

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 28 July 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:

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| 2015/1681/BR | AC | The Swallows, Llancadle Farm, Llancadle | Conversion of existing barn and cow shed into a domestic dwelling. Demolition and rebuilding of lean to. Part demolition of both gable walls. |
| 2016/0560/BR | AC | 4, Robin Hill, Dinas Powys | Proposed adaption and new pitched roof. |
| 2016/0563/BR | AC | 14, Llandaff Close, Penarth | Single storey rear extension, hip to gable and dormer loft conversion |
| 2016/0564/BR | AC | Spring Meadow, Llandow | New agricultural bungalow |
| 2016/0571/BR | AC | 7, Pardoe Crescent, Barry | Single storey extension to the side and rear. |
| 2016/0581/BN | A | 20, Hinchsliff Avenue, Barry | Single storey rear extension |
| 2016/0585/BN | A | Dial Yr Hydref, The Lanes, off Colhugh Street, Llantwit Major | Two storey and single storey extension to existing property including detached sectional garage |
| 2016/0595/BN | A | 293, Barry Road, Barry | Single storey extension to enlarge the lounge and include shower room/toilet |
| 2016/0596/BN | A | 18, Cwrt Y Vil Road, Penarth | Two rooms into one |

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| 2016/0599/BN | A | 40, Marine Drive, Barry | Front extension |
| 2016/0601/BN | A | 62, Wenvoe Terrace, Barry | Decking raised to 180cm high to the height of back door of property and storage access underneath decking |
| 2016/0605/BN | A | 8, Evelyn Street, Barry | Two rooms into one |
| 2016/0606/BN | A | 6, Evelyn Street, Barry | Two rooms into one |
| 2016/0608/BN | A | Little Oak, 43, Caer Worgan, Llantwit Major | Single storey extension |
| 2016/0609/BR | AC | 13, Ewbank Close, Barry | Two storey side extension and single storey rear extension to provide additional bedroom and living room with enlarged kitchen and dining space |
| 2016/0611/BN | A | 24, Bramble Avenue, Bary | Garage conversion to living room |
| 2016/0612/BN | A | 1, Millfield Drive, Cowbridge | Conservatory to room 2 rooms in to log burner insulation |
| 2016/0617/BN | A | 26, Channel View, Ogmore - By - Sea | Garage conversion. One third of garage to remain and two thirds of garage to be converted to home office. |
| 2016/0622/BN | A | 123, Lavernock Road, Penarth | Existing bungalow to be altered and extended to a 2 storey dwelling. |
| 2016/0625/BN | A | 3, Dingle Dell, Penarth | Conversion of integral garage into living room. |
| 2016/0627/BN | A | 13, Park Road, Barry | Re-roof |
| 2016/0648/BN | A | 58, Andrew Road, Cogan | To raise height of existing outbuilding, pitched roof to flat roof, fibre glass roof and join to house, to be used as utility space. |

(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:

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| 2016/0082/AI | A | 5 Fferm Goch, Llangan | Two storey rear and single storey front extension |
| 2016/0083/AI | A | 11 Runcorn Close, Barry | Proposed two storey side extension and single storey rear extension works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2016/0084/AI | A | The Folly, Church Road, Llanblethian | Proposed single storey porch extension, rear sunroom extension and replacement windows, works to include structure, controlled services, fittings and thermal elements. |
| 2016/0085/AI | R | 17 Spencer Drive, Llandough | Proposed formation of structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2016/0086/AI | A | The Co-operative, 26 Windsor Road, Penarth | Fire improvement works to existing retail unit |
| 2016/0087/AI | R | 10 Castle Close, Boverton, Llantwit Major | Proposed new front bay window construction (works to include material elements to structure, controlled services, fittings and thermal elements) |
| 2016/0088/AI | A | Seagull Cottage, 44 West Farm Road, Ogmore by Sea | Proposed front pitched roof dormer extension, front balcony and alterations to the rear |

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| 2016/0089/AI | A | Rose Cottage, Llanmaes, Llantwit Major | Proposed single storey ground floor extension and change flat roof to pitched on existing outbuilding (works to include material alterations to structure, controlled services, fittings and thermal elements) |
| 2016/0090/AI | A | 3 Woodland Place, Penarth | Rear single storey extension and internal alterations (works to include material alterations to structure, controlled services, fittings and thermal elements) |
| 2016/0091/AI | A | 8 Caer-ty-Clwyd, Llantwit Major | Proposed construction of single storey extension (works to include material alterations to structure, controlled serviced, fittings and thermal elements) |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 28 July 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

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| 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 |

2010/01166/2/N MA R 2, The Verlands, Cowbridge

Non Material Amendment - Pitched roof cover-change from timber/composite cladding to zinc roof and east facing elevations - introduce part rendered panel to compliment existing garage glazed aspect.
Planning permission ref. 2010/01166/FUL: New dwelling

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| 2012/01206/1/N MA | A | Ty Gwyn, 21-23, Stanwell Road, Penarth | Non Material Amendment - Revised location of air purification system, together with noise mitigation remedial measures including a replacement fan, ductwork lagging and attenuator. Planning permission reference 2012/01206/FUL: Installation of extract ventilation and galvanised ductwork to the rear of the building (NMA) |
| 2014/00582/1/N MA | A | 7, Fulmar Close, Lavernock Park, Penarth | Non-Material Amendment- Amend dormer cladding from concrete tiles to marley cedar weatherboard & install new window into front elevation. Proposed porch and rear dormer to property |
| 2015/00874/OUT | R | Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely | Construction of twelve one, two and three bedroom affordable semi-detached and terraced houses and parking |
| 2015/01119/FUL | R | Land at Tudor Lodge, Bonvilston | Construction of agricultural barn/storage facility |
| 2015/01353/FUL | A | The Club House, Brynhill Golf Club, Port Road East, Barry | Erection of a new halfway house building |
| 2015/01440/1/N MA | A | The Cottage, 10A, Paget Place, Penarth | Non Material Amendment - Construction of a single storey extension to the rear of an existing double storey residential property |

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| 2015/01457/1/N MA | A | Monkton House, Holmesdale Place, Penarth | Non-Material Amendment - Amendment to the rear dormer window as installed. Due to site details and the presence of structural steels the original arrangement as approved was adjusted to suit. This applies to the rear elevation only, where timber boarding is of a marginally larger area than that shown on the approved elevation. Planning permission ref. 2015/01457/FUL: Front, side and rear dormer extensions together with roof lights |
| 2016/00107/FUL | A | Units 2A/2B, Brooklands Terrace, Culverhouse Cross | Proposed alterations to units 2A/2B, including new service pod, and alterations to roof, elevations, car parking and external areas in order to accommodate requirements of new user - Aldi store food retailer |
| 2016/00195/FUL | A | 224, Holton Road, Barry | Change of use of commercial ground floor unit to two residential flats |
| 2016/00196/FUL | A | 244, Holton Road, Barry | Change of use of ground floor to two flats |
| 2016/00237/FUL | A | 224, Holton Road, Barry | Proposed alterations to front elevation. Remove existing shop front and install new residential facade at ground floor level |
| 2016/00251/FUL | A | 244, Holton Road, Barry | Proposed alterations to front elevation, remove existing shop-front and install new residential facade at ground level |

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| 2016/00289/FUL | A | 17, Archer Road, Penarth | Proposed two and single storey rear extension and alteration works |
| 2016/00323/FUL | A | Pen Y Bryn, Llanmaes | Installation of narrow gauge railway for private use including a change of use of part of the site from existing meadowland |
| 2016/00324/OUT | A | Sea Lawns Hotel, Slon Lane, Ogmore By Sea | Variation of conditions 5-Parking, Access and Turning, 13-Landscaping, 14-Means of enclosure, 16-Proposed Levels of 2013/00881/OUT - Construction of 7 No. apartments, including car parking and landscaping at Sealawns Hotel, Slon Lane, Ogmore By Sea |
| 2016/00328/RES | A | Sea Lawns Hotel, Slon Lane, Ogmore By Sea | Appearance |
| 2016/00329/FUL | A | 10, Church Street, Llantwit Major | The change of use of the ground floor retail premises to residential in order to form a single dwelling house |
| 2016/00350/FUL | A | Coed Marsarnen Road, Colwinston | The erection of a motor control centre cabinet, dosing kit cabinet and relocation of an existing dosing tank within the operational boundary of Colwinston Sewerage Pumping Station |

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| 2016/00370/1/N MA | R | 54, Cornerswell Road, Penarth | Non Material Amendment - Amendment to profile of rear window. Planning permission ref. 2016/00370/FUL: Loft conversion comprising split level dormer to provide additional habitable space and WC with incorporation of roof-lights to front elevation. Proposal includes removal of existing chimney stack to rear of property to facilitate dormer |
| 2016/00371/FUL | A | New House, The Herberts, St. Athan Road, St. Mary Church | First floor side extension |
| 2016/00436/ADV | A | Currys/PC World, Unit 1 and 3 Brooklands Retail Park, Port Road, Culverhouse Cross | Re-skin existing sign and new signage |
| 2016/00444/FUL | A | Melrose, 25, Archer Road, Penarth | Taking down a stand alone rear chimney |
| 2016/00447/FUL | A | 51, Vere Street, Barry | Material change of use from A1 to D2 & A1 |
| 2016/00451/FUL | A | 11, Nantlais, Corntown | Two storey extension with ground floor study and second living room with two additional bedrooms and bathrooms |
| 2016/00456/FUL | A | 42, The Wheate Close, Rhoose | Double storey side extension amended to flat roof construction |
| 2016/00474/FUL | A | 71, Conybeare Road, Sully | New flat roofed side extension providing utility and wet rooms |

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| 2016/00475/FUL | A | Zeon Chemicals Europe Ltd., Sully Moors Road, Sully | Demolition of all superstructures, including buildings, plant and other on-site structures, together with grubbing up all hardstandings, groundslabs, foundations, drainage and associated below-ground structures to a depth of 2 metres |
| 2016/00476/FUL | A | Land south of Green Down, Nr. Llancarfan | Tractor/shed workshop alongside existing stables |
| 2016/00481/FUL | R | Former Admiral Public House, Vere Street, Barry | First floor extension over former boxing club to provide two new flats |
| 2016/00486/FUL | A | 58, Andrew Road, Cogan, Penarth | To raise height of existing outbuilding, pitched roof to flat roof, fibre glass roof and join to house, to be used as utility space |
| 2016/00488/FUL | A | Brookfield, Twchwyn Garth, Llangan | Two storey side & rear extension |
| 2016/00489/FUL | R | Unit 2, Sea View, St.Athan | Variation of condition 1 of 2010/00957/FUL relating to description of windows and doors i.e. from timber as noted on approved drawings to woodgrain UPVC |
| 2016/00490/FUL | R | 4, Victoria Avenue, Penarth | Demolition of existing single storey brickwork garage. Erection of proposed two storey, pitched roof, brickwork garage |
| 2016/00491/FUL | A | The Promenade, Paget Road, Barry | 1 no. wellington boot advertisement |
| 2016/00492/LAW | A | 20, Hinchsliff Avenue, Barry | Proposed single storey rear extension |

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| 2016/00495/FUL | A | 46, Plymouth Road, Barry | Two storey side extension, providing lounge, laundry, bedroom and en-suite |
| 2016/00496/FUL | A | Rose Cottage, Llanmaes | Proposed ground floor extension to existing kitchen and storm porch and remodelling of existing storage outbuilding |
| 2016/00497/FUL | A | Crofton, 15, Charteris Close, Penarth | Proposed flat roofed ground floor extension to enlarge kitchen and form dining area |
| 2016/00498/FUL | R | Land at rear of 11, Whitcliffe Drive, Penarth | Removal of Condition 8 of Planning Permission ref. 2015/01258/FUL - Details of balcony screen |
| 2016/00501/FUL | A | 88, Westward Rise, Barry | Single storey extension to the side and rear including internal alterations |
| 2016/00505/FUL | A | 26, Channel View, Ogmore by Sea | Proposed partial garage conversion to study with external alterations |
| 2016/00508/FUL | A | 2, The Glades, Penarth | First floor extension |
| 2016/00514/FUL | A | Seagull Cottage, 44, West Farm Road, Ogmore by Sea | Proposed front pitched roof dormer extension, front balcony and alterations to the rear of the property |
| 2016/00516/FUL | A | Barn B, Doghill Farm, Dyffryn | Extension to the existing barn incorporating a bedroom, bathroom, study and lobby |
| 2016/00518/FUL | A | Rest Harrow, Cross Common Road, Dinas Powys | Single storey front extension and alterations |
| 2016/00532/FUL | A | 11, Cae Gwyn, Penarth | Single storey rear extension |

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| 2016/00533/ADV | A | 1, Paget Road, Barry | Folded aluminium panels powder coated to colour with stencil cut detail to face backed in opal acrylic and vinyl applied internally illuminated via white LED to give face illumination. Built up aluminium logo powder coated to colour with acrylic faces internally illuminated via white LED and fixed to wall via metal bracket |
| 2016/00540/FUL | A | 1, Lidmore Road, Barry | Two storey side extension |
| 2016/00542/FUL | A | 245, Holton Road, Barry | Install a new powder coated aluminium shop front, new fascia, shop sign, new external security shutter with shutter housing behind fascia |
| 2016/00543/FUL | A | 212, Holton Road, Barry | Install new powder coated aluminium shop front, new fascia and shop sign, new external security shutter with shutter housing behind fascia |
| 2016/00545/ADV | A | The Promenade, Paget Road, Barry | 1 no. wellington boot advertisement |
| 2016/00548/FUL | A | 2, Tal Y Bryn, Penarth | Rear glazed conservatory, to be converted into cavity wall construction and tiled roof |
| 2016/00553/FUL | A | 3, Dingle Dell, Penarth | Conversion of integral garage into living room |
| 2016/00555/FUL | A | Dunloe, 37, Llanmaes Road, Llantwit Major | Proposed demolition of existing conservatory and construction of new single storey rear extension and internal alterations, extension of existing garden store |

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| 2016/00556/FUL | A | 1, Sheepcourt Cottages, Bonvilston | Conversion of bed and breakfast accommodation to single residential property |
| 2016/00557/FUL | A | 9, Heol Leubren, Pencoedtre Village, Barry | Construction of single storey extension & conversion of double garage to living area |
| 2016/00560/FUL | A | 32, Dyserth Road, Penarth | Roof alterations to create new loft bedroom, demolition of existing rear single storey extensions and construction of new flat roof extension and terrace, alterations to existing redundant garage to create new ancillary utility and WC |
| 2016/00569/FUL | A | 17, Clos Cradog, Penarth | Single storey extension to rear of property |
| 2016/00573/FUL | A | 19, Plas Glen Rosa, Penarth | Conservatory to rear of property |
| 2016/00576/FUL | A | 135, Redlands Road, Penarth | 2 storey side and rear extension with associated works plus new garden shed |
| 2016/00580/FUL | A | 1, Sycamore Close, Dinas Powys | Proposed side extension providing new shower and utility room |
| 2016/00582/FUL | A | 108, Fontygary Road, Rhoose | To adjust existing porch roof and for new first floor veranda and form new first floor access |
| 2016/00583/FUL | A | 3, Heol Tre Forys, Penarth | Single storey extension to rear of property |

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| 2016/00587/FUL | A | 3, Oyster Bend, Sully | Refurbishment of existing dwelling, removal of side conservatory and replacement with brick pitched roof structure and addition of rear extension |
| 2016/00590/FUL | A | 13, Murch Crescent, Dinas Powys | Proposed single storey lean to rear kitchen extension plus new porch |
| 2016/00603/FUL | A | 27, Dunraven Street, Barry | Erection of single storey outbuilding to provide secure storage located in rear garden |
| 2016/00612/FUL | A | 7, The Meridian, Penarth Portway, Penarth | To replace the existing UPVC windows with new UPVC windows |
| 2016/00617/LAW | A | Super Hangar, Aerospace Business Park, St Athan | Proposed use by Aston Martin Lagonda Limited for a primary use for the manufacture and assembly of motor cars (Class B2), with ancillary uses for storage/distribution. office, reception and exhibition area, staff canteen and parking |
| 2016/00620/LAW | A | Old Leckwith Bridge, Leckwith Road, Canton | The works involve minor ground raising along the West bank of the River Ely throughout the Leckwith Bridge Industrial Estate, and the construction of two new low flood walls adjacent to Leckwith Old Bridge |
| 2016/00705/PNA | A | Penllyn Estate Farm, Llwynhelig, Cowbridge | Extension to existing agricultural building |

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 28 July, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

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| L.P.A. Reference No: | 2015/01322/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 16/3146694 |
| Appellant: | Mr. Chris Loyn |
| Location: | 21, Victoria Road, Penarth |
| Proposal: | Proposed new two bed dwelling including demolition of existing buildings |
| Decision: | Appeal Dismissed |
| Date: | 8 July 2016 |
| Inspector: | Joanne Burston |
| Council Determination: | Delegated |

Summary

This appeal is referred to in the decision as 'Appeal A' and was linked with the related application for Conservation Area Consent reference 2015/01357/CAC for the demolition of the building, referred to as 'Appeal B'.

For Appeal A, the main issues were the effect of the proposal on the character and appearance of the Penarth Conservation Area, residents' living conditions and highway safety.

For Appeal B, the main issue was whether in the absence of an acceptable scheme of redevelopment, the proposed demolition would preserve or enhance the character or appearance of the Penarth Conservation Area.

Reasons – Appeal A:

Character and Appearance

The Inspector noted that the proposal would see the demolition of a garage and outbuildings which, it was concluded, contribute little to the overall appearance of the Conservation Area when considered as a whole. The Inspector did, however, note that the rear service road known as 'Jack's Lane' does provide an historical context to the Victorian layout of the area.

The Inspector was of the view that the proposed building would be a bulky and much more solid form that would dominate this part of the Conservation Area, and that its siting would be harmfully intrusive and would erode the historic character. It was, therefore, concluded that the proposed development would fail to preserve or enhance the character or appearance of the Penarth Conservation Area.

Living conditions

The Inspector considered that the backland position of the proposed dwelling with its associated terrace feature would give rise to a significant perception of overlooking of the neighbouring garden areas, resulting in material harm to the living conditions of neighbouring occupiers.

Highway safety

The Inspector found that, as the amount of additional vehicle movements generated by the proposed dwelling are likely to be low, and as no evidence was submitted to show there is a current road safety problem, it was concluded that the access arrangements for the proposed development were satisfactory and would not result in unacceptable risks to highway users.

Other matters

The inspector appreciated that the appellant's current situation is a difficult one and that the medical condition of his wife is a sensitive and personal issue. However, the Inspector noted that planning permission runs with the land rather than with the appellant and, as such, the personal circumstances of the appellant could only be given limited weight. Moreover, such personal circumstances can change and do not outweigh the interests of the Conservation Area which would be permanently compromised by the proposed development.

Overall Conclusion – Appeal A

The Inspector concluded that the proposal is acceptable in relation to impacts upon highway safety. However, due to the concerns that the scheme would fail to preserve or enhance the character or appearance of the Penarth Conservation Area and the harm to the living conditions of existing neighbouring occupiers, the Inspector did not consider it acceptable and that all other matters raised did not outweigh his conclusion.

Reasons – Appeal B:

The Inspector was of the view that the loss of the existing outbuildings would damage the present tangible link with the former historical layout of the area, which was considered to be important to the significance of this part of the

heritage asset. Accordingly, he found that it would not necessarily be in the interests of the Conservation Area for the existing buildings to be demolished.

The Inspector noted the guidance provided in Welsh Office Circular 61/96 (Planning and the Historic Environment: Historic Buildings and Conservation Areas), that consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. In light of the findings for Appeal A above, the Inspector concluded that there would not be an acceptable scheme for the redevelopment of the site, and that the proposed demolition would fail to preserve or enhance the character or the appearance of the Penarth Conservation Area.

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| L.P.A. Reference No: | 2015/01357/CAC |
| Appeal Method: | Written Representations |
| Appeal Reference No: | E/16/3146695 |
| Appellant: | Mr. Chris Loyn |
| Location: | 21, Victoria Road, Penarth |
| Proposal: | Proposed new two bed dwelling including demolition of existing buildings |
| Decision: | Appeal Dismissed |
| Date: | 8 July 2016 |
| Inspector: | Joanne Burston |
| Council Determination: | Delegated |

Summary

See the above linked appeal summary for application 2015/01322/FUL.

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| L.P.A. Reference No: | 2016/00003/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 16/3148476 |
| Appellant: | Mr. G. Thelwell |
| Location: | 14, Church Hill Close, Llanblethian, Cowbridge |
| Proposal: | Remove Condition 2 to allow retention of 0.5m length of rear raised patio area longer than that authorised by consent 2014/00217 (4m rather than 3.5m) |
| Decision: | Appeal Allowed |
| Date: | 30 June 2016 |
| Inspector: | Melissa Hall |
| Council Determination: | Delegated |

Summary

Background

Planning permission was granted in April 2014 for extensions, a sun porch, a new detached garage and the remodelling / levelling of an external area

(patio). The development was not carried out in accordance with the approved scheme, hence an application in August 2015 to retain the development as built. Permission was granted by the Council with condition 2 stating that the permission would not relate to / grant consent for the as built section of rear raised patio area or the any part of the roof structure that is directly above that area of patio.

An application was made in January 2016 to remove Condition 2 of planning permission Ref 2015/00740/FUL. This appeal relates to the Council's refusal of that application.

Main Issue

Against the above background, the main issue were considered to be whether the condition is both reasonable and necessary having regard to the living conditions of neighbours.

Reasons

It was noted that a raised patio / external seating area existed to the rear of the property prior to any of the works having been undertaken. In the light of this, and the extent of raised patio area approved under the 2014 and 2015 permissions, there was and would have been a degree of overlooking from the patio to the neighbouring dwelling.

The Inspector observed similar raised patios in the rear gardens of neighbouring properties, and suggested that this situation where there is a degree of overlooking from a neighbouring patio at a higher ground level is not uncommon in the surrounding built form.

The Inspector accepted that the 'as built' structure brings the development closer to the rear facing habitable room window at No 18, but noted that it is only the upper part of the window that is visible and that the private garden of this neighbouring property is not highly visible from the patio.

In this context, the Inspector concluded that the patio does not have a significant impact on privacy or that it results in any additional harmful overlooking over and above that of the pre-existing situation or the schemes approved by the Council that justifies withholding planning permission.

Turning to the impact of the open sided porch, the Inspector observed that additional trees have been planted along the common boundary with No 18. She was of the view that this landscaping, once established, will further screen the raised patio and porch from the neighbouring property.

The Inspector did not find the development to be in conflict with UDP policy, SPG or national planning guidance. Accordingly, she found that the control imposed by the condition, preventing the retention of the 'as built' raised patio and porch, to be both unreasonable and unnecessary.

L.P.A. Reference No: 2015/01269/FUL

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|------------------------|--|
| Appeal Method: | Written Representations |
| Appeal Reference No: | 16/3146068 |
| Appellant: | Mr. Gareth David, |
| Location: | 31, Lakin Drive, Barry |
| Proposal: | Conversion of office (formerly a garage) into an osteopathy clinic |
| Decision: | Appeal Allowed |
| Date: | 28 June 2016 |
| Inspector: | A Dawe |
| Council Determination: | Delegated |

Summary

The Inspector noted that the proposal also included a slight raising of the height of the roof and determined the appeal on that basis.

Main Issues:

- i) highway safety in respect of parking provision;
- ii) the living conditions of the occupiers of neighbouring dwellings in respect of noise and disturbance and privacy.

Highway safety

With regard to the shared parking arrangements between the clinic and the dwelling that were proposed, the Inspector considered it likely that there would be reliance upon some degree of on-street parking. However, as the site is located close to a bus stop, the Inspector thought that this would be likely to reduce the demand for patients driving to the site and parking in the street. He also noted that there was a significant amount of potential on-street parking space close to the site and, given the small scale nature of the proposed practice, it would be unlikely to generate more than one or two patients at any one time. As such, the Inspector was of the view that the development is unlikely to generate so much more on-street parking as to be likely to cause inappropriate, inconsiderate or obstructive parking.

The Inspector noted the Council's concern about any precedent that may be caused, but suggested that any other proposals elsewhere would have to be determined on their merits based on their specific circumstances.

Living conditions

The access to the clinic would be in between the side of the existing dwelling at No 31 and the rear boundaries of Nos 2 to 6 Andover Close. In respect of the Andover Close properties, the Inspector noted that these would be separated from the clinic by intervening structures, which would prevent overlooking and would provide a degree of screening from vehicle or vocal noise generated by the proposal. The dwellings themselves would also be separated from the clinic by the length of their gardens.

In respect of No 33, the Inspector noted that the property would be largely screened from the outdoor customer activity arising from the proposal by the

dwelling of No 31. He also noted that the clinic itself would be set well away from the garden boundary of No 33, so as to be likely to avoid undue disturbance to its residents. He was also of the view that residents of any other nearby properties would be unlikely to experience a material increase in noise and disturbance from comings and goings in Lakin Drive over and above the general activity that already occurs on this through road.

With regard to the living conditions of residents of No 31 in perpetuity, albeit that the current occupier is also the appellant, as the patients would enter the waiting room area directly from the front of the building and in the light of the fairly small number of customers per day, the Inspector took the view that there would be minimal imposition in terms of direct overlooking and noise and disturbance.

Accordingly, it was concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings in respect of noise and disturbance and privacy, in accordance with the relevant UDP policies.

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| L.P.A. Reference No: | 2015/00817/FUL |
| Appeal Method: | Written Representations |
| Appeal Reference No: | 16/3145962 |
| Appellant: | Mr. J. Wrenn, |
| Location: | The Vineyard, Lavernock Road, Penarth |
| Proposal: | Proposed dwelling |
| Decision: | Appeal Dismissed |
| Date: | 30 June 2016 |
| Inspector: | Joanne Burston |
| Council Determination: | Delegated |

Summary

The main issue in this case is whether the proposal would be an acceptable form of development having regard to national and local policies relating to the countryside.

Reasons

3. The appeal site lies in open countryside where development is restricted to certain purposes. There are some buildings nearby, however the overall character of the area surrounding the appeal site is dominated by fields and agricultural land.

The Inspector noted that, whilst UDP Policy HOUS 2 allows for infilling of small gaps within defined settlements and small scale rounding off on the edge of settlement boundaries, the site lies some distance from the services and facilities of the settlement of Sully. Whilst the proposed dwelling would be close to the existing dwellings, she noted that the latter is a small isolated group that are clearly distinct from the settlement in physical and visual terms. She also noted that the area proposed to be developed relates much more

closely to the adjacent unspoilt countryside; the proposed development would introduce considerable changes to the appearance of the site and the surroundings. The Inspector took the view that the intensification of built development would be detrimental to the intrinsic value and character of the countryside in this location.

Accordingly, it was concluded that the proposal would be harmful to the predominantly rural character and appearance of the area contrary to the objectives of PPW and the relevant UDP Policies

Other matters

The equine need for the development set out by the appellant was not considered sufficient to warrant the grant of permission. As for the medical evidence provided by the appellant, the Inspector recognised that, whilst there is concern as to the impact dismissing the appeal would have on health issues, the medical advice provided related to incapacity benefit regarding capability for work. Furthermore, the evidence as to other suitable properties in the area was limited to the advice from one estate agent. As such, the Inspector pointed out that, where an exception is to be made in overriding national and local policy, the evidence has to be decisive. On the basis of the evidence before her, she concluded that this is not the case.

| | |
|------------------------|---|
| L.P.A. Reference No: | 2015/00996/FUL |
| Appeal Method: | Hearing |
| Appeal Reference No: | 16/3143490 |
| Appellant: | Trustees of St. Fagans No.1 and 2 |
| Location: | St. Y Nyll Farm, St Brides-super-Ely |
| Proposal: | Change of use and conversion of existing barns to provide a residential dwelling and associated works |
| Decision: | Appeal Allowed |
| Date: | 20 June 2016 |
| Inspector: | Aidan McCooey |
| Council Determination: | Delegated |

Summary

The main issues were identified as:

- i) whether the proposal would constitute a sustainable form of development in accord with national and local planning policy taking into account the nature of the proposal as described in the application; and
- ii) whether a negative impact on European Protected Species of bats would result from the proposal.

Reasons

The site is located around 400m north of St Bride's-super-Ely and approximately 2 km from Peterston-super-Ely.

The Inspector considered the building to be a fine example of traditional stone barns with a slate roof.

Sustainability of the Proposal

Whilst the Inspector stated that there was no doubt that the primary means of access to the site would be by private car, he also noted that access to public transport is available and the flat terrain would encourage cycling. He did not consider the appeal site to be in an isolated location as there are existing dwellings nearby. He noted that UDP policy ENV8 allows for the conversion of buildings in hamlets and isolated pockets of dwellings and that the SPG refers to sites being within reasonable accessibility to local services, which he considered the site to be.

The Inspector noted that, as well as favouring locations that minimise the need to travel, the relevant strategic policies of the UDP refer to bringing derelict land into beneficial use. He also noted that sustainability is also concerned with safeguarding resources for future generations and considered the re-use of this traditional building would be consistent with this aim.

The Inspector considered the site to be in a reasonably accessible location on the fringes of Cardiff; this accessibility will improve with new developments planned for the area.

The Inspector identified the benefits of the proposal as being *'the renovation and suitable re-use of a fine traditional stone building, which will secure its long-term future'*, which he said would accord with the aim of policy ENV8. He also stated that the proposal will meet local housing need, albeit to a very modest degree.

In concluding the Inspector considered the conflict with strategic policies on sustainable development to be outweighed by the benefits of the proposal in terms of securing a future use for the buildings. He commented that these factors distinguish this proposal from the other appeals the Council's Officers referred to.

With regard to the second main issue, it was agreed that this was tied to the first. If the proposal were found to be acceptable in planning terms then the second reason would be overcome. There are several small bat roosts in the building (not breeding sites) and simple mitigation measures to retain these roosts are provided and can be addressed by conditions; these are acceptable to Natural Resources Wales and the Council's ecologist.

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

Decision: Appeal Allowed
Date: 6 July 2016
Inspector: Mr. A. Thickett
Council Determination: Delegated

Summary

The main issues are:

- i) whether the proposed development conflicts with national and local policies designed to protect the countryside
- ii) the impact of the proposed development on the character and appearance of the area

Countryside

The enterprise that was the subject of this appeal was considered by the Council to be largely similar to that considered in the previous appeal by the appellant for a nearby site on the Lawns. That appeal was dismissed. The previous Inspector had concerns with regard to the security of tenure on the land rented by the appellant. This Inspector noted that the appellant's current arrangement relates to a different area of land and was more certain that these arrangements were likely to continue.

The Inspector noted that whilst UDP policy EMP 8 requires the appellant to demonstrate that the proposed development is '*essential for the purposes of established agricultural activity on the site*' it was noted that this is not supported by national policy. Accordingly, he gave limited weight to Policies ENV1 and EMP8 (insofar it relates to this issue).

The Inspector was satisfied that there is a need for this building to support the appellant's agricultural business. As such, he concluded that the proposal complies with Policies ENV1 and EMP8 and national policy as set out in PPW and TAN 6

Character and appearance

The Inspector noted that the submitted plans show a standard agricultural building, which he said was a common sight in the countryside, and would be viewed against the backdrop of the woodland behind the site. He also stated that planting would assist.

Whilst the Inspector noted that the emerging LDP proposes to extend the boundary of the SLA to include the appeal site, this would not preclude development that is well designed and well sited. He considered that would be the case in this instance and concluded that the proposed development would not have an adverse impact on the character and appearance of the area, in compliance with Policies EMP8, ENV4, ENV10 and ENV27.

Other matters

Whilst both parties drew the Inspector's attention to other appeal decisions, the Inspector stated that his conclusions are based on the specific

circumstances of this case. He also stated the same with regard to the issue of precedent and said that nothing in his decision would prevent the Council from resisting unacceptable development which conflicts with the UDP, emerging LDP or national policy.

(d) Enforcement Appeal Decisions

None

(e) April 2016 - March 2017 Appeal Statistics

| | | Determined Appeals | | | Appeals withdrawn /Invalid |
|---|-----------|--------------------|------------|-----------|----------------------------|
| | | Dismissed | Allowed | Total | |
| Planning Appeals <small>(inc. tree appeals)</small> | W | 6 | 4 | 10 | - |
| | H | - | 3 | 3 | - |
| | PI | - | - | - | - |
| Planning Total | | 6 (46%) | 7 (54%) | 13 | - |
| Enforcement Appeals | W | - | - | - | - |
| | H | - | - | - | - |
| | PI | - | - | - | - |
| Enforcement Total | | - | - | - | - |
| All Appeals | W | 6 | 4 | 10 | - |
| | H | - | 3 | 3 | - |
| | PI | - | - | - | - |
| Combined Total | | 6 (46%) | 7 (54%) | 13 | - |

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 : 28 July 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

| | | | |
|----------------|---|---|---|
| 2016/00458/TPO | A | Brookside, 34, Mill Road, Dinas Powys | T7 Ash, overall crown reduction; T21 Ash, crown raise to 6m over highway |
| 2016/00500/TPO | R | Land adjacent to 75, Fontygary Road, Rhoose | Fell Copper Beech and fell Common Horse Chestnut |
| 2016/00547/TPO | A | St. Cadocs Church, Coldbrook Road West, Cadoxton, Barry | Removal of 2 no. Ash from church grounds. (Smaller Ash alongside fmr 3 Bells Inn has consent from earlier notification) |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 28 July, 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT TURNER HOUSE ART GALLERY, PLYMOUTH ROAD, PENARTH

Background

1. Members will recall the report to committee on 9 June, 2016, regarding this Grade II listed building. The report related to the works that were undertaken to the interior of the building in order to block up the light well between the ground and first floor and the removal of the balustrade surrounding the light well opening.
2. The light well and balustrade were not part of the original building as constructed, but resulted from alterations undertaken to the building in the 1940's. These alterations are important to the history of the building, being undertaken to facilitate its use as an art gallery. They were undertaken as part of the comprehensive alterations to the building by notable architects, T Alwyn Lloyd and Partners. Accordingly, these features make a significant contribution to the character and appearance of the interior of the building.
3. In view of the special architectural and historic interest of the light well and balustrade, their preservation is desirable. The report sought authorisation to serve a Listed Building Enforcement Notice to require the reinstatement of the light well and the balustrade, which it was understood had been placed in storage.
4. Members will recall that the owners of the building, The National Museum of Wales, asked that the decision to authorise the Listed Building Enforcement Notice be deferred in order for the necessary works to resolve this breach of the Listed Building Legislation to be voluntarily and urgently undertaken. Committee agreed to the deferment, but requested an update on the position at the next but one committee.

Update

5. The Enforcement Officers received an e-mail from the occupiers of the building, Ffotogallery, on 4 July, 2016, to confirm that the works to reinstate the light well and balustrade had been undertaken. The following photograph was attached to that e-mail:



6. The Council's Conservation Officer also visited the site on 7 July, 2016, in order to inspect the works undertaken. He was satisfied with the works and suggests that no further enforcement action be taken regarding this matter.

RECOMMENDATION

- (1) In the light of the voluntary actions resulting in the reinstatement of the light well and balustrade in the Turner House Gallery, that members note the planning enforcement file on this matter is closed and that no further action will be pursued on this matter.

Background Papers

Enforcement File Ref: ENF/2014/0329/PRO

Contact Officer - Mrs. Justina M. Moss, Tel: 01446 704690

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 : 7 July 2016

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

Taylor Wimpey Plc., C/o Agent.
Savills, 12, Windsor Place, Cardiff, CF10 3BY

Land North of the railway line (West), Porthkerry Road, Rhoose

The development of 120 dwellings and associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works (including the demolition of 46 Porthkerry Road and its associated outbuildings

SITE AND CONTEXT

The application site relates to approximately 5.82 ha of former agricultural land located on the eastern side of the village of Rhoose. The site is located between Murlande Way and Porthkerry Road (to the north) and the more recent residential development at Rhoose Point (to the south). The site has irregular boundaries and an eastern 'finger'.



The site forms the eastern part of land granted outline planning permission for 350 houses, and relates to Phase 1 of the development.

The site is bordered to the east by residential properties of Murlande Way, and hedgerows and track (known as the 'green lane' or Happy Valley). The 'green lane' forms part of a public right of way (PROW) which provides a pedestrian link between Rhoose Point (from Trem Echni) to the village (Porthkerry Road).

The Vale of Glamorgan railway line forms the southern boundary of the site. The western boundary of the site is bordered by agricultural land and abuts Phases 2 and 3 .

Hedgerows form the majority of the boundaries to the east and south of the site and boundary fencing to the north and west. The site includes an existing residential property (46 Porthkerry Road) which has recently been demolished in order to form the access point. The site slopes gently to the south with a general fall of about 1:18 (60m to 40m AOD). The site has southerly views of the Bristol Channel.

DESCRIPTION OF DEVELOPMENT

This is a submission of Reserved Matters, as amended for approval of all remaining Reserved Matters for Phase 1 of the development comprising of 120 no. dwellings and associated infrastructure, open space and land for a school.

It should be noted that the access to the site and the principle of development was approved under the outline planning permission ref. 2014/00550/OUT



The dwellings and flats will have the following design, materials and finishes.

Roofs - a mix of colours to help reinforce the various character areas and predominantly pitched from front to back.

Facades - Facing materials to be a mix of white and off-white render, red and buff brick to reflect finishes found locally.

Windows - Casement windows are proposed with simple detailing in facing brickwork or cast stone.

Doors / Entrances - Door colours will be a mix of black, white, blue, green and red.

Detailing - A combination of lean-to, flat and projecting gable fronted canopies is proposed.

Boundary Treatments - Boundary treatments will vary. Properties set close to back edge of pavement will have low cover shrub planting. Properties set back from streets will have front gardens enclosed by hedgerows or railings.

Typical Street Scenes are shown below



PLANNING HISTORY

Application Site

2016/00036/PND : Demolition of Seaward, 46, Porthkerry Road, Rhoose.
Approved 17/02/2016.

2015/01072/RES : Land north of the railway line (west), Rhoose – The development of 227 dwellings with associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works. Not yet determined.

2014/00550/OUT : Land north of the railway line (west), Rhoose - Residential development with associated access and associated works, to include public open space and land for a primary school (including the demolition of 46 Porthkerry Road and its associated outbuildings) - Approved 14/05/2015.

2013/01231/SC1 : Land North of the railway line, Rhoose - Residential development, open space and primary school - Approved 09/04/2014.

2008/00541/OUT : Land to the north of the railway line, off Pentir Y De, Rhoose. Residential development comprising the erection of dwellings and garages, provision of infrastructure, open space and landscaping and all associated building and engineering operations - Withdrawn.

Adjoining land (to the east) allocated under Policy HOUS1

2016/0032/FUL : Proposed realigned highway (engineering works). Approved 13/05/2016.

2014/00639/RES : Reserved Matters for appearance, landscaping, layout and scale for 126 dwellings. Approved 17/04/2015.

2014/00344/RES : Reserved matters for appearance, landscaping, layout and scale for 224 dwellings. Approved 17/04/2015.

2010/00686/EAO : Outline planning for the construction of up to 350 dwellings; the laying out of formal and informal open space, and changing rooms; new means of vehicular access onto Pentir Y De and associated infrastructure. Approved 24 January 2014, with a S106 Legal Agreement.

Land to the South of the Railway

2012/00937/FUL : Proposed development of 90 No. residential units with associated public open space, landscaping, the creation of two new access points into the site from Trem Echni and diversion of the Public Right of Way. Approved 15 May 2014 with a S106 Legal Agreement.

Rhoose Point (General)

2004/01809/FUL : 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor at land adjacent to interchange. Application finally disposed of (deemed withdrawn) 28 September 2009.

2003/01311/OUT : Outline application for pub/restaurant. Refused 18 October 2004.

2002/01515/FUL : Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23 October, 2003.

98/01065/FUL : Determination of updated conditions for mineral site at Rhoose Quarry. Outstanding to date.

93/01186/OUT : 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, nine hole golf course & club house, open space, playing fields, new access road etc. Approved 20 March 1996 with a Section 106 Legal Agreement.

CONSULTATIONS

Council's Public Rights of Way Officer was consulted and has advised that their response remains as stated under their comments in respect of application Ref. 2014/00550/OUT acknowledged in Condition Note 5 of the Decision Notice.

Public Right of Way P7/2 (Porthkerry 2) is currently recorded on the Definitive Map as a Public Footpath. The proposed application shows the addition of a new road at the top of the development site. The road would bisect the path and the proposed addition of barriers would obstruct its use.

It is an offence to obstruct a public right of way and as such an appropriate diversion/extinguishment order should be sought. The public path should remain available for public use until such time as an order has been confirmed and the alternative route laid out.

Should the path require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions other than where a public path order has already been confirmed.

Public footpaths provide rights of passage to the public on foot only. If the footpath is to be upgraded to provide for cyclists then the route should either be subject to a cycle track order or an appropriate permissive declaration/agreement should be put in place to provide assurance to the public of such rights.

Council's Environmental Health (Pollution Control) were consulted, and have stated the following:

Having reviewed the Noise Report from INVC, dated 25 August 2015, and noting the following, extract from page.4 of the report, I conclude the conditions can be discharged subject to the proposed glazing and trickle ventilation being installed.

Following further consultation on matters of clarification, it is confirmed that as Phase 1 does not come within the area that requires attenuation ensures, the works can progress as proposed.

In addition (with respect of the proposed wall adjacent to No. 48 Porthkerry Road) no adverse comments are made.

Cardiff Airport (Safeguarding) were consulted and has been examined from an aerodrome safeguarding aspect. No objection is raised as the proposal does not conflict with safeguarding criteria. However a request is made that the access to the site during construction is permitted, to monitor bird activity.

Conservation Officer was consulted development and is satisfied that there is no impact on the historic environment arising from this application.

Glamorgan Gwent Archaeological Trust were consulted on the application. They have advised that the potential impacts on the archaeological resource have been considered by the previous application (2014/00550/OUT). The reserved matters noted in this application do not include archaeological conditions or constraints and therefore no further comments are made.

Council's Operational Manager Highways and Engineering was consulted and made the following comments :

The details submitted in support of the reserved matters for the initial phase of development are in general accordance with a strategy sufficient to discharge the relevant conditions of planning consent 2014/00550/OUT. Whilst there is no objection to the development in principle I have the following observations to make on the submission and subsequently three conditions to be applied to any approval.

General Observations

An appropriate phasing programme for delivery of the drainage strategy has not been submitted for consideration. It is unclear which elements of the final drainage strategy will be constructed and commissioned as part of phase one of the development as the soakaway trench sits outside of this phase of development. The phasing of construction can be dealt with by condition but the information must be provided prior to construction commencing.

Surface water runoff from the construction site should not drain into SuDS components unless it has been allowed for in the design and specification. Construction runoff can be heavily laden with silt, which can clog infiltration systems, build up in storage systems and pollute receiving waters. The proposed infiltration assets are located at the low point of the development and vulnerable to silt-laden run-off during the construction phase. Clarification is required prior to construction commencing how surface water run-off will be managed, particularly during the construction phase, to ensure no detriment in flood risk to existing properties below the site.

Elements of the drainage system will be publically accessible upon completion and the designer's risk assessment should be used to inform future management and maintenance requirements. This information should be provided in a scheme risk assessment that should be passed to the future owner / maintainers.

Given the above the following conditions are requested.

Conditions:

No development shall commence on site until a comprehensive scheme for surface water drainage including a phasing programme is submitted to and approved in writing by the Local Planning Authority.

A SuDS scheme risk assessment shall be undertaken detailing the appropriate consideration and management of any health and safety issues, to be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation.

Prior to the commencement of any works at the site (including any site clearance and preparatory works), a Construction Surface Water Management Plan relating to the preliminary and construction phases of works, including details of the management of surface water run off, shall be submitted to and approved in writing by the Local Planning Authority. The agreed method statement shall be fully implemented during the construction phase of the development.

Dwr Cymru Welsh Water were consulted and following receipt of documentation submitted as part of the planning application to address drainage matters (received 5th July) provide an overview of their technical review and comments in regard to the planning conditions attached to the outline consent.

Surface Water Strategy

A full submission of documents and supporting statements/investigations was required to assess the proposed surface water strategy. Since our meeting with the Applicant meeting further information has been submitted and reviewed, and formally submitted as part of the planning process on 5th July. Notably this includes;

- Letters from Quad dated 26 May and 21 June to DCWW and VOG respectively.
- An ESP report on additional soakaway testing from December 2015, ref ESP.6013s.02.2432
- A new ESP submission entitled Supporting Information to Clarify Groundwater Levels, ref hd/ESP6013s.It4,

Having reviewed these very recent submissions, we can agree in principle to the surface water strategy, subject to;

- a) The Local Authority confirming that they will adopt the proposed infiltration basin and trench;
- b) Completion of a bespoke Section 104 Adoption Agreement (Water Industry Act 1991) for the adoptable surface water sewers/lateral drains upstream of the infiltration structures.

Please be advised that regular and effective maintenance of the infiltration structures is vital to ensure the system operates as intended and that a positive outfall for the adoptable sewers is achieved in perpetuity. To this end the Local Authority should advise how this will be achieved and confirm commitment to provide the adoptable sewers with a suitable outfall. We would welcome sight of this correspondence.

Please note that as part of the S104 Adoption Agreement (WIA 1991), it is anticipated that an extended maintenance period will be required to ensure the system functions properly/as proposed. For the avoidance of doubt however, should the system fail to operate as proposed then we would not adopt the upstream surface water system. I advise that the issuing of the vesting certificate is the confirmation that Welsh Water will maintain the sewers and I encourage the Applicant to engage with us on this bespoke Agreement at the earliest convenience.

Foul Drainage Strategy

The Applicant has since engaged with us on the foul drainage strategy which, in accordance with condition 20 of the outline consent, requires the Applicant to secure additional storage to be constructed at the receiving Porthkerry Sewerage Pumping Station (SPS). The upgrade to the SPS is now in design stage. In regard to the on-site foul drainage system this will include a new SPS and rising main to the agreed connection point on the existing public sewerage system. The detailed assessment and review of this system is currently being considered and we will liaise directly with the applicant regarding any technical matters.

Planning Conditions

I am very mindful of the requirements of conditions 20-27 of the outline consent which generally require an agreed drainage strategy (condition 22) that shall, amongst other matters, include:

- A written declaration to confirm the responsibility for future maintenance & repair of the surface water / land drainage system (condition 24)
- Full details of the perpetual management and maintenance of the drainage system serving the development (condition 27)

Based on our technical assessment of the submitted documents we are generally satisfied with the principles of the proposed drainage strategies for foul and surface water disposal. I do note however that conditions 24 & 27 (as referred above) require specific details of the future maintenance and management and it will therefore be for your Authority to consider whether the Applicant has provided sufficient evidence to demonstrate that the requirements of these conditions have been achieved.

In regard to drainage conditions to be attached to any reserved matters consent I respectfully request that condition 20 be retained to secure the necessary improvements on the public sewerage system be delivered (and completed) in advance of the first beneficial occupation. Moreover, I request that the agreed foul water and surface water drainage strategies are also to be secured by way of condition.

I trust the above is helpful – I would welcome sight of the proposed drainage conditions, should the application be recommended for approval, so that I can consider whether our local network of public assets and infrastructure are appropriately protected.

Network Rail were consulted and raised concerns in respect of the safety risk the proposal will impact on the existing footpath crossing and the likely additional users including the young. In addition, further details were requested in respect of drainage, in particular how surface water and sewer outfalls will be discharged.

In summary, following the submission of further information and technical reports, Network Rail have confirmed that they have no further comments to make regarding drainage.

Council's Ecology Officer was consulted and welcomes the submission of *Ecological Construction Method Statement and Ecology Management Plan, September 2015, by EDP*. It is noted that the report addresses conditions 18, 29, 30, 31 and 32 of the outline consent. The Ecologist has stated that the report as submitted goes part way towards delivering the biodiversity security and enhancement required, but at present falls short of the standards expected in relation to .

1. Retained & newly created habitats – it would be beneficial if the document includes firm statements for the management of the retained/created habitats for maximising biodiversity benefit. For example, management of the hedgerows, trees and of the planting within the attenuation basin.
2. Enhancements – we feel that whilst the development provides biodiversity gain, there could be further enhancements made, and would suggest that the applicant consider inclusion of the following:
 - Provision of gaps under fences. Gardens are a great resource for [Priority species] hedgehog, but only if they are able to access them. We recommend provision of 100mm gaps under fences.
 - Newt – friendly drainage. We recommend the use of SUDS or newt-friendly drainage within the scheme. Newt-friendly drainage benefits not only newts, but many small mammals and amphibians.

* after granting of consent, it is recommended that a detailed lighting plan is worked up, and submitted to the LPA, to show positions of lamp standards, use of baffles / backboards where applicable etc.

Council's Estates (Strategic Property Estates) Team were consulted and raised no objection

Council's Highways and Engineering Team were consulted and in respect of the amended plans, have raised no objection, subject to conditions and comments, in relation to the following :

1. A raised table is required to be provided along the shared surface carriageway adjacent to plots 311 and 313. However, the submitted drawings appear only to show a change of surface material. Therefore, a condition is required to be imposed on the planning consent to ensure that a raised table will be provided at this location.
2. The points of access to each shared surface area are required to be provided with kerbed radii, tactile paving and include the provision of a rumble strip at the mouth of each access. However, it is noted that the submitted details do not fully comply with the highway authorities' requirements. Nevertheless, it is

considered that this can be dealt with upon submission of full engineering details, during the technical approval process.

3. As previously requested, all car parking spaces are required to be provided at 4.8m in length and 2.6m in width. In addition, the width of drive ways associated with individual plots are required to be provided at 3.6m. However, from the submitted plans, it is noted this has still not been addressed. Therefore, a suitably worded condition is required to be imposed on the planning consent, to ensure that all car parking spaces and individual drive ways are provided in accordance with the Councils adopted parking standards.
4. The location of the proposed substation, adjacent to plots 213 - 217 is not acceptable, as servicing/maintenance vehicles will be required to drive along the adjacent footway/cycleway in order to gain access. Therefore, the substation is required to be relocated to the south, adjacent to the highway to, which is required to be secured by a suitably worded planning condition.
5. The swept paths showing vehicles manoeuvring within the temporary turning area to the south of the site are still showing encroachment on to the adjacent footway. Therefore, a suitably worded condition is required to be imposed on the planning consent, requiring the turning area to be designed to accommodate a 12m rigid vehicle.
6. The proposed shared cycle/footway located along the western side of the main access into the site from Porthkerry Road is shown at 3.0m in width, which is below the Council's requirements. Therefore, a suitably worded condition is required to be imposed on the planning consent, requiring the cycle/footway to be provided at a width of 3.2m.

Notes:

The preliminary lighting design associated with the proposals has identified that street lighting columns will be required to be located within the front garden areas of the proposed dwellings. As a result, these areas are required to form part of the adopted highway and surfaced from a bound material and edged, where the columns will be planted.

Council's Housing Strategy Team were consulted and in summary has raised no objection, stating that the proposals include a total of 105 affordable housing units across all phases, equating to 30% affordable housing provision.

From the information provided we note that the affordable housing provision equates to:

1. 30% of the total number of units to be provided onsite as affordable housing.
2. We note that the tenure mix equates 80% social rented and 20% Intermediate.
3. We confirm we are satisfied with the mix and location of the units.

Natural Resources Wales were consulted and made the following comments :

Foul and Surface Water

We have previously responded to the outline planning permission for this site (your reference 2014/00550/OUT). In our previous response we noted it was unclear how the foul drainage was to be disposed of for this site. We have reviewed the submitted documents and note that foul drainage will be disposed of by gravitating to a new pumping station at the southern part of the site and then connecting to the existing DCWW public sewer network. Due to this we offer no objection to proposed development. We recommend you consult with your land drainage department on the suitability of the proposed drainage strategy for surface water disposal.

Ecology

Please note that we have not considered possible effects on all species and habitats (including nesting birds) listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.

To comply with your Authority's duty under Section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your Authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for Section 42 habitats and species (www.biodiversitywales.org.uk).

The applicant should also be advised that, in addition to planning permission, it is their responsibility to ensure that they acquire all other permits/consents relevant to their development.

Head of Strategy, Community Learning & Resources, was consulted and requested additional information in respect of how the school site will be affected by the proposed scheme of drainage. Following the submission of further information, to address the concerns raised, the revised proposals on drawing SK015 Rev3 still unacceptably limits the use of the playing field due to the location of the inspection chamber covers. However in order to progress the planning process it is agreed to accept the wording suggested below to allow time for the design of the drainage system to be revised to relocate the inspection chamber covers away from the centre of the playing areas.

Notwithstanding the drainage configuration set out on drawing C 010-04 Rev 7, revised plans setting out the position of the sub surface water attenuation tanks and maintenance chambers / manhole covers within the school site shall be submitted to and agreed by the local planning authority. No work shall take place on any part of the drainage system within the school site (as defined on drawing 0508-102-1-1 Planning Layout) until such time as the submitted details have been approved in writing by the Local Planning Authority.

Reason :

To safeguard the future use and development opportunities within the school site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

REPRESENTATIONS

The neighbouring properties were consulted on 1 October 2015 and press and site notice were also posted. Re-consultations were also undertaken on 16 March, 19 April and 5 July in respect of amended plans and the submission of additional supporting information. To date, a total of 30 letters of representation have been received, two of which are attached as **Appendix A**. The comments received are summarised below :

- Concerns over impact of proposal in terms of noise and disturbance.
- Increase in refuse/waste as a result of the flatted block
- Impact on privacy and amenities due to the location of the proposed dwellings and associated parking areas
- The proposed three storey block of flats will impact on privacy
- Visibility along Porthkerry Road is poor.
- Porthkerry Road is already congested and a busy road.
- Loss of light and overshadowing.
- Issue over access rights to existing fencing to property in Porthkerry Road.
- Concern in respect of height of buildings.
- Concerns over construction management issues.
- Concerns over surface water flowing of existing flood plain
- Concerns about connection to un-adopted surface water system in Rhoose Point
- What are provisions for flood prevent for houses south of the railway line

- Concerns of waste water being connected to Rhose Point

In addition to the above, a letter of representation have also been received from Herbert R Thomas on behalf of the owners of the adjoining site, which is attached as **Appendix B**.

Furthermore two letters of representation have been received from Jane Hutt AM on behalf of local constituents, which are attached as **Appendix C**. The concerns raised relate to :

- Traffic congestion in the area
- The construction of a proposed roundabout
- The location of the flatted blocks (originally three storey)
- The affordable housing units should be better integrated within the site

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

POLICY 11 - SPORT & RECREATION

POLICY 14 - COMMUNITY AND UTILITY FACILITIES

Policy

HOUS1 - RESIDENTIAL ALLOCATIONS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

HOUS12 - AFFORDABLE HOUSING

ENV6 - EAST VALE COAST

ENV7 - WATER RESOURCES

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
ENV20 – DEVELOPMENT IN CONSERVATION AREAS
ENV24 - CONSERVATION AND ENHANCEMENT OF OPEN SPACE
ENV27 - DESIGN OF NEW DEVELOPMENTS
ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
TRAN9 - CYCLING DEVELOPMENT
TRAN10 - PARKING
REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC6 - CHILDREN'S PLAYING FACILITIES
REC7 - SPORT AND LEISURE FACILITIES
REC12 - PUBLIC RIGHTS OF WAY AND RECREATION ROUTES

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

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

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

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

Planning Policy Wales:

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

Chapter 4 - planning for sustainability

Chapter 9 - new housing.

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (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:

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards
- Barry Development Guidelines
- Barry Garden Suburb
- Biodiversity and Development
- Conservation Areas in the Rural Vale
- Design in the Landscape
- Model Design Guide for Wales
- Parking Standards
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development

The Local Development Plan:

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

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.’

The emerging Deposit Local Development Plan (DLDP) maintains the long-standing residential allocation of the site, inherited from the UDP.

Policy MG2(33) identifies the site as being 25.82ha and allocated for 650 units.

Rhose is identified as a primary settlement within the DLDP and, given the allocation, the site also falls within the Rhose settlement boundary. The DLDP recognises the site as mixed use to include residential uses, the provision of open space and/or community infrastructure allocation or part of the site for the provision of a new school. The draft allocation also notes that part of the site

already benefits from planning permission, or a resolution to grant planning permission.

Policy MG 6 – Provision of Education Facilities

This policy allocates land of 1ha for a new primary and nursery school within the allocated housing site

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.

In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- 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
- Rhoose Conservation Area Appraisal and Management Plan (CAAMP)

Other relevant evidence or policy guidance:

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

In particular the Adopted Development Brief - Land North of the Railway Line, Rhoose, is of relevance which sets out the site's constraints together with the planning, design and transport requirements and the development framework for future applications.

Issues

Members will be aware that outline planning permission was approved for up to 350 dwellings. under ref. 2014/00550/OUT, which included full approval of the access into the site from Porthkerry.

Therefore the principle of residential development at the site and the access from Porthkerry Road has already been established. The matters for approval now being sought are appearance, landscaping, layout and scale. These matters will be considered under the following headings

- Layout & Pattern of Development
- House types and Design
- Amenity of Future Occupiers
- School Site
- Impact on Neighbouring Properties and neighbouring objections
- Internal road layout, parking and cycling
- Landscaping and POS

As a number of other matters were conditioned as part of the Outline permission, details of the following matters have been submitted and will be considered in turn under the following headings

- Drainage
- Affordable Housing
- Archaeology
- Ecology
- Noise Impact from Road & Rail
- Public Art

Layout and Pattern of Development

The Phase 1 Planning Layout follows the aims and objectives for the development layout as set out in the DAS and has responded to the variations in local development patterns, the site's existing vegetation and local topography.

The key opportunities set out in the D&AS are retained as follows:

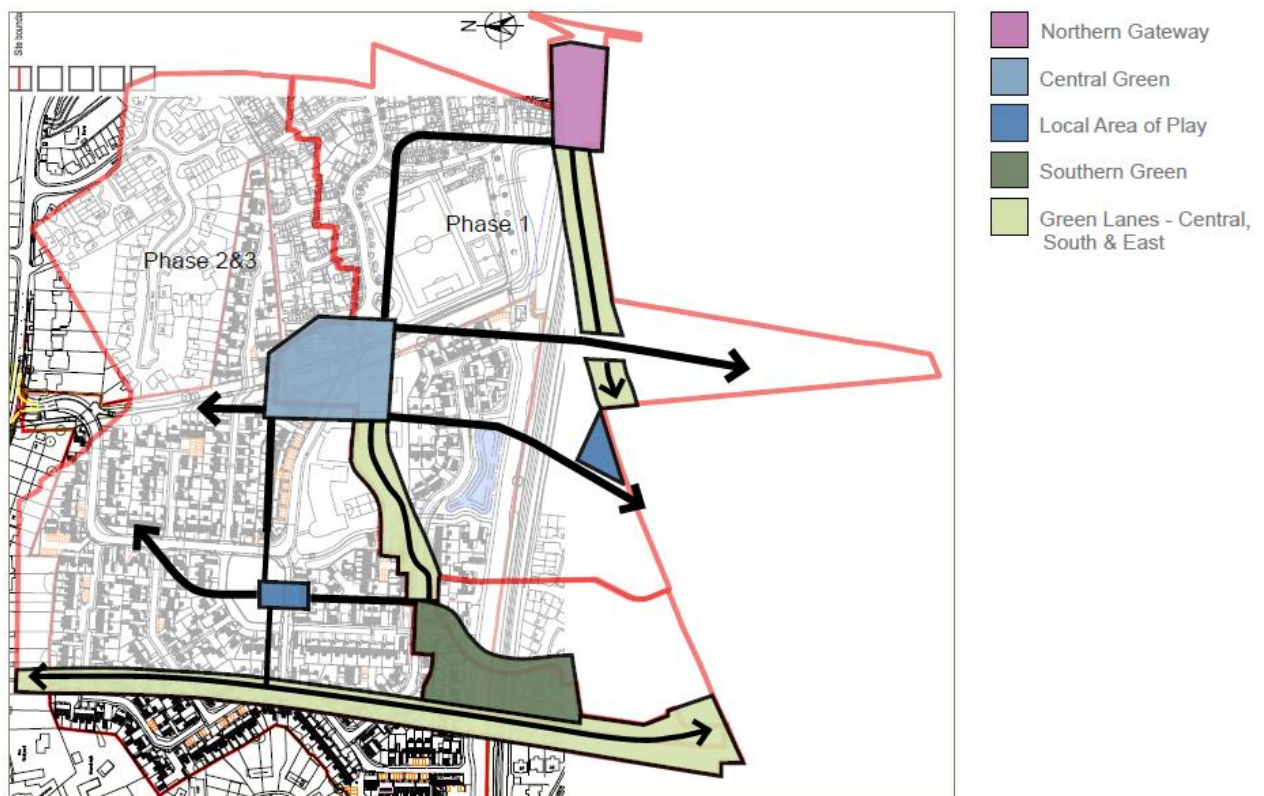
- Vehicular, pedestrian & cycle access from Porthkerry Road.
- A section of a strategic west- east cycle link along the southern edge of the site.
- Connection with existing vehicular, pedestrian and cycle links from the adjacent development to the east.
- Creation of a permeable, well connected scheme that encourages walking and cycling, providing links to surrounding facilities and connections

Phase 1 will contain a centrally located green space which will contain a LEAP and a LAP is located towards the western boundary opposite the school. The quantum of development within this Phase 1 application is shown in the table below, with Phases 2 and 3 also shown, setting out the areas of the site apportioned to each land use.

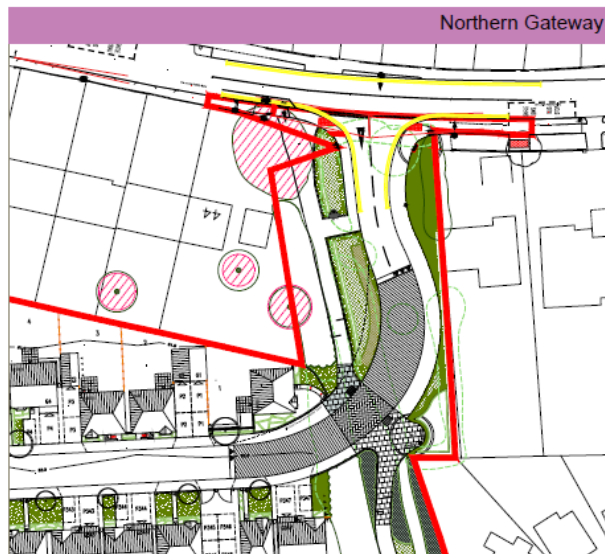
Land Areas Table

| | OPA | RMA Ph 1 | RMA Ph 2&3 | Total RMA Ph1,2&3 |
|-------------------------|------------------|-----------------|-----------------|-------------------|
| Residential Development | 9.651 ha | 3.294 ha | 6.121 ha | 9.415 ha |
| School Land | 1.00 ha | 1.016 ha | - | 1.016 ha |
| Green Space | 1.43 ha | 1.081 ha | 0.543 ha | 1.624 ha |
| SSR & Access | 0.379 ha | 0.419 ha | 0.236 ha | 0.655 ha |
| Pumping Station | 0.055 ha | 0.012 ha | - | 0.012 ha |
| Total Areas | 12.728 ha | 5.822 ha | 6.900 ha | 12.722 ha |

The development has been set out around a strong public realm framework comprising a series of distinct spaces which are linked by the street and pedestrian movement hierarchy.



The following diagrams set out the character and key design elements of each of the feature spaces and their functions of each of these feature spaces proposed for both Phase 1 and the remaining phases.



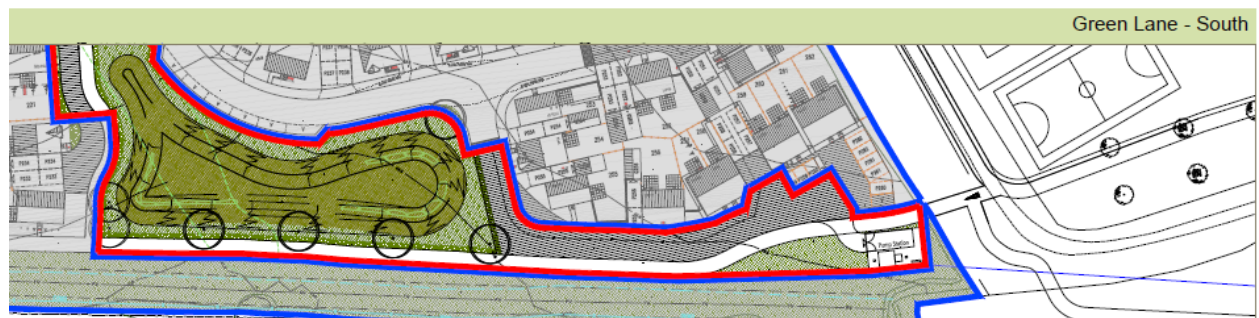
The “Northern Gateway” will comprise the arrival space into the development and links Porthkerry Road with the Primary Street as well as providing a connection to the footpath and green link along the eastern edge of the development. Its character will be created through the retention of existing boundary vegetation comprising trees and hedgerows to create a linear space.

The “Central Green” comprises one of the two principal areas of open space identified in the D&AS and lies at the heart of the development. It will provide connections to all areas as well as a pedestrian / cycle only link to the Southern Green. Its character will be formal and enclosed by a hedge and will contain mainly soft landscaping of grass, trees and shrubs as well as a LEAP.



One of the main opportunities of the site is the existing Green Lane (East) which is to be enhanced with the provision of a cycleway/footway. The lower half of this Green Lane falls within the adjoining site, with similar proposal for upgrading and enhancements.

The scheme also seeks to replicate the character of this green lane with a central green lane, which seeks to retain an existing hedgerow and tree line. The Central Green Lane provides a pedestrian and cycle only link to the southern green spaces and east west cycleway footway. This element of the scheme will provide a green setting to the school site along its western boundary.



The South Green Lane provides a setting for a section of strategic footway / cyclepath running east west as well as a southern green edge to the development. This forms part of the “Southern Green Corridor” identified in the D&AS. It will have an informal character with new tree and shrub planting reinforcing existing vegetation.

The overall Layout and Pattern of Development is considered acceptable and has been further developed and improved from the Masterplan submitted with the outline planning permission. The key principles of the layout as set out in the D&AS have been followed, including access routes and connectivity; creation of a series of varied spaces; strategic position of school; good street frontage and overlooking; development character in response to location including siting of focal buildings; visual links to wider area; and retention of existing hedgerows and trees retained where possible along with introduction of new tree and shrub planting. The access and circulation for the application is based upon sustainable patterns of movement and the principles of walkable neighbourhoods to ensure a layout that is permeable and legible.

Design, scale and materials

The Phase 1 development will comprise a mix of between 1 and 4 bedroom properties rather than a mix of between 2 and 5 bedroom properties as set out in the D&AS submitted in the outline planning application. However there is no objection to the mix submitted, which has been amended in order to comply with the requirements for the provision of affordable housing within the site.

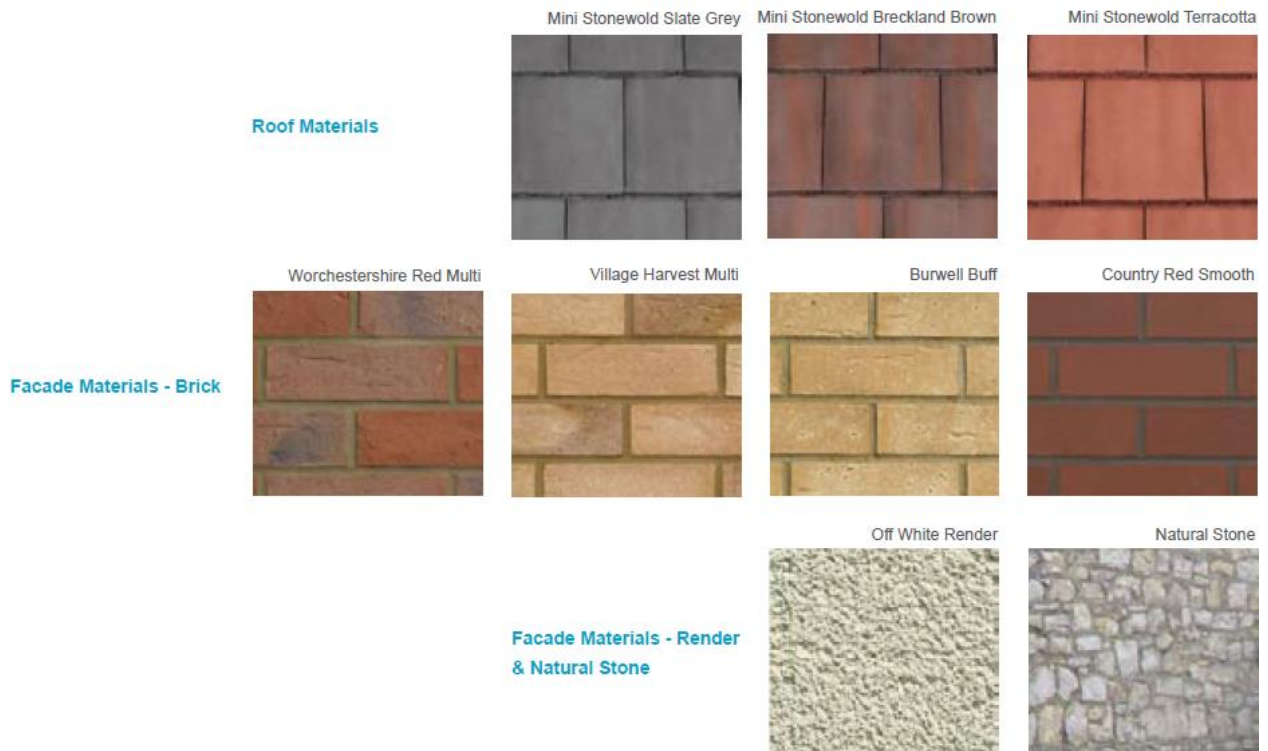
The Masterplan approved at outline stage showed predominantly two storey dwellings, with provision of a focal buildings at two and half story. As originally submitted, the flatted blocks were three storey, however their design has been amended (as discussed later on in this report) to that of a two and a half storey flatted block, which better reflects the scale of the dwellings within the site.

In respect of the two storey dwellings there is a variation in design from small semi-detached units with simple frontages to the larger detached dwellings. A sample of the street scene and house types is illustrated below.



The overall design approach to the dwellings, is generally in line with a major house builder and will also reflect the design of the dwellings on the adjacent site.

The site is located south of a relatively new housing estate in Murlande Way and the modern Rhoose Point development to the south and notably to the east the extant Reserved Matters permission for the construction of 350 dwellings.



All the houses are proposed to be finished with a mixed brick (as set out above) or render and natural stone. These external finishes will allow the new settlement to complement the materials and finishes of the nearby properties and the adjoining estates and will also reflect those material and finishes approved on the adjacent site (to the east) to be developed by Persimmon and Bellway. As such, it is considered that the proposal comprises a good mix of designs and house types, but with a consistent and modern character, utilising a varied mix of brick that is commonplace within the vernacular. It is considered that as a group, the house types are well designed and would result in an interesting and varied built environment.

It is considered that PPW encourages diversity, choice and flexibility while PPW encourages higher density within suburban locations. In this instance, it is considered that the local character and rhythm of the adjacent residential developments has been incorporated into the proposed, complying with the objectives set out within Planning Policy Wales as well as Policies HOUS8 and ENV27 of the Adopted Unitary Development Plan 1996-2011.

Amenity Space of Future Occupiers

Policies ENV27 and HOUS8 of the Unitary Development Plan require new developments to meet the Council’s approved guidelines with respect to the provision of amenity space. The Council also has adopted Supplementary Planning Guidance on ‘Amenity Standards’, which seeks to ensure that all new residential developments contribute towards a better quality of life for occupiers, without adversely affecting the amenity enjoyed by residents.

The Council's approved Supplementary Planning Guidance: (SPG) on Amenity Standards, requires a 1:1 ratio of amenity space to residential floor space. The SPG also requires that 70% of this amenity space should be accommodated in the private rear garden areas of the dwelling.

Policy 2 of the Vale of Glamorgan adopted supplementary planning guidance 'amenity space' states that *'the Council will ensure that usable adequate and appropriate private amenity space is provided as part of residential development.'* Paragraph 5.2 notes that front and private rear gardens be included whilst driveways and parking areas are excluded. It states that *'the provision of adequate and usable private amenity space within the curtilage of a development is extremely important to meet the requirements of residents for functional and relaxation space.'*

All of the dwellings either equal or are very near to the Councils approved amenity standard guidance set out above. Given the number of dwellings proposed and having regard to the required density of the site, it is considered that the overall provision of amenity space across the site is considered appropriate.

Furthermore, it should be noted that the significant size of the POS within the adjoining site (when developed) will ensure that occupiers of these properties will have additional wider areas of public amenity to relax and use for their leisure.

Impact upon the Neighbouring Properties

Due to the way in which the site has been subdivided, Phase 1 adjoins the rear gardens of the dwellings located on Porthkerry Road and Murlande Way.

The Amenity Standards SPG states that there should be a minimum of 21 metres between opposing principal habitable windows, to ensure residential privacy is maintained. However the guidance adds that in practice, a minimum distance required between principal opposing windows may be reduced depending on the angle of view.

In respect of the impact of the dwellings on Porthkerry Road, it is noted that these dwellings are a mix of two storey dwellings and single storey bungalows. However No. s 24 – 28 Porthkerry Road have rear gardens some 30-35 metres in length and due to the distance of the proposed dwellings from these dwellings, will not have any impact on these nearby occupiers

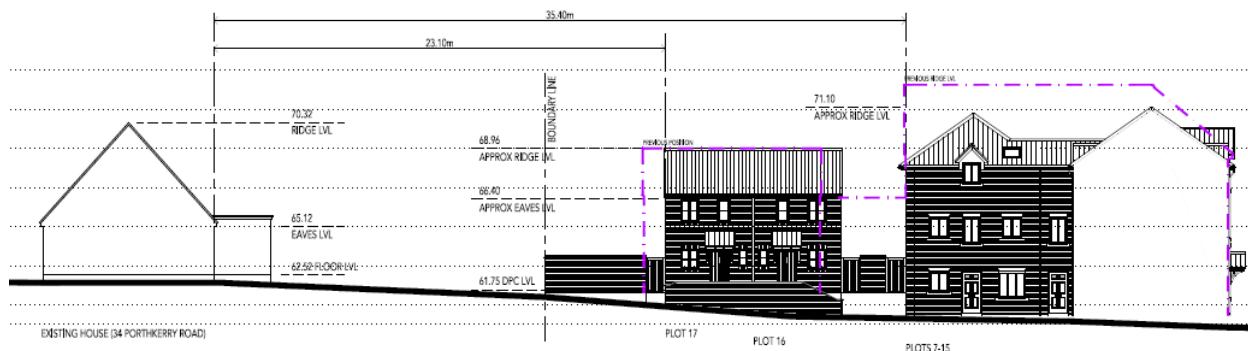
The dormer bungalows of No's 30 – 44 Porthkerry Road have more limited depth rear gardens of some 15-18 metres in length. In this regard these dwellings would be most impacted upon as a result on the proposed development.



The plan above sets out the distances of the dwellings from those in Porthkerry Road. The majority of the dwellings are a distance of 28 – 31 metres away. Whilst several dwellings are closer, in particular no's 32 and 34, the dwellings face the side elevation of a two storey dwelling (plot 17), which does not contain any habitable windows. In light of the above and in line with the Amenity Standards SPG, all dwellings would have a minimum of 21 metres between habitable windows.

The proposed dwellings are also considered to be a sufficient distance so as not to have an overbearing impact on these nearby occupiers. A number of letters of representation received raised objections to the size and the scale of the flatted block, (plots 7 – 16), which comprises affordable housing units. The scheme originally submitted proposed a three storey block. There is a precedent for three storey buildings in Rhoose Point, however these buildings are smaller in scale. Whilst the DAS states that this is a focal building, it was considered that such a three storey building would appear over scaled within the site. The scheme has been amended, where the flatted block (and the second block within this phase that located opposite the school) has been reduced in height, with the ridge and eaves height lowered to that of a two and a half storey building. The scale and form of this flatted block is now considered of an appropriate scale and character with the proposed dwellings within the site.

The section below illustrates the proximity of the bungalows in relation to the development to the rear, where the two and a half storey block would be some 35 metres away at its nearest. The distance of this flatted block from the existing occupiers is such that it would not have an overbearing impact.



In addition to the above and following representations received from the occupiers of the existing adjoining dwellings, concern was raised that the existing open chain link fencing which separates the rear gardens from the application site would provide little privacy, particularly during construction works. Whilst the scheme will include new 1.8m high perimeter fencing enclosing the site, it is recognised that the amenities of these occupiers could be impacted upon during construction works. Whilst the construction methods and hours of operation etc. will be controlled by a Construction and Environmental Management Plan, (secured by condition under the outline planning permission). The agent has agreed that a wall rather than a fence will be erected along the boundaries of the nearest properties namely between No 's 28 and 36 evens (inclusive), which would safeguard these nearby neighbouring occupiers. More generally all means of enclosure around the perimeter of the site, should be erected prior to the commencement of any development or site clearance works, which shall be secured by condition.

The eastern part of the site backs onto the dwellings in Murlande Way. The majority of the proposed dwellings which back onto the dwellings in Murlande Way are in excess of 21 metres away. In this regard, the distance of the dwellings is such that they will not impact on the amenity and privacy of the adjacent existing dwellings, nor result in any overbearing impact. It is noted that one of the dwellings is closer at some 13.6 metres, however this is to the side elevation of the dwelling, which does not contain any habitable first floor windows. As such the distance of this dwelling and the fact that it does not have any first floor windows, would not impact on the amenities of the existing adjacent occupiers.

Affordable Housing

The provision for affordable housing at the site, was set out under the terms of the outline planning permission and the terms set out under the S106 Legal Agreement.

An overall provision of 30% affordable housing was secured at the time, with a tenure mix of 80:20 – social rented : intermediate). Members should note that this was in line with the policy requirements and the background evidence at the time of considering this application.

The application proposes 41 AH units, which based on 120 dwellings overall, would deliver a provision of some 34% within this first phase of development. The remaining phases 2 and 3 subject to a separate application (and ongoing

discussions, will be required to deliver the remainder of the affordable housing provision in order that 30% provision is delivered across all phases of development. The higher proportion of AH units in Phase 1 will ensure that the AH units will be delivered at this first phase of the development, in accordance with the clauses set out with the S106 Legal Agreement.

The Councils Housing Team have stated that there is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need in the area. In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in the Rhose ward, with 142 people requiring:

| | |
|-------------|-----|
| 1 Bed Need | 61 |
| 2 Bed Need | 47 |
| 3 Bed Need | 17 |
| 4+ Bed Need | 17 |
| Total | 142 |

It is also worth noting, that in the rural areas of the Vale, housing need is often hidden until a development is proposed, at which time we engage with the local community and community council to encourage households that are in need to make themselves known to us and sign up to the Homes4U and Aspire2Own waiting lists.

The Councils Housing Team, are in support of the application, which delivers the required provision of affordable housing on the site, in line with the required tenure mix is also satisfied with the mix and location of the units.

It should be noted that the mechanisms for the construction, delivery and transfer of the affordable housing units is set out within the terms of the S106 Legal Agreement.

Drainage

Surface Water

As part of the outline planning permission, a strategy was approved for surface water disposal which was to replicate the existing hydrology and hydrogeology to collect all surface water runoff generated by the future site impermeable areas in a piped network with in-built storage and hydro brake flow-control points to attenuate flows down to the greenfield Qbar rate. This greenfield flow would then be released in a controlled manner back into the ground via an infiltration trench/distribution system (or other groundwater recharge system) constructed along the full length of the southern site boundary.

A number of conditions were attached to the outline planning permission (Conditions 20-27) to ensure that the reserved matters applications were supported by sufficient level of detail and clarity in order that the Councils Drainage Section and Welsh Water can consider the scheme of drainage in line with the strategy as agreed under the outline planning permission.

Following extensive discussions between the applicant, their drainage consultant, Welsh Water and the Council's Drainage Team, the application is now supported by a full submission of documents and supporting statements/investigations. These were required to assess the proposed surface water strategy. Notably this details include;

- Letters from Quad dated 26 May and 21 June to DCWW and VOG respectively.
- An ESP report on additional soakaway testing from December 2015, ref ESP.6013s.02.2432
- A new ESP submission entitled Supporting Information to Clarify Groundwater Levels, ref hd/ESP6013s.lt4,

Having reviewed these very recent submissions, Welsh Water have confirmed that they agree in principle to the surface water strategy. However this is subject to :

- a) The Local Authority confirming that they will adopt the proposed infiltration basin and trench;
- b) Completion of a bespoke Section 104 Adoption Agreement (Water Industry Act 1991) for the adoptable surface water sewers/lateral drains upstream of the infiltration structures.

Welsh Water have emphasised that regular and effective maintenance of the infiltration structures is vital to ensure the system operates as intended and that a positive outfall for the adoptable sewers is achieved in perpetuity. They have therefore required that the Council should advise how this will be achieved and confirm commitment to provide the adoptable sewers with a suitable outfall and would welcome sight of this correspondence.

Moreover Welsh Water advise that as part of the S104 Adoption Agreement (WIA 1991), it is anticipated that an extended maintenance period will be required to ensure the system functions properly/as proposed. For the avoidance of doubt however, should the system fail to operate as proposed then Welsh Water would not adopt the upstream surface water system. It is advised that the issuing of the vesting certificate is the confirmation that Welsh Water will maintain the sewers and they have advised that the Applicant is to engage with them on this bespoke Agreement at the earliest convenience.

Welsh Water advise that they are mindful of the requirements of conditions 20-27 of the outline consent which generally require an agreed drainage strategy (condition 22) that shall, amongst other matters, include:

- A written declaration to confirm the responsibility for future maintenance & repair of the surface water / land drainage system (condition 24)

- Full details of the perpetual management and maintenance of the drainage system serving the development (condition 27)

Based on the technical assessment of the submitted documents WW are generally satisfied with the principles of the proposed drainage strategies for foul and surface water disposal. They do note however that conditions 24 & 27 (as referred above) require specific details of the future maintenance and management and it will therefore be for the Council to consider whether the Applicant has provided sufficient evidence to demonstrate that the requirements of these conditions have been achieved.

In light of the above and having regard to the comments made by Welsh Water, the Council's Drainage Team have considered the submitted scheme and whilst there is no objection to the development in principle, observations are made on the submission and subsequently three conditions are to be applied to any approval.

An appropriate phasing programme for delivery of the drainage strategy has not been submitted for consideration and it is unclear which elements of the final drainage strategy will be constructed and commissioned as part of phase one of the development as the soakaway trench sits outside of this phase of development. However the phasing of construction can be dealt with by condition but the information must be provided prior to construction commencing.

Surface water runoff from the construction site should not drain into SuDS components unless it has been allowed for in the design and specification. Construction runoff can be heavily laden with silt, which can clog infiltration systems, build up in storage systems and pollute receiving waters. The proposed infiltration assets are located at the low point of the development and vulnerable to silt-laden run-off during the construction phase. Clarification is required prior to construction commencing how surface water run-off will be managed, particularly during the construction phase, to ensure no detriment in flood risk to existing properties below the site.

Elements of the drainage system will be publically accessible upon completion and the designer's risk assessment should be used to inform future management and maintenance requirements. This information should be provided in a scheme risk assessment that should be passed to the future owner / maintainers.

Given the above the following conditions are requested.

1. No development shall commence on site until a comprehensive scheme for surface water drainage including a phasing programme is submitted to and approved in writing by the Local Planning Authority.
2. A SuDS scheme risk assessment shall be undertaken detailing the appropriate consideration and management of any health and safety issues, to be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation.

3. Prior to the commencement of any works at the site (including any site clearance and preparatory works), a Construction Surface Water Management Plan relating to the preliminary and construction phases of works, including details of the management of surface water run off, shall be submitted to and approved in writing by the Local Planning Authority. The agreed method statement shall be fully implemented during the construction phase of the development.

The above conditions shall be attached to the reserved matters application and shall be read in conjunction with those contained within the outline planning permission.

Foul Drainage

Welsh Water advise that the Applicant has engaged with them on the foul drainage strategy which, in accordance with Condition 20 of the outline consent, requires the Applicant to secure additional storage to be constructed at the receiving Porthkerry Sewerage Pumping Station (SPS). The upgrade to the SPS is now in design stage. In regard to the on-site foul drainage system this will include a new SPS and rising main to the agreed connection point on the existing public sewerage system. The detailed assessment and review of this system is currently being considered and Welsh Water advise that they will liaise directly with the applicant regarding any technical matters. However Condition 20 of the outline consent, restricts the occupation of any dwellings until such time as additional storage has been secured.

WW have also requested that condition 20 be retained to secure the necessary improvements on the public sewerage system be delivered (and completed) in advance of the first beneficial occupation

Moreover WW request that that the agreed foul water and surface water drainage strategies are also to be secured by way of condition.

Network Rail were consulted and based on the original submitted details, requested further information in respect of drainage, in particular how surface water and sewer outfalls will be discharged. Following the submission of further information and technical reports, Network Rail have confirmed that they have no further comments to make regarding drainage.

Internal road layout, parking, cycling and public right of way

The submitted layout has been designed with full regard to the guidance and advice set out in Manual for Streets in accordance with the requirements of Condition 7 of the outline planning permission. The layout archives the following key principles

- a legible hierarchy underpinned by the principles of walkable neighbourhoods.
- primary street has a consistent character.

- series of secondary and tertiary linkages each with their own character, provide access to the main development blocks.



The schemes has evolved from the Masterplan submitted with the outline planning application There has been some design development within the RMA street hierarchy and layout which can be summarised as:

- Section of Cycle / Footway Route realigned to west of balancing pond.
- Removal of short section of footpath located off the Primary Street, to the north-east of the school site.

Strong green links are included within the development, one along the southern boundary incorporating a strategic cycle route, one connecting the southern edge to the central green space and one utilising the existing right of way, north-south along the eastern edge, in line with the parameters set out within the Masterplan submitted with the outline planning application, which was itself in line with the Adopted Development Brief for the site.

Whilst the hierarchy of roads and roads has remained as previously set out, the road layout has been subject to a number of amendments. In particular it is recognised that the scheme is very much lead with the principles of Manual for streets. Within this first phase, this part of the site contains the primary road which serves the site and directly access the school. Off this primary road are a number of shared surface streets, many of which in turn lead to private drives.

It should also be noted that since the outline planning permission was granted, the Council have adopted revised Parking Standards, which include maximum standards for all developments (including residential), sustainability criteria to

allow a reduction in one site parking requirements and enlarged parking spaces and driveway widths.

The scheme has been amended and a number of times in order to ensure that in particular, the primary road can accommodate the required length of bus, in addition to ensuring the forward visibility and vehicle tracking can be safely achieved for refuse vehicles etc, without detriment to highway safety.

In light of the amended plans no objection is raised by the highway engineer, subject to conditions, which relate to :

1. to revision to surfacing and detailed highway specifications including provision of a raised table along the shared surface carriageway adjacent to plots 311 and 313.
2. the need for the temporary turning area to be designed to accommodate a 12m rigid vehicle.
3. The proposed shared cycle/footway located along the western side of the main access into the site from Porthkerry Road shall be provided at a width of 3.2m and not 3.0m in width as shown.

The above can be secured by condition, without any need to re-plan or amendments to the plot layout and would be within land which would form part of the adopted highway.

The Highway Engineer has also requested that car parking spaces are provided at 4.8m in length and 2.6m in width and that driveways are required to be 3.6m wide. However, this requirement is based on the recently adopted Parking Guidelines SPG, which was not on force when the outline application was being considered. The enlarged parking areas and the need for wider driveways, has impacted on the layout and the density of the development, although this was set out under the approved outline planning permission. The developer has, where it is practically possible amended the parking spaces and driveway widths to accord with the latest standards. However there are some spaces that fall under the older standards. Whilst this is regrettable, it should be noted that the adjoining site to be developed by Bellway and Persimmon, which has yet to be built, all falls within the older standards. On this basis it is considered that the parking layout and overall provision is considered acceptable.

The Highway Engineer has also raised concern in respect of the location of the proposed substation, given that servicing/maintenance vehicles will be required to drive along the adjacent footway/cycleway in order to gain access. Therefore, the substation is required to be relocated to the south, adjacent to the highway. There is no objection to this and there is a suitable site where the substation can be re-relocated to, which would not impact on highway safety and would not appear incongruous within the street. This can be secured by condition.

Public Right of Way P7/2 (Porthkerry 2) is currently recorded on the Definitive Map as a Public Footpath, within the application site. The submitted scheme includes the addition of a new road at the top of the development site. Whilst the Public Rights of Way Officer states that the proposed addition of barriers would

obstruct it's the use of the PROW, the final amended scheme does not include any continues barrier what would obstruct the route. Whilst the scheme does include staggered cycle barriers, these are set back some 15 metres, from the junction with the road, and would not restrict access.



If however, due to pedestrian safety concerns barriers are in the future erected along the prevent, along the line of the PROW, this would result in an obstruction and would require an appropriate diversion/extinguishment. However, as submitted the PROW would remain available for public use.

It is noted that the existing footpath has rights of passage to the public on foot only. The footpath is proposed to be upgraded to accommodate cyclists and as stated by Public Rights of Way Officer, the route should either be subject to a cycle track order or an appropriate permissive declaration/agreement should be put in place to provide assurance to the public of such rights. This can be required by condition.

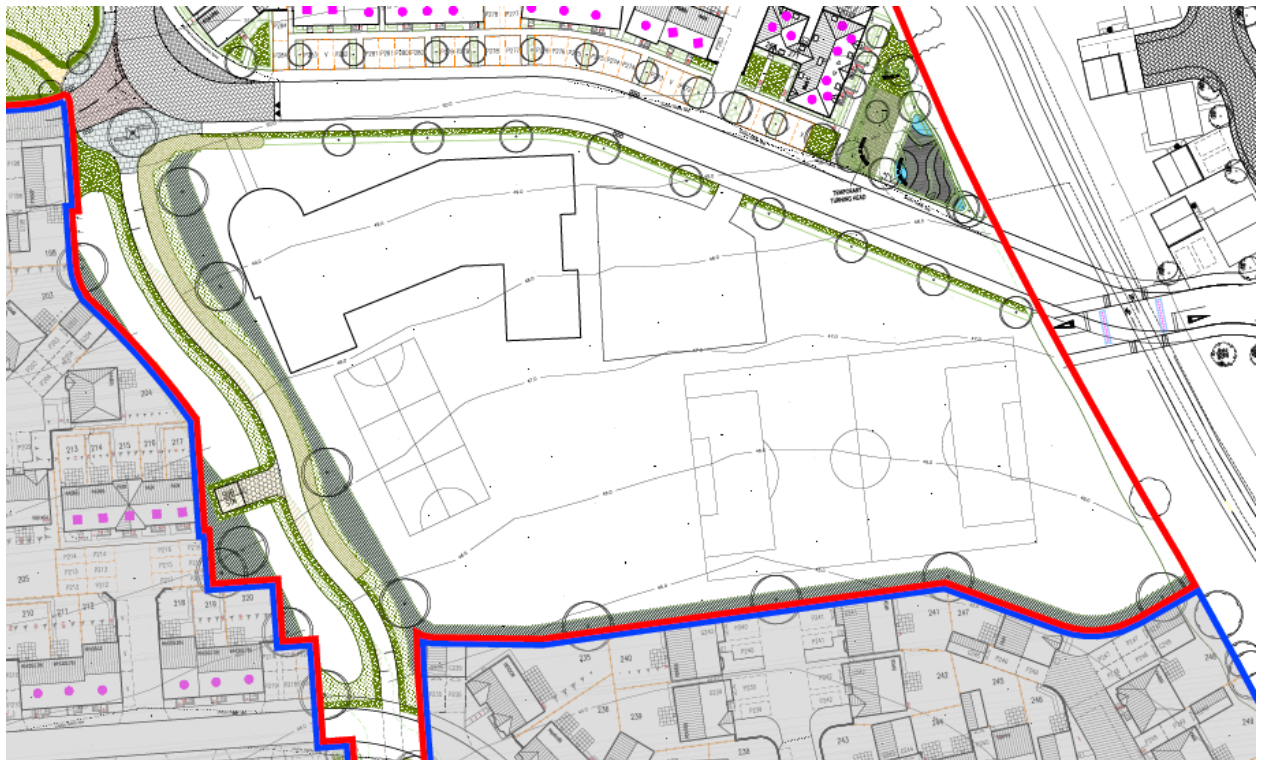
Network Rail were consulted on the application and raised concerns in respect of the safety risk and the impact on the existing footpath (which is a PROW) crossing and the likely additional users including the young. Members will note that the intensification of the use of the footpath across the railway line was fully considered at outline planning permission stage. It was concluded that if the footpath is closed in the future, there would still be connectivity to the south via the adjoining site to the east and via Torbay Terrace.

School Site

This reserved matters application has been submitted in line with the requirements of the outline planning Condition 35, which requires that :

The first reserved matters application shall include all of the land shown on the Masterplan for a school (and highway frontage) and shall be supported by a phasing plan/schedule showing the timing of all proposed works within the school land relating to drainage and excavation works and shall include details of any changes in levels as a result of the drainage works (including sections) and restoration and enclosure of the site.

This application for Phase 1 of the development includes the land for the school and Highways frontage as shown below in the extract below



The school site satisfies the requirements set out at outline planning permission, and is in the position identified within the S106 Legal Agreement.

The schedule for delivery is controlled by the triggers set out in the S106 agreement. There is an obligation to transfer the school land to the Council within 12 months of the construction of the first dwelling.

Work will commence immediately on the drainage scheme for the site as this will be one of the first pieces of infrastructure required prior to construction of the dwellings. The agent advises that first dwelling is likely to be completed in February 2017 and the latest date for completion of the works and handover is therefore likely to February 2018. This is dependent upon the actual date of the first house completion.

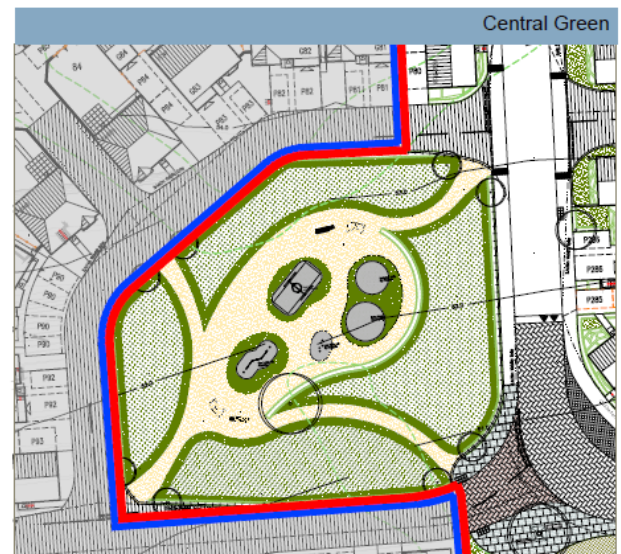
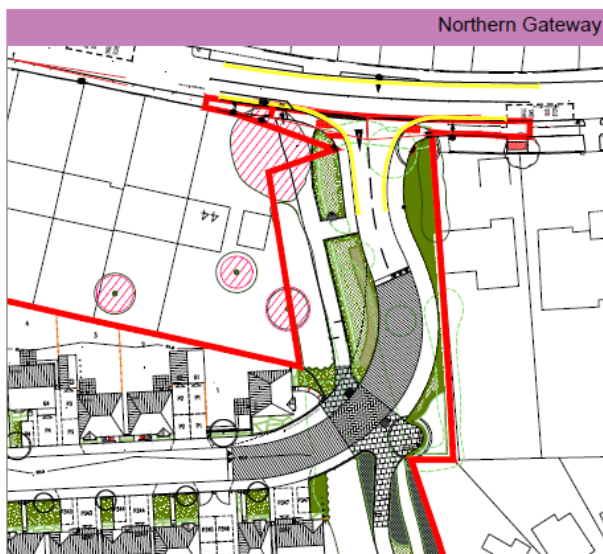
The S106 Legal Agreement requires that the school site must be transferred to the authority in a seeded condition and enclosed with appropriate boundary treatment (to be agreed with the Council) with a safe highways access and the sub surface drainage in place. Furthermore no more than 50 dwellings can be occupied before the land is transferred to the Council.

Some of the manholes shown on drawing C 010-04 Rev 7 are within an area that could be used as a sport pitch. Therefore revised plans setting out the position of the sub surface water attenuation tanks and maintenance chambers / manhole covers within the school site shall be submitted to and agreed by the local planning authority. This shall be required by condition to safeguard opportunities for development of the school site.

Landscaping and Public Open Space

This application has been supported by full details of landscaping detailing hard and soft landscaping and a full schedule of shrub and tree planting. The details of landscaping are considered acceptable and will complement the existing landscape element which are being retained within the site, such as the hedgerows and trees.

The scheme of landscaping will, in particular result in an attractive soft landscaped entrance into the site through the “Northern Gateway” (illustrated below), which leads to the primary and second routes through the site.



Members should note that the provision of Public Open within the site, was previously agreed to be reduced, given the need to provide the school site, (a requirement under the Deposit LDP) on what would have been public open space. This compromise was accepted in order to ensure that that this part of the wider allocation could deliver the required number of dwellings. Moreover, the adjacent site to the west (to be developed by Bellway and Persimmon) contains the main areas of POS. Therefore across the whole of the allocation for up to 700 dwellings both sites will deliver the full provision of Public open space to serve future residents.

In this regard and as set out in the S106 Legal Agreement this first phase of development, will provide a Local Equipped Area of Play (LEAP), within the "Central Green" (illustrated above). The "Central Green" comprises one of the two principal areas of open space identified in the D&AS and lies at the heart of the development. It will provide connections to all areas as well as a pedestrian / cycle only link to the Southern Green. Its character will be formal and enclosed by a hedge and will contain mainly soft landscaping of grass, trees and shrubs as well as a LEAP. The LEAP will contain This will provide a central play area of no less than five pieces of play equipment.

A smaller non equipped Local Area of Play (LAP) is shown to be located opposite the school.

The formal areas of play and other areas of open space within this phase of development, is considered to provide satisfactory provision and in line with the requirements set out with the outline planning permission and S106 legal Agreement. It should be noted that a further LAP will fall with the other Phases of development, subject to the separate Reserved Matters Application.

The specifications, timing for delivery, transfer to the Council and future maintenance, will be secured through the S106 Legal Agreement. However the agreement only required the Public Open Space to be delivered following the substantial completion of the development, on the basis of the wider site (for 350 dwellings). On the basis that the main areas of POS are in this first phase of the development, there is comfort that the POS will be delivered early on in the development of the wider site. However it is nevertheless considered necessary to ensure that, in particular the formal play areas are delivered early on and should be conditioned accordingly.

Noise and Vibration

The outline application considered the potential Impact on Amenities of Future and Existing Occupiers from noise sources. The outline application was supported by a survey to establish the noise climate of the site, the analysis shows that the site falls outside of the 57dB_Laeq noise contour associate with Cardiff International Airport and that the majority of the site lies within Noise Category A of Tan 11. Only the area adjacent to the railway line to the south falls within noise category B. The entire site was therefore suitable for residential use in noise terms, subject to consideration of the slightly raised noise profile of the southernmost area, where noise needs to be taken into account in the design and orientation of the housing proposed. This was secured by way of condition, to ensure that the proposed dwellings which fall within noise Category B will require mitigation in terms of internal and external living spaces and that the dwellings are designed and constructed so as to ensure that vibration values (as specified) are not exceeded.

This reserved matters application has been submitted with a noise and vibration assessment to satisfy the requirements of Condition 16 & 17 of the outline planning permission, with further noise and vibration assessments being undertaken in August 2015. In summary this detailed assessment comments on the whole of the site (including Phases 2 and 3) in light of the detailed layout, where during the daytime the site falls within the lowest noise category (Category A) and during the night-time, Category B. However it is stated, and accepted by the Environmental Health Officer that that the night-time noise levels are very close to be in Category A and therefore any glazing which can attenuate by 20 db(A) with trickle vents will ensure that the internal noise levels are below the WHO standards for restorative sleep.

With particular regard to Phase 1, subject to this application, all of the dwellings would fall within Category C and thus would not require any mitigation.

In addition consideration was also given within the outline application to the noise impacts on the residents adjacent to and nearby the new access on Porthkerry Road. The outline application was submitted with a report which stated that both internally and externally, noise levels at Porthkerry Road will not perceptibly change, given the increase of 1 dB(A) over existing levels. As required by Condition 37 of the outline planning permission, this first phase application should be supported by details of fencing and any associated noise attenuation along the boundary of the site which abuts the residential cartilage of No. 48 Porthkerry Road, Rhoose.

The application has been supported by a technical note and plans which show the means of enclosure along the boundary of No. 48 Porthkerry Road, Rhoose. The scheme proposes a 1.8 metre high brick wall, in place of the fence which was previously indicated. The Environmental Health officer has confirmed that the provision of a solid wall, is acceptable to attenuate any associated noise.

More widely, it should be noted that Condition 18 of the outline planning permission requires, prior to the commencement of any works at the site (including any site clearance and preparatory works), a Construction Environmental Management Plan. This would ensure that details of management for construction site lighting, hours of operation, control of noise, dust, any vibration issues and haul routes would be submitted and agreed prior to the commencement of development to safeguard the amenities of nearby existing occupiers.

Archaeology

The potential impacts on the archaeological resource at the site have been considered by the previous application (2014/00550/OUT) and a programme of archaeological work in accordance with a written scheme of investigation was a condition (Condition 8) of the outline planning permission. Glamorgan Gwent Archaeological Trust were consulted on the application and they have advised that the reserved matters noted in this application do not include archaeological conditions or constraints and therefore no further comments are made.

In addition to the above, a written scheme of investigation has been submitted under the terms of Condition 8 of the outline planning permission, the details of which have been approved. Therefore subject to developer satisfying the requirements of the WSI, there are no further archaeological matters for consideration.

Ecology

The Council's Ecologist has considered the submission of the "*Ecological Construction Method Statement and Ecology Management Plan, September 2015, by EDP*" to address ecological planning conditions (Conditions 18, 29, 30, 31 and 32) of the outline consent.

The report as submitted goes part way towards delivering the biodiversity security and enhancement required, but is stated at present fall short of the standards expected. Whilst an objection has not been raised, it is considered that there are areas where the report could be strengthened. It would be beneficial if the document includes firm statements for the retained/created habitats for maximising biodiversity benefit. For example, management of the hedgerows, trees and of the planting within the attenuation basin.

In addition, whilst the development provides biodiversity gain, there could be further enhancements made and the Council's Ecologist has stated that the applicant consider inclusion of the following:

- Provision of gaps under fences. Gardens are a great resource for [Priority species] hedgehog, but only if they are able to access them. We recommend provision of 100mm gaps under fences.
- Newt – friendly drainage. We recommend the use of SUDS or newt-friendly drainage within the scheme. Newt-friendly drainage benefits not only newts, but many small mammals and amphibians.

The agent has been advised of the above, and is willing to provide gaps under fences, which can be required by condition. In respect of Newt friendly drainage this, further details can be required by way of condition, requesting details of further enhancements.

Notwithstanding the comments from the Council's Ecologist, a detailed street lighting plan has been submitted, although this is not based on the most recent amended highway layout. Given that the site will be subject to a detailed S38 Highways Agreement, the detailed lighting scheme cannot be finalised until a separate highway agreement is in place. Therefore it is considered appropriate to secure details of the lighting scheme by Condition.

Natural Resources Wales have also considered the ecological implications for the development and in summary have stated that they have not considered possible effects on all species and habitats (including nesting birds) listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.

To comply with the Section 40 of the NERC Act, to have regard to conserving biodiversity, NRW advise the decision should take account of possible adverse effects on such interests and recommend that further advice is sought from the Authority's internal ecological adviser and/or nature conservation organisations.

Public Art Strategy

The application has been supported by a Public Art Strategy “*Golwg Y Mor, Rhoose, Vale of Glamorgan - Public Art Plan*”, which covers this application (phase 1) and the phases 2 and 3. It is submitted in line with the requirements of Condition 36 of the outline planning permission. The public art strategy details feature of features of public art integrated within the development which shall be specifically commissioned for the site. Taylor Wimpey has instructed EMP Projects, who is also the author of its Overarching Public Art Strategy to prepare a public art strategy for the site. The strategy also describes the proposed commissioning process and brief for selecting artists and examples / case studies of potential artists and project ideas.

The strategy is considered acceptable which identifies four public areas which can accommodate public art. The provision of a scheme of public art has been secured as part of the S106 legal agreement

A condition will be attached to require the public art is approved and implemented prior to the completion of the development.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

- Location Plan 0508-101 C
- Planning Layout Phase 1 - reference 0508-102-1-I
- Street Scenes Phase 1 - reference 0508-103-1-D
- External Works Layout – reference 0508-104-1-H
- External Works Layout – reference 0508-104-7-F (note small changes refer to Phase 2 but included as it provides references to Phase 1 Road)
- Vehicular Tracking Layout Phase 1 – reference 0508-105-1-H
- Vehicular Tracking Layout-Bus – reference 0508-105-3-D
- Vehicular Tracking Layout-Bus – reference 0508-105-4-D
- Adoption Plan Phase 1 – reference 0508-107-1-H
- Materials Layout Phase 1 – reference 0508-108-1-H

Storey Heights Plan – reference 0608-110-H
Site Sections - reference 0508-116 C
Refuse Vehicle Tracking Layout– reference 0508-1190-1-E
Refuse Vehicle Tracking Layout – reference 0508-119-7-D
Refuse Vehicle Tracking Layout – reference 0508-119-8-E
Refuse Vehicle Tracking Layout – reference 0508-119-14-E
Road Dimensions Plan – reference 0508-118-2-C
Road Dimensions Plan – reference 0508-118-6 B
Forward Visibility Plan – reference 0508-120 B

Above Received 5/7/16

External Works Layout – reference 0508-104-3-E
External Works Layout – reference 0508-104-4-D
External Detailing – reference 0508-106-C
Garages – reference 0808-109 - A
Housetype Booklet - reference 0508-HTB-Issue4
Parking Matrix - Issue 5
Block A A3L
Block B A3L
Block C A3L
Detailed planting proposals 1 of 7 – reference 1750 01L
Detailed planting proposals 2 of 7 – reference 1750 02N
Detailed planting proposals 4 of 7 – reference 1750 04O
Detailed planting proposals 5 of 7 – reference 1750 05K
Detailed planting proposals 7 of 7 – reference 1750 07L
LEAP / LAP Detailed proposals – reference 1750 08N
Site entrance Detailed proposals –reference 1750 09N
Refuse Vehicle Tracking Layout - reference 0508-119-4-D
Refuse Vehicle Tracking Layout – reference 0508-119-10-E
Refuse Vehicle Tracking Layout – reference 0508-119-11-D
Refuse Vehicle Tracking Layout – reference 0508-119-15-A
Sub Station Plan 0508-121 – see note below
Site Entrance Screen Wall 15151_212 Rev 2
Road Dimensions Plan – reference 0508-118-1-C
Road Dimensions Plan – reference 0508-118-4 A
Engineering Layout Sheet 1 of 5 010-01 9
Engineering Layout Sheet 2 of 5 010-02 6
Engineering Layout Sheet 3 of 5 010-03 8
Engineering Layout Sheet 4 of 5 010-04 7
Engineering Layout Sheet 5 of 5 010-05 7

Above Received on 24/6/16

Ecological Construction Method Statement & Ecology Management Plan
(August 2015, prepared by EDP, reference EDP2127/06)

Email note on noise dated 1/7/16

Technical Note on condition 35 (14/7/16)

0508 Statement of Compliance-Phase 1-A4L-ISSUE 2 (July 2016)

15151 Rhoose North - Drainage Design and Compliance Statement Rev00 as updated by 15151-SPM-Is Rhoose North - Surface Water Disposal Technical Note Rev 0 (submitted 5/7/16)

Golwg Y Mor, Rhoose, Vale of Glamorgan - Public Art Plan (October 2015) Environmental noise and train assessment report (reference 7538B)

2. Notwithstanding the submitted plans full details of the slab levels of each dwelling and any associated retaining walls, structures and patio areas, in relation to existing ground levels shall be submitted to and approved in writing by the Council and the agreed slab and external levels shall be constructed in full accordance with the agreed details.

Reason:

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

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

Reason:

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

4. The details submitted in discharge of Condition 3 shall include the following :

1. provision of a raised table along the shared surface carriageway adjacent to plots 311 and 313.

2. the temporary turning area adjacent to the LAP shall be designed to accommodate a 12m rigid vehicle.

3. the proposed shared cycle/footway located along the western side of the main access into the site from Porthkerry Road shall be provided at a width of 3.2m.

Reason:

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

5. Prior to use of the Public Right of Way and any works to upgrade the route to accommodate provision for cyclists, the extent of the route must either be subject to an appropriate Order or agreement, which shall be in place to provide assurance to the public of such rights. The details of the requisite Order or agreement shall be submitted to and agreed by the Local Planning Authority.

Reason :

To ensure that rights exist for the upgrade of the green lane to accommodate cyclists and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. This approval shall not relate to the location of the sub station shown on the Sub Station Location Plan and prior to its erection on site, an amended location for the sub station which shall access directly off the public highway (adjacent to Plot 220) and include elevation drawings of the substation and any means of enclosure and hardsurfacing, shall be submitted to the Local Planning Authority for approval. The substaion shall thereafter be erected in full accordance with the agreed location in full accordance with the agreed details and specifciations.

Reason:

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

7. Notwithstanding the submitted plans and specifications, prior to their use in the construction of the development hereby approved, samples 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.

8. Notwithstanding the submitted plans, all means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The submitted means of enclosure shall include a solid wall which shall be specified between the site and the rear gardens of the No's 28 - 36 (evens inclusive) Porthkerry Road.

Reason:

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

9. The agreed means of enclosure approved under (Condition 7) around the perimeter of the site (adjacent to all existing dwellings) shall be erected prior to the commencement of development or any site clearance and preparatory works. All other means of enclosure hereby approved shall be erected prior to the occupation of each respective dwelling. All means of enclosure hereby approved shall thereafter be retained and maintained at all times thereafter in full accordance with the agreed details.

Reason:

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking, amending or re-enacting that Order) no windows other than those approved in each house type shall be inserted into any elevation without the prior written consent of the Local Planning Authority.

Reason:

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

11. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order, 2013 (or any Order revoking and re-enacting that Order with or without modification) no dormer extensions shall be constructed on any of the dwellings hereby approved 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking or re-enacting that Order with or without modification), other than those approved under the terms of conditions of this planning permission, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

13. 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) 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.

Reason:

To ensure that adequate on site parking is retained, on the basis that the Council have already accepted a reduced parking provision, 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.

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

Reason:

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

15. No dwelling hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas to serve that dwelling, have been laid out in full accordance with the details shown on the approved plans 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 Policies ENV27 and TRAN10 of the Unitary Development Plan.

16. 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.

17. The development shall be carried out in full accordance with the Landscape proposals identified under plan schedule set out under Condition 1.

Reason:

To ensure the landscaping and tree protection measures are carried out, to ensure compliance with the terms of Policies ENV11 and ENV27 of the Unitary Development Plan.

18. Prior to any demolition/land clearance/preparation, or bringing onto site materials, equipment, vehicles, machinery, Heras steel mesh panels in concrete feet (or appropriate anchorage) must be placed around all trees and hedgerows which have been identified as being retained in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority and at no time must the agreed protected areas within be breached by storage of vehicles, machinery, equipment, waste or soil deposits, materials or be used for mixing of concrete or lighting of fires. At such time as the protective fencing is in situ, the Planning Department must be contacted to arrange a site visit by the Assistant Planner/Tree Officer to inspect and when agreed the fencing must remain in place until substantial completion of the development unless agreed in writing with the Local Planning Authority.

Reason:

In order to safeguard the trees and hedgerows being retained during development and to comply with Policy ENV27 of the Unitary Development Plan.

19. Prior to the commencement of construction of any of the dwellings, a detailed scheme for the provision and maintenance of the Public Open Space (including full details of the LEAP and LAP) shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV27 and REC3 of the Unitary Development Plan.

20. No more than 100 of the dwellings hereby approved shall be brought into beneficial use until the children's play areas (LEAP and LAP) shown on the approved planning layout plan and detailed on plans have been constructed on site and are capable of use by the future occupiers of the development.

Reason:

To ensure the recreation facilities are delivered in timely manner to meet the needs of the future occupiers of the development in accordance with Policies REC3 and REC6 of the Unitary Development Plan.

21. The development shall be carried out in full accordance with the Ecological Construction Method Statement and Ecology Management Plan, September 2015, by EDP

Reason:

In order to ensure that Reptiles and habitats are not adversely impacted as a consequence of the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

22. Prior to the commencement of development, details of a scheme of further bio diversity enhancements shall be submitted to the Local Planning Authority and approved in writing, in respect of the following :

- management of the hedgerows, trees and of the planting within the attenuation basin
- Provision of 100mm gaps under fences.
- Newt – friendly drainage. Through the use of SUDS or newt-friendly drainage within the scheme.

Reason:

In order to ensure that Reptiles and habitats are not adversely impacted as a consequence of the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

23. Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent.

Reason:

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

24. Prior to the beneficial occupation of any of the dwellings hereby approved, a scheme of Public Art as well as a detailed timescale and budget shall be provided in accordance with the details within the submitted Public Art Strategy.

Reason:

To ensure a high quality form of development in accordance with the provisions of Policy ENV27 of the Unitary Development Plan.

25. The drainage schemes shall be in full accordance with the agreed foul water and surface water drainage strategies submitted in support of this application.

Reason:

For the avoidance of doubt and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

26. Prior to the commencement of any works at the site (including any site clearance and preparatory works), a Construction Surface Water Management Plan relating to the preliminary and construction phases of works, including details of the management of surface water run off, shall be submitted to and approved in writing by the Local Planning Authority. The agreed method statement shall be fully implemented during the construction phase of the development.

Reason:

To protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to ensure compliance with the terms of Policies ENV7 and ENV 29 of the Unitary Development Plan.

27. No development shall commence on site until a comprehensive scheme for surface water drainage including a phasing programme is submitted to and approved in writing by the Local Planning Authority, and the drainage shall be carried out fully in accordance with the agreed phasing scheme.

Reason:

To ensure the proper drainage of the site and the ensure no pollution of or detriment to the environment and to ensure compliance with the terms of Policies ENV7 and ENV 29 of the Unitary Development Plan.

28. No dwellings shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to ensure compliance with the terms of Policies ENV7 and ENV 29 of the Unitary Development Plan.

29. A Sustainable Drainage Scheme risk assessment shall be undertaken detailing the appropriate consideration and management of any health and safety issues in relation to the proposed scheme of drainage, which shall be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation and any agree recommendations with the risk assessment shall thereafter be carried out in accordance with the agreed details.

Reason :

To ensure the proper drainage of the site and to ensure compliance with the terms of Policies ENV7 and ENV 29 of the Unitary Development Plan.

30. Notwithstanding the drainage configuration set out on drawing C 010-04 Rev 7, revised plans setting out the position of the sub surface water attenuation tanks and maintenance chambers / manhole covers within the school site shall be submitted to and agreed by the local planning authority. No work shall take place on any part of the drainage system within the school site (as defined on drawing 0508-102-1-I Planning Layout) until such time as the submitted details have been approved in writing by the Local Planning Authority.

Reason :

To safeguard the future use and development opportunities within the school site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

REASON FOR RECOMMENDATION :

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

Having regard to Strategic Policies 1, 2, 3, 8, 11 and 14 and Policies HOUS 1 - Residential Allocations, HOUS 2 - Additional Residential Development, HOUS 8 - Residential Development Criteria – Policy HOUS 2 Settlements, HOUS12 – Affordable Housing, ENV6 - East Vale Coast, ENV7 – Water Resources, ENV11 Protection of Landscape Features, ENV16 – Protected Species, ENV17 – Protection of the Built and Historic Environment, ENV20 – Development in Conservation Areas, ENV 24 - Conservation and Enhancement of Open Space, ENV 27 - Design of New Developments, ENV29 - Protection of Environmental Quality, TRAN 9 - Cycling Development, REC 3 - Provision of Open Space within New Residential Developments, REC 6 - Children’s Playing Facilities, REC 7 - Sport And Leisure Facilities and REC 12 - Public Rights of Way and Recreation Routes of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; and the Land To The North Of The Railway Line Rhoose – Approved Development Brief August 2007 Amenity Standards, Design in the Landscape, Model Design Guide for Wales, Planning Obligations, Parking Standards, Public Art, Sustainable Development –A developers Guide, Trees and Development, Biodiversity and Development, Rhoose Conservation Area Appraisal and Management Plan (CAAMP), National guidance contained in Planning Policy Wales 8th Edition and Technical Advice Notes 5-Nature Conservation and Planning, 11-Noise, 12-Design, 15-Development and Flood Risk, 16-Sport, Recreation and Open Space,18-Transport and Manual for Streets, it is considered that the reserved matters application is acceptable in terms of the appearance, landscaping, layout and scale of the proposed development, its , visual/landscape impact, density, sustainability, access and traffic issues, noise, drainage and flood risk, impact on residential amenity, public safety, ecology and archaeology and provision of affordable housing.

NOTE:

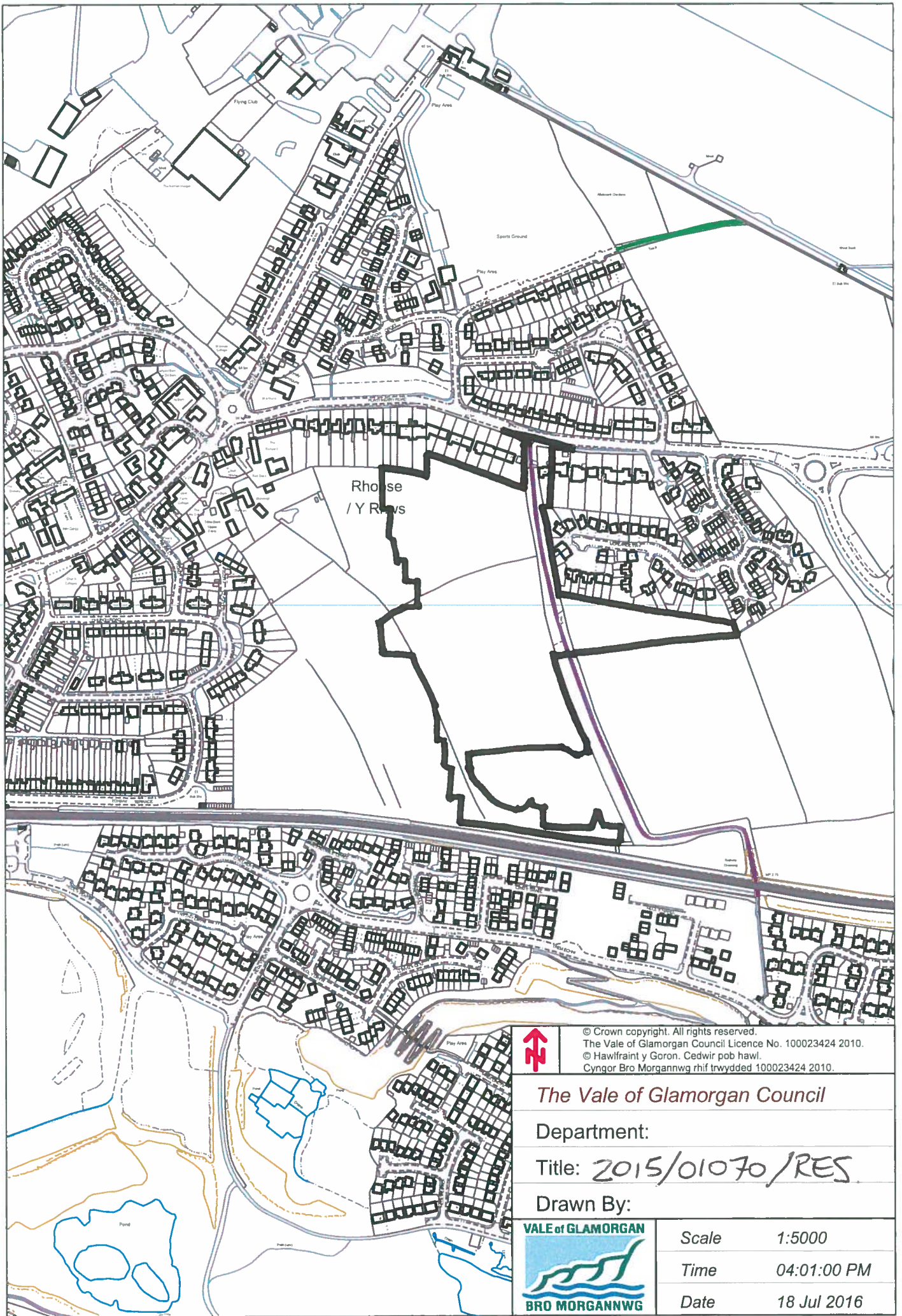
- 1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 2. The developer should note that Cardiff Airport have requested that access be allowed onto the site during construction, in order to monirot bird activity.**
- 3. 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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The Vale of Glamorgan Council

Department:

Title: 2015/01070/RES

Drawn By:



| | |
|-------|-------------|
| Scale | 1:5000 |
| Time | 04:01:00 PM |
| Date | 18 Jul 2016 |

2015/01070/RES
Appendix A.

Payne, Adrienne J

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 16 October 2015 19:23
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/01070/RES

New comments have been received for application 2015/01070/RES at site address: Land North of the railway line (West), Porthkerry Road, Rhoose

from Mr peter harris [REDACTED]

Address:
36, portkerry road, rhoose, vale of glam,cf623hd

Comments:

Your access road will produce heavier traffic blocking drive ways on porthkerry road, we already suffer heavy morning traffic overtaking parked buses outside our drive, access onto porthkerry road will make the road extremely dangerous..Proposed housing at rear of our property, we are already losing a wonderful south facing view along with the devaluation of our property, to propose a 3/story building blocking light is a total disgrace. The village of Rhoose cannot facilitate another 350 properties, Can you please tell me why the land was sold to private investors ? ?

Case Officer:
Mr. S. D. Butler

RECEIVED
19 OCT 2015

| |
|------------------|
| D.E.E.R |
| RECEIVED |
| ACTION BY: SDBLR |
| NO: 9 |
| ACK: |

Peter Harris
36, PORTHKERRY ROAD
RHOOSE
VALE OF GLAMORGAN
CF62 3HD

| |
|-------------------|
| D.E.E.R |
| RECEIVED |
| ACTION BY: SPB/IR |
| NO: 1 |
| ACK: |

Town and Country Planning Act 1990 (As Amended)
Application No. 2015/01070/RES/SDB

Location: Land North of the railway line (west), Porthkerry Road, Rhose.

Proposal: The development of 119 dwellings and associated access, roads and footpaths, drainage works, landscaping.

| |
|------------------------------|
| RECEIVED |
| - 5 MAY 2016 |
| Regeneration and Planning |

4/5/16
F.A.O. Steve Butler,

Firstly, we understand the need for more houses, as residents backing onto the field we would have thought The Vale of Glamorgan Planning Department and Taylor Wimpy Plc could have communicated with us to advise on the positioning of the; three storey block of flats, car park and two storey semi detached block of housing just two meters away from the garden fence line.

As a result of this, we are losing the peace and tranquillity of the fields along with the panoramic views of the Bristol Channel. You are proposing to take that away from us and replace it with a block of flats just 100ft away from our house. Are you aware that during the winter months the sun loses 47% of its height, this will therefore affect our light. As we live in such close proximity to the sea, the houses were designed for this environment, the sun reflects off the sea (shimmering affect) and lights up our dining area and kitchen. We are therefore going to lose that light as well. We are sure the Welsh conservative government introduced the LDP with a good heart and didn't mean for developers (Taylor Wimpy Plc) to blight the lives of residents living here. This project is not being implemented as the bill was intended, we are not part of the proposed new development. We feel you should integrate the social housing within the heart of your own proposed development. You have been very clever to call the proposed development arrangement 'Pepper Pot', We feel this is just another word for pushing social housing to the perimeters, (this is segregation of social housing not integration). Photographs supplied by hand of 3/storey social housing flats together with refuge/bin/recycling areas for flats.

My biggest objections to this project is as follows;

- The only three storey blocks of flats currently in Rhose are next to the train station, Havant Close. This is one of the lowest points in Rhose which makes sense. If blocks of flats are positioned further down the field their height of eleven meters would pale into insignificance. The field has a fall of about eight meters, possibly more. You should not put the tallest buildings at the highest point of the building site, we believe its for your own financial gain and pushing social housing out of the way. If your finding it difficult to integrate the social housing within your own development then don't build. This is the only area left in Rhose with outstanding natural beauty.
- Traffic, We would be interested to know whether anybody has actually monitored the rush hour traffic on Porthkerry Road. The buses pick up school children opposite our houses; lorries, vans and cars all overtake the stationary vehicles passing my driveway with approximately a meter to spare, cars and vans are parked both sides of Porthkerry Road obscuring the view of the main road Photographs Supplied by hand.

- You should be aware of Airport emergencies we get as much as 10/fire engines, ambulances/ Police, all attending, your proposed development is going to filter yet more traffic onto Porthkerry Road which is the only road in and out of Rhoose. This is going to make things unsafe and increase the risk of a possible fatality. We do not feel there has been enough thought put into this.
- We are losing the peace and tranquillity at the rear of our property and at the front it will become extremely dangerous leaving our driveway. I take my granddaughter to school in Barry during the week and the approach road to weycock cross the A4226 is tailing back to the airport roundabout during rush hour, with this proposed development we'll be close to gridlock, more thought is needed.
- When we purchased our property the field was green belt it could never be built on, in our deeds for the property we have to maintain a cattle grid fence at the rear of our property, which we have done for twenty six years surely we must be compensated for such a loss.
- Shops and other facilities, this proposed project does not mention anything about additional shops or facilities. Therefore, I am assuming that everybody will be expected to use the village shops where there will be nowhere to park with so many cars. That includes the Pharmacy, Post office and Doctors Surgery, and of course the school where we have already had a very nasty accident, there's nowhere left to park. Photographs Supplied by hand.
- I note that your proposal does mention football fields. However, with park football in decline I am not sure why you would include such a thing as opposed to what we actually need i.e. additional shops and facilities. I feel these football pitches will just become problem areas in the future, a place for youths and gangs to congregate.

I trust that the content of this letter will be given careful consideration.

Peter Harris



WPT/CMW/H257i-A

Mr Steve Butler
Planning Department
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Date: 5th October, 2015
Direct Line: (01446) 776370
Email: philipthomas@hrt.uk.com
When replying please quote our ref.

Dear Mr Butler,

**Re: Land north of the railway line, Rhose, Vale of Glamorgan
Planning Application Nos. 2015/01072/RES & 2015/01070/RES**

I refer you to a recent report that my Clients have commissioned in connection with the proposed drainage north of Rhose Point, east of the Green Lane.

My Clients have concerns in connection with the proposals being put forward in connection with the above applications. The report deals with those concerns and we would ask the Council to consider those concerns on its merits, also considering the Planning Consent which was granted under Application No. 2014/00343/FUL which deals with the surface water for all of the land north of the railway line which puts a clean strategy forward to ensure that all the surface water is directed straight out to sea which would take away any concerns of safety and flooding.

Kind regards,

Yours sincerely,

**W. PHILIP THOMAS, Dip (Estate Man) MRICS FAAV
Director
Herbert R Thomas**

Cowbridge Office
59 High Street, Cowbridge,
Vale of Glamorgan, CF71 7YL

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17 OCT 2015

DEVELOPMENT SITE AT RHOOSE POINT
VALE OF GLAMORGAN
DRAINAGE REPORT & SUPPLEMENTARY INFORMATION

APPENDICES

1. REPORT SUMMARY
2. COPY OF THE HNL ENGINEERING REPORT

3. LOCATION PLAN
4. SITE PLAN

APPENDIX 1
REPORT SUMMARY

**DEVELOPMENT SITE AT RHOOSE POINT
VALE OF GLAMORGAN
DRAINAGE REPORT & SUPPLEMENTARY INFORMATION**

REPORT SUMMARY

The purpose of this report is to review and comment on the proposed Surface Water Drainage Strategy for the Taylor Wimpey development at Rhose Point West.

The local area has a long standing flooding problem caused by over-land and sub-surface land drainage run off and an inadequate existing land drainage system to the south of the railway line.

The land drainage related flooding issues are becoming more common and frequent during heavy rainfall and not necessarily during 'extreme' storm events. This is well known by Local Residents, the Local Authority, Network Rail, Natural Resources Wales and the Press.

The proposed Surface Water Strategy is fundamentally flawed in that it does not adequately consider or assess the historical drainage problems within the existing site or upon the off-site surrounding area:

- The proposed strategy utilises the existing 750mm (30inch) thin crust of soil (which sits on top of shallow impermeable rock) to dispose of collected surface water. This will result in the migration of surface water southwards and on to the existing inadequate piped systems that run through the southern residential estate.
- Whilst the use of soakaways to control the surface water may 'work' in theory on the western site itself, it will not address the clear risk of off-site flooding caused by continuous flow of water into the drainage path between the surface and the rock layer and through the existing drainage system.
- The strategy has omitted an assessment of additional external and drainage flows entering the site and not all land drainage flows have been incorporated in the flow assessments. Their collective impact upon the existing drainage system cannot therefore be fully understood.
- The strategy has omitted an assessment of the impact of the existing off site drainage flow to the south of the railway including the already insufficient capacity of the existing pipe which is subject to regular flooding. This issue has been publically known for over 10 years and is fully understood by the Vale of Glamorgan CBC.

- No consideration has been given to the potential adverse impact of a large soakaway and subsurface water flows being placed within close proximity of the railway track. A Network Rail risk infrastructure assessment should be considered.
- The future adoptability of the proposed drainage system will require careful consideration. In particular the infiltration trench and infiltration basin given the significant risk of them becoming the source of downstream land drainage flooding.

H257i-A

APPENDIX 2
COPY OF
HLN ENGINEERING REPORT

HLN Engineering
14 Cathedral Road
Cardiff
CF11 9LJ

Tel 0845 375 3298
engineering@hlngruop.co.uk
www.hlngruop.co.uk



6th July 2015

Philip Thomas
Herbert R Thomas
59 High Street
Vale of Glamorgan
Cowbridge
CF71 7YL

Ref: 6601A-REP002A

Rhoose Point West - Drainage Strategy Review

Dear Mr. Thomas

1.0 Overview of Report

HLN Engineering has been appointed to complete an engineering review of the proposed surface water drainage strategy of the proposed Taylor Wimpey development in Rhoose comprising around 350 houses, a 250 pupil Primary School and associated highway, drainage and landscaping infrastructure. It is not the intention to repeat the contents of the drainage strategy report for that development in this report, but to review and comment on its findings, statements and conclusions.

The proposed development site is located to the south of Porthkerry Road, west of Pentir y De and north of the railway line at Rhoose, Vale of Glamorgan – referred to herein as 'Rhoose Point West' for the purposes of this report. The development site is situated immediately adjacent to the proposed 350 house Bellway and Persimmon residential development – referred to herein as 'Rhoose Point East', which has full planning consent.

The Rhoose Point West development's planning reference is 2014/00550/OUT and outline planning permission was granted in May 2015

The following information has been considered as part of this strategy review

- Waterman Infrastructure & Environmental Limited: Land North of the Railway Line (West), Rhoose, Flood Consequences Assessment & Drainage Strategy Report, December 2014 ref. 15342/DS01C
- Waterman drawing ref. CIV15432/SA/92/004/A01
- Outline planning consent ref. 2014/00550/OUT
- VOG Planning Report - Drainage infrastructure summary report relating to application 2014/00343/FUL "land to the north of railway off Pentir y De, Rhoose – drainage infrastructure relating to outline planning permission 2010/00686/EAO"
- Capita Symonds Report "Upper Farm Rhoose – Drainage Report" – May 2006
- Shear Design Drainage Strategy Report for the application ref. 2014/00343/FUL

2.0 Review and Comments on Surface Water Strategy

The following comments are made in relation to the general drainage strategy and some specific points made within the reports.

2.1 Existing site

A description of the existing undeveloped, greenfield site is provided in the Waterman report, section 2.1. The contents of sections 3.1 Hydrology and 3.2 Hydrological Calculations are considered valid.

The Waterman report states that *"surface water runoff from the site discharges overland or in near-surface soils and eventually discharges to the estuary. The local hydrology and hydrogeology are influenced to a large extent by the presence of rock which is close to the surface"*. This is correct in general terms but a wider point relating to historical drainage problems in the local area is not adequately considered or assessed in the strategy report.

2.2 Ground conditions

The Waterman report confirms that the shallow rock cannot be used for infiltration drainage purposes, which is an entirely valid point that must be considered in the formation of a suitable on-site surface water drainage strategy. A geotechnical site investigation report by Integral Geotechnique for the Rhoose Point West site states in Section 11.6 *"Given the possible presence of solution features (sub-surface voids), it is recommended that the drainage works are constructed properly and such that there will be no risk of leakages into the surrounding soils and rocks. Soakaways are not recommended"*

However, only the top 750mm of soil on the site in the proximity of the proposed infiltration trench has been deemed competent enough (in terms of infiltration characteristics) to disperse water into the ground for the whole of the proposed development. This is a very thin crust of soil above almost impermeable rock. In some areas of the site there is actually less than 750mm of soil, with some parts being outcrops of bare rock.

Utilising the identified thin crust of soil to dispose of collected surface water will clearly result in the migration of this water through to the southern boundary, beyond the railway line and onwards to the existing problematic land drainage regime and piped systems that run through the existing residential estate at Rhoose Point.

Despite the reduction in the discharge rate from the proposed development, into the infiltration trench, the proposed drainage system will have the effect of introducing a steady and frequent (QBAR) flow of water into the underlying ground and onwards to the neighboring developments, thus potentially worsening the historical land drainage flooding problems in this area.

2.3 Historic land drainage problems and flooding

This local area has a long-standing flooding problem caused by over-land and sub-surface land drainage runoff and an inadequate existing land drainage system to the south of the railway line. Specifically, this has caused well-documented flooding problems at the existing residential development at Rhoose Point.

This report does not set out to document the full nature and history of this issue, but it is a critically important factor in the formation of a suitable drainage strategy for the Rhoose Point West Site.

The localised flooding incidents in the local vicinity are caused by near-surface land drainage runoff from on and off-site catchments making its way through the East and West development sites, under the railway line, through the Rhoose Point residential developments to the south and onwards to the sea.

The general conveyance is happening within the shallow strip of permeable soil layer above the impermeable rock and also within various culverts and drainage systems along that route. In this case the local green-field sites and any existing and proposed soakaways will continue to introduce surface water flows into this layer and into the off-site drainage systems, thus will continue to have a negative impact on the existing land drainage flooding problems in this local area.

The land-drainage related flooding issues in this area are becoming more common and frequent during heavy rainfall and not necessarily during 'extreme' storm events. This historic issue is well known by Local Residents, the Local Authority, Natural Resources Wales and also the Press. This is considered the most relevant major issue relating to surface water drainage in this area and the Waterman report does not adequately address it.

Soakaways, as the final piece of the proposed Rhoose Point West surface water drainage system may 'work' in theory on site itself, as in the water will go elsewhere, but insufficient consideration is given to the clear risk of off-site flooding caused by this continuous introduction of water into the drainage path between the surface and the rock layer and through the existing land drainage system.

2.4 Assessment of additional contributing catchments

Consideration should also be given to this 750mm band of soil being saturated from continual rainfall and it being subject to incoming land drainage flows from adjacent land and catchments. In this location it is understood that under the current pre-development conditions the Rhoose Point East and West sites are subject to incoming land drainage runoff flows from the following catchments:

- The green-field site to the north of the Rhoose Point west site, with runoff flows on to Porthkerry Road
- Runoff from fields to the east of Pentir y De piped beneath the road, discharging onto the Rhoose Point East and West sites
- Reported failed existing soakaways in the residential development at Murlande Way

The runoff from the highway drainage serving Porthkerry Road, which is to be widened and a new junction formed, should have been incorporated in the flow assessment as part of the drainage strategy for the Rhoose Point west site. The VOGBC will require this issue to be addressed as it currently flows over a footpath in an uncontrolled manner.

The Waterman report does not address the reported issue of failed soakaways in Murlande Way and also surface water runoff passing through Murlande Way from the Airport Land onto their land, to the north of the Rhoose Point East and West sites. This is an established flood mechanism known by VOGBC Land Drainage department and should also be considered.

2.5 Consideration of existing off-site land drainage regime and infrastructure

The Waterman report mentions the land drainage to the south of the railway, but states information on this is not known. The details of this land drain and its outfalls are well and fully understood by the VOGBC, including the 300mm diameter pipe south of the railway track. An assessment completed for the adjacent Rhoose Point East drainage strategy (approved) clearly identified that this drain is flooding due to a lack of capacity and has verified what has been publically known over the past 10 years of flooding to Rhoose Point. This is not covered within the Waterman Report, which focuses on the on-site aspect of the surface water drainage disposal but not on the resulting off-site flows or the external land drainage flows entering the site. This is considered the most fundamental aspect of surface water and land drainage in this local area and as such must be the primary focus for the resulting drainage strategy.

2.6 Consideration of Network Rail land and impact

Additionally, for the drainage solution set out in the waterman report, no consideration has been given to the potential adverse impact of a large soakaway (infiltration drainage feature) and the expected sub-surface water flows, being placed in the vicinity of the railway. Network Rail should be interested in knowing whether it poses a risk to their infrastructure.

2.8 Adoptability of proposed Waterman strategy

The future adoptability of the surface water drainage system proposed by Waterman requires clarification to confirm that the appropriate bodies with adopt the infrastructure shown. It is likely that the on-site surface water sewers and highway drains could be adopted by Welsh Water and Vale of Glamorgan Council (respectively), including the below ground storage tank, if designed in accordance with their relevant standards. However, the infiltration basin and infiltration trench are unlikely to be accepted for adoption when it is clear to the adopting authority that they would become the source of continued downstream land drainage flooding.

2.9 Earlier drainage strategy report

In the 2006 drainage strategy report by Capita Symonds for the Welsh Development Agency (WDA) the following statements that are relevant to this report are made in relation to surface water disposal:

"The first option for surface water drainage would be to use the drainage connections that currently existing beneath the railway line by limiting the flow rates to green-field runoff rate via a combination of on-site storage and flow controls. Whilst in practical terms this can be achieved there appears to be some doubt with regard to the ability of the drainage systems south of the railway line to be able to cope with the existing flows. Due to the lack of clarity in this respect it is felt that this option may not meeting with the approval of the local authority and could be challenged by third parties."

"The third option would be to provide a completely new outfall to the east of the site via a thrust bore under the railway line and across to a new or existing sea outfall"

The subsequent development of the drainage strategy for the proposed residential developments on the two sites resulted in proposal to provide the separate surface water sewer and outfall for both sites – Shear Design Drainage Strategy under planning application 2014/00343/FUL. This is set out in more detail in section 3.0

3.0 Provision of New Surface Water Sewer

A planning application was made in March 2014 to present a surface water drainage strategy that did not rely on the existing land drainage systems under and to the south of the railway line, which has suffered flooding problems for over ten years. This proposal, which was included in the drainage strategy by Shear Design on behalf of Persimmon/Bellway presented a proposed dedicated off-site sewer that would serve both proposed residential developments and have a positive impact on the existing settlement and the associated land drainage problems to the south of the railway line.

The following summary is extracted from the planning report for application 2014/00343/FUL, which was approved in August 2014. The statements are directly appropriate to this report, which sets out a drainage strategy that is in conflict with the objectives of this proposal.

This scheme has been submitted to facilitate drainage with regard to the Persimmon and Bellway Homes reserved matters applications proposing 350 homes on the application site. However, as part of the requirements of the outline application consent, this drainage scheme should be capable of providing adequate drainage infrastructure for the Persimmon & Bellway application sites as well as the land to the west, which is owned by a third developer and has the capacity to provide an additional 350 houses and a school. The proposed scheme that forms this application provides the detailed strategy surface water drainage to serve 700 proposed houses to the land to the north of the railway line. Most of the drainage requirements proposed on the housing site will be considered via the reserved matters application, however, as the outfall pipe and quarry together with the raising main are outside the Reserved Matters site edged red, a separate application was required for the proposed works.

The existing 450mm land drain south of the railway track currently discharges to the former quarry, but this existing land drainage is considered insufficient to deal with the additional housing detailed above

The proposed outfall works outline that a new 1500mm diameter pipe will be tunnelled underneath the network railway line to the quarry basin, connecting to the proposed land drainage on the application site that forms the Reserved Matters application. This includes a network of land drainage to the site and adopted Welsh water sewers as well as a proposed pumping station. The outfall pipe will extend approximately 180m from the proposed housing site to its dispersal from the quarry cliff face. It is proposed that the outfall pipe will be a minimum of 10m underground.

Furthermore, in order to protect from erosion in the quarry basin, the developers propose to implement a baffle system on the highest plateau of the quarry to disperse flows and reduce velocities from the outfall. A formalised erosion protection system will be applied to the base of the cliff faces, gabions of large stone material, with an additional stone bed to fill the plateau

It is important to note the background information that can be gleaned from the permission granted at outline for the land to the north of the railway line. At the outline stage the drainage issues of the site were fully assessed by the Environment Agency Wales, Dwr Cymru Welsh Water and the Council's Engineering Design and Procurement Team. The application was supported by a Flood Consequence assessment and drainage strategy. The purpose of the report at outline planning application stage was to demonstrate to all drainage stakeholders that a deliverable drainage solution exists and can be delivered. In the flood consequence assessment it was acknowledged that a further 350 units may follow at a later date on the adjacent land (to the west) and whilst this application relates to 350 houses some infrastructure may be designed and constructed to help facilitate the development of the additional 350 units. The report considered the existing site conditions in relation to flooding foul and storm drainage.

Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd CF99 1NA
www.cynulliad.cymru

2015/01070/RES
Appendix C

National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA
www.assembly.wales

Our ref: JH/NS/

Mark Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Rd
Barry
CF63 4RU

FAO: Cllr. Peter King

29 June 2016

ENTERED 04 JUL 2016

231 987

LBILE

PK/CB

Dear Peter

Re: Housing developments, Porthkerry Road, Rhoose

I have been contacted by a constituent regarding new housing developments on land behind Porthkerry Road, Rhoose. I understand that these are applications 2015/01070/RES and 2015/01072/RES. My constituent is concerned that her home is situated near the access to the site and has worries about traffic congestion in the area. My constituent also tells me that a roundabout at the site junction has been proposed, but is concerned that there will not be enough room for one.

Can the Council provide advice on the above concerns? Will there be further consultation with local residents about the access?

I look forward to hearing from you.

With very best wishes

Yours sincerely

Jane

Bae Caerdydd
Caerdydd
CF99 1NA

Cardiff Bay
Cardiff
CF99 1NA

Ffôn / Tel: 0300 200 7110
E-bost / Email: Jane.Hutt@assembly.wales

e Hutt

together for the Vale



Mark Petherick
Cabinet Officer Vale of Glamorgan Council
Civic Offices
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Vale of Glamorgan

Jane Hutt

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Barry
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01446 701 777

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@JaneHutt

315/16

12 MAY 2016

886

LB16

**Re: 2015/01070/RES Land North of the railway line (West) Rhoose
Development of 119 dwellings and associated access, roads, footpaths,
drainage works and landscaping.**

FAO: Cllr Lis Burnett

Dear Lis

I have been contacted by a Mr Harris of 36 Porthkerry Road Rhoose, with regard to the above development. (See enclosed consent form as per the agreed arrangements for new casework during dissolution.)

Mr Harris has shared with me some concerns regarding the location of the block of three storey flats, car park and two storey semi-detached housing block, which forms part of this development and questions why this part of the development -which I understand is social housing-is not integrated within the rest of the development site.

Mr Harris has stressed to me that whilst he fully appreciates the need for extra housing, he feels that the layout of the development on the field in front of his home is not helpful -with the tallest buildings (11m) currently positioned at the highest point of the site - and 100 yards from his property.

Welsh Labour Llafur Cymru Thursday 5 May



Jane Hutt Consent Form

From April 2016, the National Assembly for Wales will be in dissolution, and there will be no Assembly Members until the election on 5 May. During dissolution, although I will no longer be an Assembly Member, I can pursue an issue on your behalf in my capacity as a private citizen. If you would like me to do so, please complete this form. If I am re-elected I will continue to work on your case in my capacity as Assembly Member.

Full Name: (Mr/Mrs/Ms/Miss/Dr)

Address: 36, PORTHKEIRY, PETER HARRIS, RD, RHOSSE.

Postcode

Telephone

Email

Date of Birth

National Insurance No.:
(For Tax or Benefits related enquiries)

Please provide either on the back of this sheet or on a separate document further details which will assist me when I raise this matter. Please feel free to supply copies of any other relevant documentation.

Summary of the Issue/Problem: LDP NORTH OF RAILWAY LINE *Doc*

Have you raised this with another elected representative such as an AM (or former AM), an MP or a local councillor?

YES / NO

If appropriate, can we contact a local councillor on your behalf?

YES / NO

Where necessary and relevant, I may need to contact other organisations, departments of the Welsh government or of the UK Government or local authorities on your behalf. By signing this form, you are giving your consent for Jane Hutt to make representations, obtain information and negotiate on your behalf.

If you are acting on behalf of someone else, please indicate this, giving the person's name, and the reason you are acting for him or her.

All personal data will be processed in accordance with the Data Protection Act 1998

I give permission for Jane Hutt to make representations and negotiate on my behalf in relation to the above

SIGNATURE:

DATE: 27.4.16

Swyddfa Jane Hutt
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2016/00415/FUL Received on 17 May 2016

Mrs. Sally Wiltshire 39, Cardiff Road, Dinas Powys, Vale of Glamorgan, CF64 4DH

Mr. David Preece David Preece Consultancy, 44, Seabank, Penarth, Vale of Glamorgan, CF64 3AR

Land adjacent to 21, Sycamore Close, Dinas Powys

Construction of 3 bed bungalow

SITE AND CONTEXT

The application site is a side garden of a semi-detached bungalow situated at the head of the close within a primarily residential area within Dinas Powys. The dwelling at No 21 Sycamore Close benefits from a detached garage and off road parking and has recently been extended with a single storey rear extension. The immediate area is characterised by two and single storey bungalow dwellings and the application site is located at the end of the cul de sac.

The site has been cleared of trees and is currently vacant, the land sits on the edge of a cliff face and shares a boundary with this to the side/rear. A private footpath serving a row of terraces to the east of the site forms the boundary with the site to the side.

The boundary of the site can be seen on the plan below:



DESCRIPTION OF DEVELOPMENT

This is an application for full planning for the construction of a detached pitched roof bungalow with a 150m² footprint. The property would have a maximum depth of 15.5 metres, width of 10 metres and maximum height of 4 metres and an eave height of 3 metres with a gable feature to the front and rear. Space for three car parking spaces are proposed on a forecourt to the front and side of the property accessed from Sycamore Close.

The proposed plans show 3 areas of amenity space serving the dwelling to the side and rear.

The proposed elevations can be seen on the plans below:



PLANNING HISTORY

1985/00484/OUT : Adjacent 21, Sycamore Close, Dinas Powys - Erection of 2 bedroom bungalow - Refused 08/10/1985. The reasons for refusals were:

: The proposal would represent an incongruous feature on this restricted site out of character with the surrounding development

: The proposal would be likely to adversely affect the amenities of neighbouring properties.

CONSULTATIONS

Dinas Powys Community Council were consulted on 21 April 2016. No response was received at the time of writing this report.

Highway Development were consulted on 21 April 2016. A response received 13 May 2016 requests amended plans providing 3no car parking spaces and space for manoeuvring.

Highways and Engineering (Drainage) were consulted on 21 April 2016. A response received on 15 May 2016 confirms no objection to the proposal.

Dwr Cymru Welsh Water were consulted on 21 April 2016. A response received on 19 May 2016 suggesting a suitably worded condition relating to surface water/land drainage.

Housing Strategy were consulted on 21 April 2016. A response received on 5 May 2016 advises on the need for affordable housing in the Dinas Powys ward.

Dinas Powys Ward Members were consulted on 21 April 2016. A response received from Cllr Chris Franks requests the application is considered by planning committee.

REPRESENTATIONS

The neighbouring properties were consulted on 21 April 2016 and a site notice was also displayed on 26 April 2016. 8 letters of objections were received in response to the originally submitted plans and a further 7 letters received in respect of the amended plans.

Comments raised are summarised below:

- Concern relating to parking provision, with difficulties with high levels of on-street parking in Sycamore Close being raised as an issue.
- Impact on the stability of the land, which is to the edge of a steep drop.
- Visual impact of the dwelling on the surrounding area.
- Planning permission for a new dwelling was refused in 1985 and the current application for a larger building should also be refused.
- Proposal results in an overdevelopment of the garden.
- Negative impact on view.
- Proposal will de-value neighbouring properties.
- Details in the application are inaccurate.
- Loss of privacy and amenity.
- Should planning permission be granted limits should be placed on hours of construction.
- Flat roof out of keeping.
- Concerns relating to drainage.
- Not consulted as neighbouring property.
- Lack of amenity space remaining for existing dwelling that has recently been extended.

- Trees on site have been removed prior to application being submitted and garden dug up and left derelict whereas there were trees on site and it was a well maintained garden.
- Application suggests neighbours were consulted when they were not.

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:

POLICY 3 - HOUSING

Policy:

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
 POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
 POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
 HOUS 2 SETTLEMENTS
 HOUS 12 – AFFORDABLE HOUSING
 POLICY TRAN 10 – PARKING

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

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

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Amenity Standards
- Draft Affordable Housing
- Parking Standards (Interactive Parking Standards Zones Map)
- Draft Planning Obligations

The Local Development Plan:

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

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

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

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

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Update Report (2014)
- Affordable Housing Delivery Update Paper (2015)
- Housing Supply Background Paper (2013)
- Small Sites Viability Report (2013)

Other relevant evidence or policy guidance:

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

Issues

The principal issues to consider are the potential impact of the proposals upon the character of the street scene and general area, the impact upon the amenity of neighbouring properties, the provision of amenity space for future occupiers of the existing and proposed dwelling and parking provision and Highway Safety.

In addition weight should also be given to whether the reasons for refusal of application ref 1985/00484/OUT has been overcome.

The application as submitted proposed a flat roof dwelling, following negotiations amended plans were submitted proposing a pitched roof design, these plans form the basis of this decision.

Principle of Development

As noted previously the application seeks consent for an additional dwelling to the side of 21 Sycamore Close situated at the head of the close. It should be noted that given that the property falls within the defined settlement boundary of Dinas Powys, there is no objection in principle to new residential development subject to the provisions of policy HOUS8.

The previous reasons for refusal related to impact on the character of the wider area and impact on the amenities of neighbouring occupiers are considered further within the body of this report.

Siting, Design and Materials

The design, form and layout of the amended proposal is considered appropriate, the shallow pitched roof replicates the design of roof types within the close and the single storey bungalow design relates well to adjoining bungalows without looking out of keeping in the wider context.

The amended dwelling would be set back approximately 6.5 metres into the site reducing the prominence of the new dwelling on the streetscene and the overall character of the surrounding area, and is therefore considered to comply to policies HOUS8 and HOUS11 of the Unitary Development Plan.

The proposed dwelling would be finished in painted render with a brick plinth consistent with the finish of other neighbouring bungalows as well as No 21 Sycamore Close, this aspect of the proposal is considered acceptable.

The proposal sits well within the site and provides areas for off road parking and garden amenity space and as a result not considered an overdevelopment of the site. However it is considered necessary to condition the removal of permitted development rights for extension, alterations or outbuildings to the dwelling should planning permission be granted as the proposal is considered to maximise the sites potential.

Whilst the footprint of the proposed dwelling is greater than that refused in 1985, it is considered the amended siting and the design and finish of the proposed dwelling are considered to comply with the current policies and unlike the 1985 application the proposal would no longer represent an incongruous feature and would not be out of character with the surrounding development

Highway Safety

The application site benefits from an existing crossover and gated access, it is noted that whilst the previous owners of the site had used the area as private amenity space, there is nothing restricting the current owners using the area for off road parking serving the site.

Comments from Highway Development have been noted and the proposal includes 3no car parking spaces. It is noted that the Council's parking guidelines suggest a maximum of 3no spaces for a dwelling of such size. However, given the sites location, it is considered on balance that a reduction to 2no car parking spaces would be considered appropriate allowing an improved layout.

The property is located at the head of a quiet cul de sac, comments from objectors have been noted, however the introduction of this dwelling is not considered to result in any loss or parking within the close given that a crossover and access exist currently. Given the character and context of the application site, the introduction of a new dwelling is not considered to result in harm to highway or pedestrian safety.

The existing dwelling at No 21 Sycamore Close will continue to benefit from off road parking for a number of vehicles over an existing crossover. Concerns relating to construction vehicles of tradespersons working at the existing dwelling at 21 Sycamore Close and that of any possible future construction workers have been considered and it is noted that there are no parking restrictions along the public highway along Sycamore Close. Notwithstanding the above it is not considered that short term inconvenience of construction traffic would warrant the refusal of the planning application and should the local residents have concerns relating to obstruction of the highway, this would be a police matter.

Impact upon amenity

The proposed dwelling would be located approximately 10 metres from No's 23-26 Sycamore Close, separated by a hedge and front gardens serving these properties. The proposal relates to a single storey dwelling with a 3 metre eave height and maximum ridge height of 4 metres. The application site is set on a lower ground level than No 23-27 and would have a shallow roof pitch with the roof sloping away from these neighbours. Given this, it is considered that the proposal would not be overbearing or un neighbourly to warrant refusal of planning permission.

The proposal would introduce 2no obscurely glazed ground floor windows serving a bathroom and utility room in the side elevation facing No 23-25, the proposal also includes the introduction of a 2 metre high fence along this boundary and therefore the proposal is considered not to result in detrimental impact to the residents at No 23-25 by reason of overlooking.

For the reasons set out above, this application overcomes the second reason for refusal of the 1985 application, on the basis that the proposal would not adversely affect the amenities of neighbouring properties.

Amenity provision

Adopted supplementary planning guidance Amenity Standards requires that applications for new dwellings 'should aim to provide a minimum of 1m² of amenity space per 1m² of the gross floor area of the dwelling' with 70% of this space being accommodated in the private rear garden. The dwelling has a gross floor area of approximately 150 m² with approximately 240 m² of amenity space. It should be noted that approximately 150 m² of amenity space is provided within the side garden which is considered to be the properties principal primary amenity space which would be private and not overlooked.

The proposal will result in the loss of a large amount of the amenity space available for the occupiers of the existing dwelling at No 21 Sycamore Close, however, sufficient private amenity space would remain for the existing dwelling at No 21 to conform to the SPG amenity standards despite being recently extended to the rear. The size and shape of the amenity space would be at odds with the garden shapes and sizes of properties along Sycamore Close, however this in itself would not be a strong enough reason to warrant refusal on planning permission, given that the remaining garden area is still considered to be of adequate size and useable.

Affordable Housing

The Draft Affordable Housing Supplementary Planning Guidance has been approved by the Council and is now a material consideration in the assessment of planning applications. Within the Rural, East Vale and Penarth housing market areas (which includes Dinas Powys) the Council's Affordable Housing policy requires all residential sites resulting in a net gain of 1 or more dwellings to provide 40% of affordable housing. In areas with a 40% requirement, a new dwelling would require a financial contribution equating to 40% of an Affordable Housing Contribution. The financial contribution would be used towards off-site affordable provision within the Vale.

Based on the size of the dwelling proposed the contribution calculated in accordance with the formula set out within the SPG would be £40,530.40.

The applicant was advised of the required contribution and has submitted a formal response with a detailed bill of quantities, stating that the overall development would be unviable based on the Affordable Housing Contribution.

The Draft Affordable Housing SPG states under para 5.2

“In line with the WG advice, the Council will normally expect developments to deliver affordable housing on development sites, usually in the form of units built for and transferred to the Council or a RSL, unless there are exceptional circumstances why this cannot be achieved, such as:

- Insurmountable development viability issues caused or exacerbated by the affordable housing requirements;”*

The Draft Planning Obligations SPG also deals with site viability under para 6.1 and states :

“..... Where a developer contends that the s106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and sales values and anticipated profits based on properly sourced evidence. The assessment must be submitted to the Council to provide evidence of the scheme’s viability issues. Preferably this should form part of the pre-application negotiations but must be submitted with a full or outline planning application. The Affordable Housing SPG sets out in more detail the information required to support a viability appraisal and the process for considering such matters..”

The Council accepts that there may be sites within sub market housing areas, which may not be viable, due to site specific constraints, high abnormal build costs, and lower gross development values. Therefore in accordance with the above guidance set out within the SPGs, the applicant has submitted a detailed build cost breakdown, in addition to the costs of the land, finance, abnormal, professional and legal fees and notional profit margin.

The submitted figures have been checked against the latest BCIS (Building Cost Information Service) of the Royal Institution of Chartered Surveyors (RICS), which sets out nationally accepted figures for the cost of building houses and flats. The results of this calculation show that for the calculated build cost is in line with the costs set out by the applicant. Principally, it should be noted, as the bungalow is single storey, with a footprint which is twice the size of a two storey dwelling of the same floor space, bungalows have significantly higher construction costs. Generally background viability work undertaken by the Council has assumed two storey dwellings.

To conclude the total development costs of the bungalow would equal if not exceed the sales value of the new bungalow when complete, based on sale values of similar properties in the area. Therefore the additional provision of the Affordable Housing Contribution or even any reduced level of contribution, would clearly make the development unviable. In accordance with the above SPGs, the developer has clearly demonstrated that in this instance and based on the particulars of the development costs and comparable up to date sales values that an Affordable Housing Contribution cannot in this instance be sought without the development unviable.

Other Matters

Comments from the residents of Sycamore Close have been noted, concerns relating to parking, highway issues, loss of privacy and amenity, overdevelopment, visual impact and lack of amenity space have been addressed in the body of the report. It is noted that local residents have grave concerns in terms of impact on the stability of the land, however given the proximity of neighbouring properties, it is not considered there is any evidence of poor grant conditions, moreover, matters of stability of foundations and construction will be dealt with as part of any further application for building regulations which will be necessary to allow the property to be constructed.

Comments relating to previous applications on the site have been noted, however these applications related to previously adopted development plans and were materially different. Notwithstanding this, each application is judged on its own merits. There is also no right to a view in planning terms and therefore not a reason to recommend refusal. Loss of property values is also not material planning consideration.

Concerns relating to inaccurate details in the application in the form of neighbours not being consulted by the applicant have been noted, however this is not considered to affect the proper determination of the application. Furthermore concerns of some residents that they were not consulted have been noted. The Council consulted 9 adjoining properties and a site notice was also placed along Sycamore Close. It is therefore considered that consultation was carried out in accordance and in excess of the relevant regulations.

In terms of comments relating to the flat roof, these are noted however the amended proposal proposes a pitched roof which is considered more appropriate. Concerns relating to drainage have been noted, however no objections have been raised by the Council's drainage engineer and as such considered acceptable.

It is unfortunate that trees at the site have been removed, which was undertaken prior to the determination of this application, the introduction and the retention of landscaping and bio diversity is encouraged by the Council, however the Council's records confirm that the trees were not protected by virtue of tree preservation orders and as such their removal, whilst unfortunate, is not a matter that can be enforced.

Comments relating to limits of hours of construction have been noted. Given the scale of the proposal it is not considered that such condition would be necessary, There will inevitably be disruption during any planned building works however this is usually short term. Should local residents have concerns relating to the hours of construction and the levels of noise generated, they are advised to contact the Shared Regulatory Services who have legislative powers to deal with such matters.

Conclusion

The proposal is considered to overcome the reasons for refusal of the previous application and considered to comply with the policies of the Unitary Development Plan 1996-2011 and as a result considered on balance to be an acceptable form of development subject to conditions.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: Layout Plan 1A, Sketch Plan 3 Received on 07 April 2016 and Amended Plans reference 2016/00415/FUL/AMENDED Received on 17 May 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 provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Prior to their use in the construction of the development hereby approved, details of the materials, including samples, 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.

6. The dwelling hereby approved shall not be brought into beneficial use until such time as the parking area, to serve the dwelling hereby approved has been laid out in full accordance with the details shown on drawing Layout Plan 1A dated 4 April 2016 and the parking area shall thereafter be so retained at all times to serve the dwelling hereby approved. The approved parking shall be surfaced in a permeable material and thereafter be retained to serve the dwelling unless otherwise approved in writing by the local planning authority.

Reason:

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

7. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment.

8. 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.

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

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies ENV27 (Design of New Developments), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards and Draft Affordable Housing Supplementary Planning Guidance, it is considered that the proposal is acceptable, by reason of the appropriate design, materials and scale, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. There are no objections on highway safety grounds. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

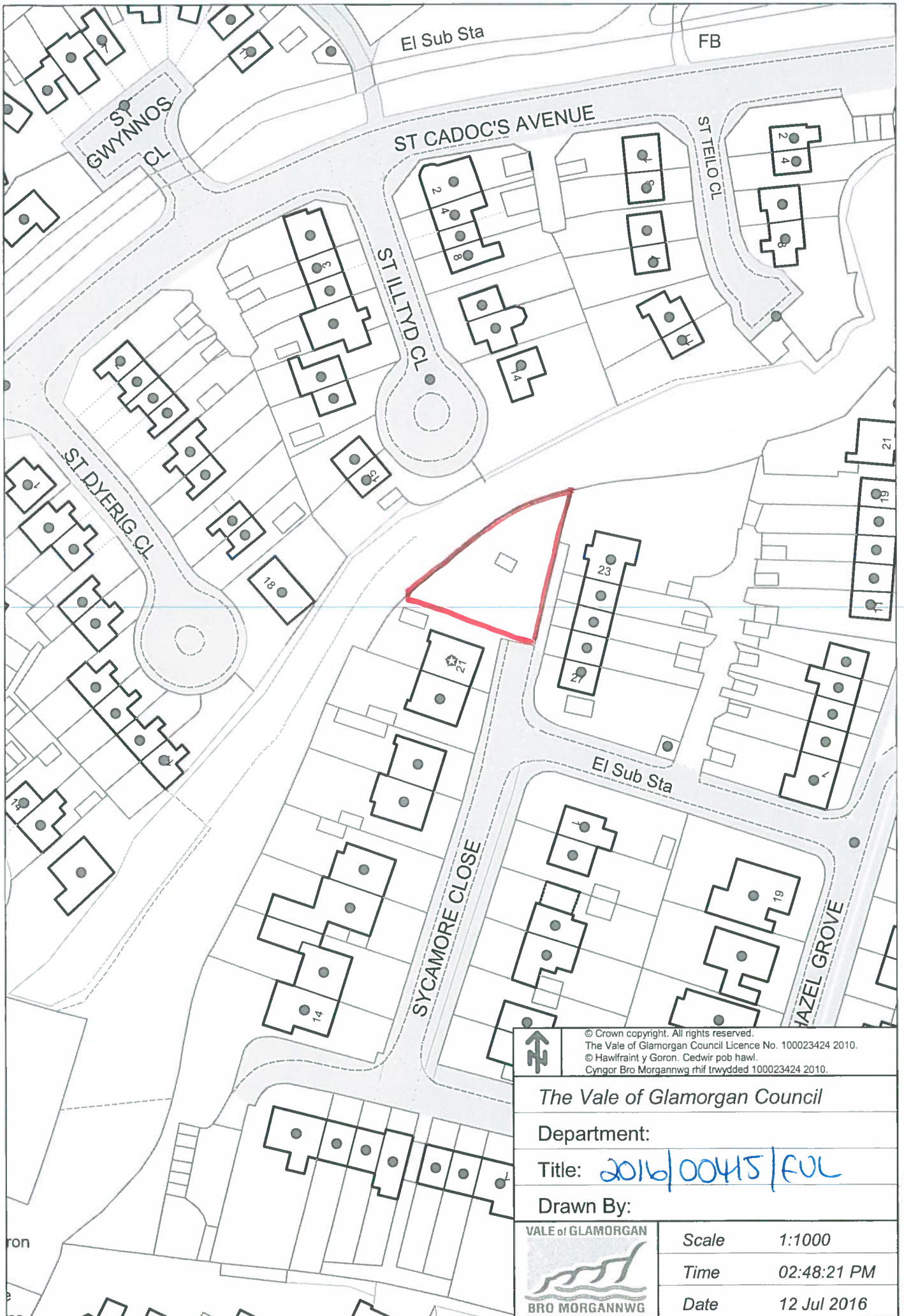
NOTE:

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

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

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

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



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