

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 JANUARY 2016

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:

2015/1389/BN	A	3, Darren Close, Cowbridge	Front extensions and refurbishment
2015/1626/BN	A	23, Cardiff Road, Dinas Powys	Removal of chimney & install steels.
2015/1627/BN	A	11. Downfield Close, Llandough	Open up doorway between kitchen & dining room.
2015/1630/BR	AC	112, South Road, Sully	Remove existing roof to building and replace roof with new including three bedrooms and two bathrooms, in dormer extension.
2015/1631/BN	A	7, Nant Talwng way, Barry	Single storey extension and garage.
2015/1632/BN	A	11. Glyn y Gog, Rhoose	Single storey conservatory extension to include knockthrough into house.
2015/1634/BN	A	5, Warwick Way, Barry	New slate roof up & over
2015/1637/BN	A	171, Court Road, Barry	installation of steel beams and re-build of masonry above
2015/1648/BR	AC	Unit A, (Cafe), The Pump House, Hood Road, Barry	Fit Out
2015/1649/BR	AC	Unit B (Restaurant), The Pump House, Hood Road, Barry	Fit out for new restaurant within existing unused commercial unit

2015/1650/BR	AC	Unit C & D (Gym), The Pump House, Hood Road, Barry	Fit out works to build new gym within existing commercial unit
2015/1653/BN	A	Great Frampton Farm, Llantwit Major CF61 2YR	Conversion of derelict farm house (3 storey) and farm buildings (2 storey and single storey) into 6 dwellings
2015/1656/BN	A	99, Plassey St, Penarth	Renew floor joist in bathroom and replace/repair back annexe roof
2015/1660/BN	A	18, Cae Stumpie, Cowbridge	Fitting Fire Door & frame to kitchen
2015/1683/BN	A	Manorstone House, Trehyngyll	Reinforce upstairs wall
2015/1686/BN	A	6, Maes y Felin, Llandow	Single storey side extension

(b) Building Regulation Applications - Reject

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

2015/1687/BN	R	7, Goldsland Place, Barry	Single storey side extension
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2015/0207/AI	A	40, Tathan Crescent, St. Athan	First floor side extension for one bedroom with en-suite
2015/0208/AI	A	Coed Y Colwn Barn, Llancafarn	Conversion of barn to three bed holiday let and single storey plant room extension
2015/0209/AI	A	Site rear of 36, Whitcliffe Drive, Penarth	Construction of a detached dwelling house and associated works
2015/0210/AI	A	Morfa Lane, Llantwit Major	18 residential new builds
2015/0211/AI	A	2 Caer Ty Clwyd, Llantwit Major	Replacement of existing conservatory roof and associated works

2015/0212/AI	A	16, Birch Grove, Barry	Construction of single storey side and rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0213/AI	A	11, Whitcliffe Drive, Penarth	Construction of detached dwelling house with associated works
2015/0214/AI	A	L/O Caerleon Road, Dinas Powys	200 new build residential plots with no ancillary buildings
2015/0215/AI	A	Plasnewydd Farm, Llantwit Major	500 new build residential units
2015/0216/AI	A	Former Barry Dockers Club, 21 Vere Street, Barry	Alterations to form self-contained flats and associated works
2015/0217/AI	A	South Quay Parkside, Barry	76 new build residential
2015/0218/AI	A	Seel and Chadwick land near Cardiff Road, Dinas Powys	900 new build residential
2015/0219/AI	A	Marcross l/o Sutton Road, Llandow	500 new build residential
2015/0220/AI	A	Land at Seaview Cottages, Twyn yr Ody	Construction of detached dwelling
2015/0221/AI	A	Belgrave House, Factory Road, Llanblethian	Formation of internal/external openings and alterations
2015/0222/AI	A	Heol Y Felin, Llantwit Major	500 residential units
2015/0223/AI	A	Friars Road, Barry	Proposed residential and commercial scheme and associated works
2015/0224/AI	A	L/O Fonmon Road, Rhoose	300 new build plots with no ancillary buildings
2015/0225/AI	A	McDonalds Restaurant, Valegate Retail Park, Copthorne Way	Extension internal alterations and refurbishment
2015/0226/AI	A	7, Elizabeth Avenue, Barry	Conversion of existing dwelling to create two flats and associated works
2015/0227/AI	A	Dockside, Barry Waterfront, Barry	74 residential new build
2015/0228/AI	A	Arno Quay, Barry Waterfront	45 new build dwellings
2015/0229/AI	A	27, Grove Terrace, Penarth	Single storey rear extension and alterations
2015/0230/AI	A	2, The Verlands, Cowbridge	Construction of a detached dwelling
2015/0231/AI	A	Archway Cottage, High Street, Cowbridge	Demolition of external WC and detached garage and erection of two storey

2015/0232/AI	A	Cowbridge Road, St. Athan	dwelling 325 new residential units
2015/0233/AI	A	Former Barry Dock Conservative Club, Station Street, Barry	Construction of self contained apartments and associated works

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PLANNING COMMITTEE : 14 JANUARY 2016

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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

2014/01399/FUL	A	Stalling Down Garage, Stalling Down, Cowbridge	Proposed new single storey detached building for tyre sales and car valeting facilities
2015/00124/LBC	A	Llansannor Court, Llansannor,	The addition of a conservatory to the rear of the property enclosed in the courtyard. Construct an opening between the oak room and the vestibule
2015/00256/FUL	R	51, Pill Street, Cogan, Penarth	Change of Use from Cold Food Takeaway to Pizza Takeaway

2015/00425/FUL	A	Unit 12F, Atlantic Trading Estate, Barry	Change of use to a non hazardous waste transfer station
2015/00815/LBC	A	1, Pwll y Min Crescent, Peterston Super Ely	Replacement of front door to Grade II listed building
2015/01001/FUL	A	Wenvoe Quarry, Wenvoe	Proposed continued implementation of planning permission No. 1999/00957/FUL without compliance with condition No. 2 which stated `No operation authorised by this permission, with the exception of restoration and after-care works, shall take place after 27th March, 2016.`
2015/01014/FUL	A	Bethel Baptist Church, Burton Terrace, East Aberthaw	Proposed conversion of a redundant baptist chapel into a single residential dwelling
2015/01026/FUL	A	Beechwood, 1, Woodland Close, Cowbridge	Proposed garden shed/studio
2015/01042/OUT	R	3, Slade Close, Sully	Proposed new dwelling with car parking
2015/01092/FUL	A	10, Carmarthen Close, Barry	Erection of granny annexe to side
2015/01106/FUL	R	Pentwyn House, Church Road, Llanblethian	Proposed separation of Pentwyn House and self contained granny annexe into two separate dwellings, Pentwyn House and Pentwyn Lodge
2015/01133/FUL	A	RAF St. Athan, St. Athan	Erection of a single storey helicopter training facility
2015/01139/FUL	R	The Walled Garden, Lane to Wenvoe Castle Golf Course, Wenvoe	Application for a new carbon zero four bedroom detached bungalow

2015/01146/RG3	A	Parks and Grounds Maintenance Compound, Romilly Park, Barry	Demolish existing equipment store and mess room on site. Construct new equipment store and mess room generally on the same footprint
2015/01158/FUL	A	Land to the North and East of Tudor Lodge, Bonvilston	Proposed resurfacing of existing access track and retention, the amendment of earthworks providing existing - to the rear of the property and stopping-up of existing residential access
2015/01177/FUL	A	37, Seaview Drive, Ogmore By Sea	Extensions and alterations
2015/01178/FUL	A	11, John Street, Barry	Demolition of single storey outbuilding and erection of single storey kitchen extension
2015/01180/FUL	A	2, Brenig Close, Barry	Proposed dormer to side elevation to increase headroom to existing bathroom
2015/01181/FUL	A	36, Brean Close, Sully	Single storey side extension and loft conversion
2015/01184/FUL	A	17, Lake Hill Drive, Cowbridge	Extension to existing dwelling
2015/01186/ADV	A	9, Thompson Street, Barry	Store front fascia and window graphics and totem sign
2015/01188/FUL	R	Hillside, Wine Street, Llantwit Major	Erection of a single storey extension to front of existing dwelling and loft conversion with flat roof dormer to accommodate additional bedroom
2015/01189/FUL	A	116, High Street, Barry	Conversion of house to three flats

2015/01190/FUL	A	Unit C, Atlantic Gate, Atlantic Trading Estate, Barry	To fit mezzanine floor (approximately 10 metres by 12 metres) to existing industrial unit. Also extend existing upstairs office onto half of new mezzanine, remaining mezzanine to be used for storage. Fit windows to new office
2015/01191/FUL	A	52, Plas Talesin, Penarth Portway, Penarth	Proposed window replacement, to second floor rear, with Juliette balcony
2015/01192/FUL	A	41, Llwyn Passat, Portway Marina, Penarth	Proposed two storey side extension, and first floor extension over existing porch
2015/01204/FUL	A	7, Nant Talwg Way, Barry	Proposed single storey extension to the rear elevation with internal alterations, to form an open plan kitchen/dining area and family room
2015/01205/FUL	A	Lidl UK Gmbh, Cennin Pedr, Barry	Proposed extension of existing car park to provide an additional 30 parking spaces
2015/01207/FUL	A	11, Runcorn Close, Barry	Proposed 2 storey extension, pitch roof over ground floor extension and dormer to rear
2015/01214/RG3	A	Maslin Park, Plymouth Road, Barry	Additional changing facilities
2015/01216/FUL	A	Coed Marsarnen Road, Colwinston	The erection of a motor control centre cabinet
2015/01222/FUL	A	1, Conway Drive, Barry	Proposed rear extension to existing dwelling

2015/01225/FUL	A	Co Operative Food, 57, High Street, Cowbridge	Proposed installation of an ATM through the glazed shop front as a through glass installation to the left of the entrance door. ATM Wincor Procash 2050 fascia and Co-operative food polycarbonate green surround signage. White non illuminated lettering `free cash withdrawals` and `The Co-operative food`
2015/01227/FUL	A	14, Heol Y Sianel, Rhoose	Convert garage to playroom
2015/01229/PNT	A	Fontygary Road, Rhoose	Swap out of existing 12.85m high monopole for a 13.7m high monopole, installation of a SAMO cabinet measuring 1230 x 420 x 1033 mm located at ground level
2015/01232/FUL	A	2, College Road, Barry	Change of use to Care Home
2015/01234/FUL	A	Birch Grove, 3, Main Avenue, Peterston super Ely	Demolition of existing single storey annex and replacement with new 2 storey extension and single storey mono-pitched extension to rear
2015/01237/FUL	A	5, Lakeside, Barry	Proposed construction of a new orangery style extension to the rear of the property, including the demolition of an existing conservatory
2015/01238/FUL	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	Installation of flue
2015/01241/FUL	A	41, Lidmore Road, Barry	Proposed two storey side extension and single storey rear kitchen extension to dwellinghouse

2015/01242/FUL	A	9, Parklands, Corntown, Ewenny	Single storey & first floor extensions. Balcony, internal structural alterations
2015/01243/FUL	A	127, Plymouth Road, Penarth	Proposed 2 storey extension to reposition kitchen and living room to ground floor. Additional bedroom to first floor and roofspace conversion to form additional bedroom with en suite facilities
2015/01244/FUL	A	Oakdale, The Herberts, St. Mary Church	Two storey side extension and single storey front extension
2015/01245/FUL	A	United World College of the Atlantic, East Drive, St. Donats	Change of work from residential accommodation to offices. Minor work required to install IT and electrical cabling for sockets and lighting. A false ceiling will also be installed. A door lock will also be required for the exiting kitchen door
2015/01253/FUL	A	21, Sherbourne Close, Barry	First floor bedroom and ensuite extension
2015/01258/FUL	A	26, West Farm Road, Ogmore by Sea	Side extension with front and rear gables. three front dormer windows
2015/01260/ADV	A	Co-operative Food, 57, High Street, Cowbridge	Proposed installation of an ATM through the glazed shop front as a through glass illumination to the left of the entrance door. ATM Wincor Procash 2050 fascia and Cooperative food polycarbonate green surround signage. White non illuminated lettering free cash Withdrawals and The Co-operative food

2015/01261/FUL	A	Brook House, 3, Maes y Felin, Llandow	Enlargement of porch including canopy
2015/01266/FUL	A	1, Maendy Ganol, Maendy	Retrospective, alteration to height of garage and dormer. Garage height changed to create office/kids room
2015/01267/FUL	A	53, Golwg y Coed, Barry	Garage conversion to habitable room
2015/01273/FUL	A	Archway Cottage, 24, High Street, Cowbridge	Erection of two storey extension and demolition of external wc and detached garage
2015/01274/FUL	A	18, St. Annes Avenue, Penarth	Construct new entrance porch, add two additional windows to south elevation
2015/01276/FUL	A	11, Hastings Place, Penarth	Two storey side extension, with integral garage (demolish existing garage)
2015/01279/FUL	R	Land at The Lawns, Cwrt Yr Ala Road	Agricultural building for the housing of cattle
2015/01287/FUL	A	147, Plymouth Road, Penarth	To provide a rear single storey extension to create new kitchen living facilities, with a new two storey extension at the side of dwelling. Rebuilding the single storey garage/shed to provide living/utility, garage at ground floor with new master bedroom/ensuite dressing facilities above
2015/01292/FUL	A	116, Cornerswell Road, Penarth	Single storey extension to rear

2015/01298/RG3	A	Harbour Road Causeway, Barry Island, Barry	Repairs and improvements to the existing Old Harbour revetment in the interests of flood prevention and the construction of a new footway / cycleway across the revetment to create a new route linking the Barry Island Causeway to the Old Harbour Car park
2015/01299/FUL	A	13, Baron Road, Penarth	Single storey extension to the rear of the property and existing single storey roof alterations
2015/01302/FUL	A	33, Heol Pilipala, Rhose	Rear PVCu conservatory
2015/01307/FUL	A	17, Clos Cradog, Penarth	Remove current fencing in front of the protected trees. Trimming the trees to allow access into the open area of land behind the protected trees. To erect a 5 x 5 log cabin with a roof height of under 2.5m all within my boundary area.
2015/01308/PND	A	11, Seaview Drive, Ogmere By Sea	Demolish fire damaged property
2015/01309/FUL	R	147, Plymouth Road, Penarth (3)	In addition to recent planning application for rear and side extension now due to change of circumstances to apply for two storey extension at the side to extend to rear of single storey extension to add another bedroom/study
2015/01310/FUL	A	205, Holton Road, Barry	New Powder coated aluminium shopfront , new steel riser, new fascia and shopsign, new external security shutter, with shutter housing behind fascia

2015/01314/FUL	A	93, Main Street, Barry	New powder coated aluminium shop front, new fascia and shopsign, new stall riser, new external security shutter, with shutter housing behind fascia
2015/01315/FUL	A	84, Main Street, Barry	New powder coated aluminium shopfront, new stall riser, new fascia and shopsign, new external shutter with shutter housing behind fascia
2015/01316/FUL	A	85, Main Street, Barry	New powder coated aluminium shopfront, new stall riser, new fascia and shopsign, new external security shutter with housing behind fascia
2015/01317/FUL	A	96, Main Street, Barry	New powder coated aluminium shop front, new stall riser, new fascia and shopsign, new external security shutter, with shutter housing behind fascia
2015/01318/FUL	A	202, Holton Road, Barry	New powder coated aluminium shopfront, new stall riser, new fascia and shopsign, new external security shutter with shutter housing behind fascia
2015/01325/FUL	A	Woodlands, 5, Court Close, Aberthin	Single storey side and front extension, with the addition of a pitched roof. Plus a new first floor window in the side elevation
2015/01329/LAW	A	2, Chaucer Close, Penarth	Single storey side domestic extension
2015/01330/PNT	A	Railway Terrace Garage, Railway Terrace, Penarth	Proposed base station

2015/01337/FUL	A	Fron, Wellwood Drive, Dinas Powys	Rooflights and proposed balcony off the attic conversion (amendment to 2013/00346/FUL)
2015/01339/FUL	A	35, High Street, Barry	Partial demolition and refurbishment of existing mixed use property (ground floor cafe with flat above) to reinstate a two bed dwellinghouse
2015/01345/FUL	A	Endon, 124, Lavernock Road, Penarth	Proposed minor garden alterations, demolition of existing garage and construction of small annex with link to existing house
2015/01348/FUL	A	8, St. Dyfrig Close, Dinas Powys	Single storey side and rear extension

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 14 JANUARY 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00083/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3135553
Appellant: Miss. Sharon Poole,
Location: 85, Port Road East, Barry
Proposal: New two bedroom detached dwelling within the
curtilage of 85, Port Road, Barry
Start Date: 30 November 2015

L.P.A. Reference No: 2015/00903/FUL
Appeal Method: Hearing
Appeal Reference No: 15/3138835
Appellant: Mr. Leighton Fernandes,
**Location: Land at The Lawns, Cwrt y Ala Road,
Michaelston le Pit**
Proposal: Construction of a replacement agricultural
building
Start Date: 7 December 2015

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2015/00546/FUL
Appeal Method: Hearing
Appeal Reference No: 15/3134018
Appellant: Mr. Ian Sullivan,
Location: 65A, Tennyson Road, Penarth
Proposal: Variation of condition no. 2 of planning
permission 2000/00753/FUL to allow annexe to
be rented as a separate unit of accommodation
Decision: Appeal Dismissed
Date: 15 December 2015
Inspector: Mr. C. Nield
Council Determination: Delegated

Summary

In the first instance the Inspector clarified that the proposal subject of the appeal was not the variation of a previous permission. If permission were granted the result would be a stand-alone permission that the applicant could choose implement if he wished. The proposal was, therefore, the change of use of an annexe to a dwellinghouse.

The Inspector noted that the outward appearance of the annexe would not change as a result of the proposal, but noted that the only outdoor amenity space available for a future tenant would be an area of decking some 4 metres by 1.5 metres in area, which would fall far short of the standard specified in the Council's adopted supplementary planning guidance on amenity standards. The Inspector considered the most important inadequacy of the outdoor space to be its complete lack of privacy from the garden of the main house, of which it is really an integral part. That would not be overcome by any reasonable screening provisions. The Inspector identified that, for the same reasons the annexe itself would not enjoy an acceptable level of privacy, being open to views from the garden at a very short range. Inversely, the area of decking and the main annexe window also overlook the rear garden of the main house at close quarters, and its occupation by a stranger would provide an unacceptable level of privacy to the main house itself.

Whilst the Inspector considered various arguments put forward by the appellant, his conclusion on this issue was that the proposed change in nature of use of the annexe would provide an unacceptable level of amenity for both the future occupiers of the annexe and the occupiers of the main house, contrary to the aims of the relevant adopted Unitary Development Plan policies.

The Inspector was also of the view that the completely separate use of the annexe would also affect its character, even though its outward appearance would not be changed. It would be used as an entirely separate residential unit with a changed pattern of comings and goings and an increased likelihood of the occupant using a car and parking it on the road.

Furthermore, the Inspector noted that the appeal proposal would result in the creation of an additional residential unit, unrelated to the main house. The proposal would change the character of the building, which would be out of place in an area characterised by relatively large family houses.

Overall, the Inspector's conclusion was that the proposal would provide an unacceptable level of residential amenity to both the future occupiers of the annexe and occupiers of the main house and would be detrimental to the wider character of the area contrary to the UDP and national planning policies.

(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	22	2	24	2
	H	3	2	5	-
	PI	-	-	-	1
Planning Total		25 (86%)	4 (14%)	29	3
Enforcement Appeals	W	-	-	-	-
	H	1	1	2	-
	PI	2	-	2	-
Enforcement Total		3 (75%)	1 (25%)	4	-
All Appeals	W	22	2	24	2
	H	4	3	7	-
	PI	2	-	2	1
Combined Total		28 (85%)	5 (15%)	33	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 : 14 JANUARY 2016

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

2015/00887/TPO	A	St. Mary Church Yard, Wenvoe	Dismantle all Sycamore trees within raised bed
2015/00887/TPO	A	St. Mary Church Yard, Wenvoe	Dismantle all Sycamore trees within raised bed
2015/01170/TPO	A	42A, Clive Place, Penarth	Crown lift and deadwood Oak tree off road (max. 5.2m).
2015/01172/TPO	A	Wenvoe Memorial Gardens, Old Port Road, Wenvoe	Crown lift Beech, fell Sycamore, remove Lime stems, crown lift Cherry, crown lift Oak and crown lift Elms
2015/01194/TPO	A	The Spinney, Colwinston	Remove all hedges and trees from the rear and side boundaries

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 JANUARY 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(b) General

TO CONFIRM TREE PRESERVATION ORDER NO. 7, 2015
FOR TREES ON LAND WEST OF 10-14 CLOS LLANFAIR, WENVOE

SITE, CONTEXT AND TREE DESCRIPTION

Located south west of the village of Wenvoe, the site is immediately south west of a small modern close of dwellings called Clos Llanfair (built in the 1980's). The TPO site is part of a larger site currently being developed by Redrow Homes, under 2014/00452/RES planning consent for 128 dwellings. A more recent planning application increasing the total to 132 dwellings is under consideration (2015/00601/RES). Prior to this development, the land was used agriculturally up until 3 years ago.

This field is largely surrounded by protected trees. To the west of the development site is Wenvoe Wood which is ancient woodland (as formally defined by Countryside Council for Wales, now within the Natural Resources Wales agency) and has been subject to an early Tree Preservation Order TPO No.4, 1951. This woodland extends southwards parallel to the development site although separated from it by an adjoining field. A smaller wooded area at the southern edge of the development has been protected recently under TPO No.8, 2012 and a narrow ribbon of trees is protected under TPO No.4, 1973, an 'area' designation that runs from the back of dwellings in Clos Llanfair through into the field being developed and extends towards and adjoins another small wooded area directly south of The Rectory (this woodland is also subject to the TPO No. 8, 2012).

TREE HISTORY

Initially the group of trees subject of this report was shown in proposals under 2014/00452/RES application to be retained (see extract of plan below) as valuable screening between the new houses proposed and the existing residential property at Clos Llanfair and as highlighted by an ecological report, valuable as a wildlife corridor. There were no concerns in this regard, especially as the trees were intended to be kept separate from new gardens and to serve as an amenity with limited access.

The good quality of the group had been noted in the Tree Survey (dated March 2012 by Steve Ambler and Sons, Arboricultural Consultancy) which was carried out on behalf of Redrow Homes and submitted as part of the planning application 2014/00452/RES. The trees are rated as B2 and B3.

As part of a pre-application enquiry, a replan was put forward showing the trees having been removed. In order to safeguard their retention the tree preservation order was served. The planning application 2015/00601/RES now proposes incorporating the trees into gardens of new dwellings (see plan below).

REPRESENTATIONS

OBJECTION -

An objection has been received to the provisional tree preservation order from Redrow, dated 7th September, 2015, which states:

'regarding the unexpected placement of a TPO on site Redrow are formally objecting to the imposition of the TPO. This is on the basis that works to the trees/vegetation subject to the TPO have been agreed by extant planning approvals for the site.

It is Redrow's understanding that works to the trees (to thin out and make good the trees to remain) as agreed by approval against conditions attached to the planning permission for the development still stand and there would be no requirement to gain TPO consent for these works. Upon written receipt of confirmation that this is the case then the formal objection would be removed.

To clarify that the agreed works will proceed in accordance with the approved Ecological Management Plan (includes an agreed Woodland Management Scheme as an appendix).'

IN SUPPORT -

Nearby residents have written in support of the tree preservation order as follows:

The occupier of 12 Clos Llanfair wishes that the *'vital buffer effect'* that these trees offer is retained (in light of the new dwellings planned by Redrow). It is further stated that they serve to *'alleviate the effect of dust, noise, high winds, bright sunshine, heavy storms and even flooding, as my lawn slopes towards my lounge'*. Whilst appreciative that housing supply targets have to met, the resident sees no reason why this local amenity should be sacrificed so ruthlessly and inconsiderately *'for the sake of a mere extra three houses'* and that it is *'such a pity that often nature is (at) the bottom of the list for preservation of well established woodland and important greenery'*.

The Wenvoe Residents Action Group also supports the tree preservation order. The following points (abbreviated) are raised by the group:

- Refers to the tree reports commissioned by Redrow which recommends the group of trees (G5) should be retained and gaps planted up to maintain a screen.
- Wenvoe Wildlife Group concurs with the Ecology report, again commissioned by Redrow, that the woodland forms part of an important wildlife corridor linking Wenvoe Woods (north west) to the watercourse (east).
- Redrow's own Design and Access Statement acknowledges that the woodland blocks may serve some purpose as wildlife corridors, of moderate-high ecological value that should be enhanced with the aid of an ecological management plan.
- Residents observe varied wildlife in the vicinity of the woodland and are mindful of its value as habitat and refuge.
- The trees provide valuable visual amenity; privacy and an element of security to older residents and acts a buffer between Clos Llanfair and the new development.
- The trees are valued for their uptake of water run-off from the north east absorbed to a significant degree by these trees which sit at the lowest point of the whole site.

REPORT

Submitted as a requirement of Condition 13 of 2013/00884/OUT (an earlier outline application for the residential development of the land), the Ecological Construction Method Statement and Ecology and Landscape Management Plan, dated April, 2014, by The Environmental Dimension Partnership (EDP) sets out a management scheme for woodland blocks W1, W2, W3 and W4. It is clear from their letter of objection, Redrow Homes is expecting to implement their commitments under this method statement. Woodland W3 are the 'group' of trees protected by the TPO subject of this report.

Sections from the Method Statement and Management Plan that have relevance to the newly protected trees are summarised below:

Establishment and Management Regime, Years 1-5 (Under Section 5)

'5.1 This section details the management that will be undertaken for the retained and newly created ecological habitat features including the woodland blocks,....'

Woodland Blocks W1- W4

'5.5 Woodland blocks W1 – W4 are to be managed in accordance with those management principles set out within Appendix EDP 4 appended to this document.'

Clearly woodland W3 is part of the management plan. The Woodland Management Scheme (WMS) in the method statement, as it appears at Appendix 4, contains the following:

‘2.3 The overall aims of this WMS are:

- To ensure that an up-to-date and comprehensive inventory of the woodland is maintained over time;*
- To ensure the continuance of the contribution that the mature tree stock ...*
- To ensure appropriate management of the woodland in the long-term in order to maximise (albeit locally) the environmental benefits of the scheme for local wildlife.’*

This is followed by Management Proposals and a statement of ‘Responsibilities’:

- ‘Following completion, the responsibilities for delivering the on-going commitments within the strategy will fall to either a private management company or to the Vale of Glamorgan Council/Coed Cymru upon adoption.’*

The only detail regarding specific Vegetation Removal presumed to be applicable to all the woodlands referred to is as follows:

‘Selective removal of sycamore... Stands of hazel, willow and other coppice-tolerant species should be subject to coppicing regimes on a 6-10 year rotation or where appropriate to species.’

Management includes an intention to limit use of the woodland, as follows:

‘4.14 Access to woodland is to be restricted to a single entry and exit point and designated route per woodland block so as to limit damage through excessive trampling. Such routes are to be selected during late spring to ensure sensitive ground flora is avoided.’

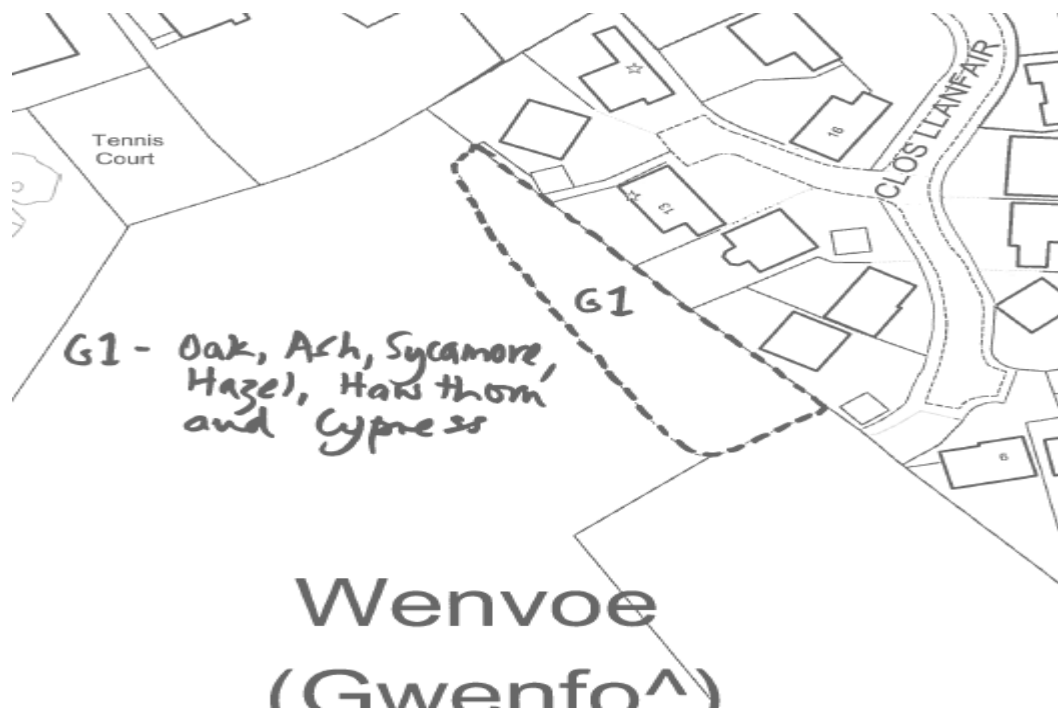
At no point is there any detail regarding facilitative pruning. Under the latest planning application 2015/00601/RES the woodland W3 becomes part of residents rear gardens. Consequently, none of the management plan by EDP can apply to W3. Enclosing trees within individual gardens would prohibit the effectiveness of such a plan and negate any positive effect ecologically. Experience shows that owners of such property would be unlikely to tolerate mature trees in such close proximity (6 to 8 metres, by way of an example) and would, over time, want the trees pruned back or removed to allow light into gardens/property.



Amended layout submitted with 2015/00601/RES showing trees incorporated into gardens



Earlier approved amended layout submitted with 2014/00452/RES showing trees outside gardens



Extract of Ordnance Survey plan accompanying new tree preservation order showing group of trees to be protected

High Hedges legislation measurements of tree height, distance from property and angle to top of tree to determine whether a row of evergreen trees create unacceptable shade, and an alternative indicator is if the angle to the top of the trees exceeds 25 degrees. In the north corner of the Redrow's development the trees are situated on a garden's rear boundary. As the row of houses progresses so the rear gardens become longer, with houses aligned at a distance from, but parallel to, the trees. The height overall of trees in the group is given as 14 metres in the tree survey (Technical Advice Note) with rear elevations at around 8.0 metres distant from the trees and using the angle of 25 degrees (High Hedges legislation), an acceptable hedge height is 3.8 metres: very much lower than the actual trees.

This should demonstrate that the trees would have some impact upon light levels. Although the trees are largely deciduous (and not usually subject to the legislation) even when not in leaf their proximity and height would make the gardens less useable, either by the ground being criss-crossed with tree roots and by overshadowing. Future applications by new house owners under the tree preservation order to reduce or remove trees would seem likely.

Furthermore root severance may occur when excavations are dug as being open grown (in the field) their root spread is likely to be considerable. Accordingly, the impact of pruning, root severance and future tree work applications will disfigure the trees and greatly shorten their lifespan and, critically, any woodland management plan would be a pointless exercise with the trees in privately owned gardens.

Moreover it shall be noted that the developer's objection, that pruning/facilitative works to these trees has already been agreed under the woodland management plan (as contained within the Ecological Management Scheme), already approved under 2013/00884/OUT is incorrect. The document referred to by the objector states an intention *to thin out and make good the trees to remain*, where applicable and necessary for good ecological management of the site and trees in a wider sense. Accordingly the proposed Order is intended to ensure the developers are subject to control in readying a site for development, particularly when the site may be subject to a different layout.

CONCLUSION

To summarise and conclude, it is recommended that Members agree to this tree preservation order being confirmed on the grounds that Redrow's objection is founded upon a misunderstanding of the Ecological Management Plan/Woodland Management Plan: that is, that all types of tree work has been implicitly agreed by the earlier planning approval 2013/00884/OUT where these two plans were agreed as part of the submission. It is clear that these trees in W3 are unlikely to be retained without being disfigured by excessive and inappropriate works without the benefit of the protection of a tree preservation order. The Ecological Management Plan and Woodland Management Plan were drafted on the premise that the trees in W3 would be retained as a woodland and separate from gardens. In addition to their benefit to the local ecology, the trees serve as a valuable screen to residents in Clos Llanfair, add to the wider character of the area and have been assessed by Redrow's own commissioned arboriculturist in a tree survey, as trees of quality that should be retained.

RECOMMENDATION

(1) THAT the Order be confirmed.

Contact Officer – Margaret Krzemieniewski, Tel: 01446 704742

Officers consulted

Not applicable.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 JANUARY 2016

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.

United Welsh Housing Association C/o Agent
Miss Kirsty Smith, Asbri Planning Ltd., 1st Floor Westview House, Unit 6, Oak
Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS,

Caerleon Road, Dinas Powys

Outline application for residential development (of up to 70 dwellings) and
associated works

SITE AND CONTEXT

The application site as edged red extends to a roughly triangular shaped area of
approximately 2.73 ha comprising unmanaged neutral grassland. The site is
bound by the existing Murch housing estate to the south, fields to the east, the
main railway line to the west, and beyond that the Cardiff Road and additional
residential development.



There is no existing formally laid out vehicular access to the site, although it lies
immediately adjacent to the adopted highway of Caerleon Road to the south.

The site lies within the open countryside on the north eastern edge of the Dinas
Powys residential settlement boundary as defined in the Unitary Development
Plan. It also lies within the Green Wedge between Dinas Powys and Penarth, and
part of the site is allocated in the UDP for the provision of 1.3 ha of recreational
space. In addition the land on the western boundary lies within a C2 Flood Risk
Zone.

DESCRIPTION OF DEVELOPMENT

This is an outline application, with all matters reserved, for the residential development of the site for up to 70 No. dwellings.

The submitted information includes an illustrative layout plan which shows a mix of residential units, comprising one bed apartments, and detached and semi-detached houses ranging from two to five beds. The application form identifies a total of 66 No. units, with 39 No. market houses and 27 No. social rented, i.e. a provision of 40% affordable housing. The Submitted Design and Access Statement (DAS) outlines the scale parameters of the proposed development which indicates a medium density development of 24 units per hectare, with dwellings not exceeding three storeys in height.

The illustrative layout shows a single spine road running south/north within the site from a new vehicular access to be created onto Caerleon Road. Two side roads are shown running off at right angles to the main access road.

Two areas of public open space are identified on the layout plan. One lies within the site and is identified as a 'Public Square' with 100sqm LAP. The other is outside of the application site on land to the south on the opposite side of Caerleon Road. This is identified as 'Public Open Space' with 400sqm LEAP.

The supporting documentation also indicates the retention of the boundary hedgerow with a landscape buffer zone created to protect and maintain this.



The application is accompanied by a number of supporting documents including a Design and Access Statement (DAS); a Planning Statement; a Site Survey; a

Transport Assessment; a Landscape and Visual Impact Assessment; a Tree Survey, Arboricultural Constraints and Impact Assessment Report; an Extended Phase 1 Habitat Survey; Environmental Noise & Vibration Surveys; a Drainage Strategy Report; a Geotechnical & Geo-Environmental Report; a Code for Sustainable Homes Pre-Assessment Report; and a Statement of Community Consultation.

PLANNING HISTORY

None.

CONSULTATIONS

Dinas Powys Community Council – Objects in principle to any further housing allocations being made in Dinas Powys until the necessary feasibility study of the highways and transport network has been undertaken. There are already major highways and transport problems along the A4055 Strategic Transport Corridor through Dinas Powys and the existing Cardiff Road/Murch Road junction is already over-capacity.

Penarth Town Council – Consulted on 25 March 2014. No comments received to date.

Cllr C Williams – Objection on the grounds that the immediate road network cannot support the extra volume of vehicles that this development would produce. There is just one entrance and exit road serving this estate which already suffers at peak flow periods.

Natural Resources Wales – No objection but offer advice on Flood Risk management, drainage and ecology. Part of the site lies within Flood Risk Zone C2 but as the application indicates that only tree planting is proposed within the floodplain outline they consider the risks and consequences are acceptable in this instance. They also note that the neighbouring East Brook is scheduled as a statutory river and a Flood Defence Consent is required for any works within 7m of the top of the riverbank. On the drainage they advise that run-off should not exceed current 'greenfield' rates and recommend a condition. As regards the issue of ecology, they agree with the findings of the submitted report and advise that the recommendations in Section 5 are secured by condition.

Dwr Cymru/Welsh Water – Have requested that their standard Conditions and Advisory Notes be attached to any consent. These relate to foul, surface water and land drainage. They suggest that no development is commenced until a scheme for the comprehensive and integrated drainage of the site has been approved. In addition they note the proposed development site is crossed by a combined public sewer and that no development will be permitted within 6m either side of the centreline of the sewer. They also request that the developer is informed of the new legislation relating to connection to the public sewerage system.

Network Rail - No objection in principle, however they outline a number of requirements relating to the operation of the railway and the protection of Network Rails adjoining land. These relate to foundations; drainage; ground disturbance; maintenance of access points; fencing; site layout recommendation that all buildings be at least 2m from the boundary; children's play areas and open space to be protected by secure fencing; details of any piling to be provided; excavation/earthworks; possible effects of noise, vibration, etc. from operation of the railway; landscaping; plant, scaffolding and cranes; lighting; and safety barriers.

Crime Prevention Design Advisor – No objection in principle but offer recommendations including all houses not just the affordable housing meet the requirements of Secured by Design.

The Council's Affordable Housing Enabler-Public Sector Housing – Confirm that there is a critical shortage of affordable housing in the Vale. Of the 2198 applicants on the current Homes4U waiting list 335 have specified Dinas Powys as their preferred area, including 233-one bed, 67 two bed, 24 three bed, and 11 four bed. The application is therefore supported on the basis of this need and they note that they would wish to be included in discussions over mix of unit size, tenure and location at the earliest stage.

The Council's Operational Manager Parks and Grounds Maintenance - The provision of open space and children's play areas at this development is supported. As regards the illustrative details it is noted that no traffic calming measures are indicated in relation to the proposed LEAP. Ideally it should be sited away from the main vehicular route. As regards the LAP, again this particular site is located on the main route through the estate and therefore all vehicular traffic will pass the site. Ideally it should be sited away from the main vehicular route. In addition designs for all the open space must be for high quality provision, and if the proposal is to hand the open spaces to the Council, a 20 year commuted sum would be required for maintenance.

The Council's Ecology Team – They accept the ecological survey report and its findings. However, they note that since the ecological survey was carried out, the site has been cleared without the presence of the ecologists. As reptiles were assumed to be present, offences may have been committed and this matter may require further investigation by the proper authorities.

Notwithstanding this they recommend a number of conditions for the protection and enhancement of biodiversity, many of which are made as recommendations in the Ecology survey report by Soltys Brewster. There include the requirement for at least 25% of new units on site to incorporate bat or bird roosting/nesting opportunities; a bat mitigation strategy to include, provision of dark flight corridors, locations of bat roosting opportunities, details of a lighting strategy; the use of locally occurring native species in the planting scheme; provision of wildlife movement corridors; retention of all hedgerows; vegetation clearance with respect to breeding birds outside of the bird breeding season; and provision of a biodiversity enhancement scheme for the site to include aspects not detailed above.

The Council's Environmental Health – Pollution Section – A copy of the final comments are attached in full at Appendix A. However in summary the main points relate to comments on the Environmental Noise and Vibration Survey compiled by Hunter Acoustics. The submitted noise levels would put the development into Noise Exposure Category (NEC) B, thereby requiring that noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection (TAN11-Noise).

Following consultation with the Policy Advisor for Environmental Noise at Welsh Government it is considered that the site in question is no longer the subject of a Noise Action Planning Priority Area (NAPPA). However although the area is no longer within a NAPPA it is still within an area deemed to be Noise Exposure Category (NEC)B.

They note the suggested conditions put forward by the applicants consulted. However if such conditions were accepted they note that future occupiers would have homes with rooms that would have windows that could not be opened, and would thereby require mechanical ventilation; bedrooms that experience noise levels of 35dB(A), 5dB(A) above the 30dB(A) level advocated by the World Health Organisation; dwelling rooms that experience noise levels of 40dB(A), 5dB(A) above the 35dB(A) level advocated by the World Health Organisation; and only 50% of the garden area of homes would have some level of protection so that noise levels would not exceed 55dB(A), i.e. could be at 54dB(A). A level of 55dB(A) is advocated as causing *serious annoyance* and a level of 50dB(A) *moderate annoyance* by the World Health Organisation.

However, they do acknowledge that TAN11 recognises that *where there is a clear need for new residential development in an already noisy area some or all NECs might be increased by up to 3dB(A)*, (Annex A, A2). The WHO also acknowledge that if all transportation noise in Europe is considered approximately 50% of European Union (EU) citizens live in areas where they do not experience *acoustical comfort*. However the WHO still advocate that in bedrooms overall levels should not exceed 30dB(A) with the L_{max} fast of 45dB not being exceeded, that is noise levels for one off events such as passing vehicles or trains.

Environmental Health have proposed their own wording for a suitable noise condition to ensure the amenities of future occupiers are protected.

Further comments – Notwithstanding the issue of whether the site has now been omitted from NAPPA it is advised that the applicant provide details of acoustic glazing, ventilation and acoustic fencing.

In addition they question the acceptability of the vibration condition suggested by the applicants consultant noting that British Standard has been superseded by BS standards of BS 6472-1:2008, and BS6472-2:2008

The Council's Highway Development Team – A copy of their full comments is attached at Appendix B. However, in summary they confirm they cannot substantiate an objection in this instance but recommend a number of conditions on any permission. These relate to the submission of a Travel Plan; submit and implement alternative public and other sustainable modes of transport; notwithstanding the illustrative master plan provide full engineering details; site to be served by a single point of access off Caerleon Road; vision splays of 43m x 3m in both directions and kerbed radii of 7.5m; carriageway within site designed to ensure speeds do not exceed 20mph and incorporate minimum width of 5.5m; parking provision in line with Council's Parking Standards; maximum gradients for driveways; restrictions on surface water, material storage, etc.; and details of Construction Management Plan with restrictions of deliveries and requirements for wheel washing.

The Council's Public Rights of Way Officer – Confirmation that there are no public rights of way within the application site.

The Council's Highways and Engineering Section – Drainage – Do not object to the development and suggest a number of conditions. Full comments are attached at Appendix 'C'.

The Council's Waste Management Section – Consulted on 25 March 2014. No comments received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 25 March 2014. In addition the application was advertised in the press and on site on 3 April 2014. Representations of objection have been received from around 17 No. individual residents of Dinas Powys. These are all available on file for Committee Members to view in full. However, in summary the objections raised relate to:-

- Highways – The existing network is at capacity and additional houses will exacerbate existing problems of congestion, parking, and safety, particularly at the Parade and the Cardiff Road close to the school.
- Overdevelopment of the village with the existing infrastructure not able to cope with additional housing.
- Provision of little open space on the site.
- Concerns for biodiversity with the site already cleared against the advice of ecology report, and insufficient corridors for wildlife.
- Flood risk with the site already having problems relating to surface water flooding.
- Represents an imbalance between social and private housing in the area which will increase general crime.

- No concern for existing residents, only about money and targets.
- Queries over the accuracy/discrepancies in Transport Assessment.

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.

POLICIES 7 & 8 - TRANSPORTATION.

POLICY 11 - SPORT & RECREATION.

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE.
ENV2	- AGRICULTURAL LAND.
ENV3	- GREEN WEDGES.
ENV7	- WATER RESOURCES.
ENV10	- CONSERVATION OF THE COUNTRYSIDE.
ENV11	- PROTECTION OF LANDSCAPE FEATURES.
ENV16	- PROTECTED SPECIES.
ENV24	- CONSERVATION AND ENHANCEMENT OF OPEN SPACE.
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
REC4	- PROVISION FOR THE DISABLED AND ELDERLY.
REC5	- NEW PLAYING FIELD PROVISION (Caerleon Road 1.3 ha).
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 8, January 2016 (PPW) provides

advice on the weight that should be given to policies contained with the adopted development plan, including Paragraphs 2.8.1 to 2.8.4.

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 8 (2016), (PPW) is of relevance to the determination of this application, in particular Chapter 2-Development Plans, including paragraph 2.8; Chapter 3-Making and Enforcing Planning Decisions, including paragraphs 3.1, 3.6 and 3.7; Chapter 4-Planning for Sustainability, including paragraphs 4.3.1, 4.4.3, 4.8, 4.10 and 4.11; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1.1 and 5.2; Chapter 8-Transport, including paragraph 8.7; Chapter 9-Housing, including paragraphs 9.2.3, 9.2.22, 9.2.23, and 9.3; Chapter 11-Tourism, Sport and Recreation, including paragraphs 11.1.3 and 11.3.2; Chapter 12-Infrastructure and Services, including paragraph 12.4; and Chapter 13-Minimising and Managing Environmental Risks and Pollution, including paragraphs 13.4, 13.13 and 13.15.

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 Studies.
- TAN 2 - Planning and Affordable Housing.
- TAN 5 - Nature Conservation and Planning.
- TAN 6 - Planning for Sustainable Rural Communities including paragraph 6.2.
- TAN 11 – Noise, including paragraphs 10 and 11.
- TAN 12 - Design, including paragraphs 2.6 and 5.5.
- TAN 15 - Development and Flood Risk.
- TAN 16 - Sport, Recreation and Open Space, including paragraphs 3.16, 3.21 and 4.15.
- TAN 18 – Transport, including paragraph 9.

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.
- Model Design Guide for Wales.
- Planning Obligations SPG.
- Public Art SPG.
- Trees and Development SPG.
- Parking Guidelines.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 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 on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales Edition 8 (2016) (PPW) is noted. It states as follows:

‘2.8.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications 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 delivers 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 3.1.2).’

The guidance provided in Paragraph 3.1.2 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).
- Green Wedge Background Paper (2013).

- Housing Supply Background Paper (2013).
- Open Space Background Paper (2013).
- Sustainable Settlements Appraisal Review (2013).
- Community Facilities Assessment (2013).
- Education Facilities Assessment (2013).
- Sustainable Transport Assessment (2013).
- Transport Assessment of LDP Proposals (2013).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy.

In addition to the above, it is considered that the following proposed policies of the draft LDP are of relevance to the consideration of this application:

- Policy SP3 - Residential Requirement.
- Policy SP4 - Affordable Housing Provision.
- Policy MG2 - Housing Allocations (Site 27).
- Policy MG18 - Green Wedges.

Other relevant evidence or policy guidance:

Conservation of Habitats and Species Regulations 2010 as amended.

Circular 13/97 – Planning Obligations.

The Community Infrastructure Levy Regulations 2010.

Manual for Streets 1 and 2.

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to:-

- Justification and sustainability of the site for new residential development, bearing in mind the current and emerging development plans and its location within a Green Wedge;
- Design and illustrative layout, including the impact on the character of the surrounding countryside;
- Traffic issues, including the effect on highway and pedestrian safety;
- Impact on neighbouring and general residential amenity, including consideration of potential noise problems;
- Ecology;
- Drainage and flood risk; and
- Appropriate S106 planning obligations.

Justification and sustainability

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. Although time expired as of 31 March 2011, the UDP remains the adopted statutory development plan for the area.

The site is located in the countryside, just outside of the defined residential settlement boundary for Dinas Powys. It also lies within the identified Green Wedge between Dinas Powys and Penarth under policy ENV3 of the UDP. Policy ENV1 of the UDP seeks to protect the countryside from inappropriate development, and HOUS3 restricts new dwellings in the countryside to those that can be justified in the interests of agriculture or forestry. The proposal offers no such justification and is not linked to any rural enterprise, such as those mentioned under TAN 6-Planning for Sustainable Rural Communities. Although HOUS2 does allow for the rounding off of the edge of settlement boundaries, this is for small scale development defined as no more than five dwellings, and also excludes green wedge locations. HOUS13 does allow for exception sites for affordable housing, however, this would only apply to 40% of the proposed houses with the remainder still being contrary to the policies already identified. It is also noted that part of the site is allocated in the UDP for the provision of recreational open space under REC5 (i), and the proposal would not allow for such provision. As such it is confirmed that the proposal is contrary to the above policies of the current UDP.

Given the age of the current UDP, as noted above, Planning Policy Wales (PPW) advises that where development plan policies are outdated or superseded, local planning authorities should give them decreasing weight in favour of other material considerations in the determination of individual applications, which should be done in light of the presumption in favour of sustainable development. Thus it is necessary to consider whether there are specific material considerations which would justify a departure from the development plan to out-weigh the policy objections set out in the UDP.

On this issue it is noted that the application is supported by a Planning Statement that recognises that the proposal is contrary to the current UDP policies. However, it argues that the early release of this allocated site would be compatible with the emerging LDP, and would also contribute to meeting a housing land supply deficit and provide much needed affordable housing.

The statement outlines the LDP context to the site. On this point it is noted that the current Deposit Draft Local Development Plan allocates the site for residential development under policy MG 2 (27), for a total of 75 dwellings. The site is identified in the LDP within the settlement boundary for Dinas Powys which is defined as a 'Primary Settlement', in the settlement hierarchy.

Given that the LDP is in draft form, it is considered that an assessment should be made as to whether the proposals would be premature. On the issue of prematurity, PPW advises at paragraph 2.8.2:-

“Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.”

In view of this it is important to consider the potential impacts of allowing such a development at this stage, including its impact on the LDP process, the overall strategy, and the provision of housing supply with the Vale of Glamorgan. Members should note that Dinas Powys is classed as a ‘Primary Settlement’ and this allocation is not one of the Strategic Housing Sites within the Draft plan. On the basis that the site is not a ‘strategic allocation’, it is considered that bringing this site forward for up to 70 dwellings would not ‘go to the heart’ of the overall LDP strategy, given that this relates to a very small percentage of the overall housing land requirement over the plan period. It is also considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have already been approved. It is considered that the development would not have a significant impact on a substantial area with an identifiable character, rather the impact would only be on a relatively small area. It is also considered that it would not undermine the deliverability of the strategic housing allocations or wider strategy of the plan, in line with the guidance set out in PPW.

Notwithstanding the above, although the site is an identified housing allocation in the Deposit Draft Local Development Plan, and Dinas Powys is a settlement identified as suitable for further housing development, it is recognised that this Draft plan remains unadopted. Accordingly, the weight to be afforded to the plan alone must reflect the fact that it may be subject to change before it is adopted. Given the above, and since the proposals are not in accordance with the adopted UDP, there would still need to be sufficient material considerations to justify the proposed residential development of the site in advance of the LDP adoption.

One of the material considerations highlighted in the supporting Planning Statement relates to the Council’s 5-year Housing Land Supply and the impact this development would have the current situation. On this point it is noted that paragraph 9.2.3 of PPW requires 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. In addition TAN1-Joint Housing Land Availability Studies has been recently updated, with a key change being that the use of JHLAS to evidence housing land supply is now limited to only those LPAs that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate.

However, under the new TAN1 guidance the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those LPAs without an up-to-date development plan are unable to demonstrate a housing land supply for determining planning applications.

As already noted the adopted UDP expired on 1 April 2011, and the emerging LDP has not yet passed its independent examination by an appointed Welsh Government Inspector. As a consequence of the revised TAN1 guidance, it is not until the LDP is formally adopted that the Council will be able to produce its annual JHLAS report. Moreover the 2014/15 JHLAS for the Vale of Glamorgan which indicated over 7 years supply, expired at the end of March 2015, therefore that figure cannot be relied upon. Given the need to maintain sufficient supply at all times, the Council cannot resist all further residential developments. It appears from the most recent assessment using the new method of calculation set out in TAN1 that the current housing supply figure is just over four years. It is acknowledged that the approval of the current proposal would not immediately alter the 'official' housing supply position (since the Council does not have an adopted LDP to enable it to produce its formal JHLAS report). However, it is clear that housing land supply must nevertheless be kept under review, particularly as the Council should be able to evidence a five year supply on adoption of its LDP. It is considered that failure to have regard to the current housing supply figure (while not a formal JHLAS figure) would prejudice the Council's position in respect of housing supply at the time of LDP adoption. In view of this, and given that the current position based on existing approvals is 4.3 years (at April 2016) falling to 3.9 years at April 2017, it is considered that the need to increase housing supply must be given considerable weight in favour of approving this residential development in advance of the adoption of the LDP, in order to maintain a healthy supply as required by PPW and paragraph 6.2 of TAN 1.

Notwithstanding the case for maintaining an adequate Housing Land Supply for future JHLAS and when the LDP is adopted, there are other objections to the principle of the development of the site within the current UDP, including its location within the Green Wedge under ENV3, its allocation for recreational use under REC5, and the loss of agricultural land under ENV2.

Firstly, in relation to the Green Wedge status of the land, policy ENV3 of the UDP has four objectives:-

- a) To protect undeveloped land from speculative development,
- b) To prevent urban coalescence between and within settlements,
- c) To maintain the setting of built up areas, and
- d) To ensure that development does not prejudice the open nature of the land.

In addition national guidance in PPW identifies that green wedges can:

- Provide opportunities for access to the open countryside;
- Provide opportunities for outdoor sports and recreation;

- Maintain landscape / wildlife interest;
- Retain land for agricultural, forestry and related purposes;
- Improve derelict land; and
- Provide carbon sinks and help to mitigate the effects of urban heat islands.

However, it should be noted that in developing the LDP growth strategy and identifying appropriate sites for new residential development, it was recognised that development required during the plan period could not be solely accommodated on brownfield land either within or on the periphery of existing settlements. It was therefore considered appropriate to allocate development outside of existing settlements, in particular those areas already under significant development pressure i.e. areas previously designated as green wedges. As such the Green Wedge Background Paper prepared for the LDP identifies the removal of some designated green wedges whilst adding other sites. The current application site is one such area to be removed, as it was considered that it would not prejudice the maintenance of the remaining green wedge and the aim to prevent the coalescence of Dinas Powys and Penarth. Although only a draft policy as part of the emerging LDP, nevertheless, the proposal to remove the area from the green wedge is indicative of the fact that it is an anomaly that is no longer justified for such protection. Indeed paragraph 4.8.14 of PPW recognises the importance of green wedge designation, and notes that a presumption against inappropriate development will apply, stating:-

“Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.”

It is this potential ‘harmful impact’ that needs to be explored beyond the principle of the loss of part of the green wedge, and is considered in more detail below in relation to the likely visual impact of the proposal.

A further issue in considering the acceptability of the principle of the residential development of the site relates to the allocation of part of the land for new playing field provision under REC5 of the UDP. The importance of safeguarding recreational space is highlighted in TAN16-Sport, Recreation and Open Space. However the allocation of 1.3 ha of the site for recreational use was based on an assessment of open space provision undertaken during the late 1980s, and which identified a shortfall. This is now out-of-date as a more recent review has been undertaken in support of the LDP. The Open Space Background Paper demonstrates an excess of outdoor sports facilities in Dinas Powys. As such, and provided the development meets its obligations in relation to the need for play/open space provision for the site itself (explored in more detail below), it is considered that the loss of the playing fields allocation would not justify a refusal of the application.

Finally, in relation to the loss of agricultural land under policy ENV2 of the UDP, it is noted that the Council's Agricultural Land Classification records identify the site as Grade 3. No evidence regarding agricultural land quality has been submitted and therefore it is not clear whether this is the higher value Grade 3a, nevertheless, it is not considered that the loss of this relatively small area of land would alone justify a refusal of the application.

In conclusion, taking account of the above, although the proposal is contrary to Policies ENV1, ENV3, HOUS2, HOUS3 and REC5 of the UDP, it is considered that there are other material considerations to justify the residential development of the site. In terms of PPW's presumption in favour of sustainable development, there is no doubt that the site is a sustainable location adjoining an existing settlement. Indeed, Dinas Powys had an initial ranking of 5 in the Council's Sustainable Settlements Appraisal Review 2013. As regards the development of this section of the existing green wedge, it is considered that it would not prejudice the Council's continuing objective to prevent the coalescence of settlements. Furthermore the playing field allocation has been demonstrated as no longer required against the latest studies of provision in the area. However what is evident is the need for the Council to maintain an adequate housing land supply, and as it appears that the current figure based on current approvals is 4.3 years for April 2016 falling to 3.9 in April 2017. The proposed development would make a significant contribution to increasing the available supply. This is an important material consideration and it is considered that in the absence of any other fundamental and overriding policy conflict, it is a factor that weighs heavily in favour of the development. It should also be recognised that the development of the site will contribute towards the provision of affordable housing which is much needed in the area.

Thus it is considered that accepting the development of the site at this stage would not cause any harm to the LDP process as the proposal for up to 70 dwellings is not a large scale scheme nor is it in a strategic location that goes to the heart of the emerging plan.

As such, it is considered on balance that the development of the land for residential use is acceptable in principle and outweighs any conflict with UDP policies cited above. However, it is important to note here that this does not set a precedent for further applications for residential development outside of UDP defined settlements to be approved. Each will have to be considered on the circumstances of their situation, having regard to the housing land supply at that time, as well as how that specific development would affect the delivery of the LDP, and all other material considerations.

Notwithstanding the above, as with all applications for residential development in advance of the LDP Examination, there is a need to fully consider all other material considerations, such as the wider environmental, social and economic impacts of the scheme, which are examined below.

Design and visual impact

It has already been noted that the site currently lies within a green wedge identified under Policy ENV3 of the UDP. Two of the four objectives of that policy have a bearing on the visual impact of the scheme as they seek to maintain the setting of built up areas, and to ensure that development does not prejudice the open nature of the land.

In terms of the openness of the site as it stands today, clearly residential development will detract from its undeveloped nature. It is accepted that the proposed development would fundamentally alter the character of the land, however, it does not necessarily render the development unacceptable. As such an assessment of the visual impact is required in the context of the surrounding landscape and how the development relates to the existing built environment. On this point it is noted that the position of the site and its triangular shape means that two of its three boundaries are enclosed by urban development. As regards the setting of Dinas Powys, it is considered that the size of the site is relatively small and the proposal represents a logical alignment with the northern extent of built development on the opposite side of the railway line. Given this close relationship to the existing pattern of development at Dinas Powys it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside. From the viewpoints to the east it would be seen against the backdrop of the existing built development, and would appear as a re-defined edge of the settlement. Whilst more local views of the area would be altered, the remainder of the green wedge will be retained and therefore any coalescence with Penarth will be prevented, and the setting formed by the new urban edge and the openness of the land beyond will be maintained. Thus whilst the development is larger than that which could be considered as small scale rounding off under policy HOUS 2 of the UDP, nevertheless, it is considered that it would appear as a logical extension of the existing built environment of the settlement boundary. This is reflected in the fact that the site has been assessed and allocated in the Draft Deposit LDP. As such, it is considered that the harm resulting from the development will be localised and would not be so significant as to justify a refusal.

As regards the design of the proposed development it is acknowledged that the application is submitted in outline with all matters reserved for subsequent detailed approval. However an illustrative layout is provided along with a Landscape and Visual Impact Assessment, and a Tree Survey, Arboricultural Constraints and Impact Assessment Report. As the supporting documentation indicates the proposal is to retain the existing boundary features and to enhance these with additional planting. The DAS notes that a landscape buffer zone will be created to protect and maintain the planted boundaries and ensure a strong defensive 'green' edge to the settlement. The DAS also notes:-

“The development will be provided with generous levels of new landscaping that will soften the built form. A significant feature of this will be the Public Square, which will create an attractive focal point in the centre of the site, and a POS which will provide community facilities, including a LEAP.”

There is a concern over the positioning and extent of the public open space and play facilities. The Council expects the development to meet the demand for open space/play facilities that it generates, and for this to be located within the confines of the site itself. The illustrative layout shows open space and a LEAP located outside of the application site and on the opposite side of Caerleon Road. The Council's Parks and Ground Maintenance department has raised concerns over the proposed off-site location of the LEAP, noting that it is positioned adjacent to the main access road through the estate and at the proposed new access junction to the development. They have also raised concerns over the positioning of the LAP adjacent to the main road through the development itself. There are additional concerns over the deficit in the amount of open space proposed. This is explored in more detail within the planning obligations section below.

Notwithstanding this, it is considered that the location of open space would best be considered at the detailed layout, reserved matter stage, and the Council can require a certain level of open space provision within any permission. As regards the practicalities of such provision, it is considered that it could be accommodated within the site in an appropriately planned layout, particularly as the LDP allocation calls for 75 units on the site and the current illustrated layout provides for only 66 units and noting that the application as submitted refers to up to 70 units.

On the issue of density whilst PPW encourages local planning authorities to ensure sufficient density in areas accessible to non-car modes of transport, each site must be considered with regard to its particular circumstances. In this case, as already noted, the LDP allocation seeks 75 units, whilst the proposal is only for up to 70 units. It is acknowledged that the proposed density of 24 per ha would not comply with the aims of Policy MD7 of the LDP which requires at least 30 dwellings per ha for primary settlements. However, it is considered that some minor reduction in the density could be appropriate bearing in mind the potential limitations due to the location of the site alongside the main railway line (the related issues being explored later), and the character of the existing Murch housing estate.

Finally as regards the proposed house types, the existing housing estate comprises a mix of terraced, semi-detached, and detached two storey houses, as well as flats and single storey units. It is noted that the illustrative layout and parameter details submitted indicate mostly detached houses with no terraces, and a height not exceeding three storeys. It is considered that some three storey elements may be appropriate within the overall design, however, to reflect the context of the site, it should be predominantly two storey. In addition, the introduction of some smaller terraced units would not only serve to improve the density on the site, but would provide a better mix of house types and may also meet the requirements for affordable housing need in the area. This will need to be considered further at reserved matters stage.

Highways

On the highway issues it is noted that the likely impact of the development on the existing highway network is one of the main points of objection raised in the representations received from local residents and the Community Council. The concerns raised include the exacerbation of existing problems of congestion, both through the Murch and onto the main Cardiff Road junction, and the effect on highway and pedestrian safety. Dinas Powys Community Council has objected in principle to any further housing allocations being made in Dinas Powys until the necessary feasibility study of the highways and transport network has been undertaken.

The application is supported by a Transport Assessment (TA) which assesses the likely increase in travel demand generated by the proposed development, identifying the likely impact of the proposals and the surrounding transport network, and identifying any measures required to mitigate the impact. The initial TA undertook a capacity analysis of the proposed site access/Caerleon Road junction which demonstrated that the proposed junction has sufficient capacity to accommodate the proposed development with minimal impact on the local highway network. It concluded that:-

“Overall, it is considered that traffic generated by the proposed development can be accommodated within the existing highway network without increasing delays to existing road users.

It is also considered that the development proposals – which incorporate traffic calming measures along Caerleon Road – go some way to address the concerns raised by local residents at the recent public consultation.”

This initial conclusion was not wholly accepted as it was considered necessary to assess the impact of the development on the wider highway network, including the cumulative impacts with the separate LDP allocation for 300 dwellings at the former St Cyres School site and the recently approved medical centre on part of the former St Cyres School site. In particular the applicants were requested to assess the impact on the Murch Road, Castle Drive and Cardiff Road junctions.

This further Transport Assessment undertook additional capacity assessments which found that all three junctions, i.e. the proposed site access off Caerleon Road, the Murch Road/Castle Drive junction, and the Cardiff Road/Murch Road/Millbrook Road junction, have sufficient capacity to accommodate committed development (relocated health centre) and proposed development of up to 370 dwellings in the 2028 am and pm peak periods. The TA concludes:-

“Overall, it is considered that traffic generated by the proposed development can be accommodated within the existing highway network without significantly increasing delays to existing road users. It is the cumulative impact of the development and the much larger housing allocation on the St Cyres school that impacts greatest on the operation of the local highway network.

However, it is considered the development and implementation of an effective residential Travel Plan may restrain vehicle trip generation at each of the development sites.”

This TA was followed up by a further 'Briefing note' to explore the impact of vehicular traffic generated by the proposed development on the performance of the Cardiff Road/Murch Road signal-controlled junction. This indicates that there is little by way of geometric improvement that could be implemented at the signal junction that would improve its operational performance. This again concludes:-

"It is therefore considered that the impact of the proposed development could be mitigated an acceptable degree without significantly increasing delays to existing road users. Mitigation in the form of the implementation of an effective Travel Plan that is complemented by measures to enhance both pedestrian movement and the site's connectivity to Eastbrook Railway Station will reduce the proposed development's vehicular trip generation."

The Council's Highway Development team have provided comments on the proposal which confirm that they cannot substantiate an objection in this instance. Whilst there is not complete agreement with the submitted information, nevertheless, they do concur that there is no feasible layout improvement at the Cardiff Road junction that the applicants could undertake to mitigate for the impact of their development. The development of the Caerleon Road development alone will have a relatively small impact, and although the scheme will have an impact at these junctions in the absence of a substantiated highway objection the Council must weight this against the benefits of the scheme in meeting housing needs in the area, particularly affordable housing.

Although the Highway Development team have not objected to the proposal, they have recommended a number of conditions be attached to any permission. A number of these relate to very specific engineering details for the new access and internal roads, and these would need to be provided in any case as part of any subsequent reserved matters application. However, the submission of a Travel Plan, and implementation of alternative public and other sustainable modes of transport, will need to be conditioned as part of any outline consent and/or sought through an appropriate S106 agreement. It is agreed that the proposal contained in the 'Briefing note' for the upgrading of the width and surfacing materials of the footway link at the end of Caerleon Road with the footbridge to Eastbrook Railway Station, plus low level lighting, would serve to improve sustainable transport links. However, this land is owned by a third party and, therefore the delivery of such works cannot be specifically conditioned or referred to in any S106 relating to the current application. Notwithstanding this it is possible that the applicants could secure this with the relevant landowners consent, as part of the suggested package of alternative public and other sustainable modes of transport.

Neighbouring and residential amenity

The introduction of up to an additional 70 dwellings on the site will clearly have some impact on the amenity of existing residents. There is the general disturbance from the additional volume of traffic through the estate. The assessment of the traffic impacts concludes that this will not be so significant as to justify a refusal. There is also the possible impacts on the residential amenity of the immediately adjoining neighbours in relation to issues of privacy, overshadowing or overbearing impact.

This can only be fully assessed once the detailed plans are submitted with any subsequent reserved matters application. However, the illustrative layout suggests that the proposed development can be accommodated on the site without any significant harm to neighbouring amenity and in line with current amenity guidelines.

The residential amenity of the future occupiers of the development must also be considered, and on this point it is noted that the illustrative layout suggests that the development can be accommodated to meet the Council's requirements in the Amenity Standards SPG.

A particular concern in relation to the residential amenity of the future occupiers is the issue of potential noise problems resulting from the proximity of the site to the main railway line. This has been raised by the Environmental Health section. Their initial comments indicated that the site was the subject of a Noise Action Planning Priority Area (NAPPA). However, subsequent to this they have confirmed that the site has been removed from the NAPPA. Notwithstanding this, the issue of noise is a material consideration in the determination of the application. As advised in TAN11-Noise, as the noise levels identified on the submitted Environmental Noise and Vibration Survey put the development into Noise Exposure Category (NEC) B, then noise should be taken into account when determining the planning application.

It is noted that the noise consultants have suggested a number of conditions to mitigate for noise. The Environmental Health section have commented on these suggesting that they could result in outcomes that would not necessarily fully alleviate noise and result in future occupiers having homes with rooms that would have windows that could not be opened, and would thereby require mechanical ventilation, plus only 50% of the garden area of homes would have some level of protection. They acknowledge that TAN11 recognises that where there is a clear need for new residential development in an already noisy area some or all NECs might be increased by up to 3dB(A) (Annex A2). The World Health Organisation (WHO) also acknowledge that if all transportation noise in Europe is considered, approximately 50% of European Union (EU) citizens live in areas where they do not experience 'acoustical comfort'. However the WHO still advocate that in bedrooms overall levels should not exceed 30dB(A) with the Lamaxfast of 45dB not being exceeded, that is noise levels for one off events such as passing vehicles or trains.

It is considered that there is a proven need for this residential development as outlined above, and as such the Council would not be justified in refusing the application on grounds of noise. However, as the additional comments from Environmental Health suggest, the applicant should be required to submit and implement details of acoustic glazing, ventilation and acoustic fencing for those properties that could be adversely affected by noise. As such a suitable condition will be required on any permission to ensure further details are provided with any subsequent reserved matters application.

Ecology

On the issue of ecology a number of the neighbour representations have raised concerns over the impact on the biodiversity of the site. The application is accompanied by an Extended Phase 1 Habitat Survey prepared by Soltys Brewster Ecology. This concludes that there is no evidence of protected species (with the exception of birds), and a limited range of habitat types, principally comprised of semi-improved neutral grassland with associated hedgerow and scrub boundaries. Of these only the semi-improved grassland and hedgerow boundaries to the east/south east, plus the belt of scrub alongside the railway line to the west, were of ecological interest in the context of the site. They recommend a combination of retention, protection and management to retain some of the existing biodiversity interest as part of the development. This would include, partial retention and future management of the semi-improved neutral grassland as part of the informal open space and buffer strip to be retained along the western boundary; retention and management of the existing grassland in the northern and south western parts of the development site; with a similar approach to retention and management for the eastern boundary hedgerow, plus the scrub along the western boundary.

Although there is no evidence of protected species, the site could support small numbers of common reptiles based on the presence of grassland/scrub edge habitats and the proximity to the railway corridor to the west. The recommended retention and management of the eastern and western boundary vegetation together with elements of the existing grassland would continue to provide resources for these groups. Other considerations suggested in the survey include avoidance of the bird breeding season for any clearance of scrub or hedgerow vegetation; the adoption of a phased clearance strategy for areas of semi-improved grassland so as to minimise risks to common reptiles; clear demarcation of the extent of retained grassland and boundary habitats prior to start of construction and the appropriate design of site lighting to avoid/minimise increased illumination along the eastern and western boundaries. In addition the report suggests consideration should also be given to the incorporation of cost effective ecological enhancement measures as part of the development which could include incorporation of bat boxes and bird boxes on new buildings; the use of native species or those with a known wildlife benefit for any landscape planting; and preparation of a management plan for retained habitat features such as grassland, scrub and hedgerows.

Both NRW and the Council's Ecology team have been consulted on the application and have not raised an objection. They accept the findings of the ecology report and advise that the recommendations in Section 5 are secured by condition. The Council's Ecology team have also highlighted the need to secure the implementation of a biodiversity enhancement scheme for the site.

In view of the above it is considered that the proposal would satisfy the requirements of policy ENV 16 of the UDP and national guidance contained in PPW and TAN5, subject to the securing of the works of biodiversity enhancements/protection recommended in the ecological report.

Drainage and flood risk

Local residents have also referred to the often wet conditions of the site due to surface water, and the potential for flooding. It has already been noted that the western boundary of the site is identified as a C2 Flood Risk Zone. NRW have commented on this aspect of the development and confirm that they have no objection. They note that the application indicates that only tree planting is proposed within the floodplain outline and, therefore, consider the risks and consequences are acceptable in this instance. However, they do offer advice on Flood Risk management.

They also note that the neighbouring East Brook is scheduled as a statutory river and a Flood Defence Consent is required for any works within 7m of the top of the riverbank. The Council's drainage engineer has been consulted on the proposal however no comments have been received to date.

In respect of drainage it is noted that Welsh Water have no objections but have requested a number of conditions relating to foul, surface water and land drainage. They recommend that no development is commenced until a scheme for the comprehensive and integrated drainage of the site has been approved. On this point it is noted that NRW have advised that run-off should not exceed current 'greenfield' rates and the Council's Drainage Engineer has suggested conditions in respect of surface water drainage. In addition Welsh Water note that the proposed development site is crossed by a combined public sewer and that no development will be permitted within 6m either side of the centreline of the sewer.

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 an outline planning application for the development of the site for up to 70 residential units, including 40% affordable.

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.

Affordable Housing

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site should deliver 40% affordable housing. The Council requires a 70/30 split on site between Social Rented and Intermediate.

Although the illustrative layout shows only 66 units on the site, it is acknowledged that this is an outline application and that the description of development proposes up to 70 residential units. Irrespective of the eventual number, the proposal will be required to deliver 40% of the total number of units as affordable housing.

Education

The Council's formula for calculating pupil demand is contained within the adopted Planning Obligations SPG, and indicates that based on the construction of 70 dwellings, it is anticipated to yield the following number of children:-

Pre-school – $70 \times 0.1 = 7$ children;

Primary – $70 \times 0.278 = 19$ children;

Secondary (11 to 16 years) – $70 \times 0.208 = 15$ children;

Secondary (post 16) - $70 \times 0.04 = 3$ young adults.

The primary schools serving the development are Dinas Powys Infant and Murch Junior for English Medium provision, St Andrews Church in Wales, St Joseph's Roman Catholic and Ysgol Pen y Garth for Welsh medium provision. The secondary schools serving the development are St Cyres for English medium, Bishop of Llandaff Church in Wales, St Richard Gwyn Roman Catholic School and Ysgol Bro Morgannwg for Welsh medium education.

The percentage splits used to apportion pupil yield to the different primary sectors serving the area are 65% to English Medium, 22% to Church in Wales, 8% to Welsh Medium and 5% to Roman Catholic. For secondary education the split is 86.5% to English Medium, 8.5% to Welsh Medium, 4% to Roman Catholic and 1% to Church in Wales. The percentages are based on figures contained in the Educational Facilities Local Development Plan Background Paper (2013).

Nursery Level:-

The Council's Education Department has confirmed that there is no spare capacity at nursery level, current and forecast, within all types of provision to accommodate the development. Therefore, the Council requests Section 106 contributions to provide nursery places for the 7 nursery children arising from the development. Based on the Council's Planning Obligations SPG, a contribution of a £12,257 per nursery aged pupil is required.

However, this excludes professional fees, highway design costs, legal fees, planning application and Building Control fees, which adds an additional 18% to the construction costs, thus resulting in an overall figure of £14,463.26 per nursery child. The Education Department would therefore request a Section 106 contribution for 7 nursery age pupils totalling **£101,242.82** arising from this development towards the costs required for expansion of nursery education in the area.

Primary Level:-

Based on the Council's Planning Obligations SPG, a contribution of a £12,257 per primary school aged pupil is required. However, this excludes professional fees, highway design costs, legal fees, planning application and Building Control fees, which adds an additional 18% to the construction costs, thus resulting in an overall figure of £14,463.26 per primary school child. Based on the percentage split set out above, in terms of the 19 primary age children generated, 12 places would be allocated to English Medium; 2 places to Welsh Medium; 4 places to Church in Wales provision and 1 place to Roman Catholic provision. In terms of Welsh Medium and Roman Catholic sector, 3 children would be generated at a cost of £14,463.26 per place totalling £43,389.78. In terms of the English Medium and Church in Wales sector there is limited surplus capacity overall, current and forecast, with some year groups operating to their maximum capacity. The Council would therefore seek contributions where specific year groups are full. The Council would seek Section 106 contributions for 8 children that could not be accommodated in certain year groups at a cost of £14,463.26 per place totalling £115,706.08. Thus the contribution for primary provision overall would be **£159,095.86**.

Secondary Level:-

Based on the Council's Planning Obligations SPG, a contribution of a £18,469 per secondary school aged pupil is required. However, this excludes professional fees, highway design costs, legal fees, planning application and Building Control fees, which adds an additional 18% to the construction costs, thus resulting in an overall figure of £21,793.42 per secondary school pupil. Based on the percentage split above in terms of the 18 secondary children generated, 15 places would be allocated to English medium, 2 to Welsh medium, 0 to Church in Wales provision and 1 place to Roman Catholic provision. The Council's Education Department has advised that there is surplus capacity in all the sectors, current and forecast over the next five year period apart from Church in Wales education. However, in light of the CIL Regulation Pooling Restriction, the Council will not seek a contribution for the one place relevant.

Overall Education Contribution:-

In view of the above the Council would be seeking S106 development contributions of **£260,338.68** in total for nursery and primary education. It should be noted that, as the application is in outline, this calculation is based upon there not being studio apartments or 1 bedroom flats, which would be excluded from any calculations as it is agreed that these do not house school aged children.

Public Open Space

UDP Policies REC3 and REC6 require new residential developments to make provision for public open space. The Planning Obligations SPG and LDP Open Space Background Paper (2013) provide further advice about how these standards should operate in practice. The site lies within the ward of Dinas Powys. The LDP Open Space Background Paper (2013) indicates the ward has an under provision of children's play space of 1.58ha but an overprovision of 88.52ha of outdoor sport space. In total, under public open space requirements as defined within the LDP Open Space Background Paper (2013), the standard can be broken down to a minimum square metre requirement per person as follows:-

Standard for Children's Outdoor Play = No of dwellings X average household size (2.32) X standard per person (2.5sqm)

Other children's play space = No of dwellings X average household size (2.32) X standard per person (6sqm)

Outdoor Sport = No of dwellings X average household size (2.32) X standard per person (16sqm)

The development of 70 dwellings creates the need for 406sqm of children's play facilities, 974.4sqm of other children's play space and 2,553sqm of outdoor sport. On the basis that there is the surplus amount of outdoor sport space in the ward, the Council does not consider it to be necessary to request a contribution for this type of public open space to make the development acceptable in planning terms. As such, a total on site provision of 1,380.4sqm of public open space is required.

It has already been noted that there is a concern over the suggested location of the proposed public open space/play areas identified on the illustrative layout plan. These areas are all required to be provided within the confines of the application site itself. In addition there is also a deficit of 880.4sqm of open space shown on the illustrative layout plan. Despite this it is expected that the development should meet the required level of open space identified above, i.e. 1,380.4sqm. As such any permission will need to be conditioned to ensure that this provision is included within any details submitted as part of a reserved matter application.

Finally in terms of the maintenance of the public open space, if the developer seeks to hand these areas to the Council, then there will be a requirement for the payment of a 20 year commuted sum. The actual figure would need to be calculated once full details are provided, and can be dealt with, if necessary within the S106 agreement.

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 seeks a financial contribution of £2000 per residential unit to provide sustainable transport facilities, which in this case equates to **£140,000**. This is considered to be additional to the separate requirements highlighted in the supporting TA and as outlined by the Council's Highway Development team in relation to the required mitigation for the impact on the main Cardiff Road junction, i.e. the Travel Plan.

Community Facilities

The Council's LDP Community Facilities Background Paper (2013) confirms that the Dinas Powys Ward is currently experiencing a deficit in community facilities, and requires additional community space to accommodate the projected housing growth within the ward.

A community facilities contribution at £988.50 per dwelling is required, in lieu of on-site provision. Based a scheme for 70 dwellings, this would amount to **£69,195** arising from the development for community facilities.

Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted 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 which 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.

Planning Obligations Administration Fee

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 2% of the total level of contributions sought (£9,390.67 in this case).

The applicant's agent has been informed of the above requirements and, to date, has not advised that there are any concerns in meeting the necessary obligations.

Other issues

The neighbour representations have raised a number of other issues including discrepancies in the submitted TA. These concerns have been considered by the Council's Highway officers who have confirmed that these do not alter the acceptability of the submitted TA, and therefore, are not material to the decision on the application.

As for the concern that the proposal represents an imbalance between social and private housing in the area, which will increase general crime, this is not accepted. The proposal will provide much needed affordable housing that will be required to meet Secured by Design standards.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regards to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV3-Green Wedges, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV24-Conservation and Enhancement of Open Spaces, 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, REC4-Provision for the Disabled and Elderly, REC5-New Playing Field Provision, REC6-Children's Playing Facilities, and Strategic Policies 1 & 2-The Environment, 3-Housing, 7 & 8-Transportation and 11-Sport and Recreation 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, Trees and Development, Public Art, and Planning Obligations; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Studies, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN15-Development and Flood Risk, TAN16-Sport, Recreation and Open Space, and TAN18-Transport; it is considered that, based on the material considerations outlined within the report, the proposal represents an acceptable and sustainable form of residential development, that justifies a departure from the current development plan. In addition it is considered that, subject to appropriate conditions, the proposal should have no significant adverse impact on highway safety, the character and appearance of the area, neighbouring and general amenities, and other issues such as ecology, drainage and flood risk.

The proposals therefore comply with the relevant national planning policies and supplementary planning guidance.

RECOMMENDATION

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

- Provide and maintain in perpetuity 40% of the total number of units as affordable housing;
- Pay a contribution calculated in accordance with the Council's SPG;
- Pay a contribution of £2,000 per dwelling towards sustainable transport to be used in the vicinity of the site.
- Pay a contribution of £988.50 per dwelling towards community facilities;
- Provide POS on site to meet the Council's standards (i.e. 19.72m per dwelling for children's play.
- Pay a 20 year commuted sum towards the maintenance of the public open space, if the developer will seek to hand these areas to the Council;
- To provide details of the future maintenance of the surface water drainage system including transfer to the SAB (as appropriate).
- Provide public art on the site to the value of 1% of the project budget. The developer to provide a detailed written estimate of the building costs of the development. Details of the scheme to be submitted to and agreed in writing with the Local Planning Authority, and to incorporate measures for the future maintenance of the works. Alternatively, failing agreement to on site works, a financial contribution to the same value to be added to the Vale of Glamorgan Public Art Fund; and
- Pay the Council's charge (£9,390.67) for monitoring the implementation of the Agreement.

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

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

Reason:

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

4. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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

5. The development shall be carried out in accordance with the following approved plans and documents:-

- Site location plan, Dwg. No. DP100, received 28 January 2014;
- Proposed site plan, Dwg. No. DP300 Rev C, received 28 January 2014;
- Site Survey, Dwg. No. P2148, received 28 January 2014;
- Planning Statement, received 28 January 2014;
- Design and Access Statement, received 29 January 2014;
- Transport Assessment, including Appendices and Figures, amended document received 20 March 2015, plus Asbri Planning Briefing note, received 11 June 2015;
- Landscape and Visual Impact Assessment, including Appendices, received 28 January 2014;
- Tree Survey, Arboricultural Constraints & Impact Assessment Report, including Tree location and constraints plan and Tree protection plan, received 28 January 2014;

- Extended Phase 1 Habitat Survey, received 28 January 2014;
 - Geotechnical & Geo-Environmental Report, received 29 January 2014;
 - Environmental Noise & Vibration Surveys, received 28 January 2014;
 - Drainage Strategy Report, received 29 January 2014;
 - Code for Sustainable Homes pre-assessment, received 29 January 2014;
- and
- Statement of Community Consultation, received 29 January 2014.

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.

6. A detailed Travel Plan to include timescales for its implementation and include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use shall be submitted to and approved in writing by the Local Planning Authority and the Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To establish measures to encourage sustainable, non-car modes of transport in order to mitigate for the additional flows on the surrounding highway network in accordance with sustainability principles and Strategic Policies 2 and 8 and ENV27 of the Unitary Development Plan.

7. Notwithstanding the submitted noise survey, full details of measures to mitigate for the effect of noise and vibration from the main railway line and Cardiff Road to the north and west of the site, which shall include acoustic glazing, ventilation and acoustic fencing to those properties which are shown to be impacted upon in an updated noise and vibration survey, shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of any dwelling hereby approved. The approved mitigation measures shall be undertaken prior to occupation of identified properties.

Reason:

To ensure that adequate noise mitigation is implemented for those properties adversely affected in accordance with Policies ENV27, ENV29 of the Unitary Development Plan and national guidance contained in TAN11.

8. The reserved matters applications shall pay full regard to the findings of the Extended Phase 1 Habitat Survey, prepared by Soltys Brewster Ecology, and shall follow the recommendations in Section 5 of the report. Prior to commencement of development, full details shall be provided of a scheme, including timescale's for implementation, for the enhancement of biodiversity on the site, for approval in writing of the Local Planning Authority and the approved scheme shall be fully implemented at the time of the development.

Reason:

To ensure the protection of ecological interest on the site and the enhancement of biodiversity in accordance with Policy ENV16 and national guidance contained in PPW and TAN5.

9. Prior to the commencement of development a Construction Traffic Management Plan (CTMP), which shall include wheel washing facilities and details of delivery times, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented thereafter in full accordance with the agreed CTMP.

Reason:

In the interests of highway safety and the free flow of traffic along the wider highway network in accordance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

11. The reserved matters landscape details shall pay full regard to the Landscape and Visual Impact Assessment, along with the accompanying Tree Survey and tree protection proposals, in particular the proposal to retain and enhance the existing boundary planting, especially to the north, west and east.

Reason:

In the interests of visual amenity and the character of the area, including the countryside to the east, plus the ecological/biodiversity interests on the site, and flood risk, in accordance with Policies ENV3, ENV7, ENV10, ENV11, ENV16 and ENV27 of the Unitary Development Plan and national guidance contained in TAN5, TAN12 and TAN15.

12. A scheme for the comprehensive and integrated drainage of the development site, including details of how foul water, surface water and land drainage will be dealt with shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Run off from the development shall not exceed current 'Greenfield' runoff rates for this area of the catchment, and details of adoption and management shall be provided to show how the scheme/systems will remain effective for the lifetime of the development. No land or surface water drainage shall be allowed to drain either directly or indirectly into the public sewerage system. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details prior to the first occupation of any dwelling on the site.

Reason:

To ensure the effective drainage of the site and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies ENV27 and ENV29 of the Unitary Development Plan.

13. The reserved matters details for residential amenity and off road car parking shall be in accordance with the Council's Supplementary Planning Guidance on Amenity Standards and Parking Standards, and pay due regard to the Secured by Design requirements and the Model Design Guide for Wales.

Reason:

To ensure a good quality of residential development that meets the minimum standards and guidance as set out in local Policies including HOUS8 and ENV27 of the Unitary Development Plan, and national guidance contained in PPW and TAN12.

14. All means of enclosure, including any required acoustic fencing, associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use and shall thereafter be so retained at all times.

Reason:

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

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
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 drawn to the fact that a public sewer runs through the site and may be affected by the development.**
4. **The developer should be aware that the site lies adjacent to/partially within Zone C2 as defined by the Development Advice Map (DAM) under TAN15-Development and Flood Risk. There is therefore the potential for flood risk where Natural Resources Wales offer advice on the installation of flood-proofing measures as part of the development, which can be found in their Floodline publication 'Damage Limitation' www.naturalresourceswales.gov.uk.**
5. **The developer is reminded of the responsibilities associated with working adjacent to the neighbouring railway line and Network Rail's land. In order to mitigate the risks involved the developer is advised to contact Network Rail's Asset Protection Wales Team on assetprotectionwalesnetworkrail.co.uk.**

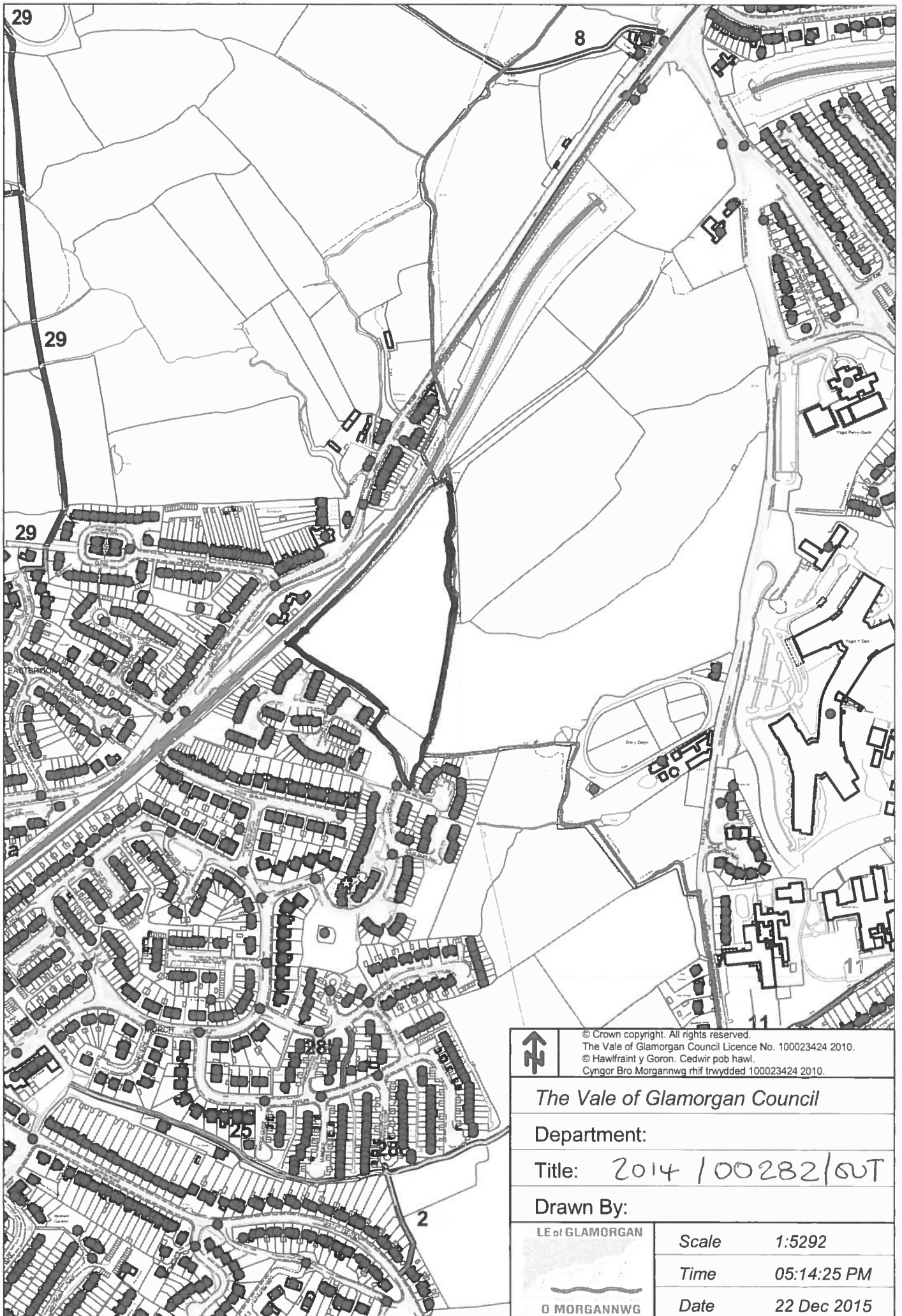
- 6. The developer should be aware that the neighbouring East Brook is scheduled as a statutory main river, and as such a flood defence consent may be required. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority - Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases. You are advised to contact the Council's drainage engineer for further information, crmoon@valeofglamorgan.gov.uk.**
- 7. 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.**



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

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

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

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



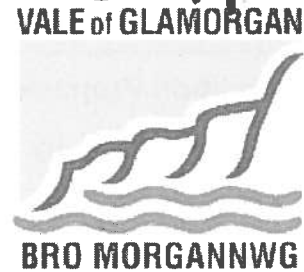
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	The Vale of Glamorgan Council	
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MEMORANDUM / COFNOD

Appendix

A.

2014/00282
/OUT



The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU

To:	Mrs Jane Crofts
Dept / Adran:	
Date/Dyddiad	30 December 2015
:	
Your Ref / Eich Cyf:	Docks Office, Subway Road, Barry, Vale of Glamorgan, CF634RT

From /	Sue Brown
Oddi Wrth:	Pollution Section
My Ref/Cyf	SFB/279320
Tel / Ffôn:	01446 709872
Fax /	01446 709449
Ffacs:	

Subject /
Testyn: **Re: Planning Application No - 2014/00282/OUT**
Planning Application, Caerleon Road, Dinas Powys, Vale Of Glamorgan.
Proposal : Outline application for residential development (of up to
70 dwellings) and associated works.

NOISE

Noise Action Planning Priority Area (NAPPA)

Further to our telephone conversation today I can confirm, having consulted the Policy Advisor for Environmental Noise at the Welsh Government, that the site in question is no longer the subject of a Noise Action Planning Priority Area (NAPPA) the process and maps having undergone review.

However although the area subject to the planning application may no longer be within in a NAPPA it is still within an area deemed to be Noise Exposure Category (NEC) B due to the measurements taken namely;

Daytime (07:00-23:00)	$L_{eq, 16hr} = 60.3 \text{ dB(A)}$
Night-time (23:00-07:00)	$L_{eq, 8hr} = 57.1 \text{ dB(A)}$

that would be a combination of rail and road noise.

As the above noise levels would put the development into Noise Exposure Category (NEC) B, thereby requiring that *noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.* (Planning Guidance (Wales) Technical Advice Note (Wales) Noise (TAN 11) Annex A).

Noise Condition Proposed by Consultant

It has been proposed by the consultant that The Vale of Glamorgan Council/ Local Planning Authority consider the following condition;

"Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- 1. an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre,*
- to*
- 2. a lower rate of between 10 and 17 litres per second against zero back pressure.*

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Gardens shall be designed to provide an area which is at least 50% of the garden area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field]."

As stated previously if this condition were accepted as a viable option by the Local Planning Authority (LPA) it would practically put occupiers into homes;

- with rooms that would have windows that could not be opened, and would thereby require mechanical ventilation
- that could have bedrooms that experience noise levels of 35dB(A), 5dB(A) above the 30dB(A) level advocated by the World Health Organisation
- that could have dwelling rooms that experience noise levels of 40dB(A), 5dB(A) above the 35dB(A) level advocated by the World Health Organisation
- Finally only 50% of the garden area of homes would have some level of protection so that noise levels would not exceed 55dB(A), i.e. could be at 54dB(A). A level of 55dB(A) is advocated as causing *serious annoyance* and a level of 50dB(A) *moderate annoyance* by the World Health Organisation.

However it is recognised in TAN 11 that *where there is a clear need for new residential development in an already noisy area some or all NECs might be increased by up to 3dB(A).*

(Annex A, A2). The WHO also acknowledge that if all transportation noise in Europe is considered approximately 50% of European Union (EU) citizens live in areas where they do not experience *acoustical comfort*¹. **Nevertheless the WHO still advocate that in bedrooms overall levels should not exceed 30dB(A) with the L_{Amax} fast of 45dB not being exceeded, that is noise levels for one of events such as passing vehicles or trains.**

If the LPA deems this site appropriate for development we advise that the noise condition should read as follows;

Noise Condition Proposed by Environmental Health

"Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night, with the L_{Amax} fast of 45dB not being exceeded.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

1. an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre,

to

2. a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Gardens shall be designed to provide an area which is at least 50% of the garden area for sitting out where the maximum day time noise level does not exceed 50 dBA Leq 16 hour [free field]."

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

VIBRATION

Vibration Condition Proposed by Consultant

"Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS

6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme.

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

It should be noted that the above British Standard has been superseded by BS 6472-1:2008, and BS6472-2:2008 'with BS 6472-1 offering guidance on how people inside buildings respond to building vibration: the judgement criteria are more stringent at higher frequencies than in the superseded standard due to changes in the vertical frequency weighting' (<http://shop.bsigroup.com>).

Therefore the validity of this proposed condition should be confirmed and should be re-evaluated if necessary.

Other matters

Finally we conclude with the recommendations made by the consultant namely;

A full external building fabric assessment should be undertaken by a suitably qualified acoustic consultant at the detailed design stage in order to specify sound reduction performance requirements for individual building fabric elements (i.e. glazing, wall, roof, ventilators).

There should be no rooms in roof included in plots within the first 20m of the western/north-western boundary as the pitched roof section provides limited sound insulation'

Or further afield if re-evaluation prior to the reserved matters stage deems it necessary.

Sue Brown
Environmental Health Officer

14/00282/OUT 'B'



Vale of Glamorgan
Highway Authority Observation Sheet
(Highway Development & Traffic)

Planning Application Ref:	2014/00282/OUT
Observations By:	Mr Lee M Howells
Date:	6 th November 2015
Location:	Caerleon Road, Dinas Powys
Proposal:	Outline application for residential development (of up to 70 dwellings) and associated works
Case Officer:	Mrs. Y. J. Prichard

The Highway Authority would advise the Local Planning Authority that due to the geographical location all traffic from the proposed development will inevitably pass through the existing signalised junction with Murch / Cardiff Road which is already heavily congested during the am / pm peak times resulting in the junction operating at / over capacity.

Having reviewed the submitted Transport Statement, the highway Authority would advise that based on the size of the proposed development in isolation, the flows generated are negligible in comparison to the existing levels. However, any additional flows albeit relatively low will increase delays and congestion at the Murch / Cardiff Road signalized junction.

In This instance the Highway Authority could not substantiate an objection based on the above and would advise that should the Local Planning Authority consider approval of the application recommend that the following following conditions in the interest of highway and public safety and the free flow of traffic along the highway network :-

1. In the absence of any mitigating improvement to the existing highway infrastructure to deal with the additional flows, the developer shall as part of a subsequent application submit for approval a detailed Travel plan.

Reason :- In accordance council policy and to establish measures to encourage more sustainable non-car modes of transport.

2. In the absence of any mitigating improvement to the existing highway infrastructure to deal with the additional flows, the developer shall submit / implement alternative Public & other sustainable modes of transport.

14/00282/OUT 'B'₂

Reason :- In accordance council policy and to establish measures to encourage more sustainable non-car modes of Transport.

3. Notwithstanding the submitted Illustrative Master Plan and proposed access arrangements, no works whatsoever shall commence on the development until full Engineering details incorporating in brief the vehicular / pedestrian access inclusive of vision splays , the internal road layout for the site inclusive of turning facilities, street lighting, highway drainage, onsite parking and any associated highway retaining structures within the vicinity of the site required by the Local Highway / Planning Authority have been submitted and approved by the Local Planning Authority.

Reason :- In the interest of highway / Public Safety.

4. The Highway Authority will require the developer to enter into a legally binding Agreement including bond for a development of greater than 5 units to secure the proposer implementation of the highway works to be included with the Full Engineering Details.

Reason :- To ensure a minimum standard of construction in the interests of highway / public safety.

5. No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, water culverts etc abutting or within close proximity to the proposed highway have been submitted to and approved by the Local Planning Authority.

Reason :- To ensure a minimum standard of construction in the interests of highway / public safety.

6. The site shall be served via a single point of access onto Caerleon Road.

Reason :- In the interest of Highway / Public Safety.

7. The proposed means of access onto Caerleon Road shall be set out at right angles.

Reason :- In the interests of highway / public safety and to minimise potential hazards.

8. The proposed means of access onto Caerleon Road shall incorporate and maintain thereafter a minimum vision splay of 43m x 3m in both directions along the adopted highway.

Reason :- In the interest of highway / Public Safety.

9. No boundary elements inclusive of Planting shall be located within areas required for visibility splay areas. All existing / proposed new or replacement boundary treatments fronting onto the adopted highway shall be located to the rear of the required visibility splays.

14/00202/OUT 'B'₃

Reason :- In the interest of Highway / Public Safety.

10. The proposed new vehicular access onto Caerleon Road shall be laid out and constructed in abound material to adoptable standard with a minimum kerbed radii of 7.5m (unless otherwise agreed as part of a subsequent application) on either side of the entrance.

Reason :- To ensure a minimum standard of construction in the interests of highway safety.

11. The carriageway configuration within the site shall be designed to ensure that vehicular speeds do not exceed 20mph and incorporate a minimum width of 5.5m unless otherwise agreed as part of a subsequent application, 2m wide footways on either side and incorporate a vehicular turning facility's for large waste disposal / delivery vehicles.

Reason :- To ensure a minimum standard of construction in the interests of highway safety.

12. Provide and maintain within the confines of the individual plots onsite parking in accordance with the Council's Parking Standards, which shall be surfaced in a bound material to be agreed by the Local Planning Authority prior to beneficial occupation.

Reason :- To ensure a minimum standard of parking when the development is brought into use and in the interest of Highway / Public Safety.

13. Unless otherwise agreed with the Local Planning Authority the gradient of any proposed vehicular access / driveways serving the individual plots shall not exceed 5 % (1:20 for the first 6m and thereafter shall not be steeper than 12.5% (1 in 8).

Reason :- To ensure design standards are achieved in the interests of highway / public safety.

14. No surface, roof water or other deleterious material from the site shall discharge or migrate onto the adopted highway. Applicant to make provisions to deal with the above within the confines of the site.

Reason :- In the interest of highway Safety and environmental management.

15. No materials whatsoever shall to deposited or stored within the limits of the adopted highway in the interest of highway / Public safety and the free flow of traffic along the adopted highway.

Reason :- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway.

14/00 202/OUT 'B'₄

16. The applicant / Developer must provide at least 1 month prior to commencing works submit to for approval by the Local Planning Authority a detailed construction / Traffic Management Plan.

Reason :- In the interest of Highway Safety and the free flow of traffic along the adopted highway.

17. No Lorries shall deliver / leave the site during the peak am / pm hours and ½ hour either side of the times school commencing and ending to minimize the congestion to surrounding highway network and conflicts between site traffic.

Reason :- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.

18. Provide and maintain facilities for wheel cleansing shall be provided for the duration of the works to be approved by the Local Planning Authority prior to any site clearance / construction works commencing on site.

Reason :- In the interest of highway / Public Safety.

Mr Lee M Howells – 6th November 2015
Principal Engineer
Highway Development

14/00282/OUT 'B'₅

ADVISORY INFORMATION

- (a) All land required for the provision of the highway improvement scheme and the proposed vehicular access and associated visibility splays must be within the ownership / control of the applicant in order to implement the proposed scheme and dedicate the areas required for highway purposes under the terms of the Legal agreement.
- (b) The internal highway arrangement within the site shall be constructed to an adoptable standard in accordance with Manual for Streets
- (c) The applicant is to be advised by the Local Planning Authority that any works immediately adjacent to or within the limits of the adopted highway will require authorisation from the Local Highway Authority.

The applicant is required to contact Mr Peter Coughlan on 02920 – 673051 for permission to work within the limits of the adopted Highway and to agree construction details.

- (d) The applicant is to be advised that the minimum internal dimensions of single garage to be considered as an onsite parking facility shall be 6m by 3m in accordance with the Councils Parking Standards and recommendations within "Manual for Streets", (item 8.3.41).

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
The Alps, Wenvoe, CF5 6AA



To / I:	Head of Planning and Transportation
Dept Adran:	
Date Dyddiad:	04/01/2016
Your Ref Eich Cyf:	P/DC/LC/YP/

From Oddi Wrth:	Operational Manager Highways and Engineering
My Ref / Cyf:	HE/SP/CRM/L5/1
Tel / Ffôn:	029 20673277
Fax / Ffacs:	029 20673114

Subject / Testyn: Planning Application 2014/00282/OUT Caerleon Road, Dinas Powys

Proposal: Outline application for residential development (of up to 70 dwellings) and associated works.

This site is not located in DAM areas at risk of tidal or fluvial flooding, and NRW maps indicate that there is a low risk of surface water flooding to some areas of the site. This area of low surface water flood risk is sited in the approximate location of a historical watercourse on the site, and this should therefore be considered by the developer. This site is situated above a known flood risk area (Brookside area of Dinas Powys) and as a result NRW should be consulted on this matter. It is, therefore, also important to ensure that development of this site does not exacerbate flood risk in the surrounding areas.

The Drainage Strategy indicates that soakaway tests have been carried out on this site and disposal of surface water via infiltration is not possible across the site, although evidence of these soakaway tests have not been included with this application.

The Drainage Strategy therefore proposes that surface water will be disposed of via discharge into the watercourse at the west of the site, via a series of existing ditches and online attenuation tanks. Further investigation is required regarding the location and suitability of these ditches to convey water from the surface water system to the existing ordinary watercourse. This information should be provided during the detailed design stage of the drainage strategy.

Quick storage estimates have been submitted with the application indicating the required storage volumes for the 1 in 100 year design event plus 30% for climate change. These estimates are based on the Greenfield runoff rates given from the impermeable areas of the proposed site. Calculations have been submitted demonstrating the Greenfield runoff rates, however a 10% allowance for urban creep has not been added to the impermeable area of the site. Hydraulic calculations have not been submitted to demonstrate that the efficiency of the whole proposed drainage system across the site.

No information has been submitted with this application in regards to the capacity of the culvert beneath the railway line. Details should be submitted demonstrating

that the developer has considered the flood risk posed by water leaving the site via the existing watercourse. If modelling is necessary to demonstrate capacity within the existing culvert, these details should be submitted and approved by the LPA during the detailed design stage.

The Drainage Strategy indicates that the drainage features on site will be adopted by the relevant SuDS Approval Body (SAB). No SAB's are currently in place, and therefore the applicant should provide a management and maintenance plan that details the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime.

No details have been submitted regarding the measures that will be put in place to ensure that no contaminants will enter the watercourse during construction phase of the development. A Construction Environmental Management Plan should be submitted assessing the risks from all pollution sources and pathways to the watercourse and describe how these risks will be mitigated for this development.

The plans submitted indicate that works may be undertaken that could impact on ordinary watercourses. Any works (temporary or permanent) impacting on an ordinary watercourse may require consent from the Council as Lead Local Flood Authority.

Conditions:

Given the above, no development shall commence on site until a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Any calculation for onsite attenuation or discharge should also be included, and details of capacity within the watercourse downstream should also be provided. The approved scheme must be implemented prior to beneficial occupation and as built drawings should be submitted to the LPA. This is to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere.

In connection with the condition above, the detailed scheme for drainage shall identify all existing surface water drainage structures within the site and demonstrate that they are still utilised for their intended use, or that alternative provision is made. The scheme shall also demonstrate that flows within said structures, and across the site, are maintained during construction works and thereafter.

Development shall not commence until a construction environmental management plan for the protection of the adjacent brook from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. Development shall be carried out in accordance with the approved details.

A written declaration is required detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation. A maintenance schedule for the surface water system should be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The developer shall provide as-built drawings for the surface water drainage system to the Local Planning Authority.

Advisory:

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.



C. R. Moon
for Operational Manager Highways and Engineering
ar ran Rheolwr Gweithredol Priffyrdd a Pheirianneg

Commercial Estates Group and Mr. J.G.R. Homfray, C/o Agent
Nathaniel Lichfield & Partners, Helmont House, Churchill Way, Cardiff, CF10 2HE

Land at North West Cowbridge

Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475

SITE AND CONTEXT

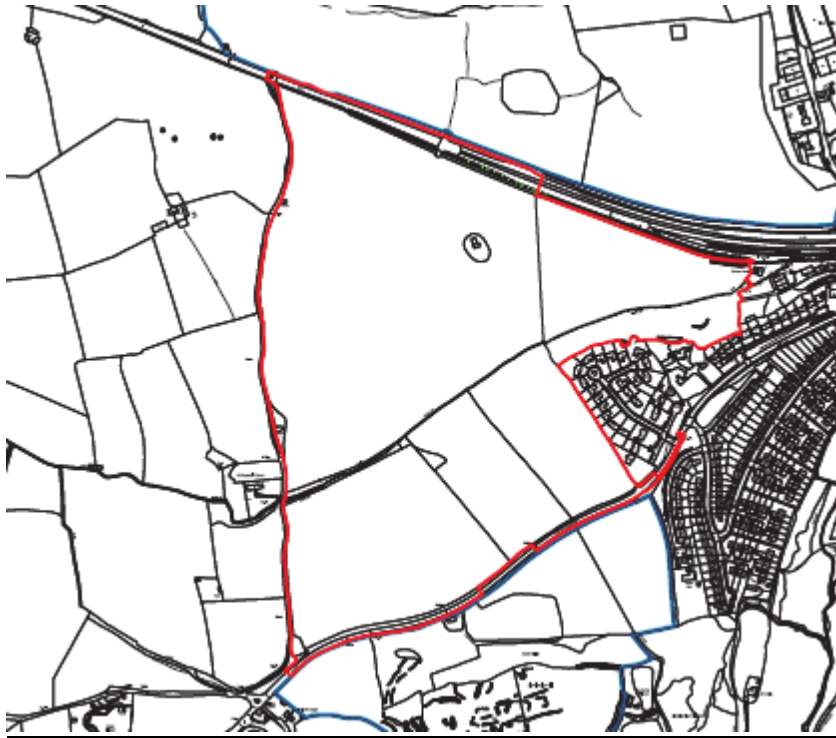
The application relates to a Greenfield site currently in agricultural use at the western edge of Cowbridge adjoining the existing settlement, approximately 1km from the town centre. The application site is approximately 38.83ha and is bounded by an unclassified lane that runs north to south between the A48 and B4270 and provides the access to St Brynachs (Grade II* listed) and cross (Grade II listed), which are located to the west of the site.

To the north the site is bounded by the A48 Cowbridge Bypass and slip road from Cowbridge, and to south by the Llantwit Major Road (B4270). To the east, there is the farm dwelling of Darren Farm and associated farm yard and buildings which are located off Darren Hill (A4222).

To the south east lies existing housing including the residential estates of properties on Darren Close and Tyla Rhosyr.

To the south of the Llantwit Major Road (B4270) are the partially wooded Llanblethian Hill and Caer Dynnaf Hill Fort, a Scheduled Ancient Monument, the edge of which lies approximately 70 metres to the south of the application site.

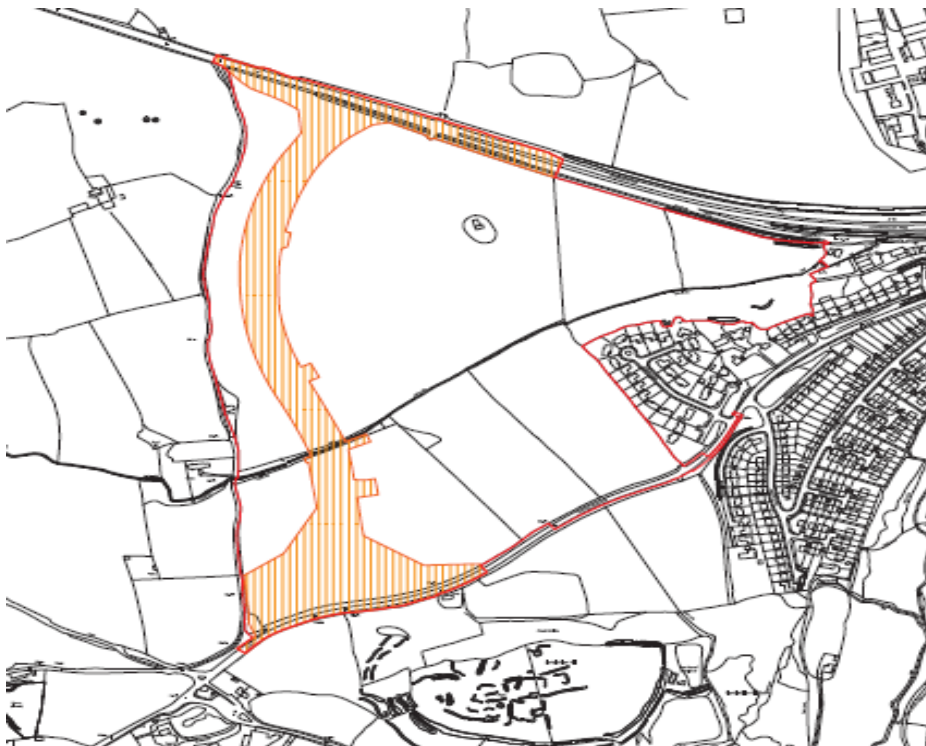
Existing access is via agricultural field entrances from the A48, the B4270 and from the lane running alongside the western boundary of the site. There is also a Public Right of Way crossing the Site from west to east along the lower valley within the site with an additional footpath off this route which joins Llantwit Major Road to the south of the Site.



Site edged red and blue land location plan

DESCRIPTION OF DEVELOPMENT

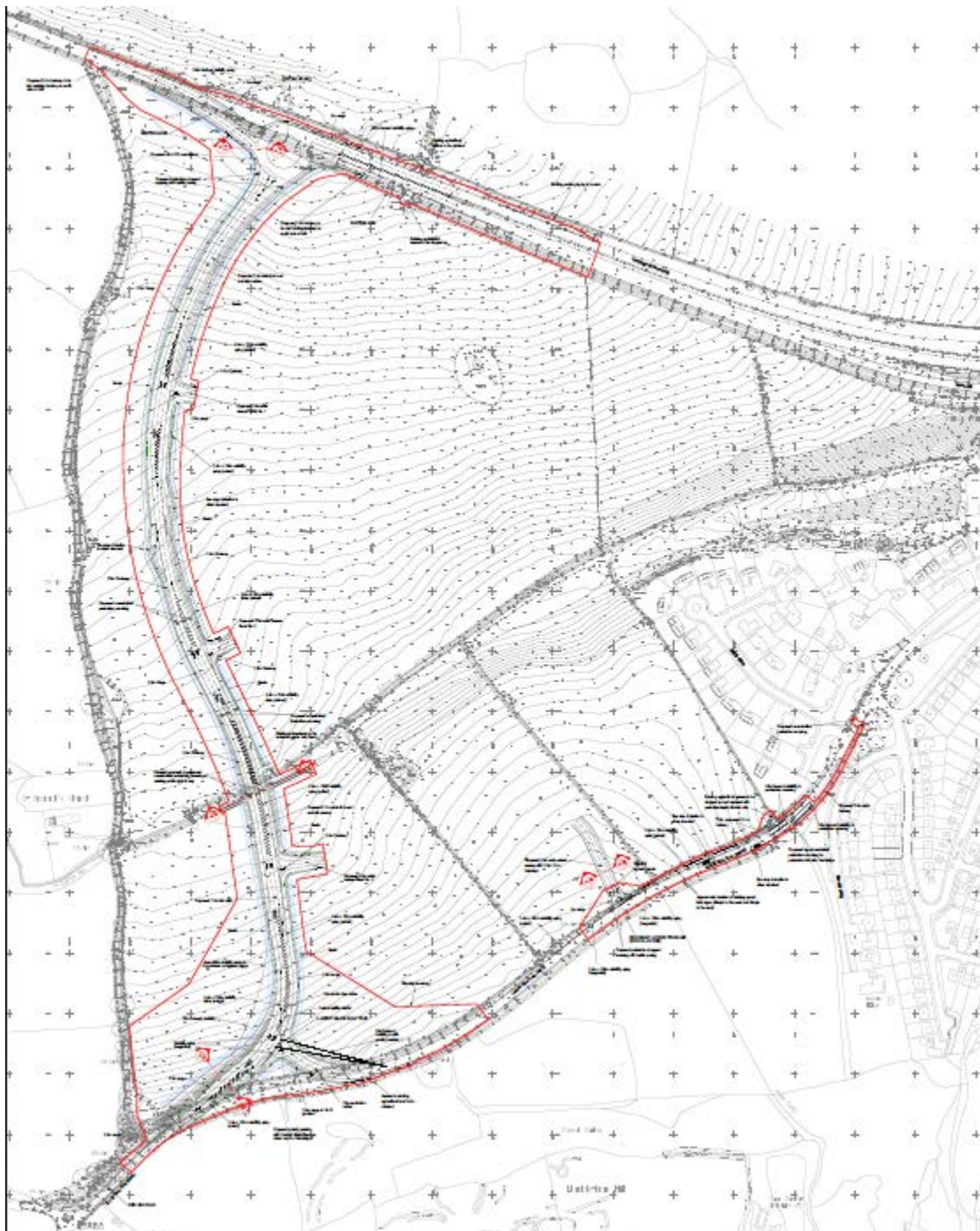
The application has been submitted in hybrid form in that it seeks consent for full planning permission for a road and outline consent for 475 dwellings, associated infrastructure and school site as set out below.



Hybrid application site boundaries - line of link road shown cross hatched

Full application for the construction of a link road connecting the Cowbridge Bypass (A48) with Llantwit Major Road (B4270) and associated highway works including footpaths, cycleways, bus stops, landscaping and associated engineering/ infrastructure works.

The link road is designed to a 40mph speed limit, with a 7.3m carriageway. The maximum gradient of the link road is 6% at the southern side of the watercourse and the road will have a length of approximately 900 metres, with works on the A48 and the Llantwit Major Road to connect. A new roundabout junction would be introduced on the A48 to connect with the new road. The link from the Llantwit Major Road to the A48 Cowbridge bypass would become the main arm of a priority ghost island junction, and the B4270 Llantwit Major Road east of the junction would become the minor arm.



The new road would include three priority junctions to access the proposed residential development to the east. Footways/cycleways would be provided at all accesses to connect a pedestrian route to the west of the link road. An informal crossing on the Link Road would provide a link to an existing Public Right of Way ('PRoW') leading to St Brynach's Church and lane.

Vehicular access to the link road would be from the north via the A48 with a new three arm roundabout junction which will formalise the change of the A48 from a dual carriageway to a single carriageway. The southern arm of the roundabout would connect to the link road serving the proposed development and provide an alternative to traffic currently being directed towards Cowbridge from the west.

Outline application for a mixed use residential-led development with all matters reserved except access. The proposals include:

- Demolition of existing farm buildings;
- Up to 475 residential units including 40% affordable housing. Densities across the site will range between 20–40 dwellings per hectare (DPH), with the highest density areas located centrally and lower densities to the site edges. Building heights are indicated as 2, 2.5 and three storey. Parameter plans indicate heights of 4 -12m from existing ground level taking account of topography.
- a minimum 2 hectare reserve site for a primary school with playing fields (Use Class D1), car parking, landscaping works and public realm;
- public open space including parks, natural and semi-natural green spaces, amenity green spaces and facilities for children and young people including 5 Local Areas of Play (LAPs) 2 Local Equipped Areas of Play (LEAPs) and 1 Neighbourhood Equipped Area of Play (NEAP) totalling (0.22 ha);
- Infrastructure works including internal access roads, public realm, footpaths/cycleways and vehicular accesses;
- Associated engineering, and landscaping works including surface water drainage, SuDs, a pumping station and levelling/creation of earth bunds/mounds.
- Landscaping - street trees, retention 'where possible' of trees and hedgerows, new areas of planting and open space are proposed.
- A new pedestrian / cycle link using the existing farm track at the north eastern corner of the development site linking to Darren Hill;
- A new access onto Llantwit Major Road in the south eastern corner of the site combined with the vehicle access and provision of a new crossing point of Llantwit Major Road to link with the existing footpath network to the centre of Cowbridge.
- Off-site highway improvements to the public highway at Nash corner, where the B4270 Llantwit Major Road meets the B4268.

Figure 3.1 Updated Framework Masterplan (August 2015)



Illustrative Masterplan

The application is accompanied by supporting documents including a Transport Assessment, Planning Statement, Statement of Community Engagement, Water Assessment and an Environmental Impact Assessment (EIA) and associated addenda including the following topics:

1. Socio-economics
2. Biodiversity and ecology
3. Landscape and visual
4. Heritage and archaeology
5. Transportation (appending Transport Assessment and Framework Travel Plan)
6. Water resources and flood risk (appending Flood Risk Assessment)
7. Ground conditions and contamination
8. Air quality
9. Noise
10. Cumulative and residual

PLANNING HISTORY

2014/01130/SC2: Land north and west of Darren Close, Cowbridge - Scoping Opinion in respect of outline planning application for up to 390 dwellings - EIA (Scoping) - Further information required 12/11/2014

2014/00918/SC1: Land to the North and West of Darren Close, Cowbridge - Residential-led mixed use development - Environmental Impact Assessment (Screening) - Required 12/08/2014

2002/01617/OUT: Land between the A48 and Llantwit Major Road, Cowbridge - Residential development and associated public open space to include the provision of a link road between the A48 and Llantwit Major Road - Appeal Dismissed 23/01/2004 See Appendix A for a copy of the final decision letter.

2002/01194/OUT: Land between A48 and Llantwit Major Road (Darren Farm), Cowbridge - Residential development and associated public space to include the provision of a link road between the A48 and Llantwit Major Road – Withdrawn 24/02/2003.

2001/00826/OUT: Land between the A48 and Llantwit Major Road, Cowbridge - Residential development and associated public open space, to include the provision of a link road between the A48 and Llantwit Major Road - Refused 03/10/2002 for the following reasons:

1. The proposal as a greenfield development constitutes unsustainable development contrary to the guiding principles of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 in particular those which promote urban regeneration, the protection of the natural environment and the re-use of Brownfield land for development. These guiding principles are supported and significantly strengthened by Planning Policy Wales (March 2002).
2. The proposed development is considered premature given the status of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998. In this regard this significant proposal is due to be assessed through the Unitary Development Plan process, and the grant of permission for the development concerned would prejudice the outcome of the Unitary Development Plan process given that:
 - (a) The proposal is contrary to the Unitary Development Plan strategy which seeks 'concentration of development opportunities in the urban areas of the Waterfront Strip from Penarth to Rhoose (including Cardiff International Airport), with particular emphasis on the regeneration of Barry Docks.'
 - (b) The Joint Residential Land Availability Study 2000) shows that the Local Planning Authority has a readily identifiable housing land supply of 7.12 years. There is therefore no current need for additional residential development.

- (c) The proposal if allowed would predetermine decisions about scale, location or phasing of new development which ought properly be taken in the Unitary Development Plan context, as stated in Planning Policy Wales (March 2002), because of the scale and impact of the proposal which is located outside the Unitary Development Plan and South Glamorgan Structure Plan (Alteration No. 1) strategy areas.
 - (d) The proposal is premature given Policy TRAN2 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 which identifies a local highway scheme referred to as Llysworney Bypass.
3. Insufficient information has been submitted to demonstrate that the development proposals will not unacceptably impact on suspected archaeologically significant remains. As a consequence the proposals are contrary to Policies HS8 and EV15 of the South Glamorgan Structure Plan (Alteration No. 1), Policy 35 of the Cowbridge Local Plan and Policy ENV16 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998, and Welsh Assembly Government Policy as contained in Section 6.5 of Planning Policy Wales (March 2002).
 4. Insufficient information has been submitted to demonstrate that the development proposals accommodated within the existing sewerage system. As a consequence the proposals are contrary to Policies H1 and H8 of the South Glamorgan Structure Plan (Alteration No. 1), and Policy ENV25 of the Vale of Glamorgan Unitary Development Plan, Deposit Draft (as amended) 1998, and Welsh Assembly Government Policy as contained in Section 12 of Planning Policy Wales (March 2002).
 5. The proposed development is contrary to Policies EV3 and H8 of the South Glamorgan Structure Plan (Alteration No.1), Policy 1 of the Cowbridge Local Plan and Policies ENV1 and HOUS8 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998, in that the proposal constitutes unjustified inappropriate greenfield development in the countryside.
 6. The proposal would result in the loss of farmed agricultural fields which would prejudice the continued viable operation of the existing agricultural enterprise currently sustained at Darren Farm, the value of which is considered to outweigh the unnecessary and inappropriate proposed development.
 7. The proposed development would, by reason of its size, scale and location, unacceptably impact upon the intrinsic value of the attractive landscape setting and character of the historic settlement of Cowbridge. It would therefore be contrary to Policy EV12 of the South Glamorgan Structure Plan (Alteration No.1), Policy 37 of the Cowbridge Local Plan and Policies ENV9 and ENV10 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.

8. Policy TRAN2 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 seeks to protect land for the provision of the Llysworney Bypass in order to alleviate existing environmental problems and for reasons of safety. The proposed development would be premature in the context of the emerging Unitary Development Plan, and Policy21 of the Vale of Glamorgan Local Transport Plan, given that it would prejudice the Council's proper assessment of the need for existing approved schemes, and the need to achieve a balance between the impact on the local environment and improvements to highway infrastructure.

Appeal dismissed as per reference 2002/01617/OUT above.

CONSULTATIONS

Cowbridge with Llanblethian Town Council object on the grounds that the application:

- is premature in relation to the emerging Vale of Glamorgan Council Local Development Plan (LDP) and approval would 'demolish' the democratic process especially of concern when the proposed area of development far exceeds that which has been included within the current LDP and indeed was omitted altogether in the original;
- would represent an unnecessary extension of urban development into open countryside;
- would harm the livelihood and amenity of the tenant of Darren Farm;
- would affect the 'identity' of Cowbridge being a 'market' town seeing the last remaining working farm disappearing and consequent loss of agricultural land and employment;
- would undermine the policy proposal for the 'Llysworney by-pass' in the existing UDP, this should not detract from the need for Llysworney to have a by-pass in the future;
- would cause a substantial change in the character and appearance of the site from a rural to an urban scene and adversely affect the visual a recreational experience currently enjoyed;
- impact on the setting of the Llanblethian Hill Fort, a scheduled Ancient Monument, very negative impact on a thousand year old listed church at Llanfyrnach and the archaeological importance and setting on this side of the valley;
- would be an Urban Intrusion into the Thaw Valley which is a Designated Special Landscape Area;

- there is no need for the proposed housing development on the basis of there being a lack of supply in the Vale as a whole;
- contravenes key Environmental and Housing Policies as well as those relating to Transport and Employment in the Adopted Vale of Glamorgan Unitary Development Plan and Welsh Government Planning Policy on minimising 'land take' and avoidance of 'urban sprawl';
- contravenes the Welsh Government Planning Policy 'search sequence' and the Vale of Glamorgan UDP Environmental Policy on avoiding development on Greenfield Sites;
- its location has low sustainability;
- additional local traffic, increases the already congested Eastgate, High Street and Westgate especially during peak times and on the school 'rat run' through the village of Llanblethian and congestion could impact on any future tourist development;
- impact on the capacity of Cowbridge Comprehensive School which has already been exceeded with additional building required;
- a 'new school' provision has no timescale, neither does it contain any confirmation of funding;
- adversely affects the amenity of Valeways Footpaths 51 and 52, part of the Cowbridge and Llanblethian Circular Walk;
- despite the significant impact on the town, there would be no benefit from any additional precept generated should the application be granted as the proposed development lies outside the Town Council's boundary;
- will increase the risk of flooding at the western end of the town and increased pressure on the existing sewerage system already at full capacity;
- will exacerbate congestion on the junction of Geraints Way with Llantwit Major Road as well as the junction of Llantwit Major Road with Westgate especially for pedestrians;
- Cowbridge has a substantial record of new developments within the town during the last 50 years;
- impact of HGV's using the proposed 'new road' and the effect upon any housing. This could increase should any 'fracking' development take place in the area in the future;
- the effect the development will have on the ecology of the area;

- Car parking provision in the town centre continues to be a major problem any decision in favour of this application should include a S106 agreement to upgrade car parking provision in the town;
- need for additional/affordable housing in the Town but not on the scale that is proposed ; and
- a Greenfield site cannot be justified whilst there is a brownfield site at Llandow.

Glamorgan Gwent Archaeological Trust advise that the works will require archaeological mitigation and therefore require a conditions for a written scheme of investigation and for a programme of archaeological work.

The Council's Highway Development Team:

The Traffic Engineer has assessed the submitted Transport Assessment and is satisfied with the methodology used and considers it to be a robust representation of the impact of the proposed development on the immediate and surrounding highway network.

They are satisfied with the principles of the proposed development and do not object to the proposals subject to recommended conditions and phasing of delivery of the road in conjunction with the housing and school. See Appendix B for full details.

Wales and West Utilities: have no objections but if development proceeds advise developer should contact them to discuss their scheme.

The Council's Public Rights of Way Officer: It is noted that the applicant has acknowledged that Public Rights of Way No.50 and No.51 cross the development, however the line of these footpaths as shown on the applicant's map (landscape plan) is wrong, the Public Rights of Way Section can provide the map data.

Public Rights of Way No.50 and No.51 must be kept open and free for use by the public at all times, or alternatively, a legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the paths.

No adverse effect should result to Public Rights of Way. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.

Should the Public Rights of Way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

The Council's Education Section: Following discussions and considering the Council's formula for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 475 dwellings would generate the need for education facilities for 48 nursery school age children, 132 primary school age children, 99 secondary (aged 11-16) school age children and 19 secondary (aged post-16). However, it is only reasonable to request contributions for schools which do not have the spare capacity, which in this case relates to Y Bont Faen, Ysgol Iolo Morgannwg, St.David's Primary, Cowbridge Comprehensive and Ysgol Bro Morgannwg. Given the existing and forecast capacity at nursery, primary and secondary school levels, Section 106 contributions are required. See full requirements under the Planning Obligations section below.

The Council's Environmental Health (Pollution) Team: In general concurs with the conclusions to be found with regard to air quality. Noise Report- in general concurs with the conclusions to be found within the report. But cannot come to a complete and comprehensive conclusion as the proposed development, and application, has not undergone a detailed design. Thereby exposure and noise levels at specific locations cannot be commented on, noting that the noise level at location 2 very close to the A48, (K4.4) has a recorded day time noise level of 74dB, that would put the area in to category D; 'planning permission should normally be refused'. However it should be noted that the monitoring point appears to be very close to the A48 and mitigation measures and site layout should take this into account as noted at K6.7.

Cadw, Ancient Monuments: Comments made including that the development will have an adverse impact on the setting of Caer Dynnaf Hillfort but conclude 'the development will not have a significant impact on the setting of the designated monument' in their opinion.

Dwr Cymru Welsh Water:

Waste Water Treatment Works are currently overloaded and cannot accept any further flows from new development within the catchment. The Asset Management Programme (AMP) for the next five year period (2015-2020) improvements to the Treatment Works are being delivered, which will create capacity to accommodate the foul flows only from this proposed development. These improvements are scheduled for completion by 31st March 2018.

The public sewerage network suffers from hydraulic overload, the network upstream of Llanblethian SPS suffers from hydraulic overload and would not at present be able to accommodate the foul flows from the proposed site without detriment to our customers and the environment. At present there are no improvements identified within current investment programme, however, to overcome this, the developer has undertaken a Hydraulic Modelling Assessment. The scheme of improvements, which will create capacity to accommodate the foul flows from this development site at the SPS, is also scheduled to be completed by 31st March 2018. This approach is confirmed in the Applicants submission, within the 'North West Cowbridge Service Supply Statement' of December 2014. This Assessment has been completed and solutions to increase the capacity of the network have been identified and presented to the applicant for consideration

The site can be adequately served and the development can be supported in regard to potable water supply.

Any planning consent granted should include appropriate conditions to ensure that no communication is made to the public sewerage network until 31st March 2018, unless the upgrade of Llanblethian SPS and Cowbridge WwTW are completed in advance of this date. An additional condition to ensure that the solution(s) established by the Hydraulic Modelling Assessment are delivered and completed in advance of the communication of flows to the public sewer. No detailed drainage strategy has been submitted and therefore request a condition to secure these details, which should take into account the Hydraulic Modelling Assessment outcomes and the applicant's proposed points of communication with the existing public sewerage network.

The Council's Ecology Officer: having considered the ecological information in relation to all protected species as relevant recommends that for preventing impact on Skylark and Lapwing either:

- a) The application be refused; or
- b) The applicant resubmit the Bird Strategy, to include appropriate and adequate compensation* land. A planning application in 2001 addressed this through negotiations regarding a S106 agreement for replacement habitat in surrounding fields, which comprised 25.5ha over 2.5 fields. It is our opinion that this is still a viable option to look into further (subject to the usual agreements, permissions etc.).

Further details were received from the agents in relation to ground nesting birds and further comments are awaited and will be reported to Planning Committee.

Public Art Officer: no comment received.

Parks and Grounds Maintenance: there are several areas where outdoor sport facilities could be improved to meet the additional needs arising including the following: Bear Field Football Pitch - Sports Field Drainage Scheme; Scansis Pitch – Sports lighting; Skate Park – Upgraded skate facility; Police Field Sports Field Drainage Scheme; Improved pedestrian and vehicular access; Provision of changing facilities; Enhanced urban realm works.

Waste Management: no comments received.

Highways and Engineering (Drainage):

Initial comments:

This site is not located in DAM areas at risk of tidal or fluvial flooding and NRW flood maps indicate that there is a low risk of surface water flooding across the centre of the site, from West to East, at the approximate location of the watercourse on the site.

There is a known history of surface water flooding emanating from this site, affecting the adjacent highway and several properties along Westgate. There is also the potential for groundwater flooding or the presence of springs on the site. Details of an existing land drainage system running under the farm yard at the bottom of the site can be provided on request.

The application is in two parts – a detailed application for the proposed link road, and an outline application for 475 dwellings on the remaining site area. Our comments will therefore deal with these two components separately.

Link Road:

The plans submitted for the link road indicate that the watercourse crossing the site is intended to be culverted. Culvert details, such as size and materials, need to be provided within this application, along with 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, and an assessment of any residual detriment to existing properties will be required up to a 1 in 1000yr critical event. Given the permeable nature of the catchment a suitably qualified hydrologist should undertake the necessary assessments. The construction of a culvert will also require a Land Drainage Consent from the Council acting as Lead Local Flood Authority, in accordance with the Land Drainage Act 1991.

Drawing JNY8187- 14D Overall Plan of the Link Road shows that it will be served by swales to convey and store surface water from the proposed highway; however no detailed design features of the swales have been included with this application. Information should be submitted on the design capacity of these swales, calculations on how storage volume is calculated and to what rainfall design event the highway will be protected to. It has also not been identified how water from the highway will be transferred to the swales. As the plan does not show the swales connecting, or an outlet point, it is presumed that these swales will utilise infiltration, and therefore details of porosity testing to a BRE-365 standard will be required.

Residential / education development:

With regard to the residential area of the development, a preliminary drainage plan and calculations have been submitted, along with a maintenance plan for the management of SuDS on site.

The residential area has been split into catchment areas A-J and will be served by plot soakaways or infiltration basins. The Exploratory Hole Location Plan indicates the location of infiltration tests across the site – according to this plan, the location of the infiltration basins have not been tested, and the closest Exploratory Holes (8 & 13) failed the infiltration tests, suggesting that infiltration basins will not be viable across some areas of the site. Therefore, further porosity testing in proposed areas of infiltration, particularly in the location of infiltration basins, will be required, to a standard compliant with BRE-365. For infiltration basins wider than 25m, more than one soakaway test will be required. It should be noted that although Building

Regulations only require a 1 in 10 year design event standard of individual plot soakaway, the whole site should be designed so that no flooding to property or building occurs at the 1 in 100 year design rainfall event, plus 30% for climate change. There is some uncertainty over the potential impact of groundwater either reducing the performance of the infiltration features, or re-emergence of flows lower down within the site and appropriate intrusive testing should be undertaken to confirm the local hydrology and hydrogeology.

It is unclear in Section 4 of the FCA how the infiltration rate for each catchment has been determined – this requires clarification. WinDES Source Control Module outputs or equivalent calculations should also be submitted for technical approval as part of a detailed design. Given that multiple properties are at risk of any surface water emanating from the site an appropriate factor of safety, i.e. 10, should be utilised in the hydraulic design of the infiltration systems.

The FCA does not consider the flows the site will receive from the wider catchment, largely via the existing watercourse, that could impact the POS and associated footpaths. Accordingly, no details submitted on the proposed mitigation measures for the volume of water that the site has the potential to receive. Potential overland flow routes from water entering the site, and water generated on the site should be identified and mitigated against within the detailed design.

Extreme events greater than the design event (the 1 in 100 year return period) may result in overland flows within the site and from the site to adjacent areas. The duration of flooding, maximum depth, maximum velocity and the route of flood flows for events exceeding the design event should be established and managed so as to mitigate the flood impact to people and property including the impact that might occur as a result of the development of flooding on adjacent land. The return period of this assessment will be related to the potential consequences associated with its impact.

A SuDS management plan should be submitted to detail the management and maintenance of any SUDS features on site to ensure that they will function to their design maximum in perpetuity.

A Construction Environmental Management Plan should be submitted, as per Chapter H6 of the Environmental Statement, detailing the proposed measures to ensure no detriment to the surrounding area during construction of the development, including silt-laden run-off.

Conditions:

No development shall commence on the link road until a detailed scheme for the link road highway drainage, management of surface water run-off off to adjacent land and conveyance of existing watercourses has been submitted to and approved in writing by the Local Planning Authority. If infiltration techniques are used, then the plan shall include the details of field percolation tests. Any calculation for onsite attenuation or discharge should also be included. The approved scheme must be implemented prior to beneficial occupation and as built drawings should be submitted to the LPA. This is to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere.

No works or development for the residential aspect of site 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 for technical approval, 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. The scheme shall provide an appropriate level of runoff treatment and will follow the principles identified within the Amended Flood Risk Assessment 10287/FRA/01. The approved scheme shall be implemented prior to beneficial use of the development hereby approved, and an implementation/construction plan of the drainage systems should also be provided.

In connection with the condition above, the detailed scheme for drainage shall identify all existing land or surface water drainage structures within the site and demonstrate that they are still utilised for their intended use, or that alternative provision is made. The scheme shall also demonstrate that flows within said structures and across the site are maintained during construction works and thereafter. An 8 metre buffer shall be provided around any watercourse which may be identified on site, unless a suitable alternative is submitted for technical approval, and approved in writing by the Local Planning Authority.

The developer shall demonstrate that any increase in run-off beyond the design standard does not cause significant detriment to existing properties or infrastructure, or propose appropriate mitigation measures. The assessment should be submitted and approved in writing by the LPA prior to any work commencing on site.

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. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The management plan shall be implemented in full accordance with the agreed terms and conditions in perpetuity.

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.

Advisory:

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.

Any drainage strategies / details submitted for technical approval shall be supported by adequate infiltration testing at the final proposed location of such features.

Consideration should be given within a management plan for the POS for potential inundation of the footpaths crossing from one side of the site to the other during times of heavy rainfall. Mitigation measures may be required to ensure safety of residents, particularly school children, attempting to cross this area.

The developer is advised that DCWW may not adopt surface water systems which discharge entirely via infiltration features, even if adopted by a competent body. DCWW should be consulted directly to clarify the policy regarding adoption of surface water network.

The Council may consider adopting key SuDS assets to enable adoption of surface water networks and promote sustainable development, subject to appropriate commuted sums.

A response was received from the applicants' consultants in respect of these comments and following technical discussions the **Drainage Officer advised:** we do not require any additional conditions over those already requested.

Housing:

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 158 people requiring:

1 Bed	Need	96
2 Bed	Need	46
3 Bed	Need	8
4+ Bed	Need	8
Total		158

There are also 123 households who have stated they require housing "Anywhere in the Rural Vale".

Based on a 475 unit scheme, the 40% affordable element would comprise 190 homes comprising 133 Social Rent and 57 LCHO properties.

Our preferred mix would be;

50 one bed flats, with preference for a 30 unit courtyard development for older people wishing to downsize/need ground floor accommodation.

100 two bedroomed houses

30 three bedroomed houses

10 four bedroomed houses

As usual, we would want the affordable homes to be pepper-potted throughout the development, with the older persons accommodation situated close to shops and transport.

Badger Group: express concern at the application for the road and housing noting setts existing in the vicinity of the site and loss of foraging areas or territorial boundaries would be unacceptable. Also concern regarding road speed which they consider should be 30mph.

Consider badgers will not avoid the site during or post construction and western buffer will not represent an increase in foraging area. Also loss of habitat for skylark and lapwing is very important.

Natural Resources Wales:

The proposed development, as submitted, will only be acceptable if planning conditions are secured on any permission granted by your Authority to manage the impact on European Protected Species and the water environment. Without these conditions the development will pose an unacceptable risk.

We consider these issues to be surface water flooding. In line with TAN 15, surface water disposal should be controlled and managed sustainably. We recommend that you consider issues of surface water and discuss this further with your Land Drainage Department as the Lead Local Flood Authority on surface water flooding.

Further to this, we have noted the additional documents submitted by Dwr Cymru / Welsh Water regarding foul drainage connection. They note that at this current time the sewer catchment is currently overloaded and cannot accept any further flows from new developments. If the applicant proposes a change in foul drainage disposal to the current planning application form, they request a re-consultation.

There is potential for pollution to the environment during construction. Given the scale of the proposal we agree with the recommendation to prepare a Construction Environmental Management Plan (CEMP). We can review any plan and associated emergency procedures prior to commencement of the development. Therefore we request the following condition on any permission your Authority may be minded to grant.

They request conditions including CEMP, buffer zone management and light pollution control. Note reference to invasive species including Japanese knotweed.

Public Health Wales:

In summary, healthcare service provision requirements are:-

It is likely that minimal modifications (for example, an additional consulting room) to existing GP practices will be required to cope with the increase in demand assuming that a local practice can accommodate the increase. An additional 0.5 wte GPs plus associated staff may be required to deliver services. Initial work on financial modelling suggests that the UHB will require a pro rata increase in annual revenue funding in the region of £900,000 - £1.2m for the 592 residents new to the Vale of Glamorgan; this work on financial projections is on-going.

In summary, public health recommendations are:-

- Link the development to the cycle network and to sustainable transport routes.
- Prioritise the pedestrian throughout the development, implement 20mph zones and use a variety of methods to reduce and control traffic speed.
- Design in access to the school by walking and cycling to further support active travel.
- Ensure interconnectivity within the development, to local facilities and to existing sustainable travel routes.
- Adhere to the planning guidance that identifies minimum standards for outdoor playing space and distances to local provision of spaces and negotiate to ensure the open spaces are well maintained.
- Design in informal outdoor active play areas in addition to open spaces.
- Make available land for food growing.

Crime Prevention Design Advisor: no comments received.

Transport Division Welsh Government: no objection in principle to a development at this location as there is not any direct access onto the trunk road network and the impact on the trunk road network will be minimal.

Officers have subsequently confirmed the A48 is not a trunk road.

Cowbridge Ward Members Councillors Geoff Cox and Hunter Jarvie:

“Object to the planning application for the construction of a link road connecting Cowbridge bypass with Llantwit Major as this outline application is associated with a mixed use residential development of approximately 390 houses. A Public Inquiry was held in May/June 2003 to hear Bellway Homes appeal against refusal to grant permission for a similar link road on this site with the key difference that this was for 145 houses – i.e. 245 less than the current proposal. The Vale Council vigorously defended its position not to grant planning permission and engaged Counsel, Morag Ellis who together with Rob Thomas, then Head of Planning and Transportation, presented the Council’s case.

The main points made by the Council were:

- (a) walking and cycling were not likely to be favoured by its residents because of the distance of the site and gradient in relation to the Town Centre;
- (b) even with a link road there would be a net increase in traffic through the Town centre;
- (c) the proposals would represent an unacceptable extension of development into the countryside which would be harmful to the setting of Cowbridge and the character and appearance of the countryside.

These points which were made against a proposal for 145 houses are still valid. They must be magnified when considered against this much larger development of 390 homes.

There are insufficient car parking spaces in Cowbridge and this results in the town being grid locked at times. This proposed development would exacerbate the problem, will deter people from visiting or shopping and so reduce the vitality of the area. We would refute that the proposal is sustainable, especially with poor public transport.

The Cabinet Member for Regeneration, Innovation, Planning and Transportation at the Vale Council meeting on 4 March 2015 in response to a question on the LDP said that “national policy advises that new settlements on green field sites are unlikely to be appropriate in Wales, and should only be proposed where such development would offer significant environmental, social and economic advantages over the further expansion or regeneration of existing settlements”. The Council in 2003 considered the site and surrounding area “predominately open rural farmland” and there have been no developments in that area since. We maintain that the Darren Farm (described on this application as land at North West Cowbridge) is a Greenfield site and that there are no significant reasons why it should be considered as suitable for development.

The LDP Deposit Plan also describes this as a Greenfield site, and on Land to the North and West of Darren Close. While this proposes it for housing development, the draft plan still has to be approved by the Welsh Government. It is unfortunate that the developers have submitted a planning application in advance of this. We can only conclude that they are concerned that the Welsh Government Planning Inspectorate may reject the proposals at the LDP stage, which would be in line with the Planning Inspector who presided over an Inquiry in 2003 for a much smaller development.

These are the main reasons that we as local ward members object to the proposals and urge the members of the Planning Committee to support us and the local population by refusing planning permission.”

Alun Cairns MP, Jane Hutt AM and Andrew RT Davies AM have written raising issues and/or concerns and their comments are attached as Appendix C.

REPRESENTATIONS

The neighbouring properties have been consulted. Site notices were displayed on 20 January 2015 and 8 October 2015. The application was also advertised in the press on 15 January 2015 and 8 October 2015. At the time of writing this report 289 letters of representation have been received including letters in support.

Campaign for the Protection of Rural Wales: object to the scheme on the grounds of unsustainable development, heavily reliant on the car, highway safety concerns, pressure on the rural infrastructure, effect on the character of the area, the Special Landscape Area, and the setting to Cowbridge, loss of good quality agricultural land, development contrary to the UDP, prematurity in relation to the DLDP.

Letters have been received on behalf of the **agricultural tenant** objecting to the scheme as it will affect the farming operation and exacerbate flooding and copies of the letters are attached as Appendix D.

Other representations object to the proposal as follows:

- Contrary to key environmental and housing policies of the UDP policies and national policy on development of greenfield land;
- would adversely affect the character of the historic town and estate development would overwhelm it and adversely affect visual, historic and archaeological qualities, Llanblethian Hill Fort of important historical importance and under consideration by CADW as a scheduled ancient monument would also be affected;
- The pleasant rural landscape, designated as an SLA, Lower Thaw Valley, will be changed to an urban one;
- The Welsh National Assembly ruled against development of the Darren Farm site in 2003 and the details of the new planning proposal do not contain any new data that provide evidence based support for it;

- It is not close enough to the shopping centre in Cowbridge to access shops on foot and the extra vehicles will increase the demands for parking and the present heavy traffic congestion in the High Street;
- The poor provision of public transport in Cowbridge;
- Adversely affect the public rights of way across the site noting they form part of the Cowbridge and Llanblethian Circular Walk;
- Scheme has low sustainability credentials;
- The road improvements do not consider the unsafe section of road near the Cross Inn and therefore concerns regarding highway safety, including pedestrian safety;
- The A48 road to Cardiff and Bridgend is already severely congested with commuting traffic and the proposal would increase the number of commuters using this road;
- The application is premature in relation to the VOG emerging LDP process;
- The proposal would undermine the policy proposal for the Llysworney bypass in extant;
- The population increase resulting from the proposal would cause the capacity of the recently expanded comprehensive school to be adversely affected;
- A letter from the Welsh Government planning division (Candice Coombs to Rob Thomas, 20th December 2013, Annex Category C4) has commented to the VOG Council that the scale of loss of greenfield land to housing sites in the revised Deposit LDP is of national significance and should not be disregarded lightly;
- Loss of livelihood of the tenant of Darren Farm.

Three letters are reproduced as Appendix E being generally representative of the views expressed. All correspondence is retained on file should Members wish to view it.

Four letters **in support** of the application were received. Two letters are reproduced at Appendix F being generally representative of the views expressed.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, 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 11 - SPORT & RECREATION
- POLICY 13 – WASTE MANAGEMENT
- POLICY 14 COMMUNITY AND UTILITY FACILITIES

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
ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
ENV18 – ARCHAEOLOGICAL FIELD EVALUATION
ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27 – DESIGN OF NEW DEVELOPMENTS
ENV28 – ACCESS FOR DISABLED PEOPLE
ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
HOUS1 – RESIDENTIAL ALLOCATIONS
HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3 – DWELLINGS IN THE COUNTRYSIDE
HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA
HOUS11 – RESIDENTIAL PRIVACY AND SPACE
HOUS12 – AFFORDABLE HOUSING
HOUS13 – EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE
TRAN2 – LOCAL HIGHWAYS
TRAN9 – CYCLING DEVELOPMENT
TRAN10 – PARKING

REC3– PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC4 – PROVISION FOR THE DISABLED AND ELDERLY
REC6 – CHILDREN'S PLAYING FACILITIES
REC7 – SPORT AND LEISURE FACILITIES
REC12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

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 8, 2016) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

DEVELOPMENT PLANS – CHAPTER 2 – Following extracts are also relevant:

2.8.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications 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 delivers 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 3.1.2).

2.8.2 Additionally, where an LDP is still in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

2.8.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including 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. However, there may be material considerations that outweigh the policy presumptions of the development plan and these are considered in more detail below.

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 8, 2016) (PPW) is of relevance to the determination of this application.

Chapter 2 of PPW relating to local Development Plans, noting paragraphs:

2.1.1 The aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society's needs in a way that is consistent with sustainability principles (see section 4.3).

2.1.2 Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The LDP should show how places are expected to change in land-use terms to accommodate development needs over the plan period in order to provide certainty for developers and the public about the type of development that will be permitted at a particular location.

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

4.1.1 The goal of sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

4.2.1 The planning system is necessary and central to achieving the sustainable development of Wales. It provides the legislative and policy framework (see Figure 4.3) to manage the use and development of land in the public interest in a way which is consistent with key sustainability principles (see 4.3) and key policy objectives (see 4.4). In doing so, it can contribute positively to the achievement of the Well-being goals.

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:

- preparing a development plan (see Chapter 2); and
- in taking decisions on individual planning applications (see Chapter 3).

4.2.3 This is supported through legislation (see Figure 4.3) and national policy (PPW). Local planning authorities, as public bodies subject to the requirements of the Well-being of Future Generations (Wales) Act, must exercise these functions as part of carrying out sustainable development.

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

Chapter 6:of PPW deals with Conserving the Historic Environment noting paragraphs:

6.1.1 It is important that the historic environment – encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes –is protected. The Welsh Government’s objectives in this field are to:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to;
- protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building’s special architectural and historic interest; and to • ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

6.1.2 Local planning authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs. This is a key aspect of local authorities’ wider sustainable development responsibilities which should be taken into account in both the formulation of planning policies and the exercise of development management functions.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing, including:

9.1.1 The Welsh Government will seek to ensure that:

- previously developed land (see definition at Figure 4.3) is used in preference to greenfield sites;

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

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. (Affordable housing is defined in 9.2.14.) Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;
- mixed use development so communities have good access to employment, retail and other services;
- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact (see 4.12); reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and
- 'barrier free' housing developments, for example built to Lifetime Homes standards.

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

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 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
- 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
- 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
- Parking Guidelines

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 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 will commence on 19th January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in of Planning Policy Wales (edition 8, 2016) is noted. It states as follows:

2.8 Emerging or outdated plans

2.8.1 *The weight to be attached to an emerging LDP (or revision) when determining planning applications 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 delivers 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 3.1.2).*

2.8.2 *Additionally, where an LDP is still in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.*

2.8.3 *Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.*

2.8.4 *It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).*

The guidance provided in Chapter 4 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan (DLDP) 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)
- Local Housing Market Assessment (2013 Update)
- Open Space Background Paper (2013)
- Plan Preparation and Assessment of Flood Risk (2013)
- Population and Housing Projections Background Paper (2013)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- SLAs Integration with Adjoining Local Authorities (2013 Update)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)
- Joint Housing Land Availability Study (2014)
- Rural Affordable Housing Needs Survey Report (2010)
- Vale of Glamorgan Housing Strategy
- Vale of Glamorgan Tourism Strategy (2011-2015)

Other Relevant Legislation / Guidance

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations
- Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Community Infrastructure Levy Regulations 2010 (as amended)

Issues

This is a hybrid application. As a consequence the road is to be considered as a full planning application and the residential, infrastructure and school as an outline application. Some impacts and issues cover both parts of the hybrid application whilst others relate solely to one or other parts of the proposals. However, the application is being considered in its entirety and the impacts and issues are addressed in turn below.

New link road application (full) : The issues to be considered are the impact on the character and setting of the Upper Thaw Valley Special Landscape Area (SLA), on existing agricultural land (noting that part falls within grade 2 land classification), noise impacts, impacts on residents in the vicinity but also including residents of Llantwit Major Road and Llysworney, impacts on highway safety and traffic, impacts on ecology, impacts on drainage including surface water flooding issues, impacts on light pollution, impact on the setting of the grade II* listed Church of St Brynach and grade II listed cross in the Church Grounds, and on the setting of the wooded Llanblethian Hill and Caer Dynnaf Hill Fort, a Scheduled Ancient Monument.

Residential development with associated infrastructure and school site (outline application all matters other than access reserved): The issues to be considered are all as above plus impact on education facilities, provision of affordable housing, sustainable transport, community facilities, public open space, public art provision, and amenity of existing and proposed residents .

Principle of the Development - Housing

Unitary Development Plan Context

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 Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This Plan is technically time expired (as of 31st March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW paragraph 2.8.2 , where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications.

Policy ENV1 of the UDP states that in the delineated countryside, development will only be permitted in the interests of agriculture / forestry; for appropriate recreational uses; for the conversion of rural buildings; or for development approved under another policy of the UDP. In this case, as discussed below, when solely considering this policy, the proposed development would not be considered as justified.

In considering the other policies of the UDP, Policy HOUS2, adopted in the context of the housing requirements identified for the period 1996-2011, states that favourable consideration will be given to small-scale development (which constitutes the rounding off of the edge of settlement boundaries, where it can be demonstrated that the criteria of Policy HOUS8 are complied with). In this case, while the application site adjoins the existing settlement, the scale of the proposed development (475 dwellings and link road) and the size of the site are such that the development could not be considered as “small scale” rounding off. Accordingly, it is considered that the proposed development could not be considered as compliant with the terms of Policy HOUS 2, which, being based on identified need for the period 1996-2011 is out of date.

Furthermore, Policy HOUS3 states that the erection of new dwellings in the open countryside will be restricted to those justified in the interests of agriculture or forestry. The proposals have no such justification and are not linked to any rural enterprise, such as those mentioned under Technical Advice Note 6 (Sustainable Rural Communities). As such, in terms of UDP local policy, the proposal for residential development would not be considered as a rounding-off development and would have no justification in accordance with TAN6 or Policy HOUS3. Therefore, the proposed residential development is considered contrary to the relevant policies of the UDP.

However, it is important to consider whether there are any other material considerations which may outweigh this policy presumption against the development.

Local Development Plan Context

The Draft Local Development Plan (DLDP, 2013) allocated part of the application site for a new road and residential development under reference policy MG 6(20), for a total of 390 dwellings. A focussed change to the LDP amended the site boundary to reflect the preferred siting of the road (as per the application). Cowbridge is identified in the Deposit Draft Local Development Plan as a 'Service Centre Settlement' in the settlement hierarchy. However, the weight to be attributed to the draft LDP is limited given that it has not been subjected to examination at this stage. With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph of Planning Policy Wales (edition 8 January, 2016) is noted. It states as follows:

2.8.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications 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 delivers 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 3.1.2).

In this context, consideration should be given as to whether the proposals would be premature, considering the site's inclusion as an allocated site in the Draft LDP and the scale and location of the proposed development. On the issue of prematurity, PPW advises that:

2.8.2 Additionally, where an LDP is still in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

2.8.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).

Considering the advice of PPW, it is important to consider the potential impacts of allowing such a development at this stage and its impact to the LDP process, the overall strategy and the provision of housing supply with the Vale of Glamorgan.

Members should note that Cowbridge is classed as a service centre settlement and this allocation is not one of the Strategic Housing Sites identified within the DLDP. On the basis that the site is not a 'strategic allocation', is consistent with the DLDP Strategy and would provide for only 4.5% of the total dwelling growth of 10,452 forecast in the DLDP between 2011-2026, it is considered the proposed development of 475 dwellings, would not 'go to the heart' of the overall LDP strategy. Furthermore, it is considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have already been approved, given that these have been spread across the Vale of Glamorgan and not within Cowbridge. It is also considered that it would not undermine the deliverability of the strategic housing allocations or wider strategy of the plan, in line with the guidance set out in Chapter 2 of PPW. Therefore, while the proposal represents a relatively large extension of the settlement of Cowbridge, it is not considered that a refusal on the grounds of prematurity could be sustained in this instance.

Nevertheless, while the site has been identified for a housing allocation in the Deposit Draft Local Development Plan it is recognised that this Draft plan remains un-adopted. Accordingly, the weight to be afforded to the plan alone must reflect the fact that it may be subject to change before it becomes an adopted Development Plan.

Further to the above, Members will also recall the relatively recent appeal in respect of a development of 79 houses at Primrose Hill in Cowbridge, in which the issue of prematurity was discussed by the Planning Inspector. The Inspector advised in that instance that 'The appeal scheme is for some 79 housing units which is equivalent to less than 1% of the total housing allocations proposed in the draft LDP and to about 14% of the 561 units proposed within Cowbridge. On this basis it cannot be concluded that the scheme goes to the heart of the Plan. Furthermore, it would not have a significant impact on an important settlement, or a substantial area, with an identifiable character. Thus I do not consider the appeal scheme would be so significant as to predetermine decisions that ought properly to be taken in the LDP process. Prematurity is not a justifiable reason for refusing the appeal scheme.'

While it is noted that this scheme is for a much larger development it clearly sets out that any development would have to be very significant to warrant the use of prematurity as a reason for refusal. Moreover it must be noted that the DLDP is now significantly closer to adoption and indeed the Primrose Hill site was one that was not within the DLDP as opposed to the current proposals.

Notwithstanding the above, given the above and since the proposals are not in accordance with the adopted UDP, there would still need to be sufficient additional material considerations to justify the proposed residential development of the site now in advance of the adoption of the LDP and t. This is considered further below.

Housing Need and Supply

Firstly, consideration should be made as to whether there is a need for additional housing within the Vale of Glamorgan. PPW (9.2.3) states that Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. As such, the housing land supply and the need for housing levels and mix are important factors that must be considered in the assessment of this application.

Members will be aware that Technical Advice Note 1 (TAN1) has been updated and that a key change to the revised TAN1 guidance is that the use of JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, local planning authority's without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the new TAN1 guidance, the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those local planning authority's without an up-to-date development plan are unable to demonstrate a housing land supply for determining planning applications.

The adopted Vale of Glamorgan UDP expired on 1 April 2011, and the LDP has been submitted to the Welsh Government for independent examination by an appointed Inspector. As a consequence of the revised TAN1 guidance, it is not until the Council has formally adopted its LDP that the Council will be able to produce its annual JHLAS report. The 2014/15 JHLAS for the Vale of Glamorgan which indicated over seven years supply, expired at the end of March 2015.

Under the Council's LDP Delivery Agreement, adoption of the LDP is anticipated to take place in September/October 2016. Local Planning Authorities that do not have either an adopted LDP or UDP will be unable to formally demonstrate its housing land supply position and will effectively be considered not to have a five year housing land supply and as such the need to increase supply would be given considerable weight (TAN1, para 6.2).

In this regard officers will need to keep under review the housing land supply noting that it remains a material consideration (TAN1, 3.3) in the determination of planning applications, particularly given the emphasis on evidencing a five year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a five year housing land supply on its adoption, and these are themselves considered to be important material considerations.

The determination of planning applications for residential development in advance of the LDP Examination would also need to fully consider all other material considerations, such as the LDP background evidence and the wider environmental, social and economic benefits of the scheme (including meeting local housing needs and the provision of local infrastructure).

As noted above the Council's Joint Housing land Availability Study 2014 (JHLAS 2014) indicated that the Council had a 7.3 year supply of housing land, based on past build rate calculations. Accordingly, the Council had a sufficient supply of housing land to comply with paragraph 2.2 of TAN1. However, this JHLAS has now expired (therefore that figure cannot be relied upon), and the Council must maintain a supply of housing land in excess of 5 years for when the LDP is adopted. It is, therefore, clear that the most recent housing figure cannot be relied on in perpetuity and does not imply that all further residential developments subsequent to that should be resisted, given the need to maintain sufficient supply at all times. It should also be noted that at the time of the consideration of the Primrose Hill appeal the inspector advised in conclusion, *'there is clearly a need for housing in the County and, more specifically, in Cowbridge itself. That need is even more pressing for affordable housing. The JHLAS indicates a satisfactory situation so far as the availability of housing land is concerned (in 2014), and on that basis the identified needs warrant only limited weight. However, if the JHLAS were not considered to represent the real situation and the alternatives put forward by the Appellants were accepted, they would indicate a shortfall of available land that would warrant considerable weight, provided the development would comply with other policies'*.

Clearly the situation has now moved on and it is of note that the inspector considered that considerable weight must be attached to the Council's position with regard to the JHLAS along with other material considerations.

While the most recent JHLAS indicated in excess of five years, it appears from the most recent assessment using the new method of calculation set out in TAN1 that the current is estimated to be 4.3 years (at April 2016) falling to 3.9 years at April 2017. While the approval of this development would not immediately alter the 'official' housing supply position (since the Council does not have an adopted LDP to enable it to produce its formal JHLAS report) TAN 1 is clear that housing land supply must nevertheless be kept under review, particularly if as the Council should be able to evidence a five year supply on adoption of its LDP. It is considered that failure to have regard to the current housing supply figure (while not a formal JHLAS figure) could prejudice the Council's position in respect of housing supply at the time of LDP adoption.

Therefore, and given that the current position appears to be less than five years, it is considered that this represents a significant material consideration in favour of approving this residential development in advance of the adoption of the LDP, in order to maintain a healthy supply as required by PPW and TAN 1.

However, whilst there is a need to maintain an adequate Housing Land Supply for future JHLAS and when the LDP is adopted, this does not necessarily outweigh in principle all other material considerations, particularly if a development is considered harmful in any other respect. For example if it does not accord with national policies, or if it would be harmful to the deliverability or wider strategy of the LDP. Rather the need to maintain a TAN1 compliant housing supply is a material consideration that must be balanced against all other material considerations in any particular case for residential development. Therefore, this does not infer that all or any other new applications for residential development would be considered acceptable and Members will recall a number of recent applications for major housing developments outside UDP settlement boundaries that have been recommended for refusal and have been dismissed at appeal (Primrose Hill, referred to above) or are subject to current planning appeals (namely at Weycock Cross, Walters Farm, St. Nicholas and Ystradowen).

Conclusion on housing land supply and the principle of the development

The Council's most recent JHLAS (now expired) indicated in excess of five years housing land supply, however, this must be maintained and the Council must have full regard to how that will be maintained. It appears that the current figure is less than five years and, therefore, the proposed development would make a significant contribution to increasing the available housing land supply in compliance with national planning policy.

As noted above, the need to maintain this supply will not alone justify all new applications for residential development, rather this is one of many factors that will determine whether a scheme would be acceptable in this context and in advance of the adoption of an LDP.

In this case, in addition to the current housing supply position, the proposal is supported by a raft of information within the LDP background documents. While the LDP is afforded limited weight until finally adopted, the background documents are based on recent assessments and are considered relevant to the application as a material consideration and demonstrate why the site has been deemed an appropriate location for residential development within the draft LDP.

Alongside this, the need to maintain a healthy housing land supply is a very important material consideration and it is considered that in the absence of any other fundamental and overriding policy conflict, this is a material consideration that weighs heavily in favour of the development. A further consideration is the provision of affordable housing which has been assessed further below under planning obligations.

Principle of the Development – the school

DLDP Policy MG 6(4) identifies the need for this site to make provision for a new primary school to serve the Cowbridge catchment area in light of the evidence in the LDP Educational Facilities Background Paper (2013) which concluded that the existing primary schools in Cowbridge are not capable of expansion to the extent required to accommodate forecast growth during the LDP period. Whilst the proposal would not strictly accord with UDP Policy ENV 1 which seeks to protect the countryside, in the context set out above, as part of a large-scale housing development, the delivery of a school on site is to be welcomed and is considered necessary to ensure that the housing development complies with UDP Policy HOUS 8(vi) by making adequate provision for education facilities to meet the needs of the future occupiers.

Principle of the Development - the link road

The provision of a link from the Llantwit Major Road/ Llandow area north to the A48 has been part of the proposed transportation improvements within the UDP under the provision of policy TRAN2 Local highways (i) Llysworney by-pass. This by-pass was identified in the supporting text to the policy as being required to

“6.4.7. Relieve environmental and safety problems caused by a significant number of heavy lorry movements through the village. At present Lorries use the B4270, which runs through the village of Llysworney, as it provides a major access route to the A48 for businesses located on the industrial estates at “Llandow”.

The link road now proposed would effectively provide a route for HGV and other traffic travelling from the south, Llantwit Major area and coast road, to the north to link to the A48. It would also provide some relief to traffic through the centre of Cowbridge noting the current limitations on access and exit from the A48 slip road arrangements.

Noting the supporting documentation in relation to the traffic assessment and road details, the benefits to the free flow of traffic and the village of Llysworney will be significant whilst there may be some detriment to the occupiers of the Nash to Cowbridge sector of the Llantwit Major Road due to an increase in vehicle movements along this route. However it is considered that the overall benefits in terms of traffic movement and environmental improvements to residents of Llysworney and to the residents and the environment of the town centre of will outweigh any limited increased impact to existing properties on Llantwit Major Road. This is especially as this route is currently used by some heavy vehicles in any event, especially if drivers have local knowledge.

Thus, subject to assessment of all other material considerations, the principle of a building a by-pass at this location is considered positive. Issues of impacts on the SLA and visual amenity of the area, ecology, listed buildings and pollution will be assessed below.

Visual impact of the Link Road, Residential Development, School and infrastructure within the Wider Rural Landscape

The application site is currently countryside (and Special Landscape Area) and fundamentally it is accepted that the proposed development, comprising the link road, the dwellings, associated infrastructure and the school, would alter the character of the land. However, it is considered that this does not necessarily render the development unacceptable, rather an assessment of the visual impact is required in the context of the surrounding landscape, and existing built environment, and in light of other material considerations including housing need.

The application site lies to the north west of Cowbridge and would directly adjoin an existing residential area to the east, including Darren Close. It is contained by the A48 to the north, the Llantwit Major Road (B4270) to the south, and a lane to the west which runs north south from the A48 to the east of St Brynach's Church. It is considered that these roads represent physical and defensible boundaries to the site and while the development would clearly extend the built form of the town to the west, the development would be visually contained within the defined road boundaries and in this respect would be seen as a logical extension to the town.

Therefore, whilst the development cannot be considered as 'small scale' rounding off (under policy HOUS 2 of the UDP), it is nevertheless considered that it would appear as a relatively logical extension/expansion of the existing built environment of the town up to defined boundaries created by the existing roads.

While the site itself and the land surrounding Cowbridge town is currently rural in character and appearance, the site nevertheless clearly adjoins the town. The approach to the western end of the town along Llantwit Major Road is such that existing houses and the strong form of the A48 are viewed as a backdrop to parts of the site. From the A48, while the impact of the development would be partially mitigated by landscaping and the natural topography of the land, the development where visible would again be viewed against the backdrop of the existing town when approaching from the west. Consequently, it is considered that the development would be viewed predominantly in the context of the built environment of the town, as opposed to being a visual incursion into a rural unspoilt landscape.

While the development would extend further west than the existing town, the south western side of the site is broadly consistent with the alignment of the south western aspect of Llanblethian. Therefore, while there would remain a pocket of undeveloped land between the two, it is considered that in wider landscape views from the south west the development would not appear as an unreasonable incursion into the countryside.

Furthermore, it is considered that, with extensive areas of landscaping and open space buffer zones, the visual impact of the development would be mitigated further such that it would not appear as an unacceptable or harmful urban incursion into the countryside. Existing trees and hedgerows would be retained wherever possible, in supplement to the new landscaping.

Whilst views of the approach to the town, particularly from the west would be altered as noted above, it is considered that there would not be a significant impact within the wider landscape beyond a local level, due to the relationship of the site to the existing town and the landscaping/open space mitigation referred to above.

Notwithstanding the above, the site is identified in the UDP as falling within a Special Landscape Area, a strategic definition of high quality landscape within the Vale of Glamorgan. However Policy ENV4 is not intended to be prohibitive on development in principle and the supporting text to UDP Policy ENV4 states: "3.4.13 Applicants will need to demonstrate that their proposal has been designed to minimise the impact of the development upon landscape." It is considered through the use of open space zones, the applicant has satisfied this requirement. It is considered that whilst the localised impact is harmful to the character of the SLA, the wider character and setting of the SLA would remain unharmed.

In terms of the detail of the development the amended proposal (which increased the number of dwellings to 475) included an indicative Masterplan and Parameter Plan which reduce the area for residential development from 16.89 hectares to 15.87 hectares (thus increasing the residential density) with the following amendments:

1. The removal of residential units to the north of properties on Darren Close;
2. Provision of a 5m buffer to the west of properties on Darren Close, adjacent to the safeguarded school site;
3. An increase in the width of the landscape buffers alongside the A48 to a consistent minimum width of 20m (previously between 5 – 20m variable width);
4. An increase in the width of the buffer to the east of the link road to a consistent 30m along its length (previously between 10 – 15m);
5. Addition of a further 5m set-back either side of the watercourse along the central green corridor equating to an additional 10m overall width;

6. Setting-back of development to the northwest of the site (entrance off the A48) by an additional 5m”.

The parameter details indicate two and three storey development and clearly the scale, form and design of the dwellings submitted in any subsequent reserved matters application will need careful consideration to ensure they are compatible with the context of the site. While the principle of three storey dwellings may be acceptable, the specific details, location, design and extent of all new buildings remain to be assessed at reserved matters stage.

In summary, while the site itself and the edge of Cowbridge are essentially rural in character and appearance, the site clearly adjoins the town and it is therefore not wholly ‘open’ or rurally isolated in appearance and context. This is reflected in the fact that the site has been allocated in the Draft Deposit LDP and the extent of SLA re-defined accordingly to coincide. It should be noted that other sites in close proximity to Cowbridge have been assessed and rejected for their harm to its setting and the case of the recent successfully defended appeal at Primrose Hill is an example of this.

Therefore, while the character of the land would fundamentally change, it is considered that the development would not unacceptably impact upon the wider rural landscape, and that the wider importance of the development (in terms of housing need as discussed above) outweighs any negative visual impacts associated with the urbanisation of the site.

Furthermore, the visual impact will be mitigated through appropriate landscaping and open space buffer zones at the more visually sensitive parts of the site, such as the most northern part closest to the A48, and the western part adjacent to either side of the proposed link road, which will be further supplemented by green corridors and open space throughout the residential development and school site.

The development would therefore be considered to comply with the aims of Policies ENV27 and HOUS8 (in so far as general parameters relating to residential development are concerned) of the UDP and any harm to the Special Landscape Area would be outweighed by other material considerations, principally housing need, in favour of the development.

Impact on the character of Cowbridge Town and surrounding settlements of the Link Road, Residential Development, School and associated infrastructure:

In terms of wider visual impact, objections have also been raised in respect of the impact on the character of the historic town of Cowbridge and to a degree on Llanblethian. It is acknowledged that the development would result in a significant increase in the population and the built form of the town however, it is considered that this in itself does not necessarily infer the character of the town itself, with particular regard to the historic centre, would be unacceptably affected.

The shape of the town has grown over time with previous residential development wrapping around the historic core, which itself retains a strong and clearly distinguishable character. The development would clearly change the overall shape and form of the settlement as a whole but it would lie adjacent to more recent additions to the town. Consequently it would not be viewed in the direct context of the historic core and it is considered that it would not unacceptably impact upon its historic importance or character.

Furthermore, the development is not closely related to the Cowbridge with Llanblethian Conservation Area and it is considered that, whilst the extent of the western 'edge' of the town would change, this would not result in direct or indirect harm to the character of the Conservation Area. Neither, due to the distance and visual separation, would the settlement or associated historic sites of Llanblethian be adversely affected. It is noted that Llysworney, which is also a Conservation Area with many listed buildings, would see a potentially significant improvement to the environmental quality of the village through a reduction in traffic movements as a result of the new link road proposed.

Furthermore, the character and views of the vast majority of the historic town and other identified landmarks and vistas would be safeguarded. Therefore, while the size of the town would be increased, it is considered that this would not unacceptably impact upon the essential character of the historic town of Cowbridge or its nearest villages.

Traffic and highway impacts:

The application is accompanied by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network, and proposed new link road, the number of dwellings and the likely number of car movements and movements by alternative modes. The Traffic Engineer has assessed the submitted Transport Assessment and is satisfied with the methodology used and considers it to be a robust representation of the impact of the proposed development on the immediate and surrounding highway network, which can be mitigated as proposed.

In terms of the link road, this has the capacity to present an improvement to the environment of the town, serving as it will to provide an alternative, more direct route onto and from the A48, than the current roads into and out of the western end of Cowbridge onto this major route. The Highway Authority have advised they are satisfied with the proposed new link road in terms of its location and proposed junctions onto the A48 and Llantwit Major Road, subject to a number of conditions including full engineering details to be agreed (see Appendix B).

The proposed link road is welcomed due to the benefits it will provide as an alternative route for heavy goods vehicles currently accessing the A48 via Llysworney. The village currently suffers from HGV vehicles through the centre of the village, where there is a pinch point with single file traffic only. The heavy flow of such traffic has a detrimental effect on the environment, local amenity and the free flow of traffic and the link road, whilst not removing all traffic would certainly divert traffic, especially commercial traffic, from passing through the village. The Highway Authority has requested that the developer pays for a Traffic Regulation Order (TROs) in respect of weight restrictions for Llysworney village to ensure heavy vehicles are re-directed traffic to the new link road once operational.

The residents of Llantwit Major Road will experience an increase in traffic as a consequence of the link road, proposed residential development and school. However, this impact is not considered so harmful as to warrant refusal of a welcome highway scheme which has significant benefits for the village of Llysworney, and new housing which is needed to meet the housing requirements for Cowbridge and the wider Vale of Glamorgan, or the school which is needed for population growth. Furthermore, mitigation measures and off-site highway improvements are proposed (to be secured by conditions and s106 planning obligations) which will limit the impacts and ensure that pedestrian access and highway safety is fully catered for.

On balance the link road provides a safer and more direct route for through traffic and has the potential to benefit traffic flow through Cowbridge Town and Llysworney Village. Links from the residential development and school site onto the public highway and new link road have all been considered and subject to the requirements of the highway authority are acceptable. The proposals include connections to public transport, with new bus shelters, footways / cycleways and crossings being provided on the new link road and Llantwit Major Road. A travel plan for the site is recommended by condition to encourage modal shift. All of which promote the sustainability credentials of the site in accordance with national guidance in PPW.

The Highway Authority have advised of their standards for the internal highway layout for the residential scheme taking account of manual for streets guidance, which would need to be addressed at reserved matters stage.

Density of the residential development

In terms of density, PPW advises that 'Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by public transport, walking and cycling should either not be allocated for development or be allocated or reallocated for uses which are not travel intensive.'

The DLDP refers to density and the local planning authority's aspirations for sites at: "6.11 Generally, a gross density figure of 30 dwellings per hectare has been used to reflect the Council's aspirations to make better use of land in accordance with sustainability principles, which is reinforced through the Housing Density Policy MD 7." However, Policy MG2 (Housing Allocations) takes into account any known constraints expected to reduce the net developable area significantly, or allocations for community / education facilities or strategic areas of open space."

The development proposes 475 units whereas the Draft LDP allocated the site for up to 390 units (initially based on a smaller site area, which has been changed in Focussed Changes to reflect the required and appropriate siting of the new link road). Given that the LDP is in draft form, the reference to 390 units is not definitively prescriptive for the site. However, it provides a basis to consider the appropriate density for the site given its context and constraints. It is important to ensure that sites in sustainable locations such as Cowbridge, are developed efficiently, and it is also necessary to consider the character of the area and whether an increase in density would be appropriate and sympathetic to the surrounding context. The density, even accounting for the higher numbers, is less than envisaged in the LDP (on a smaller site). The details indicate an average density of 30 dwellings per hectare (dph), with the density varying across the site between 20dph and 40dph.

The variation is accounted for in part by the difficult topography of parts of the site, noting the relatively steep valley sides in places. Having regard to the character of the surrounding area, the open spaces and setting of the link road and residential development, it is considered that the density is acceptable and would represent an efficient use of the land.

Landscaping and Open Space

The development master plan indicates the broad areas for residential development, the 2ha site for a school, associated access roads and the line of the link road. The submitted landscape framework indicates open space to the west and east of the link road in part to provide a landscaped buffer, wildlife mitigation area for foraging and habitat e.g. for lapwing, and to preserve a setting to the listed buildings to the west. Further areas of open space are indicated in the outline scheme as visual breaks to retain more distant views of Llanblethian Hill to the south and, from the south looking north, towards Penllyn Castle. A central green corridor would be provided in the valley bottom which is also the line of the existing watercourse and adjoining slopes.

The residential scheme makes provision for open space, including children's play space, in accordance with UDP policy REC3 and this aspect of the scheme is covered in more detail under the 'Planning Obligations' section of this report. No outdoor sport provision is made on site, therefore, this matter is considered below in the 'Planning Obligations' part of the report, in terms of whether financial contributions are necessary to address any shortfall.

The open spaces associated with the full application for the link road provide some landscape mitigation required for the residential scheme as well as providing an appropriate setting to new the link road and any approval would need to specify those areas of landscaping which should be brought forward in the process to facilitate early completion and establishment of planting notably to the west of the link road.

Setting of a listed building

The requirements of PPW Chapter 6, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Welsh Office Circular 61/96 are important to assessment of the link road scheme and to a lesser extent the outline application. The local planning authority has a duty in respect of listed buildings, namely to have special regard to the desirability of preserving the setting of a listed building (paragraph 11 refers). It further advises “they can be robbed of much of their interest and of the contribution they make to townscape of countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks or other development.” Further advice is offered in PPW 2014 regarding the importance that must be given to the setting of a listed building in consideration of planning applications namely: “6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

PPW paragraph 13.15.2 states: “Special consideration is required where noise generating development is likely to affect a protected species, or is proposed in or near statutorily designated areas, including urban ‘quiet areas’ designated in Noise Action Plans. The effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.”

The link road and residential schemes encroach into the rural surroundings of the St. Brynach’s Church and Cross, Grades II* and II respectively. The development of the link road is closer to the Church and its grounds than the residential and school development, being set off from the access lane and church grounds by approximately 110metres with intervening hedgerow and partial tree screening. The setting of the church is relatively tranquil and the road will bring some potential for noise closer to the church grounds. However the submitted noise assessment indicates that noise increase from the road post development is negligible. It is therefore considered that there is no adverse impact on the listed building from noise and thus its essential setting is not affected in this regard.

Noting the Court of Appeal Decision (Barnwell Manor Wind Energy Limited v Northamptonshire DC 2014) which gives rise to a strong presumption in favour of preserving that setting. It is considered that any harm to this setting is less than substantial with the impact from noise limited by established and proposed landscaping and topography.

The application has been accompanied by an EIA and associated assessments and these reports considered and assessed the setting of all designated historic assets within 2.5km of the site. Evidence gathered for the Landscape and Visual Impact Assessment (chapter E of the EIA) was also used to inform their assessment and viewpoints taken from within and across the proposal site were also taken into account. Of the identified assets within a 2.5km radius, the Church is the asset potentially affected. The report 'Heritage and Archaeology' in the EIA states: "F4.135 -Views toward the Church are generally restricted due to the low lying position of the Listed Building, and tree-lined boundaries which surround it. However limited views, principally of the top of the tower, are possible from the adjacent areas, including the site."

The visual setting of the listed building and Cross are not considered to be affected by the proposals either during or post construction. The proposed development would retain open land to the west between the link road and the lane and Church grounds and there is scope to enhance the boundaries, thus protecting both the visual setting and views of the Listed Buildings and area identified in the archaeological assessment submitted as having the highest potential for remains.

The development is not considered to have any direct impacts on any other listed buildings, the Cowbridge or Llanblethian Conservation Areas or ancient monuments. Intervisibility between the site and the Hillfort is such that it is generally screened by trees, existing residential development can be viewed from the Hillfort and the proposed housing may similarly be visible through the trees from the Hillfort and is thus considered to have a neutral impact.

Landscaping conditions for the link road are recommended in order to ensure that soft landscaping is used effectively within the areas of open space/undeveloped agricultural land remaining to the west and throughout the whole development, to soften the visual impact of the development in the wider landscape. Landscaping is a reserved matter for the residential development and school outline scheme.

In light of the above, it is considered that the proposed development complies with UDP Policy ENV17 and the advice in Welsh Office Circular 61/96 in terms of its impact upon nearby listed buildings and historic assets.

Residential Amenity of neighbouring properties and future occupiers

The development masterplan for the residential development indicates that account would be taken of the impacts on the amenity of neighbours. Thus allowance has been made for screening and the layout required for reserved matters details would need to take account of this. It is noted that the properties closest to the site, namely on Darren Close, Llantwit Major Road and Tyla Rhosyr, will for the most part adjoin designated areas of open space and the school site which will minimise the impact of the residential development on their amenities. Whilst the proposed school will no doubt increase noise levels during the school day compared to the existing agricultural fields, this will be for limited time periods and is not unusual within a residential environment (i.e. most schools are in settlements close to housing).

It is considered that the development of the school site and the dwellings can be designed under reserved matters to safeguard the privacy and amenity of adjoining occupiers to an acceptable degree. Assessment of a detailed scheme would have to have regard to relevant design advice at that time. Currently this includes the requirements of the local planning authority's adopted SPG on Amenity Standards and Model Design Guide for Wales, UDP Policies ENV27 and HOUS8 and TAN12 'Design' regarding site layout, orientation of properties and windows as well as garden size and relationship to amenity space.

Concerns have been raised by the Council's Environmental Health Section, regarding possible impact from traffic noise and odour pollution from the development. While it is acknowledged that occupiers of the proposed dwellings closest to the A48 would experience some noise from the main road. It is considered that the level of noise experienced would not be so significant that it would render the living conditions inside those dwellings as unacceptable. Noting that the noise readings taken in the Noise Assessment submitted with the EIA identifies a negligible increase in noise from the development. Site construction noise and other pollution matters (dust, mud, vibration etc) issues can be addressed through CEMPs (construction and environmental management plan).

Odour problems from a nearby facility for composting food and green waste have been raised in the past, as noted by the EHO, however they do not object to the application on these grounds. It is, therefore, considered that the impacts of that facility would not be so significant as to cause an unacceptable level of harm to residential amenity. Furthermore, these matters are controlled under separate legislation.

The Geo-Environmental information submitted with the EIA indicates that overall contaminative risk at the site is generally considered to be low.

Therefore, it is considered that the proposed development complies with UDP policies ENV27 and ENV29.

Other neighbour objections:

Objections have been raised in respect of the ability of existing community facilities, bus services and services in Cowbridge to cope with the extra demand placed on them by the residential scheme. In this regard, it is considered that the proposed development would have a positive impact by supporting and sustaining the existing local services (shops, pubs etc.) in Cowbridge. The LDP strategy background paper identifies Cowbridge as a Service Centre Settlement:

"These predominantly urban settlements are the main centres of population within the Vale of Glamorgan with a population generally over 4000. The settlements identified within this category score highly in terms of both the range of services and facilities and public transport services. In this respect they score the maximum for bus and train services, except for Cowbridge which is not served by a train station. In terms of services and facilities the main settlements generally score within the maximum category across the assessed facilities."

This study is intended to give an overall indication of the relative sustainability of settlements within the Vale of Glamorgan and provides part of the evidence base for the settlement hierarchy within the LDP and is not intended to be a comprehensive planning assessment of individual settlements or potential development sites within them. Therefore, detailed planning assessments need to consider the environmental, social and economic issues affecting specific settlements. The resulting assessments for the preparations to the DLDP recognise the need for new housing in Cowbridge and consider the town is capable of assimilating further homes. Consideration of provision of community services are referred to in the section 'planning obligations' below.

It is also noted that the development includes the provision of a 2 hectare site for a primary school which will not only cater for the immediate needs arising from the development, but will also provide an opportunity to consolidate primary education facilities in Cowbridge which are already under extreme pressure from existing pupil demand in the catchment.

In considering other matters of objection raised, it is considered that there is no evidence to suggest the development would result in increased crime or anti-social behaviour. Noise/disturbance from the construction phase can be minimised through compliance with a CEMP. A condition is recommended to secure control over external lighting of the development. Impact on property value is not a planning matter. It is also considered that the development would not fundamentally adversely impact upon local tourism. It is considered that the remaining points of objection have been addressed within this report.

Drainage and flood risk

The application is accompanied by a drainage strategy which assesses flood risk, and drainage in the wider sense.

The Drainage Strategy concludes that the development would not be at unacceptable risk from all forms of flooding and that the development would not unacceptably increase flood risk to areas outside of the site. Natural Resources Wales have raised no objection in terms of flood risk and the Council's Drainage Engineer has advised that, subject to the development of a suitable foul and surface water drainage scheme as per TAN15 and appropriate conditions there would be no objections on drainage grounds to the scheme.

In terms of foul sewerage, a pumping station is noted as required. Dwr Cymru Welsh Water have advised that there are capacity problems at present, however, they do not object to the development subject to a condition ensuring no connection to the public sewerage system before 31st March 2018 (unless upgrading works to Llanblethian and Cowbridge pumping stations have been completed).

Given the above an appropriate 'Grampian' type condition has been suggested preventing connection to the sewer until such time as the above works have been completed.

Having regard to the above, it is considered in respect of drainage and flooding that the development complies with UDP Policies ENV7 and ENV27(iii) and full drainage scheme and details would be the subject of condition if the application is approved.

Ecology

The application was initially accompanied by a habitat survey; however, the Council's Ecologist lodged an objection, pending the submission of a further survey for nesting birds. The Badger Group express concern at the application for the road and housing noting setts exist in the vicinity of the site and loss of foraging areas or territorial boundaries would be unacceptable.

Nesting birds surveys have now been carried out and assessed and Natural Resources Wales now raise no objection to the application, subject to conditions. Further comments are awaited from the Council's ecologist, primarily in respect of ground nesting birds, and in particular Lapwing.

On this basis, there is no substantiated ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policy ENV16 of the UDP.

An arboricultural report has been submitted with the application. The proposed development does not lie within a Conservation Area and there are no preserved or protected (TPO) trees within the site. The submitted details for the link road and pending reserved matters for the residential and school site, indicate retention and protection of hedgerows and trees as existing, other than where specifically granted consent for removal to facilitate the development, supplemented with new planting will provide a good landscaped setting for the scheme. A condition requiring details to be submitted of all trees and hedgerows to be retained (along with details of measures to protect them during the course of development) is recommended. However, it is considered that none of the trees within the site are of such quality or contribution to visual amenity that they represent a constraint to the development.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) has been consulted and a Heritage Assessment has been submitted with the application. GGAT have requested a watching brief condition and it is considered that subject to this, any archaeological resource would be adequately protected, in accordance with UDP Policies ENV18 and ENV19.

Agricultural land quality

Guidance within PPW at chapter 4 states :

4.10.1 In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future⁹. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

And UDP Policy ENV2 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. The application is accompanied by an agricultural land quality assessment, which concludes that the site is Grade 3A in the northern part whilst the remainder is 3B, 4 or 5. There is no evidence to dispute this assessment. Development of the site would see approximately 3.2ha of the most versatile agricultural land being no longer usable for agricultural purposes.

Agricultural Land classification as submitted with application:



A number of objections have been received in respect of the loss of high quality agricultural land. However, it is considered that only a small part of the site is good quality agricultural land (Grade 3a) and that the overriding need for appropriate housing provision in the Vale of Glamorgan, and specifically within Cowbridge, outweighs the policy presumption in favour of protecting agricultural land.

Impact of Development on the Existing Agricultural Holding and Tenant

The land is occupied as part of an agricultural holding and objections have been submitted regarding the loss of the tenant's livelihood if the scheme were to be approved. These objections have also been made on behalf of the tenant via an agent.

In considering the matter the local planning authority is mindful of the previous appeal decision in which at paragraph 7 of the decision letter stated: "The Planning Decision Committee of the Welsh Government (National assembly at that time) also agree that the proposal would harm the livelihood and amenity of the tenant farmer." This decision letter had considered the Planning Inspector's report where paragraph 12.28 stated: "...the personal circumstances of the tenant family cannot be ignored and the proposals would undoubtedly seriously harm their particular farming practices and way of life, as well as raising a concern that they could be asked to quit the holding. These are factors which represent a significant objection to the proposals."

The full extent of the holding is not known. It is noted however that the extent of this application site is larger than that considered by the appeal and thus likely that a greater part or even the whole holding would be affected rather than a smaller area/part as considered previously. The local planning authority is unable to consider other, non-planning statutory financial matters relating to tenancies, compensation and land owner arrangements in respect of this land. The agents were asked to clarify this matter. The agents have now advised that negotiations have taken place with the tenant farmer regarding financial compensation for termination of the tenancy in accordance with the statutory requirements.

The loss of the agricultural holding and thus impact on livelihood has been considered. Whilst, it is apparent there may be detriment to the livelihood of the tenant due to the loss of land, there are considered to be overriding planning considerations that would justify an approval of the consent, including the need to deliver housing, including affordable housing, to meet local needs in the Vale of Glamorgan. The requirement to maintain a healthy housing land supply is considered to be a very important material consideration and it is considered that this weighs heavily in favour of the development.

Public Rights of Way (PROW) issues

There is a Public Right of Way (No. 50) crossing the site from west to east along the lower valley within the site with an additional footpath (No. 51) off this route which joins Llantwit Major Road to the south of the site. The illustrative masterplan indicates there will be routes through open space in the same general location as these existing routes.

The Council's Public Rights Of Way Officer has raised no objection to the proposal, but advises the PROWs should be kept free of obstruction or otherwise formally diverted. There is no reason that there should be an overall adverse impact on the footpath links at present across and from the site and improved/additional footpath links will be provided as part of the proposed highway network within the site.

Consequently, it is considered that there are legal provisions to prevent the unauthorised diverting/blocking of the PROW and the applicant will only be able to divert the PROW if an official order is required and obtained. This process will allow the Council to consider the merit of any proposed diversion, however, it is considered in principle that the development would clearly maintain footpath routes through the site in accordance with UDP Policy REC12.

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.

The hybrid application seeks permission for the construction of a new link road, 475 dwellings, a school and associated infrastructure 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 including a school site
- Off-site Highway Improvements
- Sustainable Transport facilities
- Public Open Space and maintenance
- Community Facilities
- Public Art
- Phasing of the development

Affordable Housing:

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

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes, such as this. 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 five 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 35% affordable housing to be incorporated with any residential development of this site, 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. The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan (and more especially in some of the rural areas), and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in Cowbridge.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site should deliver **40% affordable housing**. The Council requires a 70/30 split on site between Social Rented and Intermediate properties. Based on 475 dwellings, 190 affordable dwellings would be required. This would require 133 social rented and 57 intermediate (LCHO). The agent has agreed to this affordable housing provision.

In terms of the location and house type of the affordable dwellings, this is a matter to be agreed at the reserved matters stage. The Council's Housing section has advised that any future layout reflects a dispersion of affordable units, to ensure that the affordable units are appropriately integrated through the overall site, with a good degree of pepper potting which is in accordance with the Affordable Housing SPG.

In terms of phasing, the affordable housing will need to be delivered alongside the market housing on the site to ensure that it is fully integrated in the development and delivered in a timely manner to satisfy housing need in the area. Therefore, the Section 106 Agreement will include clauses requiring an appropriate percentage of affordable housing to be provided prior to beneficial occupation of a certain percentage of the market housing units and this will be phased throughout the development.

Education Facilities:

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 emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's formula for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 475 dwellings would generate the need for education facilities for 48 nursery school age children, 132 primary school age children, 99 secondary (aged 11-16) school age children and 19 secondary (aged post-16). However, it is only reasonable to request contributions for schools which do not have the spare capacity, which in this case relates to Y Bont Faen, Ysgol Iolo Morgannwg, St. David's Primary, Cowbridge Comprehensive and Ysgol Bro Morgannwg. Given the existing and forecast capacity at nursery, primary and secondary school levels, the Council requested the following Section 106 contributions for education facilities:

- Nursery school children – 45 children x £14,463.26 = £650,846.70
- Primary school children – 123 children x £14,463.26 = £1,778,980.98
- Secondary (aged 11-16) school children – 59 children (English Medium) + 5 children (Welsh Medium) x £21,793.42 = £1,394,778.88
- Secondary (aged post-16) school children – 12 children (English Medium) + 1 (Welsh Medium) x £23,635.40 = £307,260.20

This totals **£4,131,866.76** and the applicant has agreed to this amount.

Payment of the education contribution will be required in part (20%) at commencement to enable initial planning and design works to be undertaken. Thereafter the remaining 80% will need to be paid on first beneficial occupation of the development to ensure the new school can be constructed in a timely manner to meet the new demand arising from the development.

School Site

DLDP Policy MG 6(4) identified the need for this site to make provision for a new primary school to serve the Cowbridge catchment in light of the evidence in the LDP Educational Facilities Background Paper (2013) which concluded that the existing primary schools in Cowbridge are not capable of expansion to the extent required to accommodate forecast growth during the LDP period.

Therefore, the Council requires the **delivery of a 2 hectare primary school site** to be transferred to the Council as Local Education Authority (at nil cost) and that access is provided to that site as part of the first phase of works and prior to beneficial occupation of the development. This provision is required to meet the increased demand for school places as a direct result of the new housing and associated population growth during the plan period, in accordance with evidence contained within the Council's LDP Educational Facilities Background Paper (2013).

The school will meet the anticipated need for school places identified and will also help to build a sustainable community by providing a local community hub within the housing development. The site is identified on the indicative site plan, and the developer has agreed to provide this. The Education department have confirmed they are satisfied with the proposals.

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, TAN18: Transport and Manual for Streets which emphasise the important relationship between land use planning and sustainability in terms of transport.

The Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car. In accordance with the Planning Obligations SPG, based on the provision of 475 dwellings, the Council requires a financial contribution which equates to **£950,000**.

The applicant has agreed to provide infrastructure improvements, including bus shelters and appropriate pedestrian crossings on the new access road into the site, and on the existing Llantwit Major Road. It is considered that these are essential for the proposed development to promote sustainability, and ensure integration into the Cowbridge community. Consequently, it has been agreed that the cost of the sustainable transport works will thus be deducted from the financial contribution. This has been agreed by the applicant.

It is considered that the improvements which would be implemented as a result would materially improve the degree to which the site and local services in Cowbridge could be accessed by sustainable modes of transport, in accordance with local and national policy.

Public Open Space

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

Based on the Council's Planning Obligations SPG, and the LDP Open Space Background Paper (2013), the development for 475 houses creates the need for 26,315sqm of open space, including 2,166sqm of equipped children's play space, 6,498sqm of other children's play space and 17,328sqm of outdoor space. The LDP Public Open Space Background Paper (2013) identifies an existing shortfall of children's play space in Cowbridge and sets out that children's play space must be provided for on all new development sites. The LDP Open Space Background Paper (2013) also identifies an overprovision of outdoor sport space within Cowbridge (in terms of quantity).

This site requires the provision of five Local Areas of Play (LAPs), two Locally Equipped Areas of Play (LEAPs), and one Neighbourhood Equipped Area for Play (NEAP) to meet the need for children's play space arising from the development.

The scheme does not include any provision for outdoor sport facilities; however, as part of the assessment of the need for outdoor sport facilities, it is relevant to consider the availability and usability of existing outdoor sport provision in the ward. In this case, given the availability of outdoor sport facilities within the ward in reasonable proximity of the site (as evidenced in the LDP Open Space Background Paper), it is considered that a further on-site provision is not critically necessary to render the development acceptable in planning terms.

It is also noted that a contribution of £200,000 has been negotiated with the developers (see Community Facilities Section), which can be used to provide and/or improve indoor or outdoor sport facilities which will help to cater for the needs arising from the development by enhancing existing facilities.

Public Open Space Maintenance

The Section 106 agreement will make provision for any of the Public Open Space provided on site to be maintained for a minimum of 20 years, either through transfer to the Council with appropriate commuted sums, or through an appropriate maintenance agreement.

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) states that there are adequate library and community buildings in the area to meet the demand generated by additional growth. However, it does identify a shortfall in indoor sport facilities. Therefore, a contribution was sought towards the upgrade and/or provision of community facilities serving the development, particularly for indoor or outdoor sports facilities in Cowbridge. The applicant has agreed to an amount of **£200,000** which reflects the need that results from the development and is considered to be a reasonable contribution given the scale of the development and the context set out above, and accords with UDP policy HOUS8 (vi).

The contributions could be used to enhance and improve the quality of the sport facilities in Cowbridge, including the Bear Field, the Police Field or Cowbridge Leisure Centre.

Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted 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 is unwilling to agree to 1% of build costs for public art given the large scale of development, and has offered to deliver a Public Art Strategy to the value of **£30,000**. This is considered acceptable in planning terms in this instance given the significant costs of delivering the link road and delivery of a school site which have significant impacts upon the viability of the development. It is therefore reasonable to off-set some of these costs against the public art contribution.

Planning Obligations Administration Fee

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to **£106,237**.

CONCLUSION

Therefore in light of the significant amount of background information that has led to the site's inclusion within the Draft Local Development Plan, current housing land supply and the need to maintain adequate housing land at all times and the assessment of all other impacts and material considerations as set out above, it is considered that, on balance and subject to the mitigation as set out with regard to the proposed planning obligations and conditions, the development is acceptable in principle and outweighs the conflict with UDP policies relating to the location of new residential developments outlined above.

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. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this hybrid application.

Outline application :Having regard to the submitted documentation of the Environmental Impact Assessment, Policies 1, 2, 3, 8 and 11, ENV 1 (Development in the countryside), ENV 2 (Agricultural Land), ENV4 Special Landscape Areas, ENV 7- (Water Resources), ENV 10 (Conservation of the countryside), ENV 16- Protected Species, ENV 17- (Protection of the Built and Historic Environment), ENV 18 (Archaeological Field Evaluation), ENV 19 (Preservation of Archaeological Remains) ENV 27 (Design of new developments), ENV 28 (Access for disabled people), ENV 29 (Protection of environmental quality), HOUS 2 (Additional residential development), HOUS 3 (Dwellings in the countryside), HOUS 8 (Residential Development Criteria), HOUS 12 (Affordable Housing), TRAN 9 (Cycling development), TRAN 10- (Parking), REC 3 (Provision of public open space for new developments), REC 6 (Children's Play Facilities) and REC 12 (Public Rights of Way and recreational routes) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5-Nature Conservation and Planning, 10 – Tree Preservation Orders, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; it is considered that the proposals are acceptable, based on the material considerations set out within the report, by reason of a sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan. The proposals are also acceptable by virtue of a safe and suitable means of access with no unacceptable impact in terms of residential amenity, pollution, flood risk, impact on listed buildings or other historic assets or on ecology.

RECOMMENDATION

Outline application all matters reserved except access for up to 475 dwellings, school site and associated infrastructure and work

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

- Procure that at least 190 (40%) of the dwellings built pursuant to the planning permission are built and thereafter maintained as **affordable housing** units in perpetuity, of which at least 70% would be social rented properties, and the remaining 30% would be intermediate properties.
- Pay a contribution of £950,000 towards **sustainable transport** facilities in the vicinity of the site, minus the costs of sustainable transport facilities being provided by the developer (in agreement with the Council). The contribution is to be used on one or more of the following: improving pedestrian / cycle routes between the site and the town centre, areas of public open space or other key destinations; public transport facilities or services serving the development; cycle provision in the town centre and vicinity of the site; and road safety measures required as a result of the development.
- **Public open space** to be provided on site in the form of at least of 5 Local Areas of Play (LAPs), 2 Locally Equipped Areas of Play (LEAPs), and 1 Neighbourhood Equipped Area for Play (NEAP) which shall be provided in accordance with a scheme to be approved by the Local Planning Authority.
- The developer shall make appropriate provision for the **future maintenance of the public open space** or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay commuted sums to cover the costs of future maintenance of the public open space for 20 years.
- Delivery of a **2 hectare primary school site** to be transferred to the Local Education Authority (at nil cost), provide access to that site as part of the first phase of works and prior to beneficial occupation of the development.
- Pay a contribution £4,131,866.76 of for **education purposes** for the provision or enhancement of educational facilities in the area for Nursery, Primary and Secondary school children in the Cowbridge catchment area.
- Pay a contribution of £200,000 to provide new community facilities in Cowbridge or enhance existing **community facilities** in respect of one or more of the following: Bear Field Football Pitch, Scansis Pitch, Skate Park, Police Field or Cowbridge Leisure Centre.
- Pay a contribution of £30,000 for the commissioning of **public art** on site integral to the development proposal, incorporating in the scheme for public art sufficient measures for the appropriate future maintenance of the works.

- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£106,237 in this case).
- To require the developer to enter into a highway legal agreement under the Highways Act 1980 with the Council to provide the proposed road link as approved under this hybrid application, and the off-site highway works identified in the TA, in accordance with a phasing and timescale for provision of that road which shall first be agreed with the local planning authority.
- To pay for the administration and implementation of any required Traffic Regulation Orders in respect of the following:
 - 1) Speed restrictions and new access on Llantwit Major Road;
 - 2) Changes to speed and new junction onto A48;
 - 3) Weight limits through Llysworney;
 - 4) New Puffin Crossing on Llantwit Major Road;
 - 5) Highway works at Nash Junction; and
 - 6) Traffic calming near to properties known as Penryheol Terrace on the Llantwit Major Road.

Link Road and associated works

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

- To require the developer to enter into a highway legal agreement under the Highways Act 1980 with the Council to provide the proposed road link as approved under this hybrid in accordance with a phasing and timescale for provision of that road which shall be agreed with the local planning authority and to secure any required Traffic Regulation Orders appropriate to the highway safety of the scheme as a whole in accordance with a scheme which shall first have been submitted to and agreed in writing by the Local Highway Authority.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement which would be £2623.00.

APPROVE subject to the following conditions(s):

For the outline proposals for residential, school and associated infrastructure:

1. Approval of the layout, scale, appearance, and landscaping of the residential development, school and associated infrastructure (hereinafter called `the reserved matters`) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason:

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

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

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

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

Reason:

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

4. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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

5. The reserved matters shall have full regard to the guidance and advice as set out in Manual for Streets and Secure by Design and shall reflect the principles, parameters and objectives of the illustrative Master plan reference PS31131-21 Rev F.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

6. The design of the dwellings shall take into account the findings of the Environmental Statement December 0-214 Chapter K Noise including the recommendations of paragraph K6.7.

Reason:

To ensure an acceptable environment for future occupiers and to meet the requirements of Policies ENV27 and ENV29 of the Unitary Development Plan.

7. No dwelling or the school hereby approved shall be occupied prior to 31 March 2018 unless the Llanblethian Sewerage Pumping Station and the Cowbridge Waste Treatment Works have been upgraded and the Hydraulic Modelling Assessment of the public sewerage network between the development site and Llanblethian Pumping station as referred to in the submitted North West Cowbridge Service Supply Statement December 2014 has been completed in advance of communication of flows to the public sewer.

Reason:

To prevent overloading of the public sewerage system, to protect the environment and to meet the requirements of Policies ENV27 and ENV29 of the Unitary Development Plan.

8. Prior to the first beneficial occupation of any dwelling and the school, Travel Plans, which shall cover all phases of the development, shall be submitted to and approved in writing by the Local Planning Authority and shall include a package of measures tailored to the needs of the site and its future users to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

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

9. Prior to the commencement of construction of any part of the residential development, school or associated infrastructure hereby approved, a scheme, including details of the timing of such provision, for the provision and maintenance of the Public Open Space (including the children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies ENV27, REC3 and REC6 of the Unitary Development Plan.

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

Reason:

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

For the full application for the Link Road:

11. The development of the link road and associated junctions 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.

12. Prior to commencement of construction of any part of the link road hereby approved, and notwithstanding the submitted plans, full engineering details, including an additional layby for use by traffic enforcement vehicles, and details of street lighting, surface water drainage, structures, off highway footway / cycle facilities (along the new link road and section of Llantwit Major Road fronting the proposed development site) and construction details, of the link road and associated junctions, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of highway safety and to protect the environment in accordance with Policies ENV27 and ENV29 of the Unitary Development Plan.

13. Prior to commencement of construction of any part of the link road hereby approved, a Relaxation Document shall be submitted to and approved in writing by the Local Planning Authority, outlining the principles followed when considering the Relaxation in standards of highway design for the link road and associated junctions. This shall include details relating to safety aspects, environmental and cost benefits which necessitate the Relaxation and identifying any mitigation measures to be provided with regard to accident prevention such as safety fencing, high friction surfacing, signing and lining. The development shall thereafter be carried out in accordance with the approved details therein.

Reason:

In the interests of highway safety in accordance with Policy ENV27 of the Unitary Development Plan.

14. Prior to the first beneficial occupation of any of the dwellings or the first operational use of the link road hereby approved, the developer shall submit details, including timescales, of the following off-site highway works to be approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details:
- i) A signing and lining strategy for the local highway network in the vicinity of the site affected by the proposed development including re-directing traffic away from Llysworney village;
 - ii) Off-site highway works at Nash junction to include consideration of a change in priorities for vehicle movements at the junction; and
 - iii) Traffic calming measures near properties known as Penryheol Terrace on Llantwit Major Road.

Reason:

In the interests of highway safety in accordance with Policy ENV27 of the Unitary Development Plan.

15. The proposed bus shelters and associated laybys to be provided on the link road hereby approved shall be provided in accordance with the Council's Gold Standard (and in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority) and shall be provided prior to the first beneficial use of the section of the link road upon which they are located.

Reason:

To ensure the development makes adequate provision for public transport services in accordance with UDP Policies 2, 8 and ENV27 of the Unitary Development Plan.

16. Notwithstanding the submitted plans, full engineering details of the proposed Puffin Crossing on Llantwit Major Road, including provision of appropriate sight stopping distances in accordance with the speed of the road, shall be submitted to and approved in writing by the Local Planning Authority. The crossing shall thereafter be constructed in accordance with the approved details prior to beneficial occupation of any of the dwellings hereby approved.

Reason:

In the interests of highway safety and to ensure the development makes adequate provision for pedestrians accessing the site in accordance with UDP Policies 2, 8 and ENV 27 of the Unitary Development Plan.

17. Prior to any site clearance or ground works for the link road and junctions hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of structural planting and the phasing of such planting, details of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development.

Reason:

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

For both parts of the development (full and outline):

18. The development shall be carried out in accordance with the following approved plans and documents: Cowbridge Pattern Book, Environmental Impact Assessment and Appendices, Figures, Technical Assessments , Design and Access Statement and Addendum received 10 September 2015, Planning Statement and Addendum received 10 September 2015, Waste Assessment, Transport Assessment, Environmental Statement Addendum Appendices and figures, Service Supply Statement, Statement of Community Involvement ,Non Technical Summary (amended 10 September 2015), Environmental Statement Addendum Technical Assessments received on 22 December 2014 other than as amended by documents received on 11 June 2015 and 10 September 2015 and drawings JNY8187-12 Rev G, 13 rev D and 14 Rev D received 11 June 2015 and PS31131-12/1, 12.2 RevK, 12.6 RevJ, 21 RevF from Nathaniel Lichfield and Partners and 2147/P35a from Tyler Grange received on 10 September 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.

19. A phasing plan for development hereby approved 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 of phasing.

Reason:

To ensure the development is implemented in an appropriate manner to minimise any adverse impacts on neighbouring properties, deliver necessary infrastructure and community facilities and ensure appropriate access is available in the interests of highway safety and in accordance with Policies ENV27 and HOUS 8 of the Unitary Development Plan.

20. The link road and associated junctions shall be substantially complete such that it is operational as a highway suitable for use by vehicular traffic, pedestrians and cyclists prior to the occupation of the 375th dwelling approved under this outline application and associated reserved matters application(s).

Reason:

To ensure the proper and timely delivery of the link road to safeguard the character of the historic town of Cowbridge and provide improvements to the highway network to meet the requirements of Policies ENV29 and ENV27 of the Unitary Development Plan.

21. 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.

22. Prior to the commencement of the construction of the link road or any phase of dwellings and associated structures or infrastructure identified in discharge of condition 19 above, full details including cross sections of the existing and finished ground levels of the site and of the finished floor levels of the dwellings, link road and structures within that phase shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

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

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

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 ENV29 of the Unitary Development Plan.

24. A Landscape and Ecology Environmental Management Plan (LEMP) shall be submitted to the Local Planning Authority for their written approval prior to the commencement of any groundworks on site or any site clearance . The LEMP shall be fully implemented in accordance with the approved details and in accordance with the timescale as detailed in the approved LEMP.

Reason:

In the interests of safeguarding the ecology of the site and to ensure mitigation and enhancement of the ecological value of the site in accordance with Policy ENV16 of the Unitary Development Plan.

25. Prior to the commencement of development, including any site clearance or ground works, a Construction Traffic Management Plan, including details of parking for construction traffic, wheel washing facilities, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings, shall be submitted to and approved in writing by the Local Planning Authority, and the management plan shall be implemented at the commencement of any site clearance or temporary access or development works on the site and shall thereafter be complied with for the duration of the construction and laying out of the development .

Reason:

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

26. No development shall commence until a scheme for the comprehensive drainage of the development hereby approved, designed to take into account the submitted North West Cowbridge Service Supply Statement outcomes and showing how foul water, road, roof / yard water and land drainage will be dealt with, and including full details of all existing drains / connections running through the site and details of any culvert or bridge and a phasing programme for such works shall be submitted to and approved in writing by the local planning authority. The drainage scheme for the site shall be designed to ensure that all foul and surface water discharges separately from the site and land drainage and surface water run-off shall not discharge nor connect either directly or indirectly into the public sewerage system. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details, specifications and phasing programme (identified in condition 20 above), prior to the first beneficial use of the development or associated approved phase of development, whichever is the sooner.

Reason:

To ensure the effective drainage of the site and to ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties and environment, with respect to flood risk and to protect the integrity and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

27. The information submitted in accordance with the requirements of Condition No. 26 of this consent shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, including provisions to be put in place in respect of individual dwelling houses and including a written declaration and plan to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the site's drainage system and to ensure compliance with Policies ENV7 and ENV29 of the Unitary Development Plan.

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

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policies ENV16 and ENV27 of the Unitary Development Plan.

29. No development shall take place until such time as engineering details of the junctions between the Llantwit Major Road, B4270, and the proposed link road have been submitted to and approved in writing by the Local Planning Authority and no phase of the development shall be brought into beneficial use until such time as the junction(s) serving that phase have been constructed in accordance with the approved details.

Reason:

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

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

Reason:

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

31. Notwithstanding the submitted plans or the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending revoking or re-enacting that order howsoever, all means of enclosure associated with the development (to include means of enclosure around any public open space or pond) shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

32. Prior to the commencement of any site clearance, details of the method of disposal of excavated material, including details of the haul route through and from the site, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

In the interests of residential amenity, highway safety and to ensure a sustainable development to meet the requirements of Policies ENV27 and ENV29 of the Unitary Development Plan.

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

Reason:

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

34. All planting, seeding or turfing comprised in the approved details of landscaping in respect of the link road and junctions or other phase of development hereby approved shall be carried out in the first planting and seeding seasons following the first beneficial use of that part of the development or as otherwise agreed in the phasing scheme required under condition 20, and any trees or plants which within a period of five years from the completion of the development or such date as may be agreed in any management plan, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

35. Prior to the commencement of construction of any of the development hereby approved, a scheme, including details of the timing of such provision, for the maintenance of the landscaped areas and open space shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the timely provision of the landscaped open space and to ensure compliance with Policies ENV27 and ENV11 of the Unitary Development Plan.

- 36 . The applicant shall provide and construct a minimum 2m wide footway along the northern side of Llantwit major Road between the link road up to and including the secondary access to the development site (school access), completed in materials approved by and to the satisfaction of the Local Planning Authority.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety and to meet the requirements of policy ENMV27 of the Unitary Development Plan..

37. Within 6 months of the commencement of development a scheme, including a timeframe for implementation, for the plane-ing off and surfacing of Llantwit Major Road from and including the new junction onto the link road through to and including the proposed Puffin Crossing facility to the east and such works to be inclusive of all associated carriageway markings and completed in materials, shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and timing.

Reason:

In the interests of highway safety and to meet the requirements of policy ENV27 of the Unitary Development Plan.

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **The attention of the applicant is brought to the fact that public rights of way are/may be 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. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

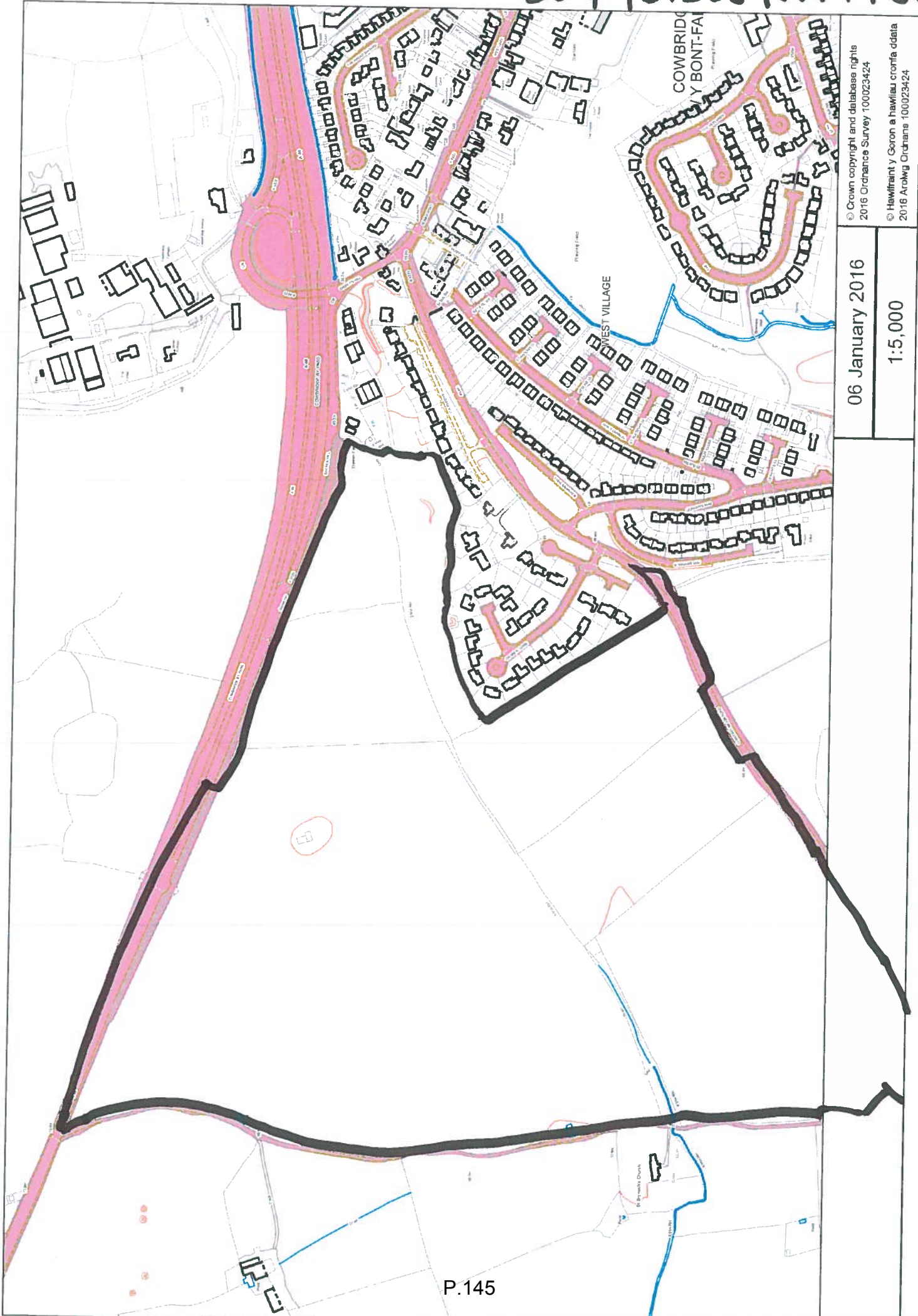
- 4. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 5. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 6. 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, CF5 6AA. Telephone 02920 673051.**
- 7. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.**
- 8. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**

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.



06 January 2016

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APPEAL DECISION
(LETTER + APPENDIX
(Inspector's comments))

APPENDIX
02/01617/OUT.

A.

DISMISSED 2004 2014/01505

Cynulliad Cenedlaethol Cymru
National Assembly for Wales

OUT/FU

Mr Owen Jones
Boyer Planning Ltd
Environmental Planning and Development
Consultants
4 Cathedral Road
Cardiff
CF11 9LJ

P. St. Aquin Verant.

Eich cyf . Your ref: OJ/99.802
Ein cyf . Our ref: A-PP172-98-002
APP-172-98-003
Dyddiad . Date: 23 January 2004

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990:
SECTION 78 APPEALS BY BELLWAY HOMES LTD
PROPOSED RESIDENTIAL DEVELOPMENT, OPEN SPACE AND LINK ROAD ON
LAND BETWEEN THE A48 ROAD AND LLANTWIT MAJOR ROAD (B4270) AT
DARREN FARM, COWBRIDGE**

1. Consideration has been given to the report of the Inspector, David Wilks BSc (Hons) DipEM MRTPI MCMi FRSA, who held a public local inquiry into 2 appeals under Section 78 of the Town and Country Planning Act 1990 (the 1990 Act) made by your client against the failure of the Vale of Glamorgan Council to determine within the prescribed period 2 applications for residential, open space and link road on land between the A48 Road and Llantwit Major Road (B4270) on land at Darren Farm, Cowbridge:-

Appeal A: Appeal reference A-PP172-98-002 (formerly APP/Z6950/A/02/1096305) made in respect of application (Ref 01/00826/OUT) dated 9 July 2001. Following a Direction under Article 3(2) of the GPDO 1995 the application was re-registered on 21 January 2002.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

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Ebostr • Email: John.Eliot@wales.gsi.gov.uk

Appeal B: Appeal reference A-PP172-98- 003 (formerly APP/Z6950/A/03/1108352) made in respect of application (Ref. 02/01617/OUT) dated 15 November 2002

2. On 13 August 2002 and 22 January 2003 directions were issued by the Planning Inspectorate, under powers delegated by the National Assembly for Wales, that the appeals should be determined by the National Assembly rather than by a planning Inspector. On 13 January 2004 the National Assembly resolved that a committee to be known as Planning Decision Committee (2) 2003/2 be established in accordance with Assembly Standing Order 35 to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 in respect of the above appeals. Accordingly, the Planning Decision Committee has considered the appeals and has resolved under Standing Order 35.16 to adopt this letter.

3. The Inspector's conclusions are set out in paragraphs 12.1 to 12.78 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that the appeals be dismissed. Subject to the comments at paragraphs 4 to 6 below the Planning Decision Committee agree with his conclusions and accept his recommendations.

4. The legal issues relating to the status of the Unitary Development Plan (UDP) Inspector's report are ultimately matters for the Courts. However, the Planning Decision Committee, for the reasons given by the Inspector at paragraphs 12.9 and 12.10 of his report, accept his conclusions regarding the materiality of the UDP Inspector's report.

5. At paragraph 12.5 of his report the Inspector concluded that some weight should be given to the UDP Proposed Modifications document, which has been formally approved by the Council for use for development control purposes, as a form of Supplementary Planning Guidance. The Planning Decision Committee agree that some weight should be given to that document as it has been the subject of public consultation as part of the UDP process and a Council resolution, but do not agree that the document should be considered as a form of Supplementary Planning Guidance. The advice in Unitary Development Plans Wales, 2001 is that substantial weight should be given to Supplementary Planning Guidance which derives out of and is consistent with the development plan, has been prepared in consultation with the public and business subject to a council resolution to adopt it. However, it describes Supplementary Guidance as a means of setting out more detailed guidance on the way a UDP will be applied in particular circumstances or areas which can take the form of design guides or area development briefs, or supplement other specific policies in the plan. The Planning Decision Committee do not consider that the Proposed Modification Document falls within that definition.

6. The Inspector at paragraph 12.24 of his report concluded that as the impact of the site's development on Cowbridge had been considered in the context of the Unitary Development Plan process, albeit with different views reached by the Unitary Development Plan Inspector and the Council, there was not a prematurity issue in terms of plan preparation. The advice of Planning Policy Wales is that refusal on grounds of prematurity might be justifiable if a proposal would have a significant impact on an important settlement with an identifiable character. In the view of the



Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2014/01505/OUT
Observations By:	Mike Clogg
Date:	29th December 2015
Location:	Land at North West Cowbridge
Proposal:	Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475
Case Officer:	Mrs. J. M. Crofts

The proposal is to provide 475 homes, a school and a new link road between the A48 and the B4270 Llantwit Major Road fully designed in accordance with the requirements of the Design Manual for Road and Bridgeworks (DMRB) and TAN 18 parameters.

The link road will provide three access points to serve the proposed housing development and a further access off the B4270 Llantwit Major Road will serve the housing and proposed school site.

The Traffic Engineer has assessed the submitted Transport Assessment and is satisfied with the methodology used and considers it to be a robust representation of the impact of the proposed development on the immediate and surrounding highway network, which can be mitigated as proposed.

Following further discussions the southern layout of the alignment has been realigned to comply with the design requirements of the DMRB for a design speed of 70 kph albeit 2 steps below the desirable minimum radius with superelevation of 7% which will require a Relaxation Document to be prepared outlining the principles followed when considering the relaxation with regard to safety aspects, environmental and or

cost benefits which would result in the use of the Relaxation. This document, which can be required via planning conditions, should be submitted to the Highway Engineer for consideration and approval and to determine whether any mitigation measures should be provided with regard to accident prevention such as safety fencing, high friction surfacing, signing and lining.

The new road link shall be substantially completed prior to the occupation of the 375th dwelling and this is considered to be acceptable from a traffic management and road safety perspective. Access for up to 175 occupied dwellings and the construction of the proposed new school shall be permitted via Llantwit Major Road to the southern half of the development site (south of hedgerow labelled 0.91m RH on drwg no. JNY8187-14). The proposed new junction onto the A48 and the section of link road to and inclusive of the first access into the development shall be completed prior to commencement of the housing development works to the northern half of the site (north of hedgerow labelled 0.91m RH on drwg no. JNY8187-14) and shall be used as the primary access for all traffic to the northern half of the site up to the occupation of the 375th dwelling or completion of the link road.

The **Highway Authority does not object** to the granting of planning permission for the proposed link road, housing, school or associated infrastructure subject to the following conditions being satisfied:

- 1) Prior to commencement of construction of any part of the link road hereby approved, a Relaxation Document shall be submitted to and approved in writing by the Local Planning Authority, outlining the principles followed when considering the Relaxation in standards of highway design for the link road and associated junctions. This shall include details relating to safety aspects, environmental and cost benefits which necessitate the Relaxation and identifying any mitigation measures to be provided with regard to accident prevention such as safety fencing, high friction surfacing, signing and lining. The development shall thereafter be carried out in accordance with the approved details therein. Reason: In the interests of highway safety.
- 2) Prior to commencement of construction of any part of the link road hereby approved, and notwithstanding the submitted plans, full engineering details, including street lighting, surface water drainage, structures, bus layby facilities, off highway cycle facilities (along the new link road and section of Llantwit Major Road fronting the proposed development site) and construction details, of the link road and associated junctions (which shall be fully designed to the requirements of the Design Manual for Roads and Bridges with particular emphasis on horizontal and vertical alignment together with forward vision and stopping sight distance criteria in order to fully satisfy a Stage 2 Safety Audit and subsequent Stage 3 & 4 Safety Audits and including the provision of visibility splays of 4.5m x 120m at the access junctions and access road widths of a minimum of 6.5m to enable safe movement of buses) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. Reason: In the interests of highway safety.

- 3) Prior to the first beneficial occupation of any of the dwellings or the first operational use of the link road hereby approved, the developer shall carry out the following off-site highway works in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority:
 - a) A signing and lining strategy for the local highway network in the vicinity of the site affected by the proposed development including re-directing traffic away from Llysworney village;
 - b) Off-site highway works at Nash junction to include consideration of a change in priorities for vehicle movements at the junction; and
 - c) Traffic calming measures near properties known as Penryheol Terrace on Llantwit Major Road.
- 4) The proposed bus shelters and associated laybys to be provided on the link road hereby approved shall be provided in accordance with the Council's Gold Standard (and in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority) and shall be provided prior to the first beneficial use of the section of the link road upon which they are located. Reason: To ensure the development makes adequate provision for public transport services in accordance with UDP Policies 2, 8 and ENV 27 (Design of New Developments).
- 5) Notwithstanding the submitted plans, full engineering details of the proposed Puffin Crossing on Llantwit Major Road, including provision of appropriate Sight Stopping Distances in accordance with the speed of the road, shall be submitted to and approved in writing by the Local Planning Authority. The crossing shall thereafter be constructed in accordance with the approved details prior to beneficial occupation of any of the dwellings hereby approved. Reason: In the interests of highway safety and to ensure the development makes adequate provision for pedestrians accessing the site in accordance with UDP Policies 2, 8 and ENV 27 (Design of New Developments).
- 6) Notwithstanding the submitted plans, the details required under condition 2 above, shall include an additional layby for use by traffic enforcement vehicles to prevent speed infringements on the link road. Reason: In the interests of highway safety.
- 7) Prior to commencement of development, the developer shall provide a Construction Management Plan to include proposed haul routes and site delivery times to be agreed and approved by the Local Planning Authority and the development shall thereafter be constructed in accordance with the approved details. Reason: In the interests of highway safety, traffic management and amenity.
- 8) Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, and this shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices

by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details. Reason: To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with UDP Policies 2, 8 and ENV 27 (Design of New Developments)

- 9) The applicant shall prior to beneficial occupation of the last dwelling, plane off and resurface along Llantwit Major Road from and including the new junction onto the link road through to and including the proposed Puffin crossing facility to the East inclusive of all associated carriageway markings, completed in materials approved by and to the satisfaction of the Local Planning Authority. Reason: To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.
- 10) The applicant shall provide and construct a minimum 2m wide footway along the northern side of Llantwit major Road between the link road up to and including the secondary access to the development site (school access), completed in materials approved by and to the satisfaction of the Local Planning Authority. Reason: To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.
- 11) The Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the proposed highway works servicing a development greater than 5 dwellings which shall incorporate the appropriate bond. Reason :- To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.
- 12) The provision of a construction / haulage route plan to be submitted to and approved by the Local Planning Authority prior to commencing any works within the confines of the site. Reason:- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.
- 13) No Lorries shall deliver / leave the site during the peak am / pm hours and half hour either side of the times school commencing and ending to minimise the congestion to surrounding highway network and conflicts between site traffic. Reason:- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.
- 14) Provide and maintain facilities for wheel cleansing shall be provided for the duration of the works to be approved by the Local Planning Authority prior to any site clearance / construction works commencing on site. Reason:- In the interest of highway / Public Safety.

In addition the developer will need to enter into a section 278 agreement to carry out works within the adopted highway.

New and amended Traffic Regulation Orders (and any associated road markings and signage) will need to be approved by the Highway Authority and will be subject to the statutory consultation process. The full cost of which will be met by the Developer. TROs are required in respect of the following:

- a) Speed restrictions and new access on Llantwit Major Road;
- b) Changes to speed and new junction onto A48;
- c) Weight limits through Llysworney;
- d) New Puffin Crossing on Llantwit Major Road;
- e) Highway works at Nash Junction; and
- f) Traffic calming near to properties known as Penryheol Terrace on the Llantwit Major Road.

The Surface Water Strategy for the development should be approved by the Council's Drainage Engineer.

Whilst noting the application for residential is in outline, the Highway Authority would note in regard to the housing development the following highway requirements are to be fully satisfied :

- Access roads to be a minimum width of 6.5m 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 with 2no. 2.0m wide footways 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.
- 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.
- The rate of beneficial occupation of the development to be agreed with the LPA and be phased with the progress of the construction of the link road.

The link road to be completed to the satisfaction of the Highway Engineer prior to the beneficial occupation of the agreed number of dwellings.

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

APPENDIX

Jane

are opposed to proper

response

to this plan.

Thanks



2014/01505/OUT

Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Marcus Goldsworthy
Vale of Glamorgan Planning
Development Control Manager
Dock Office
Barry Docks
Barry
CF63 4RT

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

Ein cyf/Our Ref: AD/CT
Eich cyf/ Your Ref:PH

28th January 2015

Dear Marcus,

I wanted to write to you after being approached by a number of constituents regarding the proposed planning application at Primrose Hill, planning ref 2014/01505/OUT.

There are three issues I would like to raise with your good self and would appreciate your comments. They are:-

- 1) The risk of losing good agricultural land, in particular the impact this would have on an active farming business, which not only provides dairy but also valuable arable crops
- 2) How would local services be upgraded to ensure they can cope with the increased demand that this proposed development would create (GP places, schools, transport links)?
- 3) There are a number of brownfield sites within the town of Cowbridge that could potentially be used to increase the number of houses in the area, admittedly not on the scale of this development, why have these been ignored?

I understand the need to increase housing in the area, however, I would appreciate your comments on the above.

With kind regards,

Andrew RT Davies

Andrew RT Davies AM
Leader of the Opposition
South Wales Central Regional Assembly Member

RECEIVED
ACTION BY: <i>MG JMC</i>
NO
ACK

Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd CF99 1NA
www.cynulliadcymru.org

National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA
www.assemblywales.org

Appendix



2014/01505/OUT

Our ref: JH/CB/

Vale of Glamorgan Council
Planning

28 January 2015

Via email to: developmentcontrol@valeofglamorgan.gov.uk

**Re: CEG Planning Application 2014/01505/OUT Land at North West
Cowbridge (Darren Farm)**

I have been contacted by a number of constituents with regard to the above planning application for a link road and 390 houses on Darren Farm to the North West of Cowbridge and as the local Assembly Member, wish to pass on their concerns for comment.

I understand that some residents in Cowbridge are concerned about the size of this proposed development on open countryside which they feel would substantially alter the character and appearance of the site. I am told that there are fears surrounding the extra traffic which will be generated by the proposal and the impact of this on the already high traffic congestion at busy times in the town centre. Local residents have also highlighted concerns about the impact on local amenities-in particular local schools.

I would be grateful if the concerns of local residents could be given due consideration and it would be extremely helpful to have a response to these main points of concern.

Bae Caerdydd
Caerdydd
CF99 1NA

Cardiff Bay
Cardiff
CF99 1NA

Ffôn / Tel: 029 20 898469
E-bost / Email: jane.hutt@wales.gov.uk

Appendix B

2014/01505/OUT
+FUL

2 The Broadshoard
Cowbridge
Vale of Glamorgan
CF71 7UB
rj.adams@hotmail.co.uk

Mrs J.M.Crofts
Development and Building Control
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF634RT.
developmentcontrol@valeofglamorgan.gov.uk

2nd February 2015

Your Ref: P/DC/JMC/2014/01505/OUT

Dear Mrs Crofts

Town & Country Planning Act, 1990 [as amended]

Application No.2014/01505/OUT/JMC

Location: Land at North West Cowbridge

Proposal: Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major Rd. including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development.

With reference to the above application I wish to strongly oppose the proposal. I am a partner together with my sister Margaret Hughes and my brother David Anthony Adams in the family business which has traded as E.T.Adams & Sons since 1979. Our family have resided and farmed at Darren Farm, as tenants of the Homfray Family of Penllyn Estate, since the 1930's and it is the family's intention to continue farming.

Darren Farm is a mixed dairy, beef and sheep unit. The proposed development will result in the total loss of grazing land for the dairy herd with the subsequent demise of the dairy unit as the layout of the farm will make it impossible to continue dairy farming. This will have a huge detrimental impact on the family business.

As you will be aware this is not the first time Darren Farm has been cited for development. Following my father's death in 1993 an application by the landlord Major H.F.R.Homfray for the conversion of the dairy buildings and demolition of the remaining farm buildings was successfully upheld in the family's favour following a judicial review. Then again in May 2003 a public inquiry report by David Wilkes, an inspector appointed by the NAW, refused the application and dismissed the appeal by Bellway Homes for a proposed Link Road between the A48 and Llantwit Major road plus a residential development, a smaller project than the present one, but with the same devastating impact on the tenant and the family partnership. To quote part of his conclusion he states: - "it would harm the livelihood and amenity of the tenant of Darren Farm."

The current application is for a site which extends from Darren Farm on the A48 side and Darren Close on the B4270 westwards to Llanfrynach Lane. The whole area is a greenfield site which incorporates all the grazing fields used for our dairy herd plus arable land which Penllyn Estate currently farm. This proposal contravenes Welsh Government planning policy on minimising land taken and avoiding urban sprawl [PPW Edn 5 – 4.4.3] and PPW Policy Search Sequence [PPW Edn 5 – 9.2.9] and VOG Environmental Policy on avoiding development on greenfield sites [ENV1 3.4.1 and 3.4.2, HOUS 2 and HOUS 8] and specifically relates to Cowbridge [Rural Vale 4.1.5] I understand a Welsh Government Planning Division letter has commented to your council that the scale of loss of greenfield land in the revised LDP to housing sites is of national significance and should be minimised.

In relation to the proposed road, David Wilkes also stated in his conclusion that "the proposal would

undermine the policy proposal for a Llysworney bypass in extant UDP policy TRAN2 [also proposed in six LDP alternative site consultation representations]". The current proposal for the link road will have little impact on the congestion which Cowbridge town endures on a daily basis. The B4270 Llantwit Major road is a narrow, dangerous road where in numerous places along the route it is impossible for vehicles to pass each other especially large HGVs and agricultural machinery which frequent this rural area. The frustration of motorists will undoubtedly lead to more accidents than have previously occurred. The proposed link road will be none other than an access road to a large housing estate. It is a known fact that hauliers and motorists generally follow the shortest and quickest route to their destination. It is highly unlikely that road users coming from a westerly direction will travel approximately one mile eastwards to access a link road to travel back on themselves along a busy narrow highway. The housing development will itself generate an additional volume of traffic increasing the extremely high congestion at busy times in the town centre particularly when parents are transporting children to school at the eastern edge of the town [Cowbridge with Llanblethian Conservation Area Management Plan p36].

The current proposal once again represents an urban intrusion into the Thaw Valley designated Special Landscape Area [UDP Policy ENV4] The population increase from the proposed housing development will cause the capacity of the recently expanded Comprehensive School to exceed its limits and the current English Primary School is already oversubscribed and will be unable to take extra pupils. I understand the retained land is earmarked for a new Welsh Medium Primary School the construction of which requires funding from the Vale of Glamorgan Council.

The proposal adversely affects the Valeways Footpaths 50 and 51 amenities which cross the site and are part of the Cowbridge and Llanblethian Circular Walk [Valeways Western Cowbridge Circular Walk]

I was brought up on Darren Farm with my sister and brothers and witnessed the many times excessive rain water has flowed down through the valley flooding the farm buildings and yard down to the Westgate, despite every possible human effort to navigate the torrent of water through the drainage pipes and into the culvert. Investigations suggest the water flows from Llysworney down through farmland to Llanfrynach Lane, on through Penllyn Estate land eventually flowing down the valley at Darren Farm onwards to a culvert which flows to the ditch behind the Westgate and the Broadshoard and finally to the River Thaw. In recent years this problem has progressively worsened due to climate change and during times of excessive rainfall occasionally properties at Westgate Street have flooded due to the inadequacy of the current system. The proposed development will naturally accentuate the problem of flooding.

The application by CEG is premature in relation to the Vale of Glamorgan LDP process. A petition submitted to your council 10/12/13 was signed by over 1500 residents and visitors opposing the allocation of this site for development in the deposit LDP. The timescale of this proposal will not achieve CEG's stated reason and objective of providing houses in Phase 1 [2011-2016] of the LDP Housing Allocation Policy MG1. The alternative to all the current development applications must surely be Llandow Newydd. The Llandow Industrial Estate is a brownfield site with many dilapidated units and is a complete and utter eyesore in the rural Vale and should be included in the current LDP proposal.

Finally I wish to highlight that each planning application for development on Darren Farm has been supported by the landlord with no regard for the livelihood of the tenant farmer or the family business.

Yours sincerely

Robert John Adams

Appendix D

2014/01505/OUT

Darren Farm
Cowbridge
Vale of Glamorgan
CF71 7AQ

+ Ful

margaret.hughes3@btinternet.com

Mrs J.M.Crofts
Development and Building Control
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF634RT.
developmentcontrol@valeofglamorgan.gov.uk

1st February 2015

Your Ref: P/DC/JMC/2014/01505/OUT

Dear Mrs Crofts

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 36
ACK: 10/2/15

RECEIVED

06 FEB 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Town & Country Planning Act, 1990 [as amended]

Application No.2014/01505/OUT/JMC

Location: Land at North West Cowbridge

Proposal: Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major Rd. including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development.

With reference to the above application I wish to strongly oppose the proposal. My husband and I reside at Darren Farm and I am a partner in the family business which has traded as E.T.Adams & Sons since 1979. Our family have resided and farmed at Darren Farm, as tenants of the Homfray Family of Penllyn Estate, since the 1930's and it is the family's intention to continue farming.

My husband and I moved into Darren Farm following the death of my mother in 1999 to comply with the farmhouse residency clause of the Agricultural Tenancy Agreement held between my brother David Anthony Adams and John Homfray of Penllyn Estate. We take an active role in the day to day running of the farm together with my brothers David and Robert John Adams. Darren Farm is a mixed dairy, beef and sheep unit. The proposed development will result in the total loss of grazing land for the dairy herd with the subsequent demise of the dairy unit as the layout of the farm will make it impossible to continue dairy farming. This will have a huge detrimental impact on the family business.

As you will be aware this is not the first time Darren Farm has been cited for development. Following my father's death in 1993 an application by the landlord Major H.F.R.Homfray for the conversion of the dairy buildings and demolition of the remaining farm buildings was successfully upheld in the family's favour following a judicial review. Then again in May 2003 a public inquiry report by David Wilkes, an inspector appointed by the NAW, refused the application and dismissed the appeal by Bellway Homes for a proposed Link Road between the A48 and Llantwit Major road plus a residential development, a smaller project than the present one, but with the same devastating impact on the tenant and the family partnership. To quote part of his conclusion he states: - "it would harm the livelihood and amenity of the tenant of Darren Farm."

The current application is for a site which extends from Darren Farm on the A48 side and Darren Close on the B4270 westwards to Llanfrynach Lane. The whole area is a greenfield site which incorporates all the grazing fields used for our dairy herd plus arable land which Penllyn Estate currently farm. This proposal contravenes Welsh Government planning policy on minimising land taken and avoiding urban sprawl [PPW Edn 5 - 4.4.3] and PPW Policy Search Sequence [PPW Edn 5 - 9.2.9] and VOG Environmental Policy on avoiding development on greenfield sites [ENV1 3.4.1 and 3.4.2, HOUS 2 and HOUS 8] and specifically relates to Cowbridge [Rural Vale 4.1.5] I understand a Welsh Government Planning Division letter has commented to your council that the scale of loss of greenfield land in the revised LDP to housing sites is of

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In relation to the proposed road, David Wilkes also stated in his conclusion that "the proposal would undermine the policy proposal for a Llysworney bypass in extant UDP policy TRAN2 [also proposed in six LDP alternative site consultation representations]". The current proposal for the link road will have little impact on the congestion which Cowbridge town endures on a daily basis. The B4270 Llantwit Major road is a narrow, dangerous road where in numerous places along the route it is impossible for vehicles to pass each other especially large HGVs. The frustration of motorists will undoubtedly lead to more accidents than have previously occurred. The housing development will itself generate an additional volume of traffic increasing the extremely high congestion at busy times in the town centre particularly when parents are transporting children to school at the eastern edge of the town [Cowbridge with Llanblethian Conservation Area Management Plan p36].

The current proposal once again represents an urban intrusion into the Thaw Valley designated Special Landscape Area [UDP Policy ENV4] The population increase from the proposed housing development will cause the capacity of the recently expanded Comprehensive School to exceed its limits and the current English Primary School is already oversubscribed and will be unable to take extra pupils. I understand the retained land is earmarked for a new Welsh Medium Primary School the construction of which requires funding from the Vale of Glamorgan Council. May I respectfully ask with the proposed changes to the unitary authorities and government cut-backs, what will happen to this land if funding is not available?

The proposal adversely affects the Valeways Footpaths 50 and 51 amenities which cross the site and are part of the Cowbridge and Llanblethian Circular Walk [Valeways Western Cowbridge Circular Walk]

I was brought up on Darren Farm and witnessed the many times excessive rain water has flowed down through the valley flooding the farm buildings and yard down to the Westgate. Investigations suggest the water flows from Llysworney down through farmland to Llanfrynach Lane, on through Penllyn Estate land eventually flowing down the valley at Darren Farm onwards to a culvert which flows to the ditch behind the Westgate and the Broadshoard and finally to the River Thaw. In recent years this problem has progressively worsened due to climate change and during times of excessive rainfall occasionally properties at Westgate Street have flooded due to the inadequacy of the current system. The proposed development will accentuate the problem of flooding.

The application by CEG is premature in relation to the Vale of Glamorgan LDP process. A petition submitted to your council 10/12/13 was signed by over 1500 residents and visitors opposing the allocation of this site for development in the deposit LDP. The timescale of this proposal will not achieve CEG's stated reason and objective of providing houses in Phase 1 [2011-2016] of the LDP Housing Allocation Policy MG1. The alternative to all the current development applications must surely be Llandow Newydd. The Llandow Industrial Estate is a brownfield site with many dilapidated units and is a complete and utter eyesore in the rural Vale and should be included in the current LDP proposal.

Finally I wish to highlight that each planning application for development on Darren Farm has been supported by the landlord with no regard for the livelihood of the tenant farmer or the family business.

Yours sincerely

Margaret Hughes

website: www.edwardperkins.co.uk
email: mail@edwardperkins.co.uk
VAT Number 885 4042 08

Our Ref: EHP/ABW/H314116
Your ref:

Appendix B, 2014/01505/007

8th January 2015

Re: Residential Development Land North and West of Darren Close, Cowbridge.

The tenant of Darren Farm Mr David Adams has received a letter from Messrs Nathaniel Lichfield and Partners, Planning, Design, Economics dated 22nd December 2014 and requesting that any representations in respect of the above scheme be made to the Vale of Glamorgan Council at Dock Office, Barry. CF63 4RT by the 12th January, 2015.

We act for the tenant Mr D Adams.

The proposals for future development west of Cowbridge have been known to the tenant for some time, and in July 2014 correspondence was received from the landlord. We have seen the documentation available on the Council website.

From these details it can be seen the possible developments, road links etc., and the details clearly show that these proposals will severely affect the current farming operations at Darren Farm.

Not only are the three grazing fields used by the dairy herd on a daily basis during the grazing season. but also included the homestead area and farmhouse.

If this application is approved it will mean the cessation of milk production on this farm as the grazing area and farm buildings will be used as part of the development area. On the basis of this effect on the current farm business the tenant objects to the proposed development. These matters are of the utmost concern to the tenant.

There is reference in the documentation and Environmental Impact Assessment to flooding. The tenant draws to the Authority's attention the large volumes of stream, rain water, and surface run off, which occur alongside the homestead and the valley area adjoining the grazing fields. During periods of heavy rain large quantities of water are present in these areas draining into the culverts under the roadway into Cowbridge. Much of this current system is not capable of handling the volume of water experienced and unless proper consideration is given, the development will only cause further problems.

Please also see copy of our letter to Nathaniel Lichfield and Partners in connection with this matter.

Edward H Perkins OBE FRICS FAAV ACI Arb FRAGS
For and on behalf of Edward H Perkins Chartered Surveyors

Signed 

Dated 8/1/2015

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Appendix ~~D~~ E

2014/01505/OUT

DB Webb MA, MD, FRCP, + Fu
Picton House,
Church Road,
Llanblethian,
Cowbridge,
CF 71 7JF
davidwebb318@hotmail.com

26 Oct 2015

**Details of Planning Reasons to Oppose the August 2015
Amendments to CEG Planning Application 2014/01505/OUT,
Land at North West Cowbridge (Darren Farm)**

Dear Sir/Madam,

May I express my concern about the continuing planning application above and its current evolution.

Having experienced the last deluge when water was pouring across Westgate below Darren Farm (you already have photographs of this) it is impossible to believe that the increase in hard surface water discharge can be accommodated by anything except an extensive "bund". It is also impossible to do more than make simple extrapolations to estimate the extra volume , but experience has shown that unless there is a rigorous and funded arrangement for maintaining water retaining mechanisms they soon fall into disrepair.

It has always seemed extraordinary for any Cowbridge resident that the town could be considered to accommodate the original increase in residents. It is naive in the extreme to assume that most of the new residents will not use cars and the town is already gridlocked on frequent occasions apart from the absence of car parking (you are again familiar with this problem and the data from Dr Chris Pearce). To further increase the pressure is absurd.

I would also point out that in view of the forthcoming independent inspectorate the application is premature

A housing development at the "required density" in the MD 7 policy (30 dwellings per hectare) would have an even greater adverse impact on the character and appearance of the locality, which is a site and landscape which has been characterised in the Vale of Glamorgan LANDMAP assessment as

moderate in visual and sensory value, high and regional importance in historic value and **outstanding importance in cultural value.** (my emphasis).

This view is reinforced by the inclusion of the site in the Vale of Glamorgan Thaw Valley Special Landscape Area.

This development will inevitably result in Church Road , Llanblethian being used as a "rat run" around Cowbridge. This road, along which live a number of families with

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small children, is already very dangerous particularly at school times and in the evening. No consideration has been given to this.

It seems bizarre to consider this development at all, let alone a further increase in numbers. It will result in serious problems for both the current community and adversely affect the living environment of those attracted to new houses by virtue of the present environment which will be seriously compromised. There are good planning reasons for refusing this application.

Yours faithfully,

D.B. Webb

Cowbridge and Llanblethian Residents Group

Details of Planning Reasons to Oppose the August 2015 Amendments to CEG Planning Application 2014/01505/OUT, Land at North West Cowbridge (Darren Farm)

1. The case for refusing this application on the grounds of prematurity is increased

The delay in submission of this amended planning application from December 2014 for the original application to September 2015 for this amended version reinforces and makes an even stronger case for the council to refuse this planning application on the grounds of prematurity because it now comes very close to LDP adoption.

We have already made the case for prematurity in item 1 of our previous representation of 12th February 2015 opposing the original planning application.

Section 1d of that earlier representation is relevant here:

quoting from PPW paragraph 2.6.4

The stage which a plan has reached will also be an important factor in judging whether a refusal on prematurity grounds is justifiable. A refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

The LDP Deposit Plan was submitted to the Welsh Government and Planning Inspectorate for independent examination in June 2015 and the Focused Changes report was submitted in September 2015. The Independent Examination by an Inspector has started with Hearings scheduled for January 2016. Adoption of the Plan is expected in mid 2016.

The Plan is therefore at a very advanced stage.

Refusal of this planning application on prematurity grounds would not therefore cause any undue delay in determining the future use of the land in question

A considerable amount of effort has been put into the LDP consultation process by the Council, residents and other stakeholders.

We contend therefore that consideration of the proposed allocation and development of this important site, which goes to the heart of the rural Vale sector of the LDP, should continue and be carried forward unhindered in the LDP examination process to adoption before determination of this planning application.

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2. The proposed additional 85 dwellings from 390 to 475 is contrary to the the housing allocation in the Deposit LDP

The proposed increase in housing allocation from 390 to 475 is contrary to the Deposit LDP and associated Focused Changes report recently submitted to the Welsh Government for examination, which specify an allocation of 390 houses for this site in policy MG 2 (20).

3. The proposed increased amount of housing is unnecessary to comply with LDP policy MD 7 on housing density

The reason given for this proposed increase of 85 houses in the applicant's Planning Statement Addendum is to meet the residential density requirements in VOG Deposit LDP Policy MD 7 – Housing Densities.

However paragraph 7.36 of this policy makes the exception that:

Development below the specified residential density levels will not be permitted unless it is demonstrated that there are significant constraints associated with a site that prevent development at the specified levels or where development at the density required would have an adverse impact on the character or appearance of the locality or result in the loss of an important site feature.

We maintain that a housing development at the “required density” in the MD 7 policy (30 dwellings per hectare) would have an even greater adverse impact on the character and appearance of the locality, which is a site and landscape which has been characterised in the Vale of Glamorgan LANDMAP assessment as

moderate in visual and sensory value, high and regional importance in historic value and outstanding importance in cultural value.

This view is reinforced by the inclusion of the site in the Vale of Glamorgan Thaw Valley Special Landscape Area (see also section 4a below).

Further evidence on the adverse impact of proposed development of this site is given in section 4 below.

We wish to point out that the proposed amendment to reduce the developable area of the site to 15.87 ha by increasing the surrounding green space would alone increase the housing density to 24.6 dwellings per hectare without any additional dwellings above the originally proposed 390 (meeting the extant UDP requirement of 25 dwellings per ha).

We submit that this is a sufficiently high housing density to satisfy the requirement of LDP policy MD 7 under the exception quoted above and makes the proposed additional housing allocation unnecessary for this reason.

Also the proposed housing density of 30 dwellings per ha would be exceptionally high compared with existing residential areas in Cowbridge as a whole.

4. The proposed additional 85 dwellings and housing density would have an even greater adverse effect on this special historic landscape

4a Unacceptable intrusion into the Thaw Valley Special Landscape Area

This point has already been made in detail in item 7 of our previous representation of 12th February 2015 opposing the original planning application.

The VOG *Designation of Special Landscape Areas* report (February 2011) p 34 states:

The SLA boundary excludes Cowbridge [town] the suburbs of which are eroding the rural character

The proposed development would cause even more serious erosion of the rural character of Cowbridge

The SLA report also states:

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

We contend that the absence of this adverse affect has not been demonstrated for this site.

On the contrary, despite the green space mitigating measures proposed, it is clear that a housing development of the nature and scale of this amended planning application with 475 densely packed houses, a link road for heavy goods traffic and a school on this 20.37 ha agricultural greenfield site, intruding into the Special Landscape Area, would severely adversely affect its landscape character, landscape features and visual amenities currently enjoyed for the site.

4b Other independent assessments of the adverse impact of housing and road development on this historic site landscape

The Vale of Glamorgan Council have not undertaken an assessment of the quality of the landscape of the site since 2003 when two reports for the Council from Chris Blandford Associates were commissioned and submitted to the public inquiry into another housing and link road proposal for development of the Darren Farm site involving a link road and less than half the present proposed area and only 145 houses:

The David H Williams [BA (Hons) Dip (Hons) LA MLI] report (April 2003) concluded: *"that the Appeal Site is not suitable for residential development as it would have an unacceptable significant impact on the countryside and the attractive landscape setting and character of Cowbridge"*.

The Andrew J Croft [BA(Hons) MA] report (April 2003) concluded: *"Overall my assessment has shown that the proposed development would adversely affect:*

- *The character of the local landscape*
- *The setting of many designated and undesignated historic assets*
- *The physical and visual relationship between historic assets*
- *The setting and character of the historic town of Cowbridge*
- *People's ability to appreciate and understand the importance and history of the local historic environment"*

*"These adverse effects would cumulatively significantly harm the historic environment of the area and taken together they comprise a **major adverse effect** on the historic environment"*
"On the basis of my assessment I conclude that in terms of impact on the historic environment the Darren Farm site is unsuitable for the proposed housing development".

The Council has not done or commissioned any further detailed landscape study of the site since 2003 and so these two reports still represent the best and most recent independent evidence on the site's landscape value

The Council also cited three letters received from statutory bodies CADW, the Countryside Council for Wales (CCW) (now part of NRW) on 24th April 2003 and Glamorgan Gwent Archaeological Trust (GGAT) on 27th June 1999 written to inform the public inquiry in May 2003 into a housing and road proposal on the same site:

CADW *"In this case the proposal is close to the scheduled hill fort and a large scale development such as this will inevitably represent an unwelcome visual intrusion into the rural setting of the monument."*

CCW *" Although the area is not listed in the Register of Landscapes of Outstanding Historic Interest in Wales, CCW consider that the LLancarfan Landscape of Outstanding Historic Interest in Wales is a small but representative area of the historic landscape character of the Vale generally, which should be considered in its wider context and extended to include Cowbridge and its settings, which is a pivotal point of the Vale character area.*

A development of this scale is inappropriate at this location, and would seriously detract from the historic landscape character of the area"

[extract from a letter dated 24th April 2003 from Dr P F Williams, Area Officer, South Wales Countryside Council for Wales (now part of NRW) written to inform the public inquiry in May 2003 into a housing and road proposal on the same site]

GGAT *"It is our conclusion, in the absence of an appropriate study, that the impact of a housing development at Darren farm would be detrimental to the historic landscape interests in the area to the west of Cowbridge. We also consider that a proposed hard edge perimeter to development is anachronistic to the historic landscape and would be intrusive"*
[extract from a letter dated 27th June 1999 from Charles Hill, Principal Archaeological Officer (Curatorial) Glamorgan Gwent Archaeological Trust.

5. Adverse traffic effects in Cowbridge centre

The 85 additional dwellings proposed in the amended application would cause a further additional increase in the traffic congestion in the town centre which is currently experienced by residents and visitors at peak times.

Such additional congestion which was forecast to be generated from the development described in the original application was described in item 8 of our 12th February 2015 representation.

This congestion would be even further exacerbated by the traffic generated from the proposed additional 85 dwellings.

The traffic flow to the town centre generated from the proposed development has been again underestimated in the amended traffic data submitted by the applicants because it assumes an untypically high proportion of journeys taken on foot or bicycle to Cowbridge centre by residents of the proposed new development .

This assumption is made especially unjustified by the hilly terrain between the proposed development site and Cowbridge centre

6. Absence of a necessary road improvement

In Appendix 11.1 attached to the traffic report of the amended planning application, the traffic flows along the B4270 Llantwit Major Road between the Nash Manor junction and the proposed link road has been predicted to increase by 10% on an average daily basis in both directions.

This stretch of the Llantwit Major Road is narrow in places, has residential houses and traverses an extremely dangerous cross road junction at Cross Inn, with a blind entry to the main road when coming from Church Road.

This junction would be used by parents of children attending the proposed new primary school coming from Llanblethian along Church Road.

It is a serious omission in this planning application that it does not contain any proposal to improve the safety aspects of this junction as part of the proposed scheme to cope with the increased traffic flows, which include a higher proportion of heavy goods vehicles.

7. Inappropriate affordable housing ratio increase from 35% to 40%

Notwithstanding the modified LDP change in affordable housing, it is illogical to increase the affordable housing ratio on this site and in Cowbridge and the rural Vale in general because these areas have the least employment opportunities, the least deprivation and the least need in the Vale.



Geraint John Planning

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28 OCT 2015

28th October 2015

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

Dear Sir/Madam

**Planning Application Ref: 2014/01505/OUT
Land at North West Cowbridge**

Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475.

Please find set out below detailed **OBJECTIONS** in respect to the above proposed development, on behalf of Goodbox Ltd.

Introduction/Summary

These objections are submitted following the submission of amended documents associated with the above planning application at North West Cowbridge. These representations are intended to supplement and build upon earlier representations submitted to the previous consultation on this application in August 2015 – included as Appendix 1.

These earlier representations objected to the hybrid planning application for approximately 390 dwellings, and in summary set out the following:

- The site is allocated in the Deposit LDP for 390 units. There have been significant question marks over its ability to deliver the identified capacity for some time;
- It has been acknowledged and claimed by the applicants that a fundamental scheme change is necessary in order to accommodate the 390 units for which the site has been allocated, in addition to the necessary infrastructure;

- The extent of development / built form proposed by the application extends significantly beyond the boundary of the proposed allocation in the Deposit LDP – and is therefore an entirely different proposal to that planned for, and envisaged by and within, the emerging LDP;
- The Council's Focused Changes to the LDP include increasing the site area from 17 to 27ha – an increase of 60%;
- It is evident that the LDP is being 'retrofitted' to suit and support the current planning application, rather than the other way around;
- We strongly dispute the applicant's claim (and the Council's Focused Changes justification) that an increased site area of 60% can be justified on the basis of "*being necessary to facilitate improvements to the layout of the development*" – particularly given that the scheme is responding to well known and evident site constraints only, and would therefore have been required to be taken into account whatever the site area;
- The considerable concerns and objections over the impact of the proposals – not least in landscape and visual terms, and particularly given the necessary change to the scale of the site, means that the site should only be delivered based on the Deposit LDP allocation and / or thorough, and post, detailed examination through the LDP process;
- Any changes to the allocated site of the scale and nature proposed by the application would significantly prejudice the outcome of the LDP and future decisions made in relation to the Plan – not least as this is a considerable site related to, and having potential for impact on, a Service Centre Settlement. Approval of the application prior to the Focused Changes being Examined through the LDP process would seriously bring into question the soundness and transparency of the process;
- It is considered that the same issue of capacity is likely to arise in relation to other allocated sites proposed in the Deposit LDP – which are similarly evidently constrained and will not yield the housing numbers identified.

Given these issues, the solution for providing for and meeting the housing needs of the town need and ought to be radically reconsidered.

The revised application proposes amendments to the current application on the site, including increasing the average density to 30dph, increasing the affordable housing provision to 40%, and increasing the dwelling numbers from 390 to 475.

In addition to the above points (which are, as stated, set out in the original submissions), this response (in summary – see later for additional detail) makes the following representations:

- The application as amended is now not only considerably larger in physical extent, but is a substantially larger scheme in unit numbers, than that proposed through the Council's Deposit LDP and Focused Changes – making our case, as set out previously, even stronger and more compelling;
- Whilst we do not object in principle to sites being brought forward for residential development where identified in the emerging Plan, it remains our view that the site should only be delivered based on the Deposit LDP allocation – so as to not prejudice the LDP;
- The extensive work undertaken by the applicants to address comments from the Council/statutory consultees and comply with certain LDP proposed policies has resulted in a considerably larger scheme than that envisaged in the LDP – suggesting that the site is not realistically capable of concurrently complying with the LDP and accommodating the allocated 390 units;
- This suggests that the allocation was not appropriate or robustly assessed in the first place;
- It is considered that a similar issue is likely to arise with other allocated sites, including Land adjoining St Athan Road, Cowbridge (ref. MG 2(19)) in respect to site capacity and yield;
- Based on an estimated calculation of the amended masterplan, we would suggest that the site, as allocated, is realistically capable of accommodating approximately 300 dwellings (at an

- average density of 30dph), in addition to the necessary infrastructure. The site's capacity, when applying a more flexible density level, is likely to be more akin to 250 units;
- It is considered that the applicant has been inconsistent in the weight it has afforded to the LDP – on the one hand amending the scheme to comply with policies relating to density and affordable housing, and the proposed increased boundary, but on the other hand accepting that significant weight cannot yet be attached to the Focused Changes as they have not yet been subject to Examination;
 - It is considered that the claimed reduction in the developable area is misleading. The scheme continues to be substantially larger than that allocated in the LDP, and additionally remains reliant on work to, and beyond, the proposed link road corridor to the west for essential landscape buffering etc. These are fundamental and essential elements of the scheme itself, which cannot be 'discounted' from the proposal merely to claim they do not count towards the revised site area;
 - In addition, although the 'footprint' of the built form has been reduced, the density of the development has materially increased. Moreover, the combination of a reduced developable area and a higher density has the potential for greater visual and landscape impact – which is of course the reason why a previous application on the site was refused by an Inspector and Minister.

It is our view that, in lieu of substantially changing and increasing the site area and yield of the site, a more reasonable and appropriate alternative would be to develop the site as originally proposed and envisaged in the LDP, and to accommodate the remaining requirement for the settlement at other suitable sites within and on the periphery of Cowbridge. This would also result in less landscape and visual impact, and provide for and facilitate the more organic and sympathetic growth of the settlement.

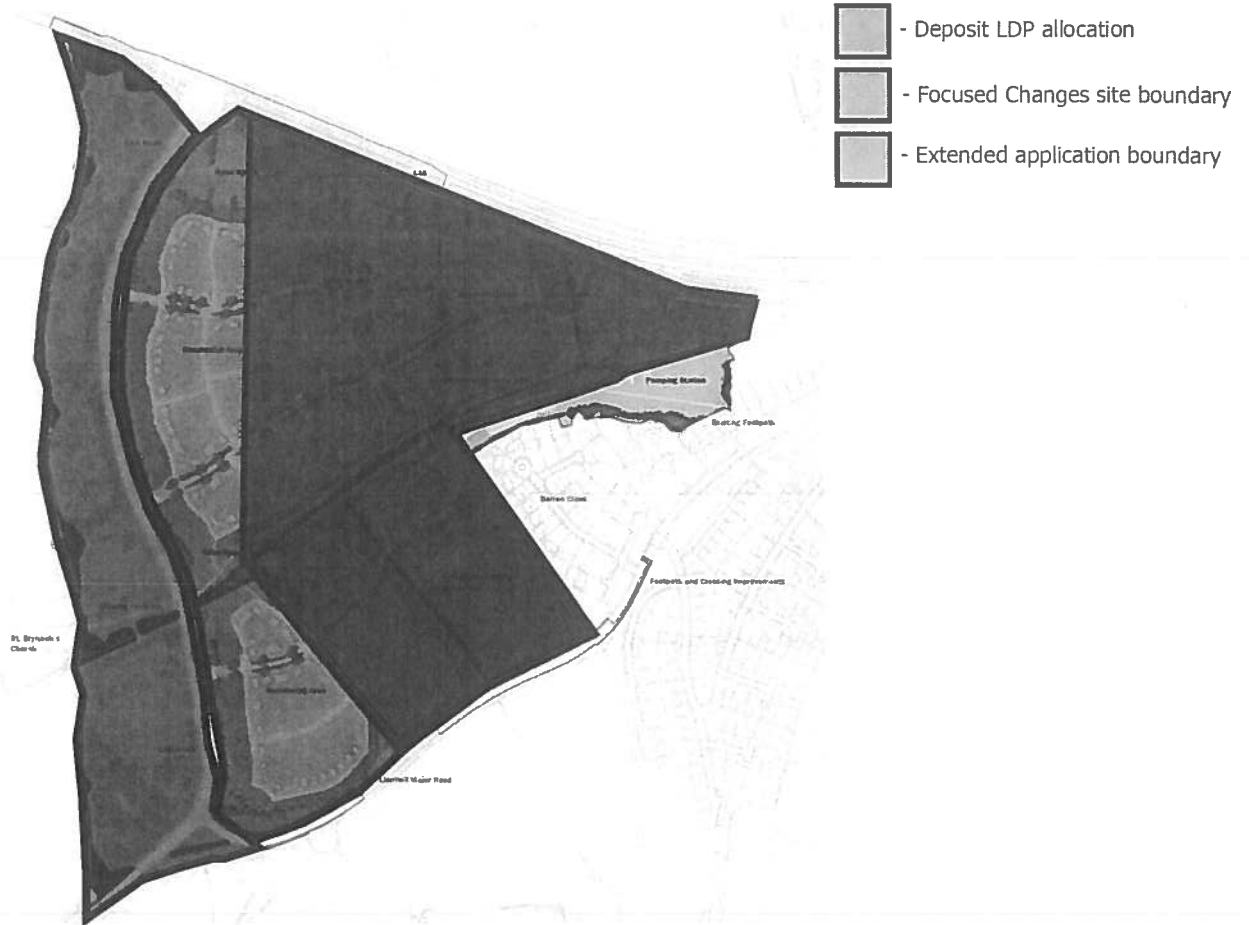
Summary of the amended application (September 2015)

The original hybrid planning application for the site was submitted to the Council on 22nd December 2014 (Planning Ref. 2014/01505/OUT) and validated on 12th March 2014. On 7th September 2015 the current amended application was submitted to the Council, which changed the description of development as follows:

1. *Detailed permission for the construction of a link road connecting the Cowbridge Bypass (A48) with Llantwit Major Road (B4270) and associated highway works including footpaths/cycleways, landscaping and associated engineering/infrastructure works.*
2. *Outline permission for a mixed use residential-led development, including:*
 - *Preparatory works including demolition of existing farm buildings as necessary;*
 - *~~Approximately 390 residential units~~ **Up to 475 residential units** (Use Class C3, including affordable homes);*
 - *A minimum 2 hectare reserve site for a primary school with playing fields (Use Class D1);*
 - *Associated car parking, landscaping works and public realm;*
 - *Open space including parks, natural and semi-natural green spaces, amenity green spaces and facilities for children and young people;*
 - *Associated infrastructure works including internal access roads, public realm, footpaths/cycleways and vehicular accesses; and*
 - *Associated engineering and landscaping works including surface water drainage, SuDS, a pumping station and levelling/creation of earth bunds/mounds.*

All details pursuant to the outline element are reserved, except for the detailed design of the new priority junction on Llantwit Major Road to the south east of the site, which remains unchanged.

The extent of development in this application continues to extend significantly beyond the boundary of the proposed allocation in the Deposit LDP. The application boundary, which includes the landscape buffer beyond the proposed highway link to the west, also extends beyond the increased allocation boundary proposed in the Council's Focused Changes. This is illustrated on the plan overleaf.



Summary of the amended application (September 2015)

The applicants put forward the case that despite a 10ha increase in site area, the Focused Changes have not made a corresponding increase in site capacity, which remains at 390. This, it is considered by the applicants, presents a conflict with Policy MD7 (Housing Densities) of the Deposit LDP (which requires a minimum density of 30 dwellings per hectare (dph)), because the development of 390 units across a 27ha site would fall short of this target at an average of 25.5 dph. This logic is used to justify an increase in the yield of the site – to up to 475 units.

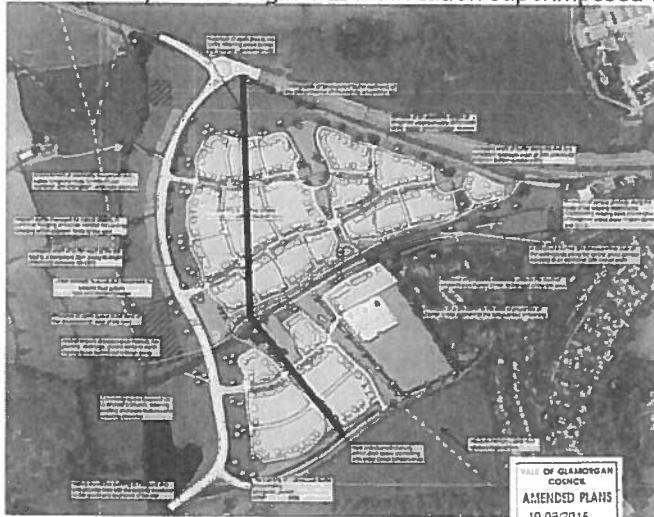
The main changes to the amended application currently being consulted upon are as follows:

1. Reduction in the extent of built development

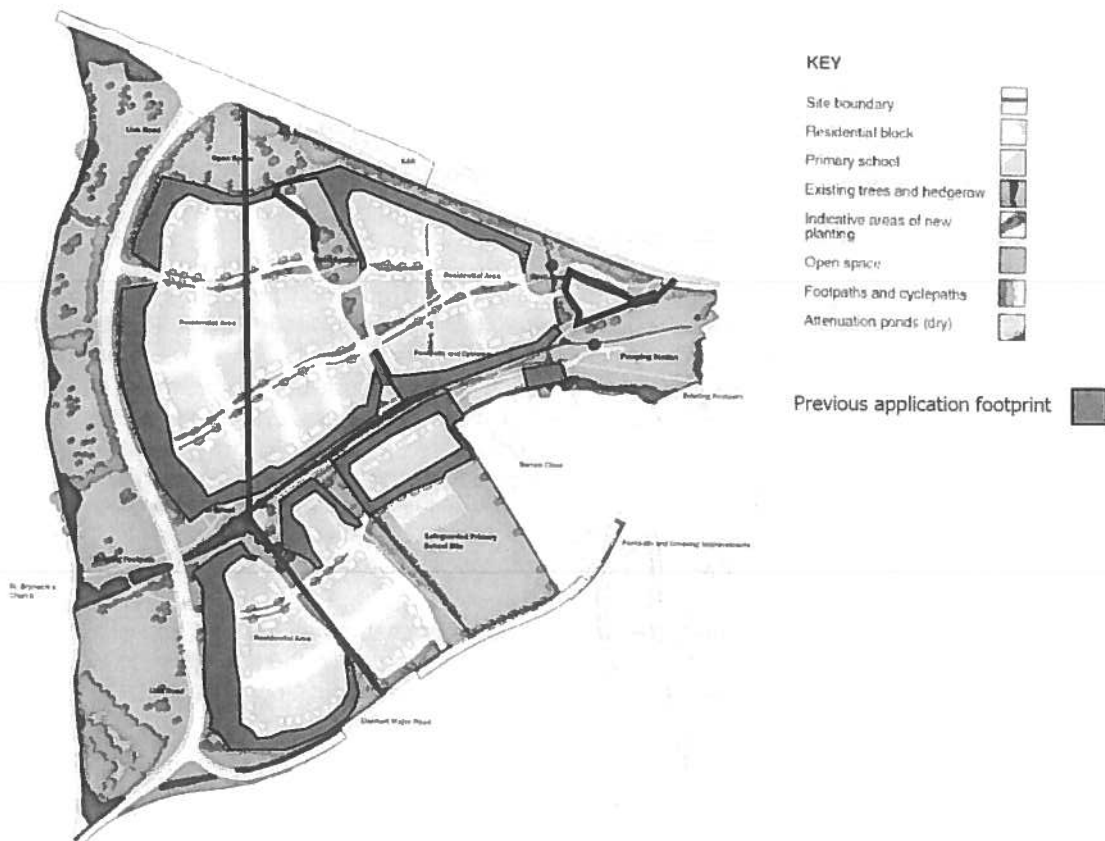
The application proposes a reduction in the area for residential development from 16.89 hectares to 15.87 hectares. This has been as a result of removing residential units to the north of properties on Darren Close, setting back development to the northwest of the site, and additional/increased buffers

adjacent to the safeguarded school site, to the east of the link road, and either side of the watercourse along the central green corridor.

The amended illustrative scheme is shown on the amended Landscape Framework Plan overleaf (with the boundary to the original LDP allocation superimposed in red).



The plan below also illustrates the approximate boundary of the built form proposed previously (in blue) compared to the current proposal (with the boundary to the Deposit LDP allocation shown in red).



2. Increase in average net density from 25.5 to 30 dph

Densities across the site will range between 20 – 40 dph, with the highest density areas located centrally and lower densities as development radiates outwards.

3. Increase in maximum number of units from 390 to 475

Following discussions with Council Officers, the application has been amended to increase the number of units in order to meet density requirements.

4. Increase in provision of affordable housing from 35% to 40%

In light of an increased development capacity, the application has been amended to reflect the Focused Changes and proposes that up to 40% (subject to viability) of new homes to be delivered as part of the development are affordable homes.

5. Increase in amount of open space (to meet policy requirements associated with proposed increase in number of residential units)

An increased provision of open space from 15ha to 16.39ha is proposed, including the provision of 5 Local Areas for Play, 2 Locally Equipped Areas of Play and a Neighbourhood Equipped Area of Play.

6. Inclusion of footpath within the site to the south of the safeguarded primary school site

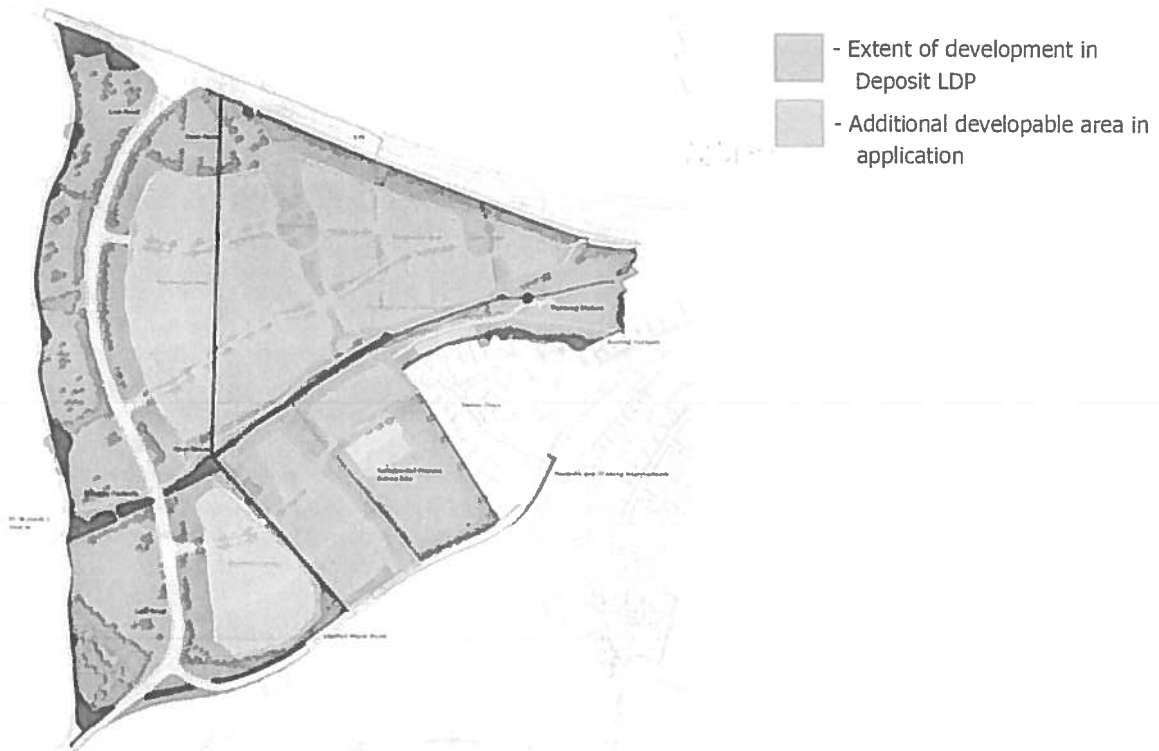
It is confirmed that the following has not been changed as a result of the proposed amendments:

- Site application boundary;
- Disposition of land uses across the site;
- Provision for a 2ha primary school site and link road;
- Maximum building heights; and
- Plans relating to the detailed part of the application i.e. the new link road.

Response to the amended application

As set out above, the amended application is now not only considerably larger in physical extent, but is a substantially larger scheme in unit numbers than that proposed through the Deposit LDP and the Council's proposed Focused Changes. The current application represents an increase of 60% to the developable area compared to the proposed allocation in the Deposit LDP, as well as a 22% increase in the unit numbers proposed in the Deposit LDP and Focused Changes. When taking into account the entire application boundary however, including the landscape buffer beyond the proposed highway link to the west, the proposed site represents an increased site area of 128.7% from the Deposit LDP allocation and a 44% increase to that proposed through the Focused Changes. It is therefore an entirely different proposal to that planned for and envisaged by and within the emerging LDP. In light of this, we are of the opinion that our case, as set out previously, is now even stronger and more compelling.

Based on a rough calculation of site areas, we would suggest that approximately 35% of the proposed housing in the current application falls outside the site area comprising the LDP allocation (as indicated by the red line on the plan overleaf). This additional/enlarged area would be equivalent to around 170 units.



Based on this calculation and the illustrative masterplan submitted as part of the amended application, we would suggest that the site as allocated is realistically capable of accommodating approximately 300 units at an average density of 30dph, in addition to the necessary infrastructure. The site's capacity, when applying a more flexible density level, is likely to be more akin to 250 units.

As confirmed in our representations to the initial application on this site, whilst we do not object in principle to sites being brought forward for residential development where identified in the emerging Plan, it remains our view that the site should only be delivered based on the Deposit LDP allocation – so as to not prejudice the LDP. As discussed above, the site has been assessed and defined as part of the LDP process, and allocated on this basis. To depart from the content of the LDP to the extent, and in the way proposed, would be premature to the outcome of the LDP and decisions relating to it – particularly considering that the document, and any responses to the Focused Changes, are still subject to consideration by the appointed Inspector. As set out in PPW (para 2.8.2), refusing planning permission on grounds of prematurity can be justified in cases where a development proposal *"goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context."* It is considered, in this case, that the granting of this application, which differs so significantly to the proposed LDP allocation, would indeed predetermine decisions which ought to properly be taken in the LDP context – particularly in relation to the scale of development, and particularly as this proposal has the potential to significantly affect a key and important settlement (Cowbridge being the principal settlement in the Rural Vale).

The planning application has resulted in a materially larger and different scheme than proposed by the Council and assessed as part of the LDP process. The application submission has established and proved that the site is not realistically capable of both complying with the LDP's proposed policies and accommodating the proposed allocation of 390 units. This of course suggests that the allocation was not appropriate or robustly assessed in the first place.

As an aside, and a compounding factor, this same issue in respect to site capacity and yield is likely to arise with regard to the other allocated sites proposed in the Deposit LDP. Land adjoining St. Athan Road, Cowbridge (MG2 (19)) for example is currently allocated in the Deposit LDP for 130 dwellings, although it is considered that the actual yield of the site is likely to be compromised by the topography of the site and additional on-site requirements. The resulting reduced capacity of the site would inevitably mean either having to increase the site size and/or density, as is being proposed on the application site, meaning further encroachment into the SLA, or the remaining capacity having to be found elsewhere.

It is suggested by the applicants that the amendments to the current application are necessary "to address comments from Officers at VoGC/statutory consultees and in light of the 'Focused Changes' to the Deposit Local Development Plan." Notwithstanding this, the Planning Statement Addendum submitted as part of the amended application confirms the applicant's opinion that "significant weight cannot yet be attached to the Focused Changes because they have not been subject to consultation or Examination." Despite acknowledging this the applicants consider that the Focused Changes demonstrate the direction of travel with regard to emerging policy. The amendments to the current application are therefore promoted "in recognition of the direction of travel"- with the following being identified as relevant:

1. **Focused Change FC3**, which proposes that the housing requirement is decreased to 9,500, and **Focused Change F12**, which makes consequential changes to Policy MG1.
2. **Focused Change FC16** to Deposit LDP Policy MG4, which proposes to increase the affordable housing requirement for all new residential developments generating a net gain of 1 or more dwellings in Cowbridge from 35% to 40%.
3. **Focused Change FC14** to Deposit LDP Policy MG2 (20), which proposes to increase the size of the allocated site from 17ha to 27ha.
4. **Focused Change FC71** to Deposit LDP Policy MG2(20), which shows the proposed amendments to the site allocation boundary on the Proposals Map and notes that the focused change will also require consequential changes to the Special Landscape Area and the Residential Settlement Boundary.
5. **Focused Change FC19**, which amends the fourth criterion of Policy MG6 and deletes reference to a "welsh" medium school such that the policy requirement is for the site to deliver a 2ha site for a primary school.

It is clear that the applicants have shown inconsistencies in the weight they have attached to the Council's LDP, and in particular the proposed Focused Changes to it – on the one hand claiming that the amendments to the application have been necessary to comply with the Council's LDP and Focused Changes, but on the other hand accepting that "significant weight cannot yet be attached to the Focused Changes because they have not been subject to consultation or Examination."

Indeed, despite the claimed reduction in the extent of the built development, the developable area and 'footprint' of the built form remains substantially larger than the LDP site allocation boundary – not least as the original boundary proposed by the Council included the alignment of the link road within its extent, and not beyond. The entire application boundary, with the inclusion of the proposed link road and landscape buffer to the west, also continues to be larger than that proposed through the Council's Focused Changes.

The technical reduction in the extent of the built development promoted by the applicants is considered to be somewhat misleading, given that the scheme is in fact reliant upon work to and beyond the proposed link road corridor to provide essential landscape buffers – without which the scheme could not realistically be acceptable in landscape and visual terms. As set out in the submitted Environmental Statement Addendum, the applicants consider the western edge to be a "significant landscape buffer"

APPENDIX 3

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which will "integrate the site with the wider rural landscape and protect the setting of St Brynach's Church" and "mitigate against locally significant adverse visual effects upon users of Public Footpaths."

Also misleading is the fact that although the 'footprint' of the built area has been reduced, the density of the development has increased. It is considered that the combination of a reduced developable area and a higher density has the potential for even greater visual and landscape impact. This was of course the reason why a previous application on the site was refused by an Inspector and Minister - despite the site not, at the time of this appeal, having any special landscape designation, and the scheme being for 145 dwellings rather than the current 475 units.

Summary of case

We would be obliged if these objections are taken into account, and considered in full, when evaluating the application proposal and when determining its acceptability.

Whilst we do not object to the principle of this site being brought forward for development, or wish to prejudice its future delivery, it remains our case and position that the site should only be delivered in line with the site's allocation in the Council's Deposit LDP. The application as amended is now not only considerably larger in physical extent, but is now also a substantially larger scheme in unit numbers than that proposed through the Deposit LDP and the Council's Focused Changes - making our case, as set out previously, even stronger and more compelling.

The amendments made to the scheme further compounds our argument that the allocation was not appropriate or robustly assessed in the first place.

It is considered that the claimed reduction in the developable area is misleading - given that the scheme continues to be larger than the LDP allocation (and proposed Focused Changes), is reliant on work to and beyond the proposed link road/the developable area, and has increased in density. It is further considered that the combination of a reduced developable area and a higher density has the potential for greater visual and landscape impact - which is the reason why a previous application, for a considerably smaller number of units, was refused by an Inspector and Minister.

It is our view that instead of increasing the site boundary and the number of dwellings on the site, a more reasonable and appropriate alternative would be to accommodate the remaining dwelling requirement for the settlement at other suitable sites within and on the periphery of Cowbridge. This would, it is considered, reduce the landscape and visual impact, and provide for and facilitate the more organic and sympathetic growth of the settlement.

We look forward to receiving confirmation of receipt of these objections as soon as possible, and to learning how and when the application will progress to determination.

In the meantime please contact me if you require any additional information regarding the points made herein.

Yours faithfully,

Geraint John
Director
Geraint John Planning Ltd



SUPPORT.

APPENDIX F

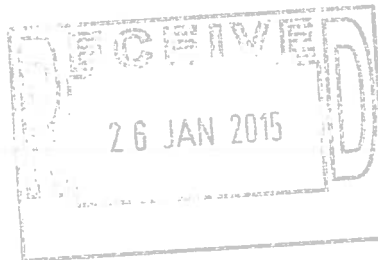
Lambert, Fiona

From: fryer257@btinternet.com
 Sent: 24 January 2015 15:40
 To: Planning & Transportation (Customer Care)
 Subject: CEG PLANNING APPLICATION 2014/01505/OUT

2014/01505/OUT
/FU

Sent from my iPad

- >
- > Dear Sirs
- > I am totally IN FAVOUR and SUPPORT the Darren farm planning application.
- > Cowbridge is fast becoming an "old peoples home" and is in dire need
- > of new younger blood to become residents.
- > Having lived in Cowbridge for over forty five years,I find it deeply
- > disappo= inting that neither of my married two daughters who are both
- > professional pe= ople with young families CANNOT afford to buy property in the town.
- > In addition I cannot understand why our next door neighbours two
- > children ag= ed 6 and 4 cannot find a place in Bont Faen school when
- > living less than 10=
- > 0 yards from the school gates.Totally unacceptable ,which shows the
- > need for= a new junior school in the town to compliment the towns
- > excellent Comprehe= nsive School.
- > Also I find the majority of the residents that are objecting to this
- > applica= tion are residing in houses on Brookfield Park,The
- > Verlands,The Broadshord,T= he Llantwit Road,and Millbrook would not be
- > living in the town if the local r= esidents had made similar
- > objections in the 1960s Having read the reasons to oppose this
- > application I really cannot understan= d why the protesters are
- > reluctant to move the town forward to an even more p= rosperous future
- > I really do look forward to this application being successful Regards
- > Peter Fryer
- > 1 Brookfield Park Road
- > Cowbridge
- > Vale of Glamorgan
- > CF717HJ
- >
- > Sent from my iPad=



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Appendix  F

2014/01505/OUT
/FL

Fronheulog
Church Road
Llanblethian
Cowbridge
CF71 7JF

Monday 2nd February 2015

RECEIVED
DISTRIBUTION BY: JMC
DATE: 17/2

Vale of Glamorgan, Planning Department

Barry Dock Offices

Barry

F.a.o. Mr. M. Goldsworthy

Planning Ref. 2014/01505/OUT

Dear Sir,

We are in support of the proposed development based upon the benefits it will bring to Cowbridge and the surrounding villages of the Vale of Glamorgan.

We agree the link road will provide a much needed western exit off the bypass; that will considerably reduce traffic through Cowbridge; it will also benefit the village of Llanblethian and in particular Llysworney as it will remove the need for a bypass that will split the village. Without doubt the town of Cowbridge needs new young life and support for them, the new housing development will give that opportunity with social housing, furthermore it will give prospects for those born in the town to remain. It's also good to see the provision of a proposed new Welsh School that will take pressure off the existing school and aid the children, the teachers and the community. It is a well thought out plan.

However as parents of children we are concerned that pedestrian access for Llanblethian and Llysworney children to the proposed new school will be dangerous; it seems no provision for a footpath has been made for children walking the short section of Llantwit Major Road from the new school to the junction at the Cross Inn.

Yours sincerely,





Mr. Antony Jarvis, C/o Agent.
WYG Planning and Environment, 5th Floor Longcross Court, 47, Newport Road,
Cardiff, CF24 0AD

Land rear of Seaton Hoe, Pen Y Turnpike Road, Dinas Powys

Outline planning consent for the construction of 1no residential property including access, with all other matters reserved

SITE AND CONTEXT

The site is the rear garden area of Seaton Hoe (2 Park Road), on the corner of Park Road and Pen-Y-Turnpike Road. The site slopes down from the north to the south, with trees and hedgerows within the site area. Pen-Y-Turnpike Road is to the east of the site, with residential properties and their gardens to all other directions (Seaton Hoe house is to the south of the site).

The site is within the Settlement Boundary of Dinas Powys and is in a residential area. Some of the trees (Elms) within the site are protected under a Tree Preservation Order (TPO 14, 1973).

DESCRIPTION OF DEVELOPMENT

The proposal is an outline application for a single dwelling in the rear garden area of Seaton Hoe (2 Park Road) with access directly off Pen-Y-Turnpike Road. Access is not a Reserved Matter for this application and so has been considered in detail at this stage.

The dwelling proposed is indicated to be two storey, being 8-10m in height, with its outline shown on the submitted layout plans:



Figure 1 - Ground floor layout proposed

The proposal is to retain the majority of the trees within the site, though would remove the section of wall and hedgerow to the boundary with Pen-Y-Turnpike Road.

A vehicular access, parking area and garaging are indicated on the submitted plans, with vision splays incorporated. There is also to be a pedestrian link across the frontage to connect with the existing adopted footpath to the north.

PLANNING HISTORY

2006/01027/FUL: 2, Park Road, Dinas Powys - Rear extension - Approved 8 September 2006.

CONSULTATIONS

Michaelston le Pit with Leckwith Community Council - The Council requests the Planning Department to carefully evaluate the safety of access and egress to and from Pen-y-Turnpike Road for this application.

Highway Development – Based on the submitted speed survey results it has been demonstrated that vision splays are achievable for the access. Advise conditions relating to vision splays, gate positions, the requirement for 3 parking spaces, the need for vehicle turning space within the site and the implementation of the proposed footway link;

Dinas Powys Ward Members – Request to be reported to Planning Committee – Cllr V Hartrey

Dwr Cymru/Welsh Water – No objections subject to conditions relating to drainage;

The Council's Ecology Officer – No comment to make;

REPRESENTATIONS

The neighbouring properties were consulted on 31 May 2015. A site notice was also displayed on the 11 June 2015. There have been four objections received from neighbours, citing issues such as the following:

- Dangerous access onto the busy Pen-Y-Turnpike Road
- No pedestrian access along Pen-Y-Turnpike Road
- Potential parking within vision splays
- Concern relating to unstable trees following development
- Position of proposed dwelling at odds with neighbouring houses
- Loss of view as a result of proposed dwelling
- Potential overlooking from windows in the proposed house
- Loss of spaciousness as a result of the development
- Problems with levels differences with the road

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

Policy:

ENV16	– PROTECTED SPECIES
ENV 27	– DESIGN OF NEW DEVELOPMENTS
ENV29	– PROTECTION OF ENVIRONMENTAL QUALITY
HOUS 2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS 8	– RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS 11	– RESIDENTIAL PRIVACY AND SPACE
TRAN 10	– PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 8, 2016) 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 8, 2016) (PPW) is of relevance to the determination of this application.

9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

- Amenity Standards

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 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 January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (edition 8 2016) is noted. It states as follows:

*2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications 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 delivers 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 3.1.2).*

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)

Issues

Principle of Development

The site is within a residential area and within the Settlement Boundary of Dinas Powys. As such, the principle of an infill development could be accepted, subject to the criteria of related policies such as ENV 27 (Design of new developments) and HOUS 8 (Residential Development Criteria). Consideration of issues such as the design and scale of the proposed dwelling and the parking provision will be considered in the sections below.

The site is within a residential area and the proposed dwelling set within a rear garden of an existing semi-detached house. It is also noted that there have been recent approvals for residential development within the area. As such, the principle of the proposed development is accepted.

Design and Landscaping

Both scale and design have been reserved for consideration with any subsequent Reserved Matters application. What is indicated is a single detached two storey house, set centrally within the site, fronting Pen-Y-Turnpike Road. The surrounding dwellings are a mix of house types and styles, with the majority being two storey with a pitched roof, which is indicated as proposed within this application. It is noted that the proposals are for a dwelling of 8-10m in height, however in this location a dwelling over 8m would appear overly-prominent. Such concerns would be considered as part of any Reserved Matters submission concerning the design of the proposed dwelling.

In addition such reserved matters would need to ensure that the dwelling in this prominent location fronting Pen-Y-Turnpike Road is of a suitable appearance, materials and character which blends with the setting of this residential area on the edge of the village.

Policy HOUS 11 states that existing residential areas characterised by high standards of privacy and spaciousness will be protected over development and insensitive or inappropriate infilling. There is a variety of plot sizes in the vicinity of the site, some being significantly larger than others. The plot as proposed would be comparable with many in the vicinity and would not appear out of character with the urban layout of the vicinity. There would be a degree of loss of spaciousness as a result of the proposal, as the plot is currently the rear section of an existing garden. However, the proposals would not result in a loss of spaciousness that was a particularly important feature for the character of the area and a well designed house should be able to fit within the confines of the site without any significant adverse effects to the character or appearance of the area. In terms of privacy, it is considered that the dwelling as proposed is at a sufficient distance from neighbouring dwellings to avoid unacceptable losses of privacy, which is an issue assessed in detail in following sections. As such, the proposals would not be in conflict with Policy HOUS 11.

The dwelling would front Pen-Y-Turnpike Road, as do many other dwellings in the vicinity. As such, though the adjacent dwellings do not front Pen-Y-Turnpike Road, considering the wider street scene which includes dwellings both fronting and side-on to the highway, the orientation of the house proposed is considered acceptable.

The area is characterised by high levels of landscaping and mature vegetation in the gardens of the existing houses. Landscaping is a Reserved Matter, though it is considered that significant levels of planting may be required within the plot of the proposed house, partially to compensate for the loss of the hedgerow along the frontage with Pen-Y-Turnpike Road, and to soften the visual impact of the proposed house in this location.

Scale of proposals

It is considered that a dwelling within a plot of this size is not out of character with the residential layout of the area. There is a reasonable amount of amenity space remaining to serve the proposed dwelling, including some private space to the rear (adjacent with the boundaries of Hendref and Parc Cottage), which would meet with the standards set within the Supplementary Planning Guidance 'Amenity Standards'. This would need to be considered at the Reserved Matters stage, when the exact size of the proposed house is known, though it will be expected that the proposed dwelling would achieve the SPG standards. It is also considered that the proposed development would allow for a sufficient amount of amenity space for the occupiers of Seaton Hoe (in which garden the dwelling is proposed), which would still retain a sizable front and rear garden.

It is also noted that there is an indication of parking provision and a footway along the frontage, all within the plot, along with the garden space. However, the proposed layout as indicated does not appear cramped within the plot.

As can be seen from the plan extract above, there is also a footway proposed to the frontage of the proposed house, along Pen-Y-Turnpike Road, connecting with the existing footway to the north. Though this footway leads out of Dinas Powys it would also connect with the development of 18 dwellings at the former Ardwyn site, which will have a footpath connection with the southern end of Pen-Y-Turnpike Road. There is no possibility of a footpath connection to the south and so this is considered the best solution to connect the new dwelling with a pedestrian route to Dinas Powys centre. The footpath will be required to be implemented by condition, to ensure suitable pedestrian links from the site.

Trees and Hedgerows

The application is supported by a Tree Survey (Treescene – March 2014), which assessed all the trees within the site. It found that there are no Category A trees on the site and only a single Category B tree (which is in the grounds of a neighbouring property and will not be affected by the proposals). The remaining trees are either of poor quality or of a category where the recommendation is that they should be removed. This is the case for the group of Elm trees, set towards the northern boundary, which are protected under TPO 14 (1973). However, these trees are “dead/dying” from Dutch Elm disease. As such, though these trees are protected there is no objection to their removal as part of the development. However, it is expected as part of the landscaping proposals, which form part of the reserved matters that suitable replacement trees will be sought to maintain wider public amenity.

The proposals do show an intention to retain a number of trees on the site, with tree protection shown with root protection areas. It is considered that the retention of the groups of mature trees is positive, and when combined with the landscaping details submitted as a reserved matter should provide more detail of new planting to compensate for the removal of trees, including those under a TPO.

It is also noted that the proposals would result in the clearance of much of the boundary hedgerow with Pen-Y-Turnpike Road, in part to provide for the necessary vision splay. The hedgerow is not of significant amenity or ecological value although replacement planting to the front of the new dwelling should be included with the landscaping details at Reserved Matters to mitigate the hedgerow loss.

Neighbour Impact

The plot as shown on the plans is in a residential area, with the house proposed being TWO storey. The plans submitted include indications of the areas of the plot which would be within 21m of neighbouring house’s principle windows. The proposed house is almost entirely outside of these areas and so there should be at least 21m between habitable windows between the proposed house and neighbouring properties, in accordance with the standards of the SPG Amenity Standards.

However, this issue would be considered in detail at the reserved matters stage where the impact to neighbour amenities can be considered when the house elevations and window locations are known. It is important to consider these details with the final house design, to ensure that any impact to neighbouring amenities is limited and within the guidance set out in the SPG 'Amenity Standards'.

The dwelling would be adjacent to the boundary with Parc Cottage and Hendref, and would be to the north of both of these properties. As such, the potential overshadowing impact would be limited. It is acknowledged that the proposed new dwelling would change the outlook for these neighbours, though not to a degree that would warrant refusal of the application, especially considering the significant separation distances involved. Also, it should be noted that loss of view is not a material consideration as part of the planning process.

There are dwellings to the north of the site, including part of the cul-de-sac known as Oaklands. No 1 Oaklands is immediately adjacent to the site, though there would be an approximate separation distance of 20-22m between the properties. Accordingly with appropriate design and window position it is considered that reasonable levels of overlooking could be achieved. It is also noted that the proposals include maintaining several trees to the boundary between these properties which could further reduce potential overlooking impacts.

Overall, there is no reason to consider that the proposal would result in significant neighbour impacts, due to the scale of the site and thus the ability to design a dwelling to meet adopted guidance and standards for new dwellings. Any scheme at the Reserved Matters stage would be required to have regards to these standards and to provide a good quality of design and layout to mitigate adverse impacts.

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), ENV16 (Protected Species), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), ENV 29 (Protection of Environmental Quality), HOUS11 (Residential Privacy and Space) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of the location of the dwelling and access arrangements, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following conditions(s):

1. The development shall be carried out in accordance with the following approved plans and documents: 2729(C)S(0)11 A, 2729(C)S(0)09 A and 2729(C)S(0)10 A, all received 2 November 2015, and 2729(C)S(0)01, 2729(C)S(0)02, Design and Access Statement, Tree Survey (Treescene - March 2015), received 12 May 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.

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

Reason:

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

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

Reason:

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

4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

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

Reason:

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

5. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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

6. The dwelling hereby approved shall not be brought into beneficial use until the approved access, any off-site highway works, footpath link and the vision splays (referred to in Condition 8), as shown on plan 2729[C]S(0)11 A (received 2 November 2015) have been constructed in accordance with the approved plans up to adoptable standards. The access and footpath shall thereafter be so retained to serve the development hereby approved and the footpath shall be offered up for adoption to the Local Highway Authority prior to first beneficial occupation of the dwelling hereby approved.

Reason:

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

7. The approved visibility splays shall be kept free of any obstacle, car parking and no planting shall exceed 0.6m within these visibility splays .

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27, HOUS2 and HOUS8 of the Unitary Development Plan.

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

Reason:

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

9. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished floor levels of the dwelling, in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

11. Details of any fence, wall or enclosure between the site and the boundary with the dwelling Seaton Hoe (2 Park Road) shall be submitted to and approved in writing by the Local Planning Authority and the approved fence, wall or enclosure shall be erected as approved prior to the first beneficial use of the dwelling hereby approved.

Reason:

To ensure suitable levels of neighbour privacy and in the interests of visual amenity, in accordance with Policies ENV27 and HOUS11 of the Unitary Development Plan.

12. The dwelling hereby approved shall be limited to an overall height of 8 metres maximum.

Reason:

In the interests of neighbour amenities and the visual impact of the dwelling, in accordance with Policy ENV27 of the Unitary Development Plan.

NOTE:

1. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.
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. This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.

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.

Key

- Application boundary
- Other land owned by the applicant



Revisions/ status

Drawing title:

Site context

Job:

Seaton Hoe, 2 Park Road, Dinas Powys

Drawing no: 2729(C)S(0)01

Revision: A

Date: 20 April 2015

Scale: 1:500 @ A3

Oliver-Thomas Consultancy
architecture | urban design | sustainable design

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19 Rhigos Gardens, Cardiff CF24 4LS
Tel: 07733 102104 Email: catrin@oliver-thomasconsultancy.co.uk

Do not scale this drawing.
Use figured dimensions only.

2015/00534

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2015/00852/FUL Received on 30 July 2015

Cenin Renewables Limited, C/o Agent
Pegasus Planning Group Limited, First Floor South Wing, Equinox North Great
Park Road, Almondsbury, Bristol, BS32 4QL

Home Farm, land west of Drope Road, St. Georges Super Ely

Installation of small scale c. 3MW ground mounted photovoltaic solar arrays with inverter houses; switchgear cabin, internal access track, landscaping; fencing; security measures; access gate and ancillary infrastructure

SITE AND CONTEXT

The application site, which has an area of around 8.25 ha, comprises undulating agricultural land over three field parcels located centrally between two highways. The site edged red also includes land required for the associated access track running west to the Drope Road, plus an area running north through several field parcels to the hamlet of St Georges Super Ely, which defines the line of the proposed underground cable to connect to the grid. The submitted Planning Statement indicates that the land is currently used for the grazing of sheep.

The site is located approximately 0.5km to the south of St Georges Super Ely and approximately 0.5km west of the hamlet of Drope. The perimeter of the site is defined by dense mature woodland to the south and established hedgerow to the north, east and west. There are two ponds in the area, one within the site and another on its northern edge, and the fields to the south and west are marshy.

Vehicular access is via an existing field gate entrance off the Drope Road to the west. There are also a number of Public Rights of Way in the vicinity, with Public Footpath Nos. 5, 6 and 7 Peterston Super Ely, crossing the application site in parts.



AERIAL & SITE LOCATION PLAN

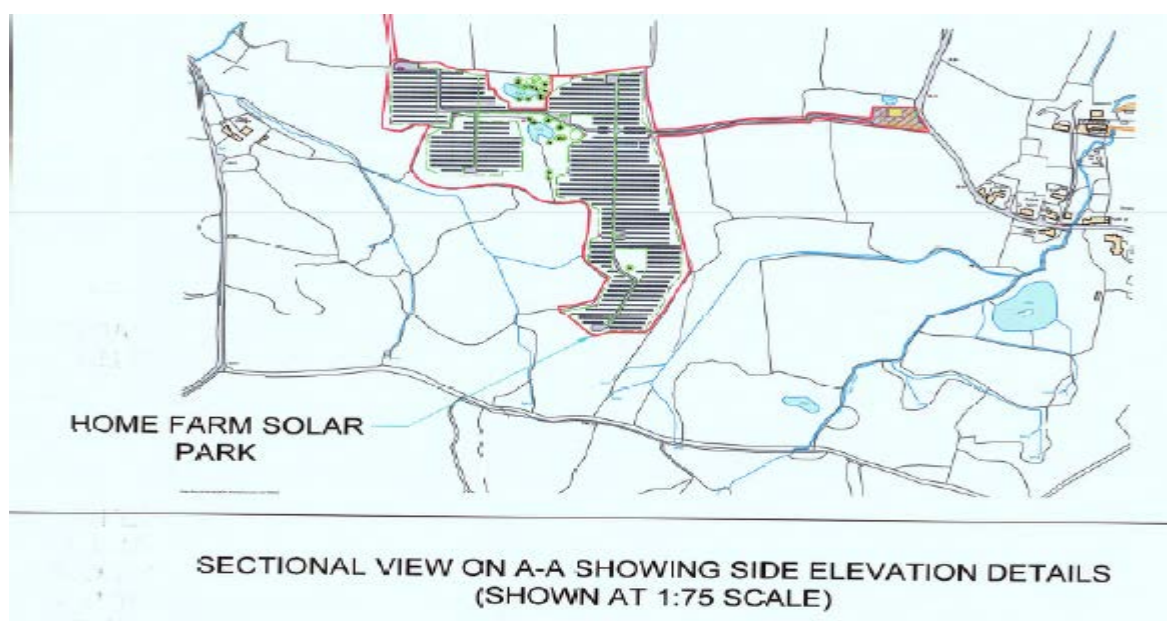
[Extract from Design and Access statement]

The site is located in the open countryside and outside of any residential settlement boundary as defined in the Unitary Development Plan. The site is also located within the Ely Valley and Ridge Slopes Special Landscape Area. In addition the southern part of the site lies within the setting of the Grade II* Coedarhydyglyn Historic Park. Other designations within the vicinity of the site include areas of Flood Risk Zone B; the Ely Valley SSSI to the north and a number of local SINCs; conservation areas at the Drope and St Georges Super Ely; a number of listed buildings, including 'Ty Ffynnon' at the point of connection with the grid, and Coedarhydyglyn house to the south; and scheduled ancient monuments, including Llwynda-Ddu Camp and St-y-Nyll Round Barrow.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the development of a solar farm. The proposal entails the installation of an array of ground mounted photovoltaic panels to generate approximately 3MW to be fed into the national grid via an underground cable running to the north of the site to the hamlet of St Georges Super Ely. The proposed installation will comprise a total of approximately 11,520 modules laid out in rows in an east-west alignment across the site, in two groupings either side of the two ponds. The panels will be mounted on a metal framework to a height of approximately 2m, a depth of 1.78m and an angle of approximately 20 degrees.

A number of other structures will be erected on site including the provision of two inverter station housings, and a switchgear container. The inverter station housings will measure approximately 8.9m x 3m x 2.65m, whilst the switchgear container will measure approximately 8.7m x 3.6m x 2.65m. Other works will include the provision of CCTV cameras; 1.8m high deer stock boundary fencing; underground cabling; a gravel access track; and a temporary construction compound, which is shown positioned to the east of the panels close to the entrance off Drope Road. There is also the proposal to provide additional planting to reinforce the existing hedgerows.



The submitted documents also provide details of the proposals for the construction period of the development, including a Traffic Management Plan. A swept path analysis plan demonstrates that a 15.4m articulated vehicle can enter and exit the site, and shows visibility splays of 2.4m x 8.9m to the south and 2.4m x 5.4m to the north.

It is intended that the proposed solar panels will have a 25 year lifespan, after which they will be removed and the site will be returned to its existing agricultural use.

Supporting Documentation

In addition to the DAS the application is accompanied by a number of supporting documentation. The application has been identified as an Environmental Impact Assessment (EIA) application due to the characteristics and location of the site, which is considered to be a sensitive and vulnerable, and bearing in mind the potential impact of the development. As such an Environmental Statement (ES) has been provided. Members will note that the Non-technical Summary (NTS) of the environmental statement can be found at the following web link:

<http://vogonline.planning-register.co.uk/PlaRecord.aspx?AppNo=2015/00852/FUL>

The ES sets out the results of an Environmental Impact Assessment of the proposed development. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these should be clearly identified.

The Council issued a Screening Opinion on 20 January 2015 that an EIA would be required. A subsequent request for a Scoping Opinion was received on 31 March 2015, but a decision on this has not been issued to date, reference 2015/00246/SC2. Notwithstanding this an ES has been submitted with the current application and the NTS notes that the ES considers the potential environmental effects of the development, and addresses the following matters:-

- Landscape & Visual;
- Ecology & Nature Conservation; and
- Archaeology & Cultural Heritage

The ES was initially publicised in accordance with section 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and Article 8 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 on 20 August 2015 in the Barry Gem, and on site in various locations on 9 October 2015.

The submitted documents include:

Environmental Statement and Technical Appendices, comprising Volume 1 (Main written Statement), and Volume II Technical Figures and Appendices, plus additional Ecological statement dated 14 October 2015.

Non-Technical Summary to Environmental Statement July 2015.

Design and Access Statement July 2015.

Planning Statement July 2015.

Arboricultural Survey Impact Assessment & Draft Tree Protection Plan July 2015.

Waste Audit Statement July 2015.

Construction Traffic Management Plan June 2015.

Flood Consequences Assessment dated 14 July 2015.

Agricultural Assessment June 2015.

Consultation Report July 2015.

PLANNING HISTORY

2014/01467/SC1 - Environmental Impact Assessment Screening for 3mw solar development - Required 20 January 2015.

2015/00246/SC2 – Scoping Opinion request for solar farm site – Yet to be determined.

CONSULTATIONS

St. Georges & St. Brides-Super-Ely – Consulted on 13 August 2014. No comments received to date.

First Minister Welsh Assembly Government – Consulted 26 August 2015. No comments received to date.

Natural Resources Wales – Initial comments - Object to the proposed development due to insufficient information in relation to the conservation of great crested newts and dormice which are a European Protected Species. The main reason for this relates to a series of discrepancies in the submitted documents, with clarification required in respect of the results in the great crested newt survey; the timing of works; habitat availability and connectivity; surveys for dormice; and potential impact on otters from drilling.

On the Landscape and Ecological Management Plan they recommend that it include the great crested newt method statement, and set out details for ecological advice and supervision. Without the EPS information they note it is not possible to determine that the proposal will not have a detrimental impact on the maintenance of the favourable conservation status of the population of the great crested newts concerned.

Further advice is also provided which confirms that a European Protected Species (EPS) licence from NRW will be required. In addition in relation to flood risk, given the nature of the development it is likely to have minimal impact on surface water runoff, and therefore have no adverse comments. As for the proposed underground cabling, this will cross the Nant y Ffordd which is an ordinary watercourse and may require a flood defence consent.

Further comments following receipt of additional information – In view of the additional information they are able to remove their previous objection provided a suitably worded condition is included in any planning permission. The condition to secure mitigation for great crested newts, dormice, otters and water voles, to include timing of works, as set out in the revised LEMP and ES addendum.

Dwr Cymru/Welsh Water – Consulted on 13 August 2015. No comments received to date.

Cadw – They note that the proposed development is located within 5km of the scheduled ancient monuments known as GM180 Llwynda-Ddu Camop and GM240 St-y-Nyll Ropund Barrow, and adjacent to the registered historic park and garden, PGW(GM)40(GLA) – Coedaryhdyglyn.

They note that the cultural heritage chapter of the ES does not consider the impact of the development on the setting of heritage assets more than 1km from the site and therefore has not assessed the impact on either of the two designated monuments. They advise that whilst the development will have no impact on the setting of the St-y-Nyll Round Barrow, a Bronze Aged Funerary monument, it will have an impact on the Iron Age hill fort of Llwynda-Ddu Camp. This monument is in an elevated position which affords significant views to the south and south west. As such the proposed solar farm will be visible from the monument. However, given the size of the proposal, the distance from the monument, and the position of the panels facing south, it is Cadw's opinion that the impact on the designated monument will be negligible.

As regards the impact on the historic park and its setting, the wooded nature of the north western extent of the registered area means that views from the core areas of the registered park and garden are likely to be limited. They note that proposals for lighting are not mentioned and it is therefore assumed that there is no need to light the development which would increase the visual impact.

Cadw conclude that they are in agreement with the conclusions of the Archaeological and Heritage chapter of the ES, that the adverse impact on the registered park and garden and its setting is not considered significant.

Garden History Society – Consulted on 13 August 2015. No comments received to date.

Glamorgan Gwent Archaeological Trust – Initial comments – The supporting information includes an ES, Chapter 7 of which considers the archaeological and cultural heritage. However, the detail of the proposed development in this chapter does not appear to match that in the associated supporting information. The assessment notes that whilst the proposed development area falls within the essential setting of Coedarhydyglyn Park no solar panels or other visible elements would be located in this area. However the submitted plans show solar panels within this area.

Until this is clarified it is not possible to advise on suitable detailed mitigation strategies and they recommend that the applicant contact their archaeologists to clarify this matter, as well as contacting Cadw on the significance of any effect within the essential setting of the park.

Further they note that archaeological features are present in the area and that they could be revealed during the proposed development. As such, until this information is available they recommend the determination of the application is deferred.

Further comments following additional information

No objection to the positive determination of the application subject to the imposition of two conditions relating to a programme of archaeological work and non-intrusive methods of mounting the panels

Cardiff Airport (Safeguarding) – The proposal has been examined from an aerodrome aspect and does not conflict with safeguarding criteria. Accordingly the department has no safeguarding objection to the proposal.

SWALEC – Consulted on 13 August 2015. No comments received to date.

Cardiff County Council – Consulted on 13 August 2015. No comments received to date.

The Council's Legal Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – Due to the location of the development it has the potential to affect residential properties some distance from the site during the construction phase. Therefore recommend that construction and piling operations are limited to prevent potential negative impact.

They suggest the imposition of three conditions on any consent, which relate to restricted timing for construction traffic and deliveries; restricted timing of any piling or drilling operations; and if any ground contamination is encountered during the development it must be reported and an investigation and risk assessment undertaken, along with any necessary remediation.

The Council's Highway Development Team – They have requested that visibility splays of 2.4m x 43m be provided from the access to the site along the adjacent highway (with the red line boundary required to include the land within the visibility envelope). In addition, access to the site is required to be widened to allow HGVs to wait off the highway. They note that the swept paths shown on Figure 3.1 of the Construction Traffic Management Plan show minor encroachment of the verge when vehicles are entering the site. As a result, the carriageway is required to be widened at this location. The drawing of the proposed site compound is not to the scale shown and the swept paths shown are unclear, therefore a revised plan is required.

As regards the use of highway to the site, the section between the site access and the unnamed highway adjacent to the building known as The Old Rectory will not allow for oncoming traffic to pass delivery vehicles. As a result mitigation measures are required to be identified, which should detail how background traffic will be controlled and what measures will be put in place to prevent site traffic, including delivery vehicles meeting along the adjacent highway.

Reference is also made to the public rights of way which cross the site, noting temporary diversion or suspension due to the risk of pedestrian/vehicle conflicts.

Finally it is noted that the access route to the site will be provided, in part, via the adjoining Cardiff County Council who are required to be consulted in relation to the proposals.

The Council's Public Rights of Way Section – “The application notes the position of public right of way No.7 St Georges-super-Ely running along the eastern side of the development and recognises the necessity to ensure that the development does not infringe upon the path.

The application notes the constraint of a public right of way crossing the access track and provides detail of the proposed mitigation; however two public rights of way cross the access track – footpaths No. 5 and No.6; please ensure the applicant is aware of this. The Public Rights of Way Section can provide a map detailing the location.

All affected public rights of way must be kept open and free for use by the public at all times. No adverse effect should result to the public rights of way. The applicant should ensure that materials and machinery are not stored on the public rights of way and that any damage to the surface as a result of the proposal is made good at their own expense.

Should the public rights of way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.”

The Council's Ecology Section – Have recommended the inclusion of two planning conditions on any consent to secure biodiversity interests. These relate to the submission of a Method Statement for Great Crested Newts, and full implementation of the Landscape and Ecological Management Plan.

The Council's Landscape Section – Consulted on 13 August 2015. No comments received to date.

The Council's Highways and Engineering – (Drainage Section) – Consulted on 13 August 2015. No comments received to date.

The Council's Waste Management (Section) – Consulted on 13 August 2015. No comments received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 13 August 2015. In addition the application was advertised in the press and on site on 20 August and 9 October 2015, respectively.

Representations have been received from the occupiers of Llys y Celyn, Drope Road and Church Cottage, St Georges Super Ely. These are available on file to view in full. However, in summary they have raised objections and concerns in relation to:-

- The access road is unsuitable for the amount of traffic, including HGVs on narrow country roads.
- The visual impact will be far reaching.
- Impact on listed Ty Ffynnon as a result of connection to national grid.
- What guarantees of the removal in 25 years.

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 14 - COMMUNITY AND UTILITY FACILITIES.

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.
ENV16 - PROTECTED SPECIES.
ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
ENV18 - ARCHAEOLOGICAL FIELD EVALUATION.
ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS.
ENV26 - CONTAMINATED LAND AND UNSTABLE LAND.
ENV27 - DESIGN OF NEW DEVELOPMENTS.
ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.
EMP7 - FARM DIVERSIFICATION.
TRAN10 - PARKING.
REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.
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 (PPW) 8, 2016 provides advice on the weight that should be given to policies contained with the adopted development plan including paragraphs 2.8.1 to 2.8.4.

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 8, January 2016 (PPW) is of relevance to the determination of this application, in particular, Chapter 3-Making and enforcing planning decisions, including paragraphs 3.3-Environmental Impact Assessment and 3.6-Planning conditions; Chapter 4-Planning for Sustainability, including paragraph 4.5; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1, 5.2, 5.2.9 and 5.3; Chapter 6-Conserving the Historic Environment, including 6.1.1, 6.1.2, and 6.5.25; and Chapter 12-Infrastructure and Services, including paragraphs 12.8 and 12.10.

Technical Advice Notes:

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

- TAN5 - Nature Conservation and Planning.
- TAN6 - Planning for Sustainable Rural Communities, including paragraphs 3.7.1 and 3.7.2.
- TAN8 - Renewable Energy, including paragraphs 1.6 and 3.15
- TAN12 – Design, including paragraph 2.6.
- TAN15 - Development and Flood Risk.

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 SPG, including DG1-Sustainable development.
- Sustainable Development SPG.
- Biodiversity and Development 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 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 January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales Edition 8 January, 2016 (PPW) is noted. It states as follows:

‘2.8.1 When determining planning applications the weight to be attached to an emerging draft LDP (or revision) 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 delivers 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 3.1.2).'

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

- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Renewable Energy Study (2013 Update).
- Renewable Energy Assessment (2013).

Other relevant evidence or policy guidance:

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

“Energy Wales: A Low Carbon Transition - March 2012”, which 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).

Welsh Office Circular 61/96-Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended By Circular 1/98-Planning and Historic Environment: Directions).

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

Conservation of Habitats and Species Regulations 2010 (as amended).

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification for the development and effect on agricultural operations; the visual impact on the surrounding countryside; the historical impact including any effect on the setting of the Coedarhydyglyn Historic Park, listed buildings and conservation area; the likely effect on highway and pedestrian safety; the impact on ecology/biodiversity; any effect on residential amenity; and flood risk and other issues of public health and safety.

Justification

As already noted the site lies within the open countryside where Policy ENV1 of the Council's UDP seeks to restrict inappropriate development. The policy outlines certain development that is considered appropriate, including development essential for utilities and infrastructure, and development that is approved under other policies of the plan. In this respect it is noted that COMM8 permits renewable energy schemes, whilst EMP7 supports farm diversification, both subject to certain criteria. This is in line with national guidance including Planning Policy Wales (PPW), TAN6-Planning for Sustainable Rural Communities and TAN8-Renewable Energy. Paragraph 12.8.9 of PPW 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.”

In addition Policy ENV2 of the Council's UDP seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3A) from irreversible development, save where overriding need can be demonstrated. The Council's records indicate that the land is classified as Grade 3, and survey work undertaken as part of the supporting Agricultural Assessment indicates that only 1.7h is categorised as Grade 3A with the majority being Grade 3B a lower grade quality of land. The Assessment has also examined the effects on agricultural operations and concludes that, notwithstanding the grade, the land will not be irreversibly developed, and therefore will not be lost to future generations, and will remain capable of continued agricultural use, in particular sheep grazing. The proposal, with its long term rental agreement, will provide the landowning estate with a source of regular, predictable income for the duration of the solar tenancy. The additional income that will be generated as a result of the solar development will allow the Estate to continue to invest in its farming stock.

The supporting Planning Statement outlines the local and wider benefits of the development. These include not only the contribution to renewable energy and effect on climate change, but also its contribution to the viability of the existing farmstead through the diversification of income.

Thus it is considered that the principle of the proposal is acceptable as it represents an appropriate and sustainable form of development that is supported by both national and local policy. However, the acceptability of the detail of the development must be assessed, as illustrated by Policy COMM8 of the Council's UDP, which outlines a number of criteria including criterion (i) which requires that the proposal has no unacceptable effect on the immediate and surrounding countryside, and criterion (ii) which relates to the effect upon sites of conservation, archaeological, historical, ecological and wildlife importance. The visual and historical impact is considered to be of particular relevance bearing in mind the location of the site, which is within the Special Landscape Area and the setting of the Historic Park, and is crossed by a number of public footpaths. In addition the site is within the vicinity of listed buildings and scheduled ancient monuments, a SINc and a SSSI. Such impact, along with the other likely effects of the proposal, is assessed in more detail as follows.

Visual impact

The neighbour objections received to date raise concerns over the visual impact of the development, which they believe will be far reaching.

As already noted the site lies in the countryside and is also located within the Ely Valley and Ridge Slopes Special Landscape Area. The site is also crossed by Public Footpaths No.s 5, 6 and 7 Ystradowen. As such the application site will be visible to public view. Indeed in assessing the need for an Environmental Statement under the earlier screening request for the site, reference 2014/01467/SC1, it was acknowledged that the proposal would have some visual impact. It was determined that an EIA would be required for the development and it was highlighted that given the proposed size and potential prominence in local and distant views, any application would need to be accompanied by a landscape and visual assessment. This should utilise viewpoint analysis and photomontages, and include a description of all the existing landscape interests in the vicinity of the proposed development, and have regard to nearby listed buildings. The subsequent EIA application is supported by several documents relating to the landscape and visual impact of the development, including the ES Chapter 6, Technical appendices including Landscape and Ecological Management Plan and photomontages, and the Arboricultural Survey, Impact Assessment and Draft Tree Protection report prepared by Pegasus Planning Group.

The majority of the proposed works will entail the installation of rows of solar panels over a significant area of the four field parcels identified. Other visible works will include the provision of the relatively small scale substation housings, pole mounted CCTV cameras, tracks and fencing around the perimeter of the site. The submitted landscape information examines the context of the site and concludes "overall the site benefits from a degree of visual seclusion. The proposed mitigation measures, including hedgerow infill will create a uniform boundary treatment as well as provide improved screening towards the development". (ES summary para 6.10).

The Council's Landscape Section has not commented on the proposal to date. However, it is noted that the submitted Tree Protection Plan is a draft, with the recommendation for this to be finalised following an approval. The site has a number of existing landscape features, in particular the hedgerow boundaries to the field parcels. Policies ENV10 and 11 of the UDP seek the conservation of the countryside and protection of landscape features, and follow national guidance contained in PPW. Paragraph 5.2.9 of PPW states:

“Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.”

The Tree survey finds that the majority of the existing features are of low quality managed hedgerows which are found around the field borders within the main body of the site and in the north and east projections. All groups and woodlands which were surveyed were located off-site. However the report indicates that it is possible to implement the development proposal without the requirement to completely remove any of the existing vegetation on site. Nevertheless, the report recognises it will be necessary to remove small sections of hedgerow to allow for the perimeter fence, temporary access track and construction compound. However, subsequent comments from the Council's Highway section in relation to the proposed vehicular access, suggests a greater level of removal to provide for a wider entrance and visibility splays. The highway requirements are explored in more detail below, however, in terms of the impact on the existing hedgerows, it is considered that any removal could require replacement following the construction phase. In addition it is considered that it is essential to maintain and enhance the existing hedgerows bearing in mind their contribution to the landscape character of the area and to ecology and biodiversity which is covered in more detail below. It is also considered that the final details of tree protection should also take account of the land preparation works, including the excavations for the proposed cabling.

It is recognised that the site lies within a locally designated SLA and part of the setting to the Historic Park. The historical impact is assessed separately below. As regards the impact on the rural landscape, although the development will introduce a feature that has not previously been part of the rural context, the hedgerow and field pattern would remain evident. It is acknowledged that the undeveloped rural character would be affected, with the site being visible from a number of vantage points. However, this impact is not considered to be so significant as to cause unacceptable detriment to the wider landscape setting. Indeed, although relating to a different site context, the comments made by an appeal Inspector in a recent appeal decision against the refusal of a solar farm at Treguff, reference 2013/00912/FUL, have some relevance. The Inspector in allowing the appeal 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.”

Thus whilst it is acknowledged that the development will have a material impact on the character of the site, given the relatively local nature of the change it is concluded that any harm arising from the development in landscape terms will not unacceptably undermine the character of the wider area or be so severe that it outweighs the benefits in terms of renewable energy production. It should also be noted that the development is proposed for a period of 25 years, therefore the impact identified above will not be permanent. In this respect, it is considered that it would comply with the aims of Policies ENV4, ENV10, ENV27, EMP7 and COMM8 of the UDP, and the national guidance within TAN6, TAN8, and PPW. In reaching this conclusion, it is emphasised that the solar farm would make a contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases in accordance with the government’s aims relating to climate change, and energy security benefits. 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 the landscape and visual impact is only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects.

Historical impact

In contrast it is acknowledged that the likely impact of the development on the cultural heritage in the area, including the setting of the Coedrhydyglyn Historic Park, Scheduled Ancient Monuments, listed buildings, and the Drope Conservation Area, is more than a material consideration to be weighed in the general balance. Neighbour representations have also raised this issue with concerns over the effect on the listed ‘Ty Ffynnon’ cottage in St Georges Super Ely. Recent case law indicates that the likely impact of the development on these historical features and their settings requires special consideration, and carries substantial weight in the determination of the application. Relevant policies include ENV17 of the UDP which seeks to protect the built and historic environment, and is supported by national guidance including PPW which states at paragraph 6.5.9:-

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

In addition paragraph 6.5.25 of PPW states:-

*“Local planning 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**’. Cadw should be consulted on planning applications affecting grade 1 and II* sites and the Garden History Society should be consulted on all parks and gardens on the Register. Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register (see para 6.4.9). The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application.”*

Coedarhydyglyn House, its associated stables and historic park and gardens are Grade II* listed. There are other listed buildings in the vicinity of the application site, including Ty Ffynnon, the Church of St George and Church Cottage. In addition scheduled ancient monuments are located at Llwynda-Ddu Camp and St-y-Nyll Round Barrow. It is recognised that the rural nature of the surrounding landscape is important to the setting of these historical buildings, monuments, historic park and conservation area. The proposal will sit within this landscape setting with a small southern section of the site intersecting with the Historic park. When considering the specific impact it is noted that the points outlined in the landscape section above are of relevance here. In particular, the acceptance that the nature of the proposed solar panels can be compared to an installation of glasshouses or polytunnels, which are not unusual features in the rural landscape, has a bearing in the consideration of the likely impact on the historic interests. In addition the solar arrays are low lying features that will have little effect on the existing hedgerow and field pattern, or the openness of the wider area. Furthermore the development is temporary and reversible with an intended lifespan of 25 years.

Cadw have been consulted on the proposal and have advised that they are in agreement with the conclusions of the Archaeological and Heritage chapter of the ES, that the adverse impact on the registered park and garden and its setting is not considered significant. They note that the cultural heritage chapter of the ES does not consider the impact of the development on the setting of heritage assets more than 1km from the site and therefore has not assessed the impact on either of the two designated monuments. They advise that whilst the development will have no impact on the setting of the St-y-Nyll Round Barrow, a Bronze Aged Funerary monument, it will have an impact on the Iron Age hill fort of Llwynda-Ddu Camp. This monument is in an elevated position which affords significant views to the south and south west. As such the proposed solar farm will be visible from the monument. However, given the size of the proposal, the distance from the monument, and the position of the panels facing south, it is Cadw’s opinion that the impact on the designated monument will be negligible. As regards the impact on the historic park and its setting, the wooded nature of the north western extent of the registered area means that views from the core areas of the registered park and garden are likely to be limited. They note that proposals for lighting are not mentioned and it is therefore assumed that there is no need to light the development which would increase the visual impact.

In view of this it is considered that, with the presumption in favour of preservation, the impact on the setting of the historic interests is acceptable. Paragraph 3.15 of TAN8 states:-

“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.”

On the issue of any archaeology interest on the site, the supporting ES, which includes a geophysical survey, confirms that no specific mitigation measures are required. The survey work identified anomalies however, these were found to be of little archaeological interest. As the Non-Technical Summary highlights at paragraph 8.2:-

“The assessment has not identified any known or potential archaeological remains within the site, and no impacts of greater than Neutral/Slight Adverse significance have been identified by the assessment.”

The Council’s archaeological advisors Glamorgan Gwent Archaeological Trust have been consulted on the proposal and initially raised a concern over the supporting information included in Chapter 7 of the ES and discrepancies with other details in the supporting information. These relate to the significance of any effect on the essential setting of the Coedarhydyglyn Historic Park. They also indicated that there were archaeological features that may be affected by the development and therefore advised deferral of the application until such time as this can be clarified. Further information has since been submitted by the applicants on this point and GGAT have been re-notified. GGAT have now confirmed that they have no objection to the positive determination of the application subject to the imposition of conditions.

Highways

With regard to the highway issues it is recognised that the proposal will have some impact on vehicular users and the adopted road network, as well as pedestrians, particularly in respect of the Public Rights of Way that cross the site.

The submitted details indicate that access to the site will be via the existing agricultural access to the fields which connects to Drope Road to the east of the site. Consideration of the traffic and access issues are outlined in the accompanying Construction Traffic Management Plan (CTMP) which specifies no alterations are proposed to the existing access, and defines the construction traffic route. In summary the CTMP indicates that a maximum of one large vehicle per day, plus a maximum of 50 No. construction workers during peak periods, would access the site during the construction phase, over a three month period. For the operational phase it is anticipated that there is likely to be around three visits to the site over a year for maintenance and monitoring.

The Council's Highway Development team have outlined a number of highway requirements relating to the proposed development. Although the applicants consider that the existing access requires no improvement, they have requested that it be widened to allow HGVs to wait off the highway. In addition visibility splays of 2.4m x 43m should be provided from the access to the site along the adjacent highway. They also require widening of the carriageway as shown within the swept paths plan to accommodate vehicles entering the site. As regards the use of highway to the site, the section between the site access and the unnamed highway adjacent to the building known as The Old Rectory will not allow for oncoming traffic to pass delivery vehicles. As a result mitigation measures are required to be identified, which should detail how background traffic will be controlled and what measures will be put in place to prevent site traffic, including delivery vehicles meeting along the adjacent highway. They also note that the access route to the site will be provided, in part, via the adjoining Cardiff County Council who are required to be consulted in relation to the proposals. On this point it is noted that Cardiff County Council have been consulted but have not responded to date.

As regards the remainder of the requirements outlined by the Highways officer, it is considered that these can be adequately controlled by the imposition of suitable conditions, including the requirement to increase the width of the access and provide vision splays. It is appreciated that this is likely to involve the removal of some hedgerow, however, this can be for a temporary period and replacement planting can be required following the construction phase.

On the issue of the effect on the Public Rights of Way at the site, the Highway officer has made reference to the public rights of way which cross the site, noting temporary diversion or suspension due to the risk of pedestrian/vehicle conflicts. However, the Council's Public Rights of Way team have commented on the application and have not indicated that such action is necessary. Their preference is to keep the Public Rights of Way open and free for use as much as possible, include footpath 5 and 6 which have not been referred to in the supporting documentation. They have requested that the applicant ensure that all affected public rights of way must be kept open and free for use by the public at all times. Should a temporary closure be required to assist in facilitating works then an order should be sought under the Road Traffic Regulation Act 1984.

Thus it is considered that there should be no long term, permanent adverse impact on the public rights of way in the area. Temporary measures may be required and it is considered sufficient to attach an informative to any consent advising the developer of his obligations in relation to the public rights of way, including the requirements under the Road Traffic Regulation Act 1984, and to maintain contact with the Council's PROW team.

Thus the development is considered to be acceptable in terms of highway and pedestrian safety, in accordance with Policies COMM8, ENV27 and REC12 of the UDP.

Ecology/biodiversity

On the issue of ecology and biodiversity, relevant local policies include Strategic Policy 1, ENV10, ENV11, and ENV16 of the UDP, plus the SPG on Biodiversity and Development. These follow national guidance including PPW and TAN5- Nature Conservation and Planning. PPW notes that biodiversity must be taken into account in determining individual applications, with the effect of a development on the wildlife of an area being a material consideration. Paragraph 5.5.2 of PPW states:

“When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.”

It will be noted from the details submitted with the screening request, 2014/01467/SC1, that the initial scheme has been reduced in scale, with the field that included a local SINC and Flood Risk Zone B, being omitted from the current proposal. The application is accompanied by an ES, with Chapter 5 of Volume 1 and the technical appendices in Volume II, including ecology surveys, covering the potential impact on ecology and nature conservation. The Ecological Survey has been undertaken by Clarkson & Woods Consultants, dated May 2015. This outlines the potential impacts of the development and makes recommendations for mitigation. In summary this concludes that:-

“The proposed development will result in adverse impacts upon a number of ecological receptors ranging from County to Site level of ecological value. Avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced as far as possible. Habitats of highest ecological importance (trees, hedgerows and ponds) are due to be retained and recommendations made for additional hedgerow creation, which will ensure that the favourable conservation status of badgers, bats, dormice (if present), great crested newts and reptiles can be maintained both within the local area and on the site. Assuming the successful implementation of the measures described the scheme can be considered in line with planning policies MG19 and MD10.”

Policy ENV16 of the UDP relates to protected species and states that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:- (i) there are exceptional circumstances that justify the proposals; (ii) there is no satisfactory alternative; and (iii) effective mitigation measures are provided by the developer. This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). This requires the establishment of a system of strict protection, with derogations allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6).

The ES identifies that a number of European Protected Species are present, or there are existing habitats which make it likely that they will be present, both within and around the site. The habitats include ponds and hedgerow, and the species include, great crested newts, dormice, bats, badgers and otters. As such a Habitats Regulations derogation licence will be required from NRW. Initially NRW raised an objection to the proposal on the grounds that the ES did not contain sufficient information in relation to the conservation of great crested newts and dormice, and included a series of discrepancies in the submitted documents. Clarification was required in respect of the results of the great crested newt survey; the timing of works; habitat availability and connectivity; surveys for dormice; and potential impact on otters from drilling. On the Landscape and Ecological Management Plan they recommend that it include the great crested newt method statement, and set out details for ecological advice and supervision. However, following the receipt of additional ecology information, including an addendum to the ES; revised LEMP dated 13 October 2015; and clarification letter from Clarkson & Woods dated 14 October 2015; they have now removed their objection to the proposed development. This is subject to the imposition of a suitably worded condition to secure mitigation for great crested newts, dormice, otters and water voles, and to include the timing of works, as set out in the revised LEMP and ES addendum.

Thus the following points are noted in relation to the three tests for derogation.

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

As outlined in the justification section of this report, and evidenced by the supporting documents, including the ES, the proposal is of local and national importance. The solar farm would make a contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases in accordance with the government's aims relating to climate change, and energy security benefits. In addition it is noted that it is reversible, with proposals for the removal of the panels and the restoration of the land after 25 years. These are all important considerations that should be given considerable weight in the overall planning balance. As such the proposal is considered to be of overriding public interest of a social and economic nature that offers long-term benefits of primary importance.

Test ii) - There is no satisfactory alternative

The accompanying ES has explored possible alternative sites, and the need for the development in relation to the production of renewable energy and action on climate change, which itself could have harmful impacts on ecological and biodiversity interests. The ES points out that solar farms, by their nature, are best located in the countryside. It is considered that this evidence is sufficient to conclude that there is no satisfactory alternative, and the alternative of not developing the solar farm is not acceptable.

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

As regards this third test, it has already been noted that NRW have confirmed that they no longer have an objection to the proposal subject to certain conditions. In addition the Council's Ecology team have not raised any objections but recommend two conditions to prevent a negative impact on protected species and to enhance biodiversity. The first condition requires a method statement, detailing means of working to prevent/minimise impact of great crested newts and other species, is agreed and implemented. The second requires the full implementation of the LEMP. NRW's requested condition is similar, requiring mitigation for great crested newts, dormice, otters and water voles, which should include the timing of works as set out in the revised LEMP and ES addendum. On the basis of the above, there should be no detriment to the maintenance of the favourable conservation status of species present.

Thus subject to the implementation of the proposed mitigation and enhancement measures the proposed development will not result in detriment to the favourable conservation status of the species concerned. As such it is considered that the proposal meets all three tests for derogation, and is in line with local and national policy, guidance and regulations, including, policy ENV16 of the UDP, the Council's SPG on Biodiversity and Development, and national guidance contained in TAN5 - Nature Conservation and Planning and the Conservation of Habitats and Species Regulations 2010.

Residential and general amenity

Another issue relates to the likely impact on the amenity of the neighbouring properties. To date representations have been received from the occupiers of Llys y Celyn, Drope Road and Church Cottage, St Georges Super Ely. These relate primarily to highway issues and visual impact, which have been considered above, and do not raise specific concerns relating to residential amenity.

The nearest residential neighbour to the proposed solar arrays is 'Fford Cottage' approximately 160m to the west. It is considered that there should be no significant adverse impact from the operation of the solar farm on the occupiers of that property or any other neighbour in the vicinity. This includes any issues of noise or general disturbance, or relating to glint and glare. It is most likely that the greater impact of the proposal, particularly in respect of any noise or general disturbance, will arise during the construction phase. Indeed this is recognised by the Council's Environmental Health section, who note the potential to affect residential properties some distance from the site during the construction phase. Therefore recommend that construction and piling operations are limited to prevent potential negative impact, and have suggested a number of conditions to prevent any nuisance, which are similar to those suggested by the Council's Highway section. As already noted it is anticipated that the construction phase will last for a period of around three months, and the application is accompanied by proposals to minimise any harm through the Construction Traffic Management Plan. It is not considered that such temporary disturbance would warrant the refusal of the application.

Flood risk

As already noted the site lies within the vicinity of areas of Flood Risk Zone B as defined by the Development Advice Map (DAM) referred to under TAN15-Development and Flood Risk. NRW have been consulted on the proposal and have advised that, given the nature of the development, it is likely to have minimal impact on surface water runoff, and therefore they have no adverse comments. As for the proposed underground cabling, they note that this will cross the Nant y Ffordd which is an ordinary watercourse and, as such, may require a flood defence consent. The Council's drainage engineers have been consulted on this issue, and although they have not responded to date, this will not affect the requirement or otherwise for such a license, which is separate from planning legislation.

Other issues

The Council's Environmental Health section have also referred to the possibility of ground contamination being encountered during the development of the site, although they do not offer any specific reason why this might occur. They have requested a condition be imposed requiring any finds of previously unidentified contamination be reported in writing to the Local Planning Authority, and an investigation and risk assessment possibly being required. On this point it is considered that an informative can be attached to any consent notify the developer of their obligations with regard to possible contaminants.

Another issue relates to the possible impact of the development in respect of glint and glare. On this point it is noted that WG Practice Guidance acknowledges that glint and glare does have the potential to cause viewer distraction. Cardiff Airport have been consulted on the proposal and, following an examination of the proposal from an aerodrome aspect, have advised that it does not conflict with safeguarding criteria, and therefore have no safeguarding objection to the proposal.

The application includes an Environmental Statement (ES) which sets out the results of an Environmental Impact Assessment ('EIA') of the proposed development. This has been carried out due to the nature of the proposal and the location and characteristics of the site. The ES has considered the potential effects of the development. Following the implementation of mitigation measures set out the submitted ES (July 2015), which comprises Volumes 1 and II and its addendums, including the Chapter 5 Ecology and Nature Conservation, figure 7.3 Historic setting, and amended Landscape and Ecological Management Plan June 2015, and the accompanying documents, including the Construction Traffic Management Plan June 2015, it is concluded that there will be some adverse effects, particularly in relation to landscape, cultural heritage and ecology impacts. The ES notes that the applicant has demonstrated a commitment to mitigation measures and these can be secured through planning conditions attached to any permission.

Thus it is considered that the proposal represents an acceptable form of sustainable development that offers social and economic benefits by contributing towards renewable energy targets. The proposal should have no significant harmful impact on the character and appearance of the surrounding countryside, historical or ecological interests, highway safety or the local amenities of the area.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regards to Policies 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, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV26-Contaminated Land and Unstable Land, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, EMP7-Farm Diversification, TRAN10-Parking, REC12-Public Rights of Way and Recreational Routes, COMM8-Other Renewable Energy Schemes, and Strategic Policies 1 & 2-The Environment and 14-Community and Utility Services of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Design in the Landscape, Sustainable Development, Biodiversity and Development, and Trees and Development; and national guidance contained in Planning Policy Wales, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN8-Renewable Energy, TAN12-Design and TAN15-Development and Flood Risk, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which far outweigh any limited adverse visual impact the proposal will have on the character and appearance of the surrounding countryside of the Ely Valley and Ridge Slopes Special Landscape Area, and the setting of the Coedarhydyglyn Historic Park and other cultural assets. The proposal should also not result in any significant harmful impact to highway and pedestrian safety, or the general amenities of the area. In addition the proposal should not cause any detriment to ecological interests in the area, nor result in any unacceptable risks to public health and 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. The development shall be carried out in accordance with the following approved plans and documents:-

- Drg. No. Q50535_009_01 Rev 01, Site Location Plan, received 22 July 2015;
- Drg. No. Q50535_008_02 Rev 02, Site Location Plan with Proposed Layout, received 22 July 2015;
- Drg. No. Q50535_001_17 Rev 17, Planning Drawing, amended plans received 23 December 2015;
- Drg. No. P50535_004_03 Rev 03, Elevations, received 22 July 2015;
- Drg. No. P50535_005_01 Rev 01, Access track details, received 22 July 2015;
- Drg. No. P50535_005_02 Rev 02, Typical sections, received 28 July 2015;
- Drg. No. P50535_007_02 Rev 02, Inverter Housing details, received 30 July 2015;
- Drg. No. Q50535_003_01 Rev 01, Hedgerow footpath detail, received 22 July 2015;
- Drg. No. P50535_006_01 Rev 02, Construction Compound details, amended plans received 30 November 2015;
- Drg. No. Figure 3.1 Swept Path Analysis, received 31 July 2015;
- Indicative photographs, Temporary Construction Compound details, received 31 July 2015;
- Planning Statement, dated July 2015;
- Design and Access Statement, dated July 2015;
- Environmental Statement, Volume 1 and Volume II, plus addenda, including Chapter 5-Ecology and Nature Conservation, Chapter 7-Cultural Heritage and Archaeology, and letter from Clarkson & Woods dated 14 October 2015;
- Revised Landscape and Ecology Management Plan (LEMP) dated 13 October 2015;
- Environmental Statement Non Technical Summary, dated July 2015;
- Flood Consequences Assessment, dated 14 July 2015;
- Construction Traffic Management Plan, dated June 2015;
- Arboricultural Survey Impact Assessment and Draft Tree Protection, dated July 2015;

- Agricultural Assessment, dated June 2015;
- Consultation Report, dated July 2015; and
- Waste Audit Statement, dated July 2015;
- Archaeological Mitigation Design and Construction Method Statement, additional information received 23 December 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. Notwithstanding the submitted plans, further details shall be provided to indicate temporary improvements to the proposed vehicular access, which shall include widening of the entrance and part of the carriageway, and vision splays in both directions together with details of any hedgerow removal and proposed replacement. The agreed temporary improvements shall be implemented before the commencement of development and shall be retained for the course of the construction works. Following completion of the construction phase the access shall be restored to its original state, including the replacement of any hedgerow removal.

Reason:

In the interests of highway safety and the character and appearance of the rural landscape in accordance with Policies ENV4, ENV10, ENV27 and COMM8-Other Renewable Energy Schemes.

4. Notwithstanding the submitted plans, further details shall be provided to indicate details of the site compound to show appropriate provision for HGVs and temporary improvements to the proposed vehicular access, which shall include widening of the entrance and part of the carriageway, and vision splays in both directions together with details of any hedgerow removal and proposed replacement. The agreed temporary improvements shall be implemented before the commencement of development and shall be retained for the course of the construction works. Following completion of the construction phase the access shall be restored to its original state, including the replacement of any hedgerow removal.

Reason:

In the interests of highway safety and the character and appearance of the rural landscape in accordance with Policies ENV4, ENV10, ENV27 and COMM8 of the Unitary Development Plan.

5. Notwithstanding the submitted documents a revised Construction Traffic Management Plan shall be submitted to and approved in writing with the Local Planning Authority, and shall provide for additional information relating to the identification of mitigation measures for the control of background traffic. The development shall be implemented thereafter in full accordance with the approved amended Construction Traffic Management Plan.

Reason:

In the interests of highway safety and having regard to the nature of the rural roads in accordance with Policies COMM8 and ENV27 of the Unitary Development Plan.

6. No construction work or deliveries associated with the development hereby permitted shall on any Sunday or Bank Holiday, and on any other day except between the hours of 0800-1800 Monday to Friday, and 0800-1300 on Saturday, and any foundation or other piling or drilling works should only take place Monday to Friday between 0900-1700.

Reason:

To safeguard the amenities of local residents in accordance with Policies ENV27 and COMM8 of the Unitary Development Plan.

7. The development hereby permitted shall be implemented in full accordance with the recommendations outlined in the submitted ecological information, including the Environmental Statement as amended, the revised Landscape and Ecology Management Plan (LEMP) (version 2.0) prepared by Clarkson & Woods, dated 13 October 2015, and the supporting letter from Clarkson & Woods dated 14 October 2015.

Reason:

In the interests of the ecology/biodiversity of the area in accordance with Policies ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features and COMM8-Other Renewable Energy Schemes of the Unitary Development Plan, plus TAN5-Nature Conservation and Planning.

8. Notwithstanding the submitted landscape information, further details of a proposed landscaping scheme, which shall provide details of tree/hedgerow protection during construction, and supplementary tree/hedgerow planting, including any necessary replacement hedgerow, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the surrounding rural landscape of the Ely Valley and Ridge Slopes Special Landscape Area, and the cultural and historic heritage of the area, including the Coedarhydyglyn Historic Park, listed buildings and Conservation Area, in accordance with Policies ENV4, ENV10, ENV11, ENV17, ENV20 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 completion of the development, or first operational use of the solar facility, whichever is the sooner, with all new hedgerows and other planting provided as part of the approved landscaping scheme, together with the existing hedgerows and trees, to be managed and maintained for the duration of the life of the solar park in accordance with the approved details, including the approved amended Landscape and Ecological Mitigation Plan referred to at Condition No. 6.

Reason:

To ensure the maintenance of the existing and proposed planting on the site in the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV4, ENV10, ENV11, ENV17, ENV20 and COMM8 of the Unitary Development Plan.

10. 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.

11. The solar panel modules hereby permitted shall be mounted using non-intrusive methods, including the use of concrete shoes as foundations, in those areas identified on amended plan, Dwg. No. Q50535_001_017 Rev 17, and the additional Archaeological Mitigation Design and Construction Method Statement details, received on 23 December 2015.

Reason:

To ensure that archaeological features identified on the site are protected in accordance with Policies ENV18 and ENV19 of the Unitary Development Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of 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 area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV4, ENV10, ENV11, ENV17, ENV20 and COMM8 of the Unitary Development Plan.

13. 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, infrastructure and fencing hereby approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than one month following the cessation of power production or within 25 years of the completion of construction, whichever is the sooner. 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 the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV4, ENV10, ENV17, ENV20 and COMM8 of the Unitary Development Plan.

NOTE:

1. **In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.**

- 2. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by Natural Resources Wales in accordance with the aforementioned Regulations.**
- 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.**
- 4. 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.**
- 5. In the event that contamination is found at any time when carrying out the approved development, that has not been previously identified, it must be reported in writing immediately to the Council's Environmental Health Department and Natural Resources Wales. An investigation and risk assessment may need to be undertaken in accordance with the requirements of current guidance. Further details of the advice pertaining to contaminated land matters and pollution prevention can be found on Natural Resources Wales website www.gov.uk/government/collections/pollution-prevention-guidance-ppg.**
- 6. The developer should be aware that as the proposed underground cabling will cross the Nant y Ffordd ordinary watercourse, a flood defence consent may be required. You are advised to contact the Council's drainage engineer for further information, crmoon@valeofglamorgan.gov.uk.**

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

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

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

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

2015/01030/FUL Received on 1 September 2015

Mr W.D. Johns-Powell, Court Farm, Bonvilston, Vale of Glamorgan, CF5 6TR
Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan,
CF5 6TR

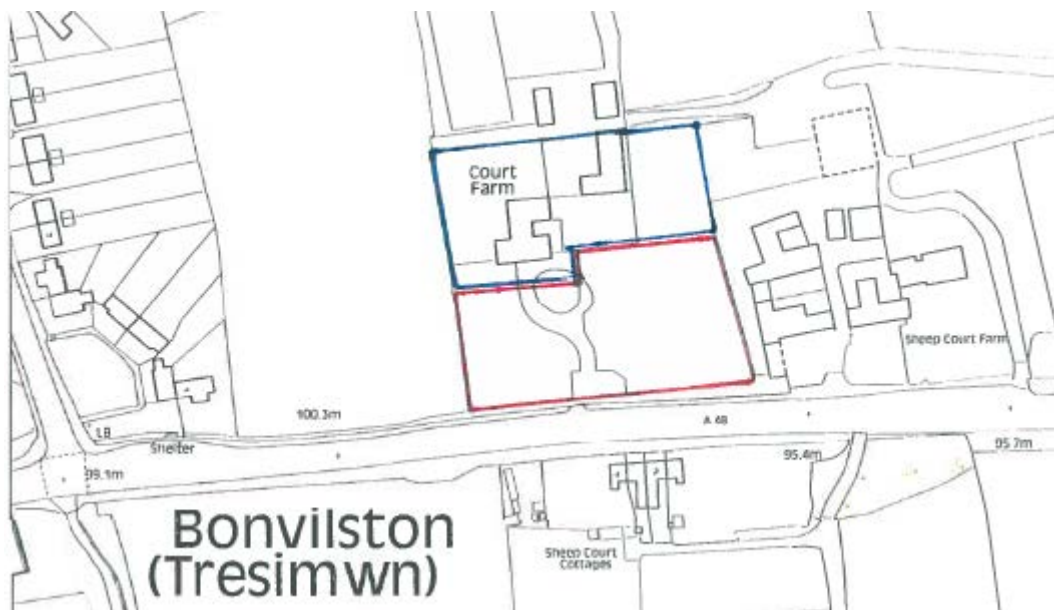
Court Farm, Bonvilston

Proposed four detached dwellings

SITE AND CONTEXT

The application site as edged red relates to land to the front and south of an existing dwellinghouse known as Court Farm. The existing dwelling and annexe building lie to the north of the A48, and are set back off that highway by a distance of over 40m. The north and west of the dwelling is bound by agricultural land, whilst the eastern boundary lies next to Sheepcourt Farm, former agricultural buildings that have been converted to residential use.

Vehicular access to the site is off the A48 via an existing gated entrance.

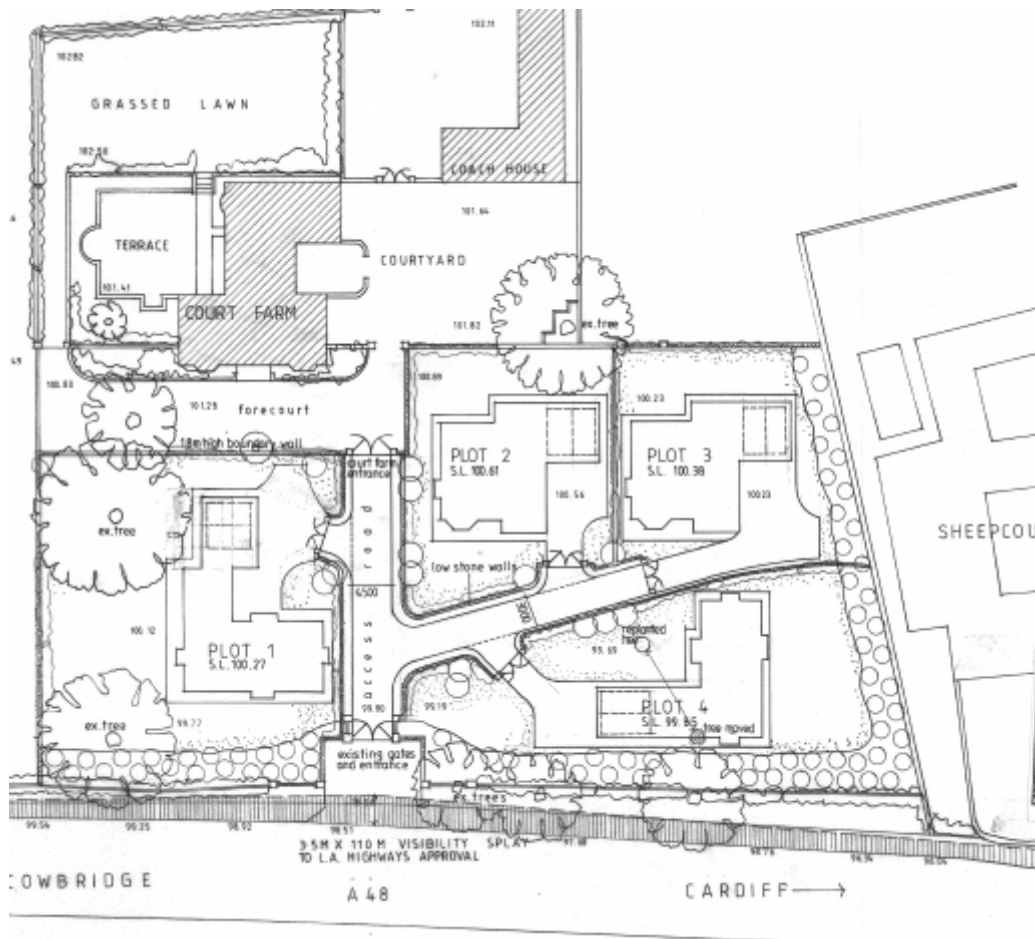


The site lies in the countryside a distance of over 70m to the east of the residential settlement for Bonvilston as identified in the Unitary Development Plan. The site is also located within the Bonvilston Conservation Area and just to the north of the Nant Llancafarn Special Landscape Area on the opposite side of the A48. In addition there are existing trees on the site which are covered by a Tree Preservation Order TPO No. 8 1973.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of 4 No. detached houses on land to the front and south of an existing detached dwellinghouse and annexe building. The land which is described as 'garden' within the supporting documents is proposed to be sub-divided into four plots:-

- Plot 1 will be sited immediately to the front and south of the existing dwelling. It will accommodate a two storey, four/five bed dwelling with integral garage on an 'L'-shaped footprint.
- Plots 2 and 3 will be sited to the immediate south and east of the existing dwelling and its courtyard access to the rear coach house. The two two storey, four bed houses will have the same square footprint with double integral garages to the side.
- Plot 4 will be positioned to the south of plots 2 and 3 along the south eastern frontage of the site with the A48. It will accommodate a two storey, five bed dwelling with integral garage on an 'L'-shaped footprint.



The design of the dwellings includes three individual schemes, with plots 2 and 3 being identical. All follow a traditional approach with gable pitched roofs, gabled dormer features, and external chimney stacks. In all cases the main ridge height of the dwellings is over 9m in height. (It should be noted that there is a discrepancy in the scale of some of the plans.) The proposed external finishes include natural slate, stonework and render.

Vehicular access is proposed via the existing entrance gates off the A48. A new internal access drive of 4.5m will be formed from the existing gate to a new gate to the existing dwelling, where a new forecourt approximately 7.5m in depth will be formed to the south. Plot 1 will also be accessed off this road. To the east of this road a new 3m wide driveway will be created to give access to plots 2, 3 and 4.

New internal boundaries between each plot will be enclosed by stone walls.

The application is accompanied by a Design and Access Statement (DAS) and an Arboricultural Report prepared by Cardiff Treescapes.

PLANNING HISTORY

There is a considerable history of applications relating to the site, including:-

1985/00958/LBC - Demolish chimneys and part of the dwelling – Approved 7 January 1986.

1986/00318/LBC - Demolition of a detached two storey dwelling-house of natural stone, render and whitewash finish, with a natural slate roof – Approved 3 June 1986 subject to tree protection.

1986/00421/FUL - Construction of new 4 bedroom dwelling to replace existing house on same site - Approved 1 July 1986 subject to conditions relating to amended plans, tree protection and driveway laid out and surfaced.

1989/01248/FUL - Renovate existing outbuilding to form a games/hobby room and extend to form a double garage - Approved 6 November 1989.

1990/00629/FUL - Erection of a kitchen utility room and garage - Approved 29 June 1990.

1991/00147/OUT - Land forming the eastern part of current application site - Residential development & access roads - Refused 16 April 1991 on the grounds of unjustified dwellings in a countryside location; sufficient provision of sites for Housing for Senior Management; and the proposal would not preserve or enhance the character or appearance of the Bonvilston Conservation Area.

1995/00246/FUL - Erection of sitting room, study, utility room & garage extension - Approved 5 May 1995.

1996/00639/FUL - First floor bedroom and bathroom extension and amendment to previously approved sitting room and study - Approved 15 November 1996 subject to conditions, including amended plans; extension not a separate dwelling unit; and materials to match.

1997/00993/FUL - Conversion and extension to an existing outbuilding to provide a games room - Approved 7 November 1997 subject to the games room being incidental to the main dwelling.

1999/00519/FUL - Construction of games room - Approved 18 June 1999 1997 subject to the games room being incidental to the main dwelling.

2006/01354/FUL - Extension of existing property with proposed conservatory - Approved 23 November 2006.

2006/01355/FUL - Extension of existing games room with single storey stable block, housing three horses and hay store - Approved 23 November 2006.

2007/00264/FUL - Alteration to existing stable block approval 2006/01355/FUL - Approved 18 April 2007 subject to conditions, including, consent shall only relate to the stable block; and removal of permitted development rights for alterations.

2105/01147/TCA – Remove and replant Oak tree – No objection 29 October 2015.

Tree Preservation Order – TPO (No. 8) 1973, including Ash, Yew, Oak, Sycamore and Wych Elm.

Adjoining application site

2015/00960/FUL – Development of 120 homes including affordable homes, new vehicle, pedestrian and cycle access, improvement works to Pendoylan Lane, re-grading of site, drainage, landscape works, provision of public open space, demolition of existing modern timber stables and all associated works – Yet to be determined.

CONSULTATIONS

St Nicholas with Bonvilston Community Council – Refusal recommended on the grounds that it represents gross overdevelopment of the site; when considered together with application 2015/00960/FUL it adds up to 124 properties; and the need is not considered adequate.

Dwr Cymru/Welsh Water – Requested that a condition be attached to any permission requiring no development commence until a drainage scheme is submitted and agreed by the LPA. The scheme shall provide for the disposal of foul, surface and land water and include an assessment of the potential to dispose of surface and land water by sustainable means. They also request the inclusion of advisory notes relating connection to the public sewerage system.

Glamorgan Gwent Archaeological Trust – Advise that the proposal will require mitigation.

Although there are no designated sites within the proposed development area, it is located immediately adjacent to the protected line of the Cardiff-Neath Roman Road. In addition previous archaeological investigations have encountered roadside structures as well as burial remains.

They therefore recommend that a condition be imposed on any consent requiring a programme of archaeological work be undertaken before the commencement of development.

The Council's Legal, Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – Concerns over the potential for road noise from traffic to cause disturbance within the curtilage and inside the proposed development. Therefore recommend any living room/bedroom windows facing the road has suitable glazing to satisfy WHO guidance for night time noise.

The Council's Highway Development Team – Consulted on 15 September 2015. Requested clarification over the nature of use of the coach house, with no final comments provided to date.

The Council's Highways and Engineering (Drainage Section) – Note that the site is in an elevated position compared to the converted barns to the east and therefore important that it will not have a detrimental effect in terms of flood risk.

In relation to the drainage it is indicated that infiltration techniques are the preferred method of surface water disposal, and porosity tests may be needed to ensure the site is viable. The drainage strategy shall be designed to a 1 in 100 year design event, plus 30% for climate change. A SuDs Management Plan should be submitted and care taken to ensure that underground assets are not disturbed. In view of this they recommend a condition on any consent requiring no development until a detailed drainage scheme is approved.

The Council's Ecology Team – No comment.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 15 September 2015. In addition the application was advertised in the press and on site on 24 September and 2 October 2015 respectively.

To date representations have been received from the occupiers of 'The Quad' and 'Sheepcourt Farm Cottage'. These are available on file to view in full. However, in summary they raise concerns over, loss of privacy, loss of light and overshadowing exacerbated by the higher ground levels on the application site; increased noise; and Court Farm would be absorbed into the separate extensive planned development.

In addition the applicant has submitted representations highlighting the fact that three of the four houses applied for are on land allocated under MG2 (37) of the Deposit Local Development Plan.

Further representations have been submitted by the applicant's agent in support of the proposal and requesting a deferral for a site visit.

REPORT

Members will recall that the application was deferred for a site visit at the Planning Committee meeting on 17 December 2015. This is scheduled to take place on 14 January 2016.

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:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE.
ENV4	- SPECIAL LANDSCAPE AREAS. (The site lies to the north of the Nant Llancarfan SLA)
ENV10	- CONSERVATION OF THE COUNTRYSIDE.
ENV11	- PROTECTION OF LANDSCAPE FEATURES.
ENV17	- PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION.
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS.
ENV20	- DEVELOPMENT IN CONSERVATION AREAS.
ENV27	- DESIGN OF NEW DEVELOPMENTS.
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY.
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT.
HOUS3	- DWELLINGS IN THE COUNTRYSIDE.
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.
HOUS11	- RESIDENTIAL PRIVACY AND SPACE.
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, both Chapters 2 and 4 of Planning Policy Wales Edition 8, 2016 (PPW) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 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 or*
- *relevant development plan policies are considered outdated or superseded or*
- *where there are no relevant policies*

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 maximise the contribution to meeting the local well-being objectives.'

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 8, January 2016 (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.1.1, 4.4.3, and 4.11-Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural heritage and the Coast, including paragraph 5.1.1; Chapter 6-Conserving the Historic Environment, including 6.1.1, 6.1.2 and 6.5.17; and Chapter 9-Housing, including paragraphs 9.2.13, 9.2.22, 9.3.1, 9.3.2, 9.3.4 and 9.3.6.

Technical Advice Notes:

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

- TAN12 – Design, including paragraphs 2.6, 5.6.1, 5.6.2, and 5.11-Housing design and layout.
- TAN10 - Tree Preservation Orders, including paragraph 18.

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 including Policies 1, 2, 3, 4, 5 and 6, relating to respect/regard for existing character and landscape features.
- Bonvilston Conservation Area Appraisal and Management Plan.
- Design in the Landscape Design in the Landscape SPG (DG12 – Urban Edge and DG13 – Rural Settlements)
- Trees and Development SPG, including 6.1.1 and 7.1 which note that the effect on trees and the overall landscape is a material consideration.
- Model Design Guide for Wales including paragraph 1.1 and objective 5- Character and context. This recognises that design is important as it directly affects the social, economic and environmental well-being of places.

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 January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales Edition 8 January, 2016 (PPW) is noted. It states as follows:

*'2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications 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 delivers 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.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report. In particular, the following background papers are relevant:

- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Housing Supply Background Paper (2013).
- Sustainable Settlements Appraisal Review (2013).

Other relevant evidence or policy guidance:

Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended By Circular 1/98-Planning and Historic Environment: Directions).

Issues

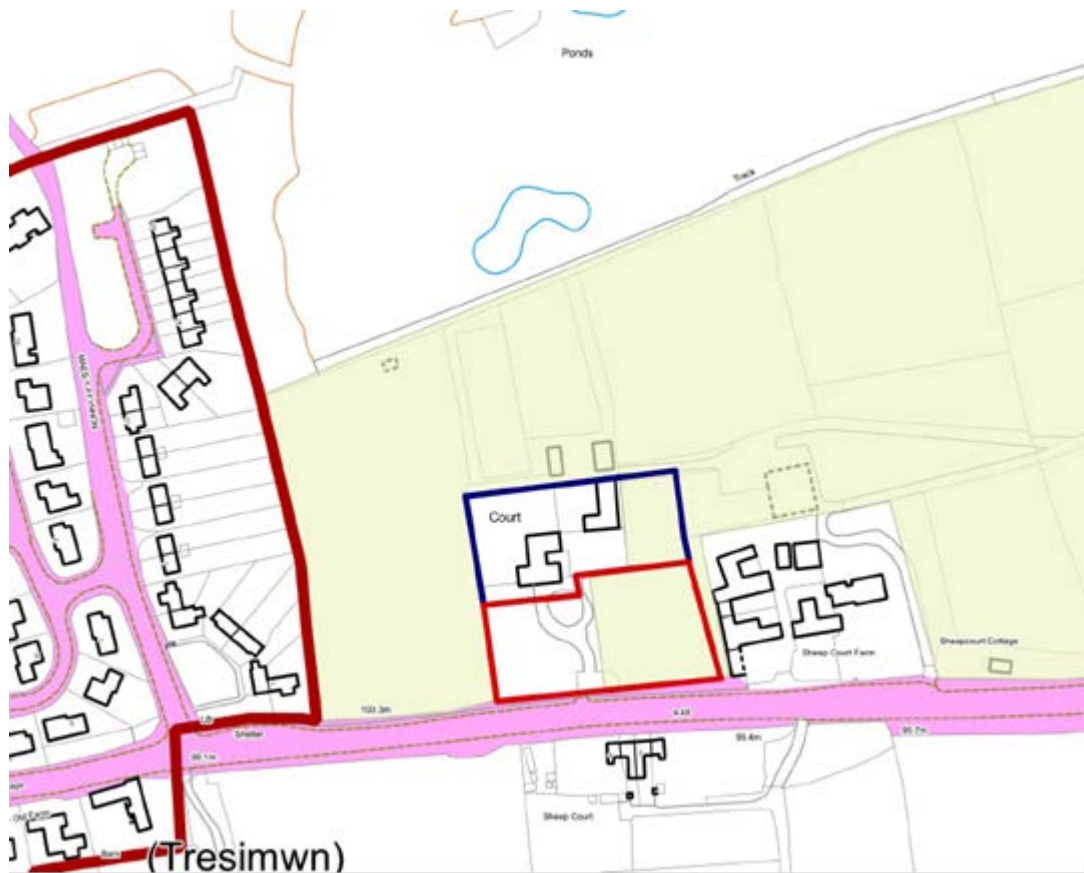
In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification for new housing in this countryside location; the impact the proposal will have on the character and appearance of the Bonvilston Conservation Area and the surrounding rural landscape; the effect on neighbouring and general residential amenities; and highway safety.

Justification

The accompanying DAS notes at paragraph 3a that there is no recent planning history at the subject property relevant to the application. However, it will be noted from the planning history that there is a considerable history of applications relating to the site including a replacement dwelling, construction of a coach house annexe building and stables. In all of these earlier applications the land that is the subject of the current application was not included as part of the authorised residential curtilage. Whilst later applications in the 2000s began to show different parts of the southern land within a red line boundary, no consent has ever been granted for the use of this land as part of the authorised residential curtilage of Court Farm house. Indeed even with respect to the existing gated entrance, although the new gated entrance was shown within plans relating to application reference 2007/00264/FUL, a condition was specifically imposed to clarify that the permission related solely to the erection of the stable block. Thus there is some doubt over the authorised use of the land and the erection of the stone wall and entrance gates.

Notwithstanding this, in policy terms the site is located within the countryside where the policies contained in the Unitary Development Plan (UDP) remain relevant to the assessment of the application. Policies ENV1 and HOUS3 of the UDP restrict the development of unjustified new housing within the countryside. It will be noted from the planning history that an application for the residential development of the eastern part of the current application site was refused in 1991 for a number of reasons including its countryside location.

The accompanying DAS suggests that the application complies with policy HOUS2 and HOUS8 of the UDP. However, whilst Bonvilston is identified as one of the villages where infill, small scale development and redevelopment may be appropriate, the application site does not fulfil the requirements of the policy. Currently 'Court Farm' is one of a number of properties that form a 'ribbon' of development stretching along the A48 outside of the settlement boundary. The site is not the infill of a gap in an otherwise built up frontage, nor does it represent small scale "rounding off" of the edge of the settlement. Indeed the site is located around 70m from the defined residential settlement boundary for Bonvilston. However, as the applicant, the supporting DAS and the Community Council point out, the emerging LDP contains a housing allocation on the outskirts of Bonvilston, which includes land to the north and west of the site, and includes part of the current application.



Plan of the site, UDP settlement boundary and DLDP Policy MG2 (37) allocation area shaded.

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. It is accepted that there is an identified need for housing, and the Council has determined that the allocated site is a sustainable one, and in that respect the supporting evidence for the LDP has informed its preparation. This carries some weight given that part of the application site relates to the allocated site. However, the separation of the small parcel of land to the front of 'Court Farm' from the main body of the allocation raises a number of issues in relation to other elements of national guidance, not least of these being the impact on the character and appearance of the Bonvilston Conservation Area which is explored in detail below. Not only could the piecemeal development of this part of the housing allocation affect the conservation area, but it also has implications for the S106 obligations the Council would seek in relation to affordable housing, education, open space, sustainable transport, and other such contributions required to mitigate the impact of the proposed housing allocation. Further the impact on the character and setting of the Bonvilston Conservation Area is more than a material consideration.

Therefore whilst the site may form a more logical development site in principle if the larger MG2 site comes forward for development, at this stage that site does not have planning permission and the weight to be afforded to it as an LDP allocation is limited and does not outweigh the consideration of the application in the context of the relevant UDP Policies.

Furthermore, the Council's Policy Section have raised a concern over the development of only part of the allocated site separately from the remainder of the allocation. Such an approach could prejudice the provision of affordable housing, open space and the S106 policy obligations.

Design, visual impact and effect on the character of the Conservation Area

Even if the principle of residential development in this countryside location was determined to be acceptable, it is considered that the proposal has a serious detrimental impact on the character and appearance of the Bonvilston Conservation Area and its setting within the rural landscape. Indeed, the effect of the development on the character and appearance of the conservation area and its setting is, as already noted above, more than a material consideration to be weighed in the general balance. Recent case law indicates that such impact requires special consideration, and carries substantial weight in the determination of the application. Relevant policies include ENV17 and ENV20 of the UDP which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. This is supported by national guidance including PPW which states at paragraph 6.5.17:-

“Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The Courts have held that the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.”

As already noted the site lies within the Bonvilston Conservation Area and the Nant Llancarfan Special Landscape Area lies to the south on the opposite side of the A48. Criterion (i) of policy ENV20 requires that new development should reflect the scale, design, layout, character, materials and setting of those buildings that establish the character of the area. In addition criteria (iii) and (iv) refer to important open space within and adjoining the conservation area, and important trees. In addition policy ENV4 requires that new development within or closely related to SLAs demonstrate that it would not adversely affect the landscape character, landscape features or visual amenities of the SLA. Further the Council's SPG on Amenity Standards also has policies relating to design and the impact on amenity, including policies 1 and 3, which highlight the need to respect existing character. This is in line with national guidance, with paragraph 9.3.4 of Planning Policy Wales (PPW) stating:

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

In addition paragraph 5.6.2 of TAN12 notes:-

"In areas recognised for their landscape, townscape, architectural, archaeological and/or historic value, such as National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites and conservation areas, the objective of sustaining character is particularly important and context appraisals should reflect this. The general aspects of the "character" objective of good design should be pursued but more detailed information may be needed in relation to key issues....."

The submitted DAS suggests that the site is of little significance as the existing building is not listed and the neighbouring fields were omitted from the conservation area boundary review. However, the Bonvilston Conservation Area Appraisal and Management Plan identifies 'Court Farm' house as a 'Positive Building'. In addition trees on the boundary and within the site are identified as 'Significant Tree or Tree Groups'. It should be noted that there is a drafting error in the Appraisal with the property also being identified as a 'County Treasure', but this is not the case. The Appraisal also refers to the character of spaces within the conservation area noting that overall it is very spacious and maintains a strongly rural character. In the 'Summary of Issues' section the document also refers to the need to seek future control of applications for new front boundaries, and the overall protection of existing front boundary walls and front gardens, and also refers to a number of negative factors that detract from the special character of the area, and which offer potential for beneficial change. Some of these are relevant to the application site, including, poor quality front boundaries with elaborate modern railings, and the need to protect and enhance the rural qualities of the conservation area, including protection of trees.

It is noted that the Council's Conservation Officer has submitted strong objections to the proposal and recommended that it be refused. In his opinion the proposal will dilute the spaciousness that contributes to the character of the conservation area.

In assessing the proposal against the above policy and guidance the first issue of concern relates to the position of the development to the front of the existing property. This will result in the existing dwelling and outbuildings becoming a form of 'backland' development. In the case of plot 1 this will be directly to the front of the house, which will create a 'tandem' development. This is considered a poor form of planning which is recognised as such in national guidance. PPW refers to the unacceptability of 'tandem' development, which is described under paragraph 9.2.13:-

"Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas. 'Tandem' development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided."

Such development is considered unacceptable in any situation let alone within a conservation area where the open space to the road frontage is considered an important characteristic of the site. Whilst it is appreciated that there are existing properties to the east of the site that are closer to the road, these are the original farm buildings that have been converted to residential use. In addition their position does not impinge on the setting of 'Court Farm'. In contrast the proposed new dwellings will completely fill the whole of the space to the front with large scale dwellings in a manner that will appear cramped and contrived. The DAS suggests that:-

"..the newly designed properties have been designed to produce buildings, which in scale and massing, sit comfortably in the individual plots. The design elements reflect the domestic character of a number of the adjacent existing dwellings, combining natural stone, painted render block work and natural slate roofing."

This is not accepted as the proposed buildings do not reflect the character of the neighbouring rural barn conversions or the traditional, small scale terraced houses. Its scale and form is more in keeping with the existing 'Court Farm' house, however, the development then competes for dominance with that property and forms a jarring juxtaposition in the layout. This and the scale of the development will add to the incongruity of the proposal. The importance of design is reflected in both local policies and national guidance. Paragraph 4.11.9 of PPW notes that the visual appearance of a proposed development, its scale and its relationship to its surroundings and context, are material planning considerations, and local planning authorities are advised to reject poor building and contextual designs.

In addition paragraph 5.11.3 of TAN12 states:-

“The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area.”

In relation to the retention of the existing mature trees on the site, which are highlighted in the Appraisal as an important element of the character of the conservation area, it is noted that the proposed layout shows the retention of a number of existing trees and replanting. The application is accompanied by an Arboricultural Report and there has been a recent application to remove an Oak not covered by the TPO, but requiring consent due to its position in the conservation area, reference 2105/01147/TCA. No objection was raised to the removal of the Oak tree and replanting due to its condition. However, it is considered that not only will the current proposal allow for little scope for the replanting of an adequate replacement of similar species, but also it is unrealistic to expect that the existing trees shown to be retained will not be adversely affected by the proposed development. Even if it could be properly evidenced that they would not be adversely affected, and could be adequately protected during construction, it is considered that the development will impact on their long term health and viability. This is due to their proximity to the proposed houses, and, in some cases, such as plot 1 and 2, where they dominate the area of proposed garden space. It is very likely that there would be pressure from future occupiers to remove the trees to improve their living conditions or minimise potential damage to their property. Notwithstanding this, the Council's Tree Officer has raised concerns over the likely impact of the proposal on the existing tree coverage, and notes that the submitted tree survey does not account for or acknowledge the TPO on the site. In addition the submission is lacking in detail as there is no Tree Impact Assessment and Method Statement to fully inform the actual impact of the development on the important existing tree coverage on the site. It is considered that the loss of the existing tree coverage would have a significant adverse impact on the character of the conservation area.

Thus it is considered that the proposal represents an inappropriate and incongruous form of development that would reduce the spaciousness of the existing property. The proposal would result in the loss of the open space to the front of the existing dwelling, considered important to the character of the conservation area, and create a form of 'tandem' development. In addition it is likely to result in the loss of the important tree coverage on the site. The proposal would serve to urbanise the site and detract from the rural setting of the village and the Nant Llancarfan SLA to the south. DG13 of the Design in the Landscape SPG notes that one of its aims is to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.

The new dwellings would be very different in terms of their siting, proportions and character to the surrounding properties and would be at odds with the prevailing pattern of development. It is considered that the proposal would have a significant adverse impact on the visual amenity of the site and its surroundings, and would neither preserve nor enhance the character and appearance of the Bonvilston Conservation Area, and would be contrary to local policy and national guidance, including ENV4-Special Landscape Areas, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas and ENV27-Design of New Development of the UDP and PPW and TAN12, which notes at paragraphs 5.11.3 that the design of housing layouts and built form should reflect local context and distinctiveness and states at paragraph 2.6:-

“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

Neighbouring and residential amenity

In addition to Policy ENV27 of the UDP the Council's SPG on Amenity Standards seeks to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. This is in line with national guidance including PPW, which states at paragraph 9.3.3:-

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

The submitted DAS indicates at paragraph 7 that the proposed layout allows for adequate amenity space for the proposed houses, and retains 'Court Farm' in a generous plot. However, an examination of submitted plans shows this is not the case. Certainly plots 2 and 3 fall considerably short of the Council's minimum standards for private amenity space of 1m² for every 1m² of gross floor area of the building, as outlined in the SPG. As for 'Court Farm' the private amenity space remaining to serve this property would be severely curtailed. In addition, much of the garden spaces will be overlooked by the neighbouring houses. For example 'Court Farm' will have direct and immediate views over the garden at plot 1, whilst the private courtyard of the existing house will be directly overlooked from the proposed house at plot 2.

On the issue of privacy it is noted that a neighbour in the adjoining barn conversion has raised this as a concern fearing that it will erode their current levels of privacy to their kitchen, living areas, garden and driveway. Due to the contrived nature of the layout there is no direct overlooking of habitable room windows, however, the size and scale of the proposal is such that it will certainly affect perceived overlooking.

In addition, the neighbour makes reference to the application site being on an elevated position to the barns of around 2m. This will increase the sense of overlooking and will also have some impact on loss of light and contribute to the overbearing nature of the development so close to the boundary. The neighbour also refers to the affect the development will have on the 'currently peaceful location'. Indeed the contrived 'backland' nature of the development will contribute towards this, with none of the proposed properties having a traditional road frontage.

As such it is considered that the proposal will give rise to an unacceptable degree of harm to the living conditions of the existing residents, and provide a poor quality for the future occupiers which would be contrary to policy HOUS11 of the UDP which seeks to protect existing residential areas characterised by high standards of privacy and spaciousness from overdevelopment and insensitive or inappropriate infilling and the Council's approved Amenity Standards SPG.

Highways

The Council's Highway Development team have not provided any formal comments to date. Despite this it is considered unlikely that there would be an in principle highway objection. The existing access, although it appears to be unauthorised, does provide for visibility splays along the A48. It is considered unlikely that the intensification of the use of this access by an additional four households would cause such a detriment to highway safety that would justify a refusal. However, it is possible that increased splays or other improvements may be required, which would further exacerbate the adverse impact of the existing gated entrance and boundary referred to in the Conservation Area Appraisal.

Other issues

On the issue of archaeology the Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, have advised that there is an archaeological interest on the site and the proposal will require mitigation. They have recommended that a condition be imposed on any consent requiring a programme of archaeological work be undertaken before the commencement of development.

In relation to the drainage of the site, Welsh Water have requested that a condition be attached to any permission requiring no development commence until a drainage scheme is submitted and agreed by the LPA. The Council's own drainage engineers note that the site is in an elevated position compared to the converted barns to the east and, as such, it is important that it will not have a detrimental effect in terms of flood risk. They have suggested that a SuDs Management Plan should be submitted and care taken to ensure that underground assets are not disturbed.

The Council's Environmental Health section have also commented on the proposal and raise some concern over the potential for road noise from traffic to cause disturbance within the curtilage and inside the proposed development. They recommend suitable glazing to mitigate such impact.

Finally, the DAS suggests that the provision of the housing will help towards the shortfall of housing supply identified in the Housing Supply Background Paper to the emerging LDP. However, it is considered that any benefit that could be derived from the provision of four new sustainable family homes does not override the significant harm the proposal will have on the character and appearance of the Bonvilston Conservation Area. Indeed, as already noted the LDP identifies a residential allocation of 120 houses for Bonvilston which includes part of the current application site. As the Community Council point out, the development of the current application site separately from the LDP allocation will introduce an additional four dwellings. Whilst Strategic Policy 3 of the current UDP recognises that demand for new housing will not only be met by allocated sites, it is considered that the current proposal does not represent an appropriate or acceptable form of residential development.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV1-Development in the Countryside, ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV20-Development in Conservation Areas, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, HOUS11-Residential Privacy and Space, TRAN10-Parking, Strategic Policies 1 and 2-The Environment, 3-Housing and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Design in the Landscape, Trees and Development and the Bonvilston Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, TAN10-Tree Preservation Orders, TAN12-Design, and the Model Design Guide for Wales, it is considered that the proposal represents a cramped and incongruous residential proposal that will create a 'backland' form of development, having a significant detrimental effect on the character and appearance of the site and its surroundings, which includes the spaciousness of the site, and its important tree coverage. As such the proposal would neither preserve nor enhance the character and appearance of the Bonvilston Conservation Area. In addition the proposal would have an unacceptable adverse impact on the residential amenities currently enjoyed by the occupants of existing properties.

RECOMMENDATION

REFUSE (W.R.)

1. The proposal represents an unjustified residential development in the countryside that would appear to be a cramped, contrived and incongruous form of development, that will have a significant detrimental effect on the character and appearance of the site and its surroundings, including the spaciousness of the site, and its important tree coverage. As such the proposal would neither preserve nor enhance the character and appearance of the Bonvilston Conservation Area. It is therefore contrary to Policies ENV1-Development in the Countryside, ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV27-Design of New Developments, HOUS3-Dwellings in the Countryside, HOUS11-Residential Privacy and Space, and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape, Trees and Development and the Bonvilston Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, TAN10-Tree Preservation Orders, and TAN12-Design.

2. The proposal would have an unacceptable adverse impact on the residential amenities currently enjoyed by the occupants of existing properties and provide inadequate privacy and amenity for the future occupiers of the proposed dwellings contrary to Policies ENV27-Design of New Developments, and HOUS11-Residential Privacy and Space of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales, TAN12-Design, and the Model Design Guide for Wales.

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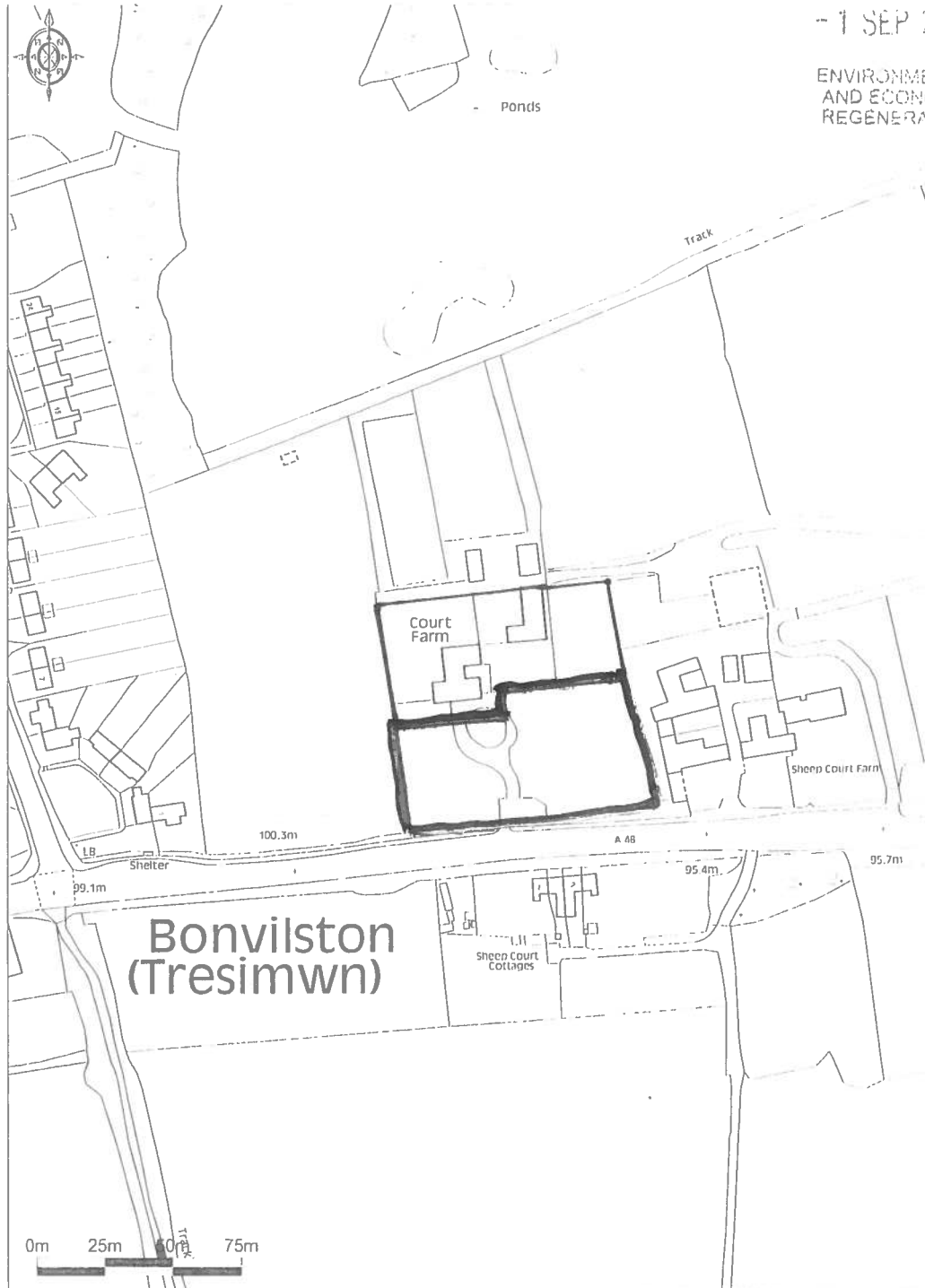
Court Farm, Bonvilston, Vale of Glamorgan, CF5 6TR

Site Plan – Scale 1 : 2,500

RECEIVED

- 1 SEP 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



Promap

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2015/01215/FUL Received on 29 October 2015

Mr. James Coburn C/o 9, Cathedral Road, Cardiff, CF11 9HA
Mr. Jonathan Williams Robertson Francis Partnership, 13, Cathedral Road,
Cardiff, CF11 9HA

Springfield, Graig Penllyn

New two storey, three bedroom detached dwelling house and detached double garage in existing residential plot

SITE AND CONTEXT

The application site forms part of the garden of a large detached dwelling situated within the settlement of Graig Penllyn as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. The existing dwelling is positioned towards the northern edge of this rectangular shaped plot. Much of the vegetation that was present on site, especially the row of trees on the boundary to the east have been removed recently. Access is directly off the road to the east, which is the main highway through the village.

The existing dwelling is in an 'L' shape with attached garage. It is rendered white with some decorative stonework. The house has been previously extended and there is a further extant permission (Ref: 2013/00831/FUL) for single and double storey extensions. The land comprising the application site is currently garden space, with parking and turning space adjacent to the house and access.

DESCRIPTION OF DEVELOPMENT

This application follows approval 2013/00955/FUL, which was for a new dwelling with an integral garage. The proposal with this application consists of a new three bedroom dwelling within the southern section of the existing garden. This would be a two storey 'L' shaped dwelling with rendered walls and natural slate roof. The house would have a stone chimney to the side elevation and hipped roofs. There would be an independent access off the highway to the eastern boundary.

The main difference between the 2013 application and the current application is that there is no integral garage proposed. Instead a double garage is proposed adjacent to the eastern boundary with the highway. A driveway is proposed to link with the garage and also the trees along the boundary with the highway are to be removed, with a new 1.8m stone wall proposed. It is noted that the trees are already removed, which excavation started.

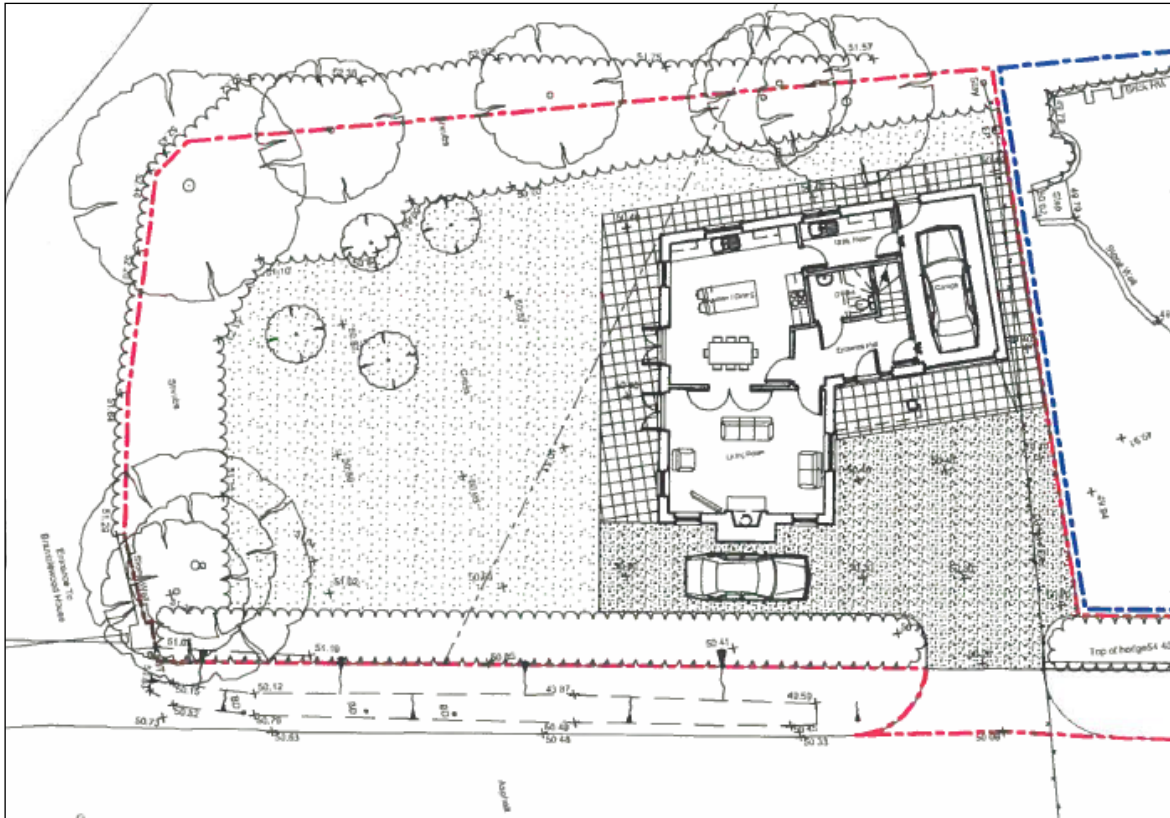


Figure 3 - Site layout with 2013 approval

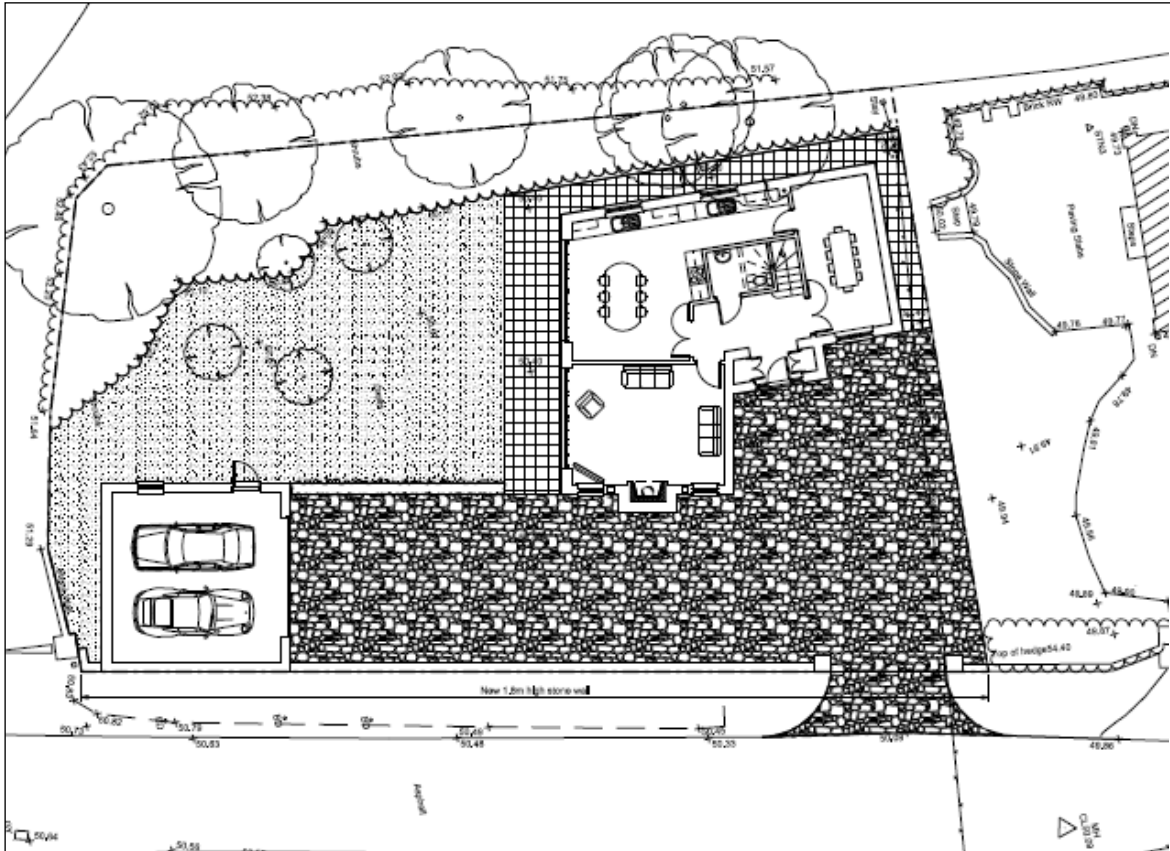


Figure 4 - Site layout now proposed



Figure 5 - Front elevation 2013 approval



Figure 6 - Front elevation now proposed

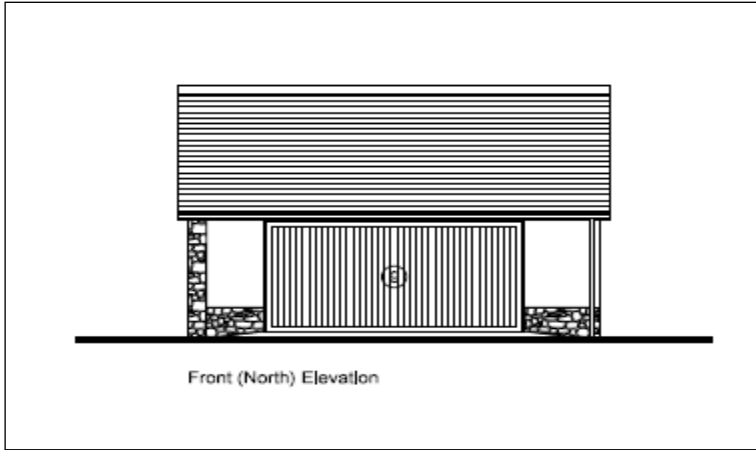


Figure 7 - Garage now proposed

PLANNING HISTORY

2013/00955/FUL: Springfield, Graig Penllyn - Construction of new three bed detached house with driveway in garden of existing residential property - Approved 26/11/2013

2013/00831/FUL: Springfield House, Craig Penllyn - Re-submission of 2008/00570/FUL previously granted permission 4 September 2008 - Double storey and single storey extension. – Approved 22 October 2013

2008/00570/FUL: Springfield House, Craig Penllyn - Double storey and single storey extension - Approved 4 September 2008.

2007/00864/FUL: Springfield House, Craig Penllyn - Log cabin annexe - Refused 9 August 2007.

2004/00104/OUT: Springfield House, Craig Penllyne - Three bedroom bungalow, cross-over and drive - Refused 23 April 2004.

2000/00086/FUL: Springfield House, Graig Penllyne - Alterations to existing single storey building and new garage and carport extension - Approved 10 March 2000.

1993/00196/FUL: Springfield House, Craig Penllyn - Detached house - Refused 3 June 1993.

1987/00799/FUL: Adjacent Springfield House, Craig Penllyn - House - Approved 29 September 1987.

1985/00435/OUT: Adjacent Springfield House, Craig Penllyn, Cowbridge - Construction of one detached dwellinghouse - Refused 2 July 1985.

CONSULTATIONS

Penllyn Community Council – No comments received to date

The Council's Highway Development Team– No objections subject to details of the means of access to be submitted via condition and that the parking and turning layout be implemented prior to occupation. Vision splays are also required at the point of access;

Dwr Cymru/Welsh Water – No objection subject to standard drainage conditions;

The Council's Ecology Officer – No comments received to date;

Cowbridge Ward Members – Cllr Parker and Cllr Cox raised the issue of the felling of trees and excavation works prior to any determination of the application and the concerns of neighbours. Application called to Committee by Cllr Parker;

The Council's Highways and Engineering (Drainage Section) – No objections subject to a condition requiring full drainage details;

REPRESENTATIONS

The neighbouring properties were consulted on 10 November 2015. A site notice was also displayed on 11 November 2015. There have been 11 objections received to date, citing reasons such as:

- Removal of the line of trees, prior to determination of the application and contrary to the submitted Tree Report;
- Loss of ecological habitat
- Increase in flood risk
- Proposed wall would cause highway safety issues due to loss of visibility
- Size of garage would be disproportionate to existing garage at Springfield
- Stone wall proposed, replacing the tree line, is not characteristic of area
- Garage would block view of a neighbour to see their front gates, causing a security concern
- Overlooking impact from new development
- Increased traffic in village
- Overdevelopment of the site
- Proposed garage in close proximity to neighbouring houses

Please see Appendix A for copies of two of the objections 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:

ENV27	(DESIGN OF NEW DEVELOPMENTS)
HOUS2	(ADDITIONAL RESIDENTIAL DEVELOPMENT)
HOUS8	(RESIDENTIAL DEVELOPMENT CRITERIA)
HOUS11	(RESIDENTIAL PRIVACY AND SPACE)

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 8, 2016) 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 8, 2016) (PPW) is of relevance to the determination of this application.

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

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

Technical Advice Notes

Technical Advice Note 12 (Design)

Supplementary Planning Guidance

Supplementary Planning Guidance 'Amenity Standards'

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 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 on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (edition 8 2016) is noted. It states as follows:

*2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications 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 delivers 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 3.1.2).*

Issues

Principle of Development

This application follows approval 2013/00955/FUL for a new dwelling on roughly the same site as existing. This site is within the settlement boundary of Graig Penllyn and therefore Policy HOUS 2 (Additional residential development) allows for residential development, subject to being in accordance with the criteria of Policy HOUS 8 (Residential Development Criteria).

The plot is within the settlement and would be considered a form of infill development. As there is a settlement boundary for Graig Penllyn then it is acknowledged that this village can sustain further infill development such as that proposed.

Whilst there is no objection to the principle of a new dwelling in this location, there are various other issues that need to be considered with this application. These are assessed below.

Design and Scale of Proposed Dwelling

The dwelling is much the same as that approved in 2013. The proposals consist of a single 'L' shaped house, which would be adjacent to the new boundary that would separate the plot with the existing dwelling, Springfield. The dwelling would have a smaller footprint than Springfield, with three bedrooms indicated to the first floor. The dwelling does not appear over-scaled for the plot and has a comparable size to other dwellings in the locality.

The dwelling is to be largely rendered, with a slate hipped roof. This would be in keeping with the host dwelling Springfield. There is a mix of dwelling styles in the area, and the proposed dwelling would not be incongruous within this mix. The design and appearance of the house is considered acceptable, with suitable materials indicated.

Also proposed with this application is a double garage set in the southern corner of the site. The proposed garage is of a simple and traditional appearance that would be in keeping with the proposed house. The garage is single storey, with a height of approximately 5m to the ridge and 2.3m to the eaves. It would be in a prominent location adjacent to the highway and would be visible over the proposed 1.8m high boundary wall. However, it is not considered that the proposed garage would result in any significant adverse impact to the character of the area and would not result in an overdevelopment of the site, with sufficient amounts of amenity space remaining (see 'Amenity Space' section below).

The garage as proposed was not included with the 2013 application, though it is considered that the proposed scale, position and design of the garage is nevertheless acceptable.

The proposed 1.8m wall would replace the felled trees to the boundary with the highway. The wall would provide some privacy for the occupants of the proposed house, following the felling of the boundary trees. It is also noted that there are other front boundary stone walls in the area and so the wall as proposed would not be uncharacteristic of this part of the village. However, full details of the stone wall should be required via condition.

It is acknowledged that the felling of many of the trees at the site has led to significant local concern, though these trees were not protected under either Conservation Area status or Tree Preservation Orders and therefore their retention could not have been secured. The 2013 application indicated the trees were to remain, though it is clear that the applicant does not intend to implement this previous application and is seeking for a new revised scheme to include the garage and boundary wall.

Overall, the scale and design of the proposed development for this site is considered acceptable and would not overdevelop the site.

Parking and Access

The proposed dwelling would have its own independent access from the adjacent highway. The access appears to be of a suitable width, with the grass verge adjacent to the highway allowing for sufficient visibility for vehicles exiting the site.

The proposed garage would accommodate two vehicles with further parking available within the proposed plot layout, which satisfies the Council's approved Parking Guidelines. It is considered that there is sufficient available space for turning of vehicles so they can exit in a forward gear. The Highway Authority have not raised an objection to the application but recommend conditions.

The proposed wall and garage is not anticipated to have any significant impact to the vision of vehicles when exiting Bramblewood, especially considering the thick line of trees that until recently were located in this same location.

Amenity Space Provision

Section 5.5 of the Supplementary Planning Guidance 'Amenity Standards' requires that there should be 1sqm of usable amenity space for every 1sqm of internal floorspace of the dwelling. The guidance also requires that at least some part of the garden should be relatively private and that 70% should be to the rear of the property.

In this circumstance the garden would be to the south of the proposed dwelling, which would effectively be the rear. There is sufficient amount of amenity space for any future occupants of the proposed house. It is recognised that the garage and driveway has resulted in a loss of some proposed lawn garden area from the previous approved application, though there remains sufficient space around the proposed dwelling to provide for sufficient amenity space for future occupants.

The development would result in the loss of a large proportion of the garden for Springfield, though this property would still have garden space remaining, and calculations indicate that there would be sufficient amenity space, based on the Supplementary Planning Guidance requirements, though in any case the site is adjacent to playing fields that would supplement any remaining private space.

A previous 2004 application for a new dwelling on this site was partially refused due to the lack of privacy for future occupants due to overlooking from Bramblewood, which is a neighbouring dwelling on a higher level than Springfield and adjacent to its garden. The concern with application 2004/00104/OUT was that the relationship between the site and Bramblewood would result in a harmful impact to the privacy and the amenities of future occupants of the proposed development.

Whilst this issue has been noted, it appears that over the previous years there has been some growth of vegetation along the boundary between Bramblewood and Springfield House. At the time of the site visit there was some tree and hedge cover that would help provide screening of views between Bramblewood and the part of the site that would be the main amenity area of the proposed dwelling. However, it is considered that further landscaping work could mitigate any overlooking impact and enhance the privacy of the amenity space to an acceptable level. It is therefore considered that based on the current situation a condition requiring landscaping to strengthen the boundary with Bramblewood would in time be an effective solution to safeguarding some privacy for future occupants. Nevertheless, the future occupiers would be aware of this issue before purchasing/occupying the property and to some extent this is a matter of personal judgement.

It is noted that the trees and hedges along the boundary with the highway have been felled. However, at the time of the site visit the vegetation between the site and Bramblewood remained. As such, tree protection fencing for the remaining trees, especially those along the boundary with Bramblewood, should be required, as per the recommendations of the submitted tree survey. This tree protection and further landscaping along this boundary would also help screen views up from the garden area towards Bramblewood and lessen any visual impact of the proposed house when viewed from this adjacent neighbouring property.

Impact to neighbour amenities

The closest neighbouring property is Bramblewood to the west of the application site. That dwelling is a two storey property which is situated in an elevated position above the application site such that it overlooks that property. Accordingly, the outlook of Bramblewood will be altered by building a new dwelling in an area that is currently laid out as garden but that does not necessarily render the development unneighbourly.

As stated with the 2013 application, due to their proximity and physical relationship and siting the two storey house proposed in this location could have potential adverse impacts on the amenities of Bramblewood and its occupiers. It is recognised that the ground level of Bramblewood is at approximately the first floor cill level of the proposed new dwelling. To mitigate any potential overlooking the plans show only one first floor window in the elevation that faces towards Bramblewood, which serves a bathroom and would have obscure glazing. Conditions are recommended to ensure that no further windows are added to this elevation and that the window remains obscure glazed, which should suitably mitigate any potential overlooking impact. The proposed dwelling, being set at a lower level some metres from Bramblewood, would not have an overbearing impact upon that neighbouring property.

Overall, the levels differences and use of planning conditions should ensure that there would be no significant impact to the amenities of Bramblewood, which would be further mitigated by enhanced landscaping to this boundary.

Furthermore, the proposed dwelling should have no significant impact to the amenities of the existing dwelling Springfield, with no windows in the elevation adjacent to this new boundary. The new dwelling would have no significant overshadowing impact on Springfield, which has larger areas of garden set away from the new boundary with the proposed dwelling.

Due to the separation distances involved and the physical separation by the road, the proposed house would have no significant impact on the residential amenity of the other adjacent neighbouring dwellings to the site.

The proposed garage is not in a position that is in close proximity to another dwelling and is not anticipated to result in any direct impact on neighbours amenities. The garage is single storey in height and would not have an overshadowing or overbearing impact on neighbour amenities.

The neighbour at Bramblewood has also objected on the grounds that the proposed garage and wall would obscure views of their gated entrance, leading to security concerns. However, it is not considered reasonable to resist development at a property so that a neighbour can have views to another part of their property. The security issue could be addressed with other means and as such this is not considered reason to refuse the application.

CONCLUSION

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

Having regard to Policies ENV27 (Design of New Developments), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), HOUS11 (Residential Privacy and Space) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's approved supplementary planning guidance 'Amenity Standards' and 'Parking Standards', it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: DP 310 A, DP100, DP110, DP300A, DP350, Design and Access Statement, and DP101;

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the scale of development to ensure an acceptable level of amenity space is retained and the development does not adversely affect the amenities of adjoining occupiers and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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) 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 scale of development to ensure an acceptable level of amenity space is retained, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

6. The window in the first floor west elevation, serving the 'Ensuite' shall be glazed using obscured glass to a minimum of level 3 of the 'Pilkington' scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of dwelling and shall thereafter be so maintained at all times, unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

7. The access, parking provision and turning space shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

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

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

Reason:

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

9. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The landscaping scheme shall include the strengthening of the vegetation at the boundary with Bramblewood to the west through additional landscaping to provide some screening.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure the satisfactory development of the site and that adequate off-street parking provision and garaging facilities are retained and in accordance with policies TRAN 10 and ENV 27 of the Vale of Glamorgan Unitary Development Plan.

13. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished floor levels of the dwelling, in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

14. Notwithstanding the submitted details, a sample panel of the proposed stonework and mortar detailing for the 1.8m front boundary wall hereby approved shall be made available to view for approval by the Local Planning Authority. The wall shall thereafter be constructed in accordance with the approved materials and detailing.

Reason:

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

NOTE:

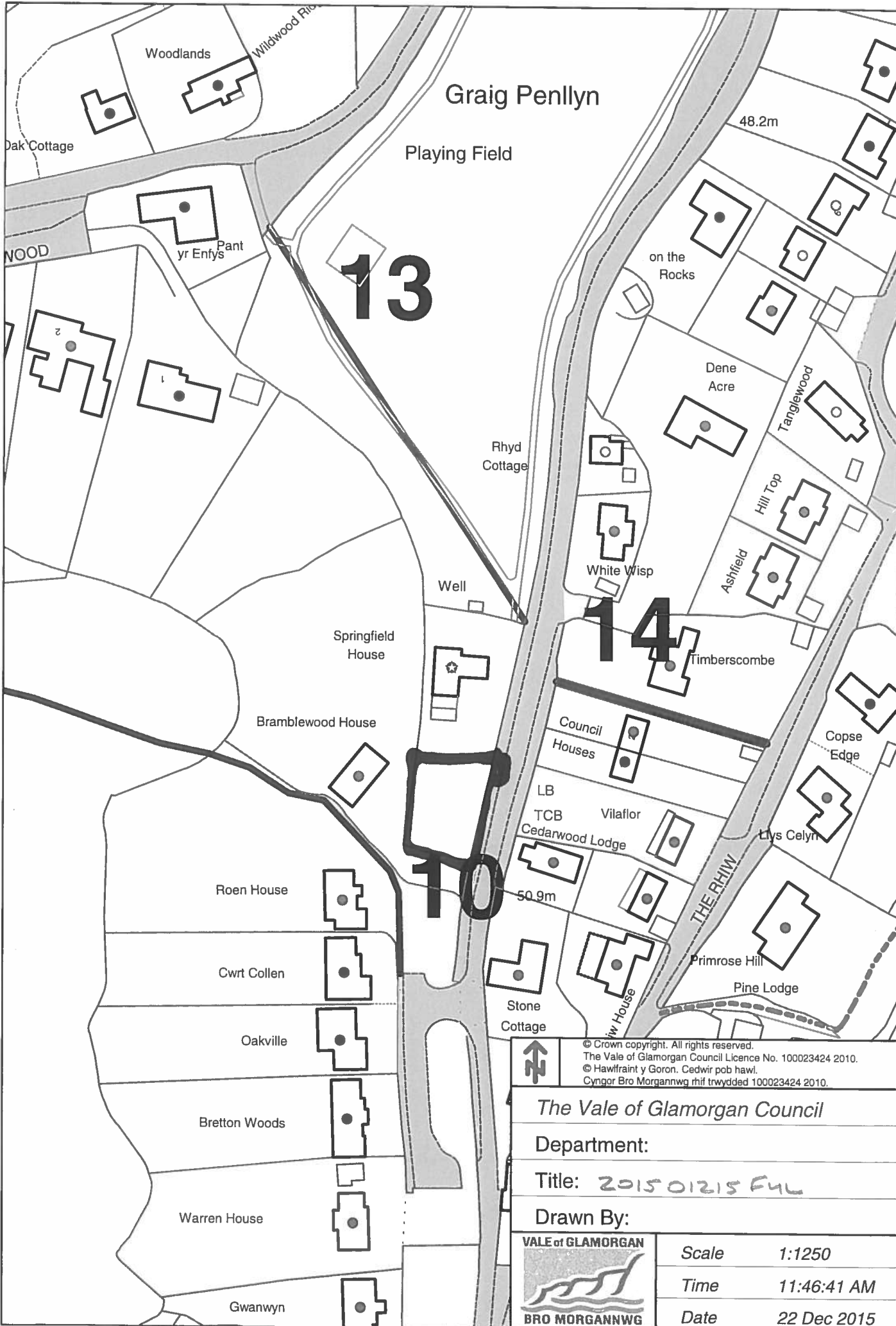
1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **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.




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The Vale of Glamorgan Council	
Department:	
Title: 201501215 FUL	
Drawn By:	
	Scale 1:1250
	Time 11:46:41 AM
	Date 22 Dec 2015

Appendix A
2015/01215/FUL

FAO : Steven Rennie, Planning, Vale of Glamorgan Council

FROM: Steven and Annette Wyndham, Cedarwood Lodge, Graig Penllyn, CF71 7RT

DATE: 20/11/2015

RE: Application Number 2015/01215/FUL/SR2 (Springfield, Craig Penllyn)

Please accept our objection to the above planning application.

Before outlining the reasons for our objections we understand that this current development supersedes a previous application that was passed (ref 2013/00955/FUL) which we would have objected to at the time, however we received no letter notifying of this original application and nor was, in our opinion, an on-street notice placed in a clearly visible position. This meant that we were unaware of the previous application and could not therefore communicate our objections. We have already contacted the planning department to convey our concerns regarding this as we feel that due process had not been followed in regard to this previous application particularly as recent discussions with a neighbour (who was also meant to receive a letter) confirmed that they too did not receive the letter notifying them of this planning application.

We however strongly oppose this latest application on the following grounds:

1. **Detrimental impact on the character of the village:** we understand that a 1.8 metre high stone wall is planned to be built along the roadside, being the entire length of the property. This will be directly facing us and will have a detrimental visual impact from our property and to the village generally. The proposed garage also will be an eyesore as our lounge windows are directly opposite and therefore will be directly facing it. Previously this area was surrounded with mature trees and hedgegrowth (which greatly enhanced the area as well, provided screening and was a habitat for local wildlife (eg birds nested in the trees)) but these have now been removed even though this is subject to a planning request that has not been agreed by the Council. We feel that the wall and garage is totally out of keeping with the character with the village – there are no other large walls of this type and magnitude in the vicinity.
2. **Increased risk of flooding:** we understand that an additional driveway and wall is to built over/alongside a culvert ditch. This area has flooded several times over the last 5 or so years (since we have lived in the village) and water pools directly outside Springfield as the ditch overflows, due to this water runs down to the lower end of the village and pools meaning that on occasions the road through becomes inaccessible. We have some photo evidence of this. We believe that the risk of flooding will increase as the trees and other greenery have been removed, which sap up water, and the proposed wall and additional driveway will reduce the capacity of the culvert ditch. We also worry about the foundations of the wall being compromised by the flood water causing possible collapse. In addition the flooding is a particular hazard in the winter as it can freeze causing hazardous driving and walking conditions. The additional hard landscaping planned to be undertaken in connection with this property will only serve to increase these risks.

3. **Adverse effect on our privacy:** we also have two major concerns relating to our own privacy in respect of this application:
- a. **Removal of the trees:** this has a severe detrimental impact on us in respect of our privacy. The cutting down of all of the trees and hedging (which we understood was to remain in the initial planning application but which has been clearly flouted) means that we are directly looking out to the garage and the proposed dwelling – the front of the proposed house will now be literally across the lane from us with no screening whatsoever. In addition the removal of the trees now means that we are also directly facing Bramblewood House and Springfield (as well as other neighbours) which adversely impacts upon our privacy and that of our neighbours.
 - b. **Increased glazing :** the revised application includes significantly increased glazing on the south elevation of the property (ie the area of the house facing us) as it includes proposals for two sets of French windows and a window on the upper floor and two sets of large bi-fold doors at ground floor level. This greatly compromises our privacy – which has already hugely deteriorated owing to the removal of the trees which provided at least some screening. We also note that the revised planning application has entirely removed the glazing on the north elevation (ie the side facing Springfield who are selling the plot to the applicant) meaning that the glazing within the property would be totally unbalanced to our detriment, therefore if the applicant feels that they need more light in the property they should simply should reinstate the windows on the north elevation.
4. **Increased traffic and pedestrian hazards:** we note that this proposed application now includes an additional driveway. This is already a busy segment of road as cars park on the road opposite (note also that is the only on street parking in the vicinity) and as there are also proposed football games in the adjacent playing fields this is well used parking space that will be subject to increasing use. We feel that an additional driveway will overcrowd this area as well as pose a vehicle and pedestrian hazard – especially given it being so near the playing fields.
5. **The proposed detached garaged is in very close proximity to our property:** the new application includes a detached garage and this is in our view a significant amendment from the previous application that was granted on the site whereby the garage was integrated into the dwelling. This proposed garage will be located directly in front of our property (less than 4 metres away from our house) and will be massively detrimental to our view as we will in essence be facing a stone wall. We are also very concerned regarding the possibility of the garage being used for other purposes (eg for dwelling purposes or as an office) in view of its size as it is disproportionately large in comparison with the size of the dwelling and also its design (ie high pitched roof) lends itself to easy conversion of use. The distance of the garage from the house also appears impractical which again leads us to doubt the exact purposes of the structure. These concerns are further heightened as we question the integrity of the developer based on our

experience to date – for instance removing all of the trees prior to planning approval and the hostile manner of the workers employed on the site to date.

6. **Over development of the site:** we live in a rural area but unfortunately the building of this house will mean 4 large dwellings in close proximity with the privacy of each very much compromised. We feel that the original application overdevelops the site and now this additional and extensive stone wall and double garage will only serve to further overdevelop and blight the area.

Overall this revised application is a significant change to the one previously granted and given its adverse impact on neighbouring properties and the overall character of the village I hope that each of these factors will be closely considered in assessing this application. I will also encourage you to make a site visit so that you can see the detrimental impact these proposals will have on the area in the vicinity of this development.

Yours sincerely

Steven and Annette Wyndham



Tree Felling and Commencement of Works Under 2013/00955/FUL or 2015/01215/FUL at Springfield, Craig Penllyne, CF71 7RU

Nov 15 2015

I write to express my clients' serious concerns in relation to unauthorised works at Springfield, Graig Penllyne, CF71 7RU. The amenity of my clients' property at Bramblewood has already been adversely affected due to the tree felling and my clients are concerned that unless the Council takes action – all the trees surrounding the site could be felled.



The background is that the Council granted planning consent under application 2013/00955/FUL for a dwelling in the garden of Springfield. An examination of the case officer's report, the consent and conditions 12 and 14 clearly show that the trees surrounding the site were due to be retained. It is particularly clear from the case officer's report that the approval for the new dwelling was conditional on the tree screen surrounding the site. Retaining the trees was vital for compliance with ENV 27 of the UDP.

However large portions of the tree screen have been totally cut down over the weekend in defiance of the 2013 consent. Large portions of the tree screen fronting the highway in front of the proposed development site has been totally obliterated as can be seen from the images below. As the work has been undertaken largely over the weekend I have been unable to visit the site but the images below will be clear proof of the operations.

Pre Existing Image of Street Scene



Street View After Weekend of Tree Felling





My client is aware of the very recent submission of a new application for a dwelling and detached garage on the site under 2015/01215/FUL. However the Design and Access Statement and Cardiff Treescapes Tree Protection Report recommends the retention of the majority of the front landscaping. For example the Cardiff Treescapes Report' conclusions state

'It is our opinion a development within the garden area of this property will not result in any significant tree loss. The development proposal plan (DP 110 2267 04/09/2013) supplied by Jonathan N Williams of the Robertson Francis Partnership indicates the development foot print which would necessitate the removal of some shrubs and one C category tree. The proposed access driveway to the site will necessitate the removal of part of tree group T1, Leyland Cypress. Other trees that have been highlighted as requiring removal are either in poor health (T 7 & T8 Elms) or are considered to be unsuitable for the location (T6 Ash).

- *Screening to the site can largely be maintained although part of group 1 (Leyland Cypress) will need to be removed to allow the construction of the access driveway*

However the images of the total removal of the treed front screening is out of accord with the 'supposed' agreed vision and approval for the site as approved in 2013 and cannot be claimed to be part vision (as listed by the DAS and Tree Protection Report) for the current 2015 application. An examination of the images contained in the 2015 DAS clearly shows the pre-existing situation where soft landscaping screens the site and my client's property at Bramblewood from the main road.



The removal of the landscaping totally changes the character and appearance of the local area. Under Site Conditions 2.2 of Cardiff Treescapes recent report the consultants comment:

‘There are no individual trees of any great arboricultural or amenity merit on the site although the surrounding hedgerow groups provide screening cover, habitat and access corridors for wildlife. Overall the area is perceived as rural with interconnected hedgerows and low density housing.’

However the removal of the tree screen removes the opportunity for the Council to retain the existing mature screen. We urgently request that the Council enforces the retention of the remaining landscaping surrounding the site and forces the applicant or owner to replant soft landscaping around the site.

My client understands that the applicant or owner is hopeful of building a 1.8m stone wall along the highway. Destroying the soft landscaping scheme to implement such a high wall appears very optimistic and potentially risky without any consent. A wall of that height adjacent to a highway obviously demands planning approval and as is clear from any site visit - a 1.8 high stone wall alongside the highway is not characteristic of the street scene in the village.

Not only would a 1.8m high stone wall be out of keeping with the character and appearance of the area but would along with the detached garage – reduce visibility for my clients as they seek to leave the exit from Bramblewood in a safe manner.

The garage would also remove our ability to monitor access at the front gates and affect our community safety.

This objection has been assembled quickly in order that the Council is advised of the situation and acts asap. We reserve the right to comment in more detail once we have had time to examine the proposal more fully.

My clients are looking to the Council’s arboricultural, enforcement and case officer to act immediately In order to safeguard the amenity of the area and to ensure that any remaining landscaping remains intact to allow the Council to have the opportunity to examine the 2015 application appropriately.

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