

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **5 OCTOBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2017/0027/PO	AC	Great House Farm. Michaelston Road, Cardiff	Extension and renovation sub division, into 2 no. 3 bed houses
2017/0467/BN	A	4, Bradford Place, Penarth	Replace existing rear single storey extension with new single storey extension
2017/0735/BR	AC	Land adj. 62, Heol Y Frenhines, Dinas Powys	Four bedroom detached house
2017/0754/BN	A	20, Tarrws Close, Wenvoe	Single storey rear extension
2017/0950/BN	A	Brynhyfryd, Colwinston	Two storey extension
2017/0951/BN	A	39, Cog Road, Sully	Rear and side extension
2017/0955/BR	AC	Offices Barry Fire Station, Port Road West, Barry	Proposed refurbishment works to existing station to include co location with Welsh Ambulance Service. Works to include new external fire escape stair and recladding of existing elevations with new permanent signage
2017/0960/BR	AC	4, Clive Crescent, Penarth	Two storey rear extension with associated works

2017/0965/BR	AC	4, Sir Ivor Place, Dinas Powys	Two storey side extension to provide lounge at ground floor and bedroom at first floor
2017/0968/BN	A	9, Village Farm, Bonvilston	Two storey side and single storey rear extension
2017/0970/BR	AC	44, Cog Road, Sully, Vale of Glamorgan CF64 5TD	Single Storey extension at the rear, replacement of an existing porch at the front.
2017/0971/BN	A	The Meadows, Port Road, Wenvoe	Structural alterations
2017/0972/BN	A	77, Eastgate, Cowbridge	Construction of a two storey garage and hobby room
2017/0973/BN	A	Envelope scheme for Awbery House,	EWI and roofing and windows
2017/0974/BN	A	Envelope scheme for Buttrills Walk	EWI and roof
2017/0975/BN	A	Envelope scheme for West Walk	EWI and Roof
2017/0976/BN	A	Envelope scheme for North Walk	EWI and roof
2017/0977/BN	A	Envelope scheme for East Walk	EWI and roof
2017/0978/BN	A	Envelope scheme for South Walk, Barry	EWI and roof
2017/0979/BN	A	82, Victoria Road, Penarth	Internal alterations, two rooms into one, garage conversion into habitable room.
2017/0980/BN	A	28, Elm Grove Road, Dinas Powys	Single storey rear extension to extend kitchen/diner
2017/0981/BN	A	13, Amroth Court, Barry	Take down wall to ground floor W.C. to allow kitchen to comply with WHQS. Install toilet to 1st floor. Rebuild partition wall between lounge and dining room

2017/0983/BN	A	18, Fonmon Road, Rhoose	Replace existing porch with a porch and utility room
2017/0984/BR	AC	14, Laburnum Way, Dinas Powys	Replace existing flat roof to living room, garages and utility room with pitched roof. Internal alterations
2017/0985/BN	A	Oakfield, Cross Common Road, Dinas Powys	Remove internal wall between hall and dining room. Glass garden room extension with solid roof
2017/0988/BR	AC	74, Holton Road, Barry	Refurbishment of ground floor, including new disabled toilet and staff room, and demolition of rear lean to and outbuilding
2017/0989/BN	A	4, Nant Yr Adar, Llantwit Major	Demolish existing single skinned single storey flat roof building and replace with double skinned single storey extension with a pitched roof
2017/0991/BN	A	125, Port Road West	Garage conversion
2017/0992/BN	A	25, Starling Road, West Camp, St. Athan	Single storey extension to form dining room and downstairs shower room
2017/0994/BN	A	YOS, 91, Salisbury Road, Barry	Removal of existing gas fired boiler plant and control system. Supply and installation of new gas fired boiler plant control software
2017/0996/BN	A	6, Middlegate Court, Cowbridge	Replace garden patio. Install Bi-fold doors and lintel, knock through kitchen/dining room, install lintel. Reconfigure kitchen layout and electrics, widen dining room access to 1000mm

2017/0997/BN	A	Pentwyn, Ham Lane East, Llantwit Major	Removal of internal wall and installation of supporting beam. replacing a window on side elevation and exchanging a window on rear elevation for patio doors
2017/0998/BN	A	73, Westbourne Road, Penarth	Replacement single storey garage with link to host dwelling. Replacement roof covering to kitchen lean to and installation of roof lights
2017/1001/BN	A	9, Greenway Court, Barry	Replacement windows
2017/1002/BN	A	41, Fitzhamon Avenue, Llantwit Major	Re roof
2017/1003/BR	AC	23, Althorp Drive, Penarth	Single storey side extension
2017/1004/BN	A	Llan Yr Afon, Well Lane, St. Nicholas	Two storey extension
2017/1007/BN	A	31, Redlands Avenue, Penarth	Take out bathroom and kitchen fit new kitchen and wet room. Fit FD30 to kitchen
2017/1013/BN	A	Flat 2, 10, Archer Road, Penarth	Knock through existing kitchen wall into neighbouring room (lounge) to create an open plan kitchen/lounge
2017/1015/BN	A	5, Park Road, Barry	Single storey kitchen extension

(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:

2017/0138/AI	A	Cartref, Llanbethery	Single storey side extension and remodelling to form additional accommodation and dining area at ground floor level. Works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0139/AI	A	42, Oxford Street, Barry	Dormer loft conversion including hip to gable and associated works
2017/0140/AI	A	15, Cambourne Close, Barry	Single storey rear extension and associated works
2017/0141/AI	A	18, Windsor Terrace, Penarth	Proposed rear dormer extension at 2nd floor level and new detached garage works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0142/AI	A	Albion, Glebe Street, Penarth	Proposed material alterations to structure, controlled services, fittings and thermal element
2017/0143/AI	A	80, Cog Road, Sully	Guardian warm roof and associated works at ground floor level
2017/0144/AI	A	2A, The Parade, Barry	Proposed loft conversion at 2nd floor level to create 2 habitable rooms with bathroom facility, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0145/AI	R	21, Birch Grove, Barry	Replacement Supalite tiled roof and associated works at ground floor level

2017/0146/AI	A	4, Milton Close, Llantwit Major	Garage Conversion , small single storey extension and associated works
2017/0147/AI	A	7, Paget Road, Penarth	Alterations and refurbishments with associated works
2017/0148/AI	A	Costa Kiosk, Cardiff International Airport, Rhoose	Proposed installation of a new coffee shop facility within the existing building (works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0149/AI	A	Costa Coffee Airside – Cardiff International Airport	Proposed new internal and external alterations to existing building (works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0150/AI	A	Windrush, 9, Craig yr Eos Road, Ogmore by Sea	Alterations and two storey extension
2017/0151/AI	A	The Old Cottage, St. Brides Major	Replacement of an existing conservatory roof and frames
2017/0152/AI	A	13, The Verlands, Cowbridge	Proposed replacement of conservatory roof with 'guardian roof', works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0153/AI	A	Building 873, Picketston Site, St Athan	1. Proposed refurbishment of office within industrial unit. 2. Replacement of part cladding and floor structure to adjacent storage building (works to include material alterations to structure and controlled services/fittings)
2017/0154/AI	A	10A ,Park Road, Penarth	New Dwelling

2017/0155/AI	A	Apple Tree Cottage, Hensol	<ol style="list-style-type: none"> 1. Construction of 2 storey detached garage and store. 2. Construction of 2 storey side extension.
2017/0156/AI	A	6, Albert Crescent, Penarth	Removal of chimney breast at GF level and insert steel supporting members and associated works

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

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

Decision Codes

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

2012/01023/1/C A 42A, Clive Place, Penarth Discharge of condition 4 -
D Proposed single storey detached studio (in lieu of approved extension)

2014/00452/2/N MA	A	Land to the west of Port Road, Wenvoe	Non-material Amendment to Plot 1 - Reposition garage & substitute double garage for single garage Plot 2 - Reposition double garage. Planning reference 2014/00452/RES: Reserved Matters for 131 dwellings, including details of appearance, landscaping, layout and scale at Land to the west of Port Road, Wenvoe
2014/00460/4/N MA	A	Plot 50, Manor Park, Penarth	Non Material Amendment - Proposed alteration of approved dwelling to include rear conservation extension. Planning permission 2014/00460/FUL: Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/00689/1/N MA	A	18, Maes Y Ffynon, Bonvilston	Non material amendment - Variation of Condition 3 to agree external finishes

2015/00534/1/C D	A	Seaton House, 2, Park Road, Dinas Powys	Discharge of Condition 6 - Access - access before use, Condition 7 - Vision Splays and Condition 11 - Boundary Fence. Outline planning consent for the construction of 1 no. residential property including access, with all other matters reserved at land rear of Seaton Hoe, Pen Y Turnpike Road, Dinas Powys
2015/01032/RES	A	Land at Barry Waterfront, Phase 2, Barry	Approval is sought for the layout, scale, appearance, access and landscaping of Phase 2 (109 dwellings)
2015/01272/1/N MA	A	Pinfold, 1, Broadway Green, St. Nicholas	Non material amendment - Two storey extension, single storey extensions and new garage. Planning permission ref. 2015/01272/FUL.
2016/01143/1/N MA	A	Portobello House, B4524 Ogmore Road, Ogmore by Sea	Non-material Amendment of planning application 2016/01143/FUL to amend guard balustrade from glazed panelling to a galvanised steel guard railing with painted finish
2016/01425/FUL	A	Coach House and Cheese House at Gileston Manor, Gileston Road, Gileston	Change of use of coach house and cheese house into 4 no. additional holiday accommodation units, demolition of single storey lean-to attached to coach house and replacement with single storey conservatory, and internal and external alterations and associated works

2016/01434/LBC	A	Coach House and Cheese House at Gileston Manor, Gileston Road, Gileston	Change of use of coach house and cheese house into 4 no. additional holiday accommodation units, demolition of single storey lean-to attached to coach house and replacement with single storey conservatory, and internal and external alterations and associated works
2016/01466/FUL	A	Argoed Isha Quarry, Llansannor, Llanharry	The use of part of the quarry as a centre for CPCS Operator Training
2016/01494/FUL	A	Braemore Lodge, 42, Victoria Road, Penarth	Replacement windows
2017/00042/1/N MA	A	Docks Offices, Subway Road, Barry	Non Material Amendment: Relocation of container. Excavation of existing embankment to install new retaining wall and concrete base for the provision of a new containerised Biomass boiler plant
2017/00297/1/C D	A	Amelia Trust Farm, Five Mile Lane, Barry	Discharge of Condition 3- Archaeological Condition. Proposed Farm Shop & Welcome Shelter
2017/00299/FUL	A	1, The Ferns, Northcliffe Drive, Penarth	First floor front extension and conversion of loft to provide additional bedroom/en suite with dormers
2017/00300/FUL	A	Plot 70, Tathanias Court, St. Athan	Proposed rear conservatory extension
2017/00301/FUL	A	9, Nant Talwg Way, Barry	Retention of Granny Annexe

2017/00368/FUL	R	239, Holton Road, Barry	Double storey coach house garage at bottom of garden to be extended and converted to residential unit
2017/00369/1/C D	A	Merrick House, St. Nicholas	Discharge of conditions 4 and 5 - Demolition of Meyrick House and replacement with two houses including altered access and car parking
2017/00394/FUL	A	2, Waycock Road, Barry	Proposed extensions to side/rear of existing dwelling including dormers and rear extension
2017/00402/FUL	A	7, Westfield Drive, Penarth	Build a double storey extension
2017/00408/FUL	A	Longwood House, Nr Barry, Llancarfan	Proposed double garage with flat roof terrace
2017/00413/FUL	A	Silverdale, 44, Cog Road, Sully	The replacement of an existing entrance porch, and the building of a new rear extension to the existing sitting room, and the repair of an existing ground floor terrace
2017/00436/1/N MA	A	Y Parwg, Eglwys Brewis Road, Llanmaes/Llantwit Major	Non material amendment - Rear two storey extension. Planning permission ref. 2017/00436/FUL: Rear two storey extension
2017/00439/FUL	A	39, Longmeadow Drive, Dinas Powys	Proposed detached garage for classic car storage
2017/00480/FUL	A	Parkside, Bonvilston	Change of Use of existing redundant stables to self contained holiday let and the construction of a two storey wing

2017/00489/FUL	A	Fairfield, Welsh St. Donats	To construct new extension with alterations / adjustments to roof. New chimney stacks/Velux windows. Form pitched roof to existing garage. Adjust existing vehicular access and form new car parking/vehicle crossover
2017/00523/FUL	A	Claygate House (formerly known as Treetops), Sully Road, Penarth	Proposed new entrance to replace existing access to the property
2017/00526/FUL	R	Olive Hotel, 2 Port Road, Barry	Demolition of existing, and the erection of two (2 storey) town houses (+dormer), with internal parking
2017/00530/FUL	A	West Aberthaw Barns, West Aberthaw	Change of use of former agricultural cowshed outbuildings, (recently approved to have ancillary use to a C3 residential development) to outbuildings with ancillary use to a C2 development - used for residential care of children and adults, with associated physical alterations to the buildings
2017/00535/LBC	A	West Aberthaw Barns, West Aberthaw	Change of use of former agricultural outbuildings, recently approved to have ancillary use to a C3 residential development) to outbuildings with ancillary use to a C2 development - used for residential care of children and adults, with associated physical alterations to the buildings.
2017/00540/FUL	A	Y Mor, 20, Plas Taliesin, Penarth Marina, Penarth	Coving/cladding over original steel including ECO drainage and downpipes

2017/00543/FUL	A	174, Holton Road, Barry	Installation of security grille style perforated shutters to the frontage of 174 Holton Road. The shutter housing will be concealed internally. As a financial services provider, the shutters are considered to be a necessary security measure to protect the building and the staff of the credit union.
2017/00550/FUL	A	The Royal British Legion, Station Approach, Penarth	Part retrospective application for the insertion of 4 Velux rooflights
2017/00554/FUL	A	Middle Lodge, Clemenstone	Proposed change of use of agricultural land for the purposes of an external equestrian riding manege for private use only
2017/00559/ADV	E	Paramount Tandoori, 5, Station Approach, Penarth	The sign is a brushed aluminium back with black built up lettering only the name paramount is built up. Also a banner on top of the sign. The banner is white with blue writing. The sign stating "PARAMOUNT restaurant" the banner "PARAMOUNT 1982".
2017/00583/FUL	A	24, Mountjoy Avenue, Penarth	Hip to gable roof modification to provide additional living space in the loft. Rear Dormer extension with recessed balcony
2017/00586/FUL	A	3, Merioneth Place, Barry	Shed, Conservatory/Green house
2017/00593/FUL	A	Plot 72, Tathanias Court, St. Athan	Proposed rear conservatory extension

2017/00594/FUL	A	Dinas Powys Library, Fairoaks, Dinas Powys	Alterations and Glazed Extension to front elevation of existing library to create Dinas Powys Library and Activity Centre
2017/00604/FUL	A	14, St. Andrews Road, Barry	Erection of two storey rear extension, two story side extension and single storey front extension
2017/00610/FUL	A	9, Lakin Drive, Barry	Tool and equipment shed/store.
2017/00611/FUL	A	71, Coleridge Avenue, Penarth	Demolition of existing garage and construction of two storey side extension
2017/00624/FUL	A	Claremont House, Slon Lane, Ogmore By Sea	Ground floor extension and partial attic conversion to existing bungalow
2017/00625/FUL	A	Albert Road Methodist Church, Albert Road, Penarth	Restoration and replacement of existing windows (4no.) in Bell Tower.
2017/00627/FUL	A	78, Glebe Street, Penarth	Change of Use - existing A1 Hairdressers to C3 Domestic Property.
2017/00630/FUL	A	102a, High Street, Barry	Provision of a platform above ground floor extension with first floor window replaced with exit door providing a rear fire escape route to street level via external stairs
2017/00632/FUL	A	Greycote, 36, Craig yr Eos Road, Ogmore By Sea	Construction of rear utility room and conservatory, rear dormer and installation of glazing in front gable
2017/00637/FUL	A	Ty Nant, The Limes, Cowbridge	Proposed two storey and single storey extension
2017/00639/FUL	A	2, St. Augustines Place, Penarth	Replacement roofs with rooflights

2017/00648/FUL	A	Penybryn, Crossways, Cowbridge	Demolition of existing garage/store room. Construction of new garage / store room with gym/study over. Creation of vision splay to frontage
2017/00649/FUL	A	10, Mountjoy Place, Penarth	Proposed single storey kitchen extension to the rear of the property
2017/00654/FUL	A	Britannia House, Penny Lane, Cowbridge	Alteration to boundary wall on river frontage (additional works to approval 2016/00808/FUL)
2017/00655/FUL	A	Tahuna, 7, Fairfield Crescent, Llantwit Major	Demolish existing conservatory and outbuilding. Proposed single storey rear extension, dormer loft conversion and internal alterations
2017/00658/FUL	A	Brookside, 48, Porthkerry Road, Rhoose	Proposed flat roof first floor extension to replace existing roof and internal alterations to the property
2017/00663/FUL	A	8, Teasel Avenue, Cogan, Penarth	Two storey side extension and single storey rear extension
2017/00669/FUL	A	Bute Cottage, The Causeway, Llanblethian, Cowbridge	Dismantle and rebuild part of existing stone boundary wall. Reduce ground level of garden to west elevation by approx 1200mm in order to alleviate damp issues within the property and create patio with new doorway in place of existing window.
2017/00672/FUL	A	11, Friars Road, Barry	Proposed single storey timber frame ancillary annex

2017/00674/FUL	A	Ty Capel, Fontygary Road, Rhoose	Wooden Gazebo
2017/00680/ADV	A	The Albion, 28, Glebe Street, Penarth	1 No. fascia sign, 1 No. hanging sign, 2 No. amenity boards
2017/00684/RG3	A	(Block 1) The Buttrills Estate, Buttrills Walk, Barry	External envelope scheme of existing estate to upgrade the thermal performance and appearance of the buildings
2017/00685/RG3	A	(Block 2) The Buttrills Estate, Buttrills Walk, Barry	External envelope scheme of existing estate to upgrade the thermal performance and appearance of the buildings
2017/00686/RG3	A	(Block 3) The Buttrills Estate, Buttrills Walk, Barry	External envelope scheme of existing estate to upgrade the thermal performance and appearance of the buildings
2017/00687/RG3	A	(Block 4) The Buttrills Estate, Buttrills Walk, Barry	External envelope scheme of existing estate to upgrade the thermal performance and appearance of the buildings
2017/00692/LAW	A	20, Britway Road, Dinas Powys	Loft conversion with side & rear dormer
2017/00694/FUL	A	Glebe Cottage, Mount Road, The Common, Dinas Powys	Proposed new porch and conservatory
2017/00698/FUL	A	5, Cornerswell Road, Penarth	Change of use of soon to close Post Office (A1) on Cornerswell Road to Dental Practice (D1) on ground floor and retention of residential accommodation above.

2017/00699/FUL	A	Brynhill Cottage, Great Brynhill Lane, Port Road, Barry	Changing existing flat roof extensions to pitch roofs and reroofing whole of bungalow roof
2017/00703/FUL	A	9, Pioden Fôr, Barry	Proposed 'disability access' granny annexe, garage conversion
2017/00704/FUL	A	Bronwydd, Colhugh Street, Llantwit Major	Proposed single storey rear extension and internal alterations
2017/00713/HR	A	Fields nr High Field Farm adjacent to Crack Hill, Vale of Glamorgan	Hedge removal
2017/00716/FUL	A	10, Dingle Road, Penarth	Attic dormer conversion
2017/00717/FUL	A	24, Trem Y Don, Barry	Demolish conservatories and outbuildings. Erect two storey side extension and detached garage/hobby room as well as new vehicle access.
2017/00718/FUL	A	Brecon House, 7, Highwalls Road, Dinas Powys	Construction of single storey ground floor WC and boot room and installation of new rear facing first floor bathroom window
2017/00729/ADV	A	5, Cornerswell Road, Penarth	Dental Practice signage to front of building
2017/00740/FUL	A	1, West Terrace, Penarth	Hip to gable loft conversion plus associated works
2017/00741/FUL	A	19, Tan Y Fron, Barry	Extensions to rear of property at both ground and first floor levels
2017/00744/PNA	R	Gelli Goll Farm, Llansannor	Hay/straw barn
2017/00751/FUL	A	20, Rutland Close, Barry	2 Storey side extension
2017/00752/LAW	A	26, Sir Ivor Place, Dinas Powys	Single storey flat roof side extension

2017/00753/FUL	A	45, Grange Gardens, Llantwit Major	Garage extension to the side with en suite bathroom in roof space. Two velux windows to be installed in existing rear extension. New driveway to replace current hard standing at front of house.
2017/00761/ADV	A	Thomson, 23, High Street, Cowbridge	Fascia sign and hanging sign
2017/00765/FUL	A	3, Ham Lane South, Llantwit Major	Single and two storey extension to existing semi detached property including bedroom, kitchen and Dining room areas and relocation of front door
2017/00773/FUL	A	Kenswood, 10, Kingswood Close, Ewenny	Roof replacement. Revised porch roof, additional windows. Juliet balcony. Window & rear door design/size
2017/00783/FUL	A	31, Port Road East, Barry	Proposed garage to side of existing domestic dwelling with porch to front
2017/00786/FUL	A	Holly Cottage, Graig Penllyn	Alterations to the roof to the rear of the property. New Flat roof and lantern lights x 3
2017/00789/FUL	A	VM Barry, Merthyr Dyfan Road, Barry	New external condenser units to serve digital media equipment.
2017/00794/FUL	A	Tenby House, Beach Road, Marcross	Single storey extension to rear and replacement of existing flat roof with mono pitch roof
2017/00805/LAW	A	99, Colcot Road, Barry	Adaptations to existing single storey rear extension

2017/00807/LAW	A	9, Ael y Coed, Barry	Demolition of existing rear conservatory and replacement with larger single storey extension (within Permitted Development parameters). Conversion of existing garage to study /living room.
2017/00817/FUL	A	44, Picton Road, Rhoose	Conversion of garage to accessible bedroom and wet room
2017/00823/FUL	A	10, West Cove, Brig Y Don Hill, Ogmore By Sea	Proposed single storey extension to dwelling frontage
2017/00838/FUL	A	10, Hawthorn Avenue, Penarth	Construct new single storey extension, to side and rear of dwelling
2017/00840/PNA	R	Morfa Yard, Brynsych, Llantwit Major	Steel frame agricultural building
2017/00853/PNA	A	Tyn y Caeau Farm, Sutton Road, Llandow	Hay/straw agricultural machine storage shed
2017/00889/LAW	A	41, Althorp Drive, Lavernock Park, Penarth	Single storey, pitched roof, rear kitchen extension
2017/00898/OBS	B	Grangemoor Quay off Dunleavy Drive, River Ely, Cardiff	Increase marina capacity by fixing 12 additional mooring pontoon fingers (6 large pontoon fingers and 6 small pontoon fingers to existing floating jetty

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **5 OCTOBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2016/00639/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3183250
Appellant: Mr Dean Caddy
Location: Kia Ora, 2, Cold Knap Way, Barry
Proposal: Proposed demolition of substandard bungalow
and construction of 2 No. 4 bedroom dwellings
Start Date: 5 September 2017

(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2016/0330/PC
Appeal Method: Written Representations
Appeal Reference No: C/17/3181029
Appellant: Mr Kevin Oliver
Location: Pen y Malt, Beach Road, Marcross
Breach:
Without planning permission:
(i) The material change of use of the Land from agriculture to domestic garden;
(ii) The erection of two buildings, one being a garden shed used for general storage and the other being a log cabin style structure used for practicing Yoga; and
(iii) The laying of a hard surface patio area
Start Date: 23 August 2017

(c) Planning Appeal Decisions

None

(d) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2015/0269/PC
Appeal Method:	Written Representations
Appeal Reference No:	C/17/3168827
Appellant:	Mr Nicholas Taylor
Location:	47, Peterswell Road, Barry
Proposal:	Without planning permission, the erection of a block work and timber enclosure, exceeding two metres in height
Decision:	ENF appeal ALLOWED
Date:	13 September 2017
Inspector:	Mr. A. B. Nixon
Council Determination:	Committee

Summary

The appeal was made against the Enforcement notice relating to the erection of a concrete block wall above 2 metres in height adjacent to the grounds of All Saints Church in Wales Primary School. The appeal was made on two grounds, ground (a): that planning permission should be granted and ground (c): that there has not been a breach of planning control.

In view of the permitted development rights that exist under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the erection of enclosures up to a height of 2 metres without the need for planning permission, the Notice required the wall to be reduced in height to 2 metres.

As a preliminary matter, the Inspector amended the Notice to omit a section of the enclosure upon which a timber section had been added to increase the total height to some 3.5 metres. It was discovered that this section of wall was, in fact, part of a new outbuilding and is, therefore, subject to separate control. A separate enforcement investigation will now be pursued in respect of this element of the unauthorised works at the site.

With regard to the ground (c) appeal, whilst the Inspector noted that the wall measured 2 metres on the appellant's side, the wall does in fact measure 2.3 metres on the school side. In view of this he concluded that the wall was not permitted development granted permission by virtue of above mentioned Order, but was development requiring the benefit of planning permission from the Council. As such, the ground (c) appeal failed.

With regard to the ground (a) appeal, whilst the Inspector quashed the Notice and allowed the ground (a) appeal, thus granting planning permission for the wall that is subject of the Notice, he agreed with the Council's concerns with regard to the appearance of the concrete block wall and thus imposed the condition that was requested by the Council to require the rendering of the school side of the wall within three months of the date of his decision.

Despite this appeal decision being recorded as a loss for the Council, the outcome achieved by the decision (i.e. the requirement to render the wall) will result in a significant improvement to the appearance of this development when viewed from the adjoining school.

(e) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals and appeals for conservation area consent)	W	3	4	7	-
	H	1	-	1	-
	PI	-	2	2	-
Planning Total		4 (40%)	6 (60%)	10	-
Enforcement Appeals	W	1	1	2	1
	H	-	-	-	1
	PI	-	1	-	-
Enforcement Total		1 (33%)	1 (67%)	3	2
All Appeals	W	4	5	9	-
	H	1	-	1	-
	PI	-	3	3	-
Combined Total		5 (39%)	8 (61%)	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 : **5 OCTOBER, 2017**

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

2017/00590/TPO	A	Port Road Wood, Barry	Works to trees
2017/00631/TPO	A	Green Farm, Sigginston	TPO 2007 no 19 - reduce sycamore T30 by 30%. Also notification of intention to fell Sycamore T31 due to immediate risk of failure (photographic evidence provided)
2017/00642/TPO	A	24, Ael Y Coed, Barry	Crown reduction - TPO no3 1991. Tree T001
2017/00705/TCA	A	3, Elm Grove Lane, Dinas Powys	Work to tree in Dinas Powys Conservation Area - Fell 2 Cypress, 1 self sown Ash, 1 Spruce at rear boundary of rear garden
2017/00722/TCA	A	15, Archer Road, Penarth	Work to trees in the Penarth Conservation Area - Remove Ash and Cypress

2017/00727/TCA	A	13, The Mount, Dinas Powys	Work to tree in Dinas Powys Conservation Area - Front Garden One Cedar; Rear Garden One Purple Plum and One Acer Tree
2017/00728/TCA	A	Greenfield, East Street, Llantwit Major	Removal of evergreen tree to the side of house
2017/00731/TCA	A	Secret Garden, Ty Mawr, Llanbethery	Crown lift and reduce a number of lateral limbs
2017/00736/TCA	A	Y Cerigos, Barry	4 Gold conifers, around entrance, fell to ground level
2017/00743/TPO	A	7, Glaslyn Close, Barry	Various Work to Trees
2017/00775/TCA	A	Glasfryn, 11, Cwrt-Y-Vil Road, Penarth	Work to trees within the Penarth Conservation Area - Reduce Silver Birch by 2m. Reduce road side Crown of Persian Ironwood by 2m and create 1m 'Halo' around street lamp
2017/00777/TPO	A	Secret Garden, Ty Mawr, Llanbethery	Crown lift and reduce a number of lateral limbs
2017/00798/TCA	A	West Orchard House, Westgate, Cowbridge	Work to tree in the Cowbridge Conservation Area - Mature Ash tree to be reduced
2017/00802/TCA	A	St. Michaels Church / Llanmihangel Church, Llanmihangel	Fell two conifers either side of the entrance to the church, which is within the Llanmihangel Conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **5 OCTOBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 44, AMHERST CRESCENT, BARRY

Executive Summary

1. This report seeks authorisation to issue an Enforcement Notice under section 174 of the Town and Country Planning Act 1990 (as amended) in respect of a raised decking area that has been constructed without planning permission to the front of the property at 44, Amherst Crescent, Barry. The principle issues are considered to be the design and visual impact of the unauthorised development and the impact the development has on the privacy and amenity enjoyed by the adjoining occupiers.
2. The report recommends that an Enforcement Notice is issued requiring the removal of the raised decking and balustrade in its entirety. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

3. A complaint was received by the Local Planning Authority on 16 December 2016, regarding the erection of a raised decking area to the front of the property at 44, Amherst Crescent, Barry.
4. The site is occupied by a semi-detached dwellinghouse with reasonably sized front and rear gardens that front onto Amherst Crescent to the South. There are similar semi-detached dwellings to the east and west of the site and terrace properties to the North of the site, across a rear lane. The front garden is at a lower level than the dwelling house, originally accessed by steps, due to the sloped nature of the site.

Details of the Breach

5. Following an initial site inspection it was noted that the decked area constructed to the front of the dwelling was unauthorised. Planning permission is required for all decking structures front of the principal elevation of a dwelling, whilst decking structures to the rear are generally 'permitted development', subject to being a maximum of 300mm above ground level below it.

6. The decked floor at 44 Amherst Crescent is both sited forward of the principal elevation and is approximately 1.5m above ground level, with an additional timber balustrade.
7. A photograph of the decking is included below:



Action Pursued to Date

8. A letter was sent to the owner of the property which culminated in a planning application being received for the retention of the development, reference 2017/00172/FUL. This application was refused under delegated powers.
9. Since the refusal of permission a further letter has been sent to the owners of the property in May 2017 asking for the removal of the decking structure. Despite this, the decked area remains in situ and has not been removed.

Planning History

10. The site benefits from the following planning history:
 - 2017/00132/FUL. Decking to front of property. Refused 13/04/2017.

In consultation on this application one representation was received. It stated:

“This structure is too high and a gross invasion of my families privacy as my photo will show. As you aware of the measurements, this structure is extremely high and can't possibly be legal for such a small garden. I have lived at this address for over 50 years and have never had such an intrusion into my personal space via my own living room. I have no privacy into my own garden as this structure overlooks our brick wall and well established hedge. I am objecting to the height, size and noise aspects of this intrusive build.”

The application was refused for the following reasons:

1. *By reason of its size, siting and relationship with neighbouring windows and private space, the proposed decking would constitute an unneighbourly form of development and would unacceptably impact upon privacy and amenity of the neighbouring property. The proposal would therefore be contrary to the aims of Policies ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice within the Council's Supplementary Planning Guidance on Amenity Standards, Planning Policy Wales 9th Edition and Technical Advice Note 12.*
2. *By reason of its scale, form, siting and its prominence within the existing built environment, the proposed decking would fail to respect the surrounding pattern of development and would, appear as visually incongruous and harmful to the visual amenity of the street scene. The proposal would therefore be contrary to the aims of Policy's ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the advice within the Council's Supplementary Planning Guidance on Amenity Standards, Planning Policy Wales 9th Edition and Technical Advice Note 12- Design.*

Policy

Local Development Plan:

11. 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

Planning Policy Wales:

12. National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

13. 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:

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

Policy 1: Privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings and features such as trees, hedges, public spaces, footpath and screen walls and fences.

Policy 3: The construction of new residential development must respect the character of existing residential development, whilst ensuring that the privacy and amenity of the surrounding properties are safeguarded.
 - Barry Development Guidelines

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

16. The main issues to consider in assessing the expediency of serving an Enforcement Notice are the privacy and amenity of neighbours and the impact of the development on the character of the dwelling and the wider street scene. The development does not have a detrimental impact on the amount of useable amenity space or parking spaces available to the dwellinghouse.
17. With regard to the matter of design and visual impact of the development, the decking is located to the front of the property and, due to its height, in addition to the sloping nature of the area, is particularly prominent and visible from several public vantage points. The size and scale of the decking is considered to be at odds existing character of the built development in the area, to such a degree that it appears as an inconsiderate and unusually intrusive addition to the street scene. As such, it is considered that the decking is an unsympathetic form of development that does not appropriately respond to the local character of buildings and open spaces within the street scene. Accordingly, the development fails to protect or enhance the surrounding built environment contrary to LDP policies SP1 Delivering the Strategy, MD2 - Design of New Developments and, MD5 – Development within Settlement Boundaries as well as Policy 1 of the Supplementary Planning Guidance on Amenity Standards, TAN12 on Design and PPW.
18. It is noted that properties at 42, 48 and 52 Amherst Crescent have historic raised decking on their front elevations, they are all of a lesser size, are further from the Highway and do not have such a detrimental impact on the street scene.

19. The occupiers of number 46, Amherst Crescent were noted to have objected to the aforementioned planning application on a number of grounds including the visual intrusion of the proposal and effect to their privacy. An officer's site visit has confirmed that the decking, due to its height, offers unobstructed views at close range into the front garden and front room of 46, Amherst Crescent, via the front ground floor windows. Accordingly, the development is considered to have a seriously harmful impact on the privacy and living conditions of the occupiers of the adjoining property. It is recognised that a privacy screen at the side of the decked area could mitigate the overlooking impact. However, the height of such a screen may, in itself, prove unacceptable given the elevated and prominent position it will occupy, the length of the privacy screen that will be required and the resultant overbearing impact such an element will have on the outlook of the neighbours at 46, Amherst Crescent. Such a screen would be visually prominent and, as such, would only serve to exacerbate the harm described above.
20. The decking is not considered to result in any views towards the rear of properties on Plymouth Road, beyond those offered from the existing ground and first floor windows.
21. Notwithstanding this, the raised decking causes an unacceptable harm to the amenities of 46 Amherst Crescent and for this reason does not comply with LDP Policy MD2 - Design of New Developments, Policy 3 of the Supplementary Planning Guidance on Amenity Standards and PPW.

Conclusions

22. The decking is considered to be an un-neighbourly form of development that allows unobstructed views into the neighbouring property, resulting in a loss of privacy that is seriously detrimental to their living conditions. It also appears at odds with the built development within the street scene.
23. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action requiring the removal of the decking.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

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

Equal Opportunities Implications (to include Welsh Language Issues)

27. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of the unauthorised decking to the front of the dwelling in its entirety and restore the land to its former condition prior to the unauthorised works taking place.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) By reason of its size, siting and relationship with neighbouring windows and private space, the decking constitutes an un-neighbourly form of development that has an unacceptable impact upon privacy and amenity of the neighbouring property No.46 Amherst Close. The proposal would therefore be contrary to the aims of Policy MD2 – Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011 - 2026, the advice within the Council's Supplementary Planning Guidance on Amenity Standards and Planning Policy Wales 9th Edition.
- (2) By reason of its scale, form, siting and its prominence within the existing built environment, the decking is an unsympathetic form of development that does not appropriately respond to the local character of buildings and open spaces within the street scene. Accordingly, the development fails to protect or enhance the surrounding built environment contrary to Policies SP1 – Delivering the Strategy, MD2 – Design of New Development, and MD5 Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011 - 2026, the advice within the Council's Supplementary Planning Guidance on Amenity Standards, Planning Policy Wales 9th Edition and Technical Advice Note 12- Design.

Background Papers

Enforcement File Ref: ENF/2016/0368/PC

Contact Officer – Ceiri Rowlands, Tel: 01446 704654

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 : **5 OCTOBER, 2017**

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.

Mr. & Mrs. John Richardson Amberley House, Llantwit Road, Wick,, Vale of Glamorgan,, CF71 7QD

Mr. & Mrs. John Richardson Amberley House, Llantwit Road, Wick,, Vale of Glamorgan,, CF71 7QD

Land to the rear of Amberley House, Llantwit Road, Wick

Retrospectively the erection of a dwelling house

EXECUTIVE SUMMARY

This is a dual report covering a retrospective planning application and proposed enforcement action associated with the breach of planning control. The retrospective application is for the erection of a dwellinghouse on agricultural land. The development has already been carried out and is near completion. The report provides a detailed chronology of events leading up to this most recent submission, together with the informal and formal action having been pursued to date in respect of the matter.

The principal matters to consider in this application relate to the principle of the development, considering the sustainability of the site and the effect the development has on the character and appearance of the area; as well as the impact the development has on neighbouring amenity and highway safety; together with if the development make suitable provision for affordable housing.

The report outlines that the principle of development, together with its siting and design, impact on highway safety and neighbouring amenity are acceptable. Notwithstanding that, it highlights that there is an absence of any provision for affordable housing by way of an off-site contribution or mitigation to justify a lack of provision by reason of viability issues. In light of the conclusions reached in respect of the acceptability of the development, the report recommends that Members resolve to grant planning permission subject to:

- **THE APPLICANT FIRST ENTERING INTO A LEGAL AGREEMENT** to secure the necessary affordable housing contribution; **OR,**
- **DEMONSTRATING THAT, BY REASON OF VIABILITY, AFFORDABLE HOUSING PROVISION CANNOT BE PROVIDED** as part of the development, or that a reduced contribution should be sought.

At this juncture, the applicants have indicated that they do not propose to address the provision of affordable housing and have failed to provide any mitigating evidence to demonstrate that development viability precludes the provision of an affordable housing contribution. Notwithstanding that, in reaching the above recommendation it is hoped that the applicant will reconsider that position and positively engage with Officers to secure consent for the unauthorised development.

In considering the unauthorised nature of the development, the report reviews the potential impact the uncontrolled development could have on character and appearance of the area, as well as considering any public and environmental safety impacts the development may have. It concludes that the unfettered development has the potential to result in an unacceptable form of development in the countryside. In addition, the uncontrolled drainage of the site has the potential to cause harm to public safety and the environment. In addition, the development's failure to address affordable housing provisions in line with the associated planning policy framework, results in a development that is not compliant with adopted affordable housing policy and is therefore unacceptable. The report concludes that **ENFORCEMENT ACTION BE AUTHORISED** for these reasons. Finally, in the event of non-compliance with the enforcement notice authorisation is also sought to take such legal proceedings that may be required.

The report seeks to reconcile the seemingly conflicting nature of the two recommendations: the recommendation to approve consent but also to potentially pursue enforcement action in respect of the development. At this juncture the applicant has refused to address affordable housing provision and the development remains unauthorised. In pursuing enforcement action, it is hoped that the applicant will respond to Officers request for the affordable housing issue to be addressed.

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning committee under the Council's scheme of delegation because:

- The report has a dual recommendation that includes pursuing enforcement action in the form of an Enforcement Notice, which falls outside the scope of delegated powers.

BACKGROUND AND CHRONOLOGY

At this juncture it is considered appropriate to provide a brief overview of the chronology of events that have resulted in this matter being reported to Planning Committee. Planning permission was granted in 2015 for the erection of a dwellinghouse on land to the rear of Amberley House, Wick. The developer had also previously sought consent for the erection of an additional five dwellings on land adjacent to Amberley House and the site, and that was refused consent.

The Council's Planning Enforcement section received a complaint in relation to drainage works on land adjacent to the site where planning permission had been granted for the development of the single dwellinghouse. The concern expressed was that the developer was seeking to implement a development of five dwellings, which had previously been refused planning permission. Officers visited the site and noted that development was proceeding, and that the development related only to the land that is subject of the permission for a single dwelling. It was noted that the developer had failed to discharge conditions attached to the permission for the single dwellinghouse that required approval of certain details prior to the commencement of development, which amounted to a breach of planning control.

Notwithstanding the issues identified above, and fundamentally, it was noted that the development was not proceeding in accordance with the approved plans in any event. The dwelling being erected on the site has a number of additional elements that had not been approved under the 2015 permission. The developer contended that these alterations would amount to permitted development as defined by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, as an established principle of planning law, these provisions cannot be used to effect a change to what is permitted by a planning permission when that planning permission is still being carried out; the relevant authority on that matter being *Townsley (R on application of) v SOS* 2009. Consequently, the development in its totality is unauthorised and the 2015 permission is not considered to have been implemented. The conditions of that permission cannot, therefore, be enforced. That position is crucial to understanding the basis of how the matter has been progressed by officers, and when considering the expediency of pursuing enforcement action.

The developer was advised of that position in May 2016, and a proposed course of action was set out by Officers to remedy the breach of planning control. The developer was advised to cease all works on site until such time that a valid planning permission was secured. That would entail the submission of a retrospective application to seek consent for the unauthorised works. An application was received in June 2016; however, insufficient information was submitted to register and validate the application. That application was finally registered in October 2016 and subsequently refused planning permission in December 2016 (see planning history section below). The applicant was advised of the problems with that submission and Officers sought to negotiate an acceptable scheme, but no revisions were received. No appeal was submitted in respect of that refusal.

Following refusal of that application, officers continued to seek to resolve the breach of planning control by issuing an enforcement warning notice pursuant to section 173ZB of the Town and Country Planning Act 1990 (as amended). That enforcement warning notice required the developer to submit an appropriate application for the development or resolve the breach of planning control by removing the development (i.e. demolish and remove the dwellinghouse erected). Compliance with the notice was not achieved: no valid planning application was forthcoming and the developer continued to construct the unauthorised dwelling. Officers considered issuing an enforcement notice and stop notice at this point, but it was hoped that an acceptable application would be forthcoming that would negate the need for such punitive action.

This submission was received in March 2017, but was considered invalid. Sufficient information was submitted on 14 June 2017 in order to validate the application.

In the intervening period between now and the original grant of planning permission in 2015 (taking in the refusal of planning permission for the 2016 submission), the Council adopted the Vale of Glamorgan Local Development Plan 2011-2026 (the LDP) as the statutory Development Plan for development control purposes. Previous submissions by the developer at that point had been considered under the provision of the now defunct Unitary Development Plan as the statutory Development Plan. As a result, there has been a material change in policy between when the developer initially sought consent for development of the land, and this point where consideration is being given to regularising the unauthorised development carried out on the land.

Officers have set out, both in writing and verbally, the matters that need to be addressed and the acceptability of various proposals that have been put forward in an informal context. Moreover, Officers have implored the developer to seek independent professional advice on the basis that the failure to resolve the breach of planning control is likely to result in the pursuit of formal enforcement action to remedy the breach of planning control. This is on the basis that the development is only acceptable where control can be secured through way of planning conditions over the development, and subject to the affordable housing issues being addressed. The issues are considered further below.

The development appears to now be substantially complete, but it does not appear to have been occupied at the time of writing.

SITE AND CONTEXT

The application relates to a parcel of land located to the rear of Amberley House, Llantwit Road, on the eastern edge of the village of Wick. The site lies within the defined settlement boundary of Wick (which was amended through the LDP proposals map having regard to the previous planning permission for a dwelling on the site).

Along its north-western boundary the site adjoins the rear boundary of the curtilage of the large detached dwellings and curtilages of Rhosmoryn and Derwent. Along the north-east boundary the site adjoins the curtilages of Amberley House and the adjoining semi-detached dwelling of Lynley and part of the site which forms the existing access into the field. The south-east boundary is formed by a post and rail fence which separates the site from the adjoining agricultural fields to the east, within the control of the applicant. The southern boundary is formed by mature hedge which separates the site from adjoining agricultural fields to the east.

The site has an existing access from Llantwit Road, adjacent to Amberley House.

DESCRIPTION OF DEVELOPMENT

The application seeks retrospective consent for the construction of a dwellinghouse, including garden area and foul drainage facilities. The proposed layout is detailed below. The dwelling erected follows the general design of the previous approval on the site (reference 2015/00524/FUL), details of which are provided in the planning history. The revision consists of providing a link to the garage on the north eastern part of the dwelling and a single storey projection on the opposite end of the dwelling.



Elevation details



Site Plan, including proposed garden land

This development has been undertaken without the benefit of planning permission, and the application subject of this report seeks to retain the development as built. Detailed planning and enforcement history is provided below, with a chronology of events relating to the unauthorised development provided above.

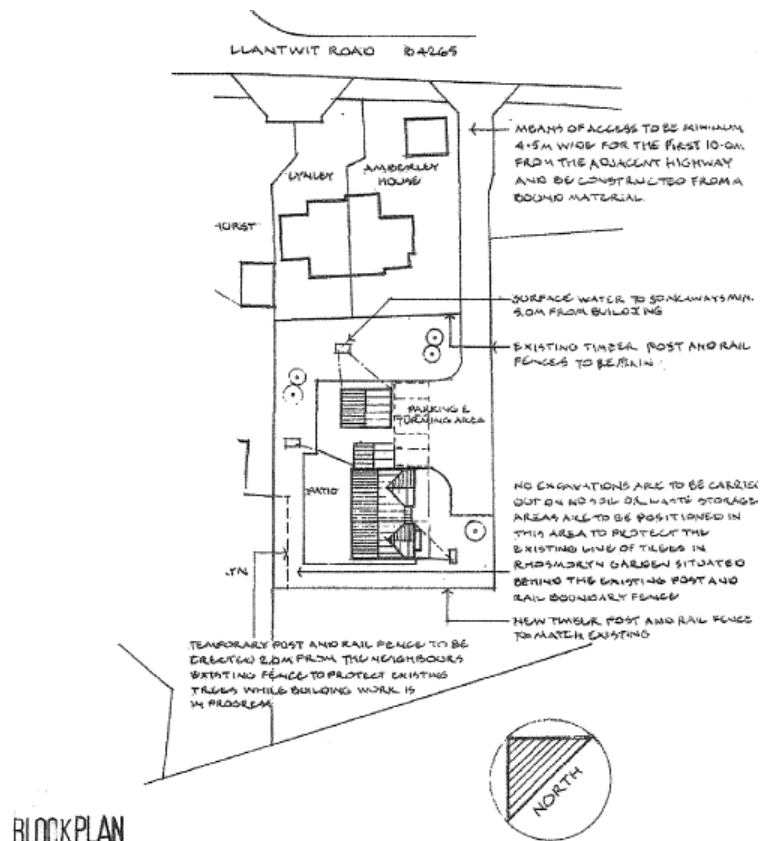
PLANNING HISTORY

There is extensive planning history relating to this property. The most pertinent to this submission is:

Approved scheme:

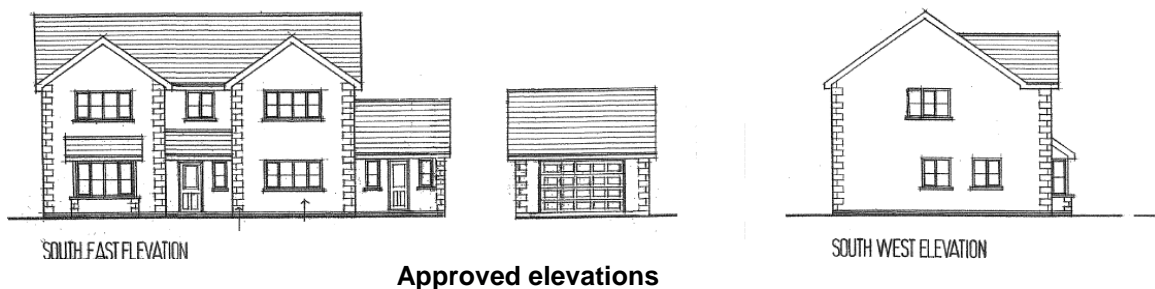
2015/00524/FUL Detached two/single storey 4 No. bedroom dwelling and garage. **Approved**, (July 2015).

The plan below shows the layout approved under application 2015/00524/FUL.



BLOCK PLAN

Approved layout, including garden curtilage



2015/00524/1/CD Drainage details submission – Application not valid.

2016/00038/FUL New access to serve Amberley House. Approved.

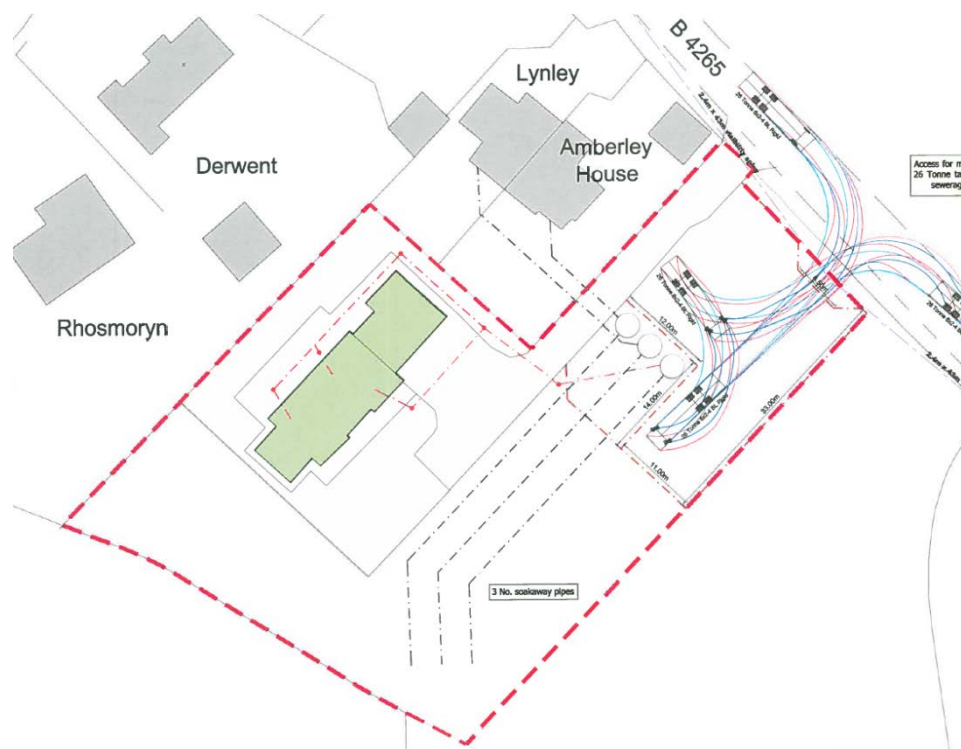
2016 refused retrospective application:

2016/00775/FUL Retrospective planning for conservatory/sun lounge and extension of roof. **Refused** December 2016 for two reasons, as below:

The change of use from agriculture to residential land, including a plant servicing area, represents an unacceptable and unjustified form of development in the countryside, which by reason of its size and relationship to the existing settlement fails to represent an acceptable form of rounding off of the settlement. The scale and nature of the extended residential land is considered to result in demonstrable harm to the character and appearance of the countryside, given that it would appear as an excessive domestic intrusion into the rural landscape, which would detract from the character and appearance of the countryside. The design of the hardstanding and access is also considered to fundamentally and harmfully alter the character and appearance of the land to the detriment of its character and countryside setting. As such the development would, therefore, be contrary to the overarching principles of Strategic Policies 1 and 2 and Policies ENV1, ENV10, ENV27, HOUS2 and HOUS3 of the Adopted Vale of Glamorgan Unitary Development Plan 1996-2011, as well as national planning guidance in the form of PPW and TAN12 on Design.

AND

By reason of the proximity of the access point to an existing lighting column, the proposed access is considered to represent a danger to highway safety, both in terms of the vehicular movements required to give safe clearance of the column potentially affecting the other side of the carriageway, and the likelihood of potential damage to the lighting column. As such the proposed access, without the re-location of the lighting column, presents a danger to highway safety and public infrastructure and, therefore, is contrary to the principles of Policies ENV27 and HOUS8 of the Adopted Unitary Development Plan 1996-2011 and national guidance in the form of PPW and TAN18 on Transportation.



Block Plan illustrating refused development

Also of relevance to the application site are the following:

Precursor submissions to the 2015 approval:

- 2014/01106/OUT Erection of 1 no. two storey detached dwelling and detached double garage. **Approved**, (March 2015).
- 2015/00444/RES Erection of one two storey dwelling and detached double garage. **Withdrawn**, (May 2015).

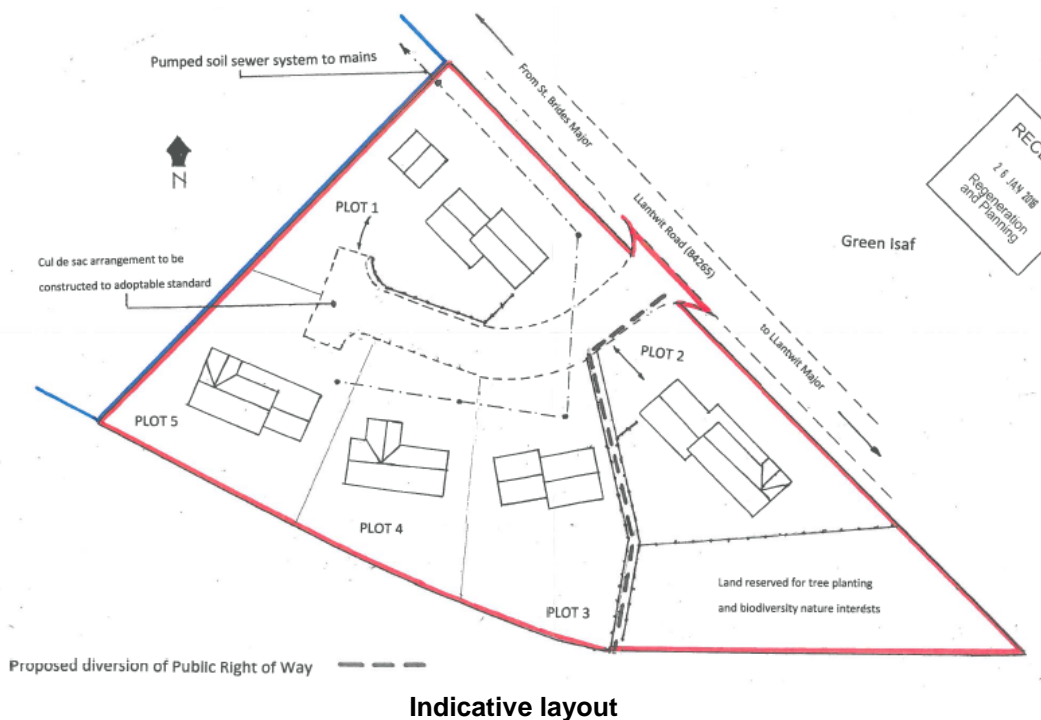
These submissions effectively were the precursor to the 2015 full permission.

Developer's proposal for the adjacent land:

2016/00063/OUT Erection of 5 no. two/single storey 4/5 bedroom dwellings with garages and diversion of public right of way. **Refused**, (March 2016) for the following reason:

By reason of the site's location, its unspoilt character and the relationship it has with the surrounding built and natural environment, the proposed development would represent an inappropriate and visually intrusive form of development, that would be harmful to the character and qualities of this part of Wick. Consequently it would not amount to an acceptable or sensitive form of 'rounding off' and would be contrary to Policies ENV1 - Development in the Countryside, ENV10 - Conservation of the Countryside, ENV27 - Design of New Development, HOUS2 - Additional Residential development, HOUS3 - Dwellings in the Countryside and HOUS8 - Residential Development Criteria - Policy HOUS2 Settlements of the Vale of Glamorgan Adopted Unitary Development Plan and the advice contained in Planning Policy Wales (Edition 8, 2016) regarding infill development.

The plan below shows the layout associated with the above-mentioned application.



The site also has the following enforcement history, which is relevant to this submission:

2016/0134/PC

Without planning permission, the erection of a dwellinghouse, creation of a hard surface access track and engineering works.

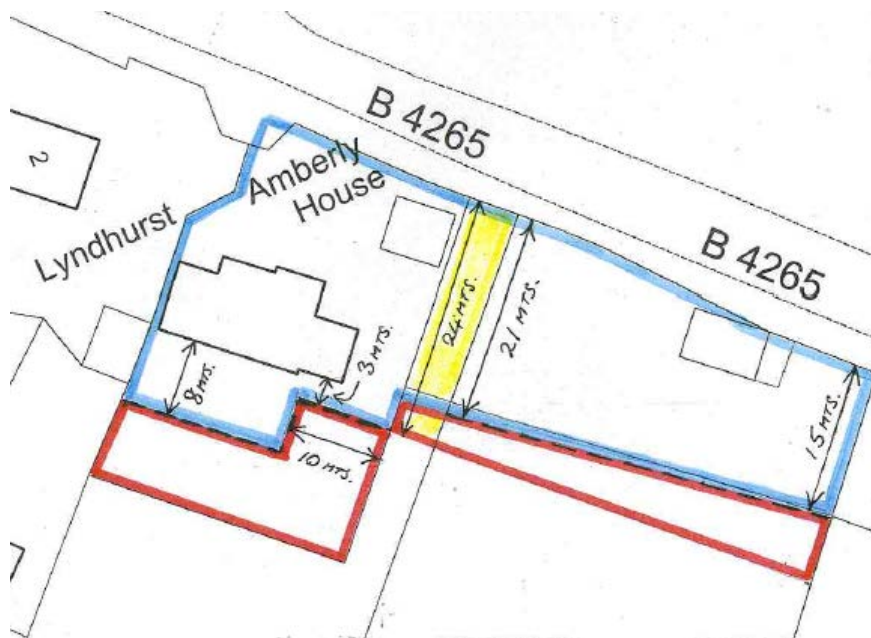
This submission is a result of the above investigation, and seeks to address the non-compliance with the approved plans for the erection of a dwelling on the land.

2007/0451/A

Without planning permission, the material change of use of land from agriculture to residential garden curtilage ancillary to the approved or accepted residential curtilage of Amberley House and similar enclosing additional agricultural and to within the curtilage of the adjacent detached stable yard.

Enforcement notice issued, appeal dismissed. Requirements of the notice are, broadly:

- (i) Permanently cease the use of the land edged red for the purpose of a residential garden extension ancillary to the approved residential curtilages shown edged blue.
- (ii) Remove from the land residential trappings.
- (iii) Restore the land to its former condition.
- (iv) Enclose the land, with exception of access point to field edged yellow.



Plan associated with Enforcement Notice

CONSULTATIONS

Local Ward Members were consulted. No responses have been received.

Wick Community Council was consulted. No response.

REPRESENTATIONS

The neighbouring properties were consulted, in addition to a site notice being displayed. No responses have been received.

REPORT

Planning Policies and Guidance

Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP3 – RESIDENTIAL REQUIREMENT
POLICY SP4 – AFFORDABLE HOUSING PROVISION
POLICY MG4 – AFFORDABLE HOUSING
POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD7 – ENVIRONMENTAL PROTECTION

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

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

Paragraph 4.7.8 states:

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

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. In particular paragraph 9.2.22 states:

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

Paragraph 9.2.17 states:

“In their development plan local planning authorities should include either site thresholds or a combination of thresholds and site-specific targets. Local planning authorities should set site capacity thresholds for residential developments above which a proportion of affordable housing will be sought from developers. This applies both to sites specifically allocated in the development plan and to unallocated sites and will normally take the form of on-site affordable housing contributions. Site specific targets are indicative affordable housing targets for each residential site and for each mixed-use site which includes a residential component. For sites which fall below the site threshold local planning authorities may secure commuted sums using a section 106 agreement. Commuted sums should be used by the local planning authority solely for facilitating or providing affordable 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 2 – Planning and Affordable Housing (2006). Paragraph 10.11 is of particular relevance. It states that:

“Local planning authorities and applicants for planning permission should work collaboratively in order to establish an appropriate and well-integrated mix of housing types and tenures which will contribute to the identified need for affordable housing, and to the objective of achieving mixed and sustainable communities. Applicants should demonstrate and justify how they have arrived at a particular mix of housing having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the local planning authority will need to negotiate a revision of the mix of housing or may refuse the application.”

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

- Amenity Standards
- Affordable Housing
- Planning Obligations

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The principal issues to consider in this application relate to:

- Whether the development's location is acceptable in principle, considering the sustainability of the site and the effect the development has on the character and appearance of the area;
- The impact the development has on neighbouring amenity, highway safety and other material considerations; and,
- If the development makes suitable provision for affordable housing.

Once the above issues have been considered, a determination is necessary as to what, if any, enforcement action should be pursued in respect of the authorised development.

Principle of development

The application site is located within the minor rural settlement of Wick. Policy MD5 of the LDP states that the principle of development within such settlements will be acceptable subject to criteria. Paragraph 7.33 of the written justification expands on that to state that *“development will only be permitted outside of the identified settlement boundaries where it complies with national planning policy set out in paragraph 9.3.2 of PPW. Such development would also need to respond appropriately to the local context and accord with Policy MD1 and MD2”*. Paragraph 9.3.2 of PPW states that *“sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area”*.

PPW states at paragraph 9.3.1 that *“new housing developments should be well integrated within and connected to existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development... or fragmented development pattern”*. Paragraph 9.3.3 goes on to state that *“insensitive infilling... should not be allowed to damage and area's character or amenity”*. There is an overarching principle within PPW that recognises the need to protect the countryside for its own sake. Paragraph 4.7.8 indicates that development in the countryside should *“respect the character of the surrounding area and should be of appropriate scale and design”*.

The development subject to this application replicates the general siting of the dwellinghouse previously approved under the same national planning policy identified above in relation to the principle of rounding-off settlements. The proposed garden area associated with the development is sensible in its approach to limiting incursion into the open countryside, and does not result in built development prejudicing the character and appearance of the countryside. Moreover, considering the adopted LDP proposals map, the settlement boundary has been drawn to reflect the previously approved submission.

Whilst the development proposes package foul water treatment/drainage equipment outside of that rational line, this equipment will be underground and not visible within the countryside context. A suitably worded condition could address providing a suitable means of enclosure to adequately delineate this garden area and drive to be associated with the dwellinghouse.

In view of the above, it is considered that the principle of residential development of the site is acceptable by reason of Policy MD5, and the acceptability of the scheme is subject to consideration of the remaining provisions of the development plan.

Design and visual impact

In terms of visual impact, the dwelling as erected generally reflects that of the approved scheme. It introduces an extension to the north elevation at single storey and link to the previously approved detached garage. The extension is modest in size, and similarly the link is subservient. As such the massing of the property remains focused to the main two-storey part of the dwelling, and consequently the alterations do not result in an unacceptably oversized dwelling, when viewed within the context of the surrounding properties. The conclusion is a balanced view, as it is acknowledged that the property is sizeable. Notwithstanding that, any future additions or alterations would need to be carefully controlled in order to ensure that it does not become the case that the property becomes out of character with the surrounding properties and harmful to the character of the area. The proposed garden area reflects the rounding-off of the settlement and is not grossly oversized so as to warrant refusal of the application.

It should be noted that while the area of garden is considered acceptable, it is in itself relatively large and consequently permitted development rights would be extensive, in terms of the scope of what could be built. For this reason, and given the size of the house and the sensitive edge of village location, any approval would essentially need to be conditioned to remove permitted development rights for extensions and outbuildings.

Finally, as noted above, with regard to the plant equipment, clearly as this development would be underground there is little concern in respect of impact on character and appearance of the site. This is on the basis that, only a servicing hatch will be visible post its completion.

In view of the above, the development is considered to accord with the principles of Development Plan policies SP1, MD1 and MD2, as well as national planning guidance.

Impact on neighbouring amenity

Considering the impact of the development on the amenity of the neighbouring properties, this scheme is reflective of the design and layout of the previous approval. Neighbouring amenity was considered under that submission and deemed acceptable. Given the nature of the additions, insofar as the additions do not project toward the neighbouring properties, it is considered that this scheme would not result in any additional harm and the development is therefore considered acceptable.

In view of the above, the development is considered to accord with the principles of Development Plan policies SP1, MD1 and MD2, as well as national planning guidance.

Highway safety

The development is served by an existing approved means of access, which was previously deemed to be acceptable. Consequently the access as proposed is considered acceptable by reason of that fall-back position and given that it would not adversely impact upon highway safety.

Provision of Affordable Housing

Policy MG4 of the Development Plan states that residential developments will be required to contribute to meeting the need for affordable housing. The policy sets out levels at which this will be sought, according to location, evidence based on land value and development viability. In the minor rural settlements (including Wick), development resulting in a net gain of 1 or more dwellings attracts a requirement of 40 per cent provision affordable housing. Paragraph 6.29 of the reasoned justification to Policy MG4 indicates that on smaller sites, where that requirement would equate to less than one dwelling, it will be appropriate to require a financial contribution proportionate to the requirement. That financial contribution can then be used to enable affordable housing off-site. The policy framework is expanded on in the Council's adopted Supplementary Planning Guidance on Affordable Housing ("the AH SPG").

Policy SP4 of the Development Plan is the Council's overarching strategic policy in relation to affordable housing, which defines a target of 3,252 affordable dwellings to be delivered over the plan period. That target figure includes provision arising from both allocated sites and anticipated windfall developments subject to the provisions of Policy MG4. Therefore, it is essential that all applicable housing developments contribute towards the LDP target for affordable housing.

In terms of the value of this contribution, in this case it would amount to £57,211.20. The contribution is calculated on the basis of acceptable cost guidance multiplied by social housing grant multiplied by the level of provision required. Acceptable cost guidance and land bands are defined by Welsh Government and in this case is within Band 5, the scale of dwelling being in the '4 bedroom 7 person', 114 square metre bracket. The acceptable cost guidance in this case is, therefore, £246,660. Social housing grant currently equates to 58 per cent, as defined by Welsh Government. The number of units in this case would be 0.4, based on a 40 per cent provision. That then equates to the £57,211.20 figure.

PPW indicates at paragraph 9.1.2 that Local Planning Authorities should promote sustainable residential development, including making appropriate provision for affordable housing. Affordable Housing is an integral theme within Chapter 9 of PPW, and LDP Policy MG4 directly reflects the requirements of paragraph 9.2.17. Paragraph 9.3.5 is clear in stating "where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining the relevant applications... [and that] if, having regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objectives of creating mixed communities, then the authority... may refuse the application".

The Council's very recent adoption of the LDP is supported by an Inspector's examination of the Development Plan and its policy framework, which was deemed to be sound. Specifically in relation to Policy MG4 and affordable housing provision generally, the Inspector stated at paragraph 6.3 of the examination report that the differential rates for affordable housing provision "*reflect the Council's most up to date evidence*", subject to viability and that "*the evidence supports the levels of affordable housing being sought at the respective areas*", (paragraph 6.16). This conclusion was reached following examination over two hearing sessions, which ensured thorough examination of that evidence. These hearing sessions included a number of representations from the development industry that sought to challenge the approach, however, these concerns were ultimately dismissed. This very recent examination of evidence in relation to affordable housing by an appointed Inspector means the policies are up-to-date, are soundly based on clear evidence and consistent with national policy, and therefore carry significant weight in the determination of this application.

Officers have sought to outline the above policy framework with the developer, by liaising and negotiating with them on this matter, but regrettably to no avail. The applicant/developer states that they do not intend to make any representation or respond to Officer's advice on the policy framework identified above, and the application should be determined on its merits.

The developer's contention appears to be that there is a fall-back position relating to an extant planning permission on the land that is not subject to an affordable housing provision. However, critically the developer has not implemented that permission. The development constructed on the site is wholly unauthorised and the developer has failed to secure planning permission for that development. This application to regularise the unauthorised dwelling on the site is therefore a new planning chapter and the material change in planning policy in respect of the Affordable Housing policies in the LDP cannot be ignored simply because there was a historic planning permission approved under a different policy context.

Fundamentally, there has been a material change of in Development Plan policy, since the grant of previous permissions where Affordable Housing provision was not sought on residential developments of this size. For the purposes of section 38 of the Planning and Compulsory Purchas Act 2004 the Development Plan is the Vale of Glamorgan Adopted Local Development Plan 2011-2026. That is the plan to which regard must be had and the determination of this submission must be made, unless material considerations indicate otherwise. The relevant policy of the Development Plan (Policy MG4) requires development to contribute to meeting affordable housing need, as noted above, unless exceptional circumstances are demonstrated.

This application is not supported with any form of undertaking to address Affordable Housing provision, as required by the policy, nor has any viability evidence been produced to justify the lack of provision that would be necessary to demonstrate 'exceptional circumstances'. As such there is no justification for the departure from the requirements of LDP Policy MG4. It should be noted that notwithstanding the absence of viability evidence, the applicant has not stated that the contribution would be unviable, rather it appears their case is reliant on the fact that a contribution was not sought as part of the previous application and therefore they do not feel that one should be sought now.

LDP Policy MG4 outlines that the provision of affordable housing will be negotiated on a site-by-site basis, taking into account the evidenced viability of the development. Paragraph 6.30 of the reasoned justification to Policy MG4 indicates that the onus to demonstrate site specific viability issues lies with the developer, and only on receipt of a viability appraisal can the Council consider the planning balance of reduced or no Affordable Housing provision as part of a development. The AH SPG reinforces and expands on that requirement, stating that the Council will require applicants to undertake a full and robust development viability appraisal. Notwithstanding that, it appears that the site, which is greenfield land in the ownership of the developer, is generally free from any significant constraint. Therefore, it is considered that, in light of the viability evidence that supported the introduction of LDP Policy MG4 (which has very recently been found to be sound by the LDP Inspector), viability is unlikely to be a significant issue on this site. However, in the absence of any form of development viability appraisal, limited objective assessment of site specific viability can be considered, and the development fails to address affordable housing provision required by Development Plan Policy MG4, supported by the AH SPG and the overarching principles of the delivery of affordable housing set out in PPW and TAN2.

If the developer were to engage positively with Officers on this matter, it may be that common ground on viability issues could be reached such that a reduced or nil provision was deemed appropriate.

In the absence of any mechanism to address Affordable Housing provision or a viability appraisal to justify no provision toward Affordable Housing, the proposal would conflict with both Development Policies SP4 and MG4, the AH SPG and national planning guidance on the delivery of affordable housing in the form of PPW and TAN2. However, if the applicant was agreeable to entering into a legal agreement to secure the necessary affordable housing provision, the development would comply with LDP Policies SP4 and MG4, the AH SPG and national planning guidance on the delivery of affordable housing outlined in PPW and TAN2. Similarly, if the developer were to engage with the Council to demonstrate that there were site specific conditions that resulted in development viability precluding or limiting the scope for the provision of affordable housing, the development may comply with the provisions of Policy MG4 and national planning guidance in the form of PPW and TAN2. In such specific circumstances contributions may be varied or reviewed.

Summary of the assessment of the planning application

The development's location and design is considered to be acceptable in principle, subject to the conditional grant of planning permission securing a number of matters relating to visual amenity and public safety. In addition, if the developer entered into a legal agreement to secure the provision of affordable housing, the development would be acceptable. To that end, Officers are minded to recommend that Members resolve to grant permission, subject to the applicant first entering into a legal agreement to secure affordable housing in the terms set out above or demonstrating that development viability precludes or reduces the level of provision the development can provide.

Whilst Officers are mindful that the developer has indicated that they are not willing to address or discuss affordable housing provisions, at this juncture this is the only matter preventing the granting of planning permission for the development and resolving the breach of planning control. The negotiations to date have regrettably not resolved the issue which is at a point that assists neither party. In recommending the above resolution, it is hoped that a positive way forward can be achieved with the developer and this form of recommendation demonstrates that officers remain reasonable and pragmatic in finding a way forward. If Members were minded to resolve to grant permission for the development in the terms set out above, it would give clear opportunity for the developer to resolve the matter and secure consent for the unauthorised development.

In granting consent, consideration has been given to the conditions that are necessary to control the impacts of the development. The suggested conditions have been balanced against the backdrop of the extant planning permission, in the interest of natural justice. Nevertheless, the conditions to be attached to the development have been updated and amended to reflect the fact that the development has commenced and given that it is not that which was approved under the 2015 permission. The recommendation is set out at the end of the report.

Expediency of enforcement action

In terms of the unauthorised and uncontrolled nature of the development, consideration must be given to what action is expedient and proportionate to the breach of planning control.

The development is considered to represent a rounding-off of the settlement and consequently it is compliant with the overarching principle of Development Plan Policy MG5. However, the uncontrolled development carried out on site has the potential to extend beyond the scope of what could reasonably be considered as rounding-off, by reason of the uncontrolled extent of land that would be associated with the dwellinghouse. Failure to secure a reasonable assimilation of development into the established settlement would result in the development falling outside of the scope of what could be considered as acceptable rounding-off. The developer has already indicated, through the previous submission, an intention to expand the previously approved garden land associated with the development.

Officers have given consideration as to what might be interpreted as garden land and curtilage of the dwelling, should the development be left as unauthorised development eventually gaining immunity from enforcement action. That land extends far beyond the dwellinghouse, and is previously undeveloped countryside. The impact that the use of this land would have on the character and appearance of the area would not be limited. The uncontrolled garden area associated with the development may give rise to the proliferation of domestic paraphernalia that spreads into the open countryside, to the detriment of visual amenity and character of the area. It would serve to extend the settlement area into open countryside, creating a visually intrusive and harmful form of development, contrary to the overarching principles of the LDP, namely Policies SP1 and MD2, and national planning guidance on development in the countryside.

In addition, the scale of the development is also something that must be considered by reason of Development Plan Policies MG1 and MG2. The scale, massing and design of the property as implemented is considered, on balance, to be acceptable. Whilst it introduces extensions to the north elevation at single storey and a link to the garage, the extensions are subservient to the main massing of the house. However, any future additions or alterations would need to be carefully considered in order to ensure that the property does not fall out of character with the surrounding properties. Again consideration has been given to the likely curtilage of the dwellinghouse if it was allowed to become lawful and significant extensions or outbuildings could be constructed without the need for

further planning permission by reason of the Town and Country Planning (General Permitted Development) Order. Given that the development does not benefit from planning permission, control could not be placed on the property by way of conditions and if the development becomes lawful in due course, with the passing of time, it would benefit from the same permitted development rights as any other dwelling, including extensions and outbuildings. Given the scope of what could be built, these could potentially harm the character and appearance of the site on the edge of the settlement adjacent to the countryside. Additional extensions to the property may also result in development that does not represent a high standard of design that responds appropriately to local context, contrary to Development Plan Policies SP1, MD1 and MD2.

Drainage associated with the development is another matter to consider in weighing up the expediency of pursuing enforcement proceedings at the site. This is particularly relevant on this site as it is not served by a mains connection. Appropriate drainage is something that would be secured by way of a planning condition; however, without the benefit of planning consent, control cannot be placed over such matters. Even if the drainage had been agreed under the 2015 permission, the unauthorised nature of this development means that control of the environment and public safety could not be secured without appropriate conditions. As such, the development has the potential to cause environmental harm by reason of uncontrolled discharge of foul waste into the environment to detriment of public safety and environmental quality. Consequently, the uncontrolled drainage of foul and surface water would not accord with the aims of Policy MD7 of the Development Plan.

Finally, and as discussed in detail above, the development relates to a single dwelling erected on land within a minor rural settlement. Under the provisions of the LDP there is a policy presumption to secure affordable housing on variable thresholds based on geographic location and development viability. Net additions of a single residential unit in this location require provision for affordable housing. As the development fails to make provision for affordable housing, the unauthorised development is contrary to the principles of Development Plan Policies SP4, MD1, MD4 and MG4.

Fall-back position

In considering the expediency of enforcement action, it is important to acknowledge the fall-back position. A previous planning permission, or the 'fall-back position', is an important material consideration to be applied in any decision making process. In respect of extant planning permissions, if a proposed development is significantly different from the development permitted or if there are changed circumstances, there may be ground for asserting that the previous permission is not necessarily of overriding weight. This position was tested in the courts in the case of *Yates v SOS* 2001, in which the court took the view that whilst an extant permission was a material consideration, a Development Plan policy was a factor that should be afforded more weight.

It is acknowledged that the previous planning consent was not subject to the affordable housing contribution. That planning permission was, however, approved under the provisions of a different Development Plan. This application cannot be considered against the policy framework of the now obsolete UDP. This development is materially different to that which was the subject of the previous planning permission and that planning permission is no longer able to be implemented, whilst the unauthorised dwelling remains in situ. It is considered that this in itself limits the weight to be afforded to the fall back position. This application must, therefore, be considered against the provisions of the current policy framework, as set out above. There is no reason in this case for the Council to take an alternative view. It is acknowledged that there is a step change between the two development plans, and that under the newly adopted development plan there is a now a mechanism for capturing development value and facilitating the delivery of affordable housing provision on individual residential net gain. That change is, however, evidence based, compliant with national policy and deemed to have been sound by the Inspector appointed that examined the deposit Local Development Plan. From that evidence base it is clear that the LDP Inspector considered the Affordable Housing requirement, applicable to single dwellings such as this, as being sound.

As identified above, the fall-back position of the developer relates to a development that benefits from planning permission secured under a previous Development Plan. That position is now materially different, and consent would not be forthcoming for the fall-back position as extant under the provision of the LDP as the now adopted Development Plan. Consequently, it is considered that the fall-back position does not outweigh the clear policy conflict in relation to affordable housing.

Summary on enforcement action

In view of the above, it is concluded that planning enforcement action is expedient in this case and that the pursuit of action is in the public interest.

In pursuing enforcement action, the Council can consider under enforcement. However, when considering under enforcement, it is important to be mindful of the implications of such action. This relates, namely, to the provisions of section 173 (11) of the Town and Country Planning Act. This provision states that where an enforcement notice is issued and its terms do not require building works to be wholly removed or activities ceased, on compliance with all other requirements of the enforcement notice, planning permission shall be deemed to be granted for the development. In this case, whilst a notice could be constructed to require elements of the development to be removed to bring it back in line with the extant 2015 permission, it could not then require the developer to comply with the requirements of the conditions attached to the 2015 permission. Planning permission would simply be granted for a development that looks akin to the 2015, but without securing the conditional elements of that permission. For that reason, the Council cannot utilise an enforcement notice to impose conditions on development and under enforcement in this case is not considered to be an acceptable solution.

Officers remain of the view that there is a simple and clear route to securing planning permission for the unauthorised development. It is regrettable that the developer has failed to engage with officers or address the policy framework relating to the development implemented on site and the Council now finds itself in a position to have to potentially pursue enforcement action to resolve the breach of planning control. That action can only require the removal of the unauthorised development in its totality, as that is the action required to remedy the breach. Whilst there are elements of the development that are acceptable, as indicated above, it is not appropriate to seek to 'under-enforce' in an effort to address the reasons for pursuing action in respect of the breach.

If enforcement action is not pursued, it could set a harmful precedent and encourage unscrupulous developers to erect dwellings without the appropriate planning permission as a means to avoid complying with policy and contributing towards affordable housing.

Reconciling the recommendations

It is clear that the enforcement action sought here is significant and Officers recognise that this would be significant and potentially perceived as draconian. For these reasons, the decision to seek authorisation to take enforcement action is not taken lightly and regrettably would represent a last resort in attempting to ensure that the dwelling erected accords with adopted policy and is subject to the necessary controls. Officers have spent significant time attempting to negotiate an acceptable situation with the applicant and the significance of this position has been carefully conveyed. Notwithstanding that, the developer has currently taken a position that regrettably assists neither party in resolving the matter. In concluding that permission ought to be granted subject to the applicant entering into a legal agreement or demonstrating development viability precludes such undertaking, Officers are hopeful the developer would engage positively with Officers in an effort to resolve the matter. That would negate the need to pursue punitive action through the enforcement regime. Nevertheless, the unauthorised development has to be controlled and enforcement action is unavoidably required if the positive resolution cannot be achieved.

In taking this positive approach to the planning application, Officers are satisfied that the Council would be positively engaging in the planning process and its action would be more than reasonable in seeking to remedy the unauthorised development. Officers are of the view that there are three possible outcomes from this action:

- (1) The developer accepts the requirement to provide for affordable housing provision secured through an appropriate legal agreement, conditional planning permission is granted and the breach is resolved;
- (2) The developer submits evidence to demonstrate that viability precludes or reduces the provision of affordable, conditional planning permission is granted and the breach is resolved; or,

- (3) In the absence of the developer securing planning permission for the unauthorised development, enforcement action is necessitated to remedy the breach of planning control, and the Council would have taken all reasonable steps to avoid this.

In terms of timeframes, Officers intend to immediately report the Committee resolution to the applicant. A compliance period of 12 months is considered acceptable to secure compliance with the requirements of the enforcement notice. Officers would intend to issue the enforcement notice without significant delay, should the applicant not respond to this further opportunity to resolve the matter through submission of the necessary information relating to affordable housing. This resolution would afford the applicant an immediate opportunity to address the matters set out above, hopefully negating the need to issue the enforcement notice. If the applicant fails to address the matters as set out in the resolution and the enforcement notice is issued, the applicant would still have the opportunity to address the matters during the course of the period for compliance. In addition, the applicant would benefit from a right of appeal in respect an enforcement notice issued by the Council, and similarly, if the applicant is aggrieved by the resolution to approve subject to the recommendation there is a right of appeal against non-determination of the planning application. If such an appeal is forthcoming, a further stance report would be presented to planning committee for resolution at that time.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act. In particular the action may have implications for the individual's right referred to in the Humans Rights Act 1998, specifically Article 8 – the right to respect for private and family life.

The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development ought to be allowed. It is also noted that the property is not currently occupied as a dwellinghouse.

In view of the conclusions reached in respect of the potential impact of the unauthorised development on the environment, public safety and amenity of the area, together with the development's failure to address affordable housing provision, the actions proposed are considered to outweigh any rights the individual has under the 1998 Act.

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In respect of the planning application, subject to the developer agreeing to or demonstrating development viability precludes or reduces the requirement for affordable housing, the development would meet the requirements of the Act.

In respect of the proposed enforcement proceedings, the uncontrolled development has the potential to cause harm to both the character and appearance of the area as well as harm to public safety, for the reasons identified above. The development also fails to address the provision and supply of affordable housing. It is considered that there is an overarching public interest in the delivery of affordable housing, protecting the amenity of the area and ensuring development does not risk harm to public safety. As such, the development is not considered to promote the identified sustainable development principles and the developer's private interest is not a reason to abate action.

RECOMMENDATION

(1) **EITHER**

- (i) Approve the application subject to the interested person(s) first entering into a legal agreement under the provisions of section 106 of the Act to secure the following planning obligations:
 - Provide an off-site contribution of £57,211.20 towards affordable housing.

OR

- (ii) Approve the application subject to the developer adequately demonstrating that a reduced or nil provision of affordable housing (contribution) should be sought on the basis of development viability.
- (2) In the absence of the grant of planning permission, in the terms set out above, within a reasonable time period, that the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Demolition of the dwellinghouse erection on the land.
 - (ii) Removal of all materials resulting from compliance with (i) from the land.
 - (iii) Restore the land to its condition prior to the breach occurring.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

APPROVE subject to the following condition(s):

1. The development shall be completed in accordance with the following approved plans and documents: Location Plan LP0617/2; Block Plan BP0617; Floor Plans & Block Plan 15.01/1B; Elevations 17.01/2D; and, Tanker Access Plan and Drainage Plan DP/0617/2.

Reason:

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

2. Prior to the first beneficial occupation of the development, a timber post and rail fence at a height of no greater than 1.4 metres shall be erected as a means of enclosure on the eastern red line boundary as illustrated on Block Plan BP0617. The means of enclosure shall at all times thereafter be retained.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

3. Prior to the first beneficial occupation of the development hereby approved, the parking areas, turning areas and vehicular access shall be laid out in full accordance with the details illustrated on Block Plan BP0617 and the parking, access and turning areas shall thereafter be retained to serve the development hereby approved.

Reason:

To ensure the provision of on site parking and turning facilities to serve the development in the interest of highway safety, and to ensure compliance with the terms of Policies MD2 and SP1 of the Local Development Plan.

4. Prior to the first beneficial occupation of the development hereby approved, a foul drainage connection shall be made to the biological treatment system as detailed on the Tanker Access and Drainage Plan DP/0617/2 and the technical document titled BioDisc from Kingspan Klargerster.

Reason:

In the interest of environmental protection, to ensure compliance with Policies MD2 (Design of New Development) and MG7 (Environmental Protection) of the Local Development Plan.

5. Prior to the occupation of the development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained. The scheme shall provide for the provision of a native hedgerow to be planted on the eastern boundary of the development site, which will include a minimum mix of five species.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

6. 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 5 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.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

7. Notwithstanding the submitted plans, this consent shall not relate to any amendments to the access to the property. The approved access to the property will utilise that approved under planning application reference 2008/00499/FUL.

Reason:

In the interest of highway safety and visual amenity in line with the requirements of and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the dwelling shall not be enlarged, improved or altered or any outbuildings erected, 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 Policy MD2 (Design of New Developments) of the Local Development Plan.

REASON FOR RECOMMENDATION

- (1) 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 Local Development Plan 2011-2026.

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

Having regard to Policies SP1-Delivering the Strategy, SP4-Affordable Housing Provision, MG4-Affordable Housing, MD1-Location of New Development, MD2-Design of New Development, MD4-Community Infrastructure and Planning Obligations, MD5-Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Amenity Standards, Affordable Housing and Planning Obligations; and national guidance contained in Planning Policy Wales, TAN2-Planning for Affordable Housing and TAN12-Design, it is considered that the development represents an acceptable form of development that does not harm visual amenity of the area or the neighbouring properties, subject to an affordable housing contribution being provided or evidence being submitted to demonstrate that this is not viable.

(2)+(3)The uncontrolled erection of a dwellinghouse on the land is considered to result in harm to the character and appearance of the countryside by reason of sporadic and unfettered development of greenfield land contrary to Development Plan Policies SP1 – Delivering the Strategy, MD1 – Location of New Development, MD2 – Design of New Development and MD5 – Development within Settlement Boundaries, as well as national planning guidance contained in TAN12 (Design) and Planning Policy Wales (Edition 9, 2016) (“PPW”). Additionally, the uncontrolled development has the potential to cause harm to public safety and environmental qualities by reason of foul drainage of the site not being subject to control. As such the development conflicts with Development Plan Policies SP1 – Delivering the Strategy, MD2 – Design of New Developments and MD7 – Environmental Protection, as well as national planning guidance in the form of PPW. In addition, the development’s failure to address the provision for affordable housing would be contrary to Policies SP4 - Affordable Housing Provision, MD1 - Location of New Development, MG4 – Affordable Housing and MD4 - Community Infrastructure and Planning Obligations of the Vale of Glamorgan Local Development Plan 2011-2026 and national guidance contained in TAN 2 (Planning and Affordable Housing) and Planning Policy Wales (Edition 9).

Background Papers

Enforcement File Ref: ENF/2016/0134/PC

Contact Officer - Mr. Morgan J. Williams, Tel: 01446 704859

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

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.

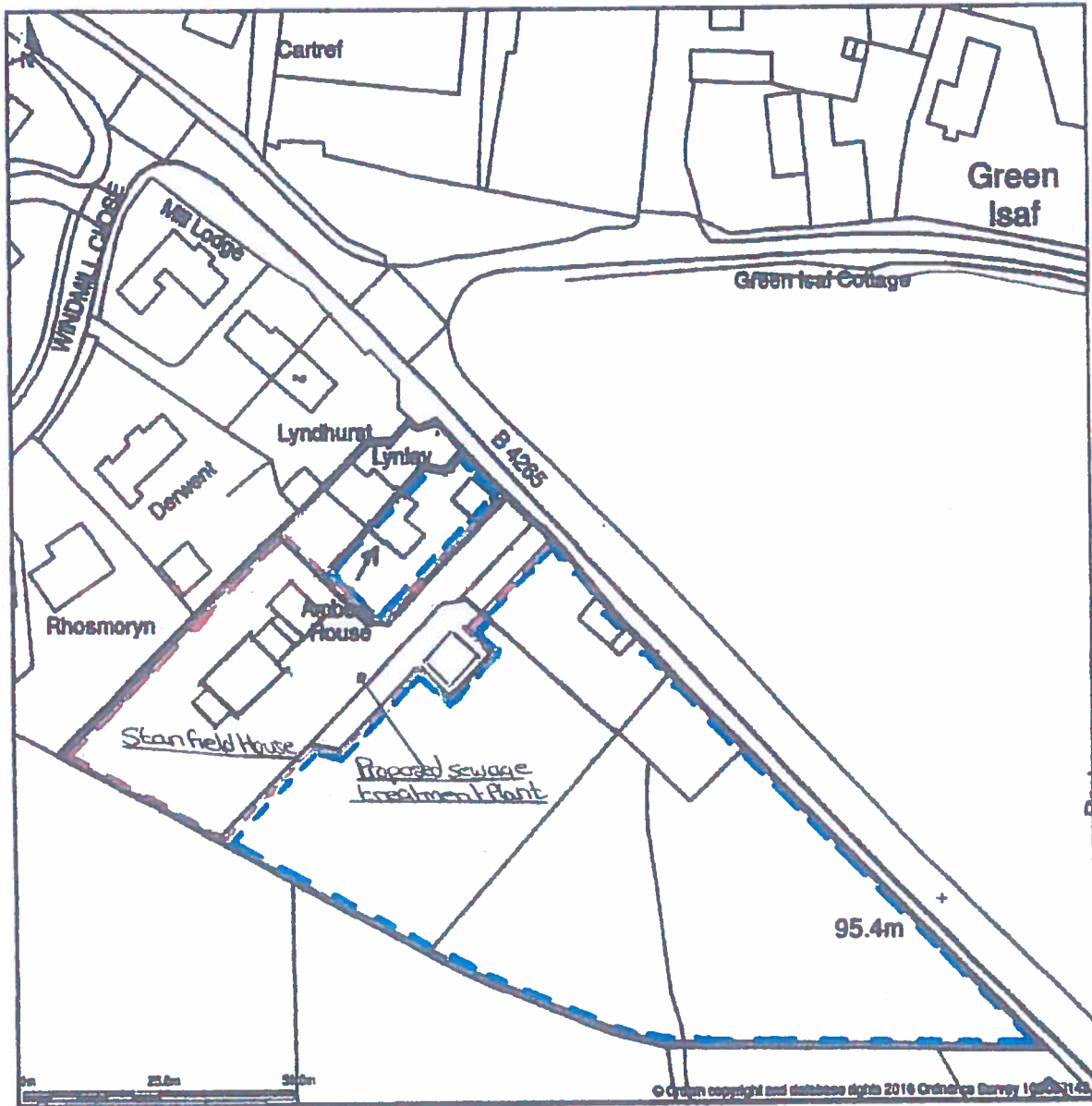
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

LOCATION PLAN - LPO617/2

Retrospectively The Erection of a dwelling House
Amberley House, Lantwit Road, Cowbridge, CF71 7QD



The Plan shows area bounded by: 292800.84, 171855.27 292800.84, 172098.27 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of buildings as lines is no evidence of a property boundary.

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RECEIVED
14 JUN 2017
Regeneration
and Planning

2017/00291/FUL Received on 24 March 2017

Mr. Andrew Edmunds St Andrews Major Golf Course, c/o Agent
Miss. Llinos Hallett Asbri Planning, Unit 9, Oak Tree Court , Mulberry Drive,
Cardiff Gate Business Park, Cardiff, CF23 8RS

Greenyard Farm, Argae Lane, St Andrews Major

Change of use of existing stone barn and timber barn to residential, partial conversion of former milking parlour to garage use, the demolition of the remaining milking parlour and steel framed buildings and erection of 12 holiday accommodation units and shower block.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and/or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site comprises an existing dwelling and farmyard, over an area of approximately 0.6ha. There is an existing vehicular access onto Argae Lane. The site lies in the countryside, outside of the settlement boundary for Barry and Dinas Powys as defined in the Vale of Glamorgan Adopted Local Development Plan (LDP).

This is an application for full planning permission for the change of use of existing stone barn and timber barn to residential use, partial conversion of former milking parlour to garage use, the demolition of the remaining milking parlour and steel framed buildings and erection of 12 holiday accommodation units and shower block.

To date an objection has been submitted by the Council's Highway Development Team, based on the absence of adequate servicing and maneuvering facilities within the site.

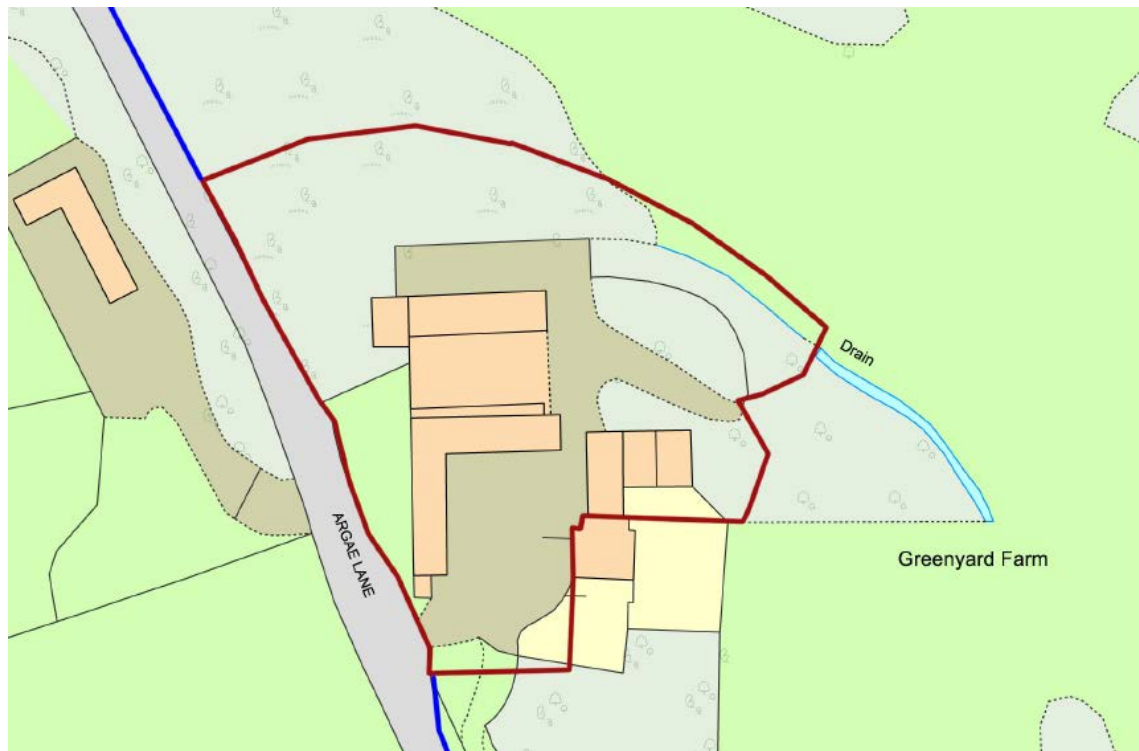
Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, the design and visual impact on the character and appearance of the surrounding rural landscape; any effect on neighbouring and general amenity; highway safety; ecology; and relevant planning obligations; all bearing in mind the justification for the development.

It is recommended that the application be APPROVED subject to conditions, including, restriction on camp site use and register of visitors; further details and implementation of new access; provision of parking; landscaping; ecology/biodiversity protection and enhancement; drainage details; measures for possible land contamination; a CEMP; construction hours.

SITE AND CONTEXT

The application site comprises an existing dwelling and farmyard, over an area of approximately 0.6ha, located to the south of the west of Dinas Powys. The site adjoins Argae Lane, which eventually connects to the A4231, Docks Link Road (some 900 metres) to the south.

The site is occupied by a detached dwelling, a stone barn, a timber barn, a former milking parlour, and more recent steel structures to the north. The original farm use has ceased and the supporting Planning Statement notes that the outbuildings are now used primarily for storage in association with the adjacent St Andrews Major golf course.

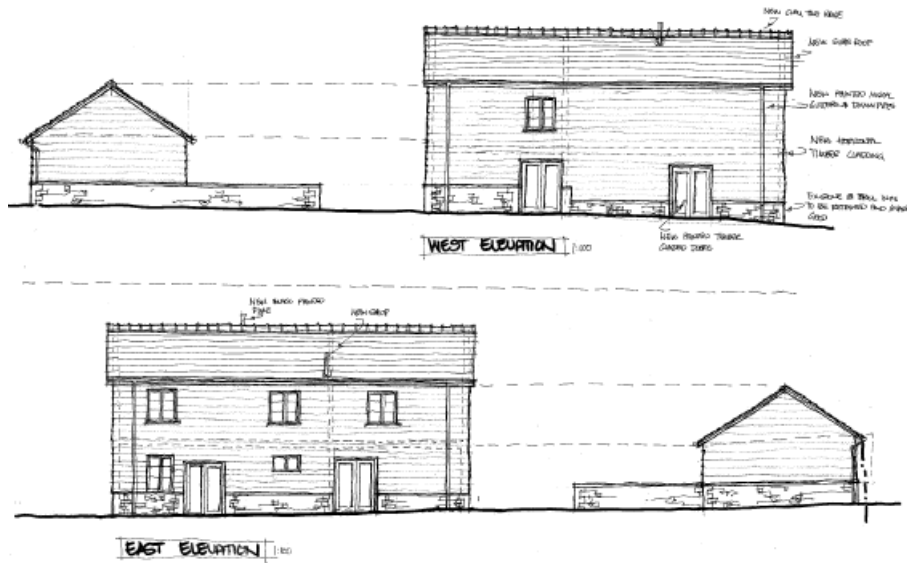


The site lies in the countryside, outside of the settlement boundary for Barry and Dinas Powys as defined in the Vale of Glamorgan Adopted Local Development Plan (LDP).

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission which entails two elements, the conversion of existing farm buildings for residential use, and the development of a 'glamping' site, on the layout shown below.

Proposed Barn A



Proposed Barn B

The existing former milking parlour will be partially demolished, with alterations to the remaining structure to provide a double garage each for the new dwellings. In addition, a new detached garage will be constructed to serve the existing dwelling, on the southern boundary, and the internal layout will be formalised to provide a shared access road and defined residential curtilages.

The second element of the application relates to the development of a 'glamping' site. This entails the demolition of the remainder of the milking parlour and the range of modern steel barns to the north of the existing dwelling. The site will be re-developed to provide a total of 12 No. holiday-let cabins, intended as a complimentary use to the adjoining golf course. The proposed units will comprise four varying styles of accommodation, including the following:-

The Bedw



2 x Unit A (4 persons)

The Derw



2 x Unit B (6 persons)



4 x Unit C – Modulog Mawr (4 person)



4 x Dome Unit/Unit D (4 persons)

A separate single storey block is proposed which will accommodate a disabled bathroom, utility and store room, 3 No. WCs, wash hand basins, and 4 No. shower cubicles.

1996/00339/FUL - Conversion of out-buildings to four dwellings - Refused 11 July 1996 for the following reason:-

“The proposed development fails to meet criterion (i), (ii), (v) and (viii) of the Council's policy for the conversion of rural buildings and Policy ENV 17 of the Vale of Glamorgan Local Plan (as amended - Deposit Draft) therefore falls to be considered as residential development in the open countryside. The development is considered to be contrary to local and national policies for the protection of the countryside including Policy H10 of the adopted County of South Glamorgan (Structure Plan), Policy H1 of the approved East Vale Local Plan and Policy HOUS 4 of the Vale of Glamorgan Local Plan (Deposit Draft) (as amended).”

1996/00994/FUL - Conversion of outbuildings to 2 No. dwellings - Refused 10 January 1997 for the following reason:-

“The proposed development fails to meet the criterion of the Council's Policy for the Conversion of Rural Buildings and Policy ENV17 of the Vale of Glamorgan Local Plan (Deposit Draft) as amended 1995 and therefore falls to be considered as residential development in the open countryside. The development is considered to be contrary to local and national policies for the protection of the countryside including Policy H10 of the adopted County of South Glamorgan Structure Plan, Policy H1 of the approved East Vale Local Plan and Policy HOUS4 of the Vale of Glamorgan Local Plan (Deposit Draft) as amended, 1995.”

A subsequent appeal was dismissed on 14 August 1997.

1996/01184/FUL - Stewards accommodation in Clubhouse - Approved subject to conditions 14 February 1997.

1999/00766/FUL - Extension to clubhouse. New driving range and extend golf course to 18 holes - Approved subject to conditions 21 October 1999.

2001/00319/FUL - Renewal of 96/01184/FUL for stewards accommodation - Approved subject to conditions 27 April 2001.

2005/00355/FUL - New build 10 No. two person one bedroom self-catering holiday accommodation units - Withdrawn 28 September 2005.

2006/00278/FUL - Proposed conversion of redundant farm buildings into 10 No. two person one bedroom self-catering holiday accommodation units - Withdrawn 12 June 2006.

CONSULTATIONS

Dinas Powys Community Council were consulted on 7 April 2017 and no comments received to date.

Natural Resources Wales were consulted and note that the bat report submitted in support of the above application has identified that a small number of common pipistrelle bats are present at the application site. They confirm that the development may only proceed under licence issued by Natural Resources Wales, having first satisfied the three requirements set out in the legislation. On the basis of the submitted report NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. They welcome the mitigation proposed in section 10 of the report. As such they do not object to the proposal, subject to a planning condition that prevents the commencement of any development works affecting bats, until the Council has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant in writing that such a licence is not required.

NRW have also commented on the foul drainage, recommending that further information is requested, and that the applicant demonstrate that they have fully considered the possibility of connecting to the foul sewer before considering non mains drainage. In addition, they note that they have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Dwr Cymru/Welsh Water were consulted and have stated that as the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Local Authority Building control Department/Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. In addition, a water supply can be made available to serve this proposed development.

Glamorgan Gwent Archaeological Trust were consulted and have stated that information in the Historic Environment Record (HER) curated by this Trust shows that Greenyard is recorded as a 19th century farmstead located on low lying ground (PRN 01846s). A set of buildings form the farmyard complex at Greenyard, which appears to date from the late 18th century, (appearing on the Wenvoe Estate maps of 1763 and 1798), with the surrounding ancillary outbuildings, stone barn, and cottage all being of a similar date. There are no other known or recorded archaeological sites or features located within the proposed application area.

The HER also indicates that an archaeological watching brief (PRN E002465) was undertaken by Cotswold Archaeology during the adjacent extension of St. Andrews Major Golf Course in 2005 (Planning Application No. 99/00766/FUL) which did not encounter any archaeological remains or features. Therefore, it is envisioned that the impact of the proposed development upon the archaeological resource will be low as it is unlikely that any significant archaeological remains or features will be encountered during the proposed groundworks. Additionally, they note the submitted Heritage Assessment undertaken by EDP in January 2017 and concur with its conclusions. As a result, they confirm that there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, they have no objections.

The Council's Ecology team were consulted and raised no objection, but note that as multiple nest sites/species were identified in the survey then additional mitigation/compensation is required. Further, noting the bats surveyed at the site, the NRW Approach to Bats and Planning Good Practice Guide classifies this as a lower risk case. Therefore, although a bat roost will be affected by the development, the Favourable Conservation Status of the bats will not be affected. However, a licence will be required in order to carry out the development. A number of conditions are recommended, including, a scheme for the mitigation/compensation of loss of bird nesting sites; the 3 tests required for European Protected Species, in accordance with the Habitats Regulations to be undertaken, noting the NRW have already undertaken the third tests, confirming a Lower Risk Case and therefore, there is unlikely to have an impact on the FCS of the species; and requirement for a copy of the licence issued by NRW, or a Method Statement agreed by the relevant licensing body.

The Council's Shared Regulatory Services - Environmental Health were consulted and raised issues raised in relation to potential contamination - Activities associated with the existing and former uses on the site may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. As such recommend the standard condition for contamination assessment; this will necessitate a minimum of a phase 1 preliminary risk assessment. Depending on the findings of this, a phase 2 quantitative risk assessment and, subsequently, remediation may be required. Should there be any importation of soils to develop the garden/landscaped areas of the development, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use.

In addition to the above, a Construction Environmental Management Plan to include, hours of construction; noise and mitigation; mitigation of any piling; dust control; agreed 'noisy' working hours; lighting; parking; wheel wash; control of smoke/fires; and removal of waste, is also requested, with a request on restriction on operating hours, Monday to Friday 08:00-18:00, Saturday 08:00-13:00 with no work on Sunday or Bank Holiday; and piling or drilling restricted to Monday to Friday 08:30-17:30 and not at all on Saturday and Sunday.

The Council's Tourism & Marketing section were consulted and support the application from a Tourism perspective. The nature of the proposed development is very much in keeping with the type of development that would complement the existing visitor facing industry in the Vale. Whilst self-catering accommodation is readily available in the Vale of Glamorgan, there is very little of this nature available. A development of this nature would support the Council's efforts in establishing the Vale as a quality destination offering a very wide variety of accommodation. This region of the Vale in particular struggles with a distinct lack of accommodation for the visitor, and as a result poses challenges to ourselves in converting day visitors into staying visitors. As a result our Day Visitor market is growing, but we lose out on the high yield staying visitor market to other areas (e.g. Cardiff) being able to accommodate where we cant. Recent Customer surveys evidence the need for increased opportunities for the staying visitor which would further support our support of this proposal.

In addition to this, the nature of the accommodation proposed supports the Vale's aims to become an all year destination, which is a particular strength of the tourism industry in the Vale and sets us apart from other, more notable traditional destinations in Wales.

The business plan is very comprehensive and offers much evidence to support a development of this nature.

The Council's Highway Development team were consulted and further to reviewing the amended Transport Statement (TS), have advised that the associated site plan does not show any servicing or maneuvering facilities within the site to serve the proposed holiday accommodation. Instead the TS informs that the proposed access has been designed to incorporate a servicing bay (to accommodate refuse and other servicing vehicles) without obstructing the adjacent highway.

Vehicles parked within this servicing bay would obstruct visibility from the site access along the adjacent highway and will prevent other vehicles entering/exiting the site. Additionally, in the event that servicing vehicles were to enter the site, these would be required reverse out of the access into oncoming traffic. In the absence of adequate servicing and maneuvering facilities provided within the site, an objection is raised as the development would have a detrimental impact in terms of highway safety.

The Council's Drainage section were consulted and have stated that this site is not located within DAM zones at risk of tidal or fluvial flooding, and NRW flood maps indicate that there is a medium to low risk of surface water flooding to the adjacent highway.

As surface water drainage proposals have not been submitted with the application, a condition is requested requiring a detailed scheme for the surface water drainage of the site. This should include details of road and roof/yard water discharge; be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event plus climate change and not in any part of any building for the 1 in 100 year rainfall event plus climate change; details of field percolation tests; calculation for onsite attenuation or discharge; and full engineering details of drainage assets. In addition a SuDS management plan, including details on future management responsibilities for the site and its drainage assets is required.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 7 April 2017. In addition a site notice was posted on 27 April 2017. No representations have been received to date.

REPORT

Planning Policies and Guidance

Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 - DELIVERING THE STRATEGY.
POLICY SP10 - BUILT AND NATURAL ENVIRONMENT.
POLICY SP11 - TOURISM AND LEISURE.

Managing Growth Policies:

POLICY MG1 - HOUSING SUPPLY IN THE VALE OF GLAMORGAN.
POLICY MG4 - AFFORDABLE HOUSING.
POLICY MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.
POLICY MG29 - TOURISM AND LEISURE FACILITIES.

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT.
POLICY MD2 - DESIGN OF NEW DEVELOPMENT.
POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS.
POLICY MD7 - ENVIRONMENTAL PROTECTION.
POLICY MD8 - HISTORIC ENVIRONMENT.
POLICY MD9 - PROMOTING BIODIVERSITY.

POLICY MD11 - CONVERSION AND RENOVATION OF RURAL BUILDINGS.
POLICY MD12 - DWELLINGS IN THE COUNTRYSIDE.
POLICY MD13 - TOURISM AND LEISURE.
POLICY MD14 - NEW EMPLOYMENT PROPOSALS.
POLICY MD17 - RURAL ENTERPRISE.

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular Chapter 4-Planning for Sustainability, including paragraphs 4.1.1, 4.6.3 and 4.11- Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1 and 5.2-Caring for biodiversity; Chapter 6-Conserving the Historic Environment, including paragraphs 6.1.1, 6.1.2, 6.5.5 and 6.5.29; Chapter 7-Economic Development, including 7.1.3, 7.3, and 7.6.1; Chapter 9-Housing, including 9.2.22, 9.3.2, 9.3.3 and 9.3.4; and Chapter 11-Tourism, Sport and Recreation, including 11.1.1, 11.1.4 and 11.1.7.

Technical Advice Notes:

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

- TAN2 - Planning and Affordable Housing.
- TAN5 - Nature Conservation and Planning.
- TAN6 - Planning for Sustainable Rural Communities, including paragraph 3.1.2, and 3.2.
- TAN12 - Design, including paragraph 2.6.
- TAN13 - Tourism, including paragraphs 4 and 8.
- TAN16 - Sport, Recreation and Open Space.
- TAN18 - Transport, including paragraph 4.7.
- TAN23 - Economic Development, including 3.1.1 and 3.1.3.
- TAN24 - The Historic Environment.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Amenity Standards.
- Affordable Housing.
- Conversion of Rural Buildings, including paragraphs 2.5, 2.6 and 4.1.1.
- Biodiversity and Development.
- Design in the Landscape, including DG1-Sustainable Development.
- Golf related development.
- Parking Standards.
- Planning Obligations.
- Trees and Development.

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014) .
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- Vale of Glamorgan Destination Management Plan (2014).

Other relevant evidence or policy guidance:

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management.
- Conservation of Habitats and Species Regulations 2010 (as amended).

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the design and visual impact on the character and appearance of the surrounding rural landscape; any effect on neighbouring and general amenity; highway safety; ecology; and relevant planning obligations; all bearing in mind the justification for the development. The planning history of the site is also a material consideration in the determination of the application.

The proposal entails two elements, the creation of a new camp site, and the provision of two permanent new dwellings through the conversion and alteration of existing barns.

These two elements are distinct and will operate, and are capable of being developed, independently. However, they are submitted as one application, with the supporting information indicating that the creation of the camp site is reliant on the finance from the housing scheme. In addition to the cross subsidy, the development of the camp site is intended as a diversification of an existing business, the St Andrews major golf course.

In policy terms, the site is located within the countryside, outside of any settlement defined within the LDP. Policy MD1 seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development. As the two elements of the proposal are distinct in nature, there are a number of other differing local and national policies of relevance to each. As such the principle of each element is assessed separately below.

Principle of Camp Site

In relation to the proposed camp site, relevant LDP policies include, SP11-Tourism and Leisure, MG29-Tourism and Leisure Facilities, MD13-Tourism and Leisure, MD14-New Employment Proposals, and MD17-Rural Enterprise.

In particular, policy MD13 allows for new or enhanced tourism facilities subject to certain criteria, including, criterion 2, that it forms part of a rural enterprise or farm diversification scheme, or (criterion 4) that it involves sustainable low impact tourism in the countryside.

This approach is also supported by national guidance as outlined in TAN6- Planning for Sustainable Rural Communities which states at paragraph 3.1.2:-

“Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment. The expansion of ICT technology, in particular broadband, into rural areas could help to overcome the barriers associated with distance to market, and access to customers and business services. It could also support diversification into higher paid employment sectors. Planning authorities should support planning applications which are intended to enhance infrastructure networks in rural areas.”

In addition paragraph 3.1.3 of TAN6 highlights that planning authorities should promote the expansion of established businesses:

“This should include supporting the expansion of businesses that are currently located in the open countryside provided there are no unacceptable impacts on local amenity.”

Furthermore, in relation to tourism uses paragraph 11.1.4 of Planning Policy Wales states:

“Tourism involves a wide range of activities, facilities and types of development throughout Wales. The planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities. In addition to supporting the continued success of existing tourist areas, appropriate tourist-related commercial development in new destinations, including existing urban and industrial heritage areas, should be encouraged.”

It will be noted from the planning history, and the supporting information, that the original farming enterprise was replaced by the golf course in the early 1990s. Following initial success and expansion, the golfing industry was hit by the recession, and the established business began to struggle. Since then it has sought further diversification opportunities, such as business seminars and general functions, including being licensed as a wedding venue. In hosting these events, the applicants have recognised that there is a demand for local, affordable accommodation, and believe that their proposed glamping scheme can meet this need. This view is supported by the Council’s Tourism & Marketing section, which confirms that the nature of the proposed development is very much in keeping with the type of development that would complement the existing tourism industry in the Vale. The type of self-catering accommodation proposed is not readily available in the Vale, and this area particularly struggles with a distinct lack of accommodation for visitors. In addition the proposed development would support the Council’s efforts in establishing the Vale as a quality destination offering a very wide variety of accommodation. It is also confirmed that accompanying business plan is very comprehensive and offers much evidence to support a development of this nature.

In addition to the above, although the supporting evidence does not suggest that the proposal will result in any significant additional employment, nevertheless, it is likely that there will be a small increase. Certainly the proposal will serve to support and enhance the existing rural business, thereby safeguarding existing employment in line local policy and national guidance, including PPW which states at paragraph 7.6.1:-

“Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence.”

As such the principle of the diversification of the established rural business with the creation of the proposed camp site is considered acceptable.

As the supporting Planning Statement notes at paragraph 6.6:-

“It is considered that the proposed tourism scheme (which will be ancillary to the existing St Andrews Major Golf Course) would complement its surrounding uses and safeguard the future of the golf clubhouse by enabling it to complete on a national level. Whilst the proposal is not technically a ‘farm diversification scheme’ it does follow the same general principles in that the development will support and diversify existing rural enterprise in line with Policies SP11 and MD 14 of the Deposit LDP.” (LDP now adopted).

Further consideration of the proposal under criterion 4 of MD13, as to whether the proposal involves sustainable low impact tourism in the countryside, is considered under the design and visual impact section of this report.

Residential Conversions

As regards the proposed residential barn conversions, the relevant policies of the LDP include MD1-Location of New Development, and MD11-Conversion and Renovation of Rural Buildings. The Council's SPG on The Conversion of Rural Buildings is also relevant to the assessment the principle of the conversion to residential accommodation.

Policy MD11 allows for the conversion of rural buildings to a residential use subject to certain criteria, including, the building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable; and the location of the building is sustainable in terms of access to local services, public transport and community facilities.

It is noted that the applicants have not explored the alternative uses suggested in MD11 of the LDP, which requires that marketing for other uses such as farm diversification, business, community, tourism uses. However, in this instance, it is a material consideration that the application was registered on 24 March 2017, some three months prior to the formal adopted of the LDP on 28 June 2017. The supporting documentation references UDP policies and the application was submitted in line with adopted plan in force at the time, being the UDP.

In particular Policy ENV8 of the UDP does not require applicants to demonstrate that alternative uses other than residential have been explored and to provide such evidence. As such, and bearing in mind that the timescales involved are such that the application could have been approved before the adoption of the LDP, it is considered unreasonable to now require such evidence due to the delay in the determination of the application. Furthermore, it is acknowledged that the implementation of the new camp site is dependent upon the capital that will be raised from sale of the residential barn conversions. As such, the proposal will support an existing rural business, and enable the provision of much needed tourist accommodation in the Vale. It is recognised that the site is outside of any settlement boundary as defined within the LDP. However, it is not in an entirely remote location, being close to the existing golf clubhouse and within walking distance of the settlement of Barry.

A further criterion of MD11 requires that the conversion of an existing rural building would not give rise to the need for a replacement. On this point it is noted that both barns are no longer utilised for farming activities and are essentially redundant.

It is noted that the SPG on rural conversion states at paragraph 4.1.1 (f):-

“A planning consent for the conversion of a building does not authorise its demolition and replacement, even by facsimile. Some conversion proposals may however involve minor reconstruction of the external walls. Rebuilding that is not of a minor nature will be unacceptable as this invariably destroys the original appearance and character of the building. For this reason applicants should be satisfied that the building is structurally sound and that development can be undertaken in accordance with the submitted plans without recourse to additional rebuilding other than that shown on the plans.”

The application is supported by an initial structural survey which indicates at paragraphs 3.4 and 4.3 that it should be feasible to convert the existing structures for residential use. The report states that a full structural and condition survey of both buildings will be required. In respect of the timber barn, this would determine the full extent of any deterioration to the timber members and the survey would highlight which timber members elements can be retained, which would require repair and which would need replacing. Structural design checks would be required to confirm the capacity of the structural elements for additional loads. It is considered that the initial structural survey provides.

The barns have been inspected by the Principal Building Control Officer who having undertaken a visual inspection and reviewed the initial structural survey and considers that the barns are capable of residential conversion.

It is considered that the initial structural survey, provides a sufficient level of comfort and that the barns can be converted and that the reuse would not require a substantial reconstruction that would unacceptably affect the appearance and rural character of the building and its setting, in line with criterion 2 of policy MD11. The visual impact of the proposed work is explored in more detail below.

It will be noted from the planning history that previous proposals in the 1990s to convert the barns were refused and dismissed on appeal, with particular concern that the timber barn would require substantial alteration. The application is supported by a Heritage Assessment. This recognises that the timber barn is not statutorily listed, however,

“...it still possesses and exhibits a degree of heritage significance worthy of consideration and is deemed to be a non-designated heritage asset. Whilst timber barns of this age (1885-1990) are very rare in the Vale of Glamorgan, they are however very common in some other parts of the UK, and in those areas, the successful conversion of timber buildings happens routinely.”

Thus in relation to the principle of the scheme as a whole, it is agreed that the development of ‘Greenyard Glamping’ will offer a unique opportunity to not only expand an existing business, but to fulfil an acknowledged need for more accommodation of this type within the Vale. As the supporting Planning Statement notes at paragraph 6.22:-

“Greenyard Glamping will offer an array of accommodation to cater for groups of all ages and needs. Both the Modulog and the Eco-Domes are fully insulated for year round occupation. The units will offer a fresh alternative to the standard golfing holiday package and its uniqueness will be a prime selling point.”

Furthermore, it is acknowledged that the proposal will provide a new use for the existing barns and prevent a non-designated historic asset from further decay, and potential loss.

Thus whilst the principle of the development is considered acceptable, it still remains necessary to assess the details of the application.

Design and visual impact

As already noted policy MD13 of the LDP allows for new tourism facilities subject to a number of criteria. Criterion 3 allows for the conversion of existing rural buildings in accordance with MD11, whilst criterion 4 requires that development in the countryside involves sustainable, low impact proposals. In addition MD2 relates to the design of new development, and requires that it be of a high standard that positively contributes, and responds appropriately, to the context and character of its surroundings.

In relation to the barn conversions criterion 2 of MD11 requires that the reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting. Paragraph 4.1.1 h) of the SPG on the Conversion of Rural Buildings also recognises that it is important that conversion work can be undertaken without unduly altering the appearance and rural character of each building. In addition, special consideration must be given to the delineation of the residential curtilage, which should be achieved in an unobtrusive manner.

The proposal will entail the demolition of some of the existing farm buildings, including the whole of the steel shed on the northern end of the site, and much of the milking parlour. However, the two main structures identified for conversion are shown to retain their rural character and appearance following the proposed works. As regards the defined garden curtilages for each of the new dwellings, these are formed primarily within the existing boundaries of the farmyard, and do not result in any undue incursion into the wider rural landscape.

Indeed the proposed camp site is also mostly contained within the existing farmyard, being centred on the large steel framed agricultural shed and its concrete apron. The introduction of a new vehicular access, internal drive, parking spaces, shower block, and the units themselves, will have an impact on the surrounding rural landscape. However, the design of the units, and low-key approach to the provision of facilities and the layout, is considered to be in keeping with policy MD13, which supports low impact tourism and leisure proposals.

It is noted that the Council's Highways section have requested a large on-site turning area for refuse vehicles, plus additional on-site car parking. These requirements would result in a heavily engineered layout contrary to the requirements of policy MD13. In this instance, it is considered that the effect on the character and appearance of the surrounding countryside takes precedence, particularly as the shortfall in parking, and lack of on-site refuse lorry turning arrangements, is more a matter of inconvenience rather than highway safety. This issue is examined in more detail below.

As regards the landscaping of the site, the application is accompanied by a Hedgerow Survey which identifies that the section of hedgerow to be removed in order to create the new access is likely to be an Important Hedgerow as defined under the Hedgerow Regulations 1997. It is acknowledged that only that section of the existing hedgerow and bank required to provide the necessary vision splays will be removed. In order to compensate for this, the enhancement of existing hedgerow is proposed. It is considered that the introduction of new, and the enhancement of existing hedgerows on the perimeter of the site will serve to contain development and minimise the visual impact. This is illustrated on the proposed site plan, however, full details are required by condition (see Condition 5).

On a separate issue it is noted that the development also proposes an addition to the existing dwelling with the development of a new detached garage. Policy MD12 of the LDP relates to Dwellings in the Countryside, and allows for extensions subject to certain criteria, including the extension is not disproportionate in size to the original dwelling; it would not unacceptably affect the character of the existing dwelling and its contribution to rural character; and would have no materially greater impact on the landscape. It is considered that the proposed garage is well related, and proportionate to the existing farm house, and should have no adverse visual impact.

Thus it is considered that the proposal will have some impact on the character and appearance of the surrounding landscape, but this will be limited and in line with local policy and national guidance. This rural business diversification scheme will offer measurable economic benefits, and is supported by the Council's Tourism section. Furthermore, it is recognised that the development should serve to maintain and enhance the main golf business and its associated facilities and employment.

Neighbouring and residential amenity

On the issue of neighbouring impact it is noted that no objections have been raised from either the Council's Environmental Health section or neighbouring occupiers. The existing golf business has been operating for some time, and there are other commercial uses close by, such as the Westra Kennels to the north.

The nearest residential properties are, 'Gilbert House' approximately 200m to the west, and 'Little Green' approximately 120m to the north. It is not considered that the use of the camp site should adversely affect the residential amenity of these dwellings. Notwithstanding this, it is recognised that should any noise nuisance arise, this can be controlled through other legislation, such as environmental health.

As regards the residential amenity of the development itself, it is noted that there is no requirement for private amenity space for the holiday units. However, the permanent residential barn conversions do need to provide private amenity space in accordance with the Council's SPG on Amenity Standards, which is 1 sq m for every 1 sq m of floor space. The proposed layout shows this will be achieved within an appropriate residential curtilage.

Highways

It is noted that the Council's Highway Development team have raised no objection based on the parking provision at the site. As such it is considered that the provision of 22 parking spaces to serve 12 No. holiday-let cabins, is sufficient to serve the development, particularly as the proposed layout would allow for any potential overspill to be accommodated within the site rather than on the adjacent highway as suggested in the representation. Moreover, Paragraph 4.7 of TAN18 recognises that in determining maximum car parking standards for new development, regard should be given to the objectives of economic development including tourism, and suggests a more flexible approach.

The proposed access has been designed to incorporate a servicing bay (to accommodate refuse and other servicing vehicles) without obstructing the adjacent highway and the proposed layout has been amended to provide a servicing bay at the new entrance to the camp site.

The Highway Engineer has objected to the lack of servicing facilities and maneuvering facilities within the site to serve the proposed holiday accommodation. This objection is on the grounds that vehicles parked within this servicing bay would obstruct visibility from the site access along the adjacent highway and will prevent other vehicles entering/exiting the site. Additionally, in the event that servicing vehicles were to enter the site, these would have to reverse out of the access into oncoming traffic, given the lack of on-site turning.

In respect of obstruction of visibility along the adjacent highway as a result of vehicles parked within the servicing, such an argument is not considered to be reasonable. Any difficulties resulting from the lack of a large on-site turning area for a refuse vehicle is more an issue of convenience rather than any measurable adverse impact on highway safety. In reality it is more likely that the refuse vehicle will park on the adopted highway at the entrance. This will cause an obstruction on the adopted highway, but only for a short length of time while the refuse is collected, a situation which is not uncommon in rural areas.

Given that the camp site will be serviced by refuse vehicles from the servicing bay, it is considered necessary to ensure the adequate facilities for waste collection are provided. Therefore a condition shall be imposed to require the submission of details of a bin store area, to include surfacing and the means of enclosure. (see Condition 18)

Furthermore, on the issue of highway safety, it is noted that the proposal includes a degree of betterment with the provision of a new passing bay to the south of the existing access. The land is within the applicants ownership and they have agreed to offer this for adoption. This can be secured by condition.

Ecology and biodiversity

In policy terms relevant policies and guidance include policies MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the LDP, and national guidance contained in PPW and TAN5-Nature Conservation and Planning. Paragraph 5.1.3 of PPW states:-

“A key role of the planning system is to ensure that society’s land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created. For example, new development on previously developed land provides opportunities to restore and enhance the natural heritage through land rehabilitation, landscape management and the creation of new or improved habitats.”

Natural Resources Wales (NRW) have commented on the proposal and note the bat report submitted in support of the above application has identified that bats are present at the application site. On the basis of the report, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, they have no objection to the proposal subject to a condition that prevents the commencement of any development works affecting bats, until the Council has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to proceed, or Natural Resources Wales has informed the applicant in writing that such a licence is not required.

The Council's own Ecologist has also assessed the submission and confirms there is no objection. However, a number of recommendations are made, including suggested conditions. The one condition is the same requested by NRW on the issuing of the licence. The other recommendations relate to bird nest sites, and the requirement to undertake the three tests in accordance with the Habitats Regulations. The requirement for mitigation/compensation for the loss of bird nesting site can be covered by condition (see Condition 7). As for the three tests, these are examined below.

Policy MG21 of the LDP includes reference to protected species and states that development that is likely to have an adverse impact on protected species will only be permitted where it can be demonstrated that:-

- 1. The need for the development clearly outweighs the nature conservation value of the site;*
- 2. Adverse impacts on nature conservation and geological features can be avoided;*
- 3. Appropriate and proportionate mitigation and compensation measures can be provided; and*
- 4. The development conserves and where possible enhances biodiversity interests.*

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). This requires the establishment of a system of strict protection, with derogations allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6).

The submitted survey work identified evidence of Protected Species with Common pipistrelle bats at the site.

The following points are noted in relation to the three tests for derogation.

Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The redevelopment of the barns has benefits in terms of providing much needed windfall housing, including and off-site affordable housing contribution in the wider public interest and providing a range of choice of housing within the Vale of Glamorgan. In addition, the provision of the camp site should enhance the tourism provision in the Vale with the associated economic benefits. As such the proposal is considered to be of overriding public interest of a social and economic nature that offers long-term benefits of primary importance.

Test ii) - There is no satisfactory alternative

It has been shown that the site can be acceptably redeveloped to provide additional housing. The site will allow for the retention and long term viability of two traditional barns within the rural landscape, which without a practicable re-use would continue to fall into disrepair and ruin. Not providing an alternative use of the barns, and allowing their loss, is not considered to be a satisfactory alternative. In addition the proposed tourism facility is associated with, and is a diversification of, an existing rural business. Once again, the alternative of not diversify and supporting the existing business, and the possibility that it fails, is not considered to be acceptable.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

As regards this third test, both the Council's Ecologist and NRW have accepted the findings of the submitted survey work.

NRW have advised that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, NRW and the Council's Ecologist do not object to the proposal, subject to a number of conditions, including, a scheme for the mitigation/compensation for the loss of bird nesting sites; and no commencement until a licence has been issued to the applicant by Natural Resources Wales, pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to ahead.

Thus it is considered that as the proposal meets all three tests for derogation, and is in line with local and national policy, guidance and regulations, including, policies MG21 and MD9 of the LDP; the Council's SPG on Biodiversity and Development; national guidance contained in TAN5 - Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010.

Section 106 planning obligations

The Council's policy on affordable housing is set down in Policy MG4 - Affordable Housing of the LDP, and requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing. The application site lies within the Rural Vale where the requirement is for 40% affordable housing to be provided.

In relation to the conversion of existing buildings to residential use, the trigger is a net gain of 2 or more dwellings. However, the written justification to the Policy MG4 states in paragraph 6.27 that "...In accordance with the recommendation of the small sites viability study, barn conversion are excluded from the requirements of Policy MG4."

In light of the above, no affordable housing contribution is sought.

Other issues

Glamorgan Gwent Archaeological Trust, the Council's archaeological advisors, have assessed the proposal and advise that there are no known or recorded archaeological sites or features located within the proposed application area. As a result, they confirm that there is unlikely to be an archaeological restraint to the development and consequently, they have no objections.

On the issue of drainage, there is a lack of clarity in relation to the intended method of foul drainage, and NRW have recommended that further information is requested. Welsh Water have indicated that they envisage no problem with the Waste Water Treatment Works for the treatment of domestic discharges from this site. In addition, a water supply can be made available to serve this proposed development.

Furthermore, the Council's Drainage section note that the site is not located within any DAM zone at risk of tidal or fluvial flooding, and that NRW flood maps indicate that there is a medium to low risk of surface water flooding to the adjacent highway. However, they note that no surface water drainage proposals have been submitted, and they recommend a condition requiring a detailed scheme for the surface water drainage of the site (see Condition 9).

NRW have also recommended that the applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development (see Informative 5).

Finally on the issue of possible land contamination, the Council's Environmental Health section have advised that activities associated with the existing and former uses on the site may have caused contamination and therefore the potential for risks to human health and the environment for the proposed end use. As such they recommend the imposition of the standard conditions relating to potential contamination, plus one relating to any importation of soils (see Conditions 10-15). They have also requested a condition requiring the submission of a Construction Environmental Management Plan, and a restriction on construction operation hours (see Condition 16).

In view of the above the following recommendation is made.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

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

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

- Site location plan, received 24 March 2017;
- Existing plans, site plan, floor plans and elevations, Drg. No.s Ex/SL/20, 22, 24, 25, 28, 29 and 30, received 24 March 2017;
- Proposed site plan, Drg. No. PR/SL/21B, amended plan received 1 September 2017;
- Proposed housing layout, Drg. No. PR/SP/23, received 23 March 2017;
- Proposed Barn A, floor plans and elevations, Drg. No.s PR/A/26 and 27, received 24 March 2017;
- Proposed Barn B, floor plans and elevations, Drg. No. PR/B/31, 32, and 33, received 24 March 2017;
- Floor plans, elevations and specifications for Units A, B, C and Dome unit, received 24 March 2017;
- Shower unit floor plans and elevations, received 24 March 2017;
- Hedgerow Survey prepared by TDA, received 24 March 2017;
- Planning Statement prepared by Asbri Planning dated March 2017, received 7 April 2017;
- Initial Structural Inspection Report, prepared by Ramboll dated February 2017, received 24 March 2017;
- Nesting Bird Survey prepared by Khepri Wildlife Services dated 24 October 2016 and received 24 March 2017;
- Extended Phase 1 Survey prepared by Vicky Hannaford dated 26 October 2015, received 24 March 2017;
- Bat Survey prepared by Richard Watkins dated February 2016, received 24 March 2017;
- Heritage Assessment prepared by The Environmental Dimension Partnership dated January 2017, received 24 March 2017; and
- Greenyard Glamping Business Plan dated January 2017, received 24 March 2017.

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. Other than Barn A, Barn B and the associated garaging and curtilages serving the converted barns, the development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site which is located in in the countryside, and to comply with the terms of Policies MD2-Design of New Development, and MD13-Tourism and Leisure of the Local Development Plan.

4. Before the commencement of development full details of the new access, internal roads and passing bay, which shall include levels, sections, any gates and retaining walls, and surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter before the first beneficial occupation of the camp site in the case of the new access, new internal road, and passing bay, and first beneficial occupation of either one of the residential barn conversions in the case of the improvements to the existing access and new shared access.

Reason:

Full details have not been provided and in the interest of highway safety and visual amenity in accordance with Policies MD2-Design of New Development and MD13-Tourism and Leisure of the Local Development Plan.

5. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall pay regard to the submitted Hedgerow Survey, and include measures for the protection throughout the course of development of existing hedgerows to be retained, along with full details of new planting, including enhancement to existing hedgerows.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP10-Built and Natural Environment, MD1-Location of New Development, MD2-Design of New Developments, MD11-Conversion and Renovation of Rural Buildings and MD13-Tourism and Leisure of the Local Development Plan.

6. 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 5 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.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP10-Built and Natural Environment, MD1- Location of New Development, MD2-Design of New Development, and MD11-Conversion and Renovation of Rural Buildings, and MD13-Tourism and Leisure of the Local Development Plan.

7. Prior to the commencement of development, a scheme for the mitigation/compensation of the loss of bird nesting sites, which shall be informed by additional data recorded on site of the number of nests, species, etc., shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the timescales set out in the agreed scheme.

Reason:

To ensure adequate mitigation/compensation of the loss of bird nesting sites in accordance with Policies MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan.

8. Prior to the commencement of development the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead; or a Method Statement agreed by the relevant licensing body which will allow the works to be undertaken, providing they are undertaken in accordance with the Method Statement, and will therefore not require a licence.

Reason:

To safeguard protected species in accordance with Policies MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan.

9. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial occupation of the first of the residential barn conversions, in relation to the drainage of that element of the development, and first beneficial use of any one of the holiday let units in relation to the drainage of that element of the development, with both drainage schemes being retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD1-Location of New Development, and MD7-Environmental Protection of the Local Development Plan.

10. No development shall commence until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person *in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy MD7-Environmental Protection of the Local Development Plan.

11. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy MD7-Environmental Protection of the Local Development Plan.

12. The remediation scheme approved by Condition 11 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy MD7-Environmental Protection of the Local Development Plan.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy MD7-Environmental Protection of the Local Development Plan.

14. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7-Environmental Protection of the Local Development Plan.

15. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7-Environmental Protection of the Local Development Plan.

16. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

1. Hours of construction, which should be Monday-Friday 08:00 until 18:00, Saturday 08:00 until 13:00, with no work Sunday or Bank Holiday; and any foundation or other piling or drilling should be restricted to Monday-Friday 8:30 until 17:30 only;
2. Noise and its mitigation (also where appropriate reference to BS5228), including locations, frequency and methodology of routine noise monitoring which would be required to be undertaken by the developer throughout the construction period;
3. Vibration and its mitigation;
4. Specific requirements for the mitigation of any piling operations;

5. Dust control and list of permitted mobile crushers and screens;
6. Agreed hours for the undertaking of 'noisy' works (the definition of such works to be agreed through the CEMP);
7. Illumination / lighting of development sites during winter months;
8. The parking of vehicles of site operatives and visitors;
9. The erection and maintenance of security hoardings;
10. Wheel washing facilities;
11. Control of smoke/fires onsite; and
12. Appropriate removal of waste.

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy MD7- Environmental Protection of the Local Development Plan.

17. The campsite hereby approved shall not be occupied until the approved passing bay has been constructed and completed on site in full accordance with the details approved under Condition 4 and offered for adoption to the Highway Authority.

Reason:

In the interest of highway safety in accordance with Policies MD2-Design of New Development and MD13-Tourism and Leisure of the Local Development Plan.

18. Notwithstanding the approved plans and prior to the commencement of the construction / laying out of the camp site, details of a bin/waste collection area (to include its means of construction and means of enclosure), within the site and adjacent to the servicing area shall be submitted to and approved in writing by the Local Planning Authority. The agreed bin/waste collection shall be completed prior to the first beneficial use of the camp site and retained thereafter for its approved use.

Reason :

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP10-Built and Natural Environment, MD1-Location of New Development, MD2-Design of New Developments and MD13-Tourism and Leisure of the Local 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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

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

Having regard to Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, SP11-Tourism and Leisure, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG29-Tourism and Leisure Facilities, MD1-Location of New Development, MD2-Design of New Development, MD4-Community Infrastructure and Planning Obligations, MD7-Environmental Protection, MD8-Historic Environment, MD9-Promoting Biodiversity, MD11-Conversion and Renovation of Rural Buildings, MD12-Dwellings in the Countryside, MD13-Tourism and Leisure, MD14-New Employment Proposals, and MD17-Rural Enterprise of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Conversion of Rural Buildings, Biodiversity and Development, Design in the Landscape, Golf related development, Parking Standards, Planning Obligations, and Trees and Development; and national guidance contained in Planning Policy Wales, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN13-Tourism, TAN16-Sport, Recreation and Open Space, TAN18-Transport, TAN23-Economic Development, and TAN24-The Historic Environment; it is considered that the proposal represents an appropriate form of tourism development, enabled by the residential barn conversions, that will offer economic benefits that outweigh any minimal adverse impact on the character and appearance of the surrounding rural landscape. Furthermore it is not considered that the proposal will result in any unacceptable harm to highway safety or neighbouring amenity. In addition, the proposal should not cause any detriment to ecology or biodiversity issues.

NOTE:

1. **The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) **determining the extent and effects of such constraints;**

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.**
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - Japanese Knotweed stems, leaves and rhizome infested soils.**
- In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and (iii) the safe development and secure occupancy of the site rests with the developer.**

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

- 2. Please note that part of this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
- 3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

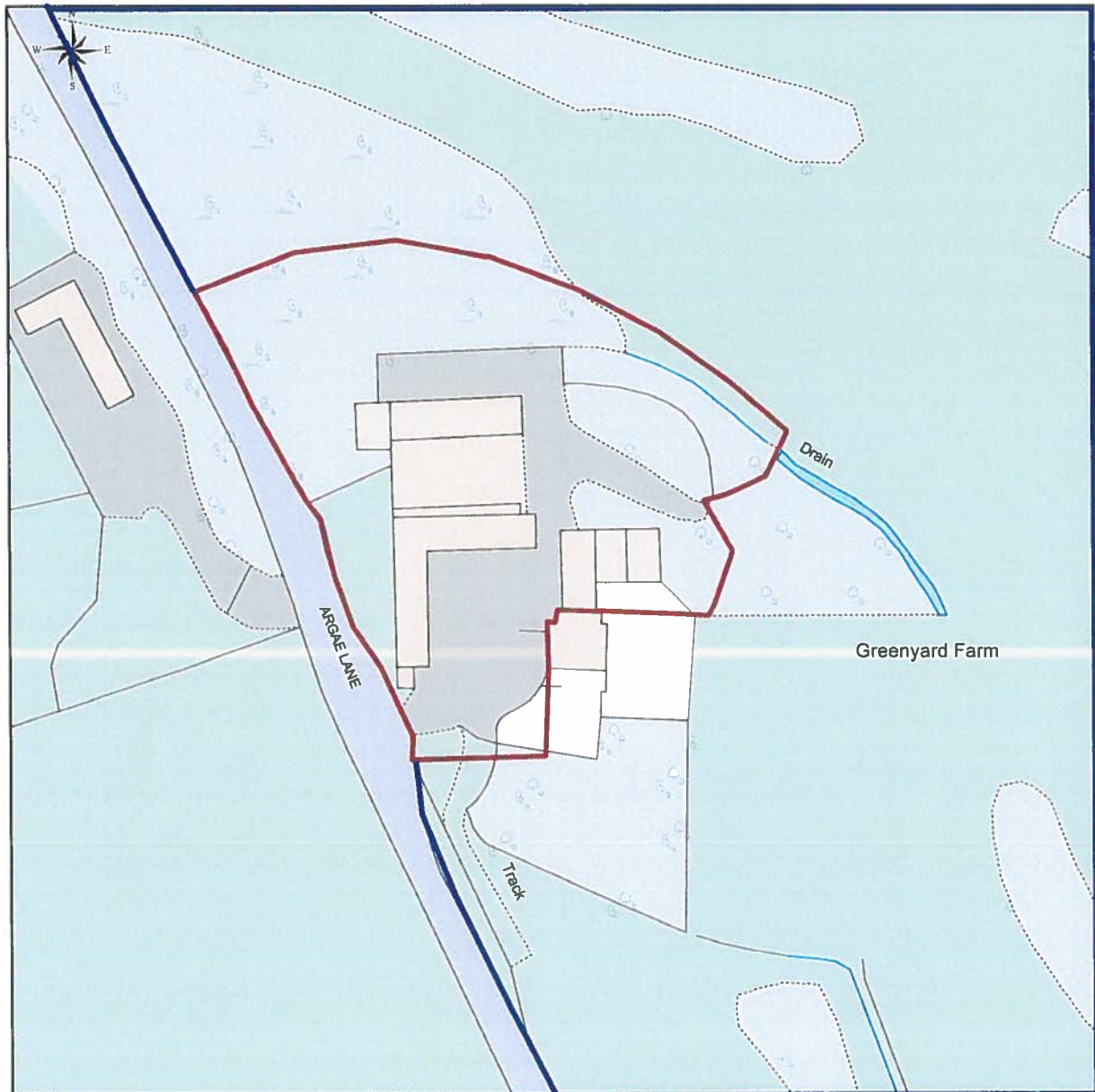
4. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm). There may also be other permits/consents required and the developer is responsible to ensure that these are met.**
5. **Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

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

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

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

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



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Scale: 1:1250, paper size: A4

2017/00737/FUL Received on 20 July 2017

Mr. C. S. Manning, 7, Barry Road,, Barry,, Vale of Glamorgan., CF63 1BA
Richard Andrews Architects Ltd., The Stables,, The Estates Office,, 25-26, Gold
Tops,, Newport., NP20 4PG

7, Barry Road, Barry

Conversion of existing 2 no. A1 shop units into new C3 dwelling. Alterations to existing C3 Dwelling

REASON FOR COMMITTEE DETERMINATION

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

- The application has been called in for determination by Councillor Neil Moore. Councillor Moore has advised that he feels the applicant has justified the proposed change of use, that it would not harm the local retail centre and the re-use of the building would be a benefit to the street scene.

EXECUTIVE SUMMARY

The application proposes the change of use from a mixed use (A1 and residential) to two residential flats.

The main issues involved in the assessment of the application are the principle of the change of use in this location, the visual impact of the proposal, parking, highway safety and any impact upon residential amenity.

The application is recommended for refusal for reasons relating to the loss of the retail use within a protected Local Centre without sufficient marketing being carried out to clearly demonstrate that the site is unviable as a commercial unit.

No objections have been received from the public consultation process.

SITE AND CONTEXT

The application site is number 7 Barry Road, which is located close to the junction with Main Street, in Cadoxton, Barry. The site lies within the Main Street Local Centre defined in the Adopted Local Development Plan.

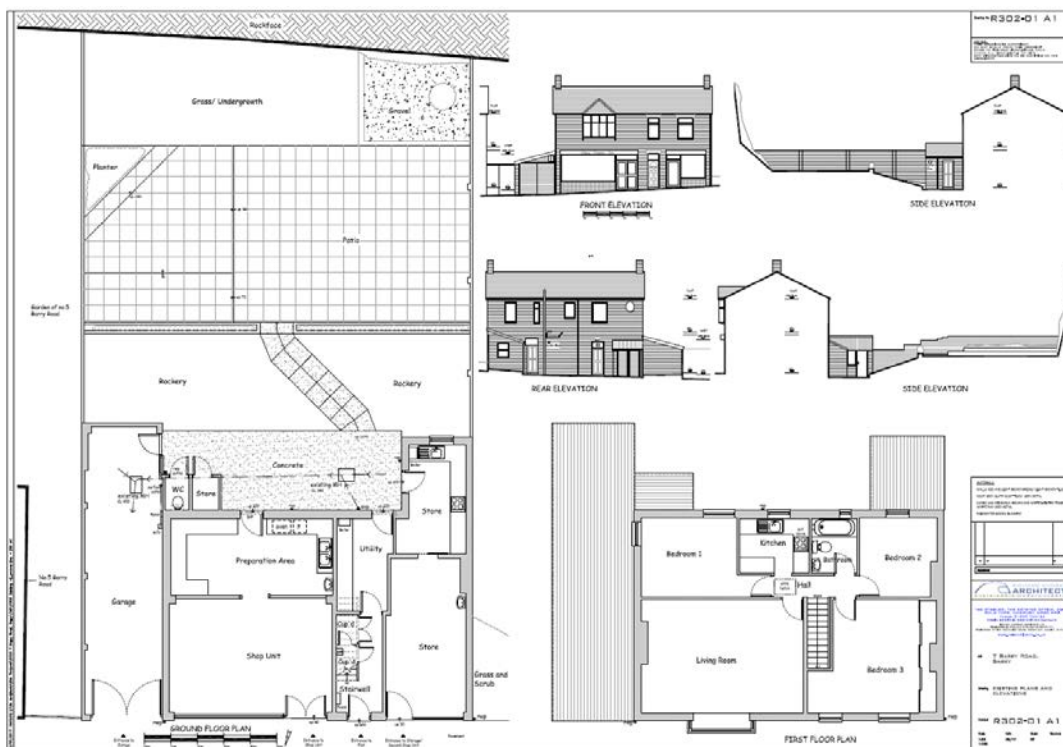
The application relates to a two storey, red brick detached building with a slate roof and a small dormer projection to the front at first floor. There is currently vacant land to one side and an un-adopted lane between the application site and the adjacent A3 takeaway. The site is substantially lower than the adjoining Kenilworth Road.

The building currently accommodates an A1 cake decoration shop called 'Alisons' and a small vacant retail unit at ground floor, with a flat above. The wider area comprises a mix of commercial and residential uses.. The site is identified below: -

DESCRIPTION OF DEVELOPMENT

The application proposes the change of use of the building to two residential flats (one at ground floor/one at first floor). The building would be altered minimally at the front to provide doors and windows in place of the existing shop fronts for the active A1 and vacant units. An external staircase is proposed to the rear in order to provide access from the first floor flat to the shared rear garden space. The existing and proposed plans are indicated below: -

Existing



Proposed

One of the two flats would benefit from a single parking space, accessed directly from Barry Road.

PLANNING HISTORY

1992/01034/FUL: 7, Barry Road, Barry, Proposal: Bedroom and kitchen extension at first floor level: Approved

2005/01757/ADV: 7, Barry Road, Barry - Gable wall of, Proposal: 1 X 48 sheet static non-illuminated advertising hoarding: Refused

1994/01053/FUL: 7, Barry Road, Barry, Proposal: Extend kitchen facilities to shop unit on ground floor with first floor bedroom extension to residential accommodation and internal alterations: Approved

CONSULTATIONS

Barry Town Council- No objection

Local Ward members- Councillor N. Moore has indicated his support for the applicant and requested that the application is considered at planning committee. It has been indicated that Cllr Moore would like the matter to be referred to Planning Committee as he feels the applicant has justified the proposed change of use to residential and that the change would not harm the local retail centre. Furthermore, Councillor Moore has advised that converting this to a private residence would make the area more aesthetically pleasing and may encourage the adjacent vacant plot to be finally developed

REPRESENTATIONS

The neighbouring properties were consulted on 25 July 2017.

A site notice was also displayed on 3rd August 2017

No comments have been received to date.

REPORT

Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1- DELIVERING THE STRATEGY
POLICY SP6 – RETAIL

Managing Growth Policies:

POLICY MG12 – RETAIL HIERARCHY
POLICY MG15 – NON A1 RETAIL USES WITHIN LOCAL AND
NEIGHBOURHOOD RETAIL CENTRES

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD5 – DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD7 - ENVIRONMENTAL PROTECTION

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

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

Chapter 10 of PPW sets out the Welsh Government guidance for planning for retail and town centres. Paragraph 10.1.2 states:

“The Welsh Government’s objectives for retailing and town centres are to:

- secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas;

- promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions;
- enhance the vitality, attractiveness and viability of town, district, local and village centres; and to
- promote access to these centres by public transport, walking and cycling.”

10.1.3 Retail and commercial centres, identified in development plans are defined as established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction. Opportunities to live in these centres, combined with their good public transport links, make them very sustainable places.

10.2.8 Individual small shops and businesses, such as convenience stores and public houses, which are not part of established retail and commercial centres, can play an important economic and social role, particularly in rural areas and in urban areas with limited local provision, and their loss can be damaging to a local community.

10.3.6 To assess retail and commercial centre performance local planning authorities should monitor their health and recognise the signs of decline or structural change. There may be many causes of decline ranging from national or local economic circumstances, competition with other centres or changes in local shopping habits. Local planning authorities should use the strategy in their development plan to manage decline in a retail and commercial centre or to take action to regenerate it. In some situations over emphasis on A1 uses in either primary or secondary areas may undermine a centre’s prospects, potentially leading to high vacancy rates. In such circumstances local planning authorities should consider how non-A1 uses may play a greater role in retail and commercial centres to increase diversity and reduce vacancy levels.

10.3.10 Policies and supplementary planning guidance should support the management of retail and commercial centres where appropriate. Such management, involving enhancement and promotion, can be an important factor in achieving vibrancy, viability, and attractiveness in retail centres. Management measures can also contribute to the achievement of a safe and crime free environment. Partnership between local authorities and the private sector is essential to the success of such management strategies.

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 4 – Retail
- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Amenity Standards
- Parking Standards (Interactive Parking Standards Zones Map)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- LDP Background Paper – Local and Neighbourhood Retail Centres Review (April 2015) – This analysed the local and neighbourhood retail centres in the Vale of Glamorgan and consolidated the boundaries to reinforce the ‘commercial core’ of these areas. In doing so, the application site was assessed and considered to still form part of the Local Centre of Main Street. This was found sound by the Inspector in the recent LDP Inquiry.

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the principle of the change of use to residential involving the loss of A1 in a Local Centre, the impact upon the amenity of neighbouring residential properties, the impact upon highway safety and parking provision.

Principle of the proposed change of use

Local Development Plan Policy MG12- Retail Hierarchy sets out the hierarchy of retail centres within the Vale, and this is based upon the size and availability of retail provision. The designations have been defined where there is a sufficient concentration of retail activity such that it cumulatively comprises a 'centre'. The application site sits within the Local Retail Centre on Main Street/Barry Road for the purpose of this policy. As a consequence, the other principal relevant policy in this instance is Policy MG15- Non A1 Retail Uses within Local and Neighbourhood Retail Centres, which seeks to protect the retail function within these centres.

The Policy outlines the following requirements (in respect of Local Centres): -

WITHIN LOCAL RETAIL CENTRES, PROPOSALS FOR NON-A1 RETAIL USES WILL BE PERMITTED WHERE:

- 1. THEY WOULD NOT RESULT IN EXCESS OF 50% NON-A1 RETAIL USES;*
- 2. IT IS DEMONSTRATED THROUGH ACTIVE AND APPROPRIATE MARKETING THAT THE EXISTING USE IS NO LONGER ECONOMICALLY VIABLE; AND*
- 3. THE PROPOSAL WOULD NOT RESULT IN AN OVER CONCENTRATION OF NON-A1 USES THAT WOULD BE DETRIMENTAL TO THE VITALITY, ATTRACTIVENESS AND VIABILITY OF THE LOCAL CENTRE.*

The LDP notes that local and neighbourhood retail centres perform a valuable role in sustaining local communities, providing for the daily needs of local residents and reducing the need to travel. In some cases changes of use away from retail can significantly damage the viability of a centre and contribute to its decline and ultimate loss. It is important therefore to ensure that such changes are carefully managed and that the important role of the local retail centres is maintained.

From a recent survey of the current units in the local centre, the change of use would not result in more than 50% of the Local Centre being non A1 uses. In particular, at present 44% of uses in the centre are non A1 and with the change of use, this would result in 48% being non A1.

Notwithstanding this, in accordance with part 2 of Policy MG15, additional information was requested to demonstrate that the unit has been appropriately marketed as an A1 unit for a sustained period of time. It may be the case that some properties are no longer viable as commercial units within retail centres, however, the onus is on an applicant to provide information to clearly justify the development in terms of viability.

The Local Development Plan indicates the type of information that should be included if an applicant is seeking to change the use of a unit to a non A1 use, and these have been conveyed to the applicant. These include: -

- The last known use of the site and its condition.
- Where and how the site has been advertised as an A1 use. For example, details of estate agents, advertising boards, newspapers, internet etc. This should also include the cost of rent/purchase and how long the site has been marketed.
- Details of the number of enquiries over the marketing period and what potential clients were seeking to use the site for, including the reasons for any prospective tenants not taking up the site.
- Any advertising or marketing strategy used to rent/sell the unit in its current use.

Information submitted by the applicant's agent demonstrates that the one of the units still operates as a cake decoration business 'Alisons', and this was evident on at the time of the officer's site visit. The other unit is essentially vacant and the applicant has suggested that it has been for a period of years (albeit used at times for storage in association with the retail unit). The units have been marketed by mainly online commercial estate agents (as an A1 unit) since January 2015. It is apparent that no sales board has been displayed at the premises, as the applicants have advised that they did not want it to adversely affect their existing business by deterring potential customers. Whilst this is accepted as a potential reason, it nevertheless means that the marketing has been somewhat 'passive' in nature. The applicants have advised that they are seeking to sell the unit as they are looking to retire and have suffered costs associated with the lease/rent of the flat.

As part of a contract with the applicant's commercial estate agent the unit was advertised online on 'Rightmove', 'Businessbuyers.co.uk', 'Daltonbusiness.com', 'rightbiz.co.uk' and 'uk.businessforsale.com'. The applicants also separately advertised the business with Nationwide Businesses in 2009.

The whole building (2 commercial units and the residential above) has been advertised on the various sites for sale only. The sale value of the property did vary on one of the websites (£299,955K on rightbiz) whereas the remainder of the websites advertised the unit as £255,750. Recently (within last month) the websites have reduced the sale value to £240,500. The Council's estates department have been asked to comment on these sales values and their comments will be reported verbally to Committee.

The retail unit is advertised as a successful and operating retail space with the chance of expansion into the smaller unit and the associated rental of the flat. The details submitted to the Council and the particulars of the sales do not clearly indicate the condition of the building but during the site visit it was evident that some updating/modernisation of the frontage may be required. Nonetheless, the unit is currently being used for retail purposes and the condition of the building does not prohibit this.

Over the 32 months that the site was marketed, the agent has indicated that the applicant has not received any interest in the site and to date there have been no offers on the site for its purchase. When the applicant advertised separately with Nationwide Businesses in 2009, they had one interested party but they did not make an offer as they considered the smaller unit too small.

Although the applicant has provided information which demonstrates a form of marketing, it is considered that the marketing strategy is not sufficiently active to comply with the requirements set out in the policy. In particular, there are concerns over the nature of the marketing exercise and the strategy undertaken.

In terms of the strategy, the applicant has only marketed the building as a whole (i.e. 2 commercial units with residential above). Despite no enquiries regarding the site, insufficient attempt has been made to revise the strategy within the period of time the unit has been for sale. For example, the sale price has only very recently been reduced (within the last month) and consequently there has been little opportunity for this price to be tested.

The applicant has not sought to sell or lease the commercial units or the flat separately and, therefore, the marketing exercise has not demonstrated that either or both of the units are not viable individually. It is considered that it is quite possible there may be market interest in the flat, or in buying one or both of the commercial premises, however, the marketing exercise has limited potential interest to the whole package only. The market of potential purchasers for the building as a whole may well be significantly less than it would be for the units individually, but critically this has not been investigated. The strategy therefore does not demonstrate that the commercial units are not viable in themselves.

It is possible that the applicant could have sought to update the condition and appearance of the building, to make it more attractive to prospective purchasers. Whilst, this is not fundamentally necessary, it is just important that the price is reflective of the condition of the building..

Notwithstanding all of the above points, it is emphasised to Members that the larger unit is currently operational and functioning as a retail unit. It is considered that this is fundamental to the assessment and substantially demonstrates that the commercial use of the property is not currently economically unviable. While the personal circumstances of the applicant are appreciated, the desire to retire does not equate to an absence of viability and this is the basis upon which compliance with Policy MG15 must be assessed. The applicant has submitted no evidence to suggest that in spite of the current functioning of the use, it is economically unviable.

The site has not been advertised with local estate agents and no for sale/rent board has been erected on the premises. The owner has indicated that if a sale board was erected this would have negatively impacted on the business, which relies heavily on pre ordering. While this position is understood, the applicant has significantly limited their potential market by only advertising the sale online and any potential new occupiers locally may not have been aware of its availability. Although a potential occupier from outside of Barry and the Vale of Glamorgan could purchase the building, it is not unreasonable to assert that a small retail unit within a mixed use location would potentially be attractive to those who live relatively close to the site.

It is considered that the absence of an on-site sales board and marketing through a local agent indicates a relatively passive marketing exercise, where not all reasonable efforts have been made to sell the commercial unit. This is exacerbated by the points raised above in respect of the strategy, and the marketing of the building as a whole.

The viability of a retail unit is particularly important when the proposed change of use is residential (rather than an alternative commercial use) as a residential use will be very likely to result in the permanent loss of commercial activity, and this can have a knock on effect in terms of attracting customers to the area, supporting neighbouring businesses and maintaining the vitality of the centre. As such, if the potential sale/lease of an A1 unit has been problematic, an alternative commercial use would be likely to have less impact on the vibrancy of the commercial centre as a whole.

The LDP indicates within the supporting text that alternative commercial uses will usually be favoured where they are retail type services or other commercial or community related uses which add to the attractiveness and overall offer of the centre. These uses can include A3 (Food and Drink) D1 (non residential institutions), D2 (assembly and leisure), A2 (professional services) and B1 (Office uses). Despite this flexibility in the policy and supporting text, the applicant has not demonstrated that they have considered other commercial uses that could be considered more acceptable under the provisions of above mentioned policy.

Members are advised that the case officer has consulted the Council's Estates department on the value of the property but to date no formal response has been received. Should a response be received, this will be reported to Members through a matters arising note. This response will consider whether the advertised price is realistic for the specific property and whether this raises any further concerns in terms of the marketing strategy. Notwithstanding this, the above concerns are so significant (in terms of the absence of a demonstrated viability case) that the application can be reasonably considered in the absence of this consultation response.

In considering the issues above and to provide recent context, it is relevant to note an appeal decision in respect of a refused application at 1-3, Adenfield Way, Rhoose, (application 2013/00009/OUT) (appeal decision 22nd January 2014).

In this case the units were within a neighbourhood centre and had been marketed for a period of approximately 9 months, including the period leading up to the appeal hearing. The units were marketed by a letting board, on the agent's web site, and on commercial web sites such as Zoopla and Rightmove. While this case is slightly different, there are similarities, particularly where the Inspector considers the viability of the units and whether the marketing of the site had demonstrated that the loss of the units to residential use was justified. On the basis of the information set out, the Inspector outlined the following:-

11.*The marketing has been described as being 'in the normal commercial manner', but on the evidence presented before me little effort has been made to actively seek out prospective tenants. I would describe the marketing that has taken place as passive, rather than active. As the proposal is to replace the entire centre I also consider that it should be demonstrated that it is unlikely that a buyer for the whole centre could be found.*

Members will note that these matters must be considered on a case by case basis, however, the dismissed appeal demonstrates that it is necessary for the applicant to not only carry out the marketing exercise for a sustained period but also to prove that it is an active rather than a passive marketing exercise. In view of this and the reasons set out above, it is considered the current market exercise carried out by the applicant falls well below the reasonable requirements and fails to demonstrate that future retail viability of the unit is unlikely.

In conclusion, it is considered that an economic viability case has not been adequately demonstrated and insufficient evidence has been submitted to justify the loss of the A1 units. It is considered that the unjustified loss of these units, to an alternative use that is not commercial in any respect, would unacceptably detract from the retail function of the Local centre. The fact that the non-A1 proportion of the centre would remain (only marginally) below 50% does not infer that the change of use is acceptable. Rather policy MG15 sets out that a change of use will not be permitted if it results in more than 50% being non-A1. Part 3 of the policy still requires an assessment of whether the development would in any case result in an overconcentration of non-A1 uses that is detrimental to the vitality and attractiveness of the centre, even if the non-A1 proportion is under 50%. In this case, it is considered that the complete loss of commercial activity in these units, taken together with the percentage of non-A1 uses that would result, would be harmful to the retail centre.

The proposal would therefore be contrary with Policy MD2 (criteria 1 and 2), policy SP1 (introductory paragraph and criterion 3) and policy MG15- Non A1 retail uses within Local and Neighbourhood retail centres of the Adopted Local Development Plan 2011-2026 and the advice and guidance set out in Paragraphs 10.2.8 and 10.3.10 of Planning Policy Wales (9th Edition). Notwithstanding this, the other key considerations are assessed below.

Amenity Space

The Council's Supplementary Planning Guidance on Amenity Standards requires 20m² of amenity space to be provided for occupiers of flatted developments and states that the Council will ensure useable, adequate and appropriate private amenity space is provided as part of residential developments.

The amenity space provision indicated at the rear of the premises is significantly larger than the 80 square metres of amenity space required and it would also be private, of a useable shape and can be accessed by both the ground and first floor flats.

Accordingly, there are no objections to the proposal on the basis of the amenity space provision.

Neighbouring impacts

Criterion 8 of Policy MD2, 5 and 7 indicate that proposals will be permitted if the use does not generate unacceptable effects on neighbouring residential amenity.

This is a mixed commercial and residential area and occupiers of flats above the neighbouring shops and commercial premises would not be harmfully impacted by the change of use to two residential flats. There are no physical changes to the building that would result in the development being overbearing and the external stair case would not unreasonably impact upon the privacy upon the adjoining flatted developments.

Consequently, it is considered that there would not be any adverse effects on nearby residential occupiers, complying with the objectives of the Adopted LDP policies.

Visual Impact

There are minor changes to the frontages of the building at ground floor. These changes would result in domestic doors and windows for each commercial unit in place of the shop front. As this property is the last commercial unit of the Local Centre and the area is a mix of residential and commercial units, the change to windows and doors would not be unacceptable within the street scene as a whole (i.e. the street scene beyond the retail centre).

The proposal is not therefore considered to be harmful to the character or appearance of the existing property or the visual amenity of the wider area, in accordance with LDP Policy MD2.

Highway Issues

It is considered that the premises lie within a highly sustainable location, which is well served by public transport facilities and an existing garage that could accommodate one parked car.

The proposed change of use would not give rise to any significant increase to traffic within the area, and despite limited long stay parking, the application proposes to retain the garage parking space off an existing access for the first floor flat.

Having regard to the above, therefore, it is considered that the proposal would not generate an unacceptable level of traffic or create/exacerbate parking problems, in accordance with Policy MD2 of the LDP.

RECOMMENDATION

Refuse

REFUSE (W.R.)

1. The proposal would result in the loss of two existing retail/commercial units, without appropriate justification in terms of economic viability, and this would in turn unacceptably impact upon the vitality and retail function of the Local Centre of Main Street. The principle of the development is therefore considered unacceptable and detrimental to the local community, failing to comply with Policies SP1- Delivering the Strategy, MG15- Non A1 Retail Uses within Local and Neighbourhood Retail Centres, and MD2- Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice and guidance set out in Planning Policy Wales, (Edition 9).

REASON FOR RECOMMENDATION

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

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

NOTE:

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

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

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

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

<p>Number R302-00 A4</p>	<p>NOTES: THIS DRAWING IS COPYRIGHT. DO NOT SCALE FROM THIS DRAWING. CHECK ALL DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECT.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">REVISIONS</th> <th style="text-align: left;">DATE</th> <th style="text-align: left;">BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS	DATE	BY							<p>RICHARD ANDREWS ARCHITECTS SUSTAINABLE:MODERN:CREATIVE</p>	<p>THE STABLES, THE ESTATES OFFICE, 25-26 GOLD TOPS, LONDON NW3 4PB EMAIL: admin@ra-architects.co.uk</p> <p><small>RICHARD ANDREWS ARCHITECTS LTD. REGISTERED IN ENGLAND & WALES NO.0274171. REGISTERED OFFICE: COMPANIES HOUSE, GORDON WAY, GARRIF, CF14 3UZ WWW.RA-ARCHITECTS.CO.UK</small></p>
REVISIONS	DATE	BY											
<p>Job 7 BARRY ROAD, BARRY</p>		<p>Drawing SITE LOCATION PLAN</p>											
<p>Number R302-00 A4</p>		<p>Scale 1/1250</p>	<p>Date July 2017</p>	<p>Checked CT</p>									



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Taylor Wimpey Plc c/o Agent
Paul Williams Savills,, 12, Windsor Place,, Cardiff,, CF10 3BY

Land at North West Cowbridge

Phase 1 of the development consisting of 169 dwellings with associated access, roads and footpaths, landscaping, public open space and other ancillary works

EXECUTIVE SUMMARY

The site comprises part of the site at North West Cowbridge previously granted planning permission for up to 475 houses and a link road between the A48 and Llantwit Major Road to the south (2014/01505/OUT). This reserved matters submission relates to the development of the southern part of the site (Phase 1). The proposals seek to erect a total of 169 dwellings, including 56 affordable units.

At the time of writing this report 37 letters of representation have been received raising the following issues: impact upon the setting of nearby heritage assets; impact upon landscape setting; ecological impact; loss of hedgerow and landscaping features; flooding and drainage issues; lack of 2 bedroom housing within the development; lack of adequate consultation/availability of information; brick representing an inappropriate material; impact upon Public Right of Way; highways issues; loss of agricultural land; proposals not being in accordance with outline planning permission; loss of green space compared to masterplan; impact upon amenity of neighbouring residents.

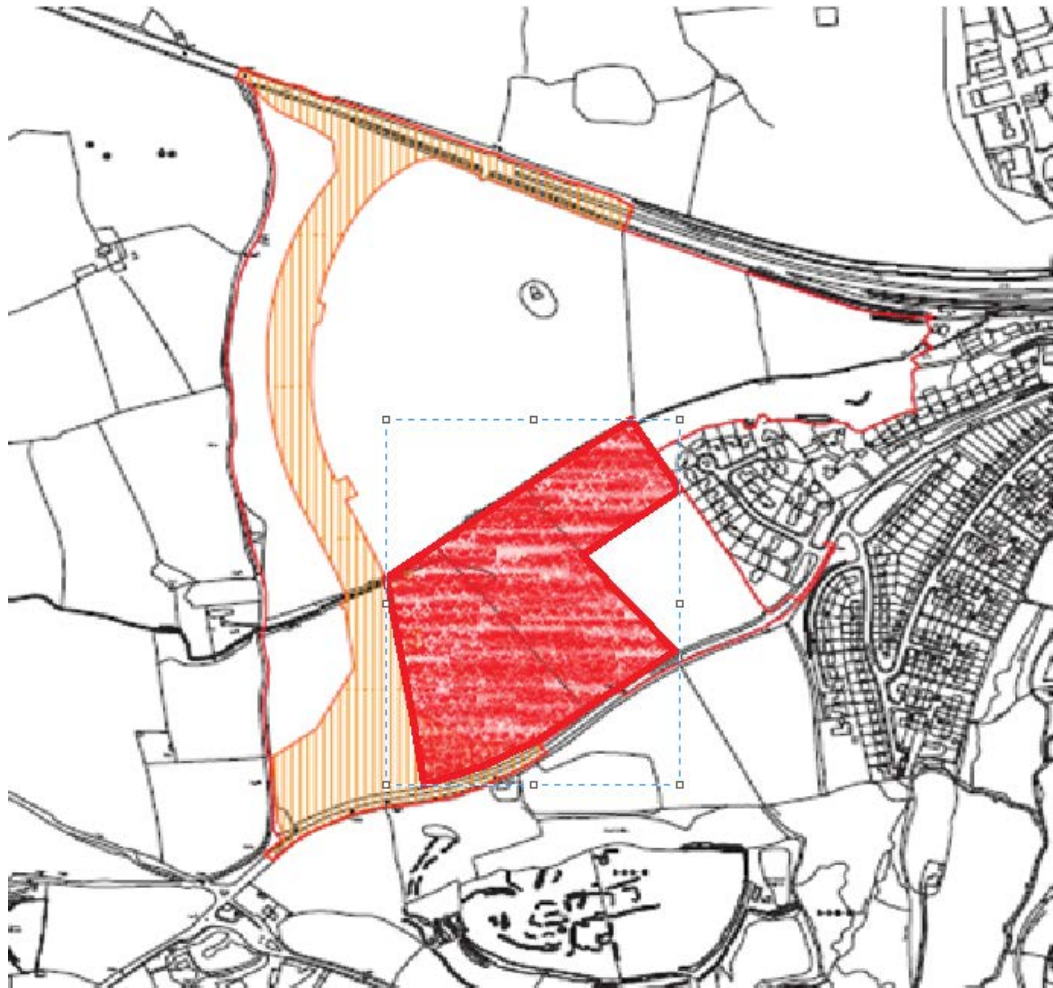
The principle of development of the site has already been established under the grant of the outline planning permission. As such it is essential to ensure the development proposed accords with the provisions of the outline consent in terms of scale and parameter plans, has an appropriate design and scale, no unacceptable impact upon neighbouring amenity, open space provision, highways implications, amenity space. These matters, along with ecology, archaeology, drainage, and landscaping will be considered in the following report.

Having considered the above, it is considered that the development of the site as proposed is acceptable and the application is recommended for APPROVAL.

SITE AND CONTEXT

The site comprises part of the site at North West Cowbridge previously granted planning permission for up to 475 houses and a link road between the A48 and Llantwit Major Road to the south (2014/01505/OUT). The site is allocated for residential development in the adopted Vale of Glamorgan Local Development Plan and lies within the settlement boundary for Cowbridge.

This application relates to the southern part of the site, adjacent to Llantwit Major Road to the south, the position of the proposed link road to the west and the hedgerow running east-west centrally through the site. A plan showing the extent of the residential development, subject of this application is shown below:



Plan showing position of the application (shaded red), in relation to the link road and realigned Llantwit Major Road (shaded orange) in context of the wider site (outlined red).



DESCRIPTION OF DEVELOPMENT

The application, as amended comprises the reserved matters (appearance, landscaping, layout and scale) submission for residential development at Darren Farm, Cowbridge. The current application seeks to provide a total of 169 dwellings and associated infrastructure and public open space within the first phase of the residential development of the site. The proposed layout is shown below:



The site would be accessed from Llantwit Major Road to the south and from the proposed link road to the east, with a main access road running centrally through the site connecting these two points of access, with a number of dwellings fronting onto this principal route, with the remainder of the dwellings being accessed by secondary estate roads, shared surface areas, private drives and one 'Mews' courtyard.

Whilst none of the proposed dwellings are accessed directly from the main roads outside of the site (i.e. the link road and Llantwit Major Road), the proposed layout includes a number of dwellings facing outwards towards these routes accessed from private drives and shared surface areas.

The development comprises of a mix of two and three storey buildings which give accommodation in the form of 16 no. 1 bedroom flats; 23 no. 2 bedroom houses, 33 no. 3 bedroom houses, 80 no. 4 bedroom houses and 17 no. 5 bedroom houses.

Of the 169 dwellings, a total of 56 dwellings are proposed to be affordable units including 16 Low Cost Home Ownership (all 2 bedroom houses) and 40 Social Rented (16 no. 1 bedroom flats; 7 no. 2 bedroom dwellings; 11 no. 3 bedroom dwellings and 6 no. 4 bedroom dwellings). The dwellings are predominantly detached although there are a number of small terraces and semi-detached pairs throughout the site.

As amended, the dwellings are proposed in a mix of stone and render with some brick detailing as a tertiary material. Example street scene elevations are shown below:



PLANNING HISTORY

2017/00829/ADV, Address: Land at North West Cowbridge, Cowbridge, Proposal: 3 no. flag and pole to existing A48 Signage, 3 no. flag and pole to existing Llantwit Major road signage, Decision: Pending consideration at time of writing this report

2017/00520/FUL: Site of proposed new roundabout, Land at the A48, North of Darren Farm, Cowbridge: Revised roundabout arrangement to facilitate access to the new link road and the strategic housing development approved under 2014/01505 and to provide 4th arm for access to land to the north of the A48 - Approved

2017/00256/ADV, Address: Land at North West Cowbridge, Proposal: Chevron sign is used to create maximum visibility where visitors approach from both directions. In this case, the chevron sign is a two main/front facing sign panels. Decision: Approved

2014/01505/2/NMA - Address: Land at North West Cowbridge. Non material amendment to permission 2014/01505/OUT to vary condition 18 of permission to make an amendment to the scale parameters approved. Detailed permission for the construction of a link road connecting Cowbridge Bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475. Decision: Approved

2014/01505/3/CD Discharge of conditions 17, 24, 35 and 38 of 2014/01505/OUT - Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475, Decision: Pending

2014/01505/2/CD. Discharge of conditions 12, 16, 22, 26, 28, 29 and 36 - Detailed permission for the construction of a link road connecting Cowbridge Bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475. Decision: Pending

2014/01505/1/CD Discharge of conditions 13, 19, 21 - Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475, Decision: Conditions Partially Determined (Approved only)

2014/01505/1/NMA Amend the trigger points to conditions 17, 23, 24, 25, 26, 32, 33, 35 and 38 of permission 2014/01505/OUT – Decision: Approved

2014/01505/OUT, Address: Land at North West Cowbridge, Proposal: Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a, Decision: Approved

2014/01130/SC2, Address: Land North and West of Darren Close, Cowbridge, Proposal: Scoping Opinion in respect of outline planning application for up to 390 dwellings, Decision: EIA (Scoping) - Further info required

2014/00918/SC1, Address: Land to the North and West of Darren Close, Cowbridge, Proposal: Residential-led mixed use development, Decision: Environmental Impact Assessment (Screening) - Required

2002/01617/OUT, Address: Land between the A48 and Llantwit Major Road, Cowbridge, Proposal: Residential development and associated public open space to include the provision of a link road between the A48 and Llantwit Major Road, Decision: Appeal Dismissed

2002/01194/OUT, Address: Land between A48 and Llantwit Major Road (Darren Farm), Cowbridge, Proposal: Residential development and associated public space to include the provision of a link road between the A48 and Llantwit Major Road, Decision: Withdrawn

2001/00826/OUT, Address: Land between the A48 and Llantwit Major Road, Cowbridge, Proposal: Residential development and associated public open space, to include the provision of a link road between the A48 and Llantwit Major Road, Decision: Refused

CONSULTATIONS

Cowbridge with Llanblethian Town Council was consulted and raised the following points of concern with regard to the lack of consultation of amended plans; the proposed large use of brick throughout the development and that these should be replaced with render and stone beneath grey roofs; impact on existing residents of Darren Close due to additional dwellings not shown on the approved plans; loss of green space compared to masterplan; lack of protection for St. Brynach Church including lack of landscaping to west of link road; road safety and traffic issues including lack of accommodation for off-site works within the current application; lack of details relating to drainage and archaeology within the reserved matters submission and impact upon the town of Cowbridge itself in terms of increased traffic and additional parking pressures. Also they raise concern over lack of clarity in terms of delivery of school site.

Penllyn Community Council was consulted although no comments had been received at the time of writing this report. Any Comments will be presented as Matters Arising.

The Council's Highway Development Team were consulted and state that 'no highway objections would be raised to this reserved matters' including the proposed increase in number of dwellings proposed within this phase compared to the outline consent.

They do however request a number of conditions be attached to any consent including the need for full engineering details including for highways drainage; the developer entering into a legal agreement to secure implementation of the works; provision of site access onto Llantwit Major Road prior to beneficial occupation of first dwelling; provision of a Construction Traffic Management Plan; limit on lorry movements to and from the site; no materials to be stored on the public highway; wheel washing facilities; condition surveys of existing highway and remedial works to be undertaken.

The Council's Public Rights of Way Officer was consulted and states that Public Footpaths 50 and 51 cross the site in the region of green buffers alongside the school and phase 2 hedge boundary. They indicate they have no objection but that diversions would be needed for both footpaths due to the proposed layout to maintain a 2m wide surface and these would need to be confirmed prior to the commencement of works and that provision should be made during construction to keep footpaths open or temporary closures should be sought.

The Council's Operational Manager Highways and Engineering (Drainage) was consulted with regard to the application. They indicate that whilst some details of a preliminary drainage strategy have been provided in support of the application, a surface water and drainage strategy and a management and maintenance plan should be provided prior to works commencing on site. They however, indicate that these details are already required by conditions 26 and 27 of the outline consent. They do however, indicate that a condition should be attached to the reserved matters submission requiring a Construction Surface Water Management Plan to be submitted before works commence on site.

Shared Regulatory Services (Environmental Health Pollution Control) stated that the 'department has no concerns as all matters have been addressed and conditioned in the original outline application.'

Cowbridge Ward members were consulted although at the time of writing this report, no representations had been received.

Dwr Cymru Welsh Water were consulted and note that in principle the drainage details are consistent with the strategy identified with the outline application, where they requested that a hydraulic modelling assessment be undertaken and no dwelling should be occupied until 31st March 2018 unless improvement works to the Llanblethian Sewerage Pumping Station and Cowbridge Waste Treatment Works have been undertaken. They request that this be achieved by way of condition.

They raise no objection to the provision of a water supply and advise that the site is covered by a 100mm foul water public rising main and that the applicant should seek DCWW consent prior to undertaking any works to this apparatus.

The Council's Ecology Officer was consulted with regard to the proposals and had 'no comment' as they considered that the main ecological issues have been addressed and appropriate conditions attached to the outline consent.

The Council's Landscape Section was consulted with regard to the landscape masterplan submitted in support of the application. They requested additional information and a number of amendments to be submitted in support of the application, including the reinstatement of a hedgerow to the periphery of the site; increase in semi-mature trees throughout the site.

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

South Wales Police Crime Prevention Design Advisor provided comments indicating ‘that in terms of general layout South Wales Police welcome the surveillance afforded on main access routes but whilst having no objection to the proposals’ make a number of observations and recommendations with regard to appropriate levels of street lighting; secure enclosures to rear gardens and communal areas; overlooking of side parking areas and natural surveillance of parking spaces; PAS24 compliant doors to be fitted on properties; external service meters and that all buildings should be built to Secured by Design standards.

The Council’s Housing Strategy section was consulted and state that they have ‘no concerns if they are delivering more than the required 20% affordable housing in phase 1.’

The Council’s Transport and Road Safety section were consulted with regard to the application although no comments had been received at the time of writing this report.

Glamorgan Gwent Archaeological Trust were consulted and state that they are of the understanding that the archaeological work for the entire site has been completed although they haven’t yet been provided with the finalised report as required by condition 2014/01505/OUT and as a result do not anticipate any archaeological issues or restraints.

Natural Resources Wales was consulted and ‘*have no adverse comments to make regarding the above reserved matters application. Our previous response and advice regarding the outline application (your reference 2014/01505/OUT) remains valid and we would wish to be consulted on all conditions within our remit.*’

Cadw (Ancient Monuments) were consulted although no comments had been received at the time of writing this report. Any Comments will be presented as Matters Arising.

REPRESENTATIONS

The neighbouring properties were consulted and site notices were also displayed on 22 August 2017 and the application was also advertised in the press on 7th September 2017. At the time of writing this report 37 letters of representation had been received raising the following concerns:

- Impact upon the setting of the nearby Grade 2 listed church and cross and lack of adequate assessment accompanying this application
- Potential for increased planting/landscaping in buffer between church and link road through S106 funds
- Impact upon landscape setting
- Ecological impact of the works including bats, protected birds (skylarks and lapwing) and newts
- Loss of hedgerow
- Concern with regard to drainage and flooding issues
- Lack of 2 bedroom housing within the development

- Lack of availability of documentation on the Council's website/inadequate consultation
- Proposed widespread use of brick/roof materials not being characteristic to the area
- Impact upon Public Right of Way
- Increased volume of traffic including from the proposed link road
- High density housing of the site
- Loss of agricultural land
- Lack of provision for Llantwit Major Road footpaths, pedestrian crossing or bus stop, off-site improvement works to Cross Inn Junction and additional parking within Cowbridge
- Additional residential units not shown in approved outline planning application documents
- Loss of green space compared with masterplan
- Increased impact upon residents of Darren Close
- Concern over phasing/delivery of residential dwellings and link road

A sample of three letters of objection can be found at Appendix A.

REPORT

Planning Policies and Guidance

Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
 POLICY SP3 – RESIDENTIAL REQUIREMENT
 POLICY SP4 – AFFORDABLE HOUSING PROVISION
 POLICY SP7– TRANSPORTATION
 POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

Managing Growth Policies:

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN
 POLICY MG2 – HOUSING ALLOCATIONS
 POLICY MG4 – AFFORDABLE HOUSING
 POLICY MG6 – PROVISION OF EDUCATIONAL FACILITIES
 POLICY MG16 – TRANSPORT PROPOSALS
 POLICY MG17 – SPECIAL LANDSCAPE AREAS
 POLICY MG20 – NATIONALLY PROTECTED SITES AND SPECIES

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD3 - PROVISION FOR OPEN SPACE

POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING

OBLIGATIONS

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

POLICY MD6 - HOUSING DENSITIES

POLICY MD7 - ENVIRONMENTAL PROTECTION

POLICY MD8 - HISTORIC ENVIRONMENT

POLICY MD9 - PROMOTING BIODIVERSITY

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

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

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 - Transport
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

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

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (September 2016)
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)

- Population and Housing Projections Background Paper (2013)
- VOGC and DCWW Statement of Common Ground (2016) (LDP Hearing Session 4, Action Point 2 response)
- Plan Preparation and Flood Risk background paper update (2015)
- VOGC and Natural Resources Wales LDP Flooding Position Statement (2016) (LDP Hearing Session 4, Action Point 1)
- VOGC and Natural Resources Wales LDP Nature Conservation Position Statement (2016) (LDP Hearing Session 7, Action Point 2)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Local Development Plan Highway Impact Assessment (2013)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Site and Context Analysis Guide – Welsh Government March 2016
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

Members will be aware that outline planning permission was approved for up to 475 dwellings under application 2014/01505/OUT, which included full approval of the link road.

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

- Compliance with the outline planning consent and legal agreement
- Density/number of units
- Storey height and levels
- House types and design
- Amenity space
- Open Space provision and landscaping
- Boundary treatments
- Highways issues, including parking
- Construction Impacts
- Public Rights of Way
- Impact on residential amenity
- Internal road layout, parking and cycling
- Landscaping and POS
- Impact upon Listed Buildings and Heritage Assets
- Drainage and Flood Risk
- Affordable Housing
- Archaeology
- Ecology

General compliance with the outline planning consent

Condition 5 of the outline consent requires that the reserved matters consent shall have full regard to the Manual for Streets and Secure by Design guidance and shall reflect the principles parameters and objectives of the illustrative masterplan PS31131-21 Rev F.' The illustrative masterplan (PS31131-21 Rev F) for this part of the site and the proposed site layout are shown below:



Extract of illustrative masterplan PS31131-21 Rev F relating to southern part of site (subject of this application)



Submitted site layout drawing reference 1605 90 03 Rev Q

As can be seen from the submitted layout, the broad principles of the masterplan, in terms of the position of major routes, residential development and areas of open space/landscaping are reflected within the submitted site layout. Some concern has been raised that the submission indicates development outside of that envisaged by the masterplan adjacent to properties to Darren Close, although this is not the case.

Manual for Streets encourages the provision of hierarchical layouts within residential developments to ensure more legible sense of place and encourage alternative forms of movement throughout a development other than by car. The Design Update Document submitted with the reserved matters application provides a street hierarchy layout as shown below:



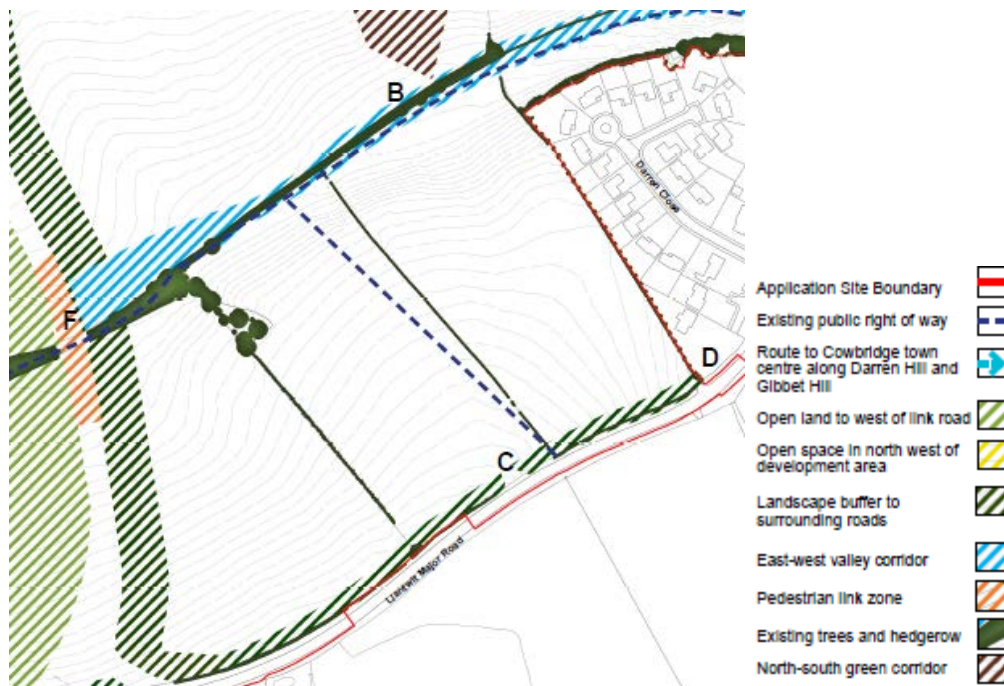
The applicant has sought to provide varied road widths, finishes and highways landscaping, to provide a network of interconnected routes including large amounts of shared surface areas, that seek to prioritise pedestrian and cyclist movements through the scheme. It is considered that the use of alternative materials and finishes provides clear distinction between different parts of the site giving a sense of place to each part of the development. Overall it is considered that the proposals successfully achieve a legible hierarchy that will be readily walkable; a primary street that has a distinctive character including street trees and a series of secondary and tertiary linkages that have their own distinct character. Noting the above it is considered that the layout is considered to accord with the principles of Manual for Streets.

Secured by Design seeks to ‘design out crime’ by incorporating good practice measures to discourage crime within new developments. In general terms the application incorporates a number of perimeter blocks providing clear delineation between public and private spaces. This ensures a high degree of active frontage and natural surveillance onto vehicular and pedestrian routes through the site, areas of public open space as well as providing an active/engaging frontage to the site’s periphery. As such it is considered that the general layout has sufficient regard to Secured By Design to comply with the provisions of the outline consent.

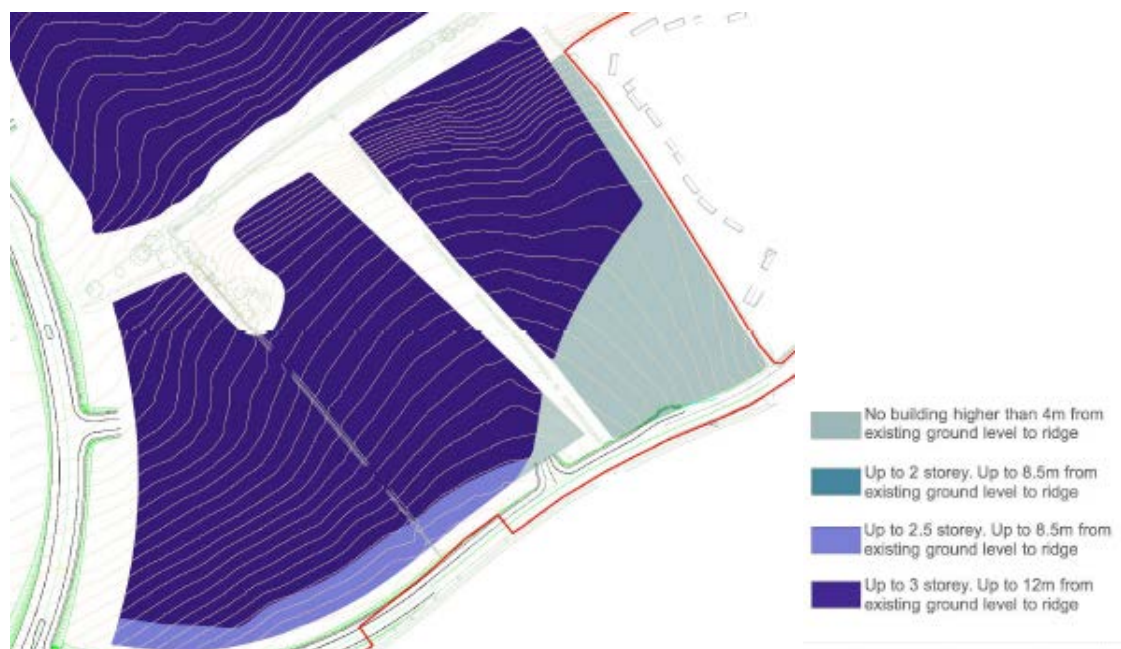
Further to this, condition 18 of the outline consent (as amended) requires that any reserved matters submission should have regard to a number of parameter plans. These relate to the extent of development; open space and accessibility and height of development and are shown below:



Extract from plan reference PS31131-12.1 Rev K ‘Parameter Plan: 1. The Extent of Development and Land Use) relating to Phase 1 of the site (subject of this application)



Extract from plan reference PS31131-12.2 Rev K 'Parameter Plan: 2. Open Space and Accessibility) relating to Phase 1 of the site (subject of this application)



Extract from plan reference 1605-DT-98-02 Rev B (height parameters as amended by NMA application 2014/01505/2/NMA) relating to Phase 1 of the site (subject of this application)

It is noted that the final layout differs slightly from that shown on the outline submissions. Having assessed the submissions, it is evident that the location of and height of development, the position of strategic open space and access routes shown on the submitted layout, accord with the plans shown above. As such the overall design and form remains in accordance with the parameter plans required by conditions attached to the outline consent. More specific analysis of the proposals is provided within the rest of the report below.

Condition 6 stated 'design of the dwellings shall take into account the findings of the Environmental Statement December 0-214 Chapter K Noise including the recommendations of paragraph K6.7.' The only mitigation suggested within the recommendations within this part of the report relating to this phase, is the provision of 'a 15 metre buffer along the A48 and Llantwit Major Road, which is key mitigation for noise.' The submitted layout shows the retention of a 15 metre separation between the realigned Llantwit Major Road and the front elevations of the proposed dwellings. This is considered to accord with the requirements of this condition. Furthermore no objections have been received from the Council's Environmental Health Officer with regard to the layout of the development and any potential impact to future occupiers by virtue of road noise.

Furthermore a number of conditions were attached to the outline consent (including those relating to drainage and ecology) and the applicant would still be bound by the requirements of these conditions. Applications to discharge some of these conditions are currently with the LPA although the determination of this application would not prejudice the consideration of these matters.

Compliance with legal agreement

There were a number of requirements of the legal agreement attached to the outline consent that are applicable to the determination of this application.

These include the provision of a 2 hectare school site to be transferred to the Council for the provision of a primary school in the general location indicated on the approved masterplan. The proposed school site satisfies the requirements set out at outline planning permission, and is in the general location identified within the S106 Legal Agreement.

The legal agreement attached to the outline consent sought to limit the number of units on this part of the site (phase 1) to 160, being the maximum number of units that could be adequately served off Llantwit Major Road, prior to the construction of the link road.

The current proposals seek to develop this phase for 169 units and as such the applicant has submitted a deed of variation to the legal agreement of the outline consent to increase the number of units in this first phase of development. Such a change would not allow the development of the wider site for more than the maximum number of units (475) allowed under the outline consent. Having consulted highways they do not raise objection in this regard, and this is discussed later in the report.

The S106 agreement of the outline consent also includes requirements in terms of the level and nature of both public open space and affordable housing and these are discussed later in this report. However, the legal agreement did require that before the submission of the first reserved matters application that public art and public open space strategies be submitted to the Council. Whilst the extent and nature of provision of public open space is set out on the submitted layout, formal strategies have not to date been submitted and as such the applicant has also sought a deed of variation in this regard, to amend the trigger.

Subject to agreement of this deed of variation, it is considered that the proposals accord with the requirements of the outline consent.

Density/number of units

The overall site area is approximately 7.5 hectares (not including the strip of land running to the east which is not to be developed) with 169 dwellings proposed. It is noted however that the outline consent requires the provision of landscape buffers to the south and west of residential development and the masterplan indicates the provision of a public open space corridor adjacent to the school site to the east. The provision of these areas reduces the developable area of the site to approximately 6.6 hectares, resulting in a density of approximately 26 dwellings per hectare.

It is noted that policy MD6 'Housing Densities' of the Local Development Plan require that proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare, although the policy does allow reduced densities where circumstances including where prescribed densities would have an unacceptable impact of the surrounding area.

The density plan submitted as part of the outline submission states that '*informed by the context appraisal and need to achieve a variety of units, in terms of size and appearance, the density plan illustrates how development responds to the landscape context. Generally there is a graduation of density, reducing away from the centre (on lower land) to the edges (on higher ground) of the masterplan.*' The density plan submitted with the outline consent is shown below:



It is evident that the site is located at a sensitive interface between Cowbridge and the surrounding countryside and that the density of development should reflect this. The submitted layout proposes varied densities of development graduating outwards from lower parts of the site with lower densities evident to the fringes of the site as envisaged at outline stage. The lower density form of development to the fringes of the site will, to some degree, serve to soften the landscape impact of the proposals when viewed from the proposed link road and realigned Llantwit Major Road. Such an approach is considered to accord with the densities approved as part of the outline consent, and would ensure a sensitive transition with existing development.

Given the above it is considered that the submissions propose a suitable level of development on the site and accord with the densities granted within outline planning consent 2014/01505/OUT. Informal discussions in relation to the remainder of the site, indicate that future phase(s) can deliver 306 dwellings and the whole allocation can be developed for up to 475 dwellings as envisaged.

It is considered that the proposed density respects the general character, spacing and density of neighbouring residential developments within Cowbridge, and would provide sufficiently sensitive transition between the countryside and the existing town. In this respect therefore, it is considered that the development would comply with the aims of national guidance to ensure efficient use of land, and the aims of Policies MG2 and MD6 of the LDP in terms of delivering the allocated number of dwellings and respecting the character of the existing area.

Storey height and levels

The proposed houses include a mix of designs and house types, predominantly two storey. Some split level 2/3 storey dwellings are proposed to respond to topographical site constraints within the central valley to the north-east of this part of the site.

The approved parameters plan allowed for three storey dwellings up to 12m in height across the majority of the site, with restriction along the southern boundary of the site limiting ridge heights to 8.5 metres. In addition there are restrictions to the height of buildings to 4m within a buffer to rear of existing properties at Darren Close and across a large swathe of the school site (outside of the scope of this application). As aforementioned the heights of these dwellings accord with the requirements of this plan.

The application is also supported by engineering drawings indicating the proposed slab levels of the dwellings and that of the proposed gardens. Given the sloping nature of the site, it is accepted that there would be a degree of cut and fill to provide appropriate levels for the residential development of the site. Having assessed the submitted levels information, it is considered that the levels indicated are acceptable in principle and the height of proposed dwellings would accord with the plans above. However, it is considered reasonable to require final details of levels having regard to drainage and highway details, to be provided prior to the commencement of development and a condition is recommended (condition 5 refers).

House types and design

Prior to the submission of this application, significant pre-application discussions were held with the developer with regard to the layout, form and house types to be proposed.

Outline Consent 2014/01505/OUT was supported by a 'Cowbridge Pattern Book' that was listed within the approved plans. This document, whilst not seeking to provide a prescriptive definition of house types for any reserved matters submission, provides a comprehensive analysis of the architectural features of Cowbridge, providing a few general findings:

- *That Cowbridge and Llanblethian and their surrounding rural villages have a rich tapestry of townscape which gives it a unique identity; from its varied housing types, to key landmark buildings terminating important routes, to a range of important architectural heritage;*

The vast majority of dwellings are two storey in height although there is limited amount of split level 2/3 storey development within lower parts of the site that seek to respond to the challenge of steeper levels within this area. However, the extent of 3 storey development is extremely limited (to 6 units) and as such would result in a form of development, in terms of its height, that would result in a visual impact similar to that anticipated at outline stage. Overall, it is considered that the dwellings would appear as appropriately scaled when viewed in the context of Cowbridge as a whole and would not appear as oversized or alien to the existing scale and massing of buildings found elsewhere within the town when viewed from outside of the site.

Cowbridge as a whole has a rich and varied vernacular, with areas such as Westgate, High Street, Llanblethian and Eastgate, recognised for their architectural merit and designated as Conservation Areas. The predominant finish within these areas is considered to be a mix of stone and render as evidenced within the Cowbridge Pattern Book submitted with the outline and reiterated within the Design Update submitted with this reserved matters submission. Whilst it is noted that some more modern developments within Cowbridge have used brick in part, it is not considered that these are the areas from which any development of this highly prominent site should take its cues.

As originally submitted the proposed dwellings were shown to be finished in a mix of stone, render and red brick. Given the large number of detached units and levels differences across the site, there was significant concern that the predominant use of red brick as a main material finish, even to side and rear elevations, would be readily visible both from outside and within the site (including future phases). Such a predominant use of red brick was a retrograde step from pre-application discussions, where brick was not specified as a primary material. Therefore as submitted with this application, this material finish was considered to result in a form of development at odds with the historic Cowbridge vernacular which failed to respond appropriately in design terms to the context of the site.

As such the applicant was advised to significantly reduce the use of brick throughout the development. Following negotiation, the palette of materials was revised to ensure the predominant finish of dwellings to be 5 different colours of roughcast render and a reconstituted stone. The use of brick is now limited to detailing or as a secondary material and within some boundary enclosures. The roofs are shown to be finished in a mix of 3 different roof tiles - slate grey, charcoal grey and black concrete tile - that is considered to provide variety whilst respecting its context. A condition is recommended requiring samples and sample panels to be provided prior to their use in the external finishes of the development (condition 2 refers).

Whilst standard 'Taylor Wimpey' house types are proposed throughout the site, the revised palette of materials, window form and additional detailing including chimneys and bays, allow the proposals to appear more in keeping with the wider vernacular and appearance of Cowbridge, whilst allowing the development to garner a distinctive character of its own. The dwellings are therefore considered to be acceptable in design terms and as such the development reflects the advice in TAN 12.

Amenity Space

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provide guidelines to ensure that all new residential developments contribute towards a better quality of life without unacceptably affecting the amenity enjoyed by existing residents.

Policy 2 of this document is considered to be of particular relevance in this instance, which states that '*the council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development*'.

The guidance contained within this policy notes that developers at a minimum should provide 1sqm of amenity space per 1sqm of the gross floor area for new dwelling houses, whilst 20 sqm of readily accessible amenity space should be provided per occupier of flatted development. It is acknowledged that the current application proposes residential accommodation principally in houses. With regard to the amenity provision for the dwelling houses it is noted that the proposals would largely meet and exceed these standards. Within the Amenity Standards SPG it states that the detailed amounts are not intended to be a prescriptive standard and whilst recognising there is a modest shortfall in some instances it is acknowledged that the majority of units (including the affordable flatted blocks) will have access to an area of private and defensible amenity space which as a minimum should be sufficient for functional requirements including relaxation, clothes drying, refuse storage etc. As such it is considered that adequate amenity space is provided to serve future occupiers of the development.

Open Space provision and landscaping

Policy MD3 'Provision of Open Space' of the Local Development Plan requires that where there is an identified need for public open space, new residential development for 5 or more dwellings, should make provision for open space with 1.6ha of outdoor sports provision per 1,000 population; children's equipped play space at 0.25 hectares per 1,000 population and informal play space at 0.55 hectares per 1,000 population.

The outline consent requires the provision of five Local Areas of Play (LAPs), two Locally Equipped Areas of Play (LEAPs), and one Neighbourhood Equipped Area for Play (NEAP) to meet the need for children's play space arising from the wider development of the site (including future phases). It was however considered at outline stage that the provision of outdoor sports facilities within the site was not required given the existing availability of outdoor sports facilities within the Cowbridge ward.

The submitted site layout for this first phase initially indicated the provision of 1 no. LAP within the public open space adjacent to the northern boundary and 1 no. LEAP adjacent to the entrance to the school site. Further to this large amounts of more informal open space and landscaping have been provided to the east of the site adjacent to the school, and to the north, west and southern periphery of the site as shown below:



Noting the requirements of the outline consent, the applicant was advised to provide a further Local Area of Play within this phase of the development to ensure that future occupiers were suitably catered for. Following negotiation with the applicant a further LAP was provided to the west of the site, adjacent to plots 145 and 160. The position and level of provision within the scheme is considered to afford appropriate levels of open space for future occupiers of the development and is compliant with the outline consent.

The application is supported by a Landscape Masterplan providing indicative details of the treatment of areas of the public domain. This plan include areas of native scrub and woodland planting and wildflower meadows to the periphery of the site. Notably street trees are shown to line the main access road into the site creating a boulevard feel to this part of the site (as shown below). A number of trees are also shown within areas of public open space and specimen trees shown at key points of the development to provide interest.



The outline permission, including the realignment of Llantwit Major Road and the provision of internal estate roads under consideration of this reserved matters application, would result in the loss of some hedgerow within the site. Following consultation with the applicant a revised Landscape Masterplan was submitted limiting the level of hedgerow to be removed and including the provision of a hedgerow adjacent to the realigned Llantwit Major Road. These amendments overcome the concerns previously raised. Notwithstanding this, it is considered reasonable to require further, more detailed landscaping proposals and this will be required by way of condition attached to this consent (condition 9 refers).

Boundary treatments

A scheme of enclosures has been submitted indicating a mix of enclosure types to be used throughout the development. These include hornbeam hedgerows (including to plots to the periphery of the site), dwarf walls with railings and 'feature walls' to delineate key nodes and frontages throughout the site.

Higher quality enclosures have been used throughout the site in more publicly visible areas, whilst the predominant enclosure of rear gardens would be 1.8 metre close boarded fencing. The use of varied enclosures throughout the scheme is considered to provide a transition from more sensitive areas to the fringes of the site, to a more urban grain more centrally within the site. This provides interest and a greater sense of place and interest within different parts of the proposal, an approach that is acceptable in principle.



However, there was some concern with regard to the proposed detailing of some of the enclosures shown within the submission. It was considered that the applicant should seek to ensure that the high quality design and form should extend to the enclosures to ensure a high quality public realm. This now includes high quality finishes and copings to the enclosures as shown above. Notwithstanding this, given the importance of the quality of the enclosures a condition is attached to require full details of enclosures to ensure that they are finished to a sufficiently high standard (including appropriate copings) and material (condition 4 refers).

Highways issues, including parking

The position and geometry of the access points was approved as part of the hybrid application 2014/01505/OUT which granted full planning permission for the realignment of Llantwit Major Road to the south and the development of the link road. The position and geometry of the proposed access points accords with those granted under the previous consent. Furthermore, the principle of development and highway capacity relating to the development of the wider site, off-site improvements (including those to Llantwit Major Road) and the delivery of the link road were considered, granted planning permission under the previous outline consent and secured through the legal agreement.

As previously noted the legal agreement relating to the development of Phase 1 (subject of this application) sought to limit the number of units on this part of the site to 160 to ensure that any development would be adequately served by highway infrastructure. At the time this was considered to be the appropriate number of units to be served off Llantwit Major Road, prior to the construction of the link road.

The current submission proposes the development of this part of the site for 169 dwellings and the applicant has sought a deed of variation of the legal agreement of the outline consent to allow the development of the site as proposed. Such a change does not allow the development of the wider site for more than the maximum number of units (475) allowed under the outline consent. Furthermore following consultation with Council's Highway Development section they raise no objection to the proposed variation to increase the number within this particular phase.

Parking is provided for each dwelling, with all market properties having between 2 to 4 parking spaces. The level of parking provision accords with the Council's adopted Parking Standards and the layout caters for a number of designated visitor spaces. There are occasional instances where there would be a modest shortfall in the number of spaces provided on plot to serve individual dwellings. Whilst noting this, the instances where this occurs are limited and the parking standards are not prescriptive, representing maximum rather than minimum standards. As such this is not considered to represent a reason to refuse planning permission in this instance and no objection has been received from the Council's Highway Development Section in this regard.

Social rented affordable housing units are shown to have one space allocated per unit in addition to a number of visitor spaces. Such a level of parking accords with that of the DQR standards. Given the general compliance with the parking standards and the provision of a number of visitor bays throughout the development, it is considered that the level of parking is appropriate.

Furthermore following consultation with the Council's Highway Development Section, no highways objections have been received with regard to the proposed layout. They suggest a number of conditions with regard to highways although it is noted that a number of these would duplicate those attached to the outline consent 2014/01505/OUT. Being mindful of this it is not considered to be reasonable or necessary to attach conditions that would replicate the requirements of these conditions to any reserved matters consent. Notwithstanding this, conditions requiring further engineering details of highways structures (including drainage) and in terms of the phasing of the provision of highway infrastructure are proposed to be attached to any consent given (see conditions 8 and 10). However, a further condition is attached with regard to the footway alignment adjacent to plots 44 and 71, a change which is minor in nature and therefore can be adequately controlled by way of condition (condition 14 refers).

Having regard to the above, it is considered that the proposed access arrangements and layout are in compliance with the outline consent and are acceptable in terms of highway safety and traffic generation, in accordance with Policy MD2 of the LDP and Manual for Streets, PPW and TAN18: Transport.

Construction Impacts

It should be noted that Conditions 23 and 25 of the outline planning permission requires, prior to the commencement of any works on any particular phase (including any site clearance and preparatory works), a Construction Environmental Management Plan and Construction Traffic Management Plan. This would ensure that details of management for construction site lighting, hours of operation, control of noise, dust, any vibration issues, wheel washing and haul routes would be submitted and agreed prior to the commencement of development to safeguard the amenities of nearby existing occupiers. Any application for formal discharge of these conditions would need to be approved prior to any works commencing on site following consultation with appropriate departments. It is not considered necessary to attach further conditions in this regard.

Public Rights of Way

2 no. Public Rights of Way (PROW) run across the site, with PROW L4/51/1 running north-south adjacent to the proposed school site to the east and L4/50/1 running east-west along the hedgerow running along the bottom of the valley to the north of this Phase of the development. The proposals include the retention of landscaped areas including footways and cycleways running along these parts of the site in line with the masterplan approved with permission 2014/01505/OUT.

Following consultation with the Council's Public Rights of Way section, they indicate that the incorporation of the PROW into roads/footways should be avoided and distinct paths should be provided. They indicate that diversions will be needed for both paths to realign them according to the proposed layouts. Confirmation was sought from the applicant with regard to the position of the PROWs through the site and an amended layout submitted overlaying them onto the proposed layout. Generally, the existing PROW is shown to follow the landscaping areas running adjacent to the school and to the north of this phase. It is however noted that drainage attenuation, roads and planting are shown within the existing alignment of the PROW, although it is considered that there is ample scope to accommodate the PROW within these areas. The Council's PROW officer raises no objection to the works subject to Diversion Orders being secured to realign the PROW along footways of 2 metres in width. An informative will be attached to any consent given to ensure that the applicant is aware of the requirements in terms of the status and potential diversion of the PROW.

Archaeology

The potential impacts on the archaeological resource at the site have been considered by the previous application (2014/01505/OUT). A programme of archaeological work in accordance with a written scheme of investigation was a requirement of condition (21) of the outline planning permission. The details required pursuant to this condition have been partially discharged in consultation with the Council's archaeological advisors Glamorgan Gwent Archaeological Trust under application 2014/01505/1/CD. Following consultation with GGAT they confirm that given the requirements of the outline consent and work undertaken to date that they do not anticipate any archaeological issues or restraints with regard to the development of this part of the site.

Therefore subject to developer satisfying the requirements of the written scheme of investigation, there are no further archaeological matters for consideration.

Ecology

The Environmental Statement (ES) submitted as part of the outline consent included a number of mitigation measures including vegetative buffers around the boundary of the Sites of Nature Conservation Interests (SINCs) to the south and south-west of the site; enhancement of existing areas of woodland, hedgerows and trees; mitigate loss of arable field boundaries; reduction of impact upon bats through sensitive lighting and retention of existing mature trees and creation of new habitat in the buffer to the west of the link road.

As such the outline planning permission was granted, subject to a number of ecological conditions including conditions 24 - Landscape and Ecological Management Plan, 26 requiring details of all lighting, 28 requiring provision of open space and lighting and condition 38 requiring details of a skylark and lapwing mitigation strategy. Details pursuant to conditions 24 and 38 are currently under consideration under separate application 2014/01505/3/CD for the whole of the site, including the large swathe of open land shown to the west of the link road.

Within the confines of this phase, it is considered that the amended scheme would accord with the mitigation identified within the recommendations of the ES, providing areas of native scrub/woodland planting to the west of the site, new and replacement hedgerows, retention and enhancement of existing hedgerows within the confines of the site.

Following consultation with the Council's ecologist they note that the main ecological issues have been addressed and secured as conditions on the outline consent. Being mindful of the above it is considered that there is not an ecological constraint restricting the grant of planning permission.

Impact upon Listed Buildings and Heritage Assets

This reserved matters application pertains to the first phase of development relating to the outline consent. As aforementioned the proposals are considered to accord with the parameters and extent of development previously granted approval. It should also be noted that the previous submission included a heritage assessment as part of the Environmental Statement in support of the outline application. The impact of the development of the wider site and the associated impact upon the listed buildings of St. Brynach's Church and Cross, Grades II* and II respectively, Penllyn Castle and the Scheduled Ancient Monument of Caer Dynnaf Hillfort, were considered within this assessment. In consideration of the impact upon the listed church and cross to the west, it was considered that their visual setting would not be affected by the proposals either during or post-construction, given the retention of open land to the west of the link road and the scope for enhanced landscaping as part of any reserved matters submission.

With regard to the hillfort, the case officer for the original application concluded that *'Intervisibility between the site and the Hillfort is such that it is generally screened by trees, existing residential development can be viewed from the Hillfort and the proposed housing may similarly be visible through the trees from the Hillfort and is thus considered to have a neutral impact.'*

Noting that the proposals accord with the outline consent, particularly in terms of the physical footprint and heights of development, it is not considered that there is any grounds to differ with the conclusions of this document in respect of the setting of heritage assets.

It is noted that a number of letters of representation submitted with regard to this application have requested that a robust scheme of landscaping be provided to the west of the link road. Whilst noting this may screen views of the listed church and cross to the west this does however fall outside of the site for this application. Furthermore any such requirement would need to be considered in light of potential mitigation for ground nesting birds within this area. This of course, will be considered in full through the assessment of any discharge of condition application relating to landscaping and ecology attached to the outline consent. Notwithstanding this it is evident from the submitted landscape masterplan that woodland, hedge and scrub planting are proposed to the south and west of the this particular phase, that in time would serve to soften the landscape impact of the works upon the setting of any heritage assets.

On this basis it is considered that there will be no adverse impact on the setting of any listed building or conservation area, over and above that demonstrated and considered in determination of the outline consent.

Affordable housing

The outline permission 2014/01505/OUT secured provision for a minimum of 40% throughout the whole of the site. However due to the upfront cost of the provision of the link road, it was agreed that affordable housing would be phased to minimise costs. Within Phase 1 of the development (subject of this application) no less than 20% of dwellings be affordable, catching up in latter phases (Phase 2 – >45% and in Phase 3 - >35%). The legal agreement for the outline permission also requires a mix of affordable house types as follows 26% 1 bedroom, 53% two bedroom, 16% 3 bedroom and 5% 4 bedroom units through the site.

The proposals within this Phase include the provision of 56 affordable units of a total of 169 units representing 33% of dwellings, more than the 20% required above. The proposals would provide 16 no. 1 bedroom flats (28.5%), 23 no. 2 bedroom houses (41%), 11 no. 3 bedroom dwellings (20%) and 6 no. 4 bedroom dwellings (10.5%). Of these 16 are Low Cost Home Ownership and 40 are Social Rented representing a mix of approximately 29% to 71% respectively.

Whilst noting that the mix of dwellings is not precisely in accordance with the provisions of the S106 agreement with regard to the site, it must be noted that the applicant is over-providing in terms of numbers within this phase and there is significant scope to ensure the correct mix of dwellings throughout the site throughout future phases to be considered in subsequent reserved matters submissions.

Further to the above it is noted that the affordable housing units are well spread throughout the development and would integrate with the market units both in terms of their position and design.

Drainage and Flood Risk

The outline application was accompanied by a drainage strategy which assesses flood risk, and drainage issues relating to the development of the site and its impact. The Drainage Strategy concluded that the development would not be at risk itself nor unacceptably increase the risk of flood risk elsewhere. Consultees including the Council's Engineering section, Natural Resources Wales and Dwr Cymru Welsh Water did not raise objection to the development of the site subject to a number of conditions. As such a number of conditions were attached to the outline consent requiring further details relating to upgrading of foul sewerage works (condition 7); comprehensive drainage strategies (condition 26) and perpetual management of any drainage system (condition 27).

The current application includes details of a preliminary drainage design and levels. These include an initial highway drainage design including discharge to attenuation ponds. Following consultation with the Council's Engineering section in terms of surface water and land drainage they confirm that whilst further details are required prior to the commencement of development, conditions attached to the outline consent are adequate for this purpose. However, they do request a supplementary condition be attached to any consent given relating to construction surface water management and this has been recommended to be attached to any consent given (condition 11 refers).

Dwr Cymru Welsh Water indicate that their position remains largely unchanged since the previous application. They note that the applicant has already engaged with them regarding hydraulic modelling assessments and capacity of the existing foul sewerage network. They acknowledge condition 7 of the outline consent and request that this should also be attached to this reserved matters consent. Noting that the developer is bound by the requirements of the outline consent it is not necessary to attach the same condition to this consent, to avoid unnecessary replication.

Natural Resources Wales raise no adverse comments regarding the determination of the reserved matters subject to being consulted with regard to conditions on the outline consent with regard to matters within their remit.

A number of the consultation responses from neighbours have referred to concerns regarding flooding within and beyond the site. While the matter clearly remains of concern to local residents, it is considered that a rigorous assessment of the issues has been carried out in determination of the outline consent and an appropriate drainage strategy is required by way of condition. It is considered that conditions attached to the outline consent would adequately mitigate the development of this phase of the site.

Having regard to the above, it is considered in respect of drainage and flooding that the development complies with policies MD2 and MD7 of the development plan.

Impact upon residential amenity

The nearest residential properties to the application site are those within Darren Close to the east of the site. The masterplan and conditions of the outline consent sought to provide a buffer between these dwellings and those proposed under reserved matters consent and it is noted that a 15 metre wide buffer has been provided between the proposed units and the boundary with the nearest dwellings to the east. The closest units at 55 and 56-59 are not orientated with principal elevations fronting onto the turning head. Secondary windows are proposed within the eastern elevation of 56-59 to provide a degree of natural surveillance onto the turning head within this area. Whilst noting this, the windows are set in excess of 21 metres (as required by the Council's adopted Amenity Standards SPG) from the rears of the nearest unit within Darren Close. An extract of the plan is shown below:



Given the above, it is considered that the proposals would not result in unacceptable detriment to the amenity of neighbouring residential properties.

Other issues

Concerns have been raised during the course of the application with regard to difficulty accessing plans and other details relating to the development of the site. All of the relevant documentation pertaining to this application, the outline, discharge of condition and non-material amendment applications are available to view on the Council's website. As such the application has been adequately publicised and the Council has fulfilled its duties in this regard.

Some concern has also been raised with regard to a number of matters relating to works to Llantwit Major Road and other off-site works. This application relates to the development of this phase of the site only. Such matters were considered and are controlled under the provisions of the outline consent.

Concern was also raised with regard to the loss of agricultural land. This was fully considered in determination of the outline consent. Again this was fully considered in determination of the outline consent.

RECOMMENDATION

APPROVE subject to the relevant person(s) first entering into a deed of variation of the Section 106 Legal Agreement attached to permission 2014/01505/OUT to include the following amendments:

- Alteration to trigger for submission of Public Open Space Strategy
- Alteration to trigger for submission of Public Art Strategy
- Increase in number of dwellings within Phase 1 from 160 to 169 (without increasing overall number for the wide site above 475 dwellings)

APPROVE subject to the following condition(s):

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

IL31131-014 (Rev B) Site Location Plan; EIA Mitigation Checklist by Savills dated August 2017 received 08 August 2017

DT 90 01 'Tree Detail - Hard Landscape'; DT 98 02 'Tree Detail - Soft Landscape'; GA 90 04 'Llantwit Major Road Site Sections'; GA 90 05 'Site Sections'; Phase 1 footpath section; EL90 113i Rosedale Elevations (Stone and Render) (Semi-detached); EL90 113ii 'Rosedale Plans'; 'Land at North West Cowbridge (Darren Farm) - Design update for Phase 1 of development dated August 2017; GA-90-02 'Extent of Residential Development' received 17 August 2017

GA 09 03 Rev Q ' Planning Layout - Phase 1'; GA 90 06 A 'Boundary Treatments - Phase 1'; ; GA 90 08i Rev A 'Primary Route Elevation A-A'; GA 90 08ii Rev A 'Shared Drive Street Elevation'; GA 90 08iii 'Link Road Edge Elevation C-C Rev A'; GA 90 08iv 'Middle Valley Elevation D-D'; GA 90 10 A 'Boundary Treatment Elevations' received 21 September 2017

EL90 101i Rev A 'Gosford Elevation (Brick/Render) (Semi); EL90 101ii Rev A 'Gosford Elevation (Brick/Render); EL90 101iii Rev A 'Gosford Elevation (Brick/Render) Handed; EL90 101iv 'Gosford Floor Plan'; EL90 102i Rev A 'Easedale Elevation (Render); EL90 102i Rev A 'Easedale Elevation (Render); EL90 102ii Rev A 'Easedale Elevation (Stone); EL90 102iii 'Easedale Floor Plan'; EL90 103i Rev A 'Midford Elevation (Render) (Detached); EL90 103ii Rev A 'Midford Elevation (Brick/Render) Handed; EL90 103iii 'Midford Floor Plan; EL90 103iv 'Midford Elevation (Render) (Detached); EL90 104i Rev A 'Whitford Elevation (Render/Stone); EL90 104ii Rev A 'Whitford Elevation (Render) (Handed); EL90 104iii Rev A 'Whitford Elevation (Brick/Render); EL90 104iv 'Whitford Floor Plan'; EL90 104v Rev A 'Whitford Elevation (Render); EL90 105i Rev A 'Shelford Elevation (Stone) Plot 84; EL90 105ii 'Shelford Elevation (Stone) Plot 166 - Handed; EL90 105iii 'Shelford Elevation (Stone) Plot 134 - Handed'; EL90 105iii 'Shelford Elevation (Stone); EL90 105iii Rev A 'Shelford Elevation (Brick/Render); EL90 105iv Rev A 'Shelford Elevation (Brick) (Handed); EL90 105v Rev A 'Shelford Elevation (Render); EL90 105vi Rev A 'Shelford Elevation Render (Handed); EL90 105vii Rev A 'Shelford Floor Plan'; EL90 105x Rev A 'Shelford Elevation (Stone) Plot 133'; EL90 106i Rev A 'Kentdale Elevation (Stone) Handed; EL90 106ii Rev A 'Kentdale Stone; EL90 106iii Rev A 'Kentdale Render (Handed); EL90 106iiii 'Kentdale Render (Handed); EL90 106v 'Kentdale Floor Plan; EL90 107i Rev A 'Eynsham Elevation (Render/Stone); EL90 107ii Rev A 'Eynsham Elevation (Stone/Render); EL90 107iii Rev A 'Eynsham Elevation (Render/Brick); EL90 107iv Rev A 'Eynsham Elevation (Brick/Render); EL90 107v 'Eynsham Floor Plan'; EL90 108i Rev A 'Fakenham Elevation (Brick and Stone) (Detached); EL90 108ii 'Fakenham Elevation (Render/Stone) (Handed); EL90 108iii Rev A 'Fakenham Elevation (Brick and Render); EL90 108iv Rev A 'Fakenham Elevation (Brick/Render) Handed; EL90 108v 'Fakenham Floor Plan'; EL90 108vi 'Fakenham Elevation - Plot 1 - Handed; EL90 108vii Fakenham Elevation - Plot 12 - Handed;

EL90 109i Rev A 'Lavenham Elevation Plot 144'; EL90 109ii Rev A 'Lavenham Elevation Plot 136'; EL90 109iii Rev A 'Lavenham Elevation (Render) Plot 14'; EL90 109iv 'Lavenham Elevation (Render) Plot 165 - Handed'; EL90 109v Rev A 'Lavenham Floorplan'; EL90 110i Rev A 'Mappleton Elevation Plot 7'; EL90 110ii Rev A 'Mappleton Elevation (Stone) Handed'; EL90 110iii Rev A 'Mappleton Elevation (Render/Stone)'; EL90 110iv 'Mappleton Plot 11 Floorplans'; EL90 110v 'Mappleton Floorplans' EL90 110v 'Mappleton Elevation - Plot 11'; 'EL90 110Vii 'Mappleton Elevation (Stone) Special Plot 169'; EL90 110ix 'Mappleton Plot 169 Floorplan'; EL90 110viii 'Mappleton Elevation (Stone) Special Plot 26'; EL90 110x 'Mappleton Plot 26 Floorplans'; EL90 110xi 'Mappleton Elevation (Stone/Render) Plot 97'; EL90 110xiii Rev A 'Mappleton Elevation (Render/Stone)'; EL90 110 xiii 'Mappleton Elevation (Stone) Plot 136'; EL90 111i 'Langdale Elevation'; EL90 111ii 'Langdale Elevation Handed'; EL90 111iii 'Langdale Floorplans'; EL90 111iv 'Langdale Elevation Handed'; EL90 111v 'Langdale Elevation'; EL90 111vi 'Langdale Elevation'; EL90 114i Rev A 'Usk Elevation (Render)'; EL90 114i Rev A 'Usk Elevation Handed (Render)'; EL90 114iii 'Usk Floorplans'; EL90 114iv 'Usk Floorplans'; EL90 115i Rev A 'Beckford Terrace'; EL90 115ii Rev A 'Beckford Semi-Detached'; EL90 115iii 'Beckford Floorplans'; EL90 116i Rev A '1BF Elevation'; EL90 116ii Rev A '1BF Floor Plan'; EL90 117i 'Rev A '2.7 Terrace'; EL90 117ii Rev A '2.7 Semi'; EL90 117iii '2.7 Floorplans'; EL90 118i Rev A '3.1 Terrace - Plots 87-89'; EL90 118ii Rev A '3.1 Semi Detached'; EL90 118iii Rev A '3.1 Floorplans'; EL90 119i Rev A '4.2 Brick'; EL90 119ii Rev A '4.2 Render'; EL90 119iii Rev A '4.2 Floorplans' GA 90 07 Rev F 'Materials Finishes - Phase 1' received 25 September 2017

EL90 112i Rev A 'Heydon Elevation (Stone & Render) Handed'; EL90 112ii 'Heydon Elevation (Render) Plot 96'; EL90 112iii Rev A 'Heydon Elevation (Render)'; EL90 112iv Rev A; 'Heydon Floor Plan'; EL90 112v Rev A 'Heydon Elevation Plot 128'; GA90 09 01 'Landscape Masterplan' received 26 September 2017

Reason:

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

2. Notwithstanding the submitted details, samples of all external materials and finishes, in line with the submitted schedule of materials as shown on drawing GA 90 07 Rev E 'Materials Finishes - Phase 1', (to include roughcast render and details of means of protecting the finish/appearance of the render) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the beneficial occupation of the respective dwelling.

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

3. Prior to work commencing on the external fabric of the development hereby permitted, a sample panel of a minimum of 1 square metre of the proposed renders, brickwork and stonework and detail of the mortar type and pointing, shall be prepared and made available for inspection and final written approval by the Local Planning Authority. Construction work shall only commence once written approval has been given, and the approved panel shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.

Reason:

To enable the quality of the render, brickwork, stonework, coursing and pointing to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policies MD2 (Design of New Development) of the Local Development Plan.

4. Notwithstanding the submitted enclosures plan and Boundary Treatment Elevations (GA 90 06 Rev A and GA 90 10 Rev A received on 21 September 2017), full details of revised enclosures and details (including the arched openings in stone walls) shall be submitted to and approved in writing by the Local Planning Authority, prior to any construction/erection of the enclosures and the agreed means of enclosures shall be erected on site prior to the first beneficial occupation of the relevant part of the development and thereafter retained.

Reason:

In the interests of visual amenity and to meet the objectives of Policies MD2 (Design of New Development) of the Local Development Plan.

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

Reason:

To ensure that visual amenities and the amenity of neighbouring residential occupiers are safeguarded, and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

6. The garages hereby approved shall be kept available for the parking of motor vehicles at all times in association with the development hereby approved and shall not be physically altered or converted.

Reason:

To ensure the satisfactory development of the site and that adequate off-street parking provision and garaging facilities are retained and in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those approved under Condition 4 of this consent shall be erected within the curtilage of any dwelling house forward of the principal elevation of that dwelling house.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. Notwithstanding the submitted details, full engineering details (including design calculations) of all internal roads within the site, incorporating turning facilities and vision splays, and including sections and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and timescales agreed under condition 10.

Reason:

In the interests of highway safety in accord with Policy MD2 of the Local Development Plan.

9. Notwithstanding the submitted Landscape Masterplan and Darren Farm Plant Schedule, a fully detailed scheme of landscaping (at a scale of 1:200) and updated Planting Schedule (which shall include a native hedgrow along the Llantwit Major Road frontage) and management plan, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread, species and health) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP10 (Built and Natural Environment), MD2 (Design of New Developments), MD9 (Historic Environment) of the Local Development Plan.

10. Prior to the commencement of development, a phasing plan indicating the construction of the dwellings and all associated infrastructure (including highways, parking and turning areas) shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with agreed phasing plan and no dwelling shall be brought into beneficial use until such time as all associated highway infrastructure has been constructed and works shall thereafter be so retained to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

11. Prior to the commencement of development (including site clearance) a Construction Surface Water Management Plan shall be submitted to and approved by the LPA. This plan shall detail the mitigation measures that will be put in place to ensure that there is no detrimental effect of surface water flood risk to the surrounding areas during construction of Phase 1 of the development. The plans shall also assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) to the watercourse on site and describe how these risks will be mitigated for Phase 1 of the development. All works shall be carried out in accordance with the approved details.

Reason:

To ensure that development does not cause or exacerbate any drainage issues on the development site, adjoining properties and environment, with respect to flood risk and to protect the integrity and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with the terms of Policies MD1, MD2 and MD7 of the Local Development Plan.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons in accordance with landscape delivery/management plan required by condition 13; any trees or plants which within a period of 5 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.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP10 (Built and Natural Environment) MD2 (Design of New Developments) of the Local Development Plan.

13. A landscape delivery and management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

Reason:

To ensure satisfactory delivery and maintenance of the landscaped areas to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

14. Notwithstanding the submitted layout, a plan indicating a revised footpath arrangement showing an extended footway adjacent to plots 44 and 71 shall be submitted to and approved in writing by the Local Planning Authority. These works shall be delivered in accordance with the requirements of condition 10.

Reason:

To ensure the provision of highways infrastructure to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy MD2 of the Local 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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the strategy; SP3 – Residential Requirement; SP4 – Affordable Housing Provision; SP7 – Transportation; SP10 – Built and Natural Environment; MG1 – Housing Supply in the Vale of Glamorgan; MG2 – Housing Allocations; MG4 – Affordable Housing; MG16 – Transport Proposals; MG17 – Special Landscape Areas; MG20 – Nationally Protected Sites and Species; MD1 – Location of New Development; MD2 – Design of New Development; MD3 – Provision for Open Space; MD4 – Community Infrastructure and Planning Obligations; MD5 – Development within Settlement Boundaries; MD6 – Housing Densities; MD7- Environmental Protection; MD8 – Historic Environment; MD9 – Promoting Biodiversity of the Vale of Glamorgan Local Development Plan 2011-2026; the Supplementary Planning Guidance ‘Amenity Standards’; ‘Affordable Housing’; ‘Biodiversity and Development’; ‘Design in the Landscape’; ‘Parking Standards’; ‘Planning Obligations’; ‘Sustainable Development – A Developer’s Guide’; ‘Trees and Development’; Planning Policy Wales (9th edition 2016); Technical Advice Note 2 – Planning and Affordable Housing; Technical Advice Note 5 – Nature Conservation and Planning; Technical Advice Note 11 – Noise; Technical Advice Note 12 – Design; Technical Advice Note 15 – Development and Flood Risk (2004); Technical Advice Note 16 - Recreation and Open Space; Technical Advice Note 18 – Transport and Technical Advice Note 24 – The Historic Environment it is considered that the proposals are acceptable, subject to conditions, by virtue of the appropriate layout, design and scale of the development, with suitable means of access and parking, and no significant impact on neighbours and overall constitutes an acceptable form of residential development. Furthermore, the proposals include acceptable levels of ecological mitigation, would not unacceptably impact upon the character of the adjoining town of Cowbridge or landscape setting and would not result in unacceptable flooding or drainage issues either on or off site. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance. Furthermore the proposals are considered to accord with the requirements of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

3. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

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

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

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

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

KEY



Application Boundary

2017/00841/RES



Nathaniel Lichfield
& Partners
Planning, Design, Economics.

Project: Darren Farm, Cowbridge

Title: Application Boundary

Client: CEG

Date: November 2014

Scale: 1:5000 @ A3 1:2500 @ A1 N

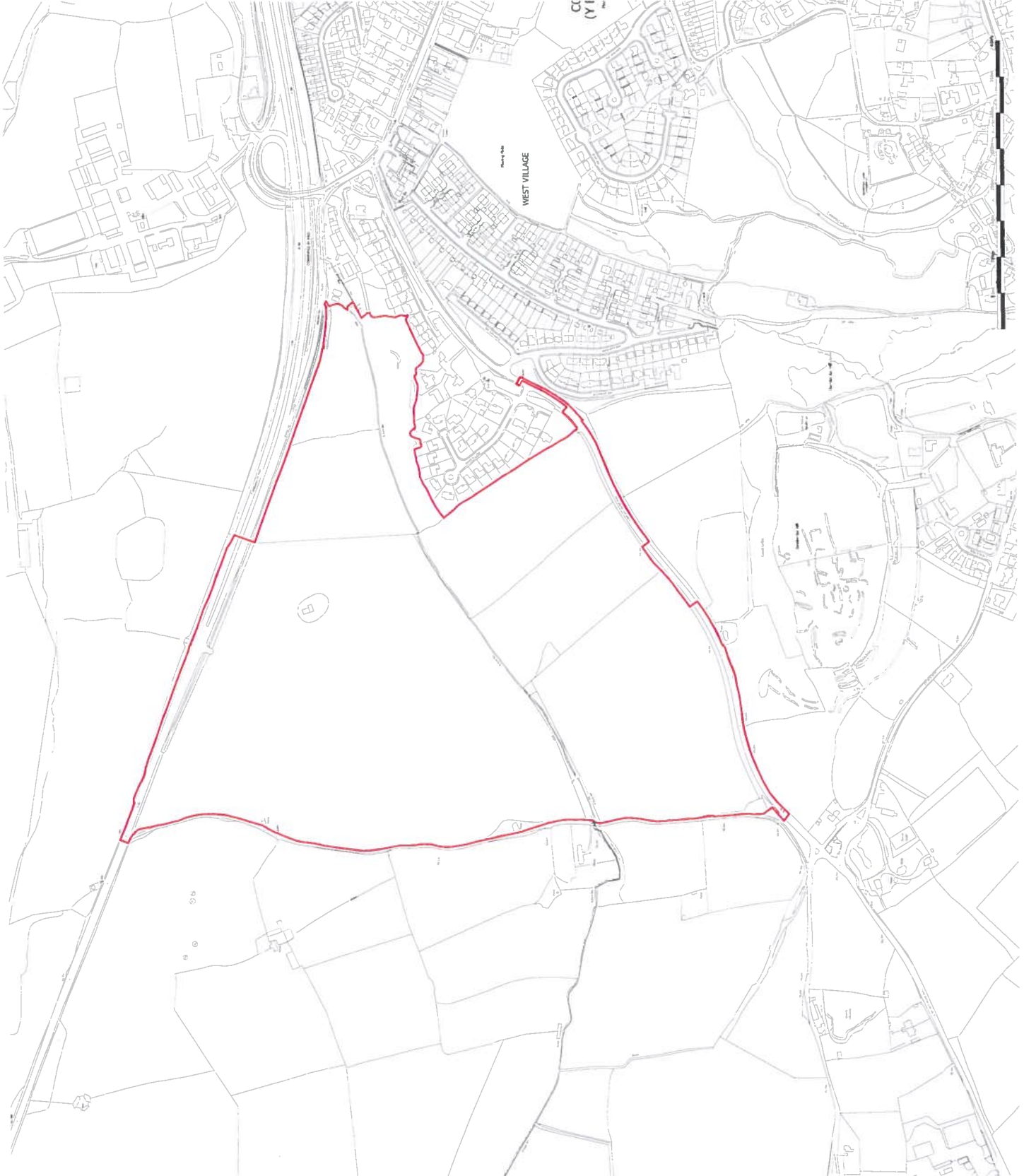
Drawn by: SG

Dig. No: IL31131-014 (RevB)



WE 31131

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Cowbridge and Llanblethian Residents Group

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12 SEP 2017

Regeneration
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Reasons to Oppose Planning Application 2017/00841/RES, Land at North West Cowbridge (Darren Farm), Phase 1 of the development submitted on 4/8/2017 by Savills on behalf of Taylor Wimpey

1. No Provision for Llantwit Major Road Footpaths, Pedestrian Crossing or Bus Stop

The application makes no provision for a new footpath on the B4270 Llantwit Major road leading from the new proposed site entrance road in the east direction, linking with the footpath exiting Darren Close, with an associated pedestrian crossing across the Llantwit Major road linking with the footpath at the entrance to Geraints Way, leading north down to Cowbridge.

This new footpath was a feature of the Master Plan attached to the CEG outline planning application (2014/0105/OUT) which was approved by the Vale Council and upon which the new Phase 1 planning application is based.

It is necessary for this new footpath to be built before any houses in Phase 1 of the development are occupied, as it will be the main route for residents on the site to walk into Cowbridge which the original planning application was keen to encourage and is supported by Taylor Wimpey.

The pedestrian crossing will be necessary due to the busy nature of the Llantwit Major road at peak times and the sharp bend in the road approaching Darren Close.

It would also be advisable to have a lit speed indicator sign just past the new entrance for traffic heading downhill into Cowbridge to help to enforce the 30 mph speed limit which at present is normally exceeded, by most traffic.

There should also be provision of a bus stop near the site entrance for the 321 bus to pick up Phase 1 residents to and from Cowbridge.

2. No Provision for Highway Improvements at the Dangerous Cross Inn Junction or Traffic Modifications in Llanblethian

Although the application makes provision for road improvements at the Nash Manor B4270 junction, it makes no provision for improvements to the Cross Inn junction with Church road Llanblethian which is an extremely hazardous blind exit from Church road onto the B4270 in both directions.

This junction will experience much heavier traffic as the site becomes more developed and occupied, especially when the proposed link road is completed and the school is built (also planned at the same time as Phase 1 of this application). This section of the B4270 will then carry all the traffic diverted away from Llysworney onto the new link road.

As the new school project is also planned to be built during Phase 1, this will generate much more traffic coming from and to Llanblethian to the school.

These factors will not only necessitate improvements to this junction but also require traffic modifications in Llanblethian as have been described in detail in a recent letter from this Residents Group to Councillor Jeff Cox.

It is clear that all of these road modifications need to be made early in Phase 1 and need to be built in to the provisions in this planning application.

3. Insertion of a New Row of Residential Units on Land which was shown as part of the School Site in the Approved Outline Planning Application

The CEG planning application (2014/01505/OUT) amended plans (issued in July 2015) made a strong point in the Master Plan that measures had been taken to mitigate against the loss of amenity for the present residents of Darren Close.

Amongst these measures was the "Removal of proposed residential units to the north of properties on Darren Close, to the east of the site area".

This is shown on the *Landscape Framework- Amended Scheme* drawing No 2147/P35a.

On this drawing there are no proposed residential units behind the back gardens of numbers 6 and 7 Darren Close where this space is shown as part of the area allocated for the school.

However in the *Planning Layout – Phase 1* dated 03/08/17 prepared by "The Urbanists" for Taylor Wimpey in support of the Phase 1 application, there is now a row of residential units on the plan (units 56 – 71) which are in full view of the residents of No 7 Darren Close.

We object that this was not a feature in the planning application approved by the Council and should not be in the Phase 1 layout.

Furthermore it is not in the spirit of the declared intention to preserve the amenity of the residents of Darren Close.

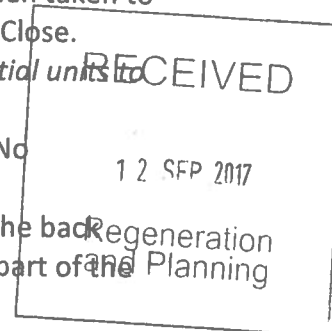
Also the space occupied by these units is not in the developable area calculated for the site.

We propose that this row of units (or at least units 56 to 63) are placed elsewhere on the site.

4. The Application Fails to Provide Report Documents on the Planning Register Showing the Results and Evidence on the Recent Additional Drainage and Archaeology Investigations and other recent changes.

A full appraisal of the merits and feasibility of the application cannot be made by residents who have been invited by the Council to make representations, unless all the documentary evidence is put on the Planning Register in the public domain, including additional drainage and archaeology investigations.

Also the Schedule of Plans / Documents – Version 2 (dated August 17th) supplied by Savills on behalf of Taylor Wimpey which accompanies the application lists: *Document / Drawing Reference 1605-URB-UD-GA-90-07 Materials Finishes – Phase 1 (Superseded and replaced with amended Material Finishes – Phase 1 Plan (Rev A) – submitted by post on August 17th 2017 – The Urbanists- 04 August 2017* This document is not on the Planning Portal.



Also the accompanying letter from Savills states:

The application is made by combination of the Planning Portal and the enclosed CD, which includes all of the submitted documents (including those files too large to be uploaded via the Planning Portal).

Furthermore we cannot find the Compliance Statement referred to in item 5 in the Planning Portal.

The omission of the availability of key documents demands more time when they become available to study their content and so the due date for representations should be extended for a further 3 weeks after the documents become available.

5. The High Proportion of Brick Facades in the Residential Units is Inconsistent with the Built Character of Cowbridge and the Compliance Statement.

The Taylor Wimpey Design Update (August 2017) which accompanies the application states:

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4.4 Understanding Character: Streetscenes

Thorough analysis of the local context has been undertaken which has informed the developing ideas for the character and streetscene of the development so that it reflects distinctive elements of Cowbridge and Llanblethian whilst having a strong sense of its own character connected with the specific site setting. By analysing local vernacular examples and applying the principles to new development, a relevant vernacular design approach without being a pastiche can be applied.

The letter from Savills (PP-062-19946) accompanying the application states:

Compliance statement

The application is accompanied by a Compliance Statement which provides a detailed analysis of the parameters defined at the OPP stage and how these have been taken forward into the design of the reserved matters. This demonstrates how the phase 1 development accords with the principles defined through the OPP and sets out a design rationale for the appearance of the dwellings which is deemed as an important factor in integrating this development with the settlement of Cowbridge.

Cowbridge is a rendered town with some stonework facades.

There is not one brick facade in the whole length of Westgate, The High Street and Eastgate.

The Materials Finishes - Phase 1 Layout (1605 UD GA 90-07 Rev A) proposes that 41% of the residential units are red brickwork.

While we appreciate the effort that has been made to provide a variety of designs which are compatible with the built environment of Cowbridge, we maintain that red brickwork facades are entirely out of keeping with the character of the town and will give the site the appearance and character of yet another suburban housing estate and are inconsistent with the two statements above.

We propose that all the brick facades are replaced by render or stone with dark grey slate type or grey concrete plain roof tiles .

The range of designs together with the indicated variation in light render colours will add the required variety in appearance and character of the development without becoming a pastiche.

6. Insufficient Protection for LLanfrynach Church from Noise from the Link Road

Llanfrynach Church is a historically important 12th century listed building and a rare example of a church which has escaped modernisation and has retained the base of its earlier preaching cross. Its interior has the original stone benches used by more frail members of the congregation before chairs and pews were introduced.

The churchyard is still in use by local residents who wish to be buried in totally peaceful surroundings.

The roof and tower have recently been refurbished with the aid of a Lottery grant.

The church is still used for Sunday services twice a year and is also a totally peaceful amenity treasured by local residents for its calm and secluded ambience.

It is on the Valeways circular walk around Cowbridge and has unique coffin stiles across the hedges up to the A48.

The proposed link road carrying heavy goods traffic will run less than 150 metres from the church and there is no provision in the application for the protection of the church and churchyard from traffic noise.

We propose that a 250 metre length of the buffer zone between the church and the link road is planted with trees to create a woodland area (with footpath through) which would help to preserve the quiet seclusion of the church.



From: [Roger Milton](#)
To: [Planning](#)
Subject: Planning Objection,,,,, Planning Application Reference 2017/00841/RES, Land at North West Cowbridge (Darren Farm), Phase 1
Date: 22 September 2017 22:12:19

Dear Sirs,

I note below the reasons why I object to the above planning application:

1. No provision for Llantwit Major road footpaths, pedestrian crossing or bus stop
The application makes no provision for the new footpath, in the east direction on the B4270 Llantwit Major road, leading from the new proposed site entrance road, linking with the footpath exiting Darren Close, with an associated pedestrian crossing across the Llantwit Major road, linking with the footpath at the entrance to Geraints Way, leading down to Cowbridge.

This new footpath was a feature of the Master Plan attached to the CEG outline planning application (2014/0105/OUT) which was approved by the Vale Council and upon which the new Phase 1 planning application is based.

It is necessary for this new footpath to be built before any houses in Phase 1 of the development are occupied, as it will be the main route for residents on the site to walk into Cowbridge which the original planning application was keen to encourage and is supported by Taylor Wimpey.

The pedestrian crossing will be necessary due to the busy nature of the Llantwit Major road at peak times and the sharp bend in the road approaching Darren Close.

It would also be advisable to have a lit speed indicator sign just past the new entrance for traffic heading downhill into Cowbridge to help to enforce the 30 mph speed limit which at present is normally exceeded by most traffic.

There should also be provision of a bus stop near the site entrance for the 321 bus to pick up Phase 1 residents to and from Cowbridge.

2. No provision for highway improvements at the dangerous Cross Inn junction or traffic modifications in Llanblethian

Although the application makes provision for road improvements at the Nash Manor B4270 junction, it makes no provision for improvements to the Cross Inn junction with Church road Llanblethian which is an extremely hazardous blind exit from Church road onto the B4270 in both directions.

This junction will experience much heavier traffic as the site becomes more developed and occupied, especially when the proposed link road is completed and the school is built (also planned at the same time as Phase 1 of this application).

This section of the B4270 will then carry all the traffic diverted away from Llysworney onto the new link road.

As the new school project is also planned to be built during Phase 1, this will generate much more traffic coming from and to Llanblethian to the school.

These factors will not only necessitate improvements to this junction but also require traffic modifications in Llanblethian as have been described in detail in a recent letter from this Residents Group to Councillor G.A. Cox dated 16/8/2017.

It is clear that all of these road modifications need to be made early in Phase 1 and need to be built into the provisions in this planning application.

3. Insertion of a new row of residential units on land which was shown as part of the school site in the approved outline planning application

The CEG planning application (2014/01505/OUT) amended plans (issued in July 2015) made a strong point in the Master Plan that measures had been taken to mitigate against the

loss of amenity for the residents of Darren Close.

Amongst these measures was the “Removal of proposed residential units to the north of properties on Darren Close, to the east of the site area”.

This is shown on the Landscape Framework- Amended Scheme drawing No 2147/P35a. On this drawing there are no proposed residential units behind the back gardens of numbers 6 and 7 Darren Close, where this space is shown as part of the area allocated for the school.

However in the Planning Layout – Phase 1 dated 03/08/17 prepared by “The Urbanists” for Taylor Wimpey in support of the Phase 1 application, there are now 2 additional rows of 28 residential units on the plan (units 44 – 71) which are in full view of the residents of No 7 Darren Close abutting their back gardens.

We object that this was not a feature in the planning application approved by the council and should not be in the Phase 1 layout.

Furthermore It is not in the spirit of the declared intention to preserve the amenity of the residents of Darren Close stated in the Master Plans for the outline and phase 1 planning applications .

Also the space occupied by these units is not in the developable area calculated for the site. We propose that these 2 rows of units are placed elsewhere on the site.

4. The application fails to provide report documents on the planning register showing the results and evidence from the recent additional drainage and archaeology investigations and other recent changes.

A full appraisal of the merits and feasibility of the application cannot be made by residents who have been invited by the council to make representations, unless all the documentary evidence is put on the Planning Register in the public domain, including additional drainage and archaeology investigations.

Also the accompanying letter from Savills states:

The application is made by combination of the Planning Portal and the enclosed CD, which includes all of the submitted documents (including those files too large to be uploaded via the Planning Portal)

We need to have a copy of the CD and the Compliance Statement referred to in item 5 in the Planning Portal.

The omission of the availability of key documents demands more time when they become available to study their content and so the due date for representations should be extended for a further 3 weeks after the documents become available

5. The high proportion of brick facades in the residential units is inconsistent with the built character of Cowbridge and the compliance statement.

The Taylor Wimpey Design Update (August 2017) which accompanies the application states:

4.4 Understanding Character: Streetscenes

Thorough analysis of the local context has been undertaken which has informed the developing ideas for the character and streetscene of the development so that it reflects distinctive elements of Cowbridge and Llanblethian whilst having a strong sense of it’s own character connected with the specific site setting.

By analysing local vernacular examples and applying the principles to new development, a relevant vernacular design approach without being a pastiche can be applied.

The letter from Savills (PP-062-19946) accompanying the application states:

Compliance statement

The application is accompanied by a Compliance Statement which provides a detailed analysis of the parameters defined at the OPP stage and how these have been taken forward into the design of the reserved matters.

This demonstrates how the phase 1 development accords with the principles defined through the OPP and sets out a design rationale for the appearance of the dwellings which

is deemed as an important factor in integrating this development with the settlement of Cowbridge.

Cowbridge is a rendered town with some stonework facades.

There is not one brick facade in the whole length of Westgate, the High Street and Eastgate, including all the conservation area.

The Materials Finishes - Phase 1 Layout (1605 UD GA 90-07 Rev A) proposes that 41% of the residential units are red brickwork.

While we appreciate the effort that has been made to provide a variety of designs which are compatible with the built environment of Cowbridge, we maintain that red brickwork facades are entirely out of keeping with the character of the town and will give the site the appearance and character of yet another suburban housing estate and are inconsistent with the two statements above.

We propose that all the brick facades are replaced by render or stone with dark grey slate type or grey concrete plain roof tiles .

The range of designs together with the indicated variation in light render colours and stone finishes will add the required variety in appearance and character of the development without becoming a pastiche.

6. Insufficient protection for Llanfrynach church from noise from the link road

Llanfrynach Church is a historically important 12th century listed building and a rare example of a church which has escaped modernisation and has retained the base of its earlier preaching cross. Its interior has the original stone benches used by more frail members of the congregation before chairs and pews were introduced.

The churchyard is still in use by local residents who wish to be buried in totally peaceful surroundings.

The roof and tower have recently been refurbished with the aid of a Heritage Lottery grant.

The church is still used for Sunday services at least 5 times a year and is also a totally peaceful amenity treasured by local residents for its calm and secluded ambience.

It is on the Valeways circular walk around Cowbridge and has unique coffin stiles across the hedges up to the A48.

The proposed link road carrying heavy goods traffic will run less than 150 metres from the church and there is no provision in the application for the protection of the church and churchyard from traffic noise.

We propose that a 250 metre length of the buffer zone between the church and the link road is planted with trees to create a woodland area (with footpath through) which would help to preserve the quiet seclusion of the church.

7. No provision for extra car parking in Cowbridge to mitigate the traffic congestion caused by extra shopping journeys by car from the proposed development

In discussions between this Residents Group and Taylor Wimpey representatives at their public consultation meeting on 15th March 2017 we asked for section 106 contributions towards the community car parking schemes at the livestock market and the town wall on the Butts.

The developer was sympathetic to this proposal but since then no agreement or proposal has been made by the developer.

This extra parking is needed to avoid further congestion arising at the town centre from car journeys coming from the proposed development.

I would be grateful if you will send me a formal acknowledgement of this objection.

Yours faithfully,

Monica J Milton 10 Bowmans Way, Cowbridge, CF717AW

20 Church Hill Close, Llanblethian, Cowbridge,
Vale of Glamorgan, UK CF71 7JH

9th September, 2017

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

RECEIVED

12 SEP 2017

Regeneration
and Planning

Dear Sir,

PLANNING APPLICATION NO. 2017/00841/RES

LAND AT NORTH WEST COWBRIDGE

PHASE 1 OF DARREN FARM DEVELOPMENT, TAYLOR WIMPEY PLC

In the year 2000, I believe the Vale Planning Department was involved in the publication of an excellent leaflet for European Heritage Open Days: 'Open Churches in the Vale of Glamorgan', celebrating Conservation in the Vale. The entry for St. Brynach's Church, Llanfrynach, cites its unique features, and the fact that it "is set isolated, in unspoilt countryside". If I had to show a visitor one building which captures the essence of Glamorgan, I would take them to the small Church of St. Brynach to admire its austere beauty.

In 2003, Mr. Michael Thomas, although terminally ill, worked ceaselessly to establish St. Brynach's as a Pilgrimage Church. He loved this place, and lies buried in the churchyard. His legacy has been the wider appreciation of the Church, which is visited by many people of all ages, and which is most emphatically not redundant. Five services were held here in July, all well-attended, and Pat Thanksgiving Services take place in the churchyard, with all creatures from chickens to lambs receiving an individual blessing.

Planning was once an honourable profession, dedicated to the best use of land for the benefit of all. Sadly, it now appears to me to be so debased that it resembles a squalid extortion racket, with success measured in the amount of Section 106 money secured. Apparently, you are very good at this, and you boast of the contributions secured in the Press. Perhaps Taylor Wimpey consider that they have 'bought' you, hence their premature and unnecessary removal of hedgerows on site, and seeming intention to renege on the use of appropriate building materials.

These funds should more properly be used to clean up brownfield sites such as Ilondow, and not to concrete over good agricultural land. You do not even have to leave the A48 to witness the destruction of the rural Vale. Admittedly, planners cannot be held solely responsible, it takes greedy landowners and blinkered politicians, too. One can only wonder at Vale Councillors who declare tourism vital, and then vote for vast, inappropriate developments. What a farce to waste money on a Tourism Consultant to talk of destination management, product and brand development, iconic imagery, enhancing the sense of place, and other pseud's jargon. But then, who cares about a nice bit of countryside and some old church when we have Barrybados.

Having used your professional skills to obtain 3106 funds, I hope you will do everything possible to mitigate the dreadful effects of the road and housing development. A thick shelter belt of mature trees (not saplings) is needed for the length of Ilanfrynach lane.

I usually end with a polite request that you take my concerns into consideration, but I am a realist. I am Welsh, Glamorgan born and bred, I live in the Vale and pay the Council Tax, I am a nobody. I recognise that time spent writing to the Planning Department is a waste of life, and that this letter is not worth the postage stamp. At least I have tried to preserve all that we hold precious for the enjoyment of future generations. The destruction of the rural Vale is happening on your Watch. Proud of yourselves?

Yours faithfully,



K. G. JONES



8 ST. BRYNACH, LLANFRYNACH

The church is built in Early English style dedicated to St Brynach, a 6th century Saint. It retains several features unique in the Vale, such as the stone benches against the north and south walls of the nave for the elderly and infirm, and the coffin stile in the north east corner of the church yard. About 15 services are held in the church each year, which is set isolated, in unspoilt countryside.

Open Saturday and Sunday 1030 - 1600

9 ST. JOHN THE EVANGELIST, PENLLYN

This small chapel was re-built in 1850 by the Homfray family, as a memorial to the first Mrs Homfray. Lying on the edge of Penllyn Castle estate, its regular use resulted in the redundancy of Llanfrynach Church.

*** Late cancellation due to roof repairs being undertaken. Unfortunately this church will not be open to visitors this weekend.**

10 ST. OWAIN, YSTRADOWEN

The current church dates back to the 1860s when it was completely rebuilt. The site, however, contains an ancient burial ground connected with Druid legends.

Open Saturday and Sunday 0900 - 1730

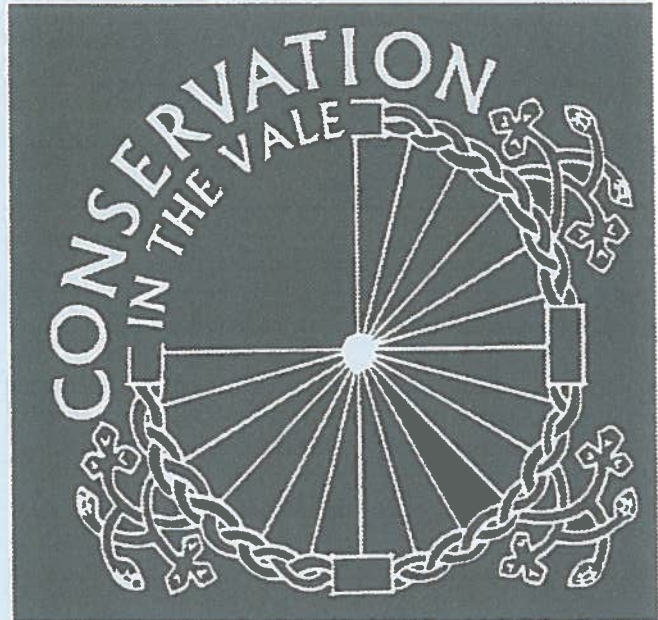
Sunday Service: 0915

11 ST. CADOC, LLANCARFAN

The church is dedicated to St. Cadoc who founded a monastery here in the 6th century. The present church dates back to the 13th and 14th centuries. The church has recently undergone extensive restoration work.

Open Saturday and Sunday 0900 - 1700

Sunday Service: 1100 - Holy Eucharist



**EUROPEAN HERITAGE
OPEN DAYS
16-17 SEPTEMBER 2000**

OPEN CHURCHES IN THE VALE OF GLAMORGAN

Started in 1991, European Heritage Open Days are an initiative of the Council of Europe and enjoy the support of over 20 countries. The days allow free access to buildings of architectural, cultural or historical interest, which are normally closed to the public, or for which an entrance fee is usually charged.

RECEIVED

12 SEP 2000

Regeneration
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Open Days are supported in Wales by Cadw: Welsh Historic Monuments and the Heritage Lottery Fund, and co-ordinated by the Civic Trust for Wales. A number of churches in the Vale will be open beyond usual church service times. This leaflet gives details of the churches and when they will be open.

Whilst this is by no means an exhaustive list of churches of interest in the area, thanks are extended to the Rectoral Benefice of Cowbridge, the Parish of Llanccarfan with Llantrithyd, the Priory



*Cross of Houeh,
Llantwit Major Church*

ALL THINGS BRIGHT AND BEAUTIFUL, ALL CREATURES GREAT AND SMALL!



PHOTOS by MIKE WILCOCK



PETS are a large part of our lives, providing much enjoyment, companionship and love, and those gifts were recognised at Llanfrynach Church when a 'pet thanksgiving service' was held on September 1. In lovely sunshine people arrived with animals as diverse as dogs, horses, ponies, tortoises, chickens, guinea pigs and even a pair llamas!

RECEIVED
12 SEP 2013
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Mrs. Linda Goodwin 7, Cwrt Syr Dafydd, Llantwit Major,, Vale of Glamorgan,, CF61 2SR

Mrs. Linda Goodwin 7, Cwrt Syr Dafydd, Llantwit Major,, Vale of Glamorgan,, CF61 2SR

7, Cwrt Syr Dafydd, Llantwit Major

Replacing 2 metre high hedge with 1.63 metre high horizontal tanalised timber fence 8.9 metres long (five panels) to part front and part side of property

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning Committee under the Council's approved scheme of delegation because:

- The report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegated powers.

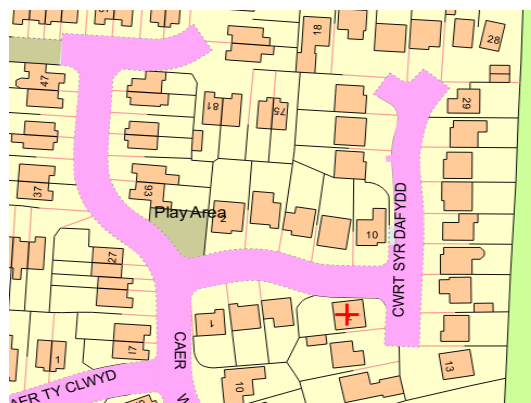
EXECUTIVE SUMMARY

This retrospective planning application relates to a fence erected adjacent to a highway, which exceeds 1m in height and therefore required the benefit of planning permission. The principle issue to consider is the impact of the fencing on the character and appearance of the immediate surroundings.

It is recommended that the planning application be REFUSED due to the unacceptable negative impact of the fence on the locality and that PLANNING ENFORCEMENT ACTION BE AUTHORISED in order that formal action in the form of a planning enforcement notice may be pursued to remedy the breach of planning control. In addition, in the event of non-compliance with the enforcement notice authorisation is also sought to take such legal proceeding that may be required.

SITE AND CONTEXT

7 Cwrt Syr Dafydd is a modern detached dwelling on a corner plot towards the end of a cul-de-sac, within the settlement of Llantwit Major. It is surrounded by similar dwellings.



DESCRIPTION OF DEVELOPMENT

The application seeks retrospective permission for the retention of a fence to part of the front and side of the property. The fence is approximately 1.7m in height and 9m long, constructed from horizontal tanalised timber along the boundary of the site shared with the highway. The fence replaced a hedge and tree.

The Town and Country Planning (General Permitted Development) Order 1995 (as amended) grants a deemed planning consent for new means of enclosure up to a metre in height when erected adjacent to a highway used by vehicular traffic. The fence in question does not benefit from these rights as it measures some 0.7 metres above the height permitted. For this reason planning permission is required for the fence.

A photograph of the development as built is below:



PLANNING HISTORY

None relevant.

CONSULTATIONS

Llantwit Major Town Council and ward members were consulted on 18 August 2017 – They responded on 29 August, stating “No objection”.

Highway Development was consulted on 18 August 2017 – They responded on 24 August saying “Further to reviewing the above, it is considered that the development will not have a detrimental impact along the adjacent highway. As a result, an objection in relation to the proposals is not raised in this instance.”

Cllr Gwyn John provided comments on 20 September stating “The fence is 1.5m which looks extremely good made up of panels. It replaces a hedge which the owner, who is a senior citizen, was having problems cutting regularly due to his health. It is my understanding that Highways have no objections to the fence, neither do residents living at Cwrt Syr Dafydd, with the exception of one who has a dislike for the couple living at the property. Cwrt Syr Dafydd is a cul-de-sac which is made up of private houses and the only people who access are those who live there and visitors occasionally, it is not a public highway used by many people, it is tucked away on an estate”.

REPRESENTATIONS

The neighbouring properties were consulted on 18 August 2017. Comments received raised the following issues:

- Visually not in keeping with the area which is characterised by plants and open frontages
- Aesthetically it jars, and in our opinion is ugly and unacceptable.

REPORT

Planning Policies and Guidance

Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

- SP1 - Delivering the Strategy
- MD2 - Design of New Development
- MD5 - Development Within Settlement Boundaries

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application. Of particular relevance are the principles of sustainable development, set out in Chapter 4.

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 Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn.

The following SPG are of relevance:

- Amenity Standards

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Well-being of Future Generations (Wales) Act 2015

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

Issues

The relevant policies require the following:

- SP1 (Delivering the strategy) requires new development to protect and enhance the built environment.
- MD2 (Design of new development) requires new development to positively contribute to the context and character of the surrounding built environment and protect existing features of townscape; Respond appropriately to the local context and character; Safeguard existing public and residential amenity.
- MD5 (Development within settlement boundaries) requires new development to be of a form and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

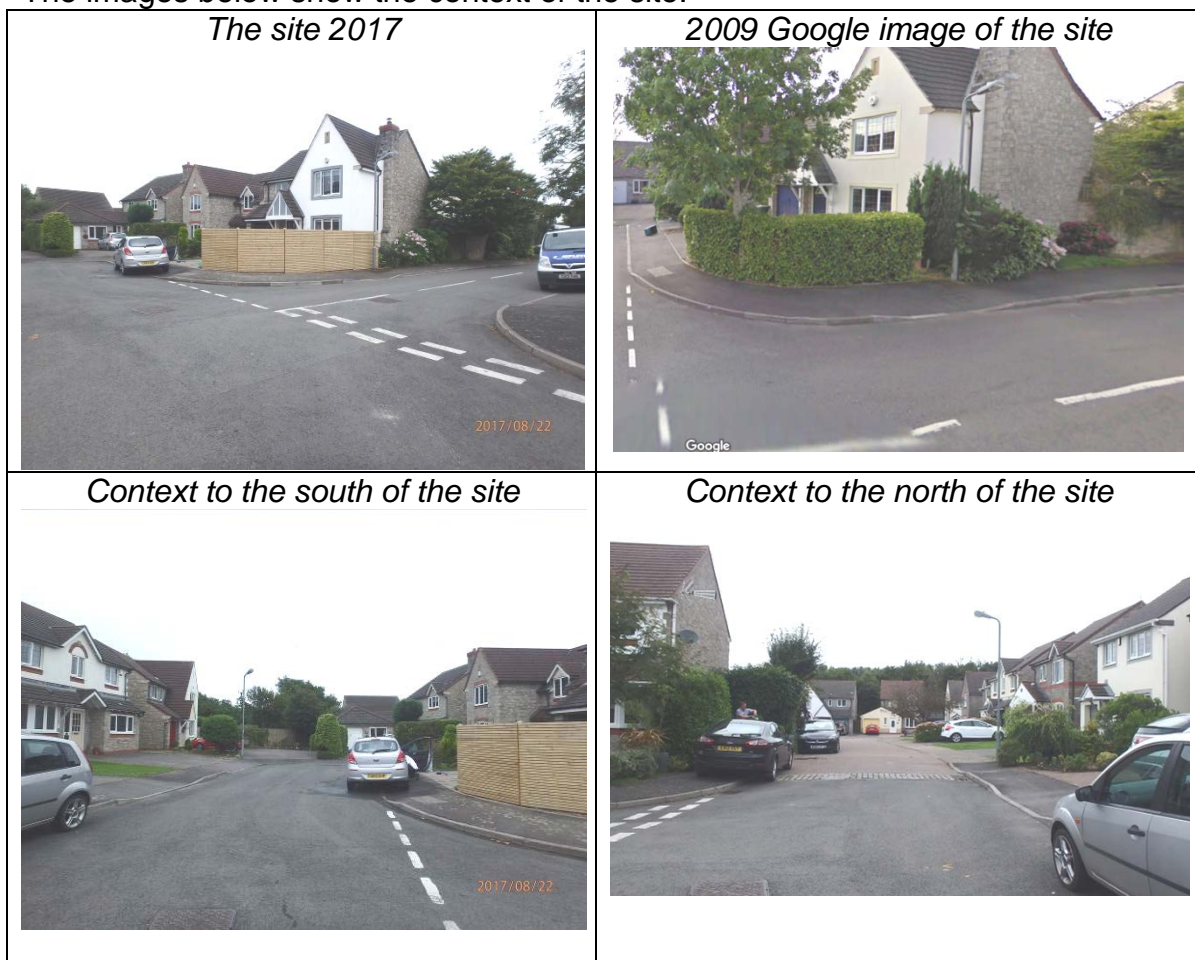
The Amenity Standards SPG requires that visual amenity be secured by careful design of the relationship between buildings, trees, hedges, public spaces, footpaths, screen walls and fence. It also requires that the construction of new residential development respects the character of existing residential development.

In addition, guidance found within TAN12 advises that the appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and developments that do not address the objectives of good design should not be accepted. These principles are echoed in policies SP1, MD2 and MD5 of the LDP.

So, in summary, the policies and supplementary planning guidance relevant to this application require that the scale, form and design of development respects, protects and positively contributes to the character of its immediate surroundings and does not unacceptably impact upon the appearance of the locality.

Visual impact

The images below show the context of the site.



The application site is located in an attractive residential area where the housing layout consists largely of detached houses set back from the road with generous front gardens. The application site occupies a corner plot and is highly visible within the streetscene. Whilst there are examples of some soft landscaping within the streetscene, the area is characterised by large open frontages with no enclosures, which gives a spacious, open and verdant impression to this part of the housing area. It is considered that the open plan nature of the streetscene contributes positively to the environmental quality and visual amenity of the area.

The removal of the bushes and a tree to the front of the property inevitably changed the visual character of the area, but their removal did not require permission. However, a fence above the height of 1m, when erected adjacent to a highway, does require permission and so its visual impact must be considered.

The introduction of a 1.7m high, 9m long, solid wooden fence is not considered to be sympathetic to or in keeping with the character of the streetscene. It closes down the open nature of the area and is visually jarring within a streetscene that presents an open and fairly uniform character. It is accepted that the fence has been constructed using high quality materials. However, as the materials are not characteristic of boundary treatments in the area, the quality of the materials does not change the fact that the fence is visually out of keeping with the streetscene

It is therefore considered that the scale and form of the fence and its location abutting the footpath on a prominent corner plot, results in a visually incongruous and conspicuous addition to the streetscene. The fence does not respect the character of its immediate surroundings and has an unacceptable negative impact upon the appearance of the locality. It is therefore contrary to LDP policies SP1, MD2, MD5 and the Amenity standards SPG as well as contrary to guidance with TAN 12.

In addition, if the Council were to allow the proposal, it would be difficult to resist further similar development in the area. The cumulative effect of such development would be to significantly harm the open plan character of the streetscene. This open plan character forms a large part of the visual appeal of this area and it is desirable to protect it.

In assessing this application, consideration has also been given to any changes to the fence which might mitigate its negative impact on the streetscene to an extent that might make it acceptable. However, given the scale, length and location of the fence, and the prevailing openness of the street scene, measures such as a modest reduction in height or painting the fence, are not considered to be sufficient to mitigate the visual harm.

Impact on highway safety

New development must also have no unacceptable impact on highway safety. Given that the fence exceeds 1 metre and is adjacent to a highway, the Highway Department were consulted on this application.

Following an assessment of the site, Highways did not raise any objection to the retention of the fence in terms of highway safety.

Other considerations

It is accepted that high fences such as this are a method of providing privacy to garden areas and defining public and private spaces. The need to protect the privacy of the occupiers of a dwellinghouse may well be a significant consideration when determining an application for the retention of a high fence where that fence encloses the private rear garden. The fence subject of this report encloses the front garden of the property, which consists of a drive and landscaped area. The need to protect the privacy of a front garden that sits within the street scene is, therefore, given less weight in the planning balance and would not outweigh the harm the development causes in terms of its visual impact, as described above.

Other relevant applications and appeals

The applicants have provided photographs of other locations where there are elements of fencing in excess of 1m in height adjacent to the road. However, the context of these sites is in each case, quite different to the context of the application site. Consequently a direct comparison cannot be made in terms of the visual impact of the fencing on the streetscene.

However, there are a range of examples of where similar fences, set within a similar context to this application site, have been refused planning permission, and/or enforcement action has been taken to remove the fence or reduce the height. One such example is application 2015/00187/FUL which sought retrospective planning permission to retain a 2 metre high solid timber fence adjacent to the highway on a corner plot in an area characterised by open frontages. The application was refused.

An appeal was lodged against the refusal (Appeal APP/Z6950/A/15/3067612) and the appeal was dismissed. In this similar case, the inspector agreed with the Council's assertion that the fence had a negative impact on the character of the area, stating that the siting, height, scale, and solidity of the fence introduced a dominant and incongruous feature that detracted from the spacious impression of the street scene. This appeal also considered the appellants assertion that the hedge that had been at the site prior to the fence overhung the pavement causing harm to amenity. The inspector noted that this would be a matter of maintenance rather than the previous hedge causing permanent visual harm, such as that resulting from the fence. The inspector also acknowledged that a modest reduction in the height of the fence or painting it would be insufficient to mitigate its visual harm.

Enforcement Action

In view of the conclusions above with regard to the impact of the development on the character and visual amenity of the area, it is recommended that an enforcement Notice be issued in respect of the fence.

However, when pursuing such action, it is reasonable to take into account the height of enclosure that could be erected without the need for planning permission. In view of the permitted development rights that exist in the 1990 Order for the erection of a means of enclosure up to one metre in height in this location, it is recommended that the enforcement action pursued in this case requires the reduction in the height of the means of enclosure to no greater than 1 metre. Such a reduction will reduce the visual prominence of the enclosure and, therefore, the harm it causes.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The development is considered to cause unacceptable harm for the reasons set out above. The overarching public interest to protect the amenity of the area and to promote sustainable development principles is not considered to be outweighed by the developer's own gain.

RECOMMENDATION

That in the event of the Committee agree to the following reason for refusal, the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

1. Due to its scale, form, location and prominence, the fence forms a visually incongruous, insensitive and conspicuous addition to the streetscene, which does not respect the character of its immediate surroundings and has an unacceptable negative impact upon the appearance of the locality which is characterised by openness. Retention of the fence is therefore considered to be unacceptable and contrary to policies SP1 - Delivering the Strategy; MD2 - Design of New Development and MD5 - Development Within Settlement Boundaries, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the Council's Supplementary Planning Guidance on Amenity Standards.

In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE AND AUTHORISE ENFORCEMENT ACTION (W.R.)

REASON FOR RECOMMENDATION

In light of the information provided in the preceding paragraphs, it is considered necessary to refuse the planning application and expedient to pursue formal enforcement action to remedy the breach of planning control at the site.

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Due to its scale, form, location and prominence, the fence forms a visually incongruous, insensitive and conspicuous addition to the streetscene, which does not respect the character of its immediate surroundings and has an unacceptable negative impact upon the appearance of the locality which is characterised by openness. Retention of the fence is therefore considered to be unacceptable and contrary to policies SP1 - Delivering the Strategy; MD2 - Design of New Development and MD5 - Development Within Settlement Boundaries, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the Council's Supplementary Planning Guidance on Amenity Standards.

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


It is therefore recommended that:

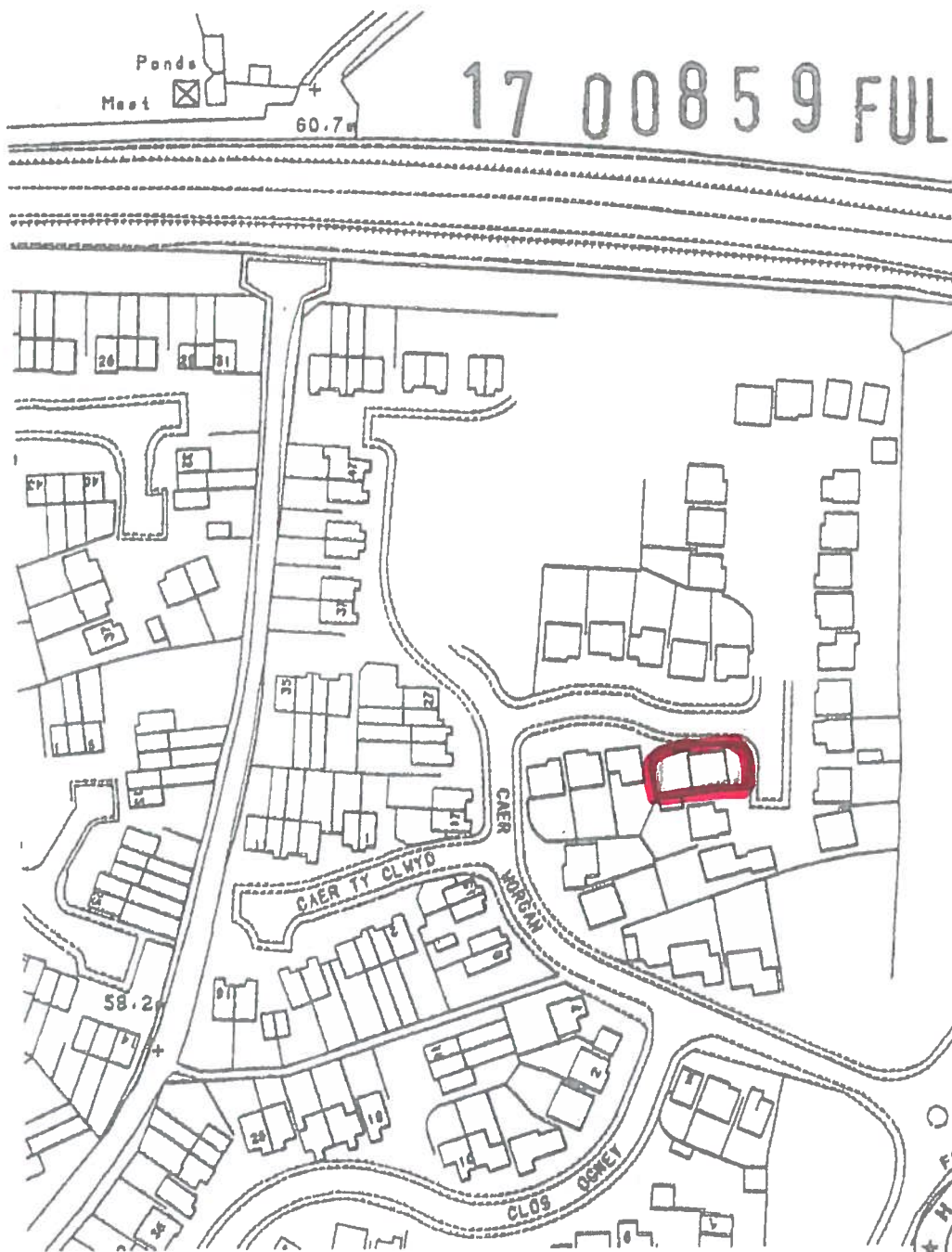
- (1) Planning permission for retention of the fence is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the removal of the fence.

- (3) The Head of Legal Services be authorised to take such legal proceedings as may be required, in the event of non-compliance with the Notice.

SITE PLAN A.

NORTH

H.M. LAND REGISTRY		TITLE NUMBER WA 854666		
ORDNANCE SURVEY PLAN REFERENCE	SS9669	SECTION	6	
ADMINISTRATIVE AREA VALE OF GLAMORGAN - BRO MORGANNWO				© Crown Copyright 1999



This official copy is incomplete without the preceding notes page.