

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 DECEMBER, 2016**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

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

2015/0052/PO	AC	Clive Lane, Grangetown, Cardiff	116 no. dwellings SPRINKLERS REQUIRED
2015/1664/BR	AC	Northcliffe Lodge, Northcliffe Drive, Penarth	30 No. apartments arranged in 3 No. 2/3 storey blocks with some undercrofts. Site works include parking, drainage & landscaping
2016/0025/PO	AC	Fforchwen Farm, Church Street, Pontycymmer, Bridgend	Construct New Two Storey Extension To Rear Of Property
2016/0028/PO	AC	49, Whiterock Avenue, Pontypridd	Loft conversion and new dormer
2016/0488/BN	A	56, Lewis Road, Llandough	Orangery for kitchen
2016/0655/BN	A	Green Meadow, 10, Ger Y Llan, St. Nicholas	Proposed alterations
2016/1003/BN	A	Lower Farmhouse, Llancadle	Replacing roofing tiles with new
2016/1014/BR	AC	The Mount, Tredogan Road, Penmark	Two storey side extension
2016/1017/BN	A	32, Arlington Road, Sully	Single storey rear extension
2016/1027/BN	A	24, White House, The Knap, BARRY CF62 6FB	Conservatory added to kitchen/lounge to rear of property

2016/1076/BR	AC	Richmond House, Stalling Down, Cowbridge	Construction of new garage extension with conversion of existing garage into living accommodation.
2016/1077/BN	A	66, Redlands Road, Penarth	Single storey extension to create kitchen/diner with utility and storage to the side and rear
2016/1086/BR	AC	Grounds Maintenance staff accommodation, Romilly Park, Barry	Remove existing two sheds and provide two new units, comprising staff accommodation and equipment store
2016/1093/BN	A	54, Rhodfa Sweldon, Barry	Conversion of garage into habitable room
2016/1100/BR	AC	Britannia House, Penny Lane, Cowbridge, Vale of Glamorgan CF71 7EG	New guarding along side river walk
2016/1104/BR	AC	52, Laburnum Way, Penarth	Rear loft conversion with dormer.
2016/1106/BN	A	92, Barry Road, Barry	Change use from flats to house
2016/1108/BR	AC	2, Croft Terrace, Cowbridge CF71 7DJ	Rear Single Storey Extension
2016/1110/BR	AC	The Orchard, Penllyn, Cowbridge	Rebuilding of existing single storey rear extension
2016/1111/BN	A	Bryn Hawddgar, St. Mary Hill, Vale of Glamorgan	Replacement dwelling
2016/1112/BN	A	53, Pontypridd Road, Barry	Knock through from kitchen into utility room
2016/1115/BN	A	The Old Barn, Jackson Close, Rhoose	Single storey extension to allow walkway to bed and bathroom
2016/1116/BR	AC	38, Smeaton Close, Rhoose	Demolish existing garage and store, reconstruct garage and incorporate a porch and extend kitchen

2016/1117/BR	AC	Land adjacent to 27, South Road, Sully	Proposed new single storey community church building
2016/1118/BR	AC	Goldthorn, Treoes	First floor bedroom extension together with single storey ground floor kitchen extension
2016/1120/BR	AC	6, Knowbury Avenue, Penarth	Single storey rear extension.
2016/1121/BN	A	247, Gladstone Road, Barry	New Roof
2016/1122/BR	AC	Craigwen, Barren Hill, Penmark	2 storey infill extension
2016/1123/BR	AC	Plot 2, Craig yr Eos Avenue, Ogmere by Sea	Construction of 3/4 bedroom detached dwelling with integral garage
2016/1124/BN	A	28, Pardoe Crescent, Barry	Underpinning to foundations, block and brick wall and new metal tile roof. (Demolition of existing metal structure)
2016/1125/BN	A	25, Dyserth Road, Penarth	Kitchen opened up to dining room and utility
2016/1127/BN	A	23, Baron Road, Penarth	Remove internal wall between kitchen and living room, includes chimney breast
2016/1128/BN	A	1, Collard Cescent, Barry	Full roof / render repairs
2016/1129/BN	A	1, Ty Uchaf, Penarth	Single storey rear extension
2016/1130/BN	A	3, Collard Crescent, Barry	Re-roof and render repairs
2016/1131/BN	A	3, College Street, Llantwit Major	Removal of internal retaining wall and installation of three steel supporting beams. Replacement of two velux roof windows with appropriate conservation area windows in extension at rear

2016/1132/BR	AC	5, Uphill Close, Sully, Penarth	Demolition of existing conservatory and construction of new sunroom
2016/1134/BN	A	1, Greave Close, Wenvoe	Garage conversion
2016/1138/BN	A	16, Lake Hill Drive, Cowbridge	Proposed opening of interior support wall between lounge and kitchen/dining room. Will extend original opening from 1.5m to approx 2.5m. Structural engineering plans will be supplied. No requirement for electrical works is involved - is structural only.
2016/1139/BN	A	6, Primrose Close, Cowbridge	Widening of existing double door opening between kitchen and dining room
2016/1140/BN	A	5, Victoria Road, Barry	Single storey side extension
2016/1142/BN	A	9, Cornwall Road, Barry	Re-roof & rendering
2016/1143/BN	A	11, Cornwall Road, Barry	Re-roofing & rendering
2016/1144/BN	A	39, Cornwall Road, Barry	Re-roof
2016/1145/BN	A	38, Merthyr Dyfan Road, Barry	Re-roof
2016/1146/BN	A	40, Merthyr Dyfan Road, Barry	Re-roof
2016/1147/BN	A	44, Merthyr Dyfan Road, Barry	Re-Roof
2016/1148/BN	A	58, Merthyr Dyfan Road, Barry	Re-roof
2016/1149/BN	A	60, Merthyr Dyfan Road, Barry	Re-roof and installation of windows
2016/1150/BN	A	70, Merthyr Dyfan Road, Barry	Re-roof and installation of external door
2016/1151/BN	A	86, Merthyr Dyfan Road, Barry	Re-roof and installation of an external door

2016/1152/BN	A	Red Oaks, Upper Farm Rhoose Road, Rhoose	Construction of garage as per planning approval 2012/00946/FUL with home office/store above
2016/1153/BN	A	94, Merthyr Dyfan Road, Barry	Re-roof
2016/1154/BN	A	96, Merthyr Dyfan Road, Barry	Re-roof
2016/1155/BN	A	102, Merthyr Dyfan Road, Barry	Re-roofing and installation of external door
2016/1156/BN	A	106, Merthyr Dyfan Road, Barry	Re-roof and installation of external door
2016/1157/BN	A	114, Merthyr Dyfan Road, Barry	Re-roof
2016/1158/BN	A	116, Merthyr Dyfan Road, Barry	Re-roof
2016/1159/BN	A	128, Merthyr Dyfan Road, Barry	Re-roof
2016/1160/BN	A	130, Merthyr Dyfan Road, Barry	Re-roof
2016/1161/BN	A	132, Merthyr Dyfan Road, Barry	Re-roof
2016/1163/BN	A	1, Neale Street, Barry	Re-roof and installation of external door
2016/1164/BN	A	4, Neale Street, Barry	Re-roof and installation of external door
2016/1165/BN	A	86, Merthyr Dyfan Road, Barry	Re-roof and installation of external door
2016/1166/BN	A	94, Merthyr Dyfan Road, Barry	Re-roof
2016/1167/BN	A	96, Merthyr Dyfan Road, Barry	Re-roof
2016/1168/BN	A	102, Merthyr Dyfan Road, Barry	Re-roof and installation of external door
2016/1169/BN	A	106, Merthyr Dyfan Road, Barry	Re-roof and installation of external doors

2016/1170/BN	A	114, Merthyr Dyfan Road, Barry	Re-roof
2016/1171/BN	A	116, Merthyr Dyfan Road, Barry	Re-roof
2016/1172/BN	A	128, Merthyr Dyfan Road, Barry	Re-roof
2016/1173/BN	A	130, Merthyr Dyfan Road, Barry	Re-roof and installation of windows
2016/1174/BN	A	132, Merthyr Dyfan Road, Barry	Re-roof
2016/1175/BN	A	52, Somerset Road West , Barry	Re- roof and rendering
2016/1176/BN	A	6, Warwick Way , Barry	Render repairs
2016/1177/BN	A	29, Warwick Way , Barry	Render repairs
2016/1178/BN	A	7, The Rise , Barry	Installation of windows
2016/1179/BN	A	8, Warwick Way , Barry	Render repairs and installation of external door
2016/1180/BN	A	60, Merthyr Dyfan Road , Barry	Installation of an external door
2016/1181/BN	A	3.Pembroke Place , Barry	Rendering
2016/1182/BN	A	4.Pembroke Place , Barry	Rendering
2016/1183/BN	A	5.Pembroke Place , Barry	Rendering
2016/1184/BR	A	6.Pembroke Place , Barry	Rendering
2016/1185/BN	A	2.Pembroke Place , Barry	Rendering
2016/1186/BN	A	1.Pembroke Place , Barry	Rendering
2016/1187/BN	A	13, Williams Crescent, Barry	Install FD30 Firedoor and frame
2016/1188/BN	A	1, Elizabeth Avenue , Barry	Rendering and installation of windows
2016/1189/BN	A	5, Elizabeth Avenue , Barry	Rendering and installation of windows

2016/1192/BN	A	10, Elizabeth Avenue , Barry	Rendering and installation of replacement windows
2016/1193/BN	A	11, Elizabeth Avenue , Barry	Rendering and installation of replacement windows
2016/1197/BN	A	14, Elizabeth Avenue , Barry	Rendering and installation of windows
2016/1198/BN	A	15, Elizabeth Avenue , Barry	Rendering and installation of windows
2016/1199/BN	A	16, Elizabeth Avenue , Barry	Rendering and installation of windows
2016/1201/BN	A	17, Elizabeth Avenue , Barry	Rendering and installation of replacement windows
2016/1202/BN	A	1A, Lower Morel Street, Barry	Re-roof
2016/1203/BN	A	2A, Lower Morel Street, Barry	Re-roof
2016/1205/BN	A	3A, Lower Morel Street, Barry	Re-roof
2016/1206/BN	A	21, Lower Pyke Street, Barry	Re-roof
2016/1207/BN	A	23, Lower Pyke Street, Barry	Re-roof
2016/1208/BN	A	25, Lower Pyke Street, Barry	Re-roof
2016/1210/BN	A	26, Fairford Street, Barry	Re-roof
2016/1211/BN	A	37, Devon Avenue, Barry	Re-roof
2016/1212/BN	A	4, Dorset Avenue, Barry	Re-roof
2016/1213/BN	A	46, Palmerston Road , Barry	Re-roof
2016/1214/BN	A	44, Palmerston Road , Barry	Re-roof
2016/1215/BN	A	16, Cawley Place , Barry	Re-roof
2016/1216/BN	A	23, Chesterfield Street , Barry	Re-roof

2016/1217/BN	A	25, Chesterfield Street, Barry	Re-roof
2016/1218/BN	A	30, Chesterfield Street,, Barry	Re-roof
2016/1220/BN	A	32, Chesterfield Street, Barry	Re-roof
2016/1221/BN	A	33, Chesterfield Street, Barry	Re-roof
2016/1222/BN	A	37, Chesterfield Street, Barry	Re-roof
2016/1223/BN	A	39, Chesterfield Street, Barry	Re-roof
2016/1224/BN	A	41, Chesterfield Street, Barry	Re-roof
2016/1225/BN	A	44, Chesterfield Street, Barry	Re-roof
2016/1226/BN	A	9, Borough Avenue, Barry	Render
2016/1227/BN	A	11, Borough Avenue, Barry	Rendering
2016/1232/BN	A	1, Burns Crescent, Barry	Re-roof
2016/1233/BN	A	2, Burns Crescent, Barry	Re-roof
2016/1234/BN	A	3, Burns Crescent, Barry	Re-roof
2016/1235/BN	A	5, Burns Crescent, Barry	Re-roof
2016/1236/BN	A	7, Burns Crescent, Barry	Re-roof
2016/1237/BN	A	10, Burns Crescent, Barry	Re-roof
2016/1238/BN	A	11, Burns Crescent, Barry	Re-roof
2016/1239/BN	A	12, Burns Crescent, Barry	Re-roof
2016/1240/BN	A	13, Burns Crescent, Barry	Re-roof
2016/1241/BN	A	16, Burns Crescent, Barry	Re-roof
2016/1242/BN	A	19, Burns Crescent, Barry	Re-roof
2016/1243/BN	A	25, Burns Crescent, Barry	Re-roof

2016/1244/BN	A	1, Buttrills Walk, Barry	Re-roof
2016/1245/BN	A	2, Buttrills Walk, Barry	Re-roof
2016/1246/BN	A	3, Buttrills Walk, Barry	Re-roof
2016/1247/BN	A	3, Dryden Terrace, Barry	Re-roof
2016/1248/BN	A	5, Dryden Terrace, Barry	Re-roof
2016/1249/BN	A	9, Dryden Terrace, Barry	Re-roof
2016/1250/BN	A	11, Dryden Terrace, Barry	Re-roof
2016/1251/BN	A	13, Dryden Terrace, Barry	Re-roof
2016/1252/BN	A	15, Dryden Terrace, Barry	Re-roof
2016/1253/BN	A	17, Dryden Terrace, Barry	Re-roof
2016/1254/BN	A	19, Dryden Terrace, Barry	Re-roof
2016/1255/BN	A	21, Dryden Terrace, Barry	Re-roof
2016/1256/BN	A	25, Elizabeth Avenue, Barry	Rendering
2016/1257/BN	A	19, Elizabeth Avenue, Barry	Rendering
2016/1258/BN	A	20, Elizabeth Avenue, Barry	Rendering
2016/1259/BN	A	21, Elizabeth Avenue, Barry	Re-roof
2016/1260/BN	A	22, Elizabeth Avenue, Barry	Rendering
2016/1261/BN	A	24, Elizabeth Avenue, Barry	Rendering
2016/1262/BN	A	26, Elizabeth Avenue, Barry	Rendering
2016/1263/BN	A	27, Elizabeth Avenue, Barry	Rendering
2016/1264/BN	A	49, Elizabeth Avenue, Barry	Rendering
2016/1265/BN	A	51, Elizabeth Avenue, Barry	Rendering

2016/1266/BN	A	53, Elizabeth Avenue, Barry	Rendering
2016/1267/BN	A	55, Elizabeth Avenue, Barry	Rendering
2016/1268/BN	A	57, Elizabeth Avenue, Barry	Rendering
2016/1269/BN	A	58, Elizabeth Avenue, Barry	Rendering
2016/1270/BN	A	61, Elizabeth Avenue, Barry	Rendering
2016/1271/BN	A	62, Elizabeth Avenue, Barry	Rendering
2016/1272/BN	A	65, Elizabeth Avenue, Barry	Rendering
2016/1273/BN	A	67, Elizabeth Avenue, Barry	Rendering
2016/1274/BN	A	71, Elizabeth Avenue, Barry	Rendering
2016/1276/BN	A	32, Elizabeth Avenue, Barry	Rendering
2016/1277/BN	A	33, Elizabeth Avenue, Barry	Rendering
2016/1278/BN	A	34, Elizabeth Avenue, Barry	Rendering
2016/1279/BN	A	35, Elizabeth Avenue, Barry	Rendering
2016/1282/BN	A	39, Elizabeth Avenue, Barry	Rendering
2016/1283/BN	A	40, Elizabeth Avenue, Barry	Rendering
2016/1284/BN	A	41, Elizabeth Avenue, Barry	Rendering
2016/1285/BN	A	42, Elizabeth Avenue, Barry	Rendering
2016/1286/BN	A	43, Elizabeth Avenue, Barry	Rendering

2016/1287/BN	A	44,Elizabeth Avenue, Barry	Rendering
2016/1288/BN	A	46,Elizabeth Avenue, Barry	Rendering
2016/1289/BN	A	46,Elizabeth Avenue, Barry	Rendering
2016/1291/BN	A	35, Borough Close, Cowbridge	Internal alterations
2016/1292/BN	A	9, Maes Lindys, Rhoose Point, Rhoose	Remove internal wall between kitchen and living room and insert steel beam
2016/1294/BN	A	6, Hinchsliff Avenue, Barry	Rendering
2016/1295/BN	A	83, Hinchsliff Avenue, Barry	Rendering
2016/1296/BN	A	7, Hinchsliff Avenue, Barry	Rendering
2016/1297/BN	A	9, Hinchsliff Avenue, Barry	Rendering
2016/1300/BN	A	3, Fair Oaks, Dinas Powys	Replacement FD30 door and frame
2016/1301/BN	A	66, Treharne Road, Barry	Installation of FD30 Fire Door
2016/1303/BN	A	10, Lon Pinwydden, Ystradowen, Cowbridge	Garage conversion
2016/1310/BN	A	5, Shelley Crescent, Barry	Re-roof
2016/1311/BN	A	10, Shelley Crescent, Barry	Re-roof
2016/1313/BN	A	20, Shelley Crescent, Barry	Re-roof
2016/1314/BN	A	28, Shelley Crescent, Barry	Re-roof
2016/1315/BN	A	29, Shelley Crescent, Barry	Re-roof
2016/1316/BN	A	30, Shelley Crescent, Barry	Re-roof
2016/1317/BN	A	31, Shelley Crescent, Barry	Re-roof
2016/1319/BN	A	32, Shelley Crescent, Barry	Re-roof
2016/1320/BN	A	39, Shelley Crescent, Barry	Re-roof
2016/1321/BN	A	41, Shelley Crescent, Barry	Re-roof
2016/1322/BN	A	43, Shelley Crescent, Barry	Re-roof

(b) Building Regulation Applications - Reject

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

2016/1105/BN	R	Ysgubor Wen, Garn Llwyd, Llancafán	Extension and alterations
2016/1126/BN	R	20, Cawnpore Street, Penarth	Conversion of first floor bedroom into bathroom

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

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

2016/0160/AI	A	Linfield, Pwll Y Min Crescent, Peterston Super Ely	Glazed extension to the rear of existing dwelling
2016/0161/AI	A	Hazelwood, St. Andrews Road, St. Andrews Major	Proposed two storey side extension to create carer's residential annex, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0162/AI	A	16, Mountjoy Place, Penarth	Proposed construction of a single storey rear extension, works to include material alterations to structure, controlled services fittings and thermal elements
2016/0163/AI	A	59, Westbourne Road, Penarth	Replacement of existing conservatory roof
2016/0164/AI	A	38, Salop Place, Penarth	Proposed provision of infill, 1 st floor structure following removal of internal load bearing wall (works to include material alterations to structure)
2016/0165/AI	A	29, St. Brides Road, Wick	Two storey extension and associated works

2016/0166/AI	A	21, Tair Onen, Cowbridge	Proposed two storey side and single storey garage extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0167/AI	R	1, Hastings Avenue, Penarth	Construction of a new dwelling and associated works
2016/0168/AI	A	Wild Rose Cottage, St. Nicholas	Extension and conversion of existing garage to form ancillary residential accommodation
2016/0169/AI	A	Plot 2, 90, Fontygary Road, Rhoose	Proposed new detached dwelling
2016/0170/AI	A	Unit E1, Westpoint Industrial Estate, Cardiff	Change of use from industrial use to office use
2016/0171/AI	R	Units 2A and 2B, Brooklands Retail Park, Culverhouse Cross, Cardiff	Removal of existing party wall and extension to loading bay
2016/0172/AI	A	122, Port Road East, Barry	Loft conversion and associated works
2016/0173/AI	R	Rockdene, Rhoose Road, Rhoose	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0174/AI	A	26, Lon Lyndys, Rhoose	Dormer loft conversion and associated works
2016/0175/AI	R	Three Horseshoes Inn, Peterston Super Ely	Proposed internal alterations to layout, works to include material alterations to structure, controlled services and fittings
2016/0176/AI	R	Papa John's, 46-48, Holton Road, Barry	Strip out and re-fit of ground floor retail unit
2016/0177/AI	A	Aldi, Brooklands Retail Park, Port Road, Wenvoe	New Aldi store fit out retail unit (class A1)

2016/0178/AI	A	Units 2A and 2B, Brooklands Retail Park, Culverhouse Cross, Cardiff	Loading bay extension and associated works
2016/0179/AI	A	Units 2A and 2B, Brooklands Retail Park, Culverhouse Cross, Cardiff	Re-roofing and associated works to existing units
2016/0180/AI	R	18, Fontygary Road, Rhoose	Proposed single storey rear extension and internal alterations, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0181/AI	A	Top Lodge, UWC Atlantic College, St. Donats Castle, St. Donats	Proposed single storey rear extension and single storey side extension to existing outbuilding, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0182/AI	A	86, Althorp Drive, Penarth	Demolition of an existing garage and proposed construction of a two storey side extension with new driveway and crossover, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0183/AI	A	Glenbrook, Colwinston	Replacement of existing conservatory roof
2016/0184/AI	A	2, Waycock Road, Barry	Proposed two storey extension to form annexe, double garage to the side and associated works

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.

2013/0749/BR
2013/0952/BR
2013/0954/BR
2013/1024/BR
2013/1030/BR
2013/1031/BR
2013/1036/BR
2013/1040/BR
2013/1043/BR
2013/1045/BR
2013/1105/BR
2013/1122/BR
2013/1123/BR
2013/1130/BR

2013/0596/BN
2013/0598/BN
2013/0599/BN
2013/0604/BN
2013/0667/BN
2013/1052/BN
2013/1053/BN
2013/1054/BN
2013/1055/BN
2013/1066/BN
2013/1067/BN
2013/1086/BN
2013/1087/BN
2013/1088/BN
2013/1104/BN
2013/1118/BN

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 15 DECEMBER, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING 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

2011/00067/1/N MA	A	Former Theatre Royal, 122, Broad Street, Barry	Non-Material Amendment - Remove Condition 9 (BREEAM post construction) and vary Condition 10 (Hard surfacing of public realm to site frontages), Condition 12 (Means of enclosure) and Condition 13 (Enclosures). Planning permission ref. 2011/00067/FUL: Construction of a new Extra-Care development, to provide 42 flats and associated communal and ancillary spaces
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2011/00806/1/N MA	A	247, Holton Road, Barry	Non Material Amendment - Amendment to approved shop front. Change of use from vacant shop to fast food take away
2013/01124/1/N MA	A	Penylan Barn, Llancarfan	Non Material Amendment- to vary the terms of condition 13 of the approved application. Condition 13 required details of a method statement for works to the exterior elevations to be submitted prior to works being undertaken to the exterior of the barn. This was not submitted in a timely manner and as works have been started, it is not now possible to retrospectively comply with the terms of this condition, this Non Material Amendment application is being submitted to vary the terms of condition so that it will then be possible for the Council to approve the necessary details. Conversion of a stone barn to a residential dwelling
2015/00704/1/N MA	A	24, Clos y Fulfran, Barry	Non-material Amendment- Change to front and rear elevation. Conversion of garage with raised roof to provide new family room above & utility room to rear.

2015/01136/1/N MA	A	33, Enfield Drive, Barry	Non Material Amendment - Encompass render to ground floor of extension in addition to render to the first storey. Two storey side extension to provide kitchen, utility room, cloaks and two bedrooms together with internal alterations
2015/01458/2/N MA	A	Land at Barry Waterfront, South Quay Parkside, Barry	Non-material Amendment- Revision to the fenestration shown on approved elevations of the apartment block. Reserved matters application for residential development (45 units)
2016/00040/FUL	A	84, Broadway, Llanblethian, Cowbridge	Proposed dwelling, within the curtilage of Edmonton House
2016/00345/FUL	A	The Old Rectory, Drope Road, Drope, St Georges Super Ely	Demolition of existing stone outbuilding and replacement with new stone outbuilding to provide open plan office/play room with adjoining open car port
2016/00363/1/N MA	A	11, Downfield Close, Llandough, Penarth	Non Material Amendment - Change pitch roof to flat roof. Single storey extension to side and rear
2016/00378/CAC	A	The Old Rectory, Drope Road, Drope, St Georges Super Ely	Demolition of existing stone outbuilding and replacement with new stone outbuilding to provide open plan office/play room with adjoining open car port

2016/00449/FUL	A	2, Gloucester Close, Barry	New domestic dwelling adjacent to existing dwelling as an amendment planning permission 2013/01027/FUL, to include roof accommodation with dormer window. New dwelling to also include single storey rear extension , to be constructed in-line with an extension to the rear of the existing dwelling at No.2.
2016/00486/1/N MA	A	58, Andrew Road, Cogan, Penarth	Non Material Amendment - Omit side window and insert window looking toward garden. To raise height of existing outbuilding, pitched roof to flat roof, fibre glass roof and join to house, to be used as utility space
2016/00523/FUL	A	Seaview Cottage, St.Athan	Erection of greenhouse
2016/00587/1/N MA	A	3, Oyster Bend, Sully	Non Material Amendment - Changed a flat roof section of the originally approved application to a pitched roof. Planning permission ref. 2016/00587/FUL: Refurbishment of existing dwelling, removal of side conservatory and replacement with brick pitched roof structure and addition of rear extension at 3, Oyster Bend, Sully
2016/00606/FUL	A	Cliff Farm House, Lane - Aberogwrn Farm to Kenson Hill, Llanccarfan	New garden wall to enclose and secure garden
2016/00627/FUL	A	6, Marine Parade, Penarth	Replacement windows

2016/00698/FUL	A	Tresilian Wood, Dimlands Road, St Donats	Amendment to original scheme 2014/01441/FUL to provide ancillary sheds to cabins for kitchen and storage area
2016/00720/FUL	A	20, Burns Crescent, Barry	Removal of existing shed and erection of a new detached garage to side of property
2016/00725/RG3	A	Docks Offices, Subway Road, Barry	Excavation of existing embankment to install new retaining wall and concrete base for the provision of a new containerised Biomass boiler plant
2016/00727/FUL	A	Land adjacent to 14, McQuade Place, Barry	Proposed two new semi detached 2 bed starter homes
2016/00733/FUL	A	23, Price Avenue, Barry	Proposed detached 3 bed house within the side garden
2016/00785/FUL	A	12, Gaspard Place, Barry	Demolition of existing single storey, single skin rear extension and proposed new single storey pitched roof rear extension. Extension of front porch roof. Main roof extension to form new gable end wall with dormer in the loft facing the rear garden
2016/00801/FUL	A	Outbuildings at Sutton Mawr, Waycock Road, Barry	Change of use of existing outbuildings to ancillary residential accommodation

2016/00813/RG3	A	16, Coldbrook Road East, Barry	Demolish Hawksley Aluminium bungalow to existing floor slab level. Underpin existing foundation and retention of replacement dwelling in brick facing cavity construction with new timber roof structure and covering. Carry out general landscaping repair works to the property.
2016/00818/FUL	A	Land at Railway Terrace, Dinas Powys	Extension/additional land added to garden curtilage and proposed detached garage
2016/00824/FUL	A	54, Cornwall Rise, Barry	Extending existing side projection both in width and height. Construction of single storey rear extension. Construction of dormer window. Extending existing boundary walls. Construction of timber balcony and patio
2016/00855/ADV	E	Broad Street Car Wash, Broad Street, Barry	To obtain planning permission for car wash as set out, including advertising and new entrance
2016/00862/FUL	A	Land lying to the north west of Old Rectory, Llandough	Retention of equestrian facilities and associated works
2016/00881/FUL	A	Gwern Y Gedrych Farm, Peterston Super Ely	Manege in existing pony/horse paddock
2016/00889/FUL	A	13, Knowbury Avenue, Penarth	Proposed ground floor kitchen extension and proposed garage extension to form playroom
2016/00891/FUL	A	19, Tynewydd Road, Barry	Change of use from office to a D1 day nursery

2016/00902/FUL	A	18, Georges Row, Dinas Powys	Proposed single storey rear extension to consist of utility area, w/c & shower room, kitchen & living area
2016/00903/FUL	A	The Stables, Squire Street, Llysworney	Installation of a wood burning stove with steel chimney
2016/00930/FUL	A	20, Barons Close, Llantwit Major	Proposed construction of two new semi detached dwellings with onsite car parking
2016/00934/FUL	A	28, Llys Dwynwen, Llantwit Major	Two storey side extension
2016/00941/FUL	A	127, Fontygary Road, Rhoose	Demolition of existing three bedroom bungalow. Construction of a new, fully accessible three bedroom, two storey property with carport
2016/00945/FUL	A	8, Lakeside, Barry	Single storey rear extension and loft conversion
2016/00956/FUL	A	Longacres, Treoes	Detached garage
2016/00960/FUL	A	15, Osprey Close, Penarth	Proposed single storey rear and side extension.
2016/00978/FUL	A	Tec Marina, Terra Nova Way, Penarth	Creation of further parking spaces
2016/00984/FUL	A	The Dutch House, Colwinston Village, Colwinston	Demolition of an existing double garage and erection of replacement garage with first floor art studio above the garage area
2016/00986/FUL	A	Hunters Lodge, 8, Newbarn Holdings, St. Athan Road, Flemingston	New stables and manege

2016/00993/FUL	A	Cyfarthfa, Highlight Lane, Barry	Proposed demolition of existing garage, rear lean to extension and new single storey side and rear extension with replacement pitched roof to existing rear extensions and part flat and part pitched roof to side extension to partly serve an annex.
2016/00999/FUL	A	113, Colcot Road, Barry	Construction of two storey side extension.
2016/01004/FUL	A	Heol Gerrig Farm, Junction Ruthin to Junction Moonhill via St. Mary Hill	Barn conversion to holiday chalet, access and curtilage
2016/01005/FUL	A	11, Kestrel Way, Penarth	Development of a single storey front extension to a two storey extension using the existing floor plan. Demolition of the rear conservatory and garage and replacement with a single storey rear extension and a side extension with utility room and garage
2016/01013/FUL	A	87, Cardiff Road, Dinas Powys	Two storey side extension, single storey rear extension and loft conversion with rear dormer
2016/01018/FUL	A	18, Heol Gwendoline, Barry	Retention and completion of garage conversion into a bedroom, removal of existing up and over door and replacement with bricks and a window to match existing windows fitted in the property
2016/01023/FUL	A	16, Hastings Avenue, Penarth	Two storey side extension with pitched roof

2016/01026/FUL	A	46, Tynewydd Road, Barry	Demolish existing single storey garage and rebuild double storey unit
2016/01030/FUL	A	Woden Park, Cwrt yr Ala Road, Wenvoe	Erect metal field gates to drive entrance
2016/01032/FUL	A	91, Pontypridd Road, Barry	Take down existing conservatory and single storey rear kitchen extension. Reconstruct new sun lounge and kitchen with internal alterations
2016/01033/FUL	A	18, Heol St. Cattwg, Pendoylan	Erect two storey rear extension and rear balcony
2016/01035/FUL	A	Cwm Derwyn Farm, Waycock Road, Barry	Variation of Condition 3 of Planning Permission 2015/00632/FUL to increase the operational period from 25 years and 6 months to 30 years and 6 months. Construction of solar photovoltaic park with attendant infrastructure
2016/01036/FUL	A	Loxleigh, Southerndown	Construct single storey extension.
2016/01039/ADV	A	The Co-operative Food, 1, Colcot Road, Barry	1 X Internally illuminated projector, 2 X internally illuminated logos, 1 X non-illuminated acrylic letters, 5 X non-illuminated wall mounted aluminium panels
2016/01042/FUL	A	1, Gibson Way, Penarth	Extension to three bedroom house in Penarth to create garage and balcony
2016/01043/FUL	A	3, The Mews, St. Nicholas Road, Barry	Proposed single storey kitchen extension

2016/01045/FUL	A	2, The Green, Leckwith	Demolition of existing conservatory with replacement two storey extension to rear. Single storey extension to side
2016/01046/FUL	A	28, Cae Stumpie, Cowbridge	Proposed porch
2016/01047/ADV	R	Crack Hill, Bridgend	V sign made up of aluminium composite panels, steel supports and extended base rakers
2016/01048/ADV	R	The Golden Well, Golden Mile, Bridgend	V-sign made up of a composite panel and white posts using a c-section aluminium angle
2016/01050/FUL	A	Greystones, 45, Highwalls Avenue, Dinas Powys	Erection of front terrace, alterations to windows and single two storey rear extension
2016/01053/FUL	A	Tyn y Cae Cottage, Station Road, Peterston Super Ely	Demolition of existing conservatory, internal alterations and side and rear extensions
2016/01055/FUL	A	Cottrell Park Golf Club, A48 St Nicholas, St. Nicholas	Removal of Condition 14 of Outline Planning Permission 1991/00784/OUT
2016/01056/FUL	A	Cottrell Park Golf Club, A48 St Nicholas, St. Nicholas	Removal of Condition 2 of Reserved Matters Permission 1995/00111/RES
2016/01060/FUL	A	105, Cedar Way, Penarth	Two storey/single storey rear extension. New entrance porch complete with new vehicular access and hardstanding
2016/01061/FUL	A	1, Westcliffe Gardens, Croffta, Dinas Powys	Construction of garage and workshop

2016/01062/FUL	A	Morfa Farm, Morfa Lane, Llantwit Major	Variation of Condition 2 of Planning Permission 2015/00782/FUL - Installation and operation of a solar farm and associated infrastructure at Morfa Farm, Morfa Lane, Llantwit Major
2016/01066/FUL	A	12, Clinton Road, Penarth	To replace the roof of existing garage with tiled roof to match existing house
2016/01067/FUL	A	Penybryn, Cross Common Road, Dinas Powys	Rear extension and creation of living space in the roof, including raising the height of the existing roof and inserting dormers to the front and the rear.
2016/01070/FUL	A	Waterfront Retail Park, Heol Ceiniog, Barry	Variation of Conditions 2, 3 and 14 of Planning Permission 2016/00255FUL to meet occupier requirements, including amendments to the parking area and the design of the units
2016/01072/FUL	A	1, Ty Uchaf, Penarth	Single storey rear extension
2016/01075/FUL	A	11 and 12, Seabank, The Esplanade, Penarth	Alterations to windows
2016/01081/FUL	A	24, Morlais Street. Barry	Demolition of existing garage to side of property with proposed 2 storey side extension incorporating replacement garage to front and flat roof rear dormer

2016/01082/FUL	A	6 Sunnycroft Rise, Dinas Powys	Proposed rear lean to extension across the full width of the dwelling to increase family living space incorporating internal step down and roof lights above. Proposal also includes porch addition to the front of the property in the style to match the existing elevation
2016/01088/FUL	A	Hodnant, Wesley Street, Llantwit Major	Construction of single storey side extension to accommodate two bedrooms, W.C and ensuite wet room. Access to be from kitchen and lounge
2016/01095/FUL	A	Tudor Lodge, Bonvilston	Single storey extension with glazed orangery roof to provide new kitchen/dining space to rear of property
2016/01096/RG3	A	Longmeadow Court, Druids Green, Cowbridge	Extension of existing care home to form two new self contained step down units plus office space, laundry room, treatment room and store
2016/01098/FUL	A	3, Victoria Square, Penarth	The proposed scheme is to provide a new single storey habitable dining/lounge area which opens onto the garden. This extension would require taking down an existing outbuilding which currently has no valuable use.
2016/01099/FUL	A	The Chase, Brook Lane, St Nicholas	Extension to existing Granny annexe

2016/01100/FUL	A	9, Meliden Road, Penarth	Replacement rear single storey extension and loft conversion
2016/01101/FUL	A	85, Wordsworth Avenue, Penarth	Single storey rear extension plus associated works
2016/01102/FUL	A	5, Broad Street Parade, Broad Street, Barry	Alterations to front elevation to form new doorway to existing flats above shop
2016/01104/PND	F	Brecon Court, Barry	Demolition of nos. 1-34 and communal areas
2016/01105/FUL	A	Church House, Llanmaes	Enlargement of the existing porch to front elevation and single storey extension to the rear of property
2016/01106/FUL	A	22, Pardoe Crescent, Barry	Change of use from dwelling house (C3) to a residential care home (C2) with single storey extension to accommodate bedroom
2016/01108/FUL	A	22, Canon Walk, Llandough, Penarth	Construction of a single storey contemporary glazed extension to the rear of an existing double storey residential property
2016/01109/FUL	A	26, Lon Lindys, Rhoose	Two front apex dormers. One rear apex dormer
2016/01112/FUL	A	Tennis Courts, Ffordd Yr Eglwys, Peterston Super Ely	Redevelopment of the existing tennis courts to a multi use games area. The proposal includes provision of a new sand dressed synthetic grass sports pitch, new perimeter fencing, specialist sports floodlighting, storage for equipment and a new access path to the facility

2016/01113/FUL	A	37, Stanwell Road, Penarth	Demolition of existing rear single storey extensions, construction of new rear and side extensions, formation of new rear gable window and removal of existing chimney stack to rear elevation
2016/01114/FUL	A	6, Millwood Rise, Barry	Extend rear of dwelling at first floor to form new bedroom, with internal alterations
2016/01115/FUL	A	120, Lavernock Road, Penarth	Internal alterations and first floor extension
2016/01118/FUL	A	17, Plymouth Road, Penarth	Changes to the number, type and size of the rear windows. Alterations to the existing roof. Changes to rear patio doors and their surround
2016/01120/ADV	A	Port Road, Cwm Talwg, Barry	2 X Illuminated fascia logo only; 1 X Non-Illuminated post mounted aluminium panel; 1 X Non-Illuminated wall mounted aluminium panel; 4 X Internally illuminated acrylic panels
2016/01121/LAW	A	52, Laburnum Way, Penarth	Loft conversion
2016/01126/FUL	A	10, Woodham Road, Barry	Reconstruction of industrial unit damaged by fire
2016/01127/PNT	A	Awberry House, Buttrills Walk, Barry	Upgrade of existing equipment on roof
2016/01129/LAW	A	45, South Road, Sully	Proposed rear dormer to existing loft conversion

2016/01134/FUL	A	Y Felin Fach, Monkash	Amend condition 3 of permission 2012/01175/FUL to allow the opening of the site between 1st March and 31 October in any year
2016/01137/FUL	A	77, Woodham Park, Barry	replace and enlarge rear conservatory
2016/01147/FUL	A	Roanbern, David Street, Wick	Proposed two storey full width rear extension to form a kitchen, utility room & two bedrooms
2016/01150/FUL	A	23, Monmouth Way, Boverton, Llantwit Major	First floor extension above ground floor projection on front elevation to increase bedroom size
2016/01151/LAW	A	Rhyd Cottage, Graig Penllyn	Single storey extension to existing kitchen
2016/01245/OBS	N	Land off Horsefair Road, Waterton Ind Estate	Reconsult. Private car park area and outside storage compounds comprising the provision of hard surfacing (SUDS) & substantial boundary landscaping

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **15 December, 2016**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2016/00315/FUL
Appeal Method: Written Representations
Appeal Reference No: 16/3160076
Appellant: Mr. Derrick Ross,
Location: 56, Brook Street, Barry
Proposal: To convert existing coach house to one bedroom self contained residential unit - to introduce two Velux rooflights (or similar approved). To provide new waste/recycling and bicycle storage and cloth drying facilities
Start Date: 20 October 2016

L.P.A. Reference No: 2016/00959/FUL
Appeal Method: Written Representations
Appeal Reference No: 16/3160493
Appellant: Dr. Sid Gautam
Location: 14, Clinton Road, Penarth
Proposal: Demolition of existing single dwelling due to partial collapse to be replaced with a new single dwelling
Start Date: 17 October 2016

L.P.A. Reference No: 2016/00778/FUL
Appeal Method: Written Representations
Appeal Reference No: 16/3160995
Appellant: Newydd Housing Association
Location: Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe
Proposal: 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 (resubmission)
Start Date: 17 November 2016

L.P.A. Reference No: 2014/01033/FUL
Appeal Method: Hearing
Appeal Reference No: 16/3161658
Appellant: Mr Peter Hayman
Location: **Lettons House, Lettons Way, Dinas Powys**
Proposal: Re-submission of application for removal of modified agricultural/rural enterprise occupancy condition imposed on application 2011/0503/FUL in respect of the erection of existing 2 storey house
Start Date: 14 November 2016

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2016/00498/FUL
Appeal Method: Written Representations
Appeal Reference No: 16/3156142
Appellant: Mr. John Rosser
Location: **Land at rear of 11, Whitcliffe Drive, Penarth**
Proposal: Removal of Condition 8 of Planning Permission ref. 2015/01256/FUL - Details of Balcony Screen
Decision: Appeal Dismissed
Date: 23 November 2016
Inspector: Joanne Burston
Council Determination: Delegated

Summary

The appeal was in respect of the requirements of a condition of the planning permission for the construction of a new dwelling. The condition requires a screen to be fixed to the east side of the proposed balcony.

The main issue was considered by the Inspector to be whether the disputed condition is reasonable and necessary in the interests of the living conditions of neighbouring occupiers at 11 Whitcliffe Drive, with particular regard to privacy and overlooking.

Whilst the construction of the proposed dwelling is not yet completed, the Inspector was able to gain access to the site of the proposed balcony and noted that it would afford views across and down into various parts of the garden associated with 11 Whitcliffe Drive. Whilst she noted that the modest depth of the balcony would limit the intensity of its use, she found that the balcony would be designed to extend the living space at the new property and

would allow an immediate vantage point over adjoining garden areas to the detriment of their neighbours' privacy.

Whilst the appellant asserted that the neighbouring occupiers did not object, the Inspector judged the appeal proposal upon its own merits and not upon the current use of the garden which may or may not continue in the future whilst the balcony remains in use. In any event she was mindful of the need to protect the living conditions of both existing and future occupiers. The Inspector also noted other decisions made within the area.

The Inspector considered that the removal of condition 8 would give rise to a high degree of overlooking which would cause an unacceptable loss of privacy to the neighbouring occupier at No 11, contrary to UDP policy and the Amenity Standards SPG.

(d) Enforcement Appeal Decisions

None

(e) High Hedge Appeal Decisions

L.P.A. Reference No:	2016/00021/HH
Appeal Method:	Written Representations
Appeal Reference No:	T/16/516211
Appellant A:	Mr. Tim and Mrs. Nia Cule
Appellant B:	Mrs Emma Watson
Location:	35 & 37, Westward Rise, Barry
Proposal:	High Hedge between 35 & 37, Westward Rise, Barry
Decision:	Appeal Allowed
Date:	31 October 2016
Inspector:	Iwan Lloyd
Council Determination:	Delegated

Background

The appeal relates to a High Hedge Remedial Notice that was issued under the Anti-social Behaviour Act 2003 following a complaint made under the High Hedge procedures by Appellant B. Both the recipient of the Notice (Appellant A) and the original Complainant made an appeal against the notice. Accordingly, the Inspector considered the two appeals (A&B) together.

It is of note that when the notice was issued, it was considered expedient to pursue as the height of the hedge was found to be greater than 2 metres. The correction height calculated by the Officer was 2 metres, as specified in the Notice. However, prior to the appeal site visit by the Planning Inspector, the Hedge owner (Appellant A) undertook works to reduce the height of the hedge to below 2 metres, which

would, in effect, comply with the requirements of the Notice. Despite this, he continued with his appeal.

Summary

In making his decision, the Inspector firstly considered whether the hedge subject of the appeal was a hedge for the purposes of the legislation. He noted that section 66(1) of the Act refers to a high hedge as '*so much of a barrier to light or access as – (a) is formed wholly or predominantly by a line of two or more evergreens; and (b) rises to a height of more than two metres above ground level*'. He also noted that the Welsh Assembly Government's *High Hedges Complaints System: Guidance* indicates that '*the 2 metres should be measured from the ground where the hedge is growing – that will usually be on the hedge owner's side*' and that, '*even if the property affected is on a lower (or higher) level than the land where the hedge is situated, the 2 metres should still be measured from the ground where the hedge is growing*'.

The Inspector found that the hedge subject of the appeal measured 1.93m, which is below 2m. Despite the Inspector being aware of the fact that when the Remedial Notice was issued the hedge measured greater than 2 metres, his conclusions were based on his findings on site on the day of his appeal site visit. He concluded that, as the hedge does not rise to a height of more than two metres above ground level (as required by Section 66(1)(b) of the 2003 Act), it is not a high hedge for the purposes of the Act.

Accordingly the Inspector quashed the High Hedge Remedial Notice and found that, as none of the grounds of appeal fell to be considered, he took no further action on Appeal A or Appeal B.

Comment

This appeal decision is a typical example of the flaws of the High Hedge appeals process and is a problem that the Council have experienced once before. Unlike the Enforcement appeals process where the Inspector will consider the conditions on site at the time the Enforcement Notice was issued, the high hedge appeal decision is based on what the Inspector observes at the time of the appeal site visit. No account appears to be taken of the conditions on site at the time the notice was issued, OR the need for the continuing requirement for the hedge to be maintained at the correction height, which is what the Remedial Notice requires. This matter was brought to the Inspector's attention in the Council's appeal documents and at the appeal site visit.

Finally, as this decision was not made under the Planning Legislation, it has not been included within the appeal statistics below.

(f) April 2016 - March 2017 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals)	W	10	8	18	-
	H	2	5	7	1
	PI	-	-	-	-
Planning Total		12 (48%)	13 (52%)	25	1
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	1	-	-	-
Enforcement Total		1	-	-	-
All Appeals	W	10	8	18	-
	H	2	5	7	1
	PI	1	-	1	-
Combined Total		13 (50%)	13 (50%)	26	1

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 : 15 DECEMBER, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2016/00899/TPO	A	St. Dochdwys Church, The Precinct, Llandough, Cowbridge	To fell a group of trees shown as Group A on Document 1A which are undermining the churchyard walls of the Grade II listed Church and a single tree shown as Tree B on Documents 1A which is similarly undermining the churchyard wall of the Grade II listed Church. Trees affected: Group A comprises 1 x mature ash (Ash Tree No. 1), 1 x mature Beech, and several Sycamore and Ash saplings located outside and immediately adjacent to the western boundary wall of the listed Church building group. Group A also includes a second Ash tree (Ash Tree No. 2) near the western boundary. Tree B is a mature Sycamore tree located in the highway verge of The
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			Precinct, on the south/east corner of the listed walls of the churchyard. The trees are the subject of TPO No. 1 1950 (mixed woodland designation)
2016/01057/TPO	A	Rear car park at Marks and Spencer, Culverhouse Cross	Remove T1 Sorbus and cut back G1 Ash of TPO No. 12, 1994
2016/01085/TCA	A	Hill House, Bradford Place, Penarth	Removal of 7 Pine trees (Penarth Conservation Area)
2016/01093/TPO	A	Land at The Rectory, St. Andrews Road, Dinas Powys	Reduce/pollard 2 Lime trees - TPO No. 14-1954
2016/01138/TPO	A	Land at The Old Farm and The Granary, St. Hilary	Crown thin two lime tree - Tree Preservation Order No. 07, 1972
2016/01139/TCA	A	Land at Raisdale House, Raisdale Road, Penarth	Removal or maintenance of a number of trees - Penarth conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **15 DECEMBER, 2016**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT CANBRA, 16, CAE REX, LLANBLETHIAN, COWBRIDGE

Background

1. The site is occupied by a bungalow and is located within the Cowbridge Settlement boundary and fronts onto Cae Rex to the North. The property has a reasonable sized front garden and is surrounded by similar properties.
2. A complaint was received by the Local Planning Authority on 4 April 2016, regarding the development at 16, Cae Rex, Llanblethian not being built in accordance with Planning Permission reference: 2015/00690/FUL – *Proposed single storey extension, proposed dormer together with various internal alterations to the existing property, also a proposed attached garage to the site*. Following this, on 16 June 2016, we received complaints regarding an enclosure exceeding 1 metre in height being erected adjacent to the highway.
3. A Non-material Amendment application was submitted under planning reference 2015/00690/NMA/1 in order to regularise the breach of planning control in respect of the works to the dwellinghouse. This was approved on 15 July 2016. However, the breach in respect of the means of enclosure still remains.

Details of the Breach

4. Following an initial site inspection on the 26 July it was clear that a fence had been erected on top of the low brick wall along the front boundary of the property creating an enclosure that exceeded 1 metre in height adjacent to a highway. The low brick wall is just below a metre in height and the additional fence panels create an enclosure of just under 2 metres in height. Accordingly, the enclosure does not benefit from Permitted Development Rights granted under the Town and Country Planning (General Permitted Development) Order 1995. Therefore, planning permission is required and as no permission has been granted, the fence is unauthorised and in breach of planning control.
5. It is worth noting that a new 2 metre high means of enclosure had also been erected along the boundary shared with No. 18. It was established that, as this is an enclosure that is not adjacent to a highway, this enclosure does benefit from Permitted Development rights granted under the 1995 Order and does not, therefore, require planning permission from the Council.



Photo: Site Visit 26 July 2016.

Action Pursued to Date

6. A letter was sent dated 15 September 2016 advising that the fence was in breach of planning control. On 3 October 2016 the agent of the property owner contacted the Planning department and inquired whether it would be considered acceptable to move the fence back. On 5 October 2016 the officer replied stating that the Council would still be of the opinion that it would form an enclosure with the highway and would still require permission. An additional letter was sent to the property owner on 28 October 2016. On 10 November 2016 the officer telephoned the property owner and reminded them of the Enforcement case and warned them that authorisation may be sought to issue a notice but they advised that they had no intention of removing the fencing and lowering the enclosure.

Planning History

7. The site benefits from the following planning history:
 - **2015/00690/FUL** – Proposed single storey extension, proposed dormer together with various internal alterations to the existing property, also a proposed attached garage to the side – Approved 30 September 2016
 - **2015/00690/NMA/1** – Non Material Amendment - Change from dormer at front to 4 Velux windows. Proposed single storey extension, proposed dormer together with various internal alterations to the existing property, also a proposed attached garage to the side – 15 July 2016

Policy

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

- **ENV27 – Design of New Developments**

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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.

9. The following Supplementary Planning Guidance (SPG) is of relevance to this unauthorised development:
- Amenity Standards

10. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 9 – Enforcement of Planning Control (1997)
 - Technical Advice Note 12 – Design (2016)

Reasons for Serving an Enforcement Notice

11. The principal issue to consider relating to this development is the impact the fence has on the character and appearance of the street scene.
12. The property is in an area with a particularly distinct character of enclosures to the front of properties. The front facing enclosures typically consist of dwarf walls, of below 1 metre in height, and pillars on the edges. Many front facing enclosures have low vegetation of varying degrees behind these walls.
13. While being a typical domestic means of enclosure, the poor design is not in keeping with, and fails to respect the character of, the area. The fence posts on top of the wall are wholly at odds with the materials and design of existing boundary treatments in the area. The fence panels are incongruous within this setting and its detrimental visual impact is exacerbated by the length of the enclosure along the boundary of the site shared with the adopted highway. In addition to this, the enclosure interrupts the open aspect across the front garden of the property, a characteristic of properties in the surrounding street scene.
14. While the enclosure provides a degree of privacy to this front garden, this is not the principle area of amenity space for the property. This garden area is mainly used for parking and, as such, there is little need for privacy. Notwithstanding this, privacy can be provided by an alternative and more appropriate boundary treatment, such as hedges.
15. As such, the development is considered to be contrary to criterion (i) of the Development Plan Policy ENV27 and Policy 6 of the Amenity Standards SPG and TAN 12 (Design).

Conclusions

16. The enclosure, by reason of its height, design, materials and length along the prominent front boundary is considered to be an unacceptable form of development in this location. The enclosure fails to respect its context and is considered to have a harmful impact on the character and setting of the street scene.

17. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action. In doing so the Council must have regard to the permitted development rights granted under the Town and Country Planning (General Permitted Development) Order 1995 which would allow for the construction of an enclosure up to 1 metre high adjacent to a highway. Accordingly, the action recommended is to reduce the enclosure to the permitted height of 1 metre. Such action would result in the removal of the vast majority of the timber enclosure, although some may remain that would measure below the permitted 1 metre height.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

19. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
20. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

21. None.

Wellbeing of Future Generations (Wales) Act 2015

22. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In recommending the service of an Enforcement Notice, the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
23. Enforcement action is appropriate in this instance as it is important to preserve the character of the area, that being low walls and vegetation and a distinct openness, both for present generations and future generations.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) Reduce the height of the enclosure to 1 meter in height.

- (ii) Remove any resultant waste from the above operation.
- (2) In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

1. The enclosure, by reason of its height which exceeds 1m, design, materials used in construction and length along the prominent front boundary, is considered to be an unacceptable form of development in this location, that fails to respect its context and is considered to have a harmful impact on the character and appearance of the street scene. As such, the development is considered to conflict with Policy ENV27 – Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and TAN 12 (Design).

Background Papers

Enforcement File Ref: ENF/2016/0093/PC

Contact Officer - Mr Jordan Martin, Tel: 01446 704866

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 DECEMBER, 2016**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

8. GENERAL PLANNING MATTERS

Vale of Glamorgan Local Development Plan: Matters Arising Changes Consultation Update

Purpose of the Report

1. This report has been prepared to provide Committee with an overview of the representations made to the Local Development Plan (LDP) Matters Arising Changes (MAC) consultation and provides information as to the next steps.

Recommendations

1. That Committee notes the duly made representations to the LDP Matters Arising Changes consultations.

Reasons for the Recommendations

1. To inform Committee of the main issues raised in the LDP Matters Arising Changes consultations.

Background

2. Hearing Sessions 1 - 22 took place between 19th January and 20th April 2016. However, it should be noted that hearing session 23 (Monitoring and Implementation) was postponed to enable full consideration of the Council's responses to the action point responses and the associated matters arising changes. The Council's action point responses can be viewed via the individual hearing sessions on the Council's website:

http://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/planning_policy/local_development_plan/LDP-Examination.aspx

3. A number of proposed changes emerged as a result of the matters arising during the hearing sessions of the Examination. These changes were made under delegated powers granted by Council at their meeting on 24th June 2015 (minute No. 153 refers) in consultation with the Managing Director and Cabinet Member for Regeneration and Education.

4. These changes were compiled into a MAC Schedule which was accompanied by a MAC Sustainability Appraisal (SA) and a MAC Habitats Regulations Assessment (HRA). The MAC schedule and LDP as amended by the MACs (LDP/MACs) are available on line and a copy of both have been placed in the Members' Room for information. The six week formal public consultation on the MAC Schedule, MAC SA and MAC HRA took place between 16th September and 28th October 2016. A brief summary of the main issues raised during the consultation is set out below.

Relevant Issues and Options

5. In total, 457 duly made representations have been received from 184 organisations, bodies and individuals to the MAC consultation. The majority of representations were site specific and related to the new / amended allocations in the MAC Schedule. Other representations related to changes to policy wording / reasoned justifications, mapping changes and action point responses. 20 duly made representations were received to the MAC SA and 8 duly made representations were received to the MAC HRA. Of the 457 duly made representations received, 406 were objections, 45 were expressions of support and 5 provided general comments. The main issues raised in the MAC consultation were as follows:

6.

- Policy SP3: Residential Requirement (MAC 32 / Hearing sessions 2 and 3 Action Point responses 1 and 3 refer)

7. Objections have been received in relation to the revised housing requirement figure (9460 dwellings) on the basis that it is derived from the 2011 based population and household projections and only adjusts the level of allowance for additional affordable housing provision (459 dwellings). It is claimed that the 2011 based projections should form the starting point for the assessment of household need but should be re-based to reflect a return to longer term trends of household formation. In addition, concerns have been raised regarding the deliverability of the housing requirement in light of past build rates.
8. The potential economic growth impact (1602 dwellings) relates to the provision of jobs at the strategic employment sites. However, it has been argued in the MAC consultation that there is a need to consider alignment with all jobs, including existing jobs. It is also stated that in view of the Vale's growing ageing population, the proportion of people in employment will reduce over the Plan period and fewer jobs will be supported by a population of the same size.
9. The Council's approach to making an allowance towards affordable housing need was welcomed. However, the representations stated that it was unclear how this additional affordable housing will be delivered. It was argued that if the 459 affordable dwellings are to be delivered via the planning system and through Section 106 demands on open market housing, then the uplift applied to the general housing requirement figure should be significantly higher in order to ensure the delivery of these affordable housing units.

- Policy MG1: Housing Supply in the Vale of Glamorgan (MAC 41 / Hearing sessions 2 and 3 action point response 5 refers)

10. Whilst support was expressed for the reduction in windfall allowance for sites of 10 or more dwellings, objections were received to the level of windfall sites on small sites being maintained at 861 units and the lack of justification in the action point response

for adopting this approach. It should be noted the Inspector did not raise this as an issue or “Action Point” at the relevant hearing session and the Council’s evidence supports the 861 unit assumption.

- Policy MG4: Affordable Housing (MAC49 / Hearing session 6 Action point responses 3, 4, 5, 7 and 8 / MAC 89 refer)

11. Concerns were raised regarding the Council's viability evidence and as a result it was claimed that further amendments were required to Policy MG4. The viability concerns related to a number of elements including the calculation of benchmark land values, application of sales values and build costs. It was also stated that the flexibility set out in the reasoned justification (paragraph 6.31 LDP/MACs refers) regarding the provision of affordable housing should be reflected in policy MG4. In addition, concerns were raised to the definition of the Rural Vale in Policy MG4 and the consequential impact of this area being expected to deliver 40% affordable housing.
12. Paragraph 3.10 was amended in the MAC schedule to refer to the findings of the most recent Local Housing Market Assessment (MAC 24 refers). However, it is claimed that the revised wording does not recognise the significantly higher need identified in the Barry, Penarth and Llandough areas and the subsequent links to the LDP strategy.
13. Objections have been received regarding the additional text in paragraph 7.54 of LDP/MACs (MAC 89 refers) which defines "small scale affordable housing" as 10 or fewer dwellings for the purposes of Policy MD11. It is considered that a cap of 10 units would be prohibitive to the delivery of rural sites and it is recommended that the policy should be flexible to determine whether the scale is proportionate to an existing settlement.

- Removal of Phasing on Strategic Housing Sites (MAC 166 / MAC 41/ Hearing sessions 2 and 3 Action Point response 9 refers)

14. Whilst there was support for the removal of the general phasing from the Plan, it was considered that it should be retained for the strategic housing allocations that have been specifically linked to the employment aspirations for MOD St. Athan and Cardiff Airport (Policy MG 2 sites (2) to (7) refer).

- Policy MG 2 (23) : Land at Upper Cosmeston Farm, Lavernock (MAC 42 / MAC 192 / MAC MAP 03 / MAP MAC 05 / MAP MAC 06 refers)

15. The MAC Schedule includes a proposal to increase the size of the above housing allocation from 7.8 hectares to 22.2 hectares and increase the number of dwellings from 235 to 576 units. This proposed change (together with a number of other new and amended sites in Policy MG 2) seeks to address the concerns raised by the Inspector during the housing provision hearing sessions earlier in the year. The Inspector requested that the Council allocated additional land for housing to provide more certainty on where future housing growth will take place and reduced its reliance on windfall sites during the Plan period. As a consequence, the number of allocations in the Plan has increased from 7829 to 8525 units and the number of large windfall sites has dropped from 1587 to 840 units (MAC 41 refers). When amending the housing allocations, the Council followed the advice of the Inspector by focussing the additional allocations in the areas of highest need and in particular in

the South East Zone and Service Centre settlements which already benefit from a wide range of services and facilities including a choice of transport links to Cardiff, Bridgend and the wider region. A total of 98 objections were received in respect of this amended allocation and the main concerns raised were as follows:

- Increased traffic on local roads, vehicular access arrangements on site, highway safety / parking problems on site
- Impact on coastal path
- Lack of local infrastructure / facilities e.g. schools, health facilities to accommodate the proposed development
- Loss of greenfields/impact on rural setting / urban sprawl / reduction in green wedge
- Negative impact on nearby country park and suggestions that the land should form part of an extension to the Cosmeston country park
- Sewage Capacity, flooding / drainage issues
- Contamination Issues
- Disturbance from construction vehicles
- Coastal erosion

- Policy MG 2 (XXA) : Former Eagleswell Primary School, Llantwit Major (MAC 42 / MAC 191/ MAP MAC 01 refers)

16. Policy MG 2 has been amended to include a new housing allocation on the former Eagleswell Primary School site in Llantwit Major which has recently been amalgamated to become Ysgol Y Ddraig and relocated to a new site. The site measures 2.4 hectares and is allocated for 72 dwellings at a density of 30 dwellings per hectare in line with Policy MD 7 (Housing Densities). 7 objections were received in respect of this new allocation and the majority of the representations stated that the site should be allocated for recreation and / or community uses as opposed to housing. This is due to the significant levels of housing proposed in the Llantwit Major / St. Athan area. Concerns were also raised regarding the presence of newts on the site.

- Policy MG 2 (XXB) : Land adjacent to Oak Court, Penarth (MAC 42 / MAC 195 / MAP MAC 04 refers)

17. This new 4 hectare site is located to the west of Penarth. Approximately 0.5 hectares of the site is expected to deliver 'extra care' accommodation to meet an identified need in the local area and the remaining 3.5 hectares is anticipated to deliver 105 new dwellings including affordable housing. 5 objections were received to this new allocation and the main concerns related to the proposed access to the site and the detrimental impact that the additional traffic would have on the local highway network.

- Policy MG2 (11): Land to the west of Pencoedtre Lane, Barry (MAC 42 / MAC 179 / MAP MAC 02 refers)

18. The existing allocation was amended in the MAC schedule from 1.21. hectares to 4.45 hectares and the number of dwellings has increased from 40 units to 137 units

to assist in meeting the Inspector's concerns referred to in paragraph 11 above. 4 objections were received to this amended allocation and the following concerns were raised:

- impact on the SSSI
- surface water drainage issues
- access arrangements
- open space requirements
- impact on archaeological features.

- Housing Sites affected by zone C1 or C2 flooding as identified on the 2015 Development Advice Maps (MAC 42 and MAC 43 refer).

19. The table in Policy MG 2 was annotated in the MAC schedule to show which housing sites are affected by Zones C1 or C2 (as identified on the 2015 Development Advice Maps) and the reasoned justification confirms that "on some sites densities have been adjusted to reflect site specific circumstances, including flooding constraints" (paragraph 6.10 refers of LDP/MACs). Appendix 5 also refers to Natural Resources Wales (NRW) Advice where applicable regarding flooding issues. However, the Welsh Government considers that the Plan is currently unclear in some instances as to whether the developable area is subject to C2 flood risk issues and clarification is sought that the land outside of the C2 area is sufficient in scale to accommodate the level of growth proposed and that the ability to access / egress the sites is also unaffected by flooding. NRW on the other hand have expressed support regarding the references to flood risk in Appendices 5 and 6 stating that they ensure that the flood risk position is understood by developers and decision makers. Officers have subsequently liaised with Welsh Government officials and agreed a proposed amendment to Appendix 5 of the LDP/MACs to clarify this issue to address their concerns.

- Settlement Boundaries (MAC 85 refers)

20. During hearing session 1, the Inspector asked the Council to consider the need for settlement boundaries around minor rural settlements to provide certainty to both local communities and prospective developers and also to the potential levels of growth anticipated in such rural locations. As a consequence, the Council decided to define settlement boundaries around each of the minor settlements identified in the settlement hierarchy and these are included in the MAC schedule. Policy MD6 was also deleted and Policy MD 5 was amended to refer to 'development within settlement boundaries'.
21. Several representations were received in relation to this issue. Some representations objected to the principle of settlement boundaries around the minor rural settlements and others considered that they have been drawn too tightly and wished to see them amended to include sites, some of which were previously submitted as alternative sites and / or candidate sites. In addition, some objections were received regarding the amended Llantwit Major and Sully settlement boundaries. Support was also received for the introduction of settlement boundaries for the minor rural settlements but some representations raised concerns regarding the reference to small scale rounding off in paragraph 7.24 of LDP/MACs (MAC 85 refers). In addition, representations were received regarding the definition of countryside in paragraph

7.3 of LDP/MACs (MAC 81 refers) maintaining that it should exclude previously developed sites.

- Policy MG 5 : Gypsy and Traveller Site (MAC 50 / MAP MAC 112) and Policy MD 18: Gypsy and Traveller Accommodation (MAC 97).

22. MAC 50 refers to the new gypsy and traveller site at Llangan. The site is allocated for 2 pitches to meet the immediate need (to 2021) identified in the Vale of Glamorgan Gypsy and Traveller Accommodation Assessment (2016). This MAC was made in response to Hearing Session 16 Action Point 5 which required the Council to delete the original allocation at Hayes Road, Sully in light of the designation of part of the site falling within Zone C2 of the Natural Resources Wales Development Advice Maps and to identify an alternative site to meet the identified need. 84 objections were received in respect of the proposed allocation at Llangan and they raise the following concerns:
- no reference in the Plan to the total need (20 pitches) over the Plan period
 - clarification on how the remaining need (18 pitches) will be addressed / monitored
 - suitability of the site in terms of sustainability
 - legal history relating to the site
 - substandard highway access
 - Impact on Special Landscape Area
 - Impact on the setting of the Llangan Conservation Area
 - Inconsistency of the allocation with Policy MD11 (Affordable Housing Developments Outside Settlement Boundaries) and Policy MD18 (Gypsy and Traveller Accommodation)
 - Inconsistency with various LDP objectives
 - Coalescence of Fferm Goch and Llangan
 - Surface water flooding
 - The difficulties of accommodating different denominations of travellers on the same site.
23. In addition, representations were received in respect of MAC 97 which relates to amendments to Policy MD18 (Gypsy and Traveller Accommodation) and the reasoned justification. A concern was raised by Welsh Government regarding the reference to 'local need' in criterion 1. Paragraph 7.56 of the LDP includes a definition for 'local housing need' under Policy MD 11 (Affordable Housing Developments Outside Settlement Boundaries). Clarification has been sought as to whether this definition relates to Policy MD 18 and if so, the reference to local need may be inappropriate as some gypsies and travellers may not have any local connection and would therefore be considered to be discriminatory. Furthermore, concerns were raised regarding paragraph 7.81 LDP/MACs which states that the Council must be satisfied "that there is a demonstrable need for the accommodation in the proposed location" which is regarded to be too onerous. Officers have subsequently liaised with Welsh Government and agreed a proposed amendment to address this concern.

- Employment (MAC 55, MAC 220 and MAC 95 refer)

24. Whilst support was expressed for the amendments to Policy MG10 (St. Athan - Cardiff Airport Enterprise zone) some changes were suggested to the policy wording and the reasoned justification to allow more flexibility in respect of the employment uses catering for the needs of the aerospace industry and high tech manufacturing in order to ensure the success of the enterprise zone.
25. MAC 220 relates to employment allocation MG9 (11) - Land adjacent to junction 34 of the M4, Hensol. The MAC requires a detailed work place travel plan to be submitted as part of any future development proposals. Representations in respect of this MAC claim that this site will generate a significant number of trips which are likely to have a detrimental effect on the adjacent highway network and public transport corridors. It is therefore recommended that the policy should also make provision for off-site transport improvements by way of section 106 contributions to mitigate the impacts of any future proposals.
26. At the employment hearing session, the Inspector asked the Council to include a new policy in relation to the protection of existing employment sites (Policy MD16A refers). The new policy lists the existing employment sites identified within the Plan and they are annotated on the proposals map in accordance with action point 10. A representation was received in respect of this issue claiming that HMS Cambria should not be identified in the policy as it was a former Royal Navy Reserve training facility and it has always been predominantly residential in nature. It is therefore not considered appropriate for it to form part of the adjacent Atlantic Trading Estate. In addition, it was suggested that Policy MD16A is too rigid and should have a more flexible approach with regard to permitting mixed use proposals on existing employment sites.

- Minerals (MAC 39, MAC 76 and MAC 71)

27. Concerns have been raised regarding the nature and quantum of reserves at Ruthin Quarry. The representations state that the reserves at Ruthin Quarry are suitable for use as both an aggregate and as a non-aggregate in the Aberthaw cement works. Accordingly, changes are sought to paragraphs 6.141 and 6.143 see LDP/MACs to reflect this. It is also suggested that paragraph 5.88 overstates the true level of available aggregate reserves however, this is not agreed and it is considered the position as set out in the MACs is correct.
28. A number of representations have been submitted in respect of the deletion of minerals safeguarding areas within new / amended settlement boundaries. However, in the majority of cases, these representations are also objecting to the housing allocations which are contained within the settlement boundaries.

- Waste (MAC 10 / 12 / 38 / 99)

29. Representations in respect of waste state that the changes to section 2 of the LDP in the MAC schedule are insufficient and changes are suggested to MAC 10 and MAC 12 for clarity. Concerns have also been raised regarding the wording of Policy SP8 (MAC 38 refers) and MD 20 (MAC 99 refers).

- Retailing (MAC 57, MAC 58 and MAC 60)

30. Support has been expressed for the deletion of edge of centre and out of town retail areas from the retail hierarchy (MAC 57 refers) and their inclusion in a separate policy MG 13 (MAC 58 refers). However, it has been argued that the policy tests relating to neighbourhood retail centres in Policy MG 15 should also relate to local retail centres (MAC 60 refers).

31.

- Policy MD 2: Design of New Development (MAC 82)

32. Although supporting representations were received to MAC 82, concerns were raised regarding the amendments to criterion 6, which refers to the effect of new development on highway safety and congestion. They state that it is not clear what may be an 'acceptable' level of compromise in terms of either highway safety or congestion, or who will decide this. In addition, it is maintained that the wording is inconsistent with a number of overarching planning objectives e.g. to achieve a clean and healthy environment (Environment Strategy for Wales (2006) as set out in the LDP paragraphs 2.4 – 2.5); to reduce transport safety and security (One Wales: Connecting the Nation – The Wales Transport Strategy (2008) as set out in the LDP, paragraph 2.12); and improve the health of communities and reduce the number of accidents and injuries (Our Healthy Future (2009) as set out in LDP, paragraph 2.14). Accordingly, it is recommended that the reasoned justification is amended to define what is meant by causing or exacerbating congestion to an unacceptable degree. Further changes have been recommended by objectors to the first two new supporting paragraphs (7.XX of LDP/MACs refer) which make specific reference to the Active Travel (Wales) Act and mitigation measures.

- MAC SA / HRA

33. NRW consider that the potential impact for change has been adequately addressed in the SA Report and that the screening has identified all changes that they considered would require a SA. Other SA representations related to the following matters:

- SA scoring of the amended MG2 (23) housing allocation and concerns regarding the allocation of a large greenfield site.

- lack of an SA for amended policy SP8 (sustainable waste management)

- SA scoring of MAC 99 (Policy MD20: Assessment of waste management proposals) in particular the predominantly neutral scoring.

-SA scoring of MAC 50 (Policy MG5 Gypsy and Traveller Accommodation)

34. NRW noted that the changes in the MAC Schedule did not significantly affect the findings of the HRA. They agreed that the amended allocated sites were unlikely to have a significant effect on European Sites. They also considered that the new and amended nature conservation policies (Policies MG19, MG19A and MG19B) will ensure that new development will not have an adverse impact on the integrity of European sites, either alone or in combination with other projects or plans. However, objections were received regarding the impact of the amended MG 2 (23) site on the Ramsar / SAC site. It is also argued that no mitigation will be able to safeguard bird migration on this part of the coast.

- Next Steps

35. Following the close of the MAC consultation, all duly made representations were forwarded to the Inspector for his consideration. It is anticipated that the additional hearing sessions will take place in late January 2017. It should be noted that the Inspector may decide that a further MAC consultation is required if there are a number of new issues / action points that need to be addressed and additional changes are proposed to the LDP following the hearing sessions. However, if this is not the case, the Inspector's final report is due in March 2017. The Inspector's Report is binding on the Council and the Council is required to adopt the LDP within 8 weeks of its receipt.

Resource Implications (Financial and Employment)

36. The LDP is being prepared by officers within the Regeneration and Planning department within existing budgets. External technical assistance has been sought during the LDP process where necessary. The costs associated with the LDP Examination have all been identified within existing revenue budgets.

Sustainability and Climate Change Implications

37. Each stage of the LDP has been subject to Sustainability Appraisal and Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004. In accordance with the guidance, the Council has prepared a Sustainability Appraisal Report which tests the LDP against the Sustainability Appraisal Framework. A MAC Sustainability Appraisal has been prepared to assess the implications of the latest changes as well as a MAC Habitats Regulations Assessment.

Legal Implications (to Include Human Rights Implications)

38. The Council has a statutory duty to prepare a LDP and the statutory duties in this regard are set out in part 6 of the Planning and Compulsory Purchase Act 2004, which requires that an LDP is made subject to independent examination to determine whether or not it is sound. LDPs must be sound in terms of their content and the process by which they are produced. The Local Development Plan Manual Edition 2 (2015) sets out the 3 tests of soundness which an LDP must meet in terms of consistency, appropriateness and effectiveness.

Crime and Disorder Implications

39. The LDP contains policies which seek to reduce the opportunity for crime and anti-Social behaviour (Policy MD2 refers).

Equal Opportunities Implications (to include Welsh Language issues)

40. All LDP consultation documentation has been made available in both Welsh and English. It is the Council's intention to translate the Adopted LDP written statement into Welsh in due course.

Corporate/Service Objectives

41. The adoption and implementation of the LDP as a framework for sustainable development in the Vale of Glamorgan is one of the objectives (objective 4 refers)

under well-being objective 2 in the Corporate Plan 2016 -2020 and is also identified as a service objective for the Regeneration and Planning Division (ER07 refers).

Policy Framework and Budget

42. The production and adoption of a LDP for the Vale of Glamorgan is a matter for Full Council.

Consultation (including Ward Member Consultation)

43. No specific consultation with Ward Members has been undertaken given that the matter will be reported to Cabinet and Planning Committee. It should be noted that the statutory consultation timeframes for the LDP are set out in the relevant national legislation and compliance with these must be achieved.

Relevant Scrutiny Committee

44. Environment and Regeneration.

Background Papers

Planning and Compulsory Purchase Act 2004
Town and Country Planning (LDP) (Wales) Regulations 2005
LDP Manual (Edition 2) 2015
Wales Spatial Plan (2008 update)
Planning Policy Wales (Edition 9) November 2016
Environmental Assessment of Plans and Programmes (Wales) Regulations 2004
The Conservation (Natural Habitats & C) Regulations 1994
ODPM / WAG (2005) Practical Guide to the Strategic Environmental Assessment Directive
The Vale of Glamorgan LDP Delivery Agreement (2014)
Vale of Glamorgan Draft Preferred Strategy (2007)
Vale of Glamorgan Deposit LDP (2013)
Vale of Glamorgan LDP Consultation Report (2015)
Vale of Glamorgan LDP Background Papers
Vale of Glamorgan MAC Schedule (2016)
Vale of Glamorgan MAC Sustainability Appraisal (2016)
Vale of Glamorgan MAC Habitats Regulations Assessment (2016)
Vale of Glamorgan MACs Representations Register (2016)

Contact Officer

Victoria Robinson - Operational Manager, Development Management

Officers Consulted

Operational Manager, Waste, Recycling and Coastal Management
Operational Manager, Highways and Engineering
Housing Solutions and Supporting People Team Leader
Operational Manager, Public Housing Services
Operational Manager, Regeneration
Interim Director of Learning and Skills
Operational Manager, Legal - Committee Reports
Senior Accountant

Responsible Officer:

Rob Thomas, Managing Director

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 DECEMBER, 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.

2014/01300/FUL Received on 2 December 2014

Mr. Matthew Davies, Hafod Housing Association,, St. Hilary Court,, Copthorne Way,, Cardiff., CF5 6ES,
C2J Architects, Unit 1A, Compass Business Park,, Pacific Road,, Cardiff., CF24 5HL

Barry Dock Conservative Club, Station Street, Barry

Proposed demolition of existing buildings and construction of 21 self contained affordable apartments with on site parking and amenity facilities

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- the application is of a scale and / or nature that is not covered by the scheme of delegation.

BACKGROUND AND PURPOSE OF THE REPORT

Planning application 2014/01300/FUL was initially reported to Planning Committee on the 2 July 2015. Members resolved to approve the development of 21 apartments, subject to a Section 106 legal agreement, however, since that date, the legal agreement has not been progressed to a conclusion (and the application remains undetermined). The case officer has now been contacted by the applicant to advise that the proposed development will be taken forward by Hafod Housing Association. As a consequence, the 21 apartments would now all be affordable (social rented) as opposed to the 12 market and 9 affordable unit scheme that was previously reported to Planning Committee. The development is unchanged from the scheme previously reported to Committee in terms of the design, scale and siting of the building, and the access and external layout (including parking); the sole change is to the tenure of the apartments.

The purpose of this report is, therefore, to advise Members of the updated situation and assess the potential implications arising as a consequence of this change.

The original report is attached as **Appendix A** and this report, therefore, provides an assessment of the changes to the scheme and responses to the 're-consultations'.

SITE AND CONTEXT

The application site is Barry Docks Conservative Club, Station Street, Barry, which is a large, red brick building, located within the settlement boundary of the town, close to Barry Docks railway station. It is shown on the site plan below:



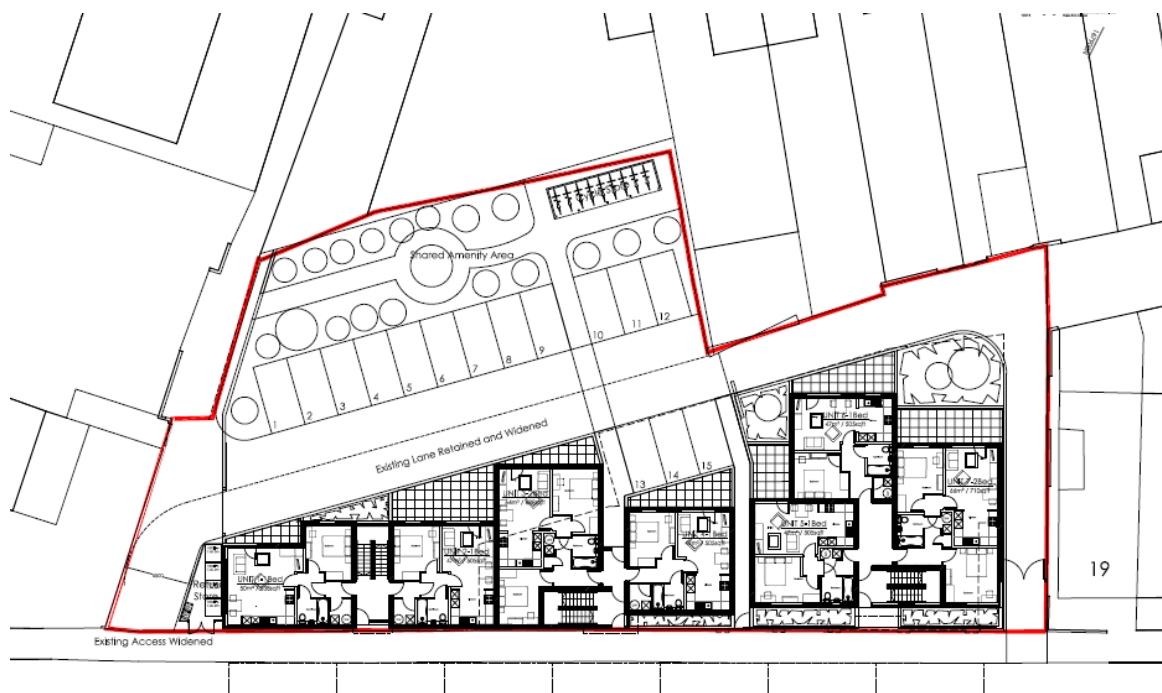
The site also includes an area of land to the rear of the building and part of the lane that runs directly to the rear of the building.

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing building and the erection of 21 apartments. The proposal is for a contemporary building, which would be sited adjacent to the pavement edge. The development also involves widening the access to the left of the existing building, and the provision of parking (15 spaces) and shared amenity space to the rear.



The plan below shows the proposed layout:



The application proposes 21 affordable apartments, comprising fifteen one bed units in total and six two bed units in total.

PLANNING HISTORY

None relevant to this application.

CONSULTATIONS

Given the nature of the sole change, the following consultees have been re-consulted, as opposed to the whole list of consultees that were contacted in respect of the original scheme:

Barry Town Council- No objection.

The Council's Affordable Housing Enabler has advised that he is supportive of the amended proposal. The following comments have been received:

The Housing Strategy Team is fully supportive of this redevelopment of a redundant site in the heart of a high demand area. There are currently 161 one bedroom applications for this area and 44 applications for two bedroom accommodation. If we broaden out the catchment to include the whole of Barry, the respective figures are 1,082 and 233.

REPRESENTATIONS

The original consultation process resulted in sixteen letters of objection. The neighbouring properties have been re-consulted and to date, three letters of objection have been received and the grounds are summarised as follows:

- parking problems in the street
- noise from engines and doors slamming
- noise from music and open windows
- development is too large
- too many flats (in the development and already in the street)
- diminishment of family/community feel in the street
- inadequate infrastructure
- problems with litter and refuse collection

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 8 – TRANSPORTATION

Policy:

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

POLICY HOUS12 - AFFORDABLE HOUSING

POLICY TRAN9 – CYCLING DEVELOPMENT

POLICY TRAN10 – PARKING

POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW

POLICY REC6 – CHILDREN’S PLAYING FACILITIES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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 9, 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.

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Amenity Standards
- Affordable Housing
- Barry Development Guidelines
- Biodiversity and Development
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which have been the subject of public consultation in September / October 2016. Further hearing sessions are expected in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) states:

2.14.1 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.

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

As noted above, the only change to the development is that it would now be 21 affordable units as opposed to 12 market units and 9 affordable. Therefore, the proposed development remains acceptable to the Local Planning Authority in principle and in terms of the design, scale and siting of the building, the external layout, the access point and highway safety. The remainder of the report assesses the potential implications in terms of parking, residential amenity and Section 106 issues.

Parking

The size of the development and the number of units remains the same. The previous report (now at Appendix A) set out a rationale for accepting the number of car parking spaces proposed and the same number of spaces would still be provided. Now that the development would be wholly affordable, it is possible that car ownership levels will be lower and if this were the case, it would reduce demand for parking within the development and on the surrounding streets. It is considered that car ownership levels are extremely unlikely to be higher than would have been the case with 12 market and 9 affordable units and consequently, the development remains acceptable in terms of parking provision.

Residential amenity

The development would not be fundamentally different to the approved scheme in terms of its character or the impact on residential amenity in the area.

Section 106 issues

On the 5th September 2016, the Council's Cabinet agreed that 100% affordable housing developments of twenty-five residential units or less, delivered either by the Council or its one of its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations (Minute C3271). Historically financial contributions have been sought for such developments in respect of sustainable transport, education, public open space, community facilities and public art, in order to mitigate impacts in accordance with the Council's Planning Obligations SPG and evidence contained with the LDP background papers. However, due to the relatively limited subsidy available for providing affordable housing and the overall cost of delivering it, such contributions can make developments unviable. Consequently, this approach seeks to maximise the use of Council funding and any subsidy available to RSLs, in order to maximise the delivery of affordable housing units.

The current proposal for 21 No. residential units is now being promoted by Hafod Housing, which is one of the Council's recognised RSL Partners. The scheme therefore complies within the criteria for this exception. It is recognised that the lack of section 106 financial contributions for matters such as sustainable transport, public open space, community facilities and education will inevitably lead to pressure from future residents for those Council Service Areas to meet their needs through their own budgets as service providers, however, there is a critical need in the Vale of Glamorgan for affordable housing and previous research and evidence has shown that if a person does not live in a stable and good quality home, it can have a detrimental impact on both their health and educational attainment.

In the case of this development, the implication is that the Council will no longer seek the contributions identified in the previous report, those being £42,000 towards public open space and 1% of build costs towards public art.

In terms of the need for a legal agreement to secure the properties as affordable housing, the following advice in TAN 2 is noted:

“12.2 Development plans and/or Supplementary Planning Guidance (SPG) should set out the circumstances where local planning authorities will use planning conditions or planning obligations to ensure that the affordable housing provided is occupied in perpetuity by people falling within particular categories of need. Local planning authorities should not normally impose additional occupancy controls where a registered social landlord is to be responsible for the management of the affordable housing”

In this case the applicant (Hafod Housing) are one of the Council's partner RSLs and therefore, it is considered that a condition rather than a legal agreement in appropriate to secure the affordable housing tenure of the scheme.

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 amended application form received on the 17th October 2016 and the plans registered on 2 December 2014 other than where amended by plans reference AL(0)11 D and AL(90) D received on the 18 June 2015 and plan AL(0)10 B, received on the 3 March 2015.

Reason:

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

3. Prior to the commencement of development, details (including sections) of the finished levels of the application site and building in relation to existing ground levels and those of the adjoining land shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies ENV27 and HOUS8 of the Unitary Development Plan.

4. All means of enclosure associated with the development hereby approved (including details of alley gates within the application site) shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their construction or erection in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

5. Prior to their use in the construction of the development hereby approved, a schedule and samples of all proposed external materials 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 samples.

Reason:

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

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

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

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

Reason:

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

8. Prior to their use in the development hereby approved, further details and samples of all elements of the hard landscaping scheme, including the materials to be used in the construction of the parking areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall at all times thereafter be maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. Prior to the beneficial occupation of the development hereby approved, a Travel Plan shall be prepared, submitted and approved in writing by the Local Planning Authority to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and the site is accessible by a range of modes of transport in accordance with Policies 2, 8, ENV27 and TRAN9 of the Unitary Development Plan.

10. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the plans hereby approved, and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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

Reason:

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

12. From first beneficial occupation the dwellings hereby approved shall all be affordable housing as defined in TAN 2. Prior to beneficial occupation of any of the dwellings a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in TAN 2, or any future guidance that replaces it. The scheme shall include:

i) the arrangements for the management of the affordable housing;

ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

13. Prior to the first beneficial occupation of any of the residential units hereby approved, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be managed in accordance with the approved plan.

Reason:

In order to ensure the efficient management of the parking provision serving the development and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

14. Prior to the commencement of development, a Construction and Environmental Management Plan to include such matters as the control of noise, vibration, dust and other deposits (and to include proposed hours of working during the development construction phase) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented throughout the course of the construction phase of the development.

Reason:

To safeguard the amenities of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. Notwithstanding the submitted plans, full engineering details of the new widened vehicular access to the site, the highway/lane within the site and associated lighting and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.

Reason:

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

16. The Development shall at all times be carried out in accordance with the recommendations within the document entitled "Barry Conservative Club, Bat Surveys, June 2015, Project ref 14-036, version 3 by Just Ecology Ltd".

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

17. Full details of a scheme for the comprehensive drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To ensure the adequate drainage of the site, 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.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Having regard to POLICIES 1, 2, 3, 8 and ENV16 – Protected Species, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS* Residential Development Criteria, HOUS2 – Settlements, HOUS12 Affordable Housing, TRAN9 – Cycling Development, TRAN10 – Parking, REC3 – Provision of Open Space within New Residential Developments and REC6 – Children’s Playing Facilities, the advice within Planning Policy Wales and Technical Advice Notes 1, 2, 12, 16 and 18 and the Council’s Supplementary Planning Guidance on Affordable Housing, Vale of Glamorgan Housing Delivery Statement 2009, Sustainable Development, Amenity Standards, Planning Obligations and Public Art, the development is considered acceptable in principle and in terms of design, impact on residential amenity, highways issues, parking, amenity space provision and ecology.

NOTE:

- 1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 3. The developer should be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.**

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.



2014/01300/FUL

	Title Location Plan	Date 09/09/14	Drawn BK	Scale 1:250/1:250 @ A3
	Client Conservative Club Station Street Barry	Job No. 14_039	Eng No. AL(0001	Rev.

Architects
Environmental & Urban planners



Appendix A - 2014/01300/FUL

2014/01300/FUL Received on 2 December 2014

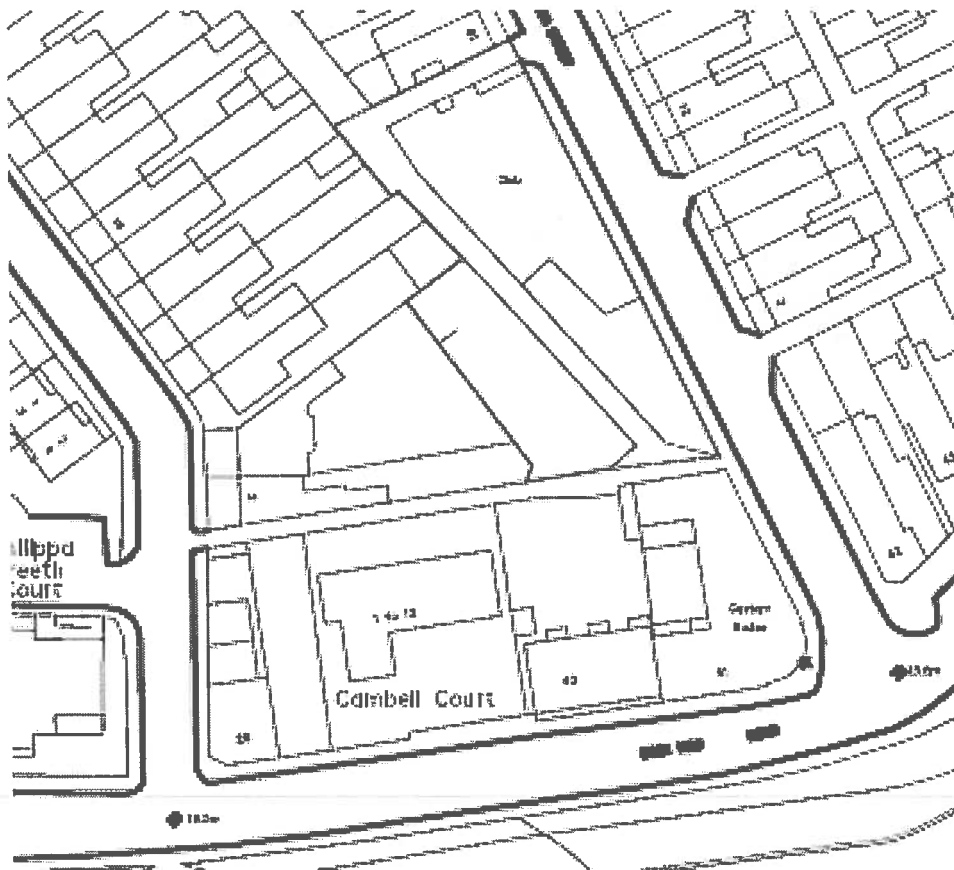
Green Maple Projects and Hafod Housing Association, Churchgate House,
Church Road, Whitchurch, Cardiff,
C2J Architects, Unit 1A, Compass Business Park, Pacific Road, Cardiff,
CF24 5HL

Barry Dock Conservative Club, Station Street, Barry

Proposed demolition of existing buildings and construction of 21 self contained apartments with on site parking and amenity facilities

SITE AND CONTEXT

The application site is Barry Docks Conservative Club, Station Street, Barry, which is a large, red brick building, located within the settlement boundary of the town, close to Barry Docks railway station. It is shown on the site plan below:



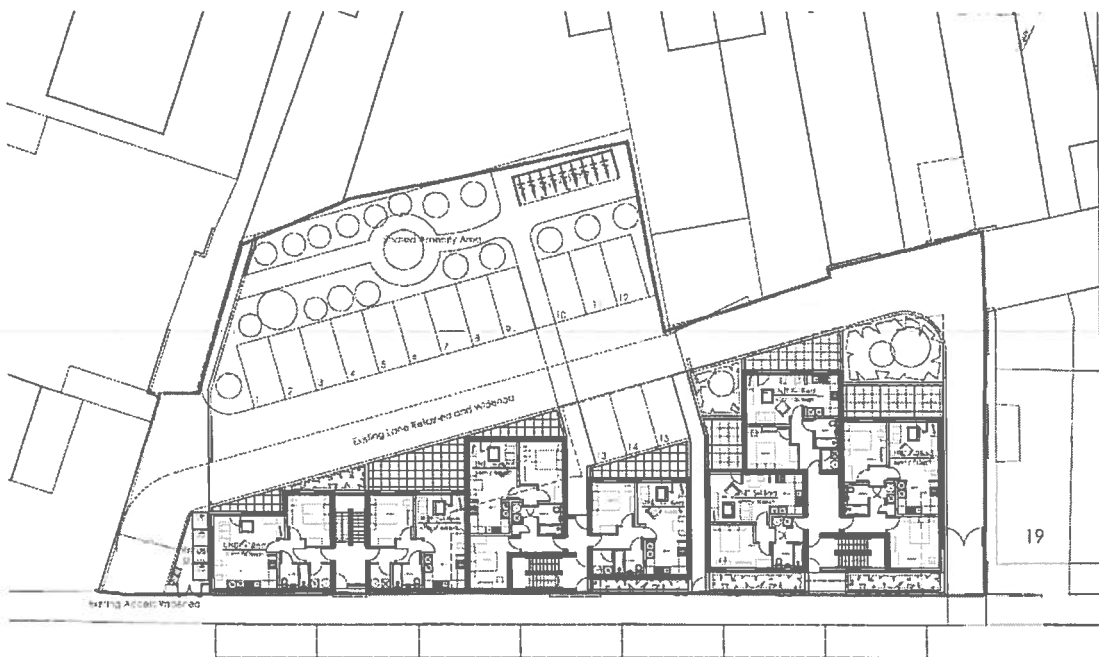
The site also includes an area of land to the rear of the building and part of the lane that runs directly to the rear of the building.

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing building and the erection of 21 apartments. The proposal is for a contemporary building, which would be sited adjacent to the pavement edge. The development also involves widening the access to the left of the existing building, and the provision of parking (15 spaces) and shared amenity space to the rear.



The plan below shows the proposed layout:



The application proposes twelve market apartments and nine affordable apartments, comprising fifteen one bed units in total and six two bed units in total.

PLANNING HISTORY

None relevant to this application.

CONSULTATIONS

Barry Town Council- No objection.

Highway Development have requested one parking space per flat, a single access with a 5.5m width and footways within the parking area. (See Appendix A).

The Director of Legal and Regulatory Services (Environmental Health) has raised no objection, subject to measures regarding the management of the construction works to minimise impact on amenity. Provisions are also recommended in respect of contamination, should it be encountered.

Local ward members- No representations received to date.

Dwr Cymru Welsh Water have raised no objection subject to standard conditions related to the drainage of the site.

The Council's Ecology Officer initially objected due to the absence of a bat survey, however, following its submission, the objection is now removed.

Crime Prevention Design Advisor has provided advice in terms of crime prevention.

Affordable Housing Enabler has provided advice (expanded upon with the report) in terms of the number of affordable units required, the tenure mix and the spread through the development.

Natural Resources Wales concurred with the initial advice of the Council's ecologist to require a bat survey.

REPRESENTATIONS

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

- Overdevelopment of the site.
- Additional pressure for parking on street.
- Blocking out of sunlight to residential properties.
- Insufficient parking.
- The building is of a design that is out of character with the area.
- Overlooking and loss of privacy.
- The building would be overbearing.

- Traffic congestion.
- Noise and general disturbance.
- Adverse impact on highway safety.
- The development would not assist community integration.
- Adverse impact on property value.
- Undesirable tenants.

A representative sample of three of these objections can be found at Appendix B.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 – TRANSPORTATION

Policy:

ENV16	– PROTECTED SPECIES
ENV27	– DESIGN OF NEW DEVELOPMENTS
HOUS2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	– RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS12	– AFFORDABLE HOUSING
TRAN9	– CYCLING DEVELOPMENT
TRAN10	– PARKING
REC3	– PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC6	– CHILDREN'S PLAYING FACILITIES

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

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

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

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

Planning Policy Wales:

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

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2006)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards
- Planning Obligations
- Public Art

The Local Development Plan:

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

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

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

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

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Open Space Background Paper (2013)

Issues

The principle of the development

The application site lies within the settlement boundary of the town and therefore new residential development is acceptable in principle, and then subject to the detailed criteria contained within policy HOUS 8 of the UDP. The building is also not listed and, consequently, there is no control in this respect over its demolition. It is, therefore, considered that the principle of a new form of residential development in this location is acceptable.

Scale, form, design and visual impact

Policy ENV27 of the UDP relates to all new forms of development and requires proposals to be of a high standard of design, have regard to the context of the environment within which they are proposed and minimise and detrimental impact on adjacent areas. Similarly Policy HOUS8 requires the scale, form and character of developments to be sympathetic to the environs of the site.

In terms of National Guidance, the following advice contained within PPW at paragraphs 9.32, 9.33 and 9.34 is considered relevant to the assessment of the application:

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements.

9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.

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

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Technical Advice Note 12 advises at paragraph 5.53:

“The design of housing layouts and built form should reflect local context, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area.”

The existing building is traditional in form and the remainder of the street scene is largely also traditional in character. However, the existing building does stand alone, visually, from the smaller scale terraces of dwellings along most of Station Street.

Taken together, the sharp angular form, combination of materials and pattern of glazing serve to give the building a highly contemporary appearance that does not seek to replicate the existing built environment around the site. However, it is considered that a modern and visually contrasting form of development is not unacceptable in principle, subject to the quality of the design and its general scale, form and massing being compatible with the site and the surrounding environment.

It is considered that the proposed development represents a high quality and interesting modern design which, while contrasting with the character of buildings close to the site, would add positively to the built environment in this part of the town.

The building would be prominent within the street scene and would be a significant feature when travelling along Station Street in both directions, and from Dock View Road. The building would not exceed the ridge height of the buildings to either side of the site and, while the overall massing would be larger to a degree than the general form of the adjacent terrace (since it has a flat roof as opposed to a tapering pitched roof), it is considered that the building would nevertheless not appear as over scaled in this context or incongruous. Furthermore, it is considered that the series of recesses and the change in materials would visually break up the apparent scale and massing of the building, and would result in a more interesting frontage.

The nature and size of the site (and the location of the lane) dictates the general siting of the building, however, it is considered appropriate for the building to be sited adjacent to the pavement, in the same way that the existing building and nearby terraces do, providing a strong sense of enclosure to the street.

It is, therefore, considered that the proposed development would comply with the aims of Policies ENV27 and HOUS 8 of the Unitary Development Plan and the advice contained within PPW and TAN 12, in terms of its design and scale.

Impact on neighbours

The building would be sited approximately 15m from the dwellings on the opposite side of Station Street. While this is less than the 21m required by the Council's Supplementary Planning Guidance, it is across a public highway (i.e. less private than the rear of dwellings) and similar to a typical relationship that is often found between the front elevations of terraced properties. There is approximately 17m between the two terraces further up Station Street (due to the small front yards) however, it is considered that 15m is not untypical of a residential context such as this, where the respective properties lie across a highway. In addition, most of the principal habitable rooms have been sited at the rear of the units and the windows on the front elevation are generally smaller in size (when compared to the larger areas of glazing on the rear).

While, therefore, there would be a degree of inter-visibility between the new units and the terrace of properties opposite, it is considered that the distance and relationship is not so close that it would unacceptably impact upon privacy. It is also considered that the distance is sufficient to ensure that the building would not appear as unacceptably overbearing or unneighbourly.

To the rear, the windows and balconies (of those units that have balconies) would be well in excess of 21m from the neighbouring dwellings and they would be in excess of 11m from the rear point of the neighbouring gardens. While this would potentially increase the level of overlooking when compared to the existing building, it is considered that the distances, which would satisfy the requirements of the Council's SPG would maintain sufficient separation such that the level of overlooking would not be unacceptable. The northern blocks of the development would be located up to 6m away from the rear of neighbouring dwellings, however, those are relatively long gardens and the new building itself would be approximately 24m from the rear elevation of the nearest dwellings to the rear. Given the relative proximity there are no balconies proposed on those units and it is, therefore, considered that these would also not unacceptably reduce the privacy enjoyed by neighbours. Finally in respect of those dwellings to the rear, it is also considered the siting maintains sufficient separation such that the building would not appear as unreasonably overbearing or unneighbourly.

There are no windows on the side elevation of no. 19 Station Street and the proposed building would be between 3m and 4m away from the side of that property. The siting of the building is such that it would not project significantly past the rear elevation of that dwelling and consequently it is considered that the development would not appear as overbearing or unneighbourly to that neighbour.

The development would potentially increase the numbers of comings and goings through the site, however, the parking spaces would not be sited directly against the rear boundaries of any gardens (only parking space 12 would be sited adjacent to the side of the rear most part of a neighbouring garden) and it is considered that the vehicle and pedestrian movements associated with the development (in what is a residential area) would not demonstrably harm residential amenity in terms of noise or nuisance.

Highways issues (including waste collection and parking)

The site is presently accessed via a lane to the south of the existing building and the application proposes to widen this to 4.5m. The Highways Engineer has requested a 5m wide access, with a 1m footway/margin strip on one side, and a 1.8m wide footway on the other side, to provide pedestrian access into the site.

While the provision of footways would provide a dedicated and segregated pedestrian entrance into the site, those footways would not connect with any other footways further up the lane and given the layout of the site and building, it is considered that there would be very limited pedestrian movements associated with the development through this point and relatively limited numbers of vehicle movements. The absence of a footway also has to be weighed up against benefits to highway and pedestrian safety as a consequence of the entrance being widened. It must also be weighed against the benefits of making efficient use of a brownfield site in a sustainable location.

While it may be desirable for a pedestrian footway to be provided, it is considered that there would not be such a demonstrable impact upon highway safety to warrant the reduction in the number of units to accommodate it, particularly given the importance of making such efficient use of such sites.

In terms of parking, the Highways Engineer has requested one space per flat, however, the proposal indicates a shortfall of six spaces. While one space per unit would be desirable, the site is located in a very sustainable location, within very close proximity to Barry Docks train station, regular primary bus routes and the town centre. It should also be noted that in a recent appeal on the adjacent Custom House, the Inspector concluded the following:

As the building is currently vacant and has been unused for some time, I am in no doubt that the development would result in an increase in current demand for parking in the locality. As some parts of the roads are subject to regulation orders, this could result in an increase in illegal parking. However, a number of factors must also be considered. Firstly, such parking infringements can be dealt with under other legislation. Secondly, the site is in a highly sustainable location very close to the rail station and other modes of public transport. The demand for car parking may therefore be less than would otherwise be the case. Having regard to both National and Local policy that encourages the use of transport modes other than by car, the lack of any car parking on site would reflect that approach.

Thirdly, given that the building has a long standing commercial use, consideration must be given to the fall-back position. Namely, that although some approved conversion works have started, the residential use has not commenced. Therefore, it is reasonable to have regard to the likely traffic generation and parking demand generated by a commercial use of the building.

...Therefore, given the characteristics of the location and the former use of the building which provided a significant amount of commercial floorspace, together with the other mechanisms to deal with illegal parking, I conclude that there is no compelling evidence to conclude that the proposal would be detrimental to highway safety and be contrary to UDP policy TRAN 10.

This site is located in generally the same highway context as the application and appeal referred to above and it is considered that the above assessment is highly relevant to this application. Given the site's sustainable location, the fact that there is an existing commercial use to the building that is not currently served by parking and the fact that over 40% of the units would be affordable (where car ownership levels are typically lower) it is considered that the failure to provide one to one parking does not warrant the refusal of the application. This is also with regard to Planning Policy Wales, which notes that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past.

It should be noted that this is significantly more parking than the Custom House scheme, which was held to be acceptable by a Planning Inspector. The plans also indicate that there is provision for 7 spaces on street along the frontage of the site (in the same way that dwellings along the street are reliant on parking in front of their properties) and it is considered that these, in addition to the 15 on site, are sufficient to serve the development, without adversely impacting upon highway safety.

In terms of waste collection, the application now includes a bin store at the front, directly adjacent to Station Street, while it would be more than 30m away from certain properties (a distance referred to in Manual for Streets) it is considered to be sufficiently close to those properties that it is likely to be used. It makes provision for the quantity of storage that the Council's Waste Manager has requested and it is considered that collection can be easily facilitated from the highway. This is considered to be a much more appropriate arrangement than the initial proposals, which sited a bin store to the rear of the site.

The Highways Engineer has requested a new alley gate by erected adjacent to parking spaces 12 and 15, and details of new alley gates are requested by condition. It is considered that the number of units would not have a significant impact upon traffic flows in the area and therefore, would not materially add to congestion.

Ecology

The applicant has submitted a bat survey, which concluded that the building does not accommodate any bat roost. The Council's ecologist has agreed that the survey has been carried out to an acceptable standard, and therefore now raises no objection to the application, subject to the recommendations listed in the report being carried out. It is, therefore, considered that the development would comply with Policy ENV 16 of the UDP and would not adversely impact upon any protected species.

Amenity space provision

The ground floor units would each be served by individual courtyards at the rear of the building and the majority of the upper floor units would be served by balconies (with the exception of those at the northern part of the building). While these areas are relatively limited in size, it is considered that they represent useable spaces that would meet the outdoor relaxation and functional needs of the occupiers.

The development would also be served by an area of shared amenity space, measuring 22m x 7m. It is considered that this would also serve as a useable area, which would supplement the balconies and provide space for those units not served by balconies. While it would not meet the 20m² per person standard contained within the Council's SPG, it is considered that in a sustainable and urban location such as this, where efficient use of land is appropriate, a deficit below that standard is justified. Having regard to the above, it is considered that the amenity space layout would meet the aims of the Council's SPG and Policy ENV 8.

Drainage

Welsh Water have raised no objection, subject to standard conditions, including one that requires full and comprehensive details of the proposed means of foul and surface water drainage to be agreed. It is, therefore, considered that such a condition would give the Council full control over how the site is drained, to ensure that it accords with Policy ENV 7 of the UDP.

Section 106 issues

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. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: "The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale". The Council's Adopted Supplementary Planning Guidance on Affordable Housing (contained in the Affordable Housing Delivery Statement) seeks a minimum of 30% affordable housing on sites of 10 or more dwellings.

In 2010, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 915 affordable housing units (for rent or low cost home ownership) are required each year over the next 5 years. Out of this annual number 552 units or 59.9% are required in Barry. Housing need is determined by households lacking their own housing or living in housing which is inadequate or unsuitable, or those who are unable to meet their needs in the local housing market without assistance.

National guidance contained within Technical Advice Note 2 (Planning and Affordable Housing) places a requirement on local planning authorities to ensure that local planning policy requirements for the provision of affordable housing should be based on a robust assessment of site viability across the authority's administrative area (paragraph 10.4 refers).

Thirty percent of 21 equates to 7 units, however, as noted above the applicant is proposing 9 affordable units, which is considered to be very positive and is welcomed. A plan detailing which of the units are affordable, and of those which are social rented and intermediate has been requested, however, this has not been received to date. Therefore, a condition is recommended which requires the developer to demonstrate an acceptable affordable housing layout. For clarification, the Council's affordable Housing Enabler has requested the units should be spread through the development to assist community integration with at least 1 no. one bedroom flat on the ground floor. A mix of 8 social rented and 1 intermediate unit is requested (based on a split of 80% and 20%), however, it should be noted that 80% of the minimum requirement of 7 would be 6 units. The applicant has also not given definitive confirmation of that split, therefore, the condition would also cover that issue.

Subject to the condition referred to above, it is considered that the proposed development is acceptable in terms of affordable housing provision.

Public open space

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

The Council's approved formula contained in the Planning Obligations Supplementary Planning Guidance requires £1000 per person which, based on the likely occupancy of the proposed units, is considered to equate to £42000 (based on two people in each of the 21 additional units). It is considered that this amount is reasonable and necessary to mitigate the impacts of the development, and would be spent on enhancements to public open space in the local area. The applicant has not disputed this requirement.

It is considered that this should be spent on the areas of public open space closest to the site, which are the green space directly to the north of Subway Road (on Dock View Road) and the park/play area adjacent to the end of Kingsland Crescent.

Sustainable Transport

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

Consequently, and given the size of the development, officers have considered the merits of a sustainable transport contribution. It should be noted that in the case of the appeal at the nearby Custom House, the Appeal Inspector concluded that due to the location, which is directly proximate to the train station and town centre, a contribution towards sustainable transport facilities was not justified. Given the significant similarities between that development and this (in terms of location) it is considered that refusing the application based upon a lack of a sustainable transport contribution could not be sustained. The applicant has also cited viability reasons as a consequence of providing above and beyond the minimum requirement of affordable housing (in excess of 40% in this case) and while a formal viability assessment has not been received, it is accepted that providing additional affordable housing will have a material impact on the viability of the scheme.

In light of the above and in particular the reasoning in the relevant appeal decision, it is considered that this development is acceptable without a contribution for sustainable transport. It should be noted that this does not infer that all developments in 'sustainable' locations would not need to be supported by a contribution of this type, but rather the development in this case is so close to local facilities and public transport routes, its sustainability credentials are greater than the vast majority of sites within the town.

Education

Given that 15 of the units are one bed properties and only 6 are two bed properties, the development does not trigger the point at which education contributions would be considered (over ten after excluding one bed properties). Consequently no education contribution is sought here.

Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. The SPG requires that on major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. Where it is not practical or feasible to provide public art on the development site, the Council may accept a financial contribution in lieu of this provision to be added to the Council's Public Art Fund and held until such time as sufficient funds are available to cover the cost of an alternative work of art or until a suitable alternative site is found. Consequently, this requirement forms part of the recommendation.

CONCLUSION

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

Having regard to POLICIES 1, 2, 3, 8 and ENV16 – Protected Species, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS* Residential Development Criteria, HOUS2 – Settlements, HOUS12 Affordable Housing, TRAN9 – Cycling Development, TRAN10 – Parking, REC3 – Provision of Open Space within New Residential Developments and REC6 – Children's Playing Facilities, the advice within Planning Policy Wales and Technical Advice Notes 1, 2, 12, 16 and 18 and the Council's Supplementary Planning Guidance on Affordable Housing, Vale of Glamorgan Housing Delivery Statement 2009, Sustainable Development, Amenity Standards, Planning Obligations and Public Art, the development is considered acceptable in principle and in terms of design, impact on residential amenity, highways issues, parking, amenity space provision and ecology.

RECOMMENDATION

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

- Procure that at least 9 of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties.
- Pay a contribution of £42,000 towards the enhancement of public open space at the green space directly to the north of Subway Road (on Dock View Road) and the park/play area adjacent to the end of Kingsland Crescent.

The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.

- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 2 December 2014 other than where amended by plans reference AL(0)11 D and AL(90) D received on the 18 June 2015 and plan AL(0)10 B, received on the 3 March 2015.

Reason:

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

3. Prior to the commencement of development, details (including sections) of the finished levels of the application site and building in relation to existing ground levels and those of the adjoining land shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies ENV27 and HOUS8 of the Unitary Development Plan.

4. All means of enclosure associated with the development hereby approved (including details of alley gates within the application site) shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their construction or erection in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

5. Prior to their use in the construction of the development hereby approved, a schedule and samples of all proposed external materials 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 samples.

Reason:

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

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

Reason:

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

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

Reason:

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

8. Prior to their use in the development hereby approved, further details and samples of all elements of the hard landscaping scheme, including the materials to be used in the construction of the parking areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall at all items thereafter be maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. Prior to the beneficial occupation of the development hereby approved, a Travel Plan shall be prepared, submitted and approved in writing by the Local Planning Authority to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and the site is accessible by a range of modes of transport in accordance with Policies 2, 8, ENV27 and TRAN9 of the Unitary Development Plan.

10. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the plans hereby approved, and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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

Reason:

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

12. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Planning Policy Wales Edition 7, or any future guidance that replaces it. The scheme shall include:

i) the arrangements for the management of the affordable housing;

ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

iv) Details of the location of each of the affordable units (specifying tenure type) within the development.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

13. Prior to the first beneficial occupation of any of the residential units hereby approved, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be managed in accordance with the approved plan.

Reason:

In order to ensure the efficient management of the parking provision serving the development and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

14. Prior to the commencement of development, a Construction and Environmental Management Plan to include such matters as the control of noise, vibration, dust and other deposits (and to include proposed hours of working during the development construction phase) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented throughout the course of the construction phase of the development.

Reason:

To safeguard the amenities of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. Notwithstanding the submitted plans, full engineering details of the new widened vehicular access to the site, the highway/lane within the site and associated lighting and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.

Reason:

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

16. The Development shall at all times be carried out in accordance with the recommendations within the document entitled 'Barry Conservative Club, Bat Surveys, June 2015, Project ref 14-036, version 3 by Just Ecology Ltd'.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

17. Full details of a scheme for the comprehensive drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To ensure the adequate drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
3. **The developer should be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.**

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.

Mr. Kevin Mercer, C/o Agent.
Geraint John Planning Limited, Sophia House,, 28, Cathedral Road,, Cardiff.,
CF11 9LJ

Land at North East of St. Hilary

Construction of a rural enterprise dwelling along with associated equestrian buildings and landscaping utilising the existing vehicle access to the site

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- the application is of a scale and / or nature that is not covered by the scheme of delegation.

SITE AND CONTEXT

The application site as edged red comprises an area of agricultural land of approximately 0.56 ha. The land forms part of a larger area of agricultural land in the ownership / control of the applicant, which includes two parcels that extend to around 10 ha, and which are separated by an adopted highway that runs north from the hamlet of St Hilary.

The application site lies within the eastern parcel of land and is occupied by three existing agricultural outbuildings, and a track that runs south to an existing field gate entrance onto the main road from St. Hilary to the A48 to the north.



Annotated Site Aerial

The site lies in the countryside with no residential settlement boundary defined around St Hilary in the Unitary Development Plan. The site lies within the Lower Thaw Valley Special Landscape Area, and the southern section of the site lies adjacent to the St Hilary Conservation Area.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the construction of a rural enterprise dwelling and associated equestrian buildings and landscaping. Matters relating to appearance, landscaping, and scale are reserved for subsequent approval, with details of access and layout submitted for approval at this stage.

In relation to the access to the site, the proposal intends to utilise the existing entrance onto the adopted highway to the south.

The submitted layout plan below shows the proposed layout :



From south to north, the following buildings/structures are proposed:-

- A rural enterprise dwelling, illustrated at 250sqm floor area to a maximum height of 9.5m.
- To the north of the dwelling, a new stable block, with an illustrated floor area of 130sqm and a maximum height of 4.5m.
- To the north again, and beyond a yard area associated with the new stables, a new equestrian barn to accommodate 12 No. horse boxes, with an illustrated floor area of 290sqm to a maximum height of 6.5m.
- Located north again is one of the existing barns which will be retained and renovated in keeping with the proposed buildings.
- North again, beyond a yard area associated with the existing barn, a horse walking enclosure.

Additional illustrative details show new planting, including new hedgerows to subdivide the existing land into a total of 7 No. paddocks.



The application is accompanied by a Design and Access Statement (DAS); a Planning Statement; and a Rural Enterprise Dwelling Appraisal and Justification Statement for the proposed outbuildings, both prepared by Reading Agricultural Consultants.

PLANNING HISTORY

None.

CONSULTATIONS

Llanfair Community Council were consulted and raised no objection.

Dwr Cymru/Welsh Water were consulted and have advised that there is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

Glamorgan Gwent Archaeological Trust were consulted and have advised that there is no archaeological constraint on the land.

The Council's Agricultural Consultants Bruton Knowles were consulted and a full copy of the report is reproduced at **Appendix A**. In summary the report concludes at paragraph 7.1:-

“We consider in principle that the proposed equestrian enterprise meets ENV9, subject to the planning authority considering the affect on character and appearance of the locality together with any other relevant considerations.”

Further comments following additional information – A review of the accounts for the three years to 31 August 2014 has addressed the queries raised in the original Appraisal. As regards the consideration of other sites in the locality, two properties within a five mile radius of Cowbridge were identified with one offering potential prospects. However, it is likely to be argued that there is insufficient land available.

Final comments following further information – On the size of the dwelling, enterprises of this nature do have a requirement to 'entertain' prospective purchasers in an appropriate manner and this can result in an increase in the size of a rural enterprise dwelling, given requirement for specific additional areas to accommodate this element of the business activity, which may include for example a meeting area and guest accommodation.

The Council's Ecology Officer was consulted and has no comments to make on the application.

The Council's Regulatory Services (Environmental Health (Pollution Section)) were consulted and note that the site may be contaminated as a result of past or current uses and therefore request conditions relating to a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate.

These relate to a Phase 1 Preliminary Risk Assessment, a Phase 2 Site Investigation and Risk Assessment, a Phase 3 Remediation Statement, a Phase 4 Validation Report, and further assessment of any unidentified contamination found during construction/remediation works.

In addition, they request a restriction on hours of operation, including deliveries to Monday-Friday 8:00 until 18:00, Saturday 8:00 until 13:00, with no Sunday or Bank Holiday working; plus any piling/drilling restricted to Monday-Friday 8:30 until 17:30 only.

The Council's Highway Development Team were consulted and initially requested additional information relating to number of staff, horses, visitors, and how horses will be transported to the separate paddocks 6 and 7.

Final comments - Further to reviewing the additional information, it is stated that the development would not have a material impact along the adjacent highway network above that of the existing equestrian use at the site.

Therefore, there is no highway objection subject to a number of conditions, including, the means of access to the site to be constructed from a bound material for a minimum distance of 6.0m from the boundary of the adjacent carriageway and thereafter from compacted crushed stone for a distance of 6.0m; the existing gates at the access to the site are required to be set back by a minimum distance of 12.0m from the boundary of the adjacent carriageway; and the width of the access into the site shall be provided at a minimum of 4.5m for a distance of 12.0m from the boundary of the adjacent carriageway.

The Council's Operational Manager Highways (Engineering and Drainage Team) were consulted and have stated that the site is not located in DAM areas at risk of flooding, and NRW maps show there is very low risk of surface water flooding to the site. The application form indicates that the site will dispose of surface water via soakaway, however no drainage plan has been submitted. The applicant should be aware that any works in or around a watercourse may require a Land Drainage Consent from the relevant Authority, as detailed by the Land Drainage Act 1991.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 12 October 2015. In addition the application was advertised on site and in the press on 15 and 22 October 2015 respectively. No representations have been received to date.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT.
- POLICY 3 - HOUSING.
- POLICY 5 - BUSINESS AND INDUSTRIAL USES.
- POLICY 8 - TRANSPORTATION.

Policy:

- POLICY ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.
- POLICY ENV2 - AGRICULTURAL LAND.
- POLICY ENV4 - SPECIAL LANDSCAPE AREAS.
- POLICY ENV9 - DEVELOPMENT INVOLVING HORSES.
- POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE.
- POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.
- POLICY ENV16 - PROTECTED SPECIES.
- POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
- POLICY ENV18 - ARCHAEOLOGICAL FIELD EVALUATION.
- POLICY ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS.
- POLICY ENV20 - DEVELOPMENT IN CONSERVATION AREAS.
- POLICY ENV26 - CONTAMINATED LAND AND UNSTABLE LAND.

POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.
POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.
POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE.
POLICY HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS.
POLICY EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.
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 9, 2016) (PPW) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

2.14.4 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 9, 2016) (PPW) is of relevance to the determination of this application, in particular :

Chapter 4-Planning for Sustainability, including paragraphs 4.4.3 and 4.11-promoting sustainability through good design;

Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1.1;

Chapter 6-Conserving the Historic Environment, including paragraphs 6.1.1, 6.1.2 and 6.5.21;

Chapter 7-Supporting the Economy, including 7.6.1;

Chapter 9-Housing, including paragraphs 9.2.22, 9.3.6-new house building in the countryside, 9.3.9-occupancy conditions and 9.3.10;

Chapter 11-Tourism, Sport and Recreation, including paragraph 11.2.7.

Technical Advice Notes:

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

- TAN6 - Planning for Sustainable Rural Communities, including 4.3, 4.4, 4.6, 4.7.1, 4.12.1 and 4.13.1.
- TAN12 - Design, including paragraph 2.6, 5.5.1, 5.5.2, 5.6-The Historic Environment and 5.8-Rural areas.
- TAN23 - Economic Development, including chapter 3-Economic development and the rural economy.

Supplementary Planning Guidance:

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

- Amenity Standards SPG.
- Design in the Landscape SPG, including Policies DG1-Sustainable development, DG13-Rural Settlements.
- Trees and Development SPG.
- Parking Standards SPG.
- Conservation Areas in the Rural Vale SPG.
- St Hilary 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 Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions are expected in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) states:

'2.14.1 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:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response).
- LDP Housing Land Supply Trajectory 2011-26 (September 2016) (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- 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).
- Sustainable Settlements Appraisal Review (2016)
Note: St. Hilary scored the minimum to be considered a sustainable rural settlement within the LDP Settlement Hierarchy but was treated as an anomaly settlement because of its sensitive landscape setting and limited community facilities. Therefore, it is not proposed to be a settlement within the LDP hierarchy.

Other relevant evidence or policy guidance:

- Welsh Office Circular 13/97 - Planning Obligations.
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- 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.

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

In assessing the proposal against the above policies and guidance, it is considered that the main issues relate to the justification for the development in this countryside location; design and visual impact, including any effect on the St Hilary Conservation Area and the surrounding Lower Thaw Valley Special Landscape Area; neighbouring and residential amenity; and highway safety.

Background

The supporting information, including the Rural Enterprise Dwelling Appraisal submitted by the applicant's agricultural advisors, Reading Agricultural Consultants, outlines the background to the proposal.

In summary this indicates that the application site is currently used as a racehorse trainer's yard, and is let to a local racehorse trainer as an over-spill yard. The land, which extends to some 10ha, has been in the applicants' ownership for over 20 years.

The applicants have been involved in the racing industry for some 30 years and have strong associations with the area. Their current base is outside of the Vale of Glamorgan at Llwyn Cecil Farm, Monmouthshire. This was purchased in 1999, creating a single equestrian holding from two adjoining farms. The applicants have built up the business from a single horse, selecting suitable stallions to produce high quality racehorses. Usk Valley Stud now has 17 high genetic-worth brood mares with progeny usually sold as yearlings at Tattersalls sales in Newmarket. The reputation of the existing business includes the breeding of leading racehorses in the world which have gone on to win some prestigious races. As well as breeding racehorses, the applicants also have their own racehorses in training, one of which won the *Dubai City of Gold* race in 2008 with prize money of \$250,000.

The Appraisal outlines the value of the horses sold from the stud since 1999, almost 8m guineas, with the majority of the high value horses purchased by members of Arab royal families who dominate flat racing. In addition, the importance of the horseracing industry to the economy of Britain is emphasised, with the generation of some £3.5 billion, and direct employment for 17,400 workers and an additional 67,800 full-time equivalent jobs such as veterinary work, feed manufacturing and the betting industry.

The proposal seeks the relocation of the Usk Valley Stud near Abergavenny, Monmouthshire to what is purported to be a better location in the Vale of Glamorgan. The supporting information explains the reason for this is that the proposed site offers a more central location for the horse racing industry in Wales and is more easily accessible for visitors due to the proximity of the M4 and Cardiff International Airport. As the Appraisal states:-

“Similarly, the horseracing industry is economically important in Ireland with many breeders and racegoers travelling along the M4 en route to races or sales. The siting of an internationally prestigious breeding yard at St Hilary would provide much improved marketing opportunities compared to the existing site.

Purchasers of such horses are some of the richest people in the world, with potential for the area to generate additional income from hotels and provision of quality goods and services. Combined with two well-respected racehorse trainers less than two miles from the application site, there is considerable potential for the county to be an important area within the racehorse industry, increasing visitor numbers to the county.”

Assessment

Thus the proposal entails the relocation of an established business, albeit on a reduced scale. This entails the construction of new stables and associated outbuildings, plus a rural enterprise dwelling which it is stated is required due to the high value and nature of the racehorses requiring close care and attention at all times. The application is therefore submitted as new dwelling on an established rural enterprise, with new outbuildings to replace the former agricultural buildings, considered unsuitable for the needs and aspirations of a 'world class stud'.

When assessing the proposal against the policy background it is noted that there are strict controls on development in a countryside location including ENV1-Development in the Countryside and EMP2-New Business and Industrial Development.

Notwithstanding this, policy ENV1 of the UDP does allow for certain works, including infrastructure for which a rural location is essential. In addition policy ENV9 allows for horse related development.

Policies HOUS3 and HOUS5 allow for rural enterprise dwellings. These local policies are supported by national guidance in Planning Policy Wales (PPW) and TAN6-Planning for Sustainable Rural Communities. As paragraph 9.2.22 of PPW states:-

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

Justification

Policy HOUS5 of the UDP allows for new dwellings in the countryside beyond the identified settlement boundaries, for the purposes of agriculture or forestry. Although the proposal is not specifically related to an agricultural or forestry use, nevertheless, it is now supported by the more up-to-date national guidance which has broadened the scope for new dwellings to those associated with a wider definition of a rural enterprise. This is considered in detail below

The criteria outlined in HOUS5 remain relevant to the assessment of such dwellings in the countryside, including criterion (i) that there is an essential need, based on a functional need, and where appropriate the financial necessity is clearly demonstrated. This is supported by national guidance, including paragraph 9.3.6 of PPW which requires that all applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need.

In addition TAN6-Planning for Sustainable Rural Communities defines a rural enterprise dwelling as either a new dwelling on an established rural enterprise; a second dwelling on an established farm; or a new dwelling on a new enterprise. Paragraph 4.7.1 of TAN 6 sets out the tests that need to be addressed in any appraisal that must accompany applications for rural enterprise dwellings, which include:-

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

In the case of the current application it is noted that the applicant's agricultural advisor has assessed the proposal under criteria 4.4 of TAN6 - 'New dwellings on established rural enterprises'. The Council's own agricultural advisor (Bruton Knowles), do not agree that this is the correct assessment. In their opinion the appropriate assessment is in accordance with criteria 4.6 of TAN6 relating to 'New dwellings on new enterprises'. Whilst 'Usk Valley Stud' has been in operation for 16 years, it is not currently operating from the application site, and the enterprise differs in scale from the existing operation. Notwithstanding this, for completeness the assessment has been considered against both criteria 4.6 and 4.4 of TAN6. The following is a summary of their assessment:-

New dwelling on a new rural enterprise:-

4.6.1a of TAN6 requires 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). The Council's agricultural advisor has stated that the applicant has both the skill and industry contacts to operate a stud enterprise from the site. The proposal for the erection of purpose built equestrian accommodation would involve significant investment.

4.6.1b. of TAN6 requires 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. The Council's agricultural advisor has stated that no specific evidence is put forward as to whether consideration has been given to other sites, although it is acknowledged that the site has been within the applicant's ownership for over 20 years, and that the location is favoured for connections within the racing industry and links to the transport network when compared with the existing site in Monmouthshire.

4.6.1c. requires clear evidence that the proposed enterprise has been planned on a sound financial basis. It is considered that the business has been planned on a sound financial basis, based on the existing business where budgets have been prepared having regard to past financial performance of the existing business as well as the consideration of the nature of the proposed business.

4.6.1d. requires that 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. It is considered that a functional need for an on-site residential need may be justified, particularly considering the quality and value of the bloodstock, in relation to security in this case and the implications to the business should a loss arise as a result of an incident not dealt with promptly.

4.6.1e. requires that 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. There is no existing dwelling on the site. A search of Rightmove has shown two properties for sale in St Hilary, however, the closest is not immediately adjacent to the proposed location of the yard complex, which brings into question its ability to adequately meet the functional needs of the business.

4.6.1f. requires that other normal planning requirements, for example siting and access, are satisfied. In relation to the equestrian facilities, these appear to meet the needs of the proposed enterprise. Following the receipt of additional information, including both financial details and an illustrative floor plan of the proposed dwelling, the Council's agricultural advisors undertook a supplementary assessment. This concluded that the financial queries in the original Appraisal have been addressed.

New dwelling on an established rural enterprise:-

4.4.1a requires that there is a clearly established existing functional need. There is an established functional need in respect of the existing business.

4.4.1b requires that the need relates to a full-time worker, and does not relate to a part-time requirement. It is considered that this criterion is met.

4.4.1c requires that the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so. It is noted that the existing business has been established for 16 years, whilst it would be preferable to have sight of a full set of accounts including balance sheets, it is considered that this criteria has been satisfied under consideration of the financial information provided and assessed under 4.6.1a and 4.6.1c.

4.4.1d requires the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned. The assessment is as above at 4.6.1e.

4.4.1e requires that other normal planning requirements, for example siting and access, are satisfied. The assessment is as above at 4.6.1f.

The Council's agricultural advisors concluded for the proposed equestrian enterprise that the principle meets UDP policy ENV9 (Development Involving Horses), subject to the planning authority considering the effect on character and appearance of the locality together with any other relevant considerations.

In respect of the size of the dwelling, it is accepted that enterprises of this nature do have a requirement to 'entertain' prospective purchasers in an appropriate manner and this can result in an increase in the size of a rural enterprise dwelling compared to a more traditional agricultural dwelling. This is due to the requirement for additional areas to accommodate this element of the business activity, which may include for example a meeting area and guest accommodation. This aspect of the development is explored in more detail below along with the other planning requirements criteria as outlined in 4.7.1 of TAN 6, including the requirement to minimise impact on the wider environment.

In terms of the justification for the proposal, the Council's advisors have concluded that the principle of the equestrian business is acceptable. In respect of the dwelling, if considered as part of a new enterprise, paragraph 4.6.2 of TAN 6 notes that where such a case is not completely proven it may be appropriate for the planning authority to test the evidence by granting planning permission for a limited period. This is not considered necessary in this case.

The areas of initial doubt raised by the Council's advisors included concerns over the difference in the scale of development and the functional need compared with the existing enterprise. The applicant's agent has provided additional information, which is considered to satisfy these concerns. The agents supporting letter of 29 July 2016, notes, in summary, that the reduction in the number of mares would be due to the lesser quality being sold, resulting in a much higher average genetic merit with a significantly lower cost base, providing a higher net income for the business.

As regards the potential imposition of a temporary consent to test the business, this would not, in this instance be appropriate due to the nature of the business. The agent's supporting letter states:-

“Clearly, when selling high value horses to prestigious clients, some of the wealthiest people in the world, a mobile home does not create a good image for the business which is already operational and has a worldwide reputation to maintain”

Furthermore, the supporting information answers concerns over the perception that the business will cease and the applicants will occupy the proposed house as a retirement dwelling. It is noted that there will be an investment in the specialised equine infrastructure for the development of between £150,000 to £200,000, which would be illogical if the applicants intended to retire. Indeed, on this point, the Council can consider the imposition of appropriate conditions, which can include not only the standard occupancy condition, but also controls over the phasing of the development and restrictions on the timing of the occupation of the dwelling in relation to the provision of the equine infrastructure.

One final issue to consider with regard to the principle of the development relates to policy ENV2 of the UDP which seeks to protect the most productive agricultural land (Grades 1, 2 and 3A) from irreversible development. The Council's Land Classification records indicate that the site is Grade 3, although it is not clear whether this is 3A or 3B. Even if the land was the higher value, if the proposal is accepted as an appropriate rural enterprise and associated dwelling, the loss of the land to agricultural use would be considered acceptable. In any case, it is recognised that the larger part of the holding could easily revert to agricultural use in the future if the use were to cease.

Design and visual impact

As already noted, although policy HOUS5 of the UDP specifically relates to agricultural or forestry dwellings, it is considered that it is still relevant to the broader definition of rural enterprise dwellings. Criterion (ii) of HOUS5 requires that the scale, siting, design, landscaping and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape. This requirement is in line with the guidance in TAN 6, which states at paragraph 4.10.2:

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

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

“Rural enterprise dwellings should satisfy the usual planning requirements in

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

It is acknowledged that this is an outline application with matters of scale, appearance and landscaping reserved for subsequent approval. Despite this, details of layout are submitted for approval now, along with illustrative information in relation to the scale and landscaping of the development. This allows for an assessment of the likely impact of the proposed development on the surrounding area.

As already noted the size of the dwelling was an issue of concern raised with the applicants, and further information was requested in respect of the level of accommodation and floor plan of the proposed dwelling. The Council's advisors noted that the proposed floor area of 250 sq. m. would, in general terms, be considered larger than most rural enterprise dwellings. However, they recognised that a dwelling should be considered as commensurate to the needs of the business, and that in this case, a requirement to entertain prospective purchasers has been identified in addition to the functional needs of the enterprise. It is considered that the illustrative layout subsequently submitted shows a reasonable level of accommodation, bearing in mind the need to provide for a bloodstock agents office and guest accommodation, including two en-suite guest bedrooms (one for a prospective client, and another for stock agent/ancillary staff), and an entertainment lounge. On that basis, it is considered that the scale of the proposed dwelling is appropriate and would be commensurate to the needs of this particular enterprise.

Whilst the gross floor area of the proposed dwelling of 250 sqm is larger than the Council would normally consider appropriate, in this instance it is considered that the agent has made a case to support the argument which meets the advice in TAN 6. Notwithstanding this, it is considered essential to strictly control any future extensions as well as imposing the necessary restrictive occupancy condition. As paragraph 9.3.9 of PPW states:-

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

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

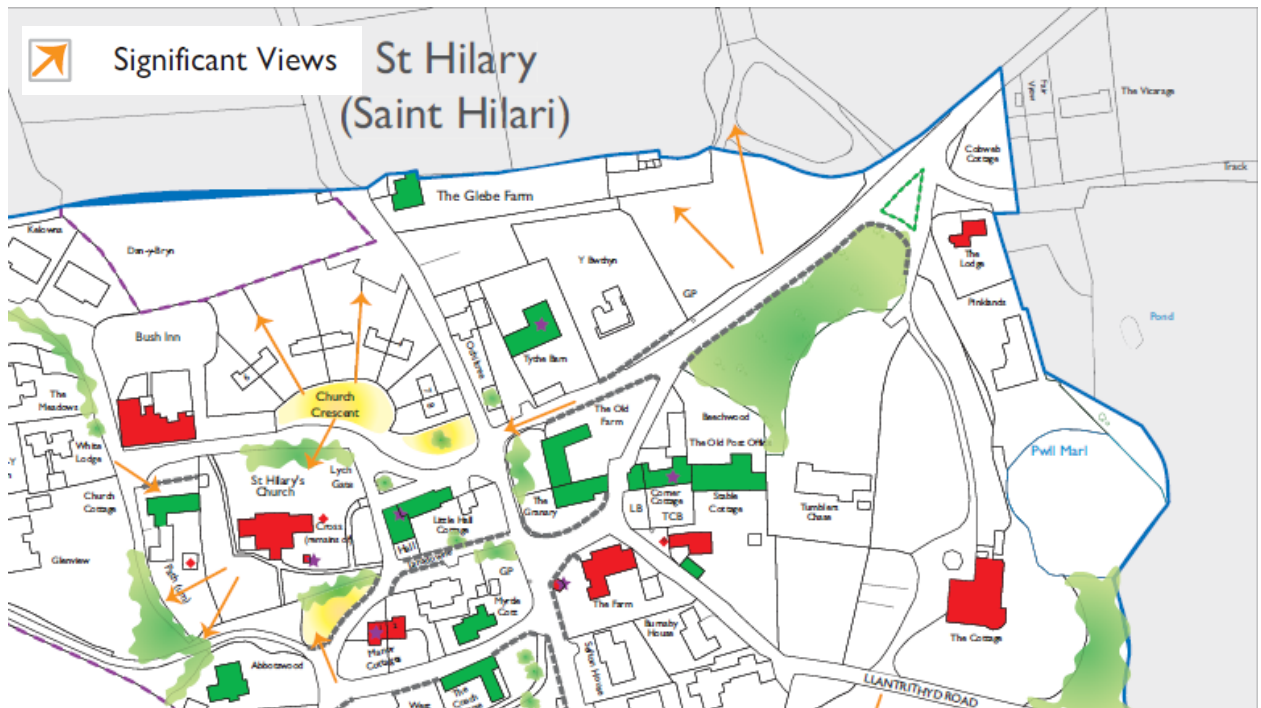
As regards the wider impact of the whole development on the surrounding

countryside, it has already been noted that the site lies within the Lower Thaw Valley Special Landscape Area, and adjacent to the St Hilary Conservation Area. Relevant policies include ENV4 of the UDP which permits development where it can be demonstrated that it would not adversely affect the character, features or visual amenity of the SLA, and ENV20 which requires that the proposal should preserve or enhance the setting or character of any conservation area. Similarly criterion (i) of ENV27 seeks to ensure that the proposal complements or enhances the local character of buildings and open spaces. The Council also has supplementary guidance, including the St Hilary Conservation Area Appraisal and Management Plan. This identifies 'Significant Views' from the Conservation Area to north over the site. In addition, other nearby historic assets include, a listed building 'The Lodge' to south east, a County Treasure 'Tythe Barn' to south west, a 'Positive Building' 'Glebe Farm' to the west, a 'Significant Tree Group', 'Significant Stone Walls' and 'Green Wrought Iron Railings' to the south on the opposite side of road.

Case law indicates that the likely impact of the development on the Conservation Area requires special consideration, and carries substantial weight in the determination of the application. Paragraph 6.5.20 states that there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. In addition Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 puts a duty on the Council to consider whether the proposal will preserve or enhance the character and appearance of this part of the St Hilary Conservation Area. As PPW advises at paragraph 6.5.21:-

“There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.”

In assessing the application against the above context, it is noted that the proposed buildings would be along the line of the 'Significant Views' referred to in the Conservation Area Appraisal (as shown below)



However, it is acknowledged that there are existing buildings on the site in a similar location. Notwithstanding this, the additional works proposed, including the new dwelling, will serve to urbanise the site to a degree. Despite this the equestrian design of the outbuildings should not appear entirely out of keeping within the rural landscape, although this will be subject to detailed consideration in any Reserved Matters application. As for the new dwelling, this is not in an isolated location, with existing houses in proximity to the south, east and west of the site. Additional planting is proposed, including new hedgerows, and the 'Significant View' directly to the north west will remain uninterrupted.

Thus in terms of the visual impact of the development, it is considered that the proposal is likely have a neutral impact on the character and appearance of this part of the St. Hilary Conservation Area, based on an assessment of the matters submitted for consideration within this outline planning application. Detailed consideration in relation to scale, appearance and landscaping will form part of a subsequent Reserved Matters.

Similarly with regards to the wider impact on the rural landscape of the Lower Thaw Valley SLA, subject to the appropriate reserved matter details relating to the scale, appearance and landscaping of the development, it is considered that it would not adversely affect the character, features or visual amenity of the SLA.

Neighbouring and residential amenity

There are a number of residential properties in the vicinity of the site, with the nearest being 'Cobweb Cottage', 'Fair View', 'Oaklands', and 'The Lodge' to the south east. These are over 40m from the application site, and on the opposite side of the adopted highway. As such it is considered that there will be no impact resulting from the proposed dwelling in relation to issues of privacy, overshadowing or any overbearing impact. As regards the wider equestrian operation itself, clearly there may be issues arising from the development of a business use, including the potential disturbance from traffic movements, noise, smell, etc. However, it is recognised that there are existing operations on the site, and whilst the proposal is likely to result in the intensification of such use, it is not considered that this would be to such a degree as to justify a refusal of the application on the ground of adverse impact on residential amenity. Indeed it is noted that the Council's Environmental Health section have raised no concerns on this aspect of the proposal.

On the question of the residential amenity for the proposed dwelling itself, the Council's Amenity Space standards as outlined in the Amenity Standards SPG would require 1 sq. m. for every 1 sq. m. of gross floor space, inclusive of garage space. The illustrative details indicate that the minimum provision can be provided in any detailed scheme, however this matter would be fully considered subsequent Reserved Matters.

Highways

Although the application is in outline, access is a matter that is submitted for consideration at this stage. The submitted details show the use of the existing field gate entrance to access the proposed development. No improvements are identified to this access.

The Council's Highway Development team acknowledge the existing use on site, conceding that the development would not have a material impact along the adjacent highway network. As such, there is no highway objection to the development, however, they have requested a number of conditions be imposed on any permission. These seek improvements to the existing access, including, surfacing in a bound material for a minimum distance of 6m from the highway, with compacted crushed stone for a distance of 6m beyond; the existing gates to be set back by a minimum distance of 12m; and a minimum width of access of 4.5m for a distance of 12m from the highway.

As regards on-site car parking provision, the layout does not identify any specific parking spaces. However, it is evident that there will be space available to provide domestic parking for the new dwelling and operation parking for the business. Details of parking and manoeuvring will be subject to detailed consideration in any Reserved Matters application.

Other planning issues

The Council's Ecologist has indicated that there are no ecological issues relevant to the site.

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, have indicated that there are no archaeological constraints on the land.

The Council's Environmental Health Section have not raised any objections to the proposal but note that the site may be contaminated as a result of past or current uses. They have requested a number of conditions be attached to any consent relating to a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate. These relate to a Phase 1 Preliminary Risk Assessment, a Phase 2 Site Investigation and Risk Assessment, a Phase 3 Remediation Statement, a Phase 4 Validation Report, and further assessment of any unidentified contamination found during construction/remediation works. In addition, they have requested a condition restricting hours of operation, including deliveries to Monday-Friday 8:00 until 18:00, Saturday 8:00 until 13:00, with no Sunday or Bank Holiday working; plus any piling/drilling restricted to Monday-Friday 8:30 until 17:30 only. In relation to the context of the site, the scale of the development and the nearest dwellings, it is not considered necessary to impose a condition to restrict hours of construction, based on the advice set out within Welsh Government Circular 016/2014 (The Use of Planning Conditions for Development Management) and the fact that such controls and nuisance in any case fall within other legislative controls.

Finally, in relation to the drainage of the site it is noted that the application forms indicate connection to the mains sewer. However, Welsh Water have indicated that there is no public sewerage system in this area. As such, any new development will require the provision of alternative facilities for sewage disposal.

The Council's Drainage section note that the site is not located in an area at risk of flooding, and NRW maps show there is very low risk of surface water flooding to the site. The application form indicates that the site will dispose of surface water via soakaway, although no drainage plan has been submitted. Clearly the application has not provided sufficient information in relation to the proposed drainage of the site at this stage, and therefore a condition should be imposed requiring full details of the foul, surface and ground water drainage of the site, including the necessary calculations should such details propose the use of a septic tank. Circular 10/99 "Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development" would normally require the provision of calculations relating to the suitability of the ground conditions.

Conclusions

It is considered that the proposed rural enterprise offers benefits in relation to employment and the wider economy. In addition, the nature of the proposed operation is an appropriate and sustainable one in this countryside location, which is in line with both local and national policies, including Planning Policy Wales which identifies at paragraph 4.6.3 one of the priorities for rural areas is to secure "a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside."

In view of the above the following recommendation is made.

RECOMMENDATION

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

- The dwelling as approved shall not be sold separately or separated from the associated equestrian buildings and the business at the site.
- The submission and compliance of a scheme of phasing of the development, which shall be agreed to ensure that the first occupation of the rural enterprise dwelling is limited until such time as the rural enterprise is established/in place
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£150.00 in this case).

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

(a) The expiration of five years from the date of this permission.

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

Reason:

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

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

Reason:

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

5. The development shall be carried out in accordance with the following approved plans and documents:-
 - Existing Site Layout, Drg. No. 2147-01A, received 15 September 2015;
 - Concept Master Plan, Drg. No. 2147-02E, amended plan received 2 December 2015;
 - Sketch Floor Plans, received 18 October 2016;
 - Planning Statement, received 30 September 2015;
 - Design and Access Statement, received 15 September 2015;
 - Rural Enterprise Dwelling Appraisal, prepared by Reading Agricultural Consultants, received 15 September 2015; and
 - Justification Statement, prepared by Reading Agricultural Consultants, received 15 September 2015.

Reason:

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

6. The occupancy of the dwelling shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;or, if it can be demonstrated that there are no such eligible occupiers,
 - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason:

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

7. The dwelling shall be so designed and of a scale such that the size of dwelling does not exceed 250 square metres of floor space of accommodation, in line with the illustrative details, Sketch Floor Plans, received 18 October 2016.

Reason:

The dwelling is approved solely on the basis of an rural enterprise justification and therefore should be of a scale that reflects its limited occupancy and the size proposed within the application, and to meet the requirements of Policies HOUS3-Dwellings in the Countryside, HOUS5-Agricultural or Forestry Dwellings, and HOUS6-Agricultural Occuoancy Conditions of the Unitary Development Plan; and TAN6-Planning for Sustainable Rural Communities.

8. Before the commencement of development a phasing plan for the construction and occupation of the development hereby permitted shall be submitted to and agreed in writing with the Local Planning Authority, which shall ensure that no beneficial occupation of the dwelling takes place until the enterprise is operational.

Reason:

The dwelling is approved solely on the basis of an rural enterprise justification and therefore should not be occupied before the existing enterprise is established at this new site, and to meet the requirements of Policies HOUS3-Dwellings in the Countryside, HOUS5-Agricultural or Forestry Dwellings, and HOUS6-Agricultural Occuoancy Conditions of the Unitary Development Plan; and TAN6-Planning for Sustainable Rural Communities.

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

Reason:

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for 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 size and scale of development to ensure that the dwelling remains commensurate to the size and needs of the rural enterprise, in accordance with Policy HOUS5 - Agricultural or Forestry Dwellings of the Unitary Development Plan, Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

11. The boundary of the residential curtilage of the dwelling hereby approved shall be defined and enclosed in accordance with full details to be submitted to and agreed in writing by the Local Planning Authority. The agreed enclosure shall be implemented before the first beneficial occupation of the dwelling hereby permitted, and the completed boundary enclosure shall be retained and maintained as such thereafter.

Reason:

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

12. Notwithstanding the submitted plans, and before commencement of development, full construction details of improvements to the existing access shall be submitted to and approved in writing with the Local Planning Authority. The details shall show, the setting back of the entrance gates a minimum 12m from the boundary of the adjacent carriageway; surfacing in a bound material for 6m from the boundary with the adjacent carriageway, and thereafter compacted crushed stone for a distance of 6m; and a minimum width of access of 4.5m for a distance of 12m from the boundary with the carriageway, or such other details as the Local Planning Authority agree in writing. The agreed access improvements shall be completed before the first beneficial operation of the development hereby approved.

Reason:

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

13. 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 against pollution in accordance with Policies ENV26- Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

14. Before the commencement of development hereby approved, a verification report demonstrating completion of the works set out in the approved contaminated land remediation strategy, referred to in condition 13, 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 against pollution in accordance with Policies ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

15. 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 approved under Condition 14 above. 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 against pollution in accordance with Policies ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

16. 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:

It is considered possible that there may be unidentified areas of contamination and in the interests of protecting against pollution in accordance with Policies ENV26-Contaminated Land and Unstable Land, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

17. 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. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details prior to the first operational use of the business and/or occupation of the dwelling on the site.

Reason:

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

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

Reason:

In the interests of the visual amenity of the adjacent St Hilary Conservation Area and the surrounding countryside of the Lower Thaw Valley Special Landscape Area in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV20-Development in Conservation Areas, and ENV27-Design of New Developments 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, ENV4-Special Landscape Areas, ENV9-Development Involving Horses, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV20-Development in Conservation Areas, ENV26-Contaminated Land and Unstable Land, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, HOUS3-Dwellings in the Countryside, HOUS5-Agricultural or Forestry Dwellings, EMP2-New Business and Industrial Development, TRAN10-Parking, and Strategic Policies 1 & 2-The

Environment, 3-Housing, 5-Business and Industrial Uses and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Design in the Landscape, Trees and Development, Parking Standards, Conservation Areas in the Rural Vale and St Hilary Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales Edition 9, TAN6-Planning for Sustainable Rural Communities, TAN12-Design and TAN23-Economic Development, it is considered that the proposal represents an acceptable and justified rural enterprise and associated dwelling. The proposal should not detract from the character and appearance of the adjacent St Hilary Conservation Area, and whilst there will be some detriment to the undeveloped, unspoilt nature of the rural landscape of the surrounding Lower Thaw Valley Special Landscape Area, this will not be so significant as to override the economic benefits of the proposed rural enterprise. In addition the proposal should cause no detriment to neighbouring amenity or highway safety.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

NOTE:

- 1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 2. 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.**

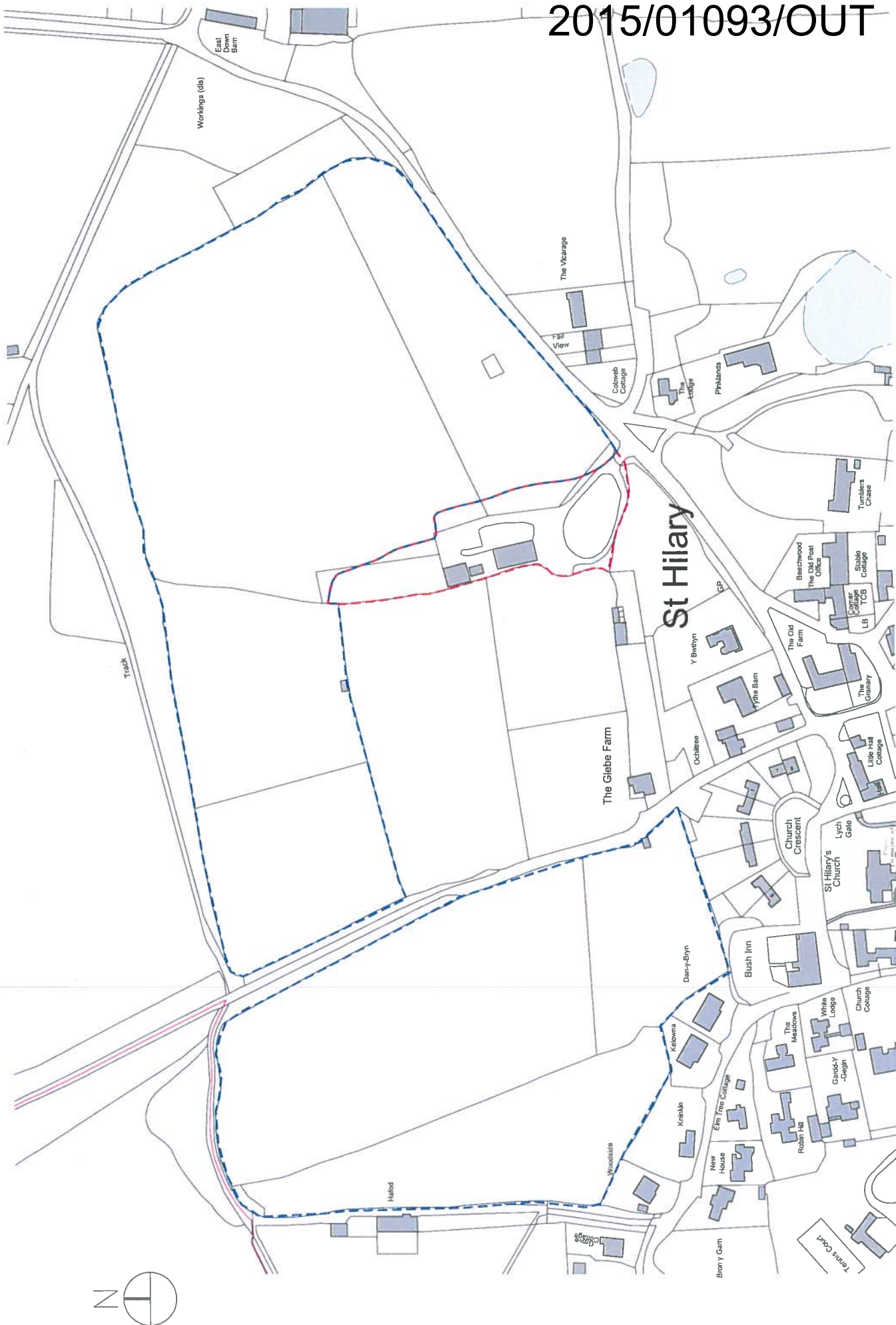
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

2015/01093/OUT



Llantrythd Road, St Hilary - Proposed Equestrian Facility

Existing Site layout | 1:1250 @ A2 | June 2015 | 2147-01A

14.8.15

A Development boundaries amended.



15/01093/OUT 'A'

On Instructions from

Vale of Glamorgan Council

Appraisal

for

Construction of a rural enterprise dwelling along with
associated equestrian buildings and landscaping utilising the
existing vehicle access to the site

at

Land at North East of St Hilary

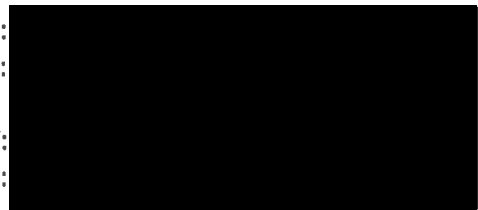
St Hilary

Vale of Glamorgan

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Date: 3rd March 2016

Version: JEA/RDB/511454

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1. Reference

- 1.1 Proposed Development** - Construction of a rural enterprise dwelling along with associated equestrian buildings and landscaping utilising the existing vehicle access to the site
- 1.2 Planning Authority** - Vale of Glamorgan Council
- 1.3 Planning Application** - 2015/01093/OUT
- 1.4 Applicant** - Mr Kevin Mercer
- 1.5 Site Address** - Land at North East of St Hilary
St Hilary
Vale of Glamorgan
- 1.6 Caveat to Instruction** - We have considered this application in accordance with the principles of Planning Policy Wales (Edition 7 2014), TAN6 and the relevant parts of the Vale of Glamorgan Unitary Development Plan
- No site visit has been undertaken in this case.
- 1.7 Information Provided** - We have been provided with a copy of the application form and what is understood to be the supporting documentation and information submitted, together with points of clarification.
-

2. Description

2.1 Location

2.1.1 Land at north east St Hilary comprises two adjacent parcels, adjoining the residential development of St Hilary to the south and the St Hilary Conservation Area. It is located just south of the A48, approximately a mile southeast of Cowbridge.

2.2 Land & Tenure

2.2.1 It is understood that the site has been in the ownership of the Applicant in excess of 20 years and extends to approximately 10 hectares (24.71 acres), and is down to pasture.

2.2.2 It is also understood that the site is currently let to Tim Vaughan Racing. Details of the occupational arrangement have not been provided. It is therefore not clear when the arrangement is capable of being terminated and hence available for use by the Applicant.

2.2.3 The Applicant owns a 60 hectare (150 acres) holding in Monmouthshire, which is the operational base of 'Usk Valley Stud'.

2.3 Buildings and Dwellings

Buildings

2.3.1 It is understood that there are three existing buildings, stables, feed store and implement store.

Residential Dwellings

2.3.2 It is understood that the Applicant currently resides at Llwyn Cecil Farm, Monmouthshire (purchased 1999). There are no existing dwellings at the site and it has not been stated that the Applicant is in control of any residential properties in close proximity to the site.

3. Business Operations

3.1 Current

- 3.1.1 It is understood that the Applicant and his wife have been involved in the racing industry for some 30 years and currently breed race horses, having been trading as Usk Valley Stud for 16 years.
- 3.1.2 Usk Valley Stud currently has 17 broodmares with progeny usually sold as yearlings at Tattersalls sales in Newmarket. It is understood that some of the higher value youngsters have been purchased by members of Arab royal families. The Rural Enterprise Dwelling Appraisal (REDA) details Studs sales 'last year' averaging 27,778 guineas per horse with the top eight horses averaging 75,625 guineas each.

3.2 Proposed

- 3.2.1 It is understood that it is the intention to scale down the business in terms of stock numbers to 8 broodmares. Costs to the business will be reduced, however as it is intended to focus on broodmares of the highest genetic merit it is anticipated that profit levels 'should remain broadly similar to those (currently) achieved'.
- 3.2.2 It is intended that the Applicant and his family will operate the business from the proposed dwelling (including offering hospitality to potential purchasers). It is understood that it is the intention to employ 3 local workers.
- 3.2.3 The REDA sites the relocation of the business to the Vale of Glamorgan as being more central to the horse racing industry in Wales and more easily accessible to visitors than the current base due to proximity to Cardiff airport and the M4.

4. Proposed Development

- 4.1 It is understood that the application (outline) seeks consent for the following:-
- i) a permanent stud manager's dwelling (with a floor area of 250m² and a minimum of four en-suite bedrooms)
 - ii) an American barn containing 12 stables which would include a vet's room used for horse inspection
 - iii) a building containing foaling and close observation boxes
 - iv) a feed and machinery storage building (involving the refurbishment of an existing barn)
 - v) a 5 horse covered horse walker
 - vi) a lunging ring

5. General Comments

- 5.1 Planning Policy for Wales (Edition 7 July 2014) identifies priorities in rural areas to secure sustainable rural communities and ensure a thriving and diverse local economy where agriculture-related activities are complimented by sustainable tourism and other forms of employment in a working countryside.
- 5.2 National Policy seeks to restrict isolated new houses in the open countryside unless appropriate special justification exists, such as where there is an essential requirement for a rural worker to live at or near their place of work. Further specific national guidance on the question of rural workers dwellings is provided within Technical Advice Note 6 – Planning for Sustainable Rural Communities.
- 5.3 The Vale of Glamorgan Unitary Development Plan (UDP) contains a number of policies relevant to the application. However, we have had specific regard to policies ENV1 – Development in the Countryside, HOUS5 – Agricultural or Forestry Dwellings and ENV 9 – Development Involving Horses.

6. Appraisal

- 6.1 TAN 6, Section 4 provides guidance on sustainable rural housing with subsections 4.3 – 4.7 specifically covering issues associated with rural enterprise dwellings. On the basis that local policy in respect of residential development in the countryside generally reflects national guidance, we have considered the need for a dwelling on the basis of the TAN 6 criteria.
- 6.2 It is noted that the proposed dwelling has been assessed within the REDA in accordance with the criteria of 4.4 of TAN 6 ('New dwellings on established rural enterprises'). We are of the opinion that it is appropriate to assess the application in accordance with criteria 4.6 of TAN 6 ('New dwellings on new enterprises'), as whilst 'Usk Valley Stud' has been in operation for 16 years, it is not currently operating from the application site in the Vale of Glamorgan. It is also noted that proposed enterprise differs in scale to the existing enterprise. It will be for the planning authority to consider further the assessment criteria, however for completeness we have considered it in respect of both 4.6 and 4.4 of TAN 6. The criteria are detailed below:-

TAN 6 4.6.1 '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 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.*

TAN 6 4.6.2 Where the case is not completely proven for a dwelling permission should not be granted for it, but it may be appropriate for the planning authority to test the evidence by granting permission for a limited period.....'

TAN 6 4.4.1 'New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. *there is a clearly established existing functional need; (See paragraph 4.8.1).*
- b. *the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).*
- c. *the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).*
- d. *the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2),and*
- e. *other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).'*

6.3 *'If it is considered that a new dwelling will be essential to support a new rural enterprise it should satisfy the following criteria:-'*

6.3.1 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);

The Applicant is currently operating the Usk Valley Stud, established for 16 years which has included sales of high value stock, so it is considered that he has both the skill and industry contacts to operate a stud enterprise from the site.

The application includes proposals for the erection of purpose built equestrian accommodation which would involve significant investment if approved. It has not been specified how this will be funded. 'Proforma' profit and loss accounts for years to 31st August 2012, 2013, 2014 have been provided, which show a profit in 2013 and 2014. It is noted that the figures for closing bloodstock have been omitted, but we would suggest that the difference between opening and closing stock appears to have had a significant impact on profit levels. The balance sheet has not been provided to assess the assets held by the business. The budgets for year ended 31st December 2016 to 2020 forecast a profit in each year and we would suggest that investment potentially could be accommodated by a finance arrangement if required.

The site is currently in the Applicant's ownership, although it is not clear when vacant possession will be obtained from the current occupier to afford him use of the site.

6.3.2 Criteria 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;

It is understood that the site is in the ownership of the Applicant and has been for over 20 years.

It is also understood that the general location is favoured for connections within the racing industry in Wales and also links to the transport network in contrast to current base of Usk Valley Stud in Monmouthshire.

As the REDA does not specifically assess the application against this criteria, no specific evidence has been put forward as to whether consideration has been given to any other sites.

6.3.3 Criteria C

Clear evidence that the proposed enterprise has been planned on a sound financial basis;

The proposed enterprise to be operated from the site has been considered and planned having regard to the existing Usk Valley Stud business, which has been in operation for 16 years. It is understood that budgets have been prepared having regard to past financial performance as well as consideration of the nature of the proposed business.

We consider that the business has been planned on a sound financial basis.

6.3.4 Criteria 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;

The REDA includes a labour assessment for the proposed enterprise and we would concur that at least a full time worker is required.

It is understood that the broodmares are to be inseminated off site, then returned to site and foal January to May. Foaling activity has particular functional need requirements as may the care of young foals, and it is also appreciated that given the nature of the stock closer monitoring may be required.

Whilst evidence has been provided by Meadow Equine Practice in respect of functional need, we note that this is in respect of the current business operation of 17 broodmares and youngstock. In general terms, we may consider proposed stock numbers and general activity (there may not always be a foal per mare per year) to be borderline in respect of functional need requirements. However, we are mindful of the quality and value of the bloodstock in this case and the implications to the business should a loss arise as a result of an incident not dealt with promptly. We suggest that security of the stock is also a consideration in this case. On balance, we consider that a functional need for an onsite residential presence may be justified.

6.3.5 Criteria 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;

It is understood that there is no existing dwelling on site.

We have not inspected the existing buildings to assess prospects for conversion, so would defer to the planning authority in respect of this point, although note that the point is considered within the REDA and no existing buildings are identified as suitable for conversion.

We have undertaken a search of Rightmove, and there are two properties available for sale in St Hilary. One four bedroom property appears to be situated the other side of the road from the land, although not immediately adjacent to the current proposed location of the yard complex and access to the site, which may bring into question it's ability to adequately meet the functional needs of business.

6.3.6 Criteria F

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

These issues are considered from a purely equestrian business perspective, and it will be for the planning authority to address other considerations, in respect of planning requirements such as landscape requirements.

Whilst detailed plans have not been submitted in respect of the rural enterprise dwelling, a floor area of 250m² is proposed and reference is made to at least four ensuite bedrooms. In general terms, we would consider the proposed size to be larger than most rural enterprise dwellings. We appreciate that a dwelling should be considered as commensurate to the needs of the business. In this case a requirement to entertain prospective purchasers has been identified in addition to the functional needs of the enterprise, however we consider that insufficient detail has been provided in connection with that aspect to fully consider any potential impact it may have on the design and scale of the dwelling.

With regards to siting, the proposed dwelling is located adjacent to the proposed equestrian complex, and we consider this location will meet the functional needs of business whilst also allowing sight of the access track from a security point of view.

Further detail in respect of the accommodation within the stable block and siting of the lunging ring referred to the REDA (though not clearly identified on the plans) would be beneficial, however in general terms the equestrian facilities appear to meet the needs of proposed enterprise.

We have considered the proposed enterprise having regard to ENV 9 (with the exception of affect on character and appearance of the locality) and we suggest that the proposal would not be at odds with policy.

It will be for the planning authority to fully consider the other planning requirements.

6.4 *'New permanent dwellings should only be allowed to support established rural enterprises providing:'*

6.4.1 Criteria A

There is a clearly established existing functional need;

Comment:

We consider there is an established functional need in respect of the existing business currently operated as Usk Valley Stud.

We have considered functional need in respect of the proposed business to be operated from the site at 6.3.4

6.4.2 Criteria B

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

Comment:

We have considered this point at 6.3.4 and consider this criteria to be met.

6.4.3 Criteria C

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

Comment:

It is understood that Usk Valley Stud has been established 16 years. Consideration has been given to the financial information provided in 6.3.1. and 6.3.3, however it would still be preferable to have sight of a full set of accounts including balance sheets when assessing against this criteria.

We note that the proposed enterprise differs in scale to the existing one and budgets have been prepared forecasting a profit going forward for the next 5 years.

6.4.4 Criteria D

The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2),and

Comment:

We have considered this at 6.3.5

6.4.5 Criteria E

Other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).

Comment:

We have considered this at 6.3.6

7. Conclusion

- 7.1 Taking into account the evidence submitted, it is our opinion that the planning authority may wish to give consideration as to which criteria of TAN 6 the rural enterprise dwelling should be assessed and in either case they may wish to request further information. We consider in principle that the proposed equestrian enterprise meets ENV 9, subject to the planning authority considering the affect on character and appearance of the locality together with any other relevant considerations.

Bruton Knowles

Bisley House
Green Farm Business Park
Bristol Road
GL2 4LY

Date: 3rd March 2016

Edenstone Homes Ltd., c/o Agent
Mr. Geraint John, Geraint John Planning,, 33, Cathedral Road,, Cardiff,, CF11
9HB

Land at Court Close, Aberthin

Proposed residential development (20 No.units) and associated highway and ancillary works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- the application is of a scale and / or nature that is not covered by the scheme of delegation.

SITE AND CONTEXT

The application site relates to a field parcel adjoining the east of the settlement boundary of Aberthin as defined by the Vale of Glamorgan Unitary Development Plan. As such the site falls within the countryside for the purposes of the Adopted Plan.



The field parcel is approximately 0.75ha in size and slopes upwards from south-west to north-east. At the time of visiting the site, it was predominantly scrubby grassland and bracken enclosed by hedgerows to the northern, southern and eastern boundaries, whilst there are also a number of trees to the periphery of the site.

The application is allocated for residential development for 20 dwellings under Policy MG 2(36) of the deposit Local Development Plan (LDP).

DESCRIPTION OF DEVELOPMENT

The application is for the development of the site for 20 dwellings with associated works, including highways and public open space. The application as revised proposes a mix of house types with four different market house types (ranging from 3 to 5 bedroom dwellings) and three different affordable housing types (ranging from 1 bed to 3 bedroom dwellings). A site layout plan is shown below:



The proposals as revised would be served by a single means of access from the western boundary and a centrally positioned area of Public Open Space. The dwellings as revised are traditional in their vernacular and would be finished in render with stone quoin detailing and slate coloured tiles. Indicative street scene elevations of the dwellings at plot 12-15 are shown below:



The dwellings would typically be two storeys and have eaves and ridge heights ranging between 4.5 and 5m and 8 and 8.5m respectively.

PLANNING HISTORY

1985/00647/OUT: Part O. S. 0836 Court Close, Aberthin - Construction of 1 house - Refused 02/06/1985 for the following reasons :

1. *The proposed site is not allocated for residential purposes in the Cowbridge Local Plan and is therefore contrary to the policies of that Local Plan.*
2. *The proposal would represent an undesirable intrusion into the open countryside on a site where the principle of residential development has previously been rejected by the Council and recently dismissed on Appeal by the Secretary of State.*

A subsequent appeal was dismissed on 05/02/1987.

1985/00088/OUT : Court Close, part OS 0836, Aberthin - Construction of one house - Refused on 23rd April 2016 for the following reasons:

1. The proposed site is not allocated for residential purposes in the Cowbridge Local Plan and is therefore contrary to the policies of that Local Plan
2. The proposal would also represent an undesirable intrusion into the open countryside on a site where the principle of residential development has previously been rejected by the Council and recently dismissed on appeal by the Secretary of State (reference 81/0660 – appeal dismissed in January, 1984).

1981/00660/OUT : Part OS 0836, Aberthin, near Cowbridge - Proposed to develop part OS 0836 at a density of 6 dwellings per acre, i.e. 10 dwellings - Refused on 07/10/1982 for the following reasons:

1. The proposal is contrary to the policies of the Rural Settlement Strategy.
2. The proposal is contrary to the policies of the Cowbridge District Plan.
3. The proposal would exacerbate traffic hazards at the junction of the Welsh St. Donats Lane and the A4222.

4. The proposal would necessitate to the widening of the Welsh St. Donats Lane to the detriment of the character of the Aberthin Conservation Area.
5. The development would damage the setting of Great House, Aberthin, a Grade II Listed Building, by reason of the extension of suburban sprawl which will be seen as a background to the house.

A subsequent appeal was dismissed on 04/01/1984

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted with regard to the application and raised an objection by virtue of prematurity within the LDP process; previous refusals of planning permission on the site and that reasons for refusal (highways impact, impact on Aberthin Conservation Area and adjacent listed buildings) and dismissal of appeal still relevant; potential flood risk from the development.

The Council's Highway Development section have confirmed that following the receipt of amended details they note that 'an objection in relation to the highway and transportation aspect of the development is not raised in this instance' subject to conditions being attached to any consent given relating to the provision of 4 on-site visitor spaces within the confines of the site; full engineering works relating to the means of all traffic arrangements including the means of access and within the site; full engineering details of the off-site works along Downs View and the A4222 and the maintenance of the visibility splay within the POS within the site

The Council's Public Rights of Way Officer indicates that PROW no. 26 meets the adopted highway close to the southeast corner of the site. They request that the PROW be kept clear and not adversely effected and indicate that consent must be sought for any obstruction, stopping up or re-routing.

The Operational Manager for Highways and Engineering (Drainage) raises no objection and requests that a condition be attached to any permission given requiring a scheme for surface water drainage to be submitted for approval prior to the commencement of any works on site.

Shared Regulatory Services (Environmental Health (Pollution)) indicated that a Construction Environmental Management Plan was required due to proximity with neighbouring dwellings.

Glamorgan Gwent Archaeological Trust raise no objections to the proposals.

Dwr Cymru Welsh Water recommend that a condition be attached to any planning permission requiring the submission of a comprehensive scheme of drainage to be submitted. They raise no objection with regard to foul sewerage or proposed water connection to the site.

The Council's Ecology Officer raised no objection subject to conditions relating to a reptile clearance strategy being implemented and a suitable scheme to secure ecological enhancements at the site.

The Council's Landscape Section were consulted and initially were unclear whether a visual impact would result from the proposed works particularly when viewed from the area of common land to the south of the site, including potential concerns regarding loss of hedgerow and introduction of domestic enclosures that would significantly urbanise the site. Following the receipt of additional information, the Council's Landscape Architect has advised that the proposals would not result in an unacceptable visual impact.

The Council's Waste Management section was consulted although no comments had been received at the time of writing this report.

The Council's Visible and Housing Services section was consulted and with regard to the most recent layout they indicate that they are satisfied with the number of units, the tenure mix and mix and location of units throughout the layout.

The Council's Transport and Road Safety section indicate that there is a scheme for improvements to the school access at Y Bont Faen whilst other footway and cycling improvements on Aberthin Road would also assist in sustainable movements.

Natural Resources Wales were consulted and raised no objection with regard to flooding or ecological constraints at the site.

The South Wales Police Designing Out Crime Officer was consulted with regard to the application. They raise no objection to the proposed development and support the general layout, although provide a number of recommendations for consideration by the developer.

The Councils Visible Housing Services section confirm that they are satisfied with the level of onsite affordable housing contribution; the tenure mix and the mix and location of the units.

Cowbridge Ward members were consulted with regard to the application although no comments had been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 26th July 2016 in respect of the original scheme and 1st November 2016 following receipt of amended plans. Site notices were also displayed on 4th August 2016 and 9th November and the application was also advertised in the press on 8th August 2016. At the time of writing this report 85 letters of representation had been received raising the following points summarised below:

- Highway matters - Increased traffic on inadequate narrow roads leading towards the site and resulting conflict for road users. Lack of pedestrian facilities on this road. Existing highway safety problems for pedestrians and road users on junction with A4222 in village. Inadequacy of proposed highway safety improvements. Erosion of bank from increased traffic and damage to properties.

- Unsustainability of site in terms of access to services and employment opportunities. Lack of public transport and reliance of future occupiers on cars
- Overdevelopment of the site detriment to character of the village
- Houses of out of character with rest of village
- Loss of agricultural land
- Increased off-site flooding from surface water flows
- Premature to determine application in light of status of LDP
- Likely disruption during site development
- Proximity of proposed dwellings to existing dwellings neighbouring the site and loss of privacy
- Devaluation of properties
- Visual impact given relief and position of site and resultant urban sprawl
- Damage to setting of nearby listed building, Grade II* Great House
- Impact upon adjacent Aberthin Conservation Area
- Previous permission refused for between 1 and 10 dwellings on the same site which was subsequently dismissed at appeal
- Impact upon the countryside
- Increased noise and air pollution
- Inadequate sewerage capacity
- Ecological impact of proposals
- Impact on water supply pressure for village as a whole
- Loss of tree adjacent to access. Tree shown to be felled outside of applicants ownership/control. Loss of trees as a result of off- site highway works
- Low amount of affordable housing proposed
- Lack of provision of adequate children's play area
- Lack of school capacity
- Lack of amenity space to serve dwellings
- Developer already advertising homes on their website
- Inadequate car parking provision

A sample of 3 of these objection letters is contained at appendix A.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

Policy:

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV2 – AGRICULTURAL LAND

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS

POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV28 – ACCESS FOR DISABLED PEOPLE

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS

POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE

POLICY HOUS12 - AFFORDABLE HOUSING

POLICY TRAN10 – PARKING

POLICY REC6 – CHILDREN’S PLAYING FACILITIES

POLICY REC7 – SPORT AND LEISURE FACILITIES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

‘2.14.4 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 9, 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.

Para 4.7.8 is also of particular relevance which states:

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

Chapter 6 of PPW is of relevance in terms of the advice it provides regarding the historic environment.

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 20 – Planning and the Welsh Language

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
- Conservation Areas in the Rural Vale
- Design in the Landscape
- Model Design Guide for Wales
- Parking Standards
- Planning Obligations
- Public Art
- Trees and Development
- Aberthin 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 Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which have been the subject of public consultation in September / October 2016. Further hearing sessions are expected in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) states:

2.14.1 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:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (September 2016)
- LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)

- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)
- Findings of the Site Assessment Process (2013)
- Open Space Background Paper (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Spatial Options Background Paper (2007)
- Sustainable Settlements Appraisal Review (2016)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- 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.*

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

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

- The principle of the development having regard to relevant Unitary Development Plan, national policies, and issues of prematurity in respect of the Local Development Plan.

- Impact on agricultural land quality.
- Consideration of other material considerations that may supersede or outweigh Development Plan policies such as housing land supply, development viability, emerging planning policy etc.
- Visual impact of the development, which is currently an area of agricultural land in the countryside.
- Impact on the character and appearance of the Aberthin Conservation Area and nearby listed building.
- The suitability of the proposed access and junction arrangement, and highway safety issues.
- Issues related to the potential increased traffic levels as a result of the proposed development.
- The potential impact to neighbouring amenities.
- Parking, Amenity Space and Public Open Space Provision
- Amount and tenure of Affordable Housing to be provided on site; and
- Other issues that will be considered include the need to protect archaeology; flood risk and drainage; ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development

Policy Context

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise.

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

In the context of this application it is relevant to note that the UDP is time expired (up to 2011) and as such most of its housing allocations under Policy HOUS 1 have been built out. Therefore, it does not provide a sufficient framework to deliver enough housing to meet the requirements of the Vale of Glamorgan in 2016 and beyond. The draft LDP sets the framework for development in 2011-2026 although it is not adopted to date and therefore cannot be given significant weight in the determination of this application as discussed further below.

The site falls outside, but adjoins the defined settlement boundary of Aberthin. It is therefore within the countryside for the purposes of the Unitary Development Plan. Policy ENV1 of the UDP states that in the delineated countryside, development will only be permitted in the interests of agriculture/ forestry; for appropriate recreational uses; for the conversion of rural buildings; or for development approved under another policy of the UDP. In this case, as discussed in detail below, the proposed development would not accord with Policy ENV1.

In considering the other policies of the UDP, Policy HOUS2 states that favourable consideration will be given to small-scale development (which constitutes the rounding off of the edge of settlement boundaries, where it can be demonstrated that the criteria of Policy HOUS8 are complied with). The supporting text to Policy HOUS 2, set out in para 4.4.63 is of relevance which states :

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

In this case, while the application site adjoins the existing settlement, it is considered that the scale of the proposed development (20 dwellings) and the size of the site are such that the development could not be considered as “small scale” rounding off for the purposes of this policy. Accordingly, it is considered that the proposed development could not be considered as compliant with the terms of Policy HOUS2.

Furthermore, policy HOUS3 states that the erection of new dwellings in the countryside will be restricted to those justified in the interests of agriculture or forestry. The dwellings proposed under the current application have no such justification and are not linked to any rural enterprise, such as those mentioned under Technical Advice Note 6 (Sustainable Rural Communities). As such, in terms of the current development plan, the proposed residential development is considered contrary to the relevant policies of the UDP in terms of the principle of development.

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

In this regard, it is important to also consider the context of the proposed development against the on-going Local Development Plan (LDP) process and the need for more housing in the Vale of Glamorgan (housing land supply). These points are considered in detail in the sections below.

Housing Land Supply and Housing Need

In considering the need for additional housing land PPW (9.2.3) states that Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.

Paragraph 6.2 of TAN1 states that *'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.'*

A significant material consideration in this application would be the contribution that the proposed development would make to the Council's housing land supply. Currently, in the absence of an adopted LDP, the Council is unable to undertake a formal TAN 1 JHLAS assessment of its housing land supply, but is required to evidence a 5 year housing land supply at adoption of the LDP. The Council's LDP housing land trajectory (September 2016) (see Council's response to Hearing Session 2&3, Action Points 4, 6, 7,9 & 10) indicates that the Council currently has 5.1 years housing supply (at April 2016) which is forecast to increase over the years ahead. The housing trajectory paper makes assumptions about the continued supply of housing on LDP allocated sites in the years ahead, including the delivery of 20 dwellings on the application site during the next 5 years of the Plan's intended adoption, 2020-21.

In 2015, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 559 affordable housing units (for rent or low cost home ownership) are required each year over the next five years. With 40% on-site provision proposed, the site offers the opportunity to provide affordable housing in Aberthin to meet local needs.

There is a need to maintain sufficient housing supply at all times. In considering the figures outlined above, this site would be important in securing a 5 year housing land supply at the time of adoption of the LDP. However whilst there is a need to maintain an adequate Housing Land Supply for future JHLAS and when the LDP is adopted, this does not solely outweigh in principle all other material considerations particularly if a development is considered harmful in these other respects. Rather the need to maintain a TAN1 compliant housing supply is a single material consideration that must be balanced against all other material considerations in the case of any future application for residential development in this policy context.

Local Development Plan Context

The Deposit Local Development Plan (DLDP) has been considered by the Council's Elected Members and was placed on Deposit on 8 November 2013, with a subsequent public consultation. In early 2015 the Council's Cabinet Members considered its responses to the representations made to both the Deposit and Alternative Site Plan Stages. The LDP was then submitted to the Welsh Government with an independent Planning Inspector conducting an Examination into the soundness of the Plan, with a series of Hearing Sessions. A Pre Hearing Meeting took place on 19 November 2015 and Hearing Sessions commenced on Tuesday 19 January 2016. Following the initial hearing sessions, the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which have been the subject of public consultation in September / October 2016. Further hearing sessions are expected in January 2017. Until these stages have been completed the DLDP will remain an un-adopted document and is not envisaged to be adopted until mid-2017.

The Deposit LDP allocates the site, for residential development under policy MG2 (36) 'Land adjoining Court Close, Aberthin' for 20 dwellings. At Hearing Session 11 (Housing Allocations 5) on the 9 March 2016 the site was considered by the Inspector. Action Points 2 & 3 requested copies of the Aberthin Conservation Area Appraisal and Management Plan (ref: HS11/AP2) and the highway observation comments for the site allocation (ref: HS11/AP3) be submitted to the Inspector. No fundamental objections were raised by the Inspector with regard to the allocation of this site nor was any further justification sought. The information requested through these Action Points has been submitted back to the Planning Inspector for consideration. Matters relating to highway implications and impact upon the Conservation Area are discussed later within the body of this report.

Prematurity

As the LDP is in draft form, consideration should be given as to whether the proposals would be premature in this context, considering that the site is allocated within the plan for residential development. On the issue of prematurity, PPW advises (at paragraph 2.14.2):

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

Considering the advice of PPW, it is important to consider the potential impacts of

allowing such a development at this stage and its impact to the LDP process, the overall strategy and the provision of housing supply with the Vale of Glamorgan. It is noted that representors have commented that the application is premature.

Aberthin is defined as a “Minor Rural Settlement” in the LDP that is capable of accommodating further housing development. The allocation for 20 dwellings is considered appropriate given the scale of village of Aberthin itself. However it should be noted that this allocation is not one of the Strategic Housing Sites within the Draft LDP. Moreover, the scale of development is not so significant as to predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context, nor can it reasonably be considered to go to the heart of the plan.

It is noted that the development of this site for 20 dwellings relates to a very small percentage of the overall housing land requirement for up to 9,460 new dwellings (as amended by MACs) over the plan period (approximately 0.21% of the total).

Paragraphs 2.14.3 and 2.14.4 of PPW also advises:

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

2.14.4 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.

It is noted that the Plan is nearing adoption, which is anticipated to be in the first half of 2017, and therefore there is unlikely to be a long delay before adoption. Nevertheless, for the reasons set out above, it is not considered that a refusal of planning permission on the grounds of prematurity could be sustained in this instance.

It is relevant to note that following the hearing sessions earlier this year, a number of changes to the Plan have been made in the Matters Arising Changes Schedule, including the deletion and addition of a number of site allocations. However, no change is proposed to housing allocation MG2 (36) ‘Land adjoining Court Close, Aberthin’.

PPW and Sustainability

The key sustainability principles and the key policy objectives of PPW are clearly a set of guidelines that set out the Welsh Government’s ‘*vision for sustainable development and the outcomes [they] seek to deliver across Wales*’ (paragraph 4.4.1). The development can be considered to accord with the principles and objectives.

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

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

Para 4.7.8 states: *"Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design"*

The village of Aberthin is identified as one of twenty four sustainable rural settlements within the recently amended (February 2016) 'Sustainable Settlements Appraisal' which also forms part of the background evidence for the LDP.

The appraisal indicates that such settlements score relatively highly in the sustainability ranking, although they do contain a more limited range of services. However, the facilities and services they contain play an important functional role to help meet local needs. Noting this, the location of the site is within walking/cycling distance of key facilities in the village including the church, community hall, public houses and bus stops, allowing access for future occupiers of any such development to a number of key services and facilities in larger nearby settlements. The village also have a close physical and functional connection to the service centre settlement of Cowbridge.

The 'Findings of Candidate Site Assessments Process Paper' (2013) for the LDP concludes that the site would be sustainable for reasons such as providing the opportunity for people to meet their housing needs. This assessment broadly reflects the sustainability objectives set out in section 4.4.3 of PPW whilst also ensuring sufficient good quality housing is provided within the area and enhancements to sustainable transport and community facilities are achieved through planning obligations.

Overall the site is considered to be sufficiently sustainable and is in accordance with the sustainability principles and objectives as set out in Part 4.2 of PPW. With the presumption in favour of sustainable development, which is set out as a key principle within PPW, it has to be considered that the proposals are in accordance with the national policy as set out within PPW in this regard.

Conclusion on the Principle of the Development

The proposals consist of a residential development of the site of undeveloped land on the eastern edge of Aberthin. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to but outside the settlement boundary of Aberthin, where housing development of this scale is out of accord with UDP policies. However, the fact that the UDP is time expired, with most of its housing allocations under Policy HOUS1 having been built out, it does not provide a sufficient framework to deliver enough housing to meet the requirements of the Vale of Glamorgan in 2016 and beyond.

Therefore, in order to meet housing need and to sustain a 5 year housing supply, consideration must be given to housing developments that do not accord with the time expired UDP policies, with PPW noting the planning system provides for a presumption in favour of sustainable development.

Whilst the emerging LDP cannot be afforded significant weight in the determination of this application, the background evidence gathered in preparation of the LDP should be afforded weight alongside other matters including national planning policy. The inclusion of the site as an allocation for residential development within the Deposit Local Development Plan indicates that this is considered to be 'in principle' a suitable site for development, due to the significant level of assessment that has been undertaken that has led to its inclusion to this stage.

A relevant background paper on this issue is the 'Findings of the Site Assessments Process Paper' (2013). This includes the 'land adjoining Court Close, Aberthin' site and then assesses it from a sustainability perspective. The background paper includes a matrix which colour codes the site under different sustainability indices (p49 of the assessment). The application site shows a generally positive outcome to the sustainability appraisal including positive outcomes for 'to maintain, provide and enhance the range of local facilities', 'to maintain and improved access for all' and 'to provide a high quality environment within all new developments'. Furthermore, the 2016 revised 'Sustainable Settlements Appraisal' concludes that Aberthin is a sustainable minor rural settlement capable of accommodating housing growth.

In this context, the proposed dwellings would be considered a sustainable form of development, contributing new housing (including much needed affordable housing) that would be well integrated within the village, due to both its location immediately to the eastern boundary at the end of an existing residential street and being within walking distance of the facilities contained within the heart of the village. Given this, it is considered that the proposals are an appropriate form of sustainable residential development.

It is considered on balance that the development of the land for housing as set out in the application is acceptable in principle. However, further applications for sites within the emerging LDP will each have to be considered on their merits, having regard to the housing land supply and other circumstances at that time, as well as how that specific development would affect the delivery of the LDP, and all other material considerations.

Whilst the principle of the development is considered acceptable, other site specific issues such as quality of agricultural land, layout, design, neighbour impact and access will all need to be considered and these issues will be discussed further within this report.

Agricultural land classification

The site comprises a single agricultural field parcel to the east of the village of Aberthin. The application has been accompanied by an Agricultural Land Classification report dated January 2016, prepared by Kernon. This report classifies the application site as Subgrade 3b as does the Agricultural Land Classification background paper (2015) prepared as part of the background evidence for the emerging LDP. PPW and UDP Policy ENV 2 (Agricultural Land) state that the best and most versatile agricultural land will be protected from irreversible development, unless an overriding need can be demonstrated. In this particular case, the proposals would not result in the loss of best and most versatile agricultural land. Given this, the loss of agricultural land is not considered to represent a reason for refusal in this instance.

Scale of development and Housing Density

The issue of the scale of the housing allocation at minor rural settlements generally within the Deposit LDP was raised at Hearing Session 1. The development site proposes the addition of 20 houses on a site of approximately 0.75ha adjacent to the relatively modern housing contained within Court Close. This represents a relatively modest extension to the village of Aberthin with a land area of approximately 0.75ha in comparison to the existing village which has an area of approximately 12.5ha. The proposals are considered to represent a proportionate increase to Aberthin and would not unacceptably impact upon the character of the village. The proposed development would extend the limits of the settlement eastwards but this would be to existing field boundaries and when viewed against the wider context of the village, would appear a logical addition to the village, and would not appear arbitrary in relation to the wider character of Aberthin.

With regard to the density of the development itself, it is noted that dwellings within Aberthin are of varied size, sitting on a variety of plot sizes. Nevertheless the existing village has a relatively low density (approximately 10 dwellings per hectare). However, the LDP and PPW seek to make better use of land in accordance with sustainability principles and the LDP has set a minimum density of 25dph in the minor rural settlements, such as Aberthin. The application proposes a density of approximately 27 dwellings per hectare, which conforms with the requirements of the LDP and represents an efficient use of land.

Overall, the site is considered to be a logical and appropriately proportioned residential development for the village of Aberthin, with a suitable housing density within this sustainable rural settlement.

Design and scale of the proposed dwellings

The proposals comprise a mixture of predominantly two storey dwellings, which the submitted design and access statement states that '*their overall scale and mass will respond to, and respect the prevailing dwellings within the vicinity. In particular, the scale and mass of the proposed dwellings will take reference from the dwellings forming Court Close.*' The application as revised includes 4 no. different market house types (3-5 bedrooms) and 3 no. different affordable housing house types (1-3 bedrooms). The proposed dwellings are relatively traditional and simple in terms of their form and design and will be finished predominantly in render, with stone quoin-work detailing beneath slate coloured roofs.

The existing dwellings within Court Close are relatively contemporary dwellings of two storey height, finished predominantly in white render, as are many of the dwellings within the vicinity of the site. The restriction of the mass of the dwellings to two storey height and the proposed use of white render beneath slate covered roofs is considered to respect the wider character of the village of Aberthin. As such the proposals would appear as appropriately scaled development that would not appear alien in terms of their vernacular or general mass and bulk.

A large proportion of Aberthin is designated as a Conservation Area, although the application site is separated from this area by Whitefields Farm Lane. Furthermore as noted previously the development within Court Close is more contemporary in its design and appearance and the application site will be read more in conjunction with this existing modern development. It is therefore considered that it would have been unreasonable to impose upon the development a requirement to be wholly reflective of the historic core of the village, although the proposed dwelling types are considered to be a good quality design and design cues have been sought from the wider village. The house types are suburban in appearance, however, they still have a traditional character and it is considered that the proposals use of an appropriate palette of materials reflecting that predominant within Aberthin.

With regard to the affordable housing units proposed, the design and materials palette reflects the approach taken for the market value housing designs, including the two storey one-bedroom apartments, which have the form and appearance of a house. Overall it is considered that the design and materials proposed for the affordable units is acceptable, with a suitable mix of sizes and types (to meet housing need), which reflects the character of the wider development.

Therefore in summary, it is considered that the house designs are acceptable, in accordance with policy ENV27 of the UDP and the principles of policy HOUS8, and will preserve the character and appearance of the nearby Conservation Area.

Impact upon character of the countryside

As previously stated, the site lies outside, but adjacent to the settlement boundary of Aberthin. As well as consideration of the proposed development layout and design of the dwellings, it is important to consider the visual impacts of the development in the wider context. It is accepted that the proposed development would fundamentally alter the character of the site. However notwithstanding other considerations, it is considered that this does not necessarily render the development unacceptable. Rather an assessment of the visual impact is required in the wider context of the surrounding landscape and how the development relates to the existing built environment.

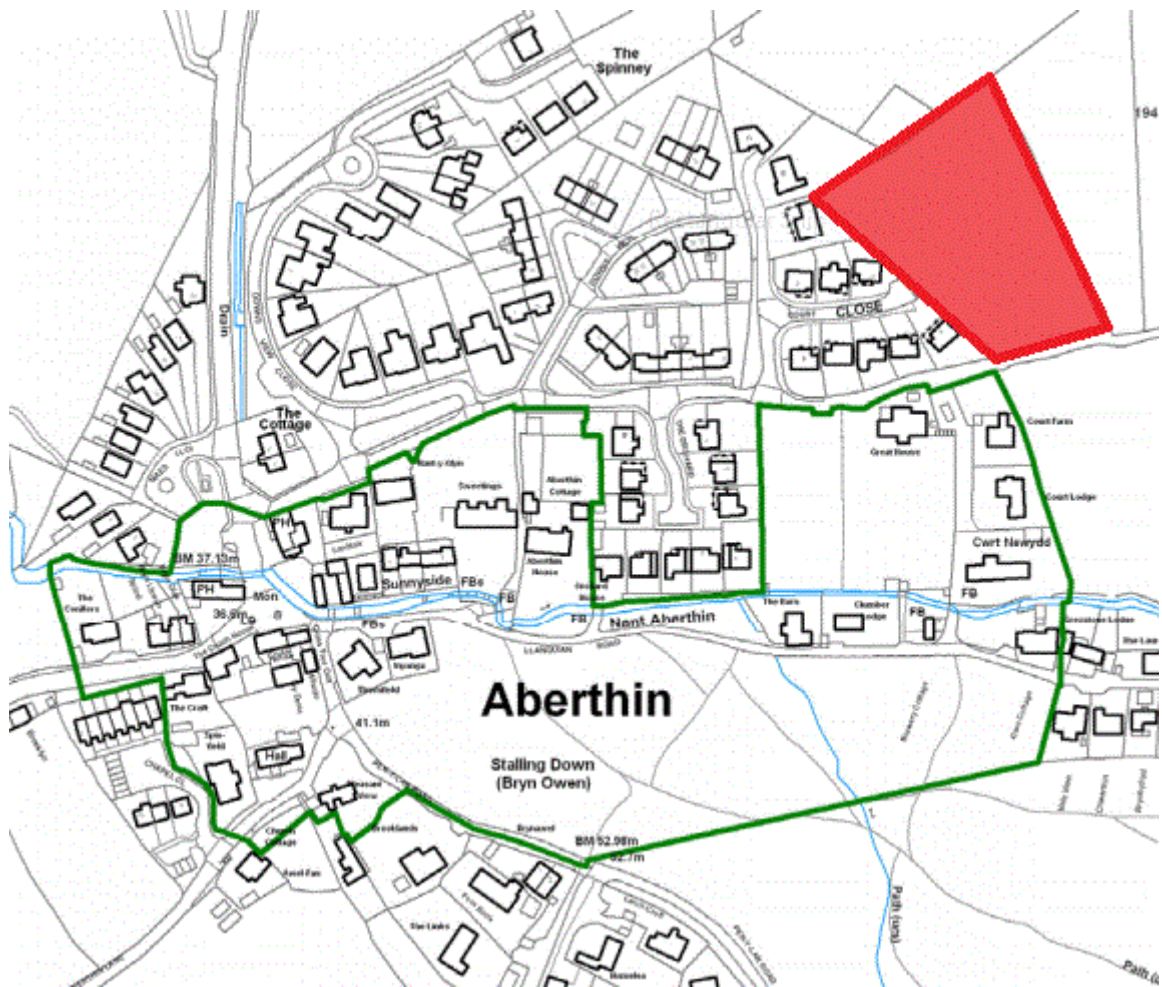
The application has been supported by a 'Strategic Landscape and Visual Appraisal' prepared by EDP dated 31 October 2016. In conclusion the appraisal states that *'the potential effects of the proposed development are considered limited to be no more than moderate; localised in context; and are not felt to be contrary to local planning policy.'*

The application site is currently enclosed by mature hedgerows and trees which serve to screen the site from immediate vantage points. The amended scheme indicates that much of this vegetation would be retained within the development that would serve to soften the impact of the introduction of dwellings within the site to a significant degree. Notwithstanding this it is acknowledged that the site is relatively open from view from the common land of Stalling Down to the south although, it would be very much viewed in the context of existing more modern development within Aberthin and as such would not cause an unacceptable degree of harm to the visual amenities of the wider area. Furthermore, it is noted that the site does not lie within or adjacent to a Special Landscape Area.

While the character of the land would change, the harm associated with that must be balanced against the strategic benefit associated with the development. In this case, given the contribution that the development would make to housing supply, and the landscape assessment carried out above, it is considered that any harm to the character of the wider area would not be significant and is outweighed by the factors in favour of the development.

Impact upon the character of the Aberthin Conservation Area

The north-eastern corner of the Aberthin Conservation Area lies just to the south-west of the application site separated by Whitefields Farm Lane. As such the development would be viewed within the context of the Conservation Area as adjoining it. A map is shown below showing the position of the site in relation to the Conservation Area:



As indicated within the previous section, the revised finishes and house types in addition to the revised schedule of enclosures, are considered to relate better to the predominant finish of dwellings within the village including those within the Conservation Area, incorporating high degrees of render beneath slate roofs. Whilst the application site would be relatively close to the north-eastern corner of the Conservation Area, the dwellings built at Court Close have already introduced more modern, suburban development adjacent to this area and the grade II* listed building of the Great House. Given that the setting of Great House has already been significantly constrained by the existing development at Court Close, it is considered that the contribution of this particular field parcel to the character and setting of this building is negligible. The proposals would be more remote from the Conservation Area and listed building than this existing development, furthermore the CAAMP does not identify the land in question of being of particular consequence either as a significant open space or view from or to the Conservation Area.

As such it is considered that the proposed development would not unacceptably alter or obscure views of the buildings within the Conservation Area but instead would be read against modern development that predominantly falls outside of this designation. Noting the above, it is considered that the proposals would not unacceptably impinge upon the historic interest of the adjacent Aberthin Conservation Area, being appropriate in terms of layout and design and in particular the choice of materials. It is considered that the proposed development would not impact upon identified significant views in and out of this area.

Being mindful of the Council's statutory duty to pay special regard of preserving the setting of listed buildings and Conservation Areas, it is considered that the proposed development of the site would not unacceptably harm the historic interest of the adjacent Aberthin Conservation Area or listed buildings, in accordance with policies ENV17 and ENV20 of the UDP.

The impacts of the development on the Grade 2 Listed Great House and the Aberthin Conservation Area have been fully considered for the reasons set out above and under the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Internal layout

The proposed scheme will be accessed by a single point of access from Court Close to the west of the site. Noting this, the LPA have sought to ensure that the proposed dwellings particularly at plots 5 and 20 have been positioned in a way to continue the general pattern of development existing in Court Close and provide a smooth transition between existing and proposed development. This is further achieved with landscaping and continuation of the footway from Court Close into the site shown on the revised layout plan.

The main spine road runs centrally into the site and splits with three no. private drives accessed from this spine road. Units 12-14 and 19-20 would be accessed directly from this spine road. All of the units have been orientated to face the main access road and the drives within the confines of the site, providing a strong degree of active frontage which reflects the context of the site and provides a more visually engaging form of development.

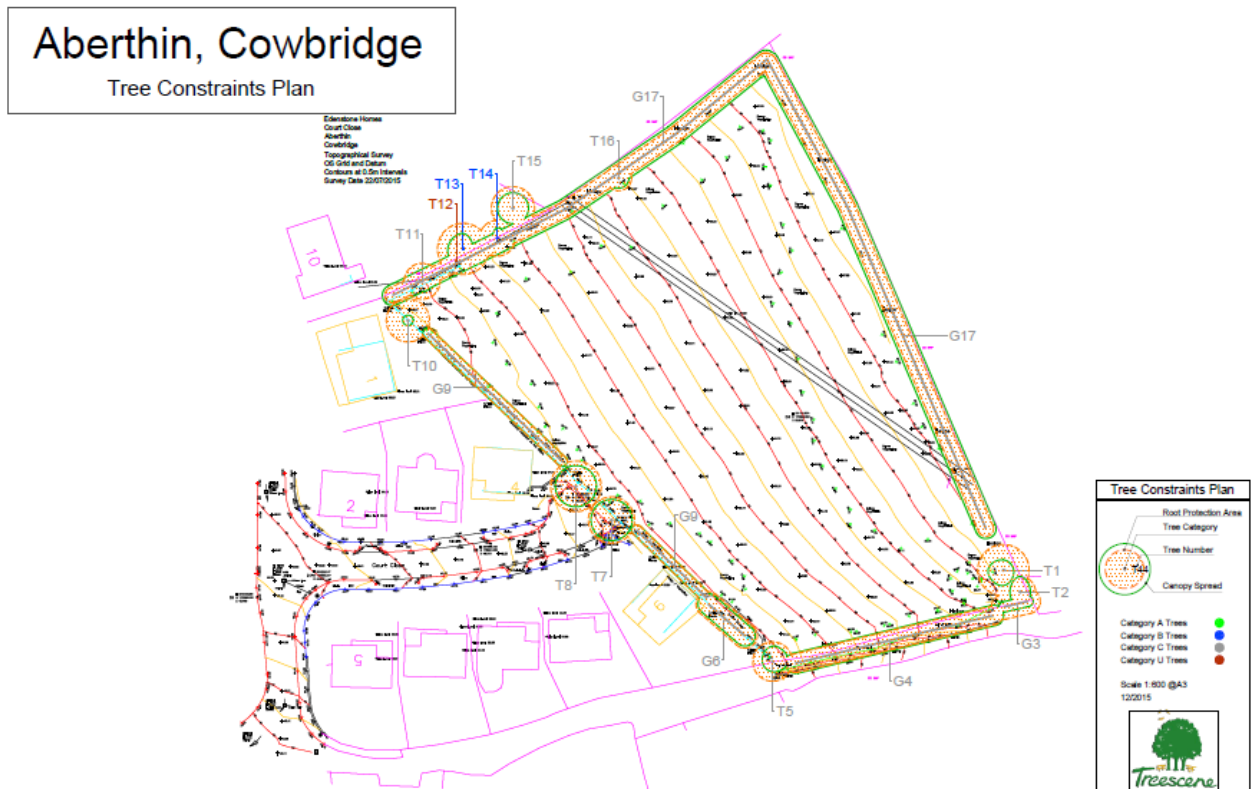
Furthermore the layout as amended also includes a more central area of public open space with a number of properties orientated onto this space, albeit separated from it by the road and shared drives. The central position provides a focal point for future occupiers of the development, which is considered to be a positive feature of the proposals.

The layout of the site accommodates affordable housing units, of which there is 40% provision, which equates to 8 units. The location of the affordable units is considered acceptable and is considered in detail under the Planning Obligations section of the report.

It is, therefore, considered that the layout has due regard to the principles of Manual for Streets and would accord with the aims of Policies HOUS8 and ENV27 of the UDP in terms of being compatible with the surrounding area.

Trees and Hedgerows

The application has been accompanied by a Tree Survey and Tree Constraints Plan (see below) prepared by Treescene. The submitted details indicate a number of trees and hedgerows within and adjacent to the site, and categorise them in terms of their quality from Category A (high quality) through to Category U (unviable for retention). The submitted details indicate that the majority of trees and hedgerow are Categories B and C, although indicate the removal of two trees; T12 (Ash - category U) adjacent to the northern boundary and T7 (Purple Norway Maple - Category C) adjacent to the entrance of the site.



It is noted that tree T12 appears to fall outside of the applicant's ownership and this permission in no way grants consent for the removal of this trees on land outside of the applicant's control.

The submitted site layout plan (as amended) indicates that the remainder of trees and hedgerow will be retained within the proposed development, noting that these also provide foraging and commuting opportunities for bats and are therefore both of visual and ecological importance.

Considering the loss of trees and hedgerow has been minimised and the proposals indicate the retention of the majority these within the scheme, with extensive proposed planting of new trees with the central open space area, the proposals are considered acceptable. A scheme of tree protection will be required via condition (Condition 11) to safeguard the trees and hedgerows to be retained through the construction works process, whilst the planting of replacement trees and hedgerow will be secured through a robust landscaping scheme.

Impact upon amenity of neighbouring residential properties

As noted previously the application site lies immediately adjacent to existing properties within Court Close with the dwellings of 1, 4, 6 and 10 Court Close.

With regard to number 1 Court Close, the proposed dwelling at plot 1 would be situated within approximately 18 metres from the rear of the existing property at its nearest point. The Council's adopted Amenity standards SPG, requires that a minimum distance of 21 metres be maintained between direct opposite windows serving habitable rooms. The dwelling would be situated at an oblique angle with this dwelling. The position of the dwelling at plot 1 as revised, complies with the requirements of the SPG and therefore does not result in an unacceptable degree of overlooking of 1 Court Close.

Similarly first floor windows within the rear elevation of the dwelling proposed at plot 1 will be situated approximately 25 metres from the dwelling at 10 Court Close and approximately 13 metres from the boundary at its nearest point. Given the degree of separation it is considered that the introduction of this dwelling will not result in an unacceptable detriment by virtue of overlooking.

The dwelling at plot 5 will be set approximately 10 metres from the boundary with 4 Court Close and approximately 14 metres from the dwelling itself at its nearest point fronting onto a blank side elevation. The only window proposed at first floor level within the westerly elevation of plot 5 is proposed to serve a bathroom, and it is not considered given the relationship between the proposed and existing dwellings that this would result in an unacceptable degree of overlooking.

The rear of the dwelling at plot 4 is situated approximately 14 metres from the boundary with 4 Court Close and approximately 16 metres from the dwelling itself. Given this separation, the blank side elevation of the neighbouring dwelling and oblique relationship with windows in the rear elevation it is considered that the proposed dwelling at plot 4 would not result in an unacceptable impact upon the amenities of occupiers of 4 Court Close.

The dwelling at plot 20 would be situated partly forward of the existing dwelling at 9 Court Close. However, noting the lack of side facing windows within the northern elevation of the neighbouring dwelling and the set off from the boundary, it is considered that the dwelling proposed on this plot would not result in undue detriment to the amenity enjoyed by occupiers of this neighbouring dwelling.

The proposed dwelling at plot 18 would be approximately 11 metres from the boundary with number 9 Court Close. Given this degree of separation and the oblique relationship with the dwelling itself, it is considered that the introduction of a dwelling in this position would not result in an unacceptable degree of overlooking of the neighbouring dwelling.

Overall therefore it is considered that the proposals would not result in an unacceptable degree of overlooking of neighbouring properties and is considered to comply with the provisions of policy ENV27 of the Development Plan and the guidance contained within the adopted Amenity Standards SPG.

Provision of Amenity Space

Policy ENV27 of the Unitary Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provides guidelines to ensure that all new residential developments contribute towards a better quality of life without adversely affecting the amenity enjoyed by existing residents. Policy 2 of this document is considered to be of particular relevance in this instance, which states that 'the council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development'.

The guidance contained within this policy notes that developers as a minimum should provide 1 sq. m. of amenity space per 1 sq. m. of the gross floor area for new dwelling houses, whilst 20 sq. m. of readily accessible amenity space should be provided per occupier of flatted development. It is acknowledged that the current application proposes residential accommodation principally in houses. With regard to the amenity provision for dwelling houses, it is noted within the amenity standards SPG that the detailed amounts are not intended to be a prescriptive standard. Furthermore, the LDP policy to increase densities to make better use of land will inevitably reduce the amount of amenity space feasibly provided within new housing developments. However the majority of units will have access to an area of private and defensible amenity space which as a minimum should be sufficient for functional requirements including relaxation, clothes drying, refuse storage etc.

With regards to the two no. pairs of flatted units, these will each have access to a shared area of amenity space to the rear of these units which would provide an area sufficient for functional requirements including relaxation, clothes drying, refuse storage etc.

In light of the above it is considered that sufficient amenity space is provided to meet functional needs for all units. As such it is considered that adequate amenity space is provided to serve future occupiers of the development in accordance with the aims of the Amenity Standards SPG and Policy ENV27 of the Unitary Development Plan.

Highways issues and parking

Access

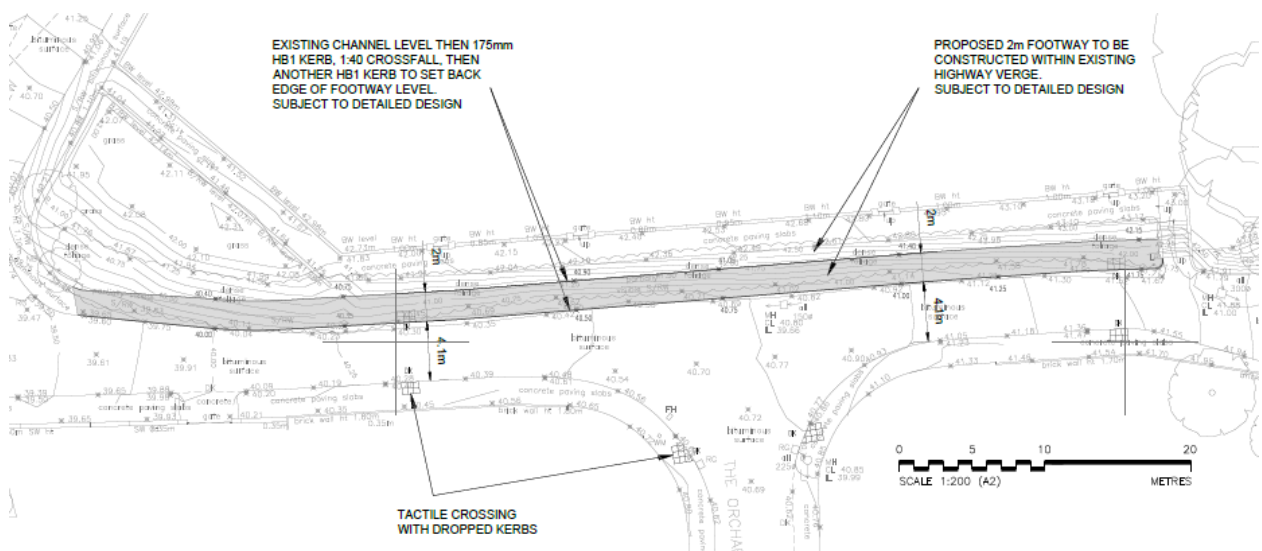
The site will be served by a single means of access from Court Close to the west. The applicant has also proposed off-site traffic works including traffic calming works comprising of improved road markings, road surfacing and speed activated warning sign on the A4222 and pedestrian improvement works adjacent to Downs View Close on the approach to the application site. The application is accompanied by a Transport Statement prepared by Corun Associates which concludes that '*there are no reasons in highway and transportation terms why a proposed residential development of 20 units should not proceed on this site*'.

It is noted that a number of letters of representation received in respect of the application, make reference to the lack of capacity on the highway network and associated highway safety issues for both road users and pedestrians, on roads leading to the site and on the main road, the A4222, leading through the village.

Being mindful of this, the allocation of the site and the associated infrastructure has gone through a full and rigorous assessment through the LDP process, at which stage the Council's Highway sections raised no objection to the proposals 'subject to the development being served off Court Close and not the lane to the south'.

They also indicated that a continuation of the footway with Court Close should be provided. This requirement is now detailed on the amended site layout plan.

The scheme also includes "off site" highway improvements to the footway in Downs View Close, to improve pedestrian movements through the village to and from the site, with the provision of a 2 metre wide footway, in place of the existing grass verge. The plan below details the general layout of the new footpath:



With regard to highway safety away from the site on the A4222 Maendy Road, the highways officer comments that:

'the visibility to the right [north] for vehicles emerging from Whitefields Farm Lane on to the A4222 Maendy Road at the centre of the village is substandard, but historic. It is not considered that an objection to a development of 20 units could be justified solely on this fact alone.'

A copy of the highways officers comments are included at appendix B. Whilst noting the number of objections raised within letters of representation, the Council's Highways section has raised no objection. As such and subject to securing the necessary off-site highway improvement works within any legal agreement to ensure the footway and works on the A4222 are completed prior to first occupation, it is considered that an objection by virtue of highway safety could not be raised.

Internal Layout (Highway matters)

Following further consultation with the Highways Engineer, they raise no objections in principle with regard to the revised internal arrangement shown on the amended layout plan, although raise concern with regard to the lack of visitor spaces provided within the confines of the site.

In terms of parking, each of the market housing units would be served by at least 3 car parking spaces, through on-site drives and garaging facilities within their curtilage. Such a level of provision would accord with the CSS Parking Guidelines. The affordable units to the north-east of the site would be served by a parking court to the south of these dwellings, whilst the semi-detached pair at plots 14-15 would benefit from 2no. spaces on a driveway. The dwellings would benefit from 1 space per one bedroom flat and 2 spaces per two and 3 per three bedroom dwelling. Visually such a layout is considered to be appropriate whilst the level of provision is considered to be acceptable. It is however noted that a scheme of this scale would also be expected to accommodate 4 no. visitor spaces within the confines of the site, although only one is shown on the submitted layout. Whilst acknowledging this it is noted that the site has been identified as a sustainable location capable of accommodating additional residential development and furthermore that Planning Policy Wales resists the imposition of minimum parking standards.

Following the submission of the revised layout and further details the Highways Having regard to the above, it is considered that the proposed access arrangements and layout are acceptable in terms of highway safety and traffic generation, in accordance with Policy ENV27 and the aims of policy HOUS8 of the UDP and Manual for Streets, PPW and TAN18: Transport.

Conditions 3, 4, 5, 8 and 15 relate to requirements regarding engineering details, hard landscaping, off-site highway works, formation of the internal road and parking layout and the requirement for a Construction Traffic Management Plan.

Ecology

The application has been supported by ecological assessments relating to bats and reptiles prepared by TerrAqua dated June 2016. The bat report notes bat activity across the site was low, although note that common pipistrelle, soprano pipistrelle, natterer's and brown long eared bats were noted as foraging along field boundaries serving the site and . The survey notes that *'the bat activity results show that no area immediately within the survey boundary can be considered an important feeding or commuting areas for bats and that the loss of the semi-improved grasslands are unlikely to have a significant impact on the conservation status of any bats species at a site, local or national level.'* However the report recognises the importance of the hedgerows at the site as foraging/commuting areas for bats, in particular the lane immediately to the south. As such they recommend that these features are retained and a suitable lighting scheme be required.

With regard to reptiles, the submitted report indicates that grass snake and slow worms were observed on the site during survey work undertaken. However, given the number of individuals found within these surveys, populations of reptiles within the site were estimated to be low. Notwithstanding this, they recommend a number of mitigatory measures be incorporated to prevent harm to these species.

Following consultation with the Council's ecologist and Natural Resources Wales they raise no objection to the findings of the report. The Council's ecologist recommends that two planning conditions are attached to any permission given relating to a scheme for the protection of reptiles and a scheme for the protection of biodiversity on site (Conditions 6 and 18 refer). Noting this it is considered that there is not an ecological constraint restricting the grant of planning permission.

Drainage issues

With regards to foul drainage Dwr Cymru Welsh Water have confirmed that 'no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. They also confirm that they have no objection with regard to water supply to the site.

The site is not within a flood plain with indications that the site only has a very low risk of surface water flooding. The application has not been supported by a full drainage strategy. Following consultation with NRW and the Council's Drainage Engineer, no objections have been received with regard to the drainage of the site subject to the submission of a comprehensive scheme of drainage for the site. Whilst the concerns of local residents are noted with regard to potential off-site flooding resulting from the scheme, in the absence of any objection from consultees, subject to a comprehensive drainage scheme required by condition, any potential risks can be mitigated. Condition 7 requires a full scheme of drainage to be submitted, prior to the commencement of any development on site.

Archaeology

The application has been supported by an Archaeological and Heritage Assessment prepared by EDP dated February 2016. The submitted report concludes that there are no archaeological features or cropmarks within the site, and given the records within the area concludes that there would be a low potential for previously unrecorded archaeological activity to be present within the confines of the site. Following consultation with the Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, they confirm that they have 'no objection to the positive determination of this application.' As such there is not an archaeological constraint restricting the grant of planning permission in this instance.

Planning Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. In addition the updated Draft Planning Obligations SPG (approved by Cabinet on 14 December, 2015) is now used as a material consideration in the Development Management process.

It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

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

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

In this case the proposals as revised, relate to a development of 20 dwellings. On this basis, the following planning obligations are required:

Affordable Housing

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

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

The Deposit Local Development Plan (October 2013) policy MG 4 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in the area of Cowbridge. The Council has produced further evidence to support this position following the recent examination in Public of the LDP which is contained in the Action Point Responses for Hearing Session 6.

The Vale of Glamorgan Local Housing Market Assessment (2015) provides the latest evidence on affordable housing need. The LHMA identifies a net annual need for 559 Affordable Housing Units.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014) and the focussed change to Policy MG 4, a Draft SPG for Affordable Housing was approved by Cabinet on 14th December 2015 (Cabinet Minute C3022) and at the Council's Economy and Environment Scrutiny Committee on 5th January 2016. The SPGs are now being used as a material consideration in the Development Management process.

On a 20 unit development, 40% affordable housing should be provided on site in line with the Council's latest viability information and the draft Supplementary Planning Guidance on Affordable Housing, which equates to 8 dwellings. The Council require the affordable housing tenure to be provided at a ratio of 70% social rented, 30% low cost home ownership/intermediate rent consistent with the local housing needs identified in the Council's LHMA.

The applicant proposes the provision of 8 units (40%) comprising of 2 no. 1 bedroom flats with independent accesses, 5 no. 2 bedroom dwellings and 1 no. 3 bedroom dwellings. 2 No. 2 bedroom dwellings would be low cost home ownership dwellings and the remaining 6 would be social rented, representing a tenure split 75%:25% which is considered to be appropriate.

Whilst it is noted that the affordable dwellings are not strictly 'pepper potted' throughout the scheme, they have been sited appropriately and are considered to be well integrated with the market houses within the site and accords with the guidance contained within the SPG that groups of no more than 10 affordable units are located together. The Council's affordable housing enabler has confirmed that they are satisfied with the overall provision, tenure split and revised layout. The on-site affordable housing provision is therefore considered to be acceptable.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW emphasises that in order to achieve a 'More Equal Wales', development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, this policy remains in line with national guidance contained within PPW.

The Council has based the Education contribution for this site on the adopted Planning Obligations SPG, given that the application was received by the Council some time before the 5th January 2016. This is considered a fair and reasonable approach. The Council's formula for calculating pupil demand is contained in the Planning Obligations SPG and identifies that the development of this site for 18 family sized houses (minus 2no x 1 bedroom flat) would generate demand for 2 nursery places, 5 primary school places, 4 secondary (11-16 year) places and 1 secondary (16+year) places. These are split proportionately between English, Welsh and denominational provision.

For nursery and primary school provision, the school would be served by Y Bontfaen and Llansannor for English Medium and Ysgol Iolo Morganwg with no projected capacity at these schools. The Council would seek a contribution for 7 pupils at a cost of £17,446 totalling £122,122.

The development serves Cowbridge and St Richard Gwyn for English Medium and Ysgol Gymraeg Bro Morgannwg for Welsh medium. The development predominantly serves Cowbridge (92.5%) with a requirement for 4 pupils aged 11 – 16 and 1 pupil post 16. The council would therefore seek S106 contributions for 4 pupils at £26,289 per pupil totalling £105,145 and 1 pupil at £28,511. The total secondary contribution required would be £133,667. An overall contribution of £255,789 would therefore be required in terms of education and the applicant has agreed to this.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity.

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

Based upon the Council's Draft Planning Obligations SPG, and the LDP Open Space Background Paper (2013), the development of 20 residential dwellings creates the need for 1113.6m² of public open space, comprising of 116m² children's play space, 255.2m² of other children's play space and 742.4m² of outdoor sport space.

The site falls within the local ward of Cowbridge. The LDP Open Space Background Paper (2013) outlines that within the Cowbridge Ward, there is an over-provision of Outdoor Sports space although none provided within Aberthin and under-provision of All Children's Play Space.

With regard to the provision of outdoor play space, it is noted that there is an over provision within the ward. The Open Space Background Paper indicates that the site is too small to provide a meaningful area for outdoor sport provision and no alternative sites have been identified in the vicinity. Given this and the proximity of the site to Cowbridge, it is considered acceptable that no specific provision for outdoor sport be provided in the Aberthin area and no contribution is sought in this regard.

Given the shortfall within the ward and the immediate area of Aberthin, the site is expected to provide Children's Play Space and other Children's Play Space, equalling 371.20sqm. The submitted layout details a centrally located POS area provided of approximately 371sqm in line with the children's play space requirements of the development. This area would include a Local Area of Play (LAP) being an area of open space for play activities, specifically designated for young children.

The on-site POS provision complies with the requirements of the SPG and therefore an off-site contribution would not be sought in this instance. Further details of the layout and landscaping of the POS area would be required by way of conditions attached to any permission (Condition 10 refers) and secured through the Legal Agreement, to include details of management and maintenance of public open space.

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. Planning Policy Wales (PPW edition 9), Paragraph 4.4.3 recognises that in order to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required. Paragraph 4.7.4 seeks to ensure that new developments are integrated appropriately within existing settlements, to minimise the need to travel by private car.

National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

In terms of local policy, UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, these policies are supported by the advice in PPW, TAN 18: Transport and Manual for Streets and therefore remain relevant.

The Sustainable Transport Assessment (2013) and Transport Assessment of LDP Proposals (2013) identified the transport implications of growth planned in the LDP and outlined proposals for improvements to highway and sustainable transport infrastructure to address the increased demand for travel.

The Council thus have requested an off-site contribution to enhance sustainable transport facilities. This contribution equates to £2,200 per residential unit, This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

In accordance with the Draft SPG on Planning Obligations, the Council requires a financial contribution to provide or enhance sustainable transport facilities serving the site, which in this case equates to £44,000 (on the basis of 20 dwellings). At this stage, it is likely that this contribution would be used for upgrading the school access at Y Bont Faen. The developer has agreed to this contribution.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "*individuality and distinctiveness*" within a development, town, village and cities. Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works. The applicant has confirmed agreement with this contribution and a scheme of public art will be required by condition 20.

Off-site highway works

As noted previously the application includes proposed off-site highway works to mitigate the impact of development, and it is necessary to secure these works through a legal agreement.

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 instance the administrative fee would be £5,995.78

RECOMMENDATION

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

- Procure that 40% (8) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity.
- Pay a contribution of £255,789 for the provision or enhancement of education facilities to meet the needs of future occupiers generated at Y Bontfaen. Llansannor, Ysgol Iolo Morganwg, Cowbridge Comprehensive, St Richard Gwyn, Ysgol Gymraeg Bro Morgannwg for Welsh medium.
- Provide Public Open Space on site (including the provision of a Local Area of Play) and secure future maintenance of this POS area
- Provide public art on the site to the value of 1% of project costs in accordance with details to be submitted for approval.
- Pay a contribution of £44,000 to provide or enhance sustainable transport facilities in the vicinity of the site to be spent on one or more of the following; towards improve cycle routes in the area; upgrading bus stops in the vicinity of the site; contributing towards enhanced bus services; and improving pedestrian links in the area.
- Provision of off-site highway works on Downs View Close and the A4222

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:

Transport Statement prepared by Corun Associates 16-00440/TS/01 prepared by Corun Associates dated February 2016; Land off Court Close, Aberthin, Bat Activity Survey Report prepared by TerrAqua dated June 2016; Land off Court Close Aberthin Vale of Glamorgan Reptile Survey Report prepared by TerrAqua dated May 2016; Archaeological and Heritage Assessment prepared by EDP dated February 2016; Tree Survey at Court Close, Aberthin, Cowbridge prepared by Treescene dated 14 December 2015; Tree Constraints Plan prepared by Treescene; Land at Court Close, Aberthin: Agricultural Land Classification dated January 2016; Burford House Type Floor Plans 1573 110, Burford House Type Elevations 1573 111, Faringdon House Type Floor Plans 1573 112, Faringdon House Type Elevations 1573 113, Tewkesbury House Type Floor Plans 1573 116, Tewkesbury House Type Elevations 1573 117, Monnow House Type Floor Plans & Elevations 1573 119, Ogmore House Type Plans & Elevations 1573 120, Wye House Type Plans & Elevations 1573 121 received 14 July 2016;

Storey heights plan 1573 102B, Materials Layout 1573 103 B, Broughton House Type Elevations 1573 123 Rev A received 28 October 2016; Strategic Landscape and Visual Appraisal prepared by EDP; Broughton House Type Floor Plans 1573 122 received 31 October 2016; Site location plan 1573 101A received 9 November 2016; Enclosure Details 1573 104B received 17 November 2016; Planning Layout 1573 100 Rev X received 2 December 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 drawings, prior to the commencement of any highway works within the site, full engineering details (including structural calculations) of the site access, proposed internal roads, turning areas, footways/cycleway, traffic calming measures, including vision splays, street lighting, highway drainage, gradient details, on site parking and any associated highway structures, (including a programme for the delivery and completion of the works) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and in accordance with policies ENV27 and HOUS8 of the adopted Unitary Development Plan.

4. Notwithstanding the submitted plan prior to any commencement or site clearance, further details of no-dig hardstandings in root protection zones and adjacent to hedgerow shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and in the interests of trees and hedgerows within the site and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. Prior to the beneficial occupation of any of the dwellings hereby approved the off-site works as shown on drawings 16-00440 SK02'Proposed A4222 Road Safety Improvement Works' and 10104-001-02 Rev C 'Engineering Layout Off-site Works' shall be completed in accordance with the approved plans and maintained as such in perpetuity.

Reason:

To improve pedestrian movements from the site and to improve highway safety on the local highway network in accordance with policies ENV27 and HOUS8 of the Development Plan.

6. Prior to the commencement of development and any site clearance, a scheme for the protection of reptiles during and after the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason:

To protect reptiles and biodiversity during the development of the site in accordance with policy ENV16 of the Development Plan.

7. Notwithstanding the submitted details, prior to the commencement of any works on site, full details of a scheme for foul, surface water and land drainage (including details of a SUDS management plan) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details and completed prior to the first occupation of any of the dwellings approved and thereafter so maintained at all times.

Reason:

To ensure a suitable drainage scheme, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. No dwelling hereby approved shall be brought into beneficial use until such time as the parking areas and internal road layout, including all associated access and turning areas serving that dwelling, have been laid out in full accordance with the details shown on plan 1573 100 X and the details required by conditions 3 and 4 of this consent. The parking, internal road, access and turning areas shall thereafter be so retained at all times (including the provision of visibility splays) to serve the development hereby approved.

Reason:

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

9. Notwithstanding the details submitted, 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 and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic, deliveries and means of defining and controlling such traffic routes and timings, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

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

11. Notwithstanding the submitted details, prior to the commencement of construction of any of the dwellings hereby approved, details of the finished levels of the site and slab levels of all dwellings in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

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

12. Prior to the commencement of development, an Ecological Management Plan, to include a scheme for the maintenance of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The agreed Ecological and Landscape Management Plan shall be implemented in full accordance with its recommendations and details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure protection for protected species and ecological enhancement, in accordance with policy ENV 16 of the Unitary Development Plan.

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

Reason:

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

14. Notwithstanding the details shown on drawing no. 1573 104 Rev B, all means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

15. Notwithstanding the details shown on drawing 340.01 Rev B, a landscaping scheme (including any new hedgerows and supplementary planting to existing hedgerows) and details of the Public Open Space area shall be submitted to and approved in writing by the Local Planning Authority hereby approved, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason:

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

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

Reason:

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

17. The hedgerows/trees falling within the root protections marked orange on drawing number 100 revision X shall be retained in perpetuity.

Reason:

In the interests of visual amenity and to maintain biodiversity at the site in accordance with policies ENV16 and ENV27 of the Development Plan.

18. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials (including hard landscaping) 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

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

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies ENV1 (Development in the Countryside), ENV2 (Agricultural Land), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV18 (Archaeological Field Evaluation), ENV19 (Preservation of Archaeological Remains), ENV20 (Development in Conservation Areas), ENV27 (Design of New Developments), ENV28 (Access for Disabled People), ENV29 (Protection of Environmental Quality), HOUS 2 (Additional Residential Development), HOUS3 (Dwellings in the Countryside), HOUS8 (Residential Development Criteria), HOUS12 (Affordable Housing), ENV16 (Protected Species), TRAN9 (Cycling Development), TRAN10 (Parking), REC 3 (Provision of Public Open Space for New Developments), REC 6 (Children's Play Facilities) and REC 12 (Public Rights of Way and Recreational Routes) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 9, 2016) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 11- Noise, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; it is considered that the proposals are acceptable, subject to conditions, by virtue of the appropriate layout, design and scale of the development, with suitable means of access and parking, and no significant impact on neighbours amenities which overall constitutes an acceptable form of residential development. Furthermore, the proposals include acceptable levels of ecological mitigation and the development would not unacceptably impact upon the adjoining Aberthin Conservation Area, the nearby Listed Building or the countryside. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

NOTE:

- 1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**
- 4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 5. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.**

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.

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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General Notes

Rev	Date	By	Comment
A	09.11.16	NH/C	Red line adjusted site entrance

RESIDENTIAL DESIGN
PLANNING
CIVIL ENGINEERING
DESIGN

Hammonds Yates
HAMMONDS YATES LIMITED
Kestrel Court, Harbour Road, Portlithford, BS20 7AN
T: 01273 841744 E: info@hammondsyates.com

Client
Edenstone Homes

Project Title
**Land at Aberthin
Cowbridge**

Drawing Title
Site Location Plan

Drawn By DA	Scale 1:1250	Date June 2016
Job No. 1573	Drawing No. 101	Rev. A

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2016/00867/FUL

Payne, Adrienne J

From: Planning
Sent: 16 November 2016 09:09
To: Planning
Subject: New comments for application 2016/00867/FUL
Attachments: Response to Transport Statement.pdf

New comments have been received for application 2016/00867/FUL at site address: Land at Court Close, Aberthin from Mr Barrie White [REDACTED]

Address:
6 Court Close, Aberthin, Cowbridge, CF717EH

Comments:
Response to Transport Statement 16-00440/TS/01

The following files have been uploaded:
Response to Transport Statement.pdf

Case Officer:
Mr. Robert Lankshear

RECEIVED
16 NOV 2016
Regeneration
and Planning

D.E.E.R
RECEIVED
ACTION BY: RUSDB
NO: 28
ACK:

16 NOV 2016

Regeneration
and Planning

A response to : Transport Statement 16-00440/TS/01 published for Edenstone Homes.

Because it was not possible to submit an annotated copy of Statement 16-00440/TS/01 this response has to be read in conjunction with it. Transport Statement 16-00440/TS/01, as presented, appears to have some omissions and is peppered with hyperbole.

2.2 Pedestrian

2.2.1 *"The site benefits from good pedestrian infrastructure"*

The pedestrian footways, as described, extend for about 30 metres and only in Court Close. There is approximately just over 200 metres of non-continuous and substandard footways along what is essentially a single track lane to the A4222.

2.2.2/3 Omits to mention the footway to the A4222 has no usable footpath from Court close for about 20 metres, at the junction with Court Close. Neither is the footway continuous from there on. It also changes sides at two junctions. At one of these junctions, pedestrians have to cross where visibility is restricted and where the lane bends.

2.2.4. Omits to say that to use the footway to Cowbridge, pedestrians have to cross the A4222 within 30 metres of a blind elbow bend, and that the footpath to Cowbridge, at the corner of the Farmer's Arms, facing oncoming traffic, is hardly wide enough for a single width push chair.

2.2.6. *"Employment opportunities"* What employment opportunities? Was research undertaken for that claim? The need for hairdressers and catering staff is limited. It is a well known fact that though Cowbridge is a market town, Cowbridge, with surrounding villages, is best described as a dormitory town. There is a lack of well paid employment locally.

2.2.0 Distances to the library and health centre and the leisure centre are omitted. Is this because they are greater than 2.2km? That distance is in excess of the preferred maximum walking distance to such amenities.

2.3 Cycle Opportunities

As the report correctly implies, there are no cycle paths. It accurately states that Cowbridge is only some 10 minutes away when using a cycle. However, the fact there is no cycle path to Cowbridge can make cycling an adrenalin rush. From personal experience I gave up cycling to Cowbridge because of heavy lorries and cars traveling dangerously close when overtaking with so many vehicles probably travelling in excess of the speed limit. It would appear to be safer cycling IN Cowbridge where vehicular traffic is either at a stand still or travelling at no more than about 15 mph.

Commuting to Bridgend or Barry or Cardiff by bike? Was that suggestion made with tongue in cheek? There are some rather steep hills in both directions with Primrose Hill and the Tumble towards Cardiff, and Crack Hill towards Bridgend.

And Crack Hill would appear to be an accident hot spot. Incidentally Barry is not mentioned as a commuter destination in the report.

Much mention is made of cycling and cycling opportunities but where, on the proposed development, are the bike storage areas for the units without garages? Bike storage areas are recommended in the South Wales Police report.

2.4 Public Transport

2.4.1. The site does NOT benefit from "*excellent transport provision*" which is why we, the majority of people who live in Aberthin, have to use private cars. If public transport is so good why is there an apparent need 40-50 parking places on this development?

2.4.2./3 The site is located 1.3km from the more practical Cardiff to Bridgend bus route. A 15 to 20 minutes minute brisk walk. That distance is not in compliance with the IHT Guidance quoted in paragraph 2.4.2. "*New development should be so located so that public transport trips involve walking no more than 400m from the nearest bus stop*"

Most employment would be either in Cardiff or possibly Bridgend and Barry but not Pontyclun or Talbot Green. It is noticed that travel to Barry is not mentioned and neither is travel to Llandow, Cardiff International Airport, Aberthaw and St Athan. All are best served by private car.

2.4.4. A bus journey time to Cardiff, via Talbot Green, of 1 hour 20 minutes each way, is quite unreasonable for commuting. Without research I would also guess the cost of that journey would also be greater than travelling to Cardiff on the more direct Bridgend to Cardiff bus service.

2.4.5. It can be clearly seen that the bus service via Talbot Green is limited and not practical for commuting. No Sunday service. No evening service. And it does not, for example cater for those who work in Cardiff between the hours of 0900 and 1800 or even 0900 to 1700. Neither, and this is important, can it be used by shift workers or those who work irregular hours.

2.4.6. Is it seriously suggested that, to go to Cardiff or Bridgend by train, that we make a 32 minute cycle ride to Llantwit Major Station, from which there is an additional journey time of 43 minutes to Cardiff, or 25 minutes to Bridgend?

Summary

2.4.9./10 The arguments put forward by Edenstone are all built on false premise. This is not a highly sustainable location in transport planning and it is NOT compliant with transport policy at local and national level.

DEVELOPMENT

3.1.1. Development Scale:

Building 20 residential units is an increase in the number of houses in Aberthin by about 20%. It is 200% greater than the houses in Court Close. The site overlooks much of Aberthin. It will dominate Court Close. It will be clearly visible from miles around.

3.2. Access

Roadways on the site are not in compliance with the recommendations of the Manual for streets. Viz 5.5m plus footways on both side of the road.

It must be noted that the lane from the A4222 is single lane for most of the way with widths of between 3.8 m and 4.1m. The footway is not continuous and where it exists it is only on one side of the road.

3.5 Off-site Mitigation

The proposed drop kerbs are not adding footways but are effectively removing the existing footways to falsely increase the lane width and therefore increasing danger to pedestrians. Neither does this 'mitigation' address the problem of lack of continuous footways and that the lane has to be crossed, at two places there are bends. It should also be borne in mind there is a potential for erosion, and damage, caused by increased traffic, and construction traffic, to the bank to the north of the lane between Court Close and Downs View. Drawing SK01 is not clear and lacks detail.

3.5.5. All of the measures proposed are merely a cosmetic exercise.

None of them will reduce either the speed of traffic or the volume of traffic. For information, the volume of traffic along the A4222 is increasing year on year and will increase even more with developments in Ystrad Owen. Most importantly, there is no mention of any crossing point for pedestrians.

3.5.5. Paragraph 7. "*Pedestrian footway improvement works, as described above.*" As I describe in 3.5, there are such improvements described. I reiterate that replacing the present kerb with a drop kerb, is a dangerous and retrograde step. There are no proposed changes to any of the footpaths on the A4222

4 LOCAL AND NATIONAL PLANNING GUIDANCE

Planning Policy Wales (2016)

4.2.1 2. Proposal for development of this site is not in keeping with the Welsh Assembly's objectives Section 8.1 (Transport)
Sections 4.2.2 to and including 4.2.8. are not achievable by development of this site.

4.2.10. Policy 8 of the UDP

Development will be favoured in locations which:

1 "*Are highly accessible by means of travel other than private car*"

Please see my previous arguments. The site cannot possibly meet that requirement.

4.2.14 Vale of Glamorgan Deposit LDP 2011-2016

"The Application site will also benefit from improved cycle routes through Cowbridge"

There are no cycle paths in Cowbridge so how can the application site benefit from them? If there were cycle paths in Cowbridge how could this site possibly benefit?

4.2.15 Policy MD1 Location of New Development

1 This development WILL have an impact on the countryside. It is outside the natural boundary of Aberthin and is being built on agricultural land.

5 *"Has access to or will promote the use of sustainable modes of transport."*

Patently that is not the case.

6 and 7 Neither statement in the submission is qualified by argument. The submission is no more than hyperbole.

8 There is risk of greater flooding at the Hare and Hounds pub because of the lack of natural drainage this site will create.

4.2.16 Policy MD2 – Place Making states

"development will be favoured where it contributes to creating high quality etc."

1 There is no proof that this site will *"contribute to the context and character of the surrounding distinct places of the surrounding natural environment."*

2 Does not *"respond accordingly to the local context"*

5 It will not *"provide a safe and accessible environment giving priority to pedestrians, cyclists and public transport provisions"*. See my previous arguments.

7 *"Safeguard existing public and residential amenity,"* . Clearly a doubling of the number of houses alongside Court Close, and a 20% increase of the houses in the village, will not have that effect.

8 (ii) *"Minimise traffic levels and associate unacceptable environmental effect"*

Traffic passing our door will increase by over 300% with ensuing noise and air pollution.

9 *"Make a positive contribution towards tackling the causes of and adapting to the impacts of climate change by promoting renewable and low carbon energy use."*

40 to 50 vehicles? Increased number of service vehicles? Solar panels on the dwellings? Triple glazing?

4.2.17 Policy MD3 Design of new Development

Development proposals will be permitted where:

(i) *"Has no acceptable impact on the countryside"*

2 This development does not conform to those guide lines, and especially with regard to density.

4 There will be an impact on neighbours as well as all those who live along the lane leading to the A4222

7 Because of the potential for greatly increased traffic, this site will not provide a safe environment for any user

8 Because of the increased number of vehicles there must be an affect on the environment with air and noise pollution. I see there is no mention of solar panels for the production of electricity and heating , nor triple glazing , to be installed on these houses.

9 The site most definitely does not comply with this clause.

5 LOCAL HIGHWAY

This section argues that there are no problems with highway safety because of the low accident rate.

What no survey can show is the number of near misses or the unreported minor collisions or the number of pedestrians who are forced to play chicken when attempting to cross the road to the Farmers Arms in order to walk to Cowbridge, or wait for the bus to Talbot Green.

Perhaps the authors of the report should, at the road junction with the A4222, be in a car and make an attempt to turn right towards Pontyclun.

Perhaps they should also ask every resident who lives on the eastern side of the road junction, whether or not there are safety concerns. All residents, young and old alike, who use that road junction, consider the road junction and crossing to be unsafe. Are they just imagining danger?

All the road safety measures proposed for the A4222 are merely cosmetic. They do not ease turning right to go to Pontyclun, either by cycle or in a car. Most importantly, there is no recommendation to make it safe for pedestrians to cross. The narrow width of the footway, at the corner of The Farmer's Arms is overlooked.

It must be pointed out the Vale's own Highways department refused to countenance any form of pedestrian crossing because that section of the road is too dangerous.

5.3 PIA CONCLUSION

The conclusions put forward are hyperbolic!

6 TRIP GENERATION

6.2.2. Trip generation (vehicle trips)

This is nothing more than speculation which fails to take into account the demographics of the area.

6.3 Traffic Impact

The demographics of Court Close show that only 23% (and that includes one minister of religion) are in full time occupation. Edenstone are claiming that the development will be Executive style dwellings. That leads to the probability that employment levels of those living on the development will be near 100%. Therefore it is possible to presume there will be an increase in traffic by 350%, at least, for traffic passing through Court Close. So the argument made by Edenstone, that the effect of increased traffic is negligible, is invalid.

7 SUMMARY AND CONCLUSION

7.1.2 I have attempted to show that this argument by Edenstone has no basis in fact and is in fact contrary to what we, as residents of Aberthin, already know.

7.1.3 The access road on the site at 4.8 meters, is 0.8 metres narrower than the width recommended in Manual for Streets. It must be noted that the 290 metre lane leading from Court Close to the A4222 is mainly single lane with a width, in a number of places, that is only 3.8 metre.

7.1.8 Wrong. A 350% increase in traffic, is significant.

7.1.10 The proposed scheme is purely cosmetic with '*new footway provision*' actually meaning removal of parts of existing footways in order to artificially increase the carriage way width. One of these is on a bend with restricted visibility for both pedestrians and vehicles.

7.2 CONCLUSION

This appears to be nothing more than a summary of unsound statements.

7.2.3 There are too many reason, on safety grounds, for this proposed development to proceed.

Since 1981, a number of applications to build as few as just one dwelling on this site, were rejected by both Councils and Welsh Office inspectors. Nearly all rejections were based on road safety grounds at a time when traffic density and vehicular ownership was considerably less than it is now.

Proposals for the development of this site does not comply with the Vale of Glamorgan Council's policy to encourage people to use public transport.

If public transport is so good, why will there be parking spaces for about 50 vehicles?

Barrie White November 2016

40

D.E.E.R
RECEIVED
ACTION BY: RL/SDB
NO: 4
ACK:

Ivydene
 Penylan Road
 Aberthin
 Cowbridge
 Vale of Glamorgan
 CF71 7HB



RECEIVED
 21 NOV 2016
 Regeneration
 and Planning

Operation Manager Development Management
 Planning Department
 Vale of Glamorgan Council
 Dock Office
 Barry Docks
 Barry
 CF63 4RT

17 November 2016

Dear Sir/Madam,

Town and Country Planning Act (as amend)
 Application Number. 2016/00867/FUL/FL
 Location : Adjoining Court Close, Aberthin

Dear Sir or Madam,

We write with regard to this application.

Our concerns about the proposal are those stated in our letter to your LDP Team of 28th March 2012.

As we said in 2012 the proposal is certainly an intrusion into the countryside and access through the existing Close seems inadequate. Even if this and the other concerns that nearby residents are bound to have can be overcome it would seem that that work will have to be carried out to Whitefield Farm Lane both on the length running from Court Close and at the lane's junction with the A4222.

The widening of the lane and the provision of pavements would change the character of the village and be to the detriment of the Aberthin Conservation Area.

The junction of the lane with the A4222 is sometimes difficult to negotiate with the present level of traffic which would only be made worse by the additional traffic that the development would generate. To overcome this a substantial splay would have to be constructed that would involve the acquisition of neighbouring property to the serious detriment of that property and the centre of the village.

The increase in traffic will also affect the wider village and in particular Penylan Road. In 2008 concerns about the increased traffic on this road were expressed by a number of residents. We enclose a copy of our letter of 30th March that year to Mr Robert Thomas of your council.

We mentioned to Mr Thomas how over the years the road had been widened by the action of the passing traffic. The fears we anticipated in that letter following the move of the Lower School of the Cowbridge Comprehensive to the Aberthin Road site have been borne out. More cars and even mini buses going to or from the school now use Penylan Road (some even use Aberthin Lane) as a short cut to avoid the queues at the Cowbridge traffic lights. These being in addition to the increase in cars travelling to and from Ystradowen following further development there

We feel that for the reasons mentioned the proposal is not an appropriate one.

Yours sincerely


Keith and Susan Edwards 

RECEIVED

21 NOV 2016

Regeneration
and Planning

Ivydene
Aberthin
Cowbridge
Vale of Glamorgan
CF71 7HB

Mr Robert Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RT

RECEIVED

21 NOV 2008

Regeneration
and Planning

20 March 2008

Dear Mr Thomas

Mr Thomas

Penylan Road, Aberthin

We have received a copy of Roger Woods' letter to you of 4 February this year relating to this road.

We share Mr Woods' concern at the increased use of the road. This increase was gradual in earlier years, but has speeded up since the housing development at Ystrad Owen.

The road has slowly been widened as the banks are ground down by lorries and vans so that the drains that were placed at the edge of the road in the 1960s are now stranded feet from the bank. As a result, they do not collect the water running down the edge of the road.

We would not welcome any of the so called traffic calming measures, the effect of which seems to be the reverse of what the name implies, nor would we wish the rural nature of the road to be lost by the introduction of pavements and increased street lighting.

The only effective way of dealing with the situation would be to substantially reduce the amount of traffic that uses the road and to stop it being a short cut used by through traffic so as to avoid the lights in Cowbridge. The use is bound to increase when the Comprehensive School moves entirely to the Aberthin Road site (small buses, some from the school, already use the road).

A further increase will arise when any alteration is made to the interchange at the western end of the Cowbridge bypass so as to allow traffic to leave the road at that point on its way to Llandow and Llantwit Major etc, a route that is already taken by traffic travelling in the opposite direction.

We look forward to hearing from you.

Yours sincerely

K.H. and S.E. Edwards



Great House,
Aberthin,
Cowbridge,
Vale of Glamorgan.
CF71 7HE

20th November 2016

Mr Robert Lanksheer
Planning Officer,
The Vale of Glamorgan Council,
Barry.
CF63 4RT

D.E.E.R
RECEIVED
ACTION BY: SOB/EL
NO: 3
ACK:

Dear Mr Lanksheer,
Re: Application No. 2016/00867/FUL/RL
Location: Land at Court Close, Aberthin

I am writing with regard to the proposed development of 20 new homes at Court Close, Aberthin and wish to lodge my objection to the development being granted planning permission.

My objections are:

1. Pedestrian and Car safety

The proposed development would mean an extra 30 to 40 cars in Aberthin (as well as delivery and utility vehicles servicing the proposed 20 dwellings using the narrow lane (known as Whitefields Lane) for commuting as the walking and cycle routes described for commuting adults are unrealistic. The lane is used by many children walking to school, either Cowbridge comprehensive or primary age children walking to the bus stop, both routes involve crossing the busy A4222, an extremely dangerous junction. This has been acknowledged both by the council and the police. The proposed development presents a significant risk to the safety of cyclists, pedestrians in particular children.

2. Environmental

The proposed development is on a green field Grade 3 b Agricultural land. It is not on a brown field site and will alter the ecology of the area. This fact and the density of the site will have a detrimental impact on the trees, plants and wildlife of the area, in particular, the dark corridor necessary for successful bat nesting already known to be present on this site. The planned

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development plan does not include street lighting (at the level suggested by the police for safety) nor does it include the now almost ubiquitous installation of motion sensor lighting and the headlights of the high number of vehicles returning at night further disrupting animal life and the dark corridor.

3. Conservation

The proposed development is adjacent to a conservation area and a Grade 2 * listed building of unique historical significance in the Vale of Glamorgan (Ty Mawr built in 1625, and one of the most important properties in the Vale and detailed over nine pages in the key reference work on Ancient and Historic Monuments, Greater Houses of Glamorgan as the "little brother of St Fagan's castle). The proposed development will be visible from Ty Mawr and will significantly increase the risk of flooding of the property. Every resident would attest to the flow of water down Whitefields lane after rain and this finds its way towards Ty Mawr. Standing water is present in the grounds of the listed property even in the warmer months, illustrating the critical tipping point for flooding and ingress. Even inside the property there are times when water has come through the stone flooring as the building does not have modern foundations but sits directly on the ground. Significant disruption to drainage and soak aways are expected by the high density and site of the proposed development and would diminish the natural protection and impact greatly on this historic monument in direct opposition to section MD9 of the LDP.4.

4. Narrow width of access lane

The proposed development does not take into account the fact that access to the site has no continuous footpath and in some parts, no footpath at all (junction of Court Close and Whitefields Road) contrary to the Transport statement by Corun Associates, February 2016, prepared on behalf of and for Edenstone Homes states that the site benefits from "good pedestrian infrastructure". The current recommendation is that to comply with safety regulations roads should be a minimum of 5.5 metres width with a footpath of 2 to 3m on each side, this is not currently present and proposals for minor changes by Edenstone developers do not address this requirement or safety concerns.

5. Lack of due process

This proposed development has up to this point lacked in transparency and due process. Firstly there was no public inclusion during the pre examination period. Secondly Corus Associates on behalf and for Edenstone Homes have quoted the LDP prior to its ratification and all the reports paid for by Edenstone Homes have been entirely positive and found no concerns at all which would be unusual with any proposal. In addition, Edenstone Homes website quotes " In the village of Aberthin, less than a mile north east of Cowbridge, Edenstone Homes will be building a small development of executive family homes". This is a bold claim given that the process of assessment continues and planning permission has not yet been granted and could be construed as a mistruth. "Executive family homes" is not a description that describes affordable housing. This confident marketing approach is at odds with the submitted descriptions of the sustainability of the development or indeed the likelihood that Executives and their families will cycle walk or take the bus.

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and Planning

I would like to meet you or a representative at Court Close for me to show you my objections and discuss these further.

I enclose a stamped addressed envelope so that you can send me an acknowledgement of this letter.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Dr Jenny Hughes

cc. Jane Hutt AM, Leader of the House and Chief Whip, Welsh Government

Alan Cairns MP, Secretary of State for Wales





Vale of Glamorgan Highway Development Responses to LDP Candidate Sites.

Site Reference.	35
Observations By:	Mr. Neil Hart.
Date:	23 rd May 2013
Location:	Land adjoining Court Close, Aberthin.
Proposal: (Residential / Commercial)	Residential.
Number of Units	20 units.

There are no highway objections to this proposal subject to the development being served off Court Close and not the lane, known as Whitefields Farm Lane, abutting the southern boundary of the site. Whilst it would appear that there is a narrow piece of land in third party ownership between the site and Court Close, it would be far more problematic to carry out the necessary improvements to the lane to provide access at the southern boundary.

Highway improvements would be necessary at the junction of Court Close with the lane to provide a continuous footway facility from the site to the village centre. These can be provided within existing highway limits and are relatively minor.

The visibility to the right [north] for vehicles emerging from Whitefields Farm Lane on to the A4222 Maendy Road at the centre of the village is substandard, but historic. It is not considered that an objection to a development of 20 units could be justified solely on this fact alone.

Neil Hart. 23rd May. 2013.

Mr Rhoddri Price New House, Trevithyn Farm, Llancarfan, Vale of Glamorgan, CF62 3AT

Mr David Brown 5, Maes yr Eglwys, Llansant, KIDWELLY, SA17 5JE

New House at Trevithyn Farm Lane, Llancarfan

First floor side extension and single storey rear and front extensions

REASON FOR COMMITTEE DETERMINATION

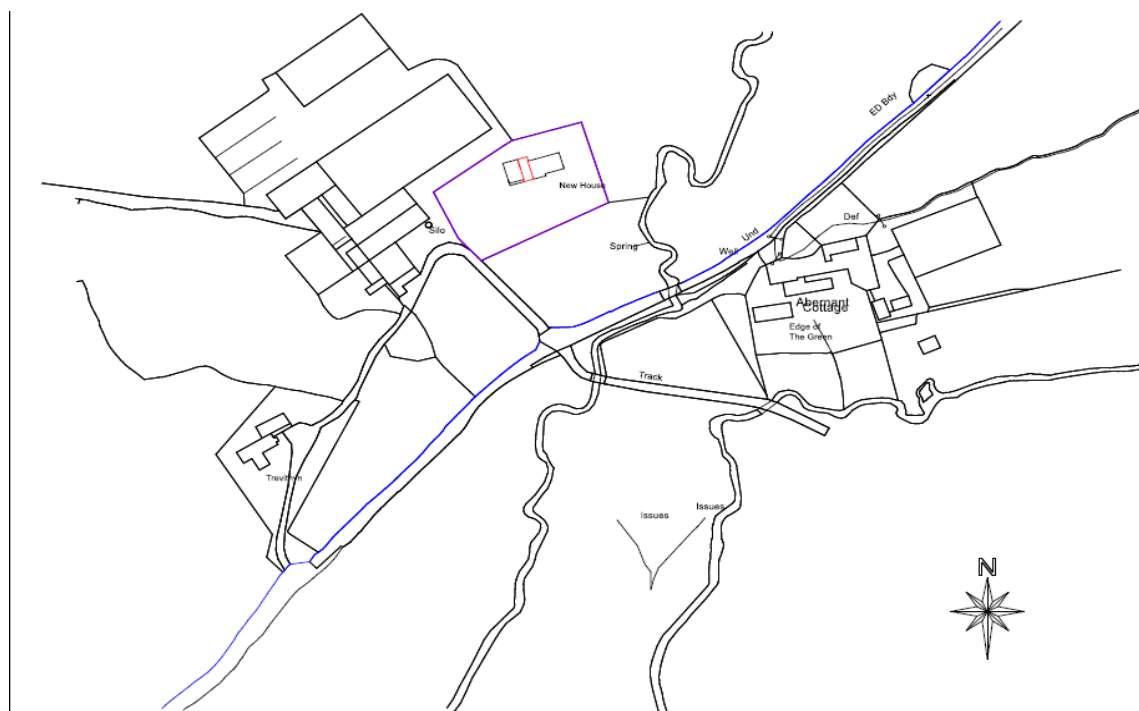
The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- The application has been called in for determination by Councillor Jeffrey James for the reason that there is a need to consider the application to balance the agricultural dwelling policy against the need to provide suitable agricultural dwellings to accommodate modern farming requirements.

SITE AND CONTEXT

The application site relates to an agricultural enterprise dwelling on an agricultural holding known as Trevithyn Farm, Llancarfan, which is located approximately 1km north of the village. The agricultural unit is served by an existing dwelling which lies approximately 120m south west of the application site and a new dwelling that been more recently constructed and is subject to an agricultural occupancy condition. It lies some 40m west of Nant Llancarfan, but outside of the flood risk zone.

The site location is illustrated below:



The application relates to the newer dwelling that is to the east of the agricultural barns and accessed off the existing farm track.

DESCRIPTION OF DEVELOPMENT

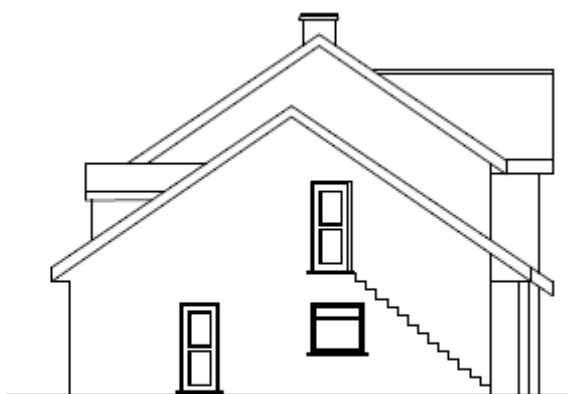
The application seeks planning permission for a two storey side extension, with single storey sections to the front and rear. There are some discrepancies between the 'existing' plans and the dwelling as constructed. There is no 'link' between the dwelling and the garage, the garage is built to a greater depth and there are some differences to the fenestration, including dormer windows to the front roof plane of the garage and a balcony of greater width.

The two storey element would be built in line with the existing dwelling, whilst the single storey elements would link in with the garage and gabled section of the dwelling at the front and the garage at the rear (an additional depth of 2m). The two storey extension would measure 4.25m in width and match the corresponding elements of the existing dwelling and/or garage in terms of height. Materials are proposed to match the existing house.

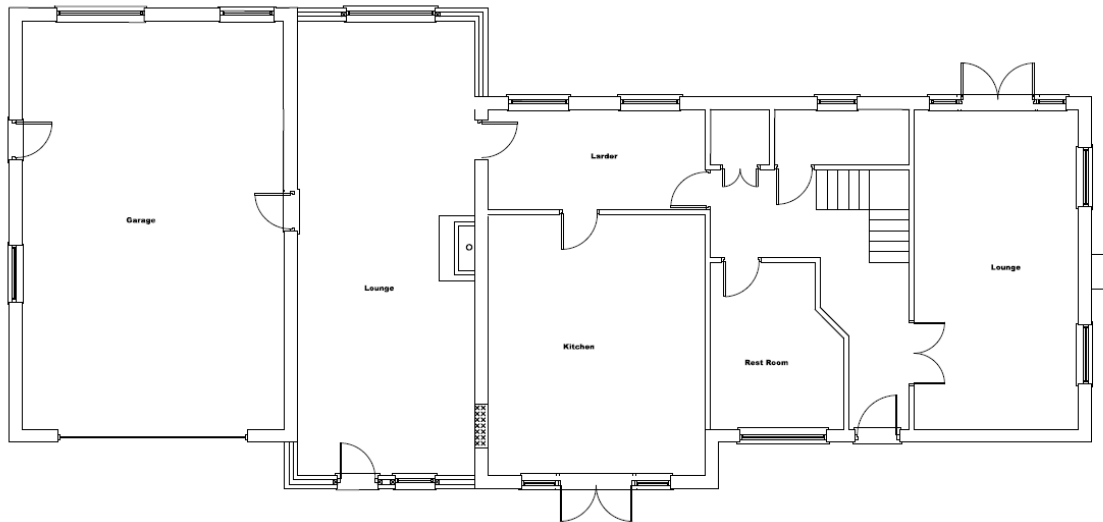
The proposed plans are illustrated in the below extracts:



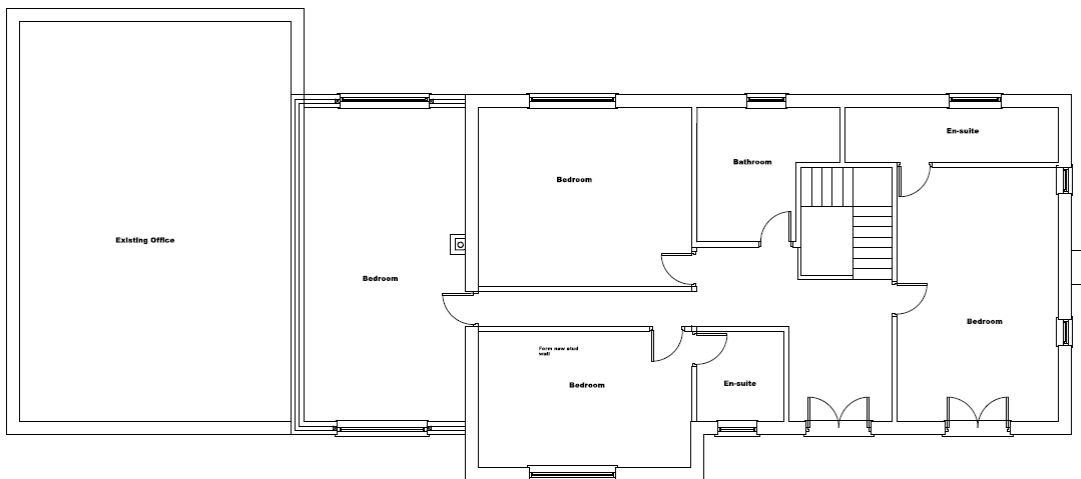
Proposed Front Elevation



Proposed Side Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan

The extension would provide a lounge area at ground floor and a fourth bedroom at first floor level.

PLANNING HISTORY

2016/00419/FUL, Address: New House at Trevithyn Farm, Llancarfan, - First floor side extension and single storey rear and front extensions; Refused, for the following reason:

The proposed extension to this agriculturally tied dwelling would result in a property that is significantly larger than required to meet the functional need and would adversely affect the continued viability of maintaining the property for its intended use, and would adversely affect its availability for other persons who could comply with an occupancy condition, including those in need of affordable housing. The proposal is therefore contrary to Policy HOUS 5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice contained within Planning Policy Wales and Technical Advice Note 6- Planning for Sustainable Rural Communities.

2007/01053/FUL: Trevithyn Farm, Llancarfan - Erection of one detached agricultural dwelling - Approved

2005/01449/OUT: Trevithyn Farm, Llancarfan - Erection of one detached agricultural dwelling - Approved

CONSULTATIONS

1. Llancarfan Community Council was consulted on 27 October 2016; an objection was raised on the basis that there was no justification to extend an already sizeable house under agricultural occupancy restriction.
2. The Rhoose Ward Councillor was consulted on 27 October 2016; a request was received to call the application to planning committee.

REPRESENTATIONS

The neighbouring properties were consulted on 27 October 2016.

A site notice was also displayed on 10 November 2016.

No letters of representation have been received.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

Policy:

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE
POLICY ENV 4 – SPECIAL LANDSCAPE AREAS
POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
POLICY HOUS 5 - AGRICULTURAL OR FORESTRY DWELLINGS
POLICY HOUS 6 - AGRICULTURAL OCCUPANCY CONDITIONS
POLICY HOUS 7 - REPLACEMENT AND EXTENSION OF DWELLINGS IN
THE COUNTRYSIDE
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 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

‘2.14.4 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 9, 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.

Chapter 9 of PPW relates to housing including new housing in rural areas:

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

Technical Advice Notes:

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

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

4.7.1 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.

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. (See paragraph 4.8.1).*
- *The time test to provide evidence of the labour requirement for the worker who is working on the justifying enterprise. (See paragraphs 4.9.1).*

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

*4.10.2 Evidence of actual or potential economic performance will be required. To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator. A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. **It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.***

4.10.3 There may be some cases in which the planning circumstances of the site are such that, if a new permanent dwelling is approved, it will be appropriate for the planning authority to consider making permission subject to a condition removing some of the permitted development rights for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the enterprise can sustain.

- Technical Advice Note 12 – Design (2016)

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

5.8.1 The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.

Supplementary Planning Guidance:

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

- Amenity Standards
- Design in the Landscape
- Parking Standards (Interactive Parking Standards Zones Map)

Issues

The dwelling is located a significant distance from the nearest neighbouring property and consequently, it is considered that there would not be a significant adverse impact on the residential amenities of any neighbouring properties. In addition, there would be sufficient parking provision and amenity space to serve the extended house and the access remains unaltered.

It is, therefore, considered that the main issues involved in the assessment of the application are the impact of the development upon the character of the dwelling and wider area, in the context of Policies HOUS 7 and ENV 4, and whether the extension is of an acceptable scale in terms of the agricultural tie on the property and the policy tests associated with such dwellings.

Design and visual impact

Policy HOUS 7 states, amongst other criteria, that extensions to dwellings in the countryside will be permitted if the extended dwelling is not disproportionate in size to the original dwelling and provided the scale, siting and external appearance of the extension is compatible with existing related structures and the surrounding landscape.

This application seeks to extend the property at two storeys and the additional accommodation would comprise a second lounge at ground floor level and a fourth bedroom to the first floor. It lies in an elevated position (outside of the floodplain) in comparison to the main road that runs along the valley floor. It is located within the Nant Llancarfan Special Landscape Area, and is therefore in a sensitive location in terms of the open countryside setting and land that is characterised by rolling hills, pasture and its general openness. The dwelling sits within relatively close proximity to the working farm and in this context it is characterised as a typical rural dwelling.

Although the development would increase the scale of the dwelling and would provide a more obvious link to the garage than the approved subservient walkway, the extension is not considered to be of a scale that is disproportionate to the existing house in relation to Policy HOUS 7. The extension would infill the existing space between the dwelling and the garage (currently detached but was approved with a single storey link, as depicted in the existing plans provided) and whilst the extension at first floor level would erode this space between the property and garage, the proposal is considered to be of a scale and design that would be generally acceptable in this location and would not, in isolation, have a significant detrimental impact on the rural character of the dwelling, or to the wider countryside and Nant Llancarfan Special Landscape Area.

The agricultural tie

In addition to the above assessment as to the visual impact of the development, it is relevant to consider that the house is agriculturally tied, and the impact that the increased scale of the dwelling house would have in relation to the agricultural justification and the continued viability of the house with such a tie.

Policy HOUS 5 of the UDP relates to agricultural and forestry dwellings and while the text specifically refers to 'new dwellings', it is considered that the aims of this policy are nevertheless relevant to proposals for extensions to these dwellings where the occupancy continues to be tied by condition. The advice contained within Technical Advice Note 6 is also relevant to the issues, specifically at paragraphs 4.7.1, 4.10.2 and 4.10.3, which read as follows:

"4.7.1 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."

Of particular relevance to the scale of the proposals, and subsequently this application to extend the dwelling, is the financial test.

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

4.10.2 ...this should be assessed on the basis of what is a realistic income for the skills of the operator. A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate.

4.10.3 There may be some cases in which the planning circumstances of the site are such that, if a new permanent dwelling is approved, it will be appropriate for the planning authority to consider making permission subject to a condition removing some of the permitted development rights for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the enterprise can sustain.”

The principle of the agricultural dwelling was established within the original submission and in that submission the scale of the property was subject to negotiation during the course of the application. The relevant Officer’s Report (Ref: 2007/01053/FUL) noted as follows:

“The original submission was considered to be over scaled and not commensurate to the need of an agricultural worker, however, the dwelling and attached garage have now been reduced in their scale and massing and it is considered that the proposal is now of an acceptable scale, form and design for a rural agricultural dwelling, which satisfies the criteria of Policy HOUS 5.”

The scale of the approved dwelling was therefore considered to be commensurate (or indeed towards the upper limits) of that required by the agricultural function of the site and need of the holding. Planning application 2016/00419/FUL proposed the same form of extension as this application, but was refused due to the impact the development would have on the continued viability of the tie and the affordability of the dwelling for the agricultural worker.

This application is accompanied by a supporting statement from the applicant, outlining a brief history of the business and a summary of changes since the construction of the dwelling in 2008. The statement outlines that the scale of the business has increased, however no discernible link has been demonstrated as to how the proposed extension might be justified by the agricultural function of the site. The financial test is to ensure *that the size of the dwelling is commensurate with its functional need and financial justification*. No particular financial evidence is submitted alongside the statement, but nevertheless, the applicant’s personal earnings would not, in itself, equate to a functional need.

The submitted information describes an increase in the numbers of livestock and additional land purchased, which the applicant asserts demonstrates the expansion of the business. However, there is no justification provided as to why that expansion necessitates or justifies large extensions to the dwelling, which would significantly increase its value, even with a tie. It is stated that an additional employee has been taken on but this does not, in itself, justify or require an extension to the applicant’s house. It is therefore considered that the application does not present any additional information that neither materially alters the previous assessment nor warrants a different decision being reached.

The original dwelling was approved with regard to the need of the holding; however, this proposal would create a much larger dwelling which is considered to be well beyond what is necessary to meet the functional need. Consequently, it is very likely that the market value of the proposed large four bedroomed property, even with such a tie, would exceed the affordability for an agricultural worker (or other occupiers who would be able to comply with the condition). The proposed development would, therefore, result in the dwelling becoming less affordable to such workers and no longer being able to serve the purpose for which it was initially allowed.

In terms of floor size, the approved dwelling was approximately 225sqm in size (measured externally) and the resultant dwelling here would total approximately 300sqm. These figures do not include the existing garage and office which measure approximately 95sqm (again measured externally). It is considered that this represents a significant increase and would result in a dwelling that is excessively large to meet the functional need and of a size that would not be affordable to those that would typically be available to comply with the condition, threatening the continued viability of the tie.

In particular, it is also considered that the dwelling would be unaffordable to those in affordable housing need and therefore the proposal would be in direct conflict with recent advice in TAN 6 which seeks to ensure that such properties would be available for affordable housing need, in the event that the agricultural need was to cease.

It is therefore considered that the proposed development is contrary to the above advice contained within TAN 6 since it would affect the continued viability of maintaining the house for its intended use (4.10.3) and would not be commensurate with the functional need for it (4.7.1 and 4.10.2). The proposal would therefore also be contrary to Policy HOUS 5 of the UDP since the scale is considered unacceptable and a functional need for a dwelling of this size has not been demonstrated.

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed extension to this agriculturally tied dwelling would result in a property that is significantly larger than required to meet the functional need of the holding and would adversely affect the continued viability of maintaining the property for its intended use, and would adversely affect its availability for other persons who could comply with an occupancy condition, including those in need of affordable housing. The proposal is therefore contrary to Policy HOUS 5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice contained within Planning Policy Wales and Technical Advice Note 6- Planning for Sustainable Rural Communities.

REASON FOR RECOMMENDATION

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

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

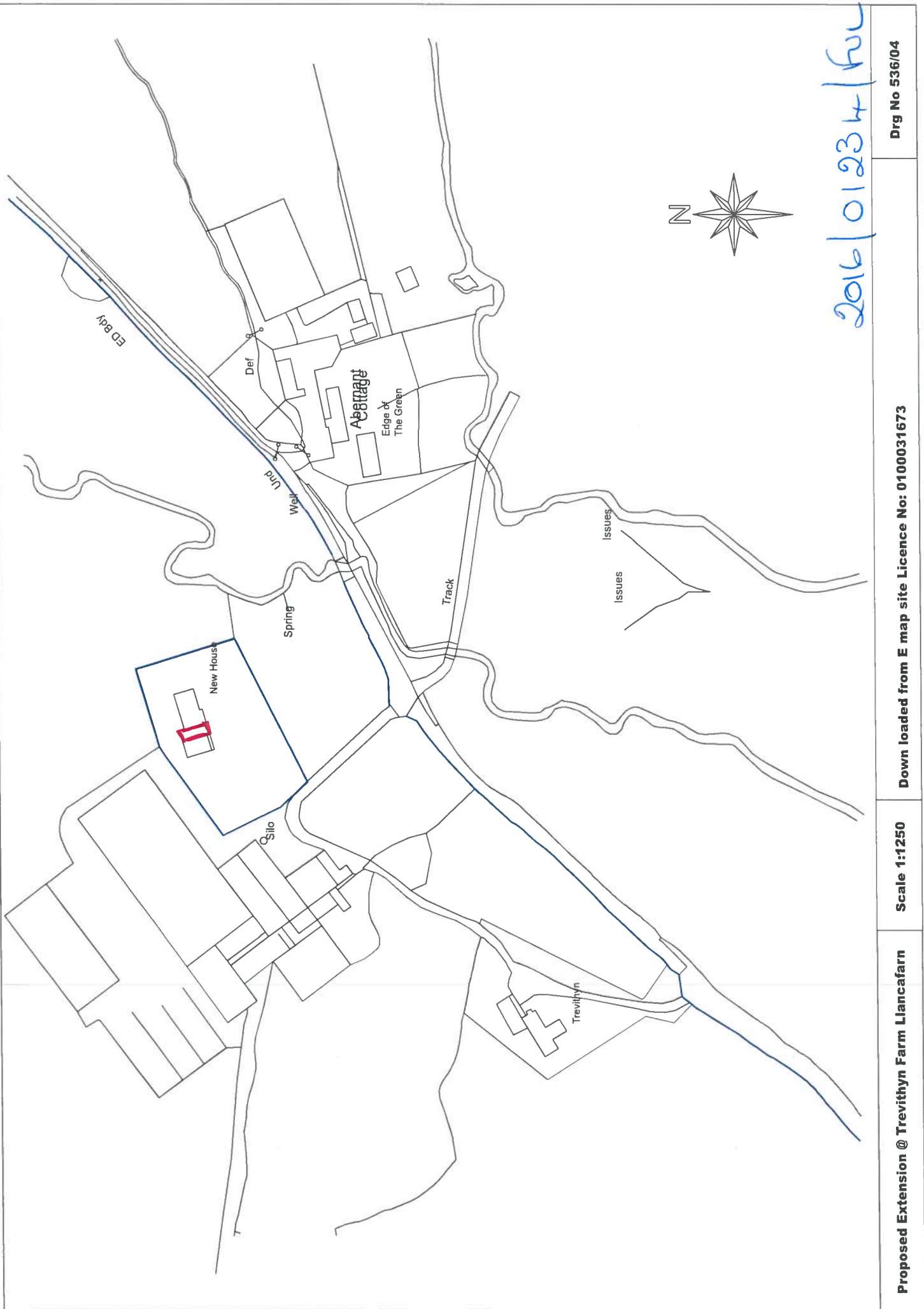
NOTE:

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

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

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

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



2016/01234/fwl

Drg No 536/04

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Proposed Extension @ Trevithyn Farm Llancafarn

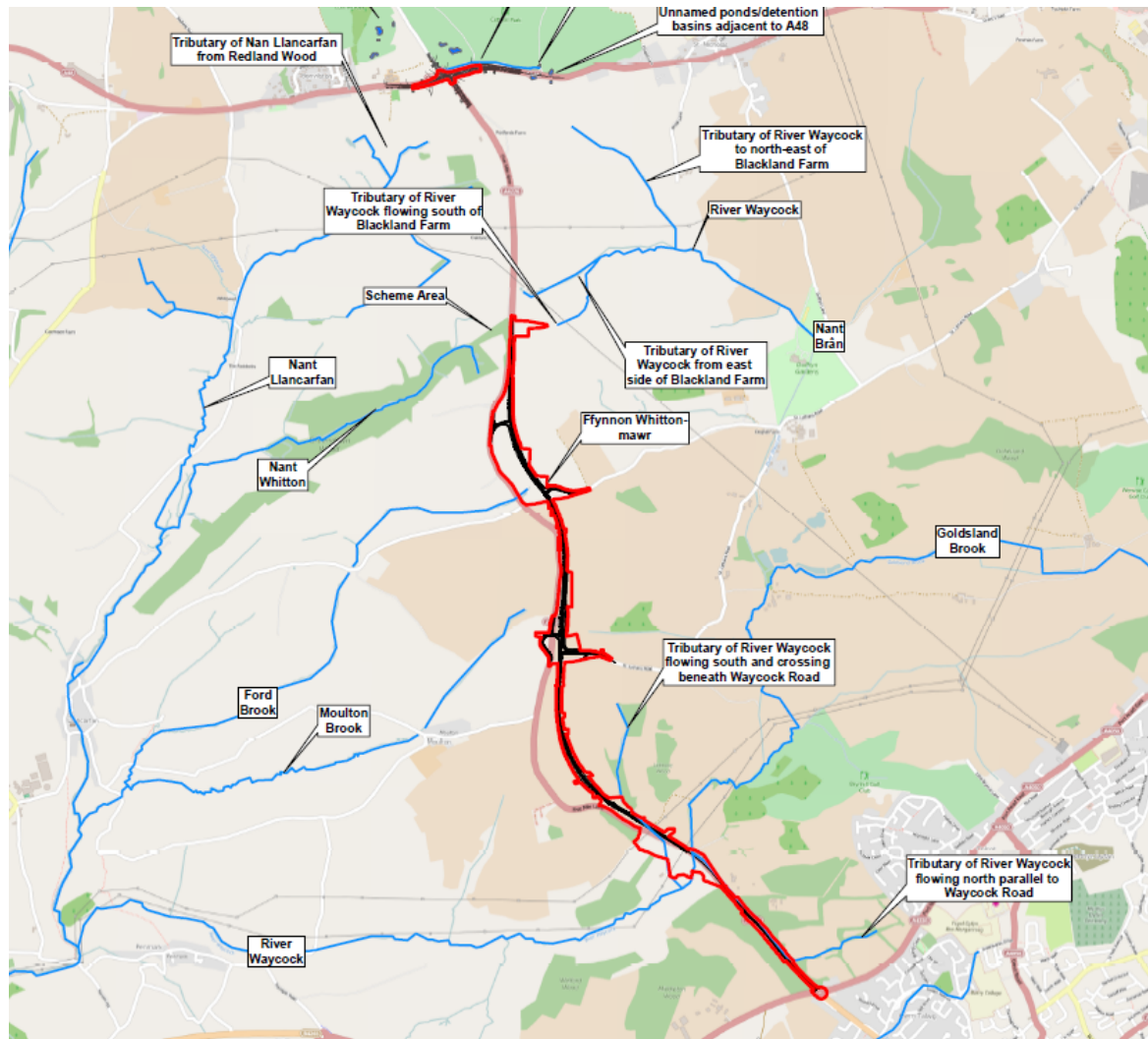
Vale of Glamorgan Council, Civic Offices,, Holton Road,, Barry,, Vale of Glamorgan., CF63 4RU
John Dent, Project Mangement Unit, Vale of Glamorgan Council, Docks Offices, Barry Docks, Barry, Vale of Glamorgan, CF63 4RT

Land adjacent A4226, Five Mile Lane, Barry

Proposal is for on line improvements to the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre and an off line new road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm

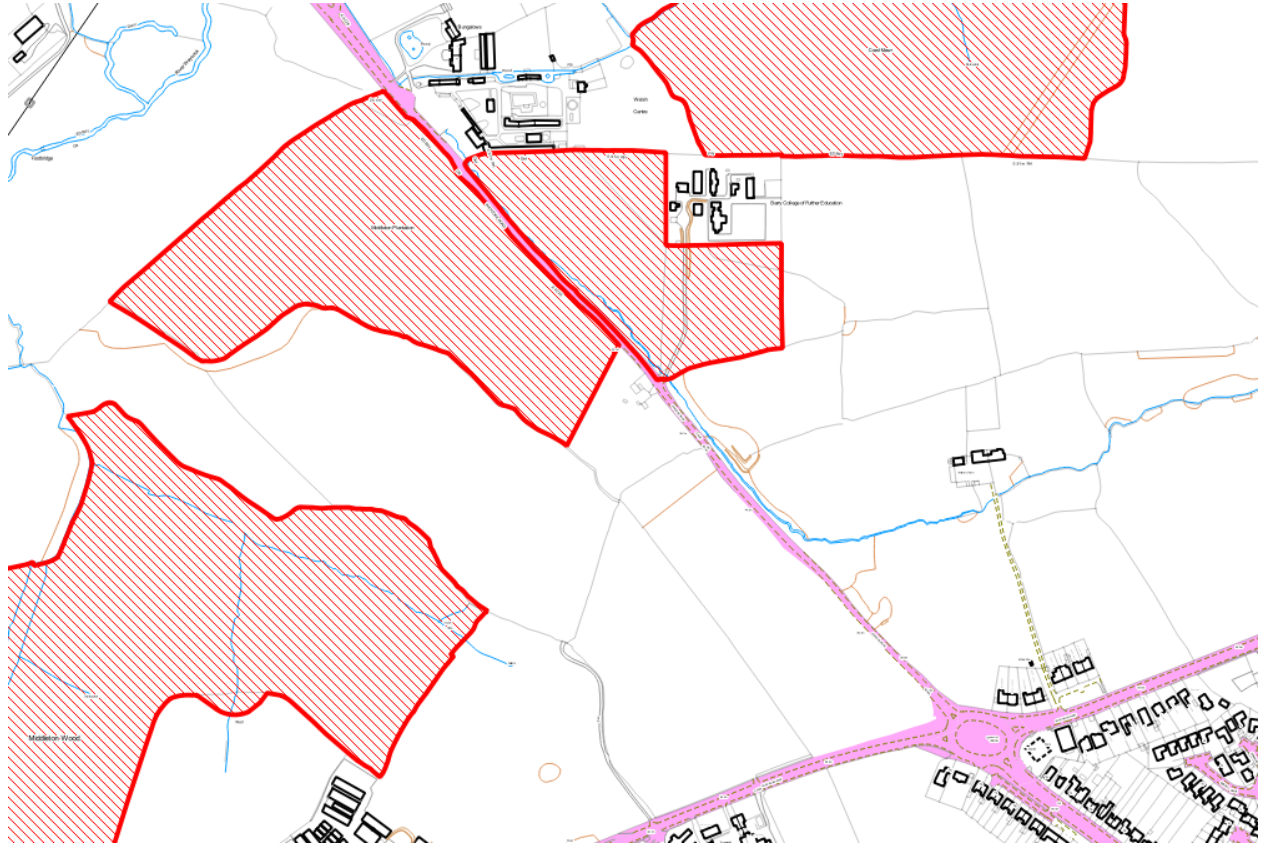
SITE AND CONTEXT

The application site is 'Land adjacent to the A4226, Five Mile Lane, Barry'. The plan below shows the relationship of the works to the A4226 as a whole and the site's wider context including the A48 and Waycock Cross roundabout.



The site comprises the Sycamore Cross junction, where the A4226 meets the A48, and a long linear section of land that starts just south of Blackland Farm and extends to the south as far as Waycock Cross.

The site lies within the Nant Llancarfan and Dyffryn Basin and Ridge Slopes Special Landscape Areas (SLAs) and the southern part of the existing road lies adjacent to Barry Woodlands Site of Special Scientific Interest (SSSI), as shown on the plan below:



Part of the site runs through a C2 flood zone and the application states that the greatest risk to the existing road occurs at the crossing over the River Waycock where approximately 500m of road is indicated to lie in Zones B and C2. Smaller areas of land adjacent to the road are indicated to lie in Zone C2, along the routes of Moulton Brook and Ford Brook.

A variety of archaeological assets and historic landscapes are located in the vicinity of the scheme. These cultural heritage assets include a buried Roman Villa and an identified Historic Landscape Character area.

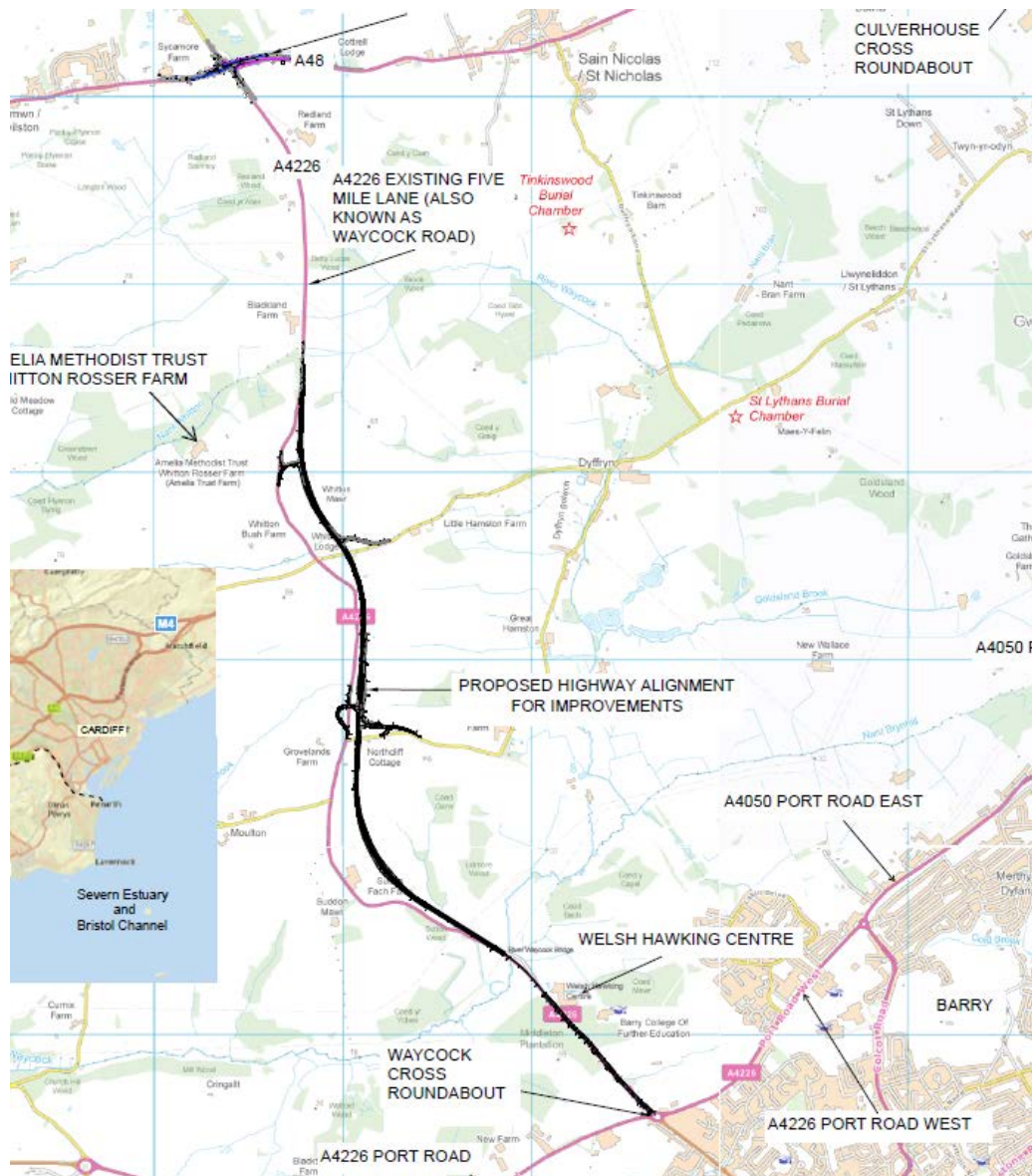
The site includes part of three Sites of Interest for Nature Conservation (SINC), those being Land south of Blackland Farm, Land North-east of Whitton Rosser Farm and Walters Farm.

DESCRIPTION OF DEVELOPMENT

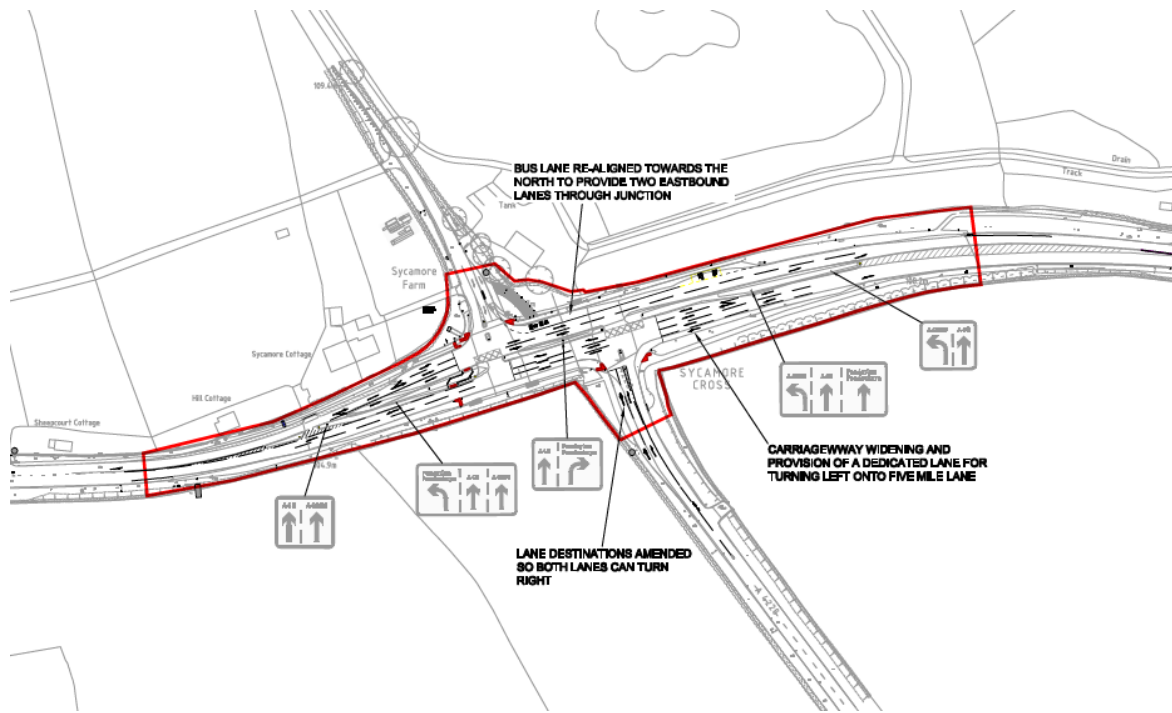
The application is for improvements to the route of the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre, including a new off line road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm.

The Welsh Government has identified the need to reduce congestion at Culverhouse Cross, as well as improve access and reliability to Cardiff Airport Enterprise Zone and St Athan. The proposed highway improvements are also designed to reduce congestion on the A4050. The aim is to provide an alternative route to St. Athan and Cardiff Airport, and therefore to improve network resilience and shorten journey times. These improvements are also identified as necessary to unlock development potential at the enterprise zone and assist the proposed future expansion of Cardiff Airport.

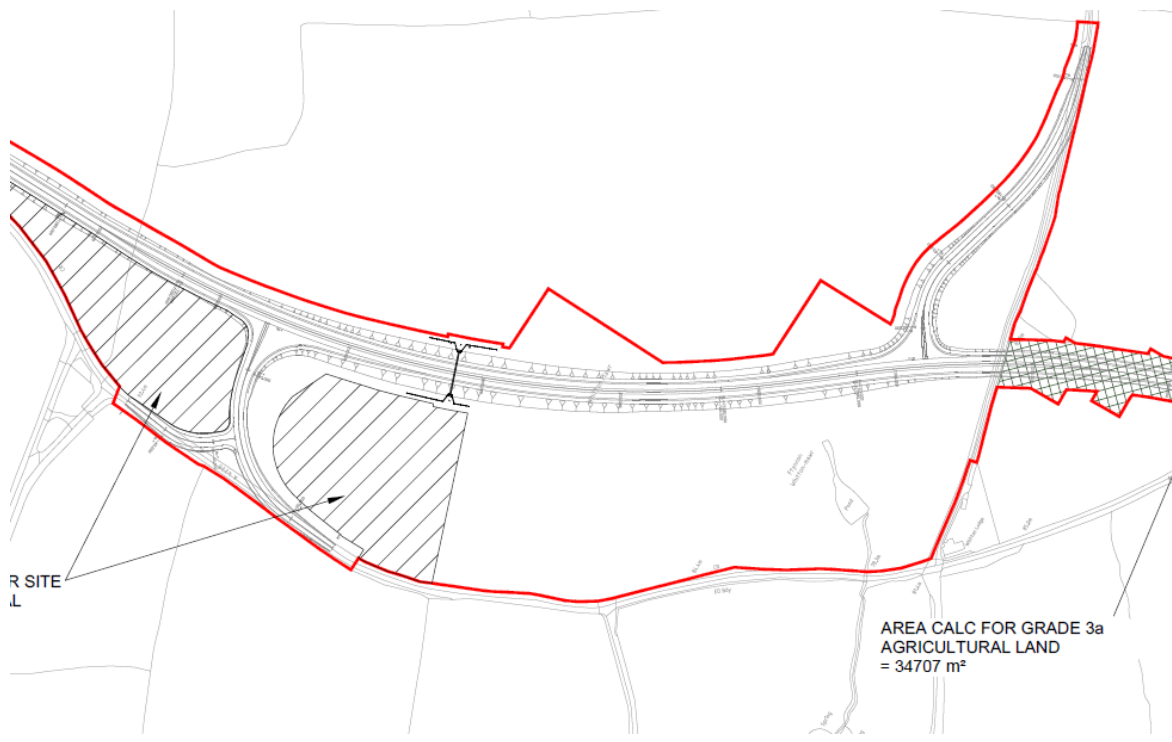
The plan below shows the scope of the works, in the context of the wider area:

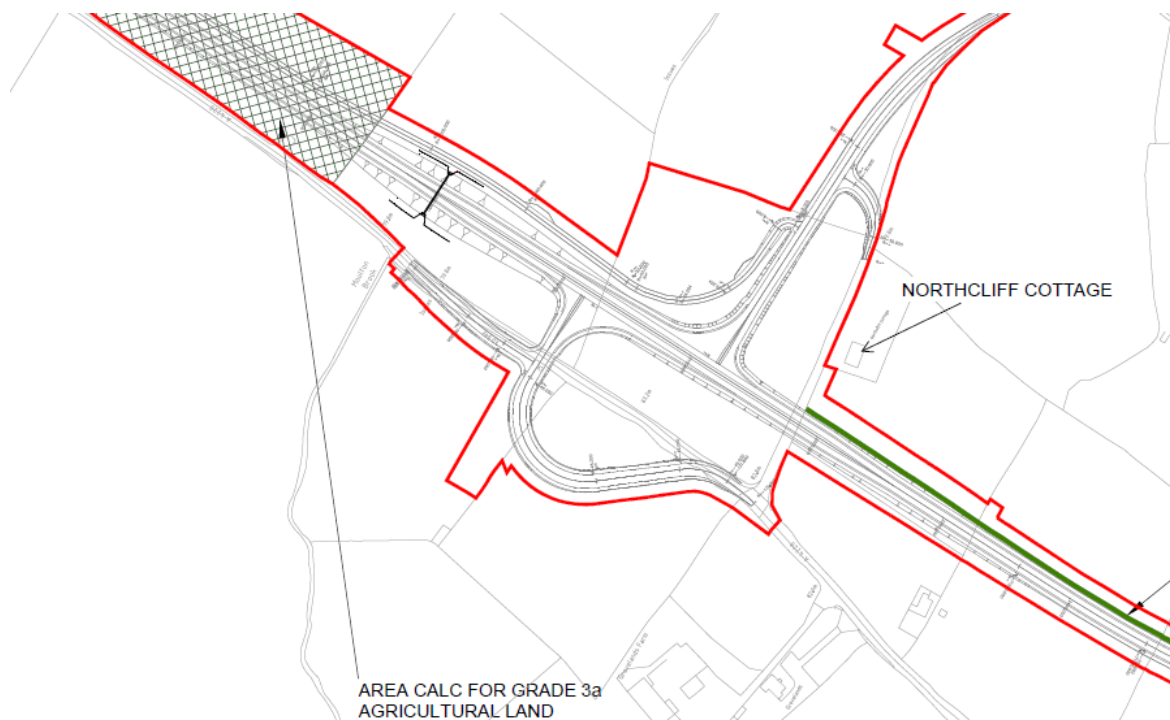


Minor improvements are also proposed at the existing junction between the A48 and Five Mile Lane at Sycamore Cross. The aim of this element of the works is to provide capacity increases for the turning movements at the junction. This is shown on the plan below:



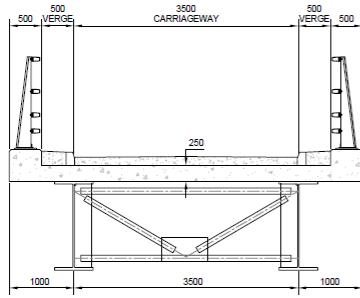
The proposed road alignment would go 'offline' at a point approximately 1.5km south of the Sycamore Cross signalised junction and follow a southerly course running broadly parallel with the existing A4226. The proposed alignment would re-join the existing A4226 Five Mile Lane just north of the existing River Waycock Bridge. The offline part of the proposed scheme comprises a 7.3m wide single carriageway with 1m hardstrips, giving a total carriageway width of 9.3m. The route would contain three junctions, those being two T-junctions and one staggered junction, all with ghost islands. These are shown on the plans below:



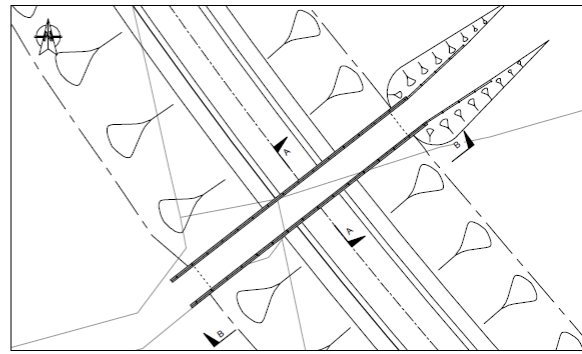


The priority junctions are designed to provide connectivity between the existing road and the new offline section of carriageway just south of Amelia Trust Farm, and the staggered junction does similarly, just north of Grovelands Farm. All junctions would have ghost islands to enable through traffic to continue along the route without being obstructed by right turn traffic at the junctions. Vehicles would be able to turn in both directions when leaving the junctions. The offline section of the scheme would be constructed on a mix of embankment and cutting along its length.

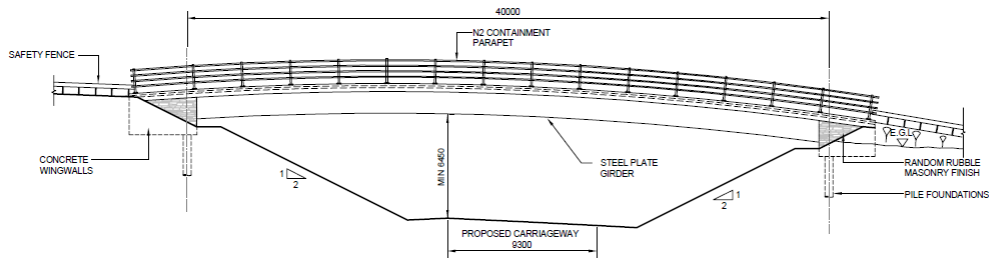
The scheme also involves a single span steel composite accommodation bridge carrying a farm access road over the proposed route. It would be located immediately north east of Sutton Fach Farm, spanning the proposed road to provide the farm with access to fields. The bridge deck would comprise a 3.5m carriageway with a 0.5m verge on either side, and it is shown on the plan below:



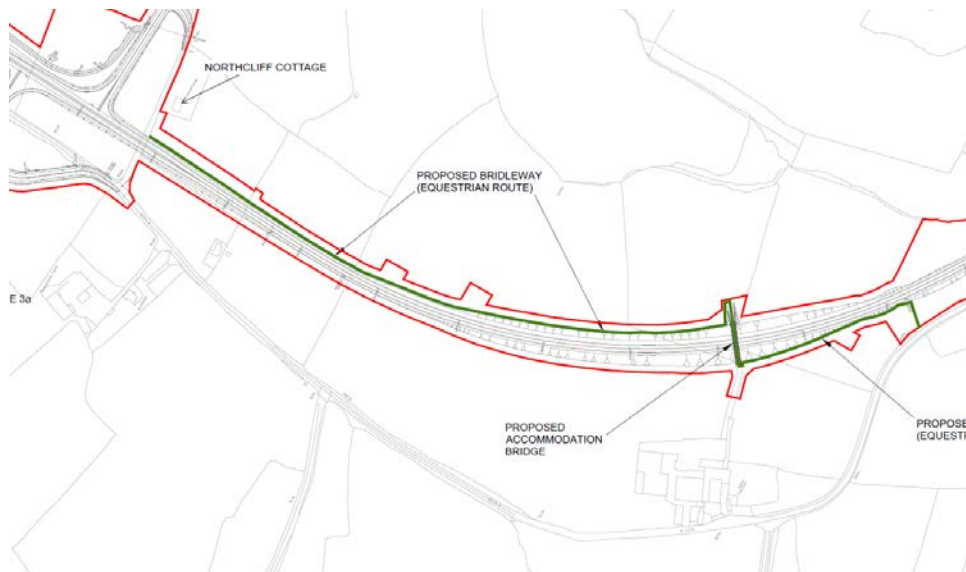
SECTION A-A
SCALE 1:50



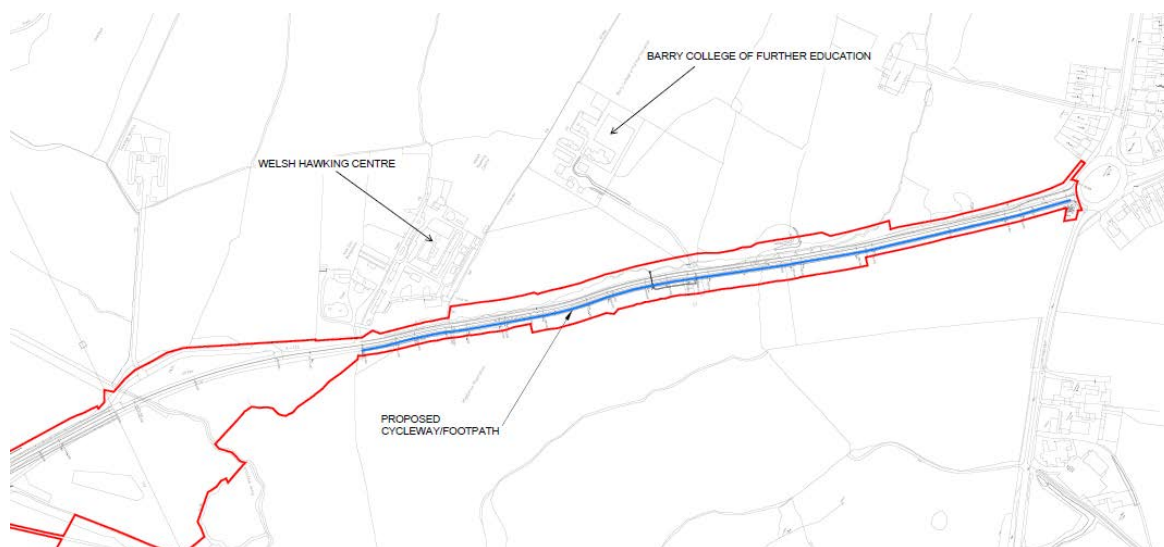
PLAN
SCALE 1:500



The location of the bridge, relative to the staggered junction and Sutton Fach Farm, is shown on the plan below:



The southbound approach to Waycock Cross would be widened to two lanes, for approximately 60m in length. A 2.5m wide verge would be located on the west side of the on-line road widening for a proposed cycleway / footpath. This is indicated on the plan below and it would extend as far as the point where the new road breaks away from the existing road. New cycleway would be provided at this point and at the northern end of Five Mile Lane, and cyclists would be directed to use the existing Five Mile Lane for the section in between the two cycleways.



The Scheme would allow a 60mph speed limit to be maintained from Sycamore Cross until the Hawking Centre, upon which it would revert to 40mph for south-bound traffic, and then 30mph on the approach to Waycock Cross.

PLANNING HISTORY

The most relevant planning history is as follows:

2014/00813/SC2: Five Mile Lane, Barry - Five Mile Lane improvements - EIA (Scoping) - Further information required

2014/00499/SC1: A4226 Five Mile Lane, between Sycamore Cross and to the north of Weycock Cross, Barry - Proposed highway improvements - Environmental Impact Assessment (Screening) – EIA Required

2007/01166/SC1: Five Mile Lane (A4226), Barry - Request for formal screening opinion, five mile lane improvement (road widening/alterations) - Environmental Impact Assessment (Screening) – EIA Required

CONSULTATIONS

Barry Town Council: No objection.

Llancarfan Community Council: No representations received.

St. Nicholas and Bonvilston Community Council: No representations received.

Wenvoe Community Council: No representations received.

Highway Development- The following comments have been received:

The Highway Department fully support the proposed realignment of Five Mile Lane as identified and has been fully engaged and consulted in the ongoing development of the scheme from its inception.

The scheme will adhere to the design standards in the Design Manual for Roads and Bridges (DMRB) which will ensure and provide for a safer and more attractive route for all traffic, including HGV's, which will reduce journey times to Western Barry as well as the St Athan and Cardiff Airport Enterprise Zone thereby reducing traffic using the busy Port Road from Culverhouse Cross.

The proposed new road will also provide resilience to the local highway network to cater for additional traffic flow demand from regeneration and development works within Barry and the Enterprise Zones by providing alternative route planning opportunities in the light of proposals to develop modal shift options which utilise the Port Road and to allow for segregation of traffic accessing the road infrastructure at the local and more strategic levels, such as the Metro.

Based on the above information and position, I can confirm that there is no highways objection to the submitted scheme proposal and there is considered to be no adverse traffic impact from the proposed works / proposals. The final design of the proposed new road alignment will require full engineering details of the road alignment and construction with sections and surface water drainage to be submitted to and approved.

Public Rights of Way Officer: No objection.

Highways and Engineering (Drainage): The Council's drainage engineer has been consulted and has raised no objection subject to conditions requiring the following to be submitted:

- A detailed scheme of surface water drainage
- A SUDS management plan
- A construction Environmental Management plan for the protection of watercourses from pollution.

Glamorgan Gwent Archaeological Trust: No objection subject to a condition requiring the implementation of a scheme of archaeological work.

Local ward members: No representations received.

Dwr Cymru Welsh Water: No representations received.

The Council's Ecology Officer's initial response highlighted the need for additional information comprising ground nesting bird survey, a Brown Hare assessment, the updating of the Post-Development Monitoring Strategy to reflect findings of the ground nesting bird survey and a survey of two trees for bats (although the Ecologist advised that the last of these items could be conditioned). Further to this information being submitted, the Ecology Officer now raises no objection subject to conditions.

Environmental Health (Pollution Control): No objection.

The Badger Group: No representations received to date.

Natural Resources Wales: raised concerns and requested the updating of the air quality assessment and the amendment of the proposed mitigation in relation to 'off-roading and loss of habitat'. Further to that, conditions were requested in respect of new and translocated planting, new hedgerow and habitat planting, long term habitat management, dormouse mitigation and bat mitigation. Further to the additional information being submitted, there is now no objection, subject to conditions.

SWALEC: No representations received.

Cadw: have advised that the development would not have a physical impact on any Scheduled Monuments and it is unlikely that there would be a significant adverse impact on their settings. Cadw also advise that they concur with the Environmental Statement conclusions that the development would not be harmful to a Grade I registered historic park at Duffryn.

The Council's Landscape Architect: initially requested an additional viewpoint analysis and photomontages. This information has now been submitted and the Landscape Architect raised no objection, stating that the submitted information is acceptable.

Wales and West Utilities: have advised that there is no apparatus in the area of the application.

REPRESENTATIONS

Neighbouring properties were consulted and the development has been advertised on site and in the press. Eleven representations of objection or support have been received, ten of which raise concerns or objections, and one of which refers to support for the proposal. The letters of concern/objection raise the following points:

In respect of the application details:

- The proposal is a departure from the development plan and the development has not been advertised as such.
- Clarification is sought regarding disregarded alternative schemes.
- The description of development on the application is misleading.
- The submitted plans are not to scale.

In respect of the development:

- The proposals do not accord with the Council's Active Travel duty.
- The development would cause congestion at the Waycock Cross junction and the applicant's statement that this has been accepted by Welsh Government is queried.
- The plans do not make adequate provision for walking.
- No bus stops or laybys are planned as part of the development. The development should include such facilities as a 'reasonable adjustment' under the Equality Act 2010.
- The proposed footway would be unsuitable for alighting from or waiting for buses on.
- The development would give priority to motorists and lesser priority to cyclists and walkers, and would do nothing for buses.

- The loss of land at Northcliff Cottage would adversely affect the occupiers' enjoyment of their property.
- Alternative land could be used with less impact on residential properties.
- The proposed layout would cause nuisance to the occupiers of Northcliff Cottage, given that it would be a public highway dead-end.
- Security concerns, privacy and fly-tipping concerns relating to the roadway and bridleway location.
- The development would 'landlock' the owner of Northcliff Cottage's agricultural land, leaving them without an adequate access to that land.
- Dust pollution from use of the road.
- The development would have an adverse impact on agricultural and equestrian businesses.
- The location of the attenuation ponds is inappropriate and would be costly for the Council, given the location of one of the ponds relative to a recently constructed agricultural building.
- The proposed acquisition includes land which is not necessary for the development.
- The proposed speed limit is inappropriate and highway safety concerns would arise if vehicles are having to travel behind slower moving agricultural vehicles.
- An additional expense to landowners having to travel longer distances.
- The new road would be unsafe- a filter lane/ghost island would improve safety.
- Concerns regarding noise impacts.
- Adverse impact on property value.

It should be noted that the representations referred to above include representations from Barry and Vale Friends of the Earth.

The representation which references support for the scheme is from a member of the Vale 50+ Strategy Forum. The email primarily seeks to clarify that a previous email that was submitted by an individual claiming to represent the views of the Forum did not in fact represent the views of the forum. The email concludes by stating that it appears that the majority of members of the Forum welcome the proposals as they believe they will greatly improve safety for cyclists and pedestrians. The individual who submitted the initial representation subsequently clarified that the views expressed were indeed his personal views.

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 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

Policy:

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV2 – AGRICULTURAL LAND

POLICY ENV4 – SPECIAL LANDSCAPE AREAS

POLICY ENV7 – WATER RESOURCES

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV12 - WOODLAND MANAGEMENT

POLICY ENV13 – INTERNATIONAL AREAS OF NATURE CONSERVATION IMPORTANCE

POLICY ENV14 – NATIONAL SITES OF NATURE CONSERVATION IMPORTANCE

POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV28 – ACCESS FOR DISABLED PEOPLE

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY TRAN9 – CYCLING DEVELOPMENT

POLICY TRAN10 – PARKING

POLICY TRAN11 – ROAD FREIGHT

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 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.14.4 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, many of the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. However, the fact that the Plan is time-expired means that its policies in respect of strategic highways are outdated. For example, Policy TRAN 1 (Strategic Highways) identifies a route via Wenvoe and Barry as the "Airport Access Road" which has subsequently been put aside in favour of the current proposals to improve access to the airport via the A48 and five mile lane. In this regard, the Vale of Glamorgan Local Transport Plan and Deposit LDP (explained below) reflect the most up to date position.

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 9, 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.

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

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

A Wales of Cohesive Communities

- *Locate developments so as to minimise the demand for travel, especially by private car*

- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods (4.11.12 and Chapter 9).*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged (Section 4.7 and Chapter 8).*
- *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 (Section 4.7 and 4.11.11).*

4.9.3 If the Welsh Government's objectives for the more sustainable use of land and buildings and the re-use of previously developed sites are to be achieved, local authorities and other stakeholders will need to be more proactive. Wherever possible, local authorities should work with landowners to ensure that suitable sites are brought forward for development and to secure a coherent approach to renewal. In some instances the local authority may need to purchase land in order to facilitate redevelopment. Wherever possible this should be done by negotiated agreement, but it may involve the use of compulsory purchase powers.

Chapter 7 of PPW sets out the Welsh Government guidance for Economic Development. The following extracts are particularly relevant to this application:

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.4.2 Local planning authorities should also seek to support the development of innovative business and technology clusters. Development plan policies need to identify potential networks and cluster areas, making clear the criteria used to categorise them and the links to policies relating to the creation of the transport, environmental and telecommunications infrastructure needed to support such networks.

Chapter 8 of PPW sets out the Welsh Government guidance for Transport. The following extracts are particularly relevant to this application:

8.1.7 Local authorities should ensure that when planning transport centred projects their approach is compatible with the Welsh Transport Appraisal Guidance (WelTAG). They should ensure that the full range of possible solutions, including solutions other than road enhancement, is considered.

[Welsh Transport Planning and Appraisal Guidance (WelTAG) provides guidance from the Welsh Government that must be applied to the development, appraisal and evaluation of all transport related projects funded in part or in full by the Welsh Government. It provides a framework for thinking about proposed changes to the transport system and is recommended for application to all transport interventions, regardless of the funding source.]

8.1.9 Development plan policies and decisions on planning applications should take into account national air quality objectives, EU limit and target values, World Health Organisation guidelines on the health effects of noise and national indicators set by the Welsh Ministers under the Well-being of Future Generations (Wales) Act 2015, together with information from the local authority's annual air quality reports, national noise maps and any area statements issued by Natural Resources Wales under the Environment (Wales) Act 2016.

8.5.7 Great care must be taken to minimise the adverse impacts of new transport infrastructure, or improvements to existing infrastructure, on the natural, historic and built environment and on local communities, where neighbourhood severance should especially be avoided. Routes should make the best use of existing landforms and other landscape features to reduce noise and visual effects, subject to safety and other environmental considerations. Where no other alternative routes or options are practicable, transport infrastructure schemes should provide mitigation measures to minimise the impacts caused by their construction and operation.

8.7.1 When determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;*
- the level and nature of public transport provision;*
- accessibility by a range of different transport modes;*
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;*
- the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);*
- the environmental impact of both transport infrastructure and the traffic generated¹² (with a particular emphasis on minimising the causes of climate change associated with transport); and*
- the effects on the safety and convenience of other users of the transport network.*

Technical Advice Notes:

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

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

1.2.1 The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development.

1.2.5 Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.

1.2.6 In line with these principles, there will be instances where the planning system may not provide the land the market demands, and in the places where the market demands it. Some proposed developments or sites may be resisted by planning authorities – for example because they would have unacceptable environmental impacts, divert demand from town centres or would go against agreed spatial strategies. In these circumstances, so far as possible planning authorities (and planning applicants) are encouraged to look for alternative sites which offer the same, or very similar, advantages.

1.3.3 Furthermore, the strategies should focus on identifying strategic sites of national and regional importance. They should also provide agreed land provision targets for the B-class uses showing how development is to be distributed across local authority areas in LDPs.

2.1.1 It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such ‘win-win’ outcomes, where development contributes to all dimensions of sustainability.

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.

2.1.3 It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. Such alternative locations will not necessarily be in the same local authority area. The TAN does not override any environmental legislative requirements that may apply to particular site.

2.1.11 Special merit: would the development make any special contribution to policy objectives?

2.1.12 Such policy contributions may relate to the objectives listed in PPW 7, or to more general policy objectives set out elsewhere in PPW. For example, a major employment site may be a key element of a wider spatial strategy which aligns jobs, development and infrastructure. The office or production plant of a high-technology firm could bring supply-side benefits by raising skills and introducing innovation. An industrial estate in a disadvantaged area could help fight social exclusion, improving run-down places and creating job opportunities for people at high risk of unemployment.

Supplementary Planning Guidance:

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

- Biodiversity and Development
- Design in the Landscape
- Trees and Development
- Amenity Standards

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which have been the subject of public consultation in September / October 2016. Further hearing sessions are expected in January 2017.

In respect of this application, it is noted that the Vale of Glamorgan Deposit Local Development Plan (LDP) (as amended by MACs) identifies the existing 'five mile lane' route under policies Policy SP7 (Transportation) and MG 16(16) (Transport Proposals).

POLICY SP 7 – TRANSPORTATION

SUSTAINABLE TRANSPORT IMPROVEMENTS THAT SERVE THE ECONOMIC, SOCIAL AND ENVIRONMENTAL NEEDS OF THE VALE OF GLAMORGAN AND PROMOTE THE OBJECTIVES OF THE SOUTH EAST WALES REGIONAL TRANSPORT PLAN AND THE LOCAL TRANSPORT PLAN WILL BE FAVOURED. KEY PRIORITIES FOR THE DELIVERY OF STRATEGIC TRANSPORTATION INFRASTRUCTURE WILL BE: [...] IMPROVEMENTS TO THE A4226 BETWEEN WAYCOCK CROSS, BARRY AND SYCAMORE CROSS, A48 (FIVE MILE LANE).

The supporting text states:

“5.68 The A4226 (Five Mile Lane) connects Barry at the Waycock Cross roundabout with the Sycamore Cross junction on the A48, and comprises an essential part of the highway network leading to the Enterprise Zone. The proposed Five Mile Lane Highway Improvements stem from the Welsh Government’s proposals to trunk the route Culverhouse Cross – Sycamore Cross – Five Mile Lane – Airport. The Council has previously received a Principal Road Grant from the Welsh Government to advance the Five Mile Lane Highway Improvement Scheme, and to date this work has involved the signalisation of Sycamore Cross junction, as well as initial design and feasibility work together with various environmental assessments. Funding for the scheme has been approved by the Welsh Government and a planning application was submitted in March 2016.”

Policy MG 16 states “LAND FOR THE FOLLOWING TRANSPORTATION SCHEMES IS ALLOCATED: [...] 16. IMPROVEMENTS TO THE A4226 BETWEEN WAYCOCK CROSS, BARRY AND SYCAMORE CROSS, A48 (FIVE MILE LANE).” The supporting text to the policy states:

“6.112 The Vale of Glamorgan Council has progressed environmental studies and identified route alignment options in respect of highway safety improvements along Five Mile Lane. The route is an important north-south corridor within the Vale of Glamorgan with poor alignment that contributes to road safety concerns. The studies that have been undertaken have formed the basis for the Council’s current proposals to upgrade the alignment of the Five Mile Lane and the junction improvements at Sycamore Cross (completed 2013) and Waycock Cross. The proposals would improve highway safety, help reduce congestion and enhance access to Cardiff Airport and St Athan. Funding for the scheme has been approved by the Welsh Government and a planning application was submitted in March 2016.”

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) states:

‘2.14.1 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.’

It is relevant to note that the LDP Inspector did not raise concerns nor give the Council any Action Points from the Hearing Sessions to date in respect of the proposals for this route improvement, nor is it mentioned in the agenda hearing sessions for the remaining sessions to be held in January 2017.

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:

- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Cardiff Airport and St Athan Enterprise Zone - Strategic Plan 2015
- St Athan and Cardiff Airport Enterprise Zone - Draft Strategic Development Framework 2015
- Identification of SINC's (2013)
- Local Development Plan Highway Impact Assessment (2013)
- VOGC - Local Transport Plan (2015)
- Sustainable Transport Assessment (2013)
- Infrastructure and Site Deliverability Statement (2015)
- Draft Infrastructure Plan (2013)

Vale of Glamorgan Local Transport Plan 2015-2030

The Council's Local Transport Plan (LTP) seeks to identify the local sustainable transport measures required to ensure the Vale of Glamorgan adheres to requirements set by Welsh Government and current good practice guidance. The LTP sets out a number of short term objectives to 2020 and includes medium and longer term objectives to 2030. The LTP has been informed by proposals within the Council's Local Development Plan and is also consistent with the Wales Transport Strategy objectives. In identifying schemes the LTP seeks ways to secure better conditions for pedestrians, cyclists and public transport users and to encourage a change in travel choices away from the single occupancy car. The LTP also seeks to tackle traffic congestion by securing improvements to the strategic highway corridors for commuters who may need to travel by car as well as providing better infrastructure for freight. It also seeks to address the key road safety priorities for the Vale. The Local Transport Plan supports proposals for the Cardiff Metro and the LTP will inform future regional transport planning.

The LTP identifies this road scheme as a high priority scheme described as: "To provide off line improvements to this very busy corridor to assist with access to the strategic highway network and to the airport Enterprise Zone."

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 - Environmental Impact Assessment
- 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)

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. The aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society's needs in a way that is consistent with sustainability principles (PPW, para 2.1.1). The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications.

In accordance with the Well-being of Future Generations Act (Wales) 2015, the Vale of Glamorgan Council has adopted Well Being Outcomes and Objectives that contribute towards the well-being goals for Wales, as follows:

Well-being Outcome 1: An inclusive and safe Vale
Objective 1: Reducing poverty and social exclusion.
Objective 2: Providing decent homes and safe communities.
Well-being Outcome 2: An environmentally responsible and prosperous Vale
Objective 3: Promoting regeneration, economic growth and employment.
Objective 4: Promoting sustainable development and protecting our environment.
Well-being Outcome 3: An Aspirational and Culturally Vibrant Vale
Objective 5: Raising overall standards of achievement
Objective 6: Valuing culture and diversity.
Well-being Outcome 4: An Active and Healthy Vale
Objective 7: Encouraging and promoting active and healthy lifestyles.
Objective 8: Safeguarding those who are vulnerable and promoting independent living.

This application has been assessed in this context, having regard to the need to deliver sustainable development.

Issues

Background and options appraisal

The Vale of Glamorgan Council has been working with the Welsh Government to improve routes to Cardiff International Airport and the St Athan Enterprise Zone. This planning application seeks consent for online improvements to the A4226 (Five Mile Lane) and a section of new 'offline' carriageway, to achieve that aim. Prior to the application being submitted, a series of options were appraised and that initially took the form of a 'WelTAG Stage One Assessment (Arup, March 2012)', which identified five route alternatives to be considered. Following on from the WelTAG Stage One assessment, Parsons Brinckerhoff were commissioned by the Vale of Glamorgan Council to undertake another WelTAG Stage One assessment in 2013. This assessment built on the previous work and two route corridors were given consideration. They were the A4050 Port Road and the A48/A4226 Five Mile Lane. An appraisal was undertaken to establish which of the two route corridors best matched a series of transport planning objectives and assess each route corridor under the headings 'Economy', 'Environment' and 'Society'.

The Five Mile Lane corridor performed comparatively with the Port Road corridor in terms of 'Society', slightly worse in terms of 'Environment', and significantly better in terms of 'Economy'. It was also considered to match more of the transport planning objectives.

Subsequently, the two preferred routes from the 2012 assessment have been developed further into a single carriageway option that made use of the existing Five Mile Lane and took the route offline along the more constrained sections between Blackland and Grovelands Farms and at Sutton Fach Farm.

The above provides summary context to Members in terms of how the proposed development has been arrived upon, however, it is not fundamentally the purpose of this report to provide an assessment of which is the most appropriate route. Rather it is necessary to consider whether, in the face of all material considerations, the proposed development is acceptable in its own right in planning terms. Notwithstanding this, it is considered that the submissions demonstrate the consideration of alternative options, and are therefore compatible with the Welsh Transport Appraisal Guidance (WelTAG).

The Principle of the development/departure issues

Policy TRAN 1 of the Vale of Glamorgan Unitary Development Plan (UDP) makes provision for strategic highways developments, including the Airport Access Road and the Barry Waterfront to Cardiff Link. While this development would improve access to the airport, it is not specifically 'the Airport Access Road' referred to in the UDP and, therefore, it is considered this proposed development does not explicitly benefit from Policy TRAN 1 of the UDP. Furthermore, the development does not benefit from any of the provisions set out in Policy ENV 1- Development in the Countryside, or any other UDP Policy. Consequently, the application is (and has been advertised as) a departure from the development plan.

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. It is therefore necessary to consider whether there are material considerations in this case which outweigh the fact that the development is a departure from the Council's UDP.

However, as noted above the UDP is technically time expired (as of 31st March 2011), although as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. In this case, there are no policies specifically relevant to this development which would be considered outdated, particularly given that the general countryside protectionist principles of Policy ENV 1 remain a theme in PPW.

The Wales Spatial Plan (WSP) provides a framework for the future spatial development of Wales. In addition to the identified strategy areas and hub settlements the document also identifies three Strategic Opportunity Areas (SOA), one of which is St. Athan. The identification of a SOA at St Athan emphasises the important role that it has to play in the development and economic growth of the South East Wales region.

The development is also considered to be relevant to a number of the Council's Draft Local Development Plan (LDP) Objectives. Of particular relevance is Objective 8, which is to foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.

The Draft LDP strategy is as follows:

"To promote development opportunities in Barry and the South East Zone. The St. Athan area to be a key development opportunity and Cardiff Airport a focus for transport and employment investment. Other sustainable settlements to accommodate further housing and associated development."

The first three strands of the strategy are particularly relevant to the proposed development and they emphasise the importance of Cardiff Airport and St. Athan with regard to development opportunities and economic activity. It is clear that the LDP envisages the Airport and Enterprise Zone at St. Athan as being central to economic development in the Vale and the wider South Wales region.

Policies SP2 and SP5 of the Draft LDP identify the need for employment land at St. Athan and Cardiff Airport and these are supported by Policies SP7 and MG16, which specifically identify the need for improvements to Five Mile Lane between Sycamore Cross and Waycock Cross. While this development does not form part of the existing Unitary Development Plan and the Draft LDP is not adopted, this demonstrates the importance that has been placed on St. Athan and the airport, and the improvement of this route, to the future land use planning strategy for the Vale of Glamorgan.

The plan below from the Draft LDP identifies Five Mile Lane as a Strategic Transport Corridor and this emphasises further the importance of this route.



Specifically in respect of such improvements the LDP states:

The A4226 (Five Mile Lane) connects Barry at the Waycock Cross roundabout with the Sycamore Cross junction on the A48, and comprises an essential part of the highway network leading to the Enterprise Zone. The proposed Five Mile Lane Highway Improvements stem from the Welsh Government's proposals to trunk the route Culverhouse Cross – Sycamore Cross – Five Mile Lane – Airport. The Council has previously received a Principal Road Grant from the Welsh Government to advance the Five Mile Lane Highway Improvement Scheme, and to date this work has involved the signalisation of Sycamore Cross junction, as well as initial design and feasibility work together with various environmental assessments. Additional funding is required to complete the development and implementation of this scheme, with WG having announced their commitment to the scheme;

and;

The Vale of Glamorgan Council has progressed environmental studies and identified route alignment options in respect of highway safety improvements along Five Mile Lane. The route is an important north south corridor within the Vale of Glamorgan with poor alignment that contributes to road safety concerns. The studies that have been undertaken have formed the basis for the Council's current proposals to upgrade the alignment of the Five Mile Lane and undertake junction improvements at Sycamore Cross (completed 2013) and Waycock Cross. The proposals will need to be the subject of formal Environmental Impact Assessment and, if approved, would improve highway safety, help reduce congestion and enhance access to Cardiff Airport and St Athan.

It is, therefore, evident that there is a clear and focussed policy proposal for these works within the Draft LDP, in order to ensure, safe, easier and more efficient and user friendly access to the airport and St. Athan, and this is identified as being critical to the continued and future development of these areas and to the economic development of the wider area

However, the weight to be attributed to the draft LDP itself is relatively limited, given that it has not been subjected to a completed examination at this stage. With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Planning Policy Wales (edition 9) is noted. It states as follows:

2.14.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see paragraph 3.1.3).

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

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

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

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

While the works are considered important within the LDP in terms of delivering an improved access to the airport and Enterprise Zone, they comprise a relatively small proportion of all strategic highway/transport improvements within the LDP. For example, this comprises one of nine projects listed in Policy SP7 and one of twenty transport proposals listed in Policy MG 16.

On the basis that the development is consistent with the Draft LDP Strategy and would provide for a relatively small proportion of all highway works within the plan it is considered the proposed development would not 'go to the heart' of the overall LDP strategy. It is also considered that it would not go to the heart of the plan cumulatively with other developments that have already been approved. It is considered that it would not undermine the deliverability of other highways/transport projects or the wider strategy of the plan, in line with the guidance set out in PPW. With regard to the latter part of paragraph 2.14.2, while the plan is not at pre-deposit stage, it is still within the examination process. Therefore, while the plan is more advanced than pre-deposit, it is considered that a refusal on the grounds of prematurity could not be sustained in this instance.

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

However, it is relevant to note that the LDP Inspector did not raise concerns nor give the Council any Action Points from the Hearing Sessions to date in respect of the proposals for this route improvement, nor is it mentioned in the agenda hearing sessions for the remaining sessions to be held in January 2017.

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

In summary, the application asserts that the existing route is substandard and that the development would firstly make the route more fundamentally safe and user friendly, that it would offer an attractive alternative route to the airport and therefore ease traffic issues within the wider highway network, particularly at Culverhouse Cross and along Port Road (A4050), and that as a result it would be of significant benefit to the development of Cardiff Airport and the Enterprise Zones. These benefits are to be weighed against any harm arising from the development, in the above policy context, and the issues associated with each of these points are considered below. A balance of any benefits and/or harm is set out at the end of the report.

Highways issues

The application states that the existing route fails to meet appropriate highway standards for a 60mph road and that in order to meet the aim to create a strategic route to the St. Athan and Cardiff Airport Enterprise Zone, there is the need to undertake a number of improvements to upgrade the existing highway. It goes on to state that the Council has endeavoured to improve safety on the road through the introduction of speed limits, re-surfacing, improved signage, lighting, and solar powered LED cats eyes, however, the road still contains a number of sharp bends, has substandard forward visibility and is too narrow in places for two large vehicles such as farm traffic, lorries or buses to pass. Consequently, the development seeks to overcome these existing problems.

The Transport Assessment (TA) appraises the traffic impacts and flows resulting from the development in two main scenarios, which it refers to as 'Do Minimum' (DM) and 'Do Something' (DS). Do Minimum represents what could be reasonably expected to have occurred over the same timescale if the proposed development did not go ahead, between 2017 and 2032. The Do Something option is the Do Minimum improvements coupled with the proposed scheme.

The TA principally assesses impacts upon and operational performance of three junctions, those being Sycamore Cross, Waycock Cross and Culverhouse Cross. Along with the junction analyses, link analysis has been conducted to assess the future growth of traffic on the network, which is compared against base year data. Five links were chosen at various points along the A4050 with two links on Five Mile Lane. These are:

- Between Old Port Road/Brooklands Terrace Roundabout to the 'Alps' roundabout
- Between Wenvoe North roundabout to Wenvoe South roundabout
- Between St Andrew's Road to the A4231 roundabout
- Between Pencoedre Road and Merthyr Dyfan Road
- Between Stirling Road and Waycock Cross
- Between Sycamore Cross and Amelia Trust Farm (Five Mile Lane)
- Between crossroads to Dyffryn and Walterston, and lane to Northcliff Farm (Five Mile Lane)

Traffic flows and impacts

The assessment shows that in 2017, traffic on the Port Road links would be reduced by between 11% and 34%, depending on the time of day, and by up to 35% in 2032. All links show a reduction in traffic in both years, other than links 4 and 5 which show no change in one period in 2032. Conversely traffic flows are shown to increase significantly on Five Mile Lane, which is a desired outcome of the scheme.

In terms of the junctions, the TA shows that the development without the Sycamore Cross alterations would result in over capacity at Sycamore Cross, however, the relatively minor alterations to that junction would ensure the junction operates within capacity. This is considered to be a significant benefit to the junction.

For Waycock Cross, the TA shows that at present, it operates within capacity other than on the Port Road West arm in the AM peak hour. The TA goes on to show that without the proposed development (i.e. in the DM scenario) capacity would be exceeded on the same arm (but by more) in 2017 and would be exceeded on three of the four arms in 2032 (significantly in the case of the two Port Road arms). The TA also shows that with the development, there would be a smaller 'over capacity' on Port Road West arm in 2017, no over capacity on the Five Mile Lane arm in 2032 and much less 'over capacity' on the Port Road West Arm. It should be noted that while the Port Road West 'over capacity' in 2032 with the development would still be relatively significant, it would be approximately 40% less than without the development. The development would increase the 'over capacity' on the Port Road East arm, which the TA states is an outcome that has been accepted by Welsh Government. While this would increase queuing time on this arm, it is considered that the TA demonstrates a significant benefit to this junction on the whole, and across the majority of the arms, in terms of reducing queuing.

The TA demonstrates limited 'over capacity' at Culverhouse Cross currently, with the situation worsening progressively through 2017 and to 2032 without the development (7 'over capacity' lane instances in 2032). The TA shows that with the development there would be 4 'over capacity' lane instances in 2032 and the extent of over capacity instances would be generally lower.

It is considered that this junction analysis demonstrates that the development would result in a re-distribution of traffic that would have an appreciably positive impact on the junction's operation.

It is considered that the TA (which has been assessed and approved by the Council's Highways Engineers) shows that the proposed development would have a significant positive impact on traffic distribution across the wider highway network. Traffic flows would increase markedly on Five Mile Lane, however, the road has been designed to accommodate this and the residual benefits would be felt at Culverhouse Cross, Waycock Cross (with the exception of one arm), Sycamore Cross and along the links on Port Road.

The Council's Highways Engineer has confirmed (*full comments in the Consultations section of this report*) that the development is fully supported from a traffic perspective and would reduce journey times and enable the network to deal with increased traffic flows.

The development would make the Five Mile Lane route more attractive, given that it would take less time to travel along the route and would involve less queuing to exit it. This would make access to the Cardiff Airport and the Enterprise Zones more attractive and would provide resilience to the highway network in catering for additional traffic resulting from both natural growth and increased visits to the airport/Enterprise Zone. The economic benefits associated with this are discussed below.

Highway safety

The Council's Highways Engineer has advised that the development would adhere to the design standards in the Design Manual for Roads and Bridges (DMRB) which will ensure a safer and more attractive route for all traffic, including HGVs. This is considered to also represent a significant benefit to the development, given that safety issues have been identified with the existing route as a consequence of its narrow width, sharp bends and inadequate forward visibility. Therefore, subject to the engineering detail of the road being approved, it is considered that it would function safely and positively impact upon highway safety within the highway network.

While the neighbouring resident's concerns regarding highway safety have been considered, the Council's Highways Engineers have considered the scheme as a whole, which has been developed over a significant period of time while taking such matters into account. Fundamentally the Highways Engineers are of the view that the road layout is safe, and this has not been challenged by any technical submissions to the contrary.

Cycling, pedestrians and bus transport

At present there are no designated cycleway facilities along Five Mile Lane and, while the initial sections in both directions are relatively straight and wider than the middle section, the road as a whole is not considered to be an attractive route for cyclists. By contrast, the development would result in designated cycleways for the initial stretches of the road from Waycock Cross and the A48 and in between, cyclists would be able to use the existing road, which would be used by significantly less traffic. It is considered that this would result in the route being significantly more attractive to cyclists and this would encourage cycle trips as an alternative to the car. This is considered to be a further benefit to the scheme.

There are two bus services that currently use Five Mile Lane between Waycock Cross and Sycamore Cross which are a Cardiff to Barry service (3-4 buses a day) and a Cowbridge to Barry service (once per day). Although there are two routes that use Five Mile Lane, there are no formal bus stops along the route and no footpaths along the carriageway. The nearest bus stops to Five Mile Lane are located at Sycamore Cross to the north and at Waycock Cross to the south. The development would not provide additional bus stops but it would create a safer, quicker and more attractive route, which would be likely to encourage bus use above the existing situation.

Pedestrian facilities would also be improved, relative to the existing situation, with two stretches of footway/cycleway provides as described above. This would provide improved and safer pedestrian facilities along a significant length of the road and would provide a genuine pedestrian access as far as the Hawking Centre, in the case of the southern section.

A representation has been received citing concerns in respect of bus and pedestrian provision, which suggests that proper priority is not given to walking, bus stop lay-bys should be provided at the Hawking Centre and Amelia Trust Farm, the development should include such facilities as a 'reasonable adjustment' under the Equality Act 2010, and that the proposed footway would be unsuitable for alighting from or waiting for buses on.

It is, however, considered that the development would provide much improved facilities and a safer environment for cycle and pedestrian movements, in addition to providing a safer route for buses. It is considered that additional formal lay-bys, such as those suggested in the representation, would not be justified given the relatively limited number of users that would wish to use a stop in locations along five mile lane, and consequently these would not constitute 'reasonable adjustments', as defined by the Equality Act. In addition, and with reference to the objection, it should be noted that the route has currently not been designated by the Council as an Active Travel route.

In summary, it is considered that the development would deliver discernible benefits to bus users, cyclists and pedestrians, in accordance with policies 2, 8 and ENV 27 of the UDP, and the advice in PPW.

Public rights of way/bridleways.

The development would not obstruct or adversely impact upon any existing public rights of way or bridleways. The development would make provision for a new stretch of bridleway, however, this is not to replace any existing section that would be lost, rather it is just a new section of bridleway. The Council's Public Rights of Way Officer has stated no objection.

Economic Benefits in terms of improved access to the Airport and Enterprise Zones

The above section on highways impacts details the benefits in terms of traffic movement, junction capacity and queuing. It is considered that these benefits will make Five Mile Lane a safer and more attractive route, reducing journey times and add resilience to the highway network. It is considered that all of these benefits would make access to Cardiff Airport and the Enterprise Zone easier and more efficient, thereby increasing their attractiveness to customers and businesses.

As noted above, it is considered that a safe, quick, efficient and user friendly access to the airport and St. Athan is critical to the continued and future development of these areas and to the economic development of the wider area. It is considered that failure to provide such an access would stifle the development potential of the airport and Enterprise Zone and would be damaging to the ability of these sites to contribute to economic activity to their potential.

It is considered that the significant benefits described above in terms of traffic movement, easing congestion, journey speed and the resilience of the highway network would translate into significant benefits in terms of the efficiency of movement to the airport and St. Athan Enterprise Zone and, therefore, the attractiveness of them both to visitors, customers, businesses and investment. It is considered that the development would significantly enhance the development potential of these areas and, therefore, the degree to which they would contribute to economic activity and regeneration.

In this respect, it is considered that the development would accord with the aims of the Draft LDP strategy (and Policies SP7 and MG16), the Wales Spatial Plan, and furthermore also the aims of Planning Policy Wales in terms of sustainability and economic development. While it is acknowledged that the development would be likely to have greatest impact in terms of potential changes to car movements, this does not infer that the development fundamentally encourages more car use. It is considered that it would make journeys easier and more efficient, and would re-distribute patterns of traffic, however, it would also improve the route for buses, cyclists and pedestrians. Environmental impacts are discussed below, however, the EIA (in summary) concludes that there would not be significant adverse environmental impacts.

In terms of economic development, PPW states that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development, and that local planning authorities should also seek to support the development of innovative business and technology clusters. It is considered that this development fundamentally complies with this advice and that the development of a sustainable economy in turn complies with the aims set out in chapter 4 of PPW. While the benefits discussed above are principally economic (and highways related), these are considered to be significant benefits and this is considered to comprise a significant 'arm' of 'sustainable development'.

It is also considered that the development is consistent and compliant with the advice in Technical Advice Note 23 (TAN 23). In particular, TAN 23 notes the need for the planning system to give due weight to the economic benefits associated with development and guide economic development to the most appropriate locations.

It is considered that the airport and Enterprise Zone are strategic sites of national and regional importance, since Cardiff Airport is the major commercial airport in Wales and has the greatest potential of any air based transport facility to drive economic development and regeneration in the region. Consequently, it is considered that the airport and Enterprise Zone (and developments that would contribute significantly to them) are essentially of 'special merit' (as referenced at paragraph 2.1.11 of TAN 23), given the special contribution that their development would make to policy objectives.

These benefits, in addition to the wider benefits in terms of the highway network, will be weighed below against any harm arising from the development.

Visual impact

Sycamore Cross

The works at Sycamore Cross involve bus lane re-alignment, alterations to road markings and carriageway widening relating to a dedicated left turn lane from the A48 onto the A4226. While it appears that these works may constitute permitted development in any case, it is considered that their visual impact in the context of the existing highway network and engineered junction would be negligible, both locally and within the wider landscape.

On line highway works

The online works principally comprise the southbound approach to Waycock Cross being widened to two lanes for approximately 60m in length. A 2.5m wide verge would be located on the west side of the on-line road widening for a proposed cycleway / footpath. These works would extend the scope and area of the road, however, they would remain bounded by woodland on both sides and it is considered that they would not impact significantly on the wider area. There would be localised views of the works when within the highway, however, the woodland would screen the works from further afield. It is, therefore, considered that this part of the scheme would not be visually intrusive or harmful.

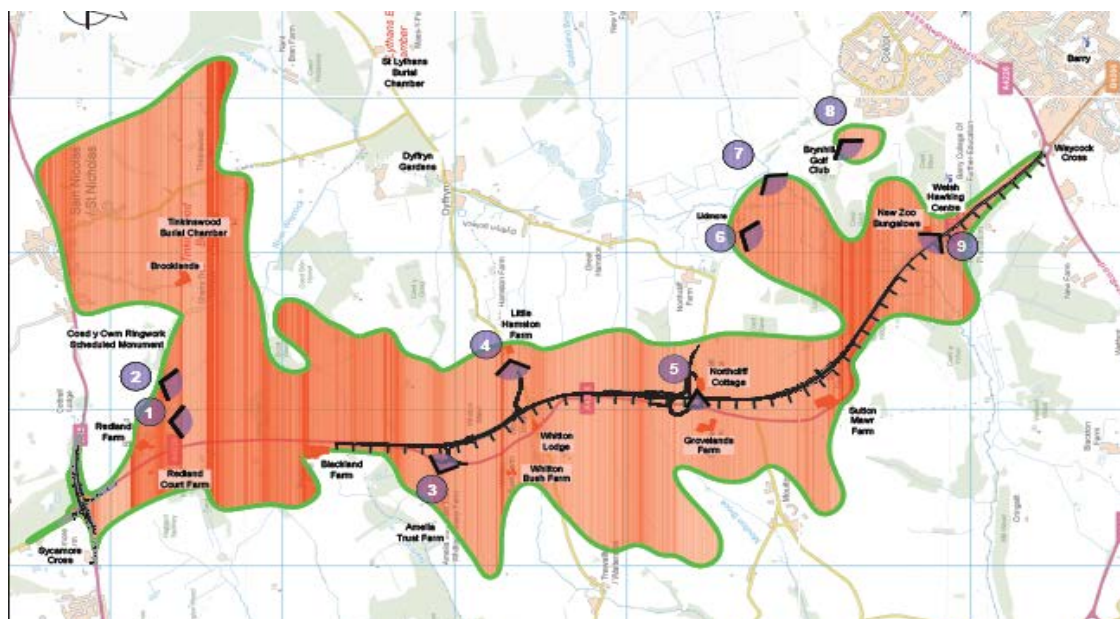
Off line new carriageway

The new carriageway is the section of the development that has the greatest potential to impact upon the wider landscape. The application is accompanied by a Landscape Visual Impact Assessment (LVIA) which appraises the likely impacts of the development within the wider landscape. The Council's Landscape Architect initially requested additional information including photomontages of the development, from certain key locations. The additional information received is as follows:

- an additional viewpoint – Key view 10 from a Public Right of Way between the Scheme and Moulton to the west
- clarification with regards to the visual impact on Listed Buildings located within the Zone of Visual Influence (ZVI), and
- photomontages from six representative viewpoints.

The above information has now been provided and assessed by the Council's Landscape Architect.

The image below shows the Zone of Visual Influence (ZVI), within which the development would be visible, and the locations of the key viewpoints. The tenth viewpoint, as described above, is not shown on this plan.



The ZVI as shown in the EIA is relatively limited and this is as a consequence of the undulating landscape, with longer range views being restricted by the local topography and woodland blocks. This not disputed by the Council's Landscape Architect and it is considered that while the development is relatively substantial in terms of area, its inherently low lying form and the surrounding natural topography do significantly limit the scope of wider views.

The EIA sets out the Landscape Character Areas that the site lies within, and they are Central Vale Ridges and Slopes, Upper and Lower Waycock Valley and Rhoose/Porthkerry. It concludes, in summary, that the scheme would introduce some adverse effects where it directly impacts on the landscape character of the areas through which it passes, especially where it is on embankment and at junctions. However, it goes on to conclude that the scale of these impacts would be reduced by the existing Five Mile Lane, the landform and existing vegetation, all of which limit the visual context of the scheme. The EIA states that the landscape impact significance would be moderately adverse in the construction year and at year 1, and between slightly adverse and negligible/neutral at year 15, when landscaping has matured.

The key viewpoints within the EIA cover a variety of positions within the ZVI and comprise views from the public footpath near Redland Farm, the Scheduled Monument (GM116), the public footpath at Amelia Trust Farm, an un-named road to the east of the site, an un-named road near Northcliff Cottage, Lidmore Mill, Millenium Heritage Trail, Brynhill Golf Club, the entrance to the Hawking Centre and the public footpath near to Moulton. In addition, consideration has been given to views from individual properties including Amelia Trust, Little Hampton Farm, the group of properties at 'Lidmore', Whitton Farm, Sutton Mawr Farm and the Hawking Centre. It is considered that this comprises a comprehensive range of locations around the site and provides a robust basis for assessing the visual impact.

Similarly to the assessment in respect of Landscape Character Areas, the EIA concludes on the whole that landscape impacts from key public viewpoints and individual properties, particularly in the long term when landscaping has matured, would be neutral or only slightly adverse.

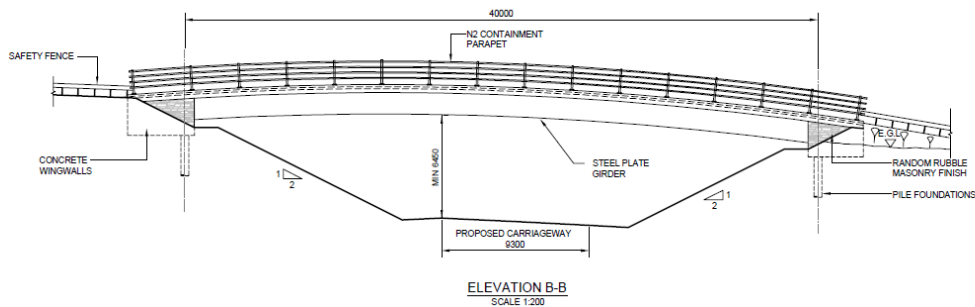
It goes on to state that given the local topography, existing woodland cover and the existing Five Mile Lane, the change in views would be limited primarily to the junctions and embankments and that ain the summer of the design year (year 15) and with planting in place, there would be very limited impact on the visual amenity of the area.

The LVIA has been considered by officers, including the Council's Landscape Architect and as noted above, the findings of the EIA in terms of the likely ZVI are not disputed. Furthermore potential public viewpoints within the ZVI are relatively limited, such that the shaded area on the plan above predominantly does not comprise public areas.

The greatest visual impact is likely to occur during the construction phase, where there would be earthworks, compounds and construction vehicles along the route, however, these impacts would be temporary and not representative of the long term visual impact of the development. It is also considered that conditions to control the location of compounds, means of lighting and the retention of landscaping would minimise those impacts.

The road fundamentally follows the topography of the existing landform, but given the undulations in ground levels along the route, the height of the proposed road relative to the existing land would vary. There would be some cut (principally in the area adjacent to Sutton Fach Farm) and some raised sections with fill embankments (principally at the junctions near Northcliff Cottage and Amelia Trust Farm). It is considered that these areas would have the greatest impact from the surrounding viewpoints, due to the change in levels and the more complex road form at the junctions. However, the change in levels would not be significant within the context of the wider undulating landform and the proposed planting would largely mitigate the impact of these sections. The findings of the EIA are therefore concurred with in terms of the relatively minor visual impact from each of the viewpoints, particularly once the landscaping has matured. (Impacts on specific properties are considered below in the section relating to impacts on neighbours.)

The accommodation bridge (shown on the plan below) would lie above an area of cut and it would essentially adjoin the existing level of land on either side. While there would be some impact (particularly at closer range) from the bridge structure and parapet, it is considered that it would be low lying within the wider landscape and would not appear as a significant visual incursion into the countryside.



Both sides of the route would be lined with substantial landscaped buffers, which would serve to partially screen and filter views of the development from short and long range positions, thereby serving to mitigate its impacts. Whilst it is accepted that the effect of the landscaping would be more limited in the short term, it is considered that it would significantly soften the visual impact of the road in time, to the point where it would effectively reduce its impacts and assimilate it into the wider landscape.

It is considered that the topography and well landscaped nature of the surrounding countryside means the development can be more sensitively accommodated than if the route's context comprised more open expanses of countryside with wide ranging views (from local, distance and/or elevated locations). The development will inevitably have an impact upon the character of the countryside, however, it is considered that the detailed engineering design and landscaping would serve to minimise that impact. It is also considered that sensitive design would appropriately minimise the impact of any lighting.

It should be noted that following the submission of the additional information listed above, the Council's Landscape Architect has advised that the information is acceptable and no objection is raised. It should also be noted that Natural Resources Wales (NRW) have provided comments in respect of landscape impact and advise that the development will not have an adverse impact on any registered historic landscape area. NRW also advise that they concur with the assessment and recommendations in the environmental statement and believe the design of the scheme should mitigate against visual impacts.

As noted above, the site lies within Special Landscape Areas (SLAs) and Policy ENV 4 of the UDP states that development will only be allowed in SLAs where it can be demonstrated that it would not adversely affect their landscape character and features. In this case, it is considered that there would be a level of adverse impact, however, for the reasons given above and having regard to the robust assessment demonstrated in the EIA, the development would not have a significantly adverse impact, particularly given the localised nature of views. The Nant Llancarfan and Dyffryn Basin and Ridge Slopes Special Landscape Areas area significantly wide ranging landscape designations and it is considered that the development, by virtue of its limited ZVI and lower lying form, would have minimal impact upon the wider SLA designations as a whole, and their landscape value.

Notwithstanding this, without any overriding justification for the works or benefits to outweigh that limited degree of harm, the development would be unjustified, therefore, this impact must be weighed against the other materials considerations, and this assessment is set out to members in the section below.

Heritage Impacts

The Environmental Impact Assessment accompanying the application contains a section which appraises impact on Cultural Heritage and the following documents have been submitted:

- Archaeological Desk-Based Assessment
- Geophysical Survey Report
- Archaeological Watching Brief Report
- Written Scheme of Investigation

In terms of archaeology, Glamorgan Gwent Archaeological Trust (GGAT) have advised that the Written Scheme of Investigation details an acceptable methodology for recording all archaeological remains, in order to mitigate against damage to them during the course of the development. The scheme includes a topographical survey, strip and record investigation, open area investigation and evaluation trenching. GGAT have advised that the strategy is coherent and appropriate, and that they have no objection to the development subject to a condition requiring the developer to undertake the programme of archaeological work in accordance with the Written Scheme of Investigation. It is, therefore, considered that subject to a condition as requested by GGAT, the development would not adversely impact upon archaeology, in accordance with Policies ENV 17, ENV 18 and ENV 19 of the UDP.

In terms of listed buildings and Scheduled Monuments, the EIA considers impacts within an 'inner study area', that being an area within 250m of the development, and an outer area, which is the Zone of Visual influence. There are no listed buildings or ancient monuments within the Inner Study Area, whereas there are five monuments within or adjacent to the outer area. These are Coed y Cwm Ringwork, Coed y Cwm Long Barrow, Moulton Roman Site, Remains of Hightlight Church and Castle Ringwork 850m east north east of Ty'n-y-Coed. It is considered that each of these monuments, which are approximately between 750m and 1000m from the development, would not be unacceptably affected, both physically and in terms of their setting. Their distance from the development, coupled with the low lying nature of it, would ensure that views of these monuments would not be harmfully affected and their existing rural setting would be preserved. There are also no listed buildings within close proximity to the development and consequently, there would be no adverse impacts on the settings of listed buildings.

Cadw have advised that the development would not have a physical impact on any Scheduled Monuments and it is unlikely that there would be a significant adverse impact on their settings. Cadw also advise that they concur with the Environmental Statement conclusions that the development would not be harmful to a Grade I registered historic park at Duffryn.

Having regard to the above, it is considered that the development would not adversely impact upon heritage assets and the historic environment, in accordance with Policies ENV 17, ENV 18 and ENV 19 of the UDP, in addition to the advice within Planning Policy Wales and Welsh Office Circulars 60/96 and 61/96, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Agricultural land

The development permanently requires approximately 27ha of agricultural land take of which approximately 3.5ha may be Best and Most Versatile (BMV) agricultural land.

There are no detailed Agricultural Land Classification surveys available for the Scheme however, the provisional Agricultural Land Classification of England and Wales 1985 indicates that the area around the proposed Scheme is a mixture of Grade 3 or 4. The majority of the route has not been surveyed in detail, with only a small section in the north classified as Agricultural Land Classification (ALC) Grade 3. The Environmental Statement advises that correspondence received from Welsh Government's Department for Natural Resources (DNR) in February 2015 indicated that approximately 3.5 ha of the total area of land take has a moderate probability of being Grade 3 BMV land. The DNR did not make the distinction as to whether the Grade 3 land is comprised of sub-Grade 3a or sub-Grade 3b land, however, for the purposes of this assessment and in the interests of robustness, this area has been assumed to be the more highly valued sub-Grade 3a land (i.e. BMV land).

The submissions state that the scheme has been designed to minimise areas of land take and loss of Best and Most Versatile agricultural land, however, the loss of this land has to be weighed against the benefits associated with the development. The Environmental Statement quantifies the impact as being 'negligible adverse', given that the development would result in the loss of less than 20ha of BMV land and it is considered that in the context of the scheme as a whole, the loss of BMV land is not significant that it would justify the refusal of the application, in light of the highways benefits and those associated with the improved access to the airport and enterprise zone.

The Council (as applicant) is in discussion with the respective land owners with regard to the Compulsory Purchase Order process and how the development can be managed in terms of impacts upon agricultural operations. Objections have been received in respect of impacts upon existing agricultural (and equestrian businesses), however, these impacts have not been substantiated or quantified as part of the planning application process. The Local Planning authority cannot, therefore, assume that the development *would* be significantly damaging to any existing business or the management of any land holding. However, and in the interests of robustness, it is reasonable to assess this development in the context of such impacts, by considering whether it would be justified in planning terms if such impacts arose.

This issue is weighed against the benefits of the development in the section at the end of this report, also having regard to the fact that the Council is in discussion with the respective land owners as part of the on-going compulsory purchase process.

Nature and Ecology

The EIA contains a significant volume of work which assesses impacts on ecological interests. These documents include a Great Crested Newt Survey Report, Water Vole Survey Report, Dormouse Survey Report, Bat Activity Survey Report, Bat Tree Survey Report, Phase 1 Habitat Survey Report, Crayfish Survey Report, Freshwater Macroinvertebrate Report and a National Vegetation Survey. The application has subsequently been considered by the Council's Ecologist and Natural Resources Wales.

The whole volume of ecological work is available for Members to inspect, however, for the purposes of this report, it is considered of principal relevance to advise Members of the responses of the Council's Ecologist and Natural Resources Wales, who are responsible for providing advice to the Local Planning Authority on these matters.

The EIA states that the most significant impact of the Scheme would be on 2 of the 14 woodlands which together comprise Barry Woodlands SSSI. The scheme would result in permanent loss of a 0.264 ha strip of vegetation along the length of the road in the SSSI on the west side and another 0.167 ha on the east side equating to a total loss of 0.431 ha. A further 0.168 ha would be taken under essential licence for construction in Middleton plantation and 0.301 ha in Barry College Wood, which would be returned after construction, equating to a total loss of 0.469 ha. Not all trees would be removed from these areas, but the ground flora is likely to be affected.

However, the impacts of the loss would be partially mitigated by planting broad-leaved woodland of 2.8 ha at Waycock Bridge. It is proposed to replace the SSSI ancient woodland lost with new woodland of appropriate composition at the northern end of the SSSI in the improved pasture adjacent to Middleton Plantation, opposite the Welsh Hawking Centre. The woodland will be planted to be continuous with Middleton Plantation, and with other planting will extend to Sutton Wood and Sutton Fach Wood, providing a total additional area of 4.7 ha. The applicant acknowledges that this will not replace the quality of the SSSI woodland lost in the short term, but longer term would prove to be of value. The Council's Ecologist and Natural resources wales raise no objection in terms of the impact on the SSSI.

The EIA envisages slight adverse impacts in terms of the loss of small sections of SINCs, however, this would be effectively mitigated by additional tree planting and grass sowing. Again the Council's Ecologist and Natural Resources wales have raised no objection in respect of this.

The Council's Ecologist's initial response highlighted the need for additional information comprising ground nesting bird survey, a Brown Hare assessment, the updating of the Post-Development Monitoring Strategy to reflect findings of the ground nesting bird survey and a survey of two trees for bats (although the Ecologist advised that the last of these items could be conditioned).

Natural Resources Wales raised concerns and requested the updating of the air quality assessment and the amendment of the proposed mitigation in relation to 'off-roading and loss of habitat'. Further to that, conditions were requested in respect of new and translocated planting, new hedgerow and habitat planting, long term habitat management, dormouse mitigation and bat mitigation.

The additional information was subsequently submitted and the Council's Ecologist and Natural Resources Wales were re-consulted. The Council's Ecologist has responded to advise that the additional information addresses the previous concerns and consequently there is no objection raised, subject to conditions relating to ground nesting birds and a biodiversity strategy for site clearance. A condition is also recommended to require compliance with the recommendations set out in the documents contained in the submitted Environmental Impact Assessment. Natural Resources Wales also now raise no objection, subject to conditions relating to the matters listed above.

In light of the above, it is considered that the development would not be harmful to ecology and protected species, in accordance with Policy ENV 16 of the Unitary Development Plan.

Other Environmental Impacts

As noted above, the application is accompanied by an Environmental Impact Assessment, and this provides an assessment of issues including social inclusion, economic development, traffic and transport, air quality, cultural heritage, landscape, nature conservation, geology, noise and water resources.

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

With specific regard to air quality, Natural Resources Wales' initial consultation response requested an amendment to the work in the Environmental Statement in respect of 'Nitrogen Critical Load', given the proximity of the development to Barry Woodland and Walters Farm SSSIs. This work has now been completed and Natural Resources Wales are satisfied that the development would not have an unacceptable impact in terms of air quality.

In terms of air quality more generally (beyond impacts on the SSSI), the EIA has assessed impacts on human receptors within a wide ranging area around the development site, including along Five Mile Lane, St. Nicholas and Barry. The report concludes that the most significant *changes* in pollutant concentration result from changes in traffic flows on the major routes near the Scheme. The A48 and Five Mile Lane would both experience increases in traffic flow and the A4050 and Port Road would both experience decreases in traffic flow. As a result, receptors near the A48 and Five Mile Lane would experience an increase in pollutant concentrations and receptors along Port Road would experience a decrease in pollutant concentrations. However, due to the low pollutant concentrations predicted with the scheme in operation and the minimal change in concentration across the area, the report concludes that no effects at human receptors would be significant, and air quality would be within annual mean air quality objectives. The Council's Environmental Health Section have considered the reports and have raised no objection or contested the findings.

In terms of cumulative impacts, consideration has been given to a number of other large developments around Five Mile Lane, most notably a number of approved solar farms. However, it is considered that the development, which is low lying, linear and physically detached from those developments, would not have any significant visual or environmental impacts when taken cumulatively with them.

Impact on Neighbours/Residential Amenity

The EIA assesses the impact that the development would have on views from specific properties and it concludes that there would be very limited impacts from Redland Farm, Redland Court Farm, Blackland Farm, Whitton Bush Farm, Grovelands, Sutton Mawr Farm and Brooklands. Greater impacts are identified to Whitton Lodge and Northcliff Cottage.

It is considered that the impact on views from those properties (with the exception of the last two) would be very limited and that limited degree of impact would not be harmful to residential amenity. It is acknowledged that occupiers of Whitton Lodge and Northcliff Cottage would experience a more significant impact upon their views, however, while it is understandable that a change to a predominantly rural outlook may be objectionable to the occupiers, it is considered that the change to these views does not in itself demonstrably harm the living conditions of the occupiers. Loss of view is not a planning matter and consequently it is considered that the application could not be justifiably refused as a consequence of such an impact on views.

The road would be closer to residential properties than the existing road and in particular, to Northcliff Cottage. The EIA considers noise and vibration impacts on the properties Whitton Lodge, Sutton Fach Farm, Grovelands Farm, Grovelands House, Northcliff Cottage and Cwm Derwyn Farm. The submissions conclude that there is greatest potential for an impact residential amenity during the construction phase, however, subject to a comprehensive Construction Environmental Management Plan being adhered to, it is considered that these impacts would be effectively mitigated.

The EIA concludes that once operational, the majority of receptors would experience a negligible effect, and that a limited number of receptors would experience minor adverse and moderate adverse effects. In particular, Northcliff Cottage would be closer to the new road than the existing and, given its proximity and the forecasted increase in vehicle numbers, the development is likely to have a greater impact on the occupiers of this property than the existing road in terms of noise. However, it is considered that the noise experienced would not be so harmful to residential amenity as to unacceptably impact upon the living conditions of the occupiers or warrant the refusal of the application.

The next nearest neighbour is Cwm Derwyn Farm, however, the new section of road would be further from this property than the existing road and, notwithstanding the additional vehicle movements, it is considered that there would not be a significantly greater impact, given its location relative to the existing. In respect of Sutton Fach Farm, while it would introduce a new road to the east of the property where there isn't one presently, it would be further from the property than the existing road and it is considered that the distance is sufficient to ensure that there would not be an unacceptable impact on residential amenity. The new road would lie approximately 120m from Whitton Lodge and, while there is likely to be more vehicles using this than the existing road, the occupiers of this property are likely to experience a significant decrease in the number of vehicles using the existing road, which it lies directly adjacent to. It is considered, therefore, that there would not be a demonstrably harmful impact on this property as a consequence of the development. The other neighbours assessed at Grovelands Farm and Grovelands House are further from the development and consequently, it is also considered that the distance is sufficient to adequately preserve the amenities of the occupiers.

The Council's Environmental Health section has been consulted and have raised no objection to the development. In summary, it is considered that while the development would impact upon residential amenity in the area to a degree, it would not result in unacceptable impacts and would comply with the aims of Policies ENV 27 and ENV 29 in this regard.

Other neighbour objections not covered by other sections of the report.

It is considered that the description of development on the submitted application form accurately describes the development. While the concerns of the occupiers of Northcliff Cottage regarding the dead end and nuisance have been considered, it is considered unlikely that this route would be subject to significant use and consequently, it is not considered likely that such issues would arise. The bridleway is also considered to be sufficiently away from this property to not unacceptably impact upon the living conditions and privacy of the occupiers. Through the Compulsory Purchase Order (CPO) process, parcel of land '4/6a' has now been omitted, thereby addressing the issue regarding land becoming landlocked. The inclusion within the CPO acquisition of land not needed for the development is not considered to be a planning matter, nor is impact on property value.

The issues raised regarding the CPO process and the attenuation pond are not considered to be fundamentally relevant to this assessment. Rather the Local Planning Authority must consider whether the attenuation ponds would effectively deal with surface water from the development.

Finally, it is considered that there would not be a significant nuisance caused to neighbouring residents in terms of longer journeys being required to access land

Drainage and flood risk

The Scheme would include drainage improvement works, which will require a series of attenuation ponds on land adjacent to the new alignment. Existing ditches that are located either side of the length of the road subject to an on-line improvement will also require realignment. These would be utilised to drain the improved highway.

An assessment of the potential impacts associated with construction and operation of the Scheme has been undertaken in relation to the water environment. The assessment identified the potential hydrological effects that the scheme may have on the surrounding area and assessed the potential implications of any such hydrological effects for the scheme. Mitigation measures have been proposed to minimise the scale of the impacts identified. Through the provision of a Sustainable Drainage System (SUDS), the risk of pollution to groundwater and surface water has been concluded within the submissions to be, for the most part, negligible during operation of the Scheme.

The submissions state that mitigation measures implemented during the scheme's construction will ensure that the risk of pollution to surface water and groundwater is largely negligible. The reports do state, however, that a residual risk remains, especially where construction occurs directly above watercourses or in excavations near the groundwater table. These risks are considered by the applicant to be temporary and not posing a long term risk to water quality.

The submissions also conclude that the impact of the scheme on flood risk (on users of the road and third party people and property) is negligible and not significant.

Natural Resources Wales have been consulted in respect of flood risk and have advised that the majority of the development is not in a flood zone. They note that a small section of the proposed road would be within the flood plain of the River Waycock, which would flood to a depth of 9mm during a 0.1% (in in 1000 year) event. NRW advise that it is therefore compliant with part A1.14 and within tolerable limits of part A1.15 of TAN 15. The FCA also demonstrates in the view of NRW that the development would not increase flood risk elsewhere.

TAN 15 states that in order for a development to be justified in Zone C, it must be demonstrated that:

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹; or,

Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and

It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in Sections 5 and 7 and Appendix 1 found to be acceptable.

In this case, the development is necessary to assist a local authority regeneration initiative and the potential consequences of a flooding event have been considered and found to be acceptable (i.e. there would not be unacceptable flood risk). The development is not on brownfield land, however, it is considered that strategic improvements to this road will inevitably not be able to be accommodated on brownfield land, given the site's rural context. Notwithstanding this, the submitted Flood Consequences Assessment and NRW's report make clear the development would not result in unacceptable flood risk and, therefore, it is considered that the development complies with the objectives of TAN 15. While the criteria within TAN 15 are noted, this is guidance and one material consideration in the assessment of the application. In light of NRW's comments and the fact that only a very small proportion of the development would lie within zone C2, it is considered that the development is acceptable in respect of flood risk.

The Council's drainage engineer has been consulted and has raised no objection subject to conditions requiring the following to be submitted:

- A detailed scheme of surface water drainage
- A SUDS management plan
- A construction Environmental Management plan for the protection of watercourses from pollution.

It is considered that subject to compliance with those conditions, the development would be acceptable in respect of drainage and flood risk, complying with policies ENV 7 and ENV 27 of the UDP and the aims and objectives of PPW and TAN 15.

Summary and balancing of benefits/impacts

The sections above consider the specific impacts (positive and negative) of the development in respect of the relevant materials considerations.

In terms of negative impacts, the report identifies a degree of harm to the character of the countryside, however, the detailed design and mitigation proposed would ensure that these impacts are not significant. The development would also result in the loss of some small areas of Barry Woodlands SSSI and a number of SINCs, however, compensatory planting is proposed and the Council's Ecologist and natural Resources Wales do not object.

There would be some impacts to air quality as a consequence of the development, however, these are also not significant and air quality levels would remain at an acceptable level. Consequently, the Council's Environmental Health Section has not objected.

The development would also have a negative impact on queuing at the Port Road East arm of the Waycock Cross roundabout, however, this would be a modest impact when compared to the significant positive impacts in terms of the highway network.

Objections have been received in respect of the impact on agricultural and rural businesses, however, as noted above these impacts have not been specifically quantified. While it has not been demonstrated that there would be critical impacts on these businesses, it also has not been definitively demonstrated that there wouldn't be. For the purposes of the report, the assessment considers the balance of issues in the event that the development did have such an impact. There would be a loss of some Best and Most Versatile Agricultural land.

The benefits of the scheme are principally in terms of highway safety, easing wider highway network congestion by re-distributing traffic and making the Five Mile Lane route more efficient, giving resilience to the highway network and unlocking/enhancing the attractiveness and development potential of Cardiff Airport and the Enterprise Zone. There would also be benefits in terms of improved cycle and pedestrian access along Five Mile Lane.

It is considered that the above listed benefits are significant and would make decisive and meaningful contributions to a better highway/transportation system and in turn to economic development/regeneration. The development would comply with the objectives of Planning Policy Wales in respect of sustainability and economic development, and the advice within TAN 23. In particular, it is considered that the development is of special merit, given the importance of the airport and Enterprise Zones to the regional economy.

Weighed against this are a number of outcomes (or possible impacts) which have essentially negative impacts. However, it is considered that those impacts, summarised above, are all in their own right relatively limited in scope/magnitude and that the limited degree of harm arising is decisively outweighed by the significant benefits described. It is considered that the potential impacts on rural businesses would be outweighed by the significant positive benefits, however, there is in any case a CPO process running along side the application which will address impacts on land owners as a consequence of the loss of land.

It is, therefore, considered that there are material considerations which outweigh the fact that the development would be a departure from the development plan.

Finally, it is also considered that the development would have due regard to the sustainability objectives contained in the Council's Unitary Development Plan, the Draft LDP and Planning Policy Wales. The development also complies with the Well Being of Future Generations (Wales) Act 2015 and the Well Being Outcomes and Objectives that have been adopted by the Vale of Glamorgan Council.

RECOMMENDATION

Deemed planning consent be GRANTED 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:

- Parsons Brinckerhoff Five Mile Lane Improvements Environmental Statement February 2016 (and associated Appendices and Figures).
- Parsons Brinckerhoff Five Mile Lane Improvement Scheme: Transport Assessment March 2016.
- Plans: 3512646D-HHC Figures 3.1 A, 3.1 B, 3.1 C, 3.1 D and 3.1 E (all Rev 2).
- Plan 3512646D-HHC 102.
- Parsons Brinckerhoff Design and Access Statement February 2016.
- Plan 3512646D-HHC FIGURE 1.1.
- Breeding Bird Assessment August 2016.
- Supplementary Landscape Information August 2016.
- Additional Air Quality Information, August 2016 (WSP Parsons Brinckerhoff).
- Dormouse Mitigation Strategy August 2016.
- Commuting and Foraging Bats Mitigation Strategy August 2016.
- Figures 1.2A and 1.2B- Route and Longitudinal Sections Rev 1.
- Environmental Statement Addendum October 2016.
- Brown Hare Note October 2016.

Reason:

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

3. Notwithstanding the submitted plans, full engineering details of all sections of the new off-line carriageway, all on-line carriageway improvements/works, all new works at Sycamore Cross, all new junctions through the route (including the junctions where the new carriageway adjoins the existing A4226) and cycle/footways, incorporating vision splays, and including sections, street lighting, surface water drainage and the details of the location of all new signage and changes to existing signage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented and at all times thereafter maintained in accordance with the approved details.

Reason:

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

4. The development hereby approved shall not commence until details of the provision of parking for construction traffic and the routes for heavy construction vehicles, and means of defining and controlling such traffic routes, have been submitted to and approved in writing by the Local Planning Authority and the construction works and deliveries shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety and to maintain the effective operation of the local highway network, in accordance with Unitary Development Plan Policy TRAN11 (Road Freight).

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

6. Prior to the commencement of development a Site Waste Management Plan (SWMP) in relation to the ongoing construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the measures contained within the submitted SWMP unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of flood risk, prevention of pollution and impact on neighbouring amenity in accordance with Policies ENV7 (Water Resources); ENV26 (Contaminated Land and Unstable Land); and ENV29 (Protection of Environmental Quality) of the Unitary Development Plan, along with TAN11-Noise and TAN15-Development and Flood Risk.

7. Any vegetation clearance across the site shall be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated through submission to the Local Planning Authority of an appropriate survey immediately prior to works commencing that nesting birds are absent or a method statement for works is agreed in writing with the local planning authority and fully implemented prior to works commencing.

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 (Local Sites of Nature Conservation Significance) of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 (Nature Conservation and Planning).

8. Prior to the commencement of development, a scheme for the protection of ground nesting birds, for the periods during and following the completion of the development, to include details of compensation land for breeding and a post development monitoring strategy, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full thereafter in accordance with the approved details.

Reason:

In order to ensure the protection of ground nesting birds and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

9. Prior to the commencement of development, a Biodiversity Strategy for sensitive site clearance, to include provisions in respect of amphibians & reptiles, birds and non-native invasive plant species (such as Japanese Knotweed and Himalayan Balsam) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in full in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

10. The development shall be carried out in accordance with the methodologies and recommendations contained within Chapter 9 of the Parsons Brinckerhoff 'FIVE MILE LANE IMPROVEMENTS ENVIRONMENTAL STATEMENT' February 2016, and contained within the WSP Parsons Brinckerhoff 'FIVE MILE LANE IMPROVEMENTS ENVIRONMENTAL STATEMENT ADDENDUM' October 2016.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

11. Prior to the commencement of development, a strategy shall be submitted to and approved in writing by the Local Planning Authority that makes provision for the protection of habitat and designated sites during the construction process. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

12. Prior to the commencement of development, a dormouse mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

13. Prior to the commencement of development, a bat mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

14. Prior to the commencement of development, a strategy for the implementation of a translocated planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

15. Prior to the commencement of development, a plan shall be submitted which shows the location, widths, composition and distribution of all retained and newly created hedgerows, along side hedgerows to be removed. The development shall at all times thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

16. Prior to the commencement of development, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved management plan.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

17. No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in "Five Mile Lane Improvements: Archaeological Excavation Written Scheme of Investigation" (Parsons Brinckerhoff Report no. 3512646-D-HHC, dated October 2015).

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies ENV 17, ENV 18 and ENV 19 of the Unitary Development Plan.

18. No development shall commence until a detailed scheme of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include technical details for the proposed attenuation basins and proposals for the 1 in 30 year drainage system within the highway, along with details of the drainage system at Sycamore Cross and calculations for onsite attenuation or discharge. The scheme shall clarify the level of runoff treatment and shall follow the principles identified within the submitted Flood Consequence Assessment. The approved scheme shall be implemented prior to first beneficial use of the development hereby approved.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere, and to ensure compliance with Policies ENV 7 and ENV 27 of the UDP.

19. No development shall take place until a SuDS management plan, which includes details on future management responsibilities for the site and its drainage assets, has been submitted and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The management plan shall be implemented and maintained in full accordance with the agreed details at all times thereafter.

Reason:

In order to ensure adequate drainage facilities are in place to serve the development and to ensure compliance with Policies ENV 7 and ENV 27 of the Unitary Development Plan.

20. No development shall commence until a construction environmental management plan for the protection of the adjacent watercourses from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. The development shall be carried out in accordance with the approved details at all times thereafter.

Reason:

In order to prevent contamination/pollution and to ensure compliance with Policies ENV 7, ENV 27 and ENV 29 of the Unitary Development Plan.

21. Prior to the first planting and seeding seasons following the commencement of works to construct the road, and notwithstanding the submitted plans, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development, and details of the future maintenance and management of the landscaping.

Reason:

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

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

Reason:

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

REASON FOR RECOMMENDATION

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

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Having regard to Policies 1, 2, 7, 8, ENV1 – DEVELOPMENT IN THE COUNTRYSIDE, ENV2 – AGRICULTURAL LAND, ENV4 – SPECIAL LANDSCAPE AREAS, ENV7 – WATER RESOURCES, ENV10 - CONSERVATION OF THE COUNTRYSIDE, ENV11 – PROTECTION OF LANDSCAPE FEATURES, ENV12 - WOODLAND MANAGEMENT, ENV13 – INTERNATIONAL AREAS OF NATURE CONSERVATION IMPORTANCE, ENV14 – NATIONAL SITES OF NATURE CONSERVATION IMPORTANCE, ENV15 – LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE, ENV16 – PROTECTED SPECIES, ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT, ENV18 – ARCHAEOLOGICAL FIELD EVALUATION, ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS, ENV27 – DESIGN OF NEW DEVELOPMENTS, ENV28 – ACCESS FOR DISABLED PEOPLE, ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY, TRAN9 – CYCLING DEVELOPMENT, TRAN10 – PARKING, TRAN11 – ROAD FREIGHT and REC 12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales 9th Edition (November 2016), Technical Advice Notes 5 – Nature Conservation and Planning, 11 – Noise, 12 – Design, 15 – Development and Flood Risk, 18 – Transport and 23 – Economic Development, The Council's Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Trees and Development and Amenity Standards, The Wales Spatial plan, the Council's Local Transport Plan and all other appropriately weighted local material policy considerations, Manual for Streets, Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, Welsh Office Circular 11/99 - Environmental Impact Assessment, Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology and Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended), the proposed development is considered acceptable in principle, and in terms of the balance of issues comprising visual impact, sustainability, contribution to economic activity, highway safety, traffic and congestion, transport, residential amenity, ecology and nature conservation, drainage, archaeology, the historic environment, environmental impacts, agricultural land and impact on agricultural/rural businesses.

NOTE:

1. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you 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. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
3. The applicants are advised that all necessary consents/ licences must be obtained from Natural Resources prior to commencing any site works.
4. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.

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.

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

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

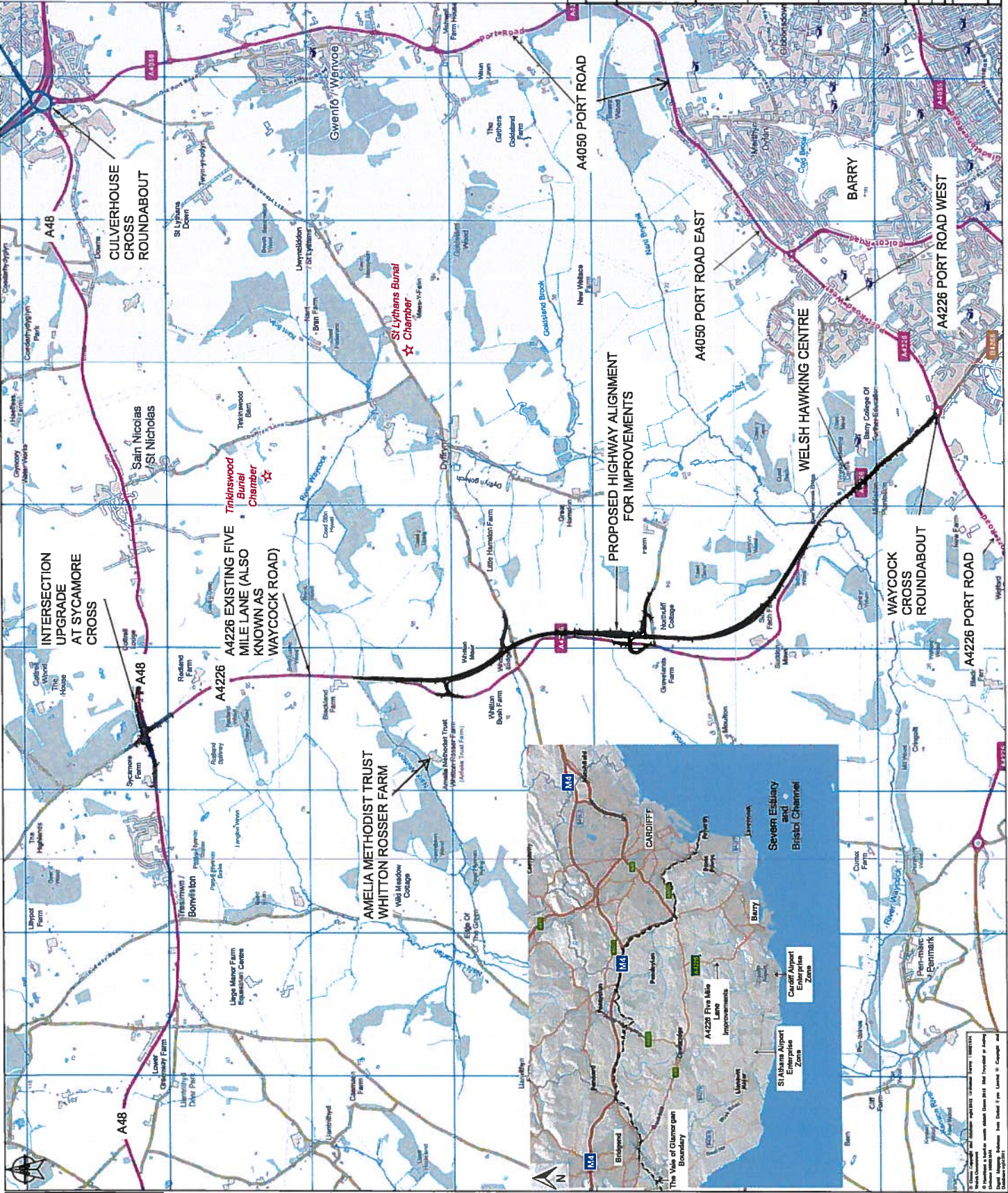
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

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

2016/00305/RG3

NOTES

1. THIS DRAWING WAS PRODUCED IN AUTOCAD AND SHOULD NOT BE AMENDED BY HAND.
2. DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY.
3. ALL MEASUREMENTS ARE METRES UNLESS OTHERWISE STATED.



FOR INFORMATION

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FIVE MILE LANE IMPROVEMENTS

SCHEME LOCATION

Drawn: GS	Checked:
Designed: JM	Approved:
Date: 13/05/2015	Scale: 1:25000
Drawn Number:	Sheet Number: 1 OF 1
Project Number:	Revision:
3512646D-HHC FIGURE 1.1	
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