

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 APRIL, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2015/0050/PO	AC	Gaylard Buildings, Court Road, Bridgend	Conversion/Upgrade to residential (15 no.) of units. 1 & 2 bedroom flats. (as amended)
2016/0181/BR	AC	Beerhouse/Ritazza, Cardiff Airport, Vale of Glamorgan. CF62 3BD	Echo Music Bar to become Beer house and Ritazza to be renovated to new design. Wall are to be altered as shown on drawing 100 and new flooring and signage to be installed.
2016/0191/BR	AC	21, Fairford Street, Barry	New beam to go between stair area and kitchen. Alteration to stairs & shower room
2016/0193/BR	AC	South Holm, Southerndown	Single storey extension to lounge & dining.
2016/0201/BN	A	36, Plymouth Road , Barry CF62 5TY	Single Storey side extension for new Kitchen and Dining Room.
2016/0202/BN	A	3, Charlotte Street, Cogan	Removal of chimney breast and dividing wall. insertion of RSJ's to downstairs rear rooms.

2016/0212/BN	A	8, Min Y Mor, Barry	Replacement of tiled roof, roof battens and breathable roof membrane
2016/0213/BN	A	Keepers Cottages, Lower Porthkerry, Barry	Alterations to existing house and outbuildings
2016/0214/BN	A	Basement, 50, Holton Road, Barry	Upgrade of existing offices to provide fire protection
2016/0215/BN	A	247, Holton Road, Barry	New shop front & roller shutter screen (part of area renewal scheme)
2016/0216/BN	A	9, Slade Close, Sully	New windows
2016/0218/BN	A	2, Castle Mews, Llanblethian, Cowbridge	Structural alterations
2016/0219/BN	A	11, Marine Drive, Barry	Garage/store conversion to kitchen/diner
2016/0220/BN	A	2, Greenfield Avenue, Dinas Powys	Single storey extension
2016/0221/BN	A	3, Railway Terrace, Penarth	Single storage extension to enlarge the kitchen
2016/0223/BN	A	34, North Walk, Barry	FD30 to front entrance
2016/0224/BN	A	26, Pontalun Close, Barry	FD30 to kitchen
2016/0225/BN	A	22, Owains Court, St. Athan	FD30 to kitchen
2016/0226/BN	A	26, Peterswell Road, Barry	FD30 to kitchen
2016/0227/BN	A	34, Pontalun Close, Barry	FD30 to kitchen
2016/0228/BN	A	201, Court Road, Barry	Install Log Burner and Flue
2016/0229/BN	A	141, Gladstone Road, Barry	Knock down internal supporting wall between two rooms.
2016/0230/BN	A	15, Heol Broadlands, Barry Waterfront	Garage Conversion
2016/0235/BN	A	5, Fonmon Road, Rhoose	Rear extension forming sun room and shower room
2016/0236/BN	A	3, Clive Road, Barry Island	Fit four windows

2016/0237/BN	A	87, Main Street, Barry	New windows
2016/0238/BN	A	89, Main Street, Barry	New windows
2016/0239/BN	A	91, Main Street, Barry	New Windows
2016/0242/BN	A	210, Holton Road, Barry	New Shop front with shutters
2016/0243/BN	A	220, Holton Road, Barry	New Shop front with shutters
2016/0244/BN	A	282, Holton Road, Barry	New Shop front with shutters
016/0245/BN	A	54, Main Street, Barry	New Shop front with shutters
2016/0246/BN	A	92, Main Street, Barry	New Shop front with shutters
2016/0247/BN	A	97, Main Street, Barry	New Shop front with shutters
2016/0248/BN	A	Flat 1, 36, Clive Place, Penarth	Replace existing plastic roof with an insulated slate tile roof with Velux windows. Increase existing opening between kitchen & bedroom. Replace interior doorway, exterior doorway, kitchen & flooring
2016/0250/BN	A	32, Maes Illtuds, Llantwit Major	Single storey extension and alterations
2016/0251/BN	A	2, Augusta Crescent, Penarth	Re-roof two storey semi detached house
2016/0253/BN	A	34 Cross Street, Barry	Conversion to 2no. 2 bed flats
2016/0256/BN	A	12, Trem Mapgoll, Pencoedtre Village, Barry	Garage conversion

2016/0258/BN	A	37, Grove Place, Penarth	Installation of approximately 3 metre opening for bi-fold/sliding doors on rear external wall. Drainage alterations in kitchen for new W.c. \\7 re-location of kitchen utilities
2016/0261/BN	A	1, John Batchelor Way, Penarth	New front balcony
2016/0262/BN	A	13, Maes y Coed, Barry	Remove existing chimney breast in ground floor kitchen, on party wall and install steel beams
2016/0263/BN	A	39, Harriet Street. Penarth	Re-roofing
2016/0264/BN	A	9, Lower Cwrt y Vil Road, Penarth	Re-roof on like for like basis
2016/0265/BN	A	Brynhyfryd, 27, Westward Rise, Barry	New downstairs toilet and sink, plumbing to existing external waste pipe
2016/0267/BN	A	48, West Farm Road, Ogmore by Sea	Single storey extension, removing internal walls and fitting supporting beams
2016/0268/BN	A	2, Redlands House, Redlands Avenue, Penarth	Remove all internal walls and rebuild to comply with Fire Regs
2016/0269/BN	A	3, Chaucer Close, Penarth	New roof & insulation
2016/0270/BN	A	White Lodge, St. Quentins Close, Llanblethian	Two rooms into one to create kitchen/diner
2016/0271/BN	A	White Lodge, St. Quentins Close, Llanblethian	2 rooms into 1
2016/0272/BN	A	11, Porth y Green Close, Llanblethian	Two rooms into one. Installation of French doors to living room. Bi-Fold doors to be fitted in kitchen (opening to be made)
2016/0273/BN	A	36, Brean Close, Sully	Single storey extension and loft conversion
2016/0276/BN	A	Barry Island Pleasure Park, Barry Island	Canopy / Lean to steel structure

2016/0284/BN	A	32, Glebe Street, Penarth	Refurbishment of main house including loft conversion and re roofing of coach house attached at rear of property.
2016/0285/BN	A	Bethel Baptist Chapel, Burton Terrace, East Aberthaw	Conversion of former chapel to private dwelling
2016/0288/BN	A	6, The Crosskeys, Llantwit Major	New timber joist floors & attic conversion.
2016/0289/BN	A	Davlan, Claude Road, Barry	install bedroom and ensuite shower and toilet in loft
2016/0290/BR	AC	The Woodlands, Beach Road, Swanbridge	Erection of two storey extension
2016/0291/BN	A	28, Westward Rise, Barry	Re-Roof
2016/0292/BN	A	Rudry, St. Nicholas Road, Barry	Re-Roof
2016/0293/BN	A	234, Holton Road, Barry	New powder coated aluminium shopfront, neww stall riser, new fascia & shop sign, new external security shutter with shutter housing behind fascia
2016/0294/BN	A	132, South Road, Sully, South Glamorgan CF64 5SP	Remove a supporting structural wall at the rear of our house between the kitchen and playroom. Fit a new kitchen (in place of the existing one). Re-configure an existing downstairs shower & WC into a downstairs WC and separate utility room. Refit the bathroom upstairs directly above the kitchen.
2016/0295/BN	A	3, Craig Yr Eos Avenue, Ogmore By Sea, ,	Proposed 2 No. Dormers to roof, loft conversion, extended veranda, balcony to front elevation and external/internal alterations

2016/0297/BN	A	4, Cefn Mount, Dinas Powis CF64 4AR	Two storey rear extension above retained existing ground floor living room.
2016/0298/BN	A	325, Barry Road, Barry	Re-roof
2016/0299/BN	A	11, Summerland Close, Llandough, Penarth	Garage conversion & shower room
2016/0300/BN	A	Heol Faen, Colwinston	Conversion of garage to residential unit
2016/0302/BN	A	4, The Causeway, Llanblethian	Installation of through floor lift
2016/0303/BN	A	64, Brean Close, Sully	single storey extension for lounge/bedroom with en-suite
2016/0304/BN	A	Upper Barn, Southra, Dinas Powys	Knock through on elevation for steel beam and new glazed units.
2016/0305/BN	A	18, Venwood Close, Wenvoe	single storey rear extension
2016/0306/BN	A	16a, Salop Place, Penarth	loft conversion
2016/0309/BR	AC	8, Plassey Square, Penarth	Loft conversion & dormer
2016/0310/BR	AC	14, Jestyn Close, Dinas Powys	Provision of GF WC in existing porch area with pumped waste system.
2016/0311/BN	A	4, Lower Morel street, Barry	Re-Roof & new Velux
2016/0312/BN	A	Swn y Don, High Meadow, Llantwit Major	Demolish existing garage and conservatory. Construct single storey side and rear extension. Alterations to rear dormer,
2016/0313/BN	A	45, Sir Ivor Place, Dinas Powys. CF64 4RA	House electrical rewire
2016/0314/BN	A	34, Perclose, Dinas Powys. CF64 4JL	Single storey brick pitched roof extension
2016/0315/BN	A	20, Tennyson Road, Penarth. CF64 2RY	Single storey rear lean to extension to existing Living Room

2016/0316/BN	A	Fox Hollow, Highlight Lane, Barry	Garage conversion
2016/0318/BR	AC	Ogney Brook House, Llantwit Major	Single storey extension and internal alterations
2016/0319/BN	A	38, Heol Collen, Culverhouse Cross, Cardiff	single storey rear extension
2016/0320/BR	AC	42, Nant Talwg Way, Barry	Side extension to accommodate wet room
2016/0321/BN	A	1, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
216/0322/BN	A	6, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0323/BN	A	7, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0324/BN	A	8, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0325/BN	A	9, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0326/BN	A	11, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0327/BN	A	14, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

2016/0328/BN	A	17, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0329/BN	A	18, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0330/BN	A	21, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes
2016/0333/BN	A	27, Shakespeare Avenue, Penarth	Remove old roof tiles, felt & batten, remove chimney stack. Re-roof and new fascia, soffits, gutters & downpipes

(b) Building Regulation Applications - Reject

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

2016/0198/BN	R	5, Ham Lane South, Llantwit Major	Single storey rear extension to enlarge lounge.
2016/0222/BN	R	4, Nash View, Pentre Meyrick	14m2 single storey extension

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

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

2016/0015/AI	A	21, Sherbourne Close, Barry,	First floor bedroom and en-suite extension and associated works.ce
2016/0016/A1	A	Ty newydd Farm, Flemingston	Extensions to dwelling and conversion of annex to habitable space
2016/0017/A1	A	15, Marine Drive, Ogmore By Sea	Single storey rear extension
2016/0018/A1	A	KFC, Heol Ceiniog, The Waterfront, Barry	Material alterations to internal and external layout of fast food restaurant

2016/0019/AI	A	11, Rhodfar Mor, Rhoose	Loft conversion
2016/0020/AI	A	2, Augusta Crescent, Penarth	Single storey rear extension, alterations and associated works
2016/0021/AI	A	24, Cae Gwyn, Penarth	Single storey rear extension
2016/0022/AI	A	66, Tennyson Road, Penarth	Loft conversion, interior alterations and associated works
2016/0023/AI	A	19, Peterswell Road, Barry	Single storey rear extension and associated internal works
2016/0024/AI	A	36, Chandlers Way, Penarth	First floor balcony terrace and associated works
2016/0025/AI	A	1, Brecon Street, Llantwit Major	Single storey rear extension and associated works
2016/0026/AI	A	Units 1 and 2m Port Road, Culverhouse Cross Retail Park CF5 6XJ	Upgrade to existing wall to achieve a 60 minute period of fire resistance. Associated works to form a Currys, PC World and Carphone Warehouse Superstore
2016/0027/AI	A	55, North Walk, Barry	Proposed construction of a first floor side extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0028/AI	A	51, Stanwell Road, Penarth	Proposed single storey extension and associated works
2016/0029/AI	A	53, Westbourne Road, Penarth	Loft conversion, interior alterations and associated works
2016/0030/AI	A	34, Seaview Drive, Ogmore By Sea	New porch/utility room extension and internal alterations
2016/0031/AI	A	11, John Street, Cadoxton, Barry	Single storey rear extension and associated works

2016/0032/AI	A	9, Paget Terrace, Penarth	Proposed internal structural openings and alterations to staircase, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0033/AI	A	2, Victoria Square, Penarth	Proposed internal alterations to kitchen cloakroom (work to include material alterations to structure, controlled services, fittings and thermal elements)
2016/0034/AI	A	Vodafone Limited, 131, Holton Road, Barry	Internal refurbishment of existing retail unit

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

2012/0012/PV

2013/0138/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 APRIL, 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

2014/01433/FUL	A	Windmill Industrial Estate, Wimborne Road, Barry	Planning application in respect of two additional units within an existing development at Windmill Industrial Estate : Original application No 05/01112/FUL
2015/00336/FUL	A	Maltsters Cottage, Factory Road, Llanblethian, Cowbridge	Alterations including extension to rear annexe and new porch/w.c. extension to side with double gate
2015/00582/FUL	A	Barry Dockers Club, Vere Street, Barry	Conversion of Public House to 8 no. flats

2015/00777/FUL	A	Units 5 and 6, Sutton Road, Llandow	Proposed hangar extensions, scaffolding store, hazardous waste storage, security Office and associated works
2015/00794/FUL	A	Gileston Manor, Gileston Road, Gileston	Conservation repairs, reconfiguration, services renewal and extension of a Grade II* listed house, to include minor demolition works to boiler house and part demolition of pantry
2015/00866/LBC	A	Great Frampton Farmhouse and associated farmyard, Llantwit Major	Demolition of rear annex, refurbishment and extension of main house and conversion of barns to residential dwellings and associated works
2015/00867/FUL	A	Great Frampton House and associated farmyard, Llantwit Major	Demolition of rear annex, refurbishment and extension of main house and conversion of barns to residential dwellings and associated works
2015/00881/FUL	A	4, Maendy Ganol, Maendy	Two storey outbuilding at end of rear garden of property serving as workshop and playroom
2015/01045/LBC	A	United World College of the Atlantic, East Drive, St. Donats	Change of work from residential accommodation to offices. Minor work required to install IT and electrical cabling for sockets and lighting. A false ceiling will also be installed. A door lock will also be required for the existing kitchen door

2015/01087/FUL	A	Stables Adjoining The Barn, Stalling Down St. Hilary	Change of use from redundant stable block into 2 bedroom holiday cottage with parking, for min of 3 cars. Retention of extension to stable block at rear
2015/01176/FUL	R	West Monkton Farm, Monknash	Conversion of existing barns for single residential unit and associated annex, holiday let and associated works
2015/01231/FUL	R	Llanharry to Argoed, Llanharry	Construction of detached dwelling
2015/01257/FUL	R	St. Brides Road, St. Brides Super Ely	New agricultural access to land locked field (gated)
2015/01277/FUL	A	Former Admiral Public House, Vere Street, Barry	Conversion of storage area to 3 Flats
2015/01280/FUL	A	Homri Farm, Well Lane, St Nicholas	Part demolition and extension to farmhouse
2015/01341/FUL	R	Cottage Farm, Michaelston le Pit Road, Michaelston le Pit	The demolition of existing offices/stables and construction of a detached live/work unit
2015/01358/CAC	R	Cottage Farm, Michaelston le Pit Road, Michaelston le Pit	The demolition of existing offices/stables and construction of a detached live/work unit
2015/01362/FUL	A	3, The Glades, Penarth	First floor and ground floor extensions, erection of retaining walls to create a first floor sun terrace with access via steps from master bedroom
2015/01395/FUL	A	Rhyd y Cerig, 3, Craig yr Eos Avenue, Ogmere by Sea	Proposed 2 No. dormers to roof, loft conversion, extended veranda, balcony to front elevation and external alterations

2015/01408/ADV	R	Filco Supermarkets, Tyr Gyfraith, Thompson Street, Barry	New Filco supermarket banner sign
2015/01414/FUL	A	12, Gerddi Margaret, Barry	Convert internal garage into a play room
2015/01417/FUL	A	8, Seys Close, Cowbridge	Increase size of existing dormer; minor internal alterations; construct car parking hardstanding; extend garden fence - change of use and garden fence
2015/01445/FUL	R	12, Norris Close, Penarth	Two storey front extension
2015/01447/FUL	A	13, Plassey Square, Penarth	Single storey extension to the side and rear
2015/01454/FUL	A	Tyn y Porth Farm, St. Brides Major	Erection of detached agricultural barn and demolition of redundant derelict sheep wash and construction of stables on same footprint
2015/01457/FUL	A	Monkton House, Holmesdale Place, Penarth	Front, side and rear dormer extensions together with rooflights
2015/01466/FUL	R	Land South of Green Down, Llancarfan	Extension to existing stable block to create tractor shed and tack room/changing facilities
2015/01476/FUL	A	Momentive Speciality Chemicals, Sully Moors Road, Sully	Erection of metal clad shelter for storage of IBC containers

2015/01478/FUL	A	Style Gardens, Port Road, Wenvoe	Proposed alterations to the existing Style Garden Centre to include a single storey extension to the front of the Garden Centre to provide a new and improved entrance area; a single storey extension to the rear to accommodate an enlarged coffee shop and the erection of a canopy over the existing outdoor plant sales area at the rear of Garden Centre (NMA)
2015/01487/FUL	A	10, Merlin Close, Penarth	Edwardian style conservatory with glass roof to the rear of property, approx. dimensions 3.4m x 3.0m (NMA)
2015/01490/OUT	R	Tyr Waun, Cross Common Road, Dinas Powys	Demolition of existing garage and construction of a new dormer style bungalow
2015/01491/FUL	A	Teapots Bistro, 3, Thompson Street, Barry	Variation of Conditions 4 and 5 of planning reference 2012/00403/FUL to extend opening hours Mon - Sat 07:00-22:30 and Sunday 09:00-23:00 and Bank Holidays
2015/01503/FUL	A	4, Victoria Avenue, Penarth	Two and single storey extension
2015/01505/FUL	A	Parklands, Bonvilston	Front porch, orangery extension and remodelling to existing dwelling and ancillary spaces

2016/00003/FUL	R	14, Church Hill Close, Llanblethian, Cowbridge	Remove Condition 2 to allow retention of 0.5m length of rear raised patio area longer than that authorised by consent 2014/00217 (4m rather than 3.5m)
2016/00004/FUL	R	The Cottage, St. Brides Major	Construction of a two storey rear extension in two locations. First floor extension to the front of the property over the kitchen. Single storey extension to side elevation
2016/00005/FUL	A	Endless Acres Stud, Logwood Hill, Peterston Super Ely	Change of use to commercial stud farm
2016/00007/FUL	A	Natwest Bank, 117, Holton Road, Barry	To front elevation - Replace section of high level brickwork section with a new white PVCu cladding to replicate other shop frontages on Holton Road
2016/00011/PNO	A	Barry Railway Station, Broad Street, Barry	Construction of an Access for all footbridge incorporating lifts
2016/00012/FUL	A	Pencoedre Farmhouse, Pencoedre Lane, Barry	New driveway, vehicular access, turning area and hedgerow to existing access
2016/00013/FUL	A	6, Vale Court, Cowbridge	Extension to existing dwelling
2016/00014/ADV	A	83, Holton Road, Barry	2 no. replacement fascia signs with letters only halo illuminated. 1 no. replacement double sided projection sign with letters only halo illuminated
2016/00016/FUL	A	St. Brides Court, St. Brides Major	Replacement entrance gates and renovation of existing boundary wall

2016/00017/FUL	A	Traquair, 4, Cefn Mount, Dinas Powys	Erection of a two storey rear extension
2016/00018/FUL	R	Land at Maes y Fro, Llysworney, Cowbridge	Agricultural barn, concrete yard and revised gate details
2016/00019/FUL	A	3, Plas Glen Rosa, Penarth Portway, Penarth	Removal of front door and front window. Install RSJ and install bi fold doors across the front of property
2016/00020/OBS	B	Waycock Cross Pumping Station, Waycock Road, Barry	Additional wooden H pole support to accommodate new transformer required to supply a PV site (Reference MHT/2275062)
2016/00023/FUL	A	Kingscombe House, Llanmihangel Road, Llanblethian, Cowbridge	Erection of a low boundary wall with wooden fence above
2016/00025/ADV	A	Unit 35a, Vale Business Park, Llandow	1829mm x 1829 mm folded aluminium sign panel with 58mm returns face decorated with vinyl graphics. 1525mm x 610 mm folded aluminium sign panel with 30mm returns face decorated with vinyl graphics
2016/00035/FUL	A	Rose Cottage, Llancadle	Single storey rear extension
2016/00037/FUL	A	Vale Cricket Club, Corntown Road, Corntown	Erection of replacement cricket practice facilities

2016/00038/FUL	A	Amberley House, Llantwit Road, Wick	Proposed new vehicle access. Remove stone wall. Build 2 no. splayed walls and 2 no. pillars in natural stone to form access. Drop kerb at roadside. Removal of existing access, remove gate, build wall and 1 no. pillar in natural stone to close opening fit tanalised wood panels to match existing
2016/00042/FUL	A	130, South Road, Sully	First floor extension and single storey rear extension
2016/00044/FUL	A	13, Brookside, Dinas Powys	Single storey rear extension
2016/00049/FUL	A	38, Windsor Road, Penarth	Change of use to a A3 restaurant, outdoor seating area, conversion of first and second floor to seven bed flat, new shopfront, external fume extraction and staircase
2016/00051/FUL	A	1, Brecon Street, Boverton	Proposed rear extension, single storey
2016/00053/FUL	A	Hillside, Wine Street, Llantwit Major	Single storey extension, loft conversion and roof extension to raise ridge height and include three traditional style dormers
2016/00057/FUL	A	5, Grove Road, Llandow	Single storey rear extension
2016/00058/FUL	A	11, Rhodfar Mor, Rhoose	Pitched roof converted to a roof terrace and attic conversion with dormer and balcony
2016/00059/FUL	A	7, Chandlers Way, Penarth	Proposed single storey kitchen extension

2016/00060/FUL	A	31, Ivy Street, Penarth	Single storey extension to rear
2016/00062/PNA	A	Yard opposite Phone Box, Llangan	Proposed new barn
2016/00063/OUT	R	Land South east of Amberley House, Llantwit Road, Wick	Erection of 5 no. two/single storey 4/5 bedroom dwellings with garages and diversion of public right of way
2016/00065/RG3	A	Gwenfo Junior and Infant School, Old Port Road, Wenvoe	Proposed nursery block and alterations to the school building
2016/00067/FUL	A	Plot 1, St Brides Road, Wick	Proposed alteration of approved dwelling to include rear conservatory extension
2016/00068/ADV	A	1, Gibson Way, Penarth	Installation of temporary 'Welcome to Penarth Heights' individual lettering on side elevation
2016/00073/FUL	A	29, Cae Gwyn, Penarth	Single storey extension and garage conversion
2016/00084/FUL	A	Huckleberry, Sutton Lane, Ogmore-By-Sea	Single storey, two storey and roof extensions to existing dwelling, including new roof terrace
2016/00089/PND	F	Zeon Chemicals Europe Ltd, Sully Moors Road, Sully	Demolition of all buildings/structures on site
2016/00101/ADV	A	Williams and Glyn, 142-144, Holton Road, Barry	External signs on shop front
2016/00104/LAW	A	36, Baron Road, Penarth	Single storey rear extension
2016/00122/FUL	A	120, Cornerswell Road, Penarth	Rear detached garage roof replacement
2016/00127/FUL	A	Hampton Poyle, 1, Caynham Avenue, Penarth	Conservatory addition to gable end

2016/00130/FUL	A	8, Cherry Close, Penarth	Single storey extension to rear and extended to first floor above garage, change of windows and demolition of existing conservatory
2016/00137/FUL	A	34, Plymouth Road, Penarth	Alterations to existing kitchen to include replacement flat roof at increased height+ alterations to existing fenestration
2016/00160/ADV	A	Tesco Stores Limited, Culverhouse Cross Access Roads Tesco and Marks & Spencer, Culverhouse Cross	Installation of two advertisement signs
2016/00163/FUL	A	Forge Cottage, St Athan Road, St Mary Church	Two storey and single storey extensions
2016/00165/OBS	B	Goitre Fach Farm, Llantrisant Road, St Fagans	Outline planning application (all matters reserved apart from strategic vehicular, cycle and pedestrian access into the site) for the demolition of existing buildings and residential development of up to 300 dwellings on site.
2016/00186/OBS	P	Fontygary Parks Limited, Rhoose	Test pump boreholes
2016/00188/OBS	B	Boverton Place Farm, Boverton	Changing the existing 9 metre high single pole numbered 58 on the Aberthaw/Boverton 33kV No. 1 Line at Boverton Place Farm, Boverton for a 13 metre high H pole
2016/00193/PNA	R	Germonds Farm, Watery Lane, Welsh St Donats	Agricultural storage building

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 14 April, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/01116/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3143014
Appellant: Sully and Lavernock Community Council
Location: **Hayes Road, Sully**
Proposal: Change of use to community allotments
Start Date: 17 February 2016

L.P.A. Reference No: 2015/01279/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3143212
Appellant: Mr Terry Casey
Location: **Land at The Lawns, Cwrt Yr Ala Road, Michaelston le Pit**
Proposal: Agricultural building for the housing of cattle
Start Date: 16 February 2016

L.P.A. Reference No: 2015/00996/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3143490
Appellant: Trustees of St. Fagans No.1 and 2
Location: **St. Y Nyll Farm, St Brides-super-Ely**
Proposal: Change of use and conversion of existing barns to provide a residential dwelling and associated works
Start Date: 17 February 2016

L.P.A. Reference No: 2015/01080/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3144188
Appellant: Mr. Andrew Miller
Location: **Brynheulog, St. Andrews Road, Wenvoe**
Proposal: Proposed construction of hay barn
Start Date: 19 February 2016

L.P.A. Reference No: 2015/01379/TPO
Appeal Method: Written Representations
Appeal Reference No: T/16/516170

Appellant: Mr. J. G. Thomas
Location: **Y Fron Oleu, Michaelston le Pit**
Proposal: Fell Ash tree
Start Date: 24 February 2016

L.P.A. Reference No: 2015/00516/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3145017
Appellant: Mr. D. Varley & Mrs. J. Roscoe
Location: **2, Henefail Cottages, Ruthin Road, St. Mary Hill**
Proposal: Alterations and extension
Start Date: 7 March 2016

L.P.A. Reference No: 2015/01000/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3145177
Appellant: Mr M Rees
Location: **Heol Gerrig Farm, St Mary Hill**
Proposal: Barn conversion, access and curtilage
Start Date: 15 March 2016

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2015/00083/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3135553
Appellant: Miss. Sharon Poole,
Location: **85, Port Road East, Barry**
Proposal: New two bedroom detached dwelling within the curtilage of 85, Port Road, Barry
Decision: Appeal Dismissed
Date: 1 March 2016
Inspector: Mr. A. B. Nixon
Council Determination: Delegated

Summary

The Inspector considered there to be 3 principle issues to consider in this appeal, namely:

1. The effect of the proposal on the character and appearance of the locality;

2. Its effect on the living conditions of occupiers of 85 Port Road East and 3 Meggitt Road; and
3. The adequacy of outdoor amenity space for future occupiers of the new dwelling.

1. Character and appearance

The inspector noted that the appeal property is a semi-detached house within a group of similar properties. Although some properties in the vicinity have been extended, he was of the view that the paired form and regular spacing of buildings gives the street scene a well-ordered and consistent appearance. The Inspector noted that the proposed dwelling would be very close to the rear corner of No 85 and sit at an awkward angle. In this regard, he was of the view that it would appear cramped and at odds with its context, appearing squeezed into an inadequate space between the existing buildings.

In light of his findings, the Inspector concluded that the proposal would fail to relate acceptably to the street scene which provides its visual context and would cause clear harm to the latter's character and appearance, in conflict with UDP policy.

2. Relationship to adjoining properties

Due to the orientation of the proposed dwelling, the inspector considered that the side elevation of the new dwelling would have an unacceptably overbearing and oppressive effect on occupiers of No 85, seriously curtailing the outlook from rear facing windows and hemming in and overshadowing its remaining rear garden amenity space. In addition to this, the Inspector noted that the new dwelling would be positioned with its two storey rear elevation about 4m from the rear garden of 3 Meggitt Road. Such proximity would result in direct overlooking at unacceptably close quarters, which would significantly detract from the privacy of occupiers of that property and enjoyment of the rear garden area. Accordingly, he was of the view that the proposal would fail to accord with criterion UDP policies.

3. Amenity space provision

In the light of the limited private amenity space that would be provided to the dwelling, the Inspector concluded that the new dwelling unit would be seriously deficient as regards the amenity space available to future occupants, contrary to UDP policy.

In overall conclusion, whilst the Inspector was sympathetic to the appellant's wish to provide affordable accommodation for her parents alongside her own home, he found that the shortcomings in the form of development that would result amount to clear and compelling reasons why permission should not be granted. Accordingly, the appeal was dismissed.

(d) Enforcement Appeal Decisions

None

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	W	23	2	25	3
	H	3	2	5	-
	PI	1	-	1	3
Planning Total		27 (87%)	4 (13%)	31	6
Enforcement Appeals	W	-	-	-	-
	H	1	1	2	-
	PI	2	-	2	-
Enforcement Total		3 (75%)	1 (25%)	4	-
All Appeals	W	23	2	25	3
	H	4	3	7	-
	PI	3	-	3	3
Combined Total		30 (86%)	5 (14%)	35	6

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 14 APRIL, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2015/01340/TPO	A	Access Roads Tesco & Marks & Spencer, Culverhouse Cross	T1 - Minimal reduction of limbs of Oak (West side); T2 - Dead wood and Ivy removal; T3 - Minimal reduction of limbs of Oak (West side) as detailed in email of 9th December, 2015
2015/01501/TPO	A	Plymouth House East, Dimlands Road, Llantwit Major	Remove Ash tree
2016/00129/TPO	A	The Halt, 1, Meadow View Court, Sully	Trim back overhanging branches (Ash and Sycamore) Fell one Sycamore (self seeded on boundary line)
2016/00144/TPO	A	13, Sunnycroft Close, Dinas Powys	Reduce crown to Oak tree

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.

2015/01196/FUL Received on 16 October 2015

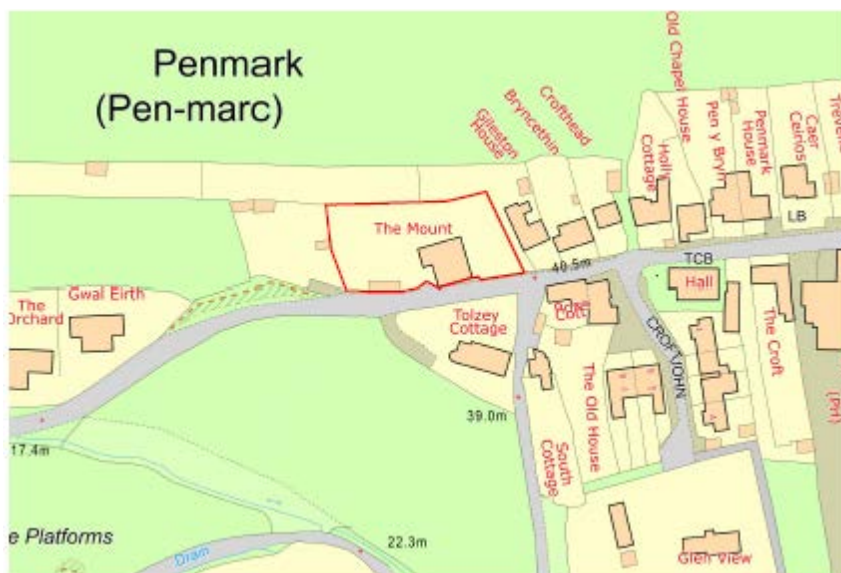
Dr. Harriet Oldham, The Mount, Tredogan Road, Penmark, Vale of Glamorgan, CF62 3BP
PAH Building Design and Technology, 36 Moy Road, Taffs Well, Cardiff, Rhondda Cynon Taf, CF15 7PX

The Mount, Tredogan Road, Penmark

Two storey extension to rear/side of the building

SITE AND CONTEXT

The site relates to a detached dwelling, situated at the edge of Penmark, however, given that the village does not have a settlement boundary, the site lies within the open countryside, within the Nant Llancafarn Special Landscape Area and within the Penmark Conservation Area.



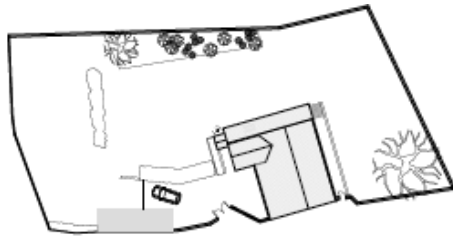
The site is situated within a wholly residential street scene, which predominately comprises detached dwellings of traditional design and form.

DESCRIPTION OF DEVELOPMENT

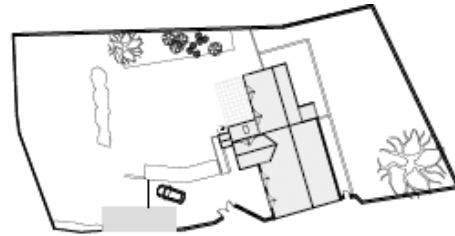
The proposal is for a two storey side extension to the existing property. The extension will be set off the principal elevation of the dwelling by 2.3m and set down from the main roof ridge by 1.3m. The extension will have an asymmetrical roof, with dormer windows to the rear, breaking through the eaves of the extension. The extension will measure 9.05m wide by 6.7m depth, 5.3m high to the highest eaves and 7m high to the ridge. One window has been proposed in the side elevation of the extension, facing north/north west.

In addition to the two storey extension, a dormer will be formed in the existing rear annex facing north and a window will be inserted in the main dwelling side elevation facing north (accommodating Bedroom 2). A single storey porch extension is also proposed to the front of the proposed two storey side extension, measuring 2.4m by 2.3m by 4.5m to ridge and 2.5m to eaves.

The extension is proposed to be finished with painted timber doors and windows, natural slate and roughcast render painted white. The plans below show the proposed development:



Existing Site Plan 1:500



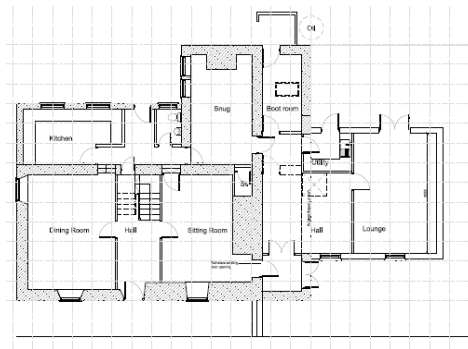
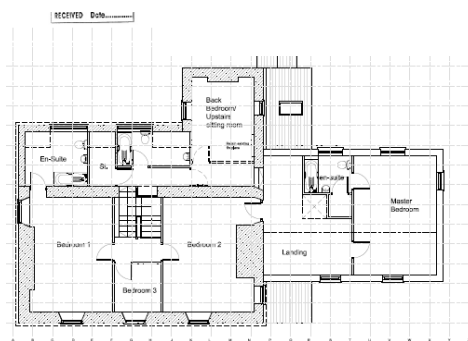
Proposed Site Plan 1:500



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PLANNING HISTORY

No planning history

CONSULTATIONS

Local ward members were consulted on 28 October 2015. Councillor James requested that the proposal is determined at committee due to resident concerns over the impact upon neighbours and the Penmark Conservation Area.

Glamorgan Gwent Archaeological Trust was consulted on 26 October and 18 February 2016. No objection to the proposals and no conditions required.

REPRESENTATIONS

The neighbouring properties were consulted on 28 October 2015 and 17 February 2016. A site notice was erected on 4 March 2016.

On initial consultation there were 15 letters of representation. Since the amended proposal, 6 further letters were received, outlining that they maintained the objections raised in the initial letters. The main reasons outlined in the representations to the scheme are as:

- Overlooking/privacy issues from the proposed side and front windows into neighbouring garden and dwelling.
- Scale and overbearing impact of the extension on neighbours
- Impact upon the existing dwelling and the wider visual amenities of the Penmark Conservation area and wider Special Landscape area
- Prominent within the Conservation area.
- Impact upon TPO tree within site
- Construction traffic and possible disruption onto steep access and limited parking within the street.
- Site may have archaeological interest and the extension may affect this unless safeguarded.

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 AREAS
POLICY ENV 17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
POLICY ENV 18 – ARCHAEOLOGICAL FIELD EVALUATION
POLICY ENV 19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS
POLICY ENV 20 – DEVELOPMENT IN CONSERVATION AREAS
POLICY ENV 21 – DEMOLITION IN CONSERVATION AREAS
POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
POLICY HOUS7- REPLACEMENT OR EXTENSION TO DWELLINGS IN THE COUNTRYSIDE
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, part 4.2 in particular

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
- Conservation Areas in the Rural Vale
- Penmark Conservation Area Appraisal and management plan

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council 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 2.6.2 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 above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Designation of Special Landscape Areas (2013 Update)

Other relevant evidence or policy guidance:

- 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)
- 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

The main issues in the consideration of this application relate to the visual impact of the proposed development on the character of the property, the streetscene and wider setting within the Conservation Area and Special Landscape Area, the impact on parking and highways safety, as well as any impact to the residential amenity of the neighbouring properties.

Visual Impact

Penmark is a rural village, which falls outside any defined settlement boundaries. Whilst the dwelling falls outside of any defined settlement boundary, it does relate closely to the core built form of the village, and a cluster of residential dwellings. The site, therefore, does not have the character of a remote or isolated rural dwelling.

Visual Impact

The existing dwelling is prominent and highly visible from the road, and its front (east) elevation appears balanced and symmetrical, with a traditional cottage form. Whilst the dwelling has been extended, these are to the rear and appear as subordinate additions to the dwelling, and do not harm the simple and balanced character, which is typical of this village.

In terms of visual impact, while the property is located in a prominent position along the main road and within the Conservation Area, it is not identified as a positive building within the Penmark Conservation Area Appraisal. The proposed extension is to be sited on the side elevation of the existing property and would be visible along the public highway when travelling along the road from the site from east to west.

Following negotiations the extension has been altered and whilst it does retain a 9m width, the extension has been set down from the ridge by 1.3m, as well as back from the front elevation by 2.3m. As such, although the width of the extension is relatively sizeable, the set back and set down appreciably reduces its visual impact from the road as well ensuring it is of a scale which is appropriately subservient to the original dwelling. The existing house is 12m wide and it is considered it would not appear over scaled relative to the existing house.

Following the amendments that have been made to render the extension subservient, the Council's Conservation officer has removed his initial objection to the proposal, outlining that the proposed scale and design will not have an unacceptable impact on the character of the property or wider street scene. Although visible, given the above in respect of the design, scale and ancillary proportions relative to the original, it is considered that the character of the Conservation Area would be preserved and the extensions would not be considered disproportionate to the original dwelling, in accordance with the provisions of Policy HOUS7 of the Adopted Unitary Development Plan.

In respect of the impact upon the Conservation Area, the development would preserve its character, in accordance with section 72(1) of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Given that the proposal related to an existing dwelling and the scale is proportionate, the development would also not adversely impact upon the wider character of the Special Landscape Area.

The proposed materials would be roughcast render painted white, which would not match the existing dwelling (pebble dash grey). Although it is suggested that the main house may be painted white to match the extension at a later date, this clearly leaves the possibility that the extension and main dwelling would not match or complement each other when finished. It is considered that the rough cast render is acceptable, as well as the other proposed materials of natural slate and painted timber windows and doors, however, it is considered that there is no certainty that the colour and materials will match the existing dwelling. Consequently, in order to safeguard the visual amenity it is considered necessary to include a condition requiring the applicant to match the finishing colour of the house and extension.

Due to differing levels from the dwelling to the garden, the extension would be required to be cut into the land and a retaining wall would have to be constructed. While there is no concern with this issue visually, no specific details have been submitted on the retaining wall and the finished level of the extension. Consequently, a condition is recommended so this detail is submitted to the Council to be agreed prior to commencement on site.

The addition of a dormer in the rear annex is also considered acceptable. The change is minor and will not be highly visible from outside the site. It would in any case be of a minor scale that would not occupy a significant proportion of the roof slope. Similarly the dormers in the rear of the two storey extension would be appropriately scaled. The change, therefore, has little bearing on the visual amenities of the Conservation Area or character and appearance of the property as a whole.

In conclusion, therefore, it is considered that the proposed extensions have due regard to the context of the surrounding built environment, and would preserve the character of existing buildings, in accordance with Policies ENV4, ENV17, ENV20, HOUS7 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Impact on Neighbouring Amenity

With regard to the impact on the amenity of the neighbouring properties it is considered that the proposed works would only potentially affect the neighbouring property at Gileston House, Penmark.

The extension itself, although relatively large will be no closer to the neighbour's property than the existing dwelling. Moreover, it would be set back 2.3m and would have a lower ridge. The side elevation will be between 5 and 6m from the side boundary with the neighbour's garden. As such, given the distance and the lower level of the site it is considered that the extension would not be overbearing in nature and would not be unneighbourly in scale and form. It is also considered that the distance is sufficient to ensure that there would be unacceptable impacts in terms of overshadowing or loss of light.

The main issue to consider regarding the extensions is any potential overlooking from the extension to the existing property and garden area of Gileston House. Initially, the extension was flush with the original dwelling and the windows on the front elevation of the extension would have been approximately 16m to 17m from the side elevation of the neighbouring property. It was requested that this issue should be addressed by the setting back of the extension from the front elevation, increasing the distance between the habitable rooms to an acceptable distance. From consideration of the amended plans, the set back of the extension ensures that the two windows are 19.8m (hallway window) and 20m (bedroom window) from the neighbouring side window serving a bedroom and kitchen windows in Gileston House. It is considered that the hallway is not a habitable room and as such the 19.8m distance is considered sufficient, while the bedroom window would not be directly opposite the bedroom and kitchen windows, as well being 20m from the side elevation. Accordingly, the bedroom window would be a sufficient distance and angle from the side elevation not to cause any significant harm to the adjoining neighbour's amenity, and to ensure that it complies with the aims of the Councils SPG on Amenity standards.

In addition to the windows facing Gileston House, a secondary window is proposed in side elevation of the extension (towards the rear) facing the neighbour's garden. It should be noted that the garden area of Gileston house extends to the rear of the house and along the entire side boundary of The Mount, resulting in an unusual layout of an elongated garden that extends around the side garden area and dwelling at The Mount.

It should be acknowledged that this side window would face towards part of the garden that is not directly adjacent to the house, however, it is nevertheless part of the neighbours garden that experiences a reasonable degree of privacy. It is considered that a first floor window in such close proximity and would unacceptably overlook the garden and would unacceptably impact upon the occupier's privacy. Consequently, a condition is recommended to require it to be omitted or obscurely glazed.

Consequently, and subject to that condition, it is considered that the proposed extension is acceptable with respect to its impact upon the neighbouring property's private amenity, complying with Policy ENV27 of the Adopted UDP 1996-2011 as well as the advice and guidance contained within the Councils Adopted 'Amenity Standards' SPG

Parking and Highway Safety

There are no proposed changes to the existing access or parking area at the dwelling. The principle of the access to this property has been established and the extensions will not remove any parking from the site. Consequently, it is considered sufficient parking for the extended dwelling remains on site, given the level that exists.

While a number of residents have considered the construction process and the possible impacts of the delivery of materials and building works being carried out, this is not necessarily a matter that should typically be controlled by the planning in the case of domestic extensions to residential properties. It would therefore be overly onerous to impose a condition requiring a construction management plan.

Accordingly, there are no objections on the basis of highway and safety grounds and the application is considered to comply with the requirements of Policies ENV27 and TRAN10 of the UDP.

Archaeology

A number of residents have raised concerns regarding the development having an impact upon possible historical archaeology at the land. Glamorgan Gwent Archaeological Trust (GGAT) were consulted on this matter and raised no objection to the proposed extension at the application site

GGAT outlined that the site is a Victorian dwelling located on the outskirts of the medieval settlement, which was focused on the church and castle in the centre of Penmark. Therefore, it was GGAT view that it is unlikely that any archaeological features would be destroyed by the proposed extension. Accordingly, no conditions were requested as part of their observations.

Accordingly, the proposed extension is considered acceptable in this regard, complying with the requirements set out within Policies ENV17, ENV18 and ENV19 of the UDP.

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:

Draw Ref 303/D/01 Rev C received on 15th February 2016

Draw Ref 303/D/04 Rev G received on 15th February 2016

Draw Ref 303/D/05 Rev K received on 15th February 2016

Draw Ref 303/D/06 Rev F received on 15th 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. The external colours of the development hereby approved shall match that of the existing two storey part of the dwelling.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Unitary Development Plan.

4. Prior to the commencement of development, details of the finished levels of the site and proposed extension (as well as details of the retaining wall/structure) 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 amenity of the neighbours and conservation area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

5. The window in the first floor side elevation (north facing) shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of the two storey extension and shall thereafter be so maintained at all times, or omitted from the scheme entirely.

Reason:

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

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 ENV4- Special Landscape Areas, ENV17 - Protection of the Built and Historic Environment, ENV18- Archaeological field evaluation , ENV19- Preservation of Archaeological Remains, ENV20 - Development in Conservation Areas, ENV21- Demolition in Conservation areas and ENV27 - Design of New Developments and HOUS7- Replacement and extension of dwellings in the Countryside and TRAN10- Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996 -2011 as well as the advice and guidance within Planning Policy Wales (edition 8, 2016) TAN12- Design (2016) and the Councils Adopted Amenity Standards Supplementary Planning Guidance, it is considered that the proposal is acceptable in that it would preserve the character of the Conservation Area and the amenities of the neighbouring properties as well as have no harmful impact upon highway safety and parking and archaeology.

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.

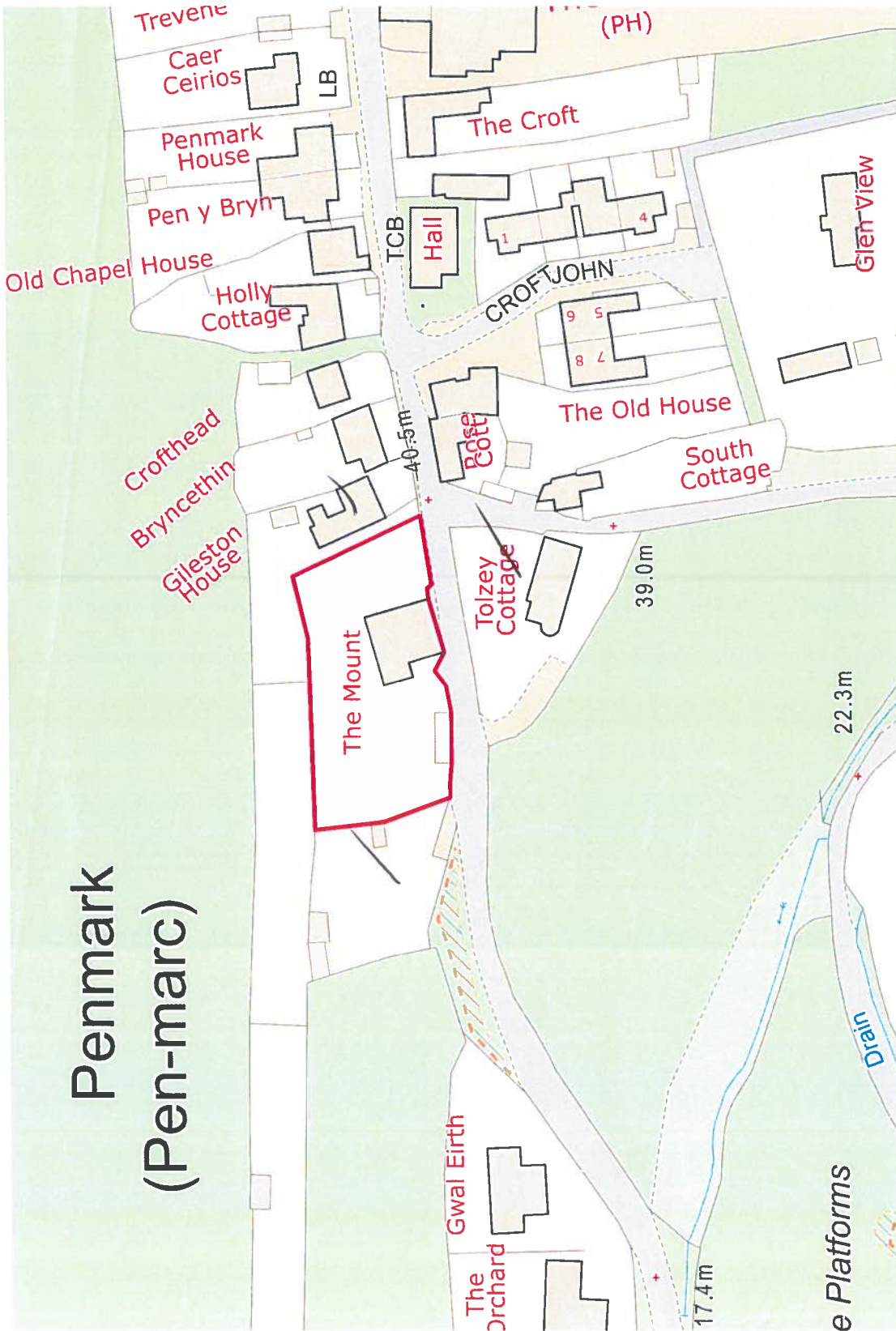
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

1501196 FULL

Penmark (Pen-marc)



RECEIVED

16 OCT 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Copyright Paul A Hayes
Do not scale this drawing
except for Planning Purposes

Project Title

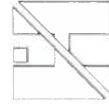
Proposed Extension, The Mount,
Penmark

Drawing title:

Site Location Plan

Date: 21/06/15
Scale: 1:1250@A4

Drawing No: 303/D/07
Rev: PH
Drawn by: PH



PAH Building Design
& Technology
36 Moy Road,
Tafis Well,

Cardiff, CF15 7PX.
T: 07898148695

E: paulanthonyhayes@gmail.com

2015/01228/FUL Received on 22 October 2015

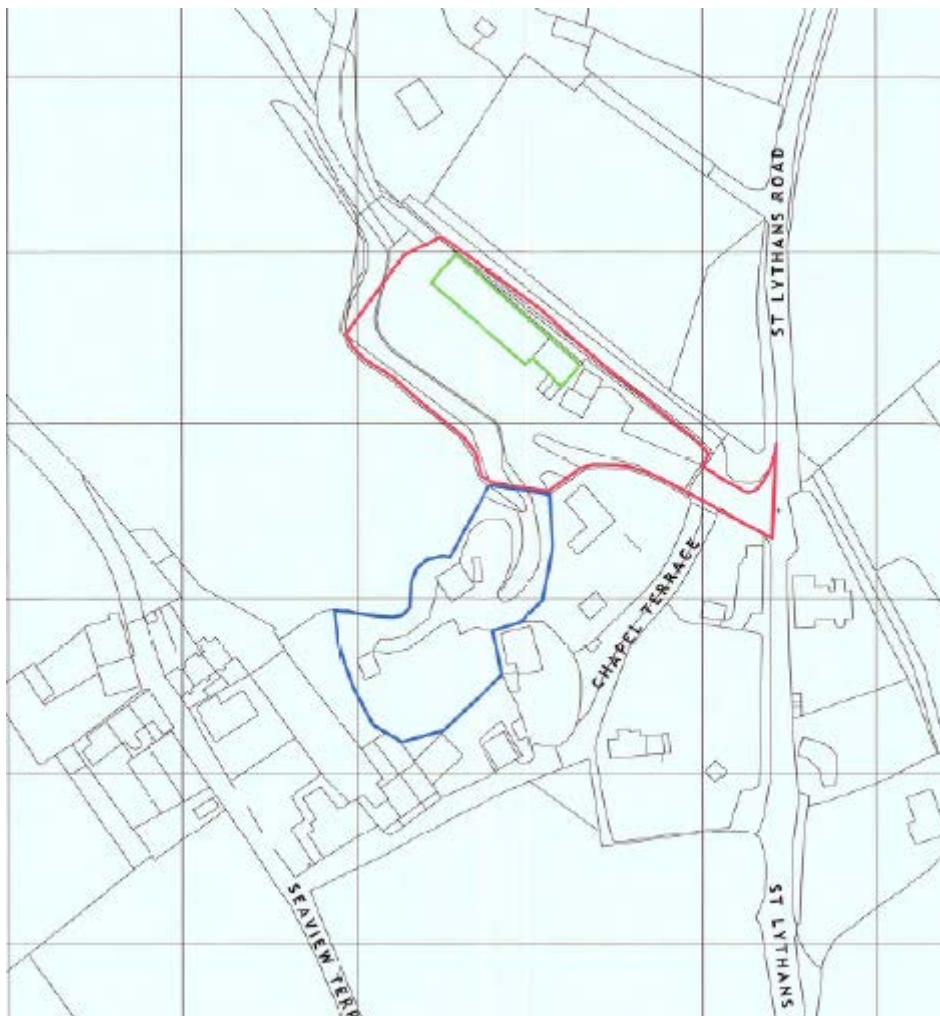
Newydd Housing Association C/o Agent
Mr. Owain Griffiths Bilfinger GVA, One Kingsway, Cardiff, CF10 3AN

Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe

Demolition of existing buildings and residential redevelopment of land to deliver 15 affordable homes together with associated car parking, landscaping, drainage infrastructure and other ancillary development

SITE AND CONTEXT

The application site as edged red extends to an area of approximately 0.4 ha and comprises a yard area and a number of vacant, disused outbuildings, which were formerly occupied as a vehicle repair yard and bus depot, and before that, the former Greenwood Quarry. The site is bound for the most part by agricultural land, however, there are a number of residential properties immediately adjacent, including 'Deg Erw' to the north and 'The Bungalow' to the south. Beyond this there are several other houses that make up the hamlet of Twyn yr Odyn.



There is an existing vehicular access to the site which is located in the south eastern corner onto an unadopted access road, which in turn connects with the adopted highway St Lythans Road to the east.

The site lies in the open countryside over 600m to the north west of the nearest residential settlement boundary of Wenvoe, as defined in the Unitary Development Plan. The site is also located within the Green Wedge and the Duffryn Basin and Ridge Slopes Special Landscape Area. To the south east of the site, and crossing the unadopted access road is a Public Right of Way, Public Footpath No. 29a.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing buildings and the redevelopment of the site for 15 No. affordable residential units, together with associated car parking, landscaping, drainage infrastructure and other ancillary development. The proposal will provide for 9 No. two bed houses and 6 No. one bed flats, with all homes let as affordable accommodation through Newydd Housing Association's local lettings policies.

The units will be positioned along the northern boundary of the site in a linear layout. It will be a mix of house types, including semi-detached, terrace and apartment buildings.



The design is a traditional one, being two storey pitched roof properties, with a mix of coloured smooth render, reconstituted stone and fibre cement slate roofing finishes, and features such as chimney stacks and porches.



01 Context Elevation (Courtyard)
1 : 200



03 Context Elevation (Rear Access Lane)
1 : 200

Vehicular access will be via the existing entrance across an unadopted road and connecting with the adopted St Lythans Road to the east of the site. The internal driveway will be a shared surface. A total of 27 No. car parking bays will be provided within the site, mostly located along the southern boundary of the site.

There are existing trees and hedgerows on and around the perimeter of the site. The proposed landscaping scheme seeks to retain much of the existing planting and enhanced with new planting.

The application is accompanied by a number of supporting documents including a Design and Access Statement, Planning Statement and a Statement of Community Involvement prepared by Bilfinger GVA; a Transport Statement and Travel Plan prepared by Acstro; a Landscape Character and Visual Impact Assessment, Pre-Development Tree Survey and Assessment and Tree Constraints Plan by TDA; Phase 1 Ecology Survey and Reptile Survey Report both by Wildwood Ecology; A Phase 2 Site Investigation Report by Ian Farmer Associates; and Drainage Strategy, Engineering and Site Investigation Summary by Vale Consultancy.

PLANNING HISTORY

1977/01831/FUL - Solid and toxic landfill - Approved March 1976, subject to conditions relating to landscaping, restoration, hours of operation, and materials tipped.

1984/00964/FUL - MOT vehicle station - Approved for a three year temporary period 6 November 1984.

1990/00184/FUL - Continuation of existing landfill to northern side of quarry - Refused 23 October 1990 on the grounds that the proposed development would conflict with the extraction of permitted mineral reserves and create uncertainty over the future working and restoration of the quarry.

1990/01327/FUL - Landfill of existing quarry - Approved 4 June 1991 subject to conditions including limits on the tipped material; grading and finish of filled land; drainage; wheel washing; restricted access; restricted hours; and landscaping.

1992/01047/LAW - Lawful Development Certificate for the use of the premises for the repair and maintenance of vehicles - Approved 8 December 1992.

1993/00425/OBS - Mineral extraction until 5 February 1994 - No objection submitted 21 May 1993 subject to conditions including the permission be temporary, and hours of operation.

1993/01195/FUL - Waste transfer station for local authority domestic waste - Refused 6 September 1994 on the grounds that the proposal represents development in the countryside unrelated to agriculture, forestry or minerals and is therefore contrary to policy.

1998/00957/OUT - Demolition of existing vehicle repair buildings and bungalow - Refused 19 November 1998 on the grounds that the proposal represents unjustified development in the countryside contrary to policy.

2008/01202/OUT - Redevelopment of buildings and yard for residential purposes - Withdrawn 11 November 2008.

Other applications in the area of some relevance to the current proposal, include:-

1999/00297/OUT - Land adjacent to Hawthorn Cottage to the south - Construction of residential dwelling - Refused on 28 May 1999 for the following reason:

“The proposal represents development in the open countryside contrary to Policies EV4 and H10 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989 and Policies ENV3 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 which carry a presumption against the erection of dwellings in the open countryside unless justified in the interests of agricultural or forestry. No such justification is offered in this case.”

2008/01234/FUL – Land adjacent to Hawthorn Cottage to the south - Build a new detached two storey two bedroom cottage in disused quarry, formerly part of the curtilage of Hawthorn Cottage - Refused 13 November 2008 for the following reasons:

- “1. *By virtue of its detached countryside location, within a green wedge, the site is not considered suitable for residential development which is not justified on the basis of agriculture or forestry. Therefore the proposed development is contrary to Policies 2 and 8; ENV1 - Development in the Countryside; ENV3 - Green Wedges; and HOUS3 - Dwellings in the Countryside; of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Furthermore, the dwelling and curtilage would represent an incongruous domestic feature within an area recognised for its special landscape value, which would be contrary to Unitary Development Plan Policies ENV4 - Special Landscape Areas; and ENV25 - Design of New Developments.*

2. *The proposal would intensify the use of an existing substandard vehicular access to the detriment of highway safety, and would detract from the privacy and amenity of neighbouring property Ty Gwyn. Therefore the proposal fails to meet the Council's standards for amenity and access, contrary to Unitary Development Plan Policy ENV27 - Design of New Developments.”*

A subsequent appeal was dismissed on 6 July 2009.

2013/00857/FUL – Land adjacent to Hawthorn Cottage to the south - The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use - Refused 20 December 2013 for the following reasons:-

- “1. *In the opinion of the Local Planning Authority it is considered that the proposal represents an inappropriate and unjustified form of development in this countryside location that would detract from the openness of a rural area designated as a Green Wedge and would therefore be contrary to Policies ENV3-Green Wedges, ENV1-Development in the Countryside; and HOUS14-Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape and Sustainable Development; and national guidance contained in Planning Policy Wales, TAN12-Design and Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.*

2. *The development fails to provide a safe vehicular access to the adopted highway as no evidence has been provided of a right of access over the unadopted private lane to Greenwood Quarry (and the owners of this land have not been notified of or included with the details submitted with this application), and the provision of a safe access through the existing gateway would require the removal of significant lengths of indigenous hedgerow, to the detriment of the character and appearance of the countryside in this Green Wedge location, with possible detrimental effects on existing ecological interests which have not been properly assessed and is therefore considered contrary to Policies ENV27-Design of New Developments, ENV29 Protection of Environmental Quality and HOUS14 Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.”*

A subsequent appeal was allowed 12 November 2014 subject to conditions, including, restricted occupation; temporary three year permission; no more than two caravans; static caravan sited only in accordance with approved drawings, with any change to be agreed; no commercial activities on site; no more than three vehicles, and one commercial vehicle to be kept on site; details of the stopping up of the existing access; construction of new access; details of hardstanding, lighting and landscaping; retention of hedgerow; samples of utility/dayroom surfacing; foul and surface water to discharge separately from the site; and no vehicular access other than that shown on approved drawing.

CONSULTATIONS

Wenvoe Community Council were consulted and supported the application in principle. Being an area of special landscape value the visual display of the properties should be of a high acceptable level if the present screening trees should ever disappear – present back garden fences not acceptable. On-site parking provision for all construction traffic should be included as a condition if planning is granted.

Natural Resources Wales were consulted and on the suspected ground contamination, they note that section 7.4.10 of the submitted report that there may be “possible presence of the historical underground storage tank”. This represents a possible source of contamination that has not yet been assessed. They recommend a further assessment is completed in order to control potential risks to controlled waters from historic contamination. This can be secured by a number of suggested conditions relating to a scheme to deal with the risks associated with contamination, including a verification report, monitoring/maintenance, amendments to the remediation strategy if required, no infiltration of surface water drainage into the ground without consent, and no piling or other foundations using penetrative methods without consent.

As regards European Protected species Natural Resources Wales note from the submitted survey that it is unlikely that bats are using the buildings, and that trees on site will remain largely unaffected. They confirm their agreement of the recommendations in the reports and advise the inclusion of conditions to prevent the illumination of boundary features and removal of large trees.

Natural Resources Wales further advise that the developers follow recommendations outlined in a number of documents relating to land contamination and groundwater protection.

Dwr Cymru/Welsh Water were consulted and have requested that a number of Conditions and Advisory Notes be attached to any consent including no development to commence until a drainage scheme for the site, providing for the disposal of foul, surface and land water, including the potential for disposal by sustainable means, has been submitted agreed and implemented. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. In addition there is no objection in relation to the water supply.

The Council's Affordable Housing Enabler was consulted and has advised 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 in the area. In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in the Wenvoe ward, with 57 people requiring the following types of home. The table below also includes the statistics for the neighbouring wards of Peterston and Dinas Powys as opportunities are very limited in the rural areas of the Vale.

	Wenvoe	Peterston super Ely	Dinas Powys
1 Bed Need	19	8	76
2 Bed Need	27	2	41
3 Bed Need	8	3	20
4 Bed Need	3	0	4
Total	57	13	141

The Housing Strategy section supports this proposal and has worked closely with the landowner and Housing Association in bringing this site forward. It represents an opportunity to develop much needed rural affordable housing in an appropriate location. Wenvoe Community Council have been consulted to agree the principle of applying a Local Lettings Policy for developments in the ward. The detail of this policy would need to be finalised with the community council to ensure the homes are allocated to local people. It is hoped that the Planning Committee will find in favour of this much needed development.

The Council's Legal, Public Protection and Housing Services Directorate - Environmental Health – (Pollution Section) were consulted and due to the nature of the site a Construction and Environmental Management Plan will be required prior to further consideration.

The Council's Ecology team were consulted and have recommend the inclusion of planning conditions on the consent to protect and enhance the biodiversity interests on site. The submitted ecological survey reports are considered to accurately and adequately assess the current biodiversity value of the site and it is advised that the recommendations made in the report are included as planning conditions on the planning consent. Recommended conditions to protect the high value areas and to ensure a net biodiversity enhancement from the development, include, a scheme for the provision of dark flights corridors; sensitive site clearance for protected species; and biodiversity enhancement.

The Council's Landscape Section were consulted and have made initial comments - The site appears to be generally well screened due to landform and vegetation, both within and outside the site. This has the potential to screen the development and help it integrate into the sensitive landscape setting. However there are areas of concern, including, views from the north and the road adjacent to the site. Although the existing buildings appear to be screened from the north this planting is vulnerable as it is in separate ownership. Clarity is required as to the position of vegetation in relation to the development boundary and whether it is proposed to be retained/supplemented. The accompanying LVIA states that that the site will not be visible from Viewpoint 1 as it is screened by vegetation. Item 5.3 of the LVIA states that 'there is a lack of landscape impact' and 'that it is considered that landscape mitigation measures are not required'. However, the submitted details indicate that the site is likely to be quite visible. It is therefore very important that the existing bank to the front retains significant areas of vegetation, and that additional planting is provided, including to the retaining wall and at the entrance.

Further comments following re-notification are awaited and if received will be reported as Late Items to Planning Committee.

The Council's Highway Development Team were consulted and have made initial comments - When reviewing the Transport Statement (TS) submitted in support of the development, it is noted that a comparative assessment of the existing and proposed trip generation has been undertaken using the TRICS Database. However, the assessment is not representative due to the limited number and nature of selected sample sites. Nevertheless, it is considered that the proposals would not increase in the number of vehicular trips to/from the site above that of the existing use.

As regards the means of access to the site, it is noted that this is substandard in terms of visibility along the adjacent highway. However, based on the existing use and the likely traffic generation of the proposals, the development would not represent an intensification.

Concerns are raised over the proposed layout including, the car parking provision is below the Council's requirement of 27 No. parking spaces; the width of the proposed car parking spaces are substandard and below the requirement of 2.6m; the layout of the site is not in accordance with the Council's requirements, as only one footway is proposed along the site access road, which does not connect to the adjacent highway and is below the minimum width of 2m; and the proposed turning area is not of sufficient size to enable a refuse/service vehicle to manoeuvre and enter/exit the site in a forward gear.

Finally, it is noted that the site is within a rural setting and the adjacent highway network is made up of narrow lanes, which do not provide pedestrian footways or street lighting facilities. In addition, the development is located outside of the recommended walking distances to public transport facilities. As a result, it is clear that residents/visitors to the development would be reliant on private vehicles. In the absence of pedestrian and street lighting facilities along the adjacent highway, the proposals would have a detrimental impact in terms of highway safety, specifically in relation to pedestrians and cyclists using St Lythans Road. Therefore, based on the above, an objection is raised in relation to the highway and transportation aspects of the development.

Further comments have been received following re-notification in respect of the amended drawings:-

1. The drainage calculations and permeability tests are required to be submitted for consideration.
2. Construction details of the access at the junction with St Lythans Road and of the proposed rumble strip are required to be submitted.
3. Drawing 002, D100 and A003 are required to be amended and resubmitted.

It is also noted that the Highway Authority are seeking legal advice in relation to the adoption of the section of access adjacent to St Lythans Road. Unless this section of the access can be adopted by the Council, the Highway Authority will not enter into a Section 38 to adopt the access within the site.

The Council's Public Rights of Way Officer was consulted and has stated that Public Right of Way No.29a Wenvoe crosses the proposed access to the development. This must be kept open and available for safe use by the public at all times. No adverse effect should result to the Public Right of Way, and 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. No barriers, structures or any other obstructions should be placed across the legal alignment of the path.

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

The Council's Highways and Engineering (Drainage Section) were consulted and initial comments have been made. The site is not located in DAM areas at risk of tidal or fluvial flood risk and NRW maps indicate there is a very low surface water flood risk to the area.

The drainage strategy indicates that surface water will be disposed of via infiltration methods and whilst permeability tests have been submitted the location of soakaway tests is not shown. In addition the land drains and channel drains to the access track of the site are not shown. Further no hydraulic calculations have been submitted and a SuDS management plan has not been included. Given the above a condition is requested requiring no development until a detailed scheme for the surface water drainage of the site is submitted, agreed and implemented.

Further comments have been received following re-notification and they have confirmed that they still require further information and therefore wish the original request for a condition to be imposed should be considered.

South Wales Police Designing out Crime Officer was consulted and analysis has shown that crime and anti-social behaviour is low when compared to some other nearby areas of Cardiff and Barry. During a period between October 2014 and October 2015 there were 781 incidents reported to SWP in the vicinity of Wenvoe and Culverhouse Cross. Of these 19 were reported in the vicinity of the proposed development, including a theft and criminal damage. Recommendations include, contact with the preferred developer regarding the required the achievement of the Secured by Design Award.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 3 November 2015. In addition the application was advertised on site and in the press on 13 and 19 November 2015 respectively. The application was also advertised as a departure from the development plan on 31 March 2016.

To date a total of 4 No. representations of objection have been received from the occupiers of 'Ty Gwyn', 'Rock House', 'Deg Erw' and 'The Chapel', Chapel Terrace. These are all available on file for Committee Members inspection in full. However, a copy of the representation from the occupiers of 'Ty Gwyn' is reproduced at Appendix A as being generally indicative of the issues raised. In summary the main points of objection relate to:-

- Access issues, including poor visibility; unsafe pedestrian access; unsustainable location in relation to public transport; lack of parking on site and for construction traffic; construction traffic blocking access; increase in traffic generation; and criticism of Transport Statement.
- Development in the countryside and a Green Wedge of too large a scale for existing hamlet.
- Adverse visual impact on prominent hillside and not in keeping with the character of the area.
- Drainage issues with surface water run-off and poor, icy conditions in winter.
- Adverse neighbouring impact with loss of privacy.
- Contamination with development next to a landfill site.
- Poor condition of existing retaining wall.
- No available services for future occupiers.
- Other possible employment uses of the site.
- Consultation Involvement report not indicating overwhelming support.
- Could set precedent for further development of fields between site and the Beech Tree restaurant.

Two representations in support of the principle of development have also been received from the occupiers of 1 Hill Terrace and 3 Chapel Terrace. These are also available on file to view in full, and highlight some concerns, including:-

- The scale of development is too large.
- Proximity to Rock House and neighbouring impact.
- Poor access, limited parking, and pedestrian safety.
- Precedent for further 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 18th April 2005, and within which the following policies are of relevance:

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 3 - HOUSING.

POLICY 5 - ECONOMIC DEVELOPMENT.

POLICY 8 - TRANSPORTATION.

POLICY 11 - SPORT AND RECREATION.

Policy:

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE.

POLICY ENV 2 – AGRICULTURAL LAND.

POLICY ENV 3 – GREEN WEDGES.

POLICY ENV 4 – SPECIAL LANDSCAPE AREAS.

POLICY ENV 7 – WATER RESOURCES.

POLICY ENV 10 - CONSERVATION OF THE COUNTRYSIDE.

POLICY ENV 11 – PROTECTION OF LANDSCAPE FEATURES.

POLICY ENV 16 – PROTECTED SPECIES.

POLICY ENV 26 - CONTAMINATED LAND AND UNSTABLE LAND.

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS.

POLICY ENV 28 – ACCESS FOR DISABLED PEOPLE.

POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY.

POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

POLICY HOUS 3 - DWELLINGS IN THE COUNTRYSIDE.

POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.

POLICY HOUS 12 - AFFORDABLE HOUSING.

POLICY HOUS 13 - EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE.

POLICY EMP 4 - PROTECTION OF LAND FOR EMPLOYMENT USES.

POLICY TRAN 10 – PARKING.

POLICY REC 3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.
POLICY REC 6 – CHILDREN'S PLAYING FACILITIES.
POLICY REC 12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, 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 2-Development Plans, including paragraph 2.8; Chapter 3-Making and Enforcing Planning Decisions, including paragraphs 3.1, 3.6 and 3.7; Chapter 4-Planning for Sustainability, including paragraphs 4.3.1, 4.4.3, 4.6.3, 4.8, 4.9 and 4.11; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1.1 and 5.2; Chapter 7-Economic Development, including 7.1.3 and 7.1.4; Chapter 8-Transport, including paragraph 8.7; Chapter 9-Housing, including paragraphs 9.2.3, 9.2.14, 9.2.22, 9.2.23, and 9.3; Chapter 11-Tourism, Sport and Recreation, including paragraphs 11.1.3 and 11.3.2; Chapter 12-Infrastructure and Services, including paragraph 12.4; and Chapter 13-Minimising and Managing Environmental Risks and Pollution, including paragraph 13.7.

In particular, the following paragraph is of relevance:

4.8.16 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

Technical Advice Notes:

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

- TAN 1 - Joint Housing Land Availability Study.
- TAN 2 - Planning and Affordable Housing, including paragraphs 10.2 to 10.17.
- TAN 5 - Nature Conservation and Planning, including 1.6.1 and 4.6.
- TAN 6 - Planning for Sustainable Rural Communities, including paragraph 4.2.
- TAN 12 - Design, including paragraphs 2.6, 5.6.2, 5.8-Rural areas and 5.11-Housing design and layout.
- TAN 16 - Sport, Recreation and Open Space, including paragraphs 3.21 and 4.15.
- TAN 18 - Transport, including chapters 3 and 9.
- TAN 23 - Economic Development, including paragraph 2.1.2.

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

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public 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.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular the following background papers are relevant:

- 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)
- Green Wedge Background Paper (2013.)
- Open Space Background Paper (2013).
- Sustainable Settlements Appraisal Review (2013) (currently being updated).

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.

Issues

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

- Justification and sustainability for the redevelopment of the site for affordable housing in respect of its countryside location within a green wedge;
- Design including the impact on the character of the site and the surrounding countryside;
- Traffic issues, including the effect on highway and pedestrian safety;
- Impact on neighbouring and general residential amenity;
- Ecology;
- Drainage and potential contamination; 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.”

In addition policies HOUS2 and HOUS8 of the UDP relate to residential development proposals within or adjoining settlement boundaries. Twyn yr Odyn is omitted from the list of rural settlements identified in the UDP under these policies.

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. In addition it is considered that the proposal does not meet policy HOUS2 as it does not represent the rounding off of the edge of a settlement boundary; is for more than five dwellings; and is within a Green Wedge location

However, policy HOUS13 does allow for exception sites for affordable housing within the rural vale subject to certain criteria. 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. Council’s policy HOUS13 is in line with this and requires an identified local need and that it meets the following criteria:-

- (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;
- (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;
- (vi) 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;
- (vii) Open space is provided in accordance with the Council’s approved standards;
- (viii) The provision of car parking and amenity space is in accordance with the Council’s approved guidelines;
- (ix) Adequate community and utility services exist, are reasonably accessible or can be readily or economically provided.

Clearly the proposal cannot meet the first criteria as the site is not located within or adjoining an existing settlement boundary, and on that basis would be contrary to the policy. 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 statement notes:-

“5.2.1 It is considered that the proposed development fully supports the relevant national planning policy guidance and accords with the principles of local planning policy. The development directly accords with most relevant saved policies in the UDP and receives strong backing as a rural exceptions site, particularly due to the identified need for affordable housing in this area.

5.2.2 It has been demonstrated that the proposal is in line with Green Wedge and SLA policies and that steps have been taken to ensure this. There are strong material considerations in support of the application; the development will make use of derelict, unattractive brownfield land; provide much needed affordable housing; and involve the remediation of a partially contaminated site, bringing it back into safe use. Furthermore, the proposal has a good policy backing as it improves the character of the site in relation to the surrounding area and represents a more suitable use of the site than is currently lawful in terms of residential amenity and transport considerations.”

In relation to the ‘material considerations’ the following points are noted.

Firstly in relation to the sustainability of the site, the claim in the Planning Statement that it is “sustainably located in terms of transport and movement” is not entirely accepted. In the Councils Sustainable Settlements Appraisal Review for the emerging LDP, Twyn yr Odyn’s initial sustainability score and ranking was 56 out of 87 and therefore it was included in the ‘Hamlets and Rural Areas’ category. This category has been identified by overriding or limiting factors such as:

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

Notwithstanding this, it is considered that the site is not an entirely isolated one, being close to the development at Culverhouse Cross, which is defined as a “minor rural settlement” in the draft Local Development Plan and with 400m of the new housing development at the former HTV studios. Although the access roads to the site are typical of many rural roads, with no footpaths, lighting etc., nevertheless, compared to other rural locations, there are a range of facilities nearby. Furthermore, when considering the argument put forward by the objectors that the proposal would put pressure on existing services, it is noted that consultations have been undertaken with other departments of the Council in relation to the potential S106 planning obligations. These are explored in detail below, however, it should be noted here that the development does not require any contribution towards matters such as education or community facilities.

A further material consideration is the fact that the site is a ‘brownfield’ one, which is currently disused and in a state of disrepair, being vacant for a number of years. National guidance contained in paragraph 4.9.1 of PPW outlines a preference for the re-use of previously developed land before greenfield sites.

One of the primary material considerations highlighted in the supporting Planning Statement relates to the need for affordable housing. As paragraph 9.2.14 of PPW states:-

*“A community’s need for **affordable housing** is a material planning consideration which must be taken into account in formulating development plan policies.”*

The supporting Statement indicates that the development will provide affordable housing directly responding to a proven local need within the rural community. In line with local policy the proposal for 100% affordable housing will improve the residential mix within the community and is supported by the Council's Affordable Housing Enabler. It will be noted from the consultation responses that the Council's Affordable Housing Enabler has confirmed the support of the proposal, and demonstrates the 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 in the area.

In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in the Wenvoe ward, with 57 people requiring a mix of house types, including the one and two bed accommodation proposed. It is also noted that Wenvoe Community Council have been consulted to agree the principle of applying a Local Lettings Policy for developments in the ward. Whilst the detail of this policy would need to be finalised with the Community Council it should ensure that the homes are allocated to local people. In addition, an appropriate S106 legal agreement should ensure that, as a rural exception site, it remains affordable in perpetuity as required by national guidance. The requirements of the S106 planning obligations are explored in detail below.

A further issue to consider in relation to the principle of the proposed development relates to the location of the site within the identified Green Wedge to the north and east of Wenvoe. Policy ENV3 relates to Green Wedges and has four objectives:-

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

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

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

Further paragraph 4.8.14 of PPW notes that there is a presumption against inappropriate development in a green wedge and states at paragraph 4.8.15:-

“Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.”

Guidance on the nature of such development is specifically outlined in paragraph 4.8.16 of PPW. This paragraph notes that the construction of new buildings in a green wedge is inappropriate development unless it is for certain purposes. This sets out a number of appropriate development within green wedges, which includes affordable housing for local needs. On that basis it is considered that the location of the site within a green wedge does not represent an objection to the principle of the development. In addition it is noted that the proposed changes to the designated green wedges, outlined in the Green Wedge Background Paper prepared for the LDP, do not affect the application site.

Notwithstanding this it remains necessary to consider any harmful impact on the character of this green wedge location, and its SLA setting, beyond the principle. This is considered in more detail below in relation to the likely visual impact of the proposal.

A further UDP policy of relevance to the assessment of the principle of the use is policy EMP 4 which seeks to protect existing employment sites. Although this policy is aimed primarily at preventing the establishment of other uses on vulnerable sites identified in Policy EMP 1 of the UDP, nevertheless, it must be recognised that the site was last used for business purposes. However it is also acknowledged that the site has not been in use for several years, and its original quarrying use and potential contaminants, all militate against future beneficial economic use. Notwithstanding this, even if a suitable economic re-use of the site could be found, it is considered that in this instance the need for affordable housing outweighs any economic issues. As PPW states at paragraph 2.1.2:-

“Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority’s priorities.”

Finally, in relation to the principle of the development, although the proposal does not entail the loss of agricultural land, as referred to under policy ENV2 of the UDP, nevertheless, there is the potential that agricultural activities surrounding the site could be prejudiced. This relates specifically to the fact that the development will result in the permanent closure of an existing access track running from the north western corner of the site to fields beyond. The applicant’s agents have provided a copy of a land transfer plan which show separate rights of access that must be maintained. On that basis the proposal should not have an adverse effect on any neighbouring agricultural operations.

In conclusion, and taking account all of the above, although the proposal is contrary to policies ENV1, HOUS3, HOUS13 and EMP4 of the UDP, it is considered that there are other material considerations together with national planning policy to justify the proposed residential development as an exception site for affordable housing. It is considered that the development of this part of the green wedge would not prejudice the Council's continuing objective to prevent the coalescence of settlements. The loss of the site to any future employment use would also not detract from the Council's overall economic strategy. In addition it is evident that the proposed development would make a contribution to increasing the available supply of affordable housing in the rural vale that meets an identified local need. This is an important material consideration and it is considered that in the absence of any other fundamental and overriding local policy conflict, it is a factor that weighs heavily in favour of the development.

As such, it is considered, on balance, that the development of the land for affordable housing is acceptable in principle and outweighs any conflict with UDP policies cited above. However, it is important to note that this does not set a precedent for further applications for sites within the rural vale outside of defined settlement boundaries. Each such application is considered on the circumstances of their particular situation, having regard to the local housing need at that time, along with all other material considerations.

Notwithstanding the above, as PPW points out at paragraph 9.2.23 when referring to affordable housing exception sites:-

"Sites must meet all the other criteria against which a housing development would be judged."

An examination of the specific details of the scheme is explored below.

Design and visual impact

It has already been noted that the site lies within a green wedge identified under ENV3 of the UDP. Two of the four objectives of that policy have a bearing on the visual impact of the scheme as they seek to maintain the setting of built up areas, and to ensure that development does not prejudice the open nature of the land. In terms of the openness of the site it is noted that the land forms part of a former quarry and is largely enclosed by the topography, including a steep bank to the south and west. In addition, as already noted, the site is a brownfield one with existing buildings and yard area. As such, although there will be a change in the character of the site with the replacement of the existing industrial style structures with domestic buildings, it will not be the more fundamental change that would occur if the site was undeveloped rural landscape.

Notwithstanding the above, the site does lie within the Duffryn Basin and Ridge Slopes Special Landscape Area, where policy ENV4 of the UDP allows for new development only where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the SLA. A number of the neighbour objections refer to the adverse visual impact on a prominent hillside location.

In assessing this it is noted that the application is supported by a number of reports including a Landscape Character and Visual Impact Assessment, Pre-Development Tree Survey and Assessment and Tree Constraints Plan. The Council's Landscape Section has assessed the scheme, and whilst agreeing that the landform and existing vegetation has the potential to screen the development and help it integrate into the sensitive landscape setting, nevertheless, some concerns are raised, including the views of the site from the north and adjacent road. The Council's Landscape Section do not agree with the accompanying landscape assessment which states at 5.3 that 'there is a lack of landscape impact' and 'that it is considered that landscape mitigation measures are not required'. In their view the site is likely to be quite visible in part and therefore the existing bank to the front should retain significant areas of vegetation, and additional planting should be provided, including areas such as the retaining wall and at the entrance. An amended landscape scheme has subsequently been submitted and the further comments of the Council's Landscape Section are awaited.

However, it is considered that subject to the appropriate landscape scheme, which can be conditioned, the visual impact of the development can be mitigated. In particular, as highlighted in the comments from Wenvoe Community Council, the proposal to utilise close boarded timber fencing is not considered appropriate to this rural location. The applicants have indicated a willingness to replace such boundary treatment with a 'green' landscaped treatment such as a hedgerow.

As regards the design of the proposed development it is considered that the layout is very much fixed by the shape and constraints of the site. The two storey scale and traditional form of the units would be in keeping with the surrounding residential development in the area. The proposed external finishes are also considered to reflect the site's rural location.

In terms of the density, it is noted that a concern raised by the objectors relates to the scale of the development being too large for the existing hamlet. On this point the supporting DAS notes:-

"Again, the scale of the proposed residential development has been carefully considered so that it suits the existing character of the surrounding area. Rural exceptions sites should generally be small according to national and local policy. A 15 unit (39 person) development is proposed, providing a good balance between not over-developing the site, whilst also providing a useful and significant number of affordable homes and efficient use of land."

It is accepted that the proposed size of the development is larger than that which could be considered as small scale rounding off under policy HOUS 2 of the UDP. However, it is not accepted that this would detract from the character of the housing, particularly bearing in mind its brownfield location within the former quarry site.

As such it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside. It is accepted that there will be viewpoints where the development will have greater prominence in the wider landscape, but appropriate landscaping should serve to minimise this. The remainder of the green wedge will be retained and therefore any coalescence of settlements should be prevented with the openness of the land beyond the site maintained. Thus it is considered that the harm resulting from the development will be localised and would not be so significant as to justify a refusal, particularly bearing in mind the overriding need for affordable housing.

Access and Highway Issues

The highway issues relating to the development are one of the main points of objection raised in the representations received from local residents. The concerns raised include, poor visibility at the access; unsafe for pedestrians along country roads; lack of parking on site and for construction traffic; construction traffic blocking access; increase in traffic generation; criticism of the submitted Transport Statement; and the site being an unsustainable location in relation to public transport. This last point is one raised by the Council's Highway Development team who have objected to the application.

The application is supported by a Transport Statement and the Council's Highway section consider that the comparative assessment of the existing and proposed trip generation undertaken in the supporting TS is not representative due to the limited number and nature of selected sample sites. Nevertheless, they agree that the proposal would not increase the number of vehicular trips to/from the site above that of the authorised use. Furthermore, they note that the existing access is substandard in terms of visibility along the adjacent highway, however, they accept that the development would not represent an intensification of traffic movements.

As regards the detailed layout of the internal driveway, parking and manoeuvring space, although initially requiring a fully engineered roadway with footpaths of minimum 2m width on either side, the Highway Development Team reviewed their comments and would now support a shared surface approach encouraged within Manual for Streets. Amended plans have been submitted, and although further details have been requested by the Highways section, including drainage calculations and permeability tests, construction details of the access and proposed rumble, etc., it is considered that these matters can be covered by appropriate conditions.

Notwithstanding the acceptance of the general layout of the scheme, the Highway section are maintaining a highway objection to the proposal due to its rural location and the adjacent highway network, which is made up of narrow lanes with no pedestrian footways or street lighting facilities. In addition, they note that the development is located outside of the recommended walking distances to public transport facilities, and therefore residents/visitors would be reliant on private vehicles. The absence of pedestrian and street lighting facilities along the adjacent highway would also have a detrimental impact in terms of highway safety. The issue of the sustainability of the site has already been covered in the justification section above. This acknowledges that the site is not a particularly sustainably one, but neither is it entirely isolated, being close to the development

at Culverhouse Cross, and in particular, the new housing development at the former HTV studios. As regards pedestrian and cyclist safety, rural sites will generally be substandard compared with urban streets, and this alone cannot be a reason to reject all affordable housing proposals. In this particular case the access road compares favourably with other rural affordable housing exceptions sites approved elsewhere in the Vale. Notwithstanding this, it is considered that there is scope for the introduction of traffic calming measures along St Lythans Road which would improve safety and encourage walking and cycling. Furthermore, the applicants have agreed to provide a contribution towards sustainable transport, which is explored in more detail in the S106 section below.

A final point to note in relation to the highway issues concerns the ownership of the access road connecting with St Lythans Road, which is unknown. Highways Development Team have stated that unless this section of the access can be adopted by the Council, the Highway Authority will not enter into a Section 38 to adopt the access within the site. However, the applicants are aware of the ownership position and believe this should not preclude highway adoption noting:-

“Under Section 228 (Adoption by Notice) of the Highways Act, the Highway Authority can adopt such an area of land. The procedure is described in 11.7.20 of ‘Manual for Streets’ and involves the erection of notices. These state that unless objections are received from the owner of the land, the highway in question will become maintainable at public expense one month after that date of the notice.”

Furthermore, it should be noted that matters of adoption under the Highway Act is a separate area of legislation and lack of adoption would not be valid planning grounds to refuse an application. Indeed it is noted that recently a number of housing developers have chosen not to have their estate roads adopted in favour of private management.

Thus it is considered that the proposal should have a relatively small impact on the existing highway network, and the highlighted areas of concern in relation to highway safety must be weighed against the benefits of the scheme in meeting the shortfall in affordable housing.

Neighbouring and residential amenity

The introduction of 15 No. dwellings on the site will clearly have some impact on the amenity of existing residents. There is general noise and disturbance that will be experienced during construction, but this will be temporary and would not justify a refusal. There would also be the general disturbance from the movement of future residents and visitors to/from the site. However, the assessment of the traffic impacts concludes that this should be no greater than the authorised use, and certainly the nature of the proposed use should result in less heavy vehicle movements. Of greater significance is the likely impact on the residential amenity of the immediately adjoining neighbours in relation to issues of privacy, overshadowing or of an overbearing impact.

Of the existing residents in the area it is considered that the two properties that will be most affected are 'Deg Erw' to the north and 'The Bungalow' to the south. In the case of 'The Bungalow' the proposal will position two houses close to the entrance of the site facing the existing property. At certain points the proposed dwelling on the second plot will be a distance of only around 18m to the existing, which is within the minimum 21m privacy guideline outlined in the Council's SPG on Amenity Standards. However it is noted that the properties are angled so that the obliqueness of any views are increased. In addition the properties will be separated by the access road where generally a 21m distance would not be expected to be achieved. As regards the positioning of the development relative to 'Deg Erw' to the north, it is acknowledged that the development site is on higher ground which has the greater potential for overlooking and overshadowing impacts. The housing proposed in the north-west corner of the site will be slightly closer to the existing dwelling than the existing structures and will be orientated so that the rear elevation faces 'Der Erw'. Although the distances between the properties will be more than the 21m guideline in the Amenity Standards SPG, nevertheless, the proposal is likely to affect perceived overlooking and the experience of privacy within the associated garden curtilage. Thus there is likely to be some detriment to the level of amenity currently enjoyed by the existing residents however, this would not be to such a degree as to justify a refusal of the application.

The residential amenity of the future occupiers of the development must also be considered, and on this point it is noted that several of the proposed plots do not meet the Council's requirements for private amenity space as outlined in the Amenity Standards SPG. However, all of the proposed units are provided with some form of practically useable outside space. In addition, the rural location of the site, and the network of public rights of way in the area, means that future occupiers will have access to the surrounding countryside and local public rights of way network for recreational use.

Ecology

On the issue of ecology it is noted that the application is accompanied by a Phase 1 Ecology Survey and Reptile Survey Report both prepared by Wildwood Ecology. The initial survey work found that the site had a variety of different habitats suitable to support populations of common reptile species, and the reptile survey report was undertaken to investigate the presence or otherwise of such species. This report concludes that should no mitigation measures be taken, there would be a low-level negative impact on the site's slow worm population. As such, several measures to minimise the impact of development are recommended, including timing constraints on ground breaking works, habitat manipulation, one way reptile fencing and reptile translocation.

Both NRW and the Council's Ecology team have been consulted on the application and have not raised an objection. NRW note from the submitted survey that it is unlikely that any bats are using the buildings, and that the trees on site will remain largely unaffected. They confirm their agreement of the recommendations in the reports and advise the inclusion of conditions to prevent the illumination of boundary features and removal of large trees. The Council's Ecology team recommend the inclusion of planning conditions on any consent to protect and enhance the biodiversity interests on site. These include, a scheme for the provision of dark flight corridors; sensitive site clearance for protected species; and biodiversity enhancement.

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

Drainage and potential contamination

A number of neighbour objections refer to likely problems relating to the drainage of the site, particularly the icing of surface water run-off, and landfill contamination.

On the drainage it is noted that Welsh Water have no objections but have requested a number of conditions be attached to any consent. These include the requirement that no development commence until a drainage scheme for the site, providing for the disposal of foul, surface and land water, including the potential for disposal by sustainable means, has been submitted, agreed and implemented. Welsh Water also indicate that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site, and there is no objection in relation to the water supply. Similarly the Council's Drainage section have no objections, noting that the site is not located in a flood risk zone and there is a very low surface water flood risk to the area. However, they note that further information is required in relation to the surface water drainage strategy, and therefore request that a condition be imposed on any consent requiring no development until a detailed scheme for the surface water drainage of the site is submitted, agreed and implemented.

As regards the potential contamination on-site, NRW acknowledge that section 7.4.10 of the submitted Engineering and Site Investigation Summary by Vale Consultancy refers to the possible presence of a historical underground storage tank, which represents a possible source of contamination that has not yet been assessed. They advise that further assessment is completed in order to consider potential risks to controlled waters from historic contamination, and recommend that this is secured through a number of conditions. In addition the Environmental Health Section require a Construction and Environmental Management Plan to be submitted for the site.

S106 Planning obligations

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

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

In this case, the proposal relates to an application for full planning permission for the development of the site for 15 No. affordable residential units. Having considered the nature and scale of the development, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies, the planning obligations referred to below are considered necessary.

The requested contributions include:-

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.

The application is for a 100% affordable housing scheme, and therefore no further contribution is required, but as an 'exception site' the section 106 would need to secure the 100% affordable housing in perpetuity.

Public Open Space

UDP Policies REC3 and REC6 require new residential developments to make provision for public open space. The Planning Obligations SPG and LDP Open Space Background Paper (2013) provide further advice about how these standards should operate in practice, and specifically in relation to this LDP allocated site.

The site lies within the Wenvoe ward and the LDP Open Space Background Paper (2013) indicates that this ward has an under-provision of children's play space of 0.41 ha and an over-provision of 1.89 ha of outdoor sport space.

In total, under public open space requirements as defined within the LDP Open Space Background Paper (2013), the standard can be broken down to a minimum square metre requirement per person as follows:

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

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

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

The development of 15 dwellings creates the need for 68.4 sqm of children's play facilities, 205.2 sqm of other children's play space and 547.2 sqm of outdoor sport.

As there is an over-provision of outdoor sport space in the Wenvoe ward, it is considered that a contribution will not be required in order to make the development acceptable in planning terms. However given the evidence contained within the LDP Open Space Background Paper it was initially determined that Public Open Space should be delivered on-site for children's play space in particular. Following negotiations with the applicant it is accepted that the site is a constrained one that does not allow for on-site provision. As such it is accepted that an off-site contribution of **£12,765** be provided in lieu of any provision within the site. Indeed it is noted that there is a site, although currently in poor condition, off Seaview Terrace to the south west of Twyn yr Odyn, which is identified as an Informal Recreation Space in the Open Space Background Paper. Although the Vale Council do not own or maintain this, it is managed/maintained by the Community Council, and, as such, it is likely that the contribution could be used to upgrade the facilities.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car. TAN 18 - Transport was published in March 2007 and paragraphs 9.20-9.23 support the Councils' request for sustainable transport contributions. As already noted the land is not sited in a particularly sustainable location, and it is therefore even more important that a contribution to enhance facilities for sustainable transport is sought in this instance. This would be used to provide pedestrian/cycle facilities in the vicinity of the site, and to provide/enhance bus services and public transport facilities serving the development, and is considered to be essential in this case given the scale, nature and location of the development.

In accordance with the Planning Obligations SPG the Council seeks a financial contribution of £2000 per residential unit to provide sustainable transport facilities, which in this case equates to **£30,000**.

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.

Planning Obligations Administration Fee

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher. In this case the higher fee would be £1,140 which relates to 20% of the application fee.

It is noted that the applicants have confirmed that they are willing to meet the above contributions.

Other issues

The Council's Public Rights of Way Officer advises that Public Right of Way No.29a Wenvoe crosses the proposed access to the development. No objections are raised, however, it is noted that the public right of way must be kept open and available for safe use by the public at all times, and that no adverse effect should result. A temporary closure to assist in facilitating works can be sought under the Road Traffic Regulation Act 1984.

The neighbour representations have raised a number of other issues including the precedent that could be set for further housing development, particularly in the fields between the application site and the Beech Tree restaurant. Whilst such a concern is noted, it is not considered that the proposal would set any such precedent. As already noted above residential development of the site is only considered acceptable as an exception for 100% affordable housing provision. Any other form of residential development, including open market housing would not be appropriate in this location given the restrictions of development within the green wedge.

In view of the above the following recommendation is made.

RECOMMENDATION

Subject to consideration of any further representations raising substantive issues received up to 21 April 2016; and

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

- Provide and maintain in perpetuity 100% of the total 15 No. units as affordable housing;
- Pay a contribution of £12,765 towards off-site public open space provision/enhancement.
- Pay a contribution of £30,000 towards sustainable transport to be used in the vicinity of the site.
- Provide public art on the site to the value of 1% of the project budget. The developer to provide a detailed written estimate of the building costs of the development. Details of the scheme to be submitted to and agreed in writing with the Local Planning Authority, and to incorporate measures for the future maintenance of the works. Alternatively, failing agreement to on site works, a financial contribution to the same value to be added to the Vale of Glamorgan Public Art Fund.

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, Dwg. No. A001 Rev B, amended plan received 10 March 2016;
 - Existing Site Layout/Survey, Dwg. No. A002, received 22 October 2015;
 - Site Layout, Dwg. No. A003 Rev E, amended plan received 16 March 2016;
 - Site Boundaries Plan, Dwg. No. A004, received 22 October 2015;
 - Context Elevations, Dwg. No. A005 Rev A, received 22 October 2015;
 - Existing & Proposed Site Sections, Dwg. No. A006, received 22 October 2015;
 - Floor Plans - Plot 1 & 2, Dwg. No. A007, received 22 October 2015;
 - Elevations - Plot 1 & 2, Dwg. No. A008, received 22 October 2015;
 - Floor Plans - Plot 3 & 4, Dwg. No. A009, received 22 October 2015;
 - Elevations - Plot 3 & 4, Dwg. No. A010, received 22 October 2015;
 - Floor Plans - Plot 5-7, Dwg. No. A011, received 22 October 2015;
 - Elevations - Plot 5-7, Dwg. No. A012, received 22 October 2015;
 - Floor Plans - Plot 8 & 9, Dwg. No. A013, received 22 October 2015;
 - Elevations - Plot 8 & 9, Dwg. No. A014, received 22 October 2015;
 - Floor Plans - Plot 10-15, Dwg. No. A015, received 22 October 2015;
 - Elevations Sheet 1 - Plot 10-15, Dwg. No. A016, received 22 October 2015;

- Elevations Sheet 2 - Plot 10-15, Dwg. No. A017, received 22 October 2015;
- Perspective Views 1-3, Dwg. No.s A018 to A020, received 22 October 2015;
- Detailed Soft Landscaping Proposals, Dwg. No. TDA.2059.04, amended plan received 21 March 2016;
- Swept path Analysis, Dwg. No. 0713/002 Rev B, amended plan received 22 March 2016;
- Drainage Site Plan, Dwg. No. 3677-10 Rev 4, amended plan received 22 March 2016;
- Permeable Paving Construction Details, Dwg. No. D100 Rev A, amended plan received 22 March 2016;
- Permeable Paving Layout, Dwg. No. D1 Rev A, amended plan received 22 March 2016;
- Planning Statement, prepared by Bilfinger GVA received 22 October 2015;
- Design and Access Statement, prepared by Bilfinger GVA received 22 October 2015;
- Statement of Community Involvement, prepared by Bilfinger GVA, received 22 October 2015;
- Report on Phase 2 Ground Investigation, prepared by Ian Farmer Associates, received 22 October 2015;
- Transport Statement and Travel Plan, prepared by Acstro, received 22 October 2015;
- Preliminary Ecological Appraisal prepared by Wildwood Ecology Ltd., received 22 October 2015;
- Reptile Survey Report, prepared by Wildwood Ecology Ltd., received 22 October 2015;
- Landscape Character and Visual Impact Assessment, prepared by TDA, received 22 October 2015;
- Pre Development Tree Survey & Assessment, prepared by TDA, received 22 October 2015;
- Tree Constraints Plan, prepared by TDA, received 22 October 2015; and
- Drainage Strategy, Engineering & Site Investigation Summary, prepared by Vale Consultancy, received 22 October 2015.

Reason:

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

3. The development hereby approved shall not begin until 14 days after the receipt of the Notification of initiation of development by the Local Planning Authority. The notification shall be submitted in the form specified in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Reason:

To comply with the requirements of section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

4. At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Reason:

To comply with the requirements of section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).

5. Prior to beneficial occupation of the dwellings hereby approved, a scheme for traffic calming measures along St Lythans Road must be completed, in accordance with full details, including engineering details, to be first submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policies ENV27-Design of New Developments and TAN18-Transport.

6. Notwithstanding the submitted plans, before the commencement of development on site further details of the access and internal road layout, (including drainage calculations with permeability tests, and construction details for the rumble strip and at the junction with St Lythans Road) 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 that the proposed access is constructed in accordance with the Highway Authority's standards for adoption in the interests of highway safety and in accordance with Policies ENV27-Design of New Developments of the Unitary Development Plan.

7. Notwithstanding the amended Site Layout plan, Dwg. No. A003 received 16 March 2016, further details shall be submitted to identify the location of the Plot numbers and their respective parking bays, and visitor spaces. The approved car parking bays shall be implemented in full before the first beneficial occupation of their associated residential unit, and shall thereafter be retained and maintained for use exclusively in connection with those units.

Reason:

To ensure adequate off-street parking in the interests of highway safety in accordance with Policies ENV27-Design of New Developments and TRAN10-Parking of the Unitary Development Plan.

8. The development hereby permitted shall be implemented in accordance with the Travel Plan contained in the Transport Statement and Travel Plan dated October 2015 and prepared by Acstro.

Reason:

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

9. 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:

In the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

10. Before their installation on site full details of the garden sheds and bin store area as indicated on the amended Site Layout plan, Dwg. No. A003, received 16 March 2016, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

Full details have not been provided and in the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), no gates, fences, walls or other means of enclosure (other than those approved as part of Condition 14) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of this rural location within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

14. Notwithstanding the submitted plans this consent does not relate to the Site Boundaries Plan, Dwg. No. A004, received 22 October 2015. Before the commencement of development, further details of all means of enclosure associated with the development hereby approved, including retaining walls, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall pay particular regard to the means of enclosure of the northern boundary treatment and entrance to the site, which should reflect its rural location, to include hedgerow and additional tree planting where appropriate. The means of enclosure shall be implemented in accordance with the approved details prior to the first beneficial occupation of the associated residential unit, and thereafter retained and maintained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual and neighbouring amenity, particularly bearing in mind the rural location of the site within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

15. Notwithstanding the submitted plans further details of the proposed landscaping of the site, which shall pay particular regard to appropriate screening on the boundaries of the site, specifically to the north and at the entrance with the unadopted access road, shall be submitted to the Local Planning Authority prior to first beneficial occupation of the development.

Reason:

In the interests of visual and neighbouring amenity, particularly bearing in mind the rural location of the site within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

16. All planting, seeding or turfing comprised in the approved details of landscaping and any "green" means of enclosure 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, and any "green" means of enclosure, in the interests of visual and neighbouring amenity, particularly bearing in mind the rural location of the site within a Green Wedge and the Dyffryn Basin and Ridge Slopes SLA in accordance with Policies ENV3-Green Wedges, ENV4-Special Landscape Areas and ENV27-Design of New Developments of the Unitary Development Plan.

17. The development hereby permitted shall be implemented in accordance with the recommendations contained in the Preliminary Ecological Appraisal and Reptile Survey Report prepared by Wildwood Ecology Ltd., and received on 22 October 2015.

Reason:

In the interests of ecology and biodiversity and to ensure adequate mitigation for protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

18. Before the commencement of development, including demolition works, a scheme for the sensitive clearance of the site, with respect to breeding birds and reptiles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed scheme.

Reason:

In the interests of ecology and biodiversity and to ensure adequate mitigation for protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

19. Before the commencement of development, a scheme for the protection and enhancement of biodiversity on site shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include timings, but not be exclusively limited to:-
- Provision of dark flight corridors around the site, with the site lighting to ensure that vegetated dark corridors are maintained around the site for light sensitive species and that there is no inadvertent light spill onto retained vegetation (in particular the mature tree line);
 - Wildlife friendly (newt friendly) drainage;
 - Use of wildlife kerbs;
 - Provision of bird nesting boxes on minimum 25% of new residential units on site;
 - No net loss of length of hedgerow on site;
 - Retention of mature and semi-mature trees;
 - Retention of water features and a 7m buffer to water features;
 - 100mm gaps under all fences; and

- Native species in the planting scheme, and native wild flowers mix for open areas, rather than low diversity grass mixes.
The approved scheme shall be implemented on site and thereafter retained at all times in line with the agreed timescale.

Reason:

In the interests of ecology and biodiversity enhancement in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

20. Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

(a) All previous uses.

(b) Potential contaminants associated with those uses.

(c) A conceptual model of the site indicating sources, pathways and receptors.

(d) Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

In the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26- Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

21. Before the commencement of development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason:

To demonstrate that the remediation criteria has been met in the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

22. Reports relating to monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in the agreed plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that longer term remediation criteria have been met in the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority, an amendment to the remediation strategy detailing how the previously unidentified contamination shall be dealt with.

Reason:

Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination and in the interests of protecting controlled waters against pollution in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

24. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, (the details of which shall be submitted to the Local Planning authority), which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:

To ensure control over the increased risk of pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins, in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

25. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, (the details of which shall be submitted to the Local Planning Authority), which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason:

To ensure control over the increased risk of pollution from inappropriate methods of piling, in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

26. A scheme for the comprehensive and integrated drainage of the development site, including details of how foul water, surface water and land drainage will be dealt with shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. In particular further details of the surface water drainage strategy are required, particularly in relation to Natural Resource Wales requirements (outlined in the conditions above), and in relation to the location of soakaway tests; the position of land drains and channel drains to the access track; hydraulic calculations; and a SuDS management plan. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details prior to the first occupation of any dwelling on the site.

Reason:

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

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality 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 regards to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV3-Green Wedges, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, HOUS12-Affordable Housing, HOUS13-Exception Sites for Affordable Housing in the Rural Vale, EMP4-Protection of Land for Employment Uses, TRAN10-Parking, REC3-Provision of Open Space within New Residential Developments, REC6-Children's Playing Facilities, REC12-Public Rights of Way and Recreational Routes and Strategic Policies 1 & 2-The Environment, 3-Housing, 5-Economic Development, 8-Transportation and 11-Sport and Recreation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Affordable Housing, Design in the

Landscape, Amenity Standards, Biodiversity and Development, Trees and Development, Parking Standards, Public Art, Planning Obligations, Model Design Guide for Wales and Manual for Streets; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Studies, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN16-Sport, Recreation and Open Space, TAN18-Transport and TAN23-Economic Development; it is considered that, based on the material considerations outlined within the report, the proposal represents an acceptable form of residential development, that justifies a departure from the current development plan as an exception site for affordable housing. In addition it is considered that, subject to appropriate conditions, the proposal should have no significant adverse impact on highway safety, the character and appearance of the area, neighbouring and general amenities, and other issues such as ecology, drainage and potential contamination. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance.

NOTE:

- 1. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land you are given notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
- 2. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

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

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

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

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

RECEIVED
18 MAR 2016
Regeneration
and Planning

Client:
newydd

Project:
Proposed Development at:
Land at Chapel Terrace, Wenvoe

Job Number: L443

Date: 16.10.15

Drawn by: PC

Dwg No: A001

Site Location Plan

Revised: B

Scale: 1 : 1250 @ A1

Drawing Status: PLANNING



TONY KING
ARCHITECTS LTD
97a Glebe Street, Penarth
Vale of Glamorgan CF64 1EE
T: 02920 306400
www.tonykingarchitects.co.uk

15/01/2016

VALE OF GLAMORGAN
COUNCIL
AMENDED PLANS
RECEIVED Date 10/3/16



01 Site Location Plan
1 : 1250

15/01228/FUL 'A',

As a resident of Ty Gwyn, Twyn Yr Odyn, (Mrs Seel) I wish to register our opposition to the proposed development of the Greenwood Quarry site, ref: 2015/01228/FUL, for the following reasons -

The Consultation:

Was attended by 13 people prepared to sign the register, out of 88 letters sent. Assuming an average occupation of 2 people per household, that's approximately 176 people invited. The opinions garnered at the meeting, therefore, are not a representative sample of the local residents feelings.

The proposers assert in section 6.1.3 of 'Community Involvement Part 1' that 'Overall, there has been overwhelming support for the scheme from both the Community Council and members of the public'. Out of the number of possible attendees, I would not call 7 positive responses 'overwhelming support'!

Transport points:

- The glib assertion from the developers that altering the drainage will reduce the risk of ice at the site entrance reveals a complete misunderstanding of local conditions. The water running onto the access apron causing ice in winter is partly coming from the site, but this represents only a small percentage of the total. The main run-off it is coming from the adjacent lane, also coursing down St Lythan's Road itself, and from the sky, so no amount of on-site drainage will solve this. See Pic 1 and explanatory notes.
- We have witnessed many cars hitting our boundary wall trying to get up St Lythan's road when it's icy or snowing. In these conditions, residents (unless they own car with 4WD, and even that's no guarantee,) are forced to leave their cars at the bottom of the road close to Culverhouse Cross. Gritting lorries do not come near this area. To give an idea of the scale of the problem, in winter, residents of the hamlet stand on the verge by the site entrance, taking bets on how many cars are going to attempt the hill, and how many will hit our wall. On the other side of our wall is a 20ft drop. The consequences of a hard hit do not have to be spelled out, I'm sure.
- When it is icy, it is impossible to walk on the access slope - I have fallen over twice trying to do so in wintry conditions, and now don't bother in winter.
- There is a blind junction, on a very steep slope, created by the entrance to chapel terrace and the proposed entrance to the site, this is very unsafe for both cars and pedestrians.
- The transport statement says that transport other than cars should be encouraged. I can say from personal experience that it is impossible to walk or cycle upon the approach road, or St Lythan's Road when it is icy. Walking or cycling along St Lythan's road is dangerous at any time of day due to the cars travelling too fast along this unlit, country road.
- A Government inspector whilst assessing a neighbouring development's application, drew conclusions that *'...it is considered that the site has reasonable access to a range of services, including shops and education in the village of Wenvoe... it should be noted however that due to the road network of narrow, unlit country lanes, which are not conducive to walking. Access to services and facilities will be heavily dependent on private transport.'*
- Making this road safe for pedestrians would require the council to:

15/01228/FUL 'A'₂

- a) Clear storm drains on St Lythan's Road (see photo 1) which regularly overflow when it's raining or snowing, creating flooding and in winter, sheet ice
- b) Send a gritting lorry to the access apron (which wouldn't be safe, as its so steep) or the residents would not be able to access their homes by any mode of transport.
- c) Cut back the hedgerows regularly as their overgrowth makes traversing St Lythan's road by cycle or foot dangerous.
- d) Permanently light the road at night
- e) Create a footpath/cycle lane, which is impossible on this country lane

These essential changes to ensure safety would create an extra financial burden on the council and some of these measures would be impossible to implement – for example a gritting lorry could not safely use the apron nor St Lythans Road due to the gradients.

- The transport statement says 'Chapel terrace provides a safe pedestrian access' – it does not. There is a blind corner on a steep downhill slope, down which cars come very fast. There is no room for a car and a pedestrian to pass.
- The transport statement also says that it is reasonable to go shopping by cycling or walking along St Lythan's road. Who goes and does their weekly shop by bike? Or walks? To say that people will bike or walk down a slippery steep slope, and then along this busy, unlit – frankly dangerous country road (as cars do travel very fast along it) and carry back handfuls of heavy shopping bags is fatuous. There are no local shops to 'nip out for a pint of milk'.
- The buses to Barry and Cardiff are not 'frequent'. What is the definition of 'frequent'?
- There has been no measure of current traffic numbers nor speeds on the road, the traffic statement is just guessing. There is a large amount of traffic on St Lythan's road already, travelling at speed. Access and egress to the site is very difficult, as proven by the recent planning application for the adjacent Gypsy site.
- Parts 3.13 and 3.14 are not true – the site was operated by a private company operating school buses. They left in the morning, and came back at night. Very little other traffic was generated. They, too had to park elsewhere in winter, as they could not access the site. This generated approximately 30 trips per day (including staff trips).
- The report says the site is within easy cycling distance of Barry and Cardiff. It is many miles to Barry, and to Cardiff. That's not what I call 'easy'.
- Point 3.20 admits that residents are unlikely to walk to the bus stop, and says they can arrange lifts with friends or relatives. So are these friends or relatives, living elsewhere, to come out in their cars to pick up the unfortunate residents trapped in their country abodes, generating even further car trips, then? This is, frankly, a bizarre idea.
- To say that the proposed use will generate less trips than the lawful use, based on data generated from a completely unrelated set of circumstances, is futile. The fact is, the site is disused, so there is no comparator. There are plenty of uses to which the site could be put which are more appropriate and would generate employment, too.
- Given the difficulties in accessing the site, the developers have glossed over their poor consideration of access for the elderly/ disabled and their carers. In winter, when the site is almost impossible to access, how will the elderly gain access and egress, how will they get their foods and medications?

Employment:

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The local opportunities for employment are limited to farming, 1 hotel and retail. Accessing other employment means using a car or the limited local bus services which are unsafe to access. The HTV site development (which includes 54 affordable houses) will create a pool of jobseekers up to 500 strong.

A search of the local Tesco's website (the biggest employer around here) reveals no entry level jobs available at this time. Furthermore, I remain to be convinced by any of Newydd's arguments that taking the site out of Brownfield use and putting it into housing would be good for the local community. There are many uses to which the site could be put which would create, not demand more employment.

Drainage:

There has been no assessment on how improving the drainage at the site will affect the drainage further downstream, see Pic 1. The proposal indicates blockwork accessways, however in practice I suspect this will become tarmac, which will create extra run off which may not be completely ameliorated by the drainage proposals. The existing storm drains downhill from the proposed development already struggle to cope in even light rain due to the funnelling effect of the hill. In winter this creates sheet ice the apron and on the St Lythans Hill which can be impossible to traverse on any mode of transport (including on foot).

The hamlet of Twyn Yr Odyn:

Twyn yr Odyn is by definition a hamlet, containing some 25 houses and approximately 45 residents. I implore the Councillors to consider the effect on our community of dumping a crowded development of 15 abodes with up to 48 residents on our small community, changing the character of our hamlet irrevocably. This would increase the housing by approximately 40% and resident numbers by 106%, with no extra services nor transport provision. As a family, we moved to this area to be in the country. With the advent of the massive development at St. Lythan's Park and now this proposal, it is fast becoming a town.

In addition, the proposal is of entirely affordable housing which would be inappropriate in any context, let alone a hamlet. Development of this site in this manner, risks creating a ghetto of people cut off from the local community, their own family ties, and local services, whilst living on an unhealthy and crowded site. Point 4.3.6 of the DAS states that 15 houses and 39 people on a site of 0.95 acres 'fits in' with the local housing style and is not overcrowded/not representing an 'overdevelopment' of the site. Both of these statements are untrue in the context of the hamlet.

There are no areas in the locality (including Wenvoe) with such a density, and 39 people (although I calculate this accommodation could hold up to 48 people in reality) crammed on to under 1 acre, with handkerchiefs for a garden, doesn't seem like pleasant living to me.

If the site is to be developed for housing, we would rather see a smaller development of fewer, larger houses which are not entirely of the 'affordable' nature. This would fit in better with the existing community, and nature of the housing in the village.

The 'proven need' for affordable housing in the area (estimated at 44) is amply met by the fifty four residences currently under construction in the adjacent St Lythans Park, also the Grange

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development in Wenvoe with 33, that's 87 in total. Both sites have far easier access, are more appropriate in terms of location i.e. they are closer to amenities and not next to a tip, and most importantly, are mixed with other types of housing, which must be a more attractive proposition to prevent 'ghettoising' the residents.

I would draw your attention to the PROW W2-29a-1 (Wenvoe 29a) which runs in close proximity to the site. This has some vehicular and pedestrian traffic and should not be interfered with as a result of this proposal, pedestrian safety is paramount in this regard.

Housing Policy

Newydd quotes numerous local and national housing policies which it purports support the proposed development. I submit that many of these statements are subject to an opposite interpretation, thus:

- Section 4.2.14 (also 5.1.4 later) of the Newydd planning statement says '*Section 4 of TAN 6 relates to sustainable rural housing. It indicates that in rural areas not subject to environmental and social constraints, preference may be given to affordable housing. Small sites of 100% affordable housing are also encouraged.*' This statement is misleading. The section in TAN 6 recommending 100% affordable housing sites relates to '**market towns and larger villages**'. No such recommendation applies to '*smaller settlements*'.
- The developers have also omitted the proviso in TAN 6 '*in areas of local housing pressure*'. No such pressure exists now there are two other large scale developments in the area containing ample affordable housing.
- Furthermore, section 12 of the Communities and Local Government paper entitled '*Delivering Affordable Housing*' (source: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15789/152897.pdf) specifically argues **against** sites of 100% affordable housing: '*Finally, there needs to be a good mix of tenures on new developments. For too long we have lived with the consequences of rigid monotenure development; and today no one would promote significant scale development that included nothing but social rented housing. But the scope of planning obligations gives local authorities the ability to require developers to build mixed tenure new developments, thereby helping them secure improvements in mix over the whole of the stock.*'
- The proposed development is against the Policy HOUS2. Furthermore, Newydd state that the development at the old HTV studios site will '*completely transform the area*'. This is true, but it doesn't mean that further transformation of this is warranted.

The development does not comply with policy Hous13 for the following reasons:

- The identified need for affordable housing is already met in our area
- The development of 'limited number' of additional sites is already being undertaken.
- The site is not within or adjoining an existing settlement boundary
- The site scale is not commensurate with identified existing local need
- The scale and form is not in keeping with surrounding uses (these being farmland)
- The proposal represents a visual intrusion on the local landscape
- The site is unable to provide sufficient open space

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- Adequate community facilities in the form of Doctors, schools, and bus routes, do not exist. Shops and other facilities are not accessible safely unless by car.
- The policy Hous13 does not apply to Twyn Yr Odyn – nor even Wenvoe.

The development is contrary to ENV 27 – Design of New Developments. This proposal would intensify the use of an existing substandard vehicular junction to the detriment of highway safety. This would detract from the privacy and amenity of neighbouring properties, therefore the proposal fails to meet the councils standards for amenity and access, contrary to the UDP policy ENV 27- Design of new developments.

I would be interested to learn about traffic use of this site as construction machinery, flatbed lorries and other machinery etc has an unacceptable effect on the countryside contrary to ENV 8.

In terms of the local and national policy, the application site is located within the open countryside over 500m from the nearest residential settlement boundary of Wenvoe. Planning Policy Wales (PPW) places considerable emphasis upon the need to strictly control new housing within the open countryside, away from existing settlements, and upon the need for the development to embody sustainable principles. Such guidance is reflected in the Councils own currently adopted UDP, including policies ENV 1 and HOUS 3 which do not support unjustified residential development.

The site is located within a green Wedge where policy ENV 3 of the UDP seeks to prevent urban coalescence and does not permit development which prejudices the open nature of the land. It should be noted that from planning history, previous applications for residential development of neighbouring sites have been refused.

I consider therefore any application for proposed development in this case, new houses would amount to inappropriate development within the green wedge, would reduce the openness of the site and would completely change the character of the area contrary to ENV 3 and national guidance.

This development may be contrary to national planning policy on Green Wedges, which is set out in Sec 2.6 of Planning Policy Wales.

The surroundings:

The submitted plans appear to exclude considerations on how Deg Erw will be affected by this development. The submitted plans omit the Deg Erw site, which is immediately adjacent to the mapped area. The proximity of the buildings (as close as 30m) means that Deg Erw will be overlooked, and this will be exacerbated by the differences in elevations, effectively adding another storey to the proposed development.

The proposed development, high up on an escarpment on the edges of our village, would significantly alter the countryside feel of our hamlet. The existing tree line is not sufficient to obscure the houses from view from the Culverhouse Cross aspect.

There appears to be no consideration on how the existing supporting wall between the Deg Erw access lane and the escarpment will be managed. This wall is in very poor repair (see pics 3 and 4), and developing the site risks slump of this wall on to the Deg Erw access lane.

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Where are the kids going to go to school? Where are the residents going to go to the Doctor? Where are the residents going to work and how shall they get there and back safely? The council has failed to make these provisions for the 250 house development down the road and in Wenvoe, and the local schools and doctors are bursting at the seams already. Another development will only add to these.

Site Safety:

The site is directly next to a tip, which was filled during the 60's and 70's, when rules about what could go into landfill were much more relaxed. No-one knows for sure what lies buried beneath the topsoil, but local residents who worked there say the material deposited there includes medical waste. When the wind is in a certain direction, the gaseous emissions from the tip site are very evident.

There proposal does not include enquiries into the possible health effects of living so close to a tip site, but GVA's own site investigations have revealed possible problems with gaseous emissions and ground pollutants. How can we be sure that the 'appropriate measures' the proposer's investigators have suggested will work? The proposal includes a Community Garden – how can this be healthy when it is sited directly next to a tip?

My research indicates, rather obviously, that people do not like living next door to tips (source: <http://www.independent.co.uk/property/would-you-buy-a-home-next-to-a-prison-or-a-rubbish-tip-9634849.html>). There are two other alternative sites in the immediate area which are not sited downhill/downwind of a tip which these residents can live in.

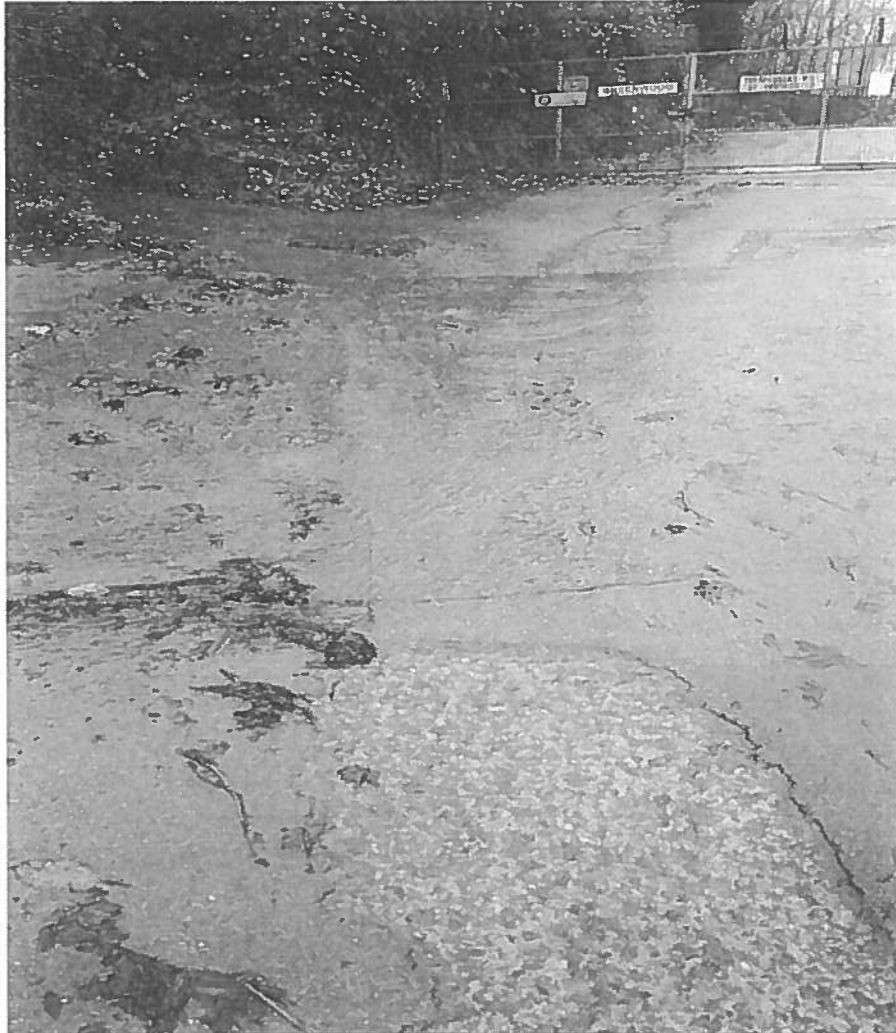
In conclusion, we do not support the application because:

- Many of the supporting points stated as fact in the various reports contained within the submission are hopeful supposition at best, and deliberately misleading at worst. We cannot rely on the information provided by the proposer to be correct.
- The site is dangerous to access, particularly during the winter. Other more easily accessible sites exist, and are already under construction.
- The local need for the next 5 years is more than amply met by the St Lythans Park and Grange sites.
- The council has not provided, nor has it planned to provide, appropriate services and amenities for the existing and future residents in the area. The developments at St Lythan's park and The Grange will create extra pressure on these already stretched services.
- The local residents do not support the development
- Other possible uses of the site exist, which could increase employment in the area.

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Supporting pictures with explanations:

Picture 1 Shows water streams running off a) from the site and b) from the adjacent Chapel Row



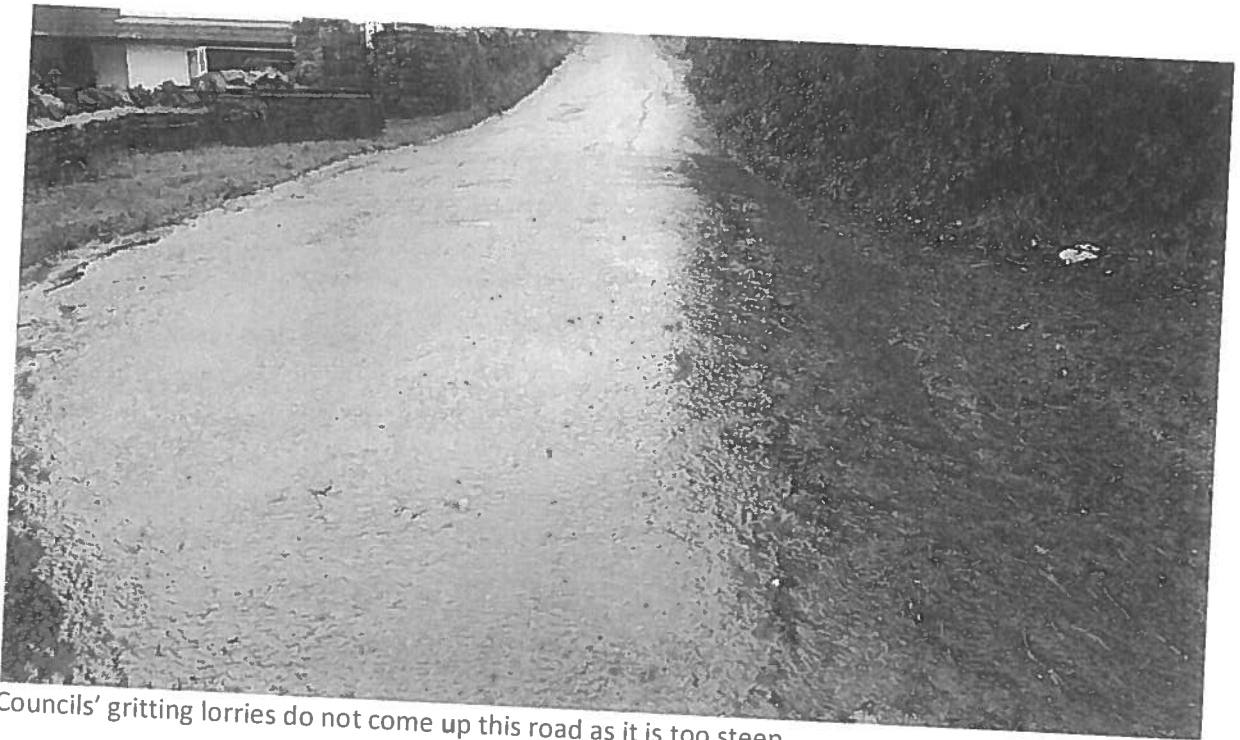
lane. The Chapel Row lane run off is far greater, and no drainage on site will solve this.

This picture also shows that this water run-off and resulting ice is causing damage to the surface of the access road, which Newydd's plans fail to address.

This run off, combined with any snow which falls, creates sheet ice which covers the whole of the tarmac apron access road. This makes access by any means of transport, including on foot, impossible.

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Picture 2: St Lythans Road adjacent to the access apron. Rainwater rivers can be seen running down this steeply graded road past the access to the proposed site. None of Newydd's drainage plans will address this run off. In the winter, this turns to sheet ice and the road is not passable safely. The



Councils' gritting lorries do not come up this road as it is too steep.



Pic 3 - A close up picture of water running down St Lythan's Road during a medium rain event.

15/01/2028/PLA⁹



Pics 4 and 5: Cracks in the retaining wall downhill from the site on the Deg Erw access road. Newydd's plans fail to show how this problem will be solved safely.



Pic 6 – The position of the 2 pedestrians shows how steep the access to the site is. It will not be useable by wheelchair users and the elderly on foot, even in ideal conditions.



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Pic 7 – storm drains further downhill from the site overflowing during a medium rain event. This flooding freezes in winter meaning the road is not passible safely. The effect of adding effluent from 39 extra residents in the area, to this already overstretched system cannot be predicted.

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A small family car coming down Chapel Terrace, which Newydd's transport report describes as '*... a safe route for pedestrians.*'. Note that a pedestrian and car cannot pass safely on this blind corner down a steep slope, on an unlit, unadopted road.

Note also the leaves on the road being taken downhill by the flow of water towards the entrance to the proposed housing site, which in winter form a slippery covering when mixed with ice.

Many of the cars encountered on this lane are much bigger four wheel drives than the small car depicted here, these being necessary to attempt to traverse St Lythan's Road in winter.

Mr. & Mrs. Blunsdon 84, Plymouth Road, Penarth, Vale of Glamorgan, CF64 5DL
Mr. Michael Newton Lapidier,, 41, High Street, Penarth, Vale of Glamorgan, CF64 1EY

84, Plymouth Road, Penarth

Construction of a two storey side extension (including integral garage) to replace the existing utility area, garage and carport. A canopy style porch area with tiled roof will be constructed over the existing front entrance door. The existing single storey workshop will be removed

SITE AND CONTEXT

The site is a detached house in a residential area of Penarth. The house is of 60s/70s construction, in an area of predominantly Victorian or Edwardian dwellings. The house is one of a pair of houses that are of similar age and design adjacent to each other. The site is within both Penarth Conservation Area and the Settlement Boundary.

DESCRIPTION OF DEVELOPMENT

The proposals are for a two storey side extension and also a single storey flat roof rear extension that would increase the width of the existing rear extension along the width of the extended dwelling. The side extension is to be set back 900mm from the front of the existing house and also set down from the existing ridge by approximately 200mm. The extensions would project approximately 3m from the existing rear elevation, with a height of 3.4m including the parapet. There is a small canopy porch proposed over the main front door. There is to be aluminium windows throughout with rendered walls and concrete tiles to match with the existing house. The existing attached garage and rear flat roof extension is to be removed.



Proposed front elevation (west)

PLANNING HISTORY

- 2002/01392/FUL: 84, Plymouth Road, Penarth - Demolition and rebuilding (with same materials) of gate pillar to widen vehicular access to property - Approved 29/11/2002
- 1983/00752/FUL: 84, Plymouth Road, Penarth - Extension to kitchen and dining room to provide utility room and sun lounge - Approved 27/09/1983
- 1982/00416/FUL: 84, Plymouth Road, Penarth - Extension to garage and new car port, garage/carport - Approved 27/05/1982

CONSULTATIONS

1. Penarth Town Council – No objections
2. Plymouth Ward Members - Cllr Williams requested the application be reported to Planning Committee due to neighbour concerns
3. Tree Officer – Considered the potential impact of the proposed extension to the Yew Tree in the curtilage of neighbouring property 86 Plymouth Road. The submitted Method Statement has been subsequently assessed and conditions recommended as a result, including that the development adhere to the method statement, that an arboricultural watching brief if conducted and that final foundation details are submitted;

REPRESENTATIONS

The neighbouring properties were consulted on 11 November 2015. A site notice was also displayed on the 7 January 2016. There have been 6 representations received, objecting to the proposals for reasons such as:

- The adverse impact of the extension on the Conservation Area.
- The extension would appear as a visually incongruous form of development within the street scene
- The extension would have an adverse impact on the visual amenities and character of this part of the Conservation Area
- There are no other 2 storey side extensions in this part of Plymouth Road
- Loss of the significant space between dwellings as a result of the extension
- Potential for noise and disturbance as a result of the extension being positioned closer to the boundary with habitable rooms
- Potential impact to Yew tree on adjacent neighbouring land
- Extension would be unneighbourly and overbearing, being close to the boundary
- Overshadowing from the proposed extension
- Overlooking from the proposed rear first floor window
- Concern with the proposed painting of the extension white
- Proposals represent a significant overdevelopment of the site
- Insufficient off-road parking would remain
- Loss of the gap and open aspect between dwellings, which is a feature of this part of Plymouth Road
- Construction disruption in Plymouth Road
- Loss of symmetry with the semi-detached pair

*Please see Appendix A for copies of 2 of the letters received, being generally indicative of the views expressed. All letters remain available on file.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES
POLICY ENV17 – PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
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.

6.4.6 Development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of conservation areas, as identified in the assessment and proposal document, to ensure that any new development is in accord with the area's special architectural and historic interest. While the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development.

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
- Penarth Conservation Area Appraisal and Management Plan (July 2011)
- Trees and Development SPG

Issues

Design and Visual Impact

The site is within the Conservation Area, though it also has to be noted that the extension as proposed is to a relatively modern dwelling. Within the Penarth Conservation Area Appraisal and Management Plan 2011 (CAAMP) both No 84 and the adjacent No 82 (which is of a similar design, appearance and age) are not considered to positively contribute towards the Conservation Area. This is presumably due to their modern suburban appearance, which contrasts with the larger Victorian and Edwardian dwellings that predominate along this section of Plymouth Road and adjoining areas (such as Marine Parade to the rear of the site).

As the extension is within the Conservation Area, policy ENV 20 requires that extensions either preserve or enhance the character of the Conservation Area. This applies to these proposals, even though this is for an extension to a relatively modern dwelling. The extension as proposed is designed to be in keeping with the existing house, with rendered walls and matching roof tiles. There are to be new windows throughout, which are to be aluminium to replace the existing upvc, with the same windows proposed with the extension. As such, the extension as proposed would be suitable as an addition to this modern dwelling, with the set back from the front elevation and set down ridge height also adding a subservient element which is considered suitable. Though the extension as proposed is not of a design that would be suitable for many of the adjacent Victorian or Edwardian dwellings, it is important to note that the extension is appropriate to this particular dwelling. It is noted that another more recent dwelling nearby has been extended in a contemporary form.

There have been comments received regarding the need to retain the spacing between dwellings that currently exist between No 84 and 86 Plymouth Road, with No 86 being a positive example of an older traditional dwelling within the Conservation Area. It is noted that there is a driveway to the side of both properties, allowing for a separation distance of approximately 8-9m between these properties. The extension as proposed would be nearly up to the side boundary, which would mean that the driveway width of No 86 would provide the remaining gap. It is considered that this gap would be suitable to avoid any detrimental impact to both the character of the street scene or the adjacent dwelling. Furthermore, any potential of a 'terracing effect' as a result of the proposed side extension is mitigated by the significant differences in style, form and mass between Nos 84 and 86 Plymouth Road. Also, the set down and set back further reduces the visible impact of the extension on the wider street scene.

The extensions as proposed would not overdevelop the site, with the dwelling positioned within a sizable plot and there would be sufficient rear garden space remaining, especially to the rear.

In conclusion, the dwelling is not considered as being a 'positive' dwelling within the Penarth Conservation Area and is not of any architectural or historic merit and the side extension is of a design that does not adversely impact the Conservation Area and would not result in a negative terracing effect or loss of an important space between dwellings. The design and scale of the proposed extensions are considered acceptable in this context and are considered to be in accordance with policies ENV 27, HOUS 8 and ENV 20 of the adopted UDP.

The rear extension is single storey and would not be visible from public vantage points. The flat roof design results in a reduced visual impact and is considered to be of a suitable design with no adverse impact to the character of the Conservation Area.

Impact to neighbour amenities

The nearest neighbour to the proposed 2 storey side extension is No 86 Plymouth Road to the south. There are no first floor windows in the side of this extension, with one small ground floor window which appears to serve a utility room between the integral garage and kitchen. It is considered that this can be conditioned to be obscure glazed to avoid any overlooking impact. (Suggested Condition 8 refers).

The window to the front of the side extension, serving bedroom 4, would have views mainly over the driveway areas, front gardens and the highway. This window would not result in any significant overlooking impact. There is a first floor window in the rear of the proposed side extension, though as this is to serve an en-suite (which is not considered a habitable room) then there is no anticipated overlooking impact, particularly if the window is conditioned to be obscure glazing.

The side extension would be built towards the boundary with No 86, which is noted to have a main entrance and bay window to the side elevation facing towards the location for the extension. The extension would therefore be closer to their side elevation of No 86 than the existing side elevation, though it is also important to note that the extension would be to the north of No 86 and so any potential overshadowing would be limited and would not have a significant impact. The side elevation of No 86 already faces the side of No 84, though it is acknowledged that the side of the extension would be approximately 3m closer. However, the remaining separation distance (approximately 4-5m) between the side elevation of No 86 and the side of the proposed extension is such that it is considered that there would not be any significant overbearing impact to the occupiers of this neighbouring house. It should also be noted that the amendment to reduce the depth of the two storey side extension, received 28 January, further reduces any potential impact to this nearest neighbour.

The single storey rear extension would not have any significant impact to neighbour amenities due to its limited height and form.

Overall, it is considered that the extensions would not have any significant impact to neighbour amenities, including to the occupiers of No 86, and would accord with policies HOUS8 and ENV27 of the adopted UDP and the SPG 'Amenity Standards'.

Parking Provision

The integral garage as proposed is not considered large enough to park a car, based on current standards. However, there is sufficient space to the front of the house to park 2 vehicles to be parked off-road, which is considered satisfactory. There is also on-street parking provision regularly available along Plymouth Road if required. As such, the proposals accord with policies ENV27 and TRAN10 of the adopted UDP.

Impact on Protected Tree

There is a tree to the neighbour's side of the boundary between Nos 84 and 86. The tree is a Yew which is considered mature in age (maybe up to 100 years). The tree is likely to be older therefore than the applicant's house. The Yew tree is approximately 12m tall with branches that overhang the boundary over the applicant's land. It is also possible that roots of the tree go under the boundary wall and possibly under the applicant's garage. As the proposed extension is to be located towards this boundary it is likely to have an impact to the tree, which is protected by virtue of being within the Conservation Area and also recently has had a Tree Preservation Order served, being TPO (No 2) 2016.

It should be noted that the two storey element of the proposed extension that originally projected to the rear has been replaced by a further single storey section, which would potentially reduce the impact to the Yew as a result of the decreased height of extension and shallower foundations.

The applicant has had a report produced by Acer Ecology (January 2016) to consider the potential impact the extension would have on the tree. The neighbour at No 86, who wants the tree to remain, has also commissioned a report which has been submitted as part of their objection to the proposal. This report is by Treecare Consulting (Arboricultural Impact Assessment – January 2016).

The report by Acer Ecology observes that the tree is in a good condition and is over 40 years old. The report includes proposed works to the tree in connection with facilitating the proposed extension. The recommendations are to "Trim individual branches preparably to growth points, to provide clearance for the proposed development". It is also recommended that the works are undertaken by a recognised professional arborist. From an inspection of the site the report's author states that it is "unlikely that there are any roots of note within the proposed development area".

The 'Treecare' report also confirms the tree as a mature Yew of 12m height, with the tree graded as a 'B', which indicates a tree "is suitable for the landscape and also has a cultural and historical importance for the area."

Following consideration of both reports it was determined that the Yew is highly likely to be contemporary with the property at 86/88 Plymouth Road and at least 100 years old and, as such, merits thorough consideration and its healthy retention is paramount. It is considered that building so close to a mature tree, if it does not destroy the tree, may well have an impact on the new structure in years to come if an appropriate method for its foundations is not applied.

The applicant has responded by submitting further information (29/2/16), which includes a 'Garage demolition and new foundation method Statement', 'Arboricultural Method Statement: Additional Text' and a plan to show a section through the existing garage. This information includes reference to the careful demolition of the existing garage, under the inspection of an arboricultural project manager. The Method Statement refers to the process if roots are uncovered when the garage base is removed:

'In the event that roots are identified, the construction method for the new extension shall proceed as identified by the architect, and agreed by the Local Planning Authority, in such a manner as to minimise damage to the roots. This may include the use of piles or a beam to avoid the need for trenching in the area. If the roots present are small, it may be practical, under the supervision of the arboricultural project manager, to hand dig foundations in the vicinity of such roots, containing them in hessian to avoid contact with cement.'

In consideration of Policy ENV11 and all the information submitted regarding the potential impact to this tree it is determined that the extension can be constructed as proposed without significant adverse impact to the tree, especially with the amended plans reducing the size and height of part of the extensions proposed. However, this would be subject to conditions relating to adherence to the submitted arboricultural method statement, including the undertaking of a watching brief through the course of construction and also final details of the extension foundations to be submitted following the removal of the garage (when the full extent of the roots would be known).

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: 757/001 and 757/003 both received 29 October 2015, 757/110 received 21 December 2015, Tree Report (Acer Ecology) received 26 January 2016, 757/003 Revision D and 757/002 Revision D both received 28 January 2016, and 'Arboricultural Method Statement: Additional Text' (Cederwod Tree Care), 'Garage Demolition and new foundation Method Statement' and 757/251, all received 26 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. Notwithstanding the submitted details, full details of materials including the render type and colour finish 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: In the interests of the visual amenities of the Conservation Area and to meet the requirements of Policies ENV 20 and ENV27 of the Unitary Development Plan.

4. All site clearance, excavation works and development shall be carried out in accordance with the recommendations of the submitted Arboricultural Method Statement (Cedarwood Tree Care - February 2016).

Reason:

To safeguard the protected Yew, in accordance with Policies ENV20 and ENV 27 of the Unitary Development Plan.

5. At commencement of, and throughout demolition of the existing garage through to completion of construction of foundations, an arboriculturalist shall be retained on site to prepare a watching brief and keep a photographic record of all roots of the Yew which are exposed during excavation works and detailing their diameter and treatment, as they appear as the existing concrete slab and plinth of the garage are removed. A report detailing the findings, including the photographic record, and methods employed to safeguard existing roots shall be submitted to the Local Planning Authority within one month of completion of the foundations of the extensions hereby approved.

Reason:

To safeguard the protected Yew, in accordance with Policies ENV20 and ENV 27 of the Unitary Development Plan.

6. Further to the requirements of Condition 4 and 5, and prior to any excavation works, and taking into account the need to protect roots of the adjacent Yew tree, details of the foundations to be used in the extensions hereby approved, including a methodology for their construction, shall be submitted to and approved in writing by the Local Planning Authority. The foundations shall be implemented in accordance with the details as agreed.

Reason:

To safeguard the protected Yew, in accordance with Policies ENV11, ENV20 and ENV27 of the Unitary Development Plan.

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

Reason:

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

8. The windows in the ground floor side elevation and first floor rear elevation of the two storey side extension shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of extension and shall thereafter be so maintained at all times.

Reason:

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

9. A minimum of two weeks prior to demolition or site clearance works the Local Planning Authority shall be advised in writing of the date of commencement of such works and of the name and contact details of the arborist appointed to oversee the works, including the works of demolition and excavation and foundation works.

Reason:

To safeguard the protected Yew, in accordance with Policies ENV11, ENV20 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 Policies ENV11 (Protection of Landscape Features), ENV27 (Design of New Developments), ENV20 (Development in Conservation Areas) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

NOTE:

- 1. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**

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

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

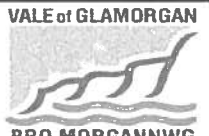
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

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



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The Vale of Glamorgan Council
 Department:
 Title: 2015 / 01263 / FU
 Drawn By:

	Scale	1:1250
	Time	02:00:07 PM
	Date	11 Mar 2016

Payne, Adrienne J

2015/01263/RL Appendix A (1 of 3)

From:
Sent:
To:
Cc:
Subject:

RECEIVED

12 JAN 2016

Regeneration
and Planning

ANTHONY COZENS [REDACTED]
11 January 2016 15:44
Planning & Transportation (Customer Care)
Thomas, Peter DJ
Planning ref 2015/01263 (amended) 84 Plymouth Road, Penarth

D.E.E.R
RECEIVED
ACTION BY: <i>SEZ/JMC</i>
NO: <i>5</i>
ACK:

Dear Mr Ronnie,

The amended plans are virtually identical, with only minor changes, and my original objections in my e-mail dated 2nd December, 2015, still stand and I wish them to be included in this objection. Following our conversation of Thursday 7th January pm , 2016, I should be grateful if you would ensure that my original e-mail, together with this one, is sent to the relevant conservation officer and the other relevant members of the Planning Committee. I have referred to several policy documents in both letters of objection, which, I believe, illustrate that this is also a conservation issue, as well as a planning and environmental issue.

The proposals would constitute an unneighbourly form of development which would be detrimental to the residential amenities reasonably expected to be enjoyed by the occupiers of 86 Plymouth Road. The proposed development, by reason of its scale and siting, in such a prominent location in the Conservation Area street scene, would also appear as a visually incongruous form of development, which would adversely impact on the visual amenity and characteristics of the wider street scene. (They would appear to be contrary to policy ENV27 of the VOG AUDP 1996-2011; the Council's Supplementary Planning Guidance on Amenity Standards and section 9.3.3 of Planning Policy Wales.)

In the Conservation Area Appraisal & Management Plans of July, 2011 there are numerous points which can be attributed to this proposal. It states that architectural interest should be preserved; that the special character should not be eroded, and that there is a general duty to ensure preservation and enhancement of the Conservation Area when determining applications. Crucially, it states that, **'Existing buildings which are unsympathetic to the character of the Conservation Area (ie 84 Plymouth Road) will NOT be regarded as a valid precedent for further uncharacteristic development.'** Whilst some might not appreciate the style of 84 (and its twin 82) Plymouth Road, it has formed part of the street scene for fifty years, and was built sympathetically to the location, position and outlook of its neighbouring property at 86 Plymouth Road. It, alongside 82, was built to conform to the existing format of matching pairs of houses in this area and forms part of its 'special character'.

The VOG's Supplementary Planning Guidance on Amenity Standards states that developers should aim to avoid siting new dwellings close to existing residential boundaries; this can be applied to this proposal. It also warns that the siting of two storey developments within close proximity of an existing residential boundary can result in an unreasonable loss of daylight. **The proposed development intends to impose a giant concrete wall measuring 7.95metres high (including fall) x 11 metres long, only 20 cms from our boundary wall, and directly opposite to our glazed front door and bay window sitting room, which is only 3.85 metres away!** It would be a complete disaster and its concept is thoughtless, insensitive and unneighbourly, forever consigning us to a gloomy, concrete vista. We will never again be able to look out of our window and see a patch of blue sky or witness the light filtering through the leaves of a beautiful, ancient Yew.

During your site visit on Thursday, you intimated that you thought there were already 'infill' developments of two-storey extensions abutting boundary walls in the Conservation Area of Plymouth Road. We disagreed at the time and can confirm that there are none, as far as we can ascertain from a street inspection, either in the front or back of any house in the Plymouth Road Conservation Area, where houses have significant space between them. If the proposed development was allowed it would be unique and would destroy this essential feature, thereby negating the, 'uniform nature of the domestic streetscape'. In Planning Policy Wales section 9.3.3, it states that **'Insensitive infilling, or the cumulative effect of development should not be allowed to**

damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as ...overshadowing.' This concept must surely apply in the context of this development.

As I stated in my first letter of objection, the construction of a two-storey structure for habitable use directly against the boundary must also cause noise issues. The proposed development shows a large kitchen diner, with double doors leading to the garden, being placed immediately adjacent to the boundary wooden fence with no room for natural screening. Again, this type of development would create an unwelcome precedent and would also be detrimental to the reasonably expected residential amenities which we currently enjoy. The only buildings, as far as we can tell, which currently use this space in the Plymouth Road CA are single storey and non-dwelling, i.e. garages.

Finally I should like to address the issue of the Yew tree, and I am forced to express my disappointment with the manner in which it has been dealt with thus far. Following a telephone call from my wife to Margaret Shemenowski (unsure of spelling) on Tuesday 5th January, 2016, she made a site visit that same afternoon. She told us that she had not been informed of the planning application or the issue with the tree. She also stated that had she been informed at the onset, she could well have placed a Tree Preservation Order on it. She advised us to obtain a specialist report on the tree and gave us the details of three Arboriculturalists used by the VOG. We engaged the services of one of those recommended and he has produced a BS 5837 2012 Arboricultural Impact Assessment. The survey was arranged on the 6th January, before your site visit, and was conducted impartially by a respected expert. I will be sending send you a copy of the report forthwith along with supporting photographs; if you need the report immediately, please e-mail me.

Of course we are devastated at this situation and feel that, whatever the stage of the process, if the tree merits a TPO, it should be awarded, despite the circumstances. **It is an historic tree in the context of the Penarth Conservation Area, being approx one hundred years old and 12 meters tall.** It is clearly visible from the street and also forms an integral part of the open garden scene to the rear of the property, being visible from the surrounding houses. It is also, being fruit bearing, of vital importance ecologically. There is constant reference in all of the Planning Advisory documents which refer to **the vital importance of the protection and preservation of trees**, especially ones as significant as this. It would be both a travesty and a tragedy if the tree is lost due to, what seems to be, an administrative issue. If the proposed development goes ahead, it places the tree at a very serious risk and could lead to its destruction.

We strongly object to the planning application, as it is proposed, on the grounds that it will seriously affect the quality of our lives, irrevocably and negatively change the Street Scene in the Plymouth Road Conservation Area, set unwelcome precedents by allowing two-storey infilling to boundary walls and severely damage, possibly destroy, an historic and culturally important tree.

Anthony Cozens.
Judith Cozens

11th January 2016

~~_____~~
~~_____~~

Comment for planning application 2015/01263/FUL

Application Number	2015/01263/FUL
Location	84, Plymouth Road, Penarth
Proposal	Construction of a two storey side extension (including integral garage) to replace the existing utility area, garage and carport. A canopy style porch area with tiled roof will be constructed over the existing front entrance door. The existing single storey workshop will be removed
Case Officer	Mr. Steven Rennie
Name	Mrs Paula Edwards
Address	81 Plymouth Road, Penarth, CF64 3DE
Type of Comment	Objection
Type	Neighbour
Comments	<p>Our concerns re this proposal have always been to do with three points: the width of the proposed building on the plot (and the subsequent narrowing of the space between it and the house next door); it not being at all in keeping with, or enhancing, the atmosphere of the conservation area it is in, and the plan for it to be painted white. (Note: in the section on 'external render' there is an amended plans stamp which partially obscures the information. Are we correct in assuming that it is still the plan for the building to be painted white?). We see there is now a report from 84 Plymouth Rd. relating to the tree in the garden of 86 Plymouth Rd., which is close to the boundary and this seems to be another issue. We would like to reiterate that our worries are still remaining, and even should the problem re: the tree be satisfactorily resolved, these other points still remain, as we see no change has been made at all in these most recent amended plans that address them.</p>
Received Date	22/2/2016 01:29:39
Attachments	22/2/2016 01:29:39

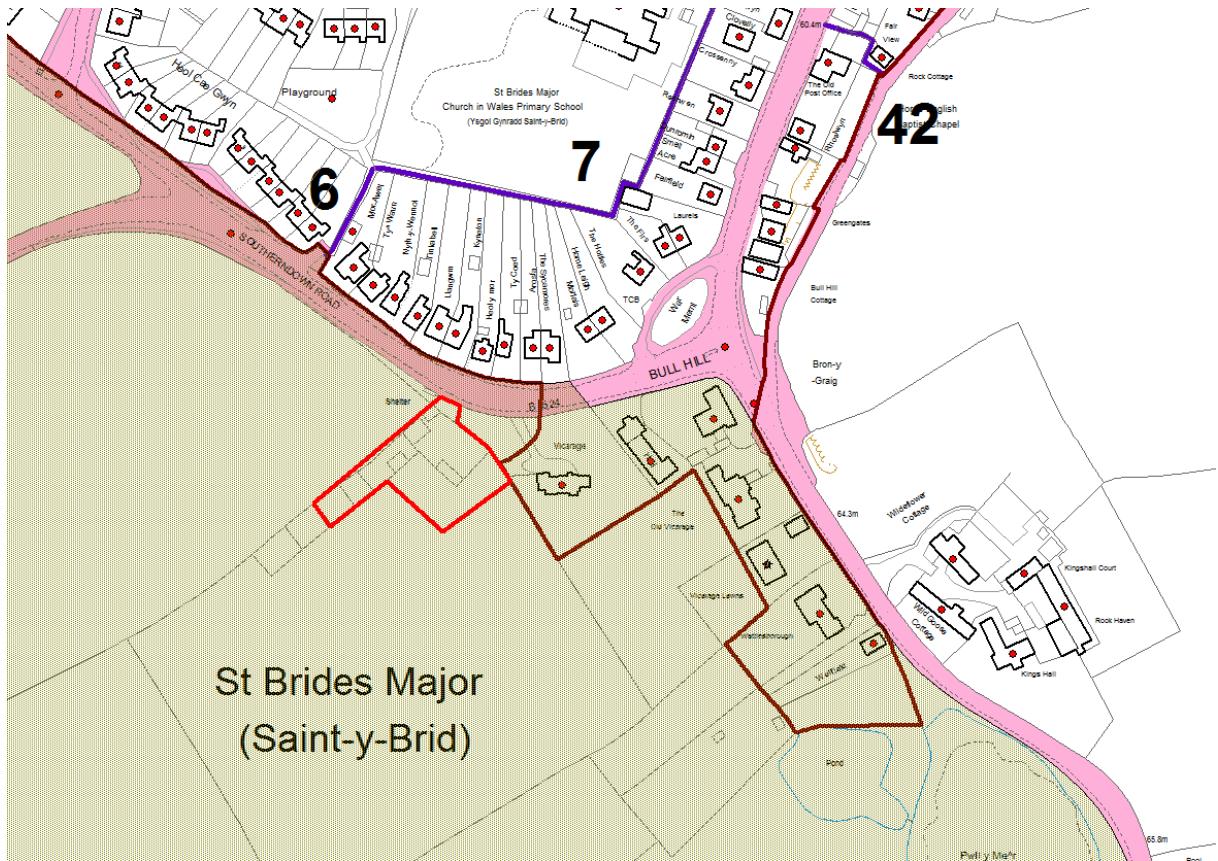
Mr & Mrs C Davies Old Paddock Cottage, Penylan Rd, St Brides Major, Vale of Glamorgan, CF32 0SB
Reading Agricultural Consultants Gate House, Beechwood Court, Long Toll, Woodcote, Oxfordshire, RG8 0RR

Land adjacent to the Vicarage Field, Southerndown Road, St. Brides Major

The erection of a building for the mixed use of tourist accommodation and residential use associated with the existing equine use.

SITE AND CONTEXT

The application site lies to the south of the B4524 Southerndown Road in St. Brides Major, and forms the boundary of the edge of the settlement on its western side (adjacent to the Vicarage which is just within the settlement boundary). The map below is an extract from the Vale of Glamorgan Unitary Development Plan to show the context of the site. The red line marks the extent of the site boundary in the context of the settlement.

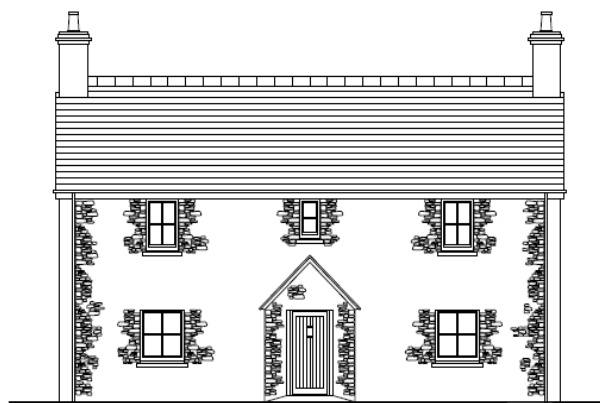


The site is currently used for horse related activities. It rises gently from the highway towards the south and includes an existing yard with barns and wooden fencing forming the enclosures. The western boundary of the site is formed by three agricultural buildings constructed of stone, timber and corrugated iron. Directly adjacent to the site to the east is a residential property known as the 'Vicarage, to the north is the highway with residential dwellings directly opposite which front the B4524 (Southerndown Road) and to the west and south are agricultural fields, all within the Glamorgan Heritage Coast (as shown on the map extract above). There is an existing gated access direct from the B4524 into the yard area and the site entrance is adjacent to a bus stop.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the erection of a building for a mixed tourist accommodation and residential use, associated with the existing equine use. It proposes a mixed tourism and rural enterprise dwelling incorporating bed and breakfast in connection with the existing rural enterprises that are Vale Carriages and St. Brides Riding and Trekking School, as well as the change of use of land to site two shepherd huts for visitors. The proposal includes the following elements:

- Proposed rural enterprise dwelling incorporating Bed and Breakfast accommodation. The proposal is for a two-storey cottage style dwelling with a rear single storey annex, measuring 12.7m by 8m with a floorspace of approximately 270m² (B & B incorporates approximately 80% whilst the managers accommodation incorporates the remaining 20%)
- The ground floor includes an accessible disabled bedroom/bathroom and private bedroom/bathroom towards the front, either side of the main entrance and hall. Towards the rear are a guest dining room, a shared kitchen, boiler room and lobby.
- The first floor includes two guest bedrooms with en-suites and another with access to a bathroom towards the front. The proposed plans and elevations are included in the report below for ease of reference.
- It is also proposed to use a portion of the western corner of the field to the rear of the yard for part time use (Easter or April 1 (whichever is the earlier) to September) for the siting of two tourist 'shepherd huts'. When not in use the 'shepherd huts' would be stored in the southernmost agricultural building.



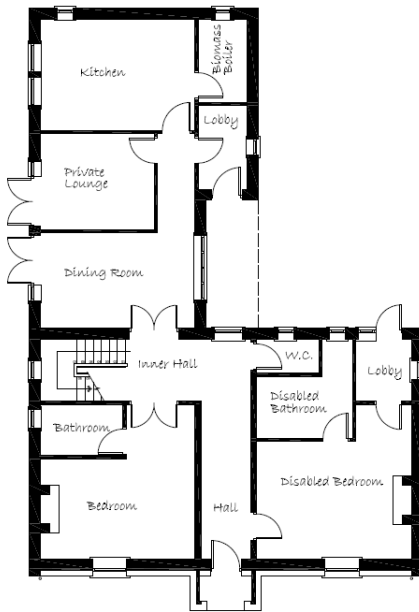
North Elevation
Scale 1:100 @ A4



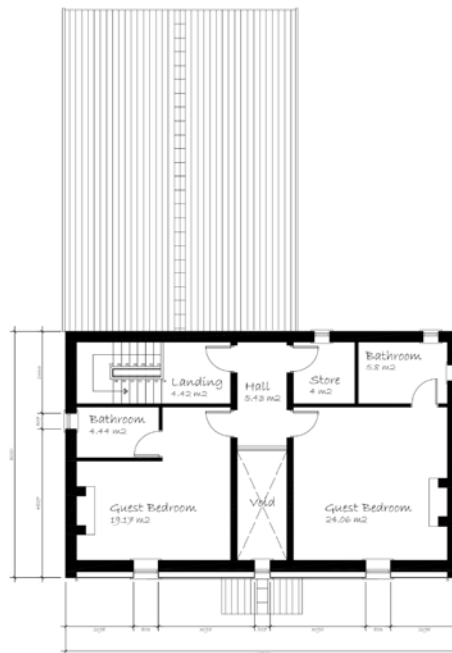
South Elevation



East Elevation
Scale 1:100 @ A4



Ground Floor Plan
Scale 1:100 @ A4



First Floor Plan
Scale 1:100 @ A4
67.32 m²

The application has been accompanied by the following supporting information

- Design & Access Statement
- Planning Statement- including Business Plan
- Elevations and floor plans of proposed dwelling and Shepard huts

PLANNING HISTORY

2015/00217/FUL- : Yard adj Vicarage Field, Southerndown Road, St. Brides Major - Proposed new rural enterprise dwelling incorporating bed and breakfast in connection with Vale Carriages and change of use of land for two shepherds huts for visitors - Withdrawn

2013/01217/FUL : Yard adj Vicarage Field, Southerndown Road, St. Brides Major - Proposed new rural enterprise dwelling incorporating bed and breakfast in connection with Vale Carriages and change of use of land for two shepherds huts for visitors - Refused, for the following reasons:

1. The proposed dwelling and bed and breakfast accommodation are not supported by sufficient justification that a countryside location is essential and a functional need for a dwelling in association with the proposed bed and breakfast and Vale Carriages has not been adequately demonstrated. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV10 - Conservation of the Countryside, TOUR1 - New Hotels in the Countryside and TOUR3 - Conversion of Buildings to Guest Houses and Bed and Breakfast Accommodation with Settlement Boundaries of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Paragraph 9.4.3 of Planning Policy Wales (Edition 5 November 2012), Section 4.8 of TAN 6 - Sustainable Rural Communities (July 2010) and Section 4 of Practice Guidance - Rural Enterprise Dwellings – Technical Advice Note 6 (December 2011).
2. Notwithstanding the absence of a demonstrated functional need, the proposed dwelling, by reason of its scale and form, is considered to be excessive for the needs of the rural enterprise in question, and demonstrably harmful on the character and appearance of the wider countryside and the designated Heritage Coast, contrary to Policies ENV1 - Development in the Countryside, ENV5 - Heritage Coast, ENV27 - Design of New Developments, and HOUS2 - Dwellings in the Countryside of the UDP and the advice contained within Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities.
3. The application has failed to provide sufficient information on which to assess the proposal with regard the potential impact on trees on the site and adjacent boundary and is therefore considered that the applicant has failed to demonstrate that trees would not be unacceptably impacted, contrary to policies ENV11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011

2012/00139/LAW : Yard adjacent to The Vicarage, St. Brides Major. Pole Barn for use in agriculture. Approved 28 August 2012.

2003/01125/FUL : Cae George, Southerndown Road, St. Brides Major. Box section pole barn. Refused 3 October 2003.

1995/00954/OGWR : New dwelling, Refused (history record missing).

1991/00121/OGWR : Three bedroom dwelling, Refused 04/04/1991. Application refused for two reasons:

CONSULTATIONS

The Highways Authority was consulted on 23 November 2015. No objection subject to conditions relating to the access widening, visibility splays, parking spaces, gate enclosures and run off.

The Economic and Tourism Development Section of the Council was consulted on 23 November 2015. The economic development section are supportive of the application to provide accommodation of this form in this location where the tourism service sector is growing within the Vale of Glamorgan.

Glamorgan Gwent Archaeological Trust was consulted on 23 November 2015. No comments have been received but previously (in the withdrawn application) there was no objection to the proposed development.

St. Brides Major Community Council was consulted on 23 November 2015. No comments have been received to date

Local ward members were consulted on 23 November 2015. No comments have been received to date.

Dwr Cymru Welsh Water were consulted on 23 November 2015. No comments have been received to date, but the previous comments in the withdrawn application stated no objection subject to conditions and advisory notes being attached to any permission. The conditions related to foul and surface water being drained separately from the site and surface water/land drainage not being connected directly or indirectly to public sewage system.

National Resource Wales were consulted on 23 November 2015. They have responded but have no observation on the matter.

REPRESENTATIONS

The neighbouring properties were consulted on 23 November 2015

The application was advertised in the press on 17 December 2015.

Site notice was erected on 25 February 2016

One letter of objection has been received in respect of the application. This outlines the following: -

- Development in Glamorgan Heritage Coast should be strictly controlled
- It would result in the loss of Agricultural land
- There are no properties built on this side of the B4524
- The yard is located near to the Coastal Conservation area
- It would set a precedent for residential development

REPORT

Planning Policies

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

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV2 – AGRICULTURAL LAND

ENV5 – GLAMORGAN HERITAGE COAST

ENV9- DEVELOPMENT INVOLVING HORSES

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS3 – DWELLINGS IN THE COUNTRYSIDE

HOUS5 – AGRICULTURE OR FORESTRY DWELLINGS

HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA

TOUR1 – NEW HOTELS IN THE COUNTRYSIDE

TOUR3 – CONVERSION OF BUILDINGS TO GUEST HOUSES/B&B WITHIN SETTLEMENTS

TOUR4 – CARAVAN, CHALET AND TENT SITES

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, Jan 2016) (PPW) is of relevance to the determination of this application. Chapter 4 – Planning for Sustainability; Chapter 5 – Conserving and Improving Natural Heritage and the Coast; Chapter 7 – Economic Development; Chapter 9 – Housing; Chapter 11 – Tourism, Sport and Recreation

In particular Chapter 11, which outlines

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

11.1.2 The Welsh Government's aim is for :

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

Paragraph 7.3.2 of PPW states while some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprises in or adjoining small rural settlements. The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts on local amenity.

Paragraph 9.3.6 of PPW states 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:

TAN 6 – Planning for Sustainable Rural Communities (July 2010)

The purpose of this TAN is to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

Paragraph 4.3 refers specifically to Rural Enterprise Dwellings stating at 4.3.1 that one of the few circumstances in which new isolated residential development in the open countryside may be justified where accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.

Paragraph 4.6 makes specific reference to new dwellings on new enterprises and at paragraph 4.6.1 states that if it is considered that a new dwelling will be essential to support a new rural enterprise, it should satisfy the following criteria:

- a. Clear evidence of a firm intention and ability to develop the rural enterprise concerned (*significant* investment in new buildings and equipment is often a good indication of intentions).
- b. Clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available.
- c. Clear evidence that the proposed enterprise has been planned on a sound financial basis.
- d. There is a clearly established functional need relates to a *full-time* worker, and does not relate to a part-time requirement.
- e. The functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and
- f. Other normal planning requirements, for example siting and access, are satisfied.

Paragraph 4.7 refers to Rural Enterprise Dwelling Appraisals and 4.7.1 states that planning applications for new permanent and temporary rural enterprise dwellings in the open countryside need to be supported by robust evidence. A Rural Enterprise Dwelling Appraisal must accompany planning applications for this type of development and include information sufficient to enable the planning authority to make a full and effective assessment.

Practice Guidance – Rural Enterprise Dwellings – Technical Advice Note 6
Planning for Sustainable Rural Communities (December 2011)

The practice guidance at paragraph 1.6 states that the underlying objective of limiting sporadic development in the countryside remains unchanged, but the Welsh Government has recognised that there is a wider concern in respect of access to appropriate and affordable housing on the part of the rural community. Shortage of affordable housing to buy or rent is recognised as one of the greatest challenges facing many communities in Wales. Consequently a range of policy measures has been introduced to improve access to housing in rural areas.

At paragraph 1.7 the guidance explains that as part of the package of measures the Welsh Government has reviewed the scope of the exception to policy which enables individual dwellings to be located in the countryside where there is an essential need. As a consequence of the review, the exception which has been available to agricultural and forestry workers has been extended to a wider range of workers in rural enterprises. This extension applies primarily to land-related businesses, which directly or indirectly, need to be located in the countryside rather than in existing settlements.

TAN23 – Economic Development (February 2014)

Paragraph 1.1.6 recognises that the whole-economy contribution to economic growth is important; however, the traditional land use classes B1-B8 must continue to be planned for in a sustainable way as these will form the cornerstone of many development plan employment policies and site allocations. This TAN therefore deals principally with the B-classes.

Section 3 refers to Economic Development and the Rural Economy recognising at paragraph 3.1.3 that there are two kinds of special contribution that are particularly relevant to rural development. Firstly, an economic development could make communities more sustainable, by improving the alignment of housing and jobs, and encourage people to work close to home. Secondly, the needs of established businesses or clusters may be very specific. When businesses expand or modernise, they may need to do so in situ; it may be highly inefficient or impracticable for them to relate to a sequentially preferable site. Similarly new businesses aiming to join existing clusters may need to be close to existing businesses if they are to derive the benefits.

Paragraph 3.1.6 states that development on land not allocated in the development plan should, however, only be permitted in exceptional circumstances and must be fully justified.

Supplementary Planning Guidance:

Amenity Standards for Residential Development
Design in the Landscape
Sustainable Development
Trees and Development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public 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 2.6.2 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:

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include the principle of the development, the justification for the new dwelling, the design and visual impact, any effect on neighbouring residential amenity and highway safety.

Background to the proposal

The application site is used for the storage of hay and machinery in connection with the applicant's management of their wider agricultural land holding of 80 acres, and St. Brides Riding and Trekking Centre, which is owned and managed along with the owner's landscape maintenance company. The site is also understood to be used in connection with the applicant's Vale Carriages Business and the landscaping company. Essentially, the yard consists of some simple barn structures, machinery storage and a small yard area with grazing land beyond.

Two applications were submitted within the last 2 years (**2013/01217/FUL** and **2015/00217/FUL**) which proposed a similar development to the application subject of this report. The 2013 application was refused and the reasons for its refusal are outlined in the planning history section above. The more recent application was withdrawn prior to being determined.

Accordingly, in order to overcome the previous refusal, the application has been amended to include additional information. In particular, the changes from the refused and withdrawn applications are as follows: -

- Reduced scale and differently designed dwelling, as well as reduced private accommodation for the applicants and increased B & B and horse related accommodation within the building.
- Updated financial information - showing 5 years rather than 3 years of projections for the business.
- An amalgamation of how the two businesses owned by the applicants are considered, in terms of their links the development proposed. i.e, Vale Carriages and St. Brides Riding and Trekking Centre.
- More detail on the functional requirements of this tourism/equine based proposal.

Principle of the Development

The site is located in the countryside, just outside the defined residential settlement boundary for St Brides Major. It also lies within the identified Glamorgan Heritage Coast.

Policy ENV1 of the UDP seeks to protect the countryside from inappropriate development stating that within the delineated countryside permission will only be granted for development which is essential for agriculture, forestry or other development for which a rural location is essential, appropriate recreational use, re-use or adaptation of existing buildings or development approved under other policies. Policy HOUS5 permits houses in the countryside subject to certain criteria including criterion (i) that there is an essential need, based on a functional assessment and where appropriate, the financial necessity is clearly demonstrated.

Policy ENV5 refers to the Glamorgan Heritage Coast where the special environmental qualities will be conserved and enhanced ... with priority being given to agriculture, landscape and nature conservation.

Policy TOUR1 refers to new hotels in the countryside and it states that hotels will not be permitted outside the boundaries of the towns and villages. Similarly policy TOUR3 refers to the conversion of buildings to ... bed and breakfast accommodation specifically within settlement boundaries being acceptable subject to certain criteria.

It is clear therefore, that the current proposal does not meet the requirements of the current adopted UDP policies since the dwelling and bed and breakfast are outside the defined settlement boundary and cannot be justified in the interest of agriculture or forestry. Although in principle the proposal would be considered contrary to adopted policy, 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, TAN 6: Planning for Sustainable Rural Communities (July 2010) is a material consideration and it broadens the scope of exceptions to policy, which enables individual dwellings to be located in the countryside where there is an essential need for a rural enterprise.

Justification for New Dwelling

TAN6 requires a justification to be provided for houses in the countryside using the following criteria:

- a) Clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions).
- b) Clear evidence that the new enterprise needs to be established at the proposal location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available.
- c) Clear evidence that the proposed enterprise has been planned on a sound financial basis.

- d) There is a clearly established functional need and that need relates to a *full time* worker, and does not relate to a part-time requirement.
- e) The functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and
- f) Other normal planning requirements, for example siting and access, are satisfied.

TAN6 specifically requires an application for a rural enterprise dwelling to be accompanied by a Rural Enterprise Dwelling Appraisal (referred as 'the Appraisal' for ease of reference), with the onus being on the applicant to provide sufficient evidence to support an exception to policy. The appraisal should address the following tests:

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

This application is supported by the Appraisal, which includes an updated Business Plan for the proposed Bed and Breakfast. The information within these will form the basis of the assessment against the criteria in TAN6 as outlined above.

Evidence of Firm Intention to develop the business, and the business case

In the case of many proposals for an agricultural dwelling, the intention to develop the rural enterprise may be typically demonstrated by purchasing land, stock and machinery, however, in this case the new building is the principal part of the development that is required in order to develop the business. No additional land is required as the applicant already owns the site and has enough land to develop the business in the way proposed.

The applicant's agent has outlined in the submissions that as well as owning the land, the applicants have also established a successful horse riding school within close proximity in addition to the Vale Carriages business, which exists on site. The applicant's agent states that this shows that the applicant is well established in the equestrian service industry within the locality and the B & B demonstrates clear intentions of expanding these existing horse related services.

The riding school is well established and in light of the number and nature of planning applications received and approved in recent years (for facilities and buildings associated with that business), it is considered that it is a sound enterprise that contributes to leisure and tourism in the local area. It is therefore accepted that the applicants have good knowledge in the equestrian service industry and have the land and expertise to implement the proposal if permission is granted.

The functional need for the development is assessed in detail in the following section, however, there is evidently no existing functional need in relation to the B & B since it does not exist; rather it is a planned expansion of the business. Therefore in the first instance, and prior to considering the functional need, it is necessary to consider whether this is a sound, well planned and acceptable expansion in principle, then it is necessary to consider whether there is a demonstrable functional need. The financial test is also assessed later in the report, however, the application is supported by a comprehensive business plan which demonstrates that the proposal has been planned on a sound basis and demonstrates a market for the business.

It should be noted that applications of this kind cannot realistically guarantee the future success of a business, rather the planning system (if it is to encourage and facilitate genuine rural enterprises) can only require applications to demonstrate a sound planning and the likely prospects of success based on a market assessment. It is considered that the submitted business plan does this as far as is practicable.

The Council's Economic Development and Tourism sections have identified a need for this kind of accommodation and are supportive of the application. Consequently, and having considered the content of the business plan and the nature of the location, it is considered that this is a positive enterprise in principle that would be supported by the applicants' experience in this sector.

Therefore, having accepted the merit of the development in principle (as an expansion of the applicants' existing businesses) and the substance of the applicants' intentions/ability to expand the business, it is necessary to consider the tests set out in TAN 6.

Does the development necessitate a rural location

In order for the B & B with manager's accommodation to be considered acceptable against the advice in TAN 6, it must be demonstrated that a rural location is necessary for the business. It is considered that a typical B & B does not, in principle, require a rural location, however, the applicant's proposal is for a B & B that is fundamentally linked to Vale Carriages and the riding school. The development/activities at the site includes the stabling of customers' horses in the existing building on the site and the stabling of Vale Carriages horses, and it is considered that a rural location is essentially required for this. While it is accepted that the site is on the edge of the settlement, it nevertheless provides the space for this kind of development that would not typically be available within a settlement. The siting of stables within a settlement boundary may also be likely to raise residential amenity concerns. Furthermore, given the nature of the business and the relationships between the respective parts of the development, it would be impractical to site the stabling away from the B & B. It is, therefore, considered that the business, as a whole, requires a location such as this.

While the submissions envisage a development where occupancy of the B & B is dominated by horse related custom, it is possible that a proportion of occupants may be unrelated to the horse related activities on offer. However, it is considered that it would be impractical and unreasonable to condition any consent to restrict B & B custom that is unrelated to the horse uses, since such occupation would still represent a benefit to the rural economy.

The Functional Test

Paragraph 4.8.1 of TAN6 refers to the **Functional Test** and states 'A *functional test* is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should be related to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention.'

The Appraisal argues that the proper functioning of the enterprise in line with the tourism vision requires the owners, who are proposed as the main workers, to live on site and be readily available at most times of the day. This is due to the fact that a consistent on site presence is required to:

- Manage the B & B as a tourism business and be 'on site' to meet the needs of those using the accommodation
- To provide care and attention to the horses being stabled on site as well as any emergency attention and covering appropriate insurance requirements of stabling other persons horses.
- Due to the requirements of those using the accommodation and the requirements of being near to the horses (who may have health issues following exercise or possible conflict with other unfamiliar horses) there is a functional need for a manager to be on site.

The general acceptability of the principle of the business expansion is assessed in the previous section, therefore, it is now necessary to consider whether there is a genuine functional need.

Having considered the context of the proposal and the evidence provided, an assessment must be made of whether a new dwelling/the manager's accommodation is necessary and if it is essential for a worker to be available at most times at site for the rural enterprise to function properly. In this case, the development would provide a relatively unique service of stabling customers' horses alongside tourism accommodation.

In terms of the B & B, while it may not be impossible for certain customer issues to be attended to from a remote base, this would clearly represent a less desirable arrangement where the manager would be less able to respond quickly to such issues or emergencies. It is considered that this would have an impact on the quality of the tourism accommodation being offered and an impact therefore on the likely prospects of the business succeeding. In terms of the stabling, while similarly it may not be impossible for a number of issues arising to be dealt with from a remote base, a permanent on site presence would enable horses' health/condition (emergencies or otherwise) to be monitored more closely and it would give greater assurance to potential customers that the animals were being looked after appropriately. It also appears that there may be insurance related difficulties without an on-site presence, albeit this hasn't been demonstrated definitively.

Having regard to the nature of tourism accommodation being proposed and the association with the horse related uses, it is considered that an on-site presence is necessary in order to properly care for the needs of customers and to attend to any horse related welfare issues. It is therefore considered in this case that the needs and proper running of the B & B business and the horse related activities justify an on-site presence that would most sensitively be provided within ancillary accommodation within the B & B. Accordingly, it is considered that the functional test is passed.

Paragraph 4.6.2 of TAN 6 states that in the case of new dwellings on new enterprises, it may be appropriate for the planning authority to test the evidence by granting permission for temporary accommodation for a limited period. However, notwithstanding the information contained within the business plan, it is considered that temporary form of accommodation clearly would not be appropriate or practical.

The applicant's agent has provided the council with an appeal that was considered under a neighbouring authority (RCT- Rhondda Cynon Taff), where a very similar development was considered on the basis of a B & B with 'horse holiday' services that qualified (in the view of the RCT Council) as a rural enterprise and was also considered under the tests highlighted in Section 4.6 of Technical Advice Note 6.

On consideration of the tests, the Inspector accepted the functional need for such a development on the basis of the bed and breakfast requirements of the business as well as the horse related services. In paragraph 5 of the decision letter (see attached in Appendix A) the inspector outlines the following: -

5. *Whilst it was noted that investment so far had mainly been in the existing stables the Council did not have significant concern with regard to the first criterion, namely that there was clear evidence of a firm intention and ability to develop the enterprise. The appellant had looked at alternative properties for the proposed business but these had not been feasible. Criterion b), evidence that the new enterprise needed to be established at the proposed location, was therefore satisfied. It was also agreed that, were the business to be established as proposed, a presence on site would be required most of the time, bed and breakfast guest would need welcoming, looking after and to be given some help with their horses. In this case, therefore, the functional test is met and all disputed matters concern the financial basis of the proposal*

Accordingly, alike this application, it was considered a presence would be needed on the site most of time to deal with the guests and help with their horses.

The Time Test

Paragraph 4.9.1 of TAN6 refers to the **Time Test** and states 'If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker'.

This appraisal sets out labour requirements for the proposed B & B accommodation use. The Appraisal sets out the labour requirements, outlining that the horse stabling takes up 2 hours of the labour requirements a day while the B & B requires an additional 10.5 hours a day of work from 07:00 to 21:00. There are also additional duties beyond 21:00 and prior to 07:00 but these appear to be responding to on call matters rather than essential duties.

It is considered that the application has demonstrated the need for at least 1, full time worker and the manager's accommodation is not excessive to meet this need. Clearly, the building as a whole is larger than required for a single worker, however, the majority of this accommodation is for the B & B. The test is therefore passed.

Financial test

Paragraph 4.10.1 of TAN6 refers to the **Financial Test** and states 'The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years.'

The Appraisal does show predicted or projected sales and costs for a five year period. In addition, more up to date information was submitted on the existing Vale Carriages business recently set up by the owners. It is suggested in the applicant's appraisal that the previous estimations of sales were 'conservative' at an average occupancy of 49%. In addition, the previous forecasts were in relation to the standard B & B and the Shepherd's huts and ignored the likely revenue streams that would be generated by the carriage rides or the horse B & B, both of which are 'synergistic attractions. It is judged that 40% occupancy of the horse stabling would accumulate to £7,300 per year, while the forecast income for the vale carriages is some £20,200.

When combining these forecast figures the statement outlines that an income between £94,000 (year 1) to £113,100 (year five) would be predicted and a profit of £41,350 (year 1) to £45,452 (year 5). It is stated that the figures are realistic for the given occupancy rates, especially when the figure provides a full time wage for a worker in the business. (approx. £14,000 to £18,000 over the five years)

It is acknowledged that the justification of the new dwelling is derived from both the existing Vale Carriages business and the horse B & B, but in the main, the projected income is based on the St Bridget's Bed and Breakfast Business. The figures do show 5 year projected figures as required and have linked further services that could be derived from the horse related accommodation being at the site. It is considered that the submitted appraisal is robust and the findings are not disrupted.

It is considered that the financial figures do show that there is a sound prospect of providing a market return, including the income for a job for which the managers accommodation is being sought, over a 5 year period. The Councils Economic and Tourism section were consulted on the proposal and they outlined that they support any application that aims to have a positive impact upon the Tourism economy in the Vale of Glamorgan. They also outlined that tourism in the Vale has sustained a steady rate of growth in recent years with the value in 2014 increase by 14% on the previous year. Whilst the value per sector has seen the self-serviced sector plateau to some extent, the serviced sector contributed the most towards that growth. In addition, they also support 'alternative' accommodation as this appeals to a wide audience, which is not so readily available locally.

As such, it would appear that the tourism market within this location is not overloaded and is continuing to grow. In addition, due to the more unique horse related services being offered, the site is providing accommodation that does not exist at present within the rural vale and when combined with the existing horse related services demonstrates a financially sound prospect. As such, it is considered that financial test is passed.

The Other Dwelling Test

Paragraph 4.11.1 refers to the **Other dwelling test** and states 'evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need.'

The Appraisal does have a section outlining existing dwellings where it identifies that a search of www.rightmove.co.uk carried out on 2 October 2015 showed that there were seven properties available within 0.5 miles of the site. These ranged from £845,000 to £227,000. The nearest property was some 400m distant and priced at £279,950. The appraisal goes on to state that this property is well beyond the wages of a rural enterprise worker and the property would not be capable of meeting the functional need of the B & B and associated Horse related stabling.

As such, it is considered that no dwelling within close proximity would serve the specific functional needs of the B & B size and horse related business within the curtilage or just adjacent to the site. It is clearly essential to accommodate the necessary accommodation and to provide for the services of the business.

Having regard to the needs of the business, it is considered that the applicant has satisfactorily demonstrated that there are no other suitable, available dwellings in the area. The test is therefore passed.

The Other Planning Requirements Test

Paragraph 4.12.1 of TAN6 refers to ***Other planning requirements test*** and states that rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access.

The *Other planning requirements test* is discussed in the following sections of the report. The matters of the principle of its use have already been discussed and this will not be repeated but the following paragraphs will detail the proposed tourism benefits, sustainability credentials, the design and scale of the dwelling and wider visual impact as well as the impact upon adjoining neighbours and highway safety and bridleways as well as the proposed Shepherd Huts.

Tourism

In addition to the functional and financial tests of the proposed business set out within TAN6, it is also relevant as a material consideration to consider the tourism benefits of such a use.

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

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

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

Accordingly, it is considered that the tourism use with the unique equestrian services would serve to be of a benefit to the rural economy and would benefit tourism in the rural Vale, particularly as the use would serve users of the other tourism destinations and tourism related uses in close proximity to the application site.

Sustainability of Development

In conjunction with the tourism benefits of the site, the Council must also consider the site itself and the sustainability of the equine based tourism use at this location.

The nearest part of defined boundary of the settlement boundary of St. Brides Major closely borders the site to the east on the edge of the garden curtilage of the adjoining neighbour at the Vicarage. The village contains a local convenience store as well as two public houses and a post box, and whilst the site is a notable distance from a number of the day to day services there is direct and easy access to the full range of services provided in the nearest settlements of Llantwit Major and Bridgend by means of a direct bus service (303), (There a bus stop directly outside the site). The access to Llantwit major and Bridgend would access further public transport services, community services, education or employment opportunities. The good access to essential services and more major settlements and the services contained therein, is aided by the footways outside the site providing ready, safe or convenient access to pedestrians. The good access and physical proximity to local services and the availability of pedestrian facilities linking the site demonstrates that the site would not be wholly reliant on the private car. Consequently, it can be demonstrated that this site represents a suitable and sustainable location for mixed tourism and residential use development within the countryside.

Indeed Strategic Policy 2 of the UDP states *'proposals which encourage sustainable practices will be favoured including:... ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.'* Similarly Strategic Policy 8 states that developments will be favoured in locations which *'are highly accessible by means of travel other than the private car'*. The provisions of this policy is echoed within paragraph 9.2.22 of PPW as noted previously which states 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.'*

This sentiment is reflected throughout PPW. With regard to planning for sustainability, part 4.4.3 states that '*planning policies, decisions and proposals should.... locate developments so as to minimise the demand for travel, especially by private car*' and '*Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car*'.

The erection of a rural enterprise dwelling on this site within the countryside is, therefore, considered to be complying with sustainability and tourism objectives set out in national planning policy. Given its proximity to local services and the adequate pedestrian and public transport facilities serving the site, future occupiers of the B & B and the visitors to the site would not be heavily reliant on the use of the private motor car to access essential day-to-day services and facilities. Therefore, the proposal is considered to amount to a relatively sustainable form of development, complying with the provisions of Strategic Policies 2 and 8 of the adopted UDP 1996-2011 and guidance contained within Planning Policy Wales (edition 8, 2016) particularly 9.2.22, 4.43 and 4.74.

The Scale and Design of proposed Dwelling

The previous two applications have proposed larger dwellings than in this instance. In the previous application, the Council had reservations that the proposal did not comply with the sustainable rural enterprise dwelling criteria. i.e that the dwelling was too large as a rural enterprise dwelling and if the rural enterprise were to fail, the dwelling would not be compatible with the rural enterprise worker accommodation or to be used in conjunction with rural affordable housing provision.

In order to overcome the concerns raised in the previous applications the B&B accommodation comprises three double bedrooms, including one designed for disabled use on the ground floor. Less than 20% of the dwelling would be dedicated to the manager's accommodation – this would be located on the ground floor and comprise principally of one bedroom and a private lounge as private accommodation while the kitchen would be shared between private use and use for the purposes of the B&B.

The agent's statement outlined that the entire building would have a floor area of 198m², a significant reduction from the previous floor area of the refused and withdrawn application of almost 400m². The dedicated private accommodation would extend to 39.4m² plus a shared kitchen area for the manager's private use and for food preparation for the B&B.

While the proposed building is relatively large, it is considered that this size is more commensurate with agricultural and rural enterprise dwellings and would not appear as overscaled for the intended purpose.

In addition, the design has been altered to provide a simple pitched roof cottage style dwelling, similar in design and scale to some of the more historic dwellings within the village of St. Brides Major. Furthermore, although the wider visual impacts will be considered in more detail in the section below, it is relevant to outline that the reduced scale and improved design will reduce its impact upon the street scene and also the wider visual amenities of the Glamorgan Heritage Coast beyond.

Visual Impact

With regard to visual impact, Policies Policy HOUS2, ENV5 and ENV27 of the councils Adopted UDP 1996-2011 are relevant.

In respect of the context of this site, the land is located within the Glamorgan Heritage Coast and adjoining the edge of the settlement boundary of St. Brides major. As already outlined, the land is currently occupied and is used for the stabling of horses, the storage of the Vale Carriages and the storage of agricultural machinery in association with the applicant's landscaping business. The land is adjoined to the east by residential dwellings, while to the west are agricultural fields. The adjoining dwelling at the vicarage is a large but has a simple design, in a spacious setting and with views to the Glamorgan Heritage Coast beyond. To the west of the application site are undeveloped agricultural fields offering significant views to the coast along the undeveloped Glamorgan Heritage Coast. Opposite the site is an established pattern of development of more modern detached and semi-detached dwellings.

Policy HOUS2, of the Councils UDP does include a provision for rounding off settlements where the development would be small scale (no more than 5 dwellings). To comply with this provision the proposed development would have to be immediately adjacent to the settlement boundary.

The proposed building lies adjacent to the settlement boundary, but does not naturally 'round off' the existing built form but would rather form a residential extension of the village along the highway to the south. However, in this circumstance, whilst the proposed rural enterprise dwelling would be considered more as an extension to the existing settlement rather than rounding off, it must also be taken into account that the proposal is not just for a market dwelling but a rural enterprise dwelling consisting of a tourism and equine related business use that has an accepted functional need to be in a rural location. When taking this into account, an objection to the pattern of development is moderated by the fact that it is also proposed and accepted as a development that requires the rural location to operate successfully. In addition, the dwelling has been reduced to an appropriate scale and altered in design to ensure the property complements the existing residential development near to the application site and reduces its wider visual intrusion into the countryside.

It is considered, therefore, that whilst the development will alter the appearance of the site, the level of impact is mitigated by the fact that the land has been developed to a degree such that it does not appear as unspoilt agricultural land within the Glamorgan Heritage Coast. Furthermore, as the site is located near to the fringes of the residential settlement and the dwelling has been reduced in scale, the new dwelling would not fundamentally and adversely impact upon the character of the land or the wider visual amenities of the Glamorgan Heritage Coast in a way that a more remote building would. In this instance, the development would represent a less harmful development on the edge of the settlement boundary.

The development would, therefore, not unacceptably impact upon the character of the area in accordance with policies, ENV2, ENV 27 and ENV 5 of the UDP in this respect.

Impact upon neighbours

Due to the proposed location of the new dwelling and Bed and Breakfast on the edge of the settlement of St Brides Major, the site is directly adjacent to only one residential dwelling, The Vicarage. There are also nearby residential properties to the north of the site, on the opposite side of Southerndown Road.

With regards existing neighbouring properties, the main considerations are the impact that the proposed dwelling and Bed and Breakfast will have on the existing levels of amenity and whether there are concerns regarding privacy or overlooking.

Whilst the proposed dwelling and Bed and Breakfast is close to the boundary with the Vicarage, given that the Vicarage is set off the boundary, its orientation (facing Southerndown Road) and the nearest part of the Vicarage is a single storey double garage, it is not considered that there will be any adverse impact. Furthermore, the distance of the proposed Bed and Breakfast from other neighbouring properties fronting the opposite side of Southerndown Road is considered to be sufficient to ensure no adverse impact from the development.

Whilst it is acknowledged that a dwelling and Bed and Breakfast will generate additional traffic, it is not considered that it would be to such an extent that there would be a detrimental impact on neighbouring amenity given there is an existing access from the main road, which is already used in connection with the applicants existing businesses, and the scale of the enterprise is relatively small

Highways & Parking

The development is for the construction of a guest house that will provide 3 No. bedrooms, accommodation for operating staff (including 1 No. bedroom) and the provision of 2 Shepherds huts. Under the proposals, 7 No. car parking spaces will be provided within the site, with access via an existing vehicle crossover located along Bull Hill. The development will be in addition to the existing uses at the site, which include landscaping and carriage hire businesses.

On consideration of the proposal by the Highways Authority, the B & B and managers accommodation is considered acceptable in highway safety related terms subject to conditions on the access being widened, parking and visibility. In addition, there is on street parking available just outside the site.

Use of Bridleways and Coastal path

A material consideration in horse related developments is potential impact upon the nearby bridleways and footpaths. Criterion 4 of Policy ENV9- Development involving horses is relevant in this instance ensuring that horse related development does not adversely impact upon bridleways or footpaths in the area.

One of the components of the business proposed and tourist attractions is the potential for horse riders to use the riding routes within the locality. There are a number of bridleways to the north of the site and some parts of the Glamorgan Heritage Coast can also be used as a bridleway route.

Whilst there is a road directly outside the site that would have to be traversed to get to many of the bridleways to the north of the site, this is only a very short distance and is unlikely to cause any significant issues. Accordingly, following the submission of a plan identifying the many bridleways that could be used within close vicinity of the site, it is considered that there are suitable routes present that would entertain the guests of the B & B and it is considered that the level/intensity of use is not so high that it would result in an excessive impact upon the bridleways or footpaths within the area.

Accordingly, the proposal is considered to comply with (IV) of Policy ENV9 of the adopted UDP.

Shepherds Huts

With respect to the Shepherd huts proposed, these are very similar in nature and principle to the forms of accommodation considered under Policy TOUR4 for Caravans and Tents. As such, Policy TOUR4 is relevant to the assessment of the proposed shepherd huts. Policy TOUR4 advises that new caravan and tent sites will be permitted in principle outside of the Glamorgan Heritage Coast, subject to a series of criteria being satisfied.

In this case, the site does lie within the Glamorgan Heritage Coast, however, the shepherds huts are not as permanent or visually intrusive as a caravan since they will be set on wheels with no permanent fixtures to the ground. Moreover, they are proposed within the curtilage of the application site and there are no utility connections. The applicants are proposing to move the huts around the site but mainly place them within the tree shelterbelt area shown on the site plans.

Accordingly, while the shepherd huts would be situated within the Glamorgan Heritage Coast, the impact of the huts is considered to be mitigated by their modest scale, the absence of a permanent fixing to the land and the absence of the infrastructure required to provide utilities or hard standing areas. In addition, they would be occasionally moved around the land in order not to create permanent scarring. The Council has approved camping sites within the Glamorgan Heritage Coast (notably at Southerndown and Monkash) and it is considered that the principle of allowing two shepherd huts within the curtilage of a B & B, with no fixed hard standing or utilities is acceptable.

The Shepherd huts proposed are modest in scale as well as being traditional in appearance. The scale and design is considered to be appropriate and their position to the rear of the site, under a heavy tree belt, will also minimise the wider visual impact of the proposed ancillary Shepherd hut accommodation.

It is, therefore, considered that the shepherd huts proposed are acceptable in principle and would not be harmful to the appearance and character of the application site and the wider rural context of the Glamorgan Heritage Coast, in accordance with Policies TOUR4, ENV5, and ENV27 of the UDP.

The site has adequate parking to cater for the limited numbers of vehicles that would have to be associated with this use and they would not adversely impact upon the amenities of neighbours.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans and documents:-

Location Plan received on 4th November 2015

Site Plan received on 4th November 2015

Ground floor and elevation Plans received on 4th November 2015

Planning Statement received on 4th November 2015

Design & Access Statement received on 4th November 2015

RAC/6332/6- Shepherd hut elevations submitted on 30th March 2016

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

Reason:

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

3. The managers accommodation hereby approved shall be laid out in accordance with the areas highlighted in blue and red shown on the proposed ground floor plan submitted with the application. The remainder of the accommodation shall only be used for guests in conjunction with the approved B & B tourism use and for no other use whatsoever unless otherwise agreed by the Local Planning Authority.

Reason

For the avoidance of doubt and to control the level of accommodation as a B & B and residential accommodation, complying with the guidance and advice from TAN6 and PPW.

4. The occupancy of the building shall be restricted to:
 - a) Manager(s) of the Bed & Breakfast business building hereby approved and guest/visitors using the bed and breakfast business; or
 - b) 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,
 - c) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason:

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

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

Reason:

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

6. Notwithstanding the submitted plans, and before commencement of development, full details of the proposed access to be the site (including dropped kerbs and visibility splays) shall be submitted to and approved in writing with the Local Planning Authority and it shall be implemented in accordance with the approved detail prior to the beneficial use of the development and so maintained at all times thereafter.

Reason:

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

7. Prior to the beneficial use of the building, details of all means of enclosure associated with the development hereby approved (including the means of enclosure around the perimeter of the site) shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use and so maintained at all times thereafter.

Reason:

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

8. Before the commencement of development, full details of the finished levels of the site in relation to existing ground levels and the adjoining highway, including cross-sections, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained at all times thereafter in full accordance with the approved details.

Reason:

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

9. Before its installation on site, full details of the foul drainage and surface water drainage infrastructure shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented and maintained at all times thereafter in accordance with the agreed details.

Reason:

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

10. Prior to the commencement of development full details of a proposed landscaping scheme, which shall include details of siting, species and specimen size of all the planting shall be submitted and approved in writing by the Local Planning Authority.

Reason:

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

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

12. The shepherd huts shall be in accordance with the approved details shown on the plan ref RAC/6332/6- Shepherd hut elevations submitted on 30th March 2016 and located in the approximate location shown on the site plan ref RAC/6332/5 received on 4th November 2015.

Reason

In order to protect visual amenity of the wider countryside and the Glamorgan Heritage Coast and to comply with Policies ENV5 and ENV27 of the Adopted UDP 1996-2011.

13. Prior to siting of any shepherd hut, details of the shepherd huts materials (including samples and colours) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the finishing details agreed prior to the beneficial use of the shepherd huts on site and so maintained at all times thereafter.

Reason

To ensure the development is in accordance with the proposals and to protect the site from any harmful visual amenity to the Glamorgan Heritage Coast, complying with Policies 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 Strategic Policies 1, 2 and 6 and Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV5- Glamorgan Heritage Coast, ENV9 – Development Involving Horses, ENV10 – Conservation of the Countryside, ENV27 - Design of New Developments, ENV29 – Protection of Environmental Quality, TRAN10 – Parking and HOUS5- Agricultural and Forestry Dwellings of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Councils Supplementary Planning Guidance on Amenity Standards and Design in the Landscape, TAN 13 – Tourism TAN6- Planning for Sustainable Rural communities and Planning Policy Wales, it is considered that the proposed tourism and equine based development with managers residential accommodation would be acceptable in principle in this location and would not unacceptably impact upon the character of the Glamorgan Heritage Coast or the existing street scene, the residential amenities of neighbouring properties, the safety or free flow of traffic, the quality of the agricultural land or any protected species. It is also considered that the development represent a positive and sustainable tourism use which would support the local rural economy, in accordance with the aims of the above policies and guidance.

NOTE:

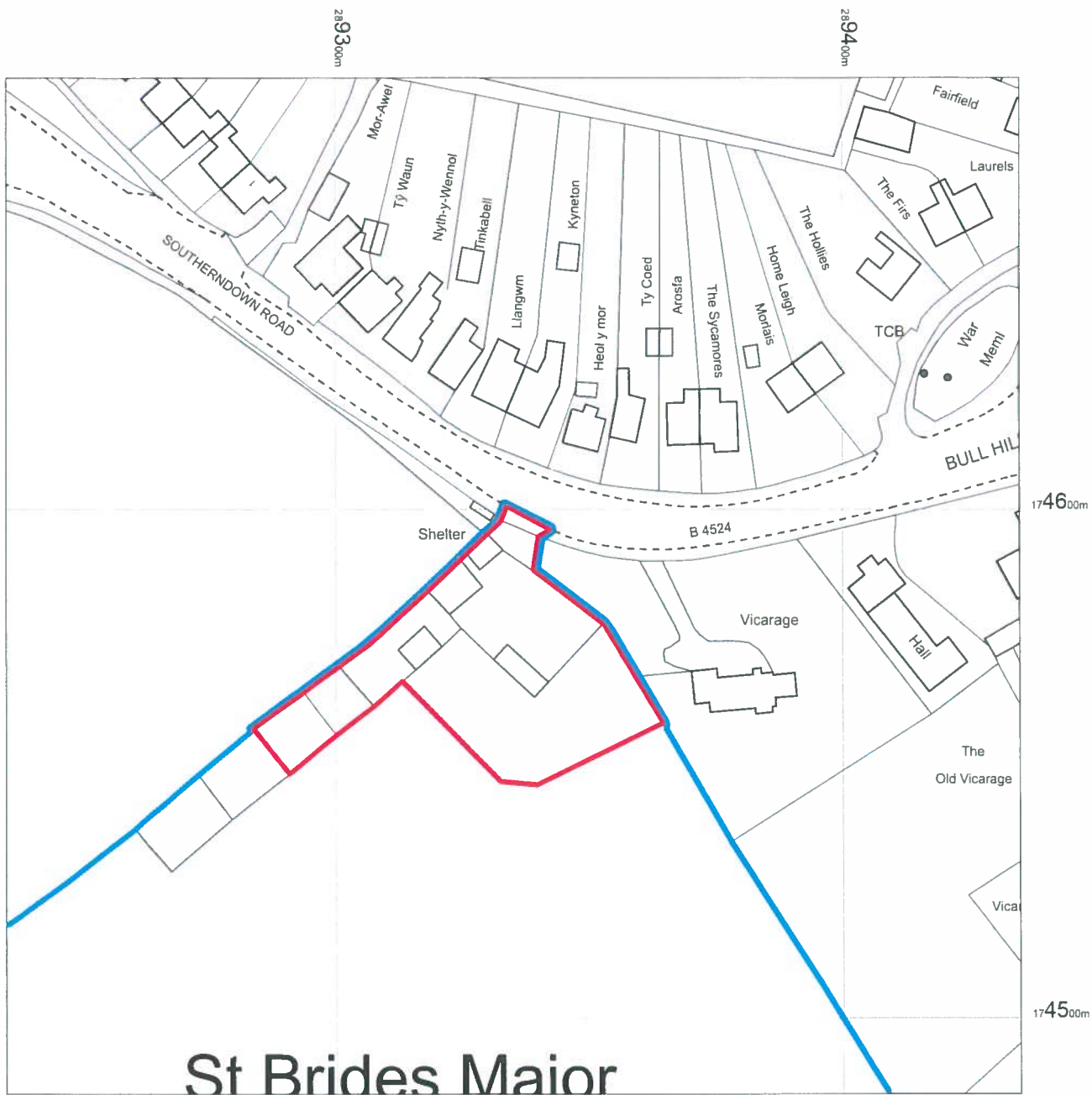
- 1. Please note that an agricultural occupancy condition applies to this consent and you should ensure that you can fully comply with the requirements for occupancy as detailed in the conditions. Failure to do so may result in the Council taking legal action against you.**
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 3. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**

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

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

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

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

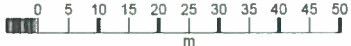


St Brides Major

RECEIVED 1501293 FUL

- 4 NOV 2015

ENVIRONMENTAL AND ECONOMIC REGENERATION



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DRAWING TITLE		Reading Agricultural Consultants Ltd	
LOCATION PLAN		Gate House Beechwood Court Long Toll Woodcote RG8 0RR Tel: 01491 684233 Fax: 01491 680800 www.readingagricultural.co.uk	
CONTRACT		Reading Agricultural Consultants	
MR C DAVIES VICARAGE FIELD SOUTHERN DOWN ROAD ST BRIDGES MAJOR VALE OF GLAMORGAN		Drawn HTD	Ch'kd IWD
MK		REVIS ON	DATE
P 138		Scales 1:1,250@A4	Date Feb 2015
			Rev. RAC/6332/4

2015/01477/FUL Received on 21 December 2015

Mr. K Mahoney 6, Clos Y Fulfran, Barry, Vale of Glamorgan, CF62 5DG
Mr. A. Parker Andrew Parker Associates, The Great Barn, Lillypot, Bonvilston,
Vale of Glamorgan, CF5 6TR

6, Clos Y Fulfran, Barry

Proposed garage conversion and ground floor extension to form additional accommodation and dormer extension to the rear

SITE AND CONTEXT

The application relates to a two storey detached property which comprises a flat at first floor and three garages at ground floor, one serving the flat and the others serving neighbouring property No. 5 Clos Y Fulfran. It is part of a residential street within the Barry settlement boundary as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. Opposite and to the left of the front elevation are two semi-detached houses, No 4 Clos Y Fulfran and No 5 Clos Y Fulfran. To the rear there is a terrace of three residential properties, No. 36, 38 and 40 Clos Wylan. The East boundary is situated next to a footpath and the West boundary is located next to a small garage area. The rear garden of the property is approximately 5 metres in length and 10 metres in width.

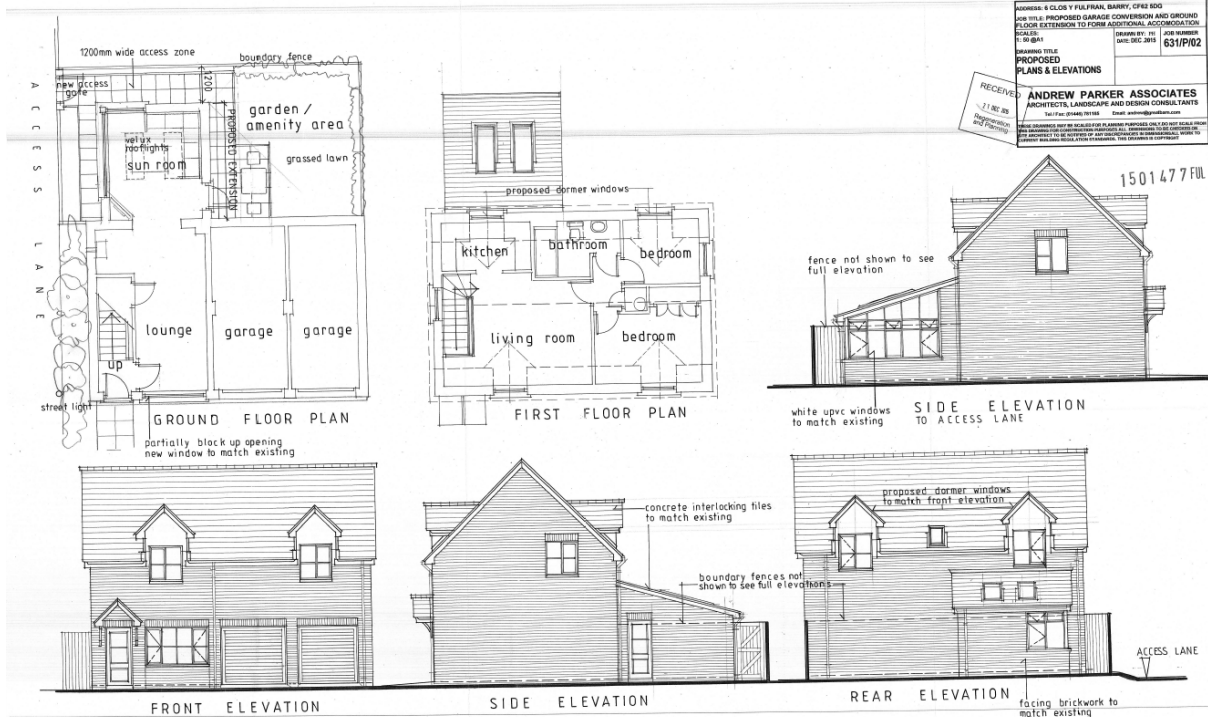
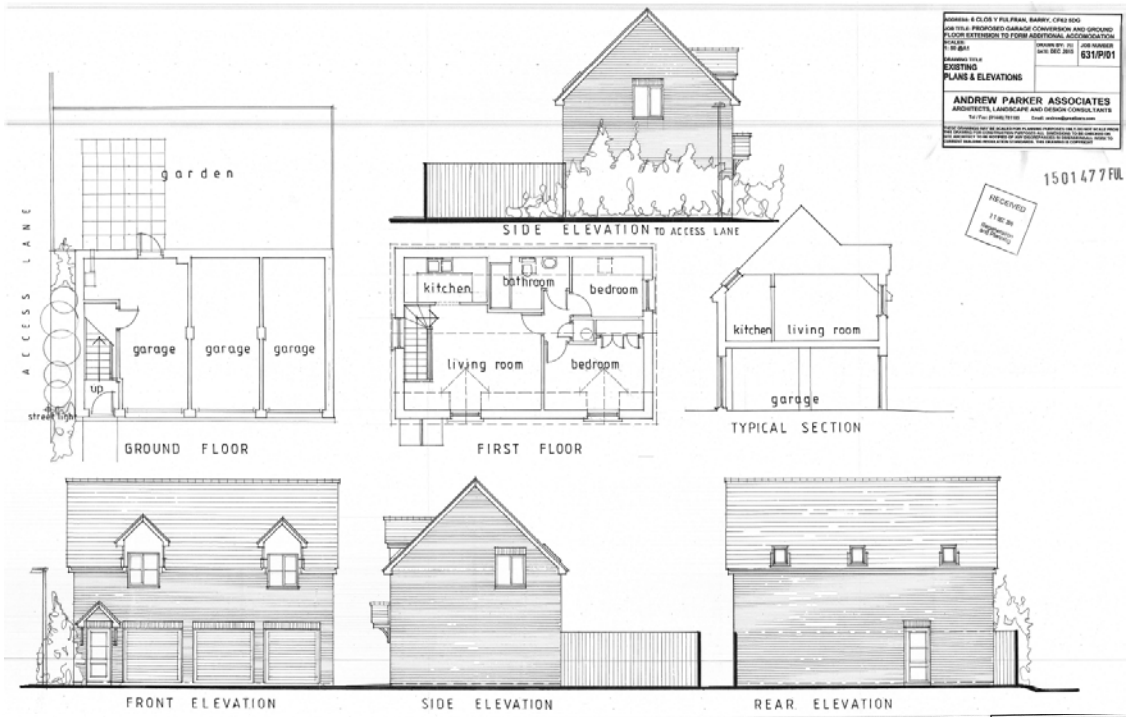
DESCRIPTION OF DEVELOPMENT

The application seeks permission for a single storey rear extension, two rear dormers and the conversion of a garage.

The single storey rear extension will measure 3.8 metres wide by 4 metres deep to a height of 2.1 metres at the eaves and 3.5 metres to the top of a pitched roof. The proposed development will be 5.2 metres away from the West boundary and 1.4 metres from the East Boundary. The window to the rear elevation of the extension would measure 0.9m in width and 1m in height, whilst the side elevation windows will measure 3.1m in width, 0.8m in eaves height and 2.2m to the pitched roof.

The proposed pitched roof rear dormer extensions measure 1.7 metres in width, 1.9 metres in height and 2 metres in depth matching the design and proportions of the existing dormers on the front elevation of the property. A window would be positioned on each dormer with dimensions of 1 metre by 1.2 metres. One of the three garage doors is proposed to be removed and a window measuring 2.2m in width and 1.8m in height inserted in its place.

The plans below show the existing and proposed arrangements.



PLANNING HISTORY

1989/01254/OUT : Barry Island Resort, Nells Point, Barry Island - 800 permanent homes, open space & infra-structure, car parks and possible day visitor attractions with retail facilities - Withdrawn 06/12/1989

1997/01198/REG4 : Former Holiday Camp, Barry Island - Mixed use development for commercial tourism, leisure, public open space, residential uses and restoration of site Minute No. 692 - Approved 09/01/1998

1998/01338/RES : Former Butlins Camp, Barry Island - Restoration of headland area (phase 1) including, ground modelling, demolition, soiling, seeding, planting, car park and fences - Approved 23/04/1999

CONSULTATIONS

Barry Town Council was consulted on 4 January 2016. A response was received on 3 February 2016 stating that Barry Town Council had no objection subject to a positive appraisal by the Planning Case Officer in respect of the impact on neighbours.

Baruc Ward members have been consulted. No representations have been received to date.

REPRESENTATIONS

Neighbouring properties were consulted on 4 January 2016. A response was received on 6 March 2016 from neighbouring property No. 5 Clos Y Fulfran. The response makes reference to planning permission 01/00502/RES which removed permitted development rights for alterations and requiring the garages to be maintained as parking spaces. It also refers to legal restrictions in the property which are outside the consideration of the Local Planning Authority.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

Policy:

ENV27 - DESIGN OF NEW DEVELOPMENTS TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 8, 2016) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

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

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

- *there is no adopted development plan or*
- *relevant development plan policies are considered outdated or superseded or*
- *where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.’

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, January 2016) (PPW) is of relevance to the determination of this application.

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
- Parking Guidelines

Issues

The main issues in the assessment of this application are the impact of the proposed development on the character of the dwelling, the impact of the development upon the residential amenity of neighbouring properties and the availability of parking and amenity space provision.

Design and Visual Impact

The finishes of the dormers and extension would match the existing property, and this is considered appropriate in this context. The developments would constitute modest and sensitive additions in terms of scale and it is considered that the designs are compatible with the existing dwelling. It is therefore considered that the proposal would cause no unacceptable impact to the character of the dwelling. They would not be highly visible from the street, but are in any case considered to be of a subservient scale and design that would not adversely impact upon the street scene. The garage conversion would also respect the character of the house in terms of the site of the window and the matching brick surround.

Neighbouring Amenity

The proposed rear extension is of a modest height and although partially visible from the side and rear elevations, it would cause no unacceptable overbearing impact given its modest size and the distance from the boundaries. Given that the rear garden is only 5m in length, the proposed rear dormers would be directly overlooking the rear gardens of No 38 and 40 Clos Yr Wylan, and would also have direct views at a distance of 15m of the rear windows. If the windows on the rear dormers were to be obscure glazed and fitted with an opening restriction, then this would prevent overlooking to those neighbouring properties. Therefore a condition is recommended to ensure this. Subject to this condition it is considered that the development would preserve the neighbours' residential amenity, in accordance with policy ENV 27 of the UDP.

Amenity Space

The proposed development would cause a reduction in amenity space, and the remaining garden area would be relatively small. However, while it would be below the level required by the Council's SPG, it is nevertheless considered to be an acceptable area and would meet the outdoor functional and relaxation needs of the occupiers.

Parking

Although the plans propose to remove a garage, the property will still have parking availability to the front of the existing garage and only has two bedrooms. This falls within TRAN 10 requirements and the Council's parking guidelines.

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 Plan 631/P/02, save for where the requirements of conditions 3 and 4 requiring the obscure glazing and fixing of the dormer windows.

Reason:

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

3. Prior to the commencement of construction of the rear dormer windows, details of a measure/mechanism to restrict the degree of opening shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be constructed in accordance with the approved details and shall thereafter be so maintained at all times, with the restrictor mechanism.

Reason

To ensure that the privacy of neighbouring properties is protected and to ensure compliance with policy ENV27 of the UDP 1996-2011.

4. The dormer windows hereby approved shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of the construction of the development hereby approved and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy 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 ENV27 (Design of New Developments) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's Supplementary Planning Guidance on Amenity Standards and Parking Guidelines, it is considered that the proposal is of a suitable design and scale to preserve the character of the property and the surrounding area and does not impact on the amenity and privacy of neighbouring properties and allows adequate parking and amenity space and is therefore considered to be acceptable.

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.

SITE LOCATION PLAN SCALE 1;1250

PLAN REFERRED TO ;

6 CLOS Y FULFRAN, BARRY CF62 5DG

RECEIVED
21 DEC 2015
Regeneration
and Planning



ANDREW PARKER ASSOCIATES/2015/ACP/623

2016/00159/FUL Received on 16 February 2016

Mr. & Mrs. Geoffrey Cox 27, St Johns Close, Cowbridge, Vale of Glamorgan,
CF71 7HN

Nick Renwick Nick Renwick Architect, 6, Old Hall, High St, Cowbridge, Vale of
Glamorgan, CF62 3AL

27, St. Johns Close, Cowbridge

Two storey front and single storey side and rear extension

SITE AND CONTEXT

The application site relates to a modern two storey detached dwelling in Cowbridge. The site has on-site parking via the existing car port and garage beyond and is set in a cul-de-sac of similarly designed properties.

The site lies within the Cowbridge residential settlement boundary, but falls outside the designated Conservation Area.

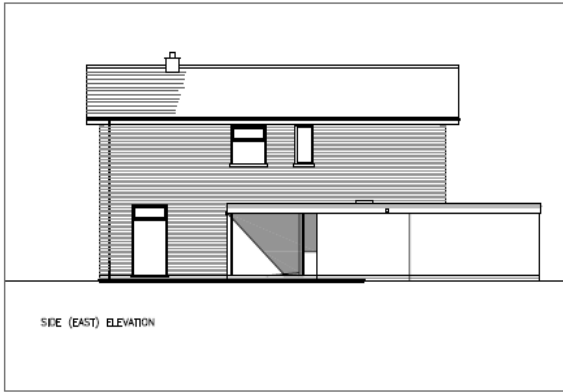
DESCRIPTION OF DEVELOPMENT

The application relates to amended plans received on 17 March, 2016 and seeks consent for the erection of a two storey extension to the front and a single storey side extension.

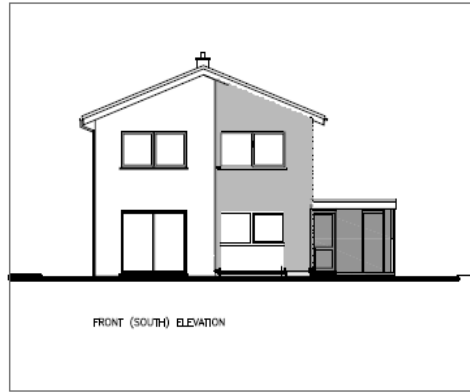
The front extension would effectively fill the current gap in the front elevation which has an asymmetrical staggered frontage. It measures 3.4 metres in width, 2.5 in depth with a 4.8 metre eave height and a maximum height of 6.8 metres with the eave and ridge height of the proposed extension being continuous of the existing eave and ridge height and being flush with the frontage of the existing dwelling.

The proposed single storey side extension would measure 3.3 metres in length, 2.9 metres in width finished with a flat roof measuring 2.4 metres in height.

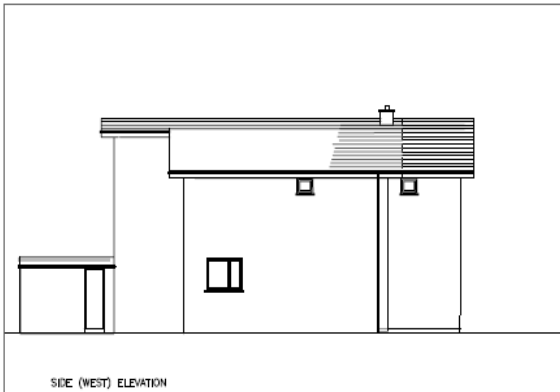
The proposed materials are brickwork and render with concrete tiles to match the existing dwelling.



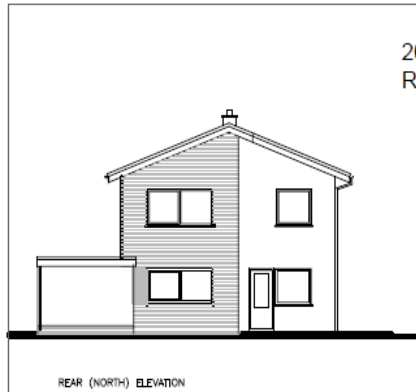
SIDE (EAST) ELEVATION



FRONT (SOUTH) ELEVATION



SIDE (WEST) ELEVATION



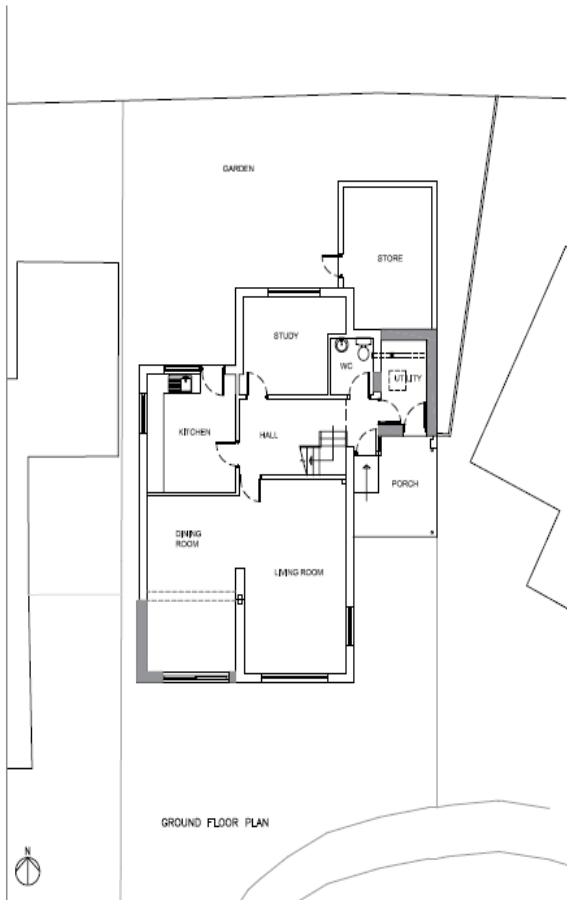
REAR (NORTH) ELEVATION

VALE OF GLAMORGAN COUNCIL
AMENDED PLANS
 RECEIVED Date: 2016/00159/FUL
 Rec'd 17-03-2016

Project Name and Address
 DIVISION: 27 ST JOHN'S CLOSE
 CONURSION: WALE OF GLAM
 CP71 7JH

PA (PA)102B
 PROPOSED ELEVATIONS
 REC'D 2016
 1:100 @ A3

ARCHITECT: NICK HENRIK CHARTERED ARCHITECT
 6 GLEBE, CARDIFF
 WALE OF GLAMORGAN CP71 7JH
 TEL: 01446 775055

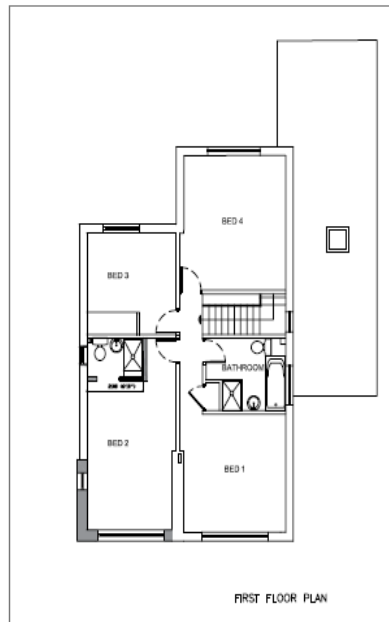


GROUND FLOOR PLAN



LOCATION PLAN 1:1250

VALE OF GLAMORGAN COUNCIL
AMENDED PLANS
 RECEIVED Date: 2016/00159/FUL
 Rec'd 17-03-2016



FIRST FLOOR PLAN

Project Name and Address
 DIVISION: 27 ST JOHN'S CLOSE
 CONURSION: WALE OF GLAM
 CP71 7JH

PA (PA)101B
 PROPOSED PLANS
 REC'D 2016
 1:100 @ A3

ARCHITECT: NICK HENRIK CHARTERED ARCHITECT
 6 GLEBE, CARDIFF
 WALE OF GLAMORGAN CP71 7JH
 TEL: 01446 775055

PLANNING HISTORY

Non relevant.

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 3 March 2016. A response received on 15 March 2016 confirms no objection to the proposal.

Highway Development were consulted on 3 March 2016. A response received on 15 March to the originally submitted plans did not raise a highway objection. A response received on 23 March 2016 in response to the amended plans also confirms no objection to the proposal.

Cowbridge Ward Members were consulted on 3 March 2016. No response was received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 3 March 2016. 12 letters of representations were received objecting to the proposal on the basis of the original submitted plans. The neighbouring properties were re-consulted on 18 March 2016. To date 7 letters of objection have been received. The concerns are summarised below:

- Overbearing
- Adverse visual impact
- Patio doors out of keeping
- Set precedent to further poor design
- Overdevelopment
- Impact on parking
- Breach of building line
- Loss of garden
- Procedural errors relating to Cowbridge and Llanblethian Town Council
- Inaccuracies in the application/drawings
- Ramp/steps would be required that are not shown

Two letters are reproduced as **Appendix A**, however, all correspondence is retained on file should members wish to view the letters received.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

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 (2014)

Supplementary Planning Guidance:

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

- Amenity Standards

Issues

The issues to consider under this application relate to the scale, design and finishes of the extension, its impact upon the appearance of the dwelling, the wider visual amenities, and the privacy and amenities of nearby occupiers. Amenity space and parking are also a consideration.

The application as submitted proposed a larger front/side extension and a ground floor rear extension, following officer concerns the scheme was amended removing the rear extension and reducing the scale of the front extension. These amended plans form the basis of this report.

Visual Impact

The application site is set within a small close of similarly designed dwellings. The amended proposal proposes a two storey side/front “infill” of an existing recess that is formed by a forward projection of the dwelling. This is an original design feature of the house and others throughout the estate. Whilst this gives a uniformity of design to the wider housing development, it is noted that this has been lost over the years with similar extensions being approved within the immediate street scene, therefore the amended proposal would not be out of context with the wider area.

In this respect the amended plans overcome some of the concerns raised in representations.

The proposal also includes a single storey side extension which would provide a utility area. This aspect of the proposal would be relatively well screened from the wider area by virtue of its location set back from the front wall of the dwelling. Given this and the single storey scale of the proposal, it is not considered to harm the character of the dwelling or wider area.

It is considered that the materials and finishes of the extensions are in keeping with the existing house, and, as such the proposals should not detract from either the character and appearance of the house itself or the wider area.

The amended proposal includes patio doors to the front elevation of the proposed, the application property is not Listed nor is it within a Conservation Area. The proposed patio doors whilst not a common feature within the immediate street scene are not considered to harm the visual amenities of the wider area.

The amended proposal whilst increasing the net floor space of the dwelling is not considered to result in an overdevelopment of the site and as such considered acceptable in terms of Policy ENV27 of the Unitary Development Plan.

Neighbouring Impact

In terms of impact on neighbouring properties, the proposed two storey extension would be set off the boundary by approximately 1 metre and separated from the neighbour at No 28 St John's Close by approximately 3 metres. No 28 have a ground floor window facing the proposed extension, however given the distance to the extension, the fact that the window is a secondary window and the finish of the proposed extension, it is considered that the proposal on balance would not be overbearing or unneighbourly.

Windows are included in the side elevation facing the neighbours at No 28, they appear to be high level, however given that no sections have been provided, it would be necessary to condition these windows to be non-opening and obscurely glazed below 1.7 metres above the internal floor level, to ensure residential amenity is preserved.

The proposed single storey extension would be located on the boundary with No 26 St Johns Close. Given the single storey scale and the fact that no ground floor windows directly face the proposed extension, the proposal is considered acceptable in terms of impact on these neighbours

A window is included in the front elevation facing neighbours, however this is over 21 metres from first floor windows at neighbouring properties and therefore complies with the Council's Amenity Standards Supplementary Planning Guidance.

Amenity Space

There were concerns with the original submissions that the limited rear private amenity area at the property would be further reduced by way of a rear extension. However, the amended plans have removed this aspect of the proposal. Whilst the proposal does include further living accommodation, on balance the amenity space as existing is considered of sufficient size and quality to serve the extended dwelling.

Parking

The existing garage would be converted to a store as part of the proposal, however the existing the garage is not accessible for car access given the door width. The Council's Highway engineer has not objected to the proposal and the proposal is considered acceptable in terms of parking provision.

Other Matters

Comments from neighbours have been noted. The amended proposal is considered to generally overcome the concerns in planning terms. The body of the report addresses these concerns further. In terms of setting precedent, every application is judged on its own merits and in this instance the amended proposal is considered acceptable. Given the design of the Close there is no established 'building line' and therefore this is not an issue of concern. In terms of inaccuracies in the application/drawings and procedural errors, these have been noted but have not affected the proper consideration of this application. The proposal does not include an access ramp serving the patio doors and the application has been determined on this basis.

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: (SV) 101 Existing Details, (PA) 102B Proposed Elevations and (PA) 101B Received on 17/03/2016.

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. The windows in the first floor side elevation facing No 28 St Johns Close shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and non opening below 1.7 metres above internal floor level at the time of the construction of the development hereby approved and prior to the first beneficial use of bedroom 2 and the ensuite and shall thereafter be so maintained at all times.

Reason:

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

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 Policy ENV27 – Design of New Developments and TRAN10 - Parking, it is considered that the proposed extensions are an acceptable form of development that will not adversely impact upon the appearance of the dwelling, the wider visual amenities, amenity space, parking or the privacy and amenities of nearby occupiers. The development is therefore considered to comply with the relevant policies and should therefore be approved.

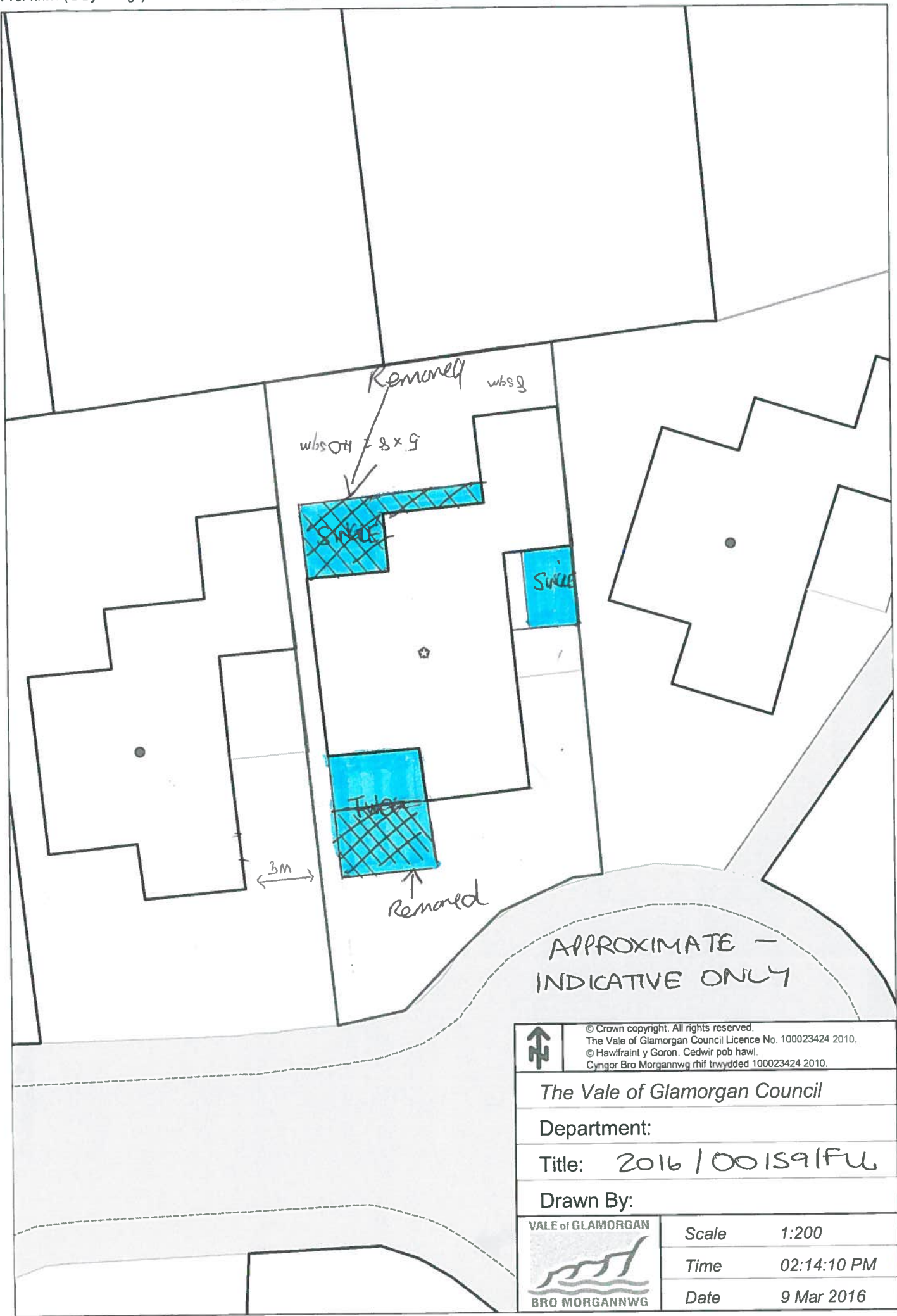
NOTE:


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

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

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

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





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The Vale of Glamorgan Council

Department:

Title: 2016/001591FU

Drawn By:

 VALE of GLAMORGAN BRO MORGANNWG	Scale	1:200
	Time	02:14:10 PM
	Date	9 Mar 2016

From: Patrick and Cheryl Shirley. 20, St. John's Close, Cowbridge. CF71 7HN.

To: Mr. Shafqut Zahoor.

21 MAR 2016

Regeneration
and Planning

RE: Proposals to extend 27, St. John's Close, Cowbridge.

As neighbours living directly opposite the proposed extension, we wish to object to the details contained in the application, and for the following reasons:

1. We believe that the front extension to the property will be overbearing because of its size and position, and impose itself negatively on our property. The plans suggest that the front extension will be built beyond the accepted sight or building line and will therefore seem unnaturally close to the pavement. Its very size and proximity to the pavement will therefore make it seem to loom large to the properties facing it. This will be made considerably worse by the fact that the extension will have to be raised because of the significant slope of the front garden, to such an extent that the new extension will appear to dominate, and certainly have a detrimental effect on our privacy. This negative feature will be made even worse by the inclusion of large full-length windows in the extension. There seems little doubt that, because the plots were initially designed for 4-bedroomed houses, turning it into a 5-bedroomed house will thus make the dwelling disproportionate both to its plot and wider location.
2. Another result of the proportions of the extension is that it will threaten the harmony of the Close as the property will be out of keeping with the rest of the dwellings. It is certainly salient to suggest that everyone else who has chosen to extend has acted in a neighbourly way and restricted their extensions to a 'squaring off' of the property. There is little doubt that in doing so some people accepted that the new shape may not have been the most pleasing aesthetically but it did keep the improvements within neighbourly limits and with due consideration for others. If this present application were to accept the same, it would be much more acceptable. The overbearing and inharmonious aspects of this proposal mean that it is unneighbourly. It is also difficult to see the need for it, given the present number of occupants. A straightforward 'squaring off' of the property would provide as much as would be required and in a more harmonious way.
3. This situation must also be seen in a wider context. If these plans are passed, it will set a precedent for other (present or future) owners to do likewise. Because the front gardens in the Close are not the largest, any more such extensions will 'threaten' the pavements even more and also remove the greenery from the Close.
4. The parking situation must also be taken into consideration. St. John's Close, at present, endures some difficulties regarding parking as it is used by parents dropping their children at two local schools. This extension would put extra pressure on the parking facilities at the roundabout end as such an enlarged property, and one where the garage is to be used as a laundry, might well require extra parking on the street. This is bound to increase health and safety issues, especially if, as we believe, the inevitably steep approach to the extension might be used for wheelchair access in the future. If the property becomes of a 5-bedroomed dwelling, any future buyer of the property might well have as many as four cars. It is already difficult in the Close to park other than opposite a driveway; if other people

To: Mr Mr. Shafqut Zahoor
Planning officer
The Vale of Glamorgan Council Dock Office.
Barry CF63 4RT

19 March 2016

Dear Mr Zahoor

In respect of a proposed development at 27 St John's Close Cowbridge. Application 2016/00159/FUL

As the owner of number 19 St John's Close, I am writing to register my objections to this proposal. I object on the following grounds;

This development will be much larger than anything seen to date. I live opposite the property, which sits above mine on rising ground. The nature of the land means that an already large extension will look even larger in practice. It will be overbearing.

The development will look out of place in what is currently a well integrated street scene. Developments to date have been harmonious. This will be a prominent and discordant exception.

Inclusion of patio doors (instead of windows) will exacerbate the negative effect of this development on the street scene.

This development will set a poor precedent. So far extensions have been limited to the building line of the front wall. If this proposal is permitted, the stage will be set for large discordant developments that will consume front gardens and lead to general overdevelopment.

This proposal would be an over development of what is already one of the smaller plots on St John's close

I feel this is an unneighbourly proposal. I am not against development or extensions. But other extensions have been done in a sympathetic way. They have not extended beyond the existing front walls of each property. By focussing so much new development at the front of the house and setting an unwelcome precedent, this proposal is a major step too far.

There would be an impact on parking. There are already parking issues on St John's close. Reducing the number of parking spaces on site at Number 27 and adding a bedroom can only make things worse.

Yours Sincerely

Mrs Pauline Horsey
19 St John Close
Cowbridge
CF71 7HN