

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 May 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:

2016/0115/BN	A	60, Wordsworth Avenue, Penarth	Demolition of 6m rear wall of property and insertion of steel beam between ground floor from kitchen and rear annex
2016/0331/BR	AC	12, Colhugh Park, Llantwit Major	single storey kitchen extension, porch and conversion of garage to habitable room
2016/0332/BR	AC	Ty Ysgol, Maendy, Cowbridge	Part removal of load-bearing ground floor wall and insertion of steel beam
2016/0334/BN	A	29, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0335/BN	A	31, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0336/BN	A	33, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0337/BN	A	36, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0338/BN	A	37, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0339/BN	A	43, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0340/BN	A	38, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0341/BN	A	47, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0344/BN	A	50, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0345/BN	A	51, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0346/BN	A	57, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0347/BN	A	59, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0348/BN	A	68, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0349/BN	A	72, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0351/BN	A	73, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0353/BN	A	78, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0354/BN	A	79, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0355/BN	A	94, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0360/BN	A	12, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0361/BN	A	38, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0362/BN	A	39, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0363/BN	A	Ivy Cottage, Penylan, Cowbridge.	Removal of solid floor underneath kitchen/dining room area due to impact of domestic heating oil from failed oil line.
2016/0364/BN	A	Waterton Lodge, Colwinston	front porch, demolition of existing rear conservatory and erection of new conservatory
2016/0365/BN	A	22, Queens Road, Penarth	renew annex roof structure, to include new trusses, insulation and roof ventilation
2016/0366/BN	A	Trengale, Piccadilly, Llanblethian.	Removal of two load bearing internal walls
2016/0367/BN	A	1, Heol y Nant, Llandow	Knock through to widen opening to external wall to fit new doors.
2016/0368/BN	A	82, Winston Road, Barry	Renew Roof
2016/0369/BN	A	41, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0370/BN	A	45, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0371/BN	A	49, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0372/BN	A	24, Hinchsliff Avenue, Barry	Re-Roof
2016/0373/BN	A	50, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0374/BN	A	53, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0375/BN	A	64, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0378/BN	A	45, Victoria Road, Barry	Single Storey Kitchen Extension and conversion of attic space to form Bedroom and En suite Shower room.
2016/0380/BN	A	9, Bradenham Place, Penarth	Removal and installation of new floor joists Between separate dwelling, upgrade fire and acoustic element.
2016/0381/BN	A	68, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0382/BN	A	70, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0383/BN	A	71, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0384/BN	A	73, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0385/BN	A	77, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0386/BN	A	91, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0387/BN	A	99, Tennyson Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0390/BN	A	5, Willow Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0391/BN	A	7, Willow Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0392/BN	A	15, Willow Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0393/BN	A	24, Willow Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0394/BN	A	28, Willow Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0396/BN	A	12, Cae Gwyn, Penarth	Single storey extension wrap around to add extra living space and utility room.
2016/0397/BN	A	3, Cefn Mount, Dinas Powys	Installation of wood burning stove & pre-fabricated metal insulated flue system up through 1st floor bathroom

2016/0398/BN	A	5, Glyndwr Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0400/BN	A	7, Glyndwr Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0401/BN	A	21, Glyndwr Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0402/BN	A	12, Elfed Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0403/BN	A	15, Elfed Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0404/BN	A	18, Elfed Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0405/BN	A	20, Elfed Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0406/BN	A	22, Elfed Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0407/BN	A	30, Elfed Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0408/BN	A	53, Elfed Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0409/BN	A	7, Castle Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0410/BN	A	40, Castle Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0411/BN	A	51, Castle Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0412/BN	A	60, Castle Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0413/BN	A	61, Castle Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0414/BN	A	68, Castle Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0416/BN	A	2, Kipling Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0417/BN	A	3, Kipling Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes



2016/0418/BN	A	4, Kipling Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0419/BN	A	11, Kipling Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0420/BN	A	56, Queens Road, Penarth	single storey rear extension to include roof terrace with timber balustrading
2016/0421/BN	A	13, Kipling Close, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0422/BN	A	75, Llanmaes Road, Llantwit Major	loft conversion - including a dormer - to a semi-detached bungalow
2016/0424/BN	A	3, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0425/BN	A	5, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0426/BN	A	9, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0427/BN	A	16, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0428/BN	A	19, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0429/BN	A	23, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0430/BN	A	35, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0431/BN	A	38, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0432/BN	A	39, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0433/BN	A	40, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0434/BN	A	41, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0435/BN	A	57, Masefield Road, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0437/BN	A	2, Castlewood Cottages, Highwalls Road, Dinas Powys	Flat roof currently on rear first floor extension to be replaced with a pitched roof. Existing tile hanging to same extension to be replaced with a render finish.
2016/0438/BN	A	27, Lewis Road, Llandough	Installation of steel beam & minor alterations
2016/0440/BN	A	29, St Mary's Avenue, Barry	Removing chimney wall between kitchen & dining room and removal of side wall.
2016/0449/BN	A	Sunnybank, Cross Common Road, Dinas Powys	two rooms into one with installation of steel beams
2016/0451/BN	A	24, Seaview Place, Llantwit Major	Internal alterations
2016/0453/BN	A	6, Clos y Fulfran, Barry	garage conversion
2016/0454/BN	A	104, Cornerswell Road, Penarth	Demolition of two single storey flat roofed extensions and erection of new single storey extension on approximately the same footprint as previous
2016/0455/BN	A	85, Murlande Way, Rhoose	single storey rear extension
2016/0461/BN	A	47, Nant Talwg Way , Barry	single storey extension
2016/0463/BN	A	29, Southey Street, Barry	Knock kitchen and dining room into one. Block up doorway. Remove wall under stairs. Remove chimney breast to dining area. Internal works.

(b) Building Regulation Applications - Reject

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

None

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

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

2016/0035/AI	A	Old Mill, Old Mill Road, Dinas Powys	Single storey ground floor extension
2016/0036/AI	A	86, High Street, Barry	Structural alterations with associated works
2016/0037/AI	A	124, Lavernock Road, Penarth	single storey rear extension to provide annex accommodation
2016/0038/AI	A	25b, Archer Road, Penarth	single storey side infill extension
2016/0039/AI	R	Waterton Lodge, Colwinston, Cowbridge	Single storey orangery extension, new entrance porch and associated works.
2016/0040/AI	A	The Old Post Office, St. Brides Super Ely	Part Two Storey, Part Single Storey Extension, Internal Alterations & Associated Works
2016/0041/AI	A	133, Holton Road, Barry	Re-fit and new shop front
2016/0042/AI	A	26, Heol Fioled, Barry	Two storey side extension, works to include material alterations to structure, controlled services, fittings & thermal elements (as amended)
2016/0043/AI	A	7, Geraints Way, Cowbridge	single storey front extension with W.C.facility
2016/0044/AI	A	Fern Hill, Michaelston Le Pit	Detached garage and home office building
2016/0046/AI	A	41, Cog Road, Sully	Proposed single storey rear extension to dwelling (works to include material alterations to structure, controlled

			services, fittings and thermal elements)
2016/0047/AI	A	68, Broad Street, Barry	Renovation of thermal element (replacement main roof covering to rear elevation), works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0048/AI	A	8, Caer Ty Clwyd, Llantwit Major	Single storey rear extension
2016/0049/AI	A	96, Broadway, Llanblethian	Single storey rear extension & 1st floor rear extension over existing
2016/0050/AI	A	32a, Smithies Avenue, Sully	Alterations & extensions to existing dwelling and associated works
2016/0051/AI	R	14, Clinton Road, Penarth	Double extension to rear including basement, single storey side extension, alterations to attic, attached garage, internal alterations and associated works
2016/0052/AI	A	12, Paget Place, Penarth	Loft conversion
2016/0053/AI	A	Co-op, 1, Colcot Road, Barry	Internal alterations and refurbishment of retail unit
2016/0054/AI	A	12, Cwrt y Vil Road, Penarth	Single storey extension, internal alterations and associated works
2016/0055/AI	A	17, Plymouth Road, Penarth	Internal alts and rear extension to form dwelling

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 12 May 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

2015/01018/LBC	A	Tudor Tavern, Church Street, Llantwit Major	Add new air conditioning heat pump system with new indoor wall units and external condensers
2015/01442/FUL	A	The Coach House, Beach Lane, Penarth	To install a non opening window in the side elevation of dwelling
2015/01493/FUL	A	39, Plymouth Road, Penarth	Demolition of existing single storey lean-to and flat roof conservatory. Construction of single storey kitchen, living and utility room extension, together with replacement timber windows to front and side elevations

2015/01500/OUT	R	Land rear of 6, Salmons Wood, Graig Penllyn	Erection of two dwellings including access and parking
2016/00021/HH	A	35, Westward Rise, Barry	High hedge
2016/00022/FUL	A	Beeches, 317, Barry Road, Barry	Conversion of 15 bed nursing home to two residential properties
2016/00029/FUL	R	Ty Hensol, Hensol, Pontyclun	Stables in paddock
2016/00030/FUL	R	Land at The Lawns, Cwrt yr Ala, Michaelston le Pit	An agricultural building for the housing of cattle
2016/00045/FUL	A	The Business People Wales Ltd., 12-14, Holton Road, Barry	Replacement windows, installation of new window cills, new render, replacement security shutters, general refurbishment
2016/00046/ADV	A	12-14, Holton Road, Barry	Non illuminated shop fascia sign
2016/00048/FUL	A	Land at rear of 57/59, Station Street, Barry	Retention of vehicle parking area
2016/00050/FUL	A	45, Dinas Road, Penarth	First floor rear extension
2016/00052/LAW	A	Bryn Celyn, 83, Cog Road, Sully	Rear extension
2016/00056/FUL	A	86, Westward Rise, Barry	Construction of a small garden room / studio
2016/00064/FUL	A	45, Fontygary Road, Rhoose	Single storey extension to rear of the property, dormer attic conversion. Removal of existing prefabricated garage and construction of new
2016/00072/FUL	A	Your Space Living, 3a, Commercial Street, Llantwit Major	Revised shopfront design to approved 2014/00039/FUL

2016/00076/FUL	A	23, Heol Ger-Y-Felin, Llantwit Major	Proposed demolition of existing conservatory, construction of single storey rear extension and two storey side extension
2016/00077/FUL	A	7, Southey Street, Barry	Build a new single storey rear extension to accommodate a new kitchen, sun room and shower room
2016/00083/FUL	A	24, Fontygary Road, Rhoose	Side Garage Extension
2016/00085/FUL	A	62, Queens Road, Penarth	Two storey rear extension plus associated works
2016/00093/FUL	A	Faraway, Highlight Lane, Barry	Removal of existing hedge and proposed construction of a new boundary wall
2016/00099/FUL	A	Parc Wern, 6, Romilly Park Road, Barry	Permission to retain ground floor rear extension as constructed
2016/00105/LAW	A	36, Plymouth Road, Barry	Single storey side extension
2016/00106/PNT	A	Land located at Atlantic Gate Industrial Estate, Barry	Erection of new telecommunications tower
2016/00108/RG3	A	91, Salisbury Road, Barry	Removal and replacement of external cladding
2016/00110/LAW	A	14, Countess Place, Penarth	Loft extension to existing two storey semi detached house
2016/00111/LAW	A	12, Kenson Close, Rhoose	New rear dormer
2016/00114/FUL	A	Tir Abad, Dimlands Road, Llantwit Major	Alterations and extension to existing dwelling, two storeys and single storey



2016/00117/FUL	A	Plot 100, Sutton Chase, Off Somerset View, Ogmore By Sea	Proposed alteration of approved dwelling to include rear conservatory extension
2016/00118/FUL	A	Pen Onn House, Llancarfan	Loft conversion
2016/00124/FUL	A	KFC, Heol Ceiniog, Barry	Bin store and minor alterations
2016/00126/ADV	A	Tourist Information Centre, The Promenade, Paget Road, Barry	4 no. fascia signage
2016/00131/FUL	A	Kyneton, Southerndown Road, St Bride's Major	Proposed demolition of existing single storey flat roof extension, to provide new single storey pitched roof extension
2016/00132/FUL	A	97, Main Street, Barry	New shop front, fascia, shop sign, external security shutter with shutter housing behind fascia
2016/00133/FUL	A	268, Holton Road, Barry	Proposed alterations to front elevation at ground floor level
2016/00134/FUL	A	75, Main Street, Barry	Proposed alterations to front elevation at ground floor level
2016/00138/FUL	R	8, Francis Road, Barry	Two storey side extension and single storey rear extension
2016/00139/FUL	A	2, Rectory Road, Penarth	Proposed garage and hobby room fronting onto rear lane
2016/00140/FUL	A	Ffaldwen, Bonvilston	Planning application for the erection of an agricultural building and the change of use of a domestic garage to a cider production area

2016/00146/FUL	A	9, Hensol Villas, Hensol	Remove storage buildings on the side; build single storey extension on the side and rear; and two storey extension on the rear
2016/00147/ADV	A	Lloyds Pharmacy, The Broad Shoard, Cowbridge	1 x Externally illuminated set of individual flat cut powder coated stainless steel letters
2016/00150/FUL	A	Westwood, 15 Stanwell Road, Penarth	Utility room extension
2016/00151/FUL	A	108, Fontygary Road, Rhoose	Construction of new sun lounge with first floor verandah
2016/00152/ADV	A	KFC, Heol Ceiniog, Barry	Updated signage
2016/00153/FUL	A	261, Holton Road, Barry	Proposed alterations to front elevation at ground floor level
2016/00154/FUL	A	23, Sea View Drive, Ogmore By Sea	Proposed balcony to frontage of dwelling
2016/00155/FUL	A	22, Le Sor Hill, Peterston Super Ely	Proposed 2 storey extension and erection of gabion wall to rear of property
2016/00167/FUL	A	246, Holton Road, Barry	Proposed alterations at ground floor level, conversion of shop to residential 2 bedroom ground floor flat
2016/00172/FUL	A	Llanvithyn House, Llancarfan	Proposed family room and kitchen extension
2016/00173/LBC	A	Llanvithyn House, Llancarfan	Proposed family room and kitchen extension
2016/00174/FUL	A	142, Fontygary Road, Rhoose	Conversion of existing barn to a dwelling

2016/00175/FUL	A	3, Channel View, Ogmore by Sea	Proposed single storey construction adding 16 square metres of floor area
2016/00179/FUL	A	The Bungalow, 20a, Forrest Road, Penarth	Single storey extension to front new dormers to first floor and rebuild garage
2016/00184/OUT	A	12, Laburnum Way, Penarth	Outline consent for a single detached 3 bedroom dwelling
2016/00185/FUL	A	92, Pontypridd Road, Barry	Single storey rear in-fill extension
2016/00197/FUL	A	6, Archer Road, Penarth	1. Renewal of all eight windows to the front elevation of the property 2. Renewal of the front roof skylight with an approved Article 4 conservation unit
2016/00198/FUL	A	Tresaith, High Meadow, Llantwit Major	Single storey rear extension, extension to existing dormer and single storey flat roof entrance porch extension
2016/00200/FUL	A	The Studio, 34A, Plassey Street, Penarth	Proposed retention of residential use to existing building including alteration works
2016/00212/FUL	A	Awelon, Pen y Turnpike Road, Dinas Powys	Single storey rear extension
2016/00216/FUL	A	5, Nash View, Pentre Meyrick	Part single and part 2 storey rear extension
2016/00217/LAW	A	25, Earl Road, Penarth	Single storey rear extension
2016/00222/LAW	A	53, Westbourne Road, Penarth	Hip to gable loft conversion with dormer on rear with 1 no. UPVC window and 2 no. Velux windows on front roof elevation

2016/00229/FUL	A	87, Cedar Way, Penarth	New single storey and part two storey rear extension to existing dwellinghouse
2016/00235/LBC	A	Natwest, 2, Plymouth Road, Penarth	Replace existing deteriorating flat roof with a new replacement flat roof
2016/00242/FUL	A	14, Brookside, Dinas Powys	Two storey side extension for new lounge and utility room. First floor bedroom and en suite
2016/00248/FUL	A	12, Cae Gwyn, Penarth	Single storey rear and side extension
2016/00249/FUL	A	3, East Walk, Barry	First floor residential extension over existing ground floor roof extension
2016/00275/ADV	A	Opposite 99, Court Road, Barry	One double advertising unit fully integrated into bus shelter
2016/00276/ADV	A	Outside 92, Port Road East, Barry	One double advertising unit fully integrated into bus shelter
2016/00277/ADV	A	Outside 140, Port Road East, Barry	One double advertising unit fully integrated into bus shelter
2016/00280/ADV	A	Opposite Barry Comprehensive School, Port Road West, Barry	One double advertising unit fully integrated into bus shelter
2016/00281/ADV	A	Opposite 82, Port Road East, Barry	One double advertising unit fully integrated into bus shelter
2016/00285/PNA	A	Land between Pop Hill and Cross Common Road, Dinas Powys	Road to provide a dry track during Autumn/Winter months for tractors and trailers. Land to be used for cattle and hay crops

2016/00301/ADV	A	Your Space Living, 3a, Commercial Street, Llantwit Major	Externally illuminated fascia sign and hanging sign
2016/00308/FUL	A	Former 67-79, Dochdwy Road, Llandough, Penarth	Removal of Condition 6 (Stop up highway land) of planning permission ref. 2013/01257/FUL : Renewal of 2007/00751/FUL; 18 self contained residential units over three storeys to replace demolished mix use building.

Agenda Item No.

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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12<sup>th</sup> May, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00817/FUL  
Appeal Method: Hearing  
Appeal Reference No: 16/3145962  
Appellant: Mr. J. Wrenn,  
**Location: The Vineyard, Lavernock Road, Penarth**  
Proposal: Proposed dwelling  
Start Date: 12<sup>th</sup> April 2016

L.P.A. Reference No: 2015/01269/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 16/3146068  
Appellant: Mr Gareth David  
**Location: 31, Lakin Drive, Barry**  
Proposal: Conversion of office (formerly a garage) into a  
Osteopathy Clinic  
Start Date: 1<sup>st</sup> April 2016

L.P.A. Reference No: 2015/01322/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 16/3146694  
Appellant: Mr. Chris Loyn  
**Location: 21, Victoria Road, Penarth**  
Proposal: Proposed new two bed dwelling including  
demolition of existing buildings  
Start Date: 22<sup>nd</sup> April 2016

L.P.A. Reference No: 2015/01357/CAC  
Appeal Method: Written Representations  
Appeal Reference No: E/16/3146695  
Appellant: Mr. Chris Loyn  
**Location: 21, Victoria Road, Penarth**  
Proposal: Proposed new two bed dwelling including  
demolition of existing buildings  
Start Date: 22<sup>nd</sup> April 2016

L.P.A. Reference No: 2015/01071/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 16/3147073  
Appellant: Mr. Brian Williams,  
Location: **Plemont, Cross Common Road, Dinas Powys**  
Proposal: Amendments to planning approval number  
2014/00990/FUL (construction of rear facing loft  
conversion extension)  
Start Date: 20<sup>th</sup> April 2016

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

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(d) Enforcement Appeal Decisions

None

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(e) April 2016 - March 2017 Appeal Statistics

As there have been no appeal decisions in this financial year so far, there are no statistics to report.

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 : 12 May 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

2016/00143/TPO	A	Tesco Stores Ltd., Culverhouse Cross, Cardiff	Renewal of previous application 2014/01273/TPO - T1 Ash - remove 2 lower limbs; T2 Beech - remove 11 small lateral limbs; T3 Ash - crown lift 3 limbs; T4 Beech - remove 2 lower lateral limbs; T5 Oak - reduce from building and crown lift 3 limbs; T6 Willow - remove lower limb and clear lamppost; T7 Hazel - coppice; T8 Willow - remove upper limb; T9 Beech - crown lift
2016/00202/TPO	A	Waitrose, Palmerston Road, Barry	T1 - Alder, remove to ground level
2016/00204/TPO	A	7, Windyridge, Dinas Powys	Reduce crown to Oak tree by 20% and reduce lowest lateral limb to Beech tree (extending south towards 9 Windyridge)



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.

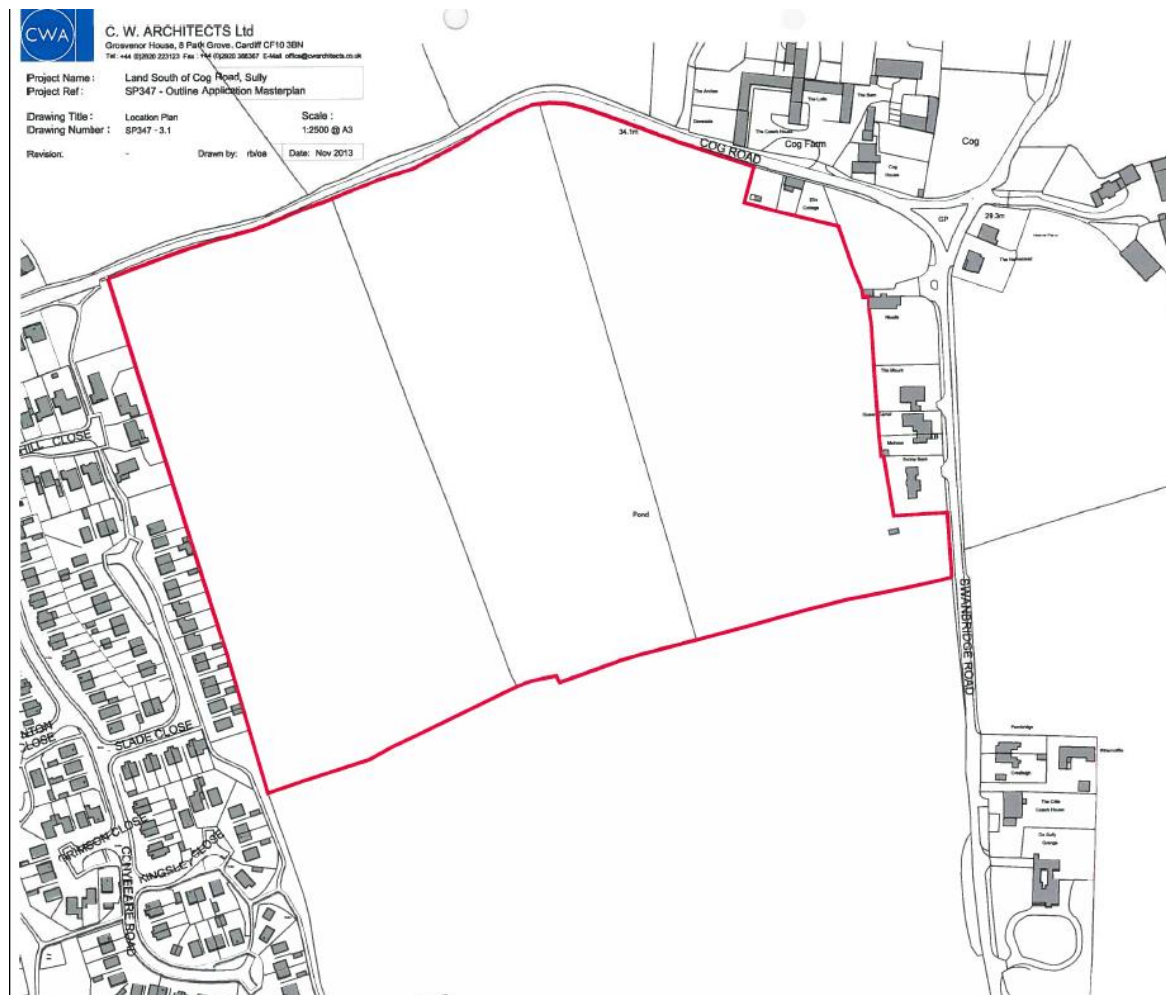
Taylor Wimpey plc  
Mr Paul Williams Savills,, 12, Windsor Place,, Cardiff,, CF10 3BY

## **Land south of Cog Road, Sully**

Residential development with associated access and associated works (max 350 dwellings)

### SITE AND CONTEXT

The application site is land at Cog Road, Sully, and lies adjacent to the north eastern part of the village. The site measures approximately 420m wide x 320m deep and comprises agricultural fields (12.7 hectares in area). It is shown on the site plan below, in the context of the village:



The site is bounded by Cog Road to the north, Swanbridge Road and several existing dwellings to the east, a row of dwellings to the west and further fields to the south. There is a cluster of dwellings and buildings around the north eastern corner of the site, including a number of listed buildings, namely Nicells, the Barn at Home Farm, Cog House, the converted complex of barns and rickstands to the north of Cog Farm.

## DESCRIPTION OF DEVELOPMENT

The application is in outline for up to 350 dwellings, with all matters reserved. Nevertheless, indicative details have been submitted which include access points and a potential layout:



The indicative access points are at the north west corner onto Cog Road and at the south east corner, onto Swanbridge Road. The layout above suggests a principal road through the site with a series of secondary streets off it, however, this is only indicative. The submissions include scale parameters which propose two and two and a half storey houses, of between 4.5m and 15m wide, between 7m and 9m deep and eaves heights of up to 7m, with roof pitches of between 30 degrees and 50 degrees.

The indicative layout shows areas of open space through the site, including an open area/buffer zone around the pond (relatively centrally along the southern half of the site), due to the ecological constraints relating to it (see ecology section below).

The application is accompanied by an Environmental Impact Assessment.

## PLANNING HISTORY

2013/00489/SC1 : Land west of Swanbridge Road, Sully - Residential development - Environmental Impact Assessment (Screening) – EIA Required

## CONSULTATIONS

**Dinas Powys Community Council** - Strong objection on the grounds that it is a green field site, with inadequate infrastructure to serve the development

**Penarth Town Council** - advised that they have comments to make but no detailed comments subsequently followed.

**Sully Community Council** - raised objections in January 2014 and August 2015 and the grounds are summarised as follows:

- The development would adversely affect high quality agricultural land.
- The development is contrary to policy in that the site lies outside of the village and would adversely affect the character of the countryside.
- The site is greenfield and such developments should be on brownfield sites.
- Inadequate road infrastructure.
- Exacerbation of flood risk.
- Pollution of the environment.
- Inadequate drainage facilities in the village and the treatment works is over capacity.
- The development is unsustainable.
- The development would adversely impact upon listed buildings.
- The submitted Environmental Statement is flawed.
- Inadequate pedestrian facilities.
- Absence of an archaeological field evaluation.
- Adverse impact on protected species.

A further letter was received on the 23<sup>rd</sup> February 2016, raising objections in respect of the timing of the application relative to the UDP and LDP, impacts on highway and pedestrian safety, loss of agricultural land, impact on tenant farmers, traffic, quality of public transport facilities, and the impact on the character of the area and the historic hamlet of Cog.

**Highway Development** - have provided advice and comments throughout the application, having considered highway safety and traffic impacts. There is now no objection to the development subject to conditions relating to details of site access points, the carrying out of works to increase capacity at the Cog Road/South Road junction and a financial contribution towards works at the McDonalds roundabout.

**Public Rights of Way Officer** - No objection raised since there are no rights of way within the site.

**The Council's Education Section** - has provided advice in respect of capacity in local schools. They have advised that contributions will be required to mitigate the impacts of the development (see planning obligations section below).

**The Council's Drainage and Flood Risk Engineer** - has considered the drainage strategy and raises no objection subject to conditions. It is considered by the Drainage Engineer that sufficient information has been submitted to enable the Council to determine that an acceptable detailed scheme can be designed, which would appropriately drain the site.

**The Director of Legal and Regulatory Services (Environmental Health)** - has raised no objection subject to a condition relating to a Construction Environmental Management Plan.

**Dwr Cymru Welsh Water** - have raised no objection subject to standard drainage conditions. They have also advised that a Hydraulic Modelling Assessment will need to be carried out in respect of water supply.

**The Council's Ecology Officer** - initially raised an objection due to the inadequacy of the submitted ecology documents. Following the submission of further reports, the ecology officer now raises no objection subject to conditions relating to the submission of a European Protected species licence, an Ecological Design Strategy (including measures for breeding birds) and compliance with the submitted Reptile Mitigation Strategy and Hedgerow Compensation Scheme

**Waste Management** - No representations received.

**Crime Prevention Design Advisor** - Advice is provided in respect of crime prevention.

**The Council's Affordable Housing Enabler** - has raised no objection subject to the necessary proportion of affordable housing being provided.

**Local Ward Members** - Councillor Penrose has requested the application be brought before planning committee.

**Natural Resources Wales (NRW)** - initially raised no objection subject to conditions relating to Great Crested Newt mitigation and monitoring and a clause in a Section 106 agreement relating to management of ecological areas.

Subsequently, further information was received including a Great Crested Newt Mitigation Statement, Hedgerow Compensation Plan and Reptile Mitigation Strategy. NRW maintained the request for conditions in response to this. Following the submission of a further Great Crested Newt Mitigation Statement (summer 2015), NRW amended their advice to require compliance with the submitted document (and clauses in the Section 106 agreement as summarised above).

**Glamorgan Gwent Archaeological Trust (GGAT)** - have responded to advise that there is a long and rich history of human occupation in the area, and that at present there is insufficient knowledge of either the exact nature or full extent of any archaeological resources present. Consequently, they have requested an archaeological evaluation prior to the determination of the application, citing the relevant advice in Planning Policy Wales (para. 6.5.1) and Welsh Office Circular 60/96 (Section 13). There has been on-going discussion with the applicant and GGAT on this issue, however, GGAT have maintained the above stance.

## REPRESENTATIONS

The neighbouring properties were consulted and the application has been advertised on site and in the press. 407 letters of objection have been received and the grounds are summarised as follows:

- Adverse impact on ecology and wildlife, including newts
- Loss of open space and adverse impact on the character of the area
- Additional traffic and road congestion
- Insufficient school places
- Incursion into the countryside
- Unsuitable and unsafe access
- The application is premature pending consideration of the LDP
- The proposal represents development in the countryside
- Exacerbation of flood risk
- Adverse impact on the condition of roads
- Loss of high quality agricultural land
- Inadequate local infrastructure, services and facilities
- Inaccuracies in the submitted documents
- Adverse impact on the historic environment and archaeology
- The site is unsustainable
- The site only has reserve status in the LDP
- Inadequate sewerage infrastructure in the area
- Adverse impact on the setting of local listed buildings
- Insufficient need for this amount of housing
- Poor public transport links
- Adverse impact on highway safety
- Pollution and noise
- Invasion of privacy
- Inadequate drainage facilities
- Adverse impact on health
- Brownfield sites should be prioritised
- Danger to pedestrians and school children
- Road network is inadequate
- Insufficient employment opportunities
- Loss of village character- excessive increase in size
- Damage to crops
- Loss of productive farmland
- Adverse impact on Cog Farm and Home Farm
- Inadequate linkages to nearby settlements
- New dwellings would be overbearing
- Breach of Human Rights
- Emissions
- Health and safety implications if there were an accident at the industrial complex
- Inadequate telephone infrastructure
- Poor water pressure
- Loss of view
- The Council would be disregarding a duty of care to residents if approving the application
- Vibration
- Social exclusion
- Disproportionate extension of the village
- Population growth has been overestimated

- Coalescence of Sully and Cog
- The spine road through the site would be used as a rat run
- No railway links
- Inappropriate location for affordable housing
- Excessive vehicle speeds through the village
- Appeal decisions (submitted) suggest the development should not be approved (relating to 5 year land supply, listed buildings and flooding).
- Unsafe pedestrian access to the site.
- Contradictions between documents and inaccuracies
- Incorrect census data has been used
- The development should be considered in tandem with the sports club application
- Grassland has been categorised incorrectly
- No accident analysis has been undertaken on Swanbridge Road

A sample of 3 objection letters are attached as **Appendix A**.

**Vaughan Gething AM** - has submitted a letter querying the impact on listed buildings, flood management and sewerage infrastructure.

**Eluned Parrott AM** - has submitted three letters objecting on behalf of local residents on grounds relating to the impact on listed buildings, the overdevelopment of the site, the inadequacy of highway infrastructure, traffic impacts, drainage problems, public transport provision, the lack of an archaeological evaluation, prematurity pending the LDP process and environmental/ecological impacts.

**Andrew RT Davies AM** - has submitted a letter raising concerns in respect of the LDP process, public transport, infrastructure, landscape impact, the principle of developing on greenfield sites and the loss of agricultural land.

**Steven Doughty MP** - has raised concerns in respect of traffic and highway safety impacts (referring in particular to the Corun report submitted by objectors) and flood risk.

A sample of 2 of the above representations are attached as **Appendix B**.

## REPORT

### Planning Policies and Guidance

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

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

*Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 – TRANSPORTATION

POLICY 11 - SPORT & RECREATION

*Policy:*

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV2 – AGRICULTURAL LAND

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV28 – ACCESS FOR DISABLED PEOPLE

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY  
HOUS 2 SETTLEMENTS

POLICY HOUS12 - AFFORDABLE HOUSING

POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW  
RESIDENTIAL DEVELOPMENTS

POLICY REC6 – CHILDREN’S PLAYING FACILITIES

REC7 – SPORT AND LEISURE FACILITIES

REC12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

TRAN9 – CYCLING DEVELOPMENT

TRAN10 - PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 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.

6.5.1 The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.

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.

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 (2016)
- 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)
- 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 is currently taking place.

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 Update Report (2014)
- Affordable Housing Delivery Update Paper (2015)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- Affordable Housing Delivery Statement 2009
- Designation of Landscape Character Areas (2013 Update)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)

- Open Space Background Paper (2013)
- Plan Preparation and Assessment of Flood Risk (2015)
- Population and Housing Projections Background Paper (2013)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Transport Assessment of LDP Proposals (2013)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy (2015-2020)
- 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**

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

- The principle of the development having regards to relevant Unitary Development Plan and National policies;
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, development viability, emerging planning policy etc.
- Issue of prematurity given the current stage in preparation of the Vale of Glamorgan Local Development Plan;
- The principle of developing part of the Draft LDP allocation.
- Visual impact of the development within the wider landscape.
- Impact on the character of the village
- Impact on the setting of listed buildings/the historic environment
- Density of the development.
- Design and layout.
- Highways issues, including highway safety, public transport, pedestrian movements.
- Traffic and congestion issues.
- Impact on residential amenity of existing residents.
- Amenity of the future occupiers of the site



- Drainage and flood risk.
- Ecology.
- Archaeology.
- Agricultural land quality.
- Impact of the development on the tenant farm(er)
- Trees and hedgerows
- EIA issues
- Public rights of way issues.
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

### Principle of the Development

#### 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 31<sup>st</sup> March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications.

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 in detail 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 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, it is considered that the scale of the proposed development (up to 350 dwellings) 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. Furthermore, policy HOUS 3 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 in 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 TAN 6 or Policy HOUS 3. Therefore, the proposed residential development is considered contrary to the relevant policies of the UDP.

Given that the principle of the proposed development is considered to be contrary to Policies ENV1, HOUS2 and HOUS 3 for the reasons given above, it is necessary to consider, given the age of this Development Plan, whether there are specific material considerations which should justify any departure from the development plan and outweigh the UDP policy objection.

#### Local Development Plan Context

The Draft Local Development Plan (DLDP, 2013) proposed this application site (and additional land to the south) as a reserve housing allocation. The Draft LDP states:

*The site has been identified as a reserve site that could come forward during the plan period if required. Any future development of the site would be subject to a development brief in order to ensure a comprehensive approach to development and the provision of infrastructure.*

However, the Schedule of Focused and Minor Changes proposes to amend Policy MG2 of the LDP to remove the 'reserve site' designation. The reason for doing so is *to provide certainty on the housing allocation and to ensure sufficient flexibility of the Plan*. Consequently, the site would be allocated under policy MG 2(46), for a total of 500 dwellings.

However, the weight to be attributed to the draft LDP is limited given that it has not been subjected to a completed examination at this stage. With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in 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).*

Consideration should therefore be given to whether the proposals would be premature, considering the site's inclusion as an allocation in the Draft, the potential impacts on the LDP process of allowing the development at this stage, the overall strategy and the provision of housing with the Vale of Glamorgan.

Sully is identified in the Deposit Draft Local Development Plan (DLDP) as a 'Primary Settlement', as part of the settlement hierarchy. The Draft LDP states:

*5.4 Where appropriate, the LDP Strategy will seek to promote new development opportunities in the 'South East Zone'. For the purposes of the LDP, the South East Zone includes the urban settlements of Barry, Dinas Powys, Llandough (Penarth), Penarth and Sully. The South East Zone accommodates the majority of the Vale of Glamorgan's population and benefits from a wide range of services and facilities including a choice of transport links to Cardiff, Bridgend and the wider region. The LDP Strategy seeks to maximise these benefits to facilitate sustainable development and attract new inward investment in these areas.*

*5.17 Notwithstanding St. Athan's strategic role, the primary settlements of Dinas Powys, Llandough (Penarth), Rhoose, Sully, St. Athan and Wenvoe play an important role in meeting housing need and in providing some key local services and facilities. The primary settlements complement the role of the service centre settlements in that they provide for the needs of residents and also cater for the needs of the surrounding wider rural areas. They offer a number of key services and facilities, which are vital to their role as sustainable communities, as they reduce the need to travel to Barry or the service centre settlements for day-to-day*

*needs. These facilities include primary schools, small convenience shops, food and drink outlets, some small scale employment provision and regular public transport. Consequently, these settlements are also capable of accommodating a considerable proportion of additional residential development and have an important role to play in the successful delivery of the Strategy.*

As noted above, Sully 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', is consistent with the DLDP Strategy and would provide for only approximately 3% of the total dwelling growth forecast in the DLDP between 2011-2026, it is considered the proposed development of 350 dwellings, would not 'go to the heart' of the overall LDP strategy. It is also considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have been approved. It is also noted 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. With regard to the latter part of paragraph 2.8.2, while the plan is not at pre-deposit stage, it is still within the examination process and consequently, adoption of the plan remains some time away. Therefore, while the plan is more advanced than pre-deposit and while the proposal represents a relatively large extension of the settlement of Sully, it is considered that a refusal on the grounds of prematurity could not 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.

Consequently, notwithstanding the above and given that 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 now in advance of the adoption of the LDP. This is considered further below with regard to the 5-year Housing Land Supply and the impact this development would have in this regard.

### Housing Need and Supply

Firstly, consideration should be given 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 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. 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 a key change to the revised TAN1 guidance is that the use of JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the current 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.

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 late 2016, but possibly later depending on the examination process. 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 (TAN 1, para 6.2).

In this regard officers will need to keep under review the housing land supply noting that it remains a material consideration (TAN 1, 3.3) in the determination of planning applications, particularly given the emphasis on evidencing a 5 year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a 5 year housing land supply on its adoption, and these are themselves considered to be important material considerations.

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. 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.

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 figure is now less than five years (approximately 3.6 years). 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 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.

Therefore, and given that the current position appears to be less than 5 years, it is considered that this represents a very 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 such as Primrose Hill, referred to above and Weycock Cross.

#### 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 careful 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.

As noted above, the need to maintain this supply will not justify all new applications for residential development, rather this is one of many factors that will dictate whether an additional residential development will be acceptable in this context, 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, and while the LDP itself is of very little weight, that information is relevant to the application and are material considerations that demonstrate why the site has been included 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. Should the Council be unable to demonstrate a five year supply at the time of adoption of the Local Development Plan, that may have significant implications (and weaken the Council's position) should other sites come forward in locations where planning policy would suggest development should otherwise not be approved. Such a situation may also undermine the Council's proposed LDP strategy in terms of where housing should be delivered.

Therefore in light of the significant amount of background information that has led to its inclusion, the current housing supply and need to maintain adequate housing land at all times, and the above assessment in terms of the deliverability of the LDP, it is considered on balance that the development of the land is acceptable in principle and outweighs any conflict with UDP policies.

However, further applications for sites within the Draft LDP will each have to be considered on their merits, 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.

#### The principle of developing part of the site

The Draft LDP states as follows, in respect the allocation:

*Any future development of the site would be subject to a development brief in order to ensure a comprehensive approach to development and the provision of infrastructure.*

A development brief has not been prepared and it is, therefore, necessary to consider whether the approval of part of the allocation would in any way prejudice the development of the remainder, the delivery of the Draft LDP strategy or adversely impact upon infrastructure provision.

The application is accompanied by an illustrative master plan which, while only indicative, shows a layout with access points onto Cog Road and Swanbridge Road, and opportunities for connections through to the southern part of the allocation (outside of this application site). The detail of any layout would be considered at the reserved matters stage, however, it is considered that there is no reason in principle why a layout could not be achieved that makes appropriate provision for an access through to the remainder of the allocation. Therefore in this respect, it is considered that the current application would not prejudice the delivery of the remainder. In terms of access, there is no reason in principle therefore, why a further access point would be required onto Swanbridge Road, since the allocation as a whole can be served by the two points proposed by this application.

Ecology issues are considered in more detail below, however, Natural Resources Wales have confirmed that in principle a road can be achieved through the hedgerow into the southern part of the allocation without adversely impacting upon Great Crested Newts. It is considered that there are no other reasons relating to ecology which would prohibit the effective delivery of the whole allocation with the site being considered in two parts.

In terms of infrastructure, issues relating to Section 106 contributions are considered below, and the Council's Highways and Drainage Engineers have not raised any objection to the site being considered in two parts. Therefore, while there may be infrastructure issues associated with the second part of the site, it is considered that there is no reason in principle why infrastructure requirements associated with the development could not be adequately provided while considering the site in two sections. It should be noted however that traffic and highway works have been considered in the context of the whole allocation.

Consequently, while noting the supporting text in the Draft LDP, it is considered that it is nevertheless not unacceptable to consider the allocation in two parts.

#### Visual impact of the Development within the Wider Rural Landscape

It is accepted that the proposed development would fundamentally 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 how the development relates to the existing built environment.



The application site lies to the east of the existing settlement and would directly adjoin the existing residential area to the west. It is enclosed by Cog Road to the north and Swanbridge Road to the west and it is considered that these roads represent logical, physical and defensible boundaries to the site. While the development would extend the built form of this part of the village by some 400m to the east, the development would not extend the village any further to the east than the existing parts of the village further to the south, and it would not extend it materially further north (particularly given that it would be bounded by Cog Road). Consequently, and while the development is larger than that which could be considered as small scale rounding off (under policy HOUS2 of the UDP), it is nevertheless considered that it would appear as a relatively logical extension/expansion of the existing village, in terms of the wider built form/shape of the settlement.

In addition, while the cluster of dwellings at the Cog Road/Swanbridge Road junction does not have a particularly concentrated or urban form/character, the development would infill a gap between the existing estate to the west and this cluster, as opposed to extending arbitrarily into undeveloped rural landscape. Nevertheless, subject to careful design, it is considered that the development can in principle preserve a relatively rural setting to this cluster, such that it does not form an amalgamation with the main part of the village.

The fields between Cog Road and the railway line are approximately 750m in length and the allocation is about 500m in length, leaving approximately 250m between the southern boundary of the allocation. However, while the allocation would not extend as far as the existing residential development to the south (and save for the intervening railway), it would extend sufficiently close to it such that it would appear as a relatively logical extension of the village, with a consistent edge along the western side of Swanbridge Road.

Therefore, given the relationship of the site to the existing pattern of development in the town and the fact that the site is closely related to existing residential developments to the west and (to a lesser degree) the south, it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside, in the context of the village as a whole and its wider shape/form. From the surrounding viewpoints it would largely be viewed against the backdrop of the existing dwellings and it would appear as a re-defined edge of the village, but integrally related to the existing built form that adjoins it.

It is considered that while local short distance views of the village would be altered there would not be a significant impact within the wider landscape beyond a local level. There would be some landscape impacts from wider viewpoints (in particular from the north- Cardiff Road and Dinas Powys Common), however, it is considered that due to the distance involved and the topography of the site, the development (while extending linear form of housing on the horizon) would not significantly or unacceptably alter the wider landscape from those positions. A neighbour objection has highlighted views from Dinas Powys Common (the submitted landscape impact with the application has appraised this viewpoint) however, it is considered that the development would not appear as a significant feature or intrusion into the landscape from the Common. From that position the frontage of the site would be partially visible, however, the land drops away beyond, therefore, the wider expanse of the development would not be appreciable from these positions.

While the site itself and the setting/surrounds of the village are essentially rural in character and appearance, the site clearly adjoins the village and it is therefore not remote or rurally isolated in appearance and context. In addition, the site does not form part of a Special Landscape Area or any other statutory landscape designation. 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) outweighs any limited negative visual impacts associated with the urbanisation of the site.

Having regard to the above, it is considered that the site represents an acceptable location for additional residential development, in terms of the impact on the landscape, and in terms of its physical relationship to the existing settlement. This is reflected in the fact that the site has been allocated in the Draft Deposit LDP.

#### Impact on the character of the village

Further to the above assessment in terms of wider landscape impact, objections have also been raised in respect of the impact of the character of the village. It is acknowledged that the development would result in a relatively large increase in the size of the village however, it is considered that in itself does not necessarily infer the character of the village would be unacceptably affected. There are approximately 1350-1400 dwellings in Sully and, therefore, the development would represent approximately a 37% increase in the size of the village (and the development would represent approximately 27% of the extended village). The shape of the village has grown over time and it is irregular in form. It is a relatively large village as it stands (compared to the majority of rural villages in the Vale) and it is considered that the north eastern part of the settlement, which comprises a sharp edge of relatively modern housing, is not of such character/historic value that there is a fundamental need to protect its alignment/form. The development is not closely related to a conservation area and it is considered that while the shape of the village would change, this would not result in the loss of a significant historic definition to any part of the village.

Furthermore, given the size of the village at present (and the composition of it), it is not considered that the development would fundamentally change the character of the village as a whole. Rather the development would consolidate and extend the western part of the village, adjacent to the existing residential area. Furthermore, the character and views of the vast majority of the village would remain unchanged. Therefore, while the size of the village would be materially increasing, it is considered that this would not unacceptably impact upon the character of the village.

#### Impact on the hamlet of Cog and the setting of the listed buildings/the historic environment

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.*

In addition, there is relevant case law, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

As noted in the site description above, there are a number of listed buildings close to the site, including Nicells adjacent to the site and a number of buildings on the opposite side of Cog and Swanbridge Road. The application is accompanied by a heritage statement, which appraises the likely impact of the development on the setting of those listed buildings. Having considered the appearance and setting of the buildings, the representations of neighbouring properties and the submissions in the heritage statement, it is considered that the principal factor in the significance/character of the listed buildings is their physical fabric (i.e. the buildings themselves), rather than their setting. However, it is clear, when viewed in situ that they sit within a relatively rural context and that does, to a degree, contribute to their character and setting.

The development would bring the village closer to the group than it lies at present and that would, to a degree, erode the openness of the setting around the buildings and the hamlet as a whole. However, with the exception of Nicells, the listed buildings lie on the opposite side of the road and this immediately establishes a degree of physical and visual separation (to those other listed buildings). The rural setting to the north and east of them would not be affected by the development and these listed buildings at Home Farm and Cog Farm would not be widely viewed in the direct visual context of the development in the approach along Cog Road and Swanbridge Road.

Nicells would be more closely related to the development, however, it is considered that sensitive design and siting of buildings in this part of the site would ensure that it would not be significantly impacted upon. There is an open paddock directly to the north of the Nicells, and this lies outside of the application site. It is considered that the retention of this green space would contribute appreciably to the continued setting of Nicells (in the foreground from Sully Road and to the side/rear from Cog Road and Swanbridge Road. This area would also continue to contribute positively to the setting of the cluster of buildings north of Cog Road, since it would form the foreground to those views from Swanbridge Road, on the approach to Cog.

Notwithstanding this, it would still be essential for any development/buildings on the south side of Cog Road (and west of Swanbridge Road) to have particular and special regard to those listed buildings, in terms of their proximity, size, location and design. The submitted indicative layout shows an area of open space at the north east corner and this demonstrates an appreciation of the spacing required in this part of the site.

It is considered that a high standard of design, which provides a less dense and sensitive edge to the development in this north east corner, with sufficient visual and physical spacing, would still preserve a sufficiently open and semi-rural setting to these buildings. As noted above, in all other directions the buildings would continue to be surrounded by a very rural setting.

Even with a sensitive detailed design, it is considered that the setting of the buildings would be altered to a degree and in this regard, there would be a minor adverse impact on that setting. However, it is considered that the degree of impact would be relatively minor, such that the setting and character of the buildings would not be significantly affected. It is considered that subject to sensitive design (which the Council would retain full control of under a reserved matters application) the proposal would not significantly erode the traditional relationship between the listed buildings and associated agricultural land that provides the historic wider landscape context.

However, in assessing the acceptability of the proposal in this regard, as noted above special regard must be had to the desirability of preserving the setting of these buildings and furthermore, any harm to the setting of those buildings is a matter that must be given considerable importance and weight. Consequently, it is considered that any adverse impact on the setting is a significant material consideration and this must be balanced very carefully against the other material considerations.

In this case, it is considered that a detailed layout can be achieved that, while likely to alter the rural setting of these buildings to a degree, would minimise that impact such that the character of the buildings would not be significantly harmed. It should be stressed that while a minor degree of harm would result, this does not infer that this consideration is of 'minor' importance (or that this represents minor objection to the grant of planning permission), since for the reasons given above, any harm should be treated as having considerable weight.

To be weighed against that are the issues relating to housing need (including affordable housing need) and the delivery of the Council's land use planning strategy. It is considered that these are very significant considerations in their own right (those issues relating to housing need are also explored in detail in the sections above) and are critical in terms of the Council delivering a sustainable plan that meets the housing and social needs of the public.

It is considered that the issues listed above in favour of the development are so significant that, on balance, they outweigh the limited degree of harm that may be caused to the listed buildings (which is in its own right a significant material consideration). In reaching this conclusion, special regard has nevertheless been given to the desirability of preserving the setting of those listed buildings in the context of the above case law and guidance.

Objections have made reference to an appeal decision at Littleworth Lane, West Sussex, and those objections assert that the cases are effectively identical. It is accepted that the relevant issues are very similar, since in the Littleworth Lane case there was also a clear housing need and the site was in the countryside, with a potential impact on listed buildings. However, it is a basic premise of the planning system that each case must be treated on its merits, since the particular facts of each case will almost always vary from one another. For example, the impacts associated with each of the following issues will differ; the level of harm to the setting of nearby listed buildings, the impact on the character of the countryside, the severity of housing need, the number of dwellings being provided (and therefore the amount of weight to be afforded to the contribution made to housing supply). Therefore, while the appeal decision considers many of the same issues, the assessment of that case does not infer that this development is unacceptable (or acceptable), rather a specific appraisal of the impacts of this case is required.

Issues relating to archaeology are considered below.

#### Density of the development

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

The application proposes up to 350 units, whereas the Draft Deposit LDP identifies the whole site for 500 units. Given that the LDP is in draft form, the reference to 500 units is not definitively prescriptive for the allocation, however, it provides a basis to consider the appropriate density for the site. It is important to ensure that sites in sustainable locations are developed efficiently, and it is also necessary to consider the character of the area and whether the density would be appropriate and sympathetic to the surrounding context. The site is approximately 65% of the whole allocation and that would equate to approximately 325 units (based on 500 units for the whole). Therefore, while 350 units is marginally above the 'pro rata' number for this proportion of the allocation, it is not significantly more and it is considered that it does not amount to an overly dense/urban development in this context. It is considered that it would reflect the character and density of development on the adjacent existing residential area.

While the density (27.55 per ha.) for the allocation as a whole (gross developable area) would be just short of 30 per hectare, Policy MD7 of the Draft LDP requires this as a 'net' density. Given that the site contains an undevelopable section due to the pond and it is likely that the density in the north east section will be lower to ensure a sensitive transition with the hamlet of Cog, it is considered that the density of the developable area of the site is acceptable and in accordance with the aims of the Draft LDP and national planning policy.

### Design and Layout

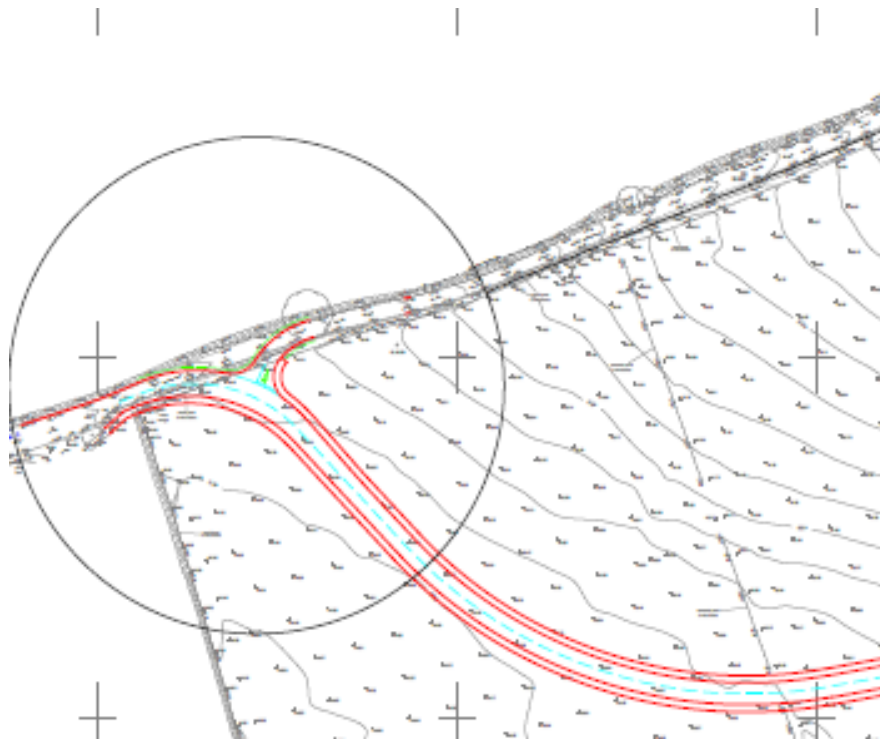
#### Internal Road and Footpath Layout, and house design

As noted above, the application is in outline with all matters reserved and consequently, the only information relating to an internal layout is the indicative masterplan. This indicates a central spine road with a series of secondary roads off it. Notwithstanding the indicative nature of the plan, it is likely that any detailed layout will have a central road of this form, which would allow connectivity between the Cog Road and Swanbridge Road junctions. This is not unacceptable in principle (in design terms) and there are a number of ways that the site could be developed from that point. The north east corner would have to be treated sensitively, given its close relationship to a number of listed buildings around the site perimeter and opposite at the Cog Road/Swanbridge Road junction, however, it is considered that in principle, a layout could be achieved which has due regard to their setting.

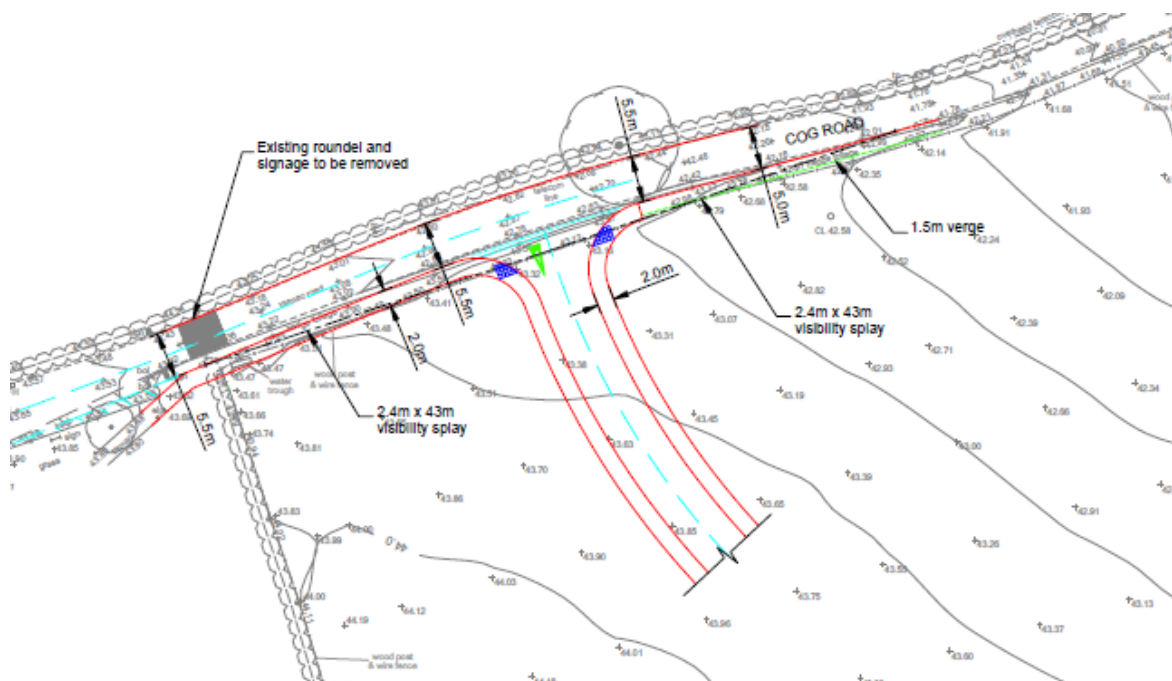
Scale parameters have been submitted, however, there are no definitive details of house design, size and materials. These would be issues for any reserved matters submission, if outline permission is granted. Issues relating to public open space are considered below in the planning obligations section.

#### Highway safety- the proposed access points

Access is a reserved matter, however, indicative access points have been submitted. The application initially proposed vehicular priority running through the site from Cog Road to the west, with a new spur off that road to provide the continuation of Cog Road- see plan below:

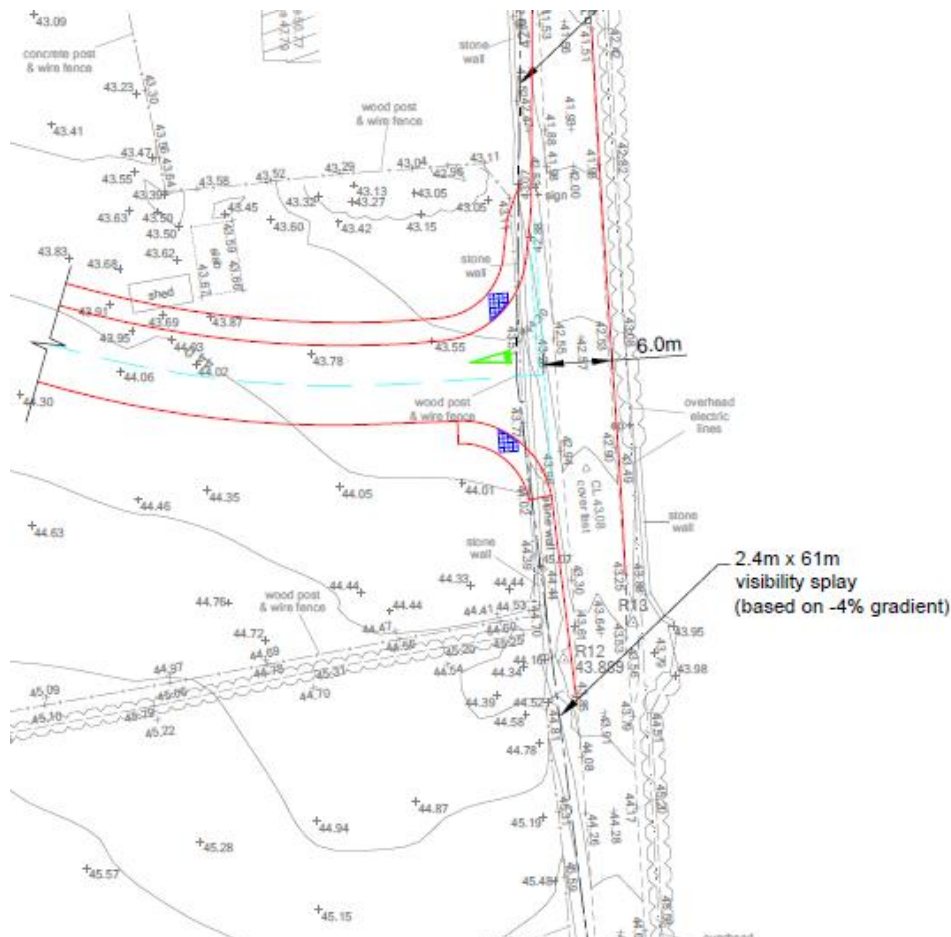


However, this has subsequently been amended, with Cog Road now retaining the priority flow. The junction of the site and the Cog Road indicative access is shown below:



The Council's Highways Engineers have assessed the proposed access points and initial comments received stated no objection subject to improvements to the road frontage, vision splays, provision of footways etc.

The highways engineers have also assessed the amended indicative access point onto Cog Road and have again raised no objection in principle to an access at this point and of this form. It should be noted that the detail of the access and its geometry would be fully considered at the reserved matters stage, however, there is no objection raised to an access point onto Cog Road in the general location shown. Similarly, there is no objection to the principle of an access point onto Swanbridge Road in the general location shown. It is considered that both access points can provide road users with sufficient visibility along the carriageway and a safe means of turning into and out of the site. The junction of the site with Swanbridge Road (also indicative) is shown below:



Highways issues associated with internal road layout and parking would be assessed at reserved matters stage, however, careful consideration would need to be given to the spine road in particular, to ensure it functions adequately and does not become a rat-running route.



## Pedestrian links

In terms of pedestrian links, the indicative Cog Road junction shows a new footway linking up with the footway within the area of open space to the west. However, since the existing footway stops just short of the application site boundary, there is a short length of new footway indicated on the plan above that sits outside the application site and within what appears to be privately owned land. However, notwithstanding this, there is space within the adopted highway for a new footway to take a different alignment and to adjoin the existing footway from directly above/to the north (without using land outside of the applicant's/the Council's control). Consequently, an appropriate pedestrian link to the existing footpath network can be achieved.

The indicative plans suggest a footway either side of the access onto Swanbridge Road. There is presently no footway along Swanbridge Road and there is insufficient space for one to be provided all of the way between the site access and South Road. Consequently, any pedestrians walking along Swanbridge Road towards the site would only benefit from a footway at the point they turn into the site. While a footway along Swanbridge Road would have further assisted pedestrian movements, the site is located in a rural fringe location and the existing highway network (and land ownership constraints beyond) are such that one cannot be accommodated. It is therefore necessary to consider whether other pedestrian linkages between the site and services/the remainder of the village, are adequate to serve the development.

In addition to the link that would be provided onto Cog Road, there is an opportunity for a pedestrian footway to be provided at the south west corner of the site, linking through to the footpath at the rear of Kingsley Close. This route would take pedestrians through to the village centre more directly than a route along Swanbridge Road would and it is considered that this represents a preferable route to Swanbridge Road. Furthermore it is considered that the more direct nature of the route through the existing residential area and the absence of a footway on Swanbridge Road would largely discourage pedestrian movements along that highway.

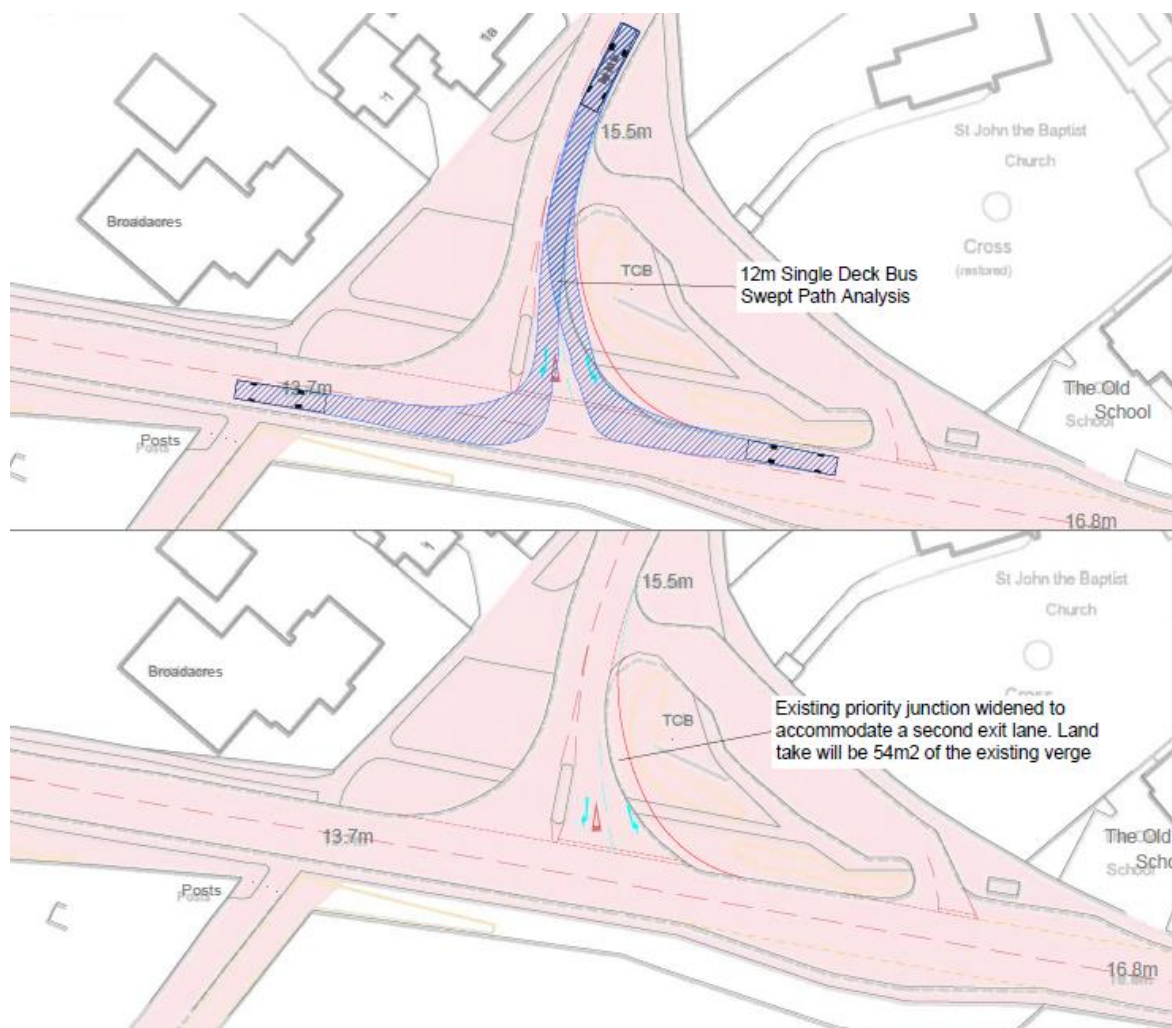
Having regard to the above, it is considered that the site would be served by good pedestrian linkages to the existing footpath network and to services within the village, in accordance with the aims of policies 2 and 8 of the UDP and national planning policy.

## Traffic/Congestion and off site highway works

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, the number of dwellings and the likely number of car movements and movements by alternative modes. The Council's 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.

It should be noted the initial TA assumed 450 dwellings, however, in the interests of robustness, a further sensitivity test has subsequently been carried out, which models the development for a further 50 units, i.e. 500 in total. While this application is only for 350 dwellings, the traffic modelling now considers all of the proposed allocation, and the findings of this are discussed further below.

The 450 unit TA predicted 235 trips (inbound and outbound combined) in the AM peak hour and 265 trips (inbound and outbound combined) in the PM peak hour. It concludes that there would be less than a 5% impact on junctions in the wider area, with only minor increases in queuing experienced. However, based on the traffic data and modelling, the Council's Highways Traffic Engineer advised that mitigation would be required at the Cog Road/South Road junction. (It was further considered that a contribution would be necessary towards highway works at the 'McDonalds roundabout', given the capacity issues there- see section below). The applicant considered a series of options for how to mitigate capacity issues at Cog Road/South Road and has subsequently submitted indicative detail of a scheme to widen the priority junction. The Council's Traffic engineer considered the submissions and advised that this would satisfactorily mitigate against the impacts of the development to ensure that the junction does not operate unacceptably over capacity. The plan is shown below, however, full engineering details would be required by condition:



The additional sensitivity analysis referred to above has considered the impacts of a further 50 units (i.e. 500 instead of 450). The sensitivity test predicts 262 in the AM peak hour and 295 for the PM peak and assuming the same distribution as the TA, this would result in 13 additional vehicles exiting the site and going via the Cog Road/South Road junction in the AM peak, averaging approximately 1 vehicle every 4.5 minutes. The analysis models queuing at 15 minute intervals through the AM and PM peaks, with and without the junction capacity improvements, and for 350, 450 and 500 dwellings, and it concludes that the increase in 50 units would have negligible additional impact.

In summary, it suggests an additional 1 vehicle queuing between 8.00am and 8.45am if all 500 units were constructed now, or a maximum of 6 additional vehicles (8.30am-8.45am) queuing in the future year of 2026. It also concludes that the junction would operate within capacity with all 500 units in the current year (i.e. a ratio of flow to capacity of 0.852). It appears that the junction would be over capacity in the year 2026, however, that is principally due to background traffic growth, as evident within tables 2A and 2B of the sensitivity analysis.

It is considered that it would not be reasonable to expect the developer to account and mitigate for future background growth to the year 2026, when this would occur irrespective of whether the development were constructed. Rather the applicant should be required to mitigate, as far as is reasonable, the impacts of the development.

This has been assessed by the Council's Highways Engineer and they accept the methodology used, and have concluded that the impact of the additional 50 units would not be material to the assessment provided in the TA for the 450 units.

It should also be noted that the developer has agreed to a sustainable transport contribution of £700,000, however, the TA and sensitivity analysis do not factor in a traffic reduction as a consequence of a modal shift. It is considered that this substantial contribution would significantly improve sustainable transport and pedestrian facilities serving the development and the village and, therefore, it would not be unreasonable to assume that there may be an impact in terms of modal choice. In the interests of robustness, this has not been assumed, but it is relevant to note that any such shift would decrease the number of private vehicle trips and would partially mitigate against capacity issues

In respect of the McDonalds roundabout, a scheme has preliminarily been identified by the Council to increase capacity. Given that the development (of 350 units) would only be responsible for a proportion of the 'over capacity' (12% in this case), it is reasonable to require a financial contribution commensurate to that proportion. Having assessed the cost of the works and the proportion of traffic that the development would be responsible for, the applicant has submitted that a contribution of £24,000 would be commensurate and the Council's Highways Engineer has agreed that this is proportionate and reasonable.

The Council's review of the sensitivity analysis identifies that the whole site of 500 units would increase the impact to 16%, which would equate to £32,000, however, in order to mitigate for the 350 dwellings proposed here, the Council can only reasonably seek £24,000 at this stage. The remainder (or an amount commensurate to the impact) would be sought if and when an application is submitted for the second part of the proposed allocation. (It should be noted that a holistic approach was necessary in terms of the South Road Cog Road junction to demonstrate that the additional 50 dwellings wouldn't have required fundamental and wholesale works to the junction that couldn't have been viably provided by the second phase of the proposed allocation).

Therefore, subject to the works being carried out to the Cog Road/South Road junction being carried out and a contribution being made towards the works at the McDonalds roundabout, it is considered that the impacts of the development would be mitigated and that junctions in the surrounding area would continue to operate satisfactorily. The Highways Traffic Engineer has raised no further concerns in respect of other congestion within the highway network, either through the village or at the access points into the site (as a consequence of vehicles turning in and out).

Accordingly, it is considered that the TA and sensitivity analysis demonstrate satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the within the wider highway network.

#### Highway/pedestrian safety issues associated with the increase in traffic

A significant number of objections have been raised by local residents in respect of whether the development would be a danger to highway/pedestrian safety.

In response to the original TA, the Council's Highways Traffic Engineer requested further information on collision data, the speed and volume of traffic along South Road and pedestrian activity along South Road. This was addressed in the addendum to the TA, which principally concluded that the majority of accidents along South Road were not attributable to excess speed. Observed 85<sup>th</sup> percentile and mean speeds were also not excessive. The submissions also refer to the scope for improvements to existing pedestrian crossings and pedestrian infrastructure generally, which would both encourage safe pedestrian use and calm traffic. A contribution of £700,000 towards sustainable transport facilities is proposed by the applicant and this could be used towards a number of the measures set out in the transport assessments (see planning obligations section below for further detail). Consequently, the Highways Engineer has raised no further concerns in these respects.

While it is understandable that an increase in traffic would cause concern from residents in terms of vehicular and pedestrian safety, it is considered that the submissions demonstrate that the proposed development would not have an unacceptable impact in this respect.

## Public Transport

Objections have also been raised by residents in respect of the range and frequency of other transport modes/facilities in the village. It is asserted by residents that the site is insufficiently sustainable as a consequence of lacking good sustainable transport options.

Notwithstanding this, it is considered that the village is relatively well served. There are regular bus services to Cardiff, Penarth and Barry and a number of bus stops along South Road and through the village. It is accepted that these services are not as comprehensive as those that may be found in a larger settlement, however, Sully is a relatively large village and for a settlement of this size, it is considered that the transport options are not poor. Sully has two bus services, one that runs daily, twice per hour, between Cardiff and Barry, and another that runs Monday to Saturday, hourly. It is considered that this provides residents with good access to nearby settlements, and the facilities would be significantly improved by the sustainable transport contribution agreed to by the applicant.

It is acknowledged that the village does not have a train station, however, Sully is located close to a number of other settlements that are well served in terms of rail links. In addition to considering the range of options available in the settlement itself (transport and other services), it is also relevant to consider the proximity of other settlements and the transport options/services located there.

The road network is not prohibitive to cycling and there are good pedestrian links throughout the village. The planning obligations section of the report below considers how financial contributions would improve sustainable transport options within the village and mitigate the impacts of the development, however, it is considered that the existing settlement is sufficiently sustainable to accommodate additional residential development.

## Public highways objections- the Corun report

As part of objections to the development, a report carried out by Corun Transport and Highway Engineering has been submitted. This report disagrees with the Council's Highways Officers' assessment and raises concerns in respect of highway safety, lack of pedestrian infrastructure and congestion. It concludes that there is inadequate network geometry, vehicular access options, excessive speed and a poor accident record in the area. It also states that occupiers would be heavily reliant on the car.

However, it is considered that the Council's Highways Engineers have carried out a thorough and robust assessment of the proposals and local context, leading to significant discussion and further requests for information through the application process. As detailed above, off site highway works have been agreed to mitigate against capacity issues at junctions and pedestrian movements have been fully assessed. A thorough technical assessment of the proposed junctions and approach roads has been carried out and the Council's officers have concluded the development would not have unacceptable impacts in these regards, notwithstanding the report submitted on behalf of objectors to the scheme.

Further representations have been submitted in respect of the sensitivity analysis, including objections relating to how the impacts will be mitigated, the absence of Ratio of Flow to Capacity (RFC) and congestion in the 2026 year. In response, it should be noted that the Council's engineers have given lengthy consideration to the mitigation proposed and consider that it soundly demonstrates the benefits to flow at the junction. RFC data has been produced for the 2013 year and while it has not been included for 2026, it is assumed, as discussed above, that it would show a junction over capacity. However, this would be fundamentally due to background traffic growth, since the impacts of the development alone can be satisfactorily mitigated.

#### Impact on residential amenity of existing residents

There are existing dwellings adjoining the site to the west, east and north. Presently, the occupiers of these dwellings have views over open fields, whereas the development would fundamentally alter the nature of that outlook. However, while it is understandable that existing residents would be concerned about a change of this nature to the rear of their properties, loss of view is not a planning matter and there is no statutory right to have such a view preserved. Rather it is necessary to consider whether the residential amenities and living conditions of those properties would be adequately protected.

The layout is reserved and, therefore, the detailed position and size of houses has not been determined. This will be a matter for any subsequent reserved matters application and the relationship of the new properties to those adjacent dwellings will be a key consideration, to ensure that they are not overbearing and would not unacceptably impact upon privacy. However, in principle, it is considered that a sensitive layout can be achieved.

The development would increase traffic through the village, however, it is considered that the increase in traffic, the bulk of which would be during the day time, would not demonstrably harm residential amenity. The Council's Environmental Health Officer has raised no objection and advised that a Construction Environmental Management Plan would be a requirement of any full application.

It is, therefore, considered that the development would in principle be able to adequately preserve the privacy and amenities of neighbouring residents, in accordance with Policy ENV27 of the UDP and the aims set out in Policy HOUS8.

#### Amenity of the future occupiers of the site

Details of the layout, including distances between dwellings and levels of amenity space would be considered at the reserved matters stage. It is, therefore, considered that subject to careful design, the occupiers of the development would benefit from an acceptable level of residential amenity.

### Other neighbour objections

Many residents have raised concerns in respect of the lack of amenities in the village, including local services, employment opportunities and bus services. It is considered that the proposed development would support and sustain the existing local services (shop, pubs etc.) and while the full range of day to day services are not present in Sully, the LDP strategy nevertheless recognises the need for new housing in such settlements, as well as in the larger more urban areas of population. While, therefore, occupiers of the new houses would need to travel to other settlements to access some services (and potentially in respect of employment opportunities), it is considered that this does not render the settlement of Sully or the development itself as unsustainable, since there are regular bus services and some basic local day to day services. There are also concentrations of potential employment opportunities in Barry and Penarth, a short distance, relatively, from the site.

In terms of buses specifically, the sustainable transport contribution discussed below can be spent on upgrading existing bus services/facilities/provision in the local area.

It is considered that there is no evidence to suggest the development would result in crime or anti-social behaviour and noise/disturbance/vibration from the construction phase can be minimised through compliance with a Construction and Environmental Management Plan.

A number of objections have been raised regarding infrastructure and as noted above, the development would be likely to sustain a number of services. In respect of medical services, it is considered that it is principally a matter for the local health board to ensure that adequate services are available to local residents. No evidence has been submitted regarding telephone infrastructure, however, this is also not considered to be a matter that fundamentally affects the planning merits of the proposal. The respective consultees have not raised objections in respect of drainage infrastructure.

There is no evidence submitted to demonstrate that the development would adversely impact health (noting also that the Council's Environmental Health section have not raised any objections in this respect) and it is considered that outside of the land that would be developed, the proposals would not fundamentally be harmful to crops. Loss of view is not a planning matter and there is no safeguarding objection due to the location. It is considered that the development would not breach human rights and in respect of Sully Sports and Social Club, this proposal must be treated on its own merits.

It is considered that the remaining points of objection have been addressed within this report.

### Drainage, flood risk and water supply

The application sites lies within Flood Zone A as defined by the Development Advice maps with TAN 15.

Paragraph 6.2 of TAN 15- Development and Flood Risk, states the following:

*6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue.*

There are no areas of the Assessment Site within Flood Zones B or C. The Flood Maps from Natural Resources Wales show the Assessment Site to be located within Flood Zone A, indicating a low level of flood risk from tidal or fluvial sources. The site is located at a relative high point and is some distance from watercourses, although the Council's drainage engineer has advised that there is a flood risk area to the south of the site. While residents have raised concerns in respect of flooding and while there is a flood risk area to the south, having considered the application documents the Council's Flood Risk and Drainage Engineer and Natural Resources Wales have raised no objections in respect of flood risk, either for the site itself or adjacent/other areas in the catchment.

In terms of surface water flows, the applicant's submissions identify the following:

The minor topographical ridge running east-west across the centre of the area separates the site into a northern and southern drainage catchment, with the site predominantly located within the northern catchment. There is a ditch located along the south-western corner of the site, with this discharging via a gully to an adjacent Dwr Cymru Welsh Water surface water sewer. Overland flow for the northern drainage catchment is conveyed north towards Cog Road and to a ditch in the north-eastern corner, with this ditch continuing north adjacent to Sully Road before discharging to the Sully Brook in the north. Overland flow for the southern drainage catchment is conveyed south and south west. The southern sub-catchment for the flow would continue south and flow overland via the existing farmland. The south-western sub-catchment for the flow discharges to the small ditch, and ultimately to the existing adopted DCWW surface water sewer.

The drainage strategy does not incorporate infiltration testing, therefore, in the interests of robustness, zero infiltration is assumed and the strategy is attenuation led- i.e. utilising Suds schemes, swales, basins etc. The strategy suggests that if infiltration is possible, the drainage strategy can be modified to reduce attenuation, but this is not relied upon for the purposes of the assessment.

The Council's Drainage Engineer has advised that the submitted drainage strategy indicates in principle that the site can be suitably drained without creating new flood risk on or off site (and may result in betterment). The drainage engineer is satisfied with the principle of the drainage strategy which gives enough information to determine that an acceptable detailed scheme can be achieved. Therefore, no objection is raised subject to a condition which requires a detailed scheme to be approved prior to the commencement of development.

In terms of foul sewerage, the drainage strategy advises that Dwr Cymru Welsh Water (DCWW) have stated there is currently sufficient sewage treatment capacity at the local waste water treatment work. In response to the Council's consultation, DCWW have raised no objection on foul sewerage grounds, rather conditions are requested for full details of the drainage scheme to be agreed. They also note in their response that no problems are envisaged with the Waste Water Treatment Works.



DCWW have advised that there are currently 'water supply problems' and that a Hydraulic Modelling Assessment (HMA) will need to be undertaken to establish what would be required to serve the site with an adequate water supply. It should be noted that DCWW do not object on these grounds.

Having regard to the above, it is considered that the development would comply with Policies ENV 7 and ENV 27 of the UDP in terms of drainage and flood risk.

### Ecology

The submitted Environmental Statement (ES) contains a chapter on ecological impacts, which comprises an Extended Phase 1 Habitat Survey Report, Bat and Great Crested Newt Survey Report, Desk Study Information Received from SEWBREC, Target notes to accompany Phase 1 Habitat Survey Map and Advice Note on Bats and Street Lighting.

The ES concludes that the proposed development is unlikely to result in a significant adverse impact on existing site habitats of ecological value. It states that the mitigation measures proposed would allow for retention and/ or provision of hedgerow and pond habitat at a similar or greater scale to the existing resource and this in turn would provide a resource for continued use of the site by Great Crested Newts, birds and foraging bats. It suggests that for scrub nesting birds and bats, adverse impacts are likely to reduce over the long term as planting matures, although some loss of biodiversity at the site level is considered likely to arise at least in the short-medium term as a result of development. An adverse impact on scrub nesting bird species is considered probable as a result of increased disturbance at least in the short- medium term. An adverse impact on ground nesting bird species would also be considered unavoidable due to the loss of grassland habitat.

It goes on to state that given the nature and scale of the development a significant adverse impact on nesting bird species such as Skylark is considered unavoidable. This assessment is based on the loss of improved grassland fields which, although considered of negligible intrinsic interest, do provide habitat (albeit sub-optimal) for ground nesting species within the site boundary.

The Council's Ecologist and Natural Resources Wales (NRW) were consulted in respect of the submitted documents. The Council's Ecologist initially objected on the grounds that the ecological work was not adequate to allow the local planning authority to fully assess impacts on biodiversity. These objections related to hedgerows, newts, reptiles and breeding birds. NRW initially raised no objection subject to conditions relating to Great Crested Newt mitigation and monitoring and a clause in a Section 106 agreement relating to management of ecological areas.

Subsequently, further information was received including a Great Crested Newt Mitigation Statement, Hedgerow Compensation Plan and Reptile Mitigation Strategy. NRW maintained the request for conditions in response to this and the Council's Ecologist removed the objection, subject to conditions relating to the submission of a European Protected species licence, an Ecological Design Strategy (including measures for breeding birds) and compliance with the submitted Reptile Mitigation Strategy and Hedgerow Compensation Scheme.

Following the submission of a further Great Crested Newt Mitigation Statement (summer 2015), NRW amended their advice to require compliance with the submitted document. Furthermore, they have advised that a 'break through' point from the site into the southern part of the allocation would not adversely impact upon Great Crested Newt provisions, subject to it being sufficient distance from the pond. Consequently it is considered that the development of the southern part and a link through the hedge to achieve it, would not unacceptably impact upon ecology.

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

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

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting housing need in the area.

In terms of Test 2, the application site has been considered in the round in the context of a significant number of other candidate sites. Through that exercise and supported by background evidence, the Council has sought to allocate the site for housing. In doing so, when balancing all of the relevant planning issues, it has been concluded that the site is appropriate for housing and necessary to meet housing need, whereas the alternative sites (not proposed in the Draft LDP as allocations) are not considered to be satisfactory alternatives.

In terms of Test 3, NRW have advised that subject to the measures in the mitigation statement being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

On this basis, there is no ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policy ENV 16 of the UDP.

### Trees and hedgerows

The application site does not contain any protected trees and the site does not lie within a conservation area. Consequently there are no trees within the site that are statutorily protected. The body of the site is devoid of trees and the only examples within the site area are two multi stemmed ash trees at the southern boundary. Since all matters are reserved, there is no specific proposal before the Council in terms of the location of buildings and specific tree protection, however, the applicant has stated that there is no reason why the trees and hedgerows could not be retained as part of any reserved matters layout, with buffer zones around the trees. The Council's Tree Officer has requested a condition relating to new tree planting, and raises no objection to the application.

A condition to require details to be submitted of new landscaping and 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) have been consulted and a Heritage Desk Based Assessment has been submitted with the application. GGAT have responded to advise that there is a long and rich history of human occupation in the area, and that at present there is insufficient knowledge of either the exact nature or full extent of any archaeological resources present. Consequently, they have requested an archaeological evaluation prior to the determination of the application, citing the relevant advice in Planning Policy Wales (para. 6.5.1) and Welsh Office Circular 60/96 (Section 13)

The applicant has made attempts to gain access to the land to carry out the evaluation however, it appears that access has not been permitted by the tenant farmer on the land. Members are advised that information has been submitted by the applicant to evidence the attempts to gain access to the land and the nature of the responses, which resisted such access. It is considered that the applicant has demonstrated that all reasonable attempts have been made to carry out the evaluation requested by GGAT.

It should be noted that the applicant's position is that the guidance in PPW and the Circular does not necessarily suggest that a pre-determination evaluation has to take place, and that there is no evidence to suggest there will be 'significant' remains. However, GGAT are the Council's professional advisors on such matters and it is considered that GGAT's assessment of the case is not unreasonable given their knowledge of the history of the area.

This places the Local Planning Authority in the relatively unusual circumstance of having to consider whether the application should be refused due to the failure to carry out the evaluation, or whether there are material considerations that outweigh that position.

In this case, the applicant is unable to gain access to carry out the evaluation and based on the evidence submitted, it appears that there is no imminent prospect of that situation changing. Should the tenant maintain their position in respect of access to the land, this would potentially prevent the delivery of a significant residential development that the Council's background evidence suggests should be included as an allocation within the LDP. Consequently it is considered that this issue rests on a balance of potential harm to an archaeological resource versus the implication of failing to deliver housing.

It is considered that the negatives of failing to deliver up to 500 dwellings (on the proposed allocation as a whole) are significant, both in terms of the impact on the Council's ability to deliver the LDP strategy and meeting housing need in the Vale. Conversely, should permission be granted prior to the carrying out of a field evaluation, the Council would still be able to impose a condition requiring archaeological work to be carried out prior to the commencement of development. While the purpose of evaluations prior to determination is generally to protect archaeological resources and avoid scenarios where permission is granted but effectively cannot proceed due to the significance of a potential find, it is considered that in this case, an appropriately worded condition would enable the Council to retain control over ensuring the protection of any resource.

It is, therefore, considered that the potential harm from granting permission in advance of the evaluation is not as significant as the harm that would result from the failure to deliver a significant housing development that is important in meeting housing need.

It should be emphasised that the Council would not normally recommend overriding the advice of GGAT and the view above is reached in exceptional circumstances where the applicant has demonstrated significant attempts to carry out the evaluation, and where the balance of harm weighs in favour of doing so.

Therefore, it is considered that subject to the condition described, any archaeological resource would be adequately protected, in accordance with Policies ENV 18 and ENV 19 of the UDP and in accordance with the aims of PPW and Circular 60/96.

#### Agricultural land quality

Policy ENV 2 of the UDP states that the best and most versatile agricultural land (Grades 1, 2 and 3A) will be protected from irreversible development)

The application is accompanied by an agricultural land quality assessment, which concludes that the site is Grade 3B, and it is considered that there is no evidence submitted to dispute this assessment. It should be noted that the area of land between the proposed allocation and the dismantled railway to the south is Grade 3A, and this has been excluded from the proposed allocation.

A number of objections have been received in respect of agricultural land quality, however, in addition to the submissions made with the application, it should be noted that the LDP Agricultural Land Classification Background Paper advises as follows:

*A Desk based review of October 2012 agricultural land classification report undertaken by Kernon Countryside Consultants Limited in March 2013. ALC identified as primarily Grade 3b with element of grade 4.*

This supports the findings of the applicant's submitted report and consequently, it is considered that the development would not unacceptably or irreversibly impact upon the best or most versatile agricultural land, in accordance with Policy ENV 2 of the UDP. Objections have been received stating that while the land is 3b, it is still valuable to the local agricultural scene. However, the application could not be resisted on these grounds, given that grade 3b is not protected in the policy.

#### Impact of Development on the Existing Agricultural Holding and Tenants

The land is occupied as part of an agricultural holding and objections have been submitted regarding the impact on the tenant farms (Home Farm and Cog Farm) if the scheme were to be approved. A report has been provided by Reading Agricultural Consultants (RAC), which seeks to substantiate the reasons for the objections in this respect.

In considering the matter the local planning authority is mindful of a previous appeal decision at land adjacent to Darren Close, Cowbridge, in which at paragraph 7 of the decision letter, the Inspector 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."

In respect of Home Farm, the objection report states that the enterprise as a whole extends to some 1000 hectares. It explains that the land at the application site that forms part of Home Farm is productive arable land and that the fields are important for the disposal of manure. It goes on to assert that notwithstanding the small proportion of the whole enterprise that this 15 hectares represents, it would nevertheless have a significant impact on the business due to the loss of the arable land and the impact on livestock from not being able to spread manure here. However, the report doesn't seek to quantify the impact on the viability of the business.

It should be noted that this area lies outside the current application site, but part of the Home Farm tenanted land forms the remainder of the residential proposed allocation.

In respect of Cog Farm, the objection report states that the land provides ready access for grazing animals, in close proximity to where they can be monitored from. Agricultural enterprises here comprise rearing and finishing of store cattle and the report argues that the fields are the most appropriate within the unit for this purpose, since they are the closest and most visible to the farm buildings. It states, therefore, that the loss of these fields would be disproportionately large, having a major adverse impact on the farm, however, this impact is also not quantified/estimated, in terms of the impact on the continued viability of the unit. Other concerns are raised in respect of the likelihood of complaints from new residents about smells from the farm.

The application includes an appraisal of the impact of the development on the tenant farmers. The application site is approximately 12.7 hectares in size and the area farmed by the tenants is approximately 80 hectares, according to the objection report (i.e. the site is approximately 16% of it). The appraisal notes that if the land was lost to development, 0.27 of a full-time labour unit equivalent's work would be lost. This equates to less than 20% of the total farm's labour requirement. The report goes on to reason that the farm does not fully occupy two full-time equivalent workers, rather the requirement is closer to 1 full-time equivalent. On that basis, it is considered that the development would not fundamentally alter the farm's labour requirement, in terms of the number of workers.

The report concludes that the impact upon workload/labour requirement will be relatively minor and the financial impact will not be considerable. In addition, downward pressure on agricultural profitability is likely to increase (even without the development) as Single Farm Payments reduce post CAP reform in 2015 and beyond.

It is evident that the applicant's report and the RAC report disagree on the impacts of the development on the continued viability of the tenant farmers. However, while the RAC report argues that there would be a major adverse impact, this is not quantified in the way that the applicant's report appraises the likely impacts. There are clearly subjective elements to an appraisal of this kind and it would not be reasonable to expect a scientifically quantified assessment to be made, however, it is considered that the applicant's appraisal and quantification of the likely impacts is sound and well-reasoned. It is considered that this demonstrates, as far as could be expected, that the development would not have a significantly harmful impact on the farms in question.

It is considered that there are unlikely to be significant impacts on the business as a consequence of complaints due to smells. Potential occupiers of the dwellings would be aware of the general rural context that they are moving into and the site itself is not directly adjacent to farm buildings.

It is noted that the detailed appraisal relates to Cog Farm, since Home Farm lies outside of the application site area. An application on the southern part of the proposed allocation would need to be accompanied by a similar level of detail, however, even without that detail here (and while that land lies outside of the application area) it is notable that the land in question would form less than 10 hectares of an enterprise totalling around 1000 hectares.

In summary, it is considered that the proposed development would not impact so significantly on the tenants' livelihood and farming operation to justify refusing planning permission. It is also considered that the significant benefits of the development, including meeting housing (and affordable housing) need outweigh any harm in respect of the tenant operation.

#### Public rights of way (PROW) issues

The Council's Public Rights Of Way Officer has raised no objection to the proposal, noting that there are no PROW within the site.

#### Environmental Impact Assessment

As noted above, the application is accompanied by an Environmental Impact Assessment, and this provides an assessment of issues relating to socio-economics, traffic and transport, ecology, landscape impacts, hydrology, utilities and water resources and air quality. While the EIA screening opinion did not predict a significant impact in terms of pollutive impacts, the EA nevertheless considers these issues alongside transport and landscape impacts. It should be noted that EIA was principally required to allow a full assessment to be made of the potential urbanising effect of the development. This has now been done in full above.

In summary, the EIA concludes that there would not be unacceptable environmental impacts and, having regard to the assessments carried out above by consultees, and their responses, it is considered that there would not be any unacceptable impacts, or impacts that cannot be mitigated for. It should be noted in particular, in respect of environmental issues, that neither Natural Resources Wales nor the Council's Environmental Health officers have raised an objection.

#### 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 application seeks permission for the construction of a 350 dwellings and the following section of this report considers the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. It concludes that if the development were considered acceptable in all other regards, planning obligations would be required in respect of the following:

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

### 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 on 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 2015, 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 559 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.

The Deposit Local Development Plan (October 2013) policy MG 4 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 Sully.



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 350 dwellings, 140 affordable dwellings would be required. This would require 98 social rented and 42 intermediate (LCHO). The applicant 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 the 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 rationale for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 350 dwellings would generate the need for education facilities for 35 nursery school age children, 97 primary school age children, 73 secondary (aged 11-16) school age children and 14 secondary (aged post-16). However, it is only reasonable to request contributions for those school places above and beyond existing spare capacity, and on that basis, the Council has requested the following Section 106 contributions for education facilities:

- Nursery school children – 35 children x £14,463.26 = £506,214.10
- Primary school children – 92 children x £14,463.26 = £1,330,619.92
- Secondary (aged 11-16) school children – 73 children x £21,793.42 = £1,590,919.66
- Secondary (aged post-16) school children – 14 children x £23,635.40 = £331,147.60

This totals **£3,758,901.28** and the applicant has agreed to this amount.

## Sustainable Transport

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

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

While the site is located adjacent to the existing settlement, linkages between the site and other parts of the village (principally the town centre and services through the village) should be improved to support the development and encourage pedestrian/cycling movement.

Given the scope of necessary infrastructure improvements in the area, it is considered that a contribution commensurate to the size of the development is justified and necessary. In this case, and in line with the rationale set out in the Council's SPG, a contribution of £700,000 was sought (based on 350 dwellings), as the basic contribution required to off-set the impacts of the development.

This could be spent in items including improving pedestrian routes between the site and the village centre, between the site bus stops in the village, access to areas of public open space, in respect of bus services and facilities serving the development, cycle provision in the village centre and vicinity of the site, upgrading pedestrian routes in the village centre, improving pedestrian crossings on South Road, signage and lighting of routes.

The applicant has agreed to this amount (£2,000 per unit) and it is considered that the improvements that would be implemented as a result would materially improve the degree to which the site and local services 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 2.40 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<sup>2</sup> per person or 55.68sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.32 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, the development of the whole site for 500 houses creates the need for 27,840sqm of open space. A development of 350 houses would require 19488sqm, including 2030sqm of equipped children's play space and 4466sqm of other children's play space. The LDP Public Open Space Background Paper (2013) identifies an existing shortfall of children's play space in Sully 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 Sully (in terms of quantity).

The illustrative layout 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, usability and quantity 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.

The site can make provision for the required amount of public open space (children's play) required by the SPG and it is considered that this would therefore meet the requirements of the SPG and Policy REC 3. The location and layout of the POS would be determined at reserved matters stage.

## Public Open Space Maintenance

In terms of maintenance of the open space areas within the site, the applicant has not advised definitively whether the land will be retained and managed privately or offered to the Council for adoption. The legal agreement should therefore contain provision that if the applicant does subsequently intend to pass the land to the council to adopted, sufficient commuted sums are paid.

## Community Facilities

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

The Council's SPG provides a basis to calculate reasonable levels of contributions for community facilities, derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The rationale set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires community facilities to be provided at a ratio of 0.75m<sup>2</sup> per dwelling or alternatively a contribution of £988.50 per dwelling towards the provision of community facilities.

The Draft LDP Community Facilities background paper identifies the site for the provision of 200m<sup>2</sup> of community space in a new building. As a point of comparison, the background paper proposes that contributions to enhance existing facilities within the ward would be appropriate for the majority of allocations, whereas a smaller number of the larger sites are identified for new facilities on site. However, while the requirement to provide community space on site in association with housing allocations is also reflected in Draft LDP Policy MG 7 (and the supporting text) in the cases of the other sites, the requirement for a new facility on this site is not specified in the draft policy.

Officers are aware that existing community facilities in the ward are potentially under threat, in terms of their long term viability. For example, the recent application at Sully Sports and Social Club has highlighted such problems and the Council's Library Review highlights issues regarding how this facility can function. Therefore, and having regard to the issues above relating to the Draft LDP, it is considered that the most appropriate approach in this case would be to require a financial contribution, to give the Council (in consultation with local ward members) maximum flexibility in determining what is the most appropriate way to support and develop communities facilities in the ward. This approach would allow the Council and local members to appraise the situation 'on the ground' at the relevant point in time, to decide how to prioritise and allocate funds.

In this case, a contribution is sought towards the upgrade and provision of community facilities serving the development such as community halls in the village, the sports and social club, the library, provision of mobile library services in the area and/or the provision of dual use facilities at the local primary school.

The applicant has agreed to the above and this would equate to amount of £345,975 based on 350 dwellings, and this would reflect the need that results from the development and accord with the guidance in the Council's SPG.

### Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. The SPG requires that on major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development proposal.

## S106 Administration

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

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to £96,097.52.

## RECOMMENDATION

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

- Procure that at least 140 (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 £2000 per residential unit towards sustainable transport facilities in the vicinity of the site, minus the costs of the provision of a pedestrian footway link between the application site and footway in the area of open space immediately to the west of the site (and adjacent to Cog Road) where the construction costs shall be fully detailed and submitted and approval by the Local Planning Authority. The contribution is to be used on items including one or more of the following: improving pedestrian routes between the site and the village centre, between the site bus stops in the village, access to areas of public open space, in respect of bus services and facilities serving the development, cycle provision in the village centre and vicinity of the site, upgrading pedestrian routes in the village centre, improving pedestrian crossings on South Road, signage and lighting of routes.
- The provision of the pedestrian footway (referred to in the bullet point immediately above) to link the new pedestrian footway at the access into the site from Cog Road to the footway in the area of open space immediately to the west of the site (and adjacent to Cog Road)
- Public open space to be provided on site to equate to at least 18.56m<sup>2</sup> of children's play space per dwelling, of which at least 5.8m<sup>2</sup> per dwelling will be equipped play space. The public open space is to 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.
- Pay a contribution of £3,758,901.28 for education purposes for the provision or enhancement of educational facilities in schools serving the Sully catchment for Nursery, Primary and Secondary school children.
- Pay a contribution of £988.50 per residential unit to provide new community facilities in Sully including one or more of the following: community halls in the village, the sports and social club, the library, provision of mobile library services in the area and/or the provision of dual use facilities at the local primary school.
- The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.
- Off-site highway works at the junction of South Road and Cog Road, as set out (in principle) on plan W120604\_A06 revision A, to increase capacity at the junction for vehicles egressing from Cog Road onto South Road.
- To pay a contribution of £24,000 towards off site highway works at the roundabout junction at Cardiff Road/Sully Moors Road.
- To agree details of financial measures to secure the management of retained habitats for Great Crested Newts and monitoring provisions, and details of management and monitoring of ecological areas.

APPROVE subject to the following conditions(s):

1. Approval of the access, layout, scale, appearance, and landscaping (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. Prior to the first beneficial occupation of any dwelling, a Travel Plan 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.

6. Prior to the commencement of construction of any part of the development 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.

7. 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.

8. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways within the adopted highway and internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and the details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.

Reason:

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

9. Prior to the commencement of development and notwithstanding the submitted plans, a detailed scheme of the proposed works at the junction of South Road and Cog Road (to include engineering details and a schedule of timescales for implementation of the works), shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved plans and timescales.

Reason:

To ensure that the surrounding highway network has capacity to accommodate the development and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

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



Reason:

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

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

Reason:

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

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

Registered 24th December 2013:

- Site location plan.
- Transport Assessment.
- Design and Access Statement.
- Environmental Impact Assessment and Technical Appendices.
- Environmental Impact Assessment Non-Technical Summary.
- Agricultural Assessment.
- Planning Statement.
- Statement of Community Involvement.
- Heritage Desk Based Assessment.

19th June 2014

- Hedgerow Compensation Plan
- Supplementary Planning Statement.
- Highways response to VOG Highways comments.

9th July 2015

- Great Crested Newt Mitigation Method Statement.
- Extended Phase 1 Habitat Survey.
- Reptile Mitigation Strategy.
- Bat and Great Crested Newt Survey Report.
- Transport Assessment Addendum.
- Heritage Advice Note.
- Cog Road and Swanbridge Road Access Plans.
- Outline Masterplan Rev B.
- Access strategy Rev B.
- Landscape and open Space Strategy Rev B.
- Phasing Plan Rev B.

Reason:

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

13. 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. 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.

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

Reason:

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

15. 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, and details of construction hours. 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.

16. 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 and timings of construction traffic to and from the site, 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:- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network and means of defining and controlling such traffic routes and timings and to meet the requirement of policies ENV27 and TRAN10 of the Unitary Development Plan.

17. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

19. The information submitted in accordance with the requirements of Condition No. 17 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.

20. Prior to the commencement of development, a hydraulic modelling assessment (HMA) shall be undertaken in liaison with Dwr Cymru Welsh Water, in order to assess the effect the proposed development on the existing water supply network and the need for any associated infrastructure works. None of the dwellings hereby approved shall be occupied until such time that any necessary water infrastructure works, as required by the HMA, have been completed and approved in writing by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of their completion (and Dwr Cymru Welsh Water's approval).

Reason:

In order to ensure that the development is served by an adequate water supply, to ensure that the development does not adversely impact on existing water supply, and to ensure compliance with policies ENV 27 and HOUS 8 of the UDP.

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

Reason:

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

22. 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.

23. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to that part of 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.

24. 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, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

25. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence (for Great Crested Newts) issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

26. The ecological works / enhancements detailed in the Reptile Mitigation Strategy and the Hedgerow Compensation Scheme shall be implemented in full accordance with the plans approved.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

27. No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following;
- a) Provision of bird breeding sites
  - b) Details of measures to ensure continuous, available habitat for small and medium sized terrestrial mammals.
  - c) Details of newt-friendly drainage within the development
  - d) Identification of unlit flight lines for bats to allow light-sensitive species to traverse the site and to be demonstrated through a lighting plan for the site.
  - e) Details of other measures to enhance biodiversity of the developed site.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

28. The development shall at all times be implemented in accordance with the submitted Great Crested Newt Mitigation Method Statement, dated 1st May 2015.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

### REASON FOR RECOMMENDATION

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 has taken into account all environmental information submitted with this application

Having regard to the submitted documentation of the Environmental Impact Assessment and policies POLICIES 1, 2, 3, 8, 11 3 and ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE, ENV2 – AGRICULTURAL LAND, ENV 10 - CONSERVATION OF THE COUNTRYSIDE, ENV 11 – PROTECTION OF LANDSCAPE FEATURES, ENV 16 – PROTECTED SPECIES, ENV 17 - PROTECTION OF 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, POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT, HOUS 3 - DWELLINGS IN THE COUNTRYSIDE, HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS, HOUS 12 - AFFORDABLE HOUSING, REC 3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS, REC 6 – CHILDREN’S PLAYING FACILITIES, REC7 – SPORT AND LEISURE FACILITIES, REC12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES, TRAN9 – CYCLING DEVELOPMENT and TRAN10 – PARKING 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.

**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. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. You are advised that there may be 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).**

4. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
5. **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.**
6. **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.**
7. **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.**

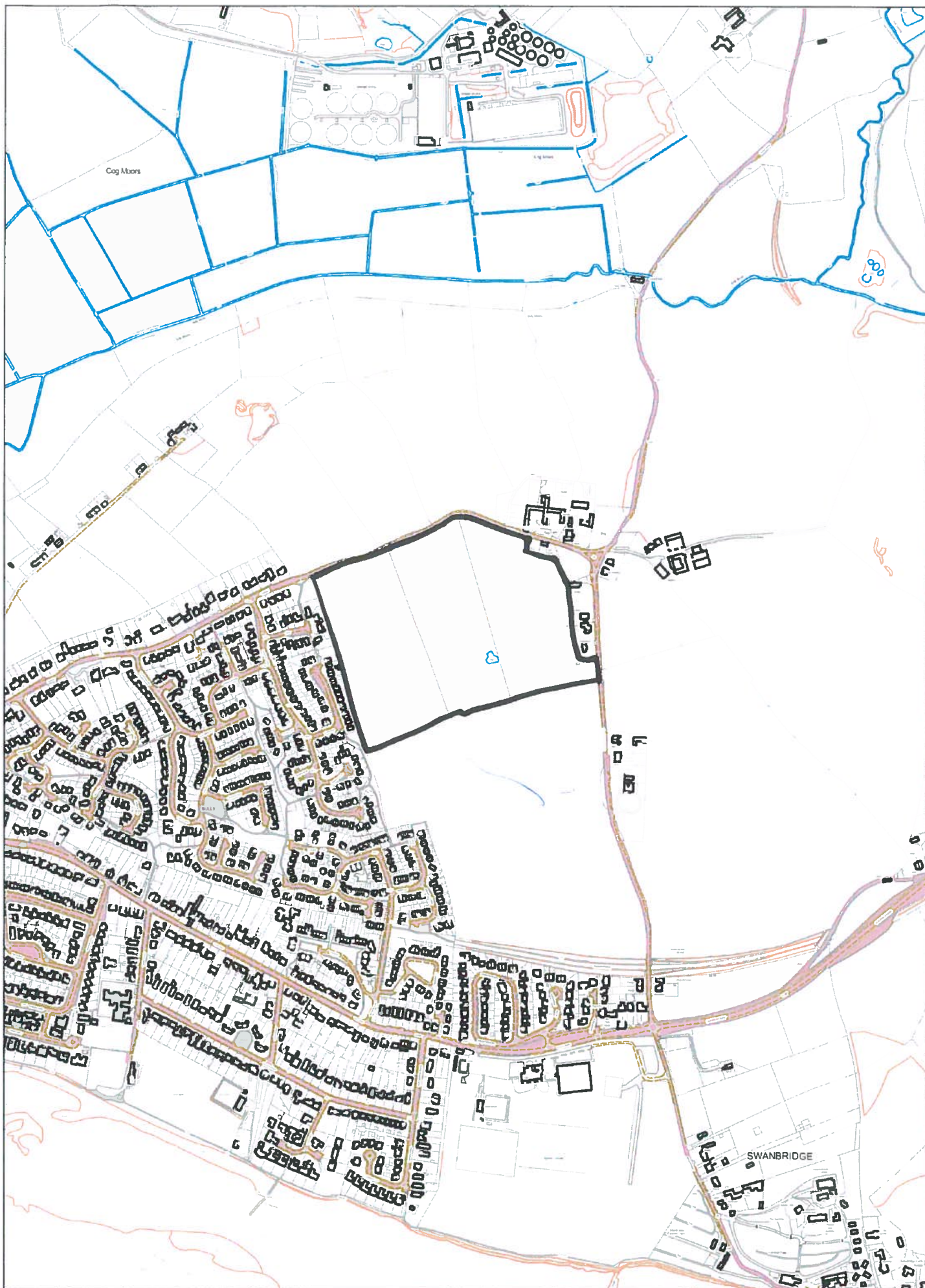
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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





2013/01279/OUT

01 February 2016

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2016 Arolwg Ordans 100023424

2013/01279/OUT - Appendix A

# Carolyn Jones

## Planning Services

Carolyn Jones BSc (Hons) Dip.TP MRTPI

Ian Robinson  
Senior Planning Officer  
Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

58 Lyric Way  
Thornhill  
Cardiff  
CF14 9BP  
02920 764 984 .t  
07581 713 525 .m  
carolyn.jonesplanning@gmail.com .e

01 March 2016

Dear Stephen,

**Planning Application by Taylor Wimpey Homes**  
**Reference: 2013 / 01279 / OUT**  
**Land west of Swanbridge Road, Cog, Sully**

---

I refer to the above planning application which remains before you. As you are aware, I act on behalf of The Saving Sully Group and I have previously submitted objections to the proposed development on their behalf.

I note that the applicants have now submitted a "Sensitivity Test" prepared by Vectos covering the Highway issues. Our highway consultant has reviewed the information and has concluded that there are issues which have not been satisfactorily addressed.

I enclose a copy of his commentary which highlights the deficiencies of the Sensitivity Test. In respect of highway issues my clients remain opposed to the proposal and further information needs to be provided by the applicants consultants to address the deficiencies of the Vectos report.

Yours sincerely



CAROLYN A JONES

65

Enc

Cc The Saving Sully Group

**Application 2013/01279/Out Land South of Cog Road, Sull, Vale of Glamorgan**

**Comments on Vectos 'Sensitivity Test' note date 12<sup>th</sup> February 2016**

1. Paragraph 3.6 of the Transport Assessment Addendum in respect of the Cog Road/South Road priority junction states that revisions to the alignment 'provide limited improvements in terms of capacity'. However the Sensitivity Test states that 'mitigation reduces queues at the junction by up to 20%'. The two statements are clearly contradictory.
2. The addendum states that the proposed mitigation will not be progressed and that pedestrian improvements are proposed at the Cog Road / South Road junction; the Sensitivity Test now appears to dispel this suggesting that mitigation will now be provided.
3. None of the documents provided by the developer's consultants demonstrate how the junction will be mitigated.
4. None of the documents provided by the developer's consultant contain the mitigated junction modelled data and therefore verification of the model is not feasible.
5. The developer's consultant has not demonstrated that mitigation can be provided within the adopted highway.
6. The Sensitivity Test for the non-mitigated and mitigated scenarios only provide queue length results (Tables 2A & 2B) whereas it is standard practise to also provide Ratio of Flow to Capacity (RFC). RFC will demonstrate whether a junction is over capacity.
7. It would appear that the junction will be over capacity in 2026 even with mitigation if comparing the queue results provided within Tables 2B and Table 3. In 2013 the junction is seen to be approaching capacity during the AM peak on Cog Road.
8. The Sensitivity Test predicts that during the AM peak the advent of additional housing will result in greater queuing on Cog Road. During the worst period the predicted queue will be 5 Passenger Car Units (PCUs) if 350 units were to be constructed, this would rise to 15 PCUs at 450 units and 21 at 500 units. These results are with mitigation in place and are clearly unacceptable.
9. The developer's consultants need to provide transparent capacity analysis with a clear representation of any proposed mitigation.

Andrew Tranter

Director, Transport Planning & Highways Ltd

29 February 2016

23 Dulverton Drive  
Sully  
Vale of Glamorgan  
CF64 5EW

**Planning & Building Control Services  
The Vale of Glamorgan Council  
Development Control  
Dock Office,  
Barry Docks,  
Barry  
CF63 4RT**

RECEIVED

12 AUG 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

For the attention of Mr I Robinson, case officer

Dear Sir

**RE: PLANNING APPLICATION 2013/01279/OUT  
LAND SOUTH OF COG ROAD**

I write in connection with the above planning application. I have examined the information and am familiar with the site in question and the following concerns remain:

I am sure there is considerable pressure for the development in the village to be approved, due to the Vale of Glamorgan's requirement to maintain a 5 year housing supply. However, an additional 350 houses in Sully will only be of benefit to city commuters, adding little to the local community whilst placing considerable pressure on existing facilities and infrastructure. There are limited work opportunities in Sully, therefore the majority of new residents will be commuting to nearby towns and cities.

Sully is already a thoroughfare for commuters to Penarth, Barry and Cardiff; and creating an additional 350 houses would simply add to existing traffic congestion in the area. If for example parking is to be provided in accordance with VOGC parking standards, (as noted in 4.10 of the Transport Assessment) this would suggest that a development of 350 units would attract 420 vehicles alone, based on a ridiculously cautious approach of each dwelling being a 1 bedroom unit.

As the development varies from 1 bedroom properties and upwards it is fairly clear to see that such a development (according to VOGC parking standards) will attract far more than 420 vehicles and yet according to table 6.3 of the submitted Transport assessment an additional 350 units will only generate an additional 130 outbound journeys between the hours of 8am and 9am. One might suggest that there may be an additional 200 journeys undertaken up and until 7.59am which have not been accounted for?

I understand calculations have to be made, however it is difficult to see how the figures noted in the Transport Assessment relate to accurate real world experiences. For example, Points 6.17 & 6.18 of the Planning Statement document refer to an additional 41 vehicles at Swanbridge Rod junction and 130 additional at Cog Road junction. This suggests a total of 171 cars at peak times; I would argue that these junctions would not be able to cope with that amount of added demand, particularly during school term times.

Swanbridge Road is also narrow and poorly maintained as indicated in Figures 1 & 2 below.

I have difficulty believing the statement noted in 6.2.2 of the Planning Statement document and would strongly challenge this notion, particularly as there are little or no highway improvement proposed.

How the local infrastructure is deemed capable of servicing an additional 350+ dwellings is bordering on mischievous in my opinion; traffic build up heading towards Culverhouse Cross and Penarth also appears to have been conveniently avoided.

Fig 1:



Although it may be argued that the main B4267 road which connects Barry and Penarth may be able to service the additional traffic, there is little evidence that the existing junctions with Cog Road and Swanbridge Road are suitable.

Swanbridge Road is a particularly narrow road with poor visibility (fig 01 & 02) (hedgerows are only 'cut' twice a year at best – fig 1 & 2).

Fig 2:



This road is not wide enough for two HGV's to pass each other and yet this is proposed as a route into the new development. This would also be used by construction traffic and is deemed the 'primary route'.

Many of the new residents are likely to commute to Cardiff putting an untold pressure on Sully Road which is already poorly maintained and narrow in places. Little assessment appears to have been made on the impact of the development on Sully Road, which is in fact the most direct and quickest route to Cardiff. This route adjoins Redlands Road prior to the Merry Harrier junction, whilst additionally passing the new St Cyres Education Centre, St Joseph's Primary & Ysgol Pen-Y-Garth. There seems to be little in the proposal to adapt Cog Road and Swanbridge Road, therefore I find it of great concern that these relatively narrow lanes will be expected to service such additional traffic – both during construction and post construction.

**I maintain, therefore as per my previous objection, that a development of 350 dwellings, cannot be serviced and maintained by the existing highway provision and junction layouts of Sully Road, Cog Road and Swanbridge Road.**

Moving on, there is also the added pressure such a development would put on public transport. The existing 94 Cardiff Bus service which runs through Sully (between Barry & Cardiff) is unreliable and very busy during peak times. I do not believe the current service could cope with the additional pressure.

**There is no sustainable solution proposed to public transport requirements.**

The final issue I wish to raise is the pressure that 350 new homes will place on Sully Primary School. The School currently holds around 450 pupils and is at present near bursting point. Many of the current pupils are taught in 'temporary' demountable buildings. I cannot see how a development of this size can be approved without the construction of a new purpose built Primary School for the village. The existing School has been extended and houses a number of 'temporary' structures. It has little room for further expansion. To expect it to cope under the pressure of 350 new homes is irrational, even based on 30-50 homes per year. I assume the development would consist of a number of 3,4 and 5 bedroom homes which are more likely to house young families than not, thereby directly affecting local education provision.

**There is no sustainable solution proposed to meet local education demand.**

Therefore, in conclusion, I would object to the proposed development on the following grounds:

- **The surrounding highway infrastructure is not adequate to serve 350 additional dwellings;**
- **The pressure on local Public Transport would be unsustainable;**
- **The pressure on Sully Primary School would be unsustainable.**

Whilst I am not opposed to a development in Sully in principle, I do believe that a village the size of Sully, with its amenities and facilities, does not yet have the infrastructure to cope with a development of this size. Furthermore, I cannot support a scheme which places enormous pressure on its inhabitants, facilities, services and infrastructure whilst offering nothing in return.

I believe there is room to develop housing in Sully and personally believe the Sully Sports Club proposal to be a far more sustainable solution in terms of both locality and access. It also proposes improved community facilities and services which would benefit both the village and visitors.

In its current guise, if passed, it appears the Cog Road development is a simply case of appeasing political pressure as opposed to attempting to find a truly sustainable solution to housing demand in the Vale of Glamorgan.

Yours faithfully,

Gari Evans

Tel. [REDACTED]  
Ema [REDACTED]

299

40 Cog Road  
Sully  
Penarth  
Vale of Glamorgan  
CF64 5TD

Mr Ian Robinson  
Planning Officer  
The Vale of Glamorgan Council  
Barry Docks  
Barry  
CF63 4RT

RECEIVED  
- 1 SEP 2015  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

D.E.E.R
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ACTION BY: IR.
NO:
ACK: 47.

25 August 2015

RE:

Planning Application Ref 2013/01279/OUT  
Case Officer: Mr Ian Robinson  
Location: Land South of Cog Road, Sully  
Proposal: Residential development with associated access and associated works (max 350 dwellings)

Robert Clarke Lynn, 40 Cog Road, Sully, Penarth, Vale of Glamorgan, CF64 5TD  
+ [REDACTED] (please use my email address for your response)

### OBJECTION

Dear Mr. Robinson,

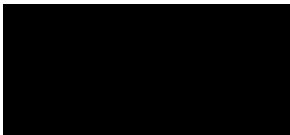
I wish to record my objections to this planning application for the following reasons:

1. Planning Policy Wales and the Court of Appeal judgment in *East Northamptonshire v. Secretary of State for Communities and Local Government* [2015] 1 W.L.R. 137 (known as the 'Barnwell Manor' case) require "considerable weight and importance" be given to the setting of the listed buildings at Cog. The Outline Masterplan is in breach of these requirements as the setting outweighs residential development on the site.
2. No archaeological field evaluation has been carried out. This is in breach of Welsh Government policy which requires that such an evaluation be carried out before any decision on a planning application be taken.
3. The ecological survey documentation is inaccurate. Any planning decision based on it will be liable to challenge under the E.U. Habitats and Birds Directive.
4. The development will have a negative impact on a large number of "list 42" species.
5. There has been no binding agreement on the on-going management of the Great Crested Newt habitat.
6. The application circumvents the lack of survey evidence to create a notional mitigation plan to facilitate planning consent.

7. The site descriptions in mitigation statements are inaccurate.
8. The ecological and agricultural surveys are contradictory.
9. On the extended phase 1 survey the target species list is inadequate.
10. In the ecological surveys and mitigation statements the grassland classification is inaccurate.
11. Having pedestrian access to the pond containing the Great Crested Newts will put a protected species at risk.
12. The proposed pedestrian access on to Cog Road opposite Cog Farm ignores the fact that there are no pavements on Cog Road, and no room for any given its width. It is therefore unsafe. Further, its proximity to the three-road junction, the site of previous fatalities, renders it even more unsafe.
13. Sully Road is the nearest traffic access route to Cardiff and the M4 from the site. Given the dangers presented by the current volume of traffic using this route, especially at morning and evening rush hour, the proposal to expect it to carry vehicles from a further 350 houses is untenable.

For these reasons I consider the site unsuitable for residential development.

Yours sincerely,

A solid black rectangular box redacting the signature of Robert C Lynn.

Robert C Lynn





**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*



D.E.E.R
RECEIVED
ACTION BY: IR
NO: P239
ACK:

Mr. I. Robinson  
Case Officer  
Planning Department  
Vale of Glamorgan Council  
Barry  
Vale of Glamorgan

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@wales.gov.uk](mailto:AndrewRT.Davies@wales.gov.uk)

RECEIVED

12 MAY 2014

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

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

Thursday 8<sup>th</sup> May 2014

Dear Mr Robinson,

**Re: Taylor Wimpey Outline Planning Application 2013/01279/OUT**  
**(For Land South of Cog Road, Sully)**

I wish to place on record my deep concerns over the proposed development for land south of Cog Road, Sully. I would like these concerns to be formally considered in conjunction with determination of the application.

Firstly, I believe that this application should not be considered at this time given that the Vale of Glamorgan's LDP is still at consultation stage. The council are currently reviewing feedback from members of the public to the Deposit LDP and it is therefore premature to grant approval to development on this site. To do so would undermine any local submissions of feedback from residents near to the site, or indeed served by the same arterial routes, public transport and services.

I have my own concerns over the suitability of the site in terms of the impact of an extra 350 houses in the area. Public transport is already a huge concern throughout the Vale and in this area in particular traffic to and from Cardiff is a significant issue. The extra transport users and cars that would come with a development on this scale would be unsustainable. In addition, there will be extra pressure on other public services such as school places or GP appointments. Addressing these concerns must be considered as a priority in any judgement of this application.

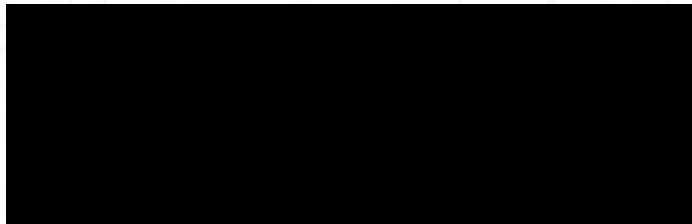
I have been approached by concerned residents outside of the immediately affected area and I also believe that their objections must be given due



consideration. For example, the view of the proposed site from Dinas Powis would have a huge impact on what was a rural, greenfield setting. Whilst we all accept that some development is necessary, even in green areas, any such development should seek to retain the character of pre-existing conurbations where possible – both in terms of shape and scale. Most importantly we should first seek to make best use of all existing brownfield sites and return these to use before approving wholesale greenfield development.

I would also like to place on record my concerns over the loss of quality agricultural land if this site were to be approved for development. Agricultural land cannot be replaced once it has been developed upon and as I have stated in relation to greenfield sites, we should consider very carefully the implications of developing on land that will be lost forever – particular when we have yet to exhaust all available brownfield sites.

As I stated at the top of this letter, I would appreciate if you would take these observations into account when considering this application. Should you have any queries or wish to discuss the issues raised please do not hesitate to get in touch.



**Andrew RT Davies AM**  
Assembly Member for South Wales Central



**STEPHEN DOUGHTY MP**

**HOUSE OF COMMONS, LONDON SW1A 0AA**

Mount Stuart House, Mount Stuart Square, Cardiff Bay CF10 5FQ

Telephone: 02920 452 072 • Text: 07845 79 51 48

Email: [stephen.doughty.mp@parliament.uk](mailto:stephen.doughty.mp@parliament.uk)

Mr. I. Robinson  
Case Officer  
Planning Department  
Vale of Glamorgan Council  
Barry  
Vale of Glamorgan

D.E.E.R
RECEIVED
ACTION BY: IR
NO: P261
ACK:

RECEIVED

08 JUL 2014

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

**Re: Taylor Wimpey Outline Planning Application Number: 2013/01279/OUT  
For Land South of Cog Road, Sully**

3 July 2014

Dear Mr Robinson,

I have been contacted by a number of constituents about the application for development at Cog Road, Sully.

Of particular concern to them is the difference between the Vale of Glamorgan Council's traffic assessment, and an independent report prepared by Corun Associates Ltd, a transport planning and highway engineering consultancy service.

Whilst the assessment undertaken by the council suggests 'that there are no reasonable traffic or transportation reasons not to approve the scheme'; by contrast the report by Corun suggests that there is 'inadequate network geometry and vehicular access options', coupled with a site that would be 'heavily dependent on private car use.' The Corun report also highlights the 'poor accident record' on surrounding roads, as well as 'measures in place to combat excessive speed'.

The two reports differ in their findings to an alarming degree, and it is of the utmost urgency that we discover why this is. These conflicting reports have done nothing to reassure my constituents that the development will not be detrimental to the area, but rather have raised a concern that there may be serious safety implications for families moving into the proposed development. We must therefore move quickly to ensure there is certainty around both the safety and sustainability of the project.

Another major concern for my constituents is that of localised flooding. There is already an issue of flooding in Sully, and I am concerned as to what effect a major development will have on the water

**Labour and Co-operative Member of Parliament serving the people of Cardiff South and Penarth  
across: Butetown ▪ Cardiff Bay ▪ Grangetown ▪ Lavernock ▪ Llandough ▪ Llanrumney ▪  
Penarth ▪ Rumney ▪ Splott ▪ St. Mellons ▪ Sully ▪ Tremorfa ▪ Trowbridge**

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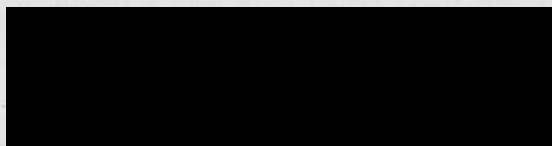
cycle in the area. In particular, the proposed development on the Cog Road site is at the top of a hill, and may affect the soak-away ability of the land, meaning an increase in surface run-off.

You will no doubt be aware of the damage and disruption that flooding can cause, and I was given a stark reminder of this just recently, when areas across Penarth suffered significantly during heavy rainfall.

I understand that there is a joint report being authored by Dwr Cymru and Natural Resources Wales to explore the projected implications of flooding as a result of excess surface run-off in relation to the proposed development in Sully. I cannot emphasise strongly enough how important it is that it reports accurately the situation, so as not to undermine confidence further, and that any development has appropriate flood defences, ensuring that the worst case scenario is catered for.

I hope that there are swift resolutions to the issues raised and that they are taken into account in the planning process.

Yours Sincerely

A large black rectangular redaction box covering the signature area.

**Stephen Doughty MP**

**Labour and Co-operative Member of Parliament for Cardiff South and Penarth**

Mr Peter Hayman Lettons House,, Lettons Way,, Dinas Powis, Vale of Glamorgan, CF64 4BY

Mr Laurence Forse Harmers Limited,, 39, Lambourne Crescent,, Cardiff Business Park,, Llanishen,, Cardiff., CF14 5GG

**Lettons House, Lettons Way, Dinas Powys**

Re-submission of application for removal of modified agricultural/rural enterprise occupancy condition imposed on application 2011/0503/FUL in respect of the erection of existing 2 storey house

**SITE AND CONTEXT**

The site is Lettons House, which is a five bedroom house with attached double garage to the side. It was built in the early 1980's and is rendered with a concrete tiled roof. The dwelling is located within a spacious plot, immediately to the north of Mill Farm Nurseries and its associated large glasshouses. The dwelling is accessed via a lane that connects with the end of Lettons Way, which is a residential street within Dinas Powys. The site is within the Cwrt-yr-Ala Basin Special Landscape Area.



## DESCRIPTION OF DEVELOPMENT

The application for the dwelling (ref: 1979/00067/OUT) was approved in outline following an appeal, with reserved matters application following in 1982 (1982/01750/RES). The Appeal Inspector who allowed the appeal for the outline application attached a condition restricting occupancy to “a person solely or mainly employed, or last employed, in the locality in agriculture ..... or in forestry (including any dependants of such a person residing with him) or a widow or a widower of such a person”. The dwelling was proposed as accommodation for the nursery manager, with horticulture being considered as within the definition of agriculture.

By way of background, application ref: 2011/00503/FUL proposed to vary the occupancy condition. The revised condition as approved was as advised in Technical Advice Note 6, which includes within its criteria those people that work on a rural enterprise and also those eligible for affordable housing. This broadens the range that would qualify as eligible to occupy the property and also increases the potential for a sale of the dwelling with this revised condition.

Application 2012/01193/FUL then sought to remove this condition completely to allow the house to be sold on the open market with no occupancy restriction. The owner wished to downsize, and from the information submitted there was little interest due to the restrictive occupancy condition. The agent also stated that there was no interest from affordable housing bodies or Registered Social Landlords, such as the Housing Associations. However, during the course of the application it became apparent that there was interest from a Housing Association to use the property for affordable housing, if an agreement could be reached over the sale price. As there was a clear potential for the house to be occupied by those eligible for affordable housing, the application was refused and the condition remained.

Application 2013/01207/FUL was also for the removal of the occupancy condition as attached with application 2011/00503/FUL. An update of the marketing report, initially submitted with application 2012/01193/FUL was included with the submission which indicated no significant interest for the dwelling at the sale price indicated (£450,000) in accordance with the occupancy condition. However, this application was also refused (see refusal reasons below).

This latest application is also for the removal of the restrictive occupancy condition imposed on the dwelling with application 2011/00503/FUL. The application is supported by a letter/statement from the agent Harmers, a marketing report (Watts and Morgan – November 2012) and subsequent addendums (the latest dated 7 August 2014). There is also an accompanying Valuation Report (Morgan and Davies – August 2013). Updated information has also been received since originally submitted.

## PLANNING HISTORY

- 2013/01207/FUL: Lettons House, Lettons Way, Dinas Powys - Removal of condition 1 of approval 2011/00503/FUL - regarding occupancy of the property - Refused 14/02/2014 for the following reasons:

*'Having regard to Policies HOUS5 - Agricultural or Forestry Dwellings; and HOUS6 - Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained in Technical Advice Note (Wales) 6 'Planning for Sustainable Rural Communities', in Planning Policy Wales (Edition 5 – 2012) and Welsh Office Circular 35/95 'Use of Conditions in Planning Permissions', the applicant has failed to demonstrate that there is no longer any need for the dwelling to accommodate an agricultural or forestry worker or that there is not a realistic potential that the dwelling could be used to accommodate those eligible for affordable housing. As such Condition No. 1 of planning permissions 2011/0503/FUL, which limits occupation of the dwelling to that of a person employed or last employed in a rural enterprise or for the provision of accommodation for those eligible for affordable housing remains justified and has not outlived its usefulness. Accordingly, the proposal to remove this condition would be contrary to the above defined national and local policies as well as Policies ENV1 - Development in the Countryside and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to prevent the erection of dwellings in the countryside without an agricultural or forestry justification.'*

- 2012/01193/FUL: Lettons House, Lettons Way, Dinas Powys - Removal of Condition 1 of Approval reference 2011/0503/FUL relating to an occupancy condition for the dwelling - Refused 12/04/2013 for the following reason:

*In light of the Policies HOUS5 - Agricultural or Forestry Dwellings; and HOUS6 - Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained in Technical Advice Note (Wales) 6 'Planning for Sustainable Rural Communities', in Planning Policy Wales (Edition 5 – 2012) and Welsh Office Circular 35/95 'Use of Conditions in Planning Permissions', the applicant has failed to demonstrate that there is no longer any need for the dwelling to accommodate an agricultural or forestry worker or that there is not a realistic potential that the dwelling could be used to accommodate those eligible for affordable housing. As such Condition No. 1 of planning permissions 2011/0503/FUL, which limits occupation of the dwelling to that of a person employed or last employed in a rural enterprise or for the provision of accommodation for those eligible for affordable housing remains justified and has not outlived its usefulness. Accordingly, the proposal to remove this condition would be contrary to the above defined national and local policies as well as Policies ENV1 - Development in the Countryside and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to prevent the erection of dwellings in the countryside without an agricultural or forestry justification.*

- 2011/00503/FUL: Lettons House, Lettons Way, Dinas Powys. Variation of agricultural occupancy condition imposed on appl 79/0067 on appeal (ref: P72/569), in respect of the erection of a two storey house for a Nursery Manager. Approved 27 July 2011 (with new occupancy condition attached)
- 1989/01170/FUL: Letton House, Lettons Way, Dinas Powys. Single storey dining extension and canopy. Approved 27 October 1989.
- 1982/01750/RES: Letton House, Lettons Way, Dinas Powys. Manager's house. Approved 11 November 1982.

## CONSULTATIONS

**Dinas Powys Community Council** – “No objections. Committee strongly support removal of the condition.”

**Dinas Powys Ward Member** – No comments received

## REPRESENTATIONS

The neighbouring properties were consulted on 10 September 2014. A site notice was also displayed on 24 September 2014. There has been 1 letter of support received – See **Appendix A** for a copy of this letter;

## REPORT

### Planning Policies and Guidance

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

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

#### *Strategic Policies:*

#### **POLICY 3 - HOUSING**

##### *Policy:*

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS5 - AGRICULTURAL AND FORESTRY DWELLINGS

HOUS6 - AGRICULTURAL OCCUPANCY CONDITIONS

HOUS12- AFFORDABLE HOUSING- AFFORDABLE HOUSING

HOUS13 - EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE

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

*'9.2.14 A community's need for **affordable housing** is a material planning consideration which must be taken into account in formulating development plan policies. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.*

*9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation. All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. New rural enterprise dwellings should be located within or adjoining the existing farm/business complex or access. Local planning authorities should follow the guidance in TAN 6 with regard to the requirements for rural enterprise dwelling appraisals.*

#### **Technical Advice Notes:**

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

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

The relevant paragraphs from TAN 6 are as follows:

4.13.1 Where the need to provide accommodation to enable rural enterprise workers to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition as set out below.

The occupancy of the dwelling shall be restricted to those:

- a. Solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those.
- b. Who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b).
- c. Widows, widowers or civil partners of the above and any resident dependants.

4.13.2 It should not be necessary to tie occupation of the dwelling to workers engaged in one specific rural enterprise even though the needs of that enterprise justified the provision of the dwelling. An occupancy condition will, however, ensure that the dwelling is kept available to meet the needs of other rural enterprises in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside.

4.13.3 When granting permission for new rural enterprise dwellings, planning authorities should be aware of the scope, where appropriate, for imposing an occupancy condition not only on the dwelling itself but also on any existing dwellings on the enterprise which are under the control of the applicant, that do not have occupancy conditions and need at the time of the application to be used in connection with the enterprise. This should help to protect the countryside against the risk of pressure for new houses. In appropriate circumstances, authorities may use planning obligations, for example, to tie a rural enterprise dwelling to adjacent buildings or land, to prevent them being sold separately without further application to the authority.

4.13.4 The broadening of the traditional agricultural occupancy condition to embrace a wider range of rural enterprises significantly increases the number of eligible occupiers for rural enterprise dwellings. Where an appropriate rural enterprise worker cannot be found to occupy the rural enterprise dwelling, eligibility should be extended to persons who would be eligible for consideration for affordable housing under the local authority's housing policies.

4.13.5 Where planning applications are received to lift existing agricultural occupancy conditions or where enforcement action is being taken for non compliance with the condition, the planning authority should consider replacing the existing agricultural occupancy condition with the rural enterprise dwelling condition set out in paragraph 4.13.1. This will often be justified to ensure that the dwelling is kept available to meet the housing needs of rural workers and local people in need of affordable housing.

### **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:

- Draft Supplementary Planning Guidance - Affordable Housing (2015)

3.2 The Vale of Glamorgan Local Housing Market Assessment (2015) provide the latest evidence on affordable housing need, identifying a net annual need for 559 Affordable Housing Units, comprising 331 social rented units and 228 units of intermediate housing, with the latter split between 115 low cost home ownership (LCHO) dwellings and 113 intermediate rented dwellings. The greatest need is for one and two bedroom properties, across all areas of the Vale of Glamorgan, although in some areas the LHMA identifies a requirement for 3 and 4 bedroom properties.

7.14 Where proposals for new dwellings in support of an agricultural business or rural enterprises are justified and found to satisfy the assessment tests of Technical Advice Note 6 Planning for Sustainable Rural Communities, it will be necessary to ensure that the dwellings are kept available for this need. Accordingly, the dwelling(s) shall be subject to occupancy conditions restricting occupation to those employed in either agriculture or a rural enterprises; and where it is shown that the dwelling is no longer required for such purposes, the dwelling will be made available to persons eligible for affordable housing under the Council's housing policies.

## 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 commenced 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.'*

In line with the guidance provided in Paragraph above, the background evidence to the Deposit Local Development Plan that 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:

- Local Housing Market Assessment (LHMA 2015)
- Affordable Housing Viability Update Assessment ( 2014)

### Issues

The condition that was attached to permission 2011/00503/FUL was worded as follows:

*The occupancy of the dwelling shall be restricted to:*

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

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

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

*Reason:*

*A dwelling in this rural location would not be permitted unless justified in terms of being necessary for the equestrian enterprise, and to ensure the development accords with Policies ENV1, HOUS3 and HOUS5 of the Unitary Development Plan.*

Applications 2012/01193/FUL and 2013/01207/FUL were for removal of this condition, so that the dwelling could be sold for its open market value, without the need for any future occupants to be eligible under the criteria of this occupancy condition.

As stated with these previous applications and as identified in the above policy text extracts, both nationally and within the Vale of Glamorgan there is an established need for affordable housing. This has been highlighted in Technical Advice Note 6 (which included the advice that the broader condition should be used to include those eligible for affordable housing) and also the Council's Draft Supplementary Planning Guidance (Affordable Housing). As evidence of the need for affordable housing in the locality of the site, the following is a breakdown of the households in housing need who are registered as in demand for affordable rented accommodation:

- 1 bed                      78 households
- 2 bed                      38 households
- 3 bed                      20 households
- 4 bed                      4 households

These figures do not reflect the need for intermediate/Low Cost Affordable Housing.

There is clearly evidence that points to a need for affordable housing both in Dinas Powys and throughout the Vale, which could be addressed in part by the use of this broader restrictive occupancy condition. Its retention is therefore in keeping with policy guidance for the provision and retention of affordable housing.

The condition imposed under application 2011/00503/FUL varied the original condition, which referred solely to occupants being employed within agriculture or forestry, so that those eligible for affordable housing or rural enterprise workers would comply with the occupancy condition. The dwelling has been marketed since this revised condition was imposed but the property has not been sold and it is claimed that the lack of interest is due to the restrictions of the occupancy condition.

The application is supported by information to illustrate the lack of interest in the property with the restrictive occupancy condition in place. The original Marketing Report stated that Watts & Morgan were instructed to put the dwelling for sale in March 2011 with a guide price of £495,000. Following the approval of application 2011/00503/FUL the sales particulars were amended to indicate the broader restrictive occupancy condition which now applied. In attempts to achieve a quicker sale the price of the dwelling was reduced to £450,000. The dwelling was advertised at this price on websites and in the press and is still being advertised at this price.

This application includes an addendum 'Marketing Report', prepared by local agents Watts & Morgan, to add to the report originally submitted with this application the previous applications. Mr Robin L Jones of 'Watts and Morgan LLP' concluded the submitted report by stating that the house had been on the market since March 2011, though no offers to purchase have been received up until December 2015. Mr Jones states that there has been a "great deal of interest" although he also states that it is "evident that the occupancy restriction and difficulty obtaining finance are severely detrimental factors". Mr Jones also stated that without the occupancy restriction he believes the property would attract considerable interest in the market place.

Mr Jones's updated report does acknowledge interest from United Welsh Housing Association, though states that their representative has confirmed they are no longer interested. Mr Jones also confirmed there was recent interest from a farmer (Mr Reynolds) though the property was not conducive to him continuing to operate a "small agricultural contracting business" from the property due to lack of storage space. The latest marketing report from Watts and Morgan (August to December 2015) includes 11 general enquiries, which included viewings by the aforementioned Mr Reynolds and also from Newydd Housing Association.

It is apparent from the submitted information that most of the interest in the property has been from people who do not qualify for occupancy of the dwelling under the existing occupancy condition. However, whilst the marketing report may indicate that there is little interest in the property for those who would be eligible as workers within a rural enterprise it does note the interest from Newydd Housing Association, including a viewing. However, Newydd has since confirmed that they have not submitted a formal offer as they felt the costs of necessary refurbishment would have such a significant impact to any possible offer they would be able to make that it would be substantially less than the asking price.

Both Newydd Housing Association and United Welsh Housing Association had shown interest in the property. According to the previous marketing report they viewed the property on the 7 February 2013 with discussions regarding a possible offer of £420,000 to purchase the property, circa September 2013. There was no agreement regarding the sale price and no offer accepted. The interest from United Welsh Housing Association has since ceased.

Notwithstanding the above and while the current application was under consideration the Planning Authority has been made aware of interest from a couple (Mr Davies and Ms Williams) who state that Mr Davies is a farmer working in the Vale of Glamorgan in agriculture. They were specifically seeking an agriculturally tied dwelling and have a strong interest in Lettons House. However, they feel that the £450,000 asking price is too high for a dwelling with an occupancy restriction and also state that they feel the house is in need of significant investment which has not been taken into account by the vendor. However, they have submitted several offers, £310,000 to £380,000, which is understood to be the latest offer rejected by the vendor.

It has transpired that Mr Davies and Ms Williams have not yet marketed their property and therefore do not have an offer on their current home. However, it is considered that if the applicant (Mr Hayman) were to agree a price for Lettons House with Mr Davies and Ms Williams they could then proceed with the marketing and sale of their house, though it is acknowledged that this would lead to some delay.

Whilst it is apparent that the offers being made by Mr Davies and Ms Williams are on the basis that they would then have to market and sell their current property, this is a clear indication of genuine interest from a couple who would appear to qualify for occupation of Lettons House under the extant restrictive occupancy condition. Members should note that the offered sum of £380,000 is less than the £450,000 which is the current asking price for the dwelling, however, it should also be noted that the dwelling remains subject to a restrictive occupancy condition and should be 'affordable'.

Considering the above situation having regards to the interest being expressed in the dwelling, the substantive issue is whether the dwelling has been appropriately priced, considering its restrictive occupancy condition. In the report supporting the 2013 application, the agent stated that the pricing of the property was determined by effectively reducing the sale price by 25% from what would be the sale price if it were sold on the open market. However, the premise behind the restrictive occupancy condition is to allow for the property to be available at an affordable price, for rural enterprise workers or persons eligible for affordable housing provision. It is acknowledged that the house is large, though at 25% under the market price the figure of £450,000 would not be considered as 'affordable' by most that would be eligible to occupy the dwelling under the condition. As such, there is a concern that the sale price as marketed remains too high to be considered affordable. This is exemplified by the fact that the interested couple have argued the £450,000 is too high considering the occupancy condition and possible work needed to modernise/adapt the dwelling.

Members will note that the asking price of £450,000 does limit only prospective purchasers who qualify under the restrictive occupancy condition and could realistically afford the property and as such it is considered that this is a flaw in the marketing of the property. The Local Planning Authority would contend that the market price for a property with such a restrictive condition should be considered on its merits and not based on an arbitrary percentage decrease to the value of the property if unfettered by a restrictive occupancy condition.

It is understood that the owner wishes to sell the property and realise the worth of his asset, however such marketing should also be undertaken on the basis considered that this house was only originally permitted on the condition that it would have a restrictive occupancy, which would always have had a significant impact on its value. There is a clear demand for affordable housing within the Dinas Powys area, which could in some way be addressed by the use of this property as a form of affordable housing. As evident from the recent interest, there remains the potential for the dwelling to provide affordable accommodation under the terms of the extant occupancy condition.

#### Off-site contribution alternative

In December 2014 the Planning Authority advised of a potential mechanism that would allow the removal of the restrictive occupancy condition whilst safeguarding against the loss of an affordable housing unit. The condition as attached following the 2011 application (based on the condition advised by TAN 6) states that the dwelling should be available for all those who would qualify to occupy affordable housing, or those who are employed in rural enterprises or agriculture. As such, the condition has a direct relation to affordable housing provision. If the tie was to be lifted from the property then this would constitute the loss of a potential affordable dwelling, whilst there is significant demand in the Vale of Glamorgan and specifically in the Dinas Powys area for affordable housing. The Planning Authorities potential solution was for an off-site contribution towards affordable housing if the application to remove the restrictive occupancy condition was to be approved, which would be secured via a legal agreement. The sum for the off-site contribution would be the amount needed to provide a similar sized affordable house, which would currently result in a required contribution of £157,330.80. Whilst a substantial amount of money it should be considered that this would be deducted from the value of the property without any restrictive occupancy condition, which has been previously stated to be approximately £600,000 (in 2013). It is therefore realistic that the applicant could still retain approximately £450,000, if not more, which is the current sale price of the house.

Whilst the Local Authority believes this was a reasonable and practical solution for all parties this has been rejected as they consider this mechanism as “unreasonable” and does not comply with national or local planning policy. However, it is considered that ensuring against the loss of a potential affordable dwelling is supported by planning policy, as outlined above, and off-site contributions towards affordable housing is not an uncommon practice. Furthermore, there is a clear link between the restrictive occupancy condition, which makes clear reference to affordable housing, and the potential for an off-site contribution to affordable housing in this circumstance.

#### Comparison to other cases

The agent for the application has submitted two Welsh cases where there has been restrictive occupancy ties removed from dwellings in Wales. These cases have been considered in relation to Lettons House, however it is considered that there are clear differences from the cases identified.



Firstly, an appeal which allowed the deletion of a restrictive occupancy condition at Derwen Fach, Trefnanny, Meifod, Powys, with the decision made in March 2015. The condition which was removed was the occupancy condition as advised in TAN 6, which includes those solely, mainly or last working in a rural enterprise, or those eligible for affordable housing. In this case, the house was constructed in 1979 in a remote area of mid-Wales. The Inspector in his decision noted that there has been no offers made on the property and only one viewing made. The Inspector also noted that there is another dwelling with an agricultural tie which has not been sold despite being on the market for a significant period of time. The Inspector found that, in his opinion, there was very limited demand in the area for a dwelling with the occupancy condition. Furthermore, the Inspector noted that the isolated position of the dwelling is such that it “would not be a suitable property to be regarded as an affordable dwelling to purchase or rent”.

Whilst the facts of this case are noted, there are clear and distinct differences between the dwelling in Powys and Lettons House. For this application, Lettons House is not in an isolated location and would be considered suitable in principle for use as an affordable housing, with previous interest from Housing Associations outlined in the sections above. The involvement recently from the couple who have made offers on the property (albeit subject to them selling their current property) does also indicate both a local demand and genuine interest in the dwelling whilst retaining the restrictive occupancy tie.

The second case (2015) highlighted by the applicant/agent related to Tir Y Coed, Heol Goedog, Cefn Cribwr. The application was to remove a schedule of a Section 52 legal agreement that the occupancy of the dwelling is limited to the applicant’s parents or those solely, mainly or last employed in agriculture (signed in 1982). In this case Bridgend County Borough Council agreed to remove the schedule on the basis that bungalow was originally needed and purpose built for a disabled family member. The Officer’s Report concluded that “the bungalow had fulfilled its purpose” as the late family members lived in the dwelling until 2014. The Officer also states the lack of an eligible buyer “most likely due to a lack of eligible buyers in the area.”

Again, there are clear distinctions between this case and the proposal to remove the occupancy condition for Lettons House. As mentioned above, the bungalow at Tir Y Coed was purpose built for a family member to accommodate wheelchair use. There is no need for the dwelling for this purpose at the time of the decision. Furthermore, the schedule in the legal agreement was not as broad as the TAN 6 condition that is attached to Lettons House and does not include any reference to those eligible for affordable housing. If this element was included within the Section 52 schedule then it may be that the bungalow would have been suitable for use as an affordable dwelling through a Housing Association for example. Lettons House is available to occupancy by those eligible for affordable housing under the current condition and previous Housing Association interest has been recorded.

Taking into account these two recent Welsh cases it is acknowledged that there are similarities to the Lettons House case, though there are clear distinctions also. It is also important to consider that each case needs to be taken on its own merits, with distinct differences in location, setting and background to the cases mentioned above. As such, the other decisions highlighted by the Agent for this application do not have a significant direct relevance to this case.

## RECOMMENDATION

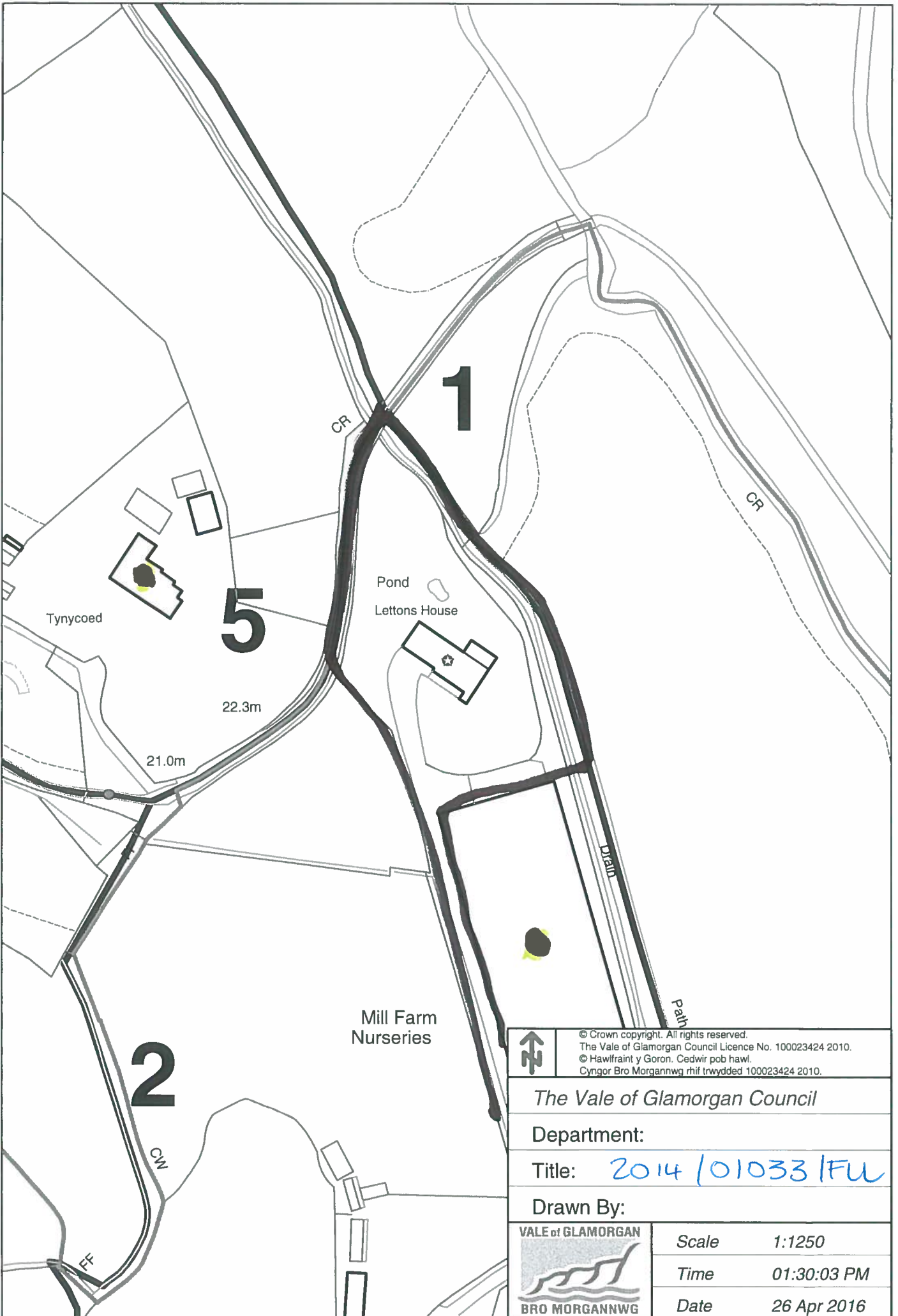
### REFUSE (W.R.)



1. Having regard to Policies HOUS5 - Agricultural or Forestry Dwellings; and HOUS6 - Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained in Technical Advice Note (Wales) 6 'Planning for Sustainable Rural Communities', in Planning Policy Wales (Edition 8 – 2016) and Welsh Office Circular 016/2014 'The Use of Planning Conditions for Development Management', the applicant has failed to demonstrate that there is no longer any need for the dwelling to accommodate an agricultural or forestry worker, nor that there is not a realistic potential that the dwelling could be used to accommodate those eligible for affordable housing. As such Condition No. 1 of planning permissions 2011/0503/FUL, which limits occupation of the dwelling to that of a person employed or last employed in a rural enterprise or for the provision of accommodation for those eligible for affordable housing remains justified and has not outlived its usefulness. Accordingly, the proposal to remove this condition would be contrary to the above defined national and local policies including ENV1 - Development in the Countryside and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to prevent the erection of dwellings in the countryside without an agricultural or forestry justification.

### REASON FOR RECOMMENDATION

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.

It is considered that there is a potential for the continued use of the dwelling in accordance with the criteria of the occupancy condition, including in relation to affordable housing. Furthermore, it is considered that the strategy of valuation of the property does not suitably reflect the occupancy restrictions of the property and would not result in the dwelling being 'affordable' for those who would be eligible under the occupancy condition. As such, there remains insufficient evidence and justification to remove the occupancy condition, which was attached under application 2011/00503/FUL.



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2014 / 01033 / FU</i>		
Drawn By:		
	Scale	1:1250
	Time	01:30:03 PM
	Date	26 Apr 2016

2014/01033/FULL

Appendix A.

16. Lettons Way,  
Dinas Powys.  
Vale of Glamorgan  
CF64 4BY  
23<sup>rd</sup>.September 2014

Development and Building Control Dept.,  
Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry CF63 4RT

Your reference---P/DC/SR2/2014/01033/FUL

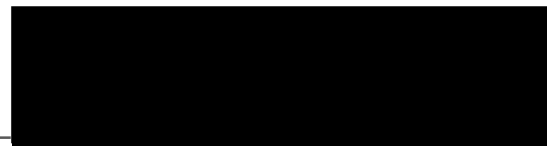
Dear Sirs,

Lettons House, Lettons Way, Dinas Powys.  
Application for removal of modified occupancy restriction.  
Application Reference 2014/01033/FUL

Thank you for your letter dated 10<sup>th</sup>.September 2014 advising that the owner of the above property, Mr.Peter Hayman, has applied for removal of the current Occupancy Restriction.

Mr.Hayman has the full and unconditional support of both my wife and myself in his application, and I wish him every success. Likewise he has the support of the other residents in Lettons Way.

Yours faithfully



Malcolm McGuire

D.E.E.R
RECEIVED
ACTION BY: SMC SR
NO: P568.
ACK:

RECEIVED

25 SEP 2014

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

**2015/01157/FUL** Received on 21 October 2015

Newydd Housing Association, C/o Agent.  
Geraint John Planning Limited, Sophia House, 28, Cathedral Road, Cardiff, CF11  
9LJ

**Land off Wick Road, St. Brides Major**

Proposed development of 19 affordable dwellings, with associated landscaping  
and engineering works

**SITE AND CONTEXT**

The application site relates to a parcel of undeveloped land of circa 0.5 hectares  
off Wick Road, St. Brides Major.



The site lies outside of and does not adjoin the residential settlement boundary of St. Brides. The south-western boundary of the site comprise the road frontage of Wick Road and is formed by mature vegetation, comprising of a significant group of trees with a low stone wall fronting the highway. The south eastern boundary fronts onto the private shared access road which serves a number of converted dwellings and agricultural land beyond, separated by a post and rail fence. The north-west and north-east boundaries adjoin agricultural land.

The site is classified as falling within the Countryside under the UDP. The site lies outside of the designated Glamorgan Heritage Coast, but with the St Brides Major Conservation Area.

The site is located opposite of the Grade 2 Listed Building known as The Old Vicarage. It should also be noted that the groups of dwelling at Kingshall (to the south of the application site) are all identified as “Positive Building” within the St. Brides Conservation Area Appraisal and Management Plan.

### DESCRIPTION OF DEVELOPMENT

This is a full planning application, as amended, for the development of 19 affordable dwellings, with associated landscaping and engineering works, submitted by Newydd Housing Associated.

The proposal relates to cul de sac development comprising of a mix of dwelling sizes being detached, semi-detached and small terraced blocks

The development will incorporate the following range of units on the site:

Unit Type	Quantity
Four bedroom house	1
Three bedroom house	4
Two bedroom house	6
Two bedroom apartment	2
One bedroom apartment	6

#### *Proposed Site Layout*



An adoptable access road from Wick Road will provide access to the site and dwellings with a turning head. The low 'cock and hen' coping stone wall fronting Wick Road will be demolished and realigned to enable access into the development to achieve the visibility splay. The scheme includes the provision of a full-width footway along the sites frontage providing connectivity to the settlement.

Internally the road arrangement (as amended) comprises of a 2 metre wide footway, 4.8 metre wide carriageway and a 1 metre wide service strip all of which will be constructed in the form of a shared surface constructed in pavements. A total of 29 parking spaces are proposed.

The scheme seeks to remove two protected trees (identified as T15 and T16 in the submitted application) to allow road access into the site. The development proposal includes scheme of landscaping.

The scale and form of the dwellings is shown below, which comprise of a mix of eaves (4.1 – 4.7m) and ridge heights (7-8.9m).



*Front and side elevations of Plots 1 - 4*



*Front and side elevations of Plots 7-9*



*Front and side elevations of Plots 16 - 19*

The dwellings will be finished in a mixture of colours and materials, with some dwellings in stone cladding panels (Taylor Maxwell) and some with cream or terracotta colour roughcast render; Marley riven edgemere or similar roof tiles, sage colour upvc sash windows to front elevation / casement with horns to rear elevation; GRP chimneys, clad in materials to match external walls or similar and white UPVC Soffits / Fascia.



*Context elevation from Wick Road*

In addition to the submitted plans, elevations, sections and street scene/context drawings, the application has been supported by the following documents

- Planning Statement
- Design and Access Statement
- Heritage Statement
- Statement of Community Involvement
- Landscape and Visual Appraisal
- Ecological Appraisal Reporting
- Potential for Archaeological Field Evaluation
- Agricultural Land Classification Survey
- Tree Survey and Arboricultural Impact Assessment

### PLANNING HISTORY

82/01463 (Ogwr) – Construction of one cottage-style house with lay-by on land opposite the Old Vicarage, Wick Road, St Brides Major. Application was refused 3 February 1983, for the following reasons:

1. *The proposal constitutes further undesirable sporadic development in the countryside, to the south of the main built up area of the village of St. Brides Major.*



2. *The development, if approved, could set a precedent for the development of other vacant frontages in the vicinity, which would inevitably lead to a consolidated and undesirable ribbon of development along Wick Road, to the detriment of amenity and which would detract from the established character of the designated Conservation Area.*

A subsequent appeal was dismissed in 15 May 1984.

83/0989 (Ogwr) – Outline application for cottage-style house with lay-by on land opposite the Old Vicarage, Wick Road, St Brides Major. Application was refused on 12 January 1984, for the same reason as set out above under application ref. 82/01463.

A subsequent appeal was dismissed on 15 May 1984, being considered and forming part of the same Inspectors decision for 82/01463.

### CONSULTATIONS

**St. Brides Major Community Council** - were consulted and raised an objection on the following grounds :

- The proposed development is located in a longstanding and clearly documented conservation area where a previous planning application was been refused at appeal in 1984 due to the impact that would have on the said Conservation Area.
- The density of the development and the associated loss of privacy on neighbouring dwellings would be significant and it is considered to be gross overdevelopment of the site.
- The proposed site access is off a very busy road on a long bend with limited visibility due to the old and historically important trees. This raises significant safety concerns for the Community Council who have been campaigning for a traffic management plan through the village to reduce speed for some considerable time.
- The trees have a provisional preservation order with an application currently formally progressing through the planning process.
- The proposed development is not in keeping with the other dwellings in the Conservation Area where construction in stone, wood and slate are mandated, this application is for brick, tile and plastic construction which would be out of keeping with the area.
- There are already concerns with the loading on the sewage system in St Brides Major prior to any additional development taking place.
- If the Development is approved in a conservation area this could well set a precedent for ignoring these architecturally interesting conservation areas in the future and would continue with the Urbanisation of villages and a permanent change to the character of the area.

- The site is prime agricultural land that has had little use for some time and has developed a character and as a safe haven for wildlife as documented in the environmental report.
- The community Council is concerned that all the dwellings are for rental only with little opportunity for local people to purchase affordable starter homes to get onto the property ladder. It is also against the Vale policy to integrate rental properties as opposed to having them located in blocks to minimise the impact on the established community.

In addition, the following Observations were also made:

- If there is to be future development in this area the number of dwelling should be reduced in order to keep the open nature of a conservation area and for the privacy of neighbours
- Future development should be constructed to the same stringent conditions imposed on other properties in the conservation area in relation to construction materials.
- The Community Council is concerned with the apparent lack of school capacity to support the proposed development within the Ward.

**Council's Highways Development Team** - were consulted and no comments have been received to date.

Should highway comments be received prior to Planning Committee they will be reported as Late Items.

**Council's Highways and Engineering (Drainage) Team** - were consulted and have stated that the site is not located in DAM areas at risk of tidal or fluvial flooding, and NRW maps indicate that there is a very low risk of surface water flooding to the proposed development site. A condition is recommended to ensure that it can be demonstrated that the standard of service for the site is to the 1 in 100 year design event plus 30% for climate change or that any resulting exceedance flows will not cause detriment to property either on or off site.

**Council's Housing Strategy Team** - were consulted and in their update comments have stated that there is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need across the Council's area. Reference is also made to the latest waiting list figures, taking into account lettings to the new homes built in Ogmore by Sea, within the St Bride's Major ward.

**Council's Ecology Officer** - was consulted and is of the opinion that the ecological surveys are adequate and have fully addressed ecological issues on site. The Council's Ecologist supports the recommendations in the report and recommends that planning conditions are attached to any planning permission granted.

**Glamorgan Gwent Archaeological Trust** - were consulted and have stated that in the absence of finds of mediaeval date and the lack of other buried structures, it is unlikely that the proposed development will encounter and buried archaeological resource. GGAT have therefore stated that it is unnecessary to recommend further archaeological works at the site and have no objection to the positive determination of the application.

**Dwr Cymru Welsh Water** - were consulted and in summary have raised no objection, subject to a condition to ensure that no building is shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system. The comments include standard advisory notes.

**Design Out Crime Officer (South Wales Police)** - was consulted on the application and in summary has raised no objection to the application and supports the current general layout which proposes a single cul de sac.

**Natural Resources Wales** - were consulted and in summary welcome the recommendations as set out within the submitted ecological reports and that the recommendations are implemented. In addition it is recommended that the ecologist supervising the site clearance works in respect of reptiles remains vigilant for GCN, and that toolbox talks cover GCN as well.

Comments have also been made in relation to the foul drainage connection and that Himalayan Balsam (an invasive plant species) is removed in line with a detailed method statement for removing or the long-term management / control of Himalayan Balsam on the site be submitted to and approved in writing by the local planning authority.

**St. Brides Major Ward Councillor** - was consulted and no comments have been received to date.

## REPRESENTATIONS

The neighbouring properties were consulted on 2 November 2015 and a site notice was also displayed on 3 November 2015. To date at least 118 letters of objection have been received. Three examples of letters of representation have been attached as **Appendix A**. In summary the objections raised relate to the following :

- Proposal is contrary to the existing UDP and emerging LDP on housing allocations
- Development falls outside of the St. Brides Major settlement boundary
- There is no requirement for affordable housing
- Residents could be introduced with no connection to the village
- Development would adversely impact on the conservation area

- Village does not need to be extended
- Uninspired design of the dwellings and layout
- Development out of keeping with the character of the buildings within the conservation area
- Development would set a precedent for further development
- Detrimental impact on the trees within the conservation area
- Loss of traditional stone wall and grass verge
- Loss of agricultural land
- Village has poor public transport links
- No capacity in local schools and doctors
- The site is ecologically rich and should be retained
- Impact on bats
- Impact of development on existing drainage and potential of flooding
- Development intrusive for neighbouring occupiers.
- Concerns of proximity of proposed access to sharp bend

In addition to the above, a petition has been submitted with 139 signatures objecting to the development on the grounds of :

- Significant harm to the St. Brides Major Conservation Area
- Inappropriate development in the countryside
- No proven need

Of the 139 signatures, 41 have been submitted by way of a dedicated petition from the residents within the Conservation Area.

Further to the above, letters of representation have also been received from Andrew R T Davies AM, Alun Cairns MP and Jane Hutt AM, all of which are attached as **Appendix B**.

## REPORT

### Planning Policies and Guidance

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

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT  
POLICY 3 - HOUSING  
POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT  
POLICY 8 – TRANSPORTATION  
POLICY 13 – WASTE MANAGEMENT  
POLICY 14 COMMUNITY AND UTILITY FACILITIES

#### *Policy:*

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE  
POLICY ENV2 – AGRICULTURAL LAND  
POLICY ENV5 – THE GLAMORGAN HERITAGE COAST  
POLICY ENV7 – WATER RESOURCES  
POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE  
POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES  
POLICY ENV16 – PROTECTED SPECIES  
POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT  
POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS  
POLICY ENV24 - CONSERVATION AND ENHANCEMENT OF OPEN SPACE  
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS  
POLICY ENV28 – ACCESS FOR DISABLED PEOPLE  
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT  
POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE  
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE  
POLICY HOUS12 - AFFORDABLE HOUSING  
POLICY HOUS13 - EXCEPTION SITES FOR AFFORDABLE HOUSING IN  
THE RURAL VALE  
POLICY TRAN9 – CYCLING DEVELOPMENT  
POLICY TRAN10 – PARKING  
POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW  
RESIDENTIAL DEVELOPMENTS  
POLICY REC6 – CHILDREN’S PLAYING FACILITIES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) 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) (PPW) is of relevance to the determination of this application, with particular regard to the following paragraphs.

6.5.20 Authorities should take into account the visual, historic and amenity contribution of trees in conservation areas. New planting or replanting may be appropriate where consistent with the character and appearance of the area.

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

9.2.22 *In planning for housing in rural areas ..... Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.*

9.3.2 *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.*

#### **Technical Advice Notes:**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)

Para 5.6.1 states “ ..... *In areas of special character such as conservation areas or areas recognised for their landscape value, the way in which new development is accommodated and change is managed may need a greater level of direction from the local planning authority. .... In conservation areas there should be regard to the desirability of preserving or enhancing their character and appearance*”

Para 5.6.2 states “.....*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 such as:*

- *the setting and views of key buildings, landscape, parks and gardens, archaeology and skylines within, to and from the area;*
- *the degree of architectural unity or informality in building groups and settlements and in landscape;*
- *locally distinctive building elements and construction techniques, such as roof pitches, window proportions, parapets, or paving details;*
- *locally distinctive facing materials such as natural slate, brick quoins or natural stone in both buildings and the public realm;*
- *boundary details including means of enclosure of landscape features, open spaces and gardens;*
- *street furniture including signage, street nameplates, street lighting;*
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Technical Advice Note 2 – Planning and Affordable Housing (2006) is of particular relevance. Para 10.12 states :

*“It is important that there is adequate housing provision in rural areas to meet the needs of local people and to contribute to the delivery of sustainable communities. Development plans must set out how planning at the local level will contribute to meeting identified rural affordable housing needs. Local planning authorities should allocate sufficient land either within or adjoining existing rural communities to enable these local requirements to be met in a manner which contributes to the achievement of sustainable communities. This may include, where justified by evidence, sites solely for affordable housing.”*

### **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:

- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards
- Biodiversity and Development
- Conservation Areas in the Rural Vale
- St. Brides Major Conservation Area and Management Plan
- County Treasures



- Design in the Landscape
- Model Design Guide for Wales
- Public Art
- Parking Standards (Interactive Parking Standards Zones Map).
- Sustainable Development - A Developer's Guide
- Trees and Development
- Planning Obligations.
- Affordable Housing.

### **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 commenced 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.'*

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:

- Affordable Housing Background Paper (2013).
- Affordable Housing Viability Update Report (2014).
- Affordable Housing Delivery Update Paper (2015).

- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (Nov 2015).
- Rural Affordable Housing Needs Survey Report (2013 Update).
- Housing Provision Background Paper (2015).
- Housing Supply Background Paper (2013).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013).
- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Open Space Background Paper (2013).
- Sustainable Settlements Appraisal Review (2013) (currently being updated).

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 SP1 - Delivering The Strategy
- Policy SP4 - Affordable Housing Provision.
- Policy SP 10 - Built and Natural Environment
- Policy MG 1 - Housing Supply In The Vale Of Glamorgan
- Policy MG4 - Affordable Housing.
- Policy MG 17 – Special Landscape Areas
- Policy MG 24 - Glamorgan Heritage Coast
- Policy MD 1 - Location Of New Development
- Policy MD 2 - Place Making
- Policy MD 3 - Design Of New Development
- Policy MD 6 - Development Within Minor Rural Settlements
- Policy MD 9 - Historic Environment
- Policy MD 11 - Affordable Housing In Rural Areas

**Other relevant evidence or policy guidance:**

- Welsh Office Circular 13/97 - Planning Obligations.
- The Community Infrastructure Levy Regulations 2010.
- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007).
- Conservation of Habitats and Species Regulations 2010 as amended.
- Active Travel (Wales) Act 2013
- Site & Context Analysis Guide: Capturing the value of a site
- Well-being of Future Generations (Wales) Act 2015

Of particular relevance in the assessment of this application, is the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

### Issues

In assessing the proposal against the above policies and guidance, the main issues in relate to:-

- Justification and sustainability for the development of the site for affordable housing in respect of its countryside location;
- Whether the proposal will preserve or enhancing the character and appearance of the conservation area;
- Design including the impact on the character of the site and the surrounding countryside;
- Planning appeal history;
- Agricultural land quality
- Impact on protected trees;
- Impact on the historic environment (Archaeology);
- Access and Parking;
- Impact on neighbouring and general residential amenity;
- Ecology;
- Flooding and Drainage, and
- Appropriate S106 planning obligations.

### Justification and sustainability

Under the terms of the Unitary Development Plan the site lies in the countryside where policy ENV1 of the UDP restricts development to that which is essential for agriculture, horticulture, forestry or other development including mineral extraction; for appropriate recreational use; for the re-use or adaptation of existing buildings particularly to assist in the diversification of the rural economy; and for development which is approved under other policies of the plan.

Similarly policy HOUS3 only permits new dwellings in the countryside where they are justified for agricultural purposes. This is supported by national guidance with paragraph 9.2.22 of Planning Policy Wales (PPW) noting that:

*“In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new*

*houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled.”*

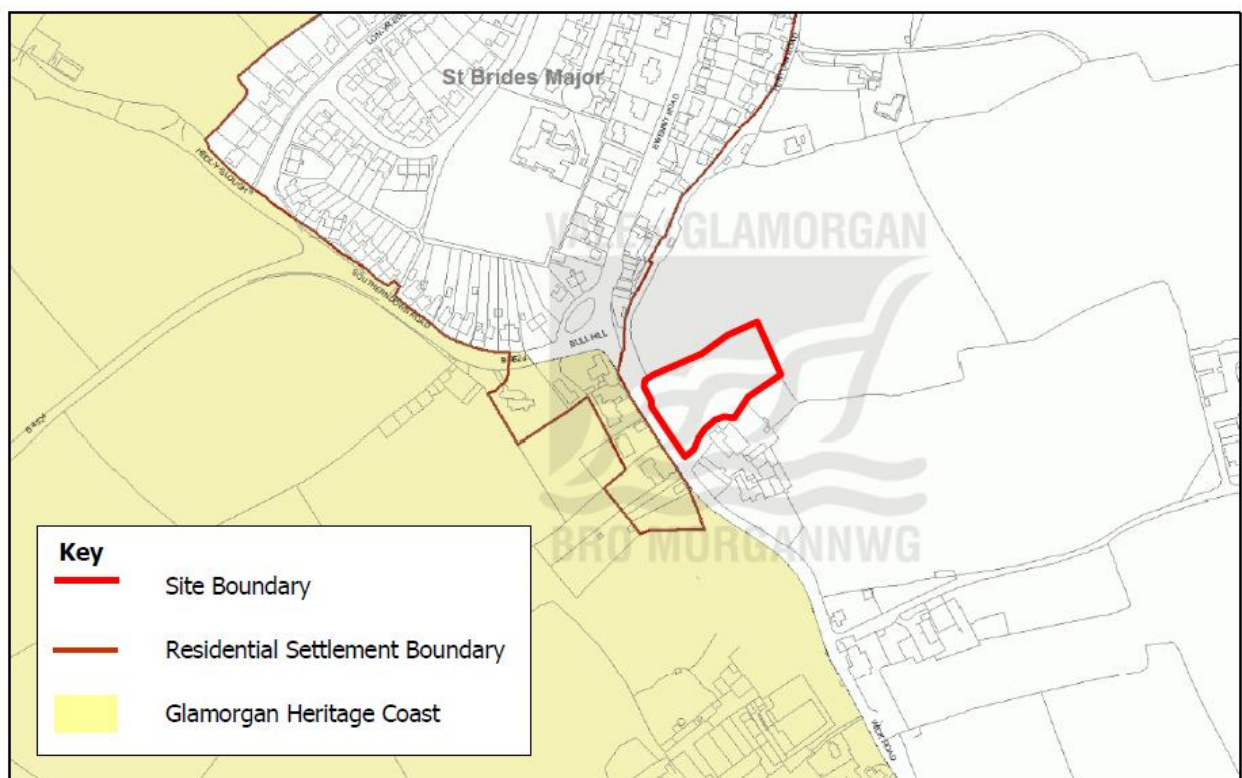
Moreover, paragraph 4.7.8 also states:

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

In addition Policies HOUS2 and HOUS8 of the UDP relate to residential development proposals within or adjoining settlement boundaries. St. Brides Major is a defined rural settlement under Policy HOUS2, where:

*‘favourable consideration can be given.....to small scale development which constitutes the “Rounding off” of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS8 and particularly criterion (i).’*

It is noted that the proposal offers no agricultural justification, and is not linked to any rural enterprise, such as those set out under TAN 6-Planning for Sustainable Rural Communities.



The relationship of the site to the defined residential settlement boundary of St. Brides can be seen in the above plan. Whilst it is located opposite the southern

extremity of the defined settlement, it is a matter of fact that the site does not adjoin the settlement boundary. The supporting text to Policy HOUS 2 set out in para 4.4.63 is of relevance which states:

*“.....Small scale rounding off, which for the purpose of this Plan is defined as development which constitutes no more than five dwellings, may also be permitted where the site lies within or immediately adjacent to the settlement boundary and conforms to a logical site boundary. All site boundaries should be existing man made or natural physical features. Arbitrary lines drawn for the convenience of plot size do not qualify as such. Each proposal, if accepted as infilling or rounding off will be assessed against the policy criteria and will need to be considered in the context of the relationship to areas of attractive landscape, high quality townscape and areas of historical, archaeological or ecological importance. (See also HOUS 13 on Exception Sites for Affordable Housing in the Rural Vale).”*

On the basis that the application comprises more than five dwellings, notwithstanding, the fact that the site does not lie immediately adjacent to the settlement boundary, the proposal cannot be considered as rounding off under the terms defined under Policy HOUS2 and the supporting text to that policy.

It is accepted that the application made is for affordable housing where Policy HOUS13 does allow for exception sites for affordable housing within the rural vale subject to certain criteria. The policy defines the 'Rural Vale' as the areas beyond the settlements of Barry, Penarth, Llandough, Dinas Powys and Sully.

This is supported by national guidance including PPW and TAN6, however, in line with the Council's policy this is not without qualification. As paragraph 9.2.23 of PPW states:-

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

As the guidance notes, the exception sites should ensure the viability of the local community and be within or adjoining existing settlements and meet local needs. UDP Policy HOUS13 is in line with this and requires an identified local need and that all of the following criteria are met :-

- (i) The site is within or adjoining an existing settlement boundary;
- (ii) The site is commensurate in scale, design and location with the identified need;
- (iii) Clear and adequate arrangements are made to ensure that the benefits of such housing are secured for initial and subsequent occupants;
- (iv) The scale and form of the proposed development is in keeping with surrounding uses;

- (iv) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (v) The proposal does not have an unacceptable impact on good quality agricultural land, on areas of attractive landscape or high quality townscape or on areas of historical, archaeological, ecological, geological or geomorphological importance;
- (vi) Open space is provided in accordance with the Council's approved standards;
- (vii) The provision of car parking and amenity space is in accordance with the Council's approved guidelines;
- (viii) Adequate community and utility services exist, are reasonably accessible or can be readily or economically provided.

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 application is accompanied by a Planning Statement which puts forward a number of material considerations to support the proposed development. The central issue is therefore whether the proposal complies with each of the criterion in Policy HOUS13.

With regard to Criterion i), the agent acknowledges that the site does not directly adjoin the settlement boundary, although states that the proposed site is well related and adjoining to the existing settlement boundary / built form of St Brides Major. The agent however adds that there are a number of significant material considerations in favour of the proposal, particularly the pressing need that exists for affordable housing. However this is not relevant to this specific criteria and the Policy is clear that each criteria must be met.

The Vale of Glamorgan Council's Sustainable Settlements Appraisal Review Background Paper (September 2013) was prepared as a background paper to the Deposit LDP and provides an assessment of the settlement hierarchy. St Brides Major is rated the 13th most sustainable settlement (out of 72), and is identified as a 'Sustainable Rural Settlement' owing to the availability of facilities. However, more generally, given its close proximity to the settlement boundary, it is recognised that the site is not in an unsustainable location in terms of transport and movement to the settlement of St. Brides Major.

In line with the precise wording of criterion i), the proposal cannot meet the first criteria as the site is not located within or adjoining an existing settlement boundary (as considered under the Policy HOUS2 assessment). However given the site is considered to be sustainable (in terms of its location) for completeness it is still considered necessary to consider all of the criteria to ensure a complete and robust assessment of the application.

## Affordable Housing Need

In assessing this application, the primary consideration with Policy HOUS 13 and in line with PPW and TAN6, an assessment must be made as to whether there is an identified need and in particular that the needs are “local” which would not otherwise be allocated in the development plan and the type of need. Consideration should also be given to ensure that clear and adequate arrangements are made to ensure that the benefits of such housing are secured for initial and subsequent occupants.

The Council’s Affordable housing Enabler has stated that there is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need across the Council’s area.

The Council’s Affordable housing Enabler has compiled the latest waiting list figures for households, which take into account lettings to the new homes built in Ogmore by Sea, which is in the St Bride’s Major Ward.

Property size (No. of bedrooms)	St Bride’s Major	Llandow/Ewenny	Adjacent small villages
1	4	5	12
2	1	5	5
3	3	0	3
4	0	0	0
<b>Total: 38</b>	<b>8</b>	<b>10</b>	<b>20</b>

In addition, figures for the neighbouring ward of Llandow Ewenny have also been submitted. In addition figures are included for requirements of households who have registered for the country towns (west vale villages) , but who are from small rural settlements. The Council’s Affordable housing Enabler has stated that the logic behind this is that they have applied for places where they know homes are available, but would prefer a small village if homes were available.

It is recognised that within the rural areas of the Vale of Glamorgan, housing need is often hidden until a development is proposed. At such a time the Council’s Affordable Housing Enabler would then engage with the local community and community council to encourage households that are in need to make themselves known and sign up to the Homes4U and Aspire2Own waiting lists.

However, on the actual and most up to date waiting list figures, it is clear that a need for 8 households exists within St Bride’s Major Ward, although this which could include the settlements of Ogmore by Sea, Southerndown, Wick and Broughton. In this regard there are is no specific evidence that that of the 8 households identified in need within the St Bride’s Major Ward that these would relate specifically to the settlement of St Bride’s Major,

however it is accepted that there is evidence of local need within the wider Ward.

Whilst a local need does exist, the proposal nevertheless relates to 19 units which would exceed the identified need. Whilst a local need, does in part exist this does in itself justify the development in this location rather than this only satisfies one of the criteria in UDP Policy HOUS13.

More generally, the development is proposed by Newydd Housing Association, who are a registered social landlord. Accordingly, their own guidelines / requirements would ensure that the affordable units remain affordable in perpetuity. If planning permission is granted this would be secured a S106 Legal Agreement were. This can be further controlled through any grant of planning permission. Newydd Housing Association are proposing, as per the approach taken at the recently developed Herberts site, to adopt a Local Lettings Policy which will be developed in conjunction with the local community and the Authority's Housing Section. This will ensure that priority is given to those applicants with a local connection.

### Visual Impact

A number of the criteria namely (ii), (iv) and (v) of Policy HOUS13. all relate, in the round to the appropriateness of the scale, form, design and location (with the identified need) is in keeping with surrounding uses; and that the proposal does not have an unacceptable impact on amongst other things, areas of attractive landscape or high quality townscape or on areas of historical importance.

In particular, the impact of the proposal on the character of the Conservation Area is one of the main considerations of the application. This is due to the duty imposed on the Council (under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990), with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Particular regard should therefore be given to Policy ENV 17 - Protection of Built and Historic Environment, which seeks to ensure, that the environmental qualities of the built and historic environment will be protected and development which has a detrimental effect on the special character appearance or setting of, amongst other things conservation areas, will not be permitted.

Policy ENV 20 specifically relates to Development in Conservation Areas and Proposals for new development, or features within conservation areas will be permitted where they preserve or enhance the character of the conservation area. It adds that such proposals will need to reflect:

- (i) the scale, design, layout, character, materials and setting of those buildings which establish the character of the area;
- (ii) the patterns of use which establish the character of the area;

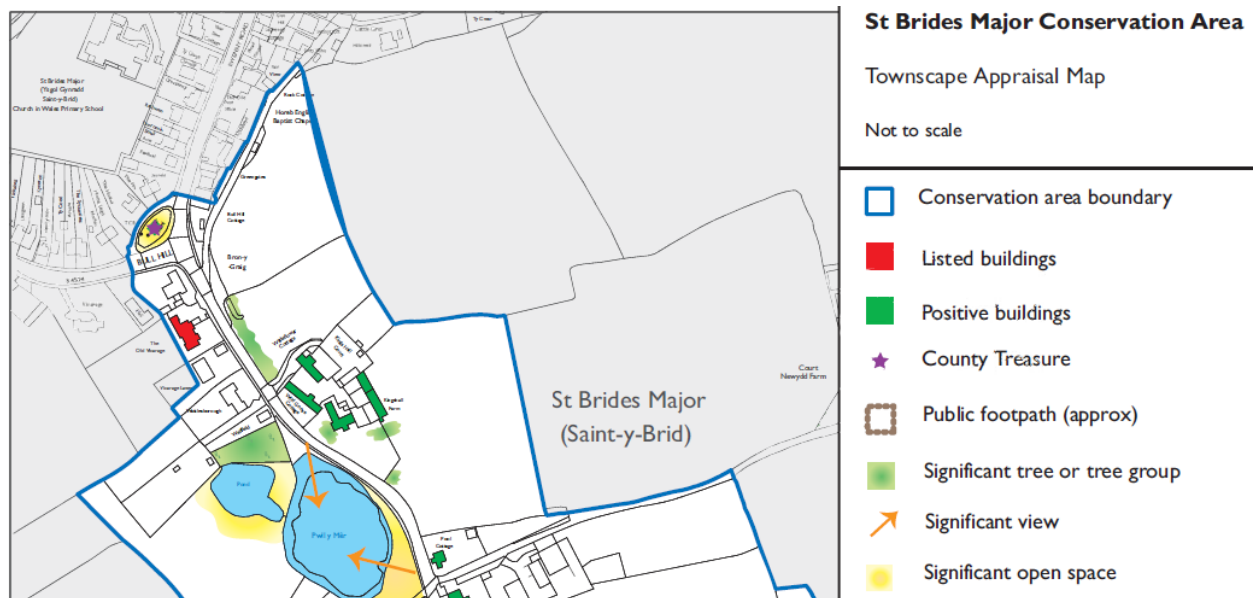


- (iii) important open space within and adjoining conservation areas;
- (iv) important trees and hedgerows; and
- (v) ponds and streams.

Assessment of the character of the site and wider character of the Conservation Area

A Heritage Statement has been prepared in support of the application, which considers the historic and planning context of the site and surrounds, in compliance with national and local planning policy and Welsh Office Circular 61/96.

The mature trees on the western boundary are identified in the Conservation Area Appraisal as a 'significant tree group' (see the extract from St Brides Major Townscape Appraisal Map and the image below).





*Image looking northwest on Wick Road towards St Brides Major. The stone boundary wall and the important tree group form the dominant experience of the site from the road*

The Heritage Statement (para 6.28 refers) states that :

*“Setting aside the ‘significant tree group’ and stone wall on the western boundary, the remainder of the site does not form either a part of the built form of the conservation area or exhibit any further ‘features of special architectural or historic interest’. In this respect, it is also clear that the site is not recorded by the Conservation Area Appraisal as a part of the conservation area’s ‘significant open space’*

The Heritage Statement (para 6.30) suggests that the inclusion of the site within the Conservation Area is *“not because of any intrinsic special interest it possesses” but due to its contribution as part of the ‘setting’ of those features of special architectural or historic interest identified within the conservation area.”*

A significant part of the assessment within the Heritage Statement relates to assessment of the orientation of the dwellings to the application site and the visibility of the site, with an overriding view that the site’s contribution, due to its enclosed nature, means that the ‘experience’ of the conservation area, is limited to the dominant features from the public realm, being mature vegetation and stone wall along the western boundary, arranged parallel with the road. The Heritage Statement states that the *“ remainder of the site is experienced from the public realm only in the context of a view from the road over the site’s southwest corner, and along the access road to the Kings Hall complex of buildings”* (see image below).



*Image looking northeast into the site from Wick Road*

The Heritage Statement concludes (in para 6.38) that “... *aside from the vegetation and stone wall on the western frontage, the site generally makes little contribution to the wider landscape or experience of the conservation area and simply comprises an enclosed field of pasture with no further characteristic features.*” and within para 6.39 that “...” *The remainder of the land within the site, in view of the peripheral location, as well as its position away from the street frontage – where it is largely screened by boundary vegetation, is concluded to make a limited contribution only as part of the setting of those features of special interest within the St Brides Major Conservation Area, and certainly cannot be considered to represent a special architectural or historic feature itself.*”

The actual impact of the proposals for the site are only assessed in passing within the conclusions of the Heritage Statement under para 7.6 which states that:

*“Consideration has been given to the proposals for the site– in respect of whether they reflect the form of development and architecture, as well as the palette of materials, which is exhibited elsewhere within the conservation area.”*

and under para 7.7

*“In terms of the scale, height, density and choice of architecture, materials, finishes and servicing; it is concluded that the proposed development would be in keeping with the character and appearance of the St Brides Major Conservation Area.”*

Para 7.8 concludes by stating that :

*“The change brought about by the implementation of the proposed development would therefore not result in an adverse impact on any feature of special architectural or historic interest that contributes to the character and appearance of the conservation area.*

It is however the impacts of the development are covered under a separate document : Landscape and Visual Appraisal - Prepared by The Environmental Dimension Partnership Ltd (EDP).

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out the principal statutory instruments which must be considered in the determination of any application affecting either listed buildings or conservation areas

As previously stated, Section 72 requires that in the exercise of planning duties special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Recent case law (see particularly *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137) makes it clear that the duty imposed in the Act means that in considering whether to grant permission for development that may cause harm (substantial or less than substantial) to a designated asset (listed building or conservation area) and its setting, the decision maker should give particular weight to the desirability of avoiding that harm. There is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the asset and its setting.

The St Brides Major Conservation Area Appraisal and Management Plan (CAAMP) identifies the qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity. The CAAMP is not prescriptive about which areas may be suitable for development but is guidance on general principles. It provides more detail than the Unitary Development Plan and is the preferred guidance for assessing the impact of the proposed scheme.

The CAAMP is explicit in its description of the conservation area noting:

*“The conservation area has an extremely low density; its open spaces, wide gaps between buildings and settlement clusters and overall spacious character are an essential part of its special interest.”*

The conservation area is characterised by its linear form along Wick Road. However, buildings within the conservation area do not have a regular relationship with the highway and are the result of the ‘organic’ growth of the area over time. The overall spacious character of the area and its irregular form is an essential part of its special interest. The CAAMP makes particular reference to the fact that the linear form of the conservation area and its spaciousness set it apart from the higher density village centre to the north.

It is acknowledged that the CAAMP whilst identifying significant open spaces, does not highlight the application site, as one such area. However, whilst the most significant open spaces are identified, they are by no means the only open spaces that contribute to the character and appearance of the conservation area in a positive manner. Indeed, the Appraisal and Management Plan programme, of which this document was part, sought to tighten the boundaries of conservation areas where fields or green spaces made no positive contribution to the special character of the conservation area. In these instances, the boundary of the conservation area was redrawn with those fields and green spaces excluded. In this context it is noteworthy that the St. Brides Major conservation area boundary review determined that no changes were necessary.

Furthermore, the Management Plan makes the following commentary on the landscape setting *“The landscape setting of the Conservation Area is very important and is notable for its rural location. For this reason the boundary has been drawn widely around the historic built environment and includes fields and open spaces that are vital to the area’s rural landscape setting.”*

The Management Plan also comments on the protection of important open spaces as follows *“Open areas and spaces between buildings and groups of buildings play an aesthetic part in forming the character of the conservation area. They can improve access into the surrounding countryside, frame vistas, enable distant views or are simply part of the historic development of the rural place.”*

The Management Plan goes on to make a clear recommendation that *“The development of open areas that contribute to the character of the Conservation Area will be opposed.”*

In this regard, the findings of the Heritage Statement are not supported or agreed and whilst there may be a distinction between the “significant open spaces” identified on the Appraisal map, the recommendation nevertheless relates to all open spaces that contribute to the character of the conservation area.

The CAAMP identifies the majority of the buildings within the former Kingshall Farm complex located to the south of the site as *“Positive Buildings”*. Whilst they have significant group value, part of their significant contribution to the character and appearance of the conservation area lies in their setting. In addition, the CAAMP identifies the frontage of the site as containing a *“significant tree or tree groups”*.

#### Assessment of the proposals on the character of the site and wider character of the Conservation Area

Within the St Brides Major Conservation Area the local context of the built environment is one of buildings that are modest in scale and architectural pretension. The pattern of settlement development has been more organic than the remainder of the village to the north. Within the conservation area a typical plot is significantly larger than a typical plot in the remainder of the village. The plots are organic and irregular with buildings in small informal groups (e.g. farmstead groups) which, on the whole, relate to the street.

The highest levels of density are towards the northern edge of the conservation area adjacent to the rest of the village. The group of buildings to the west of Wick Road has an approximate 6 dwellings per hectare. The buildings around Kings Hall have an area of approximate 7.14 dwellings per hectare. In contrast the application site proposes 19 no. dwellings, equating to a density of approximately 33.45 dwellings per hectare, which is distinctly different to the established lower densities within the conservation area. Moreover, it should also be noted that there are 25 no. dwellings in the entire conservation area and the proposal would significantly increase the density of the dwellings within the conservation area.

The siting of the buildings within the conservation area are generally linear and relate to the principal road albeit with varying degrees of setback. In the case of this area, there are a mixture of gables lying parallel to the road and gables facing the road, generally with one or two storey dwellings in height.

As identified above, the proposal seeks to introduce a significant number of dwellings into the conservation area resulting in a 76% increase compared to the existing stock. Whilst there are buildings (and groups of buildings) within the conservation area of a significant size and mass, these are limited to modern agricultural sheds which, although of a functional nature, reinforce the agrarian characteristics of the conservation area.

St Brides Major, in common with many historic settlements, includes a variety of historic building forms – houses, farm buildings and a public house, which could inform the design process. Detailed design considerations should therefore be based on the character of local buildings and include the style and proportions of windows and doors, where roof design and pitch must reflect scale and local vernacular.



In terms of composition, the scheme as amended ( illustrated above) proposes a distinctly suburban style cul-de-sac with a mix of short terraces, semi-detached and detached dwellings. This form of development is not characteristic of the pattern and grain of the conservation area as analysed above. In response to the concerns raised in respect of density, the agent has stated that “*affordable housing is naturally of a higher density, and that this is unavoidable*”. The agent also states that there needs to be a degree of flexibility with regard to the interpretation of design principles.

The agent acknowledges that the proposed scheme is of a higher density than is seen elsewhere within the Conservation Area, but is of the opinion that it does not in any way detract from the character of the area and when viewing the proposed development from Wick Road, considers that it would appear to be or a much lower density than is actually the case, given the large soft landscaped area to the front of the site and the retention of mature trees and hedgerows.

The agent in response to the concerns raised has stated that there is no existing built form to replicate within the conservation area. However, the built form is irregular and comprises small groups of buildings at a very low density.

Whilst it may be true that affordable housing requires higher densities, it is not considered, given the sites location within the conservation area, that basic good design principles should be considered in a more 'flexible' manner to accommodate the type of application submitted.

Importantly paragraph 2.6 of TAN 12 (2016) states “*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.*”

Furthermore, the agent makes reference to the set back of the built form of development from the road. Whilst this is a characteristic of the conservation area that has been identified and led the design approach, it is but one characteristic and would not be the overriding factor in considering the scheme.

As illustrated below, the land rises sharply and the dwellings would be set well above road level and above the re-built wall in a prominent position, significantly detracting from the open nature of the Conservation Area



In addition, the context section (illustrated below) shows that the site is set in an elevated position above the Kingshall buildings to the south and would contrast unfavourably with the low profile character of the converted agricultural buildings to a point where the form and scale of the dwellings would clearly be at odds with the character of the adjacent dwellings



The proposed central access into the site and the development within would open up views into the site which currently do not exist and the loss of two of the protected trees to accommodate the development would negatively impact on the character of the conservation area.

It can therefore be concluded that having regard to the density, form and general pattern of development, the proposal would result in a loss of an important area of open space which currently positively contributes to the qualities of the St. Brides Major Conservation Area and forms part of the setting of the “Positive Buildings” at the former Kingshall Farm.



The submitted LVIA report has considered the impact on the landscape and concludes that the proposals *“should be considered acceptable in landscape and visual terms and this should weigh favourably in the overall planning balance to be undertaken by the planning authority”*. However it should be noted that the assessment relates to the wider landscape impacts and viewpoints and specifically does not include an assessment in terms of the impact on the conservation area.

The impact of the proposal on the character of the Conservation Area is one of the main considerations of the application under the duty imposed on the Council (under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990) where *special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area*.

Whilst there is a proven local need for an element of affordable housing within the ward, in line with both local and national planning guidance, it is not considered that the need for affordable housing would, in this instance outweigh the clear and demonstrable harm caused by the proposal on the character of the conservation area, for the reasons set out above, having regard to the density, form and general pattern of development proposed.

In terms of more detail considerations in respect of the design, concerns were initially raised regarding the use of brick which was considered at variance with predominant pattern in the area and the need to use a wider pallet of higher quality materials.

In response the agent has stated that the use of lias limestone, natural slate roofs, timber fascia and soffits and iron rainwater goods is cost prohibitive and is of the opinion that the high quality design of the proposed development, will ensure that the development is in keeping with the character of the Conservation Area. It is also stated that additional increases in the costs would be financially prohibitive.

Whilst the Council note the statement relating to cost implications of high quality materials, such costs need to be factored in when developing within sensitive areas. Whilst the scheme is for affordable housing, there are no exceptions to such developments having lesser quality materials.

With regard to the impact of the Old Vicarage, Grade II listed building opposite, it is not considered that the land within the site boundary forms part of the setting of this designated heritage asset; and insofar as the setting of the vicarage contributes to its heritage significance, the proposal is not considered to cause harm to its setting.

### Planning Appeal History

Of particular relevance are the planning applications and subsequent appeals dismissed on part of the site under applications ref. 82/01463 and 83/0989 (Ogwr) for the construction of one cottage-style house with lay-by on land opposite the Old Vicarage. The application sites for both applications relate to the frontage of the site, although the size of the two sites does differ.

Whilst the decision is some 30 years old, the issues considered by the Inspector still remain relevant, being :

1. Whether the proposal would comprise of an appropriate form of infilling.
2. Whether the proposed development would unduly harm the character of the Conservation Area.

Moreover, the policy context considered by the Inspector remains largely unchanged in relation to those policies which presume against development likely to adversely affect the character of the conservation area and restriction on settlements and built up areas, other than those identified as main settlements, to limit infilling and rounding-off. However St. Brides Major was not at that time an identified as a settlement. Furthermore there was a wider policy which restricts development in the open countryside unless in the interest of agriculture or forestry.

Given the very limited development that has taken place within the Conservation area over the last 30 years, the assessment made by the inspector in relation to the impact on the Conservation Area remains largely relevant. He states :

*“... the open gap between Bull Hill and the converted complex at Kingshall is some 140 yds wide and the appeal sites only cover half of this. I consider therefore, that the erection of a dwelling on either or both of the sites could not be regarded as limited infilling or rounding off...”*

The Inspector makes reference to the character of the Conservation Area and notes that the formal groups of cottage and farm buildings scattered along the road either on the road or set back behind small informal greens. He states that this character has survived largely intact and the natural stone buildings and walls blend into the agricultural landscape in an attractive manner.

In particular, he states :

*“...Any building on the appeal sites which would be set well above the road and roadside wall in a prominent position, would significantly detract from the open nature of the Conservation Area, especially when viewed from Bull Hill and from just north of the pond. Also the sites are set somewhat above the Kingshall buildings to the south and would contrast unfavourably with the low profile character of the converted agricultural buildings.”*

It is considered that the Inspectors comments and decision remain relevant in the assessment of this application, which relate to a much smaller scheme and reinforces the concerns set out above for a scheme with significantly greater impact.

#### Impact upon the Historic Environment

The application is supported by an Archaeological field evaluation Report prepared by The Glamorgan-Gwent Archaeological Trust Ltd Projects Department. In summary the results obtained from the archaeological field

evaluation demonstrated the presence of archaeological features, but there was no conclusive evidence of remains related to the possible medieval long house

The Council's archaeological advisors Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the proposal and have stated that the absence of finds of mediaeval date and the lack of other buried structures it is unlikely that the proposed development will encounter and buried archaeological resource. Therefore GGAT have stated that it is unnecessary to recommend further archaeological works at the site and have no objection to the positive determination of the application.

### Agricultural Land Quality

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

PPW (para 4.10 refers) also states that 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 future.

Moreover, it adds that:

*“...in 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.”*

A detailed Agricultural Land Classification Survey has been submitted in support of the application, undertaken in November 2014 by Kernon Countryside Consultants Limited (KCC). The survey identified the site to comprise entirely of Grade 3a land. Accordingly the site does comprise of “best and most versatile quality agricultural land.”

The report states that the amount of “best and most versatile quality agricultural land” present on site, at less than 1 hectare, falls well below the 20 hectare threshold set out in TAN 6 and accordingly states that there is no requirement to consult with the Welsh Government over the loss of this land. Reference is also made to The Provisional ALC plan, which is appended to that report which demonstrates that much of the land in the Vale of Glamorgan is likely to be Grade 2 and that any development of agricultural land in the area is likely to involve some Grade 2 or sub Grade 3a land. In summary, the report states that the loss of this small area of “best and most versatile quality agricultural land” is not significant.

However it should be noted that this plan dates from 1977 and it cannot be relied on that the ALC within the Vale has remained static since this survey  
Extract from the Provisional ALC Plan (1977).

Both UDP Policy ENV2 and PPW (para 4.10 refers) only permit development on the “best and most versatile quality agricultural land” where an overriding need for the development can be demonstrated. In the case of this application, for the reasons set out above, there is not considered to be an overriding need for development (based on the impact of the development) within this Grade 3a land. It is considered that where developments for affordable housing are proposed in rural areas, as exception sites, they should, in the first instance be directed to land of the lowest grade.

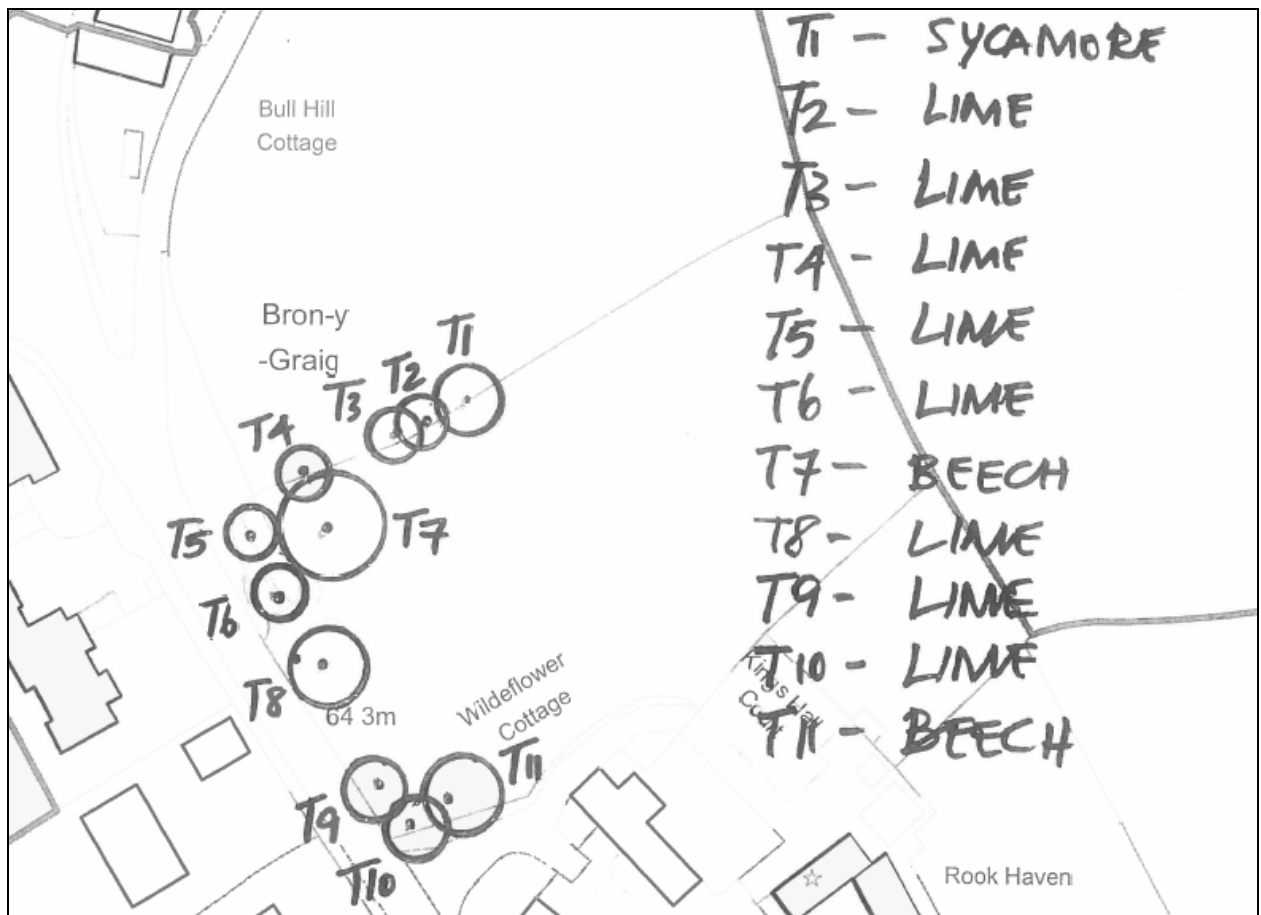
In light of the above as the development will result in the loss of Grade 3a land the proposal would be contrary to UDP Policies ENV2 and HOUS13 and PPW (para 4.10 refers)

#### Impact on protected trees

As stated above the trees along the frontage (south west) boundary comprise of five mature Limes with two very mature Beech, close to the Limes at each side boundary of the field. Moreover, from the front edge of the site as it turns into the eastward ‘side’ boundary of the field there three more Limes and a Sycamore, all mature. All of the trees lie within the conservation area and are statutorily protected, albeit giving the authority limited control in respect of work to or removal of the trees.

The application has been supported by a Tree Survey prepared by Treescene of all trees within the site identifying species, height, branch spread, conditions and recommendation to either remove and retain.

Given the limited control the Council have in respect of work to or removal of the trees within Conservation Area, due to the amenity value the trees have and following a request from the public the Council’s Tree Officer reviewed the trees within the site and the submitted survey. Following a survey it was considered necessary to progress an Order to protect what are largely lime and beach trees. The Tree Preservation Order relates to 11 No. Trees as set out in the extract below. Confirmation of Order No 12 2015 was agreed at March 2016 Planning Committee.



In light of the Order the Council's Tree Officer has raised a formal objection to the application which would result in the removal of two of the trees located broadly centrally along the frontage of the site, being 2 No. lime trees (T6 and T8). The removal of the two trees are to facilitate access into and the development of the site the site.

Whilst the removal of protected trees can be accommodated to enable development this is where the development itself would be acceptable and the removal of the trees would be considered acceptable and/ or where replacement trees are considered appropriate. However in the case of this application the mature lime trees make a significant contribution to the amenity of the area as individual trees and as part of a group and their removal would significantly impact on the character of the frontage of the site and the amenity of the conservation area.

This element of the scheme is therefore considered contrary to the aims and objectives of Policy ENV11 - Protection of Landscape Features and Policy ENV20 - Development in Conservation Areas as identified in the Vale of Glamorgan Adopted Unitary Development Plan, 1996 – 2011 and TAN10 Tree Preservation Orders.

## Access and Parking

The scheme proposed a cul-de-sac layout of development serving 19 dwellings, which is stated to be built to adaptable standards. An amended layout has been submitted to provide a less engineered solution, to comprise of a 2 metre wide footway, 4.8 metre wide carriageway and a 1 metre wide service strip, which will be finished in pavements.

The scheme proposed as 2.4 x 50m visibility splay in both directions. To achieve this, the stone wall to the lhs of the access is proposed to be demolished and rebuilt to the rear of the visibility splay. The scheme includes the provision of a 2 metre wide footway along the frontage of the site which extends westwards to provide pedestrian connectivity to the village. A total of 29 parking spaces are proposed.

Highway comments have not been received to date and will be reported to Planning Committee as a late item if submitted.

## Impact on neighbouring and general residential amenity

Given the distance of the development to opposing dwellings, it is not considered that the proposal will have any impact on the amenities of those dwellings located opposite the site on Wick Road. As previously stated that converted dwelling at the former Kingshall Farm would be most affected by the development proposals. It is noted that the dwellings located to the eastern side of the application site are located some 4-6 metres from the rear boundary of the site. The context section below shows the dwellings in question when viewed from the west.



It should also be noted that the dwellings are located in an elevated position and rise to the north-east, when compared to the level of Kingshall Farm.

Whilst the dwellings will clearly be visible from Kingshall Farm, it is considered that the distance between the nearest dwelling (Wildeflower Cottage) (some 10 metres) is sufficient, when taking into account the ground levels so as not to cause an overbearing impact on these nearest occupiers. In terms of impact on privacy, there are a number of first floor windows in plots 12/13, 14, 16/17 and 18/19 that may result in a degree of overlooking to the adjacent site, although the principle areas overlooked will be the shared driveways. Where windows do overlook habitable windows and or garden areas, the distance and angles between windows would be in line with the distance and angle table set out within the Amenity Standards SPG. The other dwellings within Kingshall Farm are all in excess of 21 metres away from the dwellings.

The proposed dwellings are all shown to be served by private rear gardens. Whilst they vary in size, the overall provision is considered acceptable in line with the guidance set out within the Amenity Standards SPG, providing usable and private amenity space for the future residents. In addition there are small pockets of open landscaped areas along the bottom of the site which can provide for additional amenity space for the residents.

### Ecology

The application has been supported by an Ecological Assessment (Revised) by David Clements Ecology (August 2015) and Survey for Great Crested Newt and Common Reptiles, Clearance and Mitigation Strategy; by David Clements Ecology; September 2015.

The Council's Ecologist has considered the above submitted documents and Comments is of the opinion that the ecological survey are adequate and have fully addressed ecological issues on site. The Council's Ecologist supports the recommendations in the report and recommends that planning conditions are attached to any planning permission granted in relation to the following :

- 1) *Prior to the commencement of development, a final strategy for sensitive site clearance with respect to reptiles and breeding birds to be submitted and approved by the LPA, to include methodology for dealing with Schedule 9 (invasive) plant species on site. The strategy shall be implemented as agreed.*
- 2) *Prior to the commencement of development, a lighting strategy for the site shall be submitted and approved by the LPA. The lighting strategy shall produce and protect dark flight corridors for bats on site, during construction and operational phases.*
- 3) Prior to the commencement of development, a Biodiversity Management Plan shall be submitted and agreed with the LPA, showing the management of features to maximise biodiversity and measures to be undertaken to enhance biodiversity on site.

Natural Resources Wales were consulted on the application and have reviewed the above submitted preliminary ecology appraisal and clearance and mitigation strategy and note the conclusions in respect of Great Crested Newts, a European Protected Species. NRW welcome the recommendations as set out in Chapter 6.0 of the report and advise that these are implemented. Further to this, they recommend that the ecologist supervising the site clearance works in respect of reptiles remains vigilant for GCN, and that toolbox talks cover GCN as well.

NRW have also made reference to the presence of Himalayan Balsam (an *invasive plant species*) and have also recommended a detailed method statement for removing or the long-term management / control of Himalayan Balsam on the site be submitted to and approved in writing by the local planning authority. Such a method statement should include measures that will be used to prevent the spread of Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. This is necessary to prevent the spread of an invasive species.

Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Wales.

In addition to the above The Council's Ecologist has also considered comments made in neighbouring representations, in relation to "*...the site being a locally important bat foraging site, which could also be a roosting or commuting site and concerns that there has not been a bat emergence survey*"

The Council's Ecologist has confirmed that the trees were assessed for bat roost potential and each one considered to be moderate to low potential, with a working methodology proposed for dealing with the trees. None of the trees were recommended for further survey. Some of the trees require a precautionary approach to the felling (described as "special measures") whilst others are deemed to be of low potential that require neither further survey nor special measures.

Observations made in neighbouring representations also state that bats have been observed [presumably foraging] over the site. Whilst there is no doubt that bats have been observed over the site, bats foraging and commuting grounds are not legally protected. In questioning whether there is likely to be an offence, then it is necessary to consider damage or destruction of foraging / commuting grounds as "disturbance"

Although no bat survey has been undertaken of the site, an assessment of the site has been made and its potential. This site is comprised mainly of :

- Species Poor Semi-improved grassland
- Hedgerows & mature trees around the boundary
- Areas of scrub / weedy vegetation.

As the site is small and the grassland and scrub of relatively low value to foraging bats, there cannot be a harmful effect on populations of bats by its damage or destruction; regardless of the species present or the sensitivity of the period within its lifecycle.

The removal or interference of hedgerows/ mature trees may have a negative effect on bat populations in the area by interruption of commuting routes through factors affecting the hedgerows and mature trees. To address these issues, the majority of trees and hedgerows have been protected through design (planning layout ensuring retention of features sufficient to maintain flight corridors) and through secured mitigation, (retention of dark flight corridors and commuting/foraging corridors by planning condition) as suggested above. Taking these avoidance and mitigation measures into account, it is the opinion of The Council's Ecologist that the development is not harmful to local populations of bats.

Further comments in neighbouring representations, also state that there "*are inaccuracies in the survey in relation to amphibian breeding areas.*"



It is noted that the development site was subject to a terrestrial survey for Great Crested Newt and this survey was considered adequate to conclude likely absence of GCN from the development site. Due to the presence of a known GCN breeding pond within range, the presence of GCN on site has been fully considered and despite the negative survey results, a contingency plan has been put in place in the unlikely event that GCN are discovered during the construction works.

Other amphibian species such as common frog, common toad and the 2 smaller newts do not receive the same level of legal protection; although common toad is a Species of Priority for Nature Conservation [NERC Act 2006]. Should planning permission be approved, habitat enhancements would be sought to address this, and other priority species to be undertaken as part of the Biodiversity Management Plan (as conditioned, see suggested planning condition #3 above). It is therefore concluded that the amphibian survey is adequate and mitigation measures appropriate to the level of risk.

### Flooding and Drainage

In relation to Foul Drainage Natural Resources Wales have stated that the proposal is located near a Source Protection Zone, and on a Major Aquifer. Source Protection Zones and Major Aquifers have strategic significance for water resources, supporting large abstractions for public supply. From the document submitted NRW note it is proposed that the foul drainage connection will be to the existing mains sewer. If the method of foul drainage disposal changes NRW have asked that they would wish to be re-consulted.

The Council's Drainage Team have stated that the site is not located in DAM areas at risk of tidal or fluvial flooding, and NRW maps indicate that there is a very low risk of surface water flooding to the proposed development site. However a condition has been requested, should planning permission be granted, to ensure that no development shall commence on site until it has been demonstrated that the standard of service for the site is to the 1 in 100 year design event plus 30% for climate change or that any resulting exceedance flows will not cause detriment to property either on or off site.

Welsh Water were consulted on the application and have not raised any objection subject to a condition to ensure that no building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

### Planning Obligations (Section 106)

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

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

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

As the proposal subject of this report seeks permission for the construction of 19 dwellings, the following section of this report considers the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. It concludes that planning obligations are required in respect of the following:

- Affordable Housing
- Education
- Sustainable Transport
- Public Open Space
- Public Art

#### Affordable Housing

The development is proposed for 100% affordable housing by Newydd Housing Association, who are a registered social landlord. Accordingly, their own guidelines / requirements would ensure that the affordable units remain affordable in perpetuity.

#### Education

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. PPW (ed. 8, 2015) emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

Whilst the development relates to 19 units, six of these units are 1 bedroom units. 1 bedroom units are not considered as family units which are likely to generate children of a school age. Therefore the development of 13 family units, would generate the following :

- 1 nursery
- 4 primary
- 4 (3 pupils aged 11 – 16 and 1 post 16) secondary.

Cost per school place :

- Nursery and Primary - £14,463.26 x number of places required
- Secondary - £21,793.42 x number of places required (11 – 16)
- Secondary - £23,653.40 x number of places required (post 16)

The proportion of pupils attending the different school sectors in the area serving the development are as follows: English Medium 92.5%, Welsh Medium 5% and Denominational 2.5%.

#### Nursery Level

1 nursery child generated. The development serves St Brides playgroup for English Medium provision and Ysgol Iolo Morgannwg for Welsh medium. There is no spare capacity at nursery level within all types of provision to accommodate the development.

The authority would seek a S106 contribution for 1 nursery child at a cost of £14,463.26.

#### Primary Level

4 primary children generated. The development serves St Brides primary school for English Medium provision and Ysgol Iolo Morgannwg for Welsh medium. There is no spare capacity projected at primary level within all types of provision that takes account of the current Ogmores residential and Caravan Park developments.

The authority would seek S106 contributions for 4 primary age children at a cost of £14,463.26 per place totalling £57,853.04.

#### Secondary Level

The development serves Cowbridge Comprehensive for English medium, Ysgol Gymraeg Bro Morgannwg for Welsh medium and St Richard Gwyn for Denominational provision. There is no spare capacity at Cowbridge Comprehensive where the majority of the provision is required (92.5%) that takes account of the current Ogmores residential and Caravan Park developments.

The authority would seek S106 contributions as follows;

3 pupils aged 11-16 at £21,793.42 per place totalling £65,380.26 and 1 post 16 pupil at a cost of £23,653.40 at Cowbridge Comprehensive for English medium. The total secondary contribution required is £89,033.66.

However, in this case it is considered that a section 106 agreement securing planning obligations in respect of the above contribution for Cowbridge Comprehensive would prejudice the Council's ability in the short-term, to secure the delivery of appropriate alternative residential development sites (with appropriate provision for education facilities) in the area, due to the CIL Regulation 'pooling restriction' explained below.

The CIL Regulations (Reg 123) restrict the pooling of Section 106 contributions to no more than 5 separate obligations to be used on a single infrastructure project. In this regard it should be noted that since April 2010 (when the regulations came into force) the Council has secured education contributions for the following :

The Council have secured education contributions from 3 developments in the catchment area of Cowbridge Comprehensive that could contribute to the school, those being Ogmores Caravan Park (2009/01273/OUT), Land off Badgers Brook Ystradowen (2013/00856/OUT), and Land at St. David's Colwinston (2014/00242/FUL), with Land north-west Cowbridge subject to a resolution for approval at Planning Committee subject to S106 (Planning ref: 2014/01505/OUT).

The Council also have a number of pending applications that fall within the catchment area of this school, including, Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston (Planning ref: 2015/00960/FUL), Land to the East of St. Nicholas (Planning ref: 2015/00249/FUL), Land to the east of Mink Hollow, St. Nicholas (Planning ref: 2015/00662/FUL), Land at Pentre Meyrick (2014/00993/FUL), Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely (Planning ref: 2015/00874/FUL) and Church Farm, Ystradowen (2015/00543/OUT).

In light of the above, the Council needs to consider which of the pending planning applications would be most important in delivering the Council's strategy for growth, on the basis of their planning merits, i.e. securing new housing development in the most appropriate locations that are capable of providing adequate provision for education facilities, amongst other things. It will not be possible to approve all of the above planning applications with planning obligations for education without breaching CIL Regulation 123. It is the Council's intention to introduce a Community Infrastructure Levy (CIL) for the Vale of Glamorgan which will overcome this issue in the longer term by delivering education facilities through CIL, and enabling the delivery of housing in accordance with the LDP Strategy. In the meantime, the Council will determine the above planning applications in light of all material considerations, including the need to secure adequate education facilities to meet the needs of future occupiers.

Until such time as education facilities can be delivered through CIL, the Council will have to consider which development sites would contribute most towards meeting the Council's strategy for growth and will need to resist those developments that would compromise the Council's ability to deliver the preferred sites in a way that allows their impacts to be mitigated. As such it would not be appropriate to recommend using one of the 5 opportunities to 'pool' s106 contributions for education facilities in Cowbridge Comprehensive on this development, notwithstanding the overriding concerns of the development within the Conservation Areas to justify undermining the delivery of other more strategically important and appropriate housing sites.

It is considered that this application cannot make appropriate provision for education facilities, for the reasons set out above to serve the development and as such is contrary to UDP Policy HOUS8(vi), the Planning Obligations SPG and the advice in Planning Policy Wales (paragraph 12.1.1).

The agent has confirmed that they are in agreement to the level of contribution sought and emphasised that the Council is unable to accept a proportion of such contributions, given CIL and pooling issues centred around the secondary education contribution.

The agent states it is not the entirety of the secondary level education contribution as 7.5% will be attributed to other schools/Welsh medium education provision. Whilst this would normally be the case, given the calculation is based on 13 family sized dwellings, the Welsh Medium and Denominational splits per pupil for secondary would be so low, that the Council have appropriately sought a contribution solely for Cowbridge Comprehensive.

### 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 24.3m<sup>2</sup> 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 Council's formulas for calculating Public Open Space are:

- Standard for Children's Outdoor Play = No. of Dwellings x Average Household Size (2.32) x standard per person (2m<sup>2</sup>)
- Other Children's Space = No. of Dwellings x Average Household Size (2.32) x standard per person (6m<sup>2</sup>)
- Standard for Outdoor Sport = No. of Dwellings x Average Household Size (2.32) x standard per person (16m<sup>2</sup>)

The development for 19 houses creates the need for 86.64 sq. m of children's play facilities (19 x 4.56 sq. m), 259.68 sq. m of other children's play space (19 x 13.68 sq. m) and 693.12m<sup>2</sup> of outdoor space (19 x 36.48 sq. m).

The Council would normally expect an area of children's play space to be provided on site for a development of this size, by way of a Local Area for Play. However it is noted that the site is constrained in terms of its size and sensitive location. Therefore without prejudice to the acceptability of the scheme as a whole, the Council would in this instance seek to secure a financial contribution, in lieu of any on site provision which could be used at the play area at Heol St. Bridget, to provide enhanced children's play facilities.

Given that the LDP Public Open Space Background Paper (2013) identifies an over provision of outdoor sport space, no such contribution would be sought in this instance.

Any off-site contribution for Public Open Space is usually calculated upon the basis of £1,000 per person, or £2,280 per household not catered for by the Public Open Space delivered on site. This is based on the total provision of 55.4 sq. m per dwelling, however given that there is an overprovision of 36.48 sq. m of outdoor sport, the level of contribution would be reduced to £760 per dwelling, which would total £14,440.

### Sustainable Transport

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

The Council's Sustainable Transport Assessment LDP Background Paper (2013) identifies the sustainable transport measures required to ensure better conditions for pedestrians, cyclists and public transport users, and to encourage a change in travel choices away from the single occupancy car. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver.

On all new developments (<10 dwellings) the Council seeks planning obligations to provide or enhance sustainable transport facilities, so that developments are reasonably accessible by a range of modes of transport other than the private car.

The scheme includes a pedestrian footway along the site frontage to link to its junction with Penylan Road, however, if planning permission were granted this would be delivered as part of the development under any Section 278 Agreement.

In accordance with the Planning Obligations SPG, based on the provision of 19 dwellings, the Council requires a financial contribution which equates to £38,000. This could be used towards improving pedestrian linkage in St. Brides; potential upgrading of the bus shelter facilities; contribution towards bus services.

The agent has confirmed agreement to this contribution.

### 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. I understand from your Planning Statement that you are not objecting to the delivery of Public Art on site.

The agent has confirmed agreement to this contribution

In addition to the above and separate to any planning obligation, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is greater. The agent has confirmed agreement to the pay this fee.

## RECOMMENDATION

### REFUSE (W.R.)

1. The development, by virtue of its density and form in addition to the local topography, will significantly urbanise the site, resulting in the loss of the open rural character of this part of the Conservation Area and rural character of the area, neither preserving or enhancing its character and appearance. The proposal would also negatively impact on the setting of the adjacent "Positive Buildings" at the former Kingshall Farm. The proposal would therefore be contrary to Policies ENV10 - Conservation of the Countryside, ENV17 - Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV 27 Design of New Development and HOUS13 - Exception Sites for Affordable Housing in the Rural Vale of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as guidance provided in the Council's adopted Supplementary Planning Guidance on Conservation Areas in the Rural Vale, and the St. Brides Major Conservation Area Appraisal and Management Plan together with Planning Policy Wales (edition 8, 2016), Technical Advice Note 12 - Design and 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).
2. The proposal would result in the loss of the "best and most versatile quality agricultural land" being Grade 3a, where an overriding need for the development of the site, as opposed to alternative sites has not be adequately demonstrated. The proposal would therefore be contrary to Policies ENV2 - Agricultural Land and HOUS13 - Exception Sites for Affordable Housing in the Rural Vale, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Planning Policy Wales (edition 8, 2016).

3. The proposed housing development would generate the need for additional school places which cannot be met by existing spare capacity and the development cannot make appropriate provision for education facilities to serve the development through Planning Obligations, without undermining the Council's ability to deliver strategically important development sites within the area. Accordingly, the application is contrary to criterion (vi) of Policy HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's approved Planning Obligations SPG and the advice in paragraph 12.1.1 of Planning Policy Wales (8th Edition) January 2016.

### REASON FOR RECOMMENDATION

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

The development has been considered in the light of Policies 1 & 2 - The Environment, Policy 3 – Housing, Policy 7 – Transportation Network Improvement, Policy 8 – Transportation, Policy 13 – Waste Management, Policy 14 Community and Utility Facilities and Policies ENV1 – Development In The Countryside, ENV2 – Agricultural Land, ENV5 – The Glamorgan Heritage Coast, ENV7 – Water Resources, ENV10 - Conservation of The Countryside, ENV11 – Protection of Landscape Features, ENV16 – Protected Species, ENV17 - Protection of Built And Historic Environment, ENV20 – Development In Conservation Areas, ENV24 - Conservation and Enhancement Of Open Space, ENV27 – Design of New Developments, ENV28 – Access for Disabled People, HOUS2 - Additional Residential Development, HOUS3 - Dwellings In The Countryside, HOUS8 - Residential Development Criteria – Policy HOUS 2 Settlements, HOUS11 - Residential Privacy and Space, HOUS12 - Affordable Housing, HOUS13 - Exception Sites for Affordable Housing In The Rural Vale, TRAN9 – Cycling Development, TRAN10 – Parking, REC3 – Provision of Open Space within New Residential Developments, REC6 – Children's Playing Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the St. Brides Conservation Area and Managements Plan and national guidance contained in Planning Policy Wales and TAN 5 – Nature Conservation and Planning, TAN 6 – Planning for Sustainable Rural Communities, TAN 10 – Tree Preservation Orders, TAN 12 – Design, TAN 14 – Coastal Planning, TAN 16 - Sport, Recreation and Open Space, TAN 18 – Transport,

- 1) The proposal would result in the removal of two protected trees which would impact on the amenity of this part of the St. Brides Conservation Area.
- 2) The proposal would result in a loss of an important area of open space which contributes to the qualities of the St. Brides Major Conservation Area and forms part of the setting of the "Positive Buildings" identified at the former Kingshall Farm. Moreover the having regard to the density, form and general pattern of development and the topography of the site, the



proposal would significantly urbanise this part of the Conservation area detract from the open nature of the Conservation Area.

- 3) The proposal would result in the loss of the “best and most versatile quality agricultural land” being Grade 3a, where an overriding need for the development of the site, as opposed to alternative sites has not be adequately demonstrated.

Accordingly, the above identified harm is such that the proposal is not considered as an appropriate affordable housing exception site due to the impact of the development, where its scale and form is in not keeping with surrounding uses and the proposal would have an unacceptable impact on good quality agricultural land and an area of attractive landscape and high quality historical townscape/landscape value

The proposal would therefore fail to preserve or enhance the character or appearance of the St. Brides Conservation Area having regard to duty imposed on the Council (under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990).

Accordingly, the development is considered contrary to a number of the specific policies and guidance listed above.

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Notes:  
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

Client:	newydd
Project:	Residential Development, Wick Road, St Brides Major
Job Number:	L467
Date:	10 06 15
Drawn By:	PC
Drawn No:	A100
Revision:	A
Scale:	1 : 1250 @ A3
Drawing Status:	PLANNING



Project: Residential Development,  
Wick Road, St Brides Major

Job Number: L467

Date: 10 06 15

Drawn By: PC

Drawn No: A100

Site Location Plan

Revision: A

Scale: 1 : 1250 @ A3

Drawing Status: PLANNING

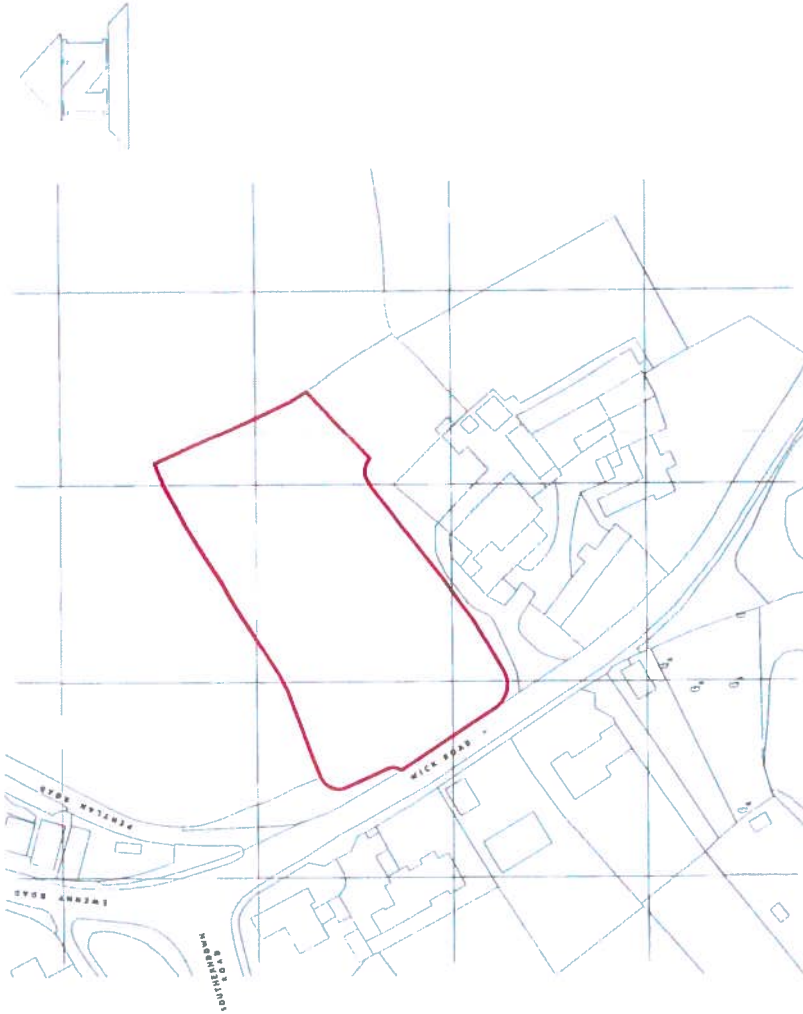


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**Application by Newydd Housing Association**

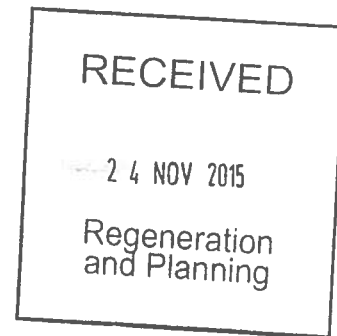
2015/01157/FUL

**Land off Wick Road, St Brides Major, Vale of Glamorgan**

Appendix A.

**Ref: 2015/01157/FUL**

**Representations on behalf of local residents**



**Introduction**

1. The St Brides Major Conservation Area (CA) was first designated over 40 years ago, in 1973. Its essential character and appearance has remained largely unchanged since, with any development proposals arising in the meantime being relatively minor in nature.
2. With some notable exceptions, where new housing development has been previously proposed in the CA it has been rejected. Indeed, a previous attempt to develop part of the current application site for two dwellings was dismissed on appeal in 1984. The Inspector found then that the erection of two dwellings '*..would significantly detract from the open nature of the conservation area.*' A copy of that decision is appended.
3. This decision set a standard. No-one has since seriously contemplated development which would compromise the integral quality of the CA. Not until now.
4. I represent around 40 residents of the CA who oppose the development principally because of its damaging impact on the character and appearance of the CA. They had requested me to provide an independent assessment. Most shall be writing individual letters of objection, but these representations are presented on behalf of the group as a whole.
5. The proposed development is promulgated by the applicants on the basis that it is comprised of affordable homes on a '*rural exception site*'. This term is defined in national policy as:  
  
*' a small scale housing site, within or adjoining existing rural settlements for the provision of affordable housing to meet local needs, which would not otherwise be allocated in the development plan.'*
6. This is not a small scale housing site. At 19 dwellings, the development proposed by Newydd is not insignificant; it comprises a major development in the terms of *The Town and Country Planning (Development Management Procedure) (Wales) Order 2012*. It is therefore extremely doubtful, having regard to the national definition, whether this should be appropriately considered as a rural exception site.
7. But the fact that such sites are not allocated in the development plan does not provide '*carte blanche*' to develop wherever one pleases. The acceptability of such development is governed by national and adopted development plan policy. Accordingly, it is as well that Newydd's proposals are tested on this basis.

## Policy

8. In accordance with the advice provided in Planning Policy Wales (PPW) and TAN 2 'Affordable Housing', UDP policy HOUS13 provides specific guidance on Exception Sites in the rural vale.
9. The policy provides:
 

*IF IT CAN BE DEMONSTRATED THAT IN THE RURAL VALE THERE IS AN IDENTIFIED LOCAL NEED FOR AFFORDABLE HOUSING, THE DEVELOPMENT OF A LIMITED NUMBER OF ADDITIONAL SITES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:*
10. Thus the policy firstly requires an assessment of the 'identified local need'. It is only when this can be demonstrated that the acceptability of the site should subsequently be tested in accordance with the published criteria.
11. The policy makes it plain that the requirements of **all** the criteria should be met before permission will be granted. I shall therefore examine the 'identified local need' prior to assessing the proposals against each of the criteria in turn.

## Identified local need

12. The applicants in the accompanying Planning Statement rely mainly on the 'The Local Housing Market Assessment Update Report' to justify local need. This document forms part of the evidence base for the preparation of the Local Development Plan (LDP). However, the data put forward by the appellant relates to the Rural Vale as a whole, and very little attempt has been made to disaggregate this into 'identified local need', as required by the terms of the policy.
13. The only indication provided of local need relates to the current Homes4U waiting list, which shows that within the St Brides Major Ward, four people have indicated a need. No information has been provided as to the home addresses of those on the waiting list, whether they reside within the Ward, or the urgency of the need. The level of local need is nevertheless low and does not justify the construction of 19 dwellings.
14. The applicant's Planning Statement says, at paragraph 5.17:
 

*'In addition, the Rural Affordable Housing Needs Survey Final Report (November 2010) for the Vale of Glamorgan confirms that there is a net need for 250 affordable dwellings per year in the rural Vale alone – which includes St Brides Major.'*
15. This document, or its updated version, also forms part of the LDP's evidence base. The applicants have distorted its detailed findings, or simply ignored it. The study provides at, paragraph 6.35:
 

*'The total number and proportion of households in future need in each community is shown in Table 6.11. Rhoose contains the highest number of households in future need, but St. Athan has the largest proportion of households in need. In 11 of the 25 communities, there were no households found to be in newly arising need and in three there was a negative needs figure.'*
16. A glance at Table 6.11 shows that one of the three local communities showing a negative annual need for affordable housing is St Brides Major. The total annual need across the

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whole of the Rural Vale is shown to be 263 units, which forms the basis of emerging policy in terms of affordable housing need in the Rural Vale. But this document, commissioned by the Council, demonstrates conclusively that a negative local need for affordable housing arises in St Brides. Emerging policy on affordable housing in the Vale is predicated on this research, and the outcome of the research should therefore attract significant weight.

17. Accordingly, the applicants have failed to demonstrate evidence of ‘*identified local need*’ for affordable housing in St Brides, indeed the evidence points the other way.

### **The detailed criteria of UDP policy HOUS13**

(i) *THE SITE IS WITHIN OR ADJOINING AN EXISTING SETTLEMENT BOUNDARY;*

18. A settlement boundary is identified in the UDP for St Brides Major. This establishes that the site is clearly not within the settlement. More significantly the site does not adjoin the settlement, as defined by the settlement boundary. The site’s northern, eastern and western boundaries do not adjoin the settlement. The northern boundary is separated from the settlement by a field.
19. The western boundary of the site is drawn along the road frontage. The settlement boundary, however, is drawn to coincide with the other frontage of the road. The Oxford dictionary defines the word ‘*adjoin*’ to mean ‘*be next to and joined with*’. The site may be close to the village as defined by the settlement boundary, but is not joined with it. The site, accordingly fails the requirements of the first criterion.
20. One outcome of the release of this land would be to make the intervening land between the application site and the village vulnerable to future development proposals, which may prove difficult to resist, thus adding to the harm to the CA.

(ii) *THE SITE IS COMMENSURATE IN SCALE, DESIGN AND LOCATION WITH THE IDENTIFIED NEED;*

21. As the Council’s own LDP evidence base documents demonstrate, there is no ‘*identified local need*’ for affordable housing in St Brides. Thus the scale of the development is wholly disproportionate, even if the current Homes4U waiting list was given weight. The evidence points to Newydd, of necessity, having to import people from other parts of the Vale to occupy the dwellings, which would otherwise stand empty. This policy criterion, with its specific reference to ‘*location*’ is designed to guard against such an eventuality, and its terms, accordingly, are not met.

(iii) *CLEAR AND ADEQUATE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF SUCH HOUSING ARE SECURED FOR INITIAL AND SUBSEQUENT OCCUPANTS;*

22. It is acknowledged that this may be achieved.

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(iv) *THE SCALE AND FORM OF THE PROPOSED DEVELOPMENT IS IN KEEPING WITH SURROUNDING USES;*

23. The site lies outside the designated settlement boundary on land designated as part of the countryside, where the general form and scale of development can best be described as sporadic in nature, and where the predominant use is agriculture.
24. The introduction of an urban-type cul-de-sac of 19 dwellings into these rural surroundings would represent an alien intrusion in terms of its scale and form. This criterion, therefore is not remotely met.

(v) *THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;*

25. Several of those residents whom I represent are concerned at the traffic implications of the scheme. I consider that an access meeting the terms of local policy/standards could be achieved, but at a price.
26. The introduction of an access would involve the removal of trees on the site frontage; it will itself prove intrusive and would open up the site to view from the front. Moreover, the development is set on rising land and would prove particularly intrusive set against its rural surroundings, even in summer.
27. In winter, the visual intrusion would prove even greater, given that defoliation would denude the site of its cover. All the applicant's presentation photographs show the site's trees in full leaf. Photographs are attached showing the site when defoliation has taken place, a state of affairs which lasts for 5 months or more every year. The site becomes exposed, particularly when approached from the south-east. The proposed dwellings would prove visually intrusive in this rural scene, and the requirements of this criterion are not met.

(vi) *THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 OR 3a), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL, ECOLOGICAL, GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE;*

28. The ALC Survey Results submitted by the applicant confirm that the site comprises good quality agricultural land in the terms of national policy. The development would have an unacceptable impact on the land in that it would permanently erase it from any future possible agricultural production. That the condition of the land has been allowed to deteriorate by its owners has no bearing on the policy position.
29. In this respect PPW provides:

*Considerable weight should be given to protecting such land from development, because it is of 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*

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*developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade”.*

30. Firstly, as has been demonstrated, there is no overriding need for the development based on the Council’s own assessment of need.
31. Secondly, no evaluation has been undertaken as to whether previously developed land or land in lower agricultural grades is either available or unavailable. National policy calls for a form of sequential testing, which has not been undertaken. The applicants were simply ‘offered’ the land by its owners without researching or examining the availability or acceptability of other sites. It is an opportunistic proposal, failing the terms of national policy and the first part of this criterion of UDP policy HOUS 13.
32. Thirdly, whilst acknowledging that the LPA is not required to consult Welsh Government in view of the size of the site, this does not negate the terms of policy, which are self-evident.
33. The applicants have produced a lengthy Heritage Statement. It concludes at paragraph 6.60:  
*‘Accordingly, there would be a ‘neutral’ impact on the character and appearance of the St Brides Major Conservation Area if the proposed redevelopment is implemented; in other words, the development scheme proposed for this site would ‘preserve’ the conservation area’s character and appearance’.*
34. Thus, in accordance with the principles established in the South Lakeland case, the applicants suggest that their development would not cause harm. This, of course, is wholly at odds with the conclusions drawn by a Planning Inspector when assessing a far more modest development proposal on the same site. The appeal decision is appended, but it is worth reminding ourselves as to what the Inspector had to say in relation to the impact of two dwellings on the CA:  
*‘This character has survived largely intact and the natural stone buildings and walls blend into the agricultural landscape in an attractive manner... In my opinion, any building on the appeal site which would be set well above the road and roadside wall in a prominent position would significantly detract from the open nature of the Conservation Area...Also the sites are set somewhat above the Kingshall buildings to the south and would contrast unfavourably with the low profile character of the converted agricultural buildings...’*
35. Circumstances have not materially changed since the Inspector’s decision, other than s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has placed a further obligation on local authorities when considering development proposals in CAs.
36. The assessment of visual impact is necessarily a subjective matter, but the conclusions drawn from any assessment should be competent and reasonable. The Inspector’s judgment as to the effect of development on this site is to be preferred to that expressed on behalf of the applicants, since it is realistic and disinterested.
37. The proposed development by reason of its scale and exposure would in my prove visually intrusive and damaging, and would seriously harm the essential open agricultural characteristics of the CA.
38. This policy criterion is, accordingly, not met in terms of the impact on an area of historical importance.
39. With regard to the ecological report, it is noted that the applicants are advised that no bat survey is deemed necessary. Several local residents confirm that bats are very active on this

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site, including the trees, during the summer. It is therefore considered that the failure to survey for bats is a serious omission.

(vii) *OPEN SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS;*

40. It is acknowledged that this may be achieved.

(viii) *THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;*

41. It is acknowledged that this may be achieved.

(ix) *ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY OR ECONOMICALLY PROVIDED.*

42. Whilst some local community and utility facilities exist, future residents would need to travel elsewhere for most of their needs particularly in employment, shopping, healthcare and education. It is acknowledged, however, that the residents of dwellings on most exception sites would be faced with similar problems.

43. It is therefore concluded in respect of UDP policy HOUS 13 that:

-- The applicants have failed to produce evidence of proven local need for affordable housing; indeed the evidence points the other way.

-- Far from satisfying **all** the criteria set out in the body of the policy, as required, the proposal fails to meet the terms of criteria (i), (ii), (iv); (v) and (vi). Thus over half of the policy's criteria are not met.

44. It is for the council to determine the weight that can be afforded to the policies of the emerging Local Development Plan (LDP), given that its examination has not yet taken place. However, a specific policy, MD 11, deals with Affordable Housing in Rural Areas. The draft policy also requires the applicant to demonstrate an '*identified local need*' and requires any proposed development to comply with policies MD 2 & MD 3.

45. These policies are directed to 'Place Making' & 'Design of New Development' respectively. For the reasons already provided, the proposed development fails the tests of policy MD 2 criteria 1 & 2, and MD 3 criteria 1, 2, 3 & 5.

46. In making its decision, the Council is required to have regard to the provisions of the development plan, and to determine the application in accordance with the plan unless material indications indicate otherwise. There are no weighty material considerations that are not covered by the detailed terms of UDP policy HOUS 13. The proposal is clearly in conflict with the provisions of this policy, and with the terms of emerging policy, and it should therefore be rejected.

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**G Powys Jones MSc FRTPI**

**Chartered Town Planning Consultant**



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November 2015

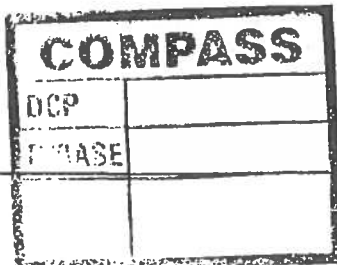


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Messrs Godfrey Evans & Co  
Solicitors  
Talbot Road  
TALBOT GREEN  
Mid Glamorgan



Ein Cyf/Our reference

P53/594 P53/62 1  
Eich Cyf/Your reference

Dyddiad/Date

15 MAY 1984

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24 NOV 2015

Regeneration  
and Planning

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEALS BY MRS A J PRESTON  
APPLICATION NOS:- 53/82/1463 AND 53/83/989

1. As you know I have been appointed by the Secretary of State for Wales to determine the above-mentioned appeals. These appeals are against the decisions of the Ogwr Borough Council, to refuse planning permission for (a) a cottage style house with lay-by on land opposite The Old Vicarage, St Bride's Major, application No 53/82/463, reference P 53/594 (site 'A') and (b) a cottage style house with lay-by on land opposite The Old vicarage, St Bride's Major, application No 53/83/989, reference P. 53/621 (site 'B'). I held a local inquiry into the appeals on 27 March 1984.

2. The 2 appeal sites are contiguous and form the roadside part of a pasture field some 1.35 acres in size. Site A is about 0.2 acres and (lies to the north and site B is just over 0.1 acres and contains the concrete foundations of a former agricultural building. There are 4 large mature trees near the road frontage on each site. The field slopes up from Wick Road, the centre part of the sites being about 7.ft. above road level, and is bounded by a 3½ ft stone wall along the road frontage and thin hedges to the north and east with pasture fields beyond separating the sites from the village to the north. The southern boundary is delineated by an open wire fence along the shared driveway to the development at Kingshall just to the south. This consists of Kingshall itself, 2 dwellings converted from barns and further agricultural buildings with planning permission for a third dwelling. Opposite the site is the Old Vicarage, a substantial house, and 3 other dwellings fronting Wick Road. Planning permission has been granted for another dwelling in the garden just to the south of the Old Vicarage.

3. The sites are located some distance to the south of the War Memorial, Penylan Road, and the road junction known as Bull Hill, which form the limit of the main built-up area of the village at this point. South of Bull Hill development is grouped informally along both sides of Wick Road for about ½ mile which, together with the surrounding fields, the pond and associated open spaces, is designated a conservation area. From the evidence given at the inquiry, submissions made and from my inspection of the sites and their surroundings, I consider that the main issues are, firstly, whether or not these proposals would constitute an appropriate form of infill and, secondly, whether the proposed development would unduly harm the character of the Conservation Area.

4. It was established during the inquiry that the 2 appeal sites were not alternatives and that, although the applications referred to lay-bys, the matter

of access was reserved for subsequent approval as there were several possible options. The planning policies of relevance are contained in the Mid Glamorgan County Structure Plan, approved in 1982. Policy LC14 states that there will be a presumption against development likely to adversely affect the character of conservation areas. Policy S4 restricts development in settlements and built-up areas, other than those identified as main settlements, to limited infilling and rounding-off. St Bride's Major has not been so identified. Also Policy S3 states that there will be a presumption against development in the open countryside unless it is in the interests of agriculture or forestry.

5. For your client it was maintained that these sites are not in the open countryside, but are contained within the village area by the development to the south and brow of the hill to the east. The proposed development would conform to the natural pattern of development in the area, being small groups of buildings in a rural environment. The sites are close to the centre of the village and alongside and opposite existing development where new residential development has recently been permitted. This is a modest proposal for limited infilling between Kingshall and the village. Furthermore Site B, by itself, could be seen to form a logical completion to development at the Kingshall Farm complex, sharing access with other permitted dwellings. With regard to the conservation area, the sensitive siting and detailed design of the proposed dwellings, subject to further approval, would ensure they are in keeping with the surrounding properties. Various access arrangements are possible, including access off the existing driveway, in order to avoid harming the trees and stone boundary wall.

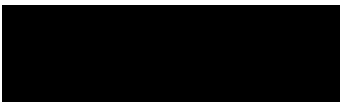
6. Although, strictly, the sites may not be located in open countryside, the predominant land use to the north and west is agricultural and the immediate locality is rural in character. In my view these proposals do not amount to infilling in any sense of the term. Unlike the development permitted opposite on either side of The Old Vicarage, which is on small gaps on former garden sites, the appeal sites form part of a larger area of pasture land separating the main body of the village from the original farm complex at Kingshall. The open gap between Bull Hill and the converted farm buildings is some 140 yds wide and the appeal sites only cover about half of this. I consider, therefore, that the erection of a dwelling on either or both of the sites could not be regarded as limited infilling or rounding-off within the terms of Policy S4. In addition should this development be permitted it would be difficult to resist further ribbon-types of development on the remaining open road frontages both north of the site on Wick Road and Penylan Road and to the south of Kingshall.

7. The Conservation Area has been assessed by Glamorgan County Council in 1973 as being predominantly agricultural with "informal groups of cottages and farm buildings scattered along the road either on the roadside or set back behind small informal greens". This character has survived largely intact and the natural stone buildings and walls blend into the agricultural landscape in an attractive manner. The groups of buildings referred to include, north of the pond, the farm complex at Kingshall and, nearer the village, the short ribbon of development dominated by The Old Vicarage. In my opinion any building on the appeal sites, which would be set well above the road and roadside wall in a prominent position, would significantly detract from the open nature of the Conservation Area, especially when viewed from Bull Hill and from just north of the pond. Also the sites are set somewhat above the Kingshall buildings to the south and would contrast unfavourably with the low profile character of the converted agricultural buildings.

8. I have taken into account all the other matters raised, including the submission that the field including the appeal sites is of no beneficial use, but do not find them of sufficient weight to override my conclusion that the development of either of these sites would both conflict with the aims of the planning policy for the area that seeks to restrict new development to limited infilling and detract from the distinctive special qualities of the Conservation Area.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Gentlemen  
Your obedient Servant



D SHEERS BA DipTP MRTPI  
Inspector

APPEARANCES

FOR THE APPELLANT

Mr P Price

- of Counsel, instructed by Messrs Godfrey Evans & Co.

He called:

Mrs A Preston

- Appellant.

Dr M Hockaday FRTPI FIAS FBIM

- Planning Consultant.

FOR THE PLANNING AUTHORITY

Mrs L Beckingham

- Solicitor, Ogwr Borough Council.

She called:

Mr G A Hulin BSc DipTP MRTPI

- Senior Planning Assistant.

INTERESTED PERSONS

Mr C Lewis

- The Hollies, Southerndown Road, St Bride's Major, Bridgend.

Mr E Stevans

- Vice Chairman, St Bride's Major, Community Council, 7 Heol Cae, Gwyn, St Bride's Major, Bridgend.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

Document 2 - Notice of inquiry and letters to those notified.

Document 3 - Two letters from St Brides Major Community Council.

Document 4 - Four letters from 2 local residents.

Document 5 - Copy of appeal decision letter P53/282 of 23 April 1979.

Document 6 - Letter of Ogwr Borough Council to the appellant of 23 March 1983.

Document 7 - Letter from Davis, Foster and Finley, Solicitors to the appellant of 21 March 1984.

Document 8 - Extract from Mid Glamorgan County Structure Plan - policies.

Document 9 - Extract from Mid Glamorgan County Structure Plan - written statement.

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Regeneration  
and Planning

205/001157/FUL  
Appendix A

Mr Christopher Boulton & Ms Laura Fudge  
Oak Cottage  
Wick Road  
St. Brides Major  
Vale of Glamorgan  
CF32 0SF  
30<sup>th</sup> November 2015

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

**RE: PLANNING APPLICATION REF:2015/01157/FUL  
Planning (Listed Buildings and Conservation Areas) Act, 1990  
Development in Conservation Areas  
Application Affecting the Setting of a Listed Building**

Dear Sir or Madam,

As residents of the beautiful St. Brides Conservation Area we would like to outline our objections to the proposed planning application ref:2015/01157/FUL.

We question the longer term implications of building on land designated for conservation should this application be approved and have outlined a number of local concerns. We ask that you take our letter into consideration in your decision making.

Whilst we understand that demand for housing is a nationwide problem - and one that the Vale of Glamorgan is needing to manage - we cannot conceive that building on designated conservation areas in the quest for housing is a scheme that your department would condone. The proposed development is not within the St. Brides Major settlement area but is within the St Brides Conservation Area.

We are concerned that this development would set a new precedent that could undermine the purpose of conservation / protected areas in our village and beyond - across Wales. It is the green space within our village and between our villages that gives the area its intrinsic beauty both for the residents and those that love to visit our coast and countryside.

If this development goes ahead, what does this mean for other areas of countryside that currently have protection status for environmental benefit or other uses such as

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farmland? Has there been any evaluation of what this change of precedent would mean for other protected areas of countryside should this development proceed?

What is the current policy for planning permission for multiple new dwellings in a conservation area. Is this something that is common place in other parts of the country? Does this include a general policy of building on Greenfield Land that is not currently part of a recognised new residential settlement? Have all Brownfield Sites and sites appropriate for development in the Vale of Glamorgan been exhausted?

The proposed development of houses and flats are not in-keeping with the character of its surrounding buildings in the St. Brides Conservation Area and our concern is that the architectural and historic character of the area will be lost. Will this be taken into account on any planning decisions made?

The proposed new dwellings will also have an environmental impact. Have independent studies been carried out to understand the impact on the local eco-system for example the bats that feed in the area as well as the wildlife within and surrounding the pond?

Access to the development site has obviously been proposed by someone who does not use the area regularly. We understand that traffic was monitored whilst the through-road to Bridgend was closed. The narrow road that would host the entrance to the proposed site is at a point where many large lorries, buses and farm vehicles traverse regularly - and being on the bend of the road would mean visibility to oncoming traffic would be limited. Quite often these larger vehicles encounter issues when meeting oncoming traffic and have been seen to mount pavements and hit garden hedges in order to avoid collision. There are only pavements on one side of the road and in sections these are very narrow. Creating a new opening amongst the trees for the proposed development will increase the existing danger on this road for pedestrians, cyclists and motorists.

St. Brides Major has a long history of drainage issues at both ends of the village. It is assumed that the impact of adding a number of new dwellings on the local drainage and sewerage system will result in increased stress. Will this impact be taken into account and be addressed?

With other new developments and proposed developments in the Ogmere-by-Sea, Wick and St. Brides Major area, we would be interested in the evaluation and impact studies that have been carried out on local amenities such as schooling, public transportation and other infrastructure as well as improving highway safety for all.

What is the evidence regarding the need for social housing for rent in St. Brides Major? We are unclear whether or not the potential occupiers will have any connection to the village, as set out in the developers promotional material - as there was no policy for decision-making on housing allocation in place at the time of the public meeting. Will this be available before the planning process has been finalised?

As bastions of St. Brides Major we hope that this application is rejected and thank you for taking our letter into consideration.

We look forward to hearing from you.

Kind Regards,

Mr Christopher Boulton & Ms Laura Fudge

2015/01157/FUL  
Appendix A

Wildeflower Cottage  
Wick Road  
St Brides Major  
Vale of Glamorgan  
CF32 0SE

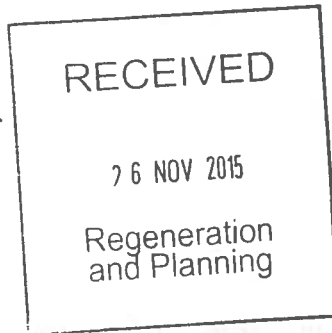
*objection*

E mail: [REDACTED]

Tel: [REDACTED]

21st November 2015

Mr S D Butler Planning Officer  
Vale of Glamorgan Council  
Holton Road,  
Barry,  
CF63 4RU



D.E.E.H
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ACTION BY: <i>SDB/DC</i>
NO: <i>6</i>
ACK:

Ref: P/DC/SDB/2015/01157/FUL dated 2 November 2015

Dear Sir,

**Objection to Planning Application 2015/01157/FUL**

I object to the above planning proposal for 19 affordable housing units off Wick Road (Kings Hall Court paddock) St Brides Major for the following reasons:-

**1. Inappropriate development of a Conservation Area.**

The proposed development is for 19 units housing 67 persons on an elevated paddock of about 0.5 hectare. This paddock is in the St Brides Major Conservation Area and has in the past been the subject of an appeal to build just 2 cottage style dwellings which was refused by the Welsh Office on the grounds that any development on the site was not in keeping with the conservation area for several reasons. Those reasons have not altered over time and the development that is proposed is high density utilising manufactured materials - brick, manufactured stone and roof tiles, uPVC windows, doors, soffits and rainwater goods instead of natural stone, Welsh slate and wood. It is not in keeping with the surrounding area which has low lying converted farm buildings of natural materials in a linear format or small hamlet formation and the housing estate proposed will completely dominate the landscape and change the characteristics of the conservation area. The council has a statutory duty to "preserve or enhance" this Conservation Area.

**2. Inappropriate development of rural countryside.**

The area of the paddock is described as an open space in the St Brides Major Conservation Area Appraisal and Management Plan of 2009 separating the village of St Brides Major and Pitcot that is "important to the areas rural setting." The paddock is assessed as Grade 2 good quality agricultural land and this will be lost if the development takes place. The paddock is not in or

adjacent to the residential settlement boundary of St Brides Major. (UDP Proposals Map)

### 3. No proven local need.

Geraint John Planning's document entitled Planning Statement Sept 2015 refers widely to the Vale of Glamorgan Rural Housing Needs Survey 2010 however it fails to include the important conclusion that the affordable dwellings need for St Brides major is actually calculated as a **negative net housing need per annum of MINUS 2** dwellings. Moreover in point 5.18 the document conveniently omits a sentence which changes the whole meaning of the quoted paragraph which I replace in bold:-

*- In terms of the attitudes to more affordable housing locally it was felt that there is a need for additional affordable housing in the community area ...**The preference is for shared ownership and shared equity properties and houses and bungalows rather than flats.** There is also a need for housing products for older residents and smaller private dwellings. It was felt that the local community should be given first opportunity to live in a new affordable home and that 'local' equated to the community area.*

The Homes4U waiting list shows that there are a total of 4 households on the list for the whole of St Brides Major Ward which covers not only St Brides Major but also Ogmore by Sea, Southerndown, Wick and Marcross. The inclusion of the need in adjoining wards is irrelevant as the argument being put forward is that these units are for local residents of St Brides Major area only to be let under the terms of a Local Lettings Policy, Such a policy already exists for the area for the 21 affordable units under construction at Ocean View in Ogmore by Sea and there is planning consent for a further 25 units at the caravan site in Ogmore By Sea which no doubt will also have a local lettings policy applied. All of these dwellings will feed to the small primary school which can accommodate a maximum of 210 pupils.

It is also of note that the Statement of Community Involvement included 3 letters of support from postcodes well outside of St Brides Major Community Council area and did not include other letters of objection which were sent separately.

### 4. Inaccurate planning application with significant omissions.

I have already complained about the inaccuracies and seemingly disingenuous nature of the planning application. The documents submitted by Geraint John Planning have photographs of our property (Wildeflower Cottage) which are at least 5 years old and were taken before our extension and renovation was undertaken. They do not show the second storey above the garage and the sensitive way in which we have dealt with the natural materials. All of the drawings and plans fail to show the windows of our house and the gable end oak window (which is our master bedroom window)

situated by public transport. The document highlights the ease of access to Bridgend for shops and GP's. However it fails to acknowledge that medical services in Bridgend are supplied by ABMU health board which does not have an obligation to cover the residents of St Brides Major who reside in Cardiff and the Vale Health Board. Local residents often have to travel to Barry, Cardiff or Cowbridge to access the full range of health services because of their postcode. Access to health and social care in the Western Vale is problematic to say the least.

**8. Proposed development disproportionate in relation to adjoining settlement – density, elevation, materials – high visual impact.**

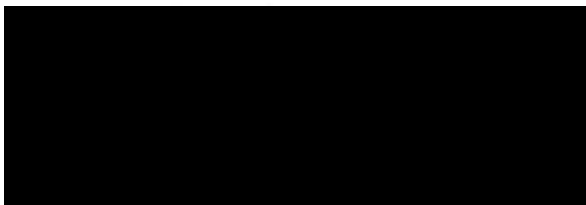
The proposal is extremely intrusive for the neighbouring properties with roof lines much higher, many overlooking windows and buildings pushed close to the boundary with very small rear gardens and poor finishes to the site enclosure on the south east side of the development which are not in keeping with the conservation area.

**9. Not transparent process and no representation on Vale of Glamorgan Council for local residents.**

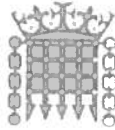
We have already written under separate cover to voice our grave concern that this planning proposal and application may have been subject to predetermination following sight of a letter from Councillor Bronwen Brooks stating "The Council's Housing Strategy team gave support for the above development after it was brought to the notice of Newydd Housing Association by an external agent. This is in line with the Council's commitment to ensure that rural communities remain sustainable by allowing affordable housing to become available. Whilst the site is in a conservation area, which I understand will be a contentious issue for the local residents, this does not prohibit development. In order to address the concerns full consideration has been given to mitigate any impact of the development"

The owner of the land is Councillor Audrey Preston along with her three children. Councillor Preston is our representative on the County Council and also a member of the planning committee for the Vale of Glamorgan. This leaves us with no representation on the Council. Despite extensive enquiries I have been unable to ascertain how we get representation and an unbiased hearing regarding this planning application.

Yours sincerely



Dr Judith Patricia Davies



HOUSE OF COMMONS  
LONDON SW1A 0AA

2015/01157/FUL

Appendix B

Mr Mark Petherick  
Civic Offices  
Holton Road  
Barry  
Vale Of Glamorgan  
CF71 7BB

23 November 2015

**Objection to 2015/009955/OUT**

Dear Mark

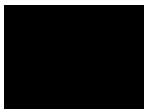
I am writing in objection to planning application 2015/009955/OUT as I believe that this proposed development is inappropriate for St Brides Major.

The proposal for the 19 Newydd Housing dwellings on land off Wick Road just south of the St Brides Major settlement boundary should not be approved for the following reasons:

- The development falls within the St Brides Major conservation area but will not be sympathetic to existing buildings. It will detract from the character of the area.
- The need for social housing in St Brides Major has not been adequately demonstrated. It is not supported by the local community.
- The development is outside of the St Brides Major settlement boundaries – ignoring policies encouraging the protection of countryside land adjacent to settlements to prevent sprawl.
- The ecological survey submitted to the planning authority has not undertaken a sufficient survey for bats – a protected species. Local people have informed me of significant bat activity in the area.

I hope that those making the decision to approve or reject this application will bear these concerns in mind and think carefully before imposing this development upon St Brides Major.

Yours sincerely



**Alun Cairns MP**  
Vale of Glamorgan

29 High Street  
Barry  
CF62 7EB

Alun Cairns MP  
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Our ref: JH/CB/

Mark Petherick  
Cabinet Officer  
Vale of Glamorgan Council  
Civic Offices  
Holton Rd  
Barry  
CF63 4RU

690  
LB/LE

FAO: Cllr. Lis Burnett

18 January 2016

Dear Lis

**Re: Planning Application 2015/01157/FUL St Bride's Major Proposed development of 19 affordable dwellings, with associated landscaping and engineering works**

I have been contacted by a number of local residents with regard to the above planning application. I am writing in support of my constituents and wish to highlight some concerns prior to the Planning Committee meeting.

I understand that the main issue is that the development is located within the St Brides Major Conservation Area. Local residents refer to the St Bride's Major Conservation Area Appraisal & Management Plan, issued in 2009 and the 'general duty' of the Vale of Glamorgan Council to ensure the, 'preservation and enhancement of the St. Brides Major Conservation Area in the determination of planning applications.'

They do not feel that the proposed development 'preserves' or 'enhances' the Conservation Area.

They tell me that the proposed development has almost no green areas and the design of the dwellings is not in keeping with the surrounding properties; most being rendered rather than using stonework- which is more commonplace in the Conservation Area.

Bae Caerdydd  
Caerdydd  
CF99 1NA  
Cardiff Bay  
Cardiff  
CF99 1NA

Ffôn / Tel: 0300 200 7110  
E-bost / Email: [Jane.Hutt@assembly.wales](mailto:Jane.Hutt@assembly.wales)

I am informed that the slope of the paddock means that the proposed dwellings could dominate the skyline & adjacent converted agricultural buildings. I have also been told that the paddock is a rich habitat for bats and wildlife and that Newydd intend to remove at least two mature and healthy trees despite them being designated as part of a "significant tree or tree group" in the Conservation plan.

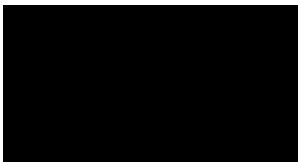
Finally, residents have referred me to page 8 of the Appraisal and Management Plan which states that:

'Given the policy background and the character of the St. Brides Major Conservation Area it is unlikely that an intensification of development here would be appropriate.'

I would be grateful if their concerns could be accorded due attention.

With very best wishes

Yours sincerely

A solid black rectangular box redacting the signature of Jane Hutt AM.

JANE HUTT AM (VALE OF GLAMORGAN)



**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*



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

Mr M Petherick  
Cabinet Officer  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

*SQA*

Please reply to:  
Cardiff Bay, Cardiff, CF99 1NA  
Bae Caerdydd, Caerdydd, CF99 1NA  
Ffon/Tel: 0300 200 6565  
[AndrewRT.Davies@Assembly.Wales](mailto:AndrewRT.Davies@Assembly.Wales)

6<sup>th</sup> November 2015

Dear Mark

**Planning Application: 2015/01157/FUL**  
**Proposed development on Wick Road, St Brides Major**

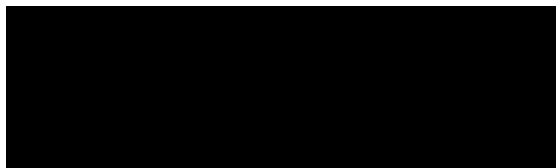
I am writing to you to express my concerns about the prospect of this application being granted. There are several issues regarding access to the site, which is located on a busy road. There are already many concerns regarding safety when vehicles attempt to enter and leave houses nearby, and increasing the number of properties would only serve to exacerbate this problem.

The site of the proposed development falls within the St Brides Major Conservation Area, and as such, it must not unduly harm the character of the area. The buildings would be set well above the road and roadside wall in a prominent position, and would contrast unfavourably with the rest of the site. Therefore, they would detract from the distinctive special qualities of the Conservation Area.

A far smaller development for two cottage style houses on the same site was proposed several years ago, but the application for planning was rejected. The development proposed in this application is several times bigger than the previous one, and many residents have contacted me to express grave concerns. I would urge you to take this into consideration and reject the application.

Thank you for your consideration of the matter, and I look forward to hearing from you.

With kind regards.



**Andrew RT Davies AM**  
Assembly Member for South Wales Central  
Leader of the Welsh Conservatives



**2015/01492/FUL** Received on 29 March 2016

Mrs. Sian Jenkins Windhover, Mount Road, Dinas Powys, Vale of Glamorgan, CF64 4DG

Mr. Julian Phillips Julian Phillips Partnership, Market House, Chapter, Market Road, Canton, Cardiff, CF5 1QE

### **Windhover, Mount Road, Dinas Powys**

Demolition of existing dwelling and construction of two new semi detached houses

#### **SITE AND CONTEXT**

The application site as edged red comprises an existing detached, two storey dwelling house, with associated residential curtilage, including an attached mono pitched roof garage which is currently in a poor state of repair. The property is set back from the main road and forms part of a row of more modern residential properties located opposite Dinas Powys Common. The property currently sits within a very large plot, with a front and rear garden which extends to the east behind the adjoining properties.



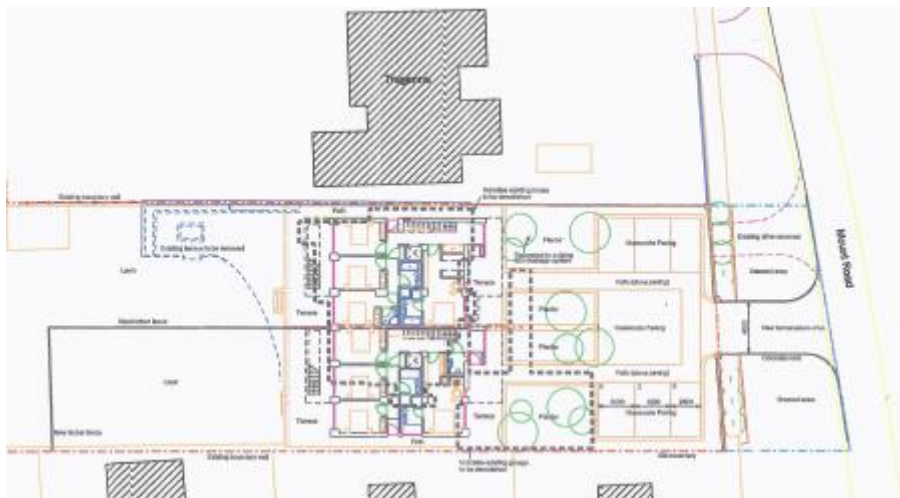
The site is located on the edge of, but within, the Dinas Powys settlement boundary, but lies just outside of the Dinas Powys Conservation Area. The residential development known as The Mount is located immediately to the west of the application site with the car park of The Star Public house, both Grade II listed buildings located to the north of the site.

#### **DESCRIPTION OF DEVELOPMENT**

This is an application for full planning permission for the complete demolition of the existing dwelling and the construction of two semi-detached dwellings.

The proposed two five bed dwellings will be constructed on the site of the existing and over a similar footprint. As originally proposed, each dwelling measured approximately 9.4m in width, 16.5m in depth with an overall height of 8.3m with a raised mono-pitched sloping roof, and a central flat roof area connecting the two dwellings. The design approach is for contemporary detailing, such as the use of extensive full height glazing, with powder coated aluminium framed windows and doors,

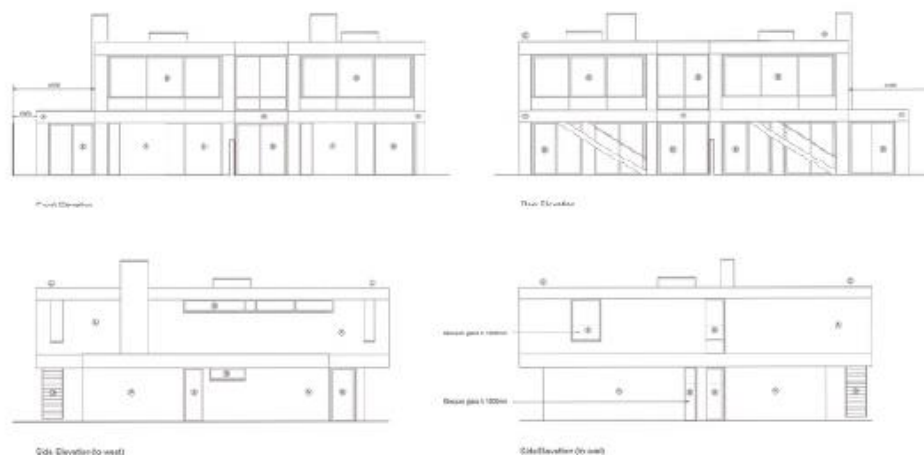
The application also proposes the removal of the existing access and driveway into the site and the replacement with a central access and driveway finished in tarmac with grassed areas located either side of the access to the front of the site. The hard standing areas which will accommodate 3 off street parking spaces per dwelling (6 in total) will be located to the front of the proposed dwellings and are to be grasscrete paving with two stone paved paths leading to each dwelling house.



Concerns were raised with the as originally submitted scheme, with regard to the close proximity of one of the proposed dwelling to the boundary with the existing properties located at The Mount. This would have resulted in an overbearing development as well as concerns regarding privacy and overlooking. In order to address this matter, amended plans were received on the 29 March 2016 which proposes the redesign of both dwellings and following changes:

- the reduction in number of bedrooms for both properties from five to four bed dwellings
- Reduction in the width of the proposed dwelling at first floor level by 4.1 metres off the boundary with the neighbour dwellings at The Mount.
- Inclusion of raised balconies located on the front and rear elevation of the both properties.
- Reduction in height of both dwellings from 8.3m to 6.7m
- Redesign of roof type – replacement with a flat sedum roof with 6 circular roof lights with zinc coping and two areas to accommodate solar panels.
- Change in proposed materials – removal of black timber cladding and replacement with coloured render walls
- Introduction of high level window in western side elevation

Proposed elevation plans below:



The application is accompanied by a Design and Access Statement (DAS).

### PLANNING HISTORY

2015/01347/FUL : Rear of Windhover, Mount Road, Dinas Powys - Construction of five new two storey dwellings at rear of Windhover and reconfiguration of car park to the Star Public House. Proposals involve the demolition of a single storey garage .

2012/00217/PRE : Windhover, The Star Public House, Dinas Powys - Residential development - 5 dwellings - Pre-Application Response Charged 29/01/2013.

2007/00122/PRE : Windhover, Mount Road, Dinas Powys, CF64 4DG - Demolish existing house and construct new housing on site - Pre-Application Response.

2005/00197/TCA : Windhover, Mount Road, Dinas Powys - To fell one Blue Atlas Cedar in the rear garden. - Approved 22/02/2005.

1999/00380/FUL : Wind Hover, Mount Road, Dinas Powys - New double garage and hard landscaping - Approved 07/05/1999.

### CONSULTATIONS

**Highway Development** - raised no objection to the development but requesting that amended plans be submitted to show the proposed means of access be provided to a minimum width of 4.5m and the proposed car parking spaces are required to be provided to a width of 2.6m. Revised comments were received on the 12 April 2016 stating that same comments as above.

**Environmental Health (Pollution)** - has requested a mitigation scheme in relation to noise, dust and vibration from the site. They have requested that no burning of waste is undertaken on the site and restrictions are placed on the site for hours of construction. It has also been advised prior to demolition, an asbestos survey is carried out and its disposal, as well as advice relating to contamination of land, if found at the site during construction.

**Glamorgan Gwent Archaeological Trust** - indicate that the works will require archaeological mitigation. The Historic Environment Record shows that the proposed site is within the Dinas Powys Conservation Area. The site lies 130m north of a Scheduled Ancient Monument (GM431, Romano-British Farmstead) situated on Dinas Powys Common to the south of Mount Road. Therefore it is likely that residual remains of occupation from the Roman and later periods may remain undisturbed on this site. Archaeological work was undertaken during the construction of a garage at this site in 2000. This was of a small scale and in an area where the ground had been previously disturbed. Although no significant structures were uncovered during this excavation, it remains a possibility that buried archaeological resource could be encountered during the proposed work.

The proposed demolition and new build works have the potential to impinge the archaeological resources and therefore they recommend that a condition requiring the applicant to submit a programme of archaeological work (watching brief) to be submitted and approved by the local planning authority, be attached to any planning permission granted by Members.

**Local Ward Members** - were consulted. On the 21<sup>st</sup> January 2016 an email was received requesting that the application be placed before the Planning Committee due to neighbour concerns regarding the close proximity of the proposed site is immediately behind their properties.

**Dwr Cymru Welsh Water** - raise no objection to the development subject to the imposition of a condition relating to drainage scheme for the disposal of foul surface and land water by sustainable means and an advisory regarding the connection to the public sewer.

**Ecology Officer** - has welcomed the biodiversity and environmental features incorporated into this application, and requests a condition regarding site clearance during the bird nesting season.

**Dinas Powys Community Council** - has raised an objection to the proposed development stating that the development is against the Unitary Development Plan for executive-type detached properties only in this area. The Community Council were re-consulted and further comments received that reiterated the original comments set out above

## REPRESENTATIONS

The neighbouring properties were consulted on 11 January 2016 and a site notice was also displayed on 15 January 2016.

There have been 4 letters received, one of which supports the application but also raises concerns and 3 letters which raise a number of concerns regarding the proposed development. These are summarised as follows:

- Overdevelopment of the site;
- The proposed width of the new building is much near to the boundary with The Mount;
- Proposed development will affect stability of existing boundary wall;

- Privacy will be compromise by the proximity of the large picture windows on the first floor of the new build;
- Proposed development would occupy a bigger footprint than the existing dwelling
- Removal of trees along the boundary with Windhover and The Mount will result in direct exposure of the bedroom at 13, The Mount;
- Close proximity of the development in relation to a mature sliver birch tree that forms part of The Mount Tree Preservation Order;
- Scale of the proposed development is reduced

All neighbouring properties were re-consulted on the revised scheme, and three letters of representations have been received. These are summarised as follows:

- Proposed development will affect the appearance and community of the village
- Proposed building will be more intrusive and will intrude on privacy of bedrooms facing the proposed dwelling
- Impact of two dwellings on the site as oppose to one will result in increase in number of occupants, amount of activity and increase in amount of noise in the area.
- Two semi-detached properties are out of character with the surrounding houses on Mount Road.
- Overdevelopment of site – footprint of existing property of Windhover will be significantly increased.
- Concerns over stability of retaining wall as a result of the development.
- Impact on privacy due to gradient of land and living accommodation on first floor
- Impact on highway safety due to increase use of Mount Road with six cars entering and leaving via one driveway.

## REPORT

### Planning Policies and Guidance

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

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 – TRANSPORTATION

*Policy:*

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES  
POLICY ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT  
POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION  
POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS  
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS  
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT  
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY  
POLICY HOUS11 – RESIDENTIAL PRIVACY AND SPACE  
POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide 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, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, particularly part 4.2 – Planning for Sustainability and part 4.11 – Promoting sustainability through good design.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. Particularly of relevance is paragraphs 9.3.2, 9.3.3 and 9.34.

*9.3.2 'Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular 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 adaption, should not be allowed to damage an areas character or amenity. This includes such impact on neighbouring dwellings, such as serious loss of privacy and overshadowing.'*

*9.3.4 ' In determining 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'*

## **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 (2016)

## **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
- Sustainable Development - A Developer's Guide
- Trees and Development
- Design in the Landscape
- Dinas Powys Conservation Area Appraisal and Management Plan



## Issues

As mentioned above, amended plans were received on the 29<sup>th</sup> March 2016 which proposed a number of changes and re-design of the proposed dwellings in comparison to the original submission. For clarification, the consideration of this application has been made in accordance with the submitted amended plans.

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the scale, design and layout of the proposed dwellings and the impact of the development on the street scene and setting of the adjoining Dinas Powys Conservation Area; impact on the neighbouring and general residential amenities and on highway safety

## Scale, Layout and Design

The proposed two houses are a semi-detached pair and sit roughly midway back into the site. The houses are generally in line with the other residential properties located along Mount Road but are at an elevated position to the property Tregenna and slightly lower than the Mount development, taking into account the fall of the site and the adjoining highway. Whilst the adjoining properties are detached the scale, design and layout of the semi-detached pair does not detract from the character and setting of the street scene or the adjoining conservation area. In view of this, it is considered that the proposed development would not appear out of character with the street scene.

The proposed houses are large family size dwellings with a roughly square footprint, both with a wide frontage. The scale of the proposed houses is considered acceptable in relation to the plot size, with large detached houses being a common characteristic along Mount Road. Furthermore, the proposed houses would not appear incongruous or dominate the street scene, due to the reduction in the overall roof height and change in design and set back location from the main highway. The visual impact will be no greater than that of the existing property currently located on the site and the development will retain the high standard of privacy and spaciousness that is currently enjoyed by the existing dwellings. The proposed dwellings will also be served by large rear gardens. The quantity and quality of the proposed amenity space is considered sufficient in this location and is comparable to that available to other houses located within the row on Mount Road. In view of the above, the development is considered to accord with Policy ENV27, HOUS8 and HOUS11 of the Council Approved Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance – Amenity Standards.

The proposed design of the dwellings is considered suitable, being of a typically modern appearance. They will have colour render to the exterior walls and a flat sedum roof with aluminium windows and doors. There is a mix of house styles and materials along Mount Road, particular reference being made to the neighbouring property known as Tregenna which has recently been modernised to include large glazed windows and the use of modern materials. As such the proposed materials are considered acceptable, though a condition should be added to require material samples if approved.

Following further consideration of the revised design and amended plan, the conservation officer has stated that as the site has already been developed, the intensification of the site, as proposed, will not have an adverse impact on the scheduled monument or have no adverse impact on the listed buildings located near the site known as The Mount and the Star Inn public house. Whilst the application site is not located within the conservation area it does lie adjacent to it and the impact on the conservation area needs to be assessed. In view of this, it is considered that the proposed scheme is appropriate in its own right given the immediate context and is therefore acceptable in the wider context of the conservation area. It is considered that the revised scheme will not have an adverse impact on the character, appearance or setting of the adjoining conservation area. In view of the above, the development is considered to accord with Policy ENV17 of the Council Approved Unitary Development Plan 1996-2011.

Overall, the proposed layout, scale and design of the proposed dwelling is considered acceptable for this location and will not result in overdevelopment of the site. It is also considered that the development will not have a detrimental impact on the street scene, wider surrounding area or on the setting of the Dinas Powys Conservation Area for the reasons outlined above. Accordingly it is considered that the proposed development accords with criterion (i) of Policy HOUS8, HOUS11, ENV17 and criterion (i) of Policy ENV27 of the Council Approved Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance – Amenity Standards.

#### Impact on neighbouring and general residential amenities

There have been concerns raised from neighbouring properties located in close proximity to the site regarding the impact the proposed houses would have on their residential amenities. These concerns relate to the scale of the dwellings, impact on the privacy of the neighbouring properties as well the neighbours feeling that the proposals will be overbearing, being within close proximity to the boundary with the properties located at The Mount. These concerns have been considered through on-site inspections and negotiations which have resulted in an amended scheme.

In view of the concerns raised, further discussions were undertaken with the applicant's agent and amended plans were submitted on the 29 March 2016 which resulted in the reduction of the first floor level of the proposed dwelling that runs along the boundary with the neighbouring properties at The Mount from just over 1m to 4.1m off the boundary. It is considered that this reduces any impact of the development as well as protects the neighbour's privacy and residential amenities. It is also considered that the changes that have been made to the western side elevation of the property i.e. change in material from timber cladding to a colour render finish and the insertion of high level windows addresses the blank façade which has resulted in a much more visually attractive development and retains a neighbourly development.

With regard to the two first floor windows located on the eastern elevation of the dwelling, it is proposed obscure glazing will be installed to a height of 1.8m on both windows to protect the privacy of the neighbouring property known as Tregenna. It is also considered that the proposed windows and doors located on the ground floor of both dwellings are considered to have little or no adverse impact on the amenities of the neighbours. It is noted that the redesign of the scheme has resulted in the inclusion of balconies located on the front and rear elevation of the both properties. The front elevation balconies measure approximately 1.5m in depth and 5.5m in length and the rear balconies measure approximately 2.4m in depth and 5.5m in width. Both front and rear balconies are enclosed, with two openings proposed on the western side elevation that runs along the boundary with the neighbouring properties of The Mount. It is considered that the rear opening is located above the staircase access to the balcony and the front opening is set back at an acceptable distance to reduce an adverse impact on the privacy of the neighbouring properties at the Mount. Accordingly, however, perceived overlooking is a consideration. A condition regarding screening will be required if approved. It is also considered that the development will not have an adverse impact on the neighbouring properties located to the rear of the site due to the separation distance of the rear garden and Star Inn car park.

Overall, in view of the amendments made, it is considered that the proposed development would not have an unacceptable overbearing impact or adverse impact on the privacy and residential amenities of the neighbouring properties with particular reference to the neighbouring properties located at The Mount. In view of this, it is considered that the proposed development accords with criterion (ii) of Policy HOUS8 and criterion (iv) of Policy ENV27 of the Council Approved Unitary Development Plan 1996-2011.

#### Car Parking and Access

The proposals include the provision of six car parking spaces within the site, 3 for each new dwelling house. This level of provision is considered sufficient. Furthermore, the turning space is considered sufficient to allow vehicles to enter and exit in a forward gear. It is also noted that the village centre of Dinas Powys is within walking or cycling distance, with bus and train links also available. The layout allows for parking spaces and a turning area to the front of the houses, plus a small grassed area located either side of the entrance driveway to the site.

The proposals include a single new centrally located tarmac driveway with grassed areas either side to serve both dwellings. Amended plans have been received which show the proposed means of access over the grass 'verge', providing a minimum width of 4.5m and the proposed car parking spaces to a width of 2.6m as required by the Highway Engineer. The existing access should be closed up and this will be required by condition. In view of this, it is considered that the development accords with criterion (v) of Policy HOUS8, criterion (ii) of Policy ENV27 and TRAN10 of the Council Approved Unitary Development Plan 1996-2011.

## Archaeology

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust (GGAT) have identified an archaeological interest near the site and the requirements for archaeological mitigation. Reference is made to the Romano-British Farmstead, Dinas Powys Common which is a scheduled monument that lies north and within close proximity to the application site. In view of this, it has been recommended that suitable mitigation in the form of a watching brief condition should be prepared and implemented to reduce the impact of the development on the archaeological resource and to comply with the requirements of Policies ENV18 and ENV19 of the Council Approved Unitary Development Plan 1996-2011.

## Trees and Hedges.

There will be no loss of any trees or hedgerows as a result of the proposed development. The row of 18 Lawson Cypress trees that run along the boundary with the neighbouring properties at The Mount will be retained as detailed in the submitted landscaping details. It is considered that this will protect the privacy and residential amenities of the neighbouring properties. The Tree Preservation Order (TPO) Birch tree that is located within the neighbouring garden but is located close to the boundary of the application site is to be retained. It is considered that due to the change in levels and distance between the proposed development and location of the TPO tree, the works will not affect the tree, however if the development is considered acceptable, a condition will be required for a scheme of protection for the tree and hedge situated along the boundary with The Mount during the construction works and to accord with Policy ENV11 of the Council Approved Unitary Development Plan 1996-2011.

## RECOMMENDATION

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

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

Reason:

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

2. This consent shall relate to the plans registered on 5th January 2016 and Drawing Nos. 2013./16 Rev C, 2013./18 Rev A and 2015./25 Rev A received on the 17th November 2015 other than where amended by plans reference Drwg No. 301 received on 29th March 2016 and Drwg No. 200B received on the 26th April 2016 and the Design and Access statement received on 23rd December 2016.

Reason:

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

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

Reason:

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

4. 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 as hereby approved shall be inserted into the western or eastern side elevation of both dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

5. Prior to the commencement of development, details of the finished floor levels of the dwellings 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:

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

6. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drwg No. 200B and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

7. No 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.

8. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	08:00 – 1800
Saturday	08:00 – 1300

Unless such work –

(a) is associated with an emergency (relating to health and safety or environmental issues);

(b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

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

9. Prior to the first beneficial occupation of either dwellings hereby approved, the existing access shall be closed up in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall be accessed via the driveway shown on Drawing No. 200B received on the 26th April 2016.

Reason:

To safeguard the visual amenities of the area and highway safety and to meet the requirements of Policy ENV27 of the Council Approved Unitary Development Plan.

10. Details of privacy screens to the western elevation of the balconies shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screens serving the balconies shall be erected prior to the first beneficial use of the balcony and shall thereafter be so maintained at all times.

Reason:

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

11. Prior to any site clearance or demolition works, details, plans and recommendations outlined in the Tree Survey, Landscape proposal and Tree Protection Plan reference Drawing No.2013./16 Rev C, 2013./18 Rev A and 2015./25 Rev A received on the 17th November 2015 shall be fully implemented on site and so retained for the duration of the 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. No site clearance shall be undertaken during the bird breeding season (March to August inclusive), unless otherwise inspected by an appropriately qualified person on the day of the works and deemed to be clear of breeding birds.

Reason:

To maintain biodiversity and in the interests of protected species in accordance with Policy ENV16 of the Unitary Development Plan.

13. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. 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. Thereafter, the scheme shall be implemented in accordance with the approved details to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

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

## REASON FOR RECOMMENDATION

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 ENV11 – Protection of Landscape Features, ENV17 – Protection of Built and Historic Environment, ENV18 – Archaeological Field Evaluation, ENV19 – Preservation of Archaeological Remains, 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, plus the Supplementary Planning Guidance 'Amenity Standards' and Trees and Development 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 setting of the adjoining Dinas Powys Conservation Area or any significant adverse impact to the amenities of neighbouring occupiers and highway safety. The proposals therefore comply with the relevant planning policies and supplementary planning guidance

### NOTE:

1.

**It should be noted, as the property was built in the 1970s, that asbestos was heavily used during the 1960s and 1970s in all manner of building products from vinyl tiles and toilet cisterns to ceiling, soffit and wall boarding as well as artex finishes. Therefore it is essential that prior to demolition an asbestos survey is carried out and all necessary survey and removal works are carried out by licensed contractors, so to protect the public in the locality and contractors.**



- 2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (Le. a drain which extends beyond the connecting property boundary) or via a new sewer (Le. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.**

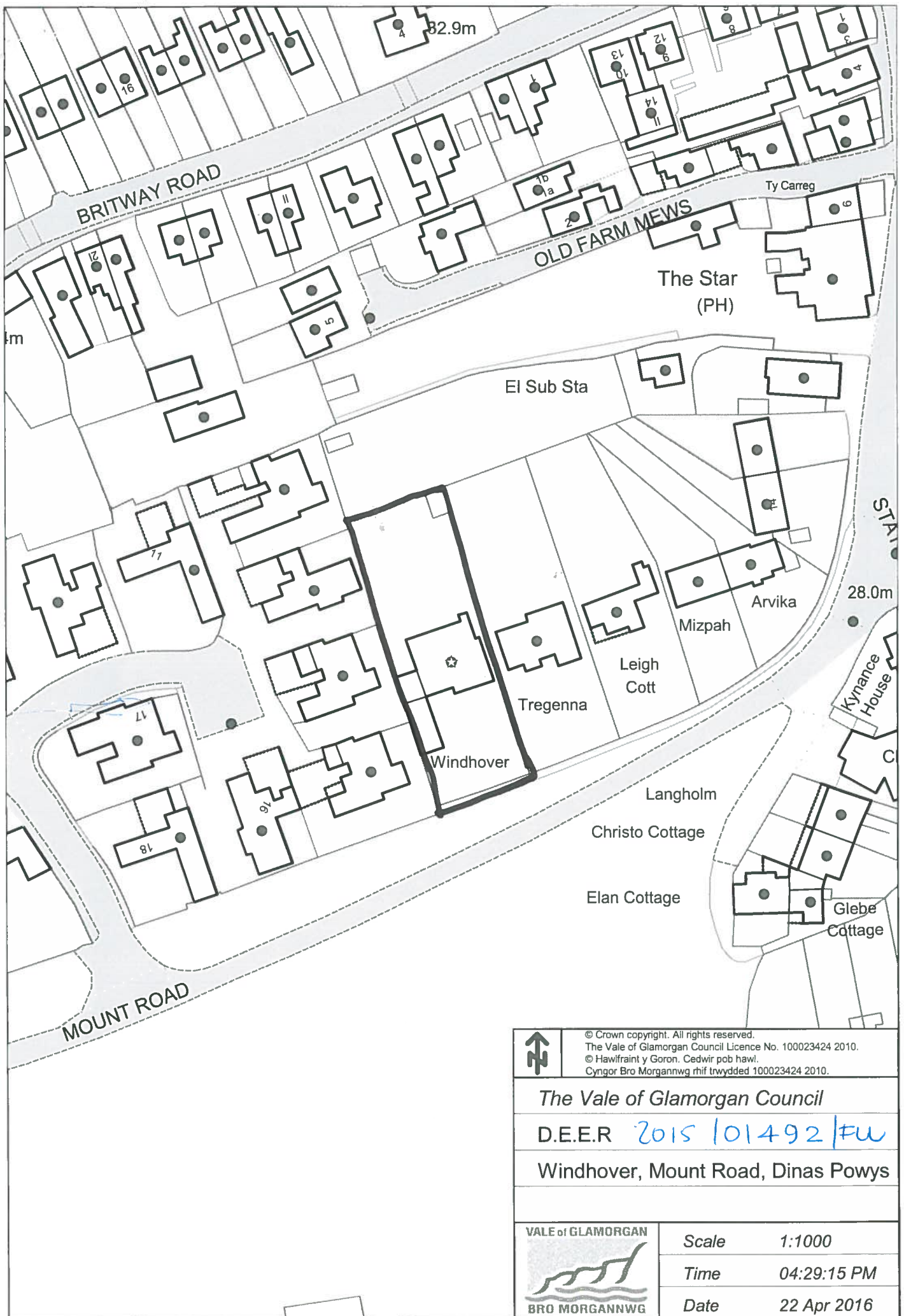
**The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**



**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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	<b>The Vale of Glamorgan Council</b>	
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Mr. Will Phillips Taylor Wimpey, c/o Agent  
Laura Williams Savills, 12, Windsor Place, Cardiff, CF10 3BY

**Land North of the Railway Line (West), Rhoose**

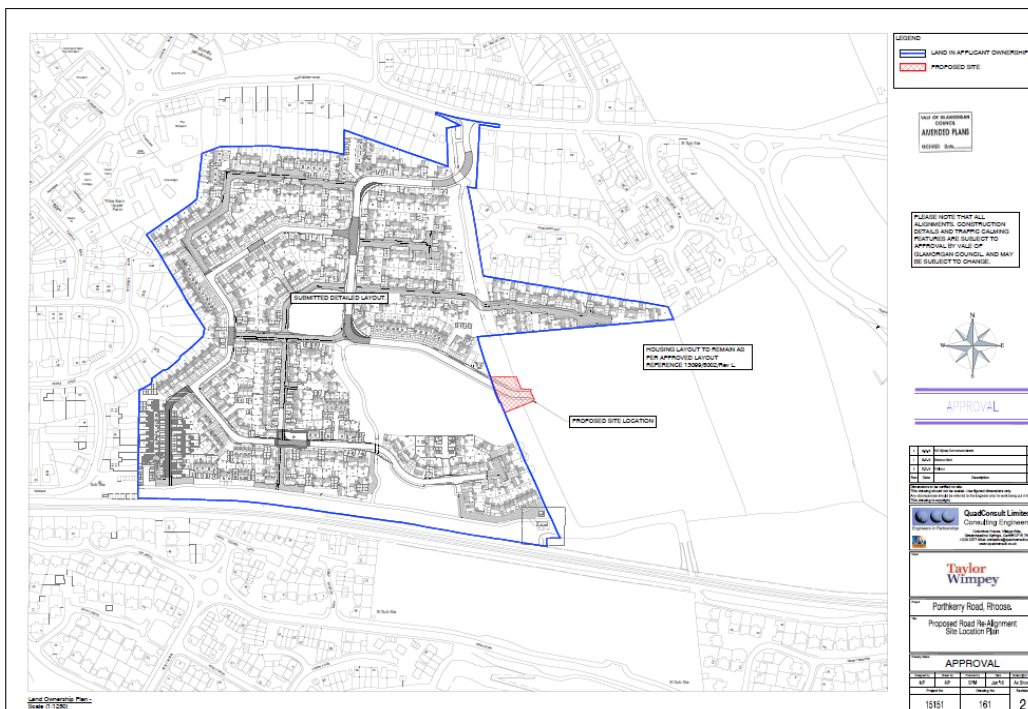
Proposed realigned highway (engineering works)

SITE AND CONTEXT

The site relates to a small section of land in between the housing land allocation in Rhoose Point, known as Land to the North of the Railway Line. The small section of land subject of the application relates to where the two housing allocated sites would meet along the green lane and Public Right of Way that links Porthkerry Road and the Happy Valley Railway line and Rhoose Point.

The housing allocation land relates to agricultural land located on the eastern side of the village of Rhoose, set aside for 700 dwellings, associated POS, community facilities and a school. The site is bounded to the east by the main access road (Pentir y De) which links to residential development to the south at Rhoose Point. The Vale of Glamorgan railway line forms the southern boundary of the site.

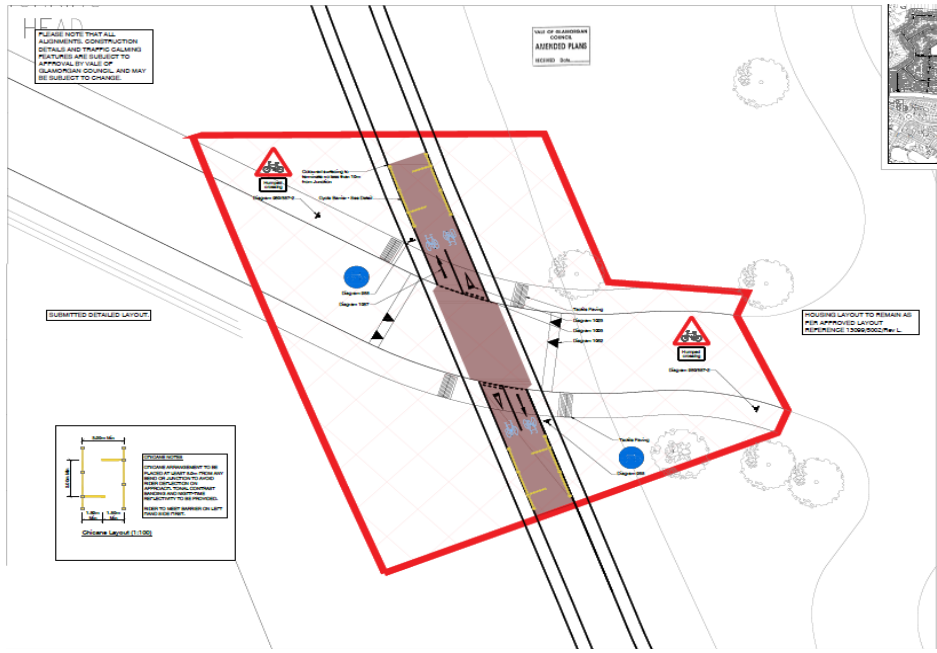
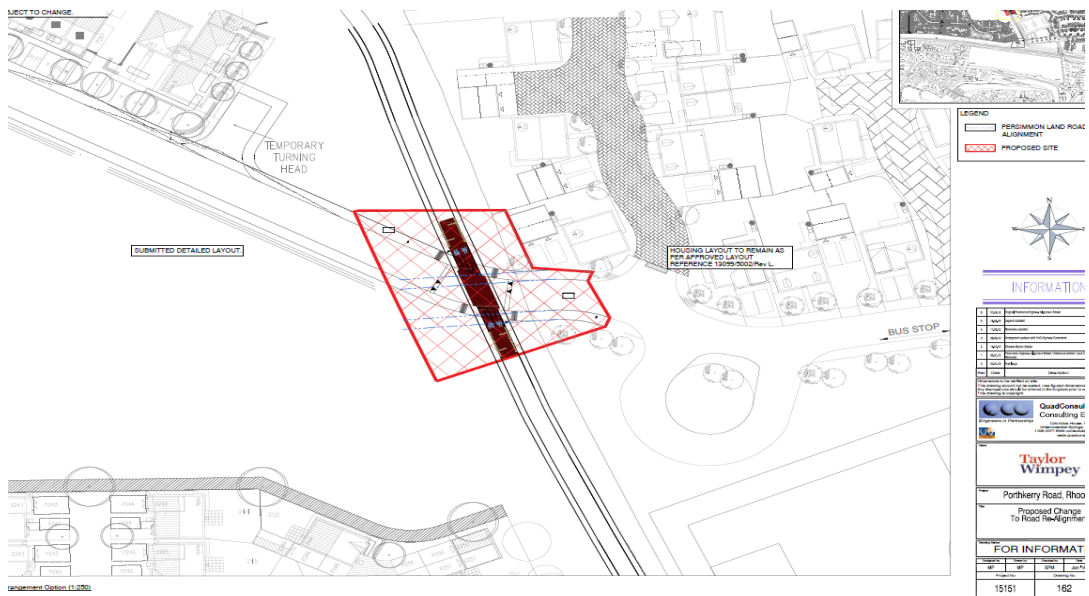
The allocated site has been divided equally between two developers, Persimmon and Bellway to the East and Taylor Wimpey to the West. In terms of its context Porthkerry Road / Fontygary Road runs to the North of the site, and forms one of the main public transport corridors to Barry, Penarth and Cardiff to the East and to Bridgend and St. Athan to the West. Further to the North lies Cardiff International Airport, which bounds the northern most edge of Rhoose. The plan below shows the Taylor Wimpey proposed development to the West with the application site that is within the Persimmon site.



# DESCRIPTION OF DEVELOPMENT

The application made by Taylor Wimpey proposes a realignment of a road proposed and agreed in planning application approvals for 350 dwellings and associated infrastructure in Rhoose Point. Specifically the section of highway will ensure that the development approved via 2010/00686/EAO and 2014/00344/RES, can link via a vehicle highway to the current application for 350 dwellings on the adjoining land to the west, currently being considered under 2015/01072/RES

The road section will cross a green lane and public footpath that extends south from Porthkerry Road to Rhoose Point. The road section will measure, 6.5m in width and will be constructed to adoptable standards. Plans of the proposed road link and its location are shown below (including the alignment of the approved road): -



## PLANNING HISTORY

**2015/01072/RES** : Land North of the railway line (West), Porthkerry Road, Rhoose - The development of 231 dwellings with associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works - Application not yet determined

**2015/01070/RES** : Land North of the railway line (West), Porthkerry Road, Rhoose - The development of 119 dwellings and associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works (including the demolition of 46 Porthkerry Road and its associated outbuildings - Application not yet determined

**2015/00250/NMA** : Land to the North of the Railway Line off Pentir Y De, Rhoose - Removal of Conditions 5, 6 and 7 attached to Outline planning permission 2010/00686/EAO granted in respect of the residential development of up to 350 dwellings the laying out of formal and informal open space and changing rooms, new means of vehicular access onto Pentir Y De and associated infrastructure at land to the north of the railway line, Pentir Y De, Rhoose - Approved 2 April, 2015

**2015/00080/EAO** : Land to the north of the railway line off Pentir Y De, Rhoose - Variation of Condition 22 of 2010/00686/EAO to allow up to 30 dwellings to be occupied, while the necessary infrastructure works are commissioned and completed where foul flows will be tanked away - undetermined

**2014/00639/RES** : Land to the north of railway line off Pentir Y De, Rhoose - Reserved Matters for appearance, landscaping, layout and scale for 126 dwellings – Approved 17 April, 2015.

**2014/00344/RES** : Land to the North of the railway line off Pentir Y De, Rhoose - Reserved matters for appearance, landscaping, layout and scale for 224 dwellings - Approved 17 April 2015

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

**2008/00541/OUT** : Land to the north of the railway line, off Pentir Y De, Rhoose - Residential development comprising the erection of dwellings and garages, provision of infrastructure, open space and landscaping and all associated building and engineering operations - Finally Disposed of 13 November, 2014

## CONSULTATIONS

**Highway Development-** No objections to the proposed development in principle but requested a number of amendments with respect to the cycle way priority, carriage way markings, warning signs traffic calming, clarification on some markings and the changes of widths from the persimmon site and the Taylor Wimpey site. Since the amendments to the scheme, the highways authority has no objection to the proposal in principle subject to a relevant condition to delete the speed table and coloured surfacing and require a scheme for the road safety measures at the junction to to be submitted to the Council prior to implementation

**Public Rights of Way Officer-** No objection subject to the PROW remaining open and no damage being cause to the PROW

**Highways and Engineering-** No comments have been received in respect of the application.

**Local Ward Members** -The local ward member expressed the public interest in the development at Rhoose Point and requested the application be determined at planning committee

## REPRESENTATIONS

The neighbouring properties were consulted on 12 February 2016.

A site notice was also displayed on 18 February 2016. The application was also advertised in the press on 18 February 2016.

Two letters of representation have been received in respect of the application. One of the letters is from the other interested land owner's agent. The agent outlines the land owner's interest and his position with respect to the ransom strip of land maintained in his ownership between the two allocated areas of housing. This is attached as **Appendix A**.

The one objection from a neighbouring property raised matters of traffic problems that will be caused by the housing development.

## REPORT

### Planning Policies and Guidance

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

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

## **Strategic Policies:**

### **POLICY 8 - TRANSPORTATION**

## **UDP Part 2 Policies:**

- HOUS1 - RESIDENTIAL ALLOCATIONS
- HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
- HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
- ENV6 - EAST VALE COAST
- ENV7 - WATER RESOURCES
- ENV11 - PROTECTION OF LANDSCAPE FEATURES
- ENV16 - PROTECTED SPECIES
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
- TRAN9 - CYCLING DEVELOPMENT
- TRAN10 - PARKING
- REC12 - PUBLIC RIGHTS OF WAY AND RECREATION 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, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide 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, 2016) (PPW) is of relevance to the determination of this application.

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

### **Technical Advice Notes:**

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

TAN5 - NATURE CONSERVATION AND PLANNING

TAN11 - NOISE

TAN12 - DESIGN

TAN15- DEVELOPMENT AND FLOOD RISK

TAN18 – TRANSPORT

TAN22 - SUSTAINABLE BUILDINGS

### **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:

- Biodiversity and Development
- 

### **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 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 commenced 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.'*

In line with the guidance provided in Paragraph above, the background evidence to the Deposit Local Development Plan that 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:

- Housing Provision Background Paper (2015)
- Housing Supply Background Paper (2013)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)

**Other relevant evidence or policy guidance:**

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations

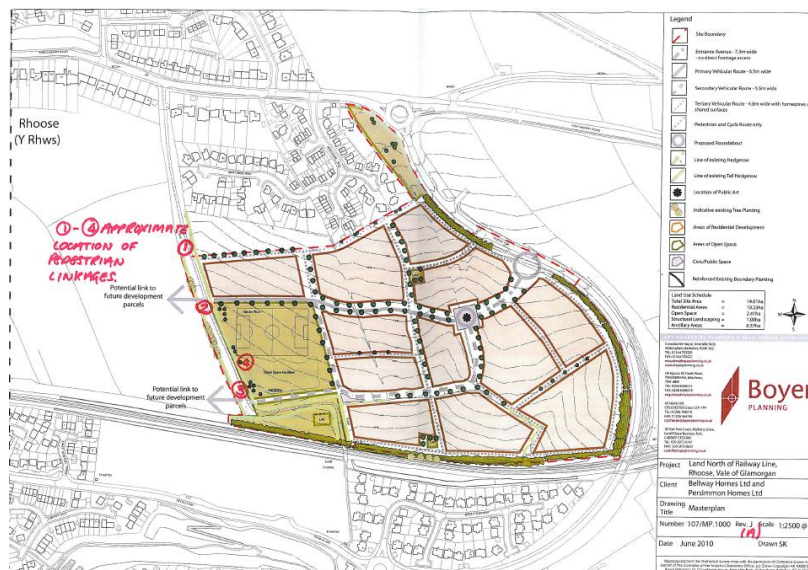
## Issues

### Background

#### Outline Application, Reserved matters application and Conditions

Members will be aware that the Outline planning application, reference 2010/00686/EAO, for this site was determined following the submission of an appeal of non-determination by the applicant for the site. Members will recall that in a stance report to the planning committee on 24 January 2014 the application was approved subject to conditions. This was followed by an application for Reserved matters, 2014/00344/RES, approved by Planning Committee on 16 April 2015.

It is important to note that conditions and a plan were attached to the outline planning permission to ensure that the east part of the allocation could easily link to the land to the west of the site. On receiving the initial submission of the Reserved Matters application, 2014/00344/RES, it was determined that the road layout and more importantly, the road linkages to the land to the west did not exactly accord with the indicative plan and Condition 15 of the outline planning permission. The plan attached to the outline is illustrated below and the wording of Condition 15: -



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

*Reason:*

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

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

As such, while the link did not strictly accord within the indicative plan it was considered that the schemes were achieving the link that would adequately serve their site. At that stage the detailed Permission and Bellway applications to the east were agreed, however, the Taylor Wimpey site to the west was agreed at outline an indicative plan illustrating the proposed location of the link road to the north.

However, following the determination of the application 2014/00344/RES for the Persimmon and Bellway site, Taylor Wimpey submitted a detailed reserved matters application for the site to the west, ref 2015/01072/RES. On submission of the reserved matters application, the agents for the Taylor Wimpey application noted that the position of the road to the west was around 6.5m further north than the agreed road on the Persimmon side.

In view of the above, it was considered that an amendment had to be submitted in order to realign the two roads. As the land to the west encompassed the school site (which was directly below the linking road) it was determined that the proposed road must be aligned from the site to the east. Consequently, this application has been submitted by Taylor Wimpey in order to ensure that the roads link up to provide vehicle access between the sites. It should be noted that the amended layout relates to the Persimmon site.

The committee should also be mindful of the fact that a ransom strip of land still exists between these two housing sites, with the land owner maintaining ownership. Their position is set out in their letter attached as **Appendix .A**. There is currently no agreement in place to purchase the land or have rights of access over the strip of land. Although this matter is not within the control of the planning authority, if an agreement is not made between the housing developers and the land owner, there is a risk that the two housing sites will not link up along this primary vehicular road. However, it must be understood that this is not wholly essential as the two housing sites have a separate means of vehicular access and agreed turning areas near to the boundary between the sites.

As such, while the link should be re-aligned in order to allow the two sites to connect by road, the link of the two roads is not essential but would be preferential in order to allow ease of movement between the two sites particularly to facilitate access from the east to west and the school site.

### Issues

In this context, the main issues that need to be considered are issues of highway safety across the cycle path/ green lane, the impact upon the approved reserved matters application for Persimmon (ref 2014/00344/RES), the implementation in accordance with the two adjoining permissions, impact upon ecology as well the public right of way . These matters will be addressed below: -

#### *Impact upon Reserved matters application to east*

It should be noted that Land to the North of the Railway Line (west) was agreed via a Layout plan reference 5002 Rev L - Revised Planning Layout Plan but has yet to be implemented.

This application therefore seeks permission to adjust the layout of the road within the Persimmon site, by revising the point of access to the adjacent land from the approved horizontal route directly to the west to a north-western angle. Drawing reference 162/1 REV 6, which is submitted with this application, shows a comparison between the approved alignment (see blue dashed lines) and the proposed revised alignment. (shown above)

The plan shows that the change to the road is necessary in order to form an upward curve in the road to align with the Taylor Wimpey road to the west. The change in the road alignment will have the greatest impact upon Plot 3 of the approved Persimmon scheme. The change will not impact upon the dwelling or its amenity, but will extend closer to the driveway area, which is located to the side of the proposed dwelling. However, on consideration of the plans it is considered that the change will not have any significant effect on the parking area and two cars will still be able to park on the driveway proposed in the approved Persimmon layout.

It is also important to note that Persimmon were consulted in respect of this application but have not provided any observations or objections to the proposed road alignment submitted in this scheme. Furthermore, the change to the road is a sufficient distance from any neighbouring properties in Murlande Way and Porthkerry Road not to raise any issues of the development impact on neighbouring amenity.

Accordingly, the scheme is considered acceptable, complying with HOUS1, HOUS2, HOUS8, TRAN10 and ENV27 of the Adopted UDP 1996-2011.

### Highway issues

The position and angle of the road has been altered to curve northwards onto the land to the east. The adjustment north is around 6.5m difference, while the revised alignment retains the traffic calming measures approved under the reserved matters application.

One of the main considerations by the Highways Officer in this instance was that the road approved on the persimmon side of the allocation has been agreed at 6.5m, while the road on the detailed design of the Taylor Wimpey site was wider at 6.75m. As such, it was requested by the Highways Authority that the width of the road match either side of the speed table shown on the plan. In accordance with the changes to the width of the road from one side to the other, the applicant has amended the plans to show a 6.5m width on both sides. It is understood that on the detailed reserved matters plans yet to be agreed (ref 2015/01072/RES), Taylor Wimpey are showing a gradual narrowing of the road to the boundary. It is considered that given this amendment the Highways Authority have no concerns with the width and alignment of the road.

Following the amendment to the road width, further detailed comments on the road safety elements proposed on the general arrangement plan were provided. The highways authority requested the deletion of the speed table, the colour surface treatment along the pedestrian/cycle route as well as an increase in cycle way to 3.2m, while also requesting that the proposed highway signs and markings are carried out in accordance with highway sign diagrams standards. It is understood that due to the angle of the road it was determined that the speed table would not be appropriate in this instance.

With respect to the widening of the footpath, it should be noted that the cycleway pedestrian footpath that extends from north to south has already been agreed at 3m at both outline and reserved matters stage. As such, it would not be appropriate or necessary to the development as a whole to increase its width to 3.2m within the small area of the application site edged red. Accordingly, the width of the footpath/cycle way has not been amended in this instance.

With respect to the other matters requested, it is considered that these can be dealt with by way of an appropriate worded condition. As such, in accordance with the relevant comments it is considered that any consent granted will be conditioned to ensure that a scheme is submitted prior to the commencement of the development to ensure the speed table and the colour surface treatment along the pedestrian/cycle route is deleted and all road markings, dropped kerbs and tactile paving detail and signs are submitted to the Council before being provided on site.

Accordingly, the scheme is considered acceptable, complying with TRAN10, REC12 and ENV27 of the Adopted UDP 1996-2011.

#### Implementation of the road alignment

One of the other significant material considerations of the application is the implementation of the amended road alignment scheme at the appropriate time. For instance, despite it being an amendment to the approved scheme, there is no link to the approved consents. As a consequence, to allow the alignment without any condition linking the application to the approved permissions would grant consent for a section of road as a standalone permission.

Accordingly, it is considered that as the Permission site has detailed consent for the housing development to the east, it would be necessary to condition the consent to link it to commencement of this development. The most appropriate manner to do this would be to attach a Grampian style condition, i.e. a condition prohibiting development authorised by the planning permission until the land to the east development has been implemented. As such, a relevant condition will be attached to ensure that road is implemented on the agreed connection between the two sites and following the implementation of the approved 2014/00344/RES consent.

### Other matters

The outline and reserved matters applications for both the Persimmon and Taylor Wimpey residential development were supported by detailed ecological and arboriculture surveys and mitigation / enhancement measures. The extant full permission envisages that a break in the hedgerow at the same point in the boundary as proposed to be realigned in this application. Persimmon has agreed an ecological mitigation strategy and lighting scheme for the site with the Council and the impact of the loss of hedgerow in this location has already been assessed. The proposed re-alignment will not trigger further ecological impacts or loss in hedgerow that would have to be considered separately under this application.

As such, the development is considered acceptable in respect of its impact upon protected species in accordance with ENV16 of the Adopted UDP 1996-2011.

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

## 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:

Site Location Plan- Draw ref 15151\_161 Rev 2- Received on 21st March 2016

General Highway Arrangement details- Draw ref 15151\_160 Rev 3-  
Received on 21st March 2016  
Proposed Realignment plan- Draw ref 15151\_162 Rev 6- Received on 25th  
April 2016

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 and prior to the commencement of development, a plan shall be submitted to and approved by the Local Planning Authority demonstrating the detailed highway works to be carried out on the cycle/pedestrian route and road junction. The details should ensure that the speed table and the coloured surface treatment along the cycle/pedestrian route and across the carriageway are removed while also providing detail of the proposed dropped kerb and tactile paving, road markings and highway signs to be erected on site.

Reason

In the interests of Highway safety, complying with ENV27 of the Adopted UDP 1996-2011 and the advice and guidance found in Planning Policy Wales.

4. Notwithstanding the submitted plans, full engineering details of the vehicular road alignment, including sections and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.

Reason

In the interests of Highway safety, complying with ENV27 of the Adopted UDP 1996-2011 and the advice and guidance found in Planning Policy Wales.

5. No development of the amended road alignment shall commence, until the residential development to the east has commenced in conjunction with the approved details agreed in planning permission 2014/00344/RES.

Reason

For clarification of the implementation of the development and to ensure the possible connectivity to the remaining part of the allocated site, in accordance with the requirements of the Adopted Development Brief and to ensure compliance with Policies ENV27 of the Unitary Development Plan.

## REASON FOR RECOMMENDATION

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 HOUS1 - Residential Allocations, HOUS2 - Additional Residential Development, HOUS8 - Residential development criteria – policy HOUS2 settlements, ENV6 - East vale coast, ENV7 - Water Resources, ENV11- Protection of landscape features, ENV16 - Protected species, ENV27 - Design of new developments, ENV29 - Protection of Environmental Quality, TRAN9 - Cycling development, TRAN10 - Parking, REC12 - Public Rights of Way and recreation routes the proposed road alignment is considered acceptable providing a vehicular road access between the two allocated housing estates without any harmful impacts upon the approved residential development to the east, neighbouring amenity, highway safety or pedestrian and cycle way routes or ecology and hedgerow.

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

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

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



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

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

# 16 000 32 FUL

**LEGEND**

LAND IN APPLICANT OWNERSHIP

PROPOSED SITE

WALS OF GLAMORGAN COUNCIL  
**AMENDED PLANS**  
 recorded Date: 21/02/14

PLEASE NOTE THAT ALL ALIGNMENTS, CONSTRUCTION DETAILS AND TRAFFIC CALMING FEATURES ARE SUBJECT TO APPROVAL BY WALS OF GLAMORGAN COUNCIL, AND MAY BE SUBJECT TO CHANGE.



APPROVAL

No	Date	Description
1	15/06/14	Initial Approval
2	15/06/14	Final Approval

**QuadConsult Limited**  
 Consulting Engineers  
 105/107 2017  
 www.quadconsult.co.uk

**Taylor Wimpey**

Porthkerry Road, Rhosee.  
 Proposed Road Re-alignment  
 Site Location Plan

APPROVAL

Project No	15151	161	2
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Land Ownership Plan -  
 Scale 1:1250

WPT/DLE/D307-5

FAO- Morgan P Howell  
Planning Office  
The Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

Appendix A

Date: 19<sup>th</sup> February 2016  
Direct Line: (01446) 776370  
Email: [philipthomas@hrt.uk.com](mailto:philipthomas@hrt.uk.com)

Dear Sirs

**Re: Planning Application Number 16/0032/FUL  
Rhoose Point**

I refer to the above application for proposed road realignment of land North of the Railway Line, Rhoose. The realignment proposed is on land which is not party to either of the developments - East or West of Green Lane.

The proposed alignment straddles an area which is a buffer between the two developments measuring 2 metres wide (see attached plan). This area of land is owned under separate ownership.

For the avoidance of doubt and for clarity on any future of linking up the two sites both East and West of Green Lane, no contact has been made by South Wales Land Development Ltd or their representatives for at least an 18 month period.

My clients remain open to any discussion with regards to joining up the two schemes to facilitate a comprehensive approach to the development north of the railway line for both vehicular access and surface water drainage.

I note a letter was sent to Persimmon Homes (Charles Church) from The Council placing them in the neighbour file and actually as my clients own the sliver of land that is shown edged red on the attached plan also should have received a letter from The Council advising them of the proposals; as not only neighbours but also as owners. Contrary to the application the land forms part of an Agricultural Holding.

Whilst my clients do not object to any planning proposals on this sliver of land, as and when the boundary demarcation is agreed between the relevant land surveyors a fence will then be erected to protect their 2 metre corridor and no construction work will be carried out on any part of the land. Until such time as there is an agreement reached between the parties any proposals for any developments on this sliver of land is fruitless and will not contribute to either of the developments.

Yours faithfully



---

**W. PHILIP THOMAS, Dip (Estate Man) MRICS FAAV**  
**Chartered Surveyor & RICS Registered Valuer**  
**Herbert R Thomas**

cc. **cllr P Clarke**  
**Messrs. Hardy and Davies**

Land Registry  
Official copy of  
title plan

Title number CYM264958  
Ordnance Survey map reference ST0666SE  
Scale 1:1250 enlarged from 1:2500  
Administrative area The Vale of Glamorgan / B  
Morgannwg

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Mr. B Cole c/o Agent  
Mr. Geraint John Sophia House,, 28, Cathedral Road,, Cardiff,, CF11 9HB

**Ty Broc Parc Farm, St Donats**

Extension and alterations to dwelling at Ty Broc Parc Farm

**SITE AND CONTEXT**

The application site is Ty Broc, St. Donats, which is located in the countryside, in the designated Glamorgan Heritage Coast approximately 300m west of St. Donats and 450m north west of St. Donats Castle. The site is also located within the park boundary of the St. Donats Castle historic park but outside the historic garden area. The site is accessed via a small lane that runs south from the main road that leads to St Donats and Marcross.

The dwelling house is a converted barn, predominantly two storeys in height with two front projecting single storey annexes. The building was originally converted to a B&B, but has since been converted to a dwelling house (see planning history below). The rear elevation of the dwelling has been rendered and extended to the side.

The dwelling is surrounded by a relatively large curtilage, which was approved under condition of planning permission 92/00430/FUL (see below). There is a public footpath running from east to west, and a bridleway directly to the south of the dwelling. A complex of former farm buildings lie adjacent to the north of the residential curtilage, whilst the nearest neighbour is Parc Farm to the east.



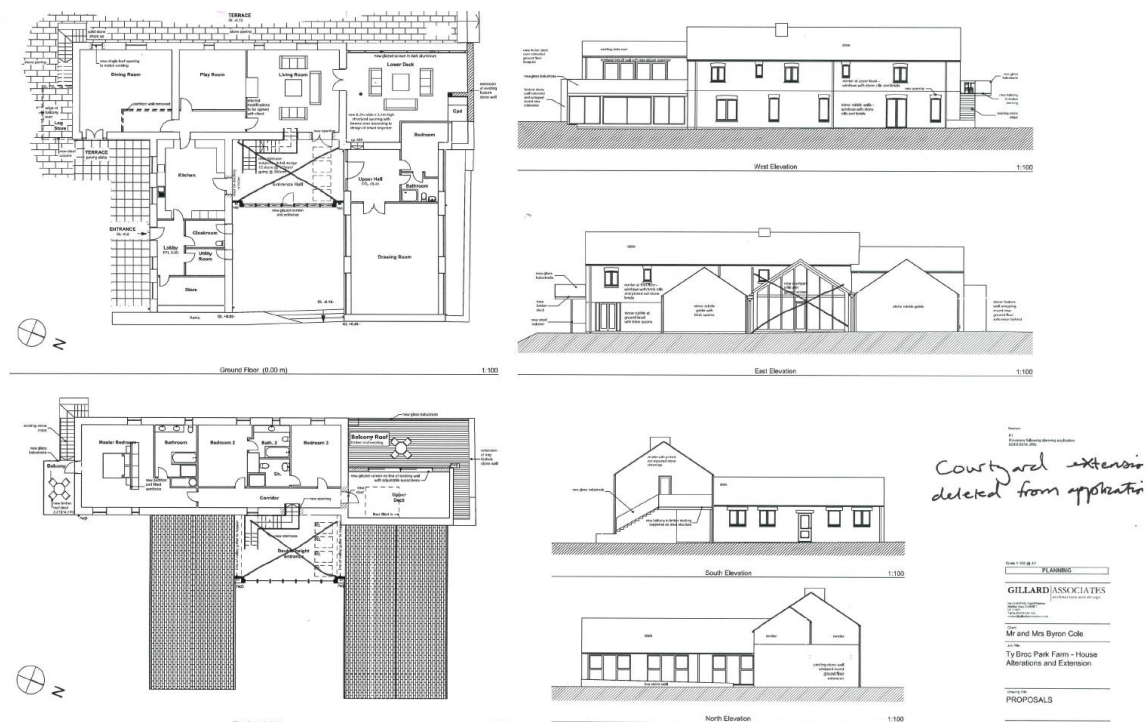
## DESCRIPTION OF DEVELOPMENT

The application is for alterations and extensions to the existing dwelling. Specifically, the application proposes an external staircase to the end elevation to include a balcony area as well as a reconfiguration of the side extension on the main barn building to form a lounge at ground floor and a large decked balcony area facing west.

The external steps will, in the main, remain as existing but with a glass balustrade and a timber decked balcony to the side. The balcony extension will measure 2.1m wide by 3.7m depth and 2.6m high (to floor) 3.3m to top of balustrade. The balcony will sit on a slim steel pillar and part of the existing stone steps.

The rear side extension will increase the existing extensions in width and depth to form a lounge and decked area above. The extensions as a whole will measure 8.25m wide by 6.3m depth by 3.4m high (with balustrade). The ground floor will have a feature of the existing stone gable end and sliding door openings across the majority of the ground floor elevation.

In addition, a new window opening is proposed on the rear elevation.



The development initially also included a large glazed extension to the front, however, this has now been omitted.

## PLANNING HISTORY

**2015/01393/FUL** : Ty Broc, Parc Farm, St Donats - Extension and alterations to dwelling - Withdrawn

**2008/00309/FUL** : Ty Broc, Parc Farm, St. Donats - Convert existing cartshed into granny annex, construct vertical access area from granny annex to house, change roof materials to existing house - Approved 14/05/2008

**2008/00205/FUL** : Ty Broc, Parc Farm, St. Donats - Change of use of storage building to garages 4No. - Refused 09/04/2008

**2008/00203/FUL** : Ty Broc, Parc Farm, St. Donats - Change of use of cowsheds & milking parlour into stables & tack room & feed store - Approved 14/05/2008

**1992/00430/FUL** : Ty Broc, Parc Farm, St. Donats, Llantwit Major - Change of use from a bed and breakfast enterprise to a dwelling - Refused 29/09/1992

**1989/00130/RES** : Parc Farm, St. Donats, Llantwit Major, South Glamorgan - Conversion of barns to dwelling for bed and breakfast enterprise - Approved 21/03/1989

**1987/00670/OUT** : Parc Farm, St. Donats, Llantwit Major - Conversion of barns to dwelling for bed and breakfast enterprise - Approved 26/07/1987

### CONSULTATIONS

**St. Donats Community Council** – A strong objection to the scheme is raised due to the scale of the extensions having an adverse impact on the location, impacting upon wildlife and overlooking to the neighbouring property.

**The Council's Public Rights of Way Officer** - No objection, subject to the PROW not being affected by materials being stored on the PROW or any damages to the surfaces.

**Highways and Engineering** - No objections, despite there being a known history of surface water flooding to the rear of the site. The observations outline that the surface water drainage can be met by complying with building regulation requirements.

**Glamorgan Gwent Archaeological Trust** - No objections to the proposed scheme.

**Local Ward Members** – Concerns raised in respect to the proposed extensions and a request for the application to be determined at planning committee by Councillor Gwyn John.

**The Council's Ecology Officer** - No objection to the proposals.

**Cadw, Historic Gardens** - No objections as the proposals are limited to the dwelling and its curtilage and in their view will not impact on the significance of the registered park and garden at St. Donats.



## REPRESENTATIONS

The neighbouring properties were consulted on 19 February 2016.

A site notice was also displayed on 3<sup>rd</sup> March 2016

Two letters of representation has been received from the neighbouring property at Parc Farm. The main issues raised initially were as following: -

- Privacy.
- Light pollution impact upon the area and the wildlife in the area.
- Design & Scale of the proposals are out of character with the original barn conversions.
- Impact upon the Glamorgan Heritage Coast and their prominence from the public footpath that runs through the site.
- No bat survey has been submitted with the application.
- The timber framed building identified with the statement to justify the glazed extension was not a building but simply a canopy.

No response has been received to the amended plans and reconsultation.

## REPORT

### Planning Policies and Guidance

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

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

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV5- GLAMORGAN HERITAGE COAST

ENV8 – SMALL SCALE RURAL CONVERSIONS.

ENV16 – PROTECTED SPECIES.

ENV17- PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV27 – DESIGN OF NEW DEVELOPMENTS.

HOUS7 - REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE

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

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

## **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
- Conversion of Rural Buildings

### Background to the application

It should be noted that the previous planning application **2015/01393/FUL** was for similar extensions to the front, side and rear to the existing barn. The previous application was withdrawn and this is an amended resubmission of that scheme.

This application has been amended by removing the stone pillars previously proposed with the balcony and replacing them with 1 steel upright supporting pillar. In addition, the previously proposed patio doors at the master bedroom and the kitchen have been removed to include simple window and door openings.

It should also be noted that a smaller front extension had initially been proposed, however, this element has since been omitted from the scheme. The applicant's agent has submitted an annotated plan indicating its deletion from the scheme.

### Issues

Policy HOUS7 of the UDP relates to the extension of dwellings in the countryside and requires that the scale, siting, design, materials, landscaping and external appearance is compatible with any existing related structures and the surrounding landscape. In addition, in this instance Policy ENV8 and the SPG on The Conversion of Rural Buildings are considered relevant. Although the building has already been converted the criteria contained in Policy ENV8 are still considered relevant to any further works to the property.

Consequently, it is considered that the primary issue involved in the assessment of the application are whether the proposed works preserve the rural character of the building, in accordance with the Policy ENV8 and HOUS7 of the UDP as well as the supporting SPG. In addition, the report will also consider the impact of the extensions on the wider countryside setting within the Glamorgan Heritage Coast as well as any impact on the adjoining neighbour's amenity, parking and highway safety, ecology and the nearby historic parking and garden.

### Side balcony extension

The front elevation of the barn has retained much of the original character of the building. Similarly, it is considered that the side gable end and the external stone steps are an attractive and original feature of the barn.

With respect to the alterations to the side elevation, it is considered that the proposed balcony has a modest depth and is supported by the existing staircase and a slim steel upright. The glazed balustrade, while modern, will also be a relatively minor addition to the converted barn, and lightweight in appearance.

In view of its modest scale and the use of glazing it is considered that the balcony addition would not be harmful to the character and appearance of the barn. The alterations are considered to be minor and they would have limited impact upon the character and appearance of the barn, from the viewpoints around the site.

Although there are high walls and gates directly outside the site, the barn conversion is still mostly visible from the road and bridleway. Due to the lower siting of the dwelling from the road, the front and side elevation can be viewed from directly outside the site and from the initial section of the bridleway to the south, before the nearby woodland obscures any view.

Accordingly, this alteration is considered appropriate in light of the criteria of Policies ENV8 and ENV5 of the Adopted UDP and the advice and guidance contained within the Rural Conversions SPG.

### Rear Extension

It is considered that the rear elevation of the property has a more domestic appearance, particularly given the render finish at first floor and the extensions approved by the previous 2008 consent.

At the time of the 2008 approval it was considered that due to the external appearance of the barn at the rear, the character of that part of the building had been eroded to some degree. Notwithstanding this, it was also clear that the existing rear extension would be subservient to the main building, 1.5m below the main ridge, while only 0.3m of the elevation would be visible above the existing stone wall and converted annex from the front of the property.

In this case, the applicant has proposed alterations and extensions to increase the floor space at ground floor but the proposals still remain subservient i.e it is set down from the main roof by 1.5m as well as being set back 0.5m from the rear elevation of main barn. As such, it is considered that the extensions would not materially alter the appearance of the extensions from the front of the site.

The extensions proposed would improve the design and appearance of the original extension, replacing it with a modern and largely glazed ground floor and balustrade above. Accordingly, It is considered the extensions would not detract from the character of the dwelling.

In addition, the single window proposed in the rear elevation has been designed to mirror two of the existing four openings on the rear elevation. This change is relatively minor and it is considered that its introduction will have no harmful impact upon the existing character and appearance of the dwelling.

In terms of public viewpoints, the extension would only be visible from the public footpath that runs east to west along the southern part of the site. However, for the reasons stated above, it is considered that the development would not unacceptably affect the appearance of the building as seen from these views.

In summary, when taking into account the changes that have already been made to the rear elevation of the building, it is considered that the character of the rural building, at least from the rear, has been diminished to a certain degree. The alterations proposed will not unacceptably impact upon the character and appearance of the building from the front or rear or the wider visual amenities of its rural countryside setting. Accordingly, the proposed alterations are considered appropriate when considering the development against the criteria of Policies ENV8 and ENV5 of the Adopted UDP and the advice and guidance contained within the rural conversions SPG.

#### Neighbouring impact

The proposed development is sited over 45m away from the nearest neighbouring property at Parc Farm and in excess of 30m from their front boundary. The council's Amenity Standards SPG indicates that a 21m distance between opposing habitable room windows is sufficient to ensure privacy is maintained.

As such, whilst the neighbours have raised concerns in respect of overlooking and privacy, it is considered that given the distance, the level of overlooking is not so harmful that it could justify the refusal of the application. In addition, as well as overlooking, given the scale of the extensions, position and distance from the neighbours, the proposals will not be unneighbourly or harmful to their amenity in terms of being overbearing.

#### Ecology

It should be noted that the extensions and alterations relate to the existing converted barn and not to the conversion of an additional building. As such, the possibility that the proposals will impact upon any wildlife in the vicinity is very unlikely, nevertheless, the Council's ecologist was consulted on the application and has not objected to the proposal.

As such, the proposal is not considered harmful with respect to the impact upon protected species, complying with Policy ENV16 of the Adopted UDP 1996-2011.

#### Historic Park and Garden

While the barn conversion is located within the St. Donats Castle historic park boundary, CADW have advised that as the extensions would sit within the existing curtilage of the barn conversion, there is no significant impact upon the historic park, complying with the requirements of Policy ENV19 of the Adopted UDP 1996-2011.

#### Highways & Amenity Space

The extended dwelling would continue to be served by in excess of 4 no. parking spaces and a level of amenity space that satisfies the requirements of the Council's Supplementary Planning Guidance.

## Other matters

It should be noted that the site edged red in this instance includes an area to the north, which includes a large agricultural building that has not been converted. While this land may be under the control or owned by the applicant, from an inspection on site, the land or building does not appear to be within the curtilage or garden area of the existing converted barn. The application forms or documents do not make any reference to the change of use of the land and the fee relates to only extensions to the building.

## 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:

Proposals- Draw ref C209\_AL(0)11P 1 received on 4th April 2016  
Site Location Plan received on 9th February 2016

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

Reason:

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

4. Prior to their use on site, further details of the proposed doors and windows to a scale of 1:10, 1:20 as appropriate (including sections) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out and at all times maintained in accordance with the approved details.

Reason:

To ensure that the rural character of the building are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

5. Notwithstanding the submitted plans, this consent shall not relate to the glazed front extension shown on the approved plan ref. Draw ref C209\_AL(0)11P 1.

Reason

For clarification, and to protect the character of the barn conversion and the wider visual amenities of the rural setting in accordance with ENV8 and ENV5 of the adopted UDP 1996-2011

### REASON FOR RECOMMENDATION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV5- Glamorgan Heritage Coast, ENV8 - Small Scale Rural Conversions, ENV16 - Protected Species, and ENV27 - Design of New Developments and HOUS7- Extension and replacement of dwellings in Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as the advice and guidance contained within the Councils Adopted SPG on amenity standards and the Conversion of Rural Buildings and Planning Policy Wales (Edition 8, 2016) it is considered that the proposed balcony and rear extensions would not unacceptably alter or harm the character and appearance of the original barn conversion or its wider countryside setting in the Glamorgan Heritage Coast and have no unacceptable impact upon the neighbouring property.

### NOTE:

1. **Notwithstanding the submitted site location plan and site edged red identified, this application does not grant any permission to extend the residential garden curtilage of the property.**

**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.**

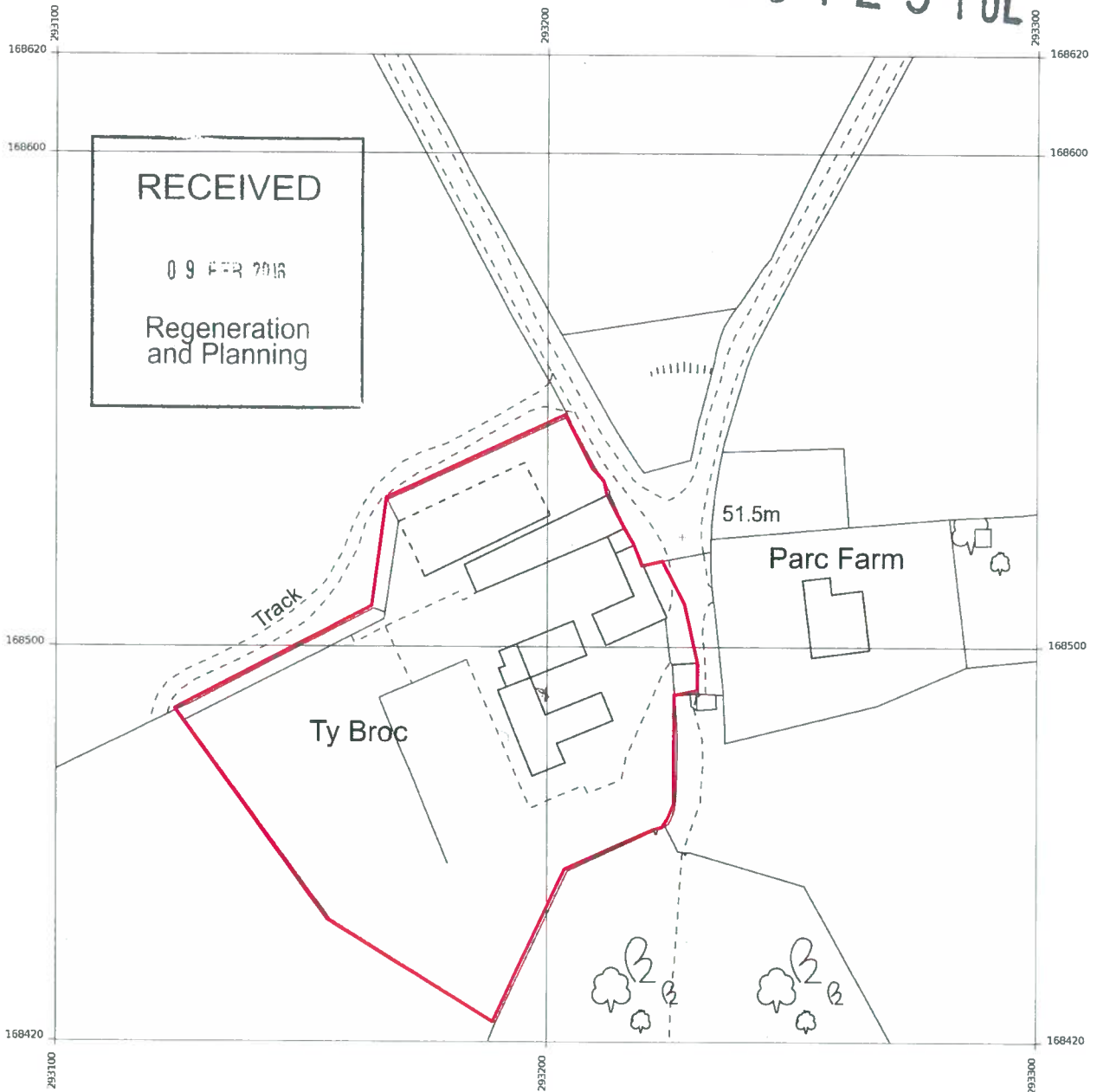
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**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.**

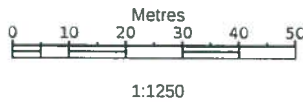
**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**



1600123 FUL



1:1250@A4



Ty Broc Parc Farm, St Donat S, Llantwit  
Major  
CF61 1ZB

**GILLARD ASSOCIATES**  
architecture and design

Quaypad  
Cardiff Marina Watkiss Way  
Cardiff CF11 0SY  
Tel No 02920 229 133  
contact@gillardassociates.co.uk

Job Title  
**Ty Broc Park Farm -  
House Alterations and  
Extension**

Date **26/11/2015** Drawn by:

Drawing No

Revision

**C209/AL(0)0 P**

Client  
**Mr and Mrs Byron Cole**

Drawing Title  
**OS Location**

File: C209 BIM MODEL 151109.pln

**2016/00176/FUL** Received on 26 February 2016

Mr Stephen Jones & Mrs Rebecca Evans 65, Stanwell Road,, Penarth,, Vale of Glamorgan,, CF64 3LR  
Ms. Carolyn Merrifield Studio 114,, Creative Quarter,, Morgan Arcade,, Cardiff,, CF10 1AF

### **Overway, 12, Park Road, Penarth**

Detached two storey house with integral garage and separate small single room reptile building

#### **SITE AND CONTEXT**

The application site comprises a vacant, relatively spacious residential plot, which was formerly occupied by a two storey dwelling house with attached double garage and associated outbuildings. The property has a single vehicular access onto Park Road in the south west corner of the site.

The site lies within both the Penarth Conservation Area and the residential settlement boundary for Penarth as defined in the Unitary Development Plan.

#### **DESCRIPTION OF DEVELOPMENT**

This is a revised application for the construction of a replacement dwelling following previous planning permissions, including the most recent granted under application reference 2015/01004/FUL.

In contrast to the two most recent approvals, which envisaged an overtly contemporary design, the current proposal has purportedly been based on the existing buildings on Park Road, as well as the Arts and Crafts movement and the Houses of Frank Lloyd Wright. The proposed hipped roof dwelling will be predominantly two storeys, with a single storey wing on the south side elevation, and a projection to the front, plus a raised terrace area to the rear, and a separate external reptile house. The accommodation will include:-

- Ground floor – entrance hall, living room, music room, kitchen/dining/snug, utility room, plant room, w.c., and double garage. A stairway plus a lift will give access to the upper floors.
- First floor – 3 No. bedrooms with en-suite facilities, and a further bedroom/study. Bedroom 2 will have access to a balcony over a ground floor single storey to the side, south elevation. A further balcony will be provided at the rear, with access from the master bedroom and the bedroom/study.

The main footprint of the dwelling will measure approximately 22.9m x 12.9m at its largest dimensions. The external terrace will project out from the rear elevation of the building by approximately 5.2m extending to 10m to the south and running beyond the full width of the main building for approximately 29m. The overall height of the building will vary with the ground levels, being approximately 8.7m on the front elevation to the road, and approximately 9.2m at the rear from the lowest ground level on the southern side.

The detailed design will include a first floor, glazed 'turret' feature over the entrance, with bay windows and external finishes of brickwork, stone cills, a stone plinth, composite timber windows, and a slate roof.



The proposed dwelling will be sited between approximately 3.1m from the northern boundary with the neighbour at 'Pinfield' 16 Park Road. At the opposite side, the proposed single storey wing will be sited approximately 8.8m at its nearest, whilst the main two storey body of the dwelling will be sited approximately 12.2m from the boundary with 'Tanglewood' 11 Park Road. On its frontage the proposed dwelling will be set back approximately 10m from the boundary with the road, with an on-site forecourt parking/manoeuvring area on the northern boundary to the front of the proposed garage. Two entrances will allow for an in/out access arrangement. The one entrance will be positioned in a similar location to the existing vehicular access which is towards the south western corner of the plot, with an entirely new entrance created to the north western side. Both access points will measure approximately 4m in width, and will be enclosed by sliding gates.

As regards the landscaping of the site, the proposed layout shows an indicative plan but no details are provided.

### PLANNING HISTORY

2000/01296/TCA - Fell one crab apple - Approved 19 December 2000.

2012/00572/CAC - Demolition of existing dwelling and outbuildings - Withdrawn 23 October 2012.

2012/00599/FUL - Construction of a detached dwelling and associated works (proposed 12B) - Withdrawn 23 October 2012.

2012/00600/FUL - Construction of a detached dwelling and associated works (proposed 12A) - Withdrawn 23 October 2012.

2013/01099/FUL - Demolition of existing dwelling and associated outbuildings and construction of two detached dwellings and associated works - Approved 14 March 2014 subject to conditions, including, schedule of finishes; further details of new access to plot 12B; on-site parking/turning to be implemented before occupation; further details of landscaping; removal of pd rights for extensions and outbuildings; no additional windows; details of levels; minimum Code for Homes requirements; foul and surface water to discharge separately; ecologist to oversee demolition in line with ecology report; and demolition works to be undertaken outside of the bird breeding season.

2013/01100/CAC - Demolition of existing dwelling and associated outbuildings and construction of two detached dwellings and associated works - Approved 14 March 2014 subject to conditions, including, no demolition works undertaken before a contract for the carrying out of the works for redevelopment of the site has been entered into in accordance with planning permission 2013/01099/FUL; ecologist to oversee demolition in line with ecology report; and demolition works to be undertaken outside of the bird breeding season.

2014/01355/FUL - One replacement dwelling, including all external works and access from the highway - Approved 29 January 2015 subject to conditions, including, materials; further details of access; further details of canopy, bin/cycle store; implementation of on-site parking/manoeuvring; tree protection; removal of pd for extensions and outbuildings; no extension of the roof terrace and no additional windows; details of levels; separate discharge of foul and surface; toolbox talk from ecologist; and demolition outside bird nesting season.

2014/01356/CAC - Demolition of existing buildings and one replacement dwelling, including all external works and access from the highway - Approved 29 January 2015 subject to conditions, including, no demolition before contract for works for redevelopment; tool box talk from ecologist; demolition outside the bird nesting season.

2015/01004/FUL - One replacement dwelling, including all external works and access from the highway. Revision of 2014/01355/FUL - Approved 21 October 2015 subject to conditions, including, materials; further details of access; further

details of canopy, bin/cycle store; implementation of on-site parking/manoeuvring; tree protection and landscaping; removal of pd for extensions and outbuildings; details of the screening and no extension of the roof terrace, plus no additional windows; details of levels; and separate discharge of foul and surface.

## CONSULTATIONS

**Penarth Town Council** – “That the application be approved.”

**Ward Member Cllr C Williams** – No comment at this time.

**Dwr Cymru/Welsh Water** – Have requested that their standard ‘Conditions and Advisory Notes’ be attached to any consent relating to the means of foul, surface water and land drainage. Further advice is also referred to in relation to the new legislation relating to communication with the public sewerage system and contacting them at an early stage regarding the presence of sewers and drains that may not be recorded on their maps.

**The Council’s Highway Development team** - The highway observations provided in relation to the previous planning application (reference 2015/01004/FUL) at the site are still applicable to the current proposals. The previous comments noted:-

“Further to reviewing the above, an amended site layout plan is required to be submitted, accurately showing the existing tree and telegraph post located along the adjacent highway to the north of the site, in relation to the proposed access. In addition, the access shall not be located within a distance of 2.0m of the telegraph post or adjacent to the existing tree, where the route system would be adversely affected.

Furthermore, the proposed access is required to be provided at a minimum width of 3.66m and all gates are required to be set back at a distance of 5.0m into the site from the adjacent highway.

Finally, pedestrian visibility splays of 2.4m x 2.4m are required to be provided either side of the proposed accesses. Within the visibility envelopes, no obstructions including boundary, walls (inclusive of piers), fencing etc. shall be greater than 900mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelope and not be greater than 600mm in height.”

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 8 March 2016. In addition the application was advertised on site and in the press on 17 and 24 March 2016 respectively. No representations have been received to date.

## REPORT

### Planning Policies and Guidance

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

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 3 - HOUSING.

POLICY 8 - TRANSPORTATION.

#### *Policy:*

POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

POLICY ENV20 - DEVELOPMENT IN CONSERVATION AREAS.

POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.

POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA - POLICY HOUS 2 SETTLEMENTS.

POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE.

POLICY TRAN10 - PARKING.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both Chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) (PPW) provide 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, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 3-Making and Enforcing Planning Decisions, including paragraph 3.1.6; Chapter 4-Planning for Sustainability, including paragraphs 4.1.1, 4.3.1, 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 paragraphs 6.1.1, 6.1.2, 6.5.17 and 6.5.18; and Chapter 9-Housing, including 9.3.3 and 9.3.4.

### **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 paragraph 2.6, 4.3, 4.5, 4.8, 5.6 and 5.11 with 5.11.3, stating:-

*“The design of housing layouts and built form should reflect local context, 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.”*

## **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.
- Trees and Development SPG.
- Penarth Conservation Area SPG.
- Penarth Conservation Area Appraisal and Management Plan.
  
- 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.
- Parking Standards.

## **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).

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## Issues

In assessing the proposal against the above policies and guidance, it is noted that the planning history of the site is material to the determination. There have been a number of applications for the residential redevelopment of the site, including three approvals. The current proposal seeks consent for a single dwelling on the site, with the demolition of the original dwelling already undertaken. Thus it is considered that in assessing this latest revised scheme, the principal issues remain, the impact on the character of this part of the Penarth Conservation Area; the effect on neighbouring and residential amenity; and the impact on highway safety.

## Design and impact on the Conservation Area

In relation to the principle of development, it has already been noted that the site lies within the residential settlement boundary for Penarth as defined in the UDP. Policy HOUS2 of the UDP allows for new residential development within the settlement boundary but this is not without qualification and is subject to the residential development criteria of policy HOUS8. Criterion (i) of HOUS8 requires that the scale, form and character of the proposed development is sympathetic to



the environs of the site. 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."*

As with the previous applications, the principal issue will be the impact on the setting of this part of the Penarth Conservation Area and whether it serves to preserve or enhance that character

It is recognised that the likely impact of the development on the Conservation Area requires special consideration, and carries substantial weight in the determination of the application. Paragraph 6.4.6 of PPW recognises that the character or appearance of conservation areas must be a major consideration in any application. As such, the effect of the development on the character and appearance of the conservation area and its setting is more than a material consideration to be weighed in the general balance.

Of particular relevance is the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. 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."*

The Penarth Conservation Area Appraisal and Management Plan identifies the site as being within the Esplanade and Gardens Character Zone, an area acknowledged as a particularly important part of the Penarth Conservation Area, with some of the Conservation Areas best buildings, as well as some of the worst. The Appraisal states:-

*"The townscape in this area has been greatly altered by modern development*

*which fronts the eastern edge of Marine Parade, and between Park Road and Bridgeman Road. On the unaltered, lower density detached plots in the area, the relationship between each house and its surrounding garden is important to the remaining character.”*

It is noted that the current scheme represents a considerable departure from the approach in the previous applications. Although it still proposes a single dwelling, (as opposed to the two originally approved), the design is entirely different from the overtly contemporary dwelling of the most recent approvals. In considering the previous applications there have been concerns over the scale and massing of any replacement dwelling. The former dwelling on the site dated back to the early 1950s and was constructed by the Loveridge sisters, descendants of J.J. Neale, who established Skomer Island as a nature reserve. The house was considered to be of modest size and scale, and an unassuming building that sat comfortably within its curtilage and the wider Conservation Area. The schemes that have been deemed unacceptable in their impact have been considered to be excessive in scale and massing. Indeed in assessing the most recent application for a revision to the earlier approval for the contemporary flat roofed design, it was recognised that the changes did detract from the original scheme, with the revised roof heights serving to increase the overall bulk and mass of the building. However, it was determined that this was not to such a degree that the revised scheme would have an unacceptable impact on the Conservation Area.

Notwithstanding the above, the Council's Conservation Officer has submitted an objection to the current proposal. Mindful of the planning history it is considered that the principle of a new dwelling on the site remains acceptable, however, the details of the current scheme will cause harm to the character and appearance of the Conservation Area.

The previous approvals on the site have been for both a traditional form of two dwellings, plus the more recent schemes for an overtly contemporary design. The current scheme whilst incorporating contemporary features and detailing has introduced pitched roofs in an attempt to create a more 'traditional' form of development. However, a significant characteristic of roofs within the conservation is steeply pitched roofs with gables also prominent. The proposal indicates shallow pitched, hipped roofs more reminiscent of a post modernist type of architecture more commonly found in office and business developments from the 1980's and 1990's. The use of this form of roof is not considered to preserve or enhance the character or appearance of the conservation area. In addition there are concerns over the mass of the proposed building, by maintaining a similar footprint/floor area to the recent approvals for the flat roofed design, and adding a pitched roof, this will necessarily result in a significant increase in the bulk and massing of the building. In contrast the massing of the 2013 scheme was broken by a significant gap between the two buildings, whilst the 2014/2015 applications are much lower (as a result of having a flat roof) albeit with some elements projecting above the flat roof. If the current arrangement was continued with a steeper pitched roof to reflect the wider conservation area the mass of the building would increase commensurately.

A further concern highlighted by the Conservation Officer relates to the external finishes, in particular the significant amount of brick. Whilst brick is used within this part of the conservation area on more recent developments, this is, on the

whole, as a material for detailing and not a primary construction material. It is accepted that this is a matter that could be resolved possibly by way of an appropriate condition, however, the scale and form of the building would require fundamental changes to the submitted scheme that could not be controlled in such a manner.

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 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.....”*

It is noted that the supporting Heritage Statement makes the case that the existing built form occupying the eastern side of Park Road defines the character and appearance of the Penarth Conservation Area. As such the proposal would be as much in keeping with this character as the existing properties on this side of the road. This is not accepted as many of these buildings clearly do not reflect the established character. Design guidance in TAN 12 notes that appraising character requires consideration of several elements. Paragraph 4.8 states:-

*“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”*

In addition paragraph 4.5 of TAN12 suggests that the poor development of the past should not be used to set a precedent for further development that would compound the harm to the character and appearance of the conservation area. This states:-

*“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solutions which reverse the trend.”*

The supporting documents, including the DAS also suggest that the proposal is comparable in size and scale to the previous approvals. Again this is rejected. Indeed, in relation to any 'baseline' as referred to in the supporting statements, consideration should be given to the previous dwelling on the site, which has now been demolished. In line with national guidance contained in WO Circular 61/96, conservation area consent was only given for its demolition following the approval of acceptable and detailed plans for redevelopment.

As regards the landscaping of the site, along with the relationship between each house and its surrounding garden, the Penarth Appraisal also recognises the importance of the tree lined streets to the character of the area. In the case of the application site, the existing street trees to the front of the house were originally supplemented by the tree coverage within the front garden. This has now largely been removed following the previous planning permissions and a separate consent to remove a Cedar tree issued on 28 July 2015. It is noted that the Council originally sought to retain the trees on the site because of their contribution to the street scene and the wider character of the conservation area. However, it has been accepted that an appropriate landscape scheme could provide replacement planting.

In addition the potential impact of the new access on the street tree to the front has been covered by a condition on the previous consent requiring further details. Once again it is noted that no detailed landscaping scheme has been submitted with the proposal, and scant reference is paid to the issue of landscaping within the supporting DAS. In addition, the Council's Highway Development team have confirmed that their comments on the previous application still apply. Once again the full details of the new access points, including cross-over details and arboricultural assessment, plus elevational details of the front boundary treatment have not been submitted with the current application. It is appreciated that such details have been conditioned on previous applications, and could be again if the current application was acceptable in other respects. However, such an approach suggests that the importance of these elements of the scheme to the character and appearance of the conservation area is not appreciated and remains an afterthought in the overall design.

Accordingly it is considered that the proposal represents an insensitive and incongruous form of development in a relatively prominent part of the Penarth Conservation Area. The size, scale and design of the proposed dwelling does not reflect the established character and appearance of the Conservation Area, and is not considered to be a suitable replacement for the original dwelling. In contrast to the previous approvals on the site which were considered to preserve the character and appearance by leaving the character and appearance unharmed, the current proposal will result in such harm. As a consequence the proposal would not serve to preserve or enhance the character and appearance of this part of the Penarth Conservation Area contrary to local policy and national guidance, including ENV17, ENV20, HOUS2 and HOUS8 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 terms of the likely impact on the residential amenity of the neighbouring occupiers, it is noted that, although no neighbour representations have been received with the current application, there is some concern with the revised scheme.

The current scheme does not propose the roof terrace of the latest permissions, but it does propose balconies. Whilst the balcony to the rear is well screened so that no direct views are available over the neighbouring property, in contrast, the balcony proposed on the side south elevation has no screening. It is appreciated that this is set off the boundary by approximately 12m, but the open nature, and size of the balcony will allow direct views of the neighbouring house at 11 Park Road. There is an issue of perceived overlooking as anyone sitting or standing on the balcony would be clearly visible. It is possible that this could be overcome by adequate screening, but this is likely to have an impact on the design and potentially increase the massing of the building which is a concern raised above.

As for the level of private amenity space available to serve the new dwelling, the proposed amendments have no impact on this element of the development. The proposal can still provide for more than the minimum standards indicated in the Council's SPG on Amenity Standards.

### Highways

On the issue of highways it is noted that the Council's Highway development team have indicated that the highway observations provided in relation to the previous planning applications (reference 2014/01355/FUL and 2015/01004/FUL) are still applicable to the site. In assessing the previous applications some of these requirements were considered unreasonable and unacceptable when considering the impact on the conservation area. In particular the need to set the electric gates 5m back within the site, and the pedestrian visibility splays of 2.4m x 2.4m. It was determined that these requirements would result in a frontage enclosure that would detract from the character of the Conservation Area, and it was determined that consideration of the impact on the character of the Conservation Area should take precedent. However, it was determined that their concerns over the likely impact on the street trees were valid, and remain so with the current application.

In relation to the proposed access points Highways requested an amended layout requiring a clearance of 2m from the telegraph pole and the avoidance of the root system of the street tree. As such a condition 4 was imposed on the previous consent which states:-

*"Notwithstanding the submitted plans no works to alter the existing or provide additional entrances to the site from the highway shall commence until further details of the proposed new access and alterations to the existing access, and their associated vehicular crossovers, along with full details of the new gates and any other alterations to the existing front boundary, are submitted to and approved in writing with the Local Planning Authority. The details shall provide for a maximum width of access of 4m; an arboricultural report on the adjacent street tree and measures for its protection; and the precise siting of the adjacent telegraph pole which shall be relocated at the developer's expense should it be deemed to interfere with highway visibility. The development shall be implemented thereafter in accordance with the approved details."*

As the current scheme has not provided the full details required by the above condition, it remains unclear how the new layout will affect the street tree, the telegraph pole, the front boundary, and the on-site parking and manoeuvring space. As such, if the application was considered acceptable in respect of the revised design, it would be necessary to re-impose the condition on any new permission as the Lime trees are an important feature in the street scene and a significant part of the character and appearance of the conservation area, as is the requirement to ensure highway safety.

### Other issues

On the issue of demolition, it has already been noted that the original house has now been demolished. The previous Conservation Area Consents were all issued subject to a condition requiring that the demolition shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been entered into in accordance with the proposals approved under the accompanying planning application. The reason for this condition was to ensure that the demolition only occurred as the immediate precursor to redevelopment, having regard to the location of the site in the Penarth Conservation Area, and to accord with advice in Welsh Office Circular 61/96 and Policies ENV20-Development in Conservation Areas and ENV21-Demolition in Conservation Areas of the adopted Unitary Development Plan. On this point the submitted DAS indicates that the applicants did enter into a contract with contractors Knox and Wells Ltd to construct the new dwelling approved under 2015/01004/FUL. However, the DAS goes on to note:-

*“The client’s change of heart on the previous scheme caused work to be halted on the construction drawings and tender process. The current plans are to negotiate a second stage tender price with Knox and Wells Ltd, with the view to them starting in the Summer, provided planning permission is granted for this application.”*

It is noted that the timescales highlighted at Section 3 of the DAS clearly now differ from those that accompanied the 2015 application. It should be noted that the wording of the condition requires the Council’s agreement of the phasing and timing of the works and that such works should then be carried out in accordance with the approved timetable.

A separate point in relation to the submitted DAS relates to some inaccuracies, in particular the reference to the planning history at Section 3. The reference to applications 08/560 and 09/1842 do not relate to any proposal on the application site, with the one not even being a relevant reference for any Vale planning application. Furthermore the accuracy of the street cross section at Section 4 of the DAS is questioned, as this does not compare to other street sections/context plans submitted with previous application, in that it appears to over-emphasise the scale/height of the neighbouring house at 11 Park Road.

Finally on the issue of drainage, again Welsh Water has no objections subject to appropriate conditions relating to the means of foul, surface water and land drainage of the site.

In view of the above the following recommendation is made.

## RECOMMENDATION

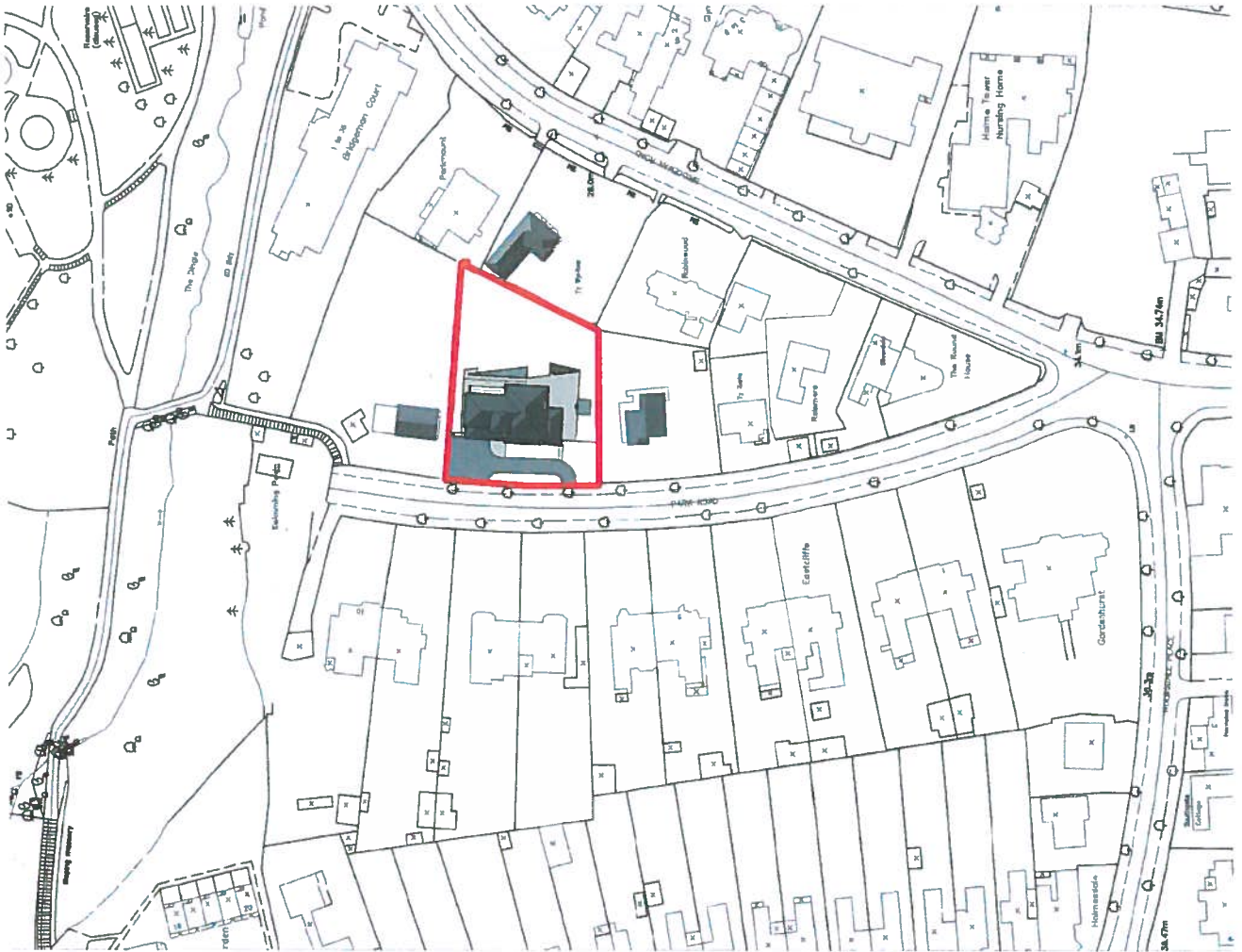
### REFUSE (W.R.)

1. In the opinion of the Local Planning Authority it is considered that the proposed replacement dwelling would neither preserve nor enhance the character and appearance of this part of the Penarth Conservation Area. The proposed design, including the scale, form, massing and external finishes, is considered to be insensitive and inappropriate within the wider context, and would appear as an intrusive and incongruous feature out of keeping with the prevailing character and appearance of the Penarth Conservation Area, contrary to Policies ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV27 - Design of New Developments, HOUS2-Additional Residential Development, HOUS8-Residential Development Criteria, and Strategic Policy 1-The Environment, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Amenity Standards, the Penarth Conservation Area SPG, and the Penarth Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, TAN12-Design, Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas, and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

### REASON FOR RECOMMENDATION

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.

# 16 00 176 FUL



first issue 06/08/15  
rev description by date

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Planning 1 : 1250

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1 Site location plan  
1 : 1250



**2016/00247/FUL** Received on 3 March 2016

Mr. James Rolling Green Meadow, 10, Ger y Llan,, St Nicholas,, Vale of Glamorgan,, CF5 6SY

Mr. Christian Le Guilcher Le Guilcher Architecture,, 1 Powys Road,, Penarth,, Vale of Glamorgan,, CF64 3PB

### **Green Meadow, 10, Ger y Llan, St Nicholas**

Alterations to existing detached dwelling to comprise single, two storey extension and rebuild, extension of existing garage. replacement windows and doors.  
Existing vehicular access to be widened

#### **SITE AND CONTEXT**

The application site relates to a detached two storey dwelling situated on a residential cul-de-sac of similarly designed detached dwellings. Several properties have however been extended and altered. The property benefits from extensive garden space to the rear and onsite parking to the front. The application property sits within the settlement boundary area of St Nicholas as defined by the Unitary Development Plan but located just outside of the St Nicholas Conservation Area.

Two trees within the site are covered by a Tree Preservation Order and one adjoins the site to the rear.

#### **DESCRIPTION OF DEVELOPMENT**

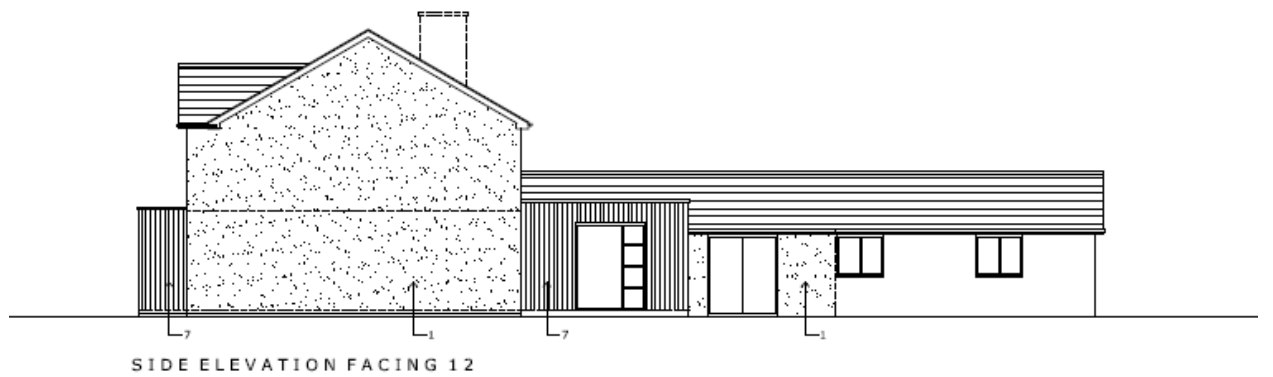
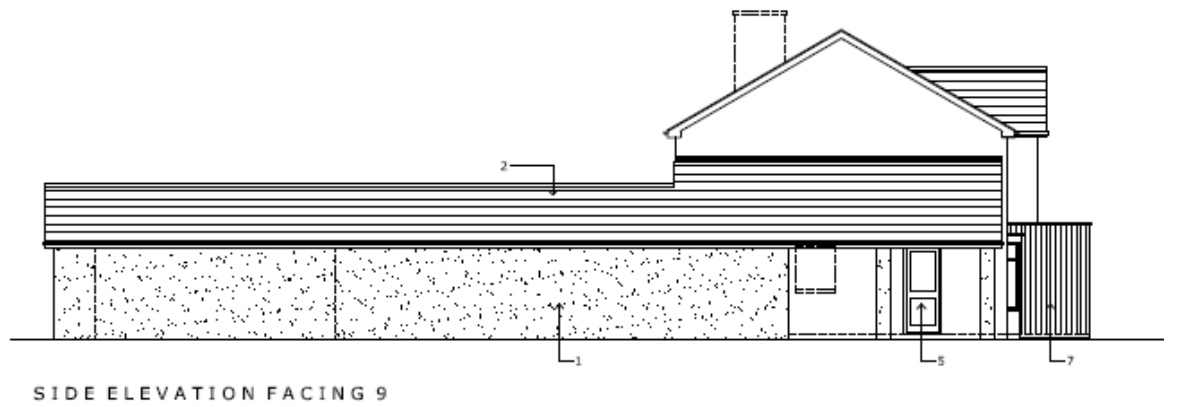
The application proposes the erection of a rear single storey extension, a two storey side extension, the rebuild and extension of the existing garage with replacement windows and doors and widening of the existing vehicular access.

The single storey rear extension would measure 4.2m in depth, 10m in width and to a height of 2.9m with a flat roof. The extension will comprises of a full length glazed aluminium coated window with 4 smaller glazed windows on the side elevation and 3 large glazed aluminium coated doors on the rear elevation and would be finished with composite weatherboard.

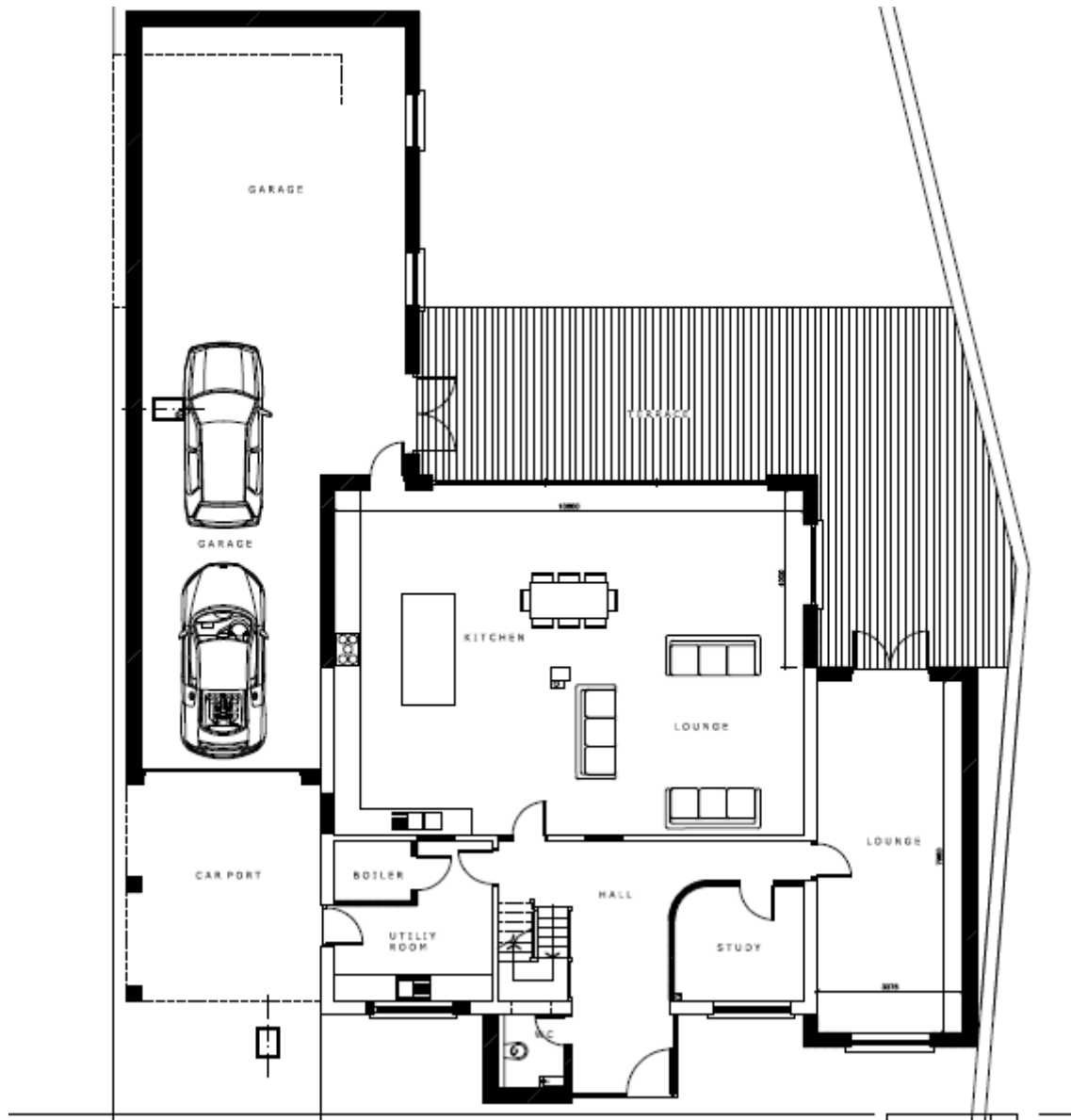
The two storey side extension would measure 3.8m in width, 8.9m in depth, with a 4.7 metre eaves height and a maximum height of 7.2 metres, with the eaves height and ridge height matching that of the existing dwelling. The proposed two storey side extension would be positioned 0.8m further forward than the original house with the front part of the extension being built up to the boundary wall and tapering away from the boundary wall to the rear by 0.6m. The extension is to be finished in materials to match the existing dwelling.

The application proposes the demolition of the existing porch on the front elevation and replacement with a new porch which will measure 4.6m in width, 1.9m in depth and to a height of 2.7 with a flat room. The porch will be finished in grey composite weatherboarding.

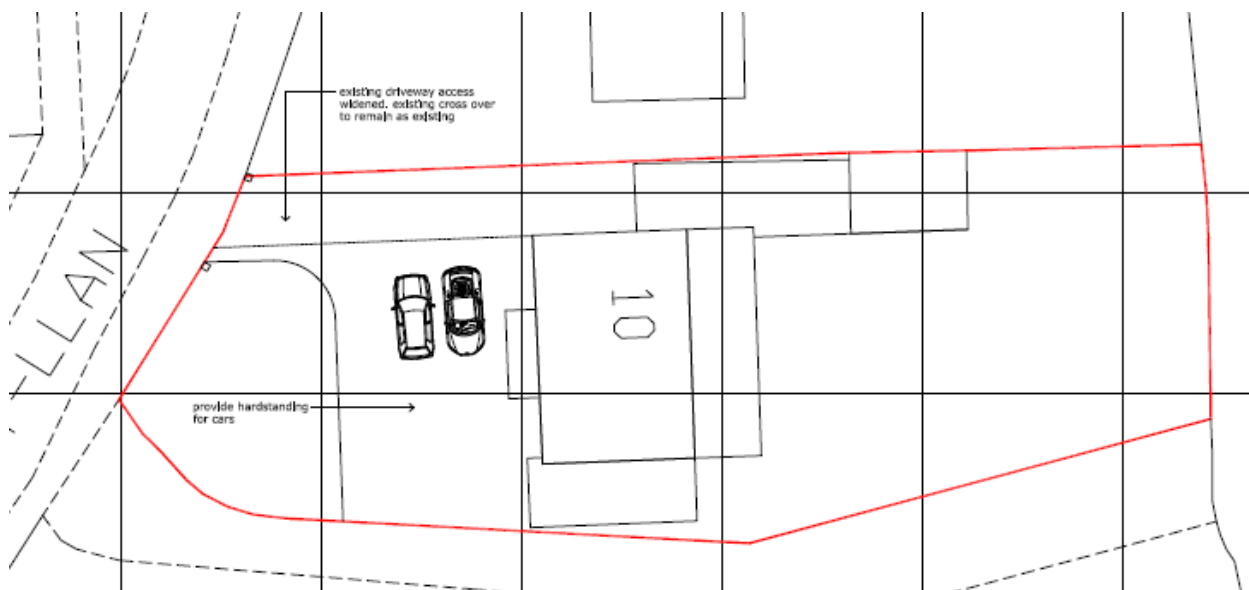
Proposed elevation plans are set out below:



The garage extension would comprise of the demolition of the existing garage and construction of a new garage and carport. The car port will measure 5m in length, 4.3m in width, to a height of 4m with a mono pitched roof with pillars. The garage will be situated behind the car port, with the first 2.6m of the garage to the same height as the carport with the same roof design. The height of the garage is reduced to a height of 3.7m with a pitched roof and will measure 4.3m in width, 17m in length. The car port and garage extension are to be finished in materials to match the existing dwelling with a sectional garage door. See floor plan below:



The application also proposes the widening of the existing driveway access and creation of an area of hard standing at the front of the property and replacement windows and doors to match existing. See plan below:



### PLANNING HISTORY

2004/01913/TCA : 10 Ger y Llan, St. Nicholas - To fell 5 Conifers. - Approved 07/12/2004.

1988/00517/FUL : Ger y Llan, St. Nicholas - Proposed rearrangement of access drives. - Approved 19/07/1988.

### CONSULTATIONS

**St. Nicholas and Bonvilston Community Council** were consulted on the 10 March 2016. A letter was received on the 6 April 2016 strongly objecting to the development on the following grounds:

- Overdevelopment of the site, proposed extension if out of character with the other
- Proposed extension if out of character with other properties in the area
- The visual change through the proposed parking arrangement at the front of the property is completely unacceptable.

**Local Ward Member** was consulted on the 10 March 2016. On the 23 March 2016, an email was received requesting that the application be reported to planning committee due to the concerns over the impact of such a large garage will have on the adjacent property with regard to overshadowing.

## REPRESENTATIONS

The neighbouring properties were consulted on 10 March 2016 and a site notice was displayed on the 16 March 2016. There have been 4 letters received which raise a number of concerns and objections to the development. These are summarised as follows:

- Concerns regarding alterations to the existing stone garden wall relating to height and materials and removal of existing cherry tree;
- Concerns regarding the location of the proposed garage extension, car port and increase of vehicle parking and its possible use for the parking of commercial vehicles and use for business purposes;
- Widening of vehicular access is not appropriate;
- Impact of the proposed garage extension on the neighbouring property by reason of its size and height;
- Proposed garage is trebled in size with a pitched roof which due to proximity to neighbouring property will have an adverse impact by reason of an overbearing effect.

## REPORT

### Planning Policies and Guidance

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

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

#### *Policy:*

POLICY ENV 4 – SPECIAL LANDSCAPE AREA  
POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES  
POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS  
POLICY 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, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide 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, 2016) (PPW) is of relevance to the determination of this application.

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design 2016

### **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

## Issues

The primary issues in the consideration of this application are the impact of the proposed development on the character of the existing dwelling, the visual amenities of the street scene, the residential amenity of the occupiers of neighbouring dwellings and highway safety.

### Visual Impact on the Character of the existing dwelling and street scene.

The application site is located within a cul-de-sac setting of similar designed dwellings. The rear boundary of the site adjoins the Ely Valley and Ridge Slopes Special landscape Area (SLA). The proposed two storey rear extension will project further forward from the principal elevation of the existing dwelling by 0.8m. However due to the orientation of the application site within the streetscene, it is considered that the two storey extension and front porch will be in keeping with the character of the existing dwelling and street scene. The development does not adversely affect the setting or character of the adjoining SLA. It is also considered that the proposed single storey rear extension will have no adverse impact on the character of the dwelling or street scene due to its location on the rear elevation. In view of this, given the overall scale, design and finish of the proposed development, the proposal is not considered to harm the character of the existing dwelling or result in overdevelopment of the site. It is also considered that the proposed car port and garage extension is in keeping with the character of the property and is not considered unsympathetic in relation to the character of the existing property or overall street scene. In view of this, it is considered that the development accords with criterion (i) of Policy ENV27 of the Unitary Development Plan 1996-2011.

### Amenity Space and Parking

The property benefits from a relatively large rear garden and this is considered sufficient to meet the needs of the property once extended. With regard to parking, the property currently benefits from a long driveway and a detached garage which can accommodate approximately 4no. off road parking spaces.

Concerns have been raised by neighbours with regard to the proposed location, widening and increase of vehicle parking on the front of the dwelling and its possible use for the parking of commercial vehicles and use for business purposes. The introduction of a hard standing area at the front of the property is considered to be in keeping with the existing off street parking arrangement of the cul-de-sac, whilst it is appreciated that part of the existing front lawn will be removed, this is not considered to have an unacceptable or adverse impact on the character of the dwelling or street scene. In view of the neighbours' concerns raised with regard to the use of the site for the parking of commercial vehicles or business purposes, this would be a material change of use of the land which would require the benefit of formal planning permission. As this use does not form part of the proposed development at the site, it has not been assessed in consideration of this application.

The proposed extended hard surfaced driveway and parking area lies close to the protected tree in the front garden, however the development will generally be located sufficient distance away from the protected trees to not adversely affect their long-term health. However, subject to a detailed method statement for any excavations including hand digging, details of porous materials to be used for the surface, and the monitoring of all works by an arboriculturist the long term health of the tree should be protected.

Accordingly, it is considered that there is sufficient amenity space and parking provided at the property and the proposed alterations to the existing access are considered to accord with Policy ENV11, criterion (ii) of Policy ENV27 and Policy TRAN 10 of the Unitary Development Plan 1996-2011 and Council Approved Supplementary Planning Guidance – Amenity Standards.

#### Impact on residential amenity of neighbours

Notwithstanding the above, the development has also been assessed in terms of the impact on the residential amenity of the neighbouring properties. It is considered that the proposed two storey extension will have little or no adverse impact on the residential amenities of the neighbouring properties known as No.11, 12 and 14, Ger Y Llan due to the distance from the properties (separated by a private driveway) and there are no windows located in the southern side elevation of the proposed development.

Concerns were raised by the neighbouring property and Local Member with regard to the impact of the proposed garage extension on the neighbouring property known as No.9, Ger-y-Llan regarding its size, height and overbearing effect on the conservatory and garden of the neighbouring property. The height of the existing garage measures approximately 2.3m in height with a flat roof and is detached and set back from the property by approximately 5m. The proposed garage extension and car port will run along the entire length of the existing dwelling and will continue along the boundary with the neighbouring property for a further 14.5m and to a maximum height of 3.7m with a pitched roof. The impact of the proposed development has been assessed from the neighbouring properties garden and conservatory. Whilst the proposed development may reduce the amount of light that the neighbouring property currently receives within their conservatory and garden, this is not considered to be to any degree that warrants a refusal. In addition, there is an existing garage on this boundary and the extension effectively infill's the area between the rear of the house and the garage. Also, in view of the extent of development that is allowed under permitted development as set out in the Town and Country Planning (General Permitted Development) (Wales) Order 2013 in relation to single storey extensions including that development can build up to 4 metres in height, it is considered that the proposed development will not have an unacceptable impact on the residential amenity of the neighbouring property.

In view of this, it is considered that the proposed development is acceptable as it would not have a detrimental impact on the amenities of the neighbouring properties particular No.9, Ger-y-Llan and therefore accords with criterion (iv) of Policy ENV27 of the Unitary Development Plan 1996-2011 and the Council's Approved Supplementary Planning Guidance on Amenity Standards.



## 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: Drawing Nos. 1607/PL01, 1607/PL02, 1607/PL03, 1607/PL04, 1607/PL05, 1607/PL06, 1607/PL07, 1607/PL08, 1607/PL09, 1607/PL10.

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 or re-enacting that Order, no windows shall be inserted into the southern side elevation of the two storey extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

4. Prior to the commencement of any development, including site clearance, a method statement for the construction of the extended parking and access area including details of any hand digging and details of a porous surface finish, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved details.

Reason:

In order to avoid damage to the protected Cherry tree on the site which is of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

5. A scheme providing for the fencing of the tree 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 the Cherry tree on the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

6. The Local Planning Authority shall be advised in writing a minimum of two weeks prior to the commencement of works on site of the date of commencement of such works and the name and contact details of an arboriculturist appointed to monitor and supervise all works, identified under the Method Statement as agreed under Condition 4.

Reason:

To safeguard the protected Cherry Tree, in accordance with Policies ENV11 and ENV27 of the Unitary Development Plan.

#### REASON FOR RECOMMENDATION

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

Having regard to the impact of the proposed development on the character of the existing dwelling, the visual amenities of the surrounding area and the residential amenity of the occupiers of neighbouring dwellings particularly No.9, Ger-Y-Llan, the proposal complies with Policies ENV11 'Protection of Landscape Features' ENV27 'Design of New Developments' and TRAN10 –Parking of the Council Approved Unitary Development Plan 1996-2011 and the Council's Approved Supplementary Planning Guidance, Amenity Standards.

#### NOTE:

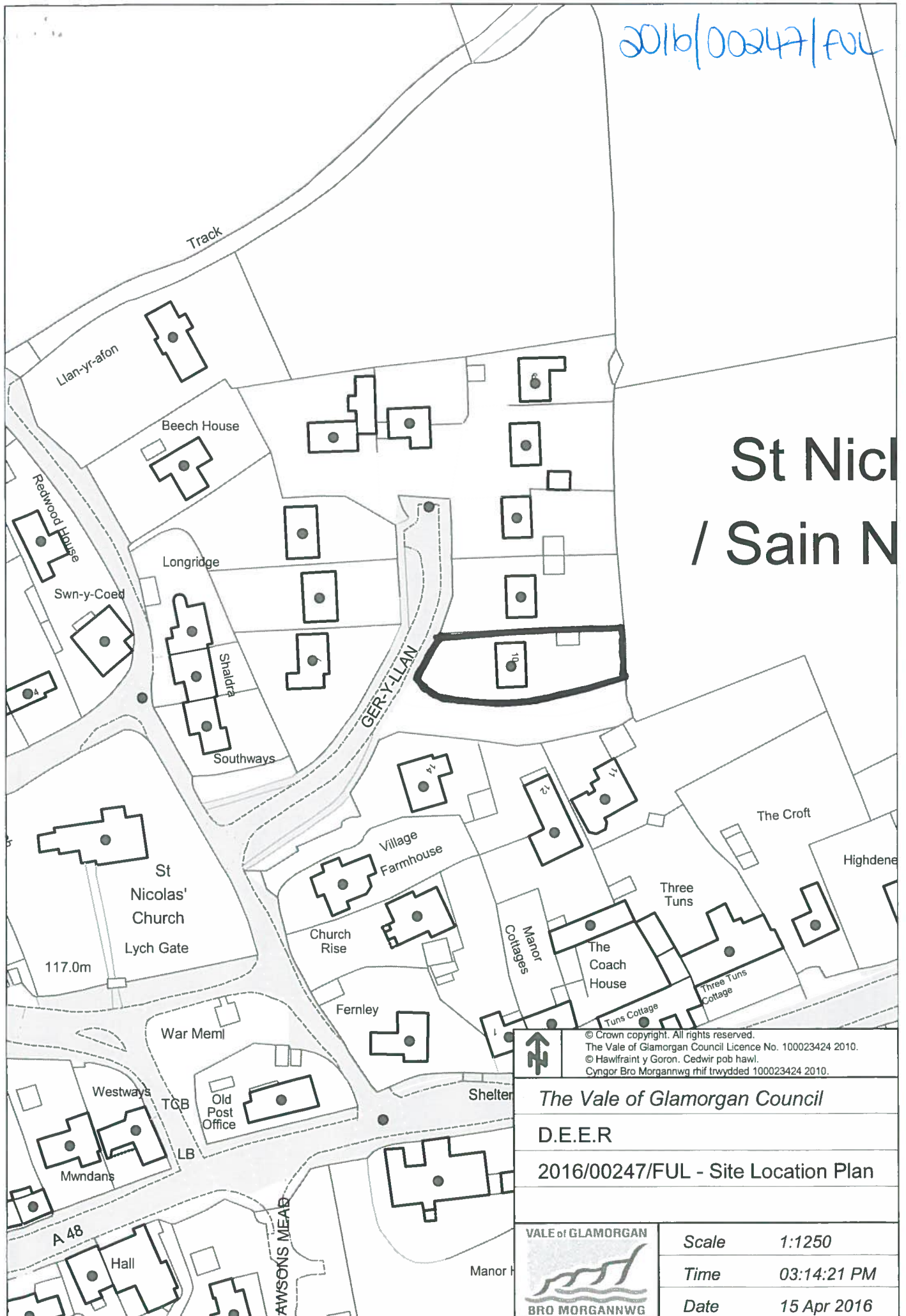
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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


2016/00247/FUL



# St Nick / Sain N

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**The Vale of Glamorgan Council**  
 D.E.E.R  
 2016/00247/FUL - Site Location Plan

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