in justifying this amount within the context of the relevant 'tests' that this could be used towards the *'running cost and possible expansion in this area of the Council-run 'Greenlinks Rural Community Transport' service provision'*. This demonstrates that the Greenlinks service has received previous S106 funding and is therefore considered by the Authority as being a viable means of public transport within the area.

We can therefore confirm that the applicant would also be prepared to contribute the proposed £26,000 to the running of this service which would in turn improve its overall viability.

Public Art

A request of 1% of the project budget has been requested for Public Art – however absolutely no indication as to what this would be spent on has been provided. Whilst this amount is in line with the SPG, this approach, of basing S106 contributions on formulas has been considered to be problematic within a number of recent planning appeal decisions. Most recently on the former post office site in Llantwit Major for a 100% affordable housing scheme (as per this proposal) the Inspector commented in paragraph 9 of the appeal decision that:



14/00933/FVL'D₅



With regard to public art, the Council's supplementary guidance on Planning Obligations (SPG) sets out the contribution that developments are expected to make. However, in relation to the tests referred to above, there is no justified explanation in this case as to what the contribution would be used for, or why it is necessary to make the development acceptable in planning terms. The proposed development would bring positive benefits to the appearance of the area by regenerating a disused and untidy site, and it would address a national priority to deliver affordable housing. Without an explanation as to why the contribution is necessary, it is also not possible to establish that the contribution is fairly and reasonably related in scale and kind to the development. Notwithstanding the SPG, the contribution towards public art is not reasonable or necessary and fails the tests of the Circular and the 2010 Regulations.

We consider that the requested contribution towards public art does not meet the tests as set out above as, being neither necessary, relevant to planning or directly related to the development, and reasonable when the proposed development will deliver much needed affordable housing. The proposed design of the scheme has been well thought out and designed to a high standard, seeking to provide an interesting and high quality development in this area. Accordingly, it is not considered that additional public art is necessary to be provided on site.

In view of this, it is considered that there is not direct link between the requested public art contribution and the proposed development, and that the test of necessity is not made out in this case. Accordingly, the contribution does not meet the tests and therefore is not required.

Public Open Space

Within your letter of 14 November 2014 an amount of £29,640 is proposed as an offsite contribution for public open space. At our subsequent meeting on 16 December 2014 it was proposed that this amount would be put towards the existing play area at Fferm Goch which is to the north of our site.

The Llangan garden centre application (ref:2012/00862/OUT) which has been approved, provided POS on site, but also provided a payment of £15,000 for play equipment at the site in question (this would take the form of 2 / 3 new pieces of equipment) – plus also £35,700 for public art provision. Furthermore they have also agreed to provide a new access to the play equipment.

It is our view that the request is very spurious – firstly as to whether the request actually meets the necessary 'tests', but also secondly considering that the play area identified is already being upgraded and there is a significant budget being provide for 'public art' which could possibly be used to improve the site also.

There is currently no justification that the requested contribution is 'necessary' and specifically related to the development. Accordingly, the contribution does not meet the tests and therefore is not required.

Planning Obligations administration fee

With respect to the imposition of the administration / monitoring fee, such a fee is not considered to be necessary to make the development acceptable and / or directly related or reasonably related in scale and kind to the development.

To evidence this I have attached a recent High Court decision, in the case of *Oxfordshire County Council v Secretary of State for Communities and Local Government and others [2015] EWHC 186 (Admin)*. The judgement finds that part of the functions of an LPA is to administer, monitor and enforce planning obligations in S106 agreements and accordingly a contribution is not "necessary" to make development acceptable. It rules "there is nothing in the wording of the TCPA 1990, the Planning Act 2008, the CIL Regulations, the NPPF or



14/00933/FVL D6



Guidance which suggests that authorities could or should claim administration and monitoring fees as part of planning obligations" (para 45).

The applicant will draft the S106 and accordingly the imposition of this fee is not considered acceptable by the applicant.

Conclusion

It has been demonstrated that there are both viability considerations and procedural issues with regards to the contributions that have been proposed by the Authority – these are a material considerations relevant to the determination of the application which the Authority must take into account. However the applicant is prepared to agree to both the primary education and transport contributions which total £108,066.30 – or £8,312 per dwelling. This is a significant amount of money which would be provided alongside a wholly affordable development in an area where there is an accepted pressing need for affordable homes. In conclusion, and for the reasons which have been outlined, we do consider that there is a need for dialogue so that common ground in respect of S106 matters can be found.

We look forward to hearing from you in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Hurley'.

Jon Hurley
Associate

For and on behalf of
WYG Environment Planning Transport Ltd
jon.hurley@wyg.com

Enc: As Above



2015/00208/FUL Received on 22 April 2015

Mr. Robert Saunders, Blacklands Farm, Five Mile Lane, Bonvilston, Vale of Glamorgan
Reading Agricultural Consultants, Gate House, Beechwood Court, Long Toll, Woodcote, Oxfordshire, RG8 0RR

Land adjoining Greenway Farm, Bonvilston

Erection of a rural enterprise worker's dwelling

SITE AND CONTEXT

The application site comprises an area of agricultural land located to the north west of an existing yard and outbuildings at Lower Greenway Farm, where a number of the buildings are in use for non-agricultural purposes.

The site is currently accessed via an existing field gate onto the A48, close to a Public Right of Way, Public Footpath No. 22 Llantrithyd.

The site lies in the countryside approximately 1.2km outside of the residential settlement for Bonvilston as defined in the Unitary Development Plan. Part of the site also lies within the Quarry Buffer Zone for Pantyffynnon Quarry to the south west.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the erection of a rural enterprise worker's dwelling which would sit within a curtilage defined by the site edged red of approximately 790sqm. The proposal entails the following works:-

- Construction of a two storey, four bed dwelling with a main footprint of approximately 11m x 8.5m, to a ridge height of approximately 8.2m. An additional single storey, annexe will be positioned on the rear elevation, approximately 4.8m x 3.2m, to a ridge height of approximately 4.2m. A pitched roof porch/canopy will be positioned on the front elevation, and two external chimney stacks on each side elevation. The dwelling will be set back into the field approximately 64m from the A48 highway to the south, and will be orientated with the front elevation facing north-west.
- A detached single storey, pitched roof double garage, including log store and tank storage, positioned approximately 4.6m to the north of the proposed house and measuring approximately 5.8m x 6.8m to a ridge height of approximately 4.65m.
- A new vehicular access from the existing field gate over a length of approximately 134m with a gravel surface, apart from a concrete finish close to the road entrance, which will be the subject of improvements including widening and visibility splays.

The relatively traditionally designed dwelling will be finished externally in render with a tile roof.



The application is accompanied by a Design and Access Statement (DAS) and an Agricultural Appraisal prepared by Reading Agricultural Consultants.

PLANNING HISTORY

Site itself

2015/00188/FUL - New Cattle Farmstead – Submitted in conjunction with the current application – Approved 23 October 2015 subject to conditions, including, full details of new access/track; levels; tree protection; landscaping and disposal of waste.

There is also considerable history relating to the adjoining land at Lower Greenway Farm, Greenway Farm and New Greenway Farm, which includes:-

1984/00345/FUL – Lower Greenway Farm - Steel framed portal building attached to existing building, used for potato storage - Approved 9 May 1984.

1991/01090/FUL - Lower Greenway Farm - Conversion of redundant stone agricultural building to dwelling - Approved 28 April 1992.

1994/00566/FUL - Lower Greenway Farm - Retention of use as indoor golf tuition centre - Approved 19 July 1994.

1992/00544/FUL - Greenway Farm - Change of use of 2 No. stone agricultural buildings to residential use - Approved 3 September 1992.

2000/00383/OUT - New Greenway Farm - Agricultural dwelling – Appeal against non-determination - Allowed 16 October 2000, subject to conditions, including submission of reserved matter details; agricultural occupancy restriction; landscaping; and improvements to public highway junction.

2000/00502/FUL - Units A & B, Lower Greenway Farm - Retention of use for stone dressing, rehabilitation and storage (Unit A) and retention of use for furniture assembly and storage (Unit B) - Approved 7 September 2001 subject to conditions, including, restriction on uses; restriction on hours; no outside storage; closing up of existing access onto A48; provision of car parking; and noise insulation.

2002/00624/FUL - Unit 13, Lower Greenway Farm - Retention of use for manufacture of concrete related products - Refused 19 December 2002 on grounds of an unjustified industrial use in the countryside that would adversely affect the rural character and detract from the interests of agriculture on the holding.

2011/00376/FUL - Lower Greenway Farm - Retrospective planning application for the change of use of poultry sheds to use Class B8 for storage purposes - Approved 10 June 2011 subject to conditions, including, restriction on use; restrict hours; no outside storage; means of access via existing entrance; and provision of parking.

2013/00305/FUL - Greenway Farm - Erection of single dwelling - Approved 4 October 2013 subject to conditions, including, details of levels; drainage; restriction on certain roof lights and windows; details of any gates; removal of pd; and restriction on means of access and enclosure.

2014/00133/FUL - Unit 13, Lower Greenway Farm - Retrospective planning application for the change of use to B8 storage purposes - Approved 27 March 2014 subject to conditions, including, restriction on use; and no outside storage.

Other related applications off site:-

2010/00377/OUT – Land at Ravenswood farm - Agricultural worker's dwelling – Withdrawn 27 May 2014.

2010/00629/FUL - Erection of a cattle housing and fodder storage building – Approved 4 February 2011 subject to conditions, including, details of level; details of the method and disposal of any excavated waste; surface water drainage details; and details of tree protection.

CONSULTATIONS

St Nicholas and Bonvilston Community Council – Recommend refusal due to the dangerous access on to the A48 road. It should be noted that some years ago the owner of the adjoining farm (Greenway Farm) was instructed to close an adjacent agricultural entrance approximately 100 yards from the proposed access because of the danger.

Re-notified of amended plans on 20 October 2015 – No comments received to date.

Natural Resources Wales - No adverse comments to make on the application.

Dwr Cymru/Welsh Water – Consulted on 10 March 2015. No comments received to date.

Council's Agricultural Consultants Bruton Knowles – A full copy of the report is reproduced at Appendix A. In summary the report concludes at paragraph 7.1:-

“Taking into account the evidence submitted, it is our opinion that the criteria of 4.4.1 have been met by the application, subject to the LPA being satisfied in respect of criteria E, and on the basis that planning permission for a new farmstead as detailed in application 2015/00188/FUL is granted and it is constructed. It is our opinion that the proposed farmstead is necessary for the continuation of the suckler cow enterprise.”

Council's Director of Legal, Public Protection and Housing Services - Environmental Health – Pollution Section – No comment to make regarding the application.

Council's Highway Development Team – No objection subject to certain conditions including:-

- Notwithstanding the submitted plans, and before commencement, provision of full construction details of altered access, supported with the provision of vehicle swept paths showing a 16.5m long articulated vehicle entering and existing the access at the same time.
- The proposed access is required to be provided at a maximum gradient of 1 in 20 for the first 20m.
- Access gates shall be located a minimum distance of 20m from the adjacent highway.
- Before commencement, details to be submitted of a vehicle passing place provided centrally along the internal access road that will accommodate a 16.5m long articulated vehicle.

Council's Public Rights of Way Officer – The applicant should be advised that although the DAS states that there are no public rights of way on the site there is a Public Right of Way No.22 Llantrithyd (status-Footpath) which crosses the western end of the proposed access track. The Right of Way No.22 must be kept open at all times and no adverse effect should occur as a result of the development. Any temporary closure required should be sought under the Road Traffic Regulation Act 1984.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 10 March 2015 and re-notified of amended plans on 20 October 2015. In addition the application was advertised on site and in the press on 16 and 19 March 2015.

No representations have been submitted specifically in relation to this application, however, a letter of objection on behalf of the neighbours at 'Parkside' and 'West Rise' was submitted by CSJ Planning in respect of the accompanying application for the farmstead application 2015/00188/FUL. This has since been approved on 23 October 2015. In addition a letter in support of the proposed farmstead and house has been submitted by the Farmer's Union of Wales again as part of the separate farmstead application. In summary this refers to the need for young people to sustain the rich agricultural heritage of the Vale, and the agricultural need for the development.

The applicant's agent has also submitted a further letter in support of the proposal in relation to the size of the dwelling which is reproduced in full at Appendix B.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th 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 12 - MINERALS.

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE.
ENV2	- AGRICULTURAL LAND.
ENV10	- CONSERVATION OF THE COUNTRYSIDE.
ENV11	- PROTECTION OF LANDSCAPE FEATURES.
ENV27	- DESIGN OF NEW DEVELOPMENTS.
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY.
HOUS3	- DWELLINGS IN THE COUNTRYSIDE.
HOUS5	- AGRICULTURAL OR FORESTRY DWELLINGS.
TRAN10	- PARKING.
REC12	- PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.
MIN7	- BUFFER ZONES.

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

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

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

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1; Chapter 7-Supporting the Economy, including 7.6.1 and 7.6.5; and Chapter 9-Housing including paragraphs 9.2.2, 9.3.6-new house building in the countryside and 9.3.9-occupancy conditions.

Technical Advice Notes:

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

- TAN6 - Planning for Sustainable Rural Communities, including 4.3.1, 4.4.1, 4.7.1, 4.12.1 and 4.13.1.
- TAN12 - Design, including paragraph 2.6, 5.5.1, 5.5.2 and 5.8-Rural areas.

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 SPG.
- Design in the Landscape SPG, including DG1-Sustainable development, DG14-Farm buildings and DG15-Farm access.
- Trees and Development SPG.

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 has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in late Autumn 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 (PPW) 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 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).
- Minerals Background Paper (2013).

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include, whether the proposed dwelling can be justified for the purposes of the agricultural operations on the holding; design and visual impact; neighbouring and residential amenity; and highway safety.

Background

The supporting Appraisal submitted by the applicant's agricultural advisors, Reading Agricultural Consultants, outlines the background to the proposal. In summary this indicates that the holding extends to some 336 ha of land (both owned and rented) in several blocks principally in the Bonvilston area. It notes that since the previous 2010 application was considered the applicant has rationalised the land holding through disposal of some smaller outlying rented parcels of land and purchasing two blocks of land (11ha and 7.7ha) close to the existing land owned by his parents, which extends to some 22ha. In total, some 40.7ha of land are family-owned in one block, albeit Ravenswood Farm is rented off the applicant's parents. Much of the land is rented under a range of tenancies which have been held for many years by the applicant.

In terms of the operations on the holding the submitted Appraisal highlights that the number of suckler cows has increased since the previous application to 110 cows, of which 52 are pedigree cows and followers, known as the Bonvilston Charolais herd. This increase has been achieved despite ongoing issues in the area associated with bovine TB (bTB) infection. As a consequence the cattle are mostly sold as high quality finishing cattle, with just a few of the best cattle sold as pedigree breeding stock. Currently, some 90 cattle per annum are sold as either strong stores or finished cattle, dependent upon market conditions. The business also continues to produce large quantities of hay and haylage for sale to horse owners, for which there is a strong market demand due to the large numbers of horses within the county. In addition the area of spring barley grown has also increased to some 31ha. However, since the Blacklands Farm buildings' tenancy is only for 11 months, with the prospect of cessation in the near future, the quantity of barley will have to be decreased. Furthermore, there are no slurry or manure storage facilities at Blacklands Farm and so this has to be spread on an almost daily basis on some of the drier land.

In relation to the need for the proposed new dwelling and associated farm buildings, although the applicant and his family have lived at Blacklands Farm in a bungalow on a series of unsecured tenancies for the past three years, the landlord has indicated that he intends to take the land back in-hand at the end of this year's tenure, i.e. 30 September 2015. Thus the applicant will be left without a house or farm buildings.

The Appraisal outlines that the single dwelling on the holding is owned and occupied by Mr & Mrs Saunders (Snr). The applicant's father is a minority partner in the business, albeit solely on a business advisory basis, due to his age and health issues. It is stated that the dwelling belonging to Mr and Mrs Saunders (Snr) cannot meet the needs of the business because:

- i. it is not a business asset;*
- ii. it is occupied as a private dwelling by a retired couple who have lived there most of their married lives; and*
- iii. the dwelling is approximately 1.7 miles from the proposed new range of agricultural buildings.”*

The application for an agricultural worker's dwelling is submitted as a new dwelling on the holding, rather than a second dwelling. The functional need for a worker has been met in the past few years from the tenanted bungalow at Blacklands Farm, and its associated group of farm buildings. However, these will no longer be available from September 2015. The applicant is the sole source of labour on the holding, apart from the contractors.

When assessing the proposal against the policy background it is noted that there are strict controls on development in a countryside location. However, Policy ENV1 of the UDP does allow for certain works, including those necessary for agricultural purposes. More specifically Policies HOUS3 and HOUS5 allow for rural enterprise dwellings. These local policies are supported by national guidance in Planning Policy Wales (PPW) and TAN6-Planning for Sustainable Rural Communities. As paragraph 9.2.22 of PPW states:-

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

Justification

Policy HOUS5 of the UDP allows for new dwellings in the countryside beyond the identified settlement boundaries for the purposes of agriculture or forestry and subject to certain criteria, including criterion (i) that there is an essential need, based on a functional and where appropriate the financial necessity is clearly demonstrated. This is supported by national guidance including paragraph 9.3.6 of PPW which requires that all applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. In addition TAN6-Planning for Sustainable Rural Communities defines a rural enterprise dwelling as either a new dwelling on an established rural enterprise; a second dwelling on an established farm; or a new dwelling on a new enterprise. Paragraph 4.7.1 of TAN 6 sets out the tests that need to be addressed in any appraisal that must accompany applications for rural enterprise dwellings, which include:

- The *functional test* to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise. (See paragraph 4.8.1).
- The *time test* to provide evidence of the labour requirement for the worker who is working on the justifying enterprise. (See paragraph 4.9.1).
- The *financial test* to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification. (See paragraphs 4.10.1 - 4.10.3).
- The *other dwellings test* to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need. (See paragraphs 4.11.1 - 4.11.2).
- *Other normal planning requirements test* to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment. (See paragraphs 4.12.1 - 4.12.2).

In the case of the current application the Council's agricultural advisor, Bruton Knowles, has agreed that the proposal relates to a new dwelling on an established rural enterprise and has therefore assessed the application against the tests outlined under paragraph 4.4.1 of TAN6. The following is a summary of their assessment:-

4.4.1a requires that there is a clearly established existing functional need. They consider that the suckler cow and calf enterprise will necessitate the requirement for a residential management presence, given stock numbers, their nature, value and calving activity. The combined calving periods could total approximately 6 months when close observation will be required, including intervention outside of normal working hours. In addition there will be periods of pre and post calving when close observation will be needed.

“Generally where cattle are housed a greater level of management input can be required, some of which will be out of hours.”

4.4.1b requires that the need relates to a full-time worker, and does not relate to a part-time requirement. The applicant is employed full time on the holding. The labour requirement calculation provided appears to be reasonable given the current nature and mix of agricultural enterprises on the holding, which suggest a requirement for 1.6 full time worker. They have also considered the labour requirement if the livestock were to expand and change in nature and are still of the opinion that a full time worker would be required.

4.4.1c requires that the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so. Having examined the financial accounts provided for the three years 2012 to 2014, they note that a profit is shown of a level to both support a worker and allow investment in the business. In addition the assets exceed the liabilities of the business. Thus on the evidence provided they consider the business to be financially sound with a clear prospect of remaining so.

4.4.1d requires the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned. It is noted that the rented residential and cattle accommodation at Blacklands Farm will not be available after September, and that there are no existing buildings suitable for conversion. A search of the Rightmove website reveals that there are a number of properties for sale in the Bonvilston area, however, they do not consider those closest to the owned land are of a scale and nature as to render them suitable for an agricultural worker.

4.6.1e requires that other normal planning requirements, for example siting and access, are satisfied. They confirm that the proposed siting will meet the functional needs of the business whilst also allowing sight of the access track in relation to security. An alternative location could be considered between the proposed siting and the access onto the A48, however, this area may be more appropriate for any future expansion of the farmstead if required.

As regards the size of the proposed dwelling, they appreciate that the farm business will be both operated and managed from the proposed dwelling, however, they note that the size is larger than they would anticipate for such a dwelling and is not commensurate with the needs of the business. They also question the justification for an adjoining single carport and double garage.

Thus in terms of the justification for the dwelling, the Council's advisors have concluded that the principle of a new agricultural dwelling, in connection with the new agricultural buildings that are the subject of a separate application, is acceptable in principle. However, they have questioned the appropriateness of the size of the dwelling and its associated garaging/carport. This aspect of the development is explored in more detail below along with the other normal planning requirements criteria as outlined in 4.7.1 of TAN6, including the requirement to minimise impact on the wider environment.

One final issue to consider with regard to the principle of the development relates to policy ENV2 of the UDP which seeks to protect the most productive agricultural land (Grades 1, 2 and 3A) from irreversible development. The Council's Land Classification records indicate that the site is Grade 2. Notwithstanding this, if the proposal is accepted as a rural enterprise dwelling, whilst it will result in the loss of agricultural land, it would be necessary to allow the continuance, and possible future expansion, of the existing farming enterprise. However, if the development is not considered an appropriate rural enterprise dwelling, the loss of the agricultural land would not be acceptable.

Design and visual impact

Criterion (ii) of Policy HOUS5 of the UDP requires that the scale, siting, design, landscaping and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape. This requirement is in line with the guidance in TAN6, which states at paragraph 4.10.2:

“Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.”

In addition, in relation to the design of the dwelling, paragraph 4.12.1 of TAN2 states:-

“Rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. The siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape.”

As already noted the size of the dwelling is an issue of concern raised by the Council’s agricultural advisors. At the time their assessment was made they referred to the total floor area as being 200m². However this was based on the information provided by the applicant’s agent rather than a calculation of the actual measurements on the submitted plans. In fact the actual size of the dwelling initially proposed was larger than this as the applicant’s agent has referred to the internal floor space rather than the accepted floor space calculation of gross floor area measured to the external walls. Following negotiations with the applicant’s agent in relation to the acceptable size and design of the dwelling commensurate with the needs of the holding, the Council expressed the view that a more appropriate upper limit would be around 140m² to 150m². The applicant’s agent has provided supporting justification for the need for the size of dwelling (see Appendix B). In addition amended plans have been received which now omit the linking car port and have simplified the design of the dwelling, plus rationalised the associated residential curtilage. Thus although the gross floor area of the amended scheme of 202.36m² is more than is generally considered appropriate, in this particular instance, it is accepted. However, this is on the understanding that any future extensions are unlikely to be acceptable and will be strictly controlled with the removal of permitted development rights.

The DAS refers to additional planting that could be undertaken and the introduction of a native species hedgerow on the eastern boundary of the proposed curtilage. As already noted the residential curtilage has been rationalised and is no longer considered excessive in relation to the size of the dwelling.

Another design issue of concern raised with the applicant's agent relates to the position of the house and the considerable length of track required to access the building. It was suggested that there was an opportunity to rationalise development on the site. Indeed the Council's advisors did suggest an alternative location between the proposed farmstead and the access, however it is acknowledged that this area may be more appropriate for future expansion of the agricultural buildings. The agent's explanation as to why the proposed siting cannot be rationalised relates to the use of the existing access, noting that any access closer to the proposed buildings would necessitate the removal of a significant number of existing trees and a greater level of engineering works due to the ground levels in that location.

Thus, whilst the size of the dwelling is larger than the Council would normally consider appropriate, in this instance it is considered that the agent has made a case to support the argument that it meets the advice in TAN6. Notwithstanding this it is considered essential to strictly control any future extensions as well as imposing the necessary restrictive occupancy condition. As paragraph 9.3.9 of PPW states:-

"Where the need to provide accommodation to enable a rural enterprise worker to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for this need. For this reason planning permission should be granted subject to an occupancy condition. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2, Planning and Affordable Housing. This will ensure that the dwelling remains available to meet local affordable housing need should the original justification have ceased to exist."

Dwellings that are of an excessive size can be difficult to retain within the pool of available rural enterprise dwellings or affordable rural homes and therefore a restrictive condition controlling future extensions will be necessary.

Neighbouring and residential amenity

There are a number of residential properties in the vicinity of the site, mostly to the south and east. These are at such a distance away that there will be no impact resulting from the proposed dwelling. Clearly there may be issues arising from the development of the related farm buildings and new yard area, but these were considered under the separate application, which was approved on 23 October 2015.

On the question of residential amenity for the proposed dwelling itself, the Council's Private Amenity Space standards as outlined in the Amenity Standards SPG would require 1m² for every 1m² of gross floor space, inclusive of garage space. The current submission satisfies this requirement.

Highway and pedestrian safety

Criterion (iii) of Policy HOU5 requires that an acceptable access to any new agricultural dwelling can be provided. It is noted that the local Community Council have recommended refusal due to the dangerous access on to the A48 road. However, the Council's Highway Development Team have not raised an objection subject to certain conditions. These include the submission of full construction details of the proposed alterations to the existing access (provision of vehicle swept paths showing a 16.5m long articulated vehicle entering and existing the access at the same time); a maximum gradient of 1 in 20 for the first 20m of the access; access gates located a minimum distance of 20m from the adjacent highway; and details of a vehicle passing place provided centrally along the internal access road that will accommodate a 16.5m long articulated vehicle. A suitable condition is recommended.

The Council's Public Rights of Way Officer has indicated that the applicant should be advised that although the DAS states that there are no public rights of way on the site there is a public footpath, Public Right of Way No.22 Llantrithyd, which crosses the western end of the proposed access track. The public footpath must be kept open at all times and no adverse effect should occur as a result of the development. Any temporary closure required should be sought under the Road Traffic Regulation Act 1984. The applicant's agent has indicated that it is not anticipated that the proposal would cause interference, and the footpath would not be obstructed following the completion of the proposed entrance and access track to the site of the new dwelling and buildings. Any works in the proximity of the footpath would be short in duration and a safe alternative route would be provided for any walkers. A suitable informative is recommended.

Other planning issues

As already noted part of the site lies within the Quarry Buffer Zone for Pantyffynnon Quarry where policy MIN7 of the UDP is relevant. This states that sensitive development such as residential development will not be permitted within the buffer zone unless it can be demonstrated that mineral working would not unreasonably affect such development, nor that the presence of housing would prejudice mineral workings in the future. In this case the area of the defined buffer zone includes the access track but not the siting of the proposed house itself or its curtilage. Although the application has not provided any evidence to demonstrate that no such adverse impacts will result, it is considered that as the proposed dwelling itself is outside of buffer zone, a refusal of the application on such grounds would be difficult to justify.

Finally, in relation to the drainage of the site it is noted that the application forms indicate that foul sewage will be disposed of via a septic tank. Circular 10/99 "Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development" would normally require the provision of calculations relating to the suitability of the ground conditions. It is noted that Natural Resources Wales have no adverse comments on the proposal, referring only to this requirement within their advisory notes. In addition, to date, no comments have been received from Welsh Water. As such it is considered that a condition should be imposed on any permission requiring full details of the septic tank and the necessary calculations.

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 regards to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, HOUS3-Dwellings in the Countryside HOUS5-Agricultural or Forestry Dwellings, TRAN10-Parking, REC12-Public Rights of Way and Recreational Routes, MIN7-Buffer Zones and Strategic Policies 1 & 2-The Environment, 3-Housing, 8-Transportation and 12-Minerals of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Design in the Landscape and Trees and Development; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Rural Communities and TAN12-Design; it is considered that the proposal represents an acceptable and justified rural enterprise dwelling that will have some impact on the character of the surrounding countryside, but this will not be so significant as to override the economic benefits of the development. In addition the proposal should cause no detriment to neighbouring amenity or highway and pedestrian safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans and documents:-
 - Location Plan, Dwg. No. RAC/6185/6, received 26 February 2015;
 - Site Plan, Dwg. No. RAC/6185/7 Rev A, amended plan received 16 October 2015;
 - Ground Floor Plan, Dwg. No. 001 Rev C, amended plan received 16 October 2015;
 - First Floor Plan, Dwg. No. 002 Rev C, amended plan received 16 October 2015;
 - Front Elevation, Dwg. No. 003 Rev C, amended plan received 16 October 2015;

- Side Elevation, Dwg. No. 004 Rev C, amended plan received 16 October 2015;
- Rear Elevation, Dwg. No. 005 Rev C, amended plan received 16 October 2015;
- Garage Floor Plan, Dwg. No. 006, amended plan received 16 October 2015;
- Design and Access Statement received 26 February 2015; and
- Agricultural Appraisal prepared by Reading Agricultural Consultants, received 26 February 2015;

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

Reason:

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

3. The occupancy of the dwelling shall be restricted to:

a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;

or, if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason:

Since a dwelling in this rural location would not be permitted unless justified for rural enterprise, and in order to ensure that the dwelling is kept available to meet the needs of other rural enterprises in the locality, in accordance with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) the dwelling and garage outbuilding 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 size and scale of development to ensure that the dwelling remains commensurate to the size and needs of the rural enterprise, in accordance with Policy HOUS5 - Agricultural or Forestry Dwellings of the Unitary Development Plan, Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

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

Reason:

To enable the Local Planning Authority to control the size and scale of development to ensure that the dwelling remains commensurate to the size and needs of the rural enterprise, in accordance with Policy HOUS5 - Agricultural or Forestry Dwellings of the Unitary Development Plan, Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

6. 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

7. Notwithstanding the submitted plans, and before commencement of development, full construction details of the proposed alterations to the access and the new access track, shall be submitted to and approved in writing with the Local Planning Authority. The details shall show vehicle swept paths providing for a 16.5m long articulated vehicle entering and existing the access at the same time; a maximum gradient of 1 in 20 for the first 20m; access gates located a minimum distance of 20m from the adjacent highway; and a vehicle passing place provided centrally along the internal access that should accommodate a 16.5m long articulated vehicle.

Reason:

In the interests of highway safety in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

8. The boundary of the residential curtilage hereby approved shall be defined and enclosed in accordance with full details to be submitted to and agreed in writing by the Local Planning Authority. The agreed enclosure shall be implemented before the first beneficial occupation of the dwelling hereby permitted, and the proposed native hedgerow, as indicated on Dwg. No. RAC/6185/7 Rev A, amended plan received 16 October 2015, shall be planted during the first planting season following said occupation. The completed boundary enclosure shall be retained and maintained as such thereafter.

Reason:

To ensure no encroachment of the domestic curtilage into the surrounding countryside and in the interests of visual amenity and the character and appearance of the rural landscape in accordance with Policies HOUS5-Agricultural or Forestry Dwellings, and ENV27-Design of New Developments of the Unitary Development Plan.

9. Before the commencement of development, full details of the finished levels of the site in relation to existing ground levels, including cross-sections shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the change in levels across the whole of the site, including buildings and access track. The development shall be implemented thereafter in full accordance with the approved details.

Reason:

In the interests of the visual amenity of the surrounding countryside in accordance with Policies HOUS5-Agricultural or Forestry Dwellings, ENV10-Conservation of the Countryside, and ENV27-Design of New Developments of the Unitary Development Plan.

10. Before its installation on site full details of the foul drainage, which shall include calculations of the ground conditions for the septic tank, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of the adequate drainage of the site in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

11. Before the commencement of development full details of the proposed additional planting, comprising new trees/hedgerow/hedgerow enhancement, which shall include details of siting, species and specimen size, shall be submitted and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of the surrounding countryside in accordance with Policies HOUS5-Agricultural or Forestry Dwellings, ENV10-Conservation of the Countryside, and ENV27-Design of New Developments of the Unitary Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area in the interests of visual amenity and the character and appearance of the surrounding countryside in accordance with Policies HOUS5-Agricultural or Forestry Dwellings, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

NOTE:

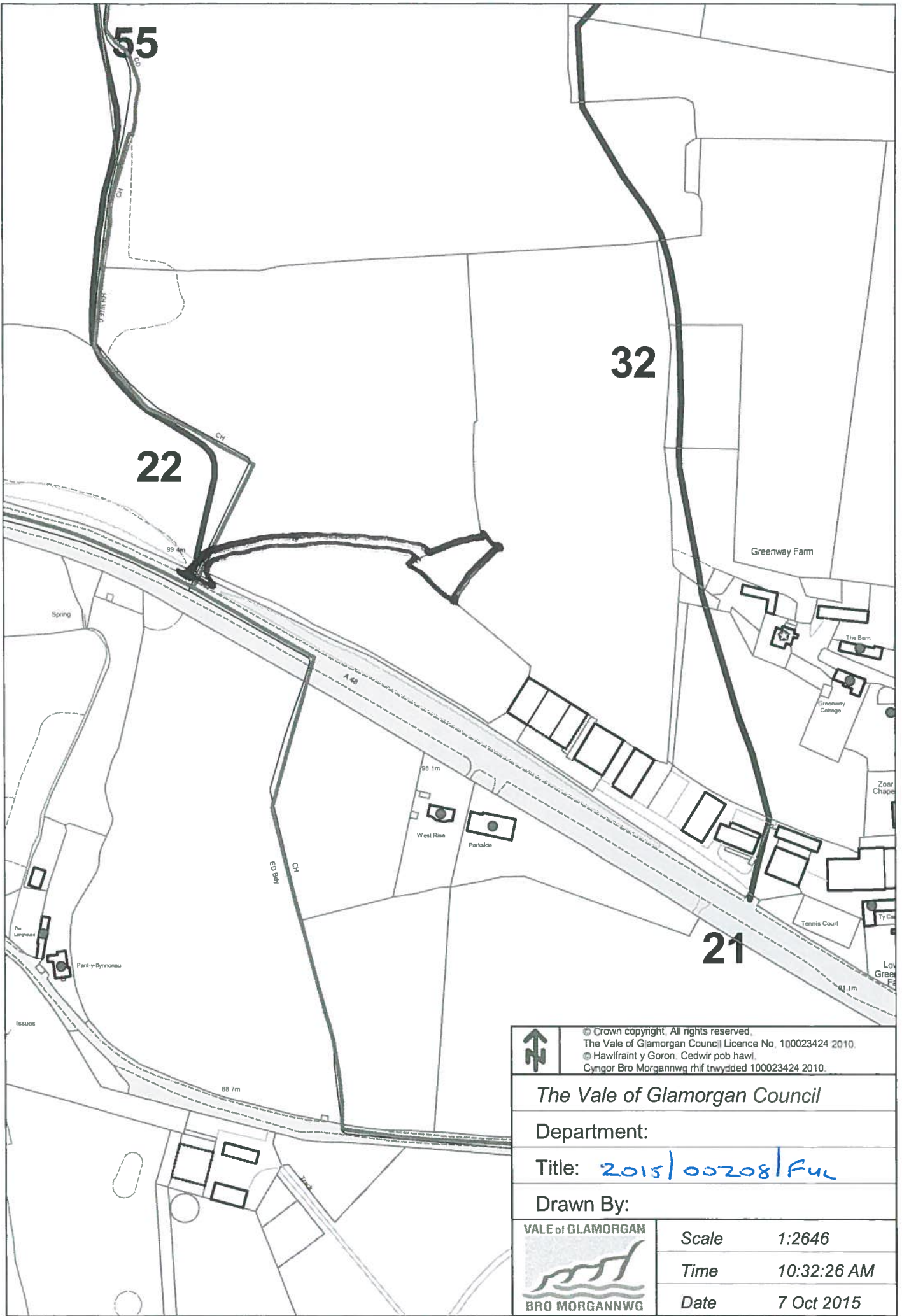
1. **Please note that an agricultural occupancy condition applies to this consent and you should ensure that you can fully comply with the requirements for occupancy as detailed in the conditions. Failure to do so may result in the Council taking legal action against you.**
2. **Where the work involves 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.**
3. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**



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

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

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

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



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	The Vale of Glamorgan Council	
Department:		
Title: 2015/00208/FUL		
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	Date	7 Oct 2015

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Bruton
Knowles

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17 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

On Instructions from

Vale of Glamorgan Council

Agricultural Appraisal

for

a New Cattle Farmstead and erection of a Rural Enterprise
Worker's Dwelling

at

Land adjoining Lower Greenway Farm

Bonvilston

Barry

Vale of Glamorgan

15/00208/FA'A₂

BK

Bruton Knowles

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Date: 30th June 2015

Version: JEA/RDB/508764

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BK

Bruton Knowles

Contents

	Page No
1. Reference	1
2. Description	2
3. Business Operations	3
4. Proposed Development	4
5. General Comments	5
6. Appraisal	6
7. Conclusion	11

15/00208/FUL 'A' BK

1. Reference

- 1.1 Proposed Development** - Full Planning Application for a New Cattle Farmstead and erection of a Rural Enterprise Worker's Dwelling
- 1.2 Planning Authority** - Vale of Glamorgan Council
- 1.3 Planning Application** - 2015/00188/FUL
2015/00208/FUL
- 1.4 Applicant** - Mr Robert Saunders
- 1.5 Site Address** - Land adjoining Lower Greenway Farm
Bonvilston
Vale of Glamorgan
- 1.6 Caveat to Instruction** - We have considered this application in accordance with the principles of Planning Policy Wales (Edition 7 2014), TAN6 and the relevant parts of the Vale of Glamorgan Unitary Development Plan
- No site visit has been undertaken in this case.
- 1.7 Information Provided** - We have been provided with a copy of the application form and what is understood to be the supporting documentation and information submitted, together with points of clarification.

2. Description

2.1 Location

2.1.1 Land adjoining Lower Greenway Farm is situated in open countryside off the A48 approximately 0.75 mile from the outskirts of Bonvilston and approximately 5 miles from Cowbridge and 7 miles from Barry.

2.2 Land & Tenure

2.2.1 It is understood that the holding operated by the Applicant currently extends to approximately 336 hectares (830 acres), of both owner occupied and rented land, primarily in the Bonvilston area.

2.2.2 The Applicant owns two parcels of contiguous land, being the Land adjoining Lower Greenway Farm and Land at Maerdy Newydd (combined area 19 hectares /46 acres).

2.2.3 A further 317 hectares/783 acres is rented under 7 different agreements. It is understood that these arrangements have been in place for some and have the prospect of continuing, with the exception of the Blacklands Farm tenancy (69 hectares/171 acres) which will terminate September 2015. It is noted that Ravenswood Farm (22 hectares/54 acres and adjacent to the land owned by the Applicant), is rented from the Applicant's parents and it is the intention that this land will be transferred to the Applicant in the future.

2.3 Current Livestock and Arable Production

Livestock

2.3.1 The current livestock activity comprises a partly pedigree and commercial suckler herd which total 110 cows, of which 52 are pedigree cows and followers (known as the Bonvilston Charolais herd).

2.3.2 Calving takes place Spring and Autumn and some 90 cattle per annum are sold as stores or finished cattle, with just a few sold as pedigree breeding stock.

2.3.3 It is understood that it is the intention to expand the herd, if appropriate accommodation and associated facilities are available, to 150 cows and the enterprise would operate as a suckled calf producer rather than a finished cattle producer.

15/00208/FUL A₆ BK

Arable

- 2.3.4 Spring barley is grown over 31 hectares, however this area will decrease going forward on the cessation of the Blacklands Farm tenancy, which is one reason for moving toward suckled calf production in the future.
- 2.3.5 Silage is produced for the livestock enterprise. Hay and haylage are produced for the equestrian market, and it is understood there is strong demand for crop produced.

2.4 Farm Buildings and Dwellings

Agricultural

- 2.4.1 It is understood that there are two dilapidated pole barns at Ravenswood located in woodland with poor access.
- 2.4.2 There is a range of four general purpose steel portal framed buildings at Blacklands Farm extending to some 1280m² together with a silage bunker. However, it is understood that these will not be available to the business from September 2015 as the tenancy of Blacklands Farm comes to an end at that time.
- 2.4.3 It is understood that a building is rented at Groesfaen which is utilised to house finishing cattle.

Residential Dwellings

- 2.4.3 The Applicant currently resides in a bungalow at Blacklands Farm, however as referred to in 2.4.2, it is understood that this will not be available to the business from September 2015.
- 2.4.4 The Applicant's parents reside in a dwelling at Ravenswood Farm, understood to have been in their ownership prior to farm business being established and is not a business asset. It is understood that it will not be made available to the Applicant in the future given other family member interests. It is approximately 1.7 miles from the site of the proposed farmstead.

3. Business Operations

3.1 Business Activity

- 3.1.1 As outlined in 2.3, the business operates two principle enterprises, being a suckler cow enterprise and a hay and haylage enterprise. It is understood that it is the intention to expand the livestock enterprise.

3.1.2 It is noted that it is the intention to expand the suckler cow enterprise and move from finishing cattle to suckled calf production.

3.2 Business Structure

3.2.1 It is understood that Mr Saunders (Senior) originally set up a hobby farm enterprise when the land at Ravenswood was acquired, whilst in full time employment outside the agricultural sector.

3.2.2 The Applicant became involved in the management of the business at an early age and as the business expanded together with area farmed, he became responsible for all physical work and took on a more active management role.

3.2.3 The business trades as G & R Saunders. It is understood that Mr Saunders (Senior) became a partner to help facilitate external finance arrangements, given the young age of the Applicant when became a partner in the business. It is understood that whilst Mr Saunders (Senior) remains a partner, it is more on a limited business advisory basis with no active management role. He does not take any drawings from the business. In terms of assets, the Land at Lower Greenway Farm and Land at Maerdy Newydd is owned by the Applicant and rent is paid to Mr & Mrs Saunders for the tenancy of Ravenswood Farm.

3.3 Labour

3.3.1 The Applicant works full time on the holding.

3.3.2 Contractors are employed to assist with silaging and combining.

4. Proposed Development

4.1 It is understood that the application 2015/00188/FUL seeks consent for a new cattle farmstead.

4.2 It is proposed that the site would extend to 0.5 ha (1.2 acres) comprising new hardstanding with buildings and undeveloped land, accessed via a new concrete track from any existing access point onto the A48.

4.3 The proposed buildings are as follows:-

i) Two suckler cow buildings measuring 30.48m x 12.20m with 1.5m overhangs (ridge height 6.1m), of painted steel portal framed construction, with grey fibre cement roof, concrete panels to lower walls with Yorkshire boarding above. The facing elevations would be open fronted with cattle barriers. 5m between the buildings would allow access for a feeder wagon.

ii) Contiguous silage bunkers (one 22.9m x 13.7m and the other 22.9m x 9.1m) and manure store (18.3m x 13.7m) with 3m high concrete walls with safety rails,

15/00208/FUL A₈

together with 1m apron and groove to trap effluent which will gravity feed to the manure store.

- 4.4 It is understood that the application 2015/00208/FUL seeks consent for a new permanent rural enterprise worker's dwelling.
- 4.5 It is proposed that the dwelling will be a two storey, 4 bedroom dwelling constructed of local stone with render under tiled roof. It is understood that the combined, ground and first floor area total 200m². The accommodation comprises 4 double bedrooms, (one with en-suite and store) and bathroom on the first floor, together with combined a kitchen/dining/living area, reception room, farm office, utility, wash room, WC, entrance hall and rear entrance. In addition a double garage would be linked to the dwelling via a single car port.
- 4.6 It is the intention that the dwelling would be occupied by Applicant and his family.

5. General Comments

- 5.1 Planning Policy for Wales (Edition 7 July 2014) identifies priorities in rural areas to secure sustainable rural communities and ensure a thriving and diverse local economy where agriculture-related activities are complimented by sustainable tourism and other forms of employment in a working.
- 5.2 National Policy seeks to restrict isolated new houses in the open countryside unless appropriate special justification exists, such as where there is an essential requirement for a rural worker to live at or near their place of work. Further specific national guidance on the question of rural workers dwellings is provided within Technical Advice Note 6 – Planning for Sustainable Rural Communities.
- 5.3 TAN 6 also states in respect of 'sustainable agriculture', '*...the objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities*'.
- 5.4 The Vale of Glamorgan Unitary Development Plan (UDP) contains a number of policies relevant to the application. However, we have had specific regard to policies ENV1 – Development in the Countryside, HOUS5 – Agricultural or Forestry Dwellings and EMP 8 – Agricultural Enterprise and Associated Development.

15/00208/FUL'A'₉

6. Appraisal

6.1 Agricultural Workers Dwelling

6.1.1 TAN 6, Section 4 provides guidance on sustainable rural housing with subsections 4.3 – 4.7 specifically covering issues associated with rural enterprise dwellings. On the basis that local policy in respect of residential development in the countryside generally reflects national guidance, we have considered the need for a dwelling on the basis of the TAN 6 criteria.

6.1.2 4.4 of TAN 6 sets out criteria in respect of 'New dwellings on established rural enterprises', which we consider of relevance in this case.

6.1.3 4.4.1 - Criteria A

There is a clearly established existing functional need;

Comment:

It is noted that the finishing/store cattle are housed at Groesfaen and will continue to be housed there for as long as the finishing activity continues.

We consider that the suckler cow & calf enterprise, will necessitate the requirement for a residential management presence, given stock numbers, their nature, value and calving activity.

The combined calving periods could total approximately 6 months, when close observation will be required as some calvings may well require management intervention and some of these will occur outside of normal working hours. In addition there will be periods pre and post calving when cows will also need to be closely observed for any issues such as metabolic disorders or mastitis, and young calves may require more intensive care as they can be susceptible to illness and can have issues with suckling. Generally where cattle are housed a greater level of management input can be required, some of which will be out of hours.

6.1.4 4.4.1 - Criteria B

The need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).

Comment:

15/00208/WL'A'₁₀

It is noted that the Applicant is employed full time on the holding and also utilities contractors for some of the arable, combining and silaging work.

A labour requirement calculation has been provided which appears to be reasonable given the current nature and mix of agricultural enterprises on the holding, which suggests a requirement for 1.6 full time workers.

We have also considered the labour requirement were the livestock enterprise expand and change in nature to suckled calf rather than finishing cattle and are still of the opinion that a full time worker would be required.

6.1.5 4.4.1 - Criteria C

The enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).

Comment:

Financial accounts have provided for the three years ending 5th April 2012, 5th April 2013 and 5th April 2014, showing that the business has been established for at least three years.

The accounts show the business making a profit before wages and drawings, which has increased year on year. We consider that the profit shown in the 5th April 2014 accounts, to be of a level to both support a worker and allow investment in the business.

The Balance Sheets show an increase in assets and at 5th April 2014 the assets exceeding the liabilities of the business.

On the evidence provided we consider the business to be financially sound with a clear prospect of remaining.

6.1.6 4.4.1- Criteria D

The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned;

Comment:

It has been noted that the rented residential and cattle accommodation at Blacklands Farm will not be available to the business after September 2015.

There are no existing buildings on the land owned by the Applicant suitable of conversion.

A search of the Rightmove website reveals that there a number properties for sale in the Bonvilston area, however we do consider those closest to the land owned land are of a scale and nature as to render them suitable for an agricultural worker.

It is also noted that it is considered that there is a functional requirement for a residential presence to be located on site in close proximity to the suckler cow accommodation.

6.1.7 4.4.1- Criteria E

Other normal planning requirements, for example siting and access, are satisfied.

Comment:

These issues are considered from a purely agricultural perspective, and it will be for the Local Planning Authority (LPA) to address other considerations, in respect of planning requirements such as landscape concerns.

Whilst we appreciate the farm business will be both operated and managed from proposed dwelling, the proposed size is larger than we would anticipate for such a dwelling and is not considered commensurate with the needs the business. We would also question the justification for an adjoining single carport and double garage.

With regards to siting, the proposed dwelling is located adjacent to the proposed farmstead complex, and we consider this location will meet the functional needs of business whilst also allowing sight of the access track from a security point of view. An alternative location could be between the proposed site of the farmstead and the access onto the A48 (within the 'dead arm' area of the access track), however the 'dead arm' area may be more appropriate for the expansion of the farmstead facilities, if this were to be required in future.

15/00208/FVL A

12

6.2 New cattle farmstead

6.2.1 We have considered this application with reference to EMP 8, which states :

'Proposals for development on agricultural land will be permitted if the proposal:

- i) is necessary for the purposes of agriculture within the agricultural unit;*
- ii) is designed specifically for agricultural purposes;*
- iii) is compatible with the surrounding landscape, adjacent land uses and any existing related structures in terms of scale, siting, design and external appearance of any new building or extension to existing buildings; and*
- iv) does not have an unacceptable impact on areas of ecological, wildlife, geological and geomorphological, archaeological or landscape importance."*

6.2.2 We have had particular regard to criteria from an agricultural perspective and have not considered criteria iv).

6.2.3 *Criteria i)*

is necessary for the purposes of agriculture within the agricultural unit

Comment:

It is understood that finishing cattle will continue to be housed at Groesfaen, but due to the loss of the buildings at Blacklands Farm from September 2015 the suckler cow herd need to be relocated.

It is usual for cattle to be housed during winter months and it is preferable for calving to take place inside, where the cow and calf can be appropriately monitored. As there is no alternative accommodation available for the suckler herd we consider that the proposed accommodation is necessary for the continuing operation of the suckler cow enterprise on this unit.

Provision of cattle accommodation cannot necessarily be viewed in isolation as there are requirements for stock to be appropriately fed, bedded down and muck disposed of, and where these facilities do not already exist consideration must be given to them. We therefore consider the silage bunkers and manure store are required to appropriately support the suckler cow enterprise, (noting that additional fodder will be stored outside). We note there are no proposals for straw housing, but it could brought onto site from elsewhere for bedding down as this is this activity is not usually a daily one or stored outside and covered.

6.2.4 *Criteria ii)*

is designed specifically for agricultural purposes;

Comment:

We would suggest that the proposed farmstead has been designed specifically for agricultural purposes, more particularly for the use intended and having regard to the welfare needs of the livestock.

It has not been stated whether the Environment Agency have approved the design of the silage and manure stores in respect of effluent & slurry management for compliance with Water Resources (Control of Pollution) Silage Slurry and Agricultural Fuel Oil Regulations (SSAFO Wales Regulations).

We would note that the proposed cattle accommodation will accommodate 110 suckler cows, together with some calves (part of the herd will be dry over the winter period due to the calving regime). The application states that it is the intention to expand the suckler herd to 150 cows. It would appear that the proposed buildings are not of a size to accommodate any expansion of the herd, but note there is potentially scope to extend the proposed buildings should additional accommodation be required in future.

6.2.4 *Criteria iii)*

is compatible with the surrounding landscape, adjacent land uses and any existing related structures in terms of scale, siting, design and external appearance of any new building or extension to existing buildings

Comment:

These issues are considered from a purely agricultural perspective, and it will be for the Local Planning Authority to address other planning requirements.

The scale of the proposed farmstead appears to be reasonable to meet the needs of the existing enterprise and the layout of the farmstead appears to be reasonable and practical from an agricultural management perspective.

15/00200/FUL^CA¹⁴ BK
Bruton Knowles

7. Conclusion

- 7.1 Taking into account the evidence submitted, it is our opinion that the criteria of 4.4.1 have been met by the application, subject to the LPA being satisfied in respect of criteria E, and on the basis that planning permission for a new farmstead as detailed in application 2015/00188/FUL is granted and it is constructed. It is our opinion that the proposed farmstead is necessary for the continuation of the suckler cow enterprise.

Bruton Knowles

Bisley House
Green Farm Business Park
Bristol Road
GL2 4LY

Date: 30th June 2015

15/00208/FUL 'B'

Our Ref: 6185
Your Ref: 2015/00208/FUL

6 October 2015

For the attention of Mrs Yvonne Prichard

The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Yvonne

Location: Land adjoining Greenway Farm, Bonvilston

Proposal: Erection of a rural enterprise worker's dwelling

Further to your emails of 30th September and 2nd October 2015, I would like to make the following observations which may help to clarify understanding and interpretation of the TAN 6 policy under which the application for a principal dwelling on land adjoining Greenway Farm is being sought.

The original application on the site, submitted 26th February 2015, sought a dwelling extending to some 200m². This application was re-registered on 22nd April 2015 because the business accounts were submitted upon your request following dispatch of the application to your external advisor (BK).

The précised comments from BK were sent to me on 23rd July 2015 and included:

"Whilst we appreciate the farm business will be both operated and managed from the proposed dwelling, the proposed size is larger than we would anticipate for such a dwelling and is not considered commensurate with the needs of the business. We would also question the justification for an adjoining single carport and double garage."

In addition, you added the comment:

"In view of the above I would be grateful if you could give further consideration to the size of the dwelling, and suggest that a more commensurate development would be around 140m² to 150m², which should include all domestic structures such as garaging."

Following a conversation with Marcus it was agreed that a dwelling extending to 175-180m² of floor area, with a detached garage, would be more appropriate.

You acknowledged receipt of the revised plans showing a reduction to 175m² area on 4th September. However, on 30th September you stated that your:

"calculations show a gross floor area of 192.34m² which we have already advised is not acceptable in this case bearing in mind the TAN6 and our agricultural advisors' response."

This was the first mention of 'gross floor area' being your preferred metric of dwelling size.

I did remark that the architect had drawn the plans to the 175m² guideline – as previously suggested by you.

In addition, I would like to point out that your advisor has never commented on the reduced size dwelling.

15/00208 / FNL B₂

Also, you will be aware that neither TAN6 nor the Guidance Notes have prescribed dwelling sizes, nor is there Council policy relating to size of rural enterprise dwellings either.

TAN6 simply states at paragraph 4.7.1:

".....The appraisal should address the following tests:

- The financial test to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification."*

RAC's appraisal clearly indicated that the 200m² dwelling was financially sustainable to the business and commensurate with its functional need. However, following your advisors' comments we reduced the size of the dwelling and surely, the reduced size dwelling must still be financially sustainable to the business.

In 2010 the updated TAN6 policy introduced the fallback position whereby the dwelling would become a unit of affordable housing if it was no longer required for a rural enterprise. Therefore, the size of a dwelling can be related back to affordable housing sizes. Due to the nature of agricultural and many rural enterprises, there is an additional need for a ground floor washing area/shower and boot room with an associated office for the business – and this was indicated at dissemination events for the TAN6 Practice Guidance.

Therefore, the base size for rural enterprise dwellings, according to TAN6 methodology, should be affordable housing plus associated rural enterprise facilities. All affordable housing units must be constructed to the Welsh Government's Design Quality Requirements (DQR) and the size criteria for affordable housing are based upon '*net floor area*', not gross floor area. A four-bedroom affordable dwelling extends to 110-114m² of net floor area (this is the minimum net floor area, as specified by the Welsh Government – see Appendix). The washing area/shower and boot room and associated office can then legitimately be added to this figure.

Net floor area is the occupied area of a building not including hallways, elevator shafts, stairways, toilets, and wall thicknesses which is the same measurement as net internal area.

I have asked the architect to measure the net internal area of the revised dwelling using CAD and he has responded:

"I calculate the internal net floor area to be 142.2m² based upon the approved codes of practice for measurement for the RICS [Royal Institute of Chartered Surveyors]"

Clearly, this is well below your request of 170-180m², but crucially, would equate to the size of a Welsh Government affordable housing unit (plus the rural enterprise additions) – especially if you consider that the affordable housing guidelines are minimum sizes.

On this basis please could you reconsider your thoughts on the appropriateness of the re-submitted plans for the proposed dwelling?

Yours sincerely,

Ieuan Williams
BSc., MA. MBIAC, AIEMA

15/00208/KU'B₃

Appendix I

Welsh Government Minimum Net Floor Areas

DQR - NET FLOOR AREAS FOR AFFORDABLE HOUSING

15/00 208 / FV B₄'

UNIT TYPE		FLOOR AREA (M ²)
7P4B	HOUSE	114
6P4B	HOUSE	110
5P3B	HOUSE	94
4P3B	HOUSE	88
4P2B	HOUSE	83
3P2B	BUNGALOW	58
3P2B	FLAT - WALK UP	65
3P2B	FLAT - COMMON ACCESS	59
2P1B	FLAT - WALK UP	51
2P1B	FLAT - COMMON ACCESS	46
1P1B	BEDSIT	32
SHARED	ABBAYFIELD	36
5P3B	BUNGALOW - WHEELCHAIR	115
4P2B	BUNGALOW - WHEELCHAIR	98
3P2B	BUNGALOW - WHEELCHAIR	80
2P1B	BUNGALOW - WHEELCHAIR	60

2015/00470/OUT Received on 26 May 2015

Walters Land (Barry) Ltd C/o Agent
Philippa Cole. Planning Consultant 14, Ty Gwyn Crescent, Penylan, Cardiff, CF23
5JL

Land at Walters Farm, Weycock Cross, Barry

Development of up to 200 residential homes (Use Class C3) along with associated parking, access, public open space and landscaping and including the demolition of existing buildings.

BACKGROUND

This report relates to the application for outline planning permission, reference 2015/00470/OUT for the development of up to 200 residential homes (Use Class C3) along with associated parking, access, public open space and landscaping and including the demolition of existing buildings at Walters Farm, Weycock Cross, Barry.

An appeal has been made to the Welsh Government in respect of the non-determination of this application. The Planning Inspectorate has confirmed that this appeal is valid and, as such, started the appeal on 19 October, 2015.

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

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

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

SITE AND CONTEXT

The application site comprises of an 8.597 hectare site, located in the north-western area of Barry.



Its south-eastern boundary abuts the A4226 Port Road and four pairs of semi-detached dwellings. The Port Road is the main connecting route between Cardiff Airport and the east of Barry and beyond. The site's south-western boundary is formed by Five Mile Lane.



The site comprises of agricultural land, used for grazing, where a small group of buildings are located within the site forming part of the Walters farm and includes the original farmhouse dating back to the eighteenth century. The site comprises of a network of hedgerows, with the southern and western periphery of the site occupied by woodland. The eastern and northern boundary of the site abuts agricultural land. The site contains two protected trees comprising of an Oak and Walnut.

Adjoining the eastern and northern boundaries of the site is the Fferm Walters SSSI which was notified on 5 November 2015. Fferm Walters is of special interest for its exceptionally large area of species-rich neutral grassland, most of which has a particularly calcicolous nature and is one of the rarest types of grassland in Wales. Part of this grassland is undergoing restoration. The grassland is associated with woodland, hedgerows and scrub and smaller areas of damp grassland.

A woodland block that forms part of the Barry Woodlands SSSI lies approximately 100 metres to the north of the application site.

The application site falls outside of the residential settlement boundary of Barry and is classified as countryside. The site also lies within the Dyffryn Basin and Ridge Slopes Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

This is an outline planning application for the development of up to 200 residential homes (Use Class C3) along with associated parking, access, public open space and landscaping and including the demolition of existing buildings. Only "Access" is submitted for full consideration as part of this outline planning application.

The masterplan concept (shown below) is stated within the DAS to be driven by the response to the landscape and ecology of the site and the need to respect it and reinforce it where appropriate.



The masterplan proposal has a central green corridor running east west through the site. A street hierarchy is proposed within the masterplan, with the primary vehicular route following the edge of the green 'corridor' where possible site.

Open space is strategically located at key junctions in the masterplan, in particular in areas where pedestrian and vehicular routes abut either entrances or at the 'green corridor'.



Illustration of Green Corridor

The parcels of housing are stated as being arranged to take advantage of the landscape and the connected wildlife corridors. An area of grassland bounded by hedgerow and trees with a small drain/semi-dry watercourse running through the vegetation has been preserved in the centre of the site.

The design parameters for the illustrative masterplan have attempted to ensure that a substantial buffer distance has been maintained between vegetation and building edges and property boundaries. An informal bound gravel footpath and cycle network is proposed within these buffer zones across the site connecting the housing parcels with each other.

A focus on informal play and recreational access within the landscape is proposed in preference to more formal play. LAPs and LEAPs have been provided at the edges of within the existing enhanced landscape.

Street trees and planting will be provided throughout the site.

Vehicular access is shown in the south east corner of the site onto Port Road with a separate pedestrian and cycle route link connecting the site via the land located between the existing houses which front Port Road.



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

- Design and Access Statement
- Statement of Scale
- Landscape and Visual Impact Assessment
- Ecological Appraisal
- Ecology Technical Note – Further Information Request
- Tree Survey
- Air Quality Report
- Noise Report
- Drainage Strategy
- Site Investigation Report
- Archaeological Assessment
- Transport Assessment
- Agricultural Land Classification Plan

PLANNING HISTORY

Within the application site:

2014/00351/OUT : Walters Farm, Weycock Cross, Barry - Residential lead, mixed use scheme comprising up to 600 new homes, 6000 sq.m. of employment floorspace (B1), complimentary retail (A1), food and drink (A3) and community facilities (including possible surgery use), all with associated open space, landscaping and access - Withdrawn 3 March 2015.

2013/00565/SC2 : Walters Farm, Land north of Weycock Cross, Barry - Residential and employment development - EIA (Scoping) - No Further Information Required.

2012/01256/SC2 : Land north of Weycock Cross, Port Road, Barry - Regulation 10 request for a scoping opinion - Proposed development for housing, employment and ancillary community facilities, including all associated building and engineering operations, ecological mitigation and landscaping - EIA (Scoping) - No Further Information Required 5 February 2013.

1975/00268 :Land North of Port Road, Barry – Housing Development (Letting at Fair Rents). Refused 14/10/1975 for the following reasons:

- 1. The development is considered to be premature pending the preparation and approval of the County Structure Plan and the release of this land for housing development at the present time would be likely to establish an undesirable precedent for further land release which would collectively prejudice the implementation of the Structure Plan*
- 2. Sufficient land has been released for residential development in the Barry area to meet the expected demand for housing in at least the short term*
- 3. The sketch layout plan submitted does not provide for a satisfactory means of access to, or a satisfactory vehicular and pedestrian circulation within the application site*

Outside of the site but relevant to the consideration of this application :

2014/00863/FUL : Land south of Port Road West, Weycock Cross, Barry. - Construction of up to 200 dwellings.

This application was subject to an appeal made to the Welsh Government in respect of the non-determination of the application. A Public Inquiry was held between 16-18 September 2015 and the decision by the Inspector is awaited. Should the decision be made prior to Planning Committee, It will be reported as a Late Item.

CONSULTATIONS

Barry Town Council were consulted and made the following comments:

Strong Objection: Barry Town Council has previously supported the removal of sites to the northern edge of Barry from the latest deposited LDP and made strong objections to the previous proposals for the site (Planning Application 2014/00351/OUT) as it considers that the development would result in the following unacceptable consequences:

- The Development of this site would result in a development outside the established and proposed residential settlement boundary.

- Traffic studies undertaken by the Vale Council as background preparation for the most recently deposited plan indicate clearly that developments at this location would further exacerbate the traffic congestion in the surrounding areas, particularly along Port Road. The studies show that many junctions along Port Road would be overloaded by the increased traffic generated by such a development would lead to an unacceptable environment for existing residents of the area.
- The Town Council believes that the development would result in increased traffic movements to enable the new population of the site to access local services. As the area is currently severely congested with vehicular traffic further development in this area would add to increased and unacceptable traffic congestion and pollution thereby resulting in an increasingly poor living environment for local residents.
- The development would result in the loss of fertile agricultural land, drainage problems, increased local flood risk and would seriously damage areas of nature conservation and archaeological interest within and adjacent to the site.

Glamorgan Gwent Archaeological Trust were consulted and have stated that the supporting information includes an environmental statement on the impact of the proposed development on the archaeological, undertaken by GGAT Projects, Report 2015/028, March 2015.

The results of this work identified, Medieval and post-Medieval material relating to settlement and land management on the wider area. The Medieval period provides information on the settlements at and near Barry, with at least five manorial estates in the area, of which the deserted remains of Merthyr Dyfan and Highlight are noted. Post-medieval and modern remains are seen with the farms; lime kilns and quarries. The environmental statement update on archaeology submitted with the application concludes that proposed works clearly have the potential to impact upon archaeological features and whilst it is unlikely that any buried archaeological features encountered would be of sufficient importance to prevent the positive determination of the current application, the impact of the development on the archaeological resource will require mitigation.

A condition requiring the applicant to submit a written scheme of archaeological investigation, prior to the commencement of the development is therefore recommended by GGAT.

Dwr Cymru Welsh Water was consulted and has raised no objection in principle. However they have requested conditions to ensure :

- That no building shall be occupied until a point of connection on the public sewerage system as has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority
- No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

In addition it is advised that the applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and there is no objection in relation to water supply.

The proposed development is crossed by a 2" trunk/distribution water main.

Natural Resources Wales were consulted and have made the following comments:

We have received the following additional information regarding the above application. Due to this we are in the position to provide additional comments:

- Email Correspondence received from Philippa Cole (Planning Agent) - dated 12 of August 2015.
- Revised Walters Farm, Barry - Framework Plan Revision C, prepared by Powell Dobson architects, dated 11 of August 2015.

Biodiversity Habitats

We welcome the amended changes as outlined in the revised framework plan. These include a revised widened buffer of 6m on the eastern boundary of the development which incorporates a proposed mown informal track wide enough for pedestrian and vehicular access in order to provide maintenance.

We note that the buffer on the northern boundary of the development remains unchanged and remains as a 3m buffer. The area to the north surrounding the proposed development also has significant biodiversity value, comprising unimproved species rich neutral grassland and recovering species rich grassland. The same principles that have been proposed for the eastern boundary could apply to this area. However, we consider that this can be discussed and re-negotiated at the detailed design/reserve matters stage. If the Authority gives outline planning permission, we wish to be consulted on the detailed design of the proposal.

European Protected Species

Our advice regarding European Protected Species remains the same and we advise the following planning conditions and/or obligations are attached to any permission your authority is minded to grant:

Condition

The works are carried out in accordance with a method statement (MS) to be agreed with your authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing & injuring bats during works, provision/retention of a roosting resource appropriate to the species present, positioning and size of bat access points, vegetation management, measures to ensure long term maintenance of the new roost building, manage artificial light spillage, proposals for monitoring. We would advocate monitoring in years 1 and 3 following completion of development. Please note that such mitigation proposals could be subsequently used in support of a NRW licence application;

Provision of annotated architectural drawings showing the location, dimensions, and materials of the proposed bat mitigation, including bat access points. To be submitted to and implemented as agreed with your Authority prior to any work commencing at the site.

Reason

To ensure that there will be no detriment to the maintenance of the favourable conservation status of a European Protected Species as a result of the proposals.

European Protected Species Licence

The applicant will require a European Protected Species licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

Council's Highway Development Team were consulted and made the following comments:

The revised scheme now consists of a development of 200 units with no non-residential land uses and a single highway access off Port Road. The original Transport Assessment which was submitted with a much larger development has been retained and the Traffic Engineer has confirmed acceptance of what is now considered to be a robust representation of the impact of the development on the immediate and surrounding highway network. It should be pointed out, however that there will be an increase in traffic movements as a result of the development but proposed mitigation measures in the form of junction improvements will ensure that the operation of the existing highway network will be no worse as a result of the additional development traffic.

There are, therefore, no highway objections in principle to the proposed development subject to the following highway requirements being fully satisfied :

- Vehicular access off Port Road to be designed in accordance with TD 42/95 of the DMRB utilising existing and proposed traffic flow data contained within the TA including the provision of minimum visibility splays of 4.5m x 120m and be submitted for approval by the Highway Engineer.

- Mitigation measures outlined in the TA to be designed and submitted to the Highway Engineer for approval.
- Access road to be a minimum width of 6.1m where a bus route is proposed with a 2.0m wide footway on each side.
- Internal carriageway widths not designated as a bus route to be 5.5m wide with a 2.0m footway either side. The internal layout to be designed in accordance with the principles of Manual for Streets.
- Shared surfaces to be a minimum width of 6.8m.
- Off road parking provision to be in accordance with the current edition of CSS Wales Parking Standards.
- Street lighting layout to be approved by the Council's Lighting Engineer.
- Surface Water Drainage Strategy to be approved by the Council's Drainage Engineer.
- All highway works to be built to adoptable standards and agreed with the Highway Engineer.
- All modes of transport and sustainable travel are to be encouraged by infrastructure improvements including the provision of footway and cycleway links and the provision of a development travel plan.
- Developer to provide a Construction Management Plan to include proposed haul routes and site delivery times to be agreed and approved by the Highway Engineer.
- Developer to enter into a legal agreement with the Local Authority prior to commencing any excavation in the adopted highway.

Council's Highways and Engineering Team (Drainage) were consulted and in summary no objection is raised, although it is noted that infiltration methods to dispose of surface water would not be appropriate. No details of the proposed attenuation ponds have been submitted and how the drainage network will convey water across the site to the attenuation ponds. Conditions (summarised) are therefore recommended in relation to the following:

1. No works or development shall take place until a scheme for surface water drainage; showing how road and roof/yard water will be dealt with, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event plus climate change and not in any part of any building for the 1 in 100 year rainfall event plus climate change.

2. No works or development shall take place until details on the proposed highway and pedestrian crossings have been submitted and approved by the Local Planning Authority. This will include an assessment on any detrimental effects of the design extreme flood event and will identify any mitigation measures needed to reduce the impact of these effects.
3. No works or development shall take place until a SuDS management plan which includes details on future management responsibilities for the site and its drainage assets has been submitted and approved in writing by the Local Planning Authority.
4. A Construction Environmental Management Plan should be submitted and approved in writing by the LPA prior to any work commencing on site. This should include details for managing silt-laden runoff for the site and a construction programme for works.
5. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.

Council's Ecology Officer was consulted in reference to the previously submitted Ecology Report, and the Ecology Technical Note and recommends consultation with NRW to ensure that it is likely that a licence will be granted for the European Protected Species on site.

A further recommendation is made in relation to the inclusion of planning conditions to secure biodiversity interests (not including those dealt with by way of EPS licensing with NRW), in relation to the preparation of a Landscape and Ecological Management Plan (to include a Grassland Management Plan) and an Ecological Construction Method Statement (ECMS)

Council's Environmental Health (Pollution) were consulted the following issues have been raised;

Contaminated Land

Due to the historical use of the site for proposed development has four areas that would require further investigation: Whilst a site investigation has already been undertaken by 'Integral Geotechnique' and report submitted with findings, the exact locations of where the trial pits were taken cannot be found.

Standard Contamination Investigation Conditions have therefore been requested relating to a Phase I Preliminary Risk Assessment (Desk Study), a site investigation survey and report and necessary remediation and verification report.

In-filled Ground

A condition to require a comprehensive site survey to establish the existence, depth, extent and character of any filled ground; and the existence, extent and concentrations of any landfill gas that may have the potential to reach the application site.

Imported Soil Condition

A condition to ensure that any soils or similar material to be imported on to the site shall be assessed for chemical and other potential contaminants in accordance with a scheme of investigation.

Noise Dust and Vibration from Construction

Due to the potential for noise disturbance to local residents, it is advised that the development shall be subject to the following hours of operation restrictions, including deliveries;

Monday – Friday	08:00 until 18:00
Saturday	08:00 until 13:00
No Sunday or Bank Holiday working	

Should there be a requirement to undertake foundation or other piling or drilling on site to it is advised that these operations are restricted to:

Monday – Friday	8:30 until 17:30
Saturday and Sunday	Nil

Council's Parks and Grounds Maintenance Section were consulted and no comments have been received to date.

Council's Estates (Strategic Property Estates) Team were consulted and have raised no objection.

Council's Waste Management Team were consulted and have raised no objection although do advise that the proposal will put a further strain on services. Moreover that they would comment further on any detailed layout of the site to see if there any issues relating to the Council's policy of collection material from each household at the nearest public highway.

Illyd Ward Members were consulted and no comments have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 11 May 2015 and site notices were also displayed on 27 May 2015.

The application was also advertised in the press on 19 May 2015.

To date a total of 34 letters of representation have been received, all of which object to the application. Two example letters of objection are attached as Appendix A and the objections raised are summarised below:

- Brownfield land should be used in preference to greenfield land
- Impact on existing view /aspect of fields from neighbouring dwellings
- Impact on the landscape
- The Waterfront should give Barry the extra housing it needs
- Impact on wildlife and ecology
- Impact on a site of archaeological significance
- Speculative development in the open countryside
- Height of the buildings would have a visual impact of the rural nature of the site
- Impact on local services
- Impact on current levels of air and noise pollution
- Site is outside the urban boundary of Barry
- Road infrastructure is inadequate
- Increase congestion and traffic on an already busy road
- Impact on safety of children crossing Port Road as a result in increased traffic
- Objection to access from Port Road on grounds of safety
- Proposed blocks of flats not in keeping with area
- Site is not identified in the LDP
- Permission is sought for use of pedestrian access

In addition to the above, a letter of representation has also been received from Alun Cairns MP attached as Appendix B. In summary the concerns raised relate to the following:

- Speculative planning application as a result of the delayed LDP
- Application should be rejected as it falls outside of the boundaries of the current UDP
- Development would extend Barry beyond its natural boundary and consist of urban sprawl, contrary to the UDP and Planning Policy Wales
- Drainage and sewerage concerns and flood risk
- Area around site also suffers from severe congestion
- Ability to access existing services such as schools, dentists and schools

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICY 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 - TRANSPORTATION

POLICY 11 - SPORT & RECREATION

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE
ENV2	- AGRICULTURAL LAND
ENV4	- SPECIAL LANDSCAPE AREAS
ENV7	- WATER RESOURCES
ENV10	- CONSERVATION OF THE COUNTRYSIDE
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV12	- WOODLAND MANAGEMENT
ENV16	- PROTECTED SPECIES
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV26	- CONTAMINATED LAND AND UNSTABLE LAND
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV28	- ACCESS FOR DISABLED PEOPLE
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	- DWELLINGS IN THE COUNTRYSIDE
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA
HOUS12	- AFFORDABLE HOUSING
TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT
REC6	- CHILDREN'S PLAYING FACILITIES
REC7	- SPORT AND LEISURE FACILITIES

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

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

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

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

Planning Policy Wales:

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

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

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

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published in November, 2013. The Council have undertaken a public consultation on both the plan itself and the 'Alternative Sites'. The Council have prepared a schedule of Focused and Minor changes to the plan and have now submitted these to the Welsh Government and the Planning Inspectorate. The LDP examination will commence in January next year.

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

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it.'

Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

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

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)
- Identification of SINC's (2013)
- Local Housing Market Assessment (2013 Update)
- Open Space Background Paper (2013)
- Population and Housing Projections Background Paper (2013)
- Sustainable Settlements Appraisal Review (2013)
- Waste Planning Background Paper (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Draft Infrastructure Plan (2013)
- Joint Housing Land Availability Study (2014)
- The Affordable Housing Delivery Statement (2009)
- Vale of Glamorgan Housing Strategy

Other relevant evidence or policy guidance:

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

Issues

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

- The principal of the development in the context of the following:
 - The statutory development plan being the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP);
 - Emerging development plan policies;
 - Other planning policies and guidance.
- Landscape and visual impact
- Prematurity
- The supply of housing land
- Layout and scale of the development
- Access and traffic
- Agricultural land quality
- Consideration of the potential impact to neighbour amenities
- Archaeology
- Flood risk
- Drainage
- Ecology
- Hedgerows and trees
- Noise
- S106 Planning Obligations to mitigate the impact of development, including off site highway improvements.

Principle of the Development

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the statutory Development Plan comprises the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 (UDP).

The site is not within the settlement boundaries identified within the UDP and is, therefore, within the open countryside. Policy ENV1 seeks to strictly control development within countryside locations and indicates that development will only be permitted in particular cases or where it is essential for particular activities, including recreation and rural enterprise.

In addition to this, the settlement boundary, to the east and south of the site, is defined in Policy HOUS2 of the UDP. This policy makes provision for residential development in addition to the sites allocated within the plan, where the development is either within the settlement boundary or constitutes a small scale 'rounding off'.

The proposed development seeks to extend, on a large scale, the settlement limits of Barry into open countryside and, as such, is development that does not comply with either UDP policy ENV1 or HOUS2.

The application of UDP policies ENV1 and HOUS2 in this case are supported by the more recent guidance provided in PPW. The guidance provided in section 4.2 of PPW is noted. In particular, paragraph 4.2.4 states:

'A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- *there is no adopted development plan (see 2.6) or*
- *relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *where there are no relevant policies (see 2.7)*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes (see Figure 4.1).'

The key sustainability principles and the key policy objectives of PPW are clearly a set of guidelines that set out the Welsh Government's '*vision for sustainable development and the outcomes [they] seek to deliver across Wales*' (paragraph 4.41). Whilst the development accords with some of the principles and objectives, it is in fundamental conflict with others in terms of land-take and urban sprawl. Accordingly, the development is not in accordance with the general principles of PPW.

The principles of Policies ENV1 and HOUS2 are in accordance with this guidance when applied to the consideration of the development subject of this application. In this regard, these policies are neither outdated nor superseded. As such, these policies should not be given decreasing weight as set out in paragraph 2.7.1 of PPW.

Notwithstanding the findings above, it is accepted that the majority of the housing allocations set out in the UDP have been built out and that there is now a requirement to accommodate future growth in the Vale of Glamorgan. This is, of course, being dealt with via the deposit LDP, due for examination in the new year. Within the deposit LDP policy SP3 sets out that land will be made available for the provision of 9500 new residential units up to 2026. Policy MG2 identifies the locations where the Council proposes to meet the housing requirements. The application site has not been identified as one of those sites. Accordingly, given that adequate suitable sites have been identified in the draft LDP to accommodate housing need in the area, there is no need to breach the settlement limits in order to accommodate growth in the settlement of Barry in conflict with UDP policies ENV1 and HOUS2.

In light of the above, draft LDP policy MD 5 defines the settlement boundary around the key settlement of Barry. The settlement boundary to the west of Barry is as defined in the UDP policy HOUS2. As with UDP policy ENV1, draft policy MD1 also makes provision for development within the countryside, subject to compliance with the criteria of the policy.

In light of this objection to the principle of the development, out of accord with the existing and emerging Development Plan for the Vale of Glamorgan, it falls to consider whether there are any material considerations which outweigh this objection or others that need to be weighed in the balance of the decision.

Housing Land Supply

Members will be aware that Technical Advice Note 1 (TAN1) has been recently updated and, in light of this, it is accepted that the Vale of Glamorgan is unable to demonstrate that it has a 5 year supply of housing land.

PPW states that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan'*.

Until the adoption of the LDP, and in preparation for the LDP examination, the Council is following the TAN 1 guidance by preparing an objective assessment of the Housing need. At present this objective assessment demonstrates a housing land supply in excess of 5 years in April 2016, increasing again in April 2017 (post LDP adoption).

Notwithstanding this, the TAN1 guidance states *'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'*. Whilst this guidance is noted, the objective assessment demonstrates that the supply of housing land within the Vale of Glamorgan is improving, particularly with the approval of a significant number of sites that are either LDP compliant or otherwise considered to accord with the policies and strategy of the adopted UDP and the draft LDP, as well as national planning guidance.

Whilst the guidance suggests that the current deficiencies in housing land supply should be given considerable weight, it is considered that this weight can be reduced in the light of the steps being taken by the Council to improve the housing land supply position. In this case, therefore, it is not considered that the need to maintain a 5 year housing land supply carries sufficient weight to overcome the principle concerns with the proposed development.

Prematurity

As the LDP is in draft form, consideration should be given as to whether the proposals would be premature, particularly given that this is not an allocated site within the LDP.

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

The application site will accommodate up to 200 dwellings which is not an insignificant proportion of the housing identified for Barry. The Council’s strategy for Barry is for the concentration of new development on brownfield land or on land within the confines of the settlement. The proposed development would not accord with the strategy in terms of its location, particularly as this would be the largest site adjacent to Barry (save for the Waterfront development). The need for development within the Vale of Glamorgan, or the need for development in Barry, should be considered via the LDP examination and not via the consideration of a single proposal that would have a significant impact on the key settlement of Barry.

Landscape and Visual Impact

UDP policy ENV10 seeks to conserve and manage the countryside of the Vale of Glamorgan to minimise the potentially harmful effects of development. Policy ENV10 supports the Council’s principle countryside protection policy ENV1.

In this case the principles of policy ENV10 are supported by criterion (i) and (iv) of Policy ENV27, which required development to (i) complement or enhance the local character of buildings and open spaces and (iv) minimise any detrimental impact on adjoining areas.

In addition to these UDP policies, Chapter 5 of PPW identifies the importance of the natural heritage of Wales and states:

'The natural heritage and valued landscapes of Wales are not confined to statutorily designated sites but extend across all of Wales – to urban areas, the countryside and the coast. Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well-being of individuals and communities. Biodiversity and landscape are important in the economic life of many communities and the quality of the environment is often a factor in business location decisions.' (Paragraph 5.1.1)

One of the Welsh Government's objectives for the conservation and improvement of the natural heritage is to *'promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats'* (paragraph 5.1.2 of PPW).

In addition to the policies and guidance that seek to protect the Countryside of the Vale of Glamorgan for its own sake, the appeal site lies within the Duffryn Basin Special Landscape Area (SLA), designated in policy ENV4 of the UDP. The Council have undertaken a review of the SLAs in preparation for the LDP and, in short, the special landscape qualities of the site are still considered important, the result being that the SLA designation of the site is continued within the LDP.

The visual impact of the development on the wider area and the impact that development would have on the landscape must be considered within the context of PPW, the UDP countryside protection policies and the SLA designation under the UDP, having regard to the updated assessment of the SLA designation, as undertaken in the three LDP background documents identified above.

With regard to the character of the application site, it forms part of the Valley sides of a tributary to the River Waycock which runs west through the middle of the site before turning north to form its western boundary. The northern edge of the site forms a minor ridge and the area in general is characterised by pastoral fields of varied sizes with hedgerows, some of which contain matured deciduous trees. The application site is part of an area that is tranquil and rural in character, being read within the context of the rural land to the north and west, and the SSSI to the east. The area to the south of the site is more urban fringe in character, although the site is not read within this context given that the Port Road forms a strong physical and visual edge to the settlement of Barry.

In considering the development in terms of landscape impact, the site is neither adjacent to nor in close proximity to the settlement boundary formed by the Highlight Park development to the east of the site. The site is divorced from this existing urban development by the area now designated as a SSSI. In this regard the development would be physically isolated from the existing urban areas north of Port Road and would result in the urbanisation of an isolated area of undeveloped countryside. The Port Road highway to the south of the site forms a clearly defensible boundary to the urban area to the south. Whilst there are a few individual dwellings to the north of Port Road, those do not define the character of the land within which the application site sits.

The application site is not, therefore, urban fringe in character and the fundamental change in the character of this area that would result from the development is not, therefore, logical and would result in a fragmented urban form at the north east periphery of the settlement of Barry. As dealt with below, this would in itself cause considerable harm in terms of its visual impact.

In terms of visual impact, the most prominent feature that would result from the development is the access to the site and the development that would be visible from that access. The current views of the site in this location are of a rural landscape beyond a natural rural hedge line. As such, the urban development proposed would have a harmful impact on the visual amenity of this area in this location. The site would also be visible from certain vantage points along the 5 mile lane, to the west of the site running north. Again, the views of the site and surrounding area from this vantage point are of a rural landscape. The development, particularly the three storey buildings proposed, would be visually prominent and would have a detrimental impact on the amenity of the area.

The Landscape and Visual Impact assessment submitted with the application concludes that “There will be no major or moderate adverse residual effects on features of importance to landscape or nature conservation. The development will result in a localised major adverse effect on the landscape character of a small area that lies just within the south western extent of the SLA.”

The LVIA further states that *“The proposed development will also have no adverse residual effect on the wider landscape character of landscape within the SLA to the north” and that “There will be no major or moderate adverse residual effects on the visual amenity of recreational receptors or residential receptors, within the SLA itself. There will be no major or moderate adverse residual effects on recreational or residential receptors that lie outside the SLA.”*

Whilst the conclusions of the LVIA submitted with the application are noted, it is, nevertheless, considered that the development would be a visually prominent and discordant feature and that the harm to the character of the immediate area would be substantial. The development would be unacceptably harmful to the special qualities of the Duffryn Basin SLA. For these reasons the development would not accord with UDP policies ENV4, ENV10 and ENV27, as well as the general countryside protection and sustainability principles of PPW.

Layout and Scale of Development

The proposal indicates a development of up to 200 dwellings on what is currently agricultural land. Whilst the application is in outline with all matters reserved (except for access), the accompanying Master Plan provides an indication of the layout and scale of development proposed. The sites constraints and opportunities have been assessed in the submitted Design and Access Statement (DAS), which also explains the land use Masterplan.

The DAS states that the parcels of housing have been designed to take advantage of the landscape and the connected wildlife corridors, ensuring that breaks in and loss of the hedgerow network have been kept to a minimum. An area of grassland bounded by hedgerow and trees with a small drain/semi-dry watercourse running through the vegetation has been preserved in the centre of the site. Access within the development site touches this green space, which is seen as the heart of the landscape and new place. Access to this area would be defined but not restricted as it contributes to the open space strategy for the development.

The DAS states that the design parameters for the illustrative Master Plan have ensured that a substantial buffer distance has been maintained between vegetation and building edges and property boundaries. Informal bound gravel footpaths and a cycle network is proposed within these buffer zones across the site connecting the housing parcels with each other.

It is stated that there is a focus on informal play and recreational access within the landscape, which is proposed in preference to more formal play. However it is stated that where formal play is required, LAPs and LEAPs have been provided at the edges of and integrated within the existing enhanced landscape.

The DAS states that the scale of the buildings will reflect the dwelling type and location. Reference is made to the provision of up to 3 storey buildings near the entrance of the site and that along primary routes the scale will vary but 2 1/2-3 storey will predominate. Within the site, the DAS states that the scale will reduce down to 2 storey with some buildings up to 2 1/2 storey at key junctions and at the end of vistas.

Concern is raised that the proposed 3 storey buildings located near the entrance of the site would be particularly prominent when viewed from Port Road West, which is likely to be visible through the site entrance and above the hedgerows which enclose the front part of the site. This is considered in more detail elsewhere within this report.

Notwithstanding the concerns in relation to the impact of the development in its entirety in this location, the general indicative layout and supporting details of the proposed development are considered broadly acceptable and in general accordance with the advice of the Manual for Streets documents. However, the acceptability of the layout can only be fully considered through a Reserved Matters application where more detailed consideration would need to be given to the layout and scale of development, and appropriate levels of density, in the event that this outline application is considered to be acceptable.

Access and Highways Issues

This is an outline application with all matters reserved except for access.

The application is supported by a Transport Assessment (TA) prepared by ARUP dated 25 March 2015. The original TA has been updated in light of the current scheme for 200 dwellings.

It is stated since the TA was originally completed in January 2014, there have been a number of alterations to the scale, land use mix and layout of the proposed development. The key changes include:

- a reduction in the scale of residential development to 200 units;
- removal of the non-residential land uses, namely the business starter units and community facilities;
- a reduction in the net developable area, with all development concentrated within a 5.6848ha area immediately north of Waycock Cross; and
- amended road access arrangements, such that the development will be served by a single priority T-junction onto Port Road.

It is stated that the effect of these changes will be to reduce the travel related impacts of the development on the surrounding transport networks from those presented in the TA, given that this had contemplated a much larger development. Accordingly, the findings of the TA can be regarded as a robust representation of impact.

The revised road access onto Port Road will achieve a fully serviceable site in a manner consistent with the reduced development size and principles previously agreed with the Vale of Glamorgan Council, as local Highway Authority.

The package of measures previously proposed within the Transport Implementation Strategy will continue to be implemented, given that they continue to be regarded, within the TA, as integral to achieving a fully accessible development. This includes the off-site junction improvements at the Waycock Cross, Colcot Road and Barry Docks Link Road roundabouts, which will be beneficial to operational conditions for all road users.

Having assessed the updated TA and the original TA, the Traffic Engineer has confirmed acceptance of what is now considered to be a robust representation of the impact of the development on the immediate and surrounding highway network. It should however be noted that there will be an increase in traffic movements as a result of the development. However, the proposed mitigation measures in the form of junction improvements will ensure that the operation of the existing highway network will be no worse as a result of the additional development traffic.

There are, therefore, no highway objections in principle to the proposed development subject to the following highway requirements being fully satisfied:

- Vehicular access off Port Road to be designed in accordance with TD 42/95 of the DMRB utilising existing and proposed traffic flow data contained within the TA including the provision of minimum visibility splays of 2.5m x 120m and be submitted for approval by the Highway Engineer.
- Mitigation measures outlined in the TA to be designed and submitted to the Highway Engineer for approval.

- Access road to be a minimum width of 6.1m where a bus route is proposed with a 2.0m wide footway on each side.
- Internal carriageway widths not designated as a bus route to be 5.5m wide with a 2.0m footway either side. The internal layout to be designed in accordance with the principles of Manual for Streets.
- Shared surfaces to be a minimum width of 6.8m.
- Off road parking provision to be in accordance with the current edition of CSS Wales Parking Standards.
- Street lighting layout to be approved by the Council's Lighting Engineer.
- Surface Water Drainage Strategy to be approved by the Council's Drainage Engineer.
- All highway works to be built to adoptable standards and agreed with the Highway Engineer.
- All modes of transport and sustainable travel are to be encouraged by infrastructure improvements including the provision of footway and cycleway links and the provision of a development travel plan.
- Developer to provide a Construction Management Plan to include proposed haul routes and site delivery times to be agreed and approved by the Highway Engineer.
- Developer to enter into a legal agreement with the Local Authority prior to commencing any excavation in the adopted highway.

It should be noted that the off-site highway works are considered separately under the S106 section of this report.

Whilst access is for consideration under part of this outline planning application, no specific details of the design of any junction/access has been submitted with the application. However the location shown for the proposed access, in the south east corner of the site is considered acceptable in principle. Moreover, being a single priority T-junction onto Port Road, the highway engineer has confirmed that the form of junction access is considered acceptable, subject to the design being in accordance with TD 42/95 of the DMRB and the provision of minimum visibility splays of 2.5m x 120m and be submitted for approval by the Highway Authority.

The frontage of the site comprises of an approx. 2 metre wide grass verge set immediately in front of a hedgerow. The grass verge is shown to be accommodated within the adopted highway. Based on the required 120 m visibility either side of the junction and a set back distance of 2.4 metres, it is likely that to achieve the required visibility, the hedgerow will have to be cut back, or removed.

Whilst the highway engineer is of the opinion that the required visibility splays can be achieved, it is considered that in the absence of a full and detailed plan showing the access, it cannot be demonstrated that the required visibility splay can be achieved, within the land controlled by the applicant or, if achieved the length of hedgerow which would have to be cut back or removed.

Given that access has been submitted for consideration, further information would have been requested as part of this outline planning application, in order to fully consider the impacts and acceptability of the proposed access and whether it could be achieved without any detriment to highway safety or impacting on the rural character of northern part of this section of Port Road West.

Agricultural Land Classification

Policy ENV2 states amongst other things, that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated. This is also reflected in PPW under paragraph 4.10.1.

The application has been supported by an Agricultural Land Classification (ALC) map covering the application site. The plan shows that the site comprises of a broadly equal mix of Grades 3b and 4 with some small areas of Grade 5 and Non-agricultural land.

Therefore, notwithstanding the wider acceptability of the scheme, the proposal would not result in the loss of the most versatile agricultural land.

Impact of the Development on the Amenities of Existing Properties

The submitted illustrative layout plan shows that the site will largely be enclosed by hedgerows and fields/highways beyond. The site does adjoin two small groups of semi-detached bungalows, which are located either side of the track that currently accesses the site. In addition it is recognised that the dwellings which are located opposite the proposed access on the south side of Port Road West, will be impacted upon as a result of the development.

It is noted that the illustrative layout plan indicates that the part of the existing hedgerow which surrounds the rear of the properties will be retained in addition to an additional 5 metre buffer. As such, and based on the submitted illustrative layout plan, it is considered that the siting of the proposed dwellings are unlikely to cause any loss of privacy or have an overbearing impact on these nearest occupiers. However any reserved matters application would need to ensure that the siting and design of the dwellings has regard to the criteria of Policies ENV27 and HOUS8 of the UDP, and the Council's Supplementary Planning Guidance on 'Amenity Standards'. However, it is considered that there is no reason why an acceptable layout cannot be achieved in principle, which provides for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

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

It is possible that existing residents would experience disturbance during the course of construction works. However, such impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless a construction management plan can be requested by condition to ensure that any impacts as a result of the construction phase of development is minimised and appropriate conditions can be attached to any permission to ensure working hours are restricted. This requirement would also satisfy the comments made by the Council's Environmental Health (Pollution) Team.

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

Drainage Issues

The application has been accompanied by a Drainage Strategy by Arup (24 March 2015). The Strategy outlines the baseline hydrological conditions and outlines the proposed drainage strategy for the development of up to 200 residential properties.

Flood Risk -

The TAN15 Development Advice Map for the site is included in Figure 1 and shows that majority of the site is within Zone A, and therefore at little or no risk of fluvial or tidal/coastal flooding. Areas within the central part of the site are shown to be in Zone B; defined as areas known to have flooded in the past as evidenced by sedimentary deposits. The Strategy states that the site is not considered to be at risk of fluvial or tidal/coastal flooding and therefore no further assessment is required to be undertaken.

Moreover NRW maps also show that the area along the watercourse is at risk of surface water flooding to the 1 in 100 year design event, and other areas of the site are at risk to the 1 in 1000 year design event.

In accordance with TAN 15, any subsequent reserved matters application would have to include details of site levels within areas of Zone B (fluvial flood risk), which should be checked against the extreme 0.1% flood level, where site levels should be greater than the extreme event flood level.

Surface Water -

The drainage strategy states that there may be some areas of made ground across the site, which may be contaminated, and it is therefore not suitable to use infiltration methods to dispose of surface water. It also states that further ground investigations are to be carried out

The Council's Drainage Engineer advises that infiltration techniques should be considered as the primary option of surface water disposal prior to any other options being considered, and therefore a contaminated land survey should be carried out as part of the further ground investigation across the site to determine the extent of any possible contamination, and whether infiltration is a viable option.

The drainage strategy proposes to discharge surface water at Greenfield runoff rates, via attenuation, into the watercourse that runs across the site. The drainage strategy shows the extent of the catchment which has been studied to identify Greenfield runoff rates for the development site, calculated by the Flood Estimation Handbook statistical method. Storage volumes of the three proposed attenuation ponds have been provided, however no calculations have been provided to demonstrate how these volumes have been determined. The preliminary drainage layout of the attenuation ponds also contains no details on connections to the ordinary watercourse, or the discharge rates from each attenuation pond. No details have been given on the drainage network which will convey water across the site, to the attenuation ponds.

Whilst there is no objection to the strategy, full details of a scheme of drainage would have to be submitted as part of a future reserved matters application, particularly as the size of the attenuation ponds may have an impact on the developable area around the site. Such details would need to show how roof and road water will be dealt with, and how drainage features will be connected.

The drainage strategy indicates that an appropriate buffer has been given around the watercourse, which will aid in maintenance and management of SuDS. The plan also indicates that a road crossing and a pedestrian crossing will be put across the watercourse, however no details of these crossings have been provided. Again details of these crossings will need to be submitted and approved by the LPA prior to construction beginning on site. Should these be culvert crossings, details such as size and materials will be required, along with an assessment of any detriment to the surrounding area from the culverting of the existing watercourse. The culvert size should allow, as a minimum, flows for the 1 in 100 year design event plus 30% for climate change.

Any works to a watercourse may also require a Land Drainage Consent from the relevant Authority in accordance with the Land Drainage Act 1991.

The drainage strategy contains principles for managing the site during construction to reduce the risk of pollution to watercourse. These would be formalised by a Construction Environmental Management Plan, prior to work beginning on site, and followed during development on site.

A SuDS management plan should also be submitted detailing the management and maintenance details for any SuDS features on site, to ensure drainage features continue to work at their optimum functionality and capacity for the lifetime of the site. This plan should also include who will be maintaining the drainage features on the site, which would be required by condition as part of any future reserved matters application.

Foul Sewerage -

Welsh Water were consulted on the application and have stated that no building shall be occupied until a point of connection on the public sewerage system as has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as may be identified by the hydraulic modelling assessment.

In addition they have stated that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Welsh Water also advises that the proposed development is crossed by a 2" trunk/distribution watermain, where no structure is to be sited within a minimum distance of 3 metres from the centre line of the pipe. The line of the watermain follows the existing track from Port Road West to the existing farm building within the site. It is stated that 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 proposed development is in outline with all matters reserved (except for access) and in any case it is unusual to have the full details of how foul and surface water drainage will be dealt with included with the submitted planning application details. The Council's Drainage Engineer and Dwr Cymru Welsh Water have all reviewed the submitted Drainage Strategy Report and none raise an objection in principle but all suggest appropriately worded conditions should the application be approved to ensure full details are provided to allow adequate assessment and implementation of foul and surface water drainage and flood avoidance.

Ecology

The application is supported by an Ecological Appraisal Report prepared by EDP dated April 2015 to consider the ecological implications of the proposed development. Whilst the report clearly makes reference to the fact that the development is for up to 200 residential homes, the study areas covers the larger site originally considered under planning application ref. 2014/00351/OUT, which was subsequently withdrawn.

In addition to those habitats supported, a number of protected and notable species have also been confirmed utilising the site including roosting, foraging and commuting bats, foraging and basking slow-worm and grass snake and breeding birds.

A number of bat roosts are confirmed at the site, including a brown long-eared bat night roost/feeding perch within the western section of barn B2, a lesser horseshoe night roost within both sections of barn B2 and within farmhouse B3, and a common Pipistrelle summer roost within farmhouse B3. The common Pipistrelle summer roost and lesser horseshoe night roosts are considered to be utilised by only a low number of single individuals. No roosts are confirmed for the stable block B1.

The Council's Ecologist initially objected to the application pending the submission of Further Information, in relation to the following:

- How the bat mitigation will be delivered
- The need to maintain the existing hedgerow ratios within the site through retention, translocation and new planting
- No ecological gains set out within the report
- Timing for clearance/phasing of the construction phase is not clear
- Information regarding the management of retained habitats on site

The holding objection is subject to a Further Information Request with respect to the specific points raised by the Council Ecologist. In response a supplementary Technical Note has been prepared.

Given the extent of mitigation proposed at the outline application stage, as detailed above, relative to the anticipated impacts of the proposals and conservation status of those bat roosts involved (night and day roost of only small numbers of individuals), the consultant Ecologist considers that the proposed mitigation measures are sufficient to inform any future derogation licence required for the site and to ensure that the conservation status of those species likely impacted will be maintained.

Whilst the proposals are illustrative at this stage, the recommendations in principle are considered robust and adequately flexible to be tailored to the emerging layout defined at the Reserved Matters Stage. The Council Ecologist further confirms within point 1 above that they '*do not require full details at this stage*'. The consultant Ecologist therefore considers that the information contained within our report adequately demonstrates how mitigation on site could be delivered.

In relation to further detail regarding hedgerow planting specifications with respect to species, quantum/lengths and locations, the consultant Ecologist considers that this information should be provided at the Reserved Matters Stage and can be conditioned as such.

However, an amended revised Illustrative Landscape and Ecology Mitigation Strategy (UG1571-LA-03) has been prepared (to accompany the Ecology Technical Note) to further illustrate the potential locations of such hedgerows across the site. The purpose of this additional illustrative strategy is to demonstrate that adequate replacement hedgerow planting, (and other habitats to be created) can be accommodated within the current layout proposed.

In relation to the above further clarification and all of the other outstanding matters, the Council's Ecologist has raised no objection, subject to conditions to for the submission of a Landscape and Ecological Management Plans and an Ecological Construction Method Statements. These would be secured through conditions attached to any outline planning permission or submitted for conditions of any future reserved matters application.

It is noted that the development may impact upon bats (a European Protected Species) and a European Protected Species licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 is required before any works on site commence that may impact upon bats.

NRW have requested a condition to ensure that the works are carried out in accordance with a method statement (MS) to be agreed, prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing & injuring bats during works, provision/retention of a roosting resource appropriate to the species present, positioning and size of bat access points, vegetation management, measures to ensure long term maintenance of the new roost building, manage artificial light spillage, proposals for monitoring. In addition, provision of annotated architectural drawings showing the location, dimensions, and materials of the proposed bat mitigation, including bat access points are also required to be submitted by way of planning condition.

All three buildings (B1-B3) are proposed for demolition as part of the development proposals, resulting in the loss of a common Pipistrelle day roost, lesser horseshoe night roost and brown long-eared bat night roost/feeding perch

In view of the above and as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In terms of Test 1, it is stated that all of the barns will be demolished. It is not considered that there is an overriding public interest for the derogation, for the reasons set out elsewhere in this report, in terms of the social and economic benefits.

In terms of Test 2, an alternative would be to retain the existing rural buildings as part of the development or exclude the buildings from the scheme of residential development. Given that the Council has identified what it considers to be other more suitable sites for housing development in the draft LDP, it is considered that there are satisfactory alternative development sites than this.

In terms of Test 3, it is noted that NRW have raised no objection, subject to a method statement (MS) to be agreed by NRW prior to any work commencing at the site. It is our opinion that sufficient survey information has been provided to allow the LPA to make an informed assessment on the likely impact of the development on EPS, in particular bats. NRW have not given an opinion on likely impact on the "favourable conservation status" of bats. The LPA has concluded that providing that the MS referred to by NRW is submitted, in accordance with a planning condition (attached to a Reserved Matters application), then Test 3 is likely to be met.

In addition to the above, and the subject of considerable discussion, was the impact of the development on what is now the notified Fferm Walters SSSI. The amended and reduced form of development which comprises this application, was in order to avoid any impacts on the adjoining SSSI. The amended application site is welcomed by NRW which addresses the concerns previously raised with regards to development within the SSSI.

Notwithstanding the above, there was general concern in relation to the extent of the buffer between the proposed development and the SSSI which lies along the eastern boundary of the site. In response to this an amended Framework Plan (Revision C) was submitted which amends the illustrative layout, bringing the development westwards to allow the Eastern Boundary to accommodate a new 3m wide hedge (to address the required replacement hedgerow) in an addition to a 3m wide mown informal footpath between the hedge and curtilages (6m in total). It is stated by the agent that this will provide a wider buffer adjacent to the SSSI grassland located east of the development, allowing foot traffic (and maintenance vehicle access) to provide natural surveillance to any management activities otherwise undertaken by residents whose curtilages lie adjacent. The inclusion of such a buffer could be addressed through the imposition of conditions and further detailed design at reserved matters stage.

NRW have considered the amended Framework Plan and welcome the amended changes as outlined in the revised framework plan (as set out above). They also note that the buffer on the northern boundary of the development remains unchanged and remains as a 3m buffer. The area to the north surrounding the proposed development is also stated by NRW as having significant biodiversity value, comprising unimproved species rich neutral grassland and recovering species rich grassland. It is stated that the same principles that have been proposed for the eastern boundary could apply to this area. However, they consider that this can be discussed and re-negotiated at the detailed design/reserve matters stage. Given the late submission of the comments made by NRW, this would be a matter which would have been subject to further negotiated within this outline planning permission, to ensure that the framework plan is in line with the requirements of NRW, although it is noted that NRW would be happy that this matter could be deferred to reserved matters stage.

In light of the above, there is no objection from NRW nor the LPA, subject to conditions to protect important ecological features within and adjoining the site

However, as stated above, the development does not satisfy Test 1 and Test 2 of Article 16 of the Habitats Directive's, as it is not considered that there is an overriding public interest for the derogation, in terms of the social and economic benefits (Test 1) and there are alternatives to the demolition of the building (Test 2).

Trees and Hedgerows

To support the application a Tree Survey by Treescene Ltd in addition to a Landscape Constraints Plan have been submitted. There are two protected trees which fall within the site comprising of an Oak and Walnut. Moreover there are a number of protected trees which border but fall outside of the application site, along the north and eastern boundaries which comprise of individual Oak trees. There are also a number of hedgerows within the site and enclosing the site and a strong woodland belt along the western and southern boundaries of the site.

The existing trees, hedgerows and woodland within the all contribute to the distinct rural character of the site, as shown below.



The DAS states that the illustrative masterplan design has been led by the intertwined landscape and recognised importance of the ecology of the site. The design approach is stated to recognise the opportunity that the existing landscape infrastructure of trees, hedgerow and grassland provides and retain and enhance that resource.

The illustrative Masterplan indicates that two lengths of hedgerow are to be removed in order to accommodate the development, which a relocated broadly within the middle of the site. However this is shown to be offset by the planting of a new hedgerow along the eastern boundary of the site, of the same or greater length. Therefore the scheme will not result in the net loss of any hedgerow.

The layout as a whole, other than the section of hedgerows to be removed, seeks to retain the existing landscape infrastructure including the protected trees within the site.

There are no particular concerns at this stage, with specific regard to the protection of trees or hedgerows. It is noted that the two protected trees within the site are shown to be retained. However the full impact of the proposals on the protected trees and the existing hedgerows can only be considered pending the submission of further details in any reserved matters application, assuming this outline application is approved.

Noise

The Highways adjoining the site are particularly busy and, as such, it is important to consider the impact of the noise generated by traffic on those highways on any future occupiers of the development. Whilst a noise assessment has not been submitted with the application, it is noted that the Council's Environmental Health Officers have not raised an objection to the development in terms of noise. Notwithstanding this, it is noted that noise from Port Road was an issue considered at the recent appeal in respect of the proposed development to the south west of Weycock Cross (the Council await the appeal decision). Having considered the Guidance provided in TAN 11 on Noise, during the course of the appeal it was established that, should the appeal be allowed, any dwellings approved within an area of the site adjacent to Port Road should be constructed to take account of noise mitigation measures.

In the light of this, it is considered that a noise impact assessment should be undertaken and submitted to establish if there are any areas of the site that are sensitive to noise, as set out in the TAN 11 Guidance. The lack of this assessment at this stage is not in itself an outright objection to the scheme as the matter was dealt with in the conditions session of the other Weycock Cross appeal. This matter is, however, one that your officers will pursue during the course of the appeal.

Archaeology

The application has been accompanied by an environmental statement on the impact of the proposed development on archaeology, undertaken by GGAT Projects, Report 2015/028, March 2015.

As part of the EIA submitted in support of the previous application ref. 2014/00351/OUT, GGAT Projects were commissioned to assess the potential impact on the archaeological resource (Roberts 2013a and 2013b). The assessment identified 42 sites within the study area, 20 of which were located within the proposed development area.

GGAT Projects were commissioned to carry out a revised archaeological assessment, taking into account the new development area subject to this application.

The results of this work identified, Medieval and post-Medieval material relating to settlement and land management on the wider area. The Medieval period provides information on the settlements at and near Barry, with at least five manorial estates in the area, of which the deserted remains of Merthyr Dyfan and Highlight are noted. Post-medieval and modern remains are seen with the farms; lime kilns and quarries. The environmental statement update on archaeology submitted with the application conclude that proposed works clearly have the potential to impact upon archaeological features and whilst it is unlikely that any buried archaeological features encountered would be of sufficient importance to prevent the positive determination of the current application, the impact of the development on the archaeological resource will require mitigation.

GGAT have agreed with the conclusions made within the report and have therefore recommend the attachment of a condition to ensure that suitable mitigation is implemented to reduce the impact of the development on the archaeological resource and heritage assets. Such a condition would be by way of a written scheme of archaeological investigation, prior to the commencement of the development. The proposal is therefore considered to be acceptable with regards archaeological interests.

Planning Application 2014/00863/FUL - Land to the South West of Weycock Cross

As mentioned earlier in this report, Members will be aware of the application for the construction of 200 dwellings on nearby land to the south west of Weycock Cross. The Public Inquiry that resulted from an appeal made for non-determination was conducted in September this year and the Council await the Welsh Ministers decision on that appeal. The matters considered in that appeal (particularly, *inter alia*, the principle of the development, housing need and land supply and prematurity) are, of course, entirely relevant to the application and appeal subject of this report and are likely to be taken into account during the current appeal.

The Welsh Ministers' decision is expected before this appeal is likely to be considered. Accordingly, it is essential that your officers take into account the Welsh Minister's decision on that case when preparing its evidence in the current appeal, as reflected in the recommendation below.

Section 106 Planning Obligations

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

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

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

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

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

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

Affordable Housing

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

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: "The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale".

In 2010, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 915 affordable housing units (for rent or low cost home ownership) are required each year over the next 5 years. The most needed properties are social rented properties where tenants pay benchmark rents set by the Welsh Government. In light of evidence contained in the latest Housing Market Assessment showing a high level of need for affordable housing throughout the Vale, the Council's Adopted Supplementary Planning Guidance on Affordable Housing (contained in the Affordable Housing Delivery Statement) seeks a minimum of 30% affordable housing on sites of 10 or more dwellings.

The Deposit Local Development Plan (October 2013) policy MG2 required 30% affordable housing to be incorporated with any residential development in Barry, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council commissioned a review of its viability evidence base in September 2014, to take account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates 30% Affordable Housing target in Barry is realistic and achievable. However the site falls outside of the Barry West and Barry East Housing Submarket Areas and within the Rural South & Coast Housing Submarket Areas. In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site (within the Rural South & Coast Housing Submarket Area) should deliver 35% affordable housing, which would equate to 70 units. The Council requires a 70/30 split on site between Social Rented and Intermediate. Based on 200 dwellings, 70 affordable dwellings are required. This would require 49 social rented and 21 intermediate (LCHO), and that 20 units on the site are 1 bed units.

Education

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. PPW (ed. 7, 2014) emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's formula for calculating pupil demand is contained in the Planning Obligations SPG. As noted from the consultations section of the report, as Housing has requested that 20 units on site be 1 bedroom units, the Education Section have based their comments on the provision of 180 potential family homes. The development of 180 family homes would generate demand for 18 nursery places, 50 primary places, 37 secondary pupils (aged 11 to 16years) and 7 secondary pupils (post 16years).

The nursery/primary Schools serving the site are Rhws Primary, the new school at Rhoose (on land north of the Railway Line planning reference 2014/00550/OUT), All Saints Church in Wales Primary School and Romily Community Primary School. The secondary schools serving the development include Barry Comprehensive School, Bryn Hafren Comprehensive School and Ysgol Bro Morgannwg.

The Education Facilities Background Paper (2013) and the Education Department in their comments, have confirmed that there is clearly not adequate capacity to accommodate these pupils in existing schools taking account of existing approved and committed developments, including Barry Waterfront.

Accordingly, the following Section 106 contributions would be required for the additional provision of nursery, primary and secondary education:

- Nursery and primary school children – 68 children x £14,463.26 = £983,501.68
- Secondary (aged 11-16) school children – 37 x £21,793.42 = £806,356.54
- Secondary (aged post-16) school children – 7 x £23,635.40 = £165,573.80

Your Officers will, therefore, seek a Section 106 contribution for education totalling £1,955,432, for consideration by the appointed Planning Inspector.

It should be noted that the CIL Regulations (Reg 123) restrict the pooling of Section 106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that since April 2010 the Council has secured education contributions from 3 developments in Rhoose that would contribute towards Rhws Primary and/or the new school in Rhoose (on land north of the Railway Line planning reference 2014/00550/OUT (see 2012/00937/FUL, 2010/00686/EAO and 2014/00550/OUT)). Furthermore, the Barry Waterfront application (2009/00946/OUT) contained planning obligations in respect of Welsh medium education (Ysgol Bro Morgannwg). A further application was granted permission (subject to a Section 106 legal agreement) at Planning Committee on 30th July 2015 which will have a planning obligation securing a contribution towards Romily Community Primary School and All Saints Primary School (ref 2014/01129/OUT). Therefore, to date, the CIL Reg 123 pooling restriction has not been breached in respect of each of the schools referred to above. Please note that this decision excludes the pending Appeal on Land South-West of Weycock Cross, Barry (Appeal ref: APP/Z6950/A/15/3010121) however, even this would not breach the pooling restriction and would still enable this development to provide the education planning obligation set out above.

Off-site Highway Improvements

The developer has submitted a Transport Assessment: Update Summary, to reflect the revision of the housing proposed, from 600 units to the currently proposed 200 units.

The Update Summary advises that the package of measures previously proposed within the Transport Implementation Strategy will continue to be implemented, given that they continue to be regarded as integral to achieving a fully accessible development. This includes the off-site junction improvements at the Weycock Cross, Colcot Road and Barry Docks Link Road roundabouts.

In the light of the fact that the roundabout junctions at Weycock Cross, Colcot Road and Barry Docks Link Road are at or over capacity at peak times, the Council's Highway Engineer is of the view that, even a marginal increase should be mitigated, thus these mitigation measures are considered necessary and reasonable.

Your Officers will, therefore, seek a 106 agreement to contain a requirement for a contribution to off-site highway improvements on this basis for consideration by the appointed Planning Inspector.

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

Please note that this decision excludes the pending Appeal on Land South-West of Weycock Cross, Barry (Appeal ref: APP/Z6950/A/15/3010121) however, even this would not breach the pooling restriction and would still enable this development to provide the highways planning obligation set out above.

Sustainable Transport

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

In particular TAN 18 states that "Planning authorities may use planning obligations to secure improvements in roads, walking, cycling and public transport, whether as a result of a proposal on its own or cumulatively with other proposals and where such improvements would be likely to influence travel patterns, either on their own or as part of a package of measures". (9.20 refers) At paragraph 9.21 it continues "Circular 13/97 sets out the way in which planning obligations can be applied, but practical examples relating to influencing movement to a site include the funding of additional or improved bus services, commuted sums towards new or improved bus and rail interchanges, and improvements to pedestrian or cycle routes which go near the site or make it easier to access the site."

The Council has developed formula to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities, which has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires a contribution of £2,000 per dwelling to be used to improve access to the site, local employment opportunities and other facilities and services likely to be required by the future occupiers, by more sustainable transport modes. In this case, this would equate to up to £400,000.

The following measures have been identified to utilise this contribution and to provide sustainable transport facilities serving the development:

- The provision of new bus shelters / 'gold standard' bus stops on Port Road (east and west bound)
- Enhanced bus services serving the site
- Safe pedestrian crossing of Port Road near the site entrance
- New footway / cycleway on north side of Port Road to the site access
- Travel Plan for the site
- Improvements to the Footway / Cycleways in the vicinity of the site to access key facilities and services
- Cycle parking at key destinations within cycling distance of the site

Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

Based on the Council's Planning Obligations SPG, and the LDP Open Space Background Paper (2013), the development for 200 houses creates the need for 11,080sqm of open space, including 912sqm of equipped children's play space, 2736sqm of other children's play space and 7296sqm of outdoor space.

This site requires the provision of 2 Local Areas of Play (LAPs) and 2 Locally Equipped Areas of Play (LEAPs) to meet the needs arising from the development.

As highlighted by the LDP Open Space Background Paper (2013), there is currently a deficit of all children's play space in the ward, in addition to a deficit of outdoor space for outdoor sports.

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

Consequently, your Officers will seek a s106 agreement for the appointed Inspector to consider, containing an obligation ensuring the full allocation of public open space is provided within the site, or if considered appropriate an off-site contribution in accordance with the Council's SPG is secured.

Community Facilities

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

The LDP Community Facilities Background Paper (2013) assessed the level of provision of community facilities throughout the Vale of Glamorgan and the additional demand generated by new development planned in the DLDP. It identifies a deficit of Community Building Space of 834 sq.m. in Illtyd Ward where the site is located, without the proposed development.

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

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

Accordingly, your Officers will seek a s106 agreement for the appointed Inspector to consider, containing an obligation ensuring the above contribution is achieved.

The following measures have been identified to utilise this contribution and to provide community facilities serving the development:

- Cwm Talwg Community Centre
- Highlight Park Community Centre
- Barry Waterfront Community Watersports facility
- Barry Leisure Centre

It should be noted that the CIL Regulations (Reg 123) restrict the pooling of s106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that, in respect of the above, the Council has only secured contributions from the Barry Waterfront application (2009/00946/OUT) for the Barry Waterfront Community Watersports facility. A further application was granted permission (subject to a s106 legal agreement) at Planning Committee on 30th July 2015 which will have a planning obligation securing a contribution towards Barry Leisure Centre and/or Barry Waterfront Community Watersports facility (ref 2014/01129/OUT). Therefore, to date, this pooling restriction has not been breached in respect of the community facilities referred to above.

Public Art

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

Your Officers will, therefore, seek a s106 agreement for the appointed Inspector to consider, containing an obligation requiring on site public art.

CONCLUSION

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

1. The Development is clearly contrary to the adopted Unitary Development Plan and Planning Policy Wales, being outside of any recognised settlement boundary.
2. The development would be unacceptable in terms of both landscape and visual impact.
3. The development has failed to demonstrate that the access to the site could be achieved that would not be detrimental to highway safety on Port Road.
4. The proposals are premature in advance of the examination of the Deposit Draft Local Development Plan which is programmed to take place in August of this year.
5. The development does not satisfy Test 1 and Test 2 of the Habitats Directive's Article 16, as it is not considered that there is an overriding public interest for the derogation, in terms of the social and economic benefits and there are alternatives to the demolition of the building.

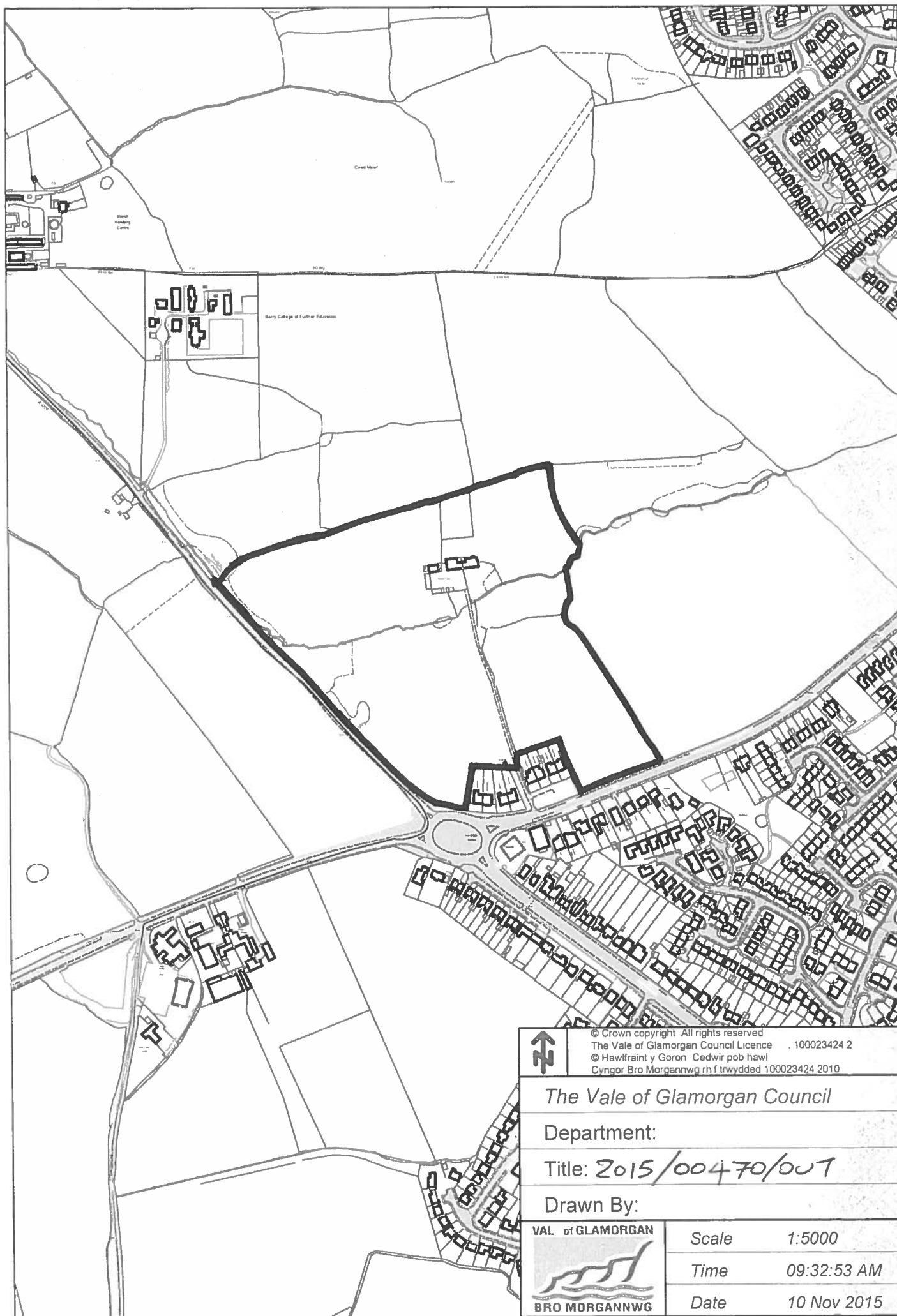
RECOMMENDATION



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

1. The proposed residential development is outside the defined settlement boundary of Barry and there is no overriding justification or material consideration to outweigh the in principle policy presumption against such development. As such the development would be contrary to Policies ENV1 - Development in the Open Countryside and HOUS2 – Additional Residential Development of the adopted Vale of Glamorgan Development Plan 1996, as well as Planning Policy Wales (Edition 7) July 2014.
2. The development would be a visually prominent and discordant feature that would be unacceptably harmful to the special qualities of the Duffryn Basin and Ridge Slopes Special Landscape Area. As such the development of this sensitive rural area and landscape would be contrary to Policies ENV4 Special Landscape Areas, ENV27 – Design of New Developments and ENV10 Protection of the Countryside of the adopted Vale of Glamorgan Development Plan 1996 – 2011, as well as Planning Policy Wales (Edition 5) November 2012.

3. In the absence of any detailed submissions for the proposed access to the site, the access to the development for 200 homes would be detrimental to highway safety on Port Road contrary to Strategic Policies 2 and 8, Policies ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Vale of Glamorgan Unitary Development Plan 1996-2011, as well as Planning Policy Wales (Edition 7) July 2014 and Technical Advice Note 18 'Transport'
4. The proposed development would be contrary to the strategy of the Vale of Glamorgan Deposit Local Development Plan, and as such would pre-determine decisions about the location, scale and phasing of such new development which ought properly to be taken with the context of the Local Development Plan. Accordingly, the development is considered premature pending the adoption of the Deposit Local Development Plan, and would have a significant detrimental impact on the key settlement of Barry, contrary to the advice and guidance in Chapter 2 of the Planning Policy Wales (7th Edition) July 2014.
5. The development does not satisfy Test 1 and Test 2 of the Habitats Directive's Article 16, as it is not considered that there is an overriding public interest for the derogation, in terms of the social and economic benefits (Test 1) and there are alternatives to the demolition of the building (Test 2). As such the development would be in breach of the EC Habitats Directive, contrary to Policy ENV 16 – Protected Species and the guidance set out in Chapter 5 of Planning Policy Wales (7th Edition) July 2014, and Section 6 of TAN5 - Nature Conservation and Planning and the Supplementary Planning Guidance on Biodiversity and Development.

Also, in the event that the appeal decision for the residential development site on land to the south west of Weycock Cross is received prior to the consideration of the appeal subject of this report, Members agree that the Council's evidence when prepared takes account of that appeal decision and that officers be given delegated authority to amend the Council's stance in respect of the above listed reputed reasons for refusal.



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2015/00470/007</i>		
Drawn By:		
 VAL of GLAMORGAN BRO MORGANNWG	Scale	1:5000
	Time	09:32:53 AM
	Date	10 Nov 2015

Sunny Villa
Port Road West
Barry
Vale of Glamorgan
CF62 9AZ

28th May 2015

Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

For the attention of Mr S D Butler

By post and e-mail

Dear Sirs,

Re: Application no. 2015/00470/OUT/SDB – Land at Walters Farm, Weycock Cross, Barry.

Thank you for your letter of 11th May 2015 in connection with the above matter.

As an initial overview, we are extremely disappointed to note that the applicant appears intent on changing the use of the land from its traditional agricultural status. Whilst the farm has arguably remained relatively inactive for the past few months, we have always remained encouraged that the previous owners have been committed to ensuring that the agricultural heritage of the farm was maintained. Regrettably, it appears that the applicant has demonstrated a flagrant disregard of this heritage and is intent on utilising the apparent confusion associated with the Local Development Plan (LDP) to change the use of the land.

The subject of the LDP has been covered extensively in local media during the past months, so we have no particular inclination to discuss this further at this juncture. Suffice to say that we agree with the majority view shared by local residents in this regard. The applicant appears to be using the confusion associated with the delayed resolution of the LDP to develop a site that is and always should be, protected by the LDP. The site is clearly outside the permitted development boundaries established in the previous development plan and should therefore clearly remain as arable agricultural land. **We therefore strongly object to the proposed development of the site in the most emphatic terms.**

With regard to the current proposals put forward by the applicant in the current application, we have detailed below our considered comments for your information:

- **Scale of development** - We note that the applicant has reduced the scope of the development down from the initial application that was submitted and subsequently withdrawn earlier this year. We have no doubt that the original application was probably withdrawn following initial consultation with yourselves.

However, whilst the scope of the current proposals has diminished, in the event that permission was granted for this application, we suspect that this would merely constitute

the first phase of the development. By commencing at the curtilage of the farm and at arguably the most contentious area, you would surely be creating a worrying precedent.

At the risk of speculating, in the event that this current application was successful, the applicant would surely then roll out subsequent phased applications across the entire potential development site, in effect "in filling?" Subsequent phases would surely then prove less contentious from a planning perspective and ultimately enable the applicant to get back to the original scheme that was withdrawn earlier in the year?

We note that the current proposals reflect a multitude of alternative house types. Notwithstanding our concerns outlined above, we are extremely concerned to note that there appear to be a number of three storey houses proposed to the rear of our property? Aside from the increased occupancy levels that would surely be associated with these house types, the houses would clearly not be in keeping with the existing dwellings established in the vicinity. The houses adjacent to the development site comprise predominantly of traditional bungalows and the applicants proposals therefore appear to bear no correlation with this fact? This would clearly therefore have a detrimental effect on the character of the neighbourhood?

- **Adverse effect on amenities** - We currently have an outstanding view across the farm and out into the Vale of Glamorgan countryside. Aside from the monstrous prospect of the three storey houses outlined above, the development would replace our current view with one of a sprawling housing estate!

Dependant on the proximity of the dwellings to our garden, it is also worth noting that the afternoon sun moves across the western boundary of our garden. We are therefore faced with the entirely plausible prospect that the construction of the dwellings will block out the afternoon sun to the rear of our property and garden area.

Subject again to the final location of the dwellings, we are also concerned that the windows in the new dwellings will be directly overlooking the rear of our house / garden area?

Another concern is the proposal of the existing farm access road being replaced by a pedestrian pathway. Aside from the potential interface issue between pedestrians and vehicles of existing residents using our private road, the prospect of pedestrians looking directly into our garden areas is of significant concern. These concerns are further compounded when we consider the noise levels that will undoubtedly be made by pedestrians trafficking the pathway.

- **Highway Safety** - In addition to the footpath and traffic issues outlined above, we are extremely concerned at the negative impact the site access will have on traffic flows on Port Road. The road is already hugely congested at peak time and at isolated times throughout the day. The introduction of increased traffic directly associated with the proposed development will only exacerbate the problems that are currently experienced on Port Road. There will also be increased noise from the access roads on the development

which will be far from ideal and have a negative effect on the tranquillity of the rear garden area.

In conclusion, we trust that this letter adequately highlights a number of the principal areas of concern we have with the application. We appreciate that there is an increasing need for additional homes to be constructed within the Vale of Glamorgan, but genuinely believe that the Walters Farm site should be protected from any future housing development for the foreseeable future. We sincerely hope that you concur with this assertion and look forward to this current application to be rejected in its entirety. Moreover, we trust that Walters Farm can be protected from any future applications by the site being retained as arable agricultural land status and outside the permitted development areas within the next LDP.

In the event that there are any aspects of our response that you wish to discuss in any more detail, please do not hesitate to contact us on 01446 740445.

Yours faithfully,

I. D. Forsyth

J. J. Forsyth

Mr and Mrs Forsyth



I'm objecting to planning application 2015/00470/OUT

We bought this bungalow for its semi-rural position and the privacy that it provides. These plans intend to take it away without taking the bungalows or our privacy into consideration. It just seems that they are more interested in the money this project will generate than anything else. I work shifts and my wife works and in rush hour it takes half an hour just to get down port road because of the traffic, this will be made worse by adding 200 houses unless you plan on flying these new owners in, it cannot be possible not to make an impact.

In the application it states that there will be a minor impact on our view/privacy due to the trees/buffer, however this is going to be a massive impact as the trees are only full during a small part of the year, and the rest of the year we can see the animals in the field, which would be a major impact. Also they are planning on building three story houses at the back and side of us which will totally overlook our bungalows.

The application also states that there will be limited impact on the traffic as long as the alterations to the roundabouts are completed. The roundabout at Waycross cross has been altered, what with those alterations and the road being narrowed for cycle lanes (which are very rarely used), this has narrowed the road and this has made the build-up of traffic much worse in the area. The added traffic from these houses will make the traffic on port road much worse.

In the application it states that there will be a foot path running along the first bungalow on the private road, this is a dangerous place to put a foot path as it is a blind spot when driving in, at the moment this road is only used by the owners of the four bungalows, so to turn it in to a public foot path, it will mean we will have people coming through day and night which will take away more of the peace and quiet. Also to have children using this area when cars are coming through is an accident waiting to happen.

Mr P Manfield

RECEIVED

01 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
1 LONDON SW1A 0AA

Appendix 'B'

OLE.
LB.

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

27 May 2015

Ref: VoG

Dear Mark

Application 2015/00470/DUT: Land at Walters Farm, Weycock Cross, Barry

My purpose in writing is to off my objections to the above application.

There are a number of planning and social reasons for my objection and I underline that this land is not allocated for development under the current development plan. The Authority is working on a new draft local development plan and I suggest that this planning application has been submitted at a time that seeks to take advantage of the delay. Waiting just a month or two could be critical to the application. I hope the community will not pay the price to such a speculative planning application as a result of the delayed Local Development Plan.

Ultimately, I believe that this application should be rejected because it falls outside the development boundaries of the current Unitary Development Plan. Under the UDP, the land is protected against development and should be respected.

Development on this site would extend Barry beyond its natural boundary and constitute urban sprawl, which is contra to the UDP and Planning Policy Wales (PPW). The boundary line will have been set to the east of this location for valid planning reasons. Those facts have not changed.

I also understand that there are drainage and sewerage issues and believe that there needs to be an assessment of these factors. I also believe that flood risk is a major worry to properties close by and that the proposed development fields could be home to dormice and bats.

The area around Walters Farm is also suffers from severe congestion and highway factors are a major concern of mine. I believe that there is a valid reason for rejection on these grounds but at the very least should require a full highway survey. This problem will only be compounded if the Welsh Government achieves its ambition to grow air traffic at Cardiff

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Y Barri
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Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
1 LONDON SW1A 0AA

Airport. Naturally, the cumulative effect of all and expected planning applications should be considered.

These planning reasons should also be considered in the context of social issues in the Barry. Access to medical services poses a challenge. This is relevant to GPs and dental practices. Similarly, the nearest primary schools to the proposed development have no capacity to expand.

This application should be rejected because of the conditions of the current UDP. To grant permission for development on this site whilst a new development plan is currently being discussed is premature in all aspects.

Thank you for your consideration in this matter and I look forward to hearing from you as soon as possible.

Yours sincerely

ALUN CAIRNS MP
Vale of Glamorgan

29 High Street
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Ms. Natasha Lawrence, Solarcentury, 50, Great Sutton Street, London, EC1V 0DF

Mrs. Amy Ravitz Williams, CDN Planning, North Hill, 7, St. James Crescent, Swansea, SA2 8DP

The Farm, lane South East from St. Hilary to Llancarfan boundary, St. Hilary

Installation of a 3.75mw solar farm and associated infrastructure

SITE AND CONTEXT

The site is within the open countryside, being two fields within farmland. The site is within the designated 'Lower Thaw Valley' Special Landscape Area. The river Thaw is to the west of the site, as is the Grade I Listed Building 'Old Beaupre Castle', which is set within a Cadw registered historic parkland.

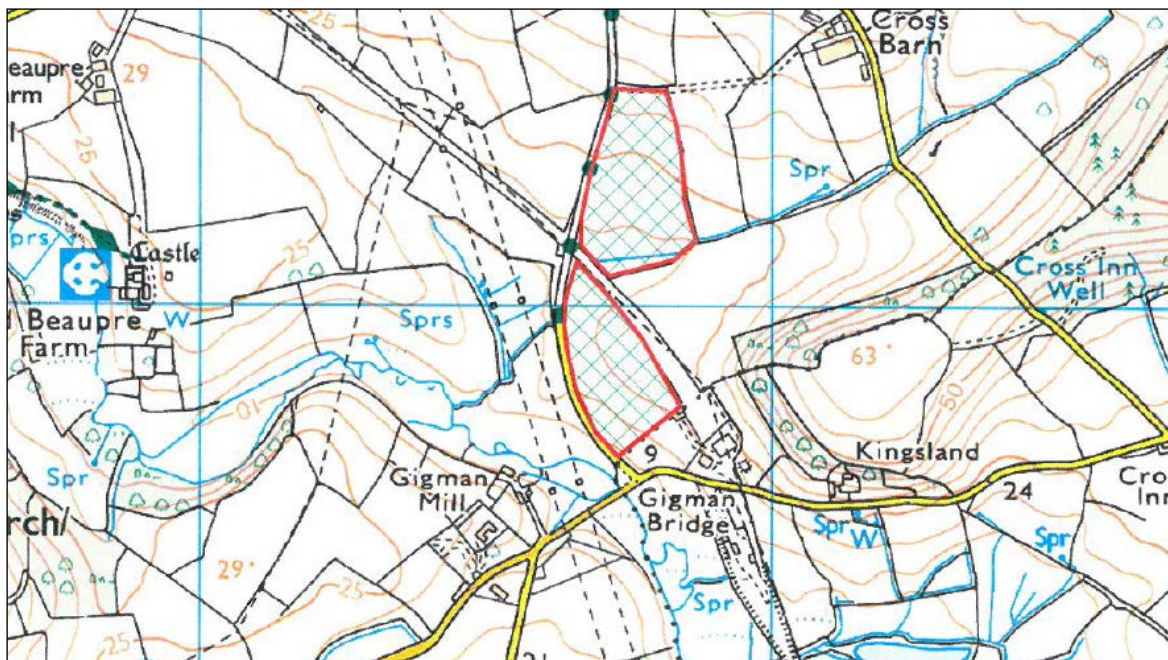


Figure 1 - Map of site area (red)

As can be seen in Figure 1 above, the land undulates with higher land to the north and south, with a hill adjacent to 'Kingsland' to the east. There is a country road to the east and south of the site, with a disused road running up the western boundary of the site.



Figure 2 - View south across site

There is a cluster of dwellings, both to the north and south of the site, with the nearest settlement being St Hillary which is approximately 760m to the north. The villages of Llandough and St Mary Church are set further away to the west.

There are no public rights of way that run through the site or in the immediate vicinity of the site. The nearest public right of way is approximately 760m to the west, which connects with Old Beaupre Castle from the west.

DESCRIPTION OF DEVELOPMENT

The proposal is for a solar farm covers most of two fields which is part of farmland associated with 'The Farm', which is to the east of the site, adjacent to the highway. The proposal was initially to cover three fields, though following concern raised in relation to visual impact the northwest field has been omitted from the proposal with amended plans. As such, we are now considering a revised smaller site for the proposed solar farm.

Initially, the solar farm would have covered an area of approximately 11.8ha, though with the omission of the smaller field of the three with the amended plans the site area has been reduced to approximately 9.08ha. The electricity that the solar farm covering this area of land would be roughly 3.75MW of renewable energy for the life of the development, which would be approximately 25 years. The layout of the solar farm is as per the plan highlighted in Figure 3:



Figure 3 - Site Layout of Solar Farm

The proposals include multiple rows of solar panels within the two fields. The plans show 60 rows of solar panels, which is estimated to consist of over 10,000 individual panels. The rows are of various lengths, depending on the width of that area of the field, which are both of irregular shapes. The widest panel rows are approximately 150m, with the narrowest being approximately 35-40m. The solar farm would be within the existing field boundaries, which are made up of hedgerows and some trees. Usual solar farm associated structures, such as inverter cabins and transformer substations are included with the proposals in both fields. Also, CCTV cameras, a wind sensor, a satellite pole, storage cabin and switchgear building are included with the proposals, as part of the supporting infrastructure for the solar farm. Also, there is a temporary access and compound needed for the construction of the site, which is proposed in the south-eastern corner of the southern field.

The solar panels will be laid in east-west rows (as shown in Figure 3), with the panels facing south, tilted approximately 25 degrees from horizontal. The maximum height is to be 2.5m and would be 0.8m above the ground on metal frames piled into the ground. A 2260mm high security fence would surround the site.

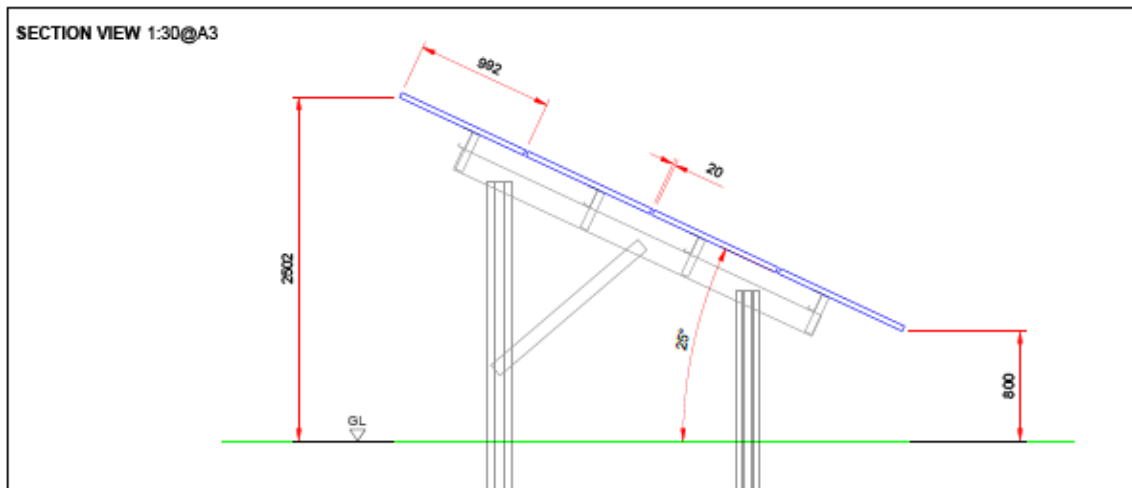


Figure 4 - Typical Solar Panel Cross-Section

Access to the site would be via the unnamed road to the western edge of the site. Access points into both fields would be formed off this road. The temporary site compound is to the southern edge of the southern field, where there would be an access and internal turning area formed. The revised Construction Traffic Management Plan shows a route to the site via St Athans village and anticipates 131 HGVs being driven to the site over the course of construction. The applicant states that the solar farm would require little maintenance over the year for cleaning and mowing etc, and no employees would need to be regularly at the site post the construction period.

The application is also supported by a Design and Access Statement, a Planning Statement, a Landscape and Visual Impact Assessment (updated October 2015), an Historic Environment Desk-Based Assessment, a Written Scheme of Investigation for an Archaeological Watching Brief, an Agricultural Land Classification and Soil Resources report, a Statement of Community Engagement, a Preliminary Ecological Appraisal, a Biodiversity Management Plan and landscaping details.

PLANNING HISTORY

2015/00415/SC1: Land at St. Hilary Farm, St. Hilary - Solar Photovoltaic Farm with generating capacity of up to 5MW - Environmental Impact Assessment (Screening) - Required 03/06/2015. Please note that this decision was appealed to the Welsh Government. In the decision letter dated 15th July 2015, the Welsh Government's Planning Directorate confirmed that after advice from various bodies an EIA was not required;

2012/00935/LAW: The Farm, St. Hilary, Cowbridge - Certificate of Lawful Development application for a Dwelling house - Approved 28 November 2012.

2012/00251/PD: The Farm St. Hilary, St. Hilary - Use of property as children's home for four young people - Permitted Development

2002/01573/FUL: The Farm, St. Hilary - Change of use of barn to dwelling - Refused 8 May 2003.

1991/00876/FUL: Land north of Cross Barn (The Farm), St. Hilary - Temporary siting of residential caravan, while house is constructed on site, permission sought for 12 months - Approved 20 September 1991.

1991/00825/RES: Land north of Cross Barn (The Farm), St. Hilary, Cowbridge - Construction of agricultural dwelling and garage - Approved 3 September 1991.

1990/01409/OUT : Land part of The Farm, St. Hilary - Agricultural dwelling - Approved 11 June 1991.

1981/00009/FUL: New dwelling adjacent 'The Pines', south of 'The Farm', St. Hilary, near Cowbridge - Amendment of north boundary position, reposition bedroom no. 3 window from north to west elevation - Approved 26 February 1981.

CONSULTATIONS

Llanfair Community Council – Strongly objects to proposals for several reasons. This includes:

- the location of the solar farm within the SLA and adjacent to a Grade 1 Listed Building.
- The Community Council question the loss of good quality agricultural land as a result of the development.
- The adverse impact to tourism with the Vale of Glamorgan.
- The impact to the visual amenities of neighbouring houses to the site.
- Conflict with Policy COMM 8 of the UDP.
- Loss of an area of attractive countryside.

The Community Council also advises conditions if approved, including a archaeological watching brief, a condition to require the land returned to its current state when the solar farm is removed, and that the local community should benefit financially in compensation for the inconvenience of the development.

Please see **Appendix A** for the full comments from Llanfair Community Council;

Highway Development Officer – Following consideration of the submitted Construction Traffic Management Plan (CTMP) no objection is raised subject to all measures set out in the CTMP being implemented in full. Also required a highway condition survey from St Athan Road to the site be undertaken with any works required to the highway following the construction works be undertaken at the applicant's expense.

Public Rights of Way Officer – No comments received

Economic Development Section – No comments received

Highways and Engineering (Drainage) – No comments received

Environmental Health (Pollution) – Commented regarding the construction process. Recommended that construction and piling activities be limited to prevent negative neighbour impact, through time limits on construction. Also required dust suppression measures and wheel washing facility conditions recommended.

Cardiff Airport (Safeguarding) – No objection – “does not conflict with safeguarding criteria”.

Cadw - Ancient Monuments – Cadw recognised five different monuments within a 5km radius of the site, though the only one that would have views afforded of the proposed solar farm is Old Beaupre Castle. Cadw states that only part of the solar farm would be visible from the castle and also notes the line of pylons already bringing modern structures to the area. Cadw considered that the solar farm would result in some adverse impacts in views to the east, though will not have a significant impact to the setting of the castle.

Cadw also recognises the Grade II historic parkland at Old Beaupre Castle. Cadw concluded that “the proposed solar farm will result in some adverse impact in views to the east” though in their view “it is not of a magnitude to affect the ability to understand or interpret the registered garden, the main focus of which is in the west.”

See **Appendix B** for a full copy of Cadw’s comments.

Dwr Cymru/Welsh Water – No objections

The Councils Ecology Officer – Required planning condition relating to the implementation of the Biodiversity Enhancement Plan, submitted with the application.

Landscape Section –

Initial 23 September comments:

“The visual impact assessment underplays the ‘notable’ effects which would be experienced by road users and pedestrians at viewpoint 2 in particular and for which the proposed landscape mitigation will have limited effect.

In addition there is an over emphasis on the industrial elements which admittedly have prominence in the distant view at this viewpoint, whilst the significant effect of development will be experienced in the foreground of a wide landscape vista.

This is reinforced by the position the site occupies at the heart of the SLA.

In addition to the significant visual effects there will also be a significant effect on landscape character and the proposed landscape mitigation measure of planting a woodland belt along the northern and eastern site boundaries would in itself have an effect on the open character of the landscape.”

Full 30 September comments:

“I have assessed the above application through review of the submitted documentation and visiting the site. I conclude the development would result in an unacceptable landscape and visual impact and raise an objection to the development on these grounds.

The main concern lies with the visual impact experienced by vehicle users, cyclists and pedestrians on a well used route between St. Hilary and the settlements to the south and the B4265 coast road, illustrated by representative viewpoint 2 in the LVIA, which is acknowledged to be ‘notable’.

The significance of the visual impact and the effect on landscape character is increased by the sensitivity of the site which is located in the heart of the Lower Thaw Valley Special Landscape Area.

As a result of the topography and the existing vegetation the site sits prominently in the foreground of a panoramic view of the SLA.

The proposal is heavily reliant upon the landscape mitigation to reduce the visual impact. Not only will this have a limited effect in screening the development from viewpoint 2, as the existing hedgerows around the site and the adjacent fields have few emergent trees the proposed mitigation represents a landscape intervention rather than an enhancement of existing vegetation and will in itself have a visual and landscape effect”

SWALEC – No comments received.

Cowbridge Ward Members – No comments received regarding the proposals.

Natural Resources Wales – Welcomed ecological enhancements and Biodiversity Management Plan. Site is within C2 Flood Zone though given the nature of the proposal the risk is considered acceptable.

Glamorgan Gwent Archaeology Trust – Required a condition for a ‘written scheme of investigation’. This has been received and the Trust has been reconsulted. Members will be informed of any response with a late representation if received.

Rhose Ward Members – No comments received

REPRESENTATIONS

The neighbouring properties were consulted on 27 July 2015. A site notice was also displayed on the 6 August 2015. The application was also advertised in the press on both the 21 and 30 July. There has been over 50 representations received individually, plus multiple petition letters objecting to the proposals (with over 70 signatories) with also a database list of over 100 signatories of people who object to the proposals. Multiple petition letters (with over 100 signatories) supporting the proposals also. Of the individual representations received, all but one objected to the proposals.

The objections proposed cite reasons such as the following:

- Visual impact within rural landscape.
- Impact to neighbours outlook.
- Traffic and disruption during construction period, especially with the narrow country lanes in the area.
- Impact to wildlife habitats.
- Loss of high grade agricultural land, which could be used to produce food crops.
- The land would not be able to be used for agriculture after the solar farm was removed.
- There is an accumulation of solar farms in the area.
- Adverse impact to Special Landscape Area and setting of nearby Conservation Areas.
- Adverse impact to setting of Old Beaupre Castle, which is a Grade I listed building and a local tourist attraction.
- There would be an adverse impact to views from the nearby public rights of way and Millennium Trail.
- The topography of the site would mean that screening planting would be ineffectual.
- Solar farms should be sited on brownfield areas, such as industrial estates.
- Questions as to the renewable energy benefits, the costs of solar energy etc.

See **Appendix C** for a copy of three of the submitted objection letters.

There has also been a letter of support, citing their support for renewable energy in a way to reduce the reliance on fossil fuels.

The petition objecting to the proposals, compiled by the St Hillary Solar Farm Protest Group, states the reasons for opposing the scheme, which include the damage to hedgerows and fauna, loss of usable farmland, blighting of countryside views, affect to the setting of Old Beaupre Castle, accumulative impact when considered with other consented solar farms in area, impact to Special Landscape Area and that there are more appropriate sites for solar farms (see **Appendix D** for an example copy of the petition).

The petition supporting the proposals state the reasons for support to be the environmental benefits of renewable energy development, the fight against climate change, that the farmland can be returned to farming after the solar farm's lifespan and the screening provided by hedgerows to minimize visual impact (see **Appendix E** for two example copies of a petition letter).

A letter has also been received from Andrew RT Davies AM regarding the proposals, stating that he has received numerous representations in relation to this application, supporting the use of renewable energy though expressing "some concerns about the particular development". These include the potential impact to the historical listed Old Beaupre Castle, the inability to screen the development to allow it to blend into the local environment, the impact of HGVs during the construction phase and the impact to the landscape and neighbour amenities (See **Appendix F** for a copy of the letter from Mr Davies AM in full).

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

STRATEGIC POLICIES 1 AND 2

- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
- ENV2 - AGRICULTURAL LAND
- ENV4 - SPECIAL LANDSCAPE AREAS
- ENV10 - CONSERVATION OF THE COUNTRYSIDE
- ENV11 - PROTECTION OF LANDSCAPE FEATURES
- ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
- EMP7 - FARM DIVERSIFICATION
- COMM8 - OTHER RENEWABLE ENERGY SCHEMES

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

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

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

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded.

The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

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

Chapter 5:

*5.3.11 **Non-statutory designations**, such as Special Landscape Areas or Sites of Interest for Nature Conservation, should be soundly based on a formal scientific assessment of the nature conservation, landscape or geological value of the site. Local non-statutory sites can add value to the planning process particularly if such designations are informed by community participation and reflect community values. Local planning authorities should apply these designations to areas of substantive conservation value where there is good reason to believe that normal planning policies cannot provide the necessary protection. Such designations should not unduly restrict acceptable development.*

PPW provides the following guidance in section 12 (Infrastructure and Services):

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

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

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

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

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

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

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

Technical Advice Notes:

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

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

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

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

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

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

TAN5 – Nature Conservation and Planning

Other National Guidance / Statements:

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

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

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

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

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

Supplementary Planning Guidance:

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

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

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the ‘Alternative Sites’ public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in late Autumn 2015.

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

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

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

- Designation of Special Landscape Areas (2013 Update)
- Renewable Energy Study (2013 Update)
- Renewable Energy Assessment (2013)

Issues

Having regard to the above national and local policy context the main issues are considered to relate to the principle of the development; the impact on the landscape / character of the countryside and designated Special Landscape Area, highway safety, impact on residential amenity, and impact on agricultural land quality.

The Principle of the Development

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

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

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

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

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

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

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

In addition, and with specific reference to the nature of the location, TAN 6 states that many economic activities can be sustainably located on farms. Small on-farm operations such as the production of non-food crops and renewable energy, are likely to be appropriate uses.

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

Landscape and Visual Impact

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

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

TAN8 states that other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported. It does not make specific reference to wider landscape considerations and it is unclear whether the above advice is designed to relate to all solar/PV applications or just small scale proposals, sited on buildings. Notwithstanding this advice, it is considered reasonable and necessary to assess the wider landscape impact and the degree to which the character of the land would be affected.

Whilst not a within a nationally designated landscape area, the proposed solar farm would be positioned within the locally designated Special Landscape Area of the 'Lower Thaw Valley', to which Policy ENV 4 of the Unitary Development Plan relates. In this regard, Policy ENV 4 states that:

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

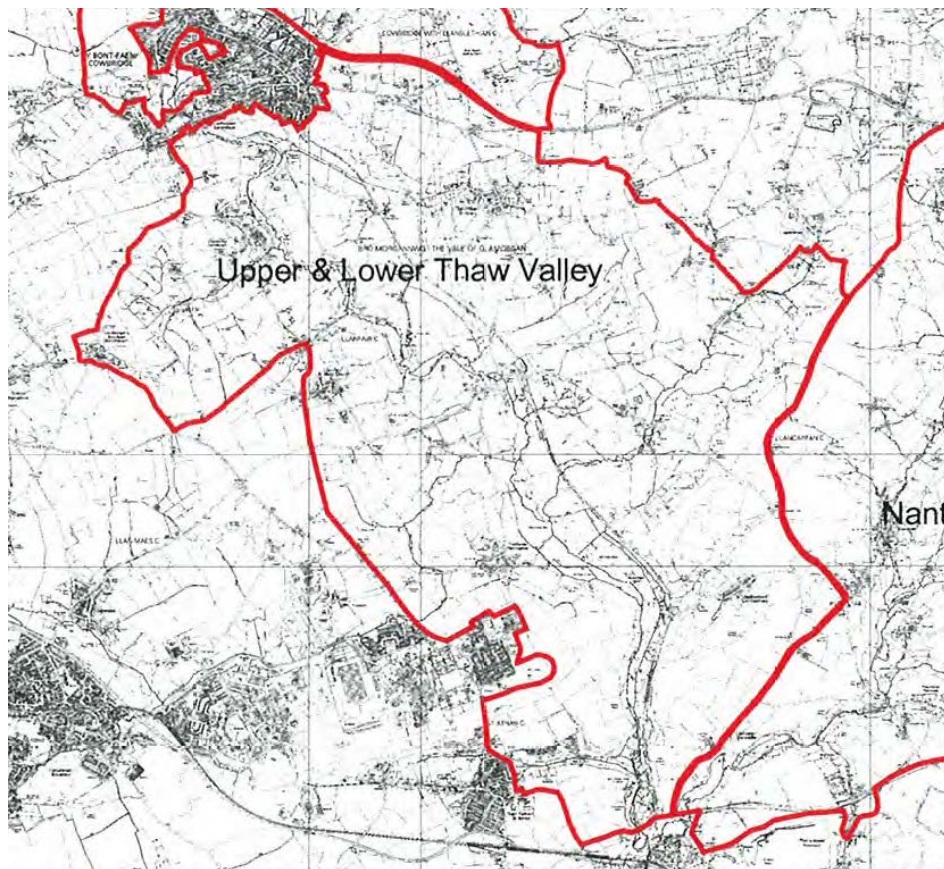


Figure 5 – Lower Thaw Valley SLA

Whilst Policy ENV4 is not meant to be a 'blanket' restriction to development, the supporting text notes that “applicants will need to demonstrate that their proposal has been designed to minimise the impact of the development on the landscape”.

Further to Policy ENV 4, Unitary Development Plan Policy COMM8, relating to renewable energy schemes, states that “proposals for other renewable energy schemes will be permitted if all of the following criteria are met:

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

The application is supported by a Landscape and Visual Impact Assessment (LVIA) of the proposed development (produced by Crestwood Environmental, and updated in October 2015). The report considers the value of the existing landscape, together with near neighbouring dwellings, public rights of way, road layout, topography, land-use etc. The Assessment focuses on 6 viewpoints from different locations around the site, including a view from the listed building and ancient monument Old Beaupre Castle to the west and the Millennium Trail to the south. After considering the potential mitigation, such as landscape planting to screen the development from certain views, the Assessment concluded the likely impacts of the development in these locations.

In terms of the effect on landscape character in the immediate locality, the assessment states:

The landscape character of the Site is assessed as having a Medium susceptibility to change to the type of development proposed and when combined with the Medium to High Landscape Value established as part of the baseline, results in an overall Medium sensitivity.....Overall, this is considered to produce a Notable effect upon the landscape character of the Site itself and localised areas of the adjoining fields

The Assessment does refer to the mitigating effect of the proposed landscape screening:

The growth of new perimeter hedgerow planting, tree belts and woodland would increasingly screen the Proposed Development from the surrounding landscape and following establishment of the hedgerows and trees, whilst heavily filtered glimpses may be available from private dwellings to the north and northeast, it is predicted that residual Notable effects on landscape character would be predominantly limited to the Site itself once the new planting has matured.

As the Assessment goes on to consider each of the key viewpoints individually it is important to note that from Viewpoint 2 (adjacent to the property known as The Nest, approximately 350m to the north of the site and adjacent to the public highway) it is concluded that there would be a “notable” visual impact in ‘Year 1’. This would be prior to the development and maturing of any landscape screening.

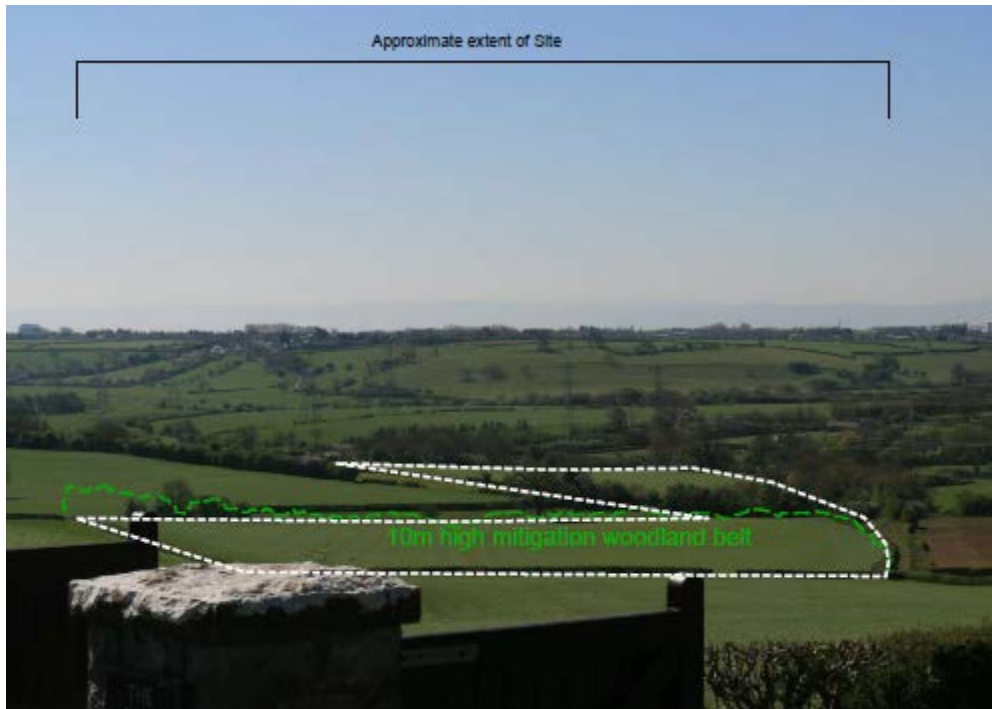


Figure 6 – Viewpoint 2, from north of the site adjacent to The Nest

This viewpoint is considered to be crucial as it is on an elevated position over the development site and would have a clear view over much of the development. A substantial part of the development has been removed with the reduction in the size of the solar farm (the omission of the northwest field from the proposals) in an attempt to lessen the visual impact. However, it is still considered that from this viewpoint, where there are residential receptors and a public highway (which links with the nearest village of St Hillary to the north) the visual impact would still remain notable, or 'significant' as the Council's Landscape Officer has termed it.

The Landscape Officer has made clear that in her opinion that Assessment submitted underplays the 'notable' effects which would be experienced by road users and pedestrians at Viewpoint 2, for which she believes the proposed landscape mitigation would have a limited, and possibly detrimental effect.

There are other viewpoints of the proposed development from around the site, some of which have been highlighted with the submitted Landscape Assessment, though Viewpoint 2 is considered the most significant. It is a public viewpoint from an elevated position, adjacent to the nearest settlement St Hillary. The view from this area has also been identified by some of the objections received from neighbours to the site, who have questioned whether landscaping could screen views from this location.

In some circumstances it is acknowledged that landscape planting can result in an effective screening of a development. However, in this case the proposed landscaping to screen views of the solar farm from the area of Viewpoint 2 to the north would not be adequate to overcome the significant adverse visual impacts of the site. The proposed tree belt (identified as T1 on the 'Landscape Mitigation Plan' Revision A) would not be sufficient to screen the development from elevated views, such as those identified from Viewpoint 2, especially in the initial years of the development. Even when matured, to depend entirely on a newly planted tree belt to screen a development that would otherwise have an adverse and significant visual impact on the Special Landscape Area is not considered appropriate. It should also be recognised, as stated by the Council's Landscape Officer, that there is a potential significant effect on the landscape character by reason of the substantial tree/woodland planting being introduced. This would, in itself, have the effect of changing the long established open character of the landscape, which currently allows for views across this rural valley area. It would also screen the public views of the special landscape area which in itself is harmful.

Whilst the focus of the potential visual impact has related to the views from the north and the area of Viewpoint 2, it should be considered that there would be views from various different directions of the solar farm, from a range of distances. There is a cumulative impact of such a large solar farm being visible from a big area, especially when this area of the countryside is designated as a locally important Special Landscape Area.

Policy ENV 4, as stated above, required that a development "would not adversely affect the landscape character, landscape features or visual amenities of the special landscape area". However, considering both the cumulative impact and particularly the identified significant adverse visual impact from the area of Viewpoint 2, it cannot be said that the proposed solar farm as proposed would not have an adverse impact on the Special Landscape Area or the visual amenities of this rural area. The prominent views from Viewpoint 2 are considered to be significantly adverse, and a reliance on a newly planted tree belt would not be sufficient to mitigate this impact to allow the scheme to be considered acceptable, and is considered potentially harmful in its own way.

This area is considered to be of fundamental importance to the SLA designation. Indeed, the Landscape Officer consider this site as "the heart of the SLA". This opinion has been echoed in the many letters/emails of objection to the scheme from local residents who feel that the proposed solar farm would result in the long term damage to the visual amenities of this idyllic area of the Vale's countryside, which is currently without any sense of the urbanising effect that the solar farm would bring.

There have been comparable solar farms approved within the Vale of Glamorgan and also within Special Landscape Areas, and the cases that the applicant has raised in their recent correspondence have been considered. In particular the appeal Inspector when considering the appeal at 'Treguff Farm' (ref 2013/00912/FUL) concluded that whilst the proposal would "conflict to a small extent with UDP Policy ENV4 (Special Landscape Areas) and ENV17 (Protection of Built and Historic Environment) the proposal would satisfy or gain support from other policies". However, each case is considered on its own merit, having regard to the specific landscape qualities, topography, setting and screening. In contrast to the Treguff Farm site in this case the solar farm would have **a significant** adverse impact, especially from the elevated position towards St Hillary to the north of the site, which would be a prime public vantage point of the development. This harm is considered in the balance to outweigh the benefits of the development in terms of renewable energy generation.

Though the environmental benefits of renewable energy and contributing towards climate change are welcomed, these benefits do not overcome the significant adverse impact to the landscape setting, part of the designated Special Landscape Area, which would remain for the lifetime of the solar farm development. As such, the proposals are considered to be contrary to Policies ENV1, ENV4, ENV10 and COMM8 of the adopted Unitary Development Plan.

Heritage Impacts

The visual impact of the solar farm proposals is also considered from the highly sensitive receptor of the Ancient Monument and Grade I Listed Old Beaupre Castle (Viewpoint 5 in the LVIA). The revised scheme has omitted the north-western field from the proposal, which was closest to the Castle. However, it is considered that views of the solar farm would be possible from the Castle.

Cadw commented on the proposal, with regard to these views and the potential impact to the Castle and the registered Historic Parkland setting, though did not raise any objection, citing the distance of the Castle from the development site and also noting the existing line of pylons in the foreground.

Having considered Cadw's comments, it is considered that the proposed solar farm, of its reduced size, would not have a significantly adverse impact to this historic site, though it is considered that the fact that there would be clear views of the solar farm from this viewpoint contributes to the aforementioned cumulative impact of the solar farm within this sensitive landscape.

Agricultural Land Impact

It is acknowledged that the proposed development of rows of solar panels would essentially result in two large fields being not available for any agricultural production. The application has been accompanied by an 'Agricultural Land Classification and Soil Resources' report (Reading Agricultural Consultants Ltd. - May 2015). The proposal did show that the initial site was predominantly Grade 3b moderate quality, though with two areas of poor quality Grade 4 land and one area of good quality Grade 3a land. Policy ENV2 of the UDP requires that the best and most versatile agricultural land (Grade 3a and above) should be preserved from irreversible development. However, the application has been revised and the north-western field omitted from the proposals, which included the area of 3a land. The site now encompasses Grade 3b and 4 land only.

Notwithstanding the grade of agricultural land it is considered that it is generally considered that the land can be restored to its current condition following the lifetime of a solar farm, as there are few permanent fixings required and no large hardstanding areas. The buildings are small cabin type structures, with no deep foundations. Whilst there would be some impacts to the agricultural land quality possible as a result of the development, it is considered that generally the land should be able to be reverted back to productive agricultural use soon after the removal of the solar panels and associated paraphernalia. As such a refusal on the grounds of loss of agricultural land would not be justified.

Highway Impacts

The application is accompanied by a revised 'Construction Traffic Management Plan' (CTMP), produced by Transport Planning Associates (TPA), dated September 2015. The CTMP anticipates that the construction process would result in approximately 131 HGVs (262 vehicle movements) or a typical average of 6 movements a day for the construction period. Whilst the surrounding highway network does not commonly accommodate high levels of HGV usage it is considered that for the temporary period of construction the HGV movements per day as anticipated could be adequately accommodated.

The route to the site has been altered with the revised CTMP, following initial comments from the Council's Highways Development Officers. The route is now proposed via St Athan village north to the site (see Appendix I of the submitted CTMP for the route map). This is considered a suitable route and would have the least possible highway impacts.

Access would be from the old road to the south of the site, which is not currently used for vehicles though remains adopted highway. For the temporary period of construction this access is considered acceptable, with swept path plans included to show HGVs using the junction onto this narrow road and turning within the site.

As a solar farm, the anticipated traffic movements when the solar farm is operational would be minimal, with infrequent vehicle movements for maintenance and cleaning purposes mainly. Access and parking provision is considered suitable for this phase of the development.

With the revised route to the site, there are no highway objections to the proposed development, based on the submitted CTMP figures. To ensure that the HGV use of the local highway network does not result in significant damage to the highway network, if approved a highway survey would be required via condition, to be conducted both prior and after the construction process.

Neighbour Impact

It has been ascertained above that the proposal would be visible from some of the houses near the proposed development. However, while there may be some impact to the outlook currently available over this landscape from some of these neighbours, it is considered that there would be no direct impact to their residential amenities as a result of the proposal.

The construction process could result in some noise and disturbance, though this should be for a relatively brief period of time and should not result in long term significant impacts.

Impact to Airport safety

Cardiff Airport has confirmed that the proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with their safeguarding criteria. No objections are therefore raised.

Land ownership issue

It has been claimed in representations received that some of the land highlighted in blue on the site location plan submitted (signifying other land in the ownership of the applicant) was not in fact in the ownership of the applicant. This has been raised with the applicant, though they remain firmly of the opinion that the land highlighted in blue is under their ownership and no amendment is required. The Planning Authority has no ownership details or evidence to challenge the planning application details further. It should also be noted that the land contested is not part of the land that would affect the planning application proposals, and is not relevant to the determination of this application.

Ecology Impacts

The site has been preliminarily assessed with a 'Preliminary Ecological Appraisal' and also a 'Biodiversity Management Plan' submitted (both produced by Avian Ecology). The Appraisal considered statutory and non-statutory designated sites and did not consider the proposal to have any impact to these sites, due to the separation distance of the development. The Appraisal also considered the potential habitats in the site, including the field hedgerows, which were all considered 'species poor'. Some of the woodland patches were identified as having bird nesting potential.

The site was considered to likely support breeding birds, though ground nesting birds were unlikely due to ongoing agricultural use of the land. It was noted there was no buildings on the site that could be used by bats, though the site could be used by bats to forage and hedgerows used for connectivity.

All potential species have been considered, together with the potential impacts of the construction works and the required loss of a 5m stretch of hedgerow. However, in conclusion no significant impacts were identified to any species, though advised such measures as bat and bird boxes and the avoidance of ground works during bird nesting season. Creating wildflower areas around the perimeter of the site was also a recommendation.

Further to the above mitigation measures, a Biodiversity Management Plan has been submitted, which includes such measures as native hedgerow planting, tree planting, wildflower meadow creation, and a scheme of management and monitoring.

It has been recommended by both Natural Resources Wales and the Council's Ecologist that there is no objection to the proposals subject to the implementation of the Biodiversity Management Plan and the mitigation measures, to both protect species and enhance local ecology at the site, in accordance with policy ENV 16 of the adopted Unitary Development Plan.

Archaeological Impact

Glamorgan Gwent Archaeological Trust (GGAT) have considered the initially submitted Wessex Archaeology report and concluded that whilst it is unlikely that any archaeological features encountered would be of any sufficient importance the potential impact would still require mitigation. GGAT have recommended a condition requiring the implementation of a programme of archaeological works with a written scheme of investigation. Since this GGAT response such a report has been submitted (dated September 2015) and forwarded to GGAT. GGAT has confirmed this latest document is an acceptable scheme but would require a condition so that the agreed scheme is implemented if the development is approved and a report of the results submitted.

CONCLUSION

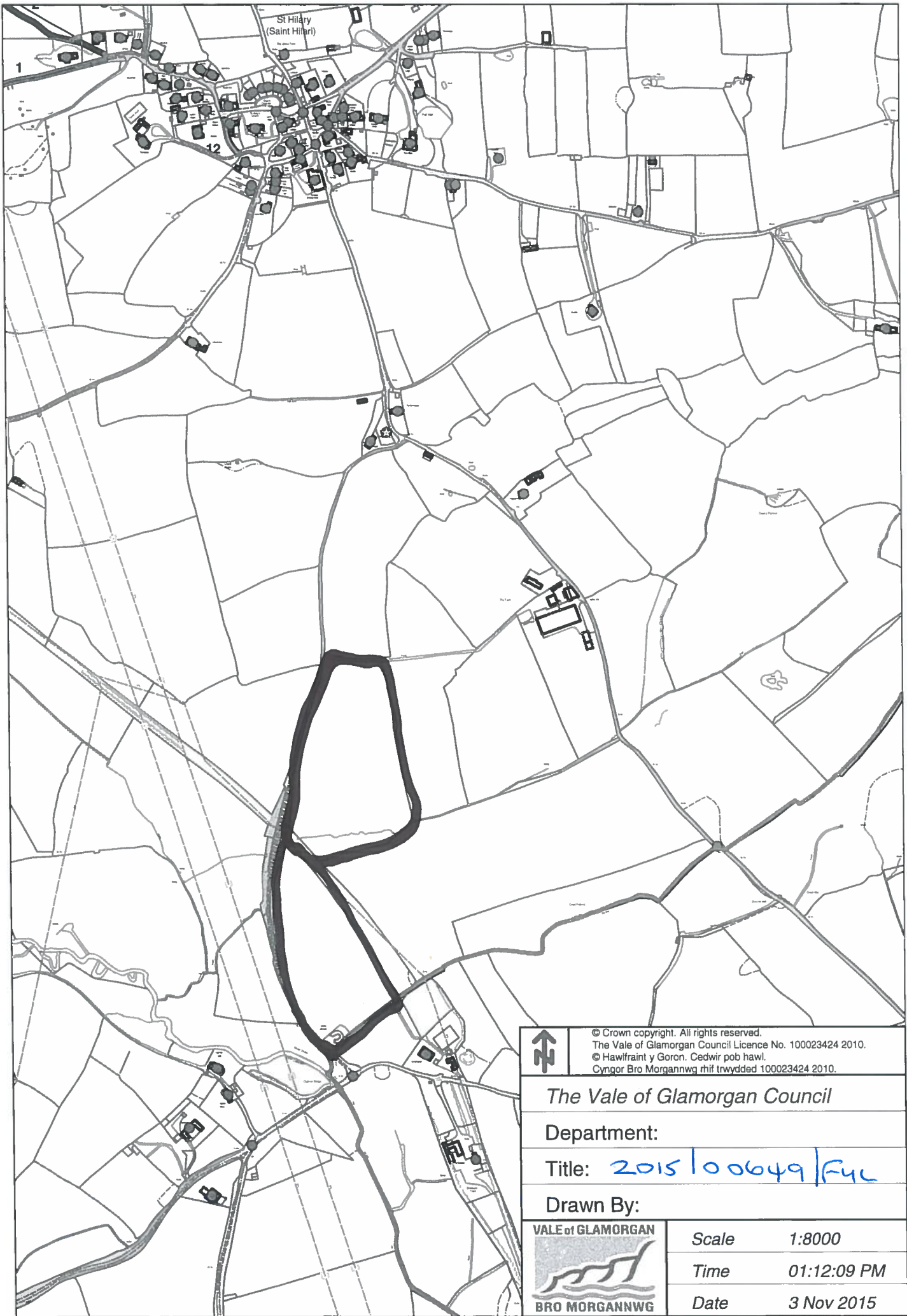
The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate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



Overall, it is considered that the proposals would have an unacceptable and significant adverse impact to the Special Landscape Area designation within this rural part of the Vale countryside, by reason of the size and location of the proposed solar farm, which overrides any potential environmental benefit of the renewable energy that would be produced or its contribution against climate change. As such, the proposals are considered contrary to Policies ENV1 , ENV4, ENV10 and COMM8 of the adopted Unitary Development Plan.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed site is located within the Lower Thaw Valley 'Special Landscape Area'. The proposed development of a ground mounted solar photovoltaic facility, by reason of its location, size and appearance, would result in an adverse and harmful impact on the wider character and setting of this sensitive landscape, and reduce the overall visual amenity of this part of the countryside, including views from the nearby Grade I Listed Building and Ancient Monument Old Beaupre Castle the public highway network, and also individual residential properties. The impact on the landscape would therefore outweigh any benefits attributed to sustainable energy production and reduction of carbon footprint, such that the proposal fails to comply with chapter 12 of Planning Policy Wales and is also contrary to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, ENV17 - Protection of Built and Historic Environment, ENV27 - Design of New Developments and COMM8 - Other Renewable Energy Schemes of the Adopted Unitary Development Plan 1996-2011.



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	<i>The Vale of Glamorgan Council</i>	
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Appendix A
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ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Llanfair Community Council

The Community Council is supportive of the principle of renewable energy, but, in this instance, it **strongly objects** to this planning application for the following reasons:-

1. Location of the Site.

The site, which is situated within the Lower Thaw Valley, is a designated 'Special Landscape Area' and should therefore be protected against such development. It is within close proximity to St Hilary Village which has Conservation Area status in its entirety and this development would neither enhance nor improve the Conservation Area. The site is situated approximately 400 yards from the Grade I listed CADW monument of Beaupre Castle and is relatively close to several heritage assets.

2. Agricultural Viability of the Land.

According to the Welsh Government's own Department for Natural Resources and in accordance with Town and Country Planning Act 1990, (Environment Impact Assessment) (England and Wales) Regulations 1999 (As Amended) Proposed 5 mw Solar Farm at St Hilary Farm, St Hilary – Initial Screening Assessment, the land is of significant high quality for agricultural use consisting of grade 3a quality for moderate to high yield and grade 3b quality for moderate agricultural use. The land has previously been used for growing crops and for grazing.

The Community Council would refer to the application's own planning statement item 5.10, which refers to 'policy ENV2 considers the use of agricultural land. It states that:-

"The best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated. Non-agricultural land or land of a lower quality should be used when development is proposed, unless such land has a statutory landscape, nature conservation, historic or archaeological designation which outweighs agricultural consideration".

The planning statement then states in 5.11 that *"the land in this case is grade 3b and does not, therefore, fall within the definition of 'best and most versatile'.*

The Community Council would strongly dispute this as a substantial portion of the land is 3a and therefore of good quality agricultural use and the remainder is designated grade 3b, but the position of the **whole** site is of paramount importance being situated within the Lower Thaw Valley (Special Landscape Area), close to Beaupre Castle as stated previously and some other heritage assets.

3. Tourism in the Vale of Glamorgan.

The Vale of Glamorgan Council actively and widely promotes tourism within the Vale and is particularly protective of its rural areas. The proposed development will have a detrimental and devastating impact on both Beaupre Castle and the village of St Hilary, both of which attract many tourists to the area and which have a significant positive impact on the economy and prosperity of the Vale of Glamorgan. The proposed development would be visible not only from Beaupre Castle (very popular with tourists), but also from the Coastal Path and this is of immense significance as the Coastal Path is so important, not just locally, but nationally.

4. Effect of the Development on Neighbouring Properties.

The site of the proposed development is overlooked by several homes, which are in very close proximity to it. The loss of the visual amenity to those homes will have a severe detrimental effect on both the residents in terms of enjoyment of their property and also its value. Screening of the development would be most difficult if not impossible due to the lay of the land and its vast area.

5. Vale of Glamorgan Council – Adopted Unitary Development Plan.

The document states under Policy Comm 8 – Other Renewable Energy Schemes.

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

The Community Council is of the opinion that this proposed development does not satisfy any of these points for the following reasons:

- (i) The immediate and surrounding countryside will be detrimentally and permanently affected as stated previously being within the Lower Thaw Valley (SLA).
- (ii) The proposed development will adversely affect Beaupre Castle and other close heritage sites.
- (iii) The intended routes for construction traffic during the development and also for the site's future servicing will have a serious and detrimental impact on not only the neighbouring residential properties but also the surrounding villages. The road network proposed for the construction traffic is totally inappropriate for vast numbers of large vehicles and the Highways Department should give serious consideration to this issue as previous experience with similar developments nearby have caused major problems for residents and hauliers alike and still continue to do so. There is a road sign on the A48 which was designed specifically for St Hilary Village and was sited at the junction to prevent large vehicles from taking this route due to its narrow roads which are totally inadequate for large vehicles.

6. Loss of Countryside.

The Community Council is anxious that another large section of beautiful countryside is not lost to yet another Solar Farm with the recent construction of two such developments in close proximity to this site. It strongly believes that it has a duty to preserve and protect such sites for future generations in this rural part of the Vale of Glamorgan.

...Continued

Ultimately, should the application be approved, the Community Council suggests that the conditions placed upon the development include the following:

- Due to the historical importance of the area, considering the Roman settlement in Cowbridge and historical battles that took place on Stalling Down, the Community Council requests that an archaeological watching brief be kept on the site.
- It is suggested that a condition is imposed to ensure that the site is returned to its current state at the end of the life of the solar farm.
- Furthermore, if approved, the local community should benefit financially in some way for the inconvenience caused to it during its construction and the future maintenance of the site.



Llywodraeth Cymru
Welsh Government

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Appendix B - 2015/00649/FUL

Sheeb 1

Mr Steven Rennie
Development and Building Control
Vale of Glamorgan Council

Eich cyfeirnod
Your reference 2015/00649/FUL (SR2)

Ein cyfeirnod
Our reference AD

Dyddiad
Date 13 August 2015

developmentcontrol@valeofglamorgan.gov.uk

Llinell uniongyrchol
Direct line 01443 336097

Ebost
Email: Adele.davies42@wales.gsi.gov.uk

14 AUG 2015

Dear Mr Rennie

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION NO: 2015/00649/FUL
PROPOSED DEVELOPMENT: INSTALLATION OF A 5MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE
LOCATION: THE FARM, LAND SOUTH-EAST FROM ST HILARY TO LLANCARFAN BOUNDARY, ST HILARY

Thank you for your letter of 25 July 2015 inviting Cadw's comments on the planning application for the proposed development as described above.

Cadw's role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments or registered historic parks and gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission, including issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The proposed development is located within 5km of the scheduled monument known as

Cadw yw gwasanaeth amgylchedd hanesyddol Llywodraeth Cymru. Ein nod yw hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

Cadw is the Welsh Government's historic environment service. Our aim is to promote the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



GM001	Old Beaupre Castle
GM100	Caer Dynnaf hillfort
GM292	Round Barrow 800m SE of Malborough Grange
GM300	Fleminston Deserted Village
GM337	Llandough Castle, Remains of Hall

The intervening topography, vegetation and standing buildings block all views from the above designated monuments apart from GM001.

The boundary of the proposed development is some 540m to the east of GM001 Old Beaupre Castle and the solar panels will be visible in views to the east especially from the elevated wall walk although additional screening will be provided when the hedges surrounding the solar farm are allowed to grow tall.

When constructed Old Beaupre Castle was the centre of a large landholding farmed from the castle and it is likely that the application area was part of this land and views eastwards from the castle are similar to when the castle was constructed except for two electrical lines supported by large pylons. These pylons are large modern intrusions into the landscape and thus have a detrimental impact on the setting of the castle.

Only part of the proposed solar farm will be visible from the castle; whilst it will add a new modern component to the landscape it will have a limited impact, given that the pylons have already brought modern structures into the area and that the solar farm will maintain the current field boundaries. In our opinion the addition of the solar farm into this landscape will result in some adverse visual impact in views to the east, but will not significantly affect the ability to understand or interpret the monument. Therefore this will not have a significant impact on the setting of the designated monument.

The grade II registered historic park and garden at Old Beaupre PGW(Gm)38(GLA) is located within the 5km ZTV at an approximate distance of 650m to the west of the proposed solar farm.

The remains (now largely earthworks) of the formal gardens at Old Beaupre consist of terracing, walks and ponds dating to the sixteenth century. The focus of the gardens is to the west of Old Beaupre between the manor house and the river Thaw. The significant views, as identified in the *register* extend across the gardens and the countryside beyond to the west and northwest.

The registered status of the site has been acknowledged in the supporting documents to the application and the impact of the proposed development on the registered park and garden has been assessed. Although, as concluded in the supporting documents to the application, the proposed solar farm will result in some adverse visual impact in views to the east, in our view it is not of a magnitude to affect the ability to understand or interpret the registered garden, the main focus of which is to the west.

Yours sincerely



Adele Davies
Diogelu a Pholisi/ Protection and Policy

2015/00649/FUL
HARRIS C

**THE NEST
ST HILARY
VALE OF GLAMORGAN
CF71 7DP**

tel : 01446 773632

Development and Building Control
Vale of Glamorgan Council
Dock Office Barry
CF63 4RT

RECEIVED

25 SEP 2015

Date 19th August 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Dear Sirs,

Re : Planning Application No - 2015/00649/FUL/SR2 Solar Farm at St Hilary

I am writing in relation to the above.

The principle of solar energy is one I support but it is important that any schemes of this type are situated on appropriate sites and no doubt this will be at the forefront of the council's mind when considering this application.

In reaching a decision the planning committee will be considering both national and local planning policy and as to whether the proposed scheme is contrary to these policies. Section 38(6) of the Compulsory Purchase Act 2004 requires that planning applications "must be made in accordance with the development plan unless material considerations indicate otherwise".

This particular development will cover approximately 25 acres of productive agricultural land (some of which is Grade 3a quality land). The land is situated along the bottom of a valley and is overlooked by the conservation village of St Hilary, Flemingston and Llandough along with numerous highways and footpaths.

It is important to point out the context of the application site to my home (The Nest) which sits on the side of the valley on the outskirts of St Hilary and directly overlooks the site. The property has always enjoyed an unrestricted view over the Thaw Valley and the proposed development will blight what has always been a view over an historic landscape specifically designated as a Special Landscape Area. It is not possible to overemphasise the effect this will have on the visual amenity of our home.

The developers Public Relations exercise has been extremely misleading and their planning consultants report submitted with their clients application is inaccurate at best. Reference is made to the proposed screening of the site. It will be immediately clear to anyone who visits the site that the site is totally inappropriate for a solar farm and that due to the topography of the landscape it cannot be successfully screened. It is vital that the planning committee visit the site in order to appreciate the topography of the site and the context of it's setting.

The site lies within a designated Special Landscape area (SLA) and is located close to several heritage assets. The solar farm will be directly overlooked by and situated approximately 400

metres from the Grade 1 CADW listed monument of Beaupre Castle. If the development was to go ahead it would have a devastating effect on the setting of this precious heritage asset and also on the setting of St Hilary which is a Conservation village where there are several listed buildings. Beaupre Castle is maintained by CADW and is visited by walkers etc.. who currently enjoy views from the site across the Thaw Valley. This public outlook will be irreversibly ruined.

Planning Policy Wales sets the planning policy context for the country and Chapter 6 is particularly relevant and concerns "conserving the historic environment" with paragraph 6.1.1 setting out the overarching objectives for the protection of the historic environment. In addition paragraph 6.5.9 sets out the standards required when development proposals affect listed buildings or their setting - "where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses".

Again referring to National Planning Policy, Technical Advice Note 8 ("TAN8") concerns planning for renewable energy and specifically paragraph 3.15 gives consideration to solar, thermal and photovoltaic schemes and gives consideration to the visual impact of these schemes. Whilst the policy is generally supportive it gives considerable weight to the vital point as to whether the schemes are appropriate and whether their visual impact is critically damaging to a listed building, ancient monument or a conservation vista.

There can be little doubt that the scheme will critically damage the visual amenity and setting of the Grade 1 listed National monument of Beaupre Castle, the setting of the Conservation Village of St Hilary and the designated Special Landscape Area of the Lower Thaw Valley.

When considering local planning policy it is important to refer to The Vale of Glamorgan Unitary Development Plan 1996-2011. The site is located within a Special Landscape Area and this is covered by policy ENV4 under which there is a requirement for consideration to be given as to the adverse affect which the proposal may have on the landscape character or visual amenity of the SLA under policy ENV4.

ENV2 of TAN 8 also states that "non agricultural land or land of a lower quality should be used when development is proposed where possible". The land in question is of a good quality having been used for both arable and animal farming over the years and competing sites in topographically more appropriate locations are available for similar schemes. Surely it would be sensible and in line with planning policy to direct development towards these sites.

It is also important for the council to consider other material considerations. The council should have regard to the hugely damaging effect this scheme would have on neighbouring properties of the development and in particular on the effect to their visual amenity. Consideration must be given to the effect of the proposed development on the visual amenity of several residential receptors which directly overlook the site including The Old Vicarage, Old Beaupre Farmhouse (Grade 2 listed), The Nest, Springhill in St Hilary and the Old Rectory in Llandough.

Emerging planning policy is also particularly relevant in respect of this application and in particular the Vale of Glamorgan Local Development Plan 2011 to 2026. Whilst this is not adopted policy yet it is nevertheless a material consideration which you need to have regard to. Policy MD 19 concerns low carbon and renewable energy generation and the importance that such schemes will have on agriculture and the natural and cultural heritage of the Vale of Glamorgan. MD 19 states that development should only be permitted where there is no unacceptable impact on the interests of agriculture, landscape importance, natural and cultural heritage and residential amenity amongst other things. Clearly the proposed scheme will have an unacceptable impact on these and is grounds for rejection alone.

Policy MD 19 also sets out a requirement that in assessing such proposals the cumulative impacts of renewable energy schemes will be an important consideration.

There is now a proliferation of Solar farms within the Vale of Glamorgan and in particular along the Thaw Valley. This Special Landscape Area is beginning to be defined by Solar Farms and the Cumulative Impact of yet another Solar Farm in such a topographically unsuitable and visible location cannot be understated. The Council must give very serious consideration to the Cumulative Impact of the Solar Farms in this area as if this highly visible solar farm is allowed then the council will ultimately be contributing to the blighting of this special landscape.

Both the Upper and Lower Thaw Valleys are included in the emerging local plan as a Special Landscape Area in Policy MG17.

The site is located in a rural area and is to be accessed along narrow country lanes. This will cause huge disruption to the public along with serious health and safety issues both during the construction of the 25 acre scheme and whilst servicing it in the future.

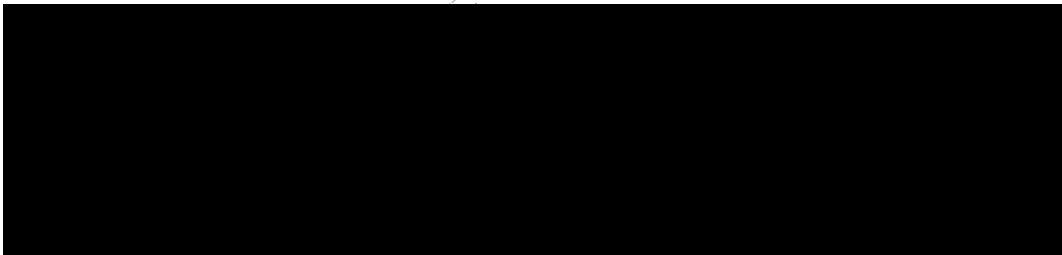
To conclude there are clearly a number of sound National and Local planning policy reasons to reject this application which can be summarised as follows:

- * The situation of the site and topography of the land means that the site cannot be screened.
- * The cumulative impact of so many of these developments along the Thaw Valley (SLA).
- * Disruption and safety issues being caused by large vehicles accessing the site during the construction of the development and future servicing.
- * The critical impact of the site on the setting of several Heritage assets including the Conservation Village of St Hilary and Grade 1 listed CADW monument Beaupre Castle.
- * The critical impact of the development on a designated Special Landscape Area.
- * Taking good quality agricultural land out of productive use.
- * The enormously damaging effect on the visual amenity of neighbouring properties which overlook the site.

It is clear that the location of this particular site is totally inappropriate for a solar farm and is not in accordance with planning policy or the development plan on several points.

I trust that the Council when they have considered both National and Local Planning guidelines will take the decision to turn down this speculative application on sound planning reasons as set out above.

Yours faithfully



Richard J Calcaterra

Chigwell House
St Hilary
Cowbridge
Vale of Glamorgan
CF71 7DP

Your ref: P/DC/SR2/2015/00649/FUL

Date: 19th August 2015

RECEIVED

19 AUG 2015

Operational Manager
Development & Building Control
Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

For the attention of Mr S Rennie

Via Post & email: developmentcontrol@valeofglamorgan.gov.uk

Dear Sir/Madam,

Town & Country Planning Act 1990 (As Amended)
Application No. 2015/00649/FUL/SR2

Location: The Farm Lane, South-East from St Hilary to Llancarfan Boundary, St Hilary
Proposal: Installation of a Five Megawatt Solar Farm & Associated Infrastructure

I refer to the above Planning Application and am rather concerned with the contents of the report submitted in support of the application by CDN Planning and their supporting documentation.

The report is inaccurate, misleading and factually incorrect.

I have read the report and from a layman's point of view I have picked out a number of glaring errors which will sadly mislead the Council when advising its Members.

1. The Plan referred to in the Design & Access Statement refers to the area shown edged blue as that area being owned and farmed by the Landowner. I have enclosed a plan (Plan 1) and highlighted on there the area of land shown edged yellow which is not owned by the farmer or occupied by the farmer. This area of land is in five separate ownerships and the area shown edged yellow and hatched is in my ownership!!
2. CDN Planning state that the site and surroundings has the capacity to accommodate the scale of the development being able to reduce the visual effects from private dwellings. This is backed up by the statement from Crestwood Environmental Ltd. They have stated they believe that landscaping within twelve months will resolve any

adverse effect with regard to private dwellings overlooking the site. Clearly, the writers of these reports have not visited the site or indeed do not wish the reader to understand the affect the scheme would have on a number of properties. Due to their elevated position no screening will shelter The Old Vicarage, The Nest and Spring Hill.

3. In CDN Planning's planning application, they refer to the relocating of the site as it would have less visual impact upon the dwellings, The Old Vicarage and Spring Hill. Clearly the writer has not been to The Old Vicarage. To suggest such a comment in a report without visiting the site is totally misleading. The change of location of the solar field to the east of the Gigman Lane magnifies the effect it has on the three properties south of the village.

4. CDN Planning in their statement refer to every planning policy ever written and in doing so blatantly state that the land is of poor quality. 9% of the land is Grade 3A. The writer of the report has conveniently omitted this and states:

"The land in this case is Grade 3B/4 and does not, therefore, fall within the definition of 'best and most versatile'."

Clearly, this is inaccurate and again misleading to the Council Officer. This is repeated at least three times through the report along with the fact that screening will reduce any impact on the properties south of St Hilary.

5. The Landscape & Visual Assessment highlights five or six areas where photographs have been taken. It omits a number of locations where the site can easily be seen across the Vale of Glamorgan.

- a) The St Hilary to Llancafarn road south of The Farm, St Hilary, has a clear view of the solar farm as you climb the hill.

- b) Coed Hills, which sits elevated to the east of the development has a clear view.

- c) Old Beaupre Farmhouse and Old Beaupre Farm has a clear view of the development as well as Beaupre Castle which has been documented.

- d) Newland Farm, St Mary Church along with all the properties at The Herberts, St Mary Church.

- e) The Rectory, Llandough.

- f) The country lane from St Mary Church to St Hilary.

- g) The main road from Cowbridge to St Athan.

- h) The village of Flemingstone.

6. I am also surprised that CDN Planning did not state in their report that the beneficiary i.e., the Landowner, Mr Mike Rees, is the first cousin to Mr Marcus Goldsworthy, who would therefore have a conflict of interest in any dealings with this case and I would therefore respectfully request that Mr Goldsworthy stand down from any decision making and any advice being given to the Councillors in this case. I am sure Mr Goldsworthy has already declared an interest.

The site hosted the Glamorgan Point to Point for 30 years. The land lends itself, due to its positioning within the valley, to be seen and was known as an excellent viewing course for this very reason. To suggest a small amount of screening would lessen the impact the development is again totally misleading and untrue.

In the Landscape & Visual Assessment under paragraph 2.2.10 it states:

"The LDP Renewable Energy Study 2007 provides recommendations to the Vale of Glamorgan LDP in order to provide an appropriate planning framework for renewable energy."

The document states:

"Solar photovoltaic proposals should be supported other than in circumstances where visual impact is considered critically damaging."

The Vale of Glamorgan Council have granted numerous consents throughout the Vale for solar farms and, indeed, there are many more sites waiting for consent. I have enclosed a plan demonstrating the number of sites that have obtained planning consent (in green) and those waiting for consent in pink. None of the sites so far submitted and obtained consent have the adverse effect on the countryside and visual impact that the proposed application does. Furthermore, the proposed application has a competing site in Gigman of lesser quality land.

The Farm finds itself situated in the Thaw Valley which is a locally designated special landscape area. If you look at the plan showing the location of the sites (Plan 2) you will see that a pattern is emerging through the Thaw Valley where four have obtained planning consent and a further two are pending. It is important when considering an application that the location of the site is appropriate and can be successfully screened particularly if they are placed in the open countryside or of a sensitive nature.

I was rather dismayed to read the Planning Statement along with its supporting documentation from a company who considers itself one of the leading solar companies in Britain. The reports are flawed, full of factual inaccuracies, misleading Council Officers and Members. I am not a Chartered Town Planner and I am sure that there are many more inaccuracies within the report which have gone unnoticed and I am therefore unable to highlight.

There is in planning terms "good planning" and "bad planning". I would respectfully ask the Council to consider this application on its merits and on the basis that the developer has employed consultants to submit reports which have been proven to be inaccurate, misleading and not credible and I would ask the Council to do the right thing in this instance and turn down the application.

Yours faithfully,

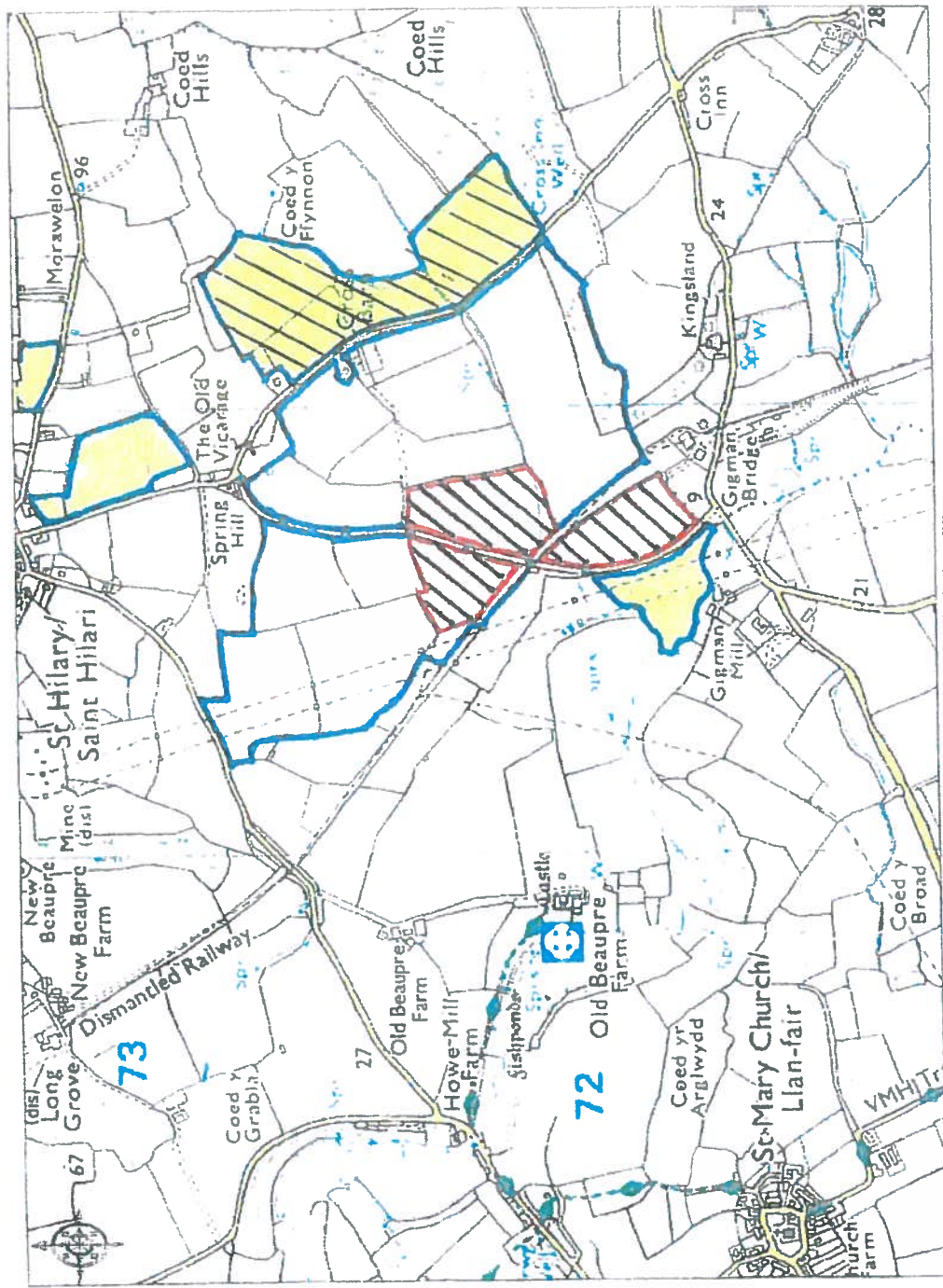


W PHILIP THOMAS

Copy:
All Members of the Planning Committee

PLAN 1

Solar Farm Site, St Hilary, Vale of Glamorgan

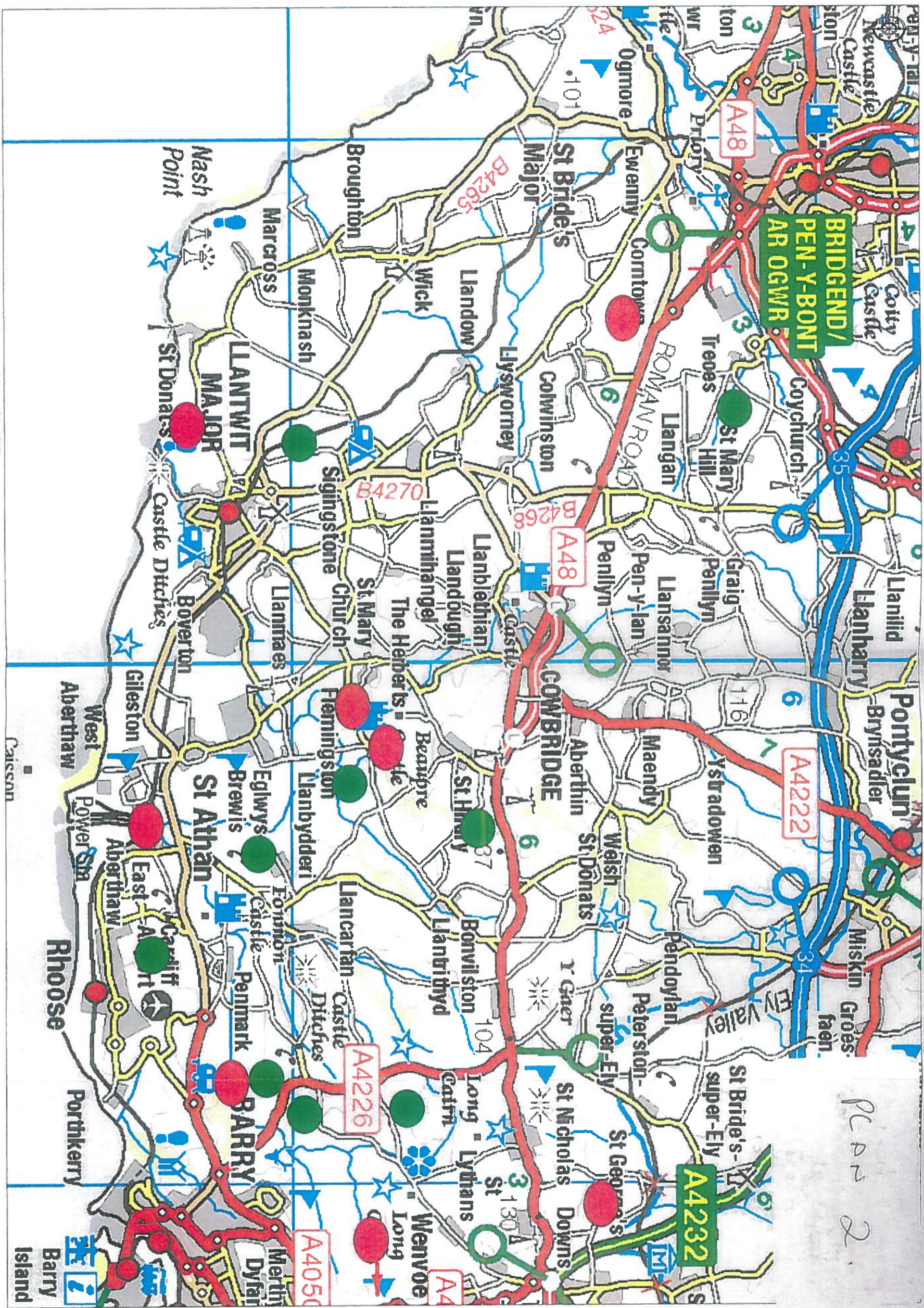


Ordnance Survey. © Crown Copyright 2015. All rights reserved. License number 100025232. Planset fields - 11151988



CDN Planning (Wales) Ltd. 7 St James Crescent, Uplands, Swansea, SA1 6DP - Tel 01792 830238

2015/00649/ALL
Appendix C



Plan 2.

RECEIVED
19 AUG 2015

2015/00649/FUL

Appendix C

The Old Farm,

St. Hilary,

Cowbridge.

CF71 7DP

17th August 2015.

Dear Sirs,

Application No. 2015/00649/FUL/SR2.

Installation of 5mw solar farm and associated infrastructure
at The Farm, St. Hilary.

I write to oppose the above application for the following
reasons.

1. The land concerned is assessed as Grade 3 agricultural land i.e. good quality productive land. Such land should not be sacrificed. I believe a large part is currently under cultivation. The proposal will take the land out of productive use which cannot be replaced by grazing animals.
2. The location is within a designated Special Landscape Area. The situation of the proposed development is such that it cannot be adequately screened and will be clearly visible. The locality is already scarred by a similar development. The cumulative effect of another installation would be devastating.

2015/00649/FLL
Appendix C

3. The site will have an adverse effect on the setting of the Grade 1 listed Beaupre Castle as well as the conservation village of St. Hilary.
4. Access to the proposed site is via narrow, twisting country lanes. The use of such lanes by heavy vehicles during construction and subsequent maintenance of the site constitutes an unacceptable level of disruption, danger and risk to local residents and other road users.
5. A number of similar developments have already been built in the Vale of Glamorgan or have been given planning approval.

Whilst accepting the long term need for sources of renewable energy there is a grave risk that the proliferation of applications such this will turn a beautiful, productive agricultural region into a solar "desert".

Yours faithfully,



David E. Hawkins.

19 JUL 2015

8
JMC/SN
2015/00649/FLL

ACK:
NO:
ACTION BY:
RECEIVED
D.E.H.

St Hilary Solar Farm Protest Group

Contact No: 07971078254

Name: Adrian Drew..... Tel No: [REDACTED].....

Address: Curtlet, St Hilary, Cowbridge, Vale of Glamorgan, CF71 7DP......
Email: adrian [REDACTED].....

Please tick the comments you agree with

We oppose the development of a solar farm on land at St Hilary because:

- Damage to hedgerows, flora and fauna many of which are wild protected plants.
- Taking good quality farmland out of productive use.
- Blighting of one of the finest views in the Vale of Glamorgan which is seen by walkers, riders & cyclists from a number of public areas.
- The effect on the visual amenity and setting of a number of heritage assets including grade 1 listed Cadw monuments of Beupre Castle, St Hilary conservation village and several listed buildings.
- The cumulative impact on this designated special landscape area of another solar farm along the Thaw Valley & Millennium Trail.
- Taking away the everyday feeding grounds for wild animals and birdlife.
- Site can be viewed 360 degrees no matter what hedge growing steps are taken.
- Solar farms should be sited on abandoned industrial estates where the ground is already polluted.
- This site is already surrounded by existing solar farms.
- It is a lie to say this ground can be returned to meadow land.

SAY NO - TO SOLAR FARM IN ST. HILARY

STOP - THE DESTRUCTION OF GOOD FARM LAND AND SCARRING OF THE MOST BEAUTIFUL VALLEY IN GLAMORGAN - BY SAYING NO.

LOG ON TO OUR WEBSITE AT WWW.STOPSTHILARYSOLAR.COM TO VOTE NO

E-MAIL COLLINSELBYWHITE@OUTLOOK.COM

OR WRITE TO COLLIN SELBY WHITE, SPRINGHILL, ST HILARY, CF71 7DP

Mr Steven Rennie
Planning Development Control
Vale of Glamorgan Council
Docks Office
Subway Road
Barry
CF63 4RT

Dear Mr Rennie,

I support the solar project proposed at The Farm, St Hilary (ref: 2015/00649/FUL) and would like to see the application approved by the Vale of Glamorgan Council. The application represents a reliable and sustainable form of renewable energy and will contribute towards the fight against climate change.

Alongside the environmental benefits from this development, the local area stands to benefit as a result of investment and potential employment opportunities. As the proposed site is of low to medium quality land, by building a solar farm here no agriculture or food production is lost and because there are no permanent fixtures in the foundations, the site can be easily returned to its original use at the end of the solar farm's lifespan. Any visual impact to the area will be eased by the installation of hedgerows along the site boundary.

I believe that this development will have a positive impact on the area and I would encourage you to also support this application and give a recommendation of approval.

Name: RUSSELL DAVIES

Signature: 

Address: 4 BOROUGH CL
LOWBRIDGE
CF71 7BN

Appendix E - 2015/00649/FULL

Mr Steven Rennie
Planning Development Control
Vale of Glamorgan Council
Docks Office
Subway Road
Barry
CF63 4RT

Dear Mr Rennie,

St Hilary Solar Farm – Reference 2015/00649/FUL


I would like to express my **support** for the solar development proposed at The Farm, St Hilary. I feel that this clean, reliable and free form of energy should be harnessed to its fullest potential and that it should be utilised in the fight against climate change.

I would encourage you to approve this application.

Name:

W. DEVINE

Signature:



Address:

15, ST JOHN'S CLOSE
C' BRIDGE

ENTER
RECEIVED
ACTION BY: Jmc/SRZ
NO: 59.
CHK

RECEIVED
- 4 SEP 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Please reply to:
Cardiff Bay, Cardiff, CF99 1NA
Bae Caerdydd, Caerdydd, CF99 1NA
Ffon/Tel: 029 20 898523
Ffacs/Fax: 029 20 898371
AndrewRT.Davies@Assembly.Wales

3rd September 2015

Dear Mark

Planning Application: 2015/00649/FUL
Application for the installation of a 5mw solar farm and associated infrastructure

I have over the past weeks and months received numerous representations in relation to the above application. These have all endorsed the use of renewable energy as a way of safeguarding our environment and creating a green energy footprint for future generations, but have expressed some concerns about the particular development.

The issues that have been raised with me and that I have been asked to convey to the Council for consideration are namely:

1. The impact that this development potentially will have on the historical listed site of Beaupre Castle.
2. The inability given the site's prominence within the Valley if it were to be developed for any screening to have any real impact in allowing the development to blend into the local environment.
3. The considerable impact during the construction phase of large HGVs and commercial traffic using country lanes to access the site.
4. The exposure that this particular development would have on the surrounding properties, given the location of the proposed solar ray with the valley and the impact of the change in its landscape.

I would be grateful if you could give these points consideration and seek to address them in your consideration of the application.

With kind regards,

Andrew RT Davies

Andrew RT Davies AM
Assembly Member for South Wales Central
Leader of the Welsh Conservatives



Lightsource SPV 57 Limited, Level 7, 33, Holborn, London, EC1N 2HT
Lightsource Renewable Energy Limited, Level 7, 33, Holborn, London, EC1N 2HT

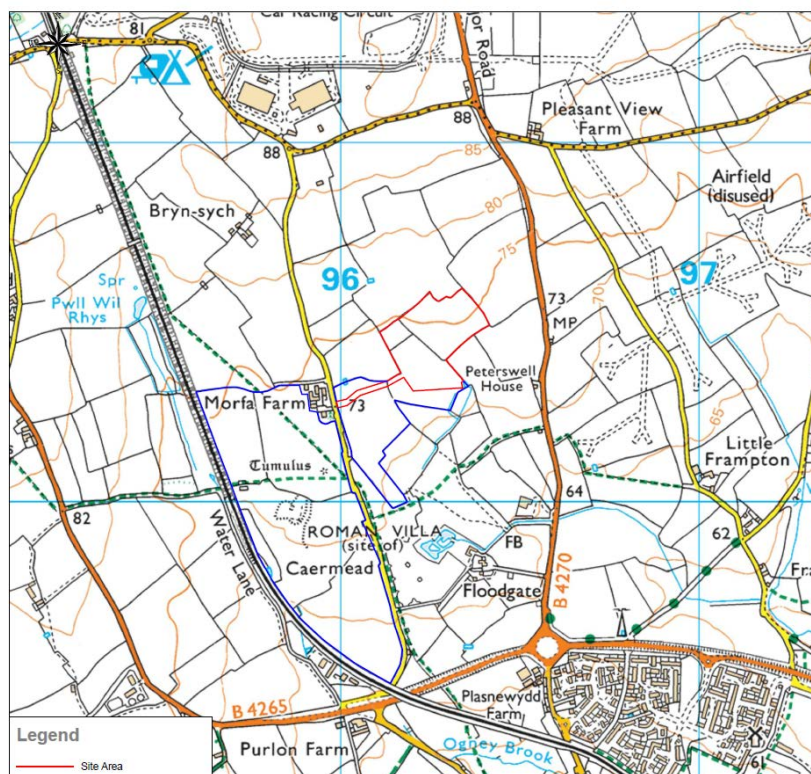
Morfa Farm, Morfa Lane, Llantwit Major

Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, fencing, pole mounted CCTV cameras and waterless toilet for the life of the solar farm

SITE AND CONTEXT

The site in question comprises agricultural fields located directly to the east of Morfa Farm, approximately 0.75km north west of Llantwit Major. The site is adjoined to the east, north and south by fields and by a rural lane to the west. A few residential properties are situated along Morfa Lane, mainly within a cluster of converted barns adjoining Morfa Farm and some to the south of Morfa Lane.

The site is approximately 5.3 hectares (ha) in size and lies outside the Glamorgan Heritage Coast or any of the Vale's Special Landscape Areas.

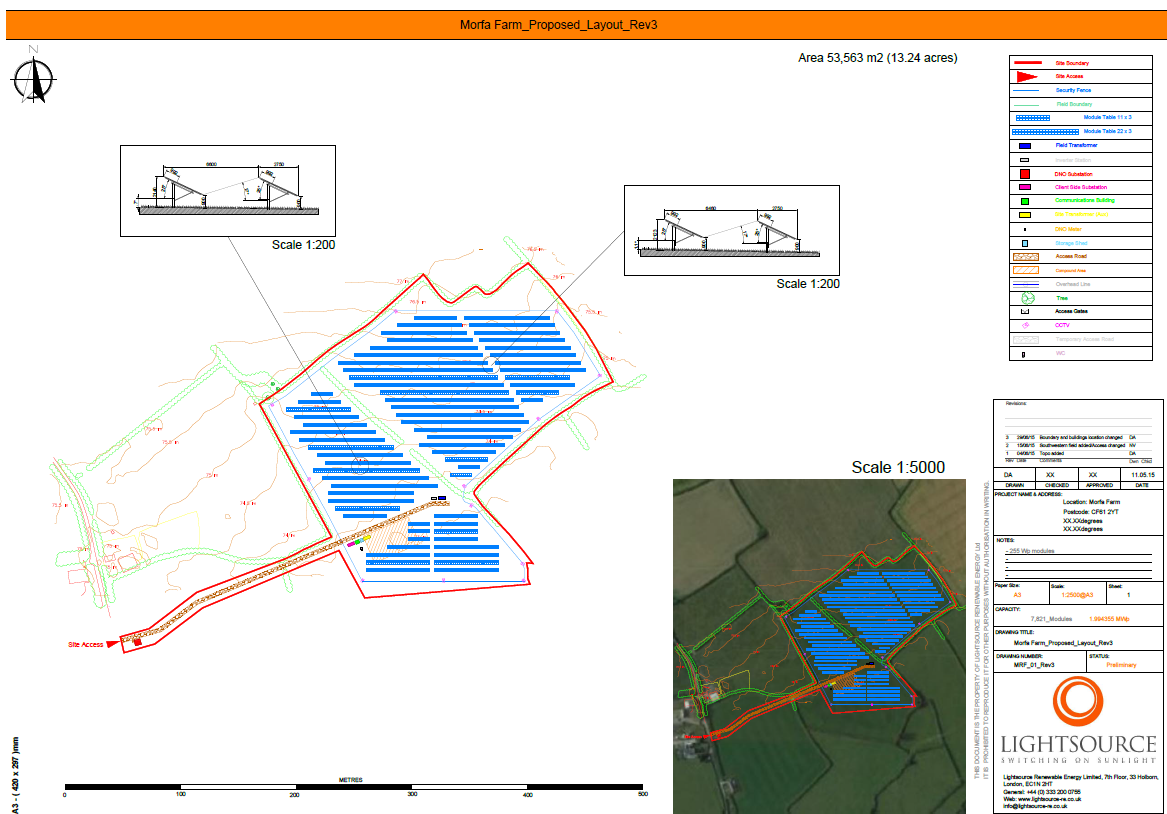


DESCRIPTION OF DEVELOPMENT

The application is for full permission for the development of a ground mounted photovoltaic (PV) solar energy generation system (solar farm). The solar farm has been designed to accommodate sheep grazing on site, thus providing a dual productive function of renewable energy generation and agricultural production. The site area is 5.3 hectares in size being part of a larger 6ha field. It is proposed to install solar modules covering approximately 1.16 hectares. The proposed solar panels and associated infrastructure will cover only 22% of the site, as sufficient gaps must be provided between the rows of panels, to avoid one row shading another, and sufficient setbacks need to be provided from boundary vegetation, particularly on the southern boundary to avoid shading.

The PV panels will have an energy generation capacity of approximately 2MW, and will output electricity equivalent to the power requirements of 560 typical households per year. The energy generated will be fed directly into the local power grid network for use by the nearest points of demand.

The solar farm will have an operational life of approximately 30 years and, all equipment associated with the solar farm will then be removed from the site, and the land restored to its former condition.



Solar Panels

Solar PV panels, with a combined energy generation capacity of approximately 2MW, are to be installed. The panels will be approximately 1.650m by 0.992m in size. The mounted solar panels will have a maximum height of 2.21m above ground level and at the lower end will be 900mm above the ground.

Mounting Panels

The panels will be attached in a triple landscape configuration to mounting frames at an angle of 25 degrees, to optimise daylight capture. The panels are fixed in place and the mounting frames will be made of either galvanized aluminium or steel. The mounting frames are pile driven into the ground, and no concrete foundations are required.

Inverters:

Inverters are housed in a cabin like structure of approximately 2.92m high x 4.42m long x 1.52m wide and painted green. The Central Inverter is mounted on a concrete base. One inverter will be required, in this instance

Transformers:

The proposed layout plan includes 1 transformer and a smaller auxiliary transformer. The transformer measures 6m x 2.5m wide by 2.8m high

Switchgear Substations:

Two sets of switchgear are required, one to shut the grid off from the solar farm (referred to as the DNO Substation) and a second to shut the solar farm off from the grid (referred to as the Client Side or Customer Substation). The substations will measure 4.95m x 5.5m x 4.4m high.

Perimeter Fence:

A 2m high agricultural timber and wire fence will be installed around the solar farm. The proposal identifies the fencing as standard deer fencing.

Security Cameras:

CCTV cameras will be erected around the site perimeter on poles of approximately 2.4 metres in height as shown on the Layout Plan.

Communications Building:

The proposed building will measure approximately 3.66m in length by 3m in width and 2.51m in height.

Access track-

An access track is required of approx. 90-100m long by 3.5m wide and is proposed to be constructed of three layers of terram layer, 200mm of crushed brick and 75mm of stone or tarmac designed in a manner to allow for water run off.

The application also includes the following documents:

- Planning and Design and Access Statement- (addendum to D& A Statement)
- Geophysical Survey Report
- Archaeological and Cultural Heritage Assessment
- Statement of Community Involvement
- Construction, Decommissioning and Traffic Management Method Statement
- Landscape and Visual Impact Appraisal
- Flood Consequences Assessment
- Preliminary Ecological Appraisal
- Biodiversity Management Plan
- Transport Assessment
- Updated Great Crested Newts Method Statement

PLANNING HISTORY

2014/00739/SC1 : Morfa Farm, Morfa Lane, Llantwit Major - Development of a 1 MWp solar farm - Environmental Impact Assessment (Screening) - Not Required 9 July 2014.

2012/01342/SC1 : Morfa Farm land , Llantwit Major - Proposed installation of 1 X 100 Kw wind turbine - Environmental Impact Assessment (Screening) - Not Required 10 January 2013.

2010/00870/FUL : Squirrel Oak Barn, Morfa Farm, Morfa Lane, Llantwit Major - Retention and completion of lean-to extensions to existing outbuilding to allow screened enclosure of oil tank, pump and machinery, and meter unit. - Approved 16 November 2010.

2010/00437/FUL : Morfa Farm, Morfa Lane, Llantwit Major - Installation of a 6kw wind turbine with blade rotor diameter of 5.5m on 15m free standing mast - Withdrawn 12 November 2010.

2006/01106/FUL : Morfa Farm, Morfa Lane, Llantwit Major - Variation to existing approval 03/01298/FUL to retain former dairy building and former Hay barn (due to be demolished) and convert buildings to provide ancillary residential accommodation as well as minor modifications to converted main barn - Approved 4 April 2007.

2004/01103/PNA : Field parcel 0039 to the north east of Morfa Farm, Llantwit Major - Relocation of an existing building for storage of hay and agricultural machinery - Further prior approval (PNA/PND/PNT/PNQ) 30 July 2004.

2003/01298/FUL : Morfa Farm, Morfa Lane, Llantwit Major - Conversion of traditional stone barn to a new dwelling. Construction of a new stone built garage; workshop and garden store. Demolition of agricultural buildings - Approved 29 January 2004.

2003/01191/FUL : Morfa Farm House, Morfa Lane, Llantwit Major - Refurbishment of part of existing farm house to provide additional living accommodation - Approved 14 October 2003.

1998/00772/FUL : Morfa Farm, Morfa Lane, Llantwit Major - Kitchen enlargement/garage - Approved 28 August 1998.

1994/01100/PN : Morfa Farm, Llantwit Major - New building - weeping wall manure store - Approved 16 December 1994.

1986/00052/FUL : Opposite Morfa Farm, Llantwit Major - Proposed three bedroom bungalow. Private dwelling - Approved 18 February 1986.

1985/00777/OUT : Pt. OS 331 and 330, Morfa Farm, Llantwit Major - Dwelling for farm worker - Approved 15 October 1985.

CONSULTATIONS

Llantwit Major Town Council were consulted on 29 July 2015. No objection.

Ministry of Defence were consulted on 29 July 2015. No comments have been received.

Civil Aviation Authority were consulted on 29 July 2015. No comments have been provided.

Public Rights of Way Officer were consulted on 29 July 2015. No comments have been received in regard to this matter.

Environmental Health (Pollution) were consulted on 29 July 2015. No comments have been received.

Cardiff Airport (Safeguarding) were consulted on 29 July 2015. No objection to the proposed development.

Glamorgan Gwent Archaeological Trust were consulted on 29 July 2015. No objection subject to a condition requiring a programme of archaeological work to be submitted and approved by the LPA.

On the second consultation following a submission of programme of works, GGAT were satisfied with the programme of work submitted and would be satisfied for the Council to condition the consent requiring the work to be in line with this document.

Cadw, (Ancient Monuments) were consulted on 29 July 2015. No objection as the proposed development would have a negligible impact upon the nearby scheduled ancient monuments.

Local Ward Members were consulted on 29 July 2015. No comments have been received.

The Council's Ecology Officer was consulted on 29 July 2015. Further to the submission of the original ecology report, plus further information as requested, the Ecology Officer withdrew their objection to the scheme, subject to a condition regarding a Method Statement of Greater Crested Newts.

The Council's Highway Development Team were consulted on 29 July 2015 and in summary have raised no objection, subject to compliance with conditions in respect of the following; highway condition survey, visibility splays and access, passing places along Morfa Lane and temporary signage.

The Council's Highways and Engineering Team (Drainage) were consulted on 29 July 2015- No formal comments have been received by this department but the Engineer has verbally confirmed that they have no concerns regarding flooding at this location and they would not object to the passing places on Morfa Lane.

Natural Resources Wales were consulted on 29 July 2015. No objections subject to the delivery of the method statement outlined.

The Council's Landscape Section were consulted on 27 October 2015. No comments have been received to date.

REPRESENTATIONS

Twelve letters of representation have been received.

The neighbouring properties were consulted on 29 July 2015.

A site notice was also displayed on 6 August 2015.

The application was also advertised in the press on 30 July 2015.

Twelve letters of representation have been received.

The twelve letters of representation are all letters of support. The letters are all the same with alternative names and addresses at the bottom of the page. The letter outlines the following reasons for support: -

1. The proposed farm will power over 500 households with clean, locally produced energy.
2. The proposed solar farm is well screened.
3. Hedgerows will be protected and maintained habitats for wildlife.
4. Sheep grazing will be utilised on the site in addition to the proposed solar farm.
5. Biodiversity enhancement is also proposed.
6. The solar farm is renewable energy, a move away from using fossil fuels.

REPORT

Planning Policies and Guidance

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

STRATEGIC POLICIES 1 AND 2

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV2 - AGRICULTURAL LAND

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

EMP7 - FARM DIVERSIFICATION

COMM8 - OTHER RENEWABLE ENERGY SCHEMES

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

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

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

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

Planning Policy Wales:

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

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

National Planning Policy:

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

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

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

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

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

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

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

Technical Advice Notes (TANs):

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

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

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

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

- 1.6 As well as developing new sources of renewable energy which are essential to meeting the targets set by energy policy, the Assembly Government is fully committed to promoting energy efficiency and energy conservation. The land use planning system is one of a number of mechanisms which can help deliver improved energy efficiency and local planning authorities are expected to consider matters of energy efficiency when considering planning policy and applications.
- 3.15 Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

TAN5 – Nature Conservation and Planning

Other National Guidance / Statements:

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

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

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

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance is of relevance.

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

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the ‘Alternative Sites’ public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in early 2016.

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).'

Background Evidence:

LDP Background papers, including:

- Renewable Energy Study (2007)
- Renewable Energy Assessment (2012)
- Designation of Landscape Character Areas (2013 Update)

Issues

The main issues to consider in this application relate to the principle of the development in this location, the visual and landscape impact of the proposal, highway safety and transport issues, impact upon any adjacent residential amenity, flooding, ecological issues, landscaping, impact upon historic environment, and impact on agricultural land quality, impact on public rights of way and potential glint and glare. These matters will be considered in turn: -

The Principle of the Development

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

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

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

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

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

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

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

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

Within the above Policy context, it is considered that the proposal represents an acceptable form of development in principle, and an acceptable form of agricultural farm diversification. It is also clear that rural locations will in most cases be required for solar farms of this scale and also that countryside locations are generally supported in principle, both in local and national policy and guidance.

It should be noted that this application does differ slightly in that the applicant is requesting a 30 year permission compared to 25 years that has typically been requested in other applications. An addendum to the Design & Access statement was submitted by the applicant (dated 21/08/2015) outlining that there is a technical and financial case for the 30 year life span of Solar farms. i.e that the technology has been proven to perform for this period in an efficient manner and as subsidies for solar farm have been declining it is more financially viable for them to operate for the extended period.

On consideration of the justification provided in the addendum, the case for extending the operational life span is considered acceptable and there is no reason for the Council to refute the justification.

Consequently, the acceptability of the development rests upon an assessment against the criteria of Policies COMM8 and EMP7 of the UDP, notably in respect of its landscape and visual impact, highways issues, Impact upon residential amenity, flooding, ecological issues, landscaping, impact upon the historic environment, impact upon agricultural land quality, Public Rights of Way and potential glint and glare. These matters will be considered below.

Visual and Landscape Impact

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

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

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

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

The application is accompanied by a Visual and Landscape Assessment, which has taken account of the Vale of Glamorgan’s Character assessment background document of the area, in which LCAs (Landscape Character Area) have been derived from LANDMAP.

The Landscape and Visual Impact Appraisal (LVIA) document outlines that the site is considered to be medium – low in value as, while it is in reasonably good condition, it is both undesignated and typical of the landscape character area of which it is a part. The relatively flat topography of the site and gently undulating character of the surrounding landscape, and the fact that the site is reasonably well-screened from the wider landscape by surrounding hedgerows and vegetation, means that it has a medium to low susceptibility to change of the type associated with solar farm developments. It is therefore considered to be of medium - low sensitivity.

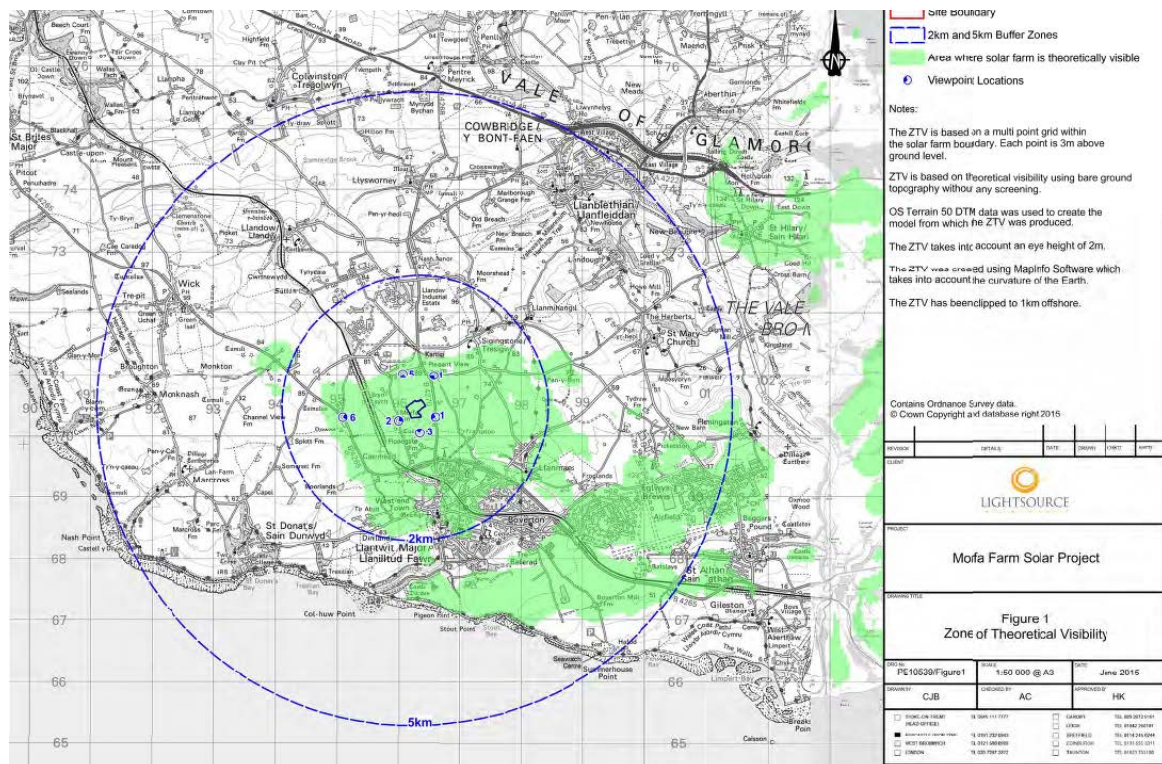
The effects on the character of the site and its immediate surroundings are assessed as medium within the document. The introduction of the solar farm would be a prominent new feature in the landscape of the site and its immediate setting, which may be considered uncharacteristic in this rural context. However, the retention of field boundaries, and other adjacent vegetation, would, together with additional hedgerow planting mean that the wider impact would be largely mitigated. The overall effect of the introduction of the solar farm on the landscape character of the site is therefore assessed as moderate adverse within the LVIA document.

Table 10 below shows the assessment made by the applicant on the possible visual impacts of the proposed development under the Cornwall criteria: -

Table 10 Landscape sensitivity assessment for the solar farm				
Criteria	Lower sensitivity	←————→		Higher sensitivity
Landform	A gently undulating lowland plateau landscape.			
Sense of openness / enclosure	A landscape with some open and some more enclosed areas.			
Field pattern and scale	A mixture of medium to large sized, regular shaped fields. Field patterns tend to be rectilinear.			
Landcover	Dominated by fairly intensively farmed arable land.			
Perceptual qualities	Agricultural activity is predominantly arable. Views of development in close proximity to site at Llandow Trading Estate including former hangars.			
Distinctive landscape features	The Council’s landscape character assessment mentions Llanmihangell Place which is included on the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. It is not located within the ZTV and therefore would not be adversely affected by the development.			
Scenic quality	Land designated as Heritage Coast lies outside this character area. A small section of the eastern part of the character area overlaps with the locally designated Special Landscape Area SLA2 Upper and Lower Thaw Valley, but this lies almost wholly outside the ZTV of the proposed solar farm.			
Overall sensitivity assessment	This character area is considered to have a low - moderate sensitivity to the solar farm. Few of its key characteristics are sensitive to change of the type associated with this form of renewable energy.			

In addition, the assessment has indicated a series of points in the vicinity of the site where the development would be theoretically visible from. It also includes a plan of the Zone of Theoretical Visibility (ZTV), which indicates that the development would be visible from a range of distant views, although the map does not take account of natural features (trees, hedges etc.) and the built environment, therefore the actual areas where the development would be visible are less expansive than shown on the ZTV.

The map identifies that the six primary views of the development would be adjoining roads and footpaths that surround the site. i.e. Morfa lane, B4270 in particular. The map below shows the ZTV.



It is considered that the solar farm is unlikely to be visually perceptible from any settlements, for example, from Llangan, Llantwit Major, Sigingstone or Cowbridge.

It is identified that within 2km of the site, a very small number of individual properties are likely to have views towards the solar farm and would experience some adverse effects on visual amenity. In the case of one property located in close proximity to the site (Peterswell House) up to a moderate – substantial adverse effect on visual amenity may be experienced in the immediate post-construction period. However this level of effect is likely to reduce following growth of the boundary planting. A small number of other properties may have very limited visibility of part of the solar farm, but the effects on visual amenity would not be significant.

Road users travelling on the B4270 would view glimpses of the development when travelling along this road. However, such effects would only be experienced along short sections of the route and in glimpsed views through field openings or over intervening vegetation; the level of effect would also reduce following growth of the boundary hedgerows at the site. In addition, it is considered that the views would be at a sufficient distance not to cause harm

Views from the Public Rights of Way (PRoW) in the vicinity of the site, would be screened by intervening vegetation. The exception is the PRoW to the south of the site, from where there would also be glimpsed views towards the site in which the solar panels would be visible above hedgerows. However, this is with the backdrop of large industrial hangars and Llandow industrial estate. The level of adverse effect on PRoW users would and again this would reduce following maturation of the boundary planting.

Notwithstanding the above, in the instances where the site would be visible to members of the public, the development would introduce a 'non-natural' feature that has not been historically common to a rural context such as this. However, the panels would still be framed within a context of hedgerows and natural features and would be mounted on a series of poles driven into the ground (as opposed to large scale concrete bases/hard standings). While, therefore, the existing rurality of that part of the landscape would be altered to a degree by the proposal, it is considered that those impacts would not be so severe as to render the development fundamentally unacceptable.

While there are relatively limited views of the site (aside from those identified), it is considered relevant to note the commentary (in respect of solar panels generally) of the Appeal Inspector who allowed the appeal against the refusal of permission for a solar farm at Treguff (planning application 2013/00912/FUL). The Appeal Inspector noted:

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

And...

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

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

In addition to the above in terms of scope of views, it should be noted that the proposed development is of low profile and would sit within the existing landscape framework of the application site and the field boundaries that define it.

Consequently, while it would be visible from a certain viewpoint in the surrounding area (particularly those listed above), it is considered that the development would sit relatively well assimilated within the existing landscape features. It is considered that the existing and proposed hedgerows and nature features would largely mitigate the visual impact of the development on the wider landscape and would soften views of the development.

In view of the above, it is considered that the scheme will not have significant impacts on the wider rural landscape and any views of the development will be limited or within very close proximity. It should also be noted that the development is proposed for a period of 30 years, therefore the impacts on the character of the land associated with the development would not be permanent, while the enhancements to the scheme through the provision of additional planting to create field boundaries that will provide benefits to the landscape.

In addition, the proposed buildings, substations inverters etc. have mostly been proposed in a location central to the solar farm development, meaning their visual impact will be limited to the same partial and distant views as the solar panels. In addition, the buildings are all of a modest size with a temporary utilitarian appearance and the application proposes to finish the buildings is a moss green to integrate within the rural landscape.

There is a DNO substation proposed nearer to the entrance along the access and this will be more prominent than those located more centrally. However, again the building is modest in size 5.5m by 4.9m, 4.4m high with a flat sloping roof with a utilitarian design and is sited in a location that means it will be mainly concealed by the hedgerow bounding the field and highway.

The proposed enclosure is a simple 2m high deer fencing that is shown to enclose the perimeter of the solar panel area. The fencing is simply designed fencing with small mammal gates to enable free access for the wildlife located within and adjoining the application site. The design and scale of the fencing is considered acceptable and any wider visual impact than from within the immediate site context will be mitigated by the surrounding vegetation and hedgerow that bounds the application site.

The track amounts to the laying of compacted aggregate stone at a width of 3.5m and 200mm of crushed brick and 75mm of stone in depth. The aggregate stone used for the track has the appearance of a semi-permanent agricultural track that would be commonly seen in a number of rural farming and horse related sites. The aggregate stone is permeable and less permanent than a tarmac or concrete finish and it would not significantly change the rural character of the site. As such, it is considered that the materials used in its construction are acceptable and would cause no significant harm to the character and appearance of the site.

Notwithstanding the above it would not be readily visible from around the site and would only be more prominent from the actual entrance to the site itself. The site is also bounded by high hedges along the adjoining highway that will naturally screen the track. Some hedgerows will be cut back either side of the access into the site, to provide 2.4m x 43m visibility splays. However, the hedgerow will be retained and the character and appearance of the site at the entrance will not be impacted to be level that would be considered unacceptable.

The compound shown within the site will accommodate an area of approximately 30m x 30m for storage and as an offload and turning area, with staff parking. This area is considered necessary during the construction phase and while it would be a relatively large area of hard surfacing, it would be well concealed within the central area of the application site and would take the form of a temporary permeable surface. As such, it is considered that the compound will not have a significant wider impact.

Any approval will be conditioned to remove the compound area following the construction phase.

Cumulative Impacts

The closest large scale solar farm, is that approved under planning permission 2015/00218/FUL (although not yet constructed) for a 5MW Solar Farm at Rosedew Farm. This site is located some 3km to the south, within the lower lying Glamorgan Heritage Coast. Although the ZTV illustrates the potential for theoretical visibility between both site areas when considering the separation distance, variations in topography and the numerous intervening blocks of vegetation and built features, there is no potential for inter visibility and cumulative visual effects. Due to the separation distance it is also concluded that there is no potential for combined or in succession visibility to both sites from locations within the study area.

It is, therefore, considered that there would be no cumulative landscape or visual effects arising from the proposed development being constructed and any recently approved solar farm developments within the locality.

Site Restoration

In order to make the proposed development viable, the submissions advise that it is important that it is operational for a period of at least 30 years. At the end of its operational life, all equipment associated with the solar farm will then be removed from the site, and minor remediation works undertaken to backfill any excavated areas.

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

Conclusion of Visual and Landscape Impact

In light of all of the above, it is considered that the Visual and Landscape impact assessment, produced to consider the landscape and visual scheme layout, demonstrates that the proposed development would be integrated within the existing site features and assimilated into the surrounding landscape without causing a wide scale change to landscape character and visual amenity.

It is therefore considered that while the development would alter the appearance and character of the land and would be visible from part of the adjoining road and from PRow routes to the south, the adverse impacts in this respect would not be considered to be so great as to warrant refusal of the application as such impacts are local and do not have a significant wider impact upon the landscape. Moreover any limited harm arising is considered to be outweighed by the sustainable energy benefits delivered by the scheme, which are supported in both local and national planning policies.

In summary, it is considered that it would comply with the aims of Policies ENV5, ENV10, ENV27, EMP7 and COMM8 of the UDP, and the national guidance within TAN6 and 8, and PPW in respect of visual impact.

In reaching this conclusion, it is emphasised that the solar park with a capacity of 2MW would make a significant contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases according with the government's aims concerning climate change. These are all important considerations that appeal Inspectors have recently emphasised should be given considerable weight in the overall planning balance. In this respect, they emphasise that landscape and visual impacts are only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects.

Highways Issues

Construction Period and Decommissioning

The submissions with the application outline that during the construction and decommission phases, traffic movement to and from the site will be minimised as much as possible. It is suggested that the deliveries will be restricted to the following hours, 8am to 6pm Monday to Friday and 8am to 1pm Saturday. Deliveries will be scheduled in order to avoid peak traffic times and over a four week period.

The preferred haulage route to Morfa Farm will be via the B4270 running northwards from the B4265 at Llantwit Major. Vehicles will turn left off the B4270 onto the unnamed, unclassified road approximately 500m to the north of the site, and will then turn left onto Morfa Lane.

The potential traffic impact associated with the construction of this development would be limited to a small increase in the number of vehicles using the roads around the site for a short period (approximately 4 weeks). In particular, there would be an increase of about four two-way trips per working day in the number of large vehicles using the designated haulage route.

This impact would be mitigated by arranging for the majority of construction-related traffic to travel outside peak periods (i.e. mid to late morning and early to mid -afternoon) for the large delivery vehicles (one two-way movement at two-hourly intervals between 10am and 3pm) and before the morning peak and after the evening peak for the general site traffic.

Thirty six HGVs are expected during construction and 48 HGVs during the decommissioning. A compound area and parking area has been proposed within the site for the parking of HGVS, loading and unloading. It is also detailed that a highway condition survey will be carried out prior to the construction period and following construction and if there is any damage, remediation works will be carried out to compensate. The proposal would increase the width of the existing access to improve visibility splays, and provide two passing places along the narrow Morfa Lane.

Operational Phase

The traffic to and from the site during the operational phase is minimal and will have no significant bearing on the highway safety within the locality. The Council has no concerns regarding the highway safety during the operational phase.

Assessment of Impacts

The Highways Authority were consulted in respect of the application and had no concerns regarding the operational phase of the development, which will result in a minimal increase in traffic .

The construction phase of the development was considered to be the principal area of interest to the Highways Authority, especially given the size and number of construction vehicles that would be visiting the site and travelling along the narrow Morfa Lane. The surrounding highway network was ultimately considered to be acceptable; especially given that to the north of the site is Llandow Industrial Estate, which accommodates a substantial number of large vehicles on a day to day basis. The main area of concern was the narrow Morfa Lane, which is a single track rural road of appropriately 3.5m wide, which could potentially be impacted upon by virtue of the construction traffic. However, subject to conditions to implement passing bays along Morfa Lane and the compound area within the site (as well as temporary signage and a highway condition survey) the Highways Authority do not object to the proposed development.

Accordingly, it is considered that while the construction phase of the development will lead to increased levels of traffic over a 4 week period, the existing highway network is more than capable of accommodating the increased traffic. As the applicant has provided assurances that the concerns regarding large vehicles accessing the site along Morfa Lane can be mitigated via passing bays and a highway condition survey, the development is considered acceptable in highway terms.

Consequently, the proposal is considered to comply with the relevant objectives set out in Policies ENV27, EMP7 and COMM8 of the Adopted UDP 1996-2011, in terms of highway impacts.

Impact on residential amenity

Impact on Properties Close to the Access and Site

The dwellings sited closest to the point of access to the site will inevitably be impacted upon to a degree by the deliveries and activities associated with the construction of the development. In particular, those residents along Morfa Lane, for the duration of the works (estimated at four weeks), will be impacted upon temporarily by HGVs and light vehicles entering and leaving the site six days a week.

However, the distance of the site access, and track to the area of the solar development from the nearest residents would mitigate the visual impact, while the hours of construction will be controlled to between 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturday to minimise the impacts during the construction period. Although it is accepted that the construction of the development will have an impact on nearby residents, to a degree, this will only be for the duration of the construction and decommissioning works such that it is not considered reasonable to withhold permission on this basis.

In respect of ongoing operations, any such maintenance would use the proposed access but this would be minimal and would have no greater impact than its use by existing farm traffic, such that there would be no unacceptable adverse impact following the construction period.

It is also considered that nearby properties would not be unacceptably impacted upon in terms of noise or light pollution. In these respects, the development is considered to be in accordance with Policies ENV27, ENV29 and COMM8 of the UDP in terms of residential amenity.

Flooding Issues

The TAN 15 Development Advice Map (DAM) shows that the site is located within Flood Zone A where there is little or no risk of fluvial or coastal/tidal flooding. There is a narrow area of Flood Zone C2 adjacent to a railway line, which then follows the route of the Odney Brook southwards. This area of Flood Zone C2 is approximately 600m south-west of the site at its nearest point, at an elevation approximately 3m lower than the site and is separated from the site by Morfa Lane.

The applicant has submitted a Flood Consequence Assessment with the application. The FCA indicates that the panels will not create impermeable areas and any risk of erosion due to concentration of runoff will be mitigated by the cultivated soil and thick sward of tussocky grass and its maintenance regime, resulting in no net increase in runoff reaching the site boundary.

Surface water runoff resulting from the installations would be dealt with by dispersal to the surrounding land, thereby not increasing the likelihood of flooding elsewhere. Similarly, runoff from the access tracks would be reduced by the use of permeable materials and collected in shallow swales with regular turn out features to dissipate the flows across the site.

National Resource Wales were consulted in regard to the FCA but had no comments to make on the impact of the development on flooding. The Councils Drainage Engineers were consulted and while they are yet to provide a formal response to the development, they have indicated that there is no objection.

Accordingly, it is considered that the proposed pipe culvert and permeable surfacing of the track would mitigate any flooding issues and the additional swale ditches would ensure that the run off from the solar panels is dealt with adequately. Accordingly, it is considered that the proposed development would not increase the chances of flooding within the site and at adjoining land, complying with the objectives of Policies EMP7 and COMM 8 of the Adopted UDP 1996-2011 and the relevant PPW and TAN guidance.

Conditions will be added to any consent to ensure that details of the pipe culverts for the access and the swale ditches details are submitted to and approved by the LPA prior to the commencement of the development.

Ecology

The application was accompanied by an Ecological Appraisal and a Biodiversity Management Plan. The appraisal identified that the land was arable farmed land and there was potential for nesting birds, such as lapwing and skylark, and that Great Crested Newts were present in water bodies within 250m of the site. The appraisal considered the potential impacts on birds, terrestrial mammals, amphibians, reptiles and invertebrates. Overall it was outlined that the impacts are considered to be low and with appropriate mitigation and sensitive design measures, impacts on protected species can be avoided.

In addition, the report identifies that the development would not result in the removal of hedgerow or trees within the site, whilst mitigation measures would be in place to avoid impacts upon the hedgerow during the construction phase of the development.

Following consultation with NRW and the Councils Ecology section, the Councils Ecology Officer requested further information on nesting birds and a justification for why no further bird survey was carried out. In addition, it was requested that a Great Crested Newt Method Statement be provided. NRW did not object to the proposed development subject to the method statement outlined being implemented but advised that they could make no further comment on the need for a licence without an appropriate method survey on Great Crested Newts.

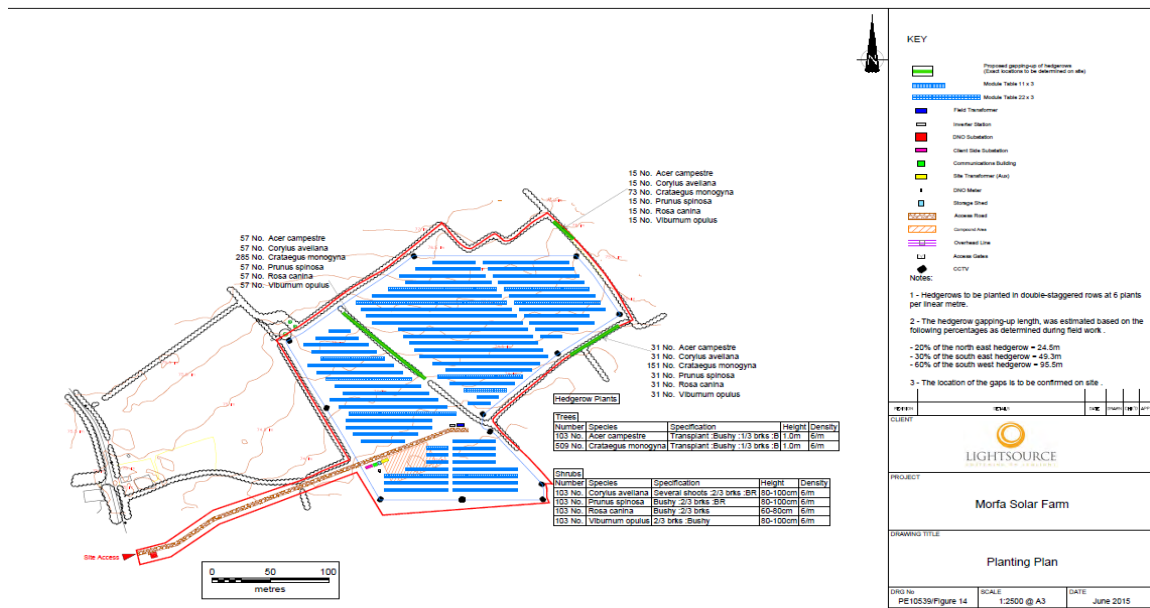
Further to the submission of the original ecology report, plus further information justifying that a bird survey was not required and a GCN method statement, the Council's Ecology Officer withdrew the objection to the scheme, subject to conditions to ensure the development is carried out in accordance with the relevant method statements.

Accordingly, it is considered that the development is acceptable in respect of ecology matters, subject to the applicant implementing the mitigation measures set out in their method statements.

Landscaping

Landscaping and Biodiversity enhancement details have been submitted via the Biodiversity Management Plan and the planting plan.

Habitat enhancement measures include the reversion of arable land to more species and structurally diverse grassland, gapping up of hedgerows and tree planting. Species have been selected to be appropriate to the locality and which will establish in land under former arable cultivation. The proposed hedgerow planting plan can be seen on the plan shown below:



It is considered that the simple measure to retain much of the existing hedgerow and tree vegetation on the site and enhance the grassland and hedgerows that bound the site will be effective in ensuring the potential for wildlife enhancements on the site and to naturally integrate and screen the solar farm within the existing landscape.

The biodiversity and landscaping proposals are required by condition.

Impact upon the Historic Environment

The application was submitted with an Archaeological and Cultural Assessment document to assess the potential impacts of the proposed development on scheduled ancient monuments, registered historic parks and gardens, Listed Buildings and the potential for archaeological remains. In situations where development is likely to causes any harm of significant damage to these listed structures, the presumption would be against the development.

The assessment identified that the proposed development would be within a 5km of the scheduled monuments known as: -

GM019- Castle Ditches Camp
GM020- Caermead Roman site
GM111- Round V Barrows W of Cant- ERW
GM140- Dovecote
GM142- Llantwit Major Monastic Settlement
GM188- Morfa House Round Barrow
GM189- Dormen Fawr Round Barrows

The ZTV outlines that the proposed solar may be visible from all of these structures but the view would be blocked by intervening vegetation and structures, The only structures that would be impacted would be GM188 and GM020, being 0.3km and 0.5km distance from the development respectively.

Cadw were consulted in respect of the proposed developments. Cadw raised no objections to the proposals and did not require any further clarification or conditioning of the consent, outlining that they agreed with the assessment that the proposed development will have a negligible impact on the designated monuments GM020 and GM188 setting, given the fact that the proposed development will be screened by hedgerow.

Similarly in respect of Listed Buildings, the ZTV outlines that Little Frampton Farmhouse is within the zone of visibility, approx. 1km to the south east. It is considered that given the distance as well as vegetation and structures that would be in between the two locations, the impact is minimal.

Glamorgan Gwent Archaeological Trust (GGAT) was consulted with respect to the impact of the proposed development. GGAT did not object to the proposed development but as there was potential for archaeological remains, it was outlined that a written programme of archaeological work was required to be submitted and approved to the Local Planning Authority prior to the commencement of the development.

Following consultation with the applicant a written programme of archaeological work was submitted to the Council and on further consultation with GGAT it was agreed that the written programme of work was satisfactory. Accordingly, a condition will be attached to ensure the development is carried out in accordance with the details submitted.

Impact on agricultural land quality

Policy ENV2 states amongst other things, that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from irreversible development, save where overriding need can be demonstrated. The 1966 Agricultural Land Classification Maps indicate that the site is Grade 2, whilst the submissions with the application outline that the agricultural land subject of the application is classed as a Grade 3b. It should be noted that the 1966 survey is unlikely to have comprised detailed surveys of all land, therefore a recent detailed survey of the land in general is considered to hold more weight.

However, notwithstanding the grading, the proposed development would not irreversibly affect the land, since the panels are mounted on poles that are driven into the ground and not on concrete bases or similar. The nature and height of the panels are also such that sheep could continue to graze between them.

Subject to a condition controlling the de-commission of the site following a period of 30 years, or within 6 months of the cessation of electricity generation, whichever is sooner, (as suggested by PPW) the land will in any respect be restored to its former condition such that any impact would not be irreversible.

Public Right of Way (PROW) Issues

The site is not crossed by any public rights of way, although there are a number in the vicinity. It is considered that the development would not adversely impact upon their usability.

Potential Glint & Glare

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

The Civil Aviation Authority suggests that aerodromes may be affected within a 5km radius, although no objections have been received from Cardiff Airport following consultations. The proposal is therefore considered to be acceptable in these terms and it is considered that there is no evidence to suggest that the development would represent a hazard to air safety.

CONCLUSION

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

Having regard to Policies 1, 2, ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV 7- Water Resources, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of the Built and Historic Environment, ENV27 - Design of New Developments, ENV29 - Protection of Environmental Quality, EMP7 - Farm Diversification, and COMM8 - Other Renewable Energy Schemes, and the advice contained within Planning Policy Wales 7th Edition (July 2014) and Technical Advice Notes 6: Planning for Sustainable Rural Communities and 8: Planning for Renewable Energy and 11- Noise, and the Council's Supplementary Planning Guidance, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of the rural location, while also having no unacceptable impacts on highway safety, residential amenity, ecology, flooding, potential glare / air traffic safety and impact on agricultural land quality.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference
Draw ref TD_01 received on 3 July 2015
Draw ref DNO_01 received on 3 July 2015
Draw ref CSR_01 received on 3 July 2015
Draw ref Access Track Detail received on 3 July 2015
Draw ref ID_01 received on 3 July 2015
Draw ref SB_01 received on 3 July 2015
Draw ref CB_01 received on 3 July 2015
Draw ref Site Context Plan received on 3 July 2015
Draw ref Site Location Plan received on 3 July 2015
Draw ref CCTV_01 received on 3 July 2015
Draw ref MRF_01_Rev 3 received on 3 July 2015
Draw ref PE10539/Figure1 received on 3 July 2015
Draw ref PE10539/Figure2 received on 3 July 2015
Draw ref PE10539/Figure3 received on 3 July 2015
Draw ref PE10539/Figure4 received on 3 July 2015
Draw ref PE10539/Figure5 received on 3 July 2015
Draw ref PE10539/Figure14 received on 3 July 2015
Draw ref Viewpoint1 received on 3 July 2015
Draw ref Viewpoint2 received on 3 July 2015
Draw ref Standard Deer Fencing Details received on 3 July 2015
Draw ref Viewpoint3 received on 3 July 2015
Draw ref Viewpoint4 received on 3 July 2015
Draw ref Viewpoint5 received on 3 July 2015
Draw ref Viewpoint6 received on 3 July 2015

Draw ref MRF 666-11-1 Rev 4 received on 28 October 2015
Draw ref PE10539-003 received on 7 October 2015
Draw ref PE10539-002 received on 7 October 2015
Design & Access Statement received on 3 July 2015
Addendum to Design & Access Statement dated 21 August 2015
Construction, Decommissioning and Traffic Management Method Statement received on 3 July 2015
Statement of Community Involvement received on 3 July 2015
Geophysical Survey Report received on 3 July 2015
Archaeology and Cultural Heritage Assessment received on 3 July 2015
Landscape and Visual Impact Appraisal received on 3 July 2015
Flood consequences Assessment received on 3 July 2015
Preliminary Ecological Appraisal received on 3 July 2015
Biodiversity Management Plan received on 3 July 2015
Transport Assessment received on 7 October 2015
Method Statement- Great Crested Newts received on 12 October 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. Within 30 years following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted in writing to the Local Planning Authority within one month following the cessation of power production or within 30 years of the completion of construction, whichever is the sooner. Therefore, the site shall be restored in accordance with the approved scheme within two months of approval of the details by the Local Planning Authority.

Reason:

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

4. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other time except between the following hours:

Monday to Friday	0800 – 1800
Saturday	0800 – 1300

Unless such work –

- (a) is associated with an emergency (relating to health and safety or environmental issues);
- (b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

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

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

Reason:

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

6. The means of enclosure associated with the development shall be in accordance with the details outlined on drawings 'Standard Deer Fence Details including Mammal Gate' in the location outlined on the proposed layout drawing ref MRF_01_Rev3 submitted on 3 July 2015 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

8. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with the written scheme of investigation document reference 'Written Scheme of Investigation for an Archaeological Watching Brief' received on 19 August 2015.

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.

9. The development shall at all times be carried out in accordance with the measures, recommendations and requirements of the Preliminary Ecology Appraisal, Biodiversity Management Plan submitted with the application on 3 July 2015 and Great Crested Newts Method Statement received on 12 October 2015.

Reason:

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

10. The development shall be carried out in accordance with the landscaping scheme details shown on draw. PE10539/Figure 14 received on 3 July 2015 unless otherwise 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.

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

Reason:

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

12. Surface water and land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system and to ensure compliance with Policies ENV7 and COMM8 of the Unitary Development Plan.

Reason:

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

13. The site shall be served solely by the existing gated access to the west of site, as shown on the site layout Plan ref MRF_01_Rev3, unless otherwise agreed in writing by the Local Planning Authority .

Reason:

In the interest of Highway/Public Safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

14. Notwithstanding the submitted application documents, details of the colour and materials of the external finishes of the DNO substation shall be submitted to and approved in writing by the Local Planning Authority prior to their construction and the development shall thereafter be implemented and maintained in accordance with the approved details.

Reason:

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

15. No development shall commence until details of the drainage of the access track, including the pipe culverts and swale design and layout outlined in the FCA report received on 3 July 2015 have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved drainage details and implemented prior to the beneficial use of the development and maintained at all times thereafter during the operational phase of the development.

Reason:

To avoid off-site problems with surface water run off from the development of this site and to ensure compliance with Policy ENV6 of the Unitary Development Plan.

16. The developer shall provide and maintain facilities for wheel washing for the duration of the construction works in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to the first commissioning of the development.

Reason:

In the interest of highway / public safety and the free flow of traffic along the adopted highway network and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

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

Reason:

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

18. Following the construction of the solar panels and prior to their first commissioning the developer shall appoint an independent maintenance consultant to carry out a full and comprehensive condition survey of the highway network referred to in Condition No. 17, so as to identify any difference in the condition of the highway since the commencement of the construction of the solar park, and any repairs required as a consequence. The survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

19. Following the construction of the solar panels and prior to their commissioning, the developer shall carry out any repairs to the adopted highway identified in the second survey required by Condition No. 18 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

20. Any gates required at the access to the application site shall be located at a minimum distance of 20m from the adjacent highway during the construction phase of the development. Thereafter, any gates will be required to be a minimum distance of 6m from the adjacent highway at Morfa Lane.

Reason:

For highway safety reasons and to comply with the objectives of Policy COMM8 of the Unitary Development Plan.

21. The approved access shall be implemented in accordance with the junction visibility splays of 2.4m x 43m and shall be constructed from a bound material for a minimum of 6.0m from the edge of the adopted highway and thereafter from compact crushed stone for a minimum of 15m. The access and its widening shall be constructed in accordance with the Councils standard details for adoption, prior to any works commencing on the construction of the solar farm hereby approved.

Reason:

For highway safety reasons and to comply with the objectives of Policy COMM8 of the Unitary Development Plan.

22. Prior to commencement of development, details of temporary road signs and their location (warning of construction traffic) alongside measures to control background traffic are required to be submitted to and agreed in writing by the Local Planning Authority. The signs shall be implemented/activated in accordance with the approved details prior to and for the duration of the construction works.

Reason

For highway safety reasons and to comply with the objectives of Policy COMM8 of the Unitary Development Plan.

23. No development shall commence until full construction and engineering details of the proposed two passing places as shown on Drawing No. PE10539-003, included with the revised Transport Assessment (October 2015) shall be submitted to and agreed in writing by the Local Planning Authority. The proposed passing bays shall be implemented in accordance with the approved details prior to the commencement of any development within the application site and retained for the whole construction phase of the proposed development.

Reason

To provide adequate improvements to accommodate the construction traffic along Morfa Lane.

24. The haulage route for the construction phase of the development shall be in accordance with the details outlined in the revised Transport Assessment (October 2015) and the associated location plan ref PE10539-001 submitted with the document unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For highway safety and to protect residential amenity, complying with the requirements of Policy COMM8 of the Unitary Development Plan.

25. Following the duration of the construction phase of the development, the proposed compound area, storage and offload area as well as the parking spaces shown on drawing ref MRF 666-11-1 Rev 4 shall be removed and the land shall be restored in accordance with a scheme (and timeframe) to be submitted to and agreed in writing by the Local Planning Authority. The details shall be submitted prior to the first commissioning of the development.

Reason:

To protect visual and residential amenity, complying with the requirements of Policy COMM8 of the Unitary Development Plan.

NOTE:

1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
2. **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.**
3. **Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**

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.

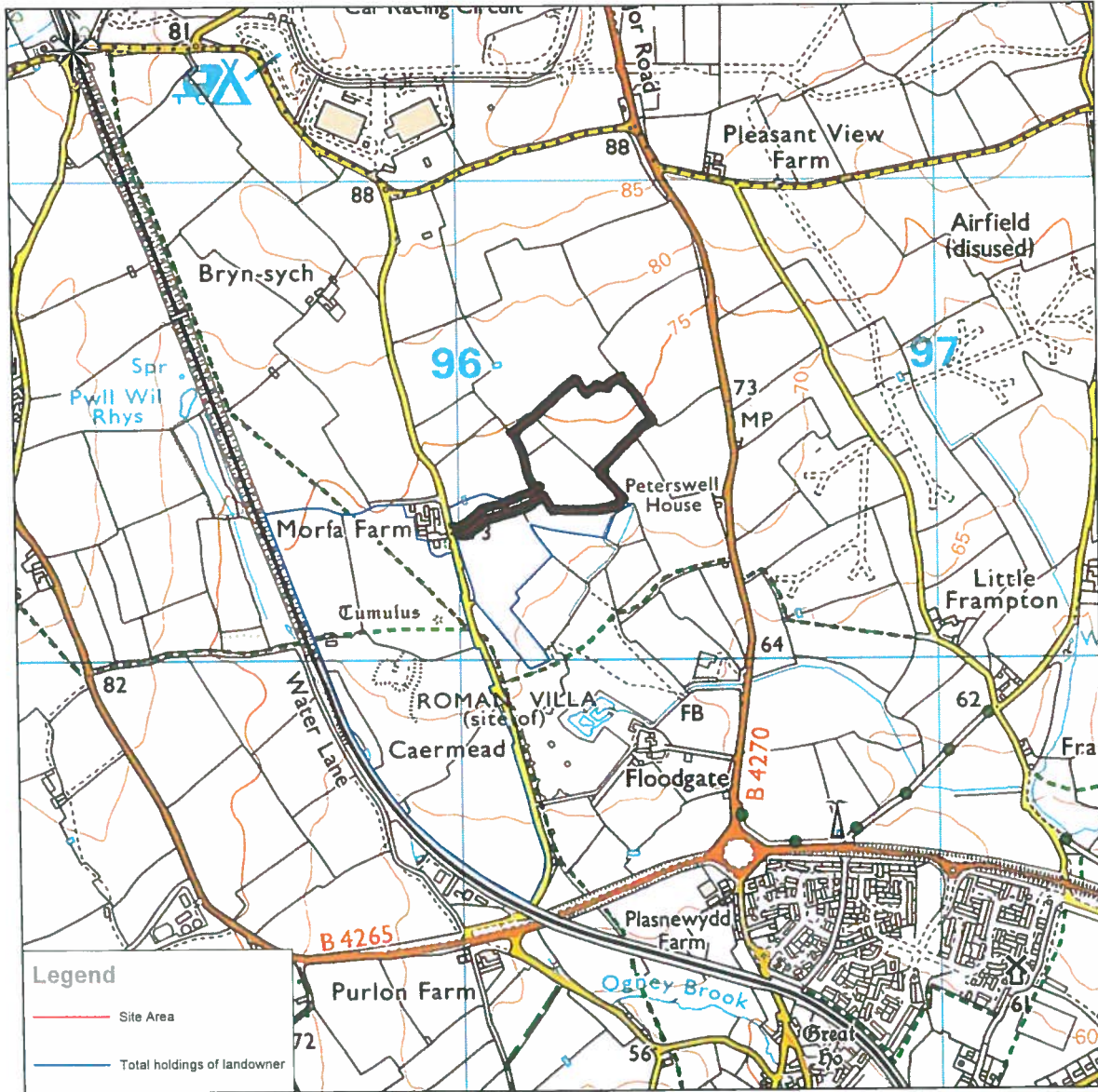
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

Site Context Plan

2015/00782/FUL



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0m 250m 500m 750m 1000m

Scale: 1:10000, paper size: A3



LIGHTSOURCE
SWITCHING ON SUNLIGHT

plans ahead by emapsite™

Prepared by: Jonathan Wright, 30.06.2015

Sirius SBC Renewables, Wyastone Business Park, Monmouth, NP25 3SR
Stratus Environmental Limited, Office Suite 2, Thorpe Park, The Beacon Centre
for Enterprise, Dafen, Llanelli, SA14 8LQ

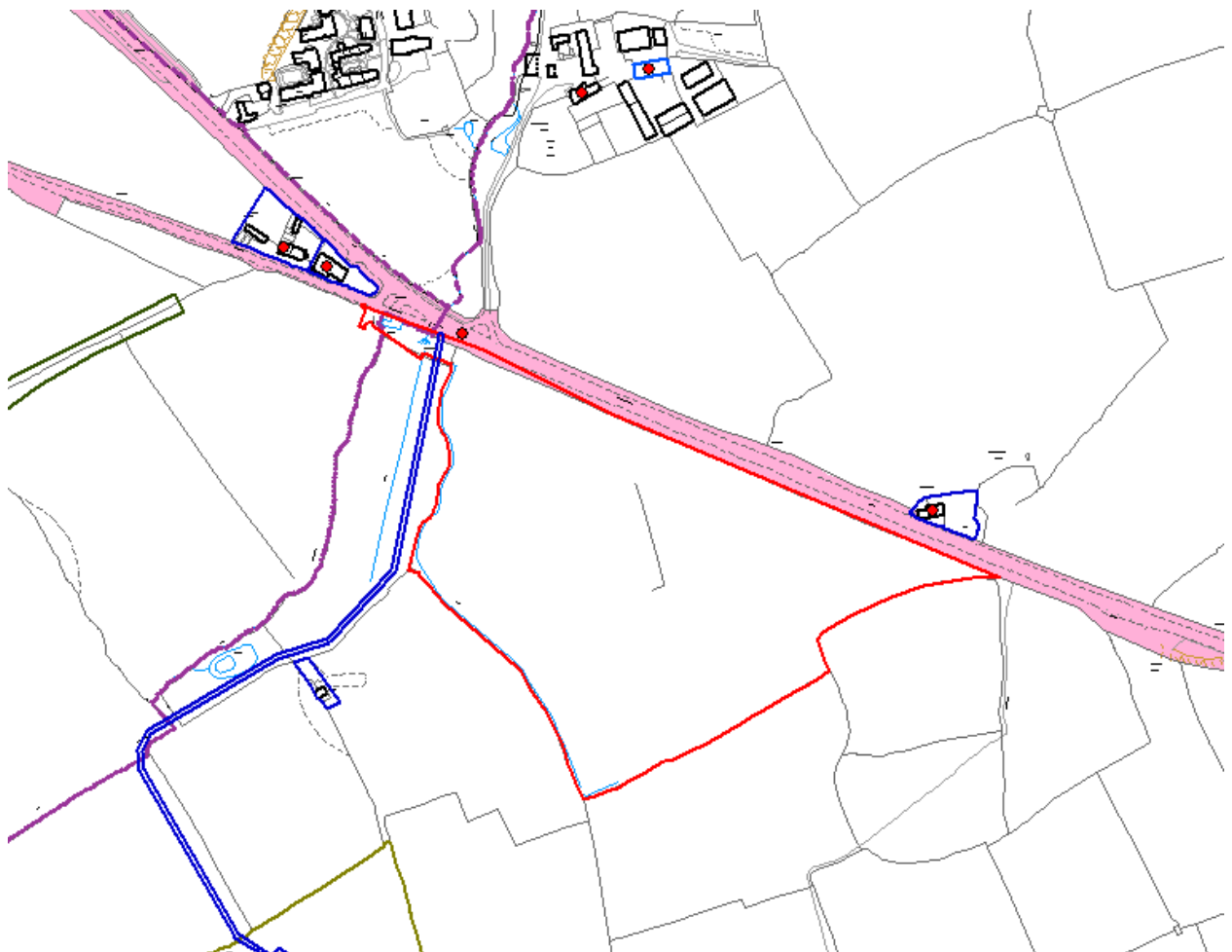
Corntown Farm, Corntown

Construction and operation of a solar photovoltaic farm including site access, internal service roads, perimeter fencing, inverter and transformer stations, below ground cabling, CCTV, Substations, internal access road and landscaping/biodiversity enhancements

SITE AND CONTEXT

The application site relates to 8.6 hectares of agricultural land located some 1.6 km to the east of the village of Corntown and some 700 metres to the north of the village of Colwinston, in an elevated position overlooking the A48.

The site is bounded to the north by the A48 at Crack Hill and to the east, south and west by other agricultural land. Topography is undulating with a general downward slope from east to west, with altitude falling from around 50m above Ordnance Datum (AOD) to 35m AOD.



Part of the site is crossed by Public Footpath No.9

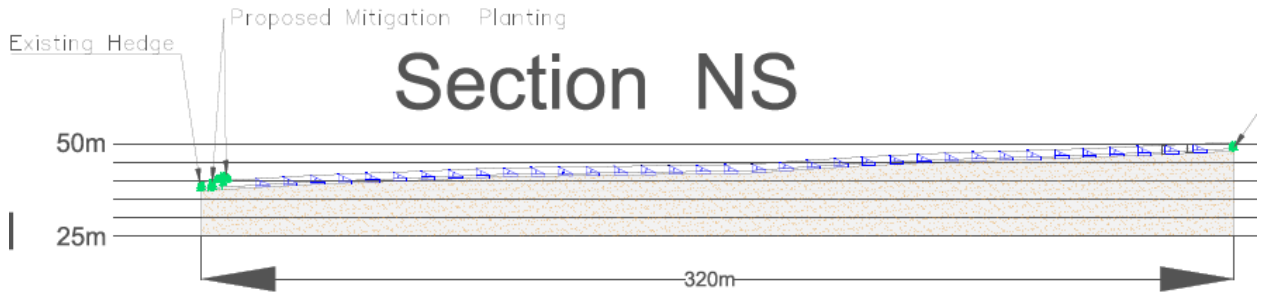
DESCRIPTION OF DEVELOPMENT

This is a full planning application, as amended, for the construction and operation of a solar photovoltaic farm including site access, internal service roads, perimeter fencing, inverter and transformer stations, below ground cabling, CCTV, Substations, internal access road and landscaping/biodiversity enhancements

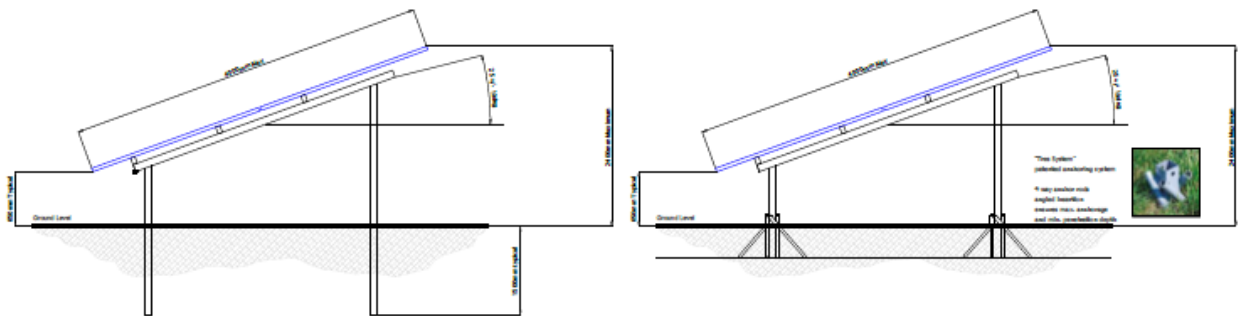
The scheme has been amended, to omit the development of the eastern part of the site, therefore reducing the overall scale of the development to a 2.6MWp scheme from 3.4MWp.



The solar farm deployment area covers a total area of 4.7 hectares within an overall application area that extends to 8.6 hectares. The solar farm will be set within the existing structure of the grass pasture fields, set within a mature landscape structure of hedgerows and trees, all of which will be retained and integrated with the solar farm proposals. The site is internally enclosed by a security fence. The field will host solar panel modules mounted on angled frames aligned west to east to a maximum height of up to ~2.4m above ground level. A section taken through the field, illustrates that layout and orientation of the panels.



A typical detail showing the solar panel on a frame is illustrated below:



The solar farm will comprise the following:

- Photovoltaic (PV) panels and associated supporting frames;
- Inverter and transformer stations (housed in prefabricated containers) and on-site substations;
- Below ground cabling linking inverter and transformer stations to the substations;
- Perimeter fencing (Deer, timber post and wire specification) and inward facing infra-red (invisible) CCTV;
- Internal service roads;
- Temporary set down area;

- Site access during the construction and operation phases; and
- A scheme of landscaping.

PLANNING HISTORY

2015/00503/SC1 : Land at Corntown Farm, Bridgend - Proposed solar photovoltaic development - Environmental Impact Assessment (Screening) - Not Required 17 June 2015.

CONSULTATIONS

Colwinston Community Council were consulted and have made the following comments.

The Council would like to see greater and taller screening around the development, even if this means diverting or undergrounding the electricity lines where needed. The Council would also like the planning department to be conscious of the holiday home business which overlooks the site.

The Council's Public Rights of Way Officer was consulted and initially objected to the application, as no reference was made to Public Right of Way (No.9 Colwinston) that crosses the site.

In response, a technical note has been submitted which specifically considers the potential impact on PRoW No.9 and how the route will be safeguard during the temporary construction phase of the development.

The Public Rights of Way Section withdraws its objection to the application following receipt of the applicants detailed footpath management proposals.

The Council's Highway Development Team were consulted and in summary have raised no objection, subject to compliance of conditions in respect of the following, no objection is raised :

- Implementation of the Construction Traffic Method Statement,
- Pre and post development highway condition survey,
- Widening of the existing vehicle crossover, and
- Proposed means of access shall be constructed from a bound material for a minimum distance of 6.0m from the boundary of the adjacent carriageway and thereafter, from compacted crushed stone for a distance of 15.0m

The Council's Highways and Engineering Team (drainage) were consulted and requested the submission of a Construction Environmental Management Plan (CEMP) to include details for managing silt-laden runoff for the site. In addition, detailed design of the access track, and any associated works area also required to manage surface water runoff, are also required to be submitted by way of condition.

The final version of the CEMP addresses the additional information required and the appropriate measures to manage polluted run-off, both during and post construction, which must be implemented.

The Council's Environmental Health Team (Pollution) were consulted and have stated that the development has, due to its location, the potential to affect residential properties some distance from the site during the construction phase and have therefore recommended that construction and piling operations are limited to prevent any potential negative impact. Moreover they have also stated that there is also the potential for unexpected contamination to be found during the construction phase. To protect the health of any workers on-site and to recognise any potential contaminants, a condition shall be included to safeguard any worker from unnecessary risk.

The Council's Ecology Officer has assessed the submitted appraisal, welcomes the submitted report and agrees with the findings that the development is unlikely to impact any protected species and the retention of all hedgerows and trees within the development.

It is however recommended that a condition is imposed to require the submission of a Biodiversity Management Plan, incorporating all protection and enhancement measures (including a revised fencing plan and lighting strategy)

The Council's Landscape Section were consulted and made the following comments :

The site is clearly visible from the A48 for approximately 0.5km travelling east between the Brocastle Estate roundabout to Brocastle Farm access, after which the hedge bounding the north east of the site begins to screen the site from road users. Consideration should also be given to the network of footpaths linking the A48 with the settlements of Brocastle and Treoes to the north and Colwinston to the South, from which there are points where the site forms the foreground of a panoramic view across the visual and sensory character area of the Northern Vale Lias Slopes. The visual impact of the development will be notable at representative viewpoints 1,4 and 5.

Whilst the reduction in the size of the scheme is acknowledged it remains reliant upon the landscape mitigation proposals to reduce these effects and it should be considered whether the visual impacts, which will be significant at these representative viewpoints, are acceptable without the landscape mitigation which could fail to establish and at best will only partially screen the development.

Cardiff Airport (Safeguarding) were consulted and have confirmed that the proposed development does not conflict with safeguarding criteria and the impact therefore has no safeguarding objection to the proposal.

National Air Traffic Control Centre were consulted and have confirmed that the proposed development does not conflict with safeguarding criteria and therefore they have no safeguarding objection to the proposal.

Civil Aviation Authority were consulted and no comments have been received to date.

Ministry of Defence were consulted and no comments have been received to date.

Glamorgan Gwent Archaeological Trust were consulted and have advised that the proposed works will require archaeological mitigation (by way of condition) for the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Natural Resources Wales were consulted and have raised no objection.

Bridgend County Borough Council were consulted on the original scheme and have raised no objection subject to a condition being attached to any permission requiring additional landscaping, including trees, to the northern and western boundaries of the site.

REPRESENTATIONS

The neighbouring properties were consulted on 7 August 2015 and site notices were also posted. To date one letter of representation has been received from Highfield Farm Holiday Cottages, Colwinston. The letter is attached as Appendix A and the concerns raised are summarised below :

- Intrusion into the unspoilt part of the Vale of Glamorgan landscape
- Various footpaths , cross, run or look straight at the site
- Fencing and cameras will result in an alien feature in the landscape
- Agricultural land quality of the site
- Screening will be non-existent
- Proposal would result in no permanent employment in the area
- Speed surveys are inadequate and access to site is an accident black spot
- Potential for surface water run-off and flood risk
- The proposal does not constitute farm diversification
- Proposal is contrary to Policy
- Application not supported by noise data

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:

- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
- ENV2 - AGRICULTURAL LAND
- ENV7 - WATER RESOURCES
- ENV10 - CONSERVATION OF THE COUNTRYSIDE
- ENV11 - PROTECTION OF LANDSCAPE FEATURES
- ENV16 - PROTECTED SPECIES
- ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
- ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
- EMP7 - FARM DIVERSIFICATION
- COMM8 - OTHER RENEWABLE ENERGY SCHEMES

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

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

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

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

Planning Policy Wales:

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

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

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

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

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

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;

- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability; and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

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

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

Technical Advice Notes:

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

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

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

- 1.6 As well as developing new sources of renewable energy which are essential to meeting the targets set by energy policy, the Assembly Government is fully committed to promoting energy efficiency and energy conservation. The land use planning system is one of a number of mechanisms which can help deliver improved energy efficiency and local planning authorities are expected to consider matters of energy efficiency when considering planning policy and applications.
- 3.15 Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

TAN5 – Nature Conservation and Planning

Other National Guidance / Statements:

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

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

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

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

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

Supplementary Planning Guidance:

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

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

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8 November – 20 December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council has considered all representations received and has submitted the Local Development Plan to the Welsh Government for Examination in public is expected to commence in early 2016.

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

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

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

- Designation of Landscape Character Areas (2013 Update)
- Renewable Energy Study (2013 Update)
- Renewable Energy Assessment (2013)

Issues

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

The Principle of the Development

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

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

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

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

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

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

In addition, and with specific reference to the nature of the location, TAN 6 states that many economic activities can be sustainably located on farms. Small on-farm operations such as renewable energy, are likely to be appropriate uses.

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

Landscape Impact

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

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

Nevertheless, at 19.2.4 it is generally acknowledged that designated areas and in particular protected landscapes have a vital role to play in contributing towards reducing carbon emissions. The reference to ‘protected landscapes’ relates primarily to national designations.

It should be noted that the site lies out of any designated ‘protected landscapes’ and outside of any of the Special Landscape Areas designated under UDP policy ENV4.

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

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

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

The application is accompanied by a Landscape Visual Impact Assessment (LVIA) which has been amended following a reduction in the size of the proposal.

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

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

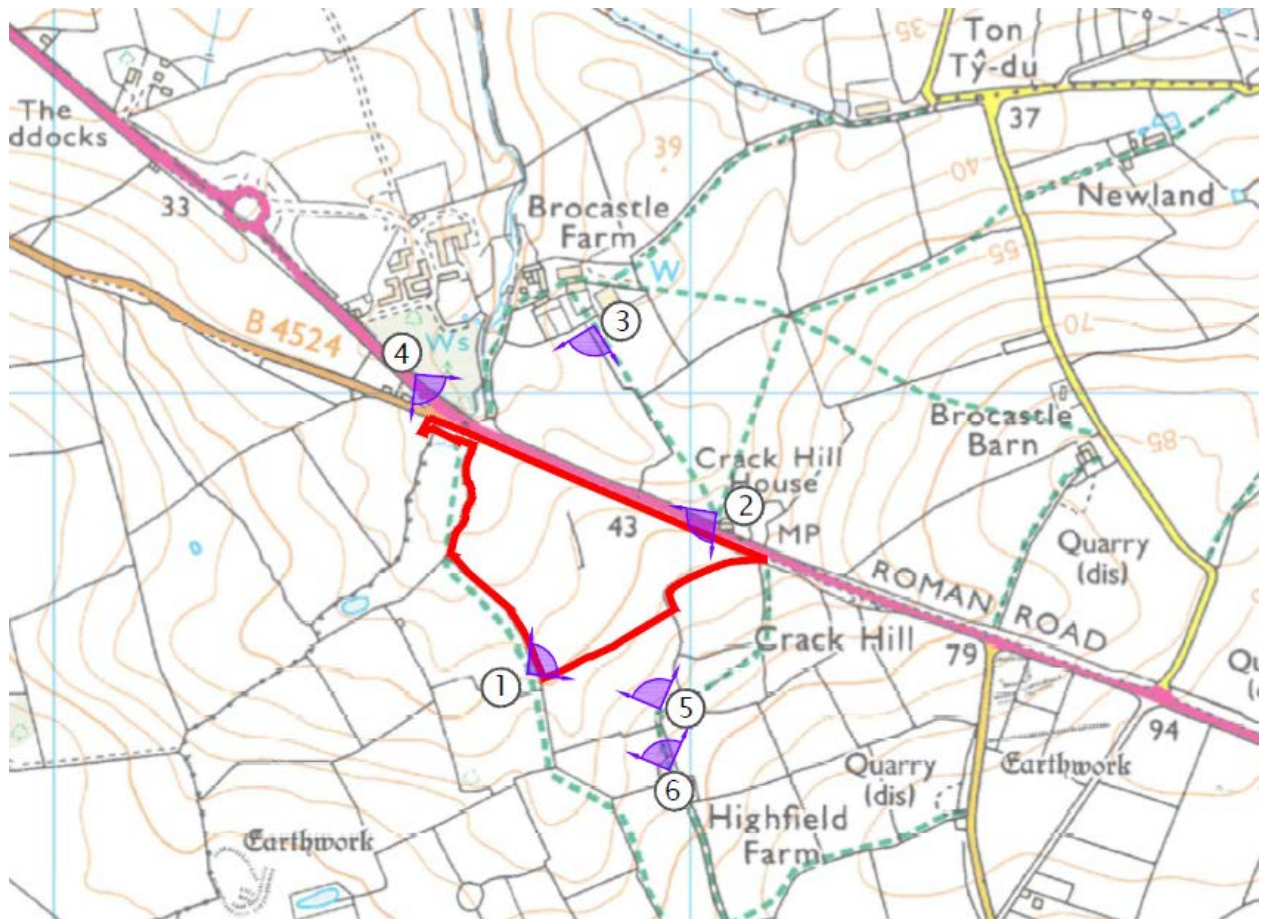
Visibility mapping of the Corntown Solar Farm has been prepared to a 5km radius from the site. Figure D5 Zone of Theoretical Visibility (ZTV) plan illustrates the theoretically visible areas of the solar farm (to the top of panel), up to 2.4m above ground level, from four representative elevation points spaced within the site boundary and encompassing the highest points (where the panels would be) within the site area.

Visibility is shown to be restricted by topography around the site area with the development only 'theoretically visible' within an area <~1km to the east, south and west. No further visibility is shown past this localised area to any further elevated areas to the east, south and west. Visibility is more extensive to the north with expansive theoretical visibility shown over the descending hillsides to the wide valley hosting the Waterton industrial estate and the rising south facing slopes of Bridgend. Despite the distant visibility to the north, the visual envelope for a development of this nature (based upon a bare earth scenario) is considered to be constrained.

Although the areas shown to experience no visibility are considered to be accurate, the accuracy of visibility information provided by the ZTV is limited as it presents a 'bare earth' situation. In reality, due to the levels of vegetation around the site boundary, the localised areas of development and considering the limited height of the arrays (max 2.4m above ground level); the actual extent of theoretical visibility as shown by the ZTV would be considerably reduced. Visibility levels are further refined through site survey, consideration of visibility from the identified receptors and the viewpoint assessment.

Viewpoint Assessment

Seven viewpoints have been selected on the basis that they provide views to (or illustrate the limited visibility) of the proposed Corntown Solar Farm from sensitive receptors and representative locations within the study area. The viewpoints selected (as illustrated below/overleaf) are considered to represent some of the most visible locations of the solar farm, whilst illustrating the restricted visibility to the development within the local landscape when the scale of development is considered (maximum 2.4m high panel arrays).



A further viewpoint is included within the LVIA which is within Brackla, which illustrates distant views from elevated public playing fields within a residential area of Bridgend.

The site is most clearly visible from the A48 for approximately 0.5km travelling east between the Brocastle Estate roundabout to Brocastle Farm access, after which the hedge bounding the north east of the site begins to screen the site from road users. Consideration should also be given to the network of footpaths linking the A48 with the settlements of Brocastle and Treoes to the north and Colwinston to the South, from which there are points where the site forms the foreground of a panoramic view across the visual and sensory character area of the Northern Vale Lias Slopes. The visual impact of the development will be notable at representative viewpoints 1,4 and 5.

Whilst the reduction in the size of the scheme is acknowledged, it does remain partly reliant upon the landscape mitigation proposals to further reduce these effects and it should be considered whether the visual impacts, which will be significant at these representative viewpoints, are acceptable without the landscape mitigation which could fail to fully establish and may only partially screen the development.

Landscaping

The LVIA states that mitigation is included as an integral part of the design and assessment process and that mitigation proposals incorporate features primarily for landscape and visual reasons but are additionally informed by the findings of the Ecological and Cultural Heritage assessments (where applicable).

The following table lists the areas and quantities of the proposed landscape mitigation and management proposals that accompany the Corntown Solar Farm application.

Mitigation Treatment	Number / Area
Managed meadow grassland beneath and around solar arrays (within site security fence)	~4.7 hectares
Managed meadow grassland (outside the site security fence)	~3.9 hectares
Proposed woodland scrub plantation	~2450 m ²
Proposed native hedgerow	~150 linear metres
Proposed hedgerow trees	10 no.
Proposed semi-mature trees to northern boundary	11 no.
Existing retained woodland and scrub within the site boundary	~985 m ²
Area of solar arrays	~ 1.52 hectares

Additional mitigation in relation to the revised scheme entails a new hedgerow with hedge trees to the eastern boundary, with hedgerow connecting the existing internal woodland and scrub planting with the southern site boundary. It is stated that the new hedgerow improves landscape structure within the area and helps to further screen visibility to the site from the east.

The LVIA states that in respect of views into the site area from the A48, when travelling in a southerly direction (as illustrated by Viewpoint 4), the mitigation treatments have been strengthened. An additional 11 number native semi-mature trees are proposed upon the northern and north western boundary of the site area. The trees, at an expected height when planted of ~6m – 7m, are considered (by the applicant) to considerably screen views into the site from the road corridor to the nearest areas of the development.

In the case of this application, the proposed mitigation and enhancement measures have been developed in support of the application and seek to maintain and enhance the landscape structure of the landscape character area. Additional trees and scrub are proposed to be added to the fragmented internal hedgerow (now mature trees and scrub) and to infill the open areas with additional woodland scrub added along the A48 site boundary area.

Therefore the assessment of the impacts of the development should include the appropriateness of any proposed landscaping features.



Landscape Character

In summary, analysis of the revised scheme layout against the previously established landscape baseline and effects section of the LVIA has confirmed that all conclusions would remain at the same level as stated for the original scheme. The overall size of the solar deployment area has been reduced, benefitting landscape pattern and structure, whilst also allowing for additional mitigation measures.

The effects as a result, of the solar farm development upon landscape character, remain restricted to the site area only, located wholly within one landscape character area, LCA 8 Lias Plateau. The site area is a small and commonplace unit within the LCA, surrounded by established landscape features (mature hedgerows and trees).

Considering the scale of development, geographical extent and duration/reversibility of the landscape effects, the magnitude of landscape effects is concluded within the LVIA to remain at a low level. It is acknowledged that the solar farm would result in the partial loss of one characteristic (but commonplace) baseline feature, being a single grassland pasture agricultural field, replaced by solar panels. However there is the opportunity for low intensity pasture grazing beneath and around. As the existing boundary features around the site will be retained, combined with the proposed mitigation, it is considered that the solar development would not lead to a characterising effect upon the landscape of the local area outside of the site boundary and immediately adjoining areas (but focused to the north).

With reference to the original conclusions made on the original LVIA (based on the original larger scheme), a low landscape sensitivity and a low magnitude of change, the solar development is considered to result in a minor level of landscape effect overall, which is not considered as a substantial effect.

The proposed mitigation and enhancement measures developed in support of the solar development seek to maintain and enhance the landscape structure of the landscape character area. Additional trees and scrub will be added to the fragmented internal hedgerow (now mature trees and scrub) to infill the open areas and additional woodland scrub will be added along the A48 site boundary area as appropriate. The revised scheme boundary to the south of the established internal planting will be further strengthened with the provision of a new hedgerow and hedge trees.

Visual Assessment

The revised scheme would result in a reduction in the overall levels of visibility from receptors within the local area. The original visual assessment demonstrated that the area over which the proposed solar farm would be visible from, would be considerably smaller in reality than the areas shown to experience visibility by the ZTV and this is further considered to be the case with the revised scheme.

With regard to residential receptors, it is considered that the revised scheme would result in no change to the original assessment conclusions and that no residential receptors would experience substantial direct visual effects as a result of the Corntown Farm solar development.

In terms of visibility from recreational routes and recreational destinations, the LVIA states that no substantial visual effects are concluded for any of the receptors within the study area. However, due to the proximity of the public footpath network to the south, there are points along the PRoW where the site will form the foreground of a panoramic view across the visual and sensory character area of the Northern Vale Lias Slopes. Therefore the proposal will have an impact on some recreational routes.

Views from the A48 are predicted to be the most extensive, and the visual effects remain as originally concluded, but in reality, despite the near distance to the site from the road which follows the boundary, views from the corridor would be restricted to a short section, which is much smaller than that illustrated by the ZTV. Views would be focused to the east bound travellers, channelled towards the site area, upon a descending ~350m (maximum) stretch to the north-west of the Corntown Road junction. Visibility from west bound travellers would be screened by a combination of topography and the existing mature hedgerow upon the site boundary (that will be managed to a greater height). Additional semi mature tree planting on the north and north-western site boundary would further reduce the scale of effect in the short term, before the remaining proposed mitigation planting matures.

The four revised photomontages produced in support of the viewpoint assessment illustrate the overall reduced scale of the revised scheme when seen from locations which previously had views into the eastern half of the site (the area now removed from the solar deployment area). The revised scheme results in a reduction in the level of visual effect. However the revision would not result in any change from Viewpoint 2 (illustrated below) and negligible change from Viewpoint 3.



The level of effect is considered to remain the same from viewpoints 4 and 5 although the reduction in the scale of the development within the field would be apparent, in addition to the enhanced mitigation proposals. Overall the viewpoint assessment within the LVIA is concluded as 'not substantial' visual effects from all locations except Viewpoint 4 (illustrated below) which is located on the A48, to the south-east, a locally elevated location with the most open views into the site area, albeit a view that would be of a short duration whilst travelling at speed within vehicles.



Notwithstanding the above, in the instances where the site would be visible to members of the public, the development would introduce a 'non-natural' feature that has not been historically common to a rural context such as this. However, the panels would still be framed within a context of hedgerows and natural features and would be mounted on a series of poles driven into the ground (as opposed to large scale concrete bases / hard standings). While, therefore, the existing rurality of that part of the landscape would be altered to a degree by the proposal, it is considered that those impacts would not be so severe as to render the development fundamentally unacceptable. Furthermore while the development would be clearly visible from the A48 and while this lies within the countryside, the setting and rurality of the site is affected to a significant degree by the proximity of road of this size.

While there are relatively limited views of the site (aside from those identified), it is considered relevant to note the commentary (in respect of solar panels generally) of the Appeal Inspector who allowed the appeal against the refusal of permission for a solar farm at Treguff (planning application 2013/00912/FUL). The Appeal Inspector noted:

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

And...

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

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

In addition to the above in terms of the scope of views, it should be noted that the proposed development is of low profile and would sit within the existing landscape framework of the application site and the field boundaries that define it. Consequently, while it would be visible from a certain viewpoints in the surrounding area (particularly those listed above), it is considered that the development would sit relatively well assimilated within the existing landscape features. It is considered that the existing and proposed hedgerows and natural features would largely mitigate the visual impact of the development on the wider landscape and would soften views of the development.

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

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

Accordingly, while it is accepted that the development will materially change the character of the site, given the relatively local nature of such impacts it is concluded that any harm arising from the development in landscape terms will be local and would not unacceptably undermine the character of the wider area and Special Landscape Area, or be so severe that it outweighs the benefits in terms of renewable energy production. The Council's landscape architect has considered the application and has concluded that the impacts would be localised and not significant within the wider landscape.

Cumulative Impacts

The closest large scale solar farm, is that approved under planning permission 2015/00026/FUL (although not yet constructed) for a 2.2MW Solar Farm at Court Farm, Treoes. This site is located some ~1.9km to the north, within the lower lying valley area close to the industrial area of Waterton. Although the ZTV illustrates the potential for theoretical visibility between both site areas considering the separation distance, variations in topography and the numerous intervening blocks of vegetation and built features, there is no potential for inter visibility and cumulative visual effects as a result of the addition of the Corntown Farm Solar Development. Due to the separation distance it is also concluded that there is no potential for combined or in succession visibility to both sites from locations within the study area.

It is, therefore, considered that the development would not result in any unacceptable cumulative impacts.

Site Restoration

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

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

Conclusions on Landscape and Visual Impacts

In light of all of the above, it is considered that the LVIA addendum, produced to consider the landscape and visual effects of the revised (reduced) scheme layout, further demonstrates (and as originally concluded) that the proposed Corntown Farm Solar Development within the single pasture field, could be successfully integrated within the existing site features and assimilated into the surrounding landscape without causing a wide scale change to landscape character and visual amenity. It should again be noted that the site is not classified as a Special Landscape Area.

It is therefore considered that while the development would alter the appearance and character of the land and would be visible from part of the A48 and from PRoW routes to the south, the adverse impacts in this respect would not be considered to be so great as to warrant refusal of the application as such impacts are local and given the time limited nature of the development. Moreover any limited harm arising is considered in this instance to be outweighed by the sustainable energy benefits delivered by the scheme which is supported in both local and national planning policies.

Impact on Trees

There are a number of mature trees within the application site, however these are located around the perimeter of the site, outside of where the arrays and enclosures would be sited. Moreover there is a buffer between the surrounding hedgerows and trees which form the field boundaries.

Furthermore, none of the trees are protected with Tree Preservation Orders and the site does not lie within any conservation area. The development would incorporate existing trees within the western field and it is, therefore, considered that the development would not unacceptably impact upon trees.

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

Impact upon the Historic Environment

The application is supported by a Cultural Heritage Desk Based Assessment and a Geophysical Survey prepared by Rubicon Heritage (Dated June and July 2015 respectively). The Desk Based Assessment identified 20 known cultural heritage assets in the study area and the field visit identified one further potential site. The majority of the identified assets are indicative of human activity from the Neolithic period onwards. The concentration of known assets in the area means it remains a possibility that further previously undiscovered buried archaeological resource may exist in the development area.

The Council's archaeological advisors Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the proposal and have raised no objection. GGAT however, recommend the attachment of a condition to ensure that suitable mitigation is prepared and implemented which will reduce the impact of the development on the archaeological resource, by way of a programme of archaeological work in accordance with a written scheme of investigation.

Ecology

The application is accompanied by an Ecological appraisal. The report states that

As the entire footprint of the proposed solar farm is on the low-value improved grassland habitat, with all the hedgerows and trees retained and buffered and the existing hedge gaps used for access, there will not be a negative impact as a result of the development on the habitats present. Rather, the scheme is likely to lead to an improvement of the grassland over time with less intensive management of the grassland. This in turn will lead to an increase in the biodiversity value of the application site improving the habitat for invertebrates, small mammals and protected species such as reptiles, bats and birds.

Natural Resources Wales (NRW) welcomes the submission of the ecological report and note that the report states that existing hedgerows and all trees assessed have moderate to high potential for use by roosting bats. All species of British bats are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010.

However all hedgerows are to be retained and buffered from the development in addition to the existing trees within the site. In light of this, NRW have therefore confirmed that there should not be a detriment to the maintenance of the favourable conservation status of the bat species present.

The Councils Ecologist has also assessed the submitted appraisal and welcomes the submitted report and agrees with the findings that the development is unlikely to impact any protected species and the retention of all hedgerows and trees within the development.

It is however recommended that a condition is imposed to require the submission of a Biodiversity Management Plan, incorporating all protection and enhancement measures (including a revised fencing plan and lighting strategy).

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

Access Matters and Impact on Local Highway Network

The main traffic and transport related effects will be associated with the movement of HGVs to and from the site during the construction phase of the development. The application is supported by a Construction Traffic Method Statement (CTMS), which has been amended to address comments made by the highways engineer and sets out the predicted impacts resulting from construction traffic related to the proposed development.

Impact on Local Highway Network – Construction Phase

For the peak delivery schedule of 1 HGV per day, vehicles are stated to leave the M4 at Junction 35, and then exit onto the A473 northbound towards Pencoed. At the next roundabout, the vehicles will turn right onto Felindre Road and follow this in a southerly direction until it meets the A48 at Pentre Meyrick. The vehicles will then turn right onto the A48 and drop down Crack Hill where they'll exit onto the B4524 Corntown Road. HGV's will then continue past the site as far as Longlands Quarry where they will turn around (within the quarry) and travel back down the B4524 in an easterly direction, then turn right into site just before the junction with the A48.

Upon leaving the site, HGV's will go straight out of the site, and turn left at the junction with the A48 and head northwest towards Bridgend, the A473 and Junction 35 of the M4.

Traffic management operatives will supervise the routes that converge at the site entrance and during the HGV delivery (1 a day during peak construction periods) where they will monitor and actively manage traffic flows to allow for the safe transfer of vehicles whilst leaving and joining the public highway. As previously discussed, the site is served by a short track to the existing gated access point, which is accessed off Corntown Road. The short section of track is currently utilised by agricultural vehicles.

The construction of the solar farm is expected to last around 2-3 months. During this period, there would be journeys associated with the arrival and departure of site staff and the delivery of parts and construction materials.

Initial movements in weeks 1 and 2 would result from staff movements and deliveries of site security measures: security fencing, internal service road and compound construction materials. There would also be a number of other deliveries of cabling, machinery and a temporary site welfare cabin in weeks 2 and 3. This would be followed by items such as inverters, transformers, control room and the solar panel support frames in weeks 3 to 12.

Approximately 18 deliveries to the site would be required to deliver the panels. All the frames can be delivered by a single lorry load. The support posts can be delivered by 2 HGVs to the site, one of which will be shared with the delivery of the frames. Following these deliveries, it is stated that it is envisaged that deliveries to the site will be fewer in number as the solar farm is constructed from material already delivered to site and stored within the existing set down area.

Impact on Local Highway Network – Operational Phase

Once operational, the solar farm will be unmanned and access for occasional periodic maintenance will be typically made by light goods vehicles. Maintenance and inspections will take place approximately once every 3 months. The internal access roads will be maintained throughout the life of the solar farm.

Assessment of Impacts

The Council's Highway Engineer notes that articulated delivery vehicles cannot directly access the site from Corntown Road (B4524) when travelling from Crack Hill (A48) and will have to turn within the confines of Longlands quarry, to access the site in an easterly direction.

When reviewing the delivery route, it is accepted that this is unconventional and relies upon third party land to facilitate access. However, based on the number of delivery vehicles that will be required to visit the site (daily average of 1 HGV), the relatively short temporary construction period (3 months) and the submission of a written agreement from the quarry operator to allow vehicles to turn, the delivery route is considered acceptable in this instance. Furthermore, it is noted that in the unlikely event that the quarry is unavailable, the CTMS states that deliveries to the site will be undertaken using smaller vehicles that are able to directly access the site from the B4524 when travelling from the A48.

Additionally, when considering the means of access to the site, it is noted that the required visibility splays along the adjacent highway are not provided solely within the application boundary. As a result, the applicant does not have control in terms of maintaining the visibility envelope. Nevertheless, it is noted that this is an existing situation, which would not be exacerbated by the proposals, and views from HGVs are likely to be available over existing landscape features.

Finally, it is noted that the applicant has identified that the existing access to the site is required to be widened with the removal of a number of kerbs, which is considered acceptable.

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

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

Therefore, all measures provided within the Construction Traffic Method Statement (revision 3, October 2015) submitted in support of the development, including the proposed delivery route, management of delivery vehicles, temporary highway signing and wheel washing facilities shall be fully implemented at all times throughout the construction phase of the development, and this shall be required by way of condition.

Moreover, details of the proposed widening of the existing vehicle crossover shall be required by way of condition.

In addition there is also a requirement for the proposed means of access to be constructed from a bound material for a minimum distance of 6.0m from the boundary of the adjacent carriageway and thereafter, from compacted crushed stone for a distance of 15.0m. This can also be required by way of condition.

The Council's Highway Engineer has also requested a pre and post construction highway condition survey along the highway adjacent to the site access. However, given the nature of the road, it would be very difficult to identify any damage to the public highway as a direct result of the construction traffic of the solar farm, over and above the general wear and tear and damage along this busy part of the highway network. In light of the above, it is not considered reasonable to impose such a condition.

Impact on Residential Amenity

The construction traffic route would be along 'A' roads, as opposed to through more minor roads and residential areas. It is considered that the traffic associated with the development would not significantly impact on the residential amenity of the residents along this route, given the nature of the routes and the level of traffic that use them already.

Whilst the application site is in a remote rural location well away from any settlement, there are several isolated dwellings located with 250 metres of the application site.

The closest dwelling is Crack Hill House located on the opposite side of the A48. Whilst located opposite the application site, the PV panels have now been omitted from the eastern part of the site, and the dwelling is located some 165 metres from the nearest bank of PV panels. The Golden Well Restaurant and Golden Mile House are located at the junction of the A48 and Corntown Road, near the access to the site, however the main solar farm is some 160 metres away. Highfield Farm and Holiday Cottages are located some 225 metres to the south.

The construction compound would be sited adjacent to the access and the A48 (within the site). Whilst located in close proximity to The Golden Well Restaurant and Golden Mile House, this is an existing agricultural access. The main compound area within the site, is some 150 metres from dwelling and this would ensure that the activities associated with the compound would not unacceptably impact upon residential amenity in terms of noise or disturbance.

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

The Council's Environmental Health section have however stated that the development has, due to its location, the potential to affect residential properties some distance from the site during the construction phase. In light of this construction hours shall be limited with further restrictions for piling operations, to prevent any potential negative impact, which can be imposed by way of condition. Moreover they have also stated that there is also the potential for unexpected contamination to be found during the construction phase as a result and to protect the health of any workers on-site and to recognise any potential contaminants. A condition has been included to safeguard any worker from unnecessary risk

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

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

Surface Water run off / Drainage Matters

The Council's Highways and Engineering Team (drainage) were consulted and requested the submission of a Construction Environmental Management Plan (CEMP) to include details for managing silt-laden runoff for the site. Moreover additional detailed design of the access track, and any associated works area was also required to manage surface water runoff.

An amended CEMP has been submitted to address the additional information required and the appropriate measures to manage polluted run-off, both during and post construction.

Given the above the additional information supplied, no objection is raised, subject to conditions to ensure that the Construction Environmental Management Plan is fully implemented. However any changes to the details and plans within the CEMP for surface water drainage of the site, including construction and layout of connections to the existing watercourse, should be submitted and approved by the LPA, by way of condition.

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

Glint and Glare

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

The application is supported by a Glint and Glare Report. In summary the report states that Solar PV modules are intended to absorb as much light as possible and to do this they have non-specular surfaces and anti-reflection coatings. The report analysis of the site reveals that, for the most part, reflected light is of low intensity and scattered and is generally reflected upwards away from the ground. It is stated that there some conditions may exist whereby reflected sun rays can travel at low level during a brief period both morning and evening. These conditions exist from May to July when the sun is low in the sky and when air mass index is high and is dependent on clear sky conditions. Under these conditions, rays, which are scattered at the surface of the modules, will be caught by existing hedgerow and trees. The rays will propagate from a direction where the sun itself will be by far the brightest object. Even without the existing hedgerow/ trees this will not give rise to any additional hazardous or troublesome reflections beyond those that exist in the natural environment.

In terms of air safety, it should be noted that no objections have been received from Cardiff Airport or the National Air Traffic Control Centre.

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

Agricultural Land Quality

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

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

The application is accompanied by an Agricultural Impact Assessment and assessment of the Agricultural Land Classification (ALC) and soil resources of site, prepared by Reading Agricultural Consultants Ltd (RAC). In light of the reduced development site an update to the Agricultural Impact Assessment has also been submitted. The development footprint would previously have covered 8.6ha of agricultural land at Corntown Farm, which has now been reduced to approximately 6ha, comprised of the following grades of land, based on a detailed Agricultural Land Classification (ALC) survey undertaken by RAC :

Grade	Description	Area (ha)	% of agricultural land
3a	Good quality	1.1	18
3b	Moderate quality	2.7	45
4	Poor quality	2.2	37
Total agricultural		6.0	100

The loss in agricultural productivity during the (25 year) life of the development is considered to be minimal due to the inherent limited capabilities of the field as shown by the ALC survey, with 82% of the site being moderate quality Subgrade 3b land or poorer. Moreover, it is stated in the RAC report that the limited area of Subgrade 3a land (slightly over 1ha) is affected in practical farming terms by the presence of heavy metals (arsenic, lead and zinc) resulting from the spreading of spoil from historic lead mine workings to the north.

The proposed development would not irreversibly affect the land, since the panels are mounted on poles that are driven into the ground and not on concrete bases or similar. The associated inverter / transformer station etc would be constructed upon a concrete base, however, these parts of the development are small in scale and could be easily removed when the development has ceased, as could any access tracks between panels. The ALC survey also states that the use of the application site can be maintained through grazing by part of the Dorset sheep flock, whilst also enhancing the biodiversity of the area and enabling some of the rarer farmland species of flora and fauna to thrive in a new ecological habitat due to less disturbance and the absence of both vehicular traffic and agrochemical applications.

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

Public Right of Way (PROW) Issues

The application site is crossed by PROW No.9. However the point of crossing is where it terminates at the A48 and crosses the current access track near the site entrance. The Public Rights of Way Section initially objected to this application, as the application makes no reference to public right of way No.9 Colwinston that crosses the site.

In response, a Technical Note (Planning Determination Response in relation to PROW No.9) has been submitted which specifically considers the potential impact on PROW No.9 and how the route will be safeguard during the temporary construction phase of the development.

In summary, the technical note states that it is not intended in any way to change, temporarily divert or obstruct the legal route of this footpath where it crosses the access track and it will be left free and unencumbered. The proposed measures to ensure that the footpath is kept open during the construction phase include the provision of temporary signs for both construction traffic and users of the footpath protective barriers in the vicinity of the access track during the temporary construction phase. These will then be removed during the less intense operational phase, and the lead up to the crossing point will be maintained by the operator.

The Public Rights of Way Section have withdrawn their objection following receipt of the applicants detailed footpath management proposals.

In light of the above, it is considered that this section of PRoW No.9 can be appropriately safeguard during the temporary construction phase of the development, in line with the "Planning Determination Response in relation to PROW No.9," by way of condition.

CONCLUSION

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

Having regard to Policies 1, 2, ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV7- Water Resources, ENV10 - Conservation of the Landscape, ENV11 - Protection of Landscape Features, ENV16 - Protected Species, ENV17 - Protection of the Built and Historic Environment, ENV27 - Design of New Developments, ENV29 - Protection of Environmental Quality and COMM8 - Other Renewable Energy Schemes, and the advice contained within Planning Policy Wales 7th Edition (2014) and Technical Advice Notes 6: Planning for Sustainable Rural Communities and 8: Planning for Renewable Energy and 11- Noise, and the Council's Supplementary Planning Guidance, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of area, while also having no unacceptable impacts on highway safety, residential amenity, ecology, potential glare / air traffic safety and impact on agricultural land quality.

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

3. The development shall be carried out in accordance with the following approved plans and documents:
- SBC1046/SS Supporting Statement received on 23 July 2015
 - Drawings;
 - SBC1046/17/01 – Site Location Plan received on 23 July 2015
 - SBC1046/17/02/Rev1 – (Amended) Planning Application Boundary received on 5 October 2015
 - SBC1046/17/03/Rev1 – PV Panel and Typical Mounting Details received on 23 July 2015
 - SBC1046/17/04 – Security Fencing Detail received on 23 July 2015
 - SBC1046/17/06 – Invertor Transformer Station received on 23 July 2015
 - SBC1046/17/07 – Transformer Station received on 23 July 2015
 - SBC1046/17/08 – 33kV DNO Substation received on 23 July 2015
 - SBC1046/17/09 – Customer Substation received on 23 July 2015
 - SBC1046/17/10 – Customer Control Room received on 23 July 2015
 - SBC1046/17/11 – DNO Meter Point Cabin received on 23 July 2015
 - Drawings;
 - SBC1046/20/01 – Footpath Management received 7 September 2015
 - SBC1484-GA-LA-10 – Site Compound and Drainage Layout Details received 7 September 2015
 - SBC1484-GA-XS-11 – General Arrangement Panel Cross Section received 8 October 2015
 - SBC1046/DAS/Rev1 Amended Design and Access Statement (September 2015) received 5 October 2015
 - SBC1046/17/05/Rev1 – Amended Site Layout received on 5 October 2015
 - SBC1046/17/05/Rev2 - Amended Figure 8 Landscape Masterplan received on 7 October 2015

- Technical Appendices received on 23 July 2015;
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- Appendix A – SBC1046/SCI Statement of Community Involvement July 2015
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- Appendix B – Landmark Envirocheck Report

- Appendix C – SBC1046/CTMS/Rev3 Construction Traffic Method Statement October 2015, received 7 October 2015 including Drawings;
- SBC1046/10/01/Rev2 – Access Point Swept Path Analysis
 - SBC1046/10/02 – Site Entrance Visibility Splays
 - SBC1046/10/03 – HGV Routing Turning at Longlands Quarry
 - SBC1046/10/04 – Site Entrance Rigid Vehicle Swept Path Analysis

Appendix D – SBC1046/LVIA Landscape Visual Impact Assessment July 2015, received on 23 July 2015, including the following Figures, Photomontages and Appendices;

- Figure D1 – Site Context Plan
- Figure D2 – LVIA Study Area 5km
- Figure D3 – National Landscape Character – LANDMAP
- Figure D4 – District Landscape Character – VOG Landscape Character Areas (5km Study Area)
- Figure D5 – Landscape Designations and Recreational Routes Plan (5km Study Area)
- Figure D6 – Zone of Theoretical Visibility Plan (ZTV) (5km Study Area)
- Figure D7 – Viewpoint Location Plan
- Photomontage VP1 – Western Boundary Footpath
- Photomontage VP2 – Crack Hill House / A48
- Photomontage VP3 – Footpath to the south of Brocastle Farm
- Photomontage VP4 – A48 (Eastbound)
- Photomontage VP5 – Footpath to the north of Highfield Farm
- Photomontage VP6 – Highfield Farm
- Photomontage VP7 – Brackla, Bridgend (Public Playing Fields)
- Appendix D1 – Methodology
- Appendix D2 – LANDMAP Descriptions an District Character Areas
- Appendix D3 – District Landscape Character Area (LCA)

Landscape Visual Impact Assessment - SBC1046/LVIA/Addendum/Rev1, received 7 October 2015, including the following updated Figure and Photomontages;

- Figure D8/Rev2 – Amended Landscape Masterplan (Incorporating Mitigation and Solar Farm Layout)
- Photomontage VP2 Rev1 from Viewpoint 2
- Photomontage VP3 Rev1 from Viewpoint 3
- Photomontage VP4 Rev1 from Viewpoint 4
- Photomontage VP5 Rev1 from Viewpoint 5

Appendix E – SBC1046/FRA Flood Risk Assessment July 2015 received on 23 July 2015; including the following Appendices :

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Appendix FRA1 – Landmark Flood Screening Report

- Appendix FRA2 – Topographical Survey
- Appendix F – Cultural Heritage Desk Based Assessment and Follow Up Geophysical Survey July 2015
- Appendix G – Extended Phase 1 Ecology Assessment July 2015
- Appendix H – Agricultural Land Classification Report and Agricultural Impact Assessment Report July 2015
- Appendix I – Glint and Glare Report July 2015

- Other Documents;

- SBC1046/CEMP/Rev2 – Amended Construction Environmental Management Plan (October 2015) received 28 October 2015
- Tech Note response document to VOG PRow (04/09/15) received 7 September 2015
- Tech Note response document to VOG Drainage (04/09/15) received 7 September 2015
- Tech Note response document on LVIA matters (11/09/15) received 11 September 2015
- Addendum to Agricultural Impact Assessment received 5 October 2015
- Amended Construction Traffic Method Statement Version 3 Received 7 October 2105

Reason:

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

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

Reason:

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

5. Notwithstanding the means of enclosure set out within drawing ref. `Security Fencing Details, Drawing No: SBC0146/17/04` an amended scheme of a means of enclosure for a post and wire security fence shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any enclosures and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the rural area and biodiversity of the site and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

6. The development shall at all times be carried out in accordance with the measures, recommendations and requirements of the Corntown Farm, Solar Development, Ecological Appraisal prepared by FPCR Environment and Design Ltd, dated July 2015.

Reason:

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

7. Prior to the commencement of development (including site clearance works) a Biodiversity Management Plan incorporating all protection and management measures (including a revised fencing plan) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Biodiversity Management Plan shall thereafter be fully implemented.

Reason :

In the interests of ecology and to ensure compliance with Policies ENV16, ENV27 and COMM8 of the Unitary Development Plan.

8. Notwithstanding `Figure 8 Landscape Masterplan` SBC1046/17/05 Rev 2, details of all landscaping proposed, to include details of aftercare and landscape management over the course of the 25 year development, shall be submitted to agreed in writing by the Local Planning Authority, and the approved details shall at all times thereafter be implemented.

Reason:

To safeguard local visual amenities of this rural area, and to ensure compliance with the terms of Policies ENV27 and COMM8 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

11. The construction phase of the development shall at all times be in accordance with the agreed Technical Note `Planning Determination Response in relation to PROW No.9` and the proposed footpath signage as shown on drawing ref. SBC104/17/04.

Reason :

To ensure that the agreed measures are in place to ensure that the PROW is kept open during the construction phase including the provision of temporary signs for both construction traffic and users of the footpath and protective barriers in the vicinity of the access track and to ensure compliance with the terms of Policies ENV27 and COMM8 as set out within the Unitary Development Plan.

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

Reason:

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

13. All measures set out within the Construction Traffic Method Statement (revision 3, October 2015), including the proposed delivery route, management of delivery vehicles, temporary highway signing and wheel washing facilities shall be fully implemented at all times throughout the construction phase of the development.

Reason :

To ensure adequate management of construction traffic to and from the site and in the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

14. Before commencement of any development, details of the proposed widening of the existing vehicle crossover shall be submitted to and agreed in writing by the Local Planning Authority. The access shall thereafter be constructed in full accordance with the agreed scheme and in accordance with the Council's standard details for adoption, prior to any works commencing on the construction of the solar farm hereby approved.

Reason:

To ensure an adequate means of access to the site in the interests of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. Before commencement of any works, the proposed means of access shall be constructed from a bound material for a minimum distance of 6.0m from the boundary of the adjacent carriageway and thereafter, from compacted crushed stone for a distance of 15.0m.

Reason:

To prevent spoil and other loose material being deposited on the adjacent highway, in the interests of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. The construction of the Development shall be completed full accordance with the Construction Environmental Management Plan (October 2015) SBC1046/CEMP/Rev2 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 Policies ENV27 and COMM8 of the Unitary Development Plan.

17. Notwithstanding the hours of operation specified within the Construction Environmental Management Plan (October 2015) SBC1046/CEMP/Rev2, no construction works associated with the development hereby approved shall take place outside the following hours:

Monday to Friday	0800 – 1800
Saturday	0800 – 1300
Sundays and Bank Holidays	no working at all

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies ENV27 and COMM8 of the Unitary Development Plan.

18. Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works, such works shall not take place on the site on any Saturday, Sunday or Bank Holiday and they shall only take place between the following hours:

Monday to Friday 0900 – 1700

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies ENV27 and COMM8 of the Unitary Development Plan.

19. If, during development, contamination not previously identified is found to be present at the site, the Council shall be advised in writing and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to and approved by the Local Planning Authority, detailing how this unsuspected contamination shall be dealt. The remediation strategy shall thereafter be implemented in full accordance with the agreed details.

Reason:

To safeguard any risks to workers during construction, given the identified potential contaminants to the land and to mitigate against any negative environmental effects and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **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.**

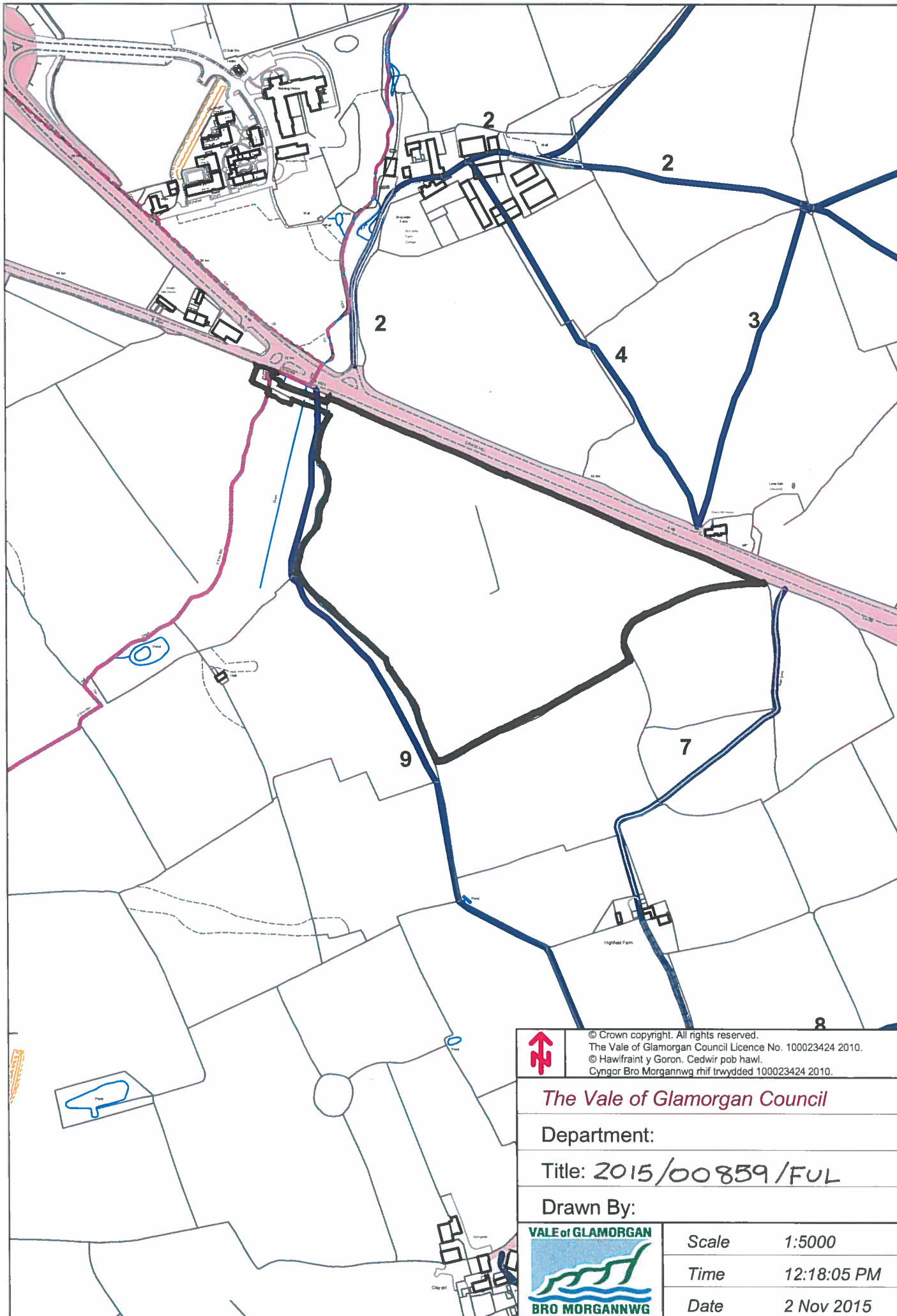
- 3. The applicants are advised that an Ordinary Watercourse consent may be required for the connection of the swale to the watercourse and where the proposed track crosses an existing watercourse and any associated works which may require Land Drainage Consent. The applicant shall contact the Council's Operational Manager for Highways and Design prior to commencing development to ensure that all necessary consents are in place.**



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

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

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

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



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	<i>The Vale of Glamorgan Council</i>	
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	Date	2 Nov 2015

S A Brain & Company Limited
Boyer 1B Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff,
CF23 8RS

103, Tynewydd Road, Barry

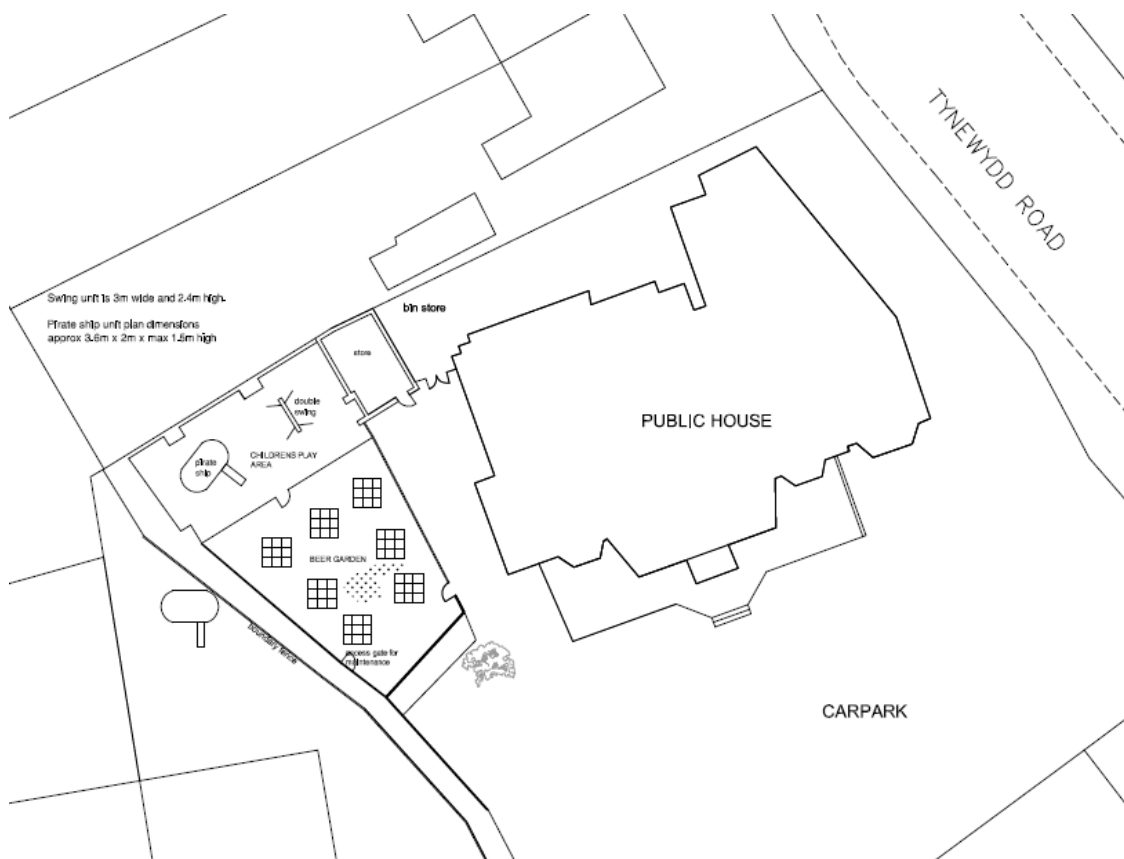
The erection of a children's play area in the amenity grounds of the Tynewydd Inn, Pub and Restaurant

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 site, with customer parking, outdoor seating and areas of hard and soft landscaping. The site adjoins residential properties to the north, west and south.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent for the siting of children's play equipment. The proposed equipment consists of two items. The first item is a swing unit, some 3 metres in width with a maximum height of 2.4 metres. The second item is a pirate ship, some 3.6 metres in width with a maximum height of 1.5 metres. The site layout and images of the proposed equipment are shown below.





RELEVANT PLANNING HISTORY

2015/00260/FUL Installation of 7 No. square concrete paved areas in landscaped trading area approved April, 2015.

2015/00013/FUL Demolish two storey outbuilding and excavate tarmac hard standing 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 were consulted, their response stated an objection. It states that, "permitting a children's play area immediately adjacent to the side boundaries of the residential properties would in addition to the beer garden area at the site will cause unacceptable harm to the amenities of the adjacent residential neighbours due to unacceptable noise and serious disturbance".

Local Councillors were consulted, which has resulted in the application being call to Planning Committee.

REPRESENTATIONS

The neighbouring properties were consulted in addition to a site notice being displayed. Two letter of objection have been received. The objections are principally based on the use of the area as a children's play area and wider use of the land as a beer garden.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

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

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

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

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

Planning Policy Wales:

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

Issues

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

It is important to note at the outset this this application is for the siting of two pieces of play equipment at the site. It relates to the operational development involved in the siting of the equipment and it does not relate to the use of the land. The use of the land would be incidental to the lawful use of the planning unit as a public house. It is noted that the objections received have raised concerns in respect of the use of the land as a play area, however, these concerns must be considered in light of the fact the use does not require permission.

Considering visual impact, the two pieces of equipment are considered to cause little harm to the established character and appearance of the immediate area and wider street scene. The items are modest in height and have very little visual impact within the setting of the public house. They would not be visually prominent within the wider street scene.

In respect of neighbouring amenity, the development subject to this application is relatively low in height and would not result in an unacceptable degree of harm or overlooking to the neighbouring units given their scale and the boundary treatments in place. Nor would the equipment result in any form of overbearing impact when considering the neighbouring properties, due to the scale with modest size of the equipment.

As note above, the proposal is for the two pieces of equipment therefore, the application does not include or justify an assessment of the impacts of the use of the land as a play area. It should also be noted that the Council's Public Protection team have powers outside of the planning powers to address nuisance, should it arise from the site in any result.

Initial plans indicated a taller 'tower slide' but it was considered that this could have caused unnecessary harm to the neighbouring properties by virtue of noise at an elevated level and potential overlooking to rear gardens. Therefore amended plans were sought to provide low-level equipment.

Accordingly, in view of the above, the proposed equipment is not considered to result in any demonstrable harm to the character and appearance of the area or impact on the amenity of the neighbouring properties to an unacceptable degree.

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 and ENV29 – Protection of Environmental Quality of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 the items of equipment are not considered to have a demonstrable 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. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: 14.049 Revision D 203 Proposed Site Block Plan Children's Play Area and the photomontage titled Play Equipment Revision B.

Reason:

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

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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The Vale of Glamorgan Council
TYNWYDD INN, 103
TYNWYDD ROAD, BARRY
2016/00997/FUL

	Scale	1:1250
	Time	02:30:29 PM
	Date	28 Oct 2015

2015/01011/FUL Received on 1 October 2015

Mrs. Tegwen Williams, 1, Church Cottage, Rhoose Road, Rhoose, Vale of Glamorgan, CF62 3EP

Mrs. Tegwen Williams, 1, Church Cottage, Rhoose Road, Rhoose, Vale of Glamorgan, CF62 3EP

1, Church Cottage, Rhoose Road, Rhoose

Erection of conservatory to back garden

SITE AND CONTEXT

The application site relates to No.1 Church Cottage, Rhoose Road. It is a late 19th Century semi-detached property located within the settlement of Rhoose. It is also located within the Rhoose Conservation Area which reflects the historic core of the village, but is now surrounded by 20th Century development.

The Church Cottages stand with the gabled end facing Rhoose Road and are accessed via a narrow path and bounded by low stone walls. Vehicular access to a private drive is gained off Station Road to the rear. The property is finished with a white painted smooth render, slate roof and dark mahogany effect upvc fenestration.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for a rear conservatory. It would measure 4.3m in depth, 5m in width 2.1m to eaves and 3.25m to the ridge, although it would be stepped down an additional 0.55m due to the lower ground level to the rear.

The conservatory would have a smooth render finish to the base and an upvc frame to match the appearance of the existing windows. It would be glazed to the north and west elevations, with only high level windows to the south facing No.2.

The proposal is illustrated in the following plan extracts:





PLANNING HISTORY

1990/00415/FUL: Rear of 1, Church Cottage, Rhoose Road, Rhoose - Private dwelling with garden - Refused 5 June 1990.

1989/01162/FUL: Garden at back of No. 1, Church Cottage, Rhoose Road, Rhoose - Private dwelling - Refused 21 November 1989.

1988/00643/FUL: 1, Church Cottage, Rhoose Road, Rhoose. - Proposed four bedroom detached residence and detached garage - Refused 18 October 1988.

1983/00325/FUL: 1, Church Cottage, Rhoose Road, Rhoose - New extension at first floor level incorporating two bed-rooms and bathroom - Approved 14 June 1983.

CONSULTATIONS

Civil Aviation Authority was consulted on 6 October 2015; no response has been received to date.

The Council's Conservation Officer was consulted on 6 October 2015; the following response was received:

"No objection

The Rhoose Conservation Area Appraisal and Management Plan identifies the qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

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

I note the arrangement of the host building is such that the 'back' garden is quite visible from the public domain and may more accurately be described as a side garden. Notwithstanding this, I am satisfied that the proposed extension is subservient to the host dwelling and will not detract from the overall character or appearance of the conservation area.

It is regrettable that the use of upvc is being proposed and you should enquire with the applicant if hardwood could be utilised instead which would be preferable, however, I do not believe a refusal could be sustained on these grounds."

Rhose Ward Members were consulted on 6 October 2015; a request was received from Cllr J James that this application be heard at planning committee in order that the impact to the Rhose Conservation Area may be fully assessed.

REPRESENTATIONS

The neighbouring properties were consulted on 6 October 2015. No letters of representation have been received.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

Policy:

- ENV20 – DEVELOPMENT IN CONSERVATION AREAS
- ENV27 – DESIGN OF NEW DEVELOPMENTS
- TRAN10 – PARKING

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

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

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

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

Planning Policy Wales:

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

Chapter 6 of PPW sets out the Welsh Government guidance deals with the conservation of the historic environment.

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
- Rhose Conservation Area Appraisal and Management Plan (2009)

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in early 2016.

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

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

Issues

The main issue in the assessment of this application is the impact of the proposed development on the character of the dwelling and the wider Rhoose Conservation Area. The impact of the development upon the residential amenity of neighbouring properties and parking provision will also be considered.

Design and Visual Impact

The proposed conservatory would be situated to the rear elevation of the property, but in a location which would be visible from Rhoose Road and Station Road to the rear. The property is orientated with the gable end facing Rhoose Road, but due to the detailing and porch to the two storey rear wing, the side could be read in passing as the front.

The existing boundary wall and fence would partially obscure the conservatory from Rhoose Road, but it would become more visible as the land slopes downwards to the west and around to Station Road. It should be noted that the Conservation Area boundary terminates at the rear boundary. Although the dwelling has been extended from its original 19th Century form, the conservatory would constitute a modest and sensitive addition in terms of scale and it is considered that the design is compliant. It is therefore considered that it would cause no unacceptable impact to the character of the dwelling.

In terms of the impact to the Conservation Area, the main views of the development would occur from less sensitive locations, such as Station Road. Here, it would be viewed in the context of the rear of Church Cottages where there are other extensions and a similar conservatory at No.2, as well as other forms of 20th Century development in the surrounds. The characterful view of the frontage and the stone walled gardens to Church Cottages would remain unaltered.

The finish would consist of a rosewood effect upvc frame to match the fenestration of the dwelling. This is considered suitable in this context, although a condition is recommended to ensure the colour matches that of the existing dwelling. The proposal is therefore considered acceptable and in accordance with Policies ENV20 and ENV27 of the Unitary Development Plan in terms of the visual impact to the dwelling and Rhoose Conservation Area.

Neighbouring Amenity

The proposed conservatory is of a modest height and although visible from the adjoining No.2. Church Cottage, it would cause no unacceptable overbearing impact or loss of light. The windows to the southern elevation adjacent to the neighbouring garden would be at high level only and adequately maintain privacy. The proposal is therefore considered acceptable in this regard.

Amenity Space

The conservatory would be located to the rear garden. Although it would cause a slight erosion of available amenity space, the remaining garden area is considered sufficient to serve the functional needs of the occupiers.

Parking

The site currently provides a parking area sufficient for at least three vehicles to the rear of the property. The proposal would not alter this layout and therefore the development would not detrimentally affect the parking provision.

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, ENV20- Development in Conservation Areas, ENV27- Design of New Developments and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposed development is acceptable in terms of the visual impact including impact on the Conservation Area, residential amenity, parking and amenity space provision.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans 'DG/P/WL/002' received 1 October 2015.

Reason:

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

3. The external finishes of the development (walls and glazing frames) hereby approved shall appropriately match those of the existing building.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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The Vale of Glamorgan Council

Department:

Title: 2015/01011/FUL

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