

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 11 FEBRUARY 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2015/0017/PV	AC	9, Llantwit Major Road, Cowbridge	Alterations to bungalow to form a 2 storey house
2015/0045/PO	AC	Tenneco, Pengarnddu, Dowlais, Merthyr CF48 2TA	Single storey extension to existing plant room/switch room
2015/1633/BR	AC	12, Sycamore Close, Dinas Powys	Single storey rear extension.
2015/1666/BN	A	21, Dyserth Road, Penarth	Loft conversion
2015/1672/BN	A	6, Romilly Park Road, Barry	Single storey rear extension with lantern roof
2015/1680/BN	A	Meadow Brook, Llysworney	Alteration to kitchen; remove walls, install structural steel beams. Installation of aluminium french doors in kitchen & dining room
2015/1689/BR	AC	Site of former Bryneithin Care Home, St Andrews Road, Dinas Powys	Retirement village of 23 units and one community building
2015/1693/BR	AC	224, Holton Road, Barry	Conversion of shop into two flats
2015/1696/BN	A	The Old Brew House, St. Brides Super Ely	New roof, new ceilings & stud walls upstairs
2015/1698/BN	A	7, Ludlow Street, Penarth	Internal works & new roof

2015/1700/BN	A	1, Fforest Drive, Barry	Garage conversion to bedroom. Single storey with internal door
2016/0001/BN	A	Stanwell Road Baptist Church, Stanwell Road, Penarth	Work to toilet and kitchen area
2016/0002/BN	A	7, Heol Miaren, Barry	Single storey rear extension to enlarge dining room & kitchen
2016/0002/PO	AC	40, Dan-Y Bryn Avenue, Radyr, Cardif	Two storey in-fill extension with front and rear facing dormers with alterations.
2016/0004/BN	A	Ty Nant, St Brides Super Ely, Cardiff CF56EY	Double storey side extension
2016/0012/BN	A	7, Dennys Close , Dinas Powys	Conversion of single storey garage into dayroom - replacing garage door with window.
2016/0013/BN	A	117, South Road, Sully	Garage conversion into kitchen, remove wall between garage & existing kitchen
2016/0014/BN	A	19, Fairfield Rise, Llantwit Major	Conversion of half of a detached garage for domestic use
2016/0016/BN	A	Pancross Farm, Llancarfan	Extension
2016/0022/BN	A	205, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0023/BN	A	223, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.

2016/0025/BN	A	239, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0026/BN	A	241, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0027/BN	A	241, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0028/BN	A	255, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0030/BN	A	265, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0031/BN	A	267, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0032/BN	A	269, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.

2016/0033/BN	A	202, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0034/BN	A	216, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0040/BN	A	292, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0041/BN	A	294, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0042/BN	A	296, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0043/BN	A	298-300, Holton Road, Barry	New powder coated aluminium shop front , new stall riser, new fascia & shop sign. New external security shutter with housing behind fascia.
2016/0046/BN	A	139, Cardiff Road, Dinas Powys	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.

2016/0047/BN	A	21, Cedar Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0048/BN	A	18, St Davids Crescent, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0050/BN	A	70, Clive Place, Penarth	Internal alterations removing internal walls. Block up one window, renew & reposition boiler. Rewire
2016/0053/BN	A	57, St Davids Crescent, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0054/BN	A	92, St Davids Crescent, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0055/BN	A	125, St Davids Crescent, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0059/BN	A	17, Myrtle Close, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.

2016/0061/BN	A	3, Laburnam Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0063/BN	A	7, Laburnam Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0065/BN	A	13, Laburnam Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0066/BN	A	15, Laburnam Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0068/BN	A	20, Laburnam Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0069/BN	A	22, Laburnam Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0071/BN	A	57, Laburnam Way, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.

2016/0073/BN	A	58, Clive Place, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0074/BN	A	60, Clive Place, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0075/BN	A	1 - 12, St Paul's Avenue, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0076/BN	A	13 - 24, St Paul's Avenue, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0077/BN	A	25 - 36, St Paul's Avenue, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0078/BN	A	37- 40, St Paul's Avenue, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0079/BN	A	2, St Peter's Road, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.

2016/0080/BN	A	3, St Peter's Road, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0081/BN	A	5, St Peter's Road, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0082/BN	A	7, St Peter's Road, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0084/BN	A	36, St Peter's Road, Penarth	Remove old roofs (tiles, batton and felt). Remove chimney stacks. Re batton, re felt and re tile roof. New fascias and down pipes to be done.
2016/0085/BN	A	10, Eckley Road, Sully	Knock through kitchen to living room.
2016/0089/BN	A	7, Milbrook Close, Dinas Powys	To build a single storey extension onto the existing kitchen at the existing in part. Pitched roof with skylight. Extension finished to match surroundings.
2016/0091/BN	A	3, Main Avenue, Peterston - Super - Ely	Remove existing side extension - replace with new two storey side extension plus single storey rear extension.
2016/0092/BN	A	35, Jenner Road, Barry	FD30 Door to kitchen
2016/0093/BN	A	11, Williams Crescent, Barry	FD30 Door to kitchen
2016/0094/BN	A	31, Gwenog Court , Barry	FD30 door to kitchen

2016/0097/BN	A	7, Lakeside, The Knap, Barry	Single storey extension to the front of the property extending the living room
2016/0098/BN	A	40, Uplands Crescent, Llandough	Garage conversion to create living & cloak rooms
2016/0099/BN	A	Old Orchard, Dinas Powys, CF64 4HS	Renovation of lower ground floor
2016/0102/BN	A	6, Solent Road, Barry	Single storey ext'n for w.c and utility room.

(b) Building Regulation Applications - Reject

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

None.

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

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

2015/0234/AI	A	2 Stanwell Road, Penarth	Proposed conversion and extension of existing building to form seven self contained apartments and one town house
2015/0235/AI	A	L/O Primrose Hill, Cowbridge	150 new build plots with no ancillary buildings
2015/0236/AI	A	5 Sycamore Close, Dinas Powys	Material alterations to structure, controlled services, fittings and thermal elements
2015/0237/AI	A	Sports and Social Club, South Road, Sully	200 new build residential
2015/0238/AI	A	Land off A48, Cowbridge Road, St. Nicholas	20 residential units
2015/0239/AI	A	L/O Cowbridge Road, Ystradowen,	Four new build dwellings and three non exempt ancillary buildings
2015/0240/AI	A	L/O Fontygary Road, Rhose	20 new build dwellings
2015/0241/AI	A	L/O Cogan Hill, Penarth	40 new build residential plots with no conversions or ancillary buildings. One

			block with three storeys
2015/0242/AI	A	72, Fitzhamon Avenue, Llantwit Major	Construction of dwelling house with associated works
2015/0243/AI	A	Church House, Fort Road, Lavernock	Detached new dwelling
2015/0244/AI	A	Coed y Colwn Barn, Llancafarn,	Proposed barn conversion to dwelling
2015/0245/AI	A	Ty Frandy, Curnix Farm, Molton	Construction of new dwelling, garage/store and associated works
2015/0246/AI	A	Site of Church Cottage, Aberthin Lane, Aberthin	Construction of two detached dwelling houses and associated works
2015/0247/AI	A	1-3 Adenfield Way, Rhoose	Proposed erection of three dwellings
2015/0248/AI	A	127, Fontygary Road, Rhoose	Proposed construction of a detached dwelling
2015/0249/AI	A	Arcot House, 13, Plassey Street, Penarth	Renovation of existing shop unit and floats
2016/0001/AI	A	4, Victoria Avenue, Penarth, CF64 3EN	Proposed construction of a two storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0002/AI	A	14, Catkin Drive, Penarth, CF64 2RD	Proposed conversion of existing garage into habitable room with WC facility, works to include material alterations to structure, controlled services, fittings and thermal elements
2016/0003/AI	A	Ty-Rhos, The Downs, St. Nicholas, CF5 6SB	Proposed single storey extension, Structural beams and associated works
2016/0004/AI	A	5, Byrd Crescent, Penarth	two storey rear extension and alterations
2016/0005/AI	A	4, Channel View, Penarth	Single storey front & rear

			extension and two storey rear extension to dwelling
2016/0006/AI	A	23, Sycamore Close, Dinas Powys	Alterations to side elevation to insert steel Beam and associated works
2016/0007/AI	A	Kyneton, St. Brides Major	Single storey rear extension, alterations and associated works
2016/0008/AI	A	17, St. Cyres Road, Penarth	Single storey rear and & side extension, two storey rear extension

(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.

2006/1717/BR

2006/1409/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 11 FEBRUARY, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

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

Decision Codes

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

2015/00252/FUL	A	The Old Barn, Llwynhelig Farm, Cowbridge	Change of use of existing office building to a veterinary clinic with dedicated staff & visitor car parking and associated building, engineering and other operations
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2015/00385/LBC	A	Land adjacent to Plymouth House, West Street, Llantwit Major	Works to existing boundary wall with Plymouth House including demolition and rebuilding upper section and increasing height of other sections of the existing boundary retaining wall
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2015/00547/FUL	A	Land at Green Lane, Dinas Powys	Proposed new stable building for four horses and rear storage area
2015/00677/FUL	R	Land between Tyn Y Tyle & Penybryn, Pen y Lan Road, Aberthin	Erection of three bed dwelling and double garage at infill site
2015/00707/FUL	A	Walled Gardens, Rosedew Farm, Llantwit Major	Demolition of two agricultural buildings, part demolition and reinstatement of end elevation of one agricultural building to accommodate storage area and biomass heating system together with construction of twelve log cabins and associated works
2015/00890/FUL	A	27, High Street, Cowbridge	Internal works to existing listed building, including removal of ground floor fire place, removal of ground floor archway, removal of first floor chimney breast, and removal of first floor stud wall. Including provision of additional roof lights and amendments to rear layout
2015/00902/FUL	A	27, Spencer Drive, Llandough	Retention of regrading works to rear garden
2015/00973/FUL	A	The Grange, Trepit Road, Wick	Conversion of barn and outbuildings into granny annex

2015/00979/LBC	A	27, High Street, Cowbridge	Internal works to existing listed building, including removal of ground floor fire place, removal of ground floor archway, removal of first floor chimney breast, and removal of first floor stud wall. Including provision of additional roof lights and amendments to rear layout
2015/01010/FUL	A	Tesco Stores Ltd., Culverhouse Cross, Cardiff	Installation of pet grooming / creche operation, along with the erection of two associated buildings, outdoor area and associated advertisement
2015/01022/FUL	A	Sully Constitutional Club, 90, South Road, Sully	Provision of residential accommodation to first floor level (replacement of existing roof with new structure)
2015/01055/FUL	A	Adjacent to 34, Smithies Avenue, Sully	Three bedroom dwelling, alternative flat roof design for proposed new dwelling house which has existing permission
2015/01077/FUL	A	ATC 372 (Barry) Squadron, Gladstone Road, Barry	Proposed demolition of second existing prefabricated huts and construction of new single storey joint cadets centre accommodation. Erection of secure perimeter fencing. Erection of new flagpole. Removal of trees and installation of amenity lighting
2015/01142/FUL	A	5, Lydstep Road, Barry	Two storey side extension

2015/01155/FUL	A	Plas Hen, Bonvilston	Double carport and single enclosed garage, with home office and storage in roof space above.
2015/01160/FUL	A	9, Gwennol Y Mor, Barry	Swimming pool (ground)
2015/01199/LBC	A	56, High Street, Cowbridge	Internal and external alterations to retail unit
2015/01208/FUL	A	7, Britten Road, Penarth	Extensions to front and rear
2015/01223/FUL	R	Church House, Fort Road, Lavernock	Demolition of existing dwelling and erection of a new detached dwelling on plot
2015/01226/FUL	A	Land at Romilly Park Road, Barry	Variation of conditions 2 and 10 and removal of conditions 17, 18 and 19 of planning permission 2014/0071/FUL
2015/01255/FUL	A	Tredogan Road, Rhoose	Telecommunications base station comprising installation of a new 20m streetworks column supporting 6 no. shrouded antennas, 1 no. 0.3m transmission dish, 3 no. equipment cabinets, 1 no. meter cabinet and ancillary development
2015/01262/FUL	A	37, Westbourne Road, Penarth	Replace 2 windows currently aluminium framed double glazed with UPVC sash sliding double glazed
2015/01264/ADV	A	Johnsons The Goldsmiths Ltd., 56, High Street, Cowbridge	One flat cut aluminium logo stood off on existing timber fascia. Non illuminated and one 700 x 700mm projecting sign with ornate hanging bracket

2015/01269/FUL	R	31, Lakin Drive, Barry	Conversion of office (formerly a garage) into an osteopathy clinic
2015/01271/RG3	A	Cogan Junior and Infant School, Pill Street, Cogan, Penarth	Proposed change of use from residential use to educational use. External alterations to entrance area to facilitate level access
2015/01272/FUL	A	Pinfold, 1, Broadway Green, St. Nicholas	Two storey extension, single storey extensions and new garage
2015/01275/LBC	A	The Pheasant House, Nash Manor, Cowbridge	Amendment to previous consent (2012/00898/LBC)
2015/01278/FUL	A	Briarbank, Penylan Road, St. Brides Major	Alterations and extensions to existing dwelling. Addendum application to include open front porch and redesigned/extended balcony
2015/01281/FUL	A	Ruthin Fawr Farm, Ruthin Road, St. Mary Hill	Planning application for suckler cow and calf housing
2015/01288/FUL	A	4, Bron Awelon, Barry	Two storey side extension
2015/01289/FUL	A	7, Millbrook Close, Dinas Powys	To build a single storey extension onto the existing kitchen at the existing in part. Pitched roof with skylight. Extension finished to match surroundings
2015/01290/FUL	A	Bryn Hawddgar, St Mary Hill	Proposed alterations and extension to existing dwelling
2015/01294/FUL	A	McDonalds Restaurant, Valegate Retail Park, Culverhouse Cross	Minor extension (11.5 sqm) to accommodate an additional booth, for a fast forward lane and improved operations

2015/01295/FUL	A	36, Tynewydd Road, Barry	Proposed extension to create new foyer and installation of disabled access ramp to existing entrance of doctors surgery
2015/01296/FUL	A	Laburnum Lodge, A48, St. Nicholas	Construct new double garage
2015/01300/FUL	A	134, Westbourne Road, Penarth	Proposed rear single storey extension including internal and external material alterations
2015/01303/FUL	A	47, Brockhill Way, Penarth	Demolition of conservatory and partial demolition of garage and replacement with single storey rear extension and garage. (NMA)
2015/01304/FUL	A	17, Plas Taliesin, Penarth	Internal alterations and alterations to external fenestration
2015/01311/FUL	A	22, Cowbridge Street, Barry	Proposed garage conversion and front porch extension
2015/01312/ADV	A	Land south of Old Port Road/A4050 Roundabout, Culverhouse Cross	5 no. stand alone sale boards and 7 no. flags
2015/01313/FUL	A	230, Holton Road, Barry	New powder coated aluminium shopfront, new stall riser, new fascia and shopsign, new external security shutter, with shutter housing behind fascia
2015/01319/FUL	A	234, Holton Road, Barry	New powder coated aluminium shopfront, new stall riser, new fascia and shop sign, new external security shutter with shutter housing behind fascia

2015/01320/FUL	A	282, Holton Road, Barry	New fascia and shopsign, new security shutter to all three elevations, shutter housing to be concealed
2015/01321/FUL	A	252, Holton Road, Barry	New powder coated aluminium shopfront, new stall riser, new fascia and shopsign, new external security shutter with shutter housing behind fascia
2015/01323/FUL	A	92, Main Street, Barry	New powder coated aluminium shop front. New stall riser, new fascia and shop sign. New external security shutter, with shutter housing behind fascia
2015/01324/FUL	A	54, Main Street, Barry	New powder coated aluminium shop front. New stall riser, new fascia and shop sign. New external security shutter, with shutter housing behind fascia
2015/01326/FUL	A	Tynewydd Farm, Flemingston	Proposed single storey annex, rear kitchen and front porch extensions to house with alterations to drive
2015/01328/FUL	A	Saron Chapel, Treoes	Alteration and refurbishment of Saron Chapel and associated vestry building
2015/01331/FUL	A	86, Holton Road, Barry	Proposed new shop front, fascia, shutter and new windows to upper floors and rear access gates

2015/01333/FUL	A	St. Richard Gwyn RC High School and land to south of Argae Lane, St. Andrews Major	Proposed underground cable linking approved Biglis Solar Farm (application 2015/00573/FUL) to provide renewable energy to St. Richard Gwyn Catholic High School
2015/01335/FUL	A	Farmland adjacent to A4231 Barry Docks Link Road, A4055 Cardiff Road and B4267 Sully Moors Road, Barry	Proposed underground cable linking approved Biglis Solar Farm (application 2015/00573/FUL) to WPD substation on Sully Moors Road. Cable length approximately 916m
2015/01336/FUL	A	Cafe Nomad/Scott Wroe Hearing Centre, 11, Royal Buildings, Stanwell Road, Penarth	Supply and fit new motorised folding arm awning to existing shop front. With remote control and manual override. Approx. 2000 mm projection x 6000 mm width. Internal shop fitting works have also been proposed and internal work has already started
2015/01338/FUL	A	56, Queens Road, Penarth	Proposed single storey rear extension to include roof terrace with timber balustrading
2015/01344/FUL	A	5, Longmeadow Drive, Dinas Powys	Proposed two storey extension and alterations to existing residential dwelling
2015/01346/FUL	A	5, Coed Criafol, Barry	Proposed ground floor kitchen extension and first floor bedroom extension
2015/01355/LBC	A	Saron Chapel, Treoes	Alteration and refurbishment of Saron Chapel and associated vestry building

2015/01361/FUL	A	8, Westbourne Road, Penarth	Remove existing timber casement windows to front and rear elevation and replace with white upvc sliding sash windows. Also remove kitchen and dining room timber doors and replace with white upvc doors
2015/01363/LAW	A	Triloba Nursery, Peterston Super Ely	Retention of C3 dwelling house
2015/01364/PNA	A	Morfa Yard, Brynsych, Llantwit Major	Steel frame agricultural building
2015/01365/FUL	A	10, Millfield Drive, Cowbridge	Demolish garage and construct two storey extension to side elevation
2015/01366/PNA	A	Rosedew Farm, Llantwit Major	Slurry lagoon for liquid fertiliser
2015/01368/FUL	A	Westwinds, Llanmaes	Variation of Condition 1 of planning permission 2010/01187/FUL to extend the time period of implementation
2015/01370/FUL	R	8, Francis Road, Barry	Two storey side and single storey rear extension
2015/01372/FUL	A	39, Buttrills Road, Barry	Demolition of existing conservatory and garage. Proposed garage. Proposed construction of 2-3 storey side and rear extension
2015/01384/FUL	A	33, Chamberlain Row, Dinas Powys	Single storey rear extension
2015/01387/FUL	A	17, Winsford Road, Sully	Erection of single storey rear extension, replacement porch, pitch roof over existing flat roof garage

2015/01388/FUL	R	The Barn, The Chase, Brook Lane, St. Nicholas	Conversion of existing barn into a three bedroom independent dwelling. Change of use from barn/storage building to residential
2015/01389/FUL	A	1, Dingle Dell, Penarth	Conversion of integral garage into bedroom and shower
2015/01390/RG3	A	9, St. Teilos Avenue, Barry	Special Needs adaptations. Single storey extension to enlarge existing rear extension
2015/01394/FUL	A	Bryn Derw, 110, Plymouth Road, Penarth	Repair/refurbishment of existing porch requiring dismantling and reconstruction of structure as existing size and appearance reusing as much of material as possible including leaded glass, window frames, bricks, roof slates and ridge tiles
2015/01396/FUL	A	78, Millfield Drive, Cowbridge	Two storey side extension and single storey porch
2015/01398/FUL	A	31, St. Davids Avenue, Dinas Powys	Formation of balcony to rear of property, accessed from ground floor accommodation with guarding and obscure glazed privacy screen to adjacent property. Formation of summer room beneath balcony at lower ground floor
2015/01401/FUL	A	10, Hinchsliff Avenue, Barry	First floor extension over garage to accommodate new bedroom and bathroom
2015/01411/FUL	A	2, Chandlers Way, Penarth	Replacement steel balcony to first floor front elevation

2015/01412/FUL	A	38, Purcell Road, Penarth	Rear two storey extension
2015/01428/FUL	A	12, Britway Road, Dinas Powys	Single storey and two storey extension to the rear of the existing property, to provide additional living space.
2015/01444/FUL	A	12, Sycamore Close, Dinas Powys	Single storey rear extension

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 11 FEBRUARY, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2015/00134/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3141034
Appellant: Mr Richard Nugent
Location: **2, Railway Cottages, Grove Road, Llandow**
Proposal: Demolition of a single garage and two garden sheds and the erection of a two storey two bedroom detached house on land currently used as a garden
Start Date: 20 January 2016

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2015/00543/OUT
Appeal Method: Written Representations
Appeal Reference No: 15/3138303
Appellant: Ms. Paula Bailey,
Location: **Church Farm, Cowbridge Road, Ystradowen**
Proposal: Residential development comprising the erection of up to 25 dwellings together with associated access, services and landscaping (outline)
Decision: Appeal Invalid
Date: 8 January 2016
Council Determination: Committee

Summary

The appeal was determined by the Planning Inspectorate to be invalid. As this is an appeal for non determination, the application will return to the Council for determination, subject to the submission of further information.

(d) Enforcement Appeal Decisions

None

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	W	22	2	24	3
	H	3	2	5	-
	PI	-	-	-	1
Planning Total		25 (86%)	4 (14%)	29	4
Enforcement Appeals	W	-	-	-	-
	H	1	1	2	-
	PI	2	-	2	-
Enforcement Total		3 (75%)	1 (25%)	4	-
All Appeals	W	22	2	24	3
	H	4	3	7	-
	PI	2	-	2	1
Combined Total		28 (85%)	5 (15%)	33	4

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 : 11 FEBRUARY, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2015/01246/TPO	A	The Chestnuts, 17, Ewenny Road, Wick	33% crown reduction of 4 horse chestnut trees, positions just inside of boundary wall between gable end of house and Ewenny Road
2015/01248/TPO	A	St. Andrews Church, St. Andrews Major	Various work to Trees
2015/01250/TPO	R	Celtic View (Was Ashbrook), 10, Madoc Close, Dinas Powys	T1 - Reduction by 25% Oak
2015/01284/TPO	A	1, Rookery Wood, Sully	Fell two groups of Sycamore stems

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 11 FEBRUARY, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 3, CWRT LLANFEIDDIAN, LLANBLETHIAN, COWBRIDGE

Background

1. A complaint was received by the Local Planning Authority on 16 April 2012, that an extension of the domestic garden into neighbouring agricultural land, had taken place at 3, Cwrt Llanfeiddian, Llanblethian, Cowbridge.
2. The complaint relates to a large detached dwelling known as 3, Cwrt Llanfeiddian, Cowbridge. The dwelling is detached and has been relatively recently been granted planning consent. The property and its rear garden is located on the boundary of the settlement area and to the rear it faces open countryside which has been designated a Special Landscape Area. A Public Right of Way runs to the west of the site.

Details of the Breach

3. Following an initial site inspection it was noted that the garden area of the property has been extended into agricultural land to the east of the property. It has been observed that domestic paraphernalia including a football goal, climbing frame and freestanding trampoline have been placed within this area.
4. The use of the land as such is considered to require the benefit of planning permission given it amounts to a change of use from agricultural land to use as private garden.

Action Pursued to Date

5. The Enforcement Officers subsequently wrote to the owner of the premises requesting that they cease the use of the land or submit a planning application for the retention of the structures and use of the land. To date no application for said permission has been submitted to the Council. A further letter to the owner has been sent and the Council await a response in this regard.

Planning History

6. The dwelling itself was granted consent under permission 1997/00962/FUL for the development of the former farm buildings including new build.

Planning application reference 2007/01676/FUL was also granted for the extension of the dwelling for additional accommodation & ensuite over existing garage.

Policy

7. 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:

- ENV4 – SPECIAL LANDSCAPE AREAS
- ENV10 – CONSERVATION OF THE COUNTRYSIDE
- ENV17 – PROTECTION OF HISTORIC AND BUILT ENVIRONMENT
- ENV20 – DEVELOPMENT IN CONSERVATION AREAS
- ENV27 – DESIGN OF NEW DEVELOPMENTS

8. In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The Following SPG is of relevance to this appeal:

- Llanblethian Conservation Area Appraisal and Management Plan

9. Planning Policy Wales (Edition 8, 2016) advises that 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. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.

10. In this case, the relevant material considerations are considered to be as follows:

- Technical Advice Note 9: Enforcement of Planning Control (1997)

Reasons for Serving an Enforcement Notice

11. The domestic garden has been extended beyond that identified on the original consent and as such is beyond that which is lawful. The area in question appears to be regularly mown, and there is evidence of the introduction of domestic paraphernalia onto the land including a climbing frame, trampoline and football goal.

- 12.
13. The area included within the extended garden was previously agricultural land, designated within the Lower Thaw Valley Special Landscape Area, which is characterised by its generally unspoilt countryside. The introduction of additional paraphernalia and the resulting domestication of this land serve to urbanise and domesticate the appearance of the land.
14. This would create a detrimental and excessive intrusion into the open countryside to the detriment of the character of the wider rural setting and the Lower Thaw Valley Special Landscape Area. The use of this land as garden is, therefore, considered to be contrary to policies ENV1, ENV4 and ENV10 of the UDP, the principles of which are all supported by Planning Policy Wales.
15. Of concern is that this enforcement case was initially opened in April 2012, and if the use of the land is left unchecked, it could in time become lawful. Such a lawful use could result in further domestic paraphernalia and outbuildings being erected on the site that could further domesticate this land, further adding to the detriment to the visual amenities of the countryside and host Special Landscape Area.
16. The boundary of the Cowbridge with Llanblethian Conservation Area runs along the stone wall to the rear of 3 Cwrt Llanfeiddian and as such the land subject of this report falls outside of this area. Having considered the Conservation Area Appraisal and Management Plan, this site is not identified as a significant open space or a significant view. Noting this, it is considered that the domestication of this land would not result in unacceptable detriment to the character of the Conservation Area.
17. It is noted that an Inspector has previously allowed garden extensions to properties to the north on Broadway for instance at number 69 (2011/00918/FUL). Whilst this is noted, this particular site is substantially detached from these properties and the extent to which the garden extends is of a significantly larger area and is more widely visible including from the adjacent public footpath and from wider view to the west and south. Should similar forms of extension of domestic gardens go unhindered it would significantly detract from the visual amenities of the countryside and the host Special Landscape Area.

Conclusions

18. In light of the above, it is considered that the retention of the change of use of the land to domestic garden represents an unacceptable encroachment of residential activity that has an adverse impact upon the character and appearance of the surrounding open countryside that it is recognised for its landscape value. It is therefore contrary to Policies ENV1, ENV2, ENV4 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

19. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in the form of an Enforcement Notice.

Resource Implications (Financial and Employment)

20. 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)

21. 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).
22. 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)

23. None.

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) The cessation of the use of the land as domestic garden
 - (ii) The removal of all domestic, outbuildings, structures and other forms of domestic paraphernalia.
- (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 use of the land as domestic garden and the introduction of associated domestic paraphernalia is an unacceptable encroachment of residential activity that has an adverse impact upon the character and appearance of the surrounding open countryside that is recognised for its landscape value as a Special Landscape Area. Consequently the development is contrary to Policies ENV1 Development in the Countryside, ENV2 Agricultural Land, ENV4 Special Landscape Areas, ENV10 Conservation of the Countryside and ENV27 Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as supported by National Guidance provided in Planning Policy Wales (edition 8, 2016).

Background Papers

Enforcement File Ref: ENF/2012/0157/INT

Contact Officer - Mr. Robert Lankshear, Tel: 01446 704659

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: 11 FEBRUARY, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT PETS AT HOME, WATERFRONT RETAIL PARK, BARRY

Background

1. A complaint was received by the Local Planning Authority on 31 March 2015, regarding the unauthorised erection of advertisements at Unit 2, Waterfront Retail Park, Heol Ceiniog, Barry. The unit is situated within a modern retail park on the site of former No. 1 Dock at Barry Waterfront. The unit is well served by car parking to the front.
2. At the time of registration of the initial application 2014/01484/ADV, the premises was vacant having recently been vacated by Poundstretcher who had moved to a nearby premises within the same retail park. Since that time the premises are now occupied by Pets At Home.

Planning & Enforcement History

3. The site benefits from the following planning history:
 - 2014/01484/ADV – Waterfront Retail Park, Heol Ceinog, Barry – New Retail Signage – Split Decision – The proposals included a number of signs which were approved by this application consisting of two ‘Off White LED internally illuminated flex face sign’ ‘4-off 60”x40” standard poster frame units positioned direct to glazing as shown’, ‘1-Off standard foam Deliveries board’ and ‘1-off vinyl graphic to existing single-sided Tenants board sign unit’. However, the two digitally printed vinyl signs to the front windows of the shop front were refused consent by virtue of the creation of a dead frontage and detriment to the visual amenities of the retail park. The applicant subsequently appealed the decision for the retention of the signs, which was dismissed by the Inspector.
 - 2015/00825/ADV was subsequently received for the retention of glazing vinyls to South elevation and internally illuminated fascia sign. This application was also subject of a split decision with the internally illuminated fascia sign granted approval whilst the glazing vinyls were refused for the same reason as previously for the creation of a dead frontage. No appeal has been received in this regard.

Details of the Breach

4. Following an initial site inspection it was noted that the signage subject of the first application had been erected without the benefit of consent. Upon dismissal of the appeal relating to this application, the original vinyl signs were replaced with the dark green vinyls as now in situ.
5. Despite the refusal of the subsequent application the dark green vinyls to the front elevation of the shop front are still in situ. Whilst the vinyls as currently erected are not considered to be advertisements (as refused under the original application 2014/01484/ADV), they are considered to have a material effect on the appearance of the building and as such amount to operational development.

Action Pursued to Date

6. The owners of the premises have submitted two applications for the display of advertisements at the premises as discussed previously. Following the dismissal of the appeal relating to the first application, the enforcement officers wrote to the agent and applicant advising them to remove the signage. They subsequently removed the unauthorised vinyl signage and erected a dark green vinyl in its stead. The dark green vinyls were shown on the subsequent advertisement consent and refused consent due to the harm caused to the frontage of this building. The owners of the premises have subsequently been advised of the continued breach of planning control caused by the continued application of these vinyls to the front windows although no action has been taken to regularise or remedy this breach of planning control.

Policy

7. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:
 - ENV27 – DESIGN OF NEW DEVELOPMENTS
8. In addition to this, the Council have Design Guidance on Shopfront, Frontages and Advertisements that is relevant to this case. Whilst the Guidance does not provide specific guidance on the use of window vinyls, it provides general advice on good design in shopfronts and the use of advertisements.
9. Planning Policy Wales (Edition 8, 2015) advises that 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. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.

10. In this case, the relevant material considerations are considered to be as follows:
- Technical Advice Note 9: Enforcement of Planning Control (1997)
 - Technical Advice note 12: Design

Reasons for Serving an Enforcement Notice

11. It is noted that the previous applications submitted for the retention of vinyls to the ground floor windows have been submitted for advertisement consent. If considered to be advertisements for the purposes of the Town and Country Planning (Control of Advertisement) Regulations 1992, the advertisements are being displayed illegally given the refusal of advertisement consent and a prosecution could be brought in respect of this offence.
12. In considering the appeal relating to the retention of advertisements to the frontage of the store, the Inspector states that *'the appeal premises stand out in this scene'* and that *'the lower level stands out as an intrusive element, looking quite different from its neighbours because of the appeal signs filling the background... The appeal signs are not unattractive in themselves, however I find that their placement in the scene in both distant and close-up views presents a discordant feature that is cluttered amid other signage and consequently detrimental to the visual amenity of the premises by itself and in the wider scene.'* In conclusion the Inspector states that *'in the interests of amenity and/or public safety and I can find nothing that would mitigate the harm to visual amenity I have identified and conclude that the appeal should be dismissed.'* The Inspector's decision notice is attached as Appendix A.
13. Whilst it is noted that this previous appeal related to the display of advertisements, the comments of the Inspector are considered to be of relevance when considering the appropriateness of the unauthorised development subject of this report. It is considered that the plain vinyls installed equally represent a discordant feature detrimental to the visual amenities of the premises and the wider retail estate.
14. In this event it is equally considered that the works would be unlikely to gain the benefit of planning permission, given the detriment that has resulted to the appearance of the unit and the wider retail estate. Having regard to the above, therefore it is considered that the retention of the vinyls is unacceptable and an enforcement notice should be served to seek their removal.
15. As such, the development would conflict with UDP Policy ENV27 and the general advice on good design in the Council's Shopfront Design Guide which both require development to complement or enhance the local character of buildings and minimise any detrimental impact on adjacent areas.

Conclusions

16. In light of the above, it is considered that the retention of the vinyls to the ground floor windows of the retail unit represents an unacceptable form of development that has an adverse impact upon the character and appearance of the unit and the wider retail park. It is therefore contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Shopfront Design Guidance and the Governments advice on Good Design in TAN 12.
17. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in the form of an Enforcement Notice.

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.

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) The removal of the vinyls from the ground floor windows and toplights on the southern elevation of the shop front
- (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 vinyl panels applied to the ground floor windows of the shop front, by virtue of their scale, design and appearance, result in a visually 'dead' frontage, detracting to a significant degree from the visual amenities of the retail park, contrary to the aims and objectives of Policy ENV27 'Design of New Development' of the Adopted Vale of Glamorgan Unitary Development Plan 1996-2011, as well as the Council's Design Guidance on 'Shop Fronts, Frontages and Advertisements and Technical Advice Note 12 on Design.

Background Papers

Enforcement File Ref: ENF/2015/0067/PRO

Contact Officer - Mr. Robert Lankshear, Tel: 01446 704659

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 : 11 FEBRUARY 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.

Mrs. K. F. Lee, Executors of M. Lee, Trustees of K. Lee Family Trust and, Trustees of M. Lee., c/o Mr. D. Davies., Grosvenor House., 8 Park Grove., Cardiff., CF10 3BX

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

Land at Cardiff Road/Cross Common Road, Dinas Powys

Outline application for residential development for up to 50 dwellings, together with alignment of initial section of highway linking Cardiff Road and Cross Common Road

SITE AND CONTEXT

The site is an area of agricultural land on the southern edge of Dinas Powys. The site area is approximately 2.3ha and is bounded by Cardiff Road to the west, the residential property The Beeches to the south, agricultural fields to the east, and Cross Common Road (and the rear of residential properties that front Cross Common Road) to the north. There are mature hedgerows to the boundaries with some trees. There are also trees protected by 'Tree Preservation Orders' within the site. This includes two protected groups of trees and three individual trees (Tree Preservation Orders 405, 2014). The site is not within a flood zone, with the nearest being located to the west of Cardiff Road away from the site area.

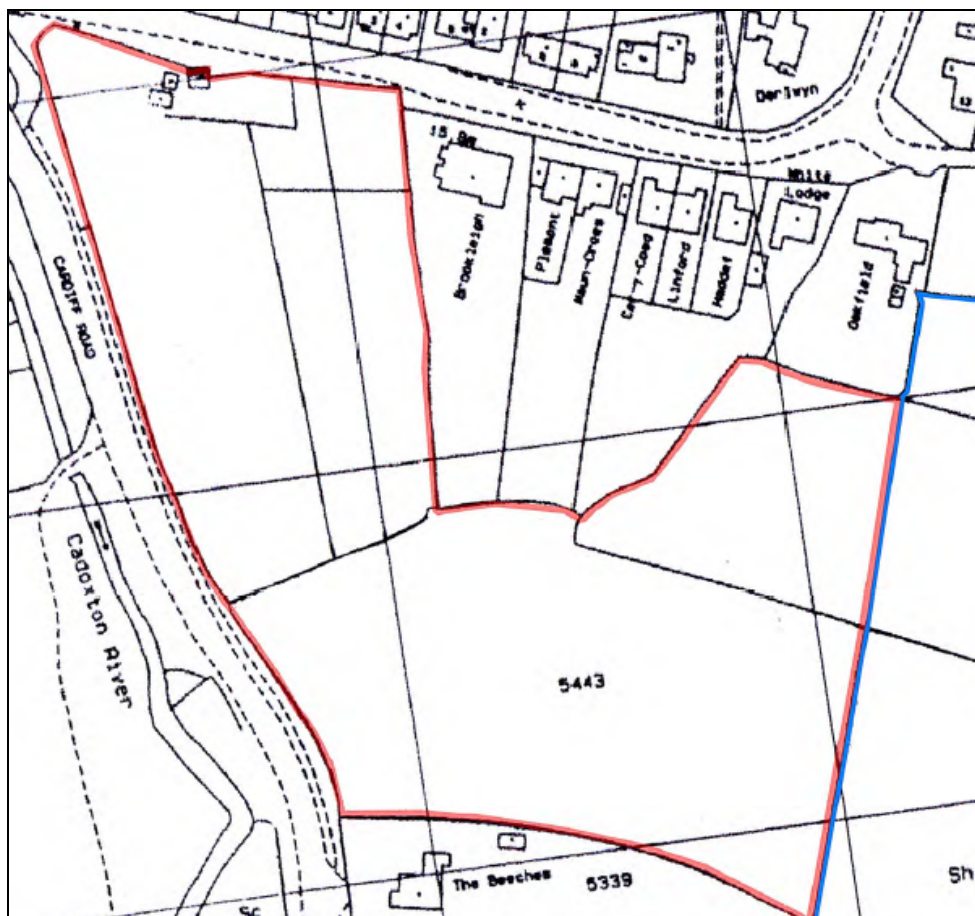


Figure 1 – Site Location Plan

DESCRIPTION OF DEVELOPMENT

The proposal is a residential development of up to 50 dwellings within the site area. This is an outline application with all matters reserved other than access. Access into the site includes a new junction between Cross Common Road and Cardiff Road.

The layout of the site is shown on the submitted indicative plan below:



Figure 2 – Indicative Plan

As illustrated from the plan above, access to the site is off Cardiff Road, which runs along the western edge of the site. The new access would also form a new connection with Cross Common Road to the northern edge of the site. This new section of connecting road splits the site into a smaller triangular area to the northern edge of the site, with the larger irregular shaped remainder of the site to the south, which wraps around the rear of the houses along the southern side of Cross Common Road.

The layout is shown on the indicative plan as residential blocks along the site of an internal road that runs through the larger section of the site. 'Hammerhead' turning areas are indicated within the site. A residential area is also proposed within the triangular section with access and turning off Cross Common Road.

The proposed layout looks to maintain the majority of the trees within the site, several of them being protected under Tree Preservation Orders. Additional landscaping towards the boundaries of the site has also been indicated. The site has indicated an area of public open space, being a Locally Equipped Area of Play (LEAP).

Towards the southwest corner of the site a drainage attenuation basin is proposed. It appears on the plan as a pond, although it is understood to be a dry basin that would fill in a storm event, with an attenuated flow to the Cadoxton River to the west, to allow drainage.

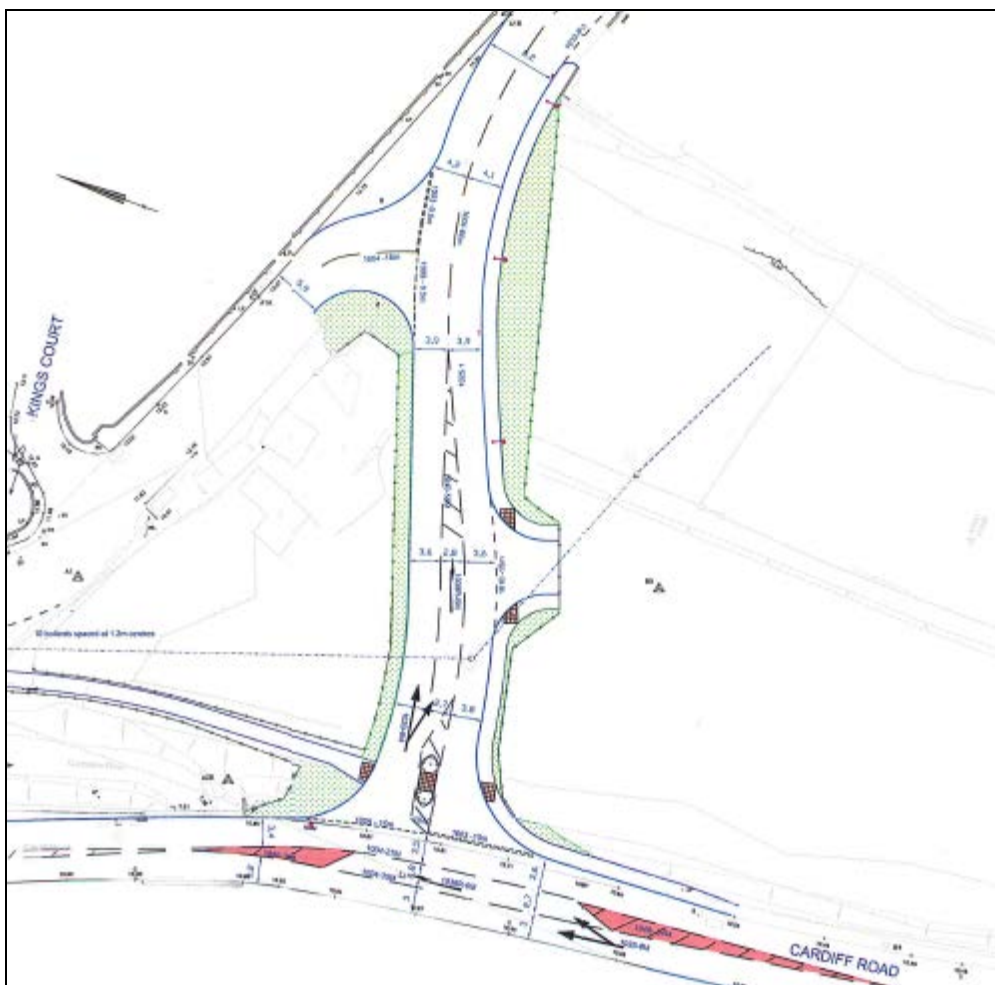


Figure 3 – Access layout details

Access into the site, including the connection road between Cross Common Road and Cardiff Road, has been shown in detail and is not a reserved aspect of the proposals. This is shown on the plan extract above.

The provision of the new access road and link to Cross Common Road will result in the existing junction and bridge be stopped up with the deck removed. Off-site highway works have also been indicated, such as the 'build-out' to form the new junction between the lower section of Cross Common Road and the new link section. Also, a holding lane will have to be formed within Cardiff Road to allow safe access onto the new section of road.

The submitted Design and Access Statement (DAS) contains some indicative details of the proposed houses. This is described with the following extract, which includes the size and height parameters:

'The development will comprise mainly of 2-2.5 storey houses but there may be potential for some bungalows and 3 storey development to meet affordable housing requirements. Roof pitches are likely be between 30 and 45 degrees and roofing treatments will include bargeboards and fascia details. The scale of the development will reflect the character of the neighbouring residential areas, and the traditional architectural styles of the village, ensuring that the new development integrates well with the locality. The upper and lower limits for height, width and length of buildings is likely to fall within the following ranges:- height : 3.5-12m; width: 4m-13m; length: 4m-42m, this will potentially allow for the provision of some terraced housing development.'

Materials will be determined at a later stage but will reflect the traditional materials of the locale. Materials are likely to include brick or render, with stone or brick detailing, with grey or brown roof tiles. Road surfaces will be finished in a range of materials, and may include the use of raised traffic calming platforms and rumble strips. The mix of surfaces will provide a contrasting feature in the street scene that will help to alert drivers to potential hazards and add further visual interest to the development.'

The DAS also states that the dwellings will generally incorporate side parking provision and private garages.

PLANNING HISTORY

2015/00928/RG3 – Proposed new junction and road section – Application to be reported to February Planning Committee;

2013/01104/SC1: Land at Cardiff Road/Cross Common Road, Dinas Powys - Residential development - Environmental Impact Assessment (Screening) - Not Required 11/12/2013

1981/01558/OBS: Cardiff Road/Cross Common Road Junction, Dinas Powys - Development under Reg. 4, T & C P Gen. Regs. 1976, road junction improvement and bridgeworks - Permitted (OBS - no objections :request conditions) 16/09/1981

CONSULTATIONS

Dinas Powys Community Council were consulted and made the following comments –

“Dinas Powys Community Council supports the provision of a new junction at Cross Common Road with the A4055 but objects to any housing on the adjacent land.

Danger of flooding – too close to the flood plain. Only room for 40% of runoff water from the proposed development.

Housing too close to the A4055 with its huge queues of traffic at peak times with a build up of toxic gases.

See figures of November 2014 traffic count.

Cross Common Road, Longmeadow and Plas Eryllt are too narrow to take the extra traffic that 50 houses would cause.”

The Council’s Highway Development were consulted and made the following comments –

The Traffic Engineer has assessed the Transport Statement submitted in December 2014 together with the updated version submitted in January 2015 and has confirmed acceptance of the conclusion that the proposed junction of the new link road with the A4055 will have sufficient capacity for both existing traffic and trips generated by the proposed development with no detriment to the surrounding highway network.

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

- *Junction and link road to be designed in accordance with the requirements of TAN 18 and the Design Manual for Road and Bridgeworks (DMRB)*
- *The design to satisfy Stage 1 and Stage 2 Safety Audits carried out in accordance with DMRB HD 19/03*
- *Stage 3 and Stage 4 Safety Audits to be carried out in accordance with DMRB HD 19/03 at the appropriate times.*
- *Notwithstanding the submitted plans no works whatsoever shall commence until full engineering details of the junction layout and link road with sections, vertical and horizontal alignments, lighting, drainage ,lining, signing and construction details etc have been submitted to and approved by the Highway Engineer.*
- *No development works whatsoever will commence until the junction and link road has been fully constructed to the satisfaction of the Highway Engineer.*
- *Internal road layout to be in accordance with the principals of Manual for Streets to include 5.5m wide carriageway and 2m wide footways, appropriate drainage and street lighting to enable construction to an adoptable standard.*
- *A maximum of 5 properties off a private drive.*

Shared surfaces to be a minimum width of 6.8m.

- *Off road parking provision to be in accordance with the requirements of CSS Wales Parking Standards 2008.*
- *Drainage Strategy and Flood Risk Report to be approved by the Council's Drainage Engineer.*

The Council's Public Rights of Way Officer was consulted and stated that there were no public rights of way shown on Definitive Map for the site;

The Council's Highways and Engineering (Drainage) responded that there would need to be more detail submitted including calculations to show the capacity of the existing ditch or pipe which connects with the River Cadoxton. No objection subject to a condition for full drainage strategy, to include a SuDs management plan. The strategy should show that in various rainfall events the site would not flood.

Glamorgan Gwent Archaeology Trust were consulted and stated that the proposed development will not impact upon known archaeology resource in the area. However, if archaeological material is disturbed during the course of the works the Trust should be contacted.

Dinas Powys Ward Members were consulted and made the following comments:

Cllr Christopher Williams – "I strongly object to this application as it will inevitably lead to more road congestion from the extra traffic generated by the residents. I welcome the new junction and originally asked for it in 2002 as the local Member of the Dinas Powys Plaid Cymru Group on the Vale and was supported by the rest of the Group but do not want it at the expense of extra housing. I believe that the Council should provide the new junction for the safety of the road users of the Vale but it should not be conditional on the provision of more unnecessary housing. I intend to speak against the application at the meeting."

Cllr Christopher Franks – Questioned whether attenuation basin would be a pond or dry pit. Stated the dwellings opposite the entrance to Hebron Hall appeared a cramped addition". Concerned with loss of parking along Cross Common Road.

Dwr Cymru/Welsh Water were consulted and raised no objections subject to standard drainage conditions to ensure separate surface and foul drainage from the site. Also highlights a 150mm public sewer pipe through a section of the site that needs to be considered by the developer.

The **Council's Ecology Officer** was consulted and there were no objection raised, subject to conditions relating to site clearance during nesting season, a survey for Great Crested Newts being undertaken, a survey of all trees to be felled for bats to be undertaken, and the requirement for an Ecological Mitigation report to be submitted if reptiles, Great Crested Newts or a European Protected Species are discovered;

The Council's Estates (Strategic Property Estates) Department were consulted and raised no objections

The Council's Waste Management - No comments received

Crime Prevention Design Advisor made the following comments following consultation:

'South Wales Police have no objection to the development and welcome the references made to community safety in the Design and Access statement but would also ask that the developer includes the following features to bring the development up to Secured by Design standards (SBD). SBD requirement of any affordable/social housing under the Welsh Housing Quality standards. SBD developments have been shown to reduce crime levels by up to 70% making developments far more sustainable.

In addition to design features mentioned in the Design and access Statement, detailed plans should include the following,

*External service meters **reason** to design out opportunities for distraction type crime (bogus callers).*

*Rear gardens are enclosed and gated by secure fencing /walling to 1.8m **reason** to prevent unauthorised access to rear of property a common entry point for burglary.*

*Main external entrance doors to meet PAS24 standards **reason** considered as minimum acceptable security standard for domestic dwellings to prevent burglary. All ground floor windows to meet PAS24 standards **reason** as above in third condition*

*An appropriate lighting scheme is developed **reason** to enhance personal safety and security and reduce fear of crime.'*

The Council's Housing Strategy were consulted and made the following comments:

There is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need in the area.

In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Dinas Powys and its surrounding wards:

	Dinas Powys	Llandough Ward	Penarth Wards
1 Bed Need	59	38	204
2 Bed Need	35	17	117
3 Bed Need	15	8	34
4+ Bed Need	3	0	13
Total	112	63	368

In line with the current Supplementary Planning Guidance for Affordable Housing:

We will seek 40% of the total number of units to be provided onsite as affordable housing – equating to 20 units;

We ask for a tenure mix of 70% social rented and 30% Intermediate – 14 social rented and 6 Intermediate for Low Cost Home Ownership (based on 50 dwellings).

All affordable units must be DQR compliant.

Affordable units should be pepper potted throughout the site to encourage community cohesion and integration.

It is also important to note that there is a need for smaller first time buyer market properties within the Vale of Glamorgan, particularly in a large settlement such as Dinas Powys and we recommend that the market units include 1 and 2 bedroom flats/ houses for open market sale.

Natural Resources Wales (NRW) were consulted and comments received to date state that the approach to the ecology issue would be that there is a requirement for a full mitigation strategy and a licence to be obtained from NRW. The strategy produced will be submitted to NRW for their comments.

Environmental Health (Pollution) were consulted and required a Construction Environmental Management Plan via condition, to include restricted construction times;

South Wales Fire and Rescue Service commented that the developer should consider the need for adequate water supplies for firefighting and access for emergency firefighting appliances;

REPRESENTATIONS

The neighbouring properties were consulted on 21 April 2015. A site notice was also displayed on the 28 April 2015. The application was also advertised in the press on the 1 May 2015. There have been 19 representations received. All but 1 of the representations object to the proposals, citing issues as follows:

The impact of increased traffic to the highway network;
Danger of increased traffic to pedestrians including school children
Development would put significant additional strain on outdated infrastructure
Loss of greenfield countryside site
Development contributing to Dinas Powys losing its village identity
Compromised outlook for neighbours towards the site
Concern related to potential overlooking impact
Loss of parking provision due to alterations proposed at Cross Common Road
Noise pollution from additional traffic
Development within the Green Wedge
Concerns over potential flooding as a result of the development
There is a lack of facilities within the village to provide for 50 additional dwellings
The LDP has not been adopted and so the development should not be considered
Loss of wildlife in the site as a result of the proposed development
Capacity issues as Cog Moors Waste Treatment Plant for foul sewerage
Excessive number of proposed houses
Light pollution from headlights facing towards existing houses

There has been one email of support, regarding the improvements proposed to the junction as part of the development.

Copies of three letters of representation received from neighbours to the site, being generally representative of the views expressed and attached at **Appendix A**.

There has also been a letter received from Alun Cairns MP who highlights the main two concerns residents have raised in regards to these proposals. They are the issues of increased traffic levels and potential flood risk increase. This letter is attached 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 18 April 2005, and within which the following policies are of relevance:

Strategic Policies

POLICIES 1 & 2	- THE ENVIRONMENT
POLICY3	- HOUSING
POLICY8	- TRANSPORTATION
POLICY11	- SPORT & RECREATION

UDP Part 2 Policies

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE
ENV2	- AGRICULTURAL LAND
ENV 3	- GREEN WEDGES
ENV10	- CONSERVATION OF THE COUNTRYSIDE
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV16	- PROTECTED SPECIES
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	- DWELLINGS IN THE COUNTRYSIDE
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA
HOUS12	- AFFORDABLE HOUSING
TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	-PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT
REC4	- PROVISIONS FOR THE DISABLED AND ELDERLY
REC6	- CHILDREN'S PLAYING FACILITIES
REC7	- SPORT AND LEISURE FACILITIES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

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

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

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

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

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

Planning Policy Wales:

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

Chapter 2:

In addition to the advice mentioned above with regard to weight to be attached to emerging draft LDP, chapter 2 of PPW provides advice in cases where development plan policies are considered to be outdated or superseded. The following advice is given:

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

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

Chapter 4:

Chapter 4 of PPW deals with planning for sustainability. 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).'*

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

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

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

Part 4.3 of chapter 4 sets out the principles that underpin the Welsh Governments approach to planning policy for sustainable development, whilst part 4.4 sets out the sustainability objectives that derive from the principles; it states that planning policies, decisions and proposals should accord with the objectives.

Paragraph 4.7.8 of Chapter 4 relates specifically to development in the countryside and states that such development 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.'*

PPW advice on brownfield or previously developed land is of relevance in this case. Paragraph 4.9.1 states:

4.9.1 Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

CHAPTER 9 – Housing:

Finally the advice on housing in chapter 9 of PPW is of relevance, particularly the following extracts:

*The Welsh Government will seek to ensure that:
previously developed land (see definition at Figure 4.4) is used in preference to greenfield sites;
new housing and residential environments are well designed², meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.*

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:

mixed tenure communities;

development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;

mixed use development so communities have good access to employment, retail and other services;

attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;

greater emphasis on quality, good design and the creation of places to live that are safe and attractive;

the most efficient use of land;

well-designed living environments, where appropriate at increased densities;

construction of housing with low environmental impact by using nationally prescribed sustainable building standards; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and

'barrier free' housing developments, for example built to Lifetime Homes standards.

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

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

*9.3.2 Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.*

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

*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. Details of the procedure to be followed in dealing with housing applications identified as **significant residential development** under the notification direction are given in paragraph 3.12.2.*

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 5 – Nature Conservation and Planning (2009)

Technical Advice Note 10 – Tree Preservation Orders (1997)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2014)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

Affordable Housing

Amenity Standards

Design in the Landscape

Planning Obligations

Public Art

Trees and Development

Biodiversity and development

Model design guide for Wales

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20 December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. The examination in Public has commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

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

The Deposit Local Development Plan (October 2013) includes the following draft policies that relate to the proposals:

- Policy MG2 sets out the Housing allocations to meet the housing requirement identified in Policy SP3. This Policy sets out a hierarchy of allocated sites relating to Strategic Housing Sites, Key Settlement Sites, Service Centre Settlements, Primary Settlements and Minor Rural Settlements.

- Policy MG2 (29) identifies the application site within the Primary Settlement of Dinas Powys and states that the site could accommodate a total of 50 dwellings, the construction of which is shown to be a delivered within the first and second phase of the Plan, between 2011 and 2021.

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
Housing Supply Background Paper 2013
Local Housing Market Assessment 2015
Open Space Background Paper 2013
Sustainable Settlements Appraisal Review 2013
Joint Housing Land Availability Study 2014 (July 2014)
Green Wedge Background Paper 2013
Findings of the site assessment 2013
Population and Housing Projection Background Paper 2013
Transport Assessment of LDP Proposals 2013
Educational Facilities Assessment 2013

Other relevant evidence or policy guidance:

Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
Welsh Office Circular 13/97 - Planning Obligations
Community Infrastructure Levy Regulations (As amended) 2010

Issues

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

The principle of the development in the context of the statutory development plan being the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), and any other material considerations.
Consideration of other material considerations which may outweigh Development Plan policies
Visual impact of the development,
Impact to the designated Green Wedge;
Issues related to the highways impact as a result of the proposed development;
Consideration of the potential impact to neighbour amenities;
Consideration of whether the proposals constitute an efficient use of land;
Resultant loss of protected trees should the proposed development be approved;
Other issues including drainage; ecological and environmental impacts.
S106 Planning Obligations to mitigate the impact of development;

Principle of Development

Adopted Unitary Development Plan Policies and PPW

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).

The Council's policies relating to development in the countryside must be considered. Policy ENV1 seeks to strictly control development within countryside locations and indicates at criterion (i) and (ii) that development will only be permitted that is essential for uses appropriate in the countryside. This proposal does not fall within the definition of such a use. The principle of Policy ENV1 is supported in PPW where, at paragraph 4.7.8, it sets out that new building in the open countryside, away from existing settlements should be strictly controlled. Criterion (iv) of policy ENV1 makes provision for development that is approved under other policies of the plan. As such, consideration will be given to those relevant policies.

The proposals consist of a residential development of the site on the edge of Dinas Powys, adjacent to the junction of Cardiff Road and Cross Common Road. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to the Settlement Boundary of Dinas Powys as defined in Policy HOUS2 of the UDP. As such, the development is not within the settlement boundaries and does not, therefore, benefit from the provisions of the first part of Policy HOUS2.

Notwithstanding the provision of the first part of policy HOUS2, the policy goes on to state 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. Policy HOUS8 permits development which is *'closely related to the defined settlement boundaries'* providing the development complies with all of the criteria of that policy. However, the proposal for up to 50 dwellings cannot be considered 'small-scale' and so could not be considered as a 'rounding off' development under Policy HOUS 2. Furthermore, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers), which seeks to restrict development to prevent urban coalescence and to retain 'openness' in rural areas. It is also noted that the provisions of HOUS 2, with regard to small-scale 'rounding off' of settlements, cannot in every case be considered within areas identified as Green Wedge. As such the proposed development could not be considered as a rounding off of a settlement and would be contrary to these policies in the UDP.

Local Development Plan Context

The draft 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 June 2015 the Council's Cabinet and Full Council considered and approved 'Focussed and Minor Changes' to the DLDP as part of the 'Report of Consultation and Submission for Independent Examination'. The DLDP was submitted to Welsh Government and an independent Planning Inspector is conducting an examination into the soundness of the Plan with public hearings, which commenced January 2016. Until these stages have been complete the DLDP will remain an unadopted document and is not envisaged to be adopted until late 2016.

In the DCDP the application site has been included as a housing allocation site, under policy MG 2 (29). It is estimated that the site would have capacity for up to 50 dwellings. The DLDP also indicated a requirement for 40% affordable housing for the site, following recent 'Focussed Changes'. The DLDP also raises issues of junction improvements and safe means of access to the site, the need for suitable drainage, potential ecology in the areas of unimproved grassland, and that a public sewer crosses the site.

The guidance provided in paragraph 2.6.2 of PPW with regard to the weight that should be given to the policies of emerging LDP, as mentioned above, is noted. The guidance does, however, state that - "*Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 3.1.2)*". With the above guidance in mind, the background evidence gathered in preparation of the LDP can be afforded some weight in its relevance to the development proposed, particularly the background evidence.

The inclusion of this site as an allocated site within the Draft Deposit Local Development Plan is a positive indication that this is a suitable site for development, due to the significant level of assessment that has been undertaken leading to its inclusion in the Draft Plan. A relevant background paper on this issue is the 'Findings of Candidate Site Assessments Process Paper' (2013). This catalogues all the sites that have been rejected, though includes this site as one that has been selected based primarily on sustainability criteria.

This site was assessed in the above background paper (noting that the original Candidate Site was larger than the site now proposed) and shows a generally positive outcome to the sustainability appraisal for this site. This includes a 'positive impact on sustainability' within the assessment on the basis of providing housing to meet people's needs. This is represented by the potential for the site to accommodate 50 dwellings with an affordable housing proportion. The assessment also finds that a residential development of this site would provide 'some positive sustainability impact' for improved access, reduced car based travel needs and contributing to efforts against climate change. The positive responses for both climate change and reducing needs for travel opportunities of sustainable transport are due to the site being positioned immediately adjacent to the edge of the existing settlement, in close proximity to shops schools, public transport and other facilities. The positive sustainability aspect, as highlighted in this background paper, is an important background evidence that has been considered with assessing this proposal.

Housing Need and Supply

Consideration should be given to whether there is a need for additional housing within the Vale of Glamorgan. PPW (9.2.3) states that Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. As such, the housing land supply and the need for housing levels and mix are important factors that must be considered in the assessment of this application.

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

Members will be aware that the adopted Vale of Glamorgan UDP expired on 1st April 2011, and the LDP has been submitted to Welsh Government for independent examination by an appointed Inspector. As a consequence of the revised TAN 1 guidance, it is not until the Council has formally adopted its LDP that the Council will be able to produce its annual JHLAS report. Moreover, the 2014/15 JHLAS for the Vale of Glamorgan which indicated over 7 years supply, expired at the end of March 2015.

Under the Council's LDP Delivery Agreement, adoption of the LDP is anticipated to take place in September/October 2016. Local Planning Authorities that do not have either an adopted LDP or UDP will be unable to formally demonstrate its housing land supply position and will effectively be considered not to have a five year housing land supply and as such the need to increase supply would be given considerable weight (TAN 1, para 8.2).

In this regard officers will need to keep under review the housing land supply noting that it remains a material consideration (TAN 1, 6.2) in the determination of planning applications, particularly given the emphasis on evidencing a 5 year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a 5 year housing land supply on its adoption, and these are themselves considered to be important material considerations.

As noted above the Council's Joint Housing Land Availability Study 2014 (JHLAS 2014) indicated that the Council had a 7.3 year supply of housing land. Accordingly, the Council had a sufficient supply of housing land to comply with paragraph 2.1 of TAN 1. However, this JHLAS has now expired (therefore that figure cannot be relied upon), and the Council must maintain a supply of housing land in excess of 5 years for when the LDP is adopted. It is, therefore, clear that the most recent housing figure cannot be relied upon and does not imply that all further residential developments subsequent to that should be resisted, given the need to maintain sufficient supply at all times.

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

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

However, whilst there is a need to maintain an adequate 'Housing Land Supply' for future JHLAS and when the LDP is adopted, this does not solely outweigh in principle all other material considerations, particularly if a development is considered harmful in any other respects, if it does not accord with national policies, or if it would be harmful to the deliverability or wider strategy of the LDP. Rather the need to maintain a TAN 1 compliant housing supply is a 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. Therefore, this does not infer that any new applications for residential development would be considered acceptable.

Green Wedge Impact

As noted above, the site is located within the open countryside and also the designated Green Wedge as defined by the UDP. Policy ENV3 of the UDP has a presumption against development within Green Wedges that prejudices the open nature of the land. Paragraph 4.8.14 of chapter 4 of PPW recognises the importance of Green Wedge designation and states that when considering applications for planning permission in Green Wedges there should be presumption against inappropriate development. In this context, the proposal would fail to comply with the aims and objectives of the Green Wedge and this would be contrary to policy ENV 3 and PPW.

However, in preparing the LDP growth strategy and identifying appropriate sites for new residential development, it was recognised that development required during the plan period cannot be solely accommodated on brownfield land either within or on the periphery existing settlements. It is therefore inevitable that development will occur outside existing settlements on greenfield land and most likely in those areas already under significant development pressure i.e. those areas previously designated as Green Wedges.

With this in mind it is important to note that the Green Wedge background paper prepared for the Vale of Glamorgan Local Development Plan for 2011-2026 removed some designated Green Wedges whilst adding other sites. The site subject to this application is currently within the designated Green Wedge, and this background paper concludes that it should be omitted from the Green Wedge under the re-defined boundaries. This is justified within the paper on the basis that the Green Wedge was initially defined by the indicative layout of the proposed Dinas Powys by-pass. The road scheme has not been allocated with the DLDP and so the associated building pressure associated with the by-pass is less likely. The background paper states that the Green Wedge to the south of Dinas Powys “has therefore been rationalised and realigned to the more permanent and defined boundaries of the highway network and the defined residential settlement boundaries”. As such, it is important to consider that the DLDP would rationalise the Green Wedge boundary and that this site to the south of Cross Common Road would not be within an area designated as Green Wedge.

The site has been assessed and incorporated as an allocated site within the Deposit Local Development Plan. Its inclusion as an allocated site demonstrates that this would not be a sporadic development under the DLDP. The development of this site would be a logical extension to Dinas Powys which should integrate with the village.

In conclusion, the proposed residential development is within the designated Green Wedge. The development would clearly fail to comply with UDP policy ENV 3, as dwellings in this location would not preserve the openness of the site, which is currently greenfield land. However, as stated above, there is a requirement to address the need for housing development within the Vale of Glamorgan, which cannot be met by brownfield sites and infill plots alone. It is this demand for housing that is considered to outweigh the policy objections of the UDP, noting that the site area is recommended to be removed from the Green Wedge as part of the emerging LDP and the associated background paper.

Planning Policy Wales and Sustainability Issues

The key sustainability principles and the key policy objectives of PPW are clearly set out as the Welsh Government's '*Vision for sustainable development and the outcomes [they] seek to deliver across Wales*' (paragraph 4.41). 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; and
in taking decisions on individual planning applications.'*

As discussed above, the 'Findings of Candidate Site Assessments Process Paper' (2013) background paper for the LDP concludes that the site would be sustainable for reasons such as providing much needed housing provision to meet local needs and being close to essential services. Furthermore, the location of the site is immediately adjacent to the village and within walking/cycling distance to shops and services. This promotes sustainable practices has a positive contribution to limit climate change and reducing needs for travel by use of private vehicles. This assessment reflects the sustainability objectives set out in section 4.4 of PPW.

Overall the site is considered to be in a sustainable location and is in accordance with the sustainability principles and objectives as set out in Part 4.3 and 4.4 of PPW. With the presumption in favour of sustainable development, as is set out as a key principle within PPW, is considered that the proposals are in accordance with general national policy.

Conclusion on the Principle of the Development

The proposals consist of a residential development of agricultural land to the southern edge of Dinas Powys. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to but outside of the Settlement Boundary of Dinas Powys. Furthermore, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers).

In the DLDP the application site has been included as a housing allocation site, under policy MG 2 (29), indicating 50 dwellings with 40% affordable housing. As stated above, the DLDP has not been adopted at the present time. However, the background papers are a material consideration and issues such as the impact on the designated Green Wedge and sustainability factors are assessed within these documents.

Thus, although the development is not in full accordance with UDP policies, the DLDP background papers and national policies (especially those within PPW) have also been fully considered in assessing these proposals, as is demonstrated above. In this context, the proposed dwellings would be considered as a sustainable development, immediately adjacent to an existing settlement and contributing new housing (including much needed affordable housing). The substantial need for new housing within the Vale of Glamorgan is considered to outweigh the UDP policy objections of developing a site within the Green Wedge in this particular location.

Whilst the principle of the development is accepted, there are other issues to be addressed in following paragraphs.

Access to the site

The access into the site is not a reserved matter with this outline application and is therefore considered in detail. The proposals include a new section of road, which links Cardiff Road with Cross Common Road. This road would split the site, with the majority of development being to the south, with a triangular section of land to the north of this road. The new section of road would provide access into the main area of the development to the south. A holding lane would be formed in the centre of this new section of road for vehicles wishing to turn right into the development. Access to the triangular area of land, also proposed for housing development, is to be directly off Cross Common Road.

The new section of road would result in a significant improvement to highway safety and free flow of traffic compared to the existing junction between Cardiff Road and Cross Common Road. The improvement would be in terms of enhanced visibility, with suitable holding lanes proposed in Cardiff Road and the avoidance of the need for any further bridge structure. Other stated advantages include:

improved vehicle and pedestrian safety;

improved turning radii and movements for larger vehicles and buses, reducing potential for collision risk, with the proposed junction arrangement;

a right hand turn 'ghost island' from Cardiff Road onto Cross Common Road;

continuous footway link along Cardiff Road to the Bryn-y-don playing fields.

The existing junction has no formal holding lane (resulting in traffic being held up by vehicles waiting to turn right into Cross Common Road) and is not constructed to current standards.

Access to this northern section of Cross Common Road and also Wellwood Drive, Kings Court and Hebron Hall would be via the new section of road with a new junction formed here also. The roads have been orientated to form a junction with suitable visibility and widths. It is also considered that this section of Cross Common Road would see a significant reduction in traffic through flow as a result of the new layout with traffic connecting with Cardiff Road being diverted across the new section of road.

The submitted Transport Statement (Traffic and Transport Planning – December 2014) also acknowledges the transport/highway benefits of the scheme and proposed junction layout, with an improvement over the existing junction arrangement. Furthermore, based on 50 dwellings proposed, there is capacity for both existing traffic and traffic relating to the proposed development with the proposed junction.

No objections have been raised by the highways development Officers after considering the proposed junction layout and the capacity calculations of the submitted Transport Statement.

The junction of the new stretch of road with the existing Cross Common Road will include a 'build-out' from the northern side, roughly in front of No 3 and 4 Cross Common Road. This will limit some on-street parking currently available along this section of Cross Common Road. However, this affects only a relatively small section of this road, with significant amounts of on-street parking also available. It is also considered that the considerable benefits of the new junction arrangement outweigh any minor loss of on-street parking. Also, this arrangement is needed to ensure highway safety at this junction, which is crucial to the acceptability of this layout.

There is indication of a footpath connecting the site with Cross Common Road, along the section of land beside the property Oakfield. This footpath is outside the site area of the application and so cannot be considered with this proposal. If there is an update to this aspect of the indicative layout an update will be provided to Members at Planning Committee.

Indicative Layout

The proposed development responds to the site's irregular shape, with a central road running through the development, with housing either side. The road finishes with a 'hammerhead' turning area near the rear of the property Oakfield. There are only parameters and indicative details of the houses proposed though the plan does show where the blocks of housing are to be positioned. These housing blocks are in suitable locations within the site, adjacent to the roadway through the proposed development.

The layout is described within the Design and Access Statement as follows:

The Concept Plan envisages that a high proportion of the dwellings will be orientated to have a south/south west facing front or rear elevations and the development will therefore benefit from solar gain. Orientation of other dwellings will be selected to secure active frontages, maximising overlooking of streets in the interests of community safety and an efficient use of the land.

In terms of the housing proposed, the Design and Access states that the housing would generally be 2 or 2.5 storey, and maybe 3 storey “to meet affordable housing requirements”. There is also the possibility of terraces of houses to ensure an efficient use of land. It appears from the Design and Access Statement that the concept is for a range of house types and sizes, which is an approach that is supported. The design and detailing is to reflect local characteristics which is considered a suitable approach. However, these issues would be considered in detail with any subsequent Reserved Matters applications.

The triangular area of land to the northern area of the site (to the north of the new section of road) would also provide for a small area of housing, with access off Cross Common Road.

In the south-west corner of the site there is proposed an attenuation basin and a ‘Local Equipped Area of Play’ (LEAP). The land falls towards the proposed area of the attenuation basin and is considered a suitable location for such a drainage facility, from the information supplied. It is proposed that this would drain surface water into the adjacent Cadoxton River (see later drainage section).

There is a requirement to provide 290sqm of children’s play space within the site as ‘Public Open Space’ (POS) which has been indicated in the form of the LEAP positioned adjacent to the drainage basin. There are potentially other areas of open space within the proposed development, between the housing blocks and around the bases of protected trees. The provision of POS is an important element of residential developments with the concept drawing including such a provision. Full details and composition will have to be submitted with any subsequent Reserved Matters application.

In terms of the wider landscape impact, the site would appear as an extension to Dinas Powys and would adjoin residential areas. As such, the site would not appear as an isolated development in the countryside. However, this does not negate the fact that the site is within the open countryside and the designated Green Wedge. The proposal of up to 50 dwellings on the site would clearly have an impact on the Green Wedge as it would develop a greenfield site within this designated area. However, as explained in the sections above, the need for housing within the Vale of Glamorgan has to be considered. To mitigate the visual impact of this development there would need to be landscaping to the perimeters of the site, to screen the housing from adjacent countryside areas and also soften the visual impact. Landscaping is a Reserved Matter and will be considered in detail at this later stage if planning permission is granted.

Impact to neighbour amenities

Members should note that the proposals are in outline only, as such the masterplan indicates existing houses in close proximity to the areas for new housing. Subject to a good design and compliant with the Amenity Standards SPG, there is no reason to believe that the proposed houses would lead to undue impact to the amenities of these neighbours.

The siting, layout and design of the proposed houses would be assessed against adopted relevant guidelines, including the Council's Supplementary Planning Guidance 'Amenity Standards', at the time of any subsequent Reserved Matters.

Impact to Trees and Hedgerows

The site currently contains perimeter tree and hedgerows, with trees and hedges (both individual and groups) set within the site area. The residential development and the new section of connecting road would result in the loss of sections of hedges and trees.

The site has been surveyed with a report submitted (James Pinder - Treecare Consulting). The report categorises all the on-site trees and hedgerows based on their quality and state. The submitted layout has considered the position of the higher grade trees and hedgerows within the site and indicated that these will be maintained with the tree survey advising root protection areas and safeguarding measures. This includes the oak trees within the site, which are covered by a Tree Protection Order (TPO).

There will be some removal of groups of trees, including the group of poplar trees towards the western boundary of the site which are also protected under the TPO. There is also a single poplar which is covered by a TPO to the western boundary with Cardiff Road, which is also to be removed. Whilst protected it has been shown that these trees and woodland group are of low quality and would not be suitable for retention as part of a residential development.

The most important trees, such as the protected oaks around the perimeter of the site, are to be retained with root protection areas indicated. It is also considered that some areas of new planting, including hedgerows, are indicated on the submitted layout plan, which could compensate for the loss of existing TPO trees and hedgerows. The retention of the most significant trees, together with a mixture of retained trees and proposed landscaping to the perimeters of the site, should screen much of the development and soften the visual impact within this rural setting.

The removal of any trees or hedgerows, especially those designated under a TPO is unfortunate. However, the supporting information submitted with this application has clearly demonstrated that the trees and hedgerows of high value can be retained and co-exist with the proposed development, subject to tree protection measures. The existing trees and hedgerows, particularly examples such as the TPO Oaks, would benefit the development and soften the visual impact of the housing from outside of the site. The need for the housing development towards the housing land supply within the Vale of Glamorgan is demonstrated in previous sections and it has been shown that this development can be achieved without any significant loss of high quality trees or hedgerows.

On this matter the Council's Tree Officer has commented that the mature poplars (protected under TPO No 5, 2014) are "not a good specimen to retain on land being developed residentially" and "they should be removed as required for the development subject to replacement trees being planted". The Tree Officer concludes that there is no objection to the proposed tree removal as part of the proposed development subject to a landscaping scheme that includes tree planting to mitigate the tree loss. Landscaping is a Reserved Matter, though it would be expected that the landscaping to be proposed with any Reserved Matters application should include suitable compensation for tree loss resulting from the proposed development. An arboricultural watching brief condition is recommended based on these comments.

In conclusion, there is no objection to the proposals on the basis of the tree works proposed, though details of the landscaping would be required as a Reserved Matter if this outline application is approved.

Ecology Issues

A 'Preliminary Ecological Appraisal' (Celtic Ecology – February 2014) has been produced and submitted with the application. The report has concluded that the site is of "low ecological value". However, Natural Resources Wales initially did not accept the report and stated the need for further survey work prior to determination of the application, including surveys for Great Crested Newts and Dormice. Correspondence was submitted from Celtic Ecology to NRW stating that as there are Dormice known to be in the area following survey works undertaken at another nearby site and therefore there is no need for further survey work and mitigation can be planned on the assumption that dormice are at the site. Celtic Ecology also argue the chance of great Crested Newts at the site is unlikely as known habitats are to the far side of the adjacent Cardiff Road and the River Cadoxton from the site, which would be generally impassable barriers for this species.

Following this correspondence NRW have agreed to the approach put forward by Celtic Ecology and advised that it was in agreement to moving forward to a mitigation strategy. Celtic Ecology has produced a framework mitigation ecological strategy for the site, which has been forwarded to NRW. This includes some additional planting to the boundaries of the site, to improve the existing hedgerow boundaries, and provide a tree corridor within the site. There is also some compensation in the form of ecology-benefiting planting outside of the red line site area, on land also owned by the applicant. An ecological licence is required from NRW if the application is approved.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6). In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.

Test 1 requires that the derogation be in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. It is considered that the proposal would have benefits in terms of providing much needed housing, including affordable housing in the wider public interest in providing a range of choice of housing within the Vale of Glamorgan.

Test 2 requires that there is no satisfactory alternative to the development. In this case there is an imperative to develop the site for housing in this location, as the site has been assessed as sustainable and can provide housing needed within the Vale of Glamorgan, with mitigation and enhancement shown as possible with the submitted documentation.

Finally, test 3 requires that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. This is addressed in submitted surveys and information and their recommendations, which have been agreed in writing by NRW, subject to conditions.

Loss of Agricultural Land

Much of the site is covered with groups of trees/hedges (approximately 40%) though the remaining land is in agricultural use. It is recognised that much of the northern section of the site has been used for many years as a paddock, though the land could be reverted to agricultural use and so the potential is there.

An agricultural land classification assessment has been undertaken by 'Agricultural Land Considerations' (Kernon Ltd – February 2015) which concludes that all the land that could be of agricultural use is Grade 4 (poor quality), due to slowly permeable sub-soils that would lead to working and grazing restrictions.

Policy ENV 2 (Agricultural Land) of the Unitary Development Plan states that on high quality land (Grade 1 to 3a) development that would result in the irreversible loss of this land for agriculture would be resisted, unless an overriding reason can be demonstrated. In this case, the land is Grade 4 and so there would be no loss of high grade agricultural land if the site was developed for housing. As such, there is no conflict with policy ENV 2.

Drainage Issues

The application is supported by a 'Drainage Strategy and Flood Risk Report' (Spring Design – October 2014). The site is shown to be partially within Zone A Flood Zone, which indicates little or no risk of flooding. However, the submitted report advises that this be taken into account with the final layout design and integrated into the surface water drainage strategy. It is noted that the attenuation basin proposed is in the area of the site with the greatest risk of surface water flooding, which is considered appropriate by the Council's Drainage Engineers.

In terms of foul drainage the report identifies a sewer line through the site, though the majority of the proposed houses would not be able to connect with this sewer. Instead it is recommended that a new adoptable foul water system would connect with the combined sewer system at Cardiff Road. No objections have been raised by Welsh Water.

With regards to surface water drainage, there has been a Phase 1 geotechnical investigation conducted and soakaway infiltration tests undertaken. These initial tests indicate that soakaways would not be feasible. This has led to a surface water strategy which indicates that a post-development maximum surface water runoff rate of 14l/s (which is the existing rate) should be set. The strategy includes both permeable surfacing and an attenuation basin adjacent to the POS, with the attenuation basin connecting (via a pipe under Cardiff Road) with the Cadoxton River.

Full details and calculations of the drainage strategy have not been included at this stage and would be required by condition to show how suitable levels of foul and surface water drainage can be achieved without increasing flow rates over existing levels or causing increased flood risk. Also, the Council's Drainage Engineer has raised management issues that need addressing with the final scheme, including how any potential blockage of the pipe under Cardiff Road would be addressed, with the need for the detention basin to be able to store water sufficiently if the River Cadoxton is flooded. It is considered that this would be achievable, although further works may be required above and beyond those suggested in the submitted Drainage Strategy. A Construction Environmental Management Plan is also required for the protection of the adjacent watercourse/ditch from pollution during the course of construction.

Planning Obligation (Section 106) Matters

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

The Community Infrastructure Levy Regulations 2010 (as amended) 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 6 April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

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

In this case, the application relates to the development of up to 50 dwellings on a site adjoining the settlement boundary of Dinas Powys. Officers have considered the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies and having regard to the Welsh Office Circular 13/97 – Planning Obligations.

Affordable Housing

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

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

In the DLDP the allocated site is stated to require 35% affordable housing provision. However, the Council has commissioned a review of its viability evidence base in September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence 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 30% to 35% in the Rural South, whilst increasing the affordable housing requirement in the Rural east Vale and Penarth from 35% to 40%. Dinas Powys is included under the Penarth sub-market and as such, based on this latest viability evidence, it is considered appropriate for this site to incorporate 40% affordable housing in response to this focused change to the DLDP.

On this basis the Affordable Housing Enabling Officer has confirmed that based on 50 dwellings the following will be required:

20 Affordable Units (based on 40% requirement)
A tenure mix of 70% social rented and 30% Intermediate

The applicant/agent has confirmed that this would be provided on site, based on the 50 dwellings indicated. The affordable housing should be dispersed throughout the site, rather than clustered together in one part of the development, and would be considered in detail with any subsequent Reserved Matters application.

Education

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

The Council's formula for calculating pupil demand is contained in the Planning Obligations SPG. Based on 50 houses, this would generate demand for 5 nursery, 14 primary and 12 secondary pupil places. These are split proportionally between English, Welsh and denominational provision.

At nursery level there is no spare capacity to accommodate the development (current and projected) within all types of provision.

Of the 14 spaces required for primary age children generated, 9 would be allocated to English medium, 3 to Church in Wales, 1 to Welsh Medium and 1 to Roman Catholic provision. In terms of the English medium, Roman Catholic and Church in Wales sector there is limited surplus capacity overall, current and forecast, also taking into account residential developments in the area. The local authority would therefore seek contributions accounting for 13 of the 14 child places required.

At secondary level, based on the percentage split above in terms of the 12 secondary children generated, 10 would be allocated to English medium, 1 to Welsh medium and 1 to denominational education. However, there is surplus capacity in the English and Welsh medium sector over the next five year period and the authority would not be seeking contributions, with no provision required for the 1 space for denominational schools.

Considering the above, based on the anticipated additional pupil numbers and based on the cost of a school place as outlined in the Supplementary Planning Guidance plus other costs need to be factored in, such as professional and legal fees, and would total as follows:

Nursery - 5 children at £14,463.26 per child = £72,316.30
Primary – 13 children at £14,463.26 per child = £188,022.08
Total contribution required : £260,338.58

These figures are based on 50 dwellings and would vary if the number of dwellings changed with any subsequent reserved matters. The applicant/agent has agreed to this planning obligation requirement.

Sustainable Transport

UDP Policies 2 and 8 favour 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 Sustainable Development SPG and Planning Obligations SPG 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.

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

The Council has developed formula to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities, which has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires a contribution of £2,000 per dwelling to be used to improve access to the site, local employment opportunities and other facilities and services likely to be required by the future occupiers, by more sustainable transport modes. In this case, this would equate to up to £100,000, based on the indicated 50 dwellings.

There are examples where such a contribution could be suitably used to benefit the future occupants of the development and also the local community. This includes a potential contribution towards a scheme to provide a pedestrian/cycling/bridleway link between Dinas Powys to Cosmeston, which could then link in with routes to Cardiff. Also, it is understood that there is a demand for safer walking/cycling facilities along Cardiff Road in the vicinity of the site, which would have clear benefits for future occupiers of the proposed housing.

The agent, on behalf of the applicant has agreed to this planning obligation requirement.

Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN16: 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. PPW states that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments” (paragraph 4.15 refers).

The Supplementary Planning Guidance ‘Planning Obligations’ requires an overall on site provision of 55.4 sq. m. public open space per dwelling. This site lies within Dinas Powys ward. For this ward the LDP Open Space Background Paper (2013) indicates there is an under provision of children’s play space of 1.58ha but an overprovision of 88.52ha of outdoor sport space. Based on the 50 dwellings proposed, there will be a requirement for 290sqm of children’s play space. A LEAP of approximately 300sqm has been indicated on the submitted plan. Final details of the open space and its composition within the site would be required and considered part of any Reserved Matters application.

Community Facilities

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

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

The Community Facilities contribution for the scale of development indicated would be based on the formula of 0.75sqm of community floor space per dwelling or £988.50 per dwelling if not provided on site. Given the scale of development proposed, it is not considered reasonable to require a building on site, which would be too small to provide a meaningful community facility. Therefore a proportionate contribution of £49,425 would be used to provide improved community facilities off site, based on the 50 dwellings indicated.

The Community Facilities Assessment Background Paper 2013 (which is used as background evidence towards the DLDP) has assessed the Dinas Powys Ward for Community Facility provision, concluding that additional community space is required to accommodate the projected house growth within the Ward. The Background Paper advises the provision of a new community building to be located at the former St Cyres School Site. The required contribution from this development could be used towards such a facility.

The applicant has agreed to this provision as part of a S106 agreement.

Public Art

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

This is considered to be an essential element of high quality design and one that is considered necessary on major housing developments to provide local distinctiveness and character in accordance with the good design principles required under UDP policy ENV27 and TAN 12: Design, which states at paragraph 5.15.1 "Public art plays an important part in creating or enhancing individuality and distinctiveness, and in raising the profile of our towns, villages, cities and urban and rural landscape." This provision needs to be secured through condition or planning obligation.

The agent, on behalf of the applicant has agreed to 1% of build cost for public art.

S106 Administration

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 (£1452) or 2% of the total level of contributions sought whichever is the higher.

CONCLUSION

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

Having regard to Policies ENV1 (Development in the Countryside), ENV3 (Green Wedge), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV27 (Design of New Developments), ENV28 (Access for Disabled People), ENV29 (Protection of Environmental Quality), HOUS2 (Additional Residential Development), HOUS3 (Dwellings in the Countryside), HOUS8 (Residential Development Criteria), HOUS12 (Affordable Housing), ENV16 (Protected Species), REC3 (Provision of Public Open Space for New Developments), REC6 (Children's Play Facilities) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7, 2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; it is considered that the proposals are acceptable, based on the material considerations set out within the report, by reason of its sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan. The proposals are also acceptable by virtue of a suitable means of access with no significant adverse impacts on highways, ecology or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.

RECOMMENDATION

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

Procure that at least 40% of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 70% would be social rented properties, and the remaining 30% would be intermediate properties.

Pay a contribution of £260,338.58 for the provision or enhancement of education facilities, which is based on 50 dwellings as indicated, or £5206.78 per dwelling;

The developer shall make appropriate provision for the future maintenance of the public open space or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay a commuted sum to cover the costs of future maintenance of the public open space for 20 years.

Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted for approval at reserved matters stage.

Pay a contribution of £2000 per dwelling to provide or enhance sustainable transport facilities in the vicinity of the site to include pedestrian/cycling/bridleway link between Cosmeston and Dinas Powys and safer walking/cycling facilities along Cardiff Road

Provide a contribution of £988.50 per dwelling towards enhanced community facilities in the vicinity of the site and towards the provision of a new community building located at the former St Cyres school site;

APPROVE subject to the following conditions(s):

1. The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, 'Preliminary Ecological Appraisal', Drainage Strategy and Flood Risk Report, Agricultural Land Considerations, Planning Statement, Transport Statement, Tree Information, Drainage Strategy Plan, Design and Access Statement, Phase 1 Geotechnical Investigation(all registered 10 April 2015), 'Illustrative Plan' (Amended) received 9 July 2015 and 'Proposed Road Layout' (Received 17 December 2015), Site Location Plan Addendum (received 28 January 2015); Ecological Mitigation Strategy (Celtic Ecology - January 2016) received 1 February 2016.

Reason:

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

2. Approval of the layout, 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.

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

Reason:

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

4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

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

Reason:

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

6. Notwithstanding the submitted details and prior to the commencement of works on site, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. This should include details of anticipated discharge rates and connections with adjacent watercourses. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and provide suitable surface water drainage, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No dwelling hereby approved shall be brought into beneficial use until the approved access and junctions, including off-site works, as shown on plan reference 'Proposed Road Layout' received on the 17 December 2015, have been constructed in accordance with the approved plans and the engineering details required under Condition 9, and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

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

8. Prior to commencement of development, including any site clearance, a comprehensive Construction Traffic Management Strategy shall be submitted to and approved in writing by the local planning authority. The Strategy shall include details of the types of construction vehicles to be used, the times of operation, a route plan, as well as wheel washing and dust suppression measures. The development shall thereafter be constructed in accordance with the agreed Strategy unless the local planning authority agrees in writing to any variation.

Reason:

In the interests of highway safety and the neighbour amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the submitted plans and details, no works whatsoever shall commence on the development until full engineering details of the proposed access, new roadway, internal roads, associated works, turning areas, footways, plus any new street lighting, signage and any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway, have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in full accordance with the agreed details.

Reason:

To ensure the provision of safe access into site, in the interests of Highway/ Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. A scheme for tree protection, in accordance with the advice and guidance contained within the submitted Tree Information report (James Pinder - 2014), to provide for the fencing of the trees to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development including any site clearance works. No development or site clearance shall commence on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

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

11. Further to the tree protection required with Condition 10, there shall be an arboricultural watching brief conducted throughout any facilitative tree works, the setting of on-site tree protection and any excavation and laying of surfacing materials throughout the course of construction of the development hereby approved.

Reason:

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

12. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished floor levels of the dwellings hereby approved, in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

13. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP shall also include details of measures to prevent the flow of pollutants to the adjacent watercourses and drainage ditches. 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.

14. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared 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 that site is accessible by a range of modes of transport in accordance with UDP Policies 2, 8 and ENV27 (Design of New Developments).

15. The development shall be carried out in accordance with the recommendations of the submitted Ecological Mitigation Strategy (Celtic Ecology - January 2015) and the letter received from Celtic Ecology (dated 30 September 2015), with respect to protected species.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

16. A Noise Assessment shall be submitted as part of any Reserved Matters application to the Local Planning Authority for approval in writing. The noise assessment shall consider the potential impact of road noise from the adjacent highway network to future occupants of the residential development hereby approved, with suitable mitigation recommendations included where necessary. The mitigation as approved shall be implemented prior to the first beneficial occupation of any of the dwellings identified as being potentially affected by the submitted Noise Assessment.

Reason:

In order to assess the noise impact as set out in TAN 11 to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise, in accordance with policies ENV 27 and ENV 29 of the Unitary Development Plan.

17. Prior to the commencement of any development, including site clearance, a Method Statement for sensitive site clearance with regards to protected species (reptiles, birds and amphibians) to be submitted to, and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as agreed.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

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

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
3. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
4. **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.**
5. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**

- 6. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 7. Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse. Contact Natural Resources Wales, Cambria House, 29, Newport Road, Cardiff. CF24 0TP; telephone number 02920 772400 for more information.**
- 8. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

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.

Payne, Adrienne J

Appendix A Clot
2015/00392/OUT

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 12 May 2015 15:02
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00392/OUT

New comments have been received for application 2015/00392/OUT at site address: Land at Cardiff Road/Cross Common Road, Dinas Powys

from Mrs Viv Pritchard ~~XXXXXXXXXXXXXXXXXXXX~~

Address:
23 Caerleon rd ,dinas powis,cf64 4pw

Comments:

money has been allocated to repair the existing bridge there is no need for another..this land floods badly in winter to a considerable depth.there are bats .foxes.heron.& other wildlife existing on an ever depleting green belt.there is already much traffic in dinas! this development would add another 50 plus cars onto an already heavily congested road a larger exit onto a bend in the road is madness & bound to cause accidents.DINAS POWIS CAN NOT TAKE ANY MORE TRAFFIC or people .doctors.schools already full.

Case Officer:
Mr. Steven Rennie

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ACTION BY: SR2/Jmc
NO: 11

Payne, Adrienne J

Appendix A
(2 of 7)
2015/00392/OUT

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 13 May 2015 18:11
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00392/OUT
Attachments: MY x common pdf.pdf

New comments have been received for application 2015/00392/OUT at site address: Land at Cardiff Road/Cross Common Road, Dinas Powys

from Mr James Regan ~~XXXXXXXXXXXXXXXXXXXX~~

Address:
7 Caernarvon Close, Dinas Powys, Vale of Glamorgan, CF64 4PD

Comments:

Other type details: online check.

Comment: I object to the proposal for the reasons given in the attached file, namely traffic congestion and safety, pollution, flooding and drainage, sewerage, over development and population growth requirements. I also object to the Vale council making the decision on the application as they have a large financial interest and cannot be deemed independent.

I wish to speak at the meeting

The following files have been uploaded:
MY x common pdf.pdf

Case Officer:
Mr. Steven Rennie

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SR2/JMC

7

May 2014

Cross Common Development- 50 houses .

I object to the development for the following reasons,

1-The Vale Council should not be allowed to make the decision on this planning application as they have a financial interest (of approx £600,000) to grant in favour of development. This decision should be made by an independent body or the Welsh Planning Inspectorate

2- All responses to the draft LDP should be taken into account, MG2 (29) as it is clearly apparent that the Vale council is trying to grant developments permission before the draft LDP is even reviewed.

3- Flooding and TAN15

National Standards for sustainable drainage systems Defra Dec 2011 states

Flood Risk

D4. The design of the drainage system must take into account the impact of rainfall falling on any part of the site and also any estimated surface runoff flowing onto the site from adjacent areas.

It is clear from the calculations that only the area of the planned development has been taken into consideration and runoff from land up to and including St Cyres and any effect on it by this development has not been considered.

The calculations in themselves do not bear justice to other calculations for the area namely the Redrow development in Wenvoe at port road 2013/00884/out. The Cross common site has an impermeable greenfield build area of 1.32Ha and a runoff rate of 14l/s, which says it will reduce the actual existing runoff rate, whereas Wenvoe's impermeable greenfield build area is 2.32ha with a runoff of 42.2l/s. This is a approx 75% build area increase but a approx 200% increase in runoff. I contend that the runoff for cross common is incorrect and therefore the attenuation pond/basin is too small and will create a flood risk.

The Cadoxton river is one of only two areas marked in the draft LDP as having flood defenses. These defenses are adjacent to this location. Building next to an area that has a high risk of flooding with assumed and suggested calculations is akin to a roll of the dice for the other residents.

This is unacceptable as parts of Dinas Powys, running near the River Cadoxton, are now classed as C1 flood plain. According to WaG policies TAN15- development should only be allowed in these areas if there is a great need, & a new development should not cause greater risk of flooding to existing properties.

Water butts are only a stop gap for heavy rainfall and this would occur mainly in the autumn/winter

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months when stored water would not be used so the y would generally be full anyway having no effect. Due to the topography and geological makeup of the area, permeable driveways would have no effect as it would discharge into the river.

Due to the function of an attenuation pond the outflow from it will continue for a far longer duration than the natural dispersal of rainwater and thereby increase the risk of flooding.

3- Sewage

There is an existing issue with the Cog Moors Waste Treatment plant which has not been addressed in the application. Within the LDP documents there were references to the fact "The Cog Moors Waste Water Treatment Works has limited capacity and consultation with DCWW will be necessary to determine whether improvements to this facility will be required."

There is further evidence that the existing waste water treatment system is at capacity comes from an Environment Agency report in the quality of sea water at Barry:

"Dŵr Cymru Welsh Water's Barry Town West Works, near Cold Knap normally transfers effluent to Cog Moors Sewage Works, to the east of Barry for treatment. In high flow conditions, Barry Town discharges directly to the Bristol Channel, via long and short sea outfalls, located off Cold Knap Point, to the west of Whitmore Bay. The effluent discharged is screened[1] to minimize its environmental impact and to protect bathing water quality." (Bathing Water Profile - Whitmore Bay Barry Island, Environment Agency Wales). Only 3 UV direct discharges are allowed within the summer months.

If raw sewage is already being discharged into the Bristol Channel during 'times of high flow', this can only be exacerbated by any more development in this area. The capacity of the Cog Moors plant must be addressed before development of further residences commences. It is not acceptable to leave this until it has already become a problem.

No capacity for the Cog Moors works is given in the documentation.

We are awaiting more information from Cog Moor Sewage Works on this matter.

4- Pollution-

As pointed out in no3, Cog Moors waste water treatment plant is already running at or near capacity, direct discharge of sewage into the Bristol Channel with only UV treatment at Cog Moors will result in further pollution of the Bristol Channel, having a negative impact on the cleanliness ratings of the beaches along that part of the coast.

The loss of this greenfield land will impact a number of environmental factors, including CO2 emissions

(since green land is a net absorber of carbon dioxide, whilst developed land is a net producer), and is therefore at odds with the Wales Spatial Plan (Wales Spatial Plan Strategic Environmental Assessment 2011 Update).

The LDP also states: "The aspiration is for the Vale of Glamorgan to become "the Green Lung of South East Wales" (LDP para 5.96)

Removal of the huge amount of greenfield space as suggested in the Plan is clearly contrary to this aspiration.

5-Transport

We seek confirmation that the TRIC's figures used are from an area within close proximity to a large city with 36% of the population commuting to the city for employment. If none of the referenced areas have these same conditions the traffic flow figures are irrelevant. Although no sizes are given for the properties it is considered that the majority will be 3 or more bedrooms therefore there will be in the region of 150 resident parking spaces. The figures produced contend that only 20% of these vehicles will leave during the rush hour.

The new junction would still join the busy A4055 Cardiff Road on a bend with limited visibility and we disagree that the SSD figures stated are correct. It states that the line of sight from the new junction will give an increased viewing distance up to 75m where traffic coming of the Sully Moors road tends to be moving quickly but the existing only gives less than the 56m requirement. It is clear to see from the photographs in the application that the view from the existing junction gives a greater viewing distance than the new one to the left and has a clear view to the right of more than 56m. The new junction will increase the risk of a serious risk of road accidents with vehicles travelling from Barry.

No traffic figures are stated for the actual traffic flows on the Cardiff Road through Dinas Powys. As explained previously to the Vale council LDP team the figures determined for that road by capita Symonds cannot be correct as it has been given the same capacity, 1300, as the A48 at Pentre Meyrick which has only two junctions both served by turning lanes and two pull in bus stops. Dinas Powys has 20 junctions 12 bus stops (3 pull in) 7 pelican crossings, 2 incorporated in the main traffic lights at murch bridge, 6 lane access roads, on street parking along some sections, shops, a petrol station and approximately 50 driveways that access on to it. The rating for this road should be the same as Porthkerry Rd in Barry or Winsdor Rd in Penarth 880. As the traffic figures in the documents show that the flows to Cardiff AM are 840 and to Barry PM are 821. With no allowance for ongoing or future developments, Barry Waterfront Development , at present 1700, will take these figures above 100% capacity alone, it is requested that this development and no other large developments are granted that will increase the traffic capacity on the A4055 through Dinas Powys until new infrastructure measures are completed to reduce capacity.

Payne, Adrienne J

Appendix A (6 of 7)
2015/00392/OUT

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 12 May 2015 18:15
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00392/OUT
Attachments: OUT.docx .docx

New comments have been received for application 2015/00392/OUT at site address: Land at Cardiff Road/Cross Common Road, Dinas Powys

from Mrs Carolyn Mirza-Davies ~~carol.mirza-davies@red.com~~

Address:
38 Lonmeadow Drive, Dinas Powys, Vale of Glamorgan, CF64 4TB

Comments:
I object to the planning proposals on the following grounds

This planning is unlawful, as the LDP has not been approved. Therefore should not be considered.

Please see further comments in file attached

The following files have been uploaded:
OUT.docx .docx

Case Officer:
Mr. Steven Rennie

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18

I object to the planning proposals on the following grounds

This planning is unlawful, as the LDP has not been approved. Therefore should not be considered.

Ignoring the fact above, I would support the link road from Cross Common to the Barry Road on the grounds that it would improve access to the residents of Longmeadow and surrounding area.

● However, I do not support a further 50 houses and object on the grounds of the poor infrastructure of the roads through Dinas Powys from Barry to Cardiff. The road proposed is simply a replacement and alternative route to existing structurally deficient road and bridge that exists. It does not in anyway address an increased traffic flow as a result of these proposed houses and those currently in construction in Barry. The road from Barry to Cardiff through Dinas Powys is struggling to cope with the capacity of traffic. This problem will be further exacerbated in accommodating additional traffic flow as a result of increased dwellings. This needs to be addressed first before any houses are approved.

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HOUSE OF COMMONS
LONDON SW1A 0AA

Appendix B
2015/00392/OUT

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

11 May 2015
Ref: VoG

Dear Mark

Planning Application 2015/00392/OUT: Outline application for residential development for up to 50 dwellings

I have been contacted by several residents who have expressed concern to me about the above planning application, and my purpose in writing is to support their concerns.

Two of the main concerns that have been expressed are the effect that this proposed development will have on traffic and flooding within the village.

As you know, traffic along Cardiff Road has been an issue for some time, and the creation of 50 new dwellings will only exasperate them – not to mention the effect that it will have on Longmeadow Drive and the Murch Bridge. Likewise, Dinas Powys has had several issues with flooding in the past and I have concerns that this development could add to them.

Thank you for your consideration in this matter and I look forward to hearing from you as soon as possible.


ALUN CAIRNS MP
Vale of Glamorgan

29 High Street
Barry
CF62 7LB

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mp@parliament.uk
☎ 0207 219 5232 ☎ 01446 403814

29 Y Stryd Fawr
Y Barri
CF62 7LB

2015/00928/RG3 Received on 4 September 2015

Vale of Glamorgan Council, Alps Depot, Wenvoe, Vale of Glamorgan. CF5 6AA
Vale of Glamorgan Council, Alps Depot, Wenvoe, Vale of Glamorgan. CF5 6AA

Land adjacent to Cross Common Road, Dinas Powys

Proposed new junction and road section between Cross Common Road and Cardiff Road, Dinas Powys

SITE AND CONTEXT

The site is an area of agricultural land on the southern edge of Dinas Powys. The site area is within the designated 'Green Wedge', being within the countryside and outside any settlement boundary. The site is bounded by Cardiff Road (A4055) to the west and Cross Common Road to the north. There are mature hedgerows to the boundaries with some trees. There are also trees protected by 'Tree Preservation Orders' within the site. This includes two protected groups of trees and three individual trees (Tree Preservation Orders 405, 2014). The site is not within a flood zone, with the nearest being to the west of Cardiff Road opposite the site area. The site is adjacent to the Cadoxton River.

DESCRIPTION OF DEVELOPMENT

The proposal is for a stretch of new two lane road with a footway to the southern side. Also included will be a new highway layout for Cardiff Road with a holding lane. A holding lane would also be formed within the new stretch of highway due to the possible development of new housing to the south. Vision splays and a new junction arrangement with the southern section of Cross Common Road are also proposed. There is to be a footway connection between the area adjacent to the existing bridge through to the new junction with Cardiff Road.

The proposed new section of road is essentially proposed as an improvement over the existing junction between Cardiff Road and Cross Common Road, which currently includes traffic across a narrow bridge, which is aging, has a weight restriction and in need of replacement.

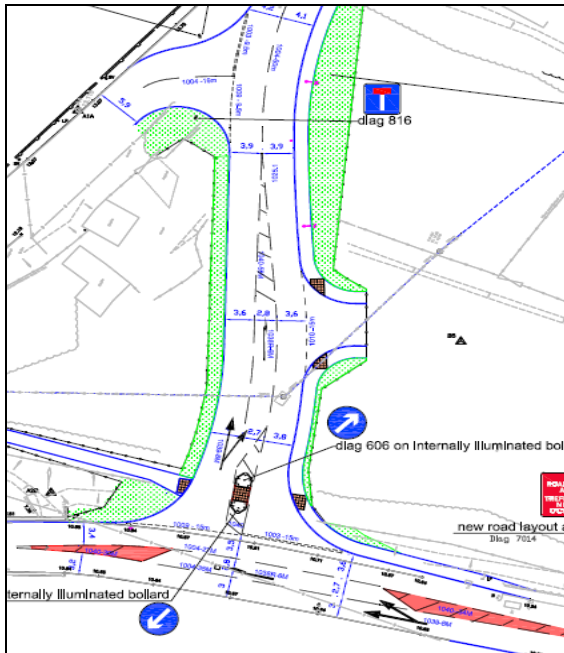


Figure 1 - Proposed new road layout

PLANNING HISTORY

2015/00392/OUT: Land at Cardiff Road/Cross Common Road, Dinas Powys - Residential development for up to 50 dwellings – Under consideration

2013/01104/SC1: Land at Cardiff Road/Cross Common Road, Dinas Powys - Residential development - Environmental Impact Assessment (Screening) - Not Required 11/12/2013

1981/01558/OBS: Cardiff Road/Cross Common Road Junction, Dinas Powys - Development under Reg. 4, T & C P Gen. Regs. 1976, road junction improvement and bridgeworks - Permitted (OBS - no objections :request conditions)

16/09/1981

CONSULTATIONS

Dinas Powys Community Council –

“Supports the provision of a new junction at Cross Common Road with the A4055. But because we strongly objects to any housing development on the adjacent land feel that the construction of this urgently needed junction should not be reliant on the approval of Outline Planning Application – 2015/00392/OUT which is for a residential development of up to 50 dwellings – why do the plans for the new junction indicate a ‘spur’ on to the adjacent land?”

In relation to the new junction, following discussions with local residents we feel that certain conditions should be included:

1. Additional parking provision to compensate for the loss of ‘on road parking’ for properties on Cross Common Road.

2. A suitable 'screen' should be placed on the opposite side of the main road to reduce the impact of noise, lights etc, from vehicles exiting the proposed junction. Nos 39-45 Caer Odyn will be directly affected."

Highway Development – Comments received for application 2015/00392/FUL, which included the proposed junction – No objections subject to conditions, including the submission of full engineering details.

Public Rights of Way Officer – No comments received

Highways and Engineering (Drainage) – Stated that it is important that the proposed development should not exacerbate flooding risk in the area. Plan that surface water outfall would discharge to River Cadoxton. Full calculations have not been provided. Required full drainage condition to be attached to any approval.

Environmental Health (Pollution) – No observations to make;

Glamorgan Gwent Archaeological Trust – The proposed road junction is at a sufficient distance from known archaeological assets that it is unlikely that the development would have any impact. No survey work required.

Dinas Powys Ward Members – No comments received

Dwr Cymru/Welsh Water – Highlighted existing sewer pipe through the site

Ecology Officer – No final comments received – In discussions with NRW over mitigation. Members to be updated

Natural Resources Wales – Referred to comments made for application 2015/00392/OUT, which required additional survey work prior to determination. Site is not located in any flood zones. No flood defence consent is required.

REPRESENTATIONS

The neighbouring properties were consulted on 18 September 2015. A site notice was also displayed on the 25 September 2015. The application was also advertised in the press on the 22 September 2015. There have been 6 objection responses received, citing issues such as:

- Noise and light disturbance from traffic
- Safety concerns relating to road layout
- Impact to protected species
- Loss of on-street parking provision
- New road layout is unnecessary
- New link to Hebron Hall and Wellbrook Drive difficult to negotiate
- Proposals linked with proposed housing development
- Road through Green Wedge

Please see **Appendix A** for representative copies of 2 of the responses 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:

POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

Policy:

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV3 – GREEN WEDGES

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY TRAN2 – LOCAL HIGHWAY

POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

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

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

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

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

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

Planning Policy Wales:

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

Chapter 7 of PPW states that the Development Plan should:

Identify proposals for new roads and major improvements to the primary route network and the broad policy on priorities for minor improvements;

Generally, PPW supports public transport, walking and cycling ahead of new road infrastructure as part of a sustainable transport hierarchy.

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 10 – Tree Preservation Orders (1997)
- Technical Advice Note 18 – Transport (2007)

9.10 *Adverse impacts associated with transport infrastructure projects, on the natural, historic and built environment should be minimised. Wherever possible new routes should follow existing gradients, using existing landforms and landscape features to reduce noise and visual impact, subject to safety environmental and economic considerations. Transport schemes should where necessary provide mitigation measures to minimise the impacts caused by the construction and operation of transport infrastructure.*

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

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

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)

Issues

Policy Context

It is recognised that an improvement of the junction between Cardiff Road (A4055) and Cross Common Road has been sought for some time. In the Deposit Local Development Plan (LDP) this site is part of a housing allocation, under policy MG 2 (29). This draft policy includes details of up to 50 potential dwellings at this site, which would require a junction improvement between Cardiff Road (A4055) and Cross Common Road. Furthermore, draft LDP policy MG 16 includes this junction improvement as part of a programme of transport improvements. This clearly indicates a need for improvement to this junction and is planned as a necessary highway improvement. It is also noted that the junction improvement is seen as urgently required, even without any future additional housing development off this road, by the Dinas Powys Community Council, as stated in their response.

It should also be noted that policy TRAN 2 (Local Highways) makes reference to highway improvement schemes. The policy mentions three larger schemes in particular, though the supporting text also notes the Council would seek to implement “a number of smaller scale highway improvements” to address “environmental and safety concerns”. It is considered that this is a relatively minor highway improvement over a small area of land that would benefit existing highway safety and therefore this application is considered to accord with policy TRAN 2 of the UDP.

The site is within the Green Wedge (policy ENV 3 refers). The primary purpose of the Green Wedge policy is to prevent coalescence between settlements (Penarth and Sully in this case) and avoid development that would prejudice the open nature of the land. In this case the proposals are for a section of road, with no buildings included in this application. The road in itself is required to improve the safety at the junction between Cross Common Road and Cardiff Road and would not in itself result in the coalescence of settlements. The proposals do not include the erection of any buildings that could otherwise have an impact on the spaciousness and open nature of the Green Wedge. Furthermore, policy ENV 3 does allow for development that is permitted under policy ENV 1, which includes ‘infrastructure’ that requires a rural location. The proposed section of road would be considered local infrastructure improvements that could only take place across this agricultural land to provide the suitable and safe connection with Cardiff Road. As such, the proposed highway works are not considered to be contrary to policy ENV 3 of the UDP.

Proposed Layout

This proposed section of link road would result in a triangular section of land to the north of this road, which would remain in private ownership (currently used as a paddock). Off the new section of road would be an access to the land to the south, which is currently in agricultural use. A holding lane would be formed in the centre of this new section of road for vehicles seeking to turn right into this access, noting that there is an undetermined application (2015/00392/OUT) for residential development.

The new section of road would result in a significant betterment to highway safety and free flow of traffic compared to the existing junction between Cardiff Road and Cross Common Road, over the old narrow bridge. The improvement would enhance visibility, with suitable holding lanes proposed in Cardiff Road and the avoidance of the need for any bridge structure. Other advantages include:

- much improved vehicle and pedestrian safety
- improved turning radii and movements for larger vehicles and buses, reducing potential for collision risk, with the proposed junction arrangement
- a right hand turn ‘ghost island’ from Cardiff Road onto Cross Common Road
- continuous footway link along Cardiff Road to the Bryn-y-don playing fields

In comparison with the above the existing junction has no formal holding lane (resulting in traffic being blocked by vehicles waiting to turn right into Cross Common Road) and is not to current standards.

Access to this northern section of Cross Common Road and also Wellwood Drive, Kings Court and Hebron Hall would be via the new section of road with a new junction formed to access these properties. The roads have been orientated to form a junction with suitable visibility and widths. The section of Cross Common Road serving Wellwood Drive etc, would see a significant reduction in traffic through flow as a result of the new layout.

The junction of the new stretch of road with the existing Cross Common Road will include a 'build-out' from the northern side, roughly in front of No 3 and 4 Cross Common Road. This will limit some on-street parking currently available along this section of Cross Common Road. However, this affects only a relatively small section of this road, with significant amounts of on-street parking remaining available in the vicinity. It is also considered that the considerable benefits of the new junction arrangement outweigh any minor loss of on-street parking. This arrangement is needed to ensure highway safety at this junction, which is crucial to the acceptability of this layout.

No objections have been raised by the Highways Development Officers after considering the proposed junction layout and capacity.

It is not considered that the proposed section of road would have any significant impact to occupants of adjacent dwellings, with no anticipated increase in traffic flow predicted as a result of the highway improvements. It is a case of creating an improved junction rather than providing for additional traffic flows. If there was to be any housing development in the area then it is considered that the junction and road section as proposed could accommodate the increased traffic flow, and, although the need for the road section at this time is to provide improved highway safety to an existing junction and avoid the need to use the current bridge which is in a poor state of repair.

Surface drainage is proposed to connect with the Cadoxton River. Full details have not been submitted at this time though this approach is considered acceptable in principle. After consideration by the Council's Drainage Engineer and subject to a condition requiring full details and calculations, including details of pollution prevention measures within the surface water system, the scheme is not considered to cause or exacerbate flooding in the area and an acceptable detailed drainage scheme can be accommodated.

Visual Impact

The site area for the proposed road includes an area of open countryside, currently being used for the keeping of horses. The section of road would be diverted from the line of the existing Cross Common Road to run through this agricultural/equestrian land and connect with Cardiff Road.

The new section of road would have some visual impact as it would cross an area of undeveloped agricultural/equestrian land. However, the section of road is not of a scale that would have a significant visual impact to the wider countryside setting south of Dinas Powys. There are no structures or buildings proposed as part of the scheme and it is not anticipated that there would need to be any significant excavation works to change levels (levels details are recommended to be required via condition).

The proposed section of road would be largely screened by the existing trees and hedgerows that surround these fields. Whilst the new road section would be visible when passing where it connects with the existing Cardiff Road or Cross Common Road the surrounding mature vegetation would provide significant screening from more distanced views. This screening is also to be enhanced as required by the ecological mitigation plan, so long as it does not interfere with vision splays.

It is therefore considered that the visual impacts of the section of road would not result in a significant degree of visual harm to this area of the countryside or Green Wedge, considering the significant existing vegetation screening that will remain and surround this section of road. It is also important to note that any potential visual impact of the proposed road section is not so significant as to outweigh the highway safety improvements outlined above.

Impact to Trees and Hedgerows

The site currently contains perimeter tree and hedgerows, with also trees and hedges (both individual and groups) set within the site area. The proposed highway development, with the new section of connecting road, would result in the loss of sections of hedges and some trees, especially where the road would cut through existing field boundaries.

The site has been surveyed with a report submitted (James Pinder - Treecare Consulting). The report categorises all the on-site trees and hedgerows based on their quality and state. The submitted layout has considered the position of the higher grade trees and hedgerows within the site and indicated that these will be maintained with the tree survey advising root protection areas and safeguarding measures. This includes the oak and poplar trees within the site, which are covered by a Tree Protection Order (TPO).

There is also a single poplar which is covered by a TPO to the western boundary with Cardiff Road, which would likely be required to be removed, due to its close proximity to the new proposed junction. Whilst protected it has been shown that this trees is of low quality.

The most important trees highlighted in the Tree Survey, such as the TPO oaks around the perimeter fields, are not affected by the proposed road and are to be retained. Also, it is considered that some areas of new planting, including hedgerows, are indicated on the submitted layout plan, which could compensate for the loss of existing TPO trees and hedgerows.

The removal of any trees or hedgerows, especially those designated under a TPO is unfortunate, however, there are no high quality trees to be removed and the enhanced landscaping to be required by condition would mitigate the loss of trees and hedgerows needed to form the new section of road and junction. Furthermore, it is important to note that the new section of road would result in significant improvements to highway safety which could not be achieved other than with the loss of some hedgerows and trees.

As such, there is no objection to the proposals on the basis of the tree works proposed, though details of the landscaping would be required via condition.

Ecology Issues

A 'Preliminary Ecological Appraisal' (Celtic Ecology – February 2014) has been produced and submitted with the application. The report has concluded that the site is of "low ecological value". However, Natural Resources Wales initially did not accept the report and stated the need for further survey work prior to determination of the application, including surveys for Great Crested Newts and Dormice.

Correspondence was submitted from Celtic Ecology to NRW stating that as there are dormice known to be in the area following survey works undertaken at a nearby site, there is no need for further survey work and mitigation can be planned on the assumption that dormice are at the site. Celtic Ecology also argue the chance of great crested newts at the site is unlikely as known habitats are to the far side of the adjacent Cardiff Road and the River Cadoxton from the site, which would be generally impassable barriers for this species.

Following this correspondence NRW have agreed to the approach put forward by Celtic Ecology and advised that it was in agreement to moving forward to a mitigation strategy. Celtic Ecology has produced a framework mitigation ecological strategy for the site, which has been forwarded to NRW. This includes some additional planting to the boundaries of the site, to improve the existing hedgerow boundaries, and provide a tree corridor within the site. There is also some compensation in the form of ecology-benefiting planting outside of the red line site area, on land also owned by the applicant. An ecological licence is required from NRW if the application is approved.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6) In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, 6.3.6). A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.

Test 1 requires that the derogation be in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. It is considered that the proposal would have benefits to the local highway network, both in terms of highway safety and to improve traffic flows.

Test 2 requires that there is no satisfactory alternative to the development. In this case there is an imperative to improve the highway network in this location for highway safety purposes. There is no alternative site available without having to construct a much longer section of road, which would have significantly greater environmental and ecological impacts potentially. To do nothing would see a sub-standard junction remaining, to the detriment of highway safety.

Finally, test 3 requires that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. This is addressed in submitted surveys and information and their recommendations, which have been agreed in writing by NRW, subject to conditions.

Loss of Agricultural Land

It is apparent that the site has not actively been used for agricultural operations for some time. Much of the site is covered with groups of trees/hedges (approximately 40%) though the remaining land has the potential for agricultural use. It is recognised that much of the northern section of the site has been used for many years as a paddock and thus as grazing land could be reverted to agricultural use albeit a small parcel of land.

An agricultural land classification assessment was undertaken as 'Agricultural Land Considerations' (Kernon Ltd – February 2015) for application 2015/00392/OUT. This assessment covered the site of the proposed junction and road section proposed with this application and concluded that all the land that could be of agricultural use is Grade 4 (poor quality), due to slowly permeable sub-soils that would lead to working and grazing restrictions.

Policy ENV 2 (Agricultural Land) of the Unitary Development Plan states that on high quality land (Grade 1 to 3a) development that would result in the irreversible loss of this land for agriculture would be resisted, unless an overriding reason can be demonstrated. In this case, the land is Grade 4 and so there would be no loss of high grade agricultural land if the site was developed for housing. As such, there is no conflict with policy ENV 2.

CONCLUSION

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.

Having regard to Policies ENV1 (Development in the Countryside), ENV3 (Green Wedge), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV27 (Design of New Developments), ENV29 (Protection of Environmental Quality), ENV16 (Protected Species), TRAN 2 (Local Highways) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales (Edition 8, 2016) and Technical Advice Notes 18-Transport; it is considered that the proposals road and junction arrangements are acceptable, by virtue of improvements to highway safety and traffic flows, with no significant adverse impacts to ecology, the Green Wedge, agricultural land or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.

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: Site Location Plan, 1201, 1101, 702, 501, 701, Tree Information Report and Preliminary Ecological Appraisal, all received 4 September 2015 and Ecological Mitigation Strategy (Celtic Ecology - January 2016) received 1 February 2016.

Reason:

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

3. Notwithstanding the submitted information, further details including anticipated discharge rates and connections with adjacent watercourses, along with pollution control measures, of a full scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. No surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first use of the section of road hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and provide suitable surface water drainage, and to ensure compliance with the terms of Policies ENV 29 and ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans and details, no works whatsoever, including site clearance, shall commence on the development until full engineering details of the proposed junction, new roadway, footways, street lighting, signage or any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway, have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in full accordance with the agreed details.

Reason:

To ensure the provision of safe access into site, in the interests of Highway/ Public Safety, to ensure protected species are not adversely affected and to ensure compliance with the terms of Policies ENV 16, TRAN 2 and ENV27 of the Unitary Development Plan.

5. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished levels of the road and footways hereby approved, in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

6. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, airborne pollutants, vibration, smoke, control of mud onto the highway, and odour from construction work will be controlled and mitigated. The CEMP shall also include details of measures to prevent the flow of pollutants to the adjacent watercourses and drainage ditches. The CEMP shall utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP shall 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.

7. The development shall be carried out in accordance with the recommendations of the submitted Ecological Mitigation Strategy (Celtic Ecology - January 2015) and the letter received from Celtic Ecology (dated 30 September 2015), with respect to protected species.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

8. There shall be no site clearance or construction works in connection with the development hereby approved undertaken in the bird nesting season, being March to August inclusive.

Reason:

In the interests of local ecology and in accordance with policy ENV 16 of the Unitary Development Plan.

9. Prior to the commencement of any development, including site clearance, a Method Statement for sensitive site clearance with regards to protected species (reptiles, birds and amphibians) to be submitted to, and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as agreed.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

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

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

NOTE:

1. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
2. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

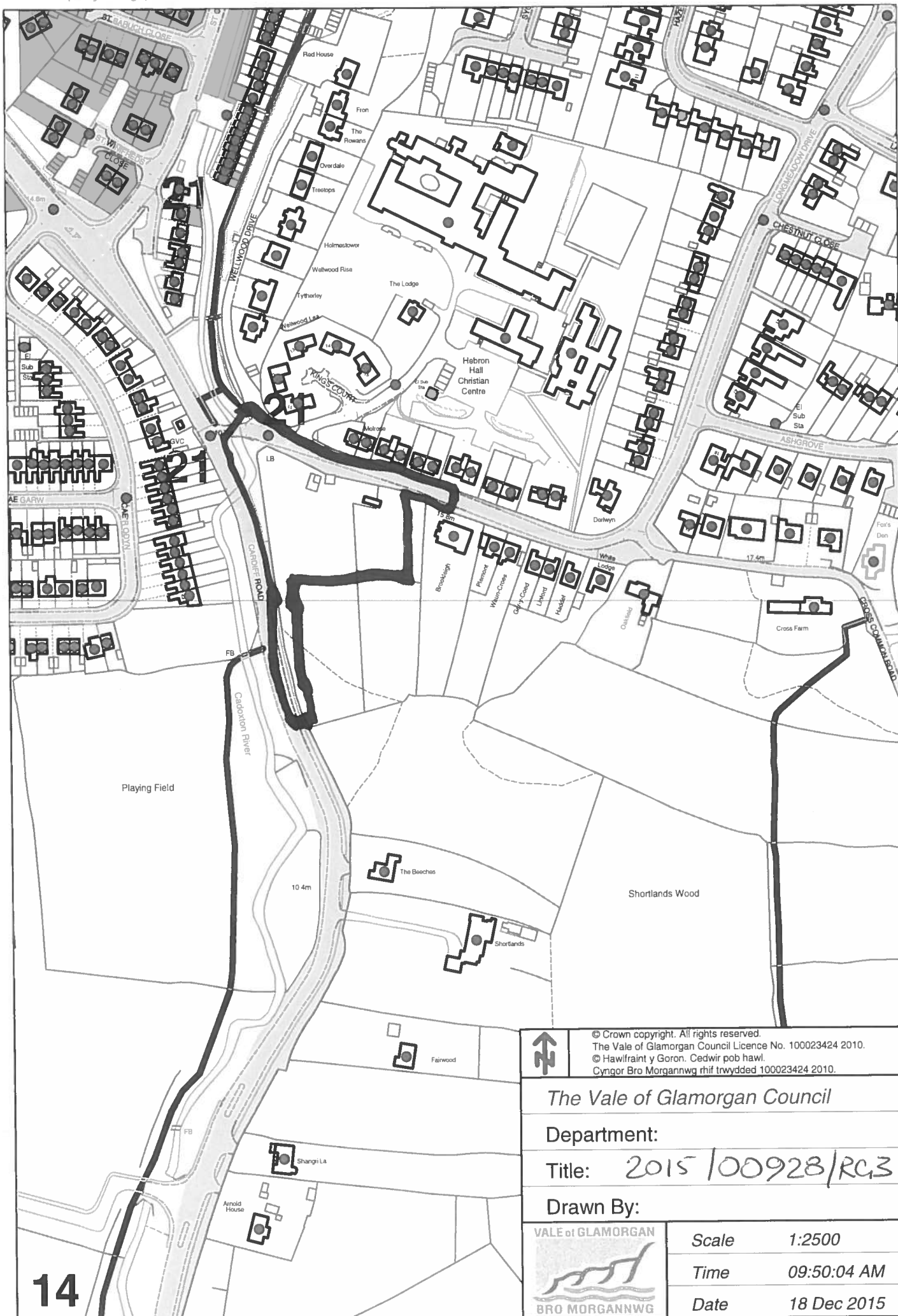
- 3. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

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



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

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

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



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2015/00928/RC3</i>		
Drawn By:		
	Scale	1:2500
	Time	09:50:04 AM
	Date	18 Dec 2015

Appendix A
2015/00928/RG3

Mr Steven Rennie
Operational Manager Development and Building Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

04/10/15

Dear Mr Rennie,

Re: Planning Application No 2015/00928/RG3/SR2
Proposed new junction and road section between Cross
Common Road and Cardiff Road, Dinas Powys

Thank you for your letter, dated 18th September, informing us of the planning application for a proposed new road layout at the above location.

We wish to strongly object to the proposal in its current format, for a number of reasons, not least that we believe that the proposed new road layout is unnecessary, and the preferred route forward for the benefit of local residents in the immediate vicinity would be to redevelop the existing bridge.

While the existing bridge structure and tight maneuvering required to negotiate the bridge certainly require some significant alterations and structural redevelopment, we believe that investing in the bridge would be the least disruptive development both in the long term and short term.

Beyond the objection to the proposal as a whole, there are a number of significant and specific objections to the proposed layout that seem particularly unworkable in real world, day-to-day use.

It is worth noting that one of the main reasons for proposing a new junction is the difficulty that large vehicles, such as buses and trucks, have in negotiating it. However, it seems to have been deemed acceptable to introduce a new, even more difficult to negotiate, junction (*noted B in the illustration*) that would lead up towards Hebron Hall and back towards Wellwood Drive.

This proposed new junction would be in consistent use, with buses, delivery trucks and articulated lorries, along with regular event attendees, visitors and residents regularly making trips to Hebron Hall in addition to the daily use of local residents. The very tight return junction, as proposed in the application is simply dangerous. Not only would it would require a wide approach for large vehicles, slowing traffic in both directions along Cross Common Road, but it would significantly slow response time for the emergency services when attempting to negotiate the junction to reach local residents and Hebron Hall.

RECEIVED

07 OCT 2015

ENVIRONMENTAL
AND CLIMATE
SERVICES

Appendix A
2015/00392/RG3

One particular bone of contention is that this application doesn't seem to have been made in isolation, but appears intrinsically linked to the proposed housing development for Cross Common Road as laid out in the draft LDP. It seems like the new road is being used as a bargaining chip between developers and council to the detriment of residents, and frankly it feels like the impact on the day-to-day lives of local residents are being ridden roughshod as part of that negotiation process.

Please refer to our previous objection to No: 2015/00392/OUT/SR2, dated 03/05/15.

I would welcome the opportunity to discuss any of these points further.

Many thanks

Daniel & Nicola Lewis

Shaldon
Cross Common Road
Dinas Powys
Vale of Glamorgan
CF64 4TQ



Payne, Adrienne J

Appendix A

2015/00928/RG3

From: Planning & Transportation (Customer Care)
Sent: 07 November 2015 11:39
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00928/RG3

New comments have been received for application 2015/00928/RG3 at site address: Land adjacent to Cross Common Road, Dinas Powys

from Mr Jeremy Downing ~~jeremy.dowling@planning.wales.nhs.uk~~

Address:
5 Cross Common Road, DINAS POWYS, CF64 4TQ

Comments:

When I moved in, the land opposite my house (number 5) was designated "green wedge " status affording fine views of the mature trees along the Barry Road and it is disappointing that this has been removed.

The new junction will considerably reduce on-road parking which is of particular concern to residents on the opposite side of Cross Common Road who have no off-road parking.

If the proposed new bus stop outside number 5 could be relocated at the Cross Common Road end of Long Meadow Drive and with possible adjustment to the location of existing bus stops there it would mitigate the impact of the changes.

Case Officer:
Mr. Steven Rennie

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09 NOV 2015

D.E.E.R
RECEIVED
ACTION BY: <i>SR2/JMC</i>
NO: <i>14</i>
ACK:

2015/00534/OUT Received on 19 May 2015

Mr. Antony Jarvis, C/o Agent.
WYG Planning and Environment, 5th Floor Longcross Court,, 47, Newport Road,,
Cardiff., CF24 0AD

Land rear of Seaton Hoe, Pen Y Turnpike Road, Dinas Powys

Outline planning consent for the construction of 1no residential property including access, with all other matters reserved

SITE AND CONTEXT

The site is the rear garden area of Seaton Hoe (2 Park Road), on the corner of Park Road and Pen-Y-Turnpike Road. The site slopes down from the north to the south, with trees and hedgerows within the site area. Pen-Y-Turnpike Road is to the east of the site, with residential properties and their gardens to all other directions (Seaton Hoe house is to the south of the site).

The site is within the Settlement Boundary of Dinas Powys and is in a residential area. Some of the trees (Elms) within the site are protected under a Tree Preservation Order (TPO 14, 1973).

DESCRIPTION OF DEVELOPMENT

The proposal is an outline application for a single dwelling in the rear garden area of Seaton Hoe (2 Park Road) with access directly off Pen-Y-Turnpike Road. Access is not a Reserved Matter for this application and so has been considered in detail at this stage.

The dwelling proposed is indicated to be two storey, being 8-10m in height, with its outline shown on the submitted layout plans:



Figure 2 - Ground floor layout proposed

The proposal is to retain the majority of the trees within the site, though would remove the section of wall and hedgerow to the boundary with Pen-Y-Turnpike Road.

A vehicular access, parking area and garaging are indicated on the submitted plans, with vision splays incorporated. There is also to be a pedestrian link across the frontage to connect with the existing adopted footpath to the north.

PLANNING HISTORY

2006/01027/FUL: 2, Park Road, Dinas Powys - Rear extension - Approved 8 September 2006.

CONSULTATIONS

Michaelston le Pit with Leckwith Community Council - The Council requests the Planning Department to carefully evaluate the safety of access and egress to and from Pen-y-Turnpike Road for this application.

Highway Development – Based on the submitted speed survey results it has been demonstrated that vision splays are achievable for the access. Advise conditions relating to vision splays, gate positions, the requirement for 3 parking spaces, the need for vehicle turning space within the site and the implementation of the proposed footway link;

Dinas Powys Ward Members – Request to be reported to Planning Committee – Cllr V Hartrey

Dwr Cymru/Welsh Water – No objections subject to conditions relating to drainage;

The Council's Ecology Officer – No comment to make;

REPRESENTATIONS

The neighbouring properties were consulted on 31 May 2015. A site notice was also displayed on the 11 June 2015. There have been four objections received from neighbours, citing issues such as the following:

- Dangerous access onto the busy Pen-Y-Turnpike Road
- No pedestrian access along Pen-Y-Turnpike Road
- Potential parking within vision splays
- Concern relating to unstable trees following development
- Position of proposed dwelling at odds with neighbouring houses
- Loss of view as a result of proposed dwelling
- Potential overlooking from windows in the proposed house
- Loss of spaciousness as a result of the development
- Problems with levels differences with the road

REPORT

Please note this application was initially deferred from the Planning Committee of the 14 January 2016 to allow for a Committee site visit. This application will now returned to Planning Committee on the 11 February 2016 after the Committee site visit.

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

Policy:

ENV16	– PROTECTED SPECIES
ENV 27	– DESIGN OF NEW DEVELOPMENTS
ENV29	– PROTECTION OF ENVIRONMENTAL QUALITY
HOUS 2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS 8	– RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS 11	– RESIDENTIAL PRIVACY AND SPACE
TRAN 10	– PARKING

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

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

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

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

Planning Policy Wales:

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

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

*2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 3.1.2).*

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)

Issues

Principle of Development

The site is within a residential area and within the Settlement Boundary of Dinas Powys. As such, the principle of an infill development could be accepted, subject to the criteria of related policies such as ENV 27 (Design of new developments) and HOUS 8 (Residential Development Criteria). Consideration of issues such as the design and scale of the proposed dwelling and the parking provision will be considered in the sections below.

The site is within a residential area and the proposed dwelling set within a rear garden of an existing semi-detached house. It is also noted that there have been recent approvals for residential development within the area. As such, the principle of the proposed development is accepted.

Design and Landscaping

Both scale and design have been reserved for consideration with any subsequent Reserved Matters application. What is indicated is a single detached two storey house, set centrally within the site, fronting Pen-Y-Turnpike Road. The surrounding dwellings are a mix of house types and styles, with the majority being two storey with a pitched roof, which is indicated as proposed within this application. It is noted that the proposals are for a dwelling of 8-10m in height, however in this location a dwelling over 8m would appear overly-prominent. Such concerns would be considered as part of any Reserved Matters submission concerning the design of the proposed dwelling.

In addition such reserved matters would need to ensure that the dwelling in this prominent location fronting Pen-Y-Turnpike Road is of a suitable appearance, materials and character which blends with the setting of this residential area on the edge of the village.

Policy HOUS 11 states that existing residential areas characterised by high standards of privacy and spaciousness will be protected over development and insensitive or inappropriate infilling. There is a variety of plot sizes in the vicinity of the site, some being significantly larger than others. The plot as proposed would be comparable with many in the vicinity and would not appear out of character with the urban layout of the vicinity. There would be a degree of loss of spaciousness as a result of the proposal, as the plot is currently the rear section of an existing garden. However, the proposals would not result in a loss of spaciousness that was a particularly important feature for the character of the area and a well-designed house should be able to fit within the confines of the site without any significant adverse effects to the character or appearance of the area. In terms of privacy, it is considered that the dwelling as proposed is at a sufficient distance from neighbouring dwellings to avoid unacceptable losses of privacy, which is an issue assessed in detail in following sections. As such, the proposals would not be in conflict with Policy HOUS 11.

The dwelling would front Pen-Y-Turnpike Road, as do many other dwellings in the vicinity. As such, though the adjacent dwellings do not front Pen-Y-Turnpike Road, considering the wider street scene which includes dwellings both fronting and side-on to the highway, the orientation of the house proposed is considered acceptable.

The area is characterised by high levels of landscaping and mature vegetation in the gardens of the existing houses. Landscaping is a Reserved Matter, though it is considered that significant levels of planting may be required within the plot of the proposed house, partially to compensate for the loss of the hedgerow along the frontage with Pen-Y-Turnpike Road, and to soften the visual impact of the proposed house in this location.

Scale of proposals

It is considered that a dwelling within a plot of this size is not out of character with the residential layout of the area. There is a reasonable amount of amenity space remaining to serve the proposed dwelling, including some private space to the rear (adjacent with the boundaries of Hendref and Parc Cottage), which would meet with the standards set within the Supplementary Planning Guidance 'Amenity Standards'. This would need to be considered at the Reserved Matters stage, when the exact size of the proposed house is known, though it will be expected that the proposed dwelling would achieve the SPG standards. It is also considered that the proposed development would allow for a sufficient amount of amenity space for the occupiers of Seaton Hoe (in which garden the dwelling is proposed), which would still retain a sizable front and rear garden.

It is also noted that there is an indication of parking provision and a footway along the frontage, all within the plot, along with the garden space. However, the proposed layout as indicated does not appear cramped within the plot.

Access into the site

As part of the application a speed survey was required so that it could be established whether the site could encompass suitable vision splays and a safe access. This was provided, with the northbound traffic having an 85th percentile speed of 36.9mph and southbound 38mph. This has been incorporated into the amended vision splays shown on the layout plans for the access set towards the southern end of the Pen-Y-Turnpike Road frontage.

The vision splays have been calculated as needing 2.4m x 69m to the north and 2.4m x 58m to the south. These vision splays have been shown as achievable with the clearance of frontage hedgerows. This should allow vehicles exiting the site in a forward gear to see both directions along the road and safely judge when it is appropriate to pull out onto Pen-Y-Turnpike Road. These splays have been agreed by the Highways Authority Officer. The loss of hedgerow is significant, though it is important that any access can be achieved safely. Replacement planting will be required as part of the landscaping.

It should be noted that the Highways Authority have requested 3 parking spaces for a dwelling of this size and in this location, with turning space also incorporated in the site. It is noted that no turning space has been shown with the proposed development and so this should be incorporated into any Reserved Matters submission. The agent has confirmed that the parking and turning space requirement can be met and is achievable, though it is considered that this may mean some adjustments to the site layout which should be carefully considered. The layout is a reserved matter for subsequent approval and so these aspects will be considered at this later stage if the outline consent is granted.

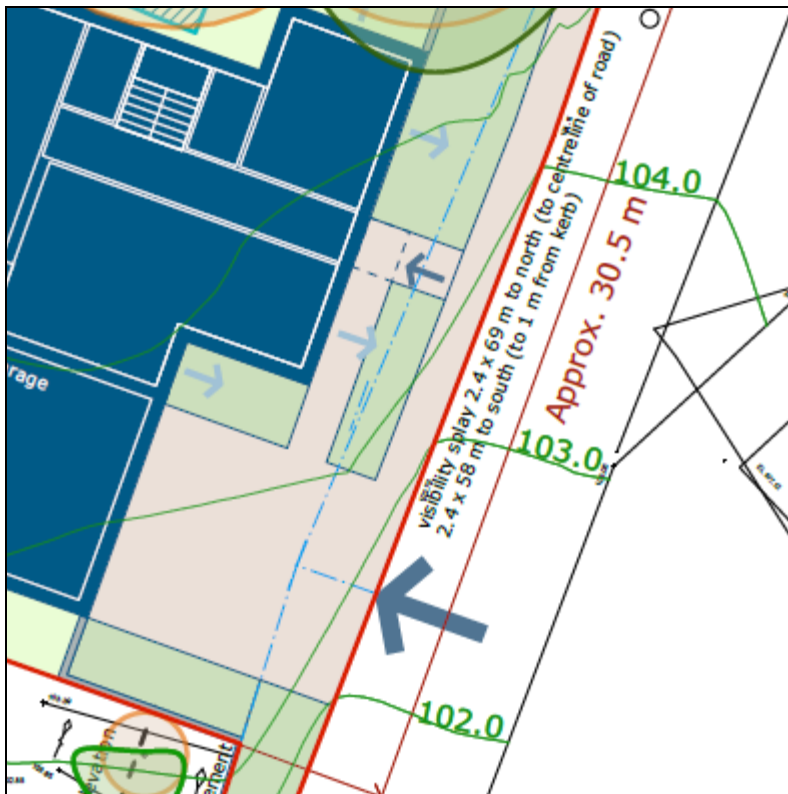


Figure 3 - Access Splays and Arrangement

As can be seen from the plan extract above, there is also a footway proposed to the frontage of the proposed house, along Pen-Y-Turnpike Road, connecting with the existing footway to the north. Though this footway leads out of Dinas Powys it would also connect with the development of 18 dwellings at the former Ardwyn site, which will have a footpath connection with the southern end of Pen-Y-Turnpike Road. There is no possibility of a footpath connection to the south and so this is considered the best solution to connect the new dwelling with a pedestrian route to Dinas Powys centre. The footpath will be required to be implemented by condition, to ensure suitable pedestrian links from the site.

Trees and Hedgerows

The application is supported by a Tree Survey (Treescene – March 2014), which assessed all the trees within the site. It found that there are no Category A trees on the site and only a single Category B tree (which is in the grounds of a neighbouring property and will not be affected by the proposals). The remaining trees are either of poor quality or of a category where the recommendation is that they should be removed. This is the case for the group of Elm trees, set towards the northern boundary, which are protected under TPO 14 (1973). However, these trees are “dead/dying” from Dutch Elm disease. As such, though these trees are protected there is no objection to their removal as part of the development. However, it is expected as part of the landscaping proposals, which form part of the reserved matters that suitable replacement trees will be sought to maintain wider public amenity.

The proposals do show an intention to retain a number of trees on the site, with tree protection shown with root protection areas. It is considered that the retention of the groups of mature trees is positive, and when combined with the landscaping details submitted as a reserved matter should provide more detail of new planting to compensate for the removal of trees, including those under a TPO.

It is also noted that the proposals would result in the clearance of much of the boundary hedgerow with Pen-Y-Turnpike Road, in part to provide for the necessary vision splay. The hedgerow is not of significant amenity or ecological value although replacement planting to the front of the new dwelling should be included with the landscaping details at Reserved Matters to mitigate the hedgerow loss.

Neighbour Impact

The plot as shown on the plans is in a residential area, with the house proposed being TWO storey. The plans submitted include indications of the areas of the plot which would be within 21m of neighbouring house's principle windows. The proposed house is almost entirely outside of these areas and so there should be at least 21m between habitable windows between the proposed house and neighbouring properties, in accordance with the standards of the SPG Amenity Standards. However, this issue would be considered in detail at the reserved matters stage where the impact to neighbour amenities can be considered when the house elevations and window locations are known. It is important to consider these details with the final house design, to ensure that any impact to neighbouring amenities is limited and within the guidance set out in the SPG 'Amenity Standards'.

The dwelling would be adjacent to the boundary with Parc Cottage and Hendref, and would be to the north of both of these properties. As such, the potential overshadowing impact would be limited. It is acknowledged that the proposed new dwelling would change the outlook for these neighbours, though not to a degree that would warrant refusal of the application, especially considering the significant separation distances involved. Also, it should be noted that loss of view is not a material consideration as part of the planning process.

There are dwellings to the north of the site, including part of the cul-de-sac known as Oaklands. No 1 Oaklands is immediately adjacent to the site, though there would be an approximate separation distance of 20-22m between the properties. Accordingly with appropriate design and window position it is considered that reasonable levels of overlooking could be achieved. It is also noted that the proposals include maintaining several trees to the boundary between these properties which could further reduce potential overlooking impacts.

Overall, there is no reason to consider that the proposal would result in significant neighbour impacts, due to the scale of the site and thus the ability to design a dwelling to meet adopted guidance and standards for new dwellings. Any scheme at the Reserved Matters stage would be required to have regards to these standards and to provide a good quality of design and layout to mitigate adverse impacts.

CONCLUSION

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

Having regard to Policies ENV27 (Design of New Developments), ENV16 (Protected Species), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), ENV 29 (Protection of Environmental Quality), HOUS11 (Residential Privacy and Space) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of the location of the dwelling and access arrangements, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following conditions(s):

1. The development shall be carried out in accordance with the following approved plans and documents: 2729(C)S(0)11 A, 2729(C)S(0)09 A and 2729(C)S(0)10 A, all received 2 November 2015, and 2729(C)S(0)01, 2729(C)S(0)02, Design and Access Statement, Tree Survey (Treescene - March 2015), received 12 May 2015.

Reason:

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

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

Reason:

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

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

Reason:

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

4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

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

Reason:

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

6. The dwelling hereby approved shall not be brought into beneficial use until the approved access, any off-site highway works, footpath link and the vision splays (referred to in Condition 7), as shown on plan 2729[C]S(0)11 A (received 2 November 2015) have been constructed in accordance with the approved plans up to adoptable standards. The access and footpath shall thereafter be so retained to serve the development hereby approved and the footpath shall be offered up for adoption to the Local Highway Authority prior to first beneficial occupation of the dwelling hereby approved.

Reason:

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

7. The approved visibility splays shall be kept free of any obstacle, car parking and no planting shall exceed 0.6m within these visibility splays .

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27, HOUS2 and HOUS8 of the Unitary Development Plan.

8. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of the dwelling hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished floor levels of the dwelling, in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

11. Details of any fence, wall or enclosure between the site and the boundary with the dwelling Seaton Hoe (2 Park Road) shall be submitted to and approved in writing by the Local Planning Authority and the approved fence, wall or enclosure shall be erected as approved prior to the first beneficial use of the dwelling hereby approved.

Reason:

To ensure suitable levels of neighbour privacy and in the interests of visual amenity, in accordance with Policies ENV27 and HOUS11 of the Unitary Development Plan.

12. The dwelling hereby approved shall be limited to an overall height of 8 metres maximum.

Reason:

In the interests of neighbour amenities and the visual impact of the dwelling, in accordance with Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
3. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**

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

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

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

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



Key
 [Red outline] Application boundary
 [Blue outline] Other land owned by the applicant

1500534 OUT

RECEIVED
 12 MAY 2015



Revisions/ status

Drawing title:

Site context

Job:

Seaton Hoe, 2 Park Road, Dinas Powys

Drawing no: 2729[C]5(0)01
 Date: 20 April 2015

Revision: A
 Scale: 1:500 @ A3

Oliver-Thomas Consultancy
 architecture | urban design | sustainable design

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 Use figured dimensions only

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Redrow Homes Redrow House, Copse Way, Cardiff Gate Business Park, Cardiff, CF238RH
Robert Clancy, Clancy Design Services Ltd., 13, Capitol Park, Pearce Way, Gloucester, GL2 5YD

Land to the West of Port Road, Wenvoe

Reserved Matters for part of site (relating to Outline consent 2013/00884/OUT) for a site total of 132 dwellings and associated landscaping and works

SITE AND CONTEXT

The application site is approximately 6.8 hectares and related to former agricultural land, situated to the south of Wenvoe, which is now being developed by Redrow for housing following approved outline application 2013/00884/OUT and subsequent reserved matters application 2014/00452/RES. Some dwellings, mainly those near to Port Road, have been completed and are now occupied.

The site lies between the southern extremity of Wenvoe's residential areas and the Garden Centre (which lies to the south of the site adjacent to the St. Andrews roundabout junction). The major highway route of Port Road (A4050) runs north-south to the eastern boundary of the site. The new access fronting Port Road has been formed, with the removal of the hedgerow boundary that previously fronted this road. To the west lies open countryside and an area of ancient woodland.



Figure 1 – Total site area of development

The site is of an irregular shape, defined by former field boundaries, with some areas of existing woodland towards the edges of the site. There are two oak trees and two areas of woodland covered by Tree Preservation Orders (TPO) (No. 8). The two oak trees are near the centre of site (part of an old field boundary since removed), whilst the small areas of woodland include the area immediately to the north of the garden centre and also the wooded area adjacent to Port Road (south of the dwelling known as The Rectory). The tree line across the boundary with Rectory Close are also protected by TPO (No 4, 1973).

The site is outside and to the south of the Wenvoe settlement boundary defined with the Vale of Glamorgan Unitary Development Plan (UDP), and is therefore classified as countryside. The site is also within the Dyffryn Basin & Ridge Slopes Special Landscape Area. The site is not within a flood plain. The site is crossed by public rights of way routes No 21 and 22, though applications are being considered by the Rights of Way Officers for their diversion.

DESCRIPTION OF DEVELOPMENT

The application is for a revised Reserved Matters for a partial section of the site, being the north-western section, furthest from the access off Port Road. This follows the Outline approval (ref: 2013/00884/OUT) for a residential development, which included full details of the new access into the site and the junction arrangement off Port Road. All other matters were reserved.

The result would be an increase of 1 dwelling over the Reserved Matters previously approved for the whole site (2014/00452/RES – for 131 dwellings) with the amended layout being 132 dwellings overall, with 37 dwellings subject to this application. There are also adjustments to the layout from that previously approved, with a change of some of the house types. Amendments have been received to avoid the loss of the woodland pocket to the north-east boundary, which is now protected under TPO No 7 (2015).

The layout now proposed is as follows:



Figure 2 - Layout as proposed

The layout proposed is similar to that approved with Reserved Matters application 2014/00452/RES, which can be seen below:



Figure 3 - 2014 approved layout

Details of all the houses and apartments are also submitted with the application. They include 9 different types of private market dwellings, which have either 3 or 4 bedrooms, with all being detached. There is no affordable housing included in this section of the site. The affordable housing layout is as approved with the previous reserved matters application and as per the legal agreement signed with the outline approval.

Many of the dwellings include traditional features, such as bay windows, projecting front gables or catslide roofs. Window and door details to the front elevation are often traditionally styled. The dwellings are generally arranged to front either the road or public open space areas, to maintain an 'active frontage'.

Parking provision is generally to the front of dwellings, with most units having a double width driveway. Some dwellings proposed have a driveway to the side with tandem parking, depending on the arrangement. Most proposed dwellings have either an integrated or detached garage, either being single or double space in size.



Figure 4 - Worcester Front Elevation

PLANNING HISTORY

2014/00452/RES: Land to the west of Port Road, Wenvoe - Reserved Matters for 131 dwellings, including details of appearance, landscaping, layout and scale - Approved 25/09/2014

2013/00884/OUT: Land to the West of Port Road, Wenvoe: Residential development for up to 140 dwellings with associated access, estate roads and public open space – Approved subject to conditions - 11 April 2014 and a S106 Legal Agreement.

2012/00717/SC1: Land to the west of Port Road, Wenvoe - Residential development - Environmental Impact Assessment (Screening) - Not Required 31 July 2012.

'Having regard to Schedule 3 of the Regulations, the Local Planning Authority is of the view that the characteristics of the development, the location of the development and the characteristics of the potential impact as outlined in the supporting letter of the request are such that an Environmental Impact Assessment is not required.' -31 July 2012.

CONSULTATIONS

Wenvoe Community Council – No comments received

Public Rights of Way Officer – Public Rights of Way Nos 21 and 22 (Wenvoe) cross the site and applications to divert these have been received. However, the diversion order must be obtained, confirmed and implemented prior to any development affecting the public right of way.

Environmental Health (Pollution) – No comment to make.

Wenvoe Ward Members – Cllr Bird requested the application to be reported to Planning Committee.

Dwr Cymru/Welsh Water – No development shall commence until the hydraulic modelling assessment (February 2013) has been implemented and approved by the Planning Authority and Welsh Water. Also, required that foul and surface water drained separately and required full drainage details via condition.

Natural Resources Wales – No comments received.

Highway Development – Awaiting comments on revised plans.

Highways and Engineering (Drainage) – Required full drainage details via condition to provide full calculations of drainage strategy. The applicant should be advised that any works to the watercourse on site may require Land Drainage Consent by the relevant authority, under the Land Drainage Act 1991.

Ecology Officer – No objections to proposed layout revision and the bird and bat box locations as proposed are considered acceptable.

REPRESENTATIONS

The neighbouring properties were originally consulted on 13 August 2015. A latest site notice was also displayed on the 5 October 2015. The application was also advertised in the press on the 30 July 2015. There have been 23 responses received, objecting to the proposals. There has also been a letter submitted which has been signed by 29 residents in the form of a petition. The responses object to the proposals for reasons such as the following:

Proposed loss of woodland area to provide more garden space would be unacceptable and have adverse ecological impacts.

Concern relating to the diversion of the public footpath.

The woodland initially proposed to be removed provide a vital buffer between existing and proposed houses.

Proposal would cause water drainage issues.

There needs to be a timetable for the implementation of the SUDS drainage Area is affected by flooding.

Proposals could see vehicles brought much closer to the pedestrian access to Clos Llanfair and illegal use of motorbikes through into Clos Llanfair.

Loss of greenfield land and open countryside for a large housing development.

Increased traffic congestion

Please see Appendix A for a copy of the petition letter and 2 more example responses received from neighbours;

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
POLICY3	- HOUSING
POLICY8	- TRANSPORTATION
POLICY11	- SPORT & RECREATION

UDP Part 2 Policies

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE
ENV2	- AGRICULTURAL LAND
ENV4	- SPECIAL LANDSCAPE AREAS
ENV7	- WATER RESOURCES
ENV10	- CONSERVATION OF THE COUNTRYSIDE
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV12	- WOODLAND MANAGEMENT
ENV16	- PROTECTED SPECIES
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV28	- ACCESS FOR DISABLED PEOPLE
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	- DWELLINGS IN THE COUNTRYSIDE
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA
HOUS12	- AFFORDABLE HOUSING
TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT
REC6	- CHILDREN'S PLAYING FACILITIES
REC7	- SPORT AND LEISURE FACILITIES
REC12	- PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

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

*'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:
there is no adopted development plan or
relevant development plan policies are considered outdated or superseded or
where there are no relevant policies*

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

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

Planning Policy Wales:

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

DEVELOPMENT PLANS – CHAPTER 2 – *Following extracts relevant:*

2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 3.1.2).

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

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

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

HOUSING – CHAPTER 9 – *Following extracts relevant:*

9.1.1 *The Welsh Government will seek to ensure that:*

*previously developed land is used in preference to Greenfield sites;
new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that*

the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:

mixed tenure communities;

development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;

mixed use development so communities have good access to employment, retail and other services;

attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;

greater emphasis on quality, good design and the creation of places to live that are safe and attractive;

the most efficient use of land;

well designed living environments, where appropriate at increased densities;

construction of housing with low environmental impact by using nationally prescribed sustainable building standards; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and

'barrier free' housing developments, for example built to Lifetime Homes standards.

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

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

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

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

Technical Advice Notes:

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

Technical Advice Note 1 – Joint Housing Land Availability Study (2006)-

2.2 Local planning authorities must ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing. This land supply must inform the strategy contained in the development plan. Local planning authorities should also have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and Local Development Plans Annual Monitoring Reports (AMR).

Technical Advice Note 2 – Planning and affordable housing (2006)

When setting site-capacity thresholds and site specific targets local planning authorities should balance the need for affordable housing against site viability. This may involve making informed assumptions about the levels of finance available for affordable housing and the type of affordable housing to be provided. Local planning authorities should also take into account the impact on the delivery of the affordable housing target and the objective of creating sustainable communities across the plan area and in the individual parts of the plan area.

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 10 – Tree Preservation Orders (1997)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2009)

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
Amenity Standards
Design in the Landscape
Model Design Guide for Wales
Planning Obligations
Public Art
Sustainable Development –A developers Guide
Trees and Development
Biodiversity and development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from h November – 20 December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

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

- Policy MG2 sets out the Housing allocations to meet the housing requirement identified in Policy SP3.

This Policy sets out a hierarchy of allocated sites relating to Strategic Housing Sites, Key Settlement Sites, Service Centre Settlements, Primary Settlements and Minor Rural Settlements.

- Policy MG2 (35) identifies the application site within the Primary Settlement of Wenvoe and states that the site could accommodate a total of 140 dwellings, the construction of which is shown to be a delivered within the third and final phase of the Plan, between 2021-26.

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:

Agricultural Land Classification background paper (2015)
Affordable Housing Background Paper (2013)
Affordable Housing Viability Update Report (2014)
Affordable Housing Delivery Update Paper (2015)
Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
LDP Housing Land Supply Trajectory 2011-26 (Nov 2015)
Rural Affordable Housing Needs Survey Report (2013 Update)
Housing Provision Background Paper (2015)
Housing Supply Background Paper (2013)
Joint Housing Land Availability Study (2014)
Vale of Glamorgan Housing Strategy - (2015-2020)
Population and Housing Projections Background Paper (2013)
Designation of Landscape Character Areas (2013 Update)
Designation of Special Landscape Areas (2013 Update)
Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
SLAs Integration with Adjoining Local Authorities (2013 Update)
Findings of the Site Assessment Process (2013)
Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
Habitat Regulations Assessment Screening Review (2009)
Highway Impact Assessment 2013
Transport Assessment of LDP Proposals (2013)
VOGC - Local Transport Plan 2015
Infrastructure and Site Deliverability Statement (2015)
Open Space Background Paper (2013)
Community Facilities Assessment (2013)
Education Facilities Assessment (2013)
Draft Infrastructure Plan (2013)
Sustainable Settlements Appraisal Review (2013) (currently being updated)

Other relevant evidence or policy guidance:

Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
Welsh Office Circular 13/97 - Planning Obligations

Issues

Background - Principle of development

This reserved matters application follows the outline application 2013/00884/OUT which was approved, on 11th April 2014, following the signing of a Section 106 Legal Agreement (details of which were agreed at the outline stage). The outline indicated a residential development of up to 140 dwellings, with all matters reserved other than the main access into the site, of which the details were approved at outline stage. Subsequently, Reserved Matters application 2014/00452/RES was approved for the remaining reserved matters for the whole site. This application is to revise the reserved matters for a large section of the site, though not the whole site area.

Layout and housing numbers

The proposals relates only to the northern section of the site. The proposals include some changes to the layout, with an additional dwelling also incorporated. However, the general layout is very similar to that previously approved. The primary differences include the following:

The proposal of a detached 'Harrogate' dwelling instead of the semi-detached pair of 'Letchworth' houses at Plots 59 and 61.

A change in the layout of the corner of the site between plots 65 and 69

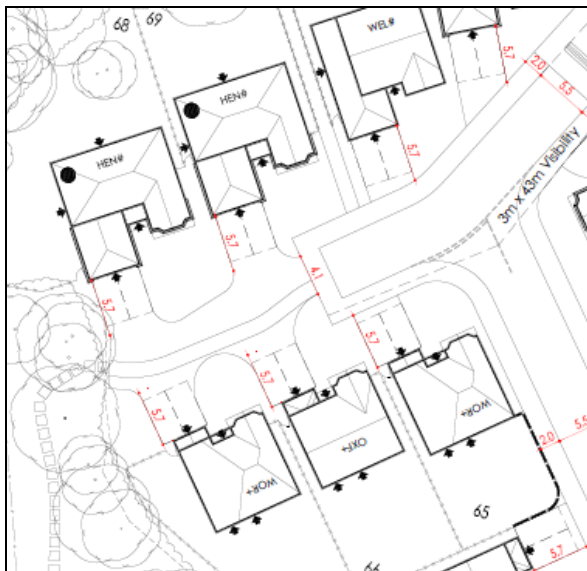


Figure 5 – North-western corner of site

There are also changes from that previously approved to the northern section of the site, due to an easement that has become apparent to the applicant. This affects primarily Plot 76.

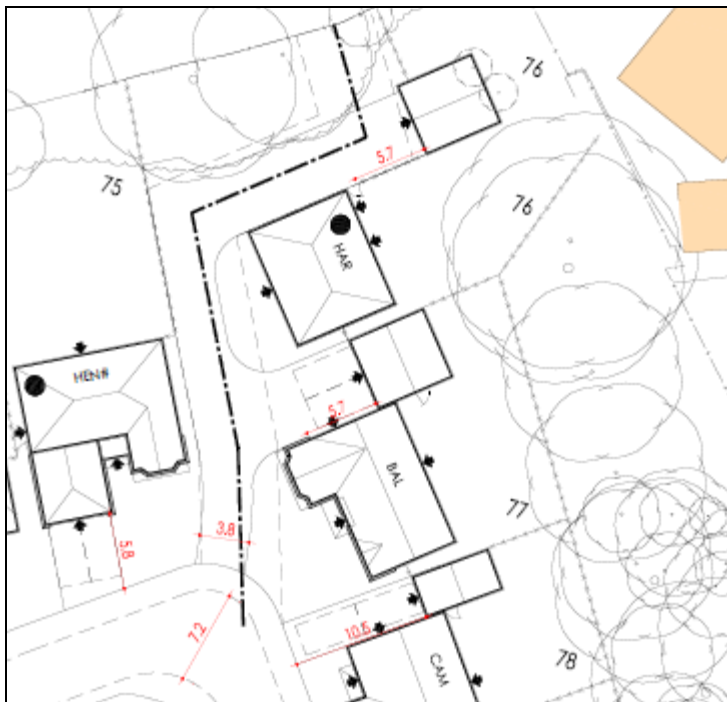


Figure 6 – Northern section of the proposed layout

There are some changes to house types and the position of all dwellings subject to this Reserved Matters application have been adjusted, but the general layout and how this section of the site links with the remaining section of the site to the south are not considered to constitute a significant change.

The additional dwelling is achieved by allowing for 1 more dwelling in the row along the northern section of the site (plots 69 to 75) and an additional dwelling in the row created by units 88-90, whilst there is 1 less dwelling proposed to the western section of the site (Plots 59-64). This additional dwelling would provide a slight increase in housing density and would therefore contribute to greater efficiency of land use. The additional dwelling would not result in the overdevelopment of the site, which was originally approved for up to 140 dwellings with the outline permission. However, the applicant should be aware that this would result in greater planning obligation requirements, based on the legal agreement provisions signed with the outline application. Members should also note that the additional market dwelling as proposed does not result in the requirement for a further affordable dwelling within the overall development. This is based on the agreed affordable housing percentage requirements with the signed planning obligations legal agreement.

The initial plans submitted with this Reserved Matters application included the loss of the woodland area, referred to as G5 with the submitted tree surveys (Steve Ambler and Sons). This was required as the layout originally proposed the dwellings to be positioned closer to the boundary with the dwellings of Clos Llanfair. However, this led to objections being raised by both the Council's Ecologist and Tree Officer, due to the loss of this area of mature trees of significant ecological value. Subsequently this woodland block has been protected under TPO 7 (2015). The trees also provide screening between existing and proposed dwellings. Amended plans have since been received which show this woodland block to be retained, as shown on the extract below. See the section below that discusses the impact to trees in more detail.

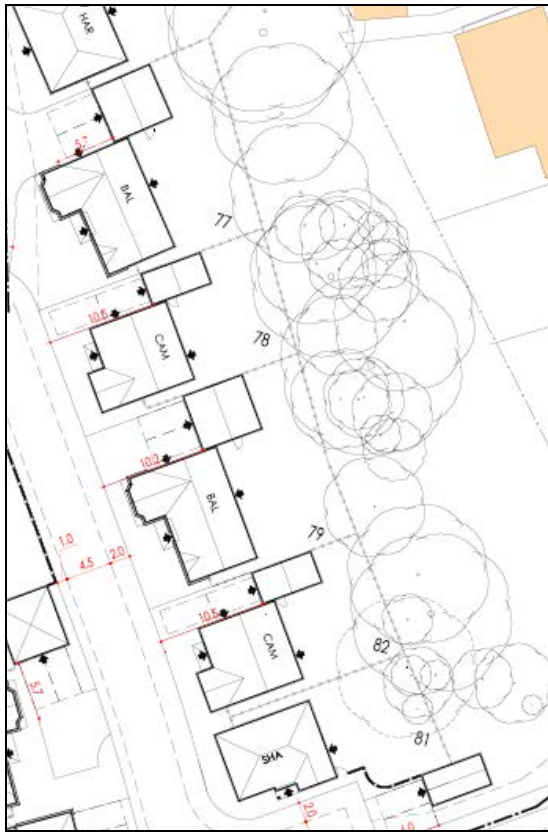


Figure 7 – Proposed houses adjacent to woodland block;

The houses as shown in Figure 7 above have seen their position adjusted from the 2014 Reserved Matters approved layout, with some of these dwellings closer to the tree line. However, the changes are considered minor with some of the dwellings 2-3m closer to the tree line, though some are slightly further away. See the section below on 'Impact to Trees' for more assessment on this issue.

In terms of amenity provision, the proposed dwellings are considered to have a sufficient amount of rear garden space available to future occupiers, especially considering the large area of Public Open Space to be developed a short distance to the south.

Overall, the proposed layout is very similar to that previously approved. The additional dwelling to the overall numbers (132 in total) is considered acceptable and would not result in the overdevelopment of the site. Furthermore, the woodland area to the north-east of the site is to remain following amendments, which would maintain the screening and visual impact buffer that this area of woodland provides. The amended layout as proposed is considered acceptable and has regard to the principles of Manual for Streets and would accord with the aims of Policies HOUS8 and ENV27 of the UDP.

Highway and Parking Issues

There have been a number of amendments throughout the course of this application in relation to highway matters. These amendments are generally minor in their scale, although do contribute to improve the highway layout and safety. Overall, the general internal highway layout as proposed is considered acceptable.

Parking provision has been provided with each proposed dwelling, with the majority of dwellings including three spaces, being two external parking spaces to the front of the house and one in the integral or detached garage. Overall, the parking provision is considered acceptable and should avoid significant levels of on-street parking throughout the development.

Design and Scale of Dwellings

The proposed market housing generally has a traditional design approach. There are 9 different types of house design for this section of the development, with some further variety by virtue of some house types being predominantly brick while others will be render. The traditional approach reflects early 20th Century design, reflecting those built as part of the Arts and Crafts movement or the Edwardian period. This does reflect some of the older properties within Wenvoe, as identified within the Design and Access Statement. Features include steep projecting gables, canopy porches, bay windows, catslide roofs etc. Most proposed dwellings have hipped roofs with concrete tiles. The windows and doors are also proposed to be of a traditional style and appearance. There would be some timber clad areas on some property types to add to the character and variation within the development.

All market houses are to be either 3 or 4 bedrooms and are two storeys. It is considered that the scale, massing and height of the houses proposed are acceptable and would be similar to existing modern developments in Wenvoe. The limitation in height to two storey should avoid any dwellings within the development being overly prominent within this designated Special Landscape Area and will appear as an appropriately scaled development when viewed in context with Wenvoe.

All the on-site affordable housing is to be provided within the Reserved Matters application approved in 2014. There is no affordable housing proposed with this site area of this Reserved Matters application.

Details of enclosure have been submitted. This shows that the majority of the enclosures will be either 1.8m close boarded fences, largely between properties, or a 1.8m wall (where a private garden area would abut a highway). For most of the development houses will front onto the highway, with open front garden areas. This is considered an acceptable approach with the details of the walls and fences submitted also considered suitable.

Neighbour Impact

The majority of the dwellings in the adjacent Close Llanfair would be screened from the development by an existing mature tree screen, which also results in increased separation distance between the existing and proposed house by forming this barrier. Furthermore, there will be a distance of over 21m (considered to be a sufficient distance to mitigate against significant direct overlooking impact) between all existing and proposed houses. The closest distance would be about 22m between the house proposed at Plot 76 and No 14 Close Llanfair. However, with the significant landscaping and mature trees along this boundary, which is set to be retained, there would be no significant overlooking impact between these houses. There are no issues of overshadowing between the proposed dwellings and existing neighbouring properties.

Within the development it is clear that the applicant has laid out the proposed dwellings to maintain the required 21m between dwellings to avoid significant overlooking impacts. It is considered that overall the proposed layout would result in acceptable levels of amenity for occupiers due to the layout, orientation and separation distances between the houses proposed.

Impact to trees and vegetation

The proposals do result in a change in the separation distances between the dwellings to the north east corner of the site and the woodland block referred to as G5 with the submitted tree surveys (Steve Ambler and Sons). This woodland block has significant amenity and ecological value. It is included within the submitted ecological mitigation strategy and also provides screening and an existing landscape buffer between the development and the dwellings of Clos Llanfair. As such, with the original proposals set to remove this woodland block concerns were raised from both the Council's Tree Officer and Ecologist. It is also noted that there was significant levels of local opposition to this aspect of the proposals. Subsequently, this woodland block was designated under Tree Preservation Order 7 (2015).

Revised plans have since been received which show the retention of the woodland area. The 6 dwellings that are proposed to be positioned adjacent to this woodland have been adjusted in their position, with some being closer to the tree line. However, the difference from that approved is minimal, with some of the proposed dwellings being 2-3m closer to the tree line. This has been assessed by the Council's Tree Officer who has no objections to the revised layout, but additional conditions relating to a watching brief being conducted by a professional arboriculturist at the time of construction are required. Tree protection measures and root protection area conditions are also considered necessary.

Subject to conditions and considering the amended plans, there is no objection to the proposals as the existing trees and woodland areas should be protected from the potential impacts of construction and loss of existing trees and woodland areas are avoided.

Open Space provision

The open space provision is for an 'enhanced LEAP' (Locally Equipped Area of Play), though this is in the area of the approved 2014 reserved matters application and is not part of this application. The remaining children's play space requirement is to be provided within the areas of woodland that are being retained around the periphery of the site. It was agreed with the outline application that these areas of woodland could provide the children's play space requirement as natural play areas. It is also anticipated that the required art work will be incorporated as part of the scheme and shall be integrated into the provided woodland walks. The newly proposed layout with this Reserved Matters application includes a pedestrian link with the woodland area to the western edge of the site, which would allow for the connection to the woodland walks towards the POS requirement.

Drainage issues

An engineering plan, which focuses on drainage details (ref: 3924-15-06—PH2-001 Rev B), has been submitted to accompany this reserved matters application. This includes details of the attenuation basin, hydro-brake and maximum surface water flows post development. This would link with the adjacent watercourse. The attenuation basin and most of the drainage mechanisms are as indicated with the 2014 Reserved Matters application and are not part of this application.

These details have been considered by the Council's Engineering Design (Drainage) Department, who have no objections subject to full details being submitted via condition. Condition 9 of the outline approval required full foul and surface water drainage details, future maintenance and timetable of implementation. Records show that this has not been fully discharged, though it is understood that work on this matter has continued with both the Council's Drainage Engineer and Welsh Water.

Ecology Issues

The Ecology conditions attached to the outline planning application have been addressed and the details agreed. It is considered that the amended layout does not compromise the agreed ecological strategy, particularly considering the revised plans show the retention of the woodland block G5, which was originally proposed to be removed. Removal of this woodland block would have significant ecological impacts and would conflict with the submitted ecology information. However, as the woodland block is now to be retained there is no objection regarding this issue.

There were a number of conditions attached to the outline application which required ecology based information to be submitted with the reserved matters application. This information has been submitted with the 'Ecological Construction Method Statement and Ecology and Landscape Management Plan' (EDP, April 2014), which also includes a 'Woodland Management Scheme'. This information was assessed by both the Council's Ecologist and NRW and the 2014 reserved matters application.

Overall, as with the 2014 application, it is considered that the submitted information with the 'Ecological Construction Method Statement and Ecology and Landscape Management Plan' (EDP, April 2014) is acceptable and should preserve and enhance the ecology of the site and suitably safeguard protected species. There is also a bird and bat box revised plan submitted based on the revised layout, which is considered acceptable by the Council's Ecologist.

Public Rights of Way

A temporary diversion has been in place ready for development of the access point into the site. In addition an application has also been received for the diversion of two footpaths within the site. There have been proposed amendments to this application to divert the footpaths to accord with the proposed plans with this planning application. This is a separate process to the planning application, and would be required to prior to development to avoid obstructing the existing public right of way routes.

It is noted that the scheme incorporates good levels of pedestrian/cycling permeability into the proposed layout, with the existing link to the public rights of way from Clos Llanfair to be used as a link to the development. There is also a proposed pathway between units 69 and 70 to allow access to the field to the rear, which would provide a link for the public right of way proposed diversion.

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 ENV1 (Development in the Countryside), ENV2 (Agricultural Land), ENV4 (Special Landscape Areas), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV18 (Archaeological Field Evaluation), ENV19 (Preservation of Archaeological Remains) 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), REC 3 (Provision of Public Open Space for New Developments), REC 6 (Children's Play Facilities), REC 12 (Public Rights of Way and Recreational Routes) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7, 2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 10 – Tree Preservation Orders, 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 impact and overall constitutes an acceptable form of residential development. Furthermore, the proposals include acceptable levels of ecological mitigation and the development would have no adverse impact to the character of the Special Landscape Area and countryside. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents: 13034.PH2.101 Rev H, 3924-15-06-PH2-001 Rev C and 3924-15-06-002-2 Rev C, all received 27 January 2016, 13034.PH2.105 G, 13034.PH2.104 G, 13034.PH2.106 E, 13034.PH2.102 G, 13034.PH2.108 A, Tree Survey and Catagorisation Report with Tree Constraints Plan (S Ambler and Sons - March 2012) and Tree Survey SAAC.13.047 both received 6 July 2015, Technical Advice Note (Steve Ambler and Sons) Received 30 October 2015, 13034.A.201, 13034.A.202, 13034.B.201, 13034.B.202, 13034.C.201, 13034.C.202, 13034.D.201, 13034.D.202, 13034.E.201, 13034.E.202, 13034.F.201, 13034.F.202, 13034.G.201, 13034.G.202, 13034.G.203, 13034.I.201, 13034.I.202, all registered 6 July 2015, 13034.PH2.300A, 13034.PH2.301, 13034.J.201 and 13034.J.202 all received 1 October 2015, Addendum to the Design and Access Statement, 13034.PH2.100 A, received 1 October 2015; 13034.PH2.101 Rev H, 3924-15-06-002-2 C, and 3924-15-06-PH2-001 C, all received 27 January 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.

2. Notwithstanding the submitted plans and details, no works whatsoever shall commence on the development until Full Engineering details have been submitted and approved by the Local Planning / Highway Authority. The development shall thereafter be constructed in accordance with the agreed details.

Reason :

In the interests of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

3. No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, drainage systems, water culverts etc abutting or within close proximity to the existing/proposed highway have been submitted to and approved by the Local Planning Authority. The development shall thereafter be constructed in accordance with the agreed

Reason:

In the interests of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

4. Prior to commencement of development, a comprehensive Construction Traffic Management Strategy shall be submitted to and approved in writing by the local planning authority. The Strategy shall include details of the types of construction vehicles to be used, the times of operation, a route plan, as well as wheel washing and dust suppression measures. The development shall thereafter be constructed in accordance with the agreed Strategy unless the local planning authority agrees in writing to any variation.

Reason:

In the interests of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Amendment Order, 2013 the garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garages and parking spaces identified on plan ref: 13034.101 Revision J and the accompanying plans shall be available at all times for the parking of private motor vehicles associated with the dwellings hereby permitted.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking, HOUS8 - Residential Development Criteria and ENV27 - Design of New Developments of the Unitary Development Plan.

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

Reason:

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

7. Prior to the commencement of the development hereby approved with this Reserved Matters application, details of the protection scheme to relate to the woodland block known as G5 as shown on submitted Tree Survey Plan SAAC.13.047 shall be submitted to and agreed in writing by the Local Planning Authority. The protection shall be as per B.S. 5837:2005 Trees and Construction, having first established the required root protection area. The approved scheme of tree protection shall be fully implemented on site prior to the commencement of any ground clearance or development hereby approved. The protected area shall not be used for storage of spoil or materials or vehicles, or for mixing cement and no fires must be lit and shall be so retained on site for the duration of the development.

Reason:

Reason:

To ensure the continued health of the tree and therefore, that the visual amenities of the area are protected, in accordance with policies ENV 10, ENV 11 and ENV 12 of the adopted Unitary Development Plan;

8. Throughout the course of construction, a professional arboriculturist shall undertake a watching brief to monitor and supervise erection of tree protection barriers, all excavations for the north east facing elevations of the dwellings and garages and services, near the trees within the wooded tract protected by Tree Preservation Order No.7, 2015 indicated as G5 on the Tree Survey plan SAAC.13.047 received on 6 July, 2015.

Reason:

To ensure the continued health of the tree and therefore, that the visual amenities of the area are protected, in accordance with policies ENV 10, ENV 11 and ENV 12 of the adopted Unitary Development Plan;

9. The Local Planning Authority shall be informed of the name and address of the 'project arboriculturist' who is to be employed to conduct the watching brief, as required in Condition 7, two weeks prior to any works, including site clearance commencing on the site subject of this Reserved Matters application.

Reason:

To ensure the continued health of the tree and therefore, that the visual amenities of the area are protected, in accordance with policies ENV 10, ENV 11 and ENV 12 of the adopted Unitary Development Plan;

10. Within a month of the date of this consent, details shall be provided of a Woodland Management Plan and timetable for implementation of that plan for the woodland block indicated as G5 on the submitted Tree Survey plan SAAC.13.047. The Plan shall take into account the recommendations contained in the Arboricultural Method Statement Report by Steve Ambler & Sons (July 2014) and shall be submitted to the Local Planning Authority for their approval in writing. The implementation of the Woodland Management Plan shall be undertaken in full accordance with the approved details and timetable.

Reason:

To ensure the continued health of the trees and therefore, that the visual amenities of the area are protected, in accordance with policies ENV 10, ENV 11 and ENV 12 of the adopted Unitary Development Plan;

11. The development shall be carried out in full accordance with the recommendations of the submitted 'Ecological Construction Method Statement & Ecology and Landscape Management Plan' (EDP April 2014), together with the details contained and attached with the email from EDP dated 20th August 2014 with application 2014/00452/RES.

Reason:

To safeguard protected species and provide ecological enhancement, in accordance with Policy ENV16 of the Unitary Development Plan.

NOTE:

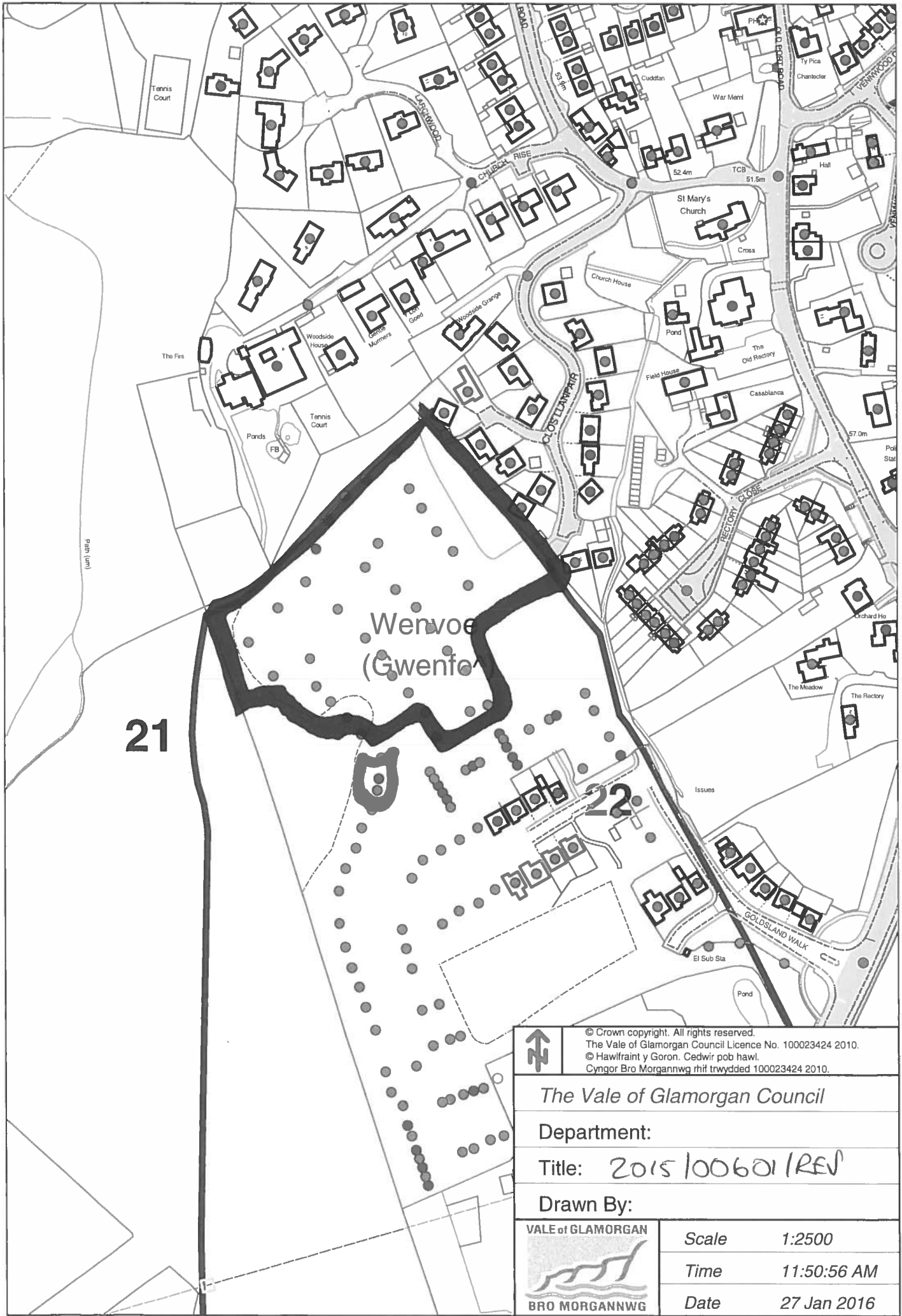
1. The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.


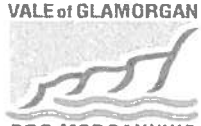
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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



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	<i>The Vale of Glamorgan Council</i>	
Department:		
Title: <i>2015/00601/REV</i>		
Drawn By:		
	Scale	1:2500
	Time	11:50:56 AM
	Date	27 Jan 2016

Dear Mr. Rennie,

Ref 2015/00601/RES Wenvoe

Please accept this objection to the application above from the Wenvoe Residents' Action Group. The Wenvoe Residents' Action Group (WRAG) was formed in January 2012 and represents a large number of residents in the village of Wenvoe who wish to ensure that Wenvoe retains its identity for future generations and who aim to protect the countryside surrounding Wenvoe from unsustainable development. A significant number of our members live close or adjacent to the development site.

We object to this amended application on the grounds that the proposal will have a significant effect on ecology, appearance and layout of the site and is at odds with the original application that was approved by planning committee.

1.0 Redrow documents, commitments and promises

- 1.1 When approving outline development, committee members were guided by and relied upon the information provided by the Planning Officers' Report, which recommended approval. It states that "the Design and Access Statement includes some details of planting and landscaping, including a commitment to retain and safeguard the existing hedges and woodland around the periphery of the site where possible". It also states that "the woodland areas are clearly an important ecological feature of the site, both in terms of flora and fauna, though the proposals are for these areas to be maintained and preserved" and "the safeguarding of existing parcels of woodland also provides a visual buffer for the proposals".

Objection: The statements made in the Planning Officers' Report clearly persuaded committee members that the woodland blocks would be maintained and safeguarded, not incorporated into gardens. The Planning Officers' Report which recommended approval had a significant impact upon the decisions made by members and ultimately the success of the outline application.

- 1.2 The outline Redrow Design and Access Statement clearly states that "the site accommodates five* areas of woodland, all of which would be retained within the development proposals" and that "trees, hedgerows and areas of woodland are to be retained and supplemented to safeguard visual qualities and biodiversity". In terms of landscape it states that "existing boundary hedgerows and woodland around the periphery of and within the site will be retained and safeguarded through the course of construction and for the lifetime of the development".

Should the application be amended to incorporate trees as part of residents gardens, the woodland would no longer be safeguarded for the lifetime of the development as only individual trees would be retained. The maintenance of the trees would become the responsibility of the house owner.

*This was subsequently reduced to four areas of woodland in the reserved matters, with a small low value woodland block removed.

Objection: The Redrow Design and Access Statement is an important document which uses recommendations contained in other reports and clearly promises to retain and maintain the woodland blocks. These claims were essential in order to justify the development, and therefore to abandon these promises would make a significant difference to the nature of the development proposed.

2.0 Ecology

- 2.1 Outline Planning Condition 13 for the site states that “the development hereby approved shall be in accordance with the recommendations of the submitted 'Ecological Baseline Report' (EDP 2012), including provision of a 'Woodland Management Scheme' (to cover the following 25 years post construction), unless otherwise agreed in writing by the Local Planning Authority. Details of the ecological mitigation shall be submitted with any subsequent Reserved Matters application relating to this approval”.

The Redrow Design and Access Addendum attached to this application wrongly concludes that “areas of open space and ecological mitigation are unaffected” as the incorporation of trees into gardens would affect wildlife. There is no ecological mitigation contained within this application. The application contains only the original ecology documents (April 2014) which make recommendations and conclusions based upon the assumption that all four of the woodland blocks would be retained in their entirety.

Objection: This Reserved Matters Application fails to comply with Planning Condition 13 as there is no ecological mitigation provided with this application and the responsibility for the woodland would no longer be covered by the Woodland Management Scheme.

- 2.2 The Aspect Ecology Report (6.3.1) states that “it is recommended that the woodland be retained under any proposals”.

The EDP Ecology Report highlights the “ecological features to be retained and enhanced”, which include (3.6) “the retention and positive management of all woodland blocks retained along the western, southern and eastern site boundaries” and specifically (3.7) “the retention, enhancement and maintenance of woodland blocks W1-W4 on site through the implementation of a sensitive woodland management regime over the long-term”.

Planning condition 8 for the Reserved Matters Application states that “the development shall be carried out in full accordance with the recommendations of the submitted 'Ecological Construction Method Statement & Ecology and Landscape Management Plan' (EDP April 2014), together with the details contained and attached with the email from EDP dated 20th August 2014”.

Objection: The proposal would be in direct violation of Planning Condition 8 above, as the development is no longer in accordance with the recommendations of the submitted 'Ecological Baseline Report' (EDP 2014)

2.3 The Tree Survey, Categorisation and Constraints Document (SAAC.13.047) by Mr. Ambler classes the quality of this woodland block (G5) as Retention Category B2 and B3. Under this classification, Mr Ambler's recommendation is that this woodland block "should be retained". He further recommends to "plant up gaps with native trees and shrubs to maintain screen".

He classes this woodland block as "semi-mature to mature in nature" consisting of Sycamore, Beech, Hawthorn, Yew, Ash, Apple, Hazel and Sawara Cypress. The original plans show that approximately twenty-seven mature trees were promised to be retained and maintained by way of a "woodland management scheme".

Objection: To remove this woodland block and incorporate individual trees into gardens would be against the recommendations of Mr. Ambler contained within the Tree Survey, Categorisation and Constraints Document.

2.4 We have contacted our local wildlife group in Wenvoe, the Wenvoe Wildlife Group run by Mr. Bruce McDonald, for their opinions on the woodland block. They fully endorse the views contained in the ecology reports, in particular that the woodland forms part of an important wildlife corridor linking Wenvoe Woods to the north-west with the stream on the eastern border.

The wildlife corridor alongside the stream is protected by a five-metre buffer-zone and is a planning condition of development (Condition 21). The incorporation of woodland into gardens would result in a significant breach of this wildlife corridor.

The Aspect Ecology Report confirms that "the woodland blocks present at the site may serve some purpose as wildlife corridors, linking Wenvoe woods to the North West with further habitats to the south and east".

The Redrow Design and Access Statement states that " the woodland blocks may serve some purpose as wildlife corridors and as such the woodland is considered to be of moderate-high ecological value in the local context and recommends that the woodland areas are retained and enhanced by the introduction of ecologically orientated management".

Objection: The evidence above clearly proves the value of this woodland block as a wildlife corridor and as such needs to be retained on ecology grounds. The incorporation of trees into resident's gardens would significantly reduce the effectiveness of the woodland as a wildlife corridor.

3.0 Landscape

3.1 The woodland is adjacent to and forms a vital buffer between four existing houses (10, 12, 13 and 14 Clos Llanfair) and the Redrow housing estate. This benefits both existing and potential residents, as it provides a degree of privacy and significantly restricts visibility into the site. The buffer also provides a degree of security for elderly residents living adjacent to the woods. By going back on promises to retain and protect the woodland there is a risk that this buffer will be eroded over time, as new residents seek to secure daylight for their gardens.

Objection: The woodland provides a vital visual buffer benefitting both existing and potential residents. The loss of this buffer would significantly affect residents in terms of privacy and security.

WENVOE RESIDENTS' ACTION GROUP
AUGUST 10TH 2015

John Best,
2 Clos Llanfair,
Wenvoe,
Cardiff
CF5 6DJ

29th July 2015

Objection to planning: 2015/00601/RES

We are totally dismayed that the promise to retain the 4 woodland blocks, which were a key part of the success of the original planning application, is now being retracted to enable additional housing, i.e. more profit for Redrow at the cost of the local environment.

There is no ecological mitigation for the loss of woodland. Ecology documents advised on retention of all woodland blocks and based their recommendations on this assumption. The woodland is a key buffer that aims to protect the privacy of both current and future residents adjoining the site.

Our local wildlife group have confirmed the views of the Aspect Ecology Report and the Tree Survey conducted by Mr Ambler. The woodland block forms part of an important wildlife corridor and therefore the advice contained within these reports should be noted (Aspect 6.3.1) 'It is recommended that the woodland be retained under any proposals' and Mr Amblers Tree report (SAAC.13.047) this woodland block 'should be retained'.

The proposals make no reference to what will become of the public footway leading from Clos Llanfair (as this has not been closed by legal agreement as the Redrow plans show), or how the illegal use of mopeds/motorbikes will be avoided through Clos Llanfair.

The current footpath 21 passes directly through the proposed properties on the northern section of the site. Proposals to divert the footpath are a long way from completion and this route must be kept free of development.

Once again Redrow assume they have automatically gained permission for the proposed change against all the local opposition to such a change. It makes me wonder whether there is a fair objection process or whether everything they request is approved without recourse to local opinions.

Reserved Matters Application 2015/00601/RES

Dear Mr Rennie,

I would like to bring to your attention the damage that is being caused by run-off water from the Wenvoe Redrow site into my garden, and object to the application above on the grounds that there is no timetable or adoption plan for the SUDS, and the proposed removal of woodland along the western edge of the site will only exacerbate the current drainage problems.

The topsoil at the above site has now been stripped in preparation for development. This has led to increased levels of muddy run-off as rainwater can no longer soak into the ground. Work has only recently begun on the proposed attenuation pond. The only protection for my property from the run-off are a 1 metre wide shrubbery buffer alongside my property/fence and the block of woodland (W1) proposed in this application for removal.

I do hope you will treat this objection with the importance that it deserves, as we are seriously concerned that should action not be taken, serious flooding will take place not only of our own property, but also in Wenvoe village and further downstream.

Garden damage

I have attached photos to this objection of damage caused to the fence and electric lighting of my own property. This followed a period of moderate sustained rainfall during 3 days of July this year. A section of garden was waterlogged with muddy brown run-off water from the site. This has left a permanent mark and led to deterioration at the base of the fence and damage to the exterior lighting. The level reached by the floodwater can clearly be seen by the muddy deposits left on the fence and lighting. After flowing beneath/through my fence the run-off then flows across the garden and into the stream on the other side. I understand the increased levels of run-off have also caused permanent damage to trees in the vicinity of neighbours at 3 and 4 Clos Llanfair.

Historical flooding

The fact that flooding has occurred during what I consider to be moderate rainfall is extremely alarming. I have grave concerns about what could happen should we be subjected to high levels of prolonged rainfall such as those experienced by Wenvoe in December 2012. On this occasion, a number of gardens and properties in Wenvoe (including my own) were flooded due to run-off from this site prior to the start of development. The Dwr Cymru report into the flooding gave the reason that the current drainage system was at full capacity and unable to cope with the levels of run-off. The stream flows directly into Wrinstone Brook and eventually into the River Cadoxton, which is classed as 'High Risk' in recent flood prevention surveys for the Vale and has flooded regularly in the past.

Redrow Outline Planning Permission

Following concerns by residents regarding flooding in 2012/2013, the Environment Agency (Now NRW), recommended a planning condition of this development for run-off rates not to exceed current greenfield levels. A Sustainable Drainage System was proposed by Redrow which would maintain run-off rates at current levels. This led to the following planning condition 9:

"Prior to the commencement of development, full details of a scheme for foul, and surface water drainage (SUDS), to include a timetable of implementation and details of future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. These details shall be in general accordance with the conclusions with the Hydraulic Modelling Assessment, dated February

2013 and submitted to support application 2012/00933/OUT, and the approved scheme shall be fully implemented in accordance with the approved details. Reason: To ensure suitable drainage for the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan."

Objection 1: SUDS timetable

Neither this reserved matters application nor the outline application contain any documents which include a timetable of implementation for the SUDS as required by the planning condition above.

The Sustainable Drainage System Report contains only advice for maintenance and performance, with no details of when work will begin or be completed on the SUDS.

It is recommended that no further development of Phase 2 is permitted until the SUDS is fully completed and activated, as failure to provide adequate drainage from this site during construction will result in a significant risk of flooding.

Failure to provide a timetable for implementation is contrary to planning condition 9.

Objection 2: SUDS adoption

The SUDS report suggests that the attenuation pond will be offered to the Council for adoption, and failing this future maintenance of the pond will be transferred to a reputable management company. Given the problems experienced with adoption in other developments throughout Wales, this is not considered to be an acceptable situation in which to allow the ongoing development and occupation of properties on this development site. There are no details of any SUDS agreement under section 106 of the Town and Country Planning Act. A clear adoption policy and maintenance agreement must be agreed upon to allow for the long-term monitoring of performance, maintenance, and flood prevention and this needs to be agreed upon BEFORE any further development takes place.

Objection 3: Removal of woodland block

The woodland block W1 currently performs a vital role in protecting Clos Llanfair properties from surface run-off. The drainage diagrams provided with the outline application show clearly that a large percentage of the run-off from the site flows towards this woodland block as it is located at the lowest point of the site. The woodland soaks up a huge amount of rainfall which otherwise would run into the current drainage system and stream. This application provides no details for mitigation for the loss of woodland in terms of drainage. The loss of this woodland buffer would significantly increase the current rates of run-off into a drainage system which is at full capacity. This is contrary to NRW advice and recommendations.

Darren and Lisa Bellamy

9 Clos Llanfair

Wenvoe



Appendix A
2015/00001/RES
1/1

Dear Mr Rennie

Ref 2015/00601/RES/SR2 Wenvoe

Appendix A
(7 of 9)

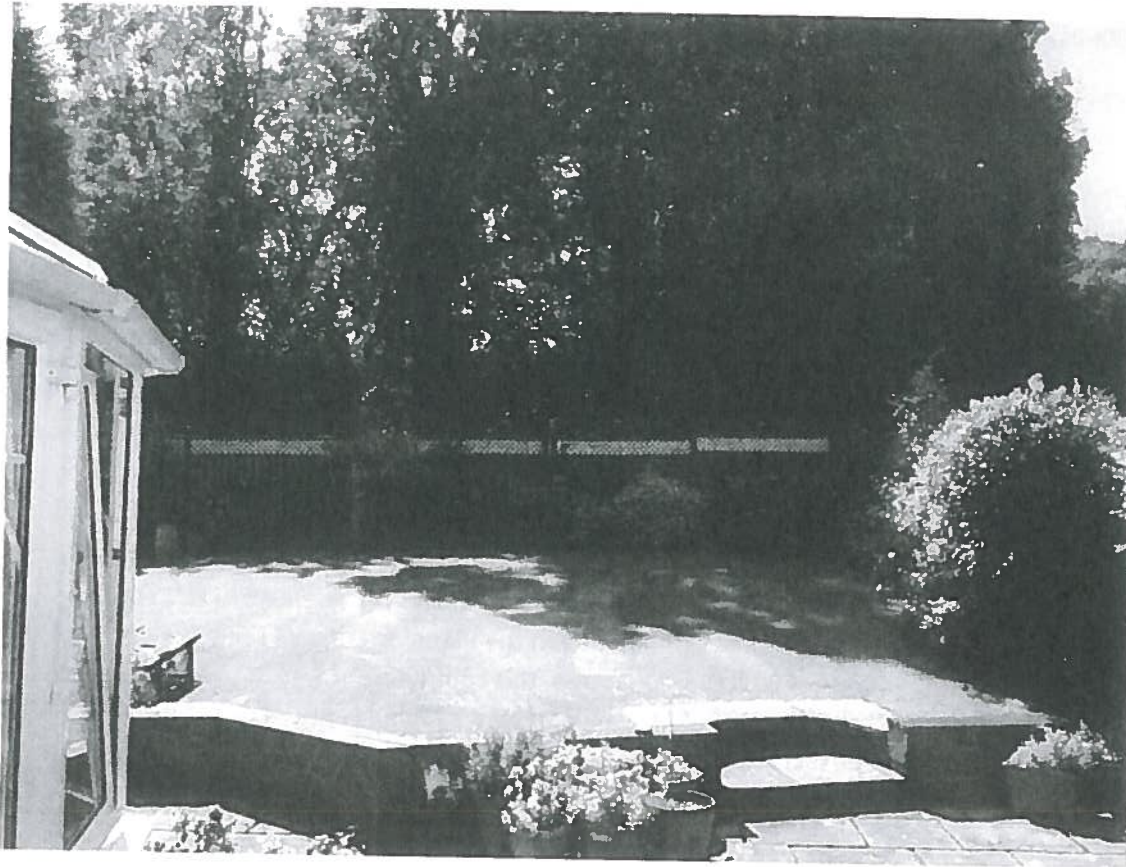
Please accept this representation from those Clos Llanfair Residents listed at the end of this objection.

Two of the households listed below wish to put it on record that they are not opposed to the Redrow development in principle and have not previously made any objection to the Redrow development.

However, all 29 Clos Llanfair residents listed have been concerned by recent proposals to remove/divert footpath 21 and strongly object to this reserved matters application which proposes to go back on promises to retain the woodland block.

We do not believe that the loss of this woodland can be justified simply to accommodate an additional 3 houses and our objections are as follows:

1. Residents were promised that all 4 woodland blocks within the development would be retained. This commitment to safeguard all 4 woodland blocks is evidenced in all Redrow application documents and features prominently in the Planning Officers report. Along with the 'pedestrian only' status of Clos Llanfair access, this commitment was of vital importance to Clos Llanfair residents and contributed significantly to keeping residents 'on-side' and therefore the subsequent success of the application.
2. Redrow have ignored the effect that this proposal will have on ecology. The ecology documents base their conclusions on the assumption that all woodland blocks were to be retained. There is no ecological mitigation as required by Planning Condition 13 for the site.
3. Our local wildlife group (WWG) have confirmed the views of the Aspect and EDP Ecology Reports that the woodland block forms part of an important wildlife corridor and therefore the advice contained within these reports should be noted (Aspect 6.3.1) 'It is recommended that the woodland be retained under any proposals'.
4. Mr Amblers Tree report (SAAC.13.047) puts this woodland block (G5) in retention category B2 -B3 which is classed in the outline documents tree plan as 'should be retained'.
5. The woodland forms a vital buffer between houses 10, 12, 13 and 14 Clos Llanfair and the housing estate. This benefits both existing and potential residents as it provides a high degree of privacy and significantly restricts visibility into the site. The Pegasus landscape document surveyed the visual amenity of the site when viewed from the entrance to Clos Llanfair and based their recommendations on the woodland buffer being retained. The photo below shows the current view from Mrs Fairfax's rear garden (no.12) and gives an example of how the woodland buffer benefits residents. Mrs Fairfax is elderly, has no internet and lacks the mobility to access the documents in council offices. Her great pleasure in life is her garden which not only benefits from the woodland wildlife, but most importantly from the privacy and security the woodland buffer provides.



View of Mrs Fairfax's rear garden with a small section of the woodland block beyond the fence

6. The houses and gardens proposed for the northern boundary of the site interfere with the current line of public footpath 21. There is no outcome yet as to whether or not an order to divert the footpath will be made and confirmed under section 257 of the TCPA 1990. The layout for phase 2 should be amended so that no properties interfere with the legal line.
7. The application contains misleading/false information regarding the public walkway (gully) that leads from Clos Llanfair and joins public footpath 21. Redrow documents clearly show the gully as a "footpath link, closed and diverted with legal authority's agreement". Residents have not been made aware of any such closure and subsequent enquiries have shown that no such agreement exists. Residents cannot be expected to comment on applications that contain false information. Redrow provide no future plans for this public walkway and therefore it is not possible to support this application until the complete layout and plans for phase 2 of the development are revealed.
8. The Clos Llanfair access has been promised and is fully documented as a 'pedestrian link only'. The original approved plans showed two narrow 'pedestrian only links' around the LEAP and 'kickabout area' leading into Clos Llanfair. The revised proposals are of some concern as the estate roads and cars would be brought much closer to the pedestrian only access, potentially making it easier for the illegal access of mopeds and motorbikes and less likely to discourage cyclists from using this unsafe route into the village as opposed to the purpose-built bike path provided. We are unaware of any surveys or safety assessments having taken place along the pedestrian route through Clos Llanfair and into the dangerous

Walston Road junction. This application fails to take into account any of these safety concerns.

Signed by:

Anthony and Patricia Coulthard
1 Clos Llanfair

John and Corina Best
2 Clos Llanfair

Ken and Mary Lever
3 Clos Llanfair

Heulwen and Brenig Davies
4 Clos Llanfair

Alan and Margaret Palfrey
5 Clos Llanfair

Len and Moira Currie
7 Clos Llanfair

Graham and Denise Samways
8 Clos Llanfair

Darren and Lisa Bellamy
9 Clos Llanfair

Malcolm and Janet Bradley
10 Clos Llanfair

Jason and Emma Hicks
11 Clos Llanfair

2015/01131/FUL Received on 28 September 2015

Ermaer Limited, 6, Glendower Street,, Monmouth., NP25 3DG
SLR Consulting Limited, Fulmar House,, Beigno Close,, Ocean Way,, Cardiff.,
CF24 5HF

Photovoltaic Installation, Cwrt Yr Ala Road, Caerau, Cardiff (former Ely Brickworks)

Proposed excavation of fill material (to be stored on site), importation of inert wastes with the progressive restoration of the former mineral working areas associated with the former Ely Brickworks

SITE AND CONTEXT

The site extends to an area of approximately 4.1ha of land lying on the northern boundary of the Vale of Glamorgan with Cardiff city's administrative area. The land formed part of the former Ely Brick works and is to the south of the A4232 (PDR). Access to the land is via a track approximately 750m in length. There is a belt of trees along the northern boundary of the site .

A recently constructed solar farm lies to the south of the site.

The site currently has an extant planning permission for mineral extraction and is classified as a derelict site within the UDP (Min 10 (vi)).

There are Scheduled Ancient Monuments (SAMs) at Caerau Camp, approximately 100m to the west; Ely Roman Villa, approximately 600m to the north-east, Leckwith Ridge, approximately 1.4km to the east and Greave Round Barrow, approximately 1.7km to the south-west.

DESCRIPTION OF DEVELOPMENT

The planning application seeks full permission for the extraction of 'old' fill, storing that fill on site and its reuse along with imported inert wastes for the progressive restoration of the former mineral working areas within the site.

In order to "achieve stability", and appropriate engineering of the site, initial works will involve the digging out of some 60,000 m³ of clays and fill material which will be used on site for engineering .

The pits will be deepened by between 1m and 6m and will be followed by the importation of inert wastes at an estimated rate of 30-40,000 tonnes per annum.

It was anticipated that the restoration operation will take 5 years to complete. On the basis of up to 40,000 tpa imported material, this equates to an average of 20 vehicle movements (10 in and 10 out) per day. Amended information refers to "by using historically backfilled material in the restoration scheme the volume of inert waste to be imported will be correspondingly lower than originally anticipated".

The works will be carried out in phases once the site facilities have been installed. Phase 1 extraction extends to some 16,300m² and ranges between 43m AOD in the western part of the phase to 54m along the southern boundary.

The initial activity will be the creation of a quarry access ramp at a slope not exceeding 12% which will run along the southern boundary. This will facilitate the digging out of clays and soils to a formation level of between 44 and 45m AOD. The total quantity to be removed from this phase is 31,000m³ of materials.

A surface water drain will be constructed along the northern boundary of the entire site, and the northern perimeter bund of the phase will also be formed.

Phase 2 consists of the extraction of approximately 6,300m² with a temporary ramp formed at the western end of the phase to ensure access can be achieved from the phase 1 area. The temporary road will be set at a level of 42m at the western end and will be used to dig out some 6,300m³ of material in order to gain access to the eastern end of the site.

Similar operations will take place in respect of creating the profiles and the perimeter bund. A drain around the southern part of Phase 2 will be implemented at this time as will a link to the northern boundary surface water drain.

Phase 3 consists of the infilling of the eastern part of the site by importation of approximately 35,000m³ to tie in with the existing profile of Caerau Wood along the southern boundary. The maximum height of the restoration level will be 64.5m AOD.

It is anticipated that the infilling operations will take approximately 1 year to achieve from commencement, and all access to the site will be gained via the temporary haul road constructed during Phase 2 of the operations.

Upon completion of the final profile a surface water drain will be constructed along the southern and eastern boundaries of Phase 3 to tie in with the northern surface water drain and the existing surface water drainage regime.

Phase 4, is commenced upon completion of the Phase 3 profile, infilling operations associated with the area created as a result of the Phase 2 operations would commence. The infill area would extend to some 16,370m² and would involve the importation of approximately 100,000m³ of material to achieve the levels indicated.

The profile of the finish levels will include a slope of approximately 1 in 3 to the 58m contour beyond which the land will gradually slope upwards towards the woodland that currently forms the southern boundary of the site.

Upon completion of the required profile levels the surface water drain would be implemented along the western and southern boundaries to ensure that it ties in with the existing surface water drainage system implemented as a result of the road construction.

The total period of the development works, including restoration, is indicated as 5 years. A subsequent five year aftercare period is suggested.

2 temporary facilities buildings are indicated measuring 6.4 by 4m and 12m by 4m.

PLANNING HISTORY

2014/01487/SC1 : Part of former Ely Brickworks, Woden Park off Cwrt Yr Ala - Screening opinion - Proposed importation of inert wastes -No EIA required.

2013/00895/FUL : Woden Park, Cwrt Yr Ala Road, Cardiff - Extension to approved scheme - Installation of solar pv park - Approved 22/11/2013

2012/01285/FUL : Woden Park, land off Cwrt yr Ala Road, Michaelston Le Pit - Installation of 5MWp solar PV park on the site of derelict land associated with the former Ely Brickworks - Approved 08/03/2013

CONSULTATIONS

Michaelston le Pit with Leckwith Community Council: is in favour in principle of a project to restore the site but have concern that the residential roads through Caerau are not suitable for the heavy lorries movements and need to ensure only inert waste is imported.

Dinas Powys Ward members were notified: no comments received.

Estates (Strategic Property Estates): The site location plan shares a boundary with asset number 33400 which must not be interfered with as a result of the proposal.

Highway Development: the development will have little impact on the adopted highway, which is under the control of the Vale of Glamorgan Council, as the majority of the access route to the site will be via the highway network within the boundary of Cardiff County Council.

As a result, an objection is not raised in relation to the proposals, subject to the following conditions being imposed on the planning consent: a highway condition survey shall be undertaken along the adopted highway adjacent to the site, vehicular access to the site is required to be upgraded and constructed in accordance with the Council's specification for a vehicular cross-over.

Before commencement of works, the access road into the site shall be surfaced in a bound material for a minimum distance of 10m

Before commencement of works, the existing vegetation either side of the means of access to the site, shall be cut back in order to maintain visibility along the adjacent highway, details of wheel washing , any gates to be set back a minimum distance of 10m from the adopted highway and must open inwards.

Cardiff County Council:

On the basis of the information submitted by the applicant, I would confirm that Cardiff Council would wish to formally OBJECT to the proposals .

The applicant's confirmation that the works would no longer involve any minerals extraction is accepted.

However the applicant's agreement to additional survey and testing and agreement to mitigating measures, does not outweigh my concerns relating to the use of Cwrt y ala road as the primary site access, and a situation where residents of Caerau generally, and of Cwrt y ala road and surrounds in particular, will be subject to the adverse impacts of heavy vehicle movements, negotiating an otherwise long, and unsuitable residential carriageway, for a considerable number of years.

Cardiff Council are therefore of the opinion that the proposals would unacceptably detract from the amenities and environment of residents in the vicinity and would represent an unacceptable risk in terms of health and safety in the given context.

Cardiff Council would therefore suggest that there is sufficient justification to refuse the application as being contrary to Strategic Policy 8 of the VoG UDP; in that the site and access to it is not located in an area where there can be any practical mitigation of the environmental impact of traffic flows; and in respect of being contrary to Policies ENV29 in terms of having an unacceptable effect on people's health and safety , and impact on the local

environment in terms of noise, vibration, dust and general inconvenience of heavy vehicle traffic movements; as well as Policy Tran 11 in terms of its impact on neighbouring amenity for similar reasons.

If the Vale of Glamorgan Council are minded to approve the development in light of this objection, I would seek some assurance that the Vale have sufficient capacity and resource to monitor, investigate, respond and enforce any breach of planning control, including those which might be generated from complaints from residents located in Cardiff, whose interests would not be within the ability of this authority to secure by means of planning enforcement powers.

Environmental Health (Pollution): no objections received

Glamorgan Gwent Archaeological trust: no comments received

Dwr Cymru Welsh Water, no comments received

Ecology Officer: recommends the inclusion of one planning condition on the consent to protect badgers. The recommendation regarding badgers and fencing made in the Preliminary Ecological Appraisal should be secured via planning condition.

Landscape Section (Dock Offices): no objections received

Natural Resources Wales: have no objection subject to method statement for silt mitigation for surface drains on site.

Council's Mineral's Advisor commented in respect of the amended scheme:

“As there is now no excavation and all material is going to be utilised in the restoration of the landform the Policy conflict with Policy MIN10 is resolved. A condition should be imposed to ensure no material leaves the site.

I am also satisfied that the tonnages available are realistic and would be sufficient to support a recovery operation restoring the site.

A condition requiring a Construction Method Statement prior to the commencement of development is recommended – this could also deal with the detailed slopes and the final restoration profile issue.

I understand that there are highway concerns which I am unable to comment on but the opportunity exists to impose annual limits on the importation of material if considered necessary.

The LPA may also wish to consider conditions in relation to the following should the application be recommended for approval

- A shorter period than 5 years to commence the development as the developments justifying it are either commenced or are planned to commence in the next three years – maybe two years to commence.
- Permission for a temporary period of 5 years from date of commencement and date of commencement to be notified to the LPA.
- Restriction of working hours to protect amenity
- The control of dust from the operations
- The control of noise from operations at the site
- Floodlighting scheme given the proximity of the public highway – to prevent glare for drivers
- Further details of restoration and aftercare of the land following infilling”

REPRESENTATIONS

The neighbouring properties were consulted on 14 October 2015.

A site notice was also displayed on 20th October 2015

The application was also advertised in the press on 22nd October 2015.

159 letters of objection have been received. The objections/concerns relate to:

- damage to fences and road occurred when other development (photovoltaic scheme) was undertaken.
- Highway safety concerns and that access roads of narrow lanes and residential estate are not adequate for the lorries intended.
- noise
- impact on nearby ancient monument of Caerau camp
- damage to road surfaces from HGVs
- concern that inert waste may include incinerator ash

3 letters are reproduced at **Appendix A** being generally representative of the views expressed.

A 179 signature petition has been received from the residents of Lauriston Park area stating:

“We the undersigned residents of Lauriston Park/Close, Cwrt Yr Ala Road, Heritage Drive and St. Marys Court – strongly oppose the proposals to use Cwrt Yr Ala Road as an access route by HGV vehicles to the landfill development being suggested by the Vale of Glamorgan Council”

A copy of the petition is retained on file should Members wish to view it.

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 13 – WASTE MANAGEMENT

Policy:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV2 – AGRICULTURAL LAND

ENV4 – SPECIAL LANDSCAPE AREAS

ENV7 – WATER RESOURCES

ENV10 - CONSERVATION OF THE COUNTRYSIDE

ENV11 – PROTECTION OF LANDSCAPE FEATURES

ENV16 – PROTECTED SPECIES

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

TRAN10 – PARKING

MIN6 - ENVIRONMENTAL IMPACT

MIN8 - RESTORATION AND AFTER CARE “proposals for mineral working or for related plant and buildings will be permitted only where appropriate proposals are included for reinstatement of the site to a condition fit for an appropriate after-use, supported where relevant by adequate aftercare proposals”

MIN10 - DERELICT SITES “the council will seek to prevent further mineral extraction at the following sites and, where appropriate, will seek to secure restoration and landscaping works; (vi) Ely brickworks;”

WAST1- PROVISION OF WASTE MANAGEMENT FACILITIES “every opportunity will be taken to improve the environmental impact of existing Mineral working sites and minimise the environmental impact of proposed mineral working sites by introducing or imposing modern controls over:

- (i) working methods;
- (ii) hours of operation;
- (iii) blasting methods;
- (iv) vehicular access arrangements;
- (v) landscaping of the site;
- (vi) overburden storage and waste disposal arrangements;
- (vii) measures to avoid pollution;
- (viii) measure to protect groundwater resources;
- (ix) restoration and after care arrangements where appropriate;
- (x) control of secondary industry at the site;
- (xi) protection of nature conservation interests in the site and its surroundings; and
- (xii) provision of a five yearly review of the effectiveness of these controls.”-

WAST2- CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

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

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

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

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

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

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

Planning Policy Wales:

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

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 21 – Waste (2014)

When considering development proposals for all types of waste management facilities, planning authorities should take into account their potential contribution to the objectives, principles and strategic waste assessments set out in Towards Zero Waste and the relevant waste sector plans and the relevant development plan for the area. The extent to which a proposal demonstrates this contribution, in environmental, economic and social terms, will be a material planning consideration

“2.7.5 Disposal Where recovery cannot be undertaken waste must undergo safe disposal operations that ensure a high level of protection of human health and the environment. Disposal includes landfilling operations and the incineration of waste without energy recovery or incineration where energy is recovered at a low efficiency for plants recovering energy from municipal residual wastes and does not meet the R1 formula.

To achieve as close to zero landfill as possible, maximum volumes of waste to landfill have been set under Towards Zero Waste and reconfirmed in the Collections, Infrastructure and Markets Sector Plan. It is expected that the recycling and reuse targets set by Towards Zero Waste and the Collections, Infrastructure and Markets Sector Plan will, over time, result in a reduction in the volume of waste requiring disposal. As a result, landfill has an ever decreasing role to play in waste management. Nevertheless, it still has a role in the short to medium term while the necessary waste treatment infrastructure comes on stream and in the management of certain types of wastes where no better environmental outcome exists.”

Supplementary Planning Guidance:

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

- Design in the Landscape

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

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

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 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)
- Habitat Regulations Assessment Screening Review (2009)
- SLAs Integration with Adjoining Local Authorities (2013 Update)
- Waste Planning Background Paper (2013)

Issues

The issues to be considered are the principle of the development, the impact of the development on the highway network and impact on the amenity of residents along the route to be taken by the HGVs (through Cardiff's administrative area), on ecology, heritage and on drainage as well as visual impacts on the Special Landscape area within which the site falls.

Principle of the development:

The site is a derelict minerals site having formerly been part of the Ely Brickworks. The former brick-earth quarry appears not to have been worked for many years and part of the site is now covered by alternative uses such as the Ely Link Road and an Industrial Estate (Cardiff side). That part of the quarry in the Vale's administrative area appears to have been filled /levelled at some time in the past (believed to be at the time of the construction of the PDR highway). The site is now part grass but with significant areas of uneven ground.

The site is classified as a dormant minerals site, due to the lack of minerals development and no further mineral extraction would be allowed unless full modern working conditions are agreed. The site does not meet the definition of aggregate quarries given it was a brick-earth quarry.

In order to (further) restore the site the developer states they will remove areas of the previous 'fill' , store this on site and then refill but to a higher level and different profile/ slope to the north of the site than currently exists. This will entail importing inert waste. The 'indicative' restoration plan shows significant areas of tree cover post fill.

The site is classed as a derelict site in the UDP under Policy MIN10. The Policy seeks to prevent further mineral extraction at Ely Brickworks and in paragraph 9.4.30 of the UDP it goes on to say that none of the sites listed (including Ely Brickworks) is in a suitable location for mineral working by today's environmental standards. The proposal states that the extraction of approximately 60,000 m³ is necessary to create a void for inert waste.

The scheme as amended has been fully considered by the local planning authority's advisor on minerals. There are no objections to the scheme in either minerals or waste management terms and restoration of the site would be in accordance with policy MIN10. To ensure that restoration accords with the policy for redundant minerals sites conditions including in relation to hours of operation, method statement for workings and a Construction and Environmental Management Plan, landscaping and drainage would all be required.

There were concerns over the original form of the restoration as indicated. The proposed land profiles after the landfilling on Phase 3 and 4 were originally considered too angular and a more natural profile would be required. Clarification of this has been provided and subject to a construction method statement, the profiles created would be acceptable. This construction method statement for the infilling (including a geological barrier) will provide details indicating the stability of the landform. Noting that the site sits above the Peripheral Distributor Road, a primary route into the Vale and Cardiff, stability of any works is of primary importance.

The noise section of the Planning Statement has been assessed by the joint regulatory service and no objections have been received. In addition, the background noise level would be expected to be relatively high as this would be influenced by the adjacent road traffic noise from the PDR.

To import material to restore the landform is a recovery operation which could have policy support is an acceptable form of restoration. It also has added benefits of landscaping, planting and aftercare, provided the finished landform is a 'natural' profile and proven to be stable.

The development is therefore considered to be comply with policies ENV1, ENV10, MIN10, WAST1 and WAST2.

Impacts on the highway;

The transport evaluation submitted with the application indicates that traffic flows are low on Cwrt yr ala road at present and the traffic from the development would generate a 'nominal increase'. Residents have objected to this increase as a nuisance. The scheme as amended, and as further confirmed by the agent, relates to 2 vehicles per hour and thus 12 vehicles per day. HGV movements on and off site would be limited to 9am-3pm weekdays. Taking into account the road access and residential properties nearest to the public highway along the route and the potential for conditions to control traffic including at the narrowest points (before the PDR road bridge on Cwrt yr Ala Lane), the increase is not considered to cause a danger highway safety nor significant adverse neighbour impact form noise, dust or vibration.

Conditions relating to the submission of a CEMP, to include dust suppression and wheel washing as well as hours of working, would be required if the scheme is approved.

Impacts on residential amenity:

The impacts from the scheme, other than from movement of HGV's on the highway network through the residential area, are noise and dust. The development will see an increase in HGV and other associated vehicle movements to and from the site which has the potential to cause detriment to the amenity of residents' of the nearby residential estate. Traffic movements associated with heavy lorries through a residential estate will have some detrimental impact creating additional movements with associated noise and disruption and this would last for a period of approximately 5 years. Some detriment to amenity is therefore considered to be likely. However the scale of that impact has to be weighed against the benefits of restoration of the site.

Due to the lower vehicle speeds in a 30mph zone and proposed limitations of days and hours of working, it is considered that impacts in terms of noise and dust can be controlled to an acceptable degree by conditions and a CEMP. It is considered that the scheme can be approved notwithstanding Cardiff City Council's comments.

In terms of the fill material only inert waste would be imported. A condition to this effect would be imposed and it is noted that if approved the application would also require a permit from the NRW. There is therefore no adverse impact in terms of the nature of the fill proposed on residential amenity.

Visual Amenity:

The proposed development site is located in the northern part of the Cwrt-yr-Ala Basin Special Landscape Area (SLA). The Dyffryn Basin and Ridge Slopes SLA also occurs to the west and south-west

The SLAs are recognised in Policy ENV4 and this states "new development within or closely related to the following Special Landscape Areas will be permitted where it can be demonstrated that it would not adversely affect the Landscape Character, Landscape Features or Visual Amenities of the Special Landscape Area."

Development within SLAs will be strictly controlled in order to protect their special landscape character. Any development proposed within or on land closely related to a defined SLA will need to have regard to the characteristics and features of the surrounding landscape. Any proposed development will need to demonstrate that proposals have been designed to minimise the impact upon the landscape.

The landscape assessment submitted in support of the application indicates that the proposed restoration area consists of predominantly bare ground, earth banks with areas of scree and rock exposure, enclosed by broad leaved woodland and scrub.

In visual terms, the initial works are likely to have a temporary impact on the visual amenity when viewed from the north, however restoration would provide a potential enhancement with tree planting even allowing for the increased height of the land as it rises up when viewed from the north (Cardiff side) and from the PDR. The development forms the backdrop and landscaped setting to a primary route into the Vale and Cardiff and any works should ultimately complement that landscaped setting.

In terms of views from the south, the proposed restoration area is relatively well-enclosed by sloping landform and existing mature vegetation which helps limit its visibility in the wider landscape. Its location will help to restrict its visual profile in the immediate and wider landscape of the SLA. This is particularly the case in relation to the more sensitive area of countryside to the south and would help to reduce the proposed development site's visibility and wider effects on landscape character from the south only.

It is noted also that landscaping is indicated, and would be conditioned as part of any approval and the development is therefore considered to comply with policies ENV10 , MIN6 (v) , WAST2 (v), (vii) and ENV27 criteria (iv) and (v) of the UDP.

Drainage:

There are currently surface water/land drains across the site and temporary drains are required during site clearance and a permanent drainage system post landfill. Details submitted indicate that a scheme would be detailed and this should be required by condition. The comments of the NRW and the Council's drainage engineers are noted. There is no objection on drainage grounds subject to conditions for temporary and permanent drainage of the site.

Ecology:

The site has potential for protected species. The Ecology reports do not indicate any species on the site but indicate that mitigation for badgers (i.e. foraging routes) should be considered and arrangements made for ' badger gates' in any fencing and fencing of any trenches at night. There are therefore no ecology restraints on the site. The restoration also has potential for enhancement of the ecological value of the site.

Heritage:

Whilst there are ancient monuments in the vicinity there are no impacts on their setting nor physically on the 'structure'. There are therefore no objections in terms of heritage to the scheme.

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 ENV1 – Development in the countryside, ENV2 – Agricultural land, ENV4 – Special landscape areas, ENV7 – Water resources, ENV10 - Conservation of the countryside, ENV11 – Protection of landscape features, ENV16 – Protected species, ENV17 - Protection of built and historic environment, ENV18 – Archaeological field evaluation, ENV29 - Protection of environmental quality, TRAN10 – Parking, MIN6 - Environmental impact, MIN8 - Restoration and after care, MIN10 - Derelict sites, WAST1- Provision of waste management facilities, WAST2- Criteria for assessing waste management facilities the proposal is considered not to adversely affect the character or setting of the Special landscape area, the setting of any heritage site, the amenities of adjoining policies for waste management, Mineral extraction and protection of the countryside, nor the amenities of residents in the locality of the access route or wider area.

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. 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 and details of the hours of operation on site. 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 Policies ENV29 and ENV27 of the Unitary Development Plan.

3. No HGVs associated with the development hereby approved shall access or leave the site on any Saturday, Sunday or Bank Holiday and HGVs shall only access or exit the site between the hours of 0900 – 1500 Monday to Fridays,

Unless such work –

- (a) is associated with an emergency (relating to health and safety or environmental issues);
- (b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents are safeguarded, in the interests of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. A landscaping scheme for the restoration of the site, including a management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV4 and ENV27 of the Unitary Development Plan.

5. Any trees or plants which within a period of five years from the completion of the restoration of the site 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 ENV4, MIN8, ENV11 and ENV27 of the Unitary Development Plan.

6. The development shall be carried out in accordance with the following approved plans and documents: -drawing 5238/01 to 09 inclusive form SLR and figures 1 to -14 inclusive from Amalgam Landscape received 25th September 2015; Waste Planning Assessment received 29th October 2015, Planning Statement, received 28th September 2015; Landscape and Visual impact Assessment, received on 25th September 2015; Transport Evaluation received 28th September 2015 and Addendum to Transport Evaluation received 7th January 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.

7. Prior to the commencement of any development on site including any site clearance or preparation works, a construction method statement , including details of wheel washing, a protection scheme for existing trees and hedgerow to be retained on site and showing the location of such trees and hedgerows, surface contours in relation to the surrounding land including section details of slopes and final profiles for the restoration works, proposals for soil spreading including minimum soil profile depths, controls on vibration and site stability, details of a surface and land drainage scheme with silt mitigation and a timescale for the works of restoration and tree and hedgerow protection , shall be submitted to and approved in writing by the local planning authority. The development and works of restoration shall thereafter be carried out in accordance with the approved details and timescales.

Reason: To safeguard the amenities of residents and the visual amenities of the Special Landscape Area, to ensure appropriate restoration of the site and to meet the requirements of policies MIN8, ENV27 and ENV29, section details of slopes and final profiles for the restoration works, detail of a surface drainage scheme with a silt mitigation , shall be submitted to and approved in writing by the local planning authority.

The development and works of restoration shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenities of residents and the visual amenities of the Special Landscape Area and to meet the requirements of policies ENV27, ENV29,

8. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order all means of enclosure or gate 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 or site clearance works. Details of any enclosure and gates used to block access onto or off the site shall include badger gates to allow badgers continued access to the site for foraging or commuting by maintaining a 30 cm gap at ground level . Only enclosures as so approved shall be erected or placed on the site at any time.

Reason: To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV16 and ENV27 of the Unitary Development Plan.

9. Any excavations associated with development shall be securely closed at night to prevent badgers falling in any excavations.

Reason: To safeguard protected species and to meet the requirements of policy ENV16 of the Unitary Development Plan.

10. Throughout the period of working, restoration and aftercare the operator shall:

(a) protect and support, or satisfactorily divert, any ditch, watercourse or culvert passing through the permission area and shall not impair the flow or render less effective drainage on to and from adjoining land;

(b) eradicate or adequately control all injurious weeds as defined by the Weeds Act 1959 within the site.

Reason:

To ensure the restoration of the site in this Special Landscape Area in accordance with the objectives of Policies ENV1, ENV4, ENV27, ENV16 and MIN8 of the Unitary Development Plan.

11. Prior to the commencement of any works on site, including any site clearance or preparation, the existing access into the site shall be surfaced with a bound material for the first 10m into the site from the back edge of the carriageway.

Reasons: In the interests of highway safety and to meet the requirements of policies ENV27 and MIN8 of the Unitary Development Plan.

12. Prior to the commencement of any works on site, including any site clearance or preparation, details of traffic management on the highway, Cwrt yr Ala Road shall be submitted to and approved in writing by the local planning authority and the approved management plan shall be fully implemented at the commencement of the development works or any site clearance or preparation.

Reason: In the interests of highway safety and to meet the requirements of policies ENV27 and MIN8 of the Unitary Development Plan.

13. As detailed in the Agent's letter of 11 December, 2015, no excavated materials or waste shall be removed from the site and only inert waste shall be brought onto the site.

Reason: For the avoidance of doubt as to the extent of this consent and in the interests of highway safety and residents' amenity and to meet the requirements of Policies ENV29, ENV27 and MIN8 of the Unitary Development Plan.

NOTE:

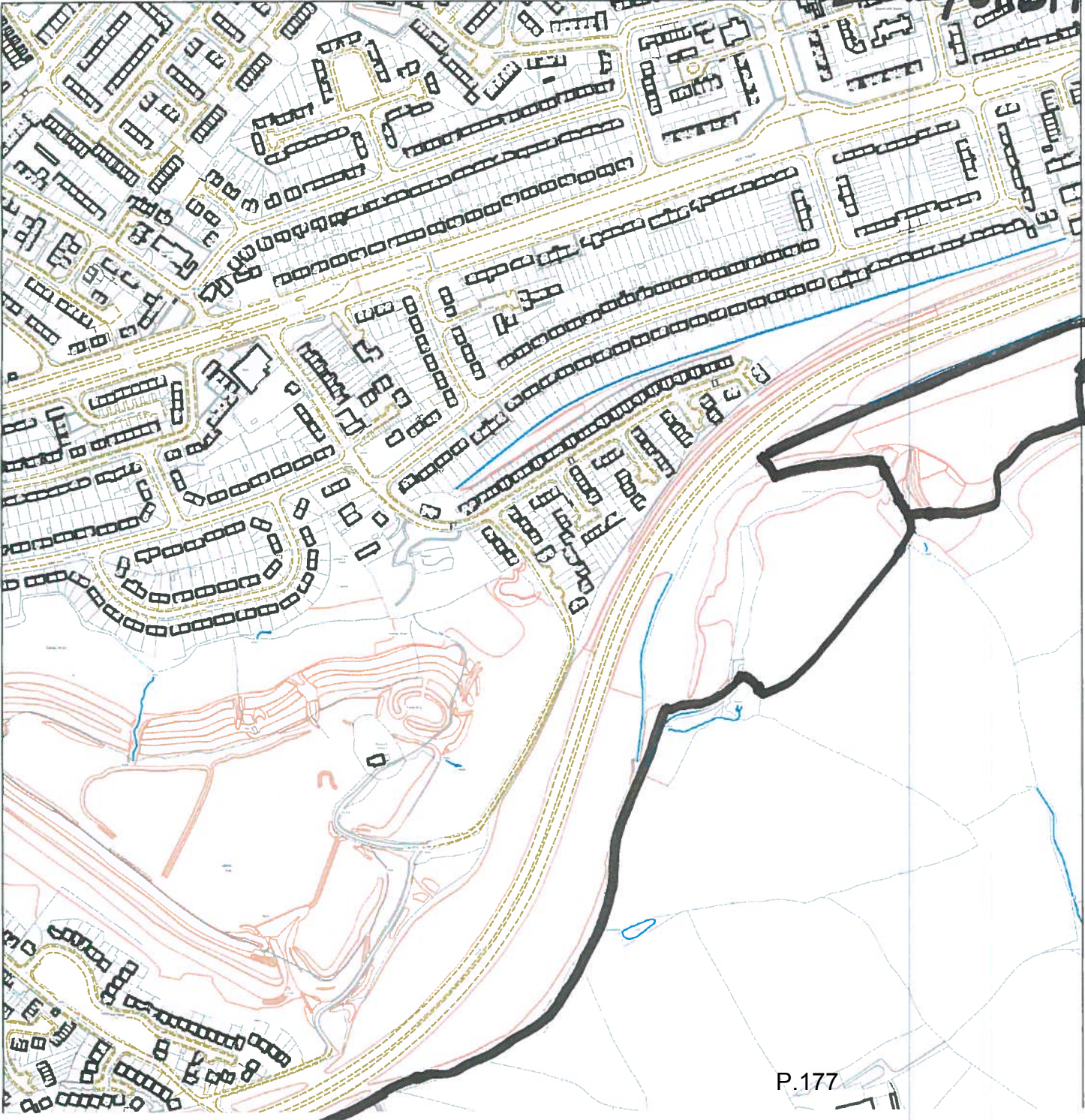
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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.

2015/01131/FUL



2015/01131/FUL
SITE LOCATION

APPENDIX A.
2015/01131/FUL

RECEIVED

Payne, Adrienne J

From:	Bradbury, Peter (Cllr) [REDACTED]
Sent:	D.E.E.R 19 January 2016 18:34
To:	RECEIVED Planning & Transportation (Customer Care)
Cc:	Carter, Paul; Clemence, James; Simmons, Elaine (Cllr)
Subject:	ACTION BY: SMC Application Number 15/02590/MUR VoG Application Number 2015/0113/FUL
Attachments:	NO 6 Addendum to ENG-0041-Former Brickworks Ely Cardiff v2(2).pdf ACK

20 JAN 2016

Regeneration
and Planning

Dear All

I attach the latest Addendum to the Transport Evaluation to the above referenced application which refers to Cwrt Yr Ala Road in the ward of Caerau which I represent.

I feel this addendum does little to ease the concerns that were raised by Cardiff Council Highways officers on 16/12/2016 or those consistently raised by myself as the local member.

Firstly Cardiff Council's response clearly asked for how the transport evaluation would take into account the transport coming from the Heol Trelai/Cwrt Yr Ala Road junction. The addendum gives no percentage of this flow of traffic, yet states that any changes from the original evaluation will be marginal. There is no evidence to back this assertion up. Indeed there is no mention of the existing school traffic that would not have been included in the original evaluation due to the location of where the traffic was evaluated. A true representation of the level of traffic in the area would have seen the evaluation take place on the junction of Heol Trelai as this is the entrance to the road the HGV lorries would have to travel down. Even under the amended times proposed this would see HGV lorries travelling down a narrow small road during peak times where there is a heavy school run traffic and during other peak hours. It is my opinion that the levels of transport that could be evaluated from this area would be significantly higher than the numbers that were accounted for in the original evaluation.

The report mentions the Ely Distribution Centre and the traffic that enters that site but the road leading up to the centre is not a residential one. It is an industrial road called Argyle Way. This is an application using a road network where over 300 homes are in close proximity where the road is designed for residential use only.

Secondly Cardiff Council's raised concerns about whether the existing carriageway is designed and also pointed out that the original evaluation was done prior to the new traffic calming measures being put in. Nowhere in the addendum is the new traffic calming measures addressed. The report makes reference to the Caerau Nursery Development and the lorry use during the construction of this site but it should be noted that a condition of that development was the placing of the traffic calming measures that aren't mentioned in the report. These were constructed post this development and have completely changed the nature of the access point.

In my opinion there is no way that HGV lorries could safely navigate this area and therefore this is a fatal flaw in the Transport Evaluation.

Cardiff Council also stated that they would expect the developer to occur any costs to any damage caused to the road network in this application. The Transport Report mentions road schemes and mitigations but does not mention who would bear the cost of these works. I also feel that the widening of the road by the A432 bridge is very optimistic and would struggle to be delivered.

This addendum has raised more planning concerns for me than answers and therefore I believe there is nothing that can be done to mitigate the concerns raised by my constituents, Cardiff County Council and myself.

I therefore believe that this application should be rejected on the grounds that the transport network in Caerau is unable to deal with this level of HGV transit.

I therefore would urge you to take these points on board and reject this application.

Payne, Adrienne J

2015/01131/FUL

From: Planning & Transportation (Customer Care)
Sent: 05 January 2016 16:44
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/01131/FUL

New comments have been received for application 2015/01131/FUL at site address: Photovoltaic Installation, Cwrt Yr Ala Road, Caerau, Cardiff (former Ely Brickworks)

from Mr David Wyatt [REDACTED]

Address:
Cardiff School of History Archaeology and Religion, Humanities Building, Colum Drive, Cardiff, CF103EU

Comments:

Other type details: Co-director of Caerau and Ely Rediscovering (CAER) Heritage Project.

Comment: The CAER Heritage Project works with the communities of Caerau and Ely (including ACE and local schools) to explore the area's rich heritage and address contemporary challenges facing these communities through archaeological and historical research co-production. We have been working with local residents for four years to explore the site's rich heritage and are currently submitting a multi-million pound Heritage Lottery grant to develop a significant heritage regeneration project focussed around the hillfort's potential for heritage tourism including heritage trails, further excavations, playgrounds and a heritage centre. The hillfort site (a few 100 yards from the proposed landfill) has enormous archaeological and community significance and is the largest and oldest heritage monument in Cardiff – the proposal would significantly impact on the setting of the monument (i.e. visual, smell)

Case Officer:
Mrs. J. M. Crofts

RECEIVED
06 JAN 2016
Regeneration
and Planning

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 9
ACK:

2015/01131/FUL

Crofts, Jane M

From: Bob Carlson [REDACTED]
Sent: 26 January 2016 20:47
To: Crofts, Jane M
Subject: Objection to planning application 2015/01131/FUL
Attachments: St Mary Church 1.jpg

Robert Carlson
123 Cwrt-yr-Ala Road,
Caerau,
Cardiff.
CF5 5QR

26/1/2016

[REDACTED]

Ref: Planning application 2015/01131/FUL Proposed excavation of fill material (to be stored on site), importation of inert wastes with the progressive restoration of the former mineral working areas associated with the former Ely Brickworks.

Dear Mrs Crofts,

I have noticed that the company who are representing Mr Feakins, SLR global environmental solutions, are also representing Viridor who installed and run the black bag refuse incinerator in Splott, Cardiff, and in other sites across the country. These incinerators produce hundreds of thousands of tonnes of ash which is then disposed of in landfill sites. Some may class this ash as inert waste, as the ferrous metals and larger objects can be filtered out. But I believe there may still be toxins in this ash in the form of acids, alkaloids, along with other toxins. If planning permission is granted for the Ely Brickwork Land Fill application, can we the public be guaranteed that the site would not be used to bury incinerator ash? As it could be used this way if the ash is classed as inert waste. This ash I believe may leach through into the drains and then into Ely River, which feeds into Cardiff Bay. If this proved to be the case would we want that? I know I wouldn't.

One wonders at the logic of removing inert material (which it is now stated would be stored on site) then filling the resultant pits with inert material? Even if these excavated pits were to be lined with clay, it should be asked why this would be necessary if inert waste is used as landfill?

The applicant keeps stating that the aim is the restoration of the Ely Brickworks site. The traffic problems and the destroying of a natural wildlife sanctuary seems to me to be overlooked. The mention of the dangers to the children from Caerau also puzzles me as it's almost totally inaccessible to the public. I pass this site several times every week and have never seen a member of the public there. I feel the real purpose of this application appears to me to be commercial, and seems to be being justified by a need to put it back as it was before the Brickworks was started many many years ago. I am very happy with the way it is at the moment, where I can see Buzzards, and Kestrels, who must be feeding on the wild life there, plus other birds. Also, the solar panels from the applicant's previous project are visible from the hillfort and old St Mary's church; completely spoiling the view of the landscape (photograph attached.)

I really can't see the justification for the granting of this application as it will negatively affect the local community and environment more than it will benefit it.

Please accept this letter as an objection to the application to turn The Old Ely Brickworks into a land fill site.

Thank you,
Regards
Bob Carlson

Waterstone Homes C/o Agent
Miss Llinos Hallett Asbri Planning Ltd., Unit 9, Oak Tree Court, Cardiff Gate
Business Park, Cardiff, CF23 8RS

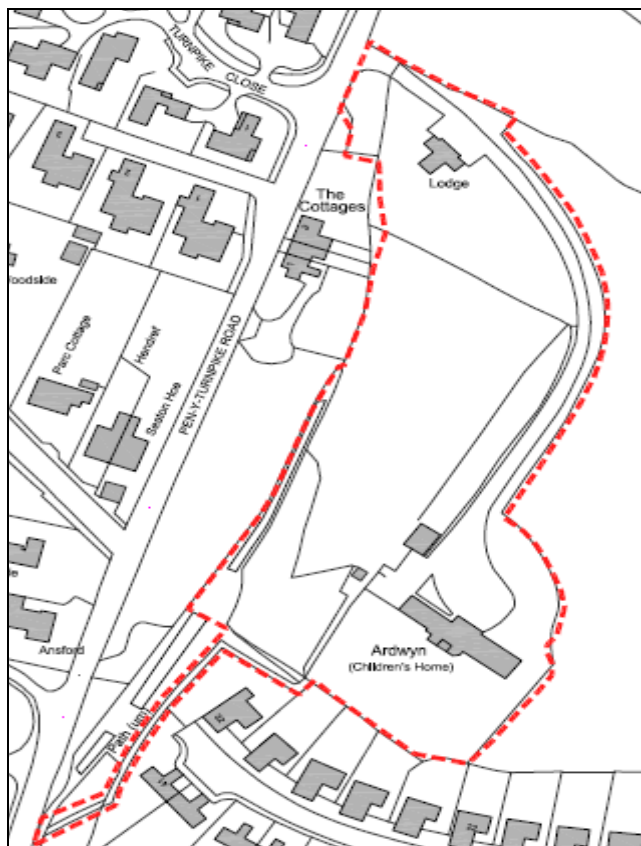
Ardwyn, Pen y Turnpike Road, Dinas Powys

Vary condition 22 of approved application 2015/00095/FUL to remove reference to Plot 14 regarding the rear elevation rooflight windows

SITE AND CONTEXT

The site was until recently a vacant former children's home on the edge of Dinas Powys. The site included a large house and a detached 'lodge' building with extensive garden areas with mature trees, many of which are protected under Tree Preservation Orders. Following approval of application 2014/00167/FUL construction commenced on the residential development with the previous buildings demolished. This has continued following the approval of application 2015/00095/FUL, for 18 dwellings.

The site is to the east of Pen-Y-Turnpike Road and north of Millbrook Heights. Ardwyn is to the edge of Dinas Powys, within the designated Green Wedge area (defined under Policy ENV 3 of the Unitary Development Plan) and outside, though immediately adjacent to, the Settlement Boundary of Dinas Powys. Open countryside and agricultural land is predominantly to the east and north of the site. Access is via Pen-Y-Turnpike Road.



DESCRIPTION OF DEVELOPMENT

The proposal is for a variation to Condition 22 of planning permission 2015/00095/FUL, which approved 18 dwellings on the site. The condition refers to the deletion of rooflights to the rear elevation roof slope (second floor level) of plots 13, 14 and 15, which face towards the rear of dwellings of Millbrook Heights. The application is to vary this condition to allow the rooflight already inserted to the rear roof slope of Plot 14 to be retained, with the argument made that it does not result in any significant neighbour impact and that its required removal via condition was not justified in terms of preserving neighbour amenities.

The rear elevation of Plot 14 as approved is shown as follows, though with the rooflight conditioned to be omitted from the approval by Condition 22 of the approval:



Please note that the dwelling as built at Plot 14 is 'handed' from the elevation drawing above, as stipulated with the 2015 application.

PLANNING HISTORY

2015/00095/FUL: Ardwyn, Pen Y Turnpike Road, Dinas Powys - Construction of eighteen dwellings and associated works - Approved 24/11/2015

2014/00167/FUL: Ardwyn, Pen Y Turnpike Road, Dinas Powys - Demolition of existing buildings, construction of 17 dwellings and associated works - Approved 11 November 2014.

2000/00636/FUL: Ardwyn Lodge, Penyturnpike Road, Dinas Powys - Renewal of application 95/00983/FUL for change of use - Approved 21 July 2000.

1995/00983/FUL: The Lodge, Ardwyn, Penyturnpike Road, Dinas Powys - Lodge F/F/ Flat - Retained for residential (Caretaker) Lodge G/F Garage and workroom - To be converted into school classroom and staff room resultant 'Change of use'.
- Approved 15 December 1995.

1984/00381/FUL: The Lodge, 'Ardwyn', Pen-y-Turnpike Road, Dinas Powys - Multiple occupancy accommodation for 2 or 3 young people to give independent living facilities with overnight by existing staff in 'Ardwyn' - Approved 17 May 1984.

ENFORCEMENT HISTORY

On the 28th August 2015, an enforcement complaint was received by the Local Planning Authority regarding the insertion of a roof light into the rear of Plot 14. The developer was advised that the development was not being built in accordance with the approved plan 2015/00095/FUL. There was a delay in the submission of the application due to the signing of the legal agreement; however an application was submitted on the 21st December 2015 to address the breach of planning control.

CONSULTATIONS

Dinas Powys Community Council – ‘The Council is not in a position to make a comment’

Dinas Powys Ward Members – No comments received to date

REPRESENTATIONS

The neighbouring properties were consulted on 4 January 2016. A site notice was also displayed on 14 January 2016. The application was also advertised in the press on 14 January 2016. To date, there has been 1 comment received, stating that they have no objection to the proposed retention of the rooflight though would not want rooflights inserted into plots 13 and 15. Furthermore, they raised the issue of glare from the sun reflecting off the feature glazing to the rear of new dwellings back to their properties.

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 and 2 - THE ENVIRONMENT
POLICY 3 - HOUSING
POLICY 8 - TRANSPORTATION
POLICY 11 - SPORT & RECREATION

Policy:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
ENV3 - GREEN WEDGES
ENV10 - CONSERVATION OF THE COUNTRYSIDE
ENV11 - PROTECTION OF LANDSCAPE FEATURES
ENV16 - PROTECTED SPECIES
ENV27 - DESIGN OF NEW DEVELOPMENTS
ENV28 - ACCESS FOR DISABLED PEOPLE
ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3 - DWELLINGS IN THE COUNTRYSIDE
HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA
HOUS11 - RESIDENTIAL PRIVACY AND SPACE
HOUS12 - AFFORDABLE HOUSING
REC3 - PROVISION OF PUBLIC OPEN SPACE
REC6 - CHILDREN'S PLAY FACILITIES
TRAN10 - PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

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

*'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:
there is no adopted development plan or
relevant development plan policies are considered outdated or superseded or
where there are no relevant policies*

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

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

Planning Policy Wales:

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

Chapter 4:

Chapter 4 of PPW deals with planning for sustainability. 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).'*

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

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

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

Part 4.3 of chapter 4 sets out the principles that underpin the Welsh Governments approach to planning policy for sustainable development, whilst part 4.4 sets out the sustainability objectives that derive from the principles; it states that planning policies, decisions and proposals should accord with the objectives.

Paragraph 4.7.8 of Chapter 4 relates specifically to development in the countryside and states that such development 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'*.

PPW advice on brownfield or previously developed land is of relevance in this case.

Paragraph 4.9.1 states:

'4.9.1 Previously developed (or Brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to Greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.'

CHAPTER 9 – Housing:

Finally the advice on housing in chapter 9 of PPW is of relevance, particularly the following extracts:

'9.1.1 The Welsh Government will seek to ensure that:

previously developed land is used in preference to Greenfield sites;

new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that

the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:

mixed tenure communities;

development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;

mixed use development so communities have good access to employment, retail and other services;

attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;

greater emphasis on quality, good design and the creation of places to live that are safe and attractive;

the most efficient use of land;

well-designed living environments, where appropriate at increased densities;

construction of housing with low environmental impact by using nationally prescribed sustainable building standards; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and

barrier free' housing developments, for example built to Lifetime Homes standards.

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

*9.3.2 Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.*

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

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. Details of the procedure to be followed in dealing with housing applications identified as **significant residential development** under the notification direction are given in paragraph 3.12.2.*

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

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)

*'2.2 Local planning authorities must ensure that sufficient land is genuinely available to provide a **5 year supply** of land for housing. This land supply must inform the strategy contained in the development plan. Local planning authorities should also have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and Local Development Plans Annual Monitoring Reports (AMR).'*

- Technical Advice Note 2 – Planning and affordable housing (2006)

'10.4 When setting site-capacity thresholds and site specific targets local planning authorities should balance the need for affordable housing against site viability. This may involve making informed assumptions about the levels of finance available for affordable housing and the type of affordable housing to be provided. Local planning authorities should also take into account the impact on the delivery of the affordable housing target and the objective of creating sustainable communities across the plan area and in the individual parts of the plan area.'

- Technical Advice Note 5 – Nature Conservation and Planning (2009)

- Technical Advice Note 12 – Design (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 (Partly superseded by the Vale of Glamorgan Housing Delivery Statement 2009)
Amenity Standards
Design in the Landscape
Model Design Guide for Wales
Planning Obligations
Sustainable Development –A developers Guide
Trees and Development
Biodiversity and development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 8, 2016) is noted. It states as follows:

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

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

Affordable Housing Background Paper 2013
Affordable Housing Viability Study 2013 Update
Housing Supply Background Paper 2013
Local Housing Market Assessment 2013 Update
Open Space Background Paper 2013
Sustainable Settlements Appraisal Review 2013
Joint Housing Land Availability Study 2014 (July 2014)
Green Wedge Background Paper 2013
Findings of the site assessment 2013
Population and Housing Projection Background Paper 2013
Transport Assessment of LDP Proposals 2013
Educational Facilities Assessment 2013

Other relevant evidence or policy guidance:

Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
Welsh Office Circular 13/97 - Planning Obligations

Issues

Members should be aware that this application follows application reference 2015/00095/FUL which was approved subject to conditions and a S106 legal agreement.

A full assessment of residential development on the site was made in respect of application 2015/00095/FUL including assessment of the principle of development taking into account all material planning considerations.

This application seeks to vary condition 22 of that consent and which relates to windows in plots 13, 14 and 15. The condition was as follows:

22. Notwithstanding the submitted details, this permission does not relate to second floor rooflight windows in the rear elevation of plots 13, 14 and 15 (serving a dressing room or master bedroom) or any window from the master bedroom at second floor in plots 13 and 15 opening onto the atrium above bedroom 2. Therefore these windows/rooflights are not approved as part of this consent.

Reason:

In the interests of protecting neighbour amenities and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

This application relates to plot 14, where the house has been built with the rooflight in place. The rooflight is a primary window to the master bedroom within the roof void of the house there being no other window serving this room (other than a small window in the front gable serving the dressing room area), which leads off the bedroom.

Members should also note that on the initial approval for 17 dwellings on the site (ref: 2014/00167/FUL) there was a rooflight approved on the equivalent dwelling as illustrated in the elevation plan extract below:



Figure 4 - House type C 2014 approval

The developer has been constructing the housing under the more recent 2015/00095/FUL consent and therefore cannot implement the previously approved 2014/00167/FUL house type C which would include the rooflight. However, it is important to note that the previous approval did include this house type with the rooflight, with there being no significant change in circumstance between the 2014 and 2015 approvals.

The developer has also provided a boundary site section plan (2014/102) for Unit 14, showing the nearest neighbour to the rear being 26 Millbrook Heights. This includes the following image:

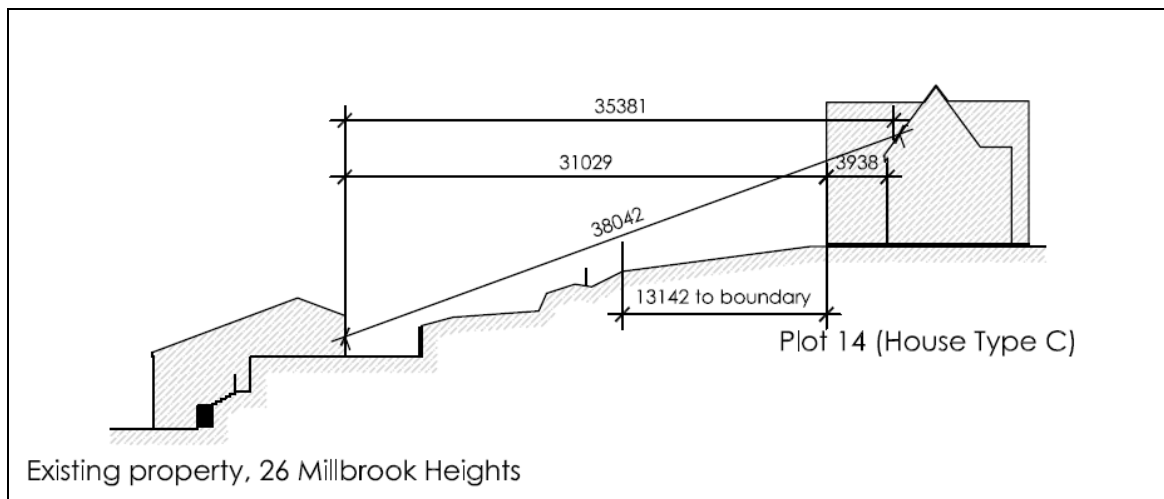


Figure 5 - Boundary cross section plan

The boundary plan shows a direct separation distance between the rooflight and the rear elevation of the neighbouring house of over 38m (distances to other neighbouring properties at Millbrook Heights would be greater). This is significantly greater than the 21m considered an acceptable separation distance between proposed fenestration and neighbours windows by the adopted Supplementary Planning Guidance 'Amenity Standards' to ensure against significant overlooking impact. Even considering the levels difference, which is clearly evident as shown on the above cross section, the 38m separation distance, is considered sufficient to avoid harmful levels of overlooking impact from the rooflight in question.

Further mitigation to potential overlooking impact between the Plot 14 rooflight and the neighbouring houses at Millbrook Heights should also be achieved with landscaping, that is required by the implemented consent, to the boundary with the neighbours on Millbrook Heights. This would provide further screening between the new dwellings and the existing dwellings to the south and is required under the landscaping condition details to be agreed. The Planning Authority would be seeking to secure appropriate landscaping throughout the development, but particularly along this boundary to provide some additional screening. However, notwithstanding the screening that could be provided by enhanced landscaping to this boundary, the separation distances are such that the impact to adjacent neighbour dwellings would not be to a degree to warrant the requirement to remove this rooflight.

It is concluded that, on balance, the inclusion of Plot 14 in condition 22 should be deleted. This would allow the rooflight to be retained as shown on the elevation plans. Considering all the above it is recommended that Condition 22 be amended to delete the reference to Plot 14 and should be revised to the following:

22. Notwithstanding the submitted details, this permission does not relate to second floor rooflight windows in the rear elevation of plots 13 and 15 (serving a dressing room) or any window from the master bedroom at second floor in plots 13 and 15 opening onto the atrium above bedroom 2. Therefore these windows/rooflights are not approved as part of this consent.

Reason:

In the interests of protecting neighbour amenities and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

CONCLUSION

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

Having regards to the proposed variation of condition it is considered that the amendment will not materially affect the approved scheme and the variation of the condition can be agreed without resulting in any significant impact upon the amenities of neighbours to the site. Accordingly, having regard to Policies ENV3 Green Wedge, ENV10 Conservation of the Countryside, ENV11 Protection of Landscape Features, ENV27 Design of New Developments, ENV28 Access for Disabled People, ENV29 Protection of Environmental Quality, HOUS2 Additional Residential Development, HOUS3 Dwellings in the Countryside, HOUS8 Residential Development Criteria, HOUS12 Affordable Housing, ENV16 Protected Species, REC3 Provision of Public Open Space for New Developments, REC 6 Children's Play Facilities and TRAN10 Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7, 2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2- Planning and Affordable Housing, 5-Nature Conservation and Planning, 12- Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; it is considered that the overall proposals are acceptable, based on the material considerations set out within the report, by reason of its sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan.

The proposals are also acceptable by virtue of a suitable means of access with no significant adverse impacts on highways, ecology or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.

RECOMMENDATION

Approve subject to the applicant signing a deed of variation to the legal agreement signed with approved application 2015/00095/FUL

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents: 2024/101 Revision U (received 17 July 2015), 2024-200-01 Rev E, 2024-201-01 Rev A, 2024-202-01 Rev D, 2024-203-01 Rev D, 2024-204-01 Rev B and 2024-205-01 Rev B, Plot Description Sheet (July 2015), 2024-300, 2024-301, 2024/300/12 Revision H (received 17 July 2015), Detailed Soft Landscaping Proposals TDA.2015.06 Rev C, Tree Protection Drawing TDA.2015.05 Rev B - Layout 2, Arboricultural Method Statement (July 2015 update) and Transport Statement (February 2015); and 2014/102 registered 21 December 2015.

Reason:

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

2. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

3. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on 2024/101 Revision U 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.

4. 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 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. A scheme providing for the fencing of the trees to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to any further development of the site. The scheme should also include details of any trees to be removed (and identify those trees adjacent to the foul water pumping station). No further development shall be undertaken 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.

6. Notwithstanding the submitted details, a landscaping scheme (to include significant additional landscaping with heavy standard varieties to the rear boundaries of Plots 13, 14 and 15 and to the rear boundary of Plot 1) shall be submitted to the Local Planning Authority within 1 month of the date of this consent for approval in writing of the Local Planning Authority 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 the amenities of adjacent occupiers, 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. The development shall be constructed in full accordance with the submitted Construction Environmental Management Plan (CEMP), by Waterstone Homes, submitted 15th December 2014 and approved on the 20th February 2015 in respect of application 2014/00167/FUL.

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 ENV 29 and ENV27 of the Unitary Development Plan.

9. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used 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.

10. Notwithstanding the submitted Illustrative Master Plan and associated access/ highway improvements, within three weeks of the date of this permission full engineering details of the proposed access, internal roads, associated works, turning areas, new footway, plus any new street lighting, signage and any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway shall have been submitted to the Local Planning Authority for their approval in writing, and following the written consent of the Local Planning Authority the development shall be completed in full accordance with the agreed details prior to the occupation of the last dwelling on the site.

Reason:

To ensure the provision on safe access into site, in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted drawings and within three months of the date of this consent, full engineering drawings/details of the proposed footpath link and associated works (from the site adjacent to Plot 13 and its connection with the highway just north of No 1 Millbrook Road), including levels works and steps to be incorporated, fencing, surfacing and a safety barrier adjacent to the highway and drainage details shall be submitted to the Local Planning Authority for their approval in writing. The footpath as approved shall be implemented and available for use by the general public prior to the occupation any of the dwellings hereby approved and shall be in accordance with the agreed details and maintained as such thereafter and remain open in perpetuity.

Reason:

To ensure the provision of safe and appropriate pedestrian access into site to serve the development in the interests of sustainable connections, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Prior to the first occupation of any of the dwellings hereby approved the approved access shall be constructed in full accordance with the submitted plans, including additional plan T14.105.CAD.101 as approved with application 2014/00167/FUL, incorporating the vision splays and the engineering details as required by Condition 10 and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

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

13. The visibility splays as indicated on plan Figure 3.3 of the Transport Statement (February 2015) as submitted with application 2015/00005/FUL shall be kept clear of obstructions, or planting exceeding 0.9m in height and shall be constructed in accordance with the engineering details as required under Condition 10. The vision splays as agreed shall be constructed and implemented prior to the first occupation of any of the dwellings hereby approved and maintained thereafter.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and ENV8 of the Unitary Development Plan.

14. Notwithstanding the submitted plans, and prior to the commencement of development on the units Nos. 6-7 and 20-23 inclusive, further details (including sections across and through the site) of the finished floor levels of the dwellings, in relation to existing and proposed ground levels, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

15. The development hereby approved shall be in accordance with the recommendations of the submitted 'Ecological Assessment and Survey for bats' (David Clements Ecology Ltd - July 2014) and the 'Wildlife Protection Plan for the Clearance and Construction Stages and Biodiversity Management Plan for the Completed Development' (David Clements Ecology Ltd - December 2014), as submitted with application 2015/00095/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure protection for protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

16. The full rear garden area for the flats at Plots 4 and 5 on the approved drawings Ref: 2024/101 Revision K shall be made available for use by occupants of both flats at first beneficial occupation, shall not be enclosed or partitioned in any way and shall be so available at all times for the occupants of the flats thereafter.

Reason:

To ensure adequate amenity space for occupiers of both flats, in accordance with Policies HOUS8 and ENV27 of the adopted Unitary Development Plan.

17. All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities.

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan (CON3).

18. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

07.30 – 18.00 Mon – Fri
0800-1300 Saturday

Unless such work –

(a) is associated with an emergency (relating to health and safety or environmental issues);

(b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan (CON2).

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows or roof lights other than that expressly authorised by this permission shall be inserted in the rear elevations of Plots 13, 14 and 15 (House Type A and C) at second floor level, of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

20. Notwithstanding the submitted details, this permission does not relate to second floor rooflight windows in the rear elevation of plots 13 and 15 (serving a dressing room) or any window from the master bedroom at second floor in plots 13 and 15 opening onto the atrium above bedroom 2. Therefore these windows/rooflights are not approved as part of this consent.

Reason:

In the interests of protecting neighbour amenities and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

21. No deliveries of any kind shall be made to the site during the peak hours of 8:00am until 9:30am and 4:00pm and 6:00pm on any working day.

Reason:

To minimize the congestion to the surrounding highway network and conflicts between site traffic and in the interests of Highway/Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
3. **Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
4. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**
5. **Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
6. **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.**

- 7. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**

- 8. 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.**

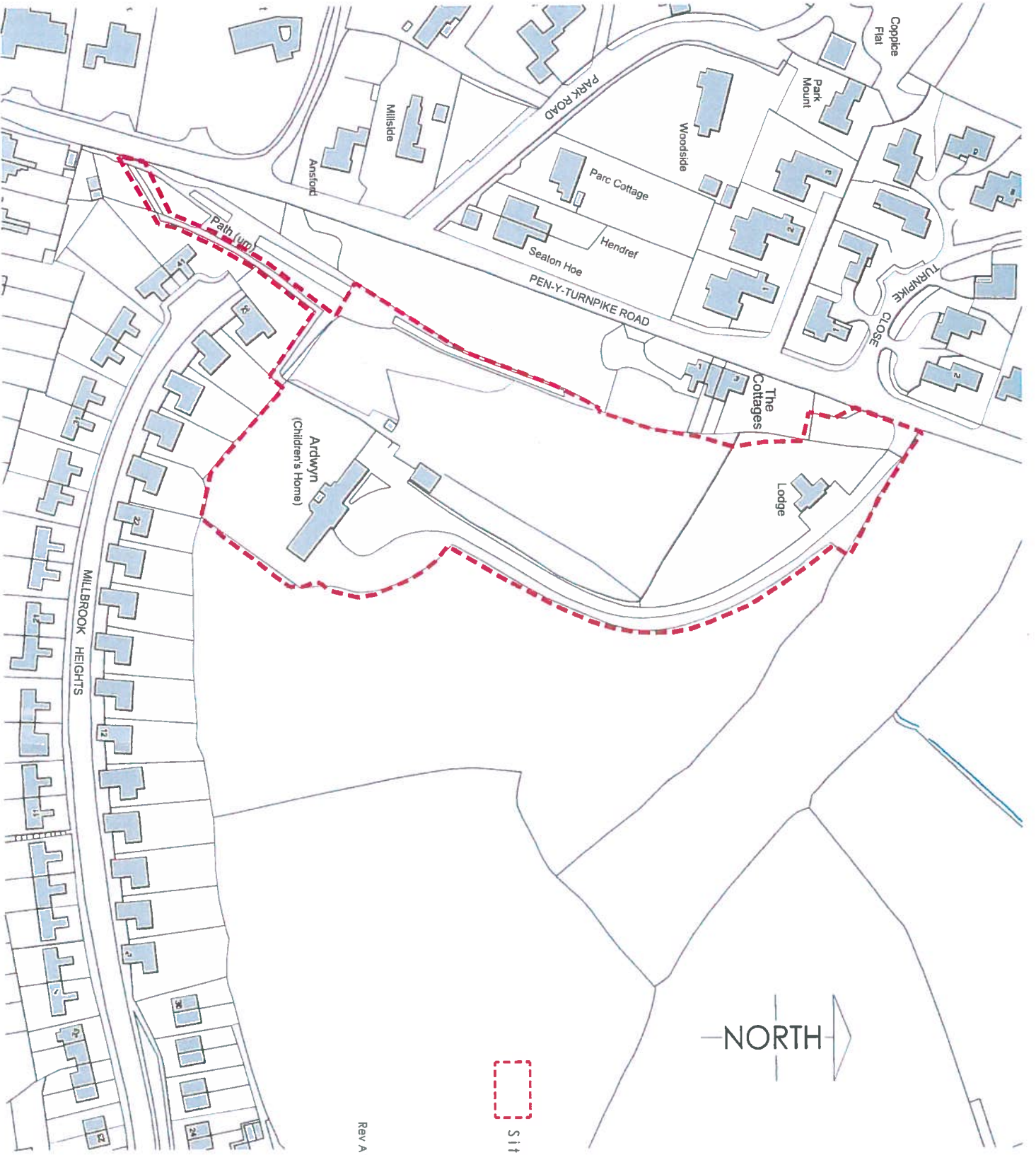
- 9. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065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

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

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

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

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



Site Area 1.67ha

1501456 FUL

Rev A - Red line amended to include offsite footpath 15914

Ardwyn,

Dinas Powys

Site Location Plan

1:1250 @ A3

Dwg. No. 2024/100A



