

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **6 JULY, 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:

2016/0007/PV	AC	5, Paget Place, Penarth	Single storey side extension
2017/0017/PO	AC	15, Fairwater Avenue, Fairwater, Cardiff	New three bedroom, two storey dwelling with off street parking
2017/0019/PO	AC	35, St. Malo Road, Heath, Cardiff	Single storey rear extension
2017/0394/BR	AC	30, High Street, Penarth	Loft conversion with rear elevation dormer and internal alterations
2017/0495/BR	AC	Church House, Llanmaes	Single storey extension to rear of property
2017/0517/BR	AC	Aldworth, Pen y Turnpike Road, Dinas Powys	Proposed single storey rear and side extension (and new single storey garage)
2017/0522/BR	AC	22, Hastings Avenue, Penarth	Single storey rear extension
2017/0535/BR	AC	Ty Gwyn, Corntwon Road, Corntown, CF35 5BB	Single storey extension and internal alterations
2017/0542/BR	AC	20, Meggitt Road, Barry	Single storey side extension
2017/0545/BN	A	Windmill Farmhouse, Llantwit Road, Wick	single storey extension

2017/0548/BR	AC	100, Brookfield Avenue, Barry	First floor extension over existing garage/kitchen to side of property
2017/0564/BR	AC	17, Caer Ffynnon, Barry	Demolish existing Ground floor Conservatory and existing Main roof. Construct new room at Ground floor in place Conservatory. Construct new extension to rear property at first floor, over existing flat roof. Construct new Main roof and second floor dormer
2017/0566/BR	AC	13, Clos Cefni, Barry, Vale of Glamorgan CF62 7BJ	Proposed single storey rear extension
2017/0573/BR	AC	15, Celtic Way, Rhoose	Proposed rear extension and internal alterations
2017/0574/BR	AC	2, St. Cyres Close, Penarth	Remodelling house with single storey extension and external wall insulation
2017/0576/BR	AC	Hundred House, Llysworney	Single storey rear extension with balcony
2017/0577/BN	A	Ty Gwyn, Wick Road, Ewenny	Single storey extension to west elevation to provide indoor work/storage area
2017/0579/BN	A	2, Plassey Street, Penarth	Install a disabled thru floor lift
2017/0580/BR	AC	Cogan primary School, Pill Street, Cogan, Penarth	Boiler plant installation
2017/0581/BR	AC	Sully Primary School Burnham Avenue Sully Penarth	Removal of existing gas fired boiler plant and control system and the supply and installation of a new gas fired boiler plant and BMS control system
2017/0582/BN	A	31, Rhodfa Felin, Barry	Single storey extension of 3m to enlarge kitchen

2017/0584/BR	AC	15, Cory Crescent, Peterston super Ely,	Demolition of existing conservatory and timber decking area. construction of new single storey rear extension forming new kitchen/dining area, WC shower room and garden and room
2017/0585/BN	A	129, St. Davids Crescent, Penarth	Single storey extension and dormer loft conversion
2017/0595/BN	A	28, Elfed Avenue, Penarth	New roof over existing unit and external rendering
2017/0596/BR	A	13, Churchill Terrace, Barry	Shower room adaptation
2017/0597/BR	A	12, Rudry Street, Penarth	Shower room adaptation
2017/0598/BR	AC	87, Boverton Road, Llantwit Major	Extension to existing dwelling
2017/0600/BN	A	25, Glebeland Place, St. Athan	External upgrade of property with 90mm insulated render
2017/0601/BN	A	29, Wick Road, Ewenny	External Upgrade of property with 20mm insulated render
2017/0603/BN	A	28, Castle Road, Rhoose	External Upgrade of property with 90mm insulated render
2017/0604/BN	A	21-24, Downs View, Aberthin	External Upgrade of property with 90mm insulated render
2017/0605/BN	A	25-28, Downs View, Aberthin	External Upgrade of property with 90mm insulated render
2017/0606/BN	A	27, Porthkerry Road, Rhoose	External Upgrade of property with 90mm insulated render
2017/0608/BR	AC	Cottrell Lodge, St. Nicholas	Demolition of existing out houses and construction of a single storey two bedroom extension

2017/0609/BN	A	14, Trebeferad, Llantwit Major	External Upgrade of property with 90mm insulated render
2017/0610/BN	A	4, Porthygreen Close, Llanblethian	External Upgrade of property with 90mm insulated render
2017/0611/BN	A	9-15, Heol Llanbedr, Peterson Super Ely	External Upgrade of property with 90mm insulated render
2017/0612/BN	A	22-28, Church Road, Rhoose	External Upgrade of property with 90mm insulated render
2017/0614/BN	A	2-8, Romilly Road, Rhoose	External Upgrade of property with 90mm insulated render
2017/0615/BN	A	76, Lougher Place, St. Athan	External upgrade of property with 90mm Insulated render
2017/0616/BN	A	74, Lougher Place, St. Athan	External upgrade of property with 90mm insulated render
2017/0617/BN	A	70, St. David's Crescent, Penarth	Two storey extension
2017/0618/BN	A	Portabello House, Ogmore By Sea, CF32 0PA	Re-roofing of existing property, minor alterations to fenestration. New first floor extension to side of the property. New sun lounge with new external staircase to the rear and new porch to front of the existing dwelling. Formation of new hard standing for one vehicle with gated access. Existing boundary wall to river to have existing concrete coping removed. New concrete coping provided and clear glass balustrade
2017/0619/BN	A	16, Brockhill Way, Penarth	Single storey extension with tile roof including porch extension

2017/0620/BN	A	68, Barry road , Barry	Bedroom - loft conversion
2017/0621/BR	AC	60, Lavernock Road, Penarth	Erection of a rear single and two storey extensions, side first floor extension and front elevation alterations
2017/0622/BN	A	94, Phyllis Street, Barry Island	Installation of double glazed windows and doors
2017/0624/BN	A	4, Vale View Close, Llandough	Single storey extension to enlarge the kitchen and breakfast room
2017/0627/BN	A	172, Jenner Road, Barry	Detached double garage with first floor for storage only
2017/0629/BR	AC	26, Dingle Road, Penarth	Single storey extension consisting of a lounge space and WC
2017/0630/BN	A	Old Swan Inn, Llantwit Major, CF61 1SB	New roof with some replacement timbers
2017/0632/BN	A	33, South Road, Sully	Single storey extension with two new external openings
2017/0633/BN	A	6, Whitcliffe Drive, Penarth	Two replacement windows plus lintels
2017/0634/BN	A	35A, St. Nicholas Road, Barry	Re-roof
2017/0635/BN	A	15, The Wheate Close, Rhoose	Replacement single storey conservatory
2017/0636/BN	A	26, Wordsworth Avenue, Penarth	Two storey extension including loft conversion
2017/0642/BN	A	3, Porlock Drive, Sully	2 rooms into 1
2017/0643/BN	A	56, Cosmeston Drive, Penarth	Convert conservatory into orangery
2017/0644/BN	A	63, Coleridge Avenue, Penarth	Replacement flat roof to rear extension
2017/0647/BN	A	41 Glebeland Place, St. Athan,	Re-roofing

2017/0648/BN	A	15, Caer Mead Close, Llantwit Major	External upgrade to property with 90mm insulated render
2017/0649/BN	A	10, Caer Mead Close, Llantwit Major	External upgrade to property with 90mm insulated render
2017/0650/BN	A	16 Caer Mead Close, Llantwit Major	External upgrade to property with 90mm insulated render
2017/0651/BN	A	3, Berry Court, Llantwit Major	External upgrade to property with 90mm insulated render
2017/0652/BN	A	8, Berry Court, Llantwit Major	External upgrade to property with 90mm insulated render
2017/0653/BN	A	10, Berry Court, Llantwit Major	External upgrade to property with 90mm insulated render
2017/0654/BN	A	11, Berry Court, Llantwit Major	External Upgrade of property with 90mm insulated render
2017/0655/BN	A	12 Berry Court, Llantwit Major CF61 2LJ	External Upgrade of property with 90mm insulated render
2017/0656/BN	A	20, Berry Court, Llantwit Major	External Upgrade of property with 90mm insulated render
2017/0657/BN	A	11, Rees Court, Llantwit Major	External Upgrade of property with 90mm insulated render
2017/0658/BN	A	2, Rees Court, Llantwit Major	External Upgrade of property with 90mm Insulated Render
2017/0659/BN	A	3, Rees Court, Llantwit Major	External Upgrade of property with 90mm insulated render
2017/0660/BN	A	6, Rees Court, Llantwit Major	External Upgrade of property with 90mm insulated render

2017/0661/BN	A	5, Andrews Court, Llantwit Major	External Upgrade of property with 90mm insulated render
2017/0662/BN	A	9, Andrews Court, Llantwit Major	External Upgrade of property with 90mm insulated render
2017/0665/BN	A	58, Plymouth Road, Penarth	Single storey rear extension

(b) Building Regulation Applications - Reject

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

2017/0641/BN	R	22, Bramble Avenue, Barry	Rear orangery extension
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2017/0082/AI	A	18, Heol St. Cattwg, Pendoylan	2 storey extension
2017/0083/AI	A	Unit 1, New Broad Street Motors, Cardiff Road, Barry	Fit out of shell unit to form retail bakers
2017/0084/AI	A	13, Windsor Terrace, Penarth	Rear dormer extension to existing loft at 2nd storey level with en-suite shower facility, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0085/AI	A	April Rise, Church Lane, Welsh St. Donats	Extensions and alterations with associated works
2017/0086/AI	A	31, Station Road, Dinas Powys	Proposed 2-storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements

2017/0087/AI	A	43, Pill Street, Penarth	Proposed dormer loft conversion to create habitable space at 3rd floor level (works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0088/AI	A	Maes Yr Haf, Penylan Road, St. Brides Major	Proposed loft conversion
2017/0089/AI	A	4, Raisdale Road, Penarth	Proposed construction of a single storey front and rear extension, (works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0090/AI	A	52, Shakespeare Avenue, Penarth	Loft Conversion and associated works
2017/0091/AI	R	25, Trem Y Don, Barry	Two storey extension alterations and associated works
2017/0092/AI	A	11, Masefield Road, Penarth	Loft Conversion and associated works
2017/0093/AI	A	Marisheem, 8, Mill Lay Lane, Llantwit Major	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements

(d) Section 32 Building Act, 1984

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

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

14/0161/BR

14/0162/BR

14/0291/BR

14/0294/BR

14/0364/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 6 JULY, 2017

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

2015/01192/2/N MA	R	41, Llwyn Passat, Portway Marina, Penarth	Non-material Amendment - Amend balcony over porch, amend window layout and increase patio door opening. Proposed two storey side extension and first floor extension over existing porch
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2016/00107/1/N MA	A	Unit 2a. Culverhouse Cross Retail Park, Culverhouse Cross	Non material amendment - Proposed alterations to units 2A/2B, including new service pod, and alterations to roof, elevations, car parking and external areas in order to accommodate requirements of new user - Aldi store food retailer at Units 2A/2B, Brooklands Terrace, Culverhouse Cross
2016/00322/1/N MA	A	10A, Seaview Drive, Ogmore By Sea	Non material amendment - Demolition and replacement of a fire damaged dwelling Planning permission ref. 2016/00322/FUL- Demolition and replacement of a fire damaged dwelling
2016/00842/FUL	A	Broad Street Car Wash, Broad Street, Barry	To obtain planning permission for car wash as set out, including new entrance
2016/01073/1/N MA	A	Barry Sports Centre, Colcot Road, Barry	Non material amendment to allow approval of additional information relating to the planning conditions imposed on application 2016/01073/RG3, following the commencement of works in February 2017
2016/01091/FUL	A	Former Admiral Public House, Vere Street, Barry	First floor extension over former boxing club to form 2 additional flats
2016/01200/FUL	A	5, Green Farm, Sigingstone	Retrospective planning application for the replacement of existing patio/decking boards and erection of a new raised decking section

2016/01402/FUL	A	2, Eastgate, Cowbridge	Reinstatement of two ground floor non-opening, semi-opaque/frosted windows to the left side elevation of the property. Reinstatement of three windows along the right side elevation of a single story rear extension of the property. Insertion of a semi-opaque non opening window at the rear of the single storey extension
2016/01470/FUL	R	Oriental Diner, 10-11, Broad Street, Barry	Removal of Conditions 8 and 9 of Planning Permission 2005/01699/FUL to allow for a varied use (within the A3 Class) i.e. live music, karaoke, private functions, weddings etc. and variation of Condition 4 to allow the premises hours to open as follows: Sun - Wed 07:00 - 00:30, Thurs - 07:00 - 01:30. Fri and Sat 07:00 - 02:00 and 07:00 - 03:30 when additional temporary events notices are applied to the premises
2016/01506/FUL	R	The Cottage, St Brides Major	Two storey extension to rear to replace existing conservatory. First floor extension over kitchen. Formation of rear dormer and balcony area
2016/01524/FUL	A	23, Lynmouth Drive, Sully	Single storey side extension
2017/00036/FUL	A	Court Farm, Bonvilston	Proposed 2 storey extension to enlarge garage and form additional bedroom to first floor

2017/00063/1/N MA	A	Pen y Bryn, Cross Common Road, Dinas Powys	Non-material Amendment - Removal of dormers, alteration to windows, minor alteration to footprint. Demolish existing dwelling and construct new dwelling
2017/00112/FUL	A	8, Cliff Parade, Penarth	Replacement dwelling and garage
2017/00131/FUL	A	Clark Farm, The Lawns, Cwrt yr Ala Road, Michaelston le Pit	Construction of agricultural building
2017/00158/FUL	A	Ty Fry Cottage, Pendoylan	Proposed garage conversion and proposed detached garage with hobby room to first floor
2017/00169/LAW	A	The Walled Garden, Wenvoe	Single storey bedroom and ensuite extension
2017/00179/RES	A	Plot 1, Craig yr Eos Avenue, Ogmore by Sea	Construction of 4 bedroom detached dwelling with integral garage
2017/00183/FUL	A	2, Gloucester Close, Barry	Retention and completion of new domestic dwelling adjacent to 2 Gloucester Close and rear extension to the existing dwelling at 2, Gloucester Close
2017/00220/FUL	A	Cowbridge Community Allotment	Erection of two large poly tunnels and three small sheds on current allotment site
2017/00229/FUL	A	77, Eastgate, Cowbridge	Demolition and re- instatement of rear stone boundary wall; construction of new 1.5-storey garage with accommodation over, plus rear driveway with 3 parking spaces; stripping of existing roof covering to main house and re- instatement of grade 1 natural slate

2017/00256/ADV	A	Land at North West Cowbridge	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
2017/00264/LBC	A	77, Eastgate, Cowbridge	Demolition and re-instatement of rear stone boundary wall; construction of new 1.5-storey garage with accommodation over, plus rear driveway with 3 parking spaces; stripping of existing roof covering to main house and re-instatement of grade 1 natural slate
2017/00267/ADV	A	New Broad Street Motors, Ty Verlon Industrial Estate, Barry	Relocation of existing totem sign
2017/00279/FUL	A	65, Wenvoe Terrace, Barry	Retention of garden wall.
2017/00289/FUL	A	Rushmoor, The Herberts, St. Mary Church	Erection of store for hay, straw and agricultural machinery
2017/00290/FUL	A	14, Cledwen Close, Barry	Proposed single storey rear extension. Demolition of existing conservatory inclusion of office access door to front elevation.
2017/00292/FUL	A	1, Springfield Rise, Barry	Demolition of existing garage to be replaced with an extension to existing dwelling
2017/00297/FUL	A	Amelia Trust Farm, Five Mile Lane, Barry	Proposed Farm Shop & Welcome Shelter
2017/00302/FUL	A	62, Broadway, Llanblethian, Cowbridge	Demolition of existing garage & outhouses, construction of 2 storey side extension and other associated works

2017/00303/FUL	A	Land at Burdons Farm, Wenvoe	Proposed installation of a 27m lattice mast, supporting 3 No. antenna 2 No. 600mm dishes together with associated cabinets and ancillary development
2017/00305/FUL	A	1, Hazel Grove, Dinas Powys	Single storey front and two storey side extensions and Juliet balcony to existing dwelling
2017/00309/FUL	A	13, Glastonbury Road, Sully	renewal of Application 12/00104 with increased width to 3.8m on side extension
2017/00319/FUL	A	18, Darren Close, Cowbridge	Proposed first floor side extension, balcony to front and alterations to the existing dwelling
2017/00330/FUL	A	50, Redlands Avenue, Penarth	Two storey side extension plus single storey front and rear extension with associated works
2017/00331/FUL	A	6, Tair Onen, Welsh St. Donats	Proposed alterations and first floor extension over converted garage
2017/00333/FUL	A	The Old Rectory, St. Brides Super Ely	Renewal of planning permission 2011/01062/FUL for alterations and extensions to existing dwelling
2017/00335/FUL	A	7, Cwrt y Vil Road, Penarth	Demolish existing garage, construction of new garage with store above
2017/00336/FUL	A	7, Cwrt y Vil Road, Penarth	Demolition existing lean to extension and construction of new single storey extension
2017/00342/FUL	A	Pentire, Higher End, St. Athan	First floor side extension

2017/00343/FUL	A	16, Nelson Road, Barry	Construction of wood decking to front of property
2017/00346/FUL	A	Tegfan, Peterston Super Ely	Proposed creation of new permeable driveway and associated works
2017/00350/FUL	A	10, Britway Road, Dinas Powys	Single storey rear extension plus associated works
2017/00351/FUL	A	21, Brean Close, Sully	Proposed single storey front and first floor side extensions
2017/00352/ADV	A	Waterfront Retail Park, Heol Ceiniog, Barry	Building mounted and ground mounted signage
2017/00354/RG3	A	Colcot Primary School, Florence Avenue, Barry	Lighting column installation to proposed car park at Colcot Primary School (car park has consent granted)
2017/00355/FUL	A	2, Kennedy Rise, Barry	To raise existing flat roof (single storey) to accommodate roof insulation to form new living room extension to rear of dwelling
2017/00356/FUL	A	65, Andover Close, Barry	To extend two storey to side of dwelling. To reconstruct/ raise flat part of existing single storey construction to rear of dwelling to remove existing tile facade to front of dwelling and render to match new extension

2017/00363/FUL	A	The Willows, Llancarfan	Alterations to existing dwelling (limited to the kitchen/garage range and link) to include the conversion of the existing internal garage to kitchen/utility, formation of new window and door openings to kitchen/garage range, removal of modern large chimney stack and vacuum tube solar hot water heater and provision of new roof finishes to existing link and kitchen/garage range along with associated rooflights
2017/00364/FUL	A	Highfield, Cory Crescent, Peterston Super Ely	Demolition of existing ugly dilapidated mono pitched prefabricated concrete garage and replacement with new dual pitched garage built to match materials and construction methods of original house
2017/00366/FUL	A	3, Suran y Gog, Barry	Alteration to fence to ensure it complies with permitted development
2017/00374/FUL	A	9, Birch Grove, Barry	New stainless steel flue to side elevation to facilitate new (relocated) wood burning fire, to carry out minor elevational alterations to single storey extension previously approved for planning reference 2015/00170/FUL
2017/00380/FUL	A	54, Tennyson Road, Penarth	Two storey extension to side dormer to rear of property
2017/00398/LAW	A	28, Elm Grove Road, Dinas Powys	Single storey side return extension as far as the rear wall of the house. No alteration to access

2017/00412/FUL	A	Rear of Kingsland Crescent and Merthyr Street, Barry	New application to alter/update previous approval 2012/01036/FUL from erection of 2no. 2 bedroom semi-detached to erection of 2no. 3 bedroom semi-detached houses. Also includes alterations to rear and front garden areas
2017/00414/FUL	A	4, Dros y Mor, Penarth	Single storey rear extension with internal alterations
2017/00479/FUL	A	Jenner Park, Barry Road, Barry	Erection of a new media box within existing stadia.
2017/00576/OBS	P	Land off Horsefair Road, Waterton Industrial Estate, Bridgend	Vary conditions 1 and 5 of P/16/472/FUL

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **6 JULY, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No:	2016/00219/FUL
Appeal Method:	Written Representations
Appeal Reference No:	17/3169539
Appellant:	DS Properties (Barry) Ltd
Location:	United Reformed Church, Windsor Road, Barry
Proposal:	Conversion and minor extension to the existing church and school buildings to create live-work units (C3) office space (Class A2 / B1a) and associated works
Decision:	Appeal Allowed
Date:	5 June 2017
Inspector:	Ms. P. Davies
Council Determination:	Committee

Summary

The Inspector was satisfied with the Council's position on the principle of the development, its visual impact and the impact it would have on the amenity of the neighbouring properties, in addition to the scheme's provision for affordable housing. Therefore, the main issue was considered to relate to the impact of the development on highway safety and amenity, with particular regard to the demand for parking.

Noting the lawful, fall-back position, the Inspector was mindful that the D1 non-residential instruction use would be reliant on the parking needs being met on the surrounding streets. Demand for parking need associated with the proposal would not generate a significant increase in demand for parking over and above this fall-back position. Moreover, there are other material factors which would weigh in favour of the grant of planning consent.

Planning Policy Wales' (PPW) overarching principles in relation to sustainable development seek to promote alternative travel means to that of the car and promote multi-purpose trips. It sets out a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles. PPW further explains that car parking provision is a major influence on the choice of means of transport and seeks to ensure that development provides lower levels of parking than have generally been achieved in the past. Set against that backdrop, the site's proximity to a rail station providing regular services, and that it is within walking distance to shops on High Street, the proposed development would be attractive to non-car owners and would offer a choice of transport modes in line with the thrust of PPW.

With these matters in mind, on balance the development was considered to be an efficient and sustainable use of a building that would contribute to housing land supply, including affordable housing. In addition, it would safeguard a building of local importance in line with Welsh Government's objectives for sustainable development. The impact on parking conditions would be minor, bearing in mind the fall-back position, and would not amount to any serious harm to highway safety.

As such, the Inspector concluded that the development would be acceptable in terms of its impact on parking demand and consequently it would not conflict with the highway safety objectives.

(d) Enforcement Appeal Decisions

L.P.A. Reference No: ENF/2016/0093/PC
Appeal Method: Written Representations
Appeal Reference No: C/17/3171610
Appellant: Mrs Norrie Williams
Location: Land at Canbra, 16, Cae Rex, Llanblethian, Cowbridge
Proposal: Without planning permission, the erection of an enclosure greater than 1 metre in height adjacent to the adjoining highway
Decision: Dismissed, enforcement notice upheld
Date: 26 June 2017
Inspector: Mr. A. B. Nixon
Council Determination: Committee

Summary

This appeal relates to the Council's decision to issue an enforcement notice in respect of the unauthorised erection of a means of enclosure at Cae Rex, Llanblethian. The appeal was made under two grounds, namely ground (a) that planning permission ought to be granted for the development which is subject of the enforcement notice and ground (f) that lesser steps would mitigate any harm caused.

The Inspector considered the main issue to relate to the impact of the enclosure on the character and appearance of the street scene. The Inspector defined Cae Rex's character as comprising a suburban residential, with a moderately spacious feel. The presence of low facing-brick front boundary walls to the plots is a unifying theme of front boundary treatments in the location. Considering the ground (a) appeal, the Inspector noted that the pre-existing low brick boundary wall had been increased in height, it was deemed to be consistent with neighbouring dwellings and its height is relatively modest. The length of picket fence erected on top of the wall, however, is not a feature present in other front boundary treatments within Cae Rex. Notwithstanding its timber construction and "hit-and-miss" design, it was deemed to result in a visually prominent feature which significantly detracts from the quality of openness of the street scene and harms its appearance. The resulting form of front boundary treatment has a prominence and obtrusiveness not present in neighbouring plots, where the original low boundary walls are supplemented by planting which has a softer appearance and offsets the harder elements of built form in the locality. Whilst the colour of the timber would mellow over time, this would not adequately mitigate the visual harm caused. The Inspector considered whether the effect of the picket fence could be mitigated by applying a paint or stain finish. However, on balance the picket fencing would still be overly prominent and inappropriate in this location; it would not overcome the harm identified.

In respect of the ground (f) appeal, the Inspector's conclusion on the ground (a) appeal indicated that a condition requiring painting the fence an appropriate colour would not be an adequate remedy. Painting the fence would not alter the physical characteristics and height of the means of enclosure and the harmful contrast with the much lower front boundary enclosures of neighbouring dwellings would remain. Moreover, the Inspector indicated that painting the fence could well accentuate its presence and further highlight the contrast with the softer character of the site's surroundings.

For the reasons set out above, the Inspector dismissed the appeal and upheld the requirement of the enforcement notice.

(e) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals and appeals for)	W	-	2	2	-
	H	1	-	1	-
	PI	-	-	-	-
Planning Total		1 (33%)	1 (66%)	3	-
Enforcement Appeals	W	1	-	1	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (100%)	-	1	-
All Appeals	W	1	2	3	-
	H	1	-	1	-
	PI	-	-	-	-
Combined Total		2 (50%)	2 (50%)	4	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 6 JULY, 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

2017/00326/TCA	A	Marie Curie Hospice, Bridgeman Road, Penarth	Fell Silver Birch within the Penarth Conservation Area
2017/00345/TCA	A	Garden Cottage, Colwinston	Removal of Larch in the Colwinston Conservation Area
2017/00348/TPO	A	Ty Pica Farm, Station Road East, Wenvoe	Works to trees on grounds of highway safety
2017/00360/TCA	A	37, Plymouth Road, Penarth	Fell and dismantle 1 Lime tree, 3 Ash trees, 1 Apple tree and 1 Sycamore to the rear boundary of the property. Prune tulip tree and reduce in height by approximately 12 ft and a small prune to a magnolia tree

2017/00381/TCA	A	The Horizon, 7, Church Place South, Penarth	Proposal is to clear front garden of existing conifer tree and overgrown shrubbery around perimeter and relay with new lawn and decorative magnolia or cherry blossom as a feature in the centre of the garden.
2017/00390/TPO	A	Wyatt House, Hensol Castle Park (South), Hensol	Work to trees covered by TPO no 4 - 2003
2017/00392/TCA	A	Pleasant View, Aberthin Lane, Pen Y Lan Road, Aberthin	Removal of tree in front garden
2017/00404/TCA	A	39, Plymouth Road, Penarth	Work to 5 trees in the Penarth Conservation Area - Trees located in the rear garden of 39 Plymouth Road, against the boundary wall, which also branch out over Berkeley Drive. The trees are 2 mature sycamores, 1 large Ash Tree, 1 Lime tree and one tree shrouded in ivy, which appears to be dead. The trees currently branch out over the garden of 39 Plymouth Road and overhang Berkeley Drive, causing disruption to parking there. The proposal is to remove the dead tree and pollard back the other ones to about 35ft. The trees are the only ones on the border of the conservation area that have not been removed or pollarded. The intention is to keep the trees, but manage them more appropriately. There are no TPOs on the trees,

2017/00423/TCA	A	St Andrews House, Bradford Place, Penarth	Work to Beech tree in Penarth Conservation Area. The Beech tree is in the front of St Andrews House. The proposed works are as follows:- One Beech tree to have - approx. 2 metre all over crown reduction and reshape
2017/00485/TCA	A	Stradey Lodge, Llanccadle	Work to tree in Llanccadle Conservation Area. Crown reduce one semi mature Sycamore tree, located on South boundary at rear of property

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 6 JULY, 2017

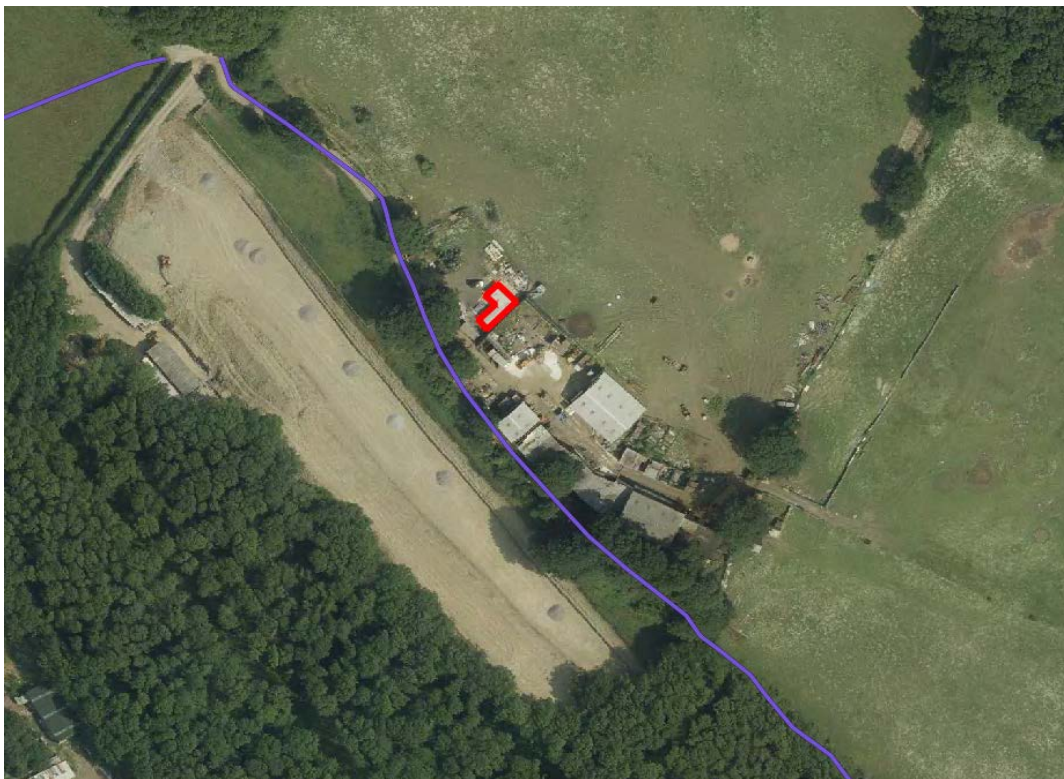
REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT UPPER LANGCROSS FARM, LECKWITH, CARDIFF

Background

1. This report relates to an unauthorised caravan sited for residential purposes on land at Upper Langcross Farm, Leckwith. Planning permission was granted, at appeal, for a temporary rural workers dwelling on the land. The Council had originally refused that temporary consent on the basis that the enterprise to which it related was not planned on a sound financial basis. The appointed Inspector considered that there were grounds to allow the caravan for a temporary period to test the evidence of financial soundness. That temporary consent has now expired, yet the caravan remains on site and in use for residential purposes.
2. The caravan is located in a small area of land adjacent to the wider lawful farmstead, which itself is located in open countryside to the west of Leckwith Road. The land is located within the Cwrt yr Ala Special Landscape Area.



3. Illustrated above is a 2013 aerial photograph of the site, with the caravan edged red. The purple line illustrates the Public Right of Way that runs alongside the farmstead.

Details of the Breach

4. The breach of planning control relates to residential use of the land by virtue of the siting of a caravan. The development is considered to result in a material change of use of the land from agriculture to a mixed used comprising residential and agriculture. In addition, the Council granted temporary planning permission for wooden extension to the caravan, which similarly now does not benefit from consent.
5. The caravan has been clad, as illustrated in the images below.



Action Pursued to Date

6. The owner of the site has been advised that, following the expiry of the temporary consent in January 2014, the continued use of the caravan for residential purposes constitutes a material change of use of the land that requires the benefit of planning permission. Following a protracted investigation and negotiation with the owner/occupier of the site, an application was subsequently submitted to the Council for a permanent dwelling on the land. That application was refused in April 2017 for the reasons set out below. No appeal has been made in respect of that refusal.

Relevant Planning History

7. The site benefits from extensive planning and enforcement history. The most pertinent to this matter is:

2016/00525/FUL Agricultural workers dwelling REFUSED on 11 April 2017 for the following reason:

“The applicant has failed to demonstrate that the proposed dwelling is necessary to support an established rural enterprise that is profitable, robust and financially sustainable, in line with the guidance contained with Technical Advice Note 6 ‘Planning for Sustainable Rural Communities’. The financial position of the enterprise is such that the proposition of functional and time need is questionable in light of the evidence provided concerning the financial position of the enterprise. As such the proposed development represents an unacceptable and unsustainable new dwelling in this countryside location that would detract from the character and appearance of the Ely Valley and Ridge Slopes Special Landscape Area contrary to Policies ENV1-Development in the Countryside, ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV27-Design of New Developments, HOUS3-Dwellings in the Countryside, HOUS5-Agricultural or Forestry Dwellings, and Strategic Policies 1 & 2 -The Environment and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development and Design in the Landscape; and national guidance contained in Planning Policy Wales (2016) and TAN6-Planning for Sustainable Rural Communities (2010)”.

2012/01170/FUL Extension to caravan to provide extra bedroom APPROVED February, 2013 subject temporary use conditions limited to January, 2014.

2012/00023/FUL Temporary extension to mobile home to install a wood burner APPROVED February, 2012.

2010/00053/FUL Retention of mobile home for agricultural purposes for three year period REFUSED April, 2010. APPEAL ALLOWED January, 2011.

Temporary permission granted until January 2014 at appeal.

Policy

Unitary Development Plan

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

Policy:

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV4 – SPECIAL LANDSCAPE AREAS

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE

POLICY HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY

HOUS 2 SETTLEMENTS

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

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

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

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

- *where there are no relevant policies*

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

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

Supplementation Planning Guidance

11. The following SPG is considered relevant to the development subject of this report:

- Amenity Standards SPG

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 matter:

- 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, in particular paragraph 9.3.6 which states that;

“New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work”.

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 6 – Planning for Sustainable Rural Communities

The Local Development Plan:

14. The Vale of Glamorgan Deposit Local Development Plan (LDP) was published in November 2013. The Council submitted the Local Development Plan to the Welsh Government for Examination in July 2015. Following Examination hearing sessions that took place in 2016 and 2017 the Council received the Inspector's report on 25th May 2017.
15. The Inspector's report concludes that subject to the recommended changes the LDP is sound. The report and the recommended changes are binding and the Council is required by the Local Development Plan Regulations 2005 (as amended) to formally adopt the LDP within 8 weeks of receiving the report. Consequently, the Inspector's report concludes the Examination process
16. The LDP will become operative upon its adoption and until such time the Adopted UDP remains the statutory development plan for the area. However, publication of the Inspector's report provides certainty as to the content of the LDP. With regard to the weight that can be given to the LDP and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

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

17. As the Inspector's report has been published it is considered that significant weight can be given to LDP policies (as amended by the Inspector's recommended changes) in advance of the formal adoption of the LDP, in line with the guidance provided in the Paragraph above
18. The relevant LDP policies to this case are:
 - SP1 – Delivering the Strategy
 - MG17 – Special Landscape Areas
 - MD1 – Location of New Development
 - MD2 – Design of New Development

There is a meeting of Full Council scheduled for the 28 June, 2017, and members will be provided with an update in respect of the status of the Local Development Plan at the Planning Committee meeting.

Other relevant evidence or policy guidance:

19. The following guidance is also relevant:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Well Being of Future Generations (Wales) Act 2015:

20. 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

21. The main issues to consider in this report are as follows:

- the principle of residential development in this rural, countryside, location;
- the siting, scale and design of the residential use and the caravan facilitating that use and its impact on the rural character and appearance of the area.
- the location of the residential use, in terms of access to day to day facilities and services; and
- other material considerations, including highway safety and access, amenity and human rights.

The Principle of the development:

22. National and local planning policy states that new residential development in the countryside will be strictly controlled to that which is necessary for the purpose of supporting the rural economy and that the unjustified development of the countryside will not be permitted. UDP policies ENV1, HOUS3 and HOUS5 make it clear that development will not be permitted, unless necessary for agriculture or forestry enterprise. These principles are reflected in LDP policies SP1 and MD1.

23. As noted from the planning history above, the justification for a rural workers dwelling in this countryside location has been very recently tested via planning application reference 2016/00525/FUL. In light of the reason for refusal of that application, the residential use of the land is not considered to be robustly supported and the rural worker need based on a sustainable financial basis has not been demonstrated. As such, the residential use of the land is not supported or justified by a demonstrated need for a rural enterprise workers accommodation. Accordingly, the residential use of the land in this countryside location is contrary to the overarching principles of the Development Plan and national planning policy that seek to protect the countryside from such unjustified residential development. The principle of the development is therefore considered unacceptable, and does not benefit from the principles of Development Plan policies HOUS3 and HOUS5, LDP policies MD1 and MD2, as well as the advice set out in Technical Advice Note 6.

Landscape and Visual Impact:

24. The caravan is sited within an important and sensitive location within the Cwrt-yr-Ala Basin Special Landscape Area. The Inspector in his granting of the temporary permission for the residential use (See the January 2011 appeal decision) acknowledged that *“there was no doubt that the mobile home adds to the unsightly and harmful clutter of buildings, structures and paraphilia”* which is the farmstead. A copy of that decision is appended to this report at Appendix A, the salient issues being inherently consistent with this case.
25. The location of the caravan and the residential area associated with the residential use is unchanged from that considered by the appeal Inspector. Whilst not being a site that is highly visible from the adopted highway, the site is clearly viewed at close range from footpath No. 8 that runs alongside the residential area and the adjoining farm buildings. Whilst viewed against the backdrop of the farmstead, it represents an unjustified encroachment of a residential use into a rural setting. The residential use is compromised within the clad caravan, the condition of which is poor and has an unsightly appearance that would be contrary to the principles of UDP Policy ENV10 and ENV27, LDP Policy MD2 and advice on design in Planning Policy Wales, which states;

“9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation”.

26. In addition to the immediate unjustified residential use of the site, it is considered that the use is harmful to the character of the wider area, which is recognised as having special value. Whilst the development only relates to a single residential caravan and the impact to the character of the rural setting is therefore geographically limited, new residential uses in rural countryside location are incongruous forms of development. As outlined in Planning Policy Wales at paragraph 9.3.6 whilst a single dwelling may be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Consequently, it is considered that the development is considered to have a negative impact on the character of the landscape, recognised for its special value. The appearance of the development is, therefore, considered to run contrary to specific policy of the Development Plan ENV4, ENV10, ENV27 and Strategic Policy 1 and policies SP1, MG17 and MD2 of the LDP, as well as the countryside protection principles of Planning Policy Wales.

Sustainability in terms of its location:

27. In terms of the site's location, the land is not within easy access to day to day services associated with a residential use, unless by private vehicle. The nearest settlement that provides day to day facilities is Llandough, some 1.8 KM to the east of the site, and shops are available at the Capital Retail Park in Cardiff some 2.3 Km to the North. There is a bus service along Leckwith Road that provides public transport to these areas and there are bus stops at The Green for this bus service. Whilst the bus service is frequent (two every hour during the day), The Green and the bus stops are some 750 and 850 metres respectively from the site and are accessed via a predominantly single track road that is not served by public footpaths and lighting columns. Whilst the Institution of Highways and Transportation guidance on 'Providing for Journeys on Foot' identifies a distance of 750 metres as being below the preferred maximum for acceptable walking distances to common facilities, the walking distances referred to in that document are not intended for application in a rural environment. In view of the nature of the route by which access is gained to the nearest settlement or bus service, walking or cycling is a significantly less than attractive or viable alternative to the private car.
28. In view of the conclusions above, the development is considered to be located within an unsustainable location that promotes the use of the private motor vehicle over more sustainable modes of transport, contrary to the strategic principles of the development plan Strategic Policies 2 and 8, LDP Policy MD1 and the sustainable development principles of PPW.

Other material considerations:

29. With regard to access and highway safety, it is noted that the access to the site is via a driveway with a gate set back off the adopted highway and within the site there is ample parking provision. Whilst the adopted highway is subject to national speed limit, average speeds are likely to be lower due to the sharp bend in the highway at the point of access and the single track nature of the highway in this location. Visibility in both directions is restricted due to the topography of the area within which the access and highway sits. All things considered, it is likely that the access is not suitable in its current form. However, the access is existing and serves the current lawful use of the site as a farm stead. Such a use generates regular traffic movements and regular use by large farm vehicles. The residential use of the site is not likely to have a significant impact on the number of traffic movements to and from the site; in fact the residential use may decrease traffic movements from the rural enterprise worker himself. On balance, there is not considered to be an objection to the development on the basis of highway safety and parking that would conflict with UDP policy ENV27 or LDP policy MD2.
30. Similarly, there is no objection to the proposed use on the basis of amenity of the occupiers of the caravan or any adjoining occupiers. The site is in an isolated location with no adjoining residential properties and there is sufficient space within the site for the provision of adequate amenity space and parking to serve the residential use. Accordingly, there is no conflict with UDP policy ENV27 or the LDP policy MD2 and the supporting Amenity Standards SPG.
31. With specific regard to human rights, the right under Article 8 is qualified by necessary interference by a public authority to protect certain interests including economic well-being, which it has been established includes protection of the environment. Accordingly, in recommending the pursuit of enforcement action in this case, full consideration has been given to the implications for the Human Rights, but this has been balanced against the legitimate reasons for this Authority to interfere in those human rights. In considering the issue of Human Rights, which are not unqualified or absolute rights, it is maintained that a balanced and proportionate judgement has been reached in recommending enforcement action in this case. It is considered that the fundamental harm identified earlier in this report is unlikely to be outweighed by any other considerations.

Conclusions

32. In view of the issues identified in the paragraphs above and in the previous report, it is considered expedient to pursue action to require the removal of the breach of planning control identified.

Resource Implications (Financial and Employment)

33. 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)

34. 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).
35. The Action is founded in law. The proposed action may have implications for the individual's right referred to in the Humans Rights Act 1998, in particular Article 8 – the right to respect for private and family life. However, in view of the unjustified and inappropriate nature of the use of the site for residential purposes and the fundamental conflict of such a use with this Council's responsibility to resist unsustainable development and protect the open countryside from non-conforming and inappropriate developments and land uses, the actions proposed are considered to outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

36. None.

Wellbeing of Future Generations (Wales) Act 2015

37. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
38. The development subject to this report is considered to have the potential to cause harm for the reasons set out above. The need to protect environmental qualities is not considered to be outweighed by the financial gain of the developer.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of the use of the land for residential purposes.
 - (ii) The removal of the residential caravan, extension and associated paraphernalia.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The residential use of the land is considered to be an unjustified and an unsustainable form of development that causes harm to the character and appearance of this rural location recognised for its attractive special landscape features defined. Accordingly, the residential use is considered to conflict with Policies ENV1 – Development in the Countryside, HOUS3 – Dwellings in the Countryside, HOUS5 – Agricultural and Forestry Dwellings, ENV4 – Special Landscape Areas, ENV10 – Conservation of the Countryside, ENV27 – Design of New Developments and Strategic Policies 2 - Sustainability and 8 - Transport the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as the guidance contained in the Council's Adopted Supplementary Planning Guidance on Sustainability. The development is also considered to conflict with the principles of the Local Development Plan policies SP1 – Delivering the Strategy, MG17 – Special Landscape Areas, MD1 – Location of New Development and MD2 – Design of New Developments. The development is also considered to be contrary to the guidance provided in Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities.
- (2) The development is considered to occupy an unsustainable location, where day to day services, facilities and access to public modes of transport is not readily available, promoting the use of the private motor vehicle. As such the development is considered to be contrary to the sustainable development and well-being principles of the Wellbeing and Future Generations (Wales) Act 2015, and contrary to the principles of the development plan by reason of Strategic Policies 2 and 8, LDP Policy MD1 and the sustainable development principles of PPW.
- (3) 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.

Background Papers

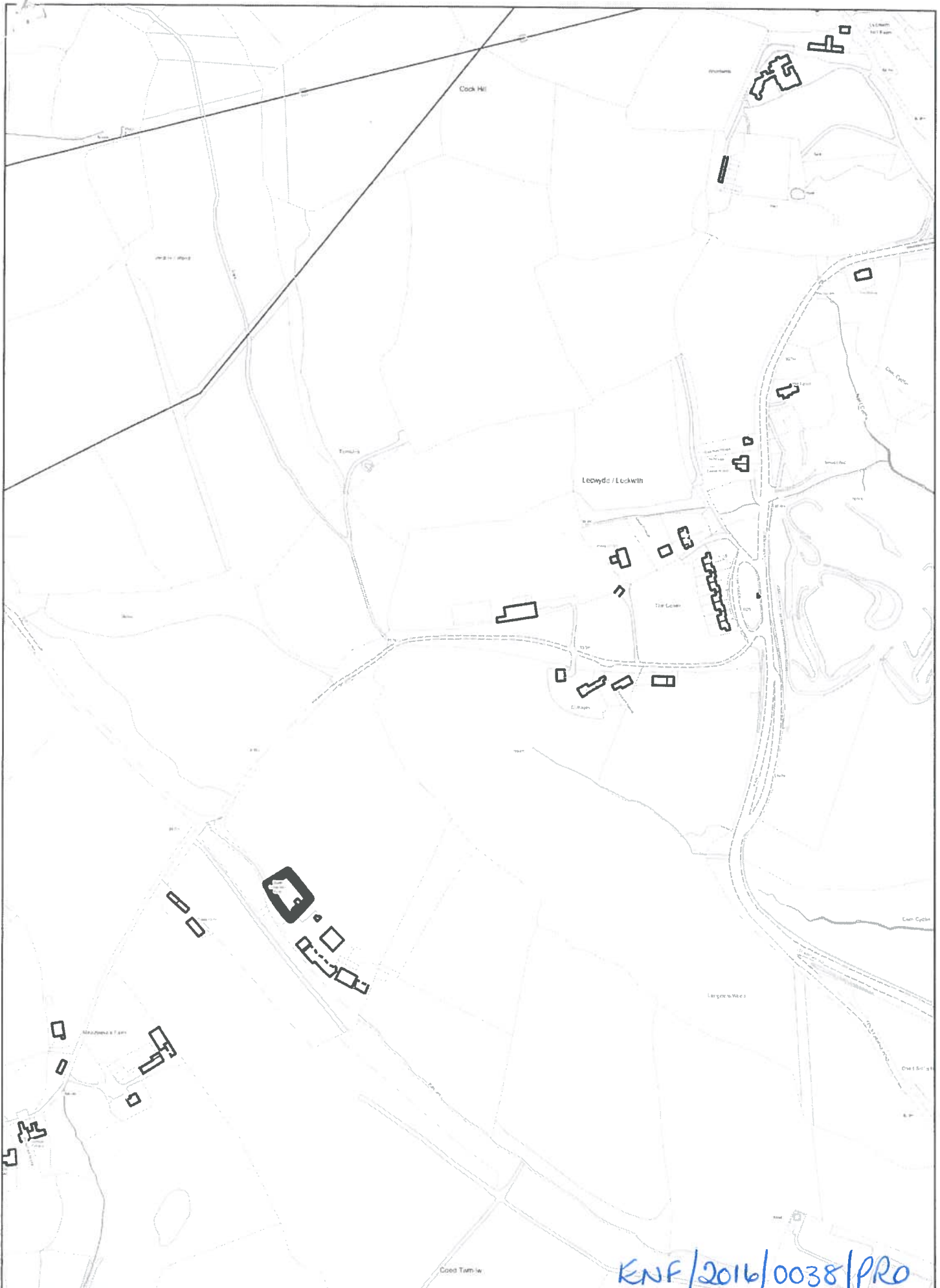
Enforcement File Ref: ENF/2016/0038/PRO

Contact Officer - Mr. M. 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



Land at Upper Langcross Farm, Leckwith
Without planning permission, the material change of use from
agriculture to a mixed use including residential

23 May 2017

1:5,000

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2017 Arolwg Ordnans 100023424



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 06/01/11

Site visit made on 06/01/11

gan R G Gardener BSc(TownPlan)
MRTPI

by R G Gardener BSc(TownPlan) MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 28/01/11

an Inspector appointed by the Welsh Ministers
Date: 28/01/11

Appeal Ref: APP/Z6950/A/10/2138551

Site address: land at Upper Langcross Farm, Leckwith, Cardiff CF11 8AS

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mike Psaila against the decision of The Vale of Glamorgan Council.
- The application Ref 2010/00053/FUL, dated 14/01/2010, was refused by notice dated 16/04/2010.
- The development proposed is the retention of the mobile home already in place for a three year period.

Decision

1. I allow the appeal, and grant planning permission for the retention of the mobile home already in place on land at Upper Langcross Farm, Leckwith, Cardiff CF11 8AS in accordance with the terms of the application, Ref 2010/00053/FUL, dated 14/01/2010, and the plans submitted with it, subject to the conditions set out below.

Procedural matters

2. As the description of the proposal states, a mobile home is already in place and therefore I have treated the appeal as having been in response to the refusal of an application made under s73A of the 1990 Act, as amended.
3. The mobile home intended is that which I saw at my inspection. There is no question that it is a caravan as defined and that the proposal is consequently for a material change of use and not built development. Mr Psaila is also living in the mobile home, as the application states. While the development description does not in fact say, it is clear that the proposal is therefore to continue the use of the land for the siting of a mobile home for residential purposes for a temporary period.

Main Issue

4. This is whether or not there is adequate agricultural functional and financial justification for the retention of the mobile home sufficient to outweigh the otherwise strong policy presumption against residential development in the countryside.

Reasons

5. Upper Langcross Farm is situated to the west of Cardiff in a relatively isolated location some 1.6km from the nearest settlements of Leckwith, Llandough and Dinas Powys.

As such it is in the countryside for purposes of the development plan (UDP)¹. It is not disputed by the appellant that new dwellings here would not normally be permitted unless justified, for instance, in the interests of agriculture (UDP Policy HOUS 3). More directly, an essential functional and, where applicable, a financial need are to be clearly demonstrated if such dwellings are to be permitted (UDP Policy HOUS 5(i)). Although more recent than the UDP, this situation continues to follow the Assembly Government's guidance set out in PPW² and TAN 6³. Although these are the most recent versions and post date the application and the various statements prepared at that time the policy context remains essentially as before. There are other visual amenity and landscape matters to be considered (for example, from consideration of Policies HOUS 5(ii), ENV1 and ENV 4) but the main issue derives from Policy HOUS 5(i), supported by TAN 6, and I start there.

6. The appellant acquired the land here, some 20ha., in 1987. Although there is some history of previous caravans on the land and enforcement action on the part of the Council, it appears that he moved to live in the mobile home during 2008. He has more recently added other, more distant, parcels of land to the farm through a variety of tenancies and agreements. These amount to about 22.5ha. (although other figures have been given) which provide hay and grazing while the appeal site is the main location for the pig and cattle breeding and raising which has and is intended to be the basis of the enterprise. Mr Psaila 10 breeding sows at the site which he keeps together with their progeny to the point of slaughter/sale. The 7 suckler cows previously owned were sold to take advantage of the high prices then available. Although he has been involved with livestock since the 1980's and has owned the site for 23 years, it does not currently offer full time employment and he has another non-farm job. However, his intention is to develop and intensify the farm business.
7. To that end the application was accompanied by an appraisal of the business, its proposed expansion and needs. That appraisal and the agricultural position were also independently reviewed at the request of the Council. The intention is to increase the livestock to 60 sows and 12 suckler cows, a substantial larger enterprise than has been the case to date. The sows would remain at Upper Langcross as would the cows while calving. It is on this arrangement that the appraisals have been based.
8. It is unnecessary to review the full extent of either appraisal since there is a large measure of agreement, which I summarise as follows:
 - (a) Mr Psaila has shown a firm intention and ability to develop the farm enterprise. This is evidenced, for instance, by his experience with pigs and other livestock; the securing of long term interests in other land to operate with his own; a sequence of applications for planning permission for agricultural and other buildings, some of which were successful; the erection of buildings for a variety of purposes on the land and the acquisition of second-hand others awaiting assembly (one was under construction at the time of my inspection).
 - (b) As proposed, the unit would be labour intensive with frequent pig litters all year round and cows calving in spring. This would give rise to a clear functional need

¹ The adopted Vale of Glamorgan Unitary Development Plan 1996-2011

² Planning Policy Wales Edition 3 July 2010

³ Technical Advice Note 6 'Planning for Sustainable Rural Communities' July 2010

for a farmworker to live on the site because of the necessity to deal with emergencies and to monitor livestock in the interests of animal welfare at all times of the day and night. An additional possible need for security is also recognised although this on its own would not be sufficient justification.

- (c) The labour needs of the unit is full-time although there is a dispute as to whether this amounts to 1.03 (appellant) or 1.3 (Council) workers, with the residual requirement being possibly met part-time.
 - (d) The need for a farmworker to be present could not be met by living elsewhere, even if the farm unit could support such a possibility.
 - (e) There are no other buildings at the farm suitable for conversion.
 - (f) The mobile home is suitably located near to the farm buildings and livestock for the purpose.
9. At issue, however, is whether the business has been planned on a sound financial basis as Policy HOUS 5 and TAN6 require. While Mr Psaila anticipates that the business will be in profit within 3 years of trading, the Council, on advice, predicts a financial loss of about £6500. There are a number of reasons for this discrepancy which in part come about from the methodologies followed. The Council, on advice, accepts that the projected budgetary returns used by Mr Psaila appear realistic. Indeed, he says that he has adopted livestock production returns which are less than the industry standard as a realistic reflection of the fact that he is about to build up the business and that he is a sole operator. The expected returns may also recognise the current haphazard way in which he operates and the poor condition of the farm buildings, both matters referred to in the Council's appraisal and a source of surprise in view of the length of time that Mr Psaila has owned the land. As I saw, there has been further damage to one building following a fire and roofs of others have collapsed under the weight of winter snow.
10. Fundamental to the financial shortfall predicted by the Council is that Mr Psaila has not included in his projection other factors such as a reasonable return on inputs of land, labour and capital. The appellant refers to these as notional returns, which they are, but nevertheless their inclusion is normal. The Council's higher full time labour requirement also increases that element of the costs and in fact accounts for almost half of the deficit expected. Mr Psaila is confident that his working practices and livestock accommodation will improve. He has the requisite planning permissions to add to the stock of buildings and construction is already underway. The costs of construction built into the Council's calculations would be defrayed if, as he intends, he erects them with the help of friends. The underlying budgetary assumptions are considered sound and there is potential to improve on them, as he points out.
11. I consider that there is sufficient doubt arising from the different bases of the calculations and scope for improvements to Mr Psaila's working practices and returns that some tolerance should be allowed. Accordingly, it would be reasonable to test the evidence by permitting the temporary accommodation sought, an approach advised in TAN6.
12. As to the impact of the use on the rural landscape, part of the Cwrt-yr-Ala Basin Special Landscape Area, there is no doubt that the mobile home adds to the unsightly and harmful clutter of buildings, structures and paraphernalia which is Upper Langcross Farm. It is small comfort that it is not more widely seen although a public footpath runs nearby. Under other circumstances the situation would be

- unacceptable. However, having identified a situation which is worthy of being tested, I consider that the mobile home, placed next to the existing complex, is best sited both to fulfil its function in relation to the livestock and to reduce its visual impact as far as is practical, at least for a temporary period.
13. With these and all other matters placed before me having been taken into account I have concluded that planning permission should be granted.
 14. As to conditions, in regards to the temporary nature of the use TAN6 suggests that 3 years is normally appropriate for a full assessment of the farm enterprise. I am conscious that the business has already been in place for some time so that it might be expected that the experience to date should form part of the assessment period. However, the Council has not asked for a shorter period if planning permission is granted. No doubt the uncertainty occasioned by the appeal process has also delayed matters and I consider that 3 years is appropriate.
 15. The Council has also asked that occupation of the mobile home be limited in the manner now advised in TAN6. That involves a cascading approach to possible users as the need for the rural dwelling changes and not to the need for a dwelling on the enterprise itself even though that would have justified the grant of planning permission. This proposal is not for a permanent dwelling and is for a specific purpose to test the needs and viability of Mr Psaila's business. Occupation by others would not meet that purpose. However, in order to satisfy the development plan I agree that it is necessary for the occupation of the mobile home to be limited to someone adequately engaged in agriculture. I shall apply a more direct and relevant condition.
 16. As I have pointed out, the proposal is for the use of land for the siting of a mobile home for residential purposes. That is not part of the description and I shall make it clear through a condition.
 17. Finally, the Council asks for permitted development rights which apply to structures within the curtilages of dwellinghouses⁴ to be removed. The permission that I will grant will not result in the creation of a dwellinghouse nor, since the development is a use of land and not a building, could it be deemed to have a curtilage. The permitted development referred to would not apply and the condition is not appropriate.

R G Gardener

Inspector

⁴ Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995

Conditions

- 1) The use hereby permitted shall be discontinued and the land restored to its former condition within 3 years of the date of this Decision and the mobile home and all associated paraphernalia shall be fully removed within 3 years and 1 month of the date of this Decision or within 1 month of the use having ceased, whichever is the sooner.
- 2) The permission hereby granted shall be for the use of the land for the continued siting of a mobile home for residential purposes.
- 3) The mobile home shall only be occupied by those solely or mainly working, or last working, in agriculture or an associated activity at Upper Langcross Farm and widows, widowers or civil partners of the above and any resident dependents.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **6 JULY, 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.

2017/00260/RG3 Received on 15 March 2017

Ms. H. Glasworthy Vale of Glamorgan Council, c/o Agent
Mr. Geraint John Geraint John Planning Ltd, 33, Cathedral Road, Cardiff, CF11
9HB

Land to the East of Holm View Leisure Centre, Skomer Road, Barry

Proposed residential development comprising 11 affordable dwellings along with associated parking, highway and ancillary works, including a new vehicular access/egress for Holm View Leisure Centre

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 is for 11 no. Council houses. The site is land at Skomer Road, Barry and is located adjacent to Holm View Leisure Centre. The application proposes a mix of detached, semi-detached and terraced dwellings, at one and two storeys.

The main issues involved in the determination of the application are design and visual impact, highway safety/parking, impact on residential amenity, ecology impacts and drainage. One letter of objection has been received and one further letter raises concerns. The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is land to the east of Holm View Leisure Centre, Skomer Road, Barry, as shown on the site plan below:



The site is adjoined by the leisure centre to the west, Merthyr Dyfan recreation ground to the north and the gardens of existing dwellings to the east. The site is located opposite an area of open space and a small group of commercial properties. The site is currently informal grassed open space.

The site forms part of a housing allocation as proposed under the Council's Local Development Plan (LDP) Policy MG2. The remainder of that allocation adjoins the site at the north west corner and runs east to west to the rear of the leisure centre.

DESCRIPTION OF DEVELOPMENT

The application proposes a residential development comprising 11 affordable dwellings, along with associated parking, highway and ancillary works, and a new access/egress for Holm View leisure Centre. The proposed site layout is shown below:



The development comprises 1 x 3 bedroom house, 1 x 3 bedroom adapted house, 5 x 2 bedroom houses, 1 x 2 bedroom adapted bungalow, 2 x 3 bedroom adapted bungalows and 1 x 4 bedroom adapted bungalow.

The layout comprises a row of 7 units fronting Skomer Road, with three units facing (westerly) onto the new internal site road, and one unit at the head of the cul-de-sac. Access to the site would be from Skomer Road, where the existing access to the leisure centre car park lies. Ten parking spaces to serve the front row of seven dwellings would be accessed from a parking court at the rear of the row. This would comprise 2 spaces per 3 bed house and 1 space per 2 bed house, and 1 visitor space. Each of the other four units would each be served by 2 spaces within their curtilages.

The elevations below show the proposed designs of the dwellings:



Context elevation 1
1:100



Context elevation 2
1:100



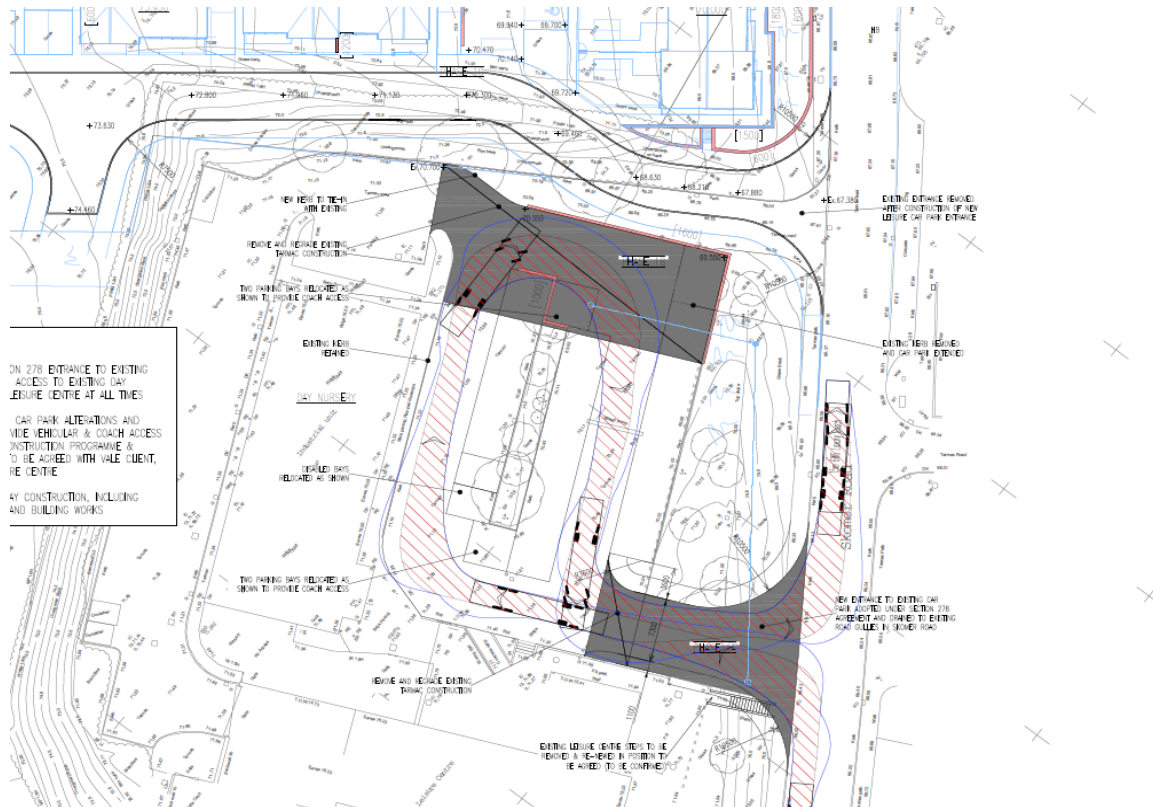
Context elevation 3
1:100



Context elevation 4
1:100

The dwellings are of a relatively conventional general form, with pitched roofs and predominantly rendered elevations. There are elements of contemporary detailing, with projecting window surrounds to the row facing Skomer Road, and asymmetrical gables on the units facing the internal road.

The application also includes a new access to the leisure centre car park, and this is shown on the plan below:



PLANNING HISTORY

2002/00802/REG3, Address: Holm View Leisure Centre, Skomer Road, Barry, Proposal: Refurbishment of existing tennis courts, to provide new synthetic surfacing, fencing and floodlights (Minute No. 1241), Decision: Approved

2008/01250/RG4, Address: Holmview Leisure Centre, Skomer Road, Barry - Land to the east of, Proposal: Residential development for up to 10 units, Decision: Withdrawn

2009/00184/FUL, Address: Holm View Leisure Centre, Skomer Road, Barry, Proposal: Erection of an FM broadcast radio aerial, Decision: Approved

CONSULTATIONS

Barry Town Council welcomes the application and offers no objection.

Highway Development- no objection subject to conditions and larger parking spaces. Further information was requested in respect of engineering detail and retaining structures.

Public Rights of Way Officer- No representations received.

Highways and Engineering- no objection subject to conditions.

Environmental Health (Pollution Control)- Construction Environmental Management Plan (CEMP), contamination and imported materials conditions are recommended.

Local Ward members- No representations received.

Dwr Cymru Welsh Water- No objection subject to conditions.

Ecology Officer- No objection subject to conditions.

Waste Management- No representations received.

Crime Prevention Design Advisor (CPDA)- No representations have been received in writing, however, there have been negotiations over the nature of the enclosure at the rear of the row of 7 houses. This has now been amended to the CPDA's satisfaction.

Housing Strategy- The application is supported.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Two letters have been received. One letter objects, as follows:

I wish to object to the planning of a housing estate between Nelson Road and the holm view leisure centre. I have lived in Nelson Road for 14 years, and bought the property because of its location and great views, across the channel, and fields surrounding Nelson Road. If you put a housing estate along side our street, those views will be gone, and all of the years invested in my property will have been for nothing. I should imagine there would be considerably a lot of noise and disruption caused by the building work.

The second letter, from 26 Nelson Road (which lies adjacent to the northern part of the site) raises concerns regarding surface water drainage, and seeks comfort that the development would not place that property at risk of flooding.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT
- POLICY 3 - HOUSING
- POLICY 8 – TRANSPORTATION
- POLICY 11 - SPORT & RECREATION

Policy:

- POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
- POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY
- POLICY ENV 28- ACCESS FOR DISABLED PEOPLE
- POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
- POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
- POLICY REC1- PROTECTION OF EXISTING RECREATIONAL FACILITIES
- POLICY TRAN 10- PARKING

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

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

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

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

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

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

Planning Policy Wales:

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Supplementary Planning Guidance:

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

- Amenity Standards
- Draft Supplementary Planning Guidance - Affordable Housing
- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)
- Sustainable Development - A Developer's Guide

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published in November 2013. The Council submitted the Local Development Plan to the Welsh Government for Examination in July 2015. Following Examination hearing sessions that took place in 2016 and 2017 the Council received the Inspector's report on 25th May 2017.

The Inspector's report concludes that subject to the recommended changes the LDP is sound. The report and the recommended changes are binding and the Council is required by the Local Development Plan Regulations 2005 (as amended) to formally adopt the LDP within 8 weeks of receiving the report. Consequently, the Inspector's report concludes the Examination process.

The LDP will become operative upon its adoption and until such time the Adopted UDP remains the statutory development plan for the area. However, publication of the Inspector's report provides certainty as to the content of the LDP. With regard to the weight that can be given to the LDP and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

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

As the Inspector’s report has been published it is considered that significant weight can be given to LDP policies (as amended by the Inspector’s recommended changes) in advance of the formal adoption of the LDP, in line with the guidance provided in the Paragraph above.

In this respect, the site is allocated in the LDP (along with an adjacent parcel of land) for 50 dwellings under Policy MG2. The allocation is MG2 (15).

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

- Affordable Housing 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)
- Open Space Background Paper (2013)

There is a meeting of Full Council scheduled for the 28 June, 2017, and members will be provided with an update in respect of the status of the Local Development Plan at the Planning Committee meeting.

Other relevant evidence or policy guidance:

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

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 principle of the development (including loss of open space)

The application site lies within the settlement boundary of Barry and, therefore, new residential development is considered acceptable in principle, subject to the detailed criteria contained within Policies ENV27 and HOUS8 of the Unitary Development Plan (UDP), and subject to an assessment of the loss of open space (policy REC 1 refers).

Policy REC 1 of the UDP states that development involving the loss of existing recreational facilities will be permitted if alternative provision of equivalent community benefit is made available, or if there is an excess of such provision in the area and the loss of it would not adversely affect the character of a conservation area/setting of the town / village. Policies REC 3 and REC 6 relate to open space provision.

The application site comprises 'amenity green space', as described in TAN 16, that being a general description for green space and landscaping which softens urban areas, allows for informal leisure and provides a setting for buildings. It is defined in the TAN as open space (most commonly, but not exclusively in housing areas) including informal recreation spaces (private or open to the public), roadside verges, green spaces in and around housing and other premises e.g. hospitals, schools and colleges, industrial and business premises, domestic gardens and grounds and village greens.

The Council's Local Development Plan Open Space background paper defines amenity greenspace as follows:

Amenity greenspace is a general description for green space and landscaping that softens urban areas, allows for informal leisure and provides a setting for buildings. This type of open space is most commonly found in and around modern housing developments and has generally been created with the primary purpose of providing opportunities for informal recreational activities such as jogging or dog walking or for informal children's play close to home. Many of these areas are small parcels of land left over after a development has been completed but they nonetheless contribute to local amenity.

The site lies within Gibbonsdown Ward, which has 13.15 hectares of such amenity green space. This represents a surplus of 9.91 hectares when considered against the Fields in Trust standard of 0.55 hectares per 1000 population. Incidentally, the ward is also served by a 9.11 hectare surplus of outdoor sport space.

The site is within very short walking distance of amenity green space on Cook Road and Skomer Road and also within a short distance of Merthyr Dyfan recreation ground. Therefore, it is considered that Gibbonsdown as a whole, and this specific site, are well served by informal amenity greenspace of this kind and by larger recreational space. Accordingly, the occupants of the proposed dwellings would be well served by local areas of open space and the overall wider provision serving the existing dwellings in the area would not be fundamentally nor unacceptably affected by the development.

In respect of open spaces, TAN 16 advises as follows:

When not required for their original purpose, they may be used to help meet the need for informal recreational or amenity land in the wider community. Only where it can be clearly shown that there is no deficiency, should the possibility of their use for alternative development be considered.

Given that the proposal would not leave a deficiency in the area, it is considered that the development would comply with the advice contained within TAN 16.

In summary, there is an excess of such open space provision in the area and, while the site serves as a pleasant open space within a residential estate, it is not considered to be important to the setting of the town. It is, therefore, considered that the development (without public open space as part of the layout) would also comply with Policy REC1 of the UDP and the remaining sections of the report consider the other above listed points and whether it complies with Policies ENV 27 and HOUS 8.

It should also be noted that the site is allocated for residential development in the LDP (Policy MG2), and that assessment process itself considered the issue of loss of open space.

Finally in respect of the principle of development, the development would also comply with the aims of Planning Policy Wales insofar as it would represent efficient use of land in a sustainable location, where the occupiers would be within walking distance of local day to day services and alternative modes of transport to the private car.

Design, layout and visual impact

The proposed development would fundamentally alter the character of this parcel of land, however, it has the appearance and function of informal open space (as opposed to being a visually high quality landscaped park for example) of which the street is adjoined/lined by several parcels. It is considered that the development and loss of this area would not critically impact upon green space in the vicinity of the site, and this part of the street would retain a very green character. Furthermore, the site is to be allocated for residential purposes in the LDP. Discussion of the overall amount of green space in the ward as a whole is contained in the section above.

The housing allocation proposed under Policy MG2 of the LDP is an inverted L-shape, and this proposal relates to the first part of that allocation. The street scene around the site is particularly mixed and there is no discernible uniformity to how the buildings address Skomer Road. There are examples of the sides of dwelling houses at the entrances to other residential streets, rows of the rear of dwellings, with the boundary to Skomer Road delineated by close board fencing and active frontages to only the commercial units and the leisure centre. Cumulatively this does not create a particularly engaging street scene and there is an opportunity for this development to contribute more positively.

The row of houses at the front would create a direct and string frontage to Skomer Road and, notwithstanding the relative absence of dwellings fronting the road in this way, that is considered to be the right approach. This would create an active frontage to the street, to the benefit of the built environment along it. The bungalows would address the street in the same way that dwellings on other secondary streets in the area do, and this is the only logical way that the dwellings could be orientated, given the shape of the site. The parking court to the rear of the row of seven dwellings is not excessive in size and it would not detract from the character and appearance of the development.

As noted above, the design of the row is relatively conventional, but the elevations are lifted by the contemporary window surrounds, cladding and porch canopies. The roof line also has been visually 'broken up' and this adds further interest to the row. The end unit nearest to the site access contains a larger window projection around both ground and first floor windows, and this is a beneficial design feature, given the prominent location at the site entrance.

The bungalows along the other frontage and at the cul-de-sac head are simpler in terms of detailing, but are nevertheless pleasantly designed and would contribute positively to the character of the development as a whole.

The surrounding street scene contains a mix of terraces, semi-detached and detached dwellings and the mix in this development would be compatible with that. The dwellings fronting Skomer Road would be at a higher level than the highway, and this is consistent with the existing dwellings further along the road to the east. It is considered that the houses, which are modest in height and width, would not appear over scaled in this context, even taking the levels into account. They would have a ridge height that is visibly higher than the adjacent 1 Nelson Road, however, much of the first floor accommodation is within its roof and they are also examples of larger full two storey dwellings in the site's visual context.

The bungalows to the rear are shorter, but the increase in ground levels through the site would result in their ridge lines being more comparable with the actual ridge heights of the dwellings at the front.

The proposed landscaping scheme would soften the impact of the development. While some trees would be lost along the western boundary, these trees do not make significant contribution to the visual amenity of the area and the replacement planting along this boundary would account for any loss.

Having regard to the above, it is considered that the proposal is of a scale, design and layout that would be compatible with the surrounding pattern of development, and would not adversely impact upon the character of the area, in compliance with policies ENV 27 and HOUS 8 of the UDP.

Highways issues and parking

As noted above, the main access to the site would be from the existing access point to the leisure centre car park, and a new access into the car park is to be provided. The former is a functioning access which benefits from good visibility along the highway in both directions and the vision splays for the new access to the leisure centre have been shown on a plan. The Highways Engineer is satisfied that both accesses will be served by sufficient visibility and no objection is raised in relation to the spacing between the two.

There are presently good pedestrian links to the site on the north side of Skomer Road, which will be supplemented by an additional crossing point, as stated in the submitted Transport Statement (see below for further detail). This would provide enhanced access to the site and to the facilities on the southern side of the road for occupiers of the development (see condition 13).

The engineer raised a series of other points in relation to matters including swept paths, gradients, retaining walls, footway widths and a crossing on Skomer Road. (The submitted Transport Statement (TS) states that 'uncontrolled pedestrian crossing points will be provided on Skomer Road to improve pedestrian accessibility to the site and the facilities available on the southern side of Skomer Road'). Additional plans have satisfied the engineer on a number of points, and the engineer has agreed that the crossing point can be the subject of a condition (condition 13). In terms of details of kerb radii, structural calculations of retaining walls and dimensions being annotated on plans, it is considered that these matters can be conditioned (and indeed typically are in most cases)- see condition 11.

The submitted structural calculations for the wall adjacent to the car park are not listed in the approved plans condition, since a response has not been received from the Council's engineer in respect of whether these details are acceptable.

The development would lead to an increase in vehicular trips along Skomer Road and the TS estimates this to be 41 trips per day (of which 3 and 5 would be in the respective peak hours). The TS concludes that this would be an insignificant impact on the wider highway network and the Council's Highways Engineer has not contested that conclusion.

If this application is approved and should an application be received for the remainder of the proposed LDP allocation, highways impacts of the two sites together would need to be considered, including the adequacy of the site access.

In terms of parking, the Council's guidelines set out maximum standards, which are one per bedroom on new dwellings (up to 3). The guidelines also contain sustainability criteria, which may justify a relaxation in these standards, subject to an assessment of how sustainable the site is. The site scores at least 7 sustainability points, which equates to a reduction in parking by one space per unit. It should be noted that each of the units would be served by a level of parking that meets these standards (with sustainability reductions applied).

The Council's Engineer has requested parking spaces 6m long, however, the parking standards are clear in that this dimension is only required where there is a garage. The parking space dimensions accord with what is required by the parking standards and are, therefore, considered acceptable.

A limited amount of parking would be lost in the leisure centre car park, however, the new access would not have a significant impact on parking and sufficient space would remain to serve the uses there and in the community centre.

The development is, therefore, considered acceptable in terms of highway safety, traffic generation and parking.

Impact on residential amenity

There are no dwellings opposite the site on Skomer Road and it is considered that the dwellings would not have any adverse impacts on the uses in the community centre to the west. The main issues to consider in this respect are therefore those relating to the dwellings to the east of the site on Nelson Road.

The side elevation of dwelling 7 at the front of the site would be between approximately 3m and 6m from the rear boundary of 1 Nelson Road, and the rear elevation of that property would be between 11m and 12m further to the east again. While the next house would alter the outlook from that property across their rear boundary, much of the occupiers' outlook would retain its openness and it is considered that the house is of a siting and scale that would not be excessively overbearing or unneighbourly. There would be a degree of a shadowing impact but this is also considered to be at a level that would not be significantly harmful to residential amenity in the dwelling or the enjoyment of the garden.

The bungalows along the internal site road do not run parallel to the western site boundary, therefore, the distances between the rear elevations and the site boundary vary. The dwelling at the head of the cul-de-sac would be sited between 7m and 9m from the side boundary of 26 Nelson Road, the rear of dwelling ten would be between 3m and 8m from the rear boundary with 13/15 Nelson Road, and the rear of dwellings 8 and 9 (a semi-detached pair) would be between approximately 4.5m and 13m from the rear boundaries of 7,9 and 11 Nelson Road. Three and five Nelson Road would be closer to the parking court.

Similarly these new dwellings would alter the outlook that neighbouring occupiers experience across their rear boundaries, since currently the site is grassed and open in character. However, the dwellings are relatively low lying bungalows and the submitted site sections indicate that the ground levels would be generally lower than those dwellings on Nelson Road (significantly lower in the case of new dwelling 11, versus 26 Nelson Road). Therefore, even in the cases where the new buildings would be within approximately 3m and 4.5m from the boundaries, it is considered that they would not be fundamentally overbearing or unneighbourly, and shadowing impacts would not be significant.

In terms of privacy, it is considered that the ground floor windows in the bungalows would not directly or harmfully overlook windows or private gardens of neighbouring properties. The dwelling at plot 7 would be within 3m of the boundary with a neighbouring garden, but the bedroom window at first floor would be a further 4m from the boundary (approximately 7m in total). There would be some angled views of rear gardens on Nelson Road, however, given the distances and angles involved, it is considered that the degree of overlooking would not be harmful. The distance/angles to the rear of properties (habitable rooms on the original dwellings and subsequent conservatories/additions) are also sufficient to comply with the aims of the Council's Amenity Standards SPG.

The parking court would be sited relatively close to existing rear gardens, however, it is considered that the normal use of this area would not give rise to a significant number of vehicle movements and it would not be demonstrably harmful in terms of noise or nuisance. A Construction Environmental Management Plan (CEMP) condition is also recommended (condition 10), which would minimise general amenity impacts experienced in the adjoining residential areas. Loss of view, which is an issue cited by one neighbour, is not a planning matter.

Finally in respect of residential amenity, it is considered that the siting of the dwellings, relative to one another, are such that each dwelling would not be unreasonably overlooked and would not experience overbearing impacts from another.

Having regard to the above, it is considered that the proposed development would preserve an acceptable level of residential amenity, in accordance with policies ENV 27 and HOUS 2 of the UDP, and the aims of the Amenity Standards SPG.

Amenity space provision

The dwellings would on the whole be served by gardens that are smaller than that recommended by the Council's SPG (i.e. 1m² of garden per 1m² of gross floor space). However, each would still be served by an adequate and private area of space that would be sufficient to meet the outdoor functional and relaxation needs of the occupiers.

Drainage

The application is accompanied by a drainage strategy which, in summary, indicates a new foul sewer to connect to the existing public system, to be adopted by Dwr Cymru Welsh Water (DCWW). For surface water, the application proposes attenuated discharge into the Welsh Water network, with a storm cell between the two access points into the site. The drainage strategy states that this is because there are no water courses close to the site and permeability results indicate on site disposal is not suitable. The strategy suggests that DCWW have agreed to this in principle, and the DCWW consultation responses raises no objection, subject to a condition for the detailed drainage scheme to be agreed (condition 7).

The Council's Drainage has similarly raised no objection, subject to conditions relating to the drainage scheme and the management of it (condition 7). Subject to this condition (which includes a provision relating to management), the development is considered acceptable in respect of drainage.

Ecology

The application was initially accompanied by an ecological assessment, which essentially concluded that the site is of relatively low ecological value, or has little potential as a habitat. The Council's Ecologist advised that the report was insufficient for the purposes of assessing the impact of the development on biodiversity, given that recommendations made were only in relation to birds, did not include conservation and enhancement of biodiversity, and did not include Priority Species in the report (eg hedgehog). Consequently, the officer requested a biodiversity strategy to deal with these points.

The strategy has been submitted and the Ecology Officer now raises no objection subject to conditions (16 and 17) which require a scheme showing the nature and location of hedgehog accesses to be submitted to, and approved in writing by the LPA, and the recommendations in the Biodiversity Strategy to be implemented as agreed. On that basis, the development is considered acceptable in respect of ecology, in accordance with Policy ENV 16 of the UDP.

Section 106 issues

The Council has prepared draft Affordable Housing and Planning Obligations SPGs in response to updated evidence being used by the Council and to inform the on-going Examination of the Local Development Plan (available on the Council's website www.valeofglamorgan.gov.uk). The Draft SPGs were approved by Cabinet on 14th December 2015 (Cabinet Minute C3022) and at the Council's Economy and Environment Scrutiny Committee on 5th January as a material consideration in the Development Management process. The draft Planning Obligations SPGs set thresholds for when obligations will be sought, and indicate how they may be calculated.

At the Council's Cabinet meeting of the 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale. On that basis, there is no requirement for sustainable transport, education or Public Open Space contributions as part of this development. It should be noted that an uncontrolled crossing point is to be provided on Skomer Road, but this can be controlled by condition. The site clearly forms part of a larger site, which forms the proposed LDP allocation. Should the second part of the site come forward to be developed, and should the total number of units exceed 25, then financial contributions for the two sites together will be considered. Furthermore, on site public open space, should it be necessary, can also be considered again at that time.

In terms of affordable housing provision, the Council's Affordable Housing Enabling Officer has provided information in respect of the existing need. The 2015 Local Housing Market Assessment determined that 559 additional housing units are required each year to meet need in the area. There are presently almost 100 applicants on the Homes4U waiting list in Gibbonsdown ward alone, and over 1500 in Barry as a whole. This demonstrates a significant need and the application would make a modest but not insignificant contribution towards meeting need in the ward. It is considered that this represents a significant material consideration in favour of the development.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans and documents:

14th March 2017: A001B, A003, A004A, A005, A006, A007A, A008A, A009, A010, A011A, A012A, A012A, A013B, A014A, A015. Drainage Strategy- Lodestone letter and plan 16052-P01 A, Treescene Arboricultural impact Assessment, Treescene Tree Survey June 2015, Acstro Transport Statement June 2016, Ian Farmer Associates Report on Ground Investigation 70274, TerraAqua Ecological Assessment.

9th June 2017: A002L, Visibility Splay layout 16052-08, refuse vehicle swept path 003A, Coach swept path 004A, single deck bus swept path 005A, external works layout 16052-01A.

12th June 2017: David Clements Ecology Biodiversity Strategy June 2017.

27th June 2017: A016D

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

Reason:

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

3. The dwellings shall be constructed to the levels shown on plans A014A and A015, or an alternative set of levels, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of any of the buildings or the road, and the development shall be carried out in full accordance with the approved details.

Reason:

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

4. All means of enclosure associated with the development hereby approved shall be in accordance with the schedule and details contained on plan A010 D, or an alternative schedule of enclosures, details of which shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be implemented in accordance with the approved details prior to first beneficial occupation of the dwelling that those enclosures relate to, and so maintained at all times thereafter.

Reason:

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

5. The landscaping scheme for the site shall be in accordance with the details shown on plan A016 D, or an alternative landscaping scheme, details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary 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 five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

7. Full details of a scheme for the drainage of the site (foul sewerage and surface water and including details of the perpetual management of the drainage system) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented and maintained at all times thereafter in accordance with the approved details.

Reason:

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

8. Notwithstanding the submitted plans and prior to their use in the construction of the dwellings hereby approved, further details and samples of the external materials to be used on the dwellings shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

9. None of the dwellings hereby approved shall be brought into beneficial use until such time as the parking area(s) to serve that dwelling have been laid out in full accordance with the layout shown on plan A002 L, and the parking areas shall be so retained at all times thereafter to serve the development hereby approved.

Reason:

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

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways within the adopted highway and internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority prior to any works to construct/alter new/existing access points or roads within the site. The development shall be implemented thereafter in accordance with the approved details.

Reason:

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

12. Notwithstanding the submitted plans, prior to any works to construct the retaining walls at the eastern side of the leisure centre car park and in front of the dwellings at plots 1-7, further details (to include sections, elevational plans and structural calculations) of those retaining walls shall be submitted to and approved in writing by the local planning authority. The walls shall thereafter be constructed and maintained at all times thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity, highway safety and the stability of the walls, and to ensure compliance with policies ENV 27 and HOUS 8 of the UDP.

13. Prior to the first beneficial occupation of any of the dwellings hereby approved, an uncontrolled crossing point shall be provided across Skomer Road in the vicinity of the site, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of pedestrian safety and comprehensive pedestrian links, and to ensure compliance with Policies ENV 27 and HOUS 8 of the UDP.

14. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

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 policies ENV 27 and ENV 29 of the UDP.

15. Any topsoil (natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported to the site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation and sampling which shall be submitted to and approved in writing by the Local Planning Authority prior to 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 the relevant Code of Practice and Guidance Notes.

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with policies ENV 27 and ENV 29 of the UDP.

16. Prior to the erection of any fences, a scheme showing the nature and location of hedgehog accesses in all site fences shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the first beneficial use of the dwelling that each fence relates to.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the UDP.

17. The recommendations contained in the David Clements Ecology Biodiversity Strategy June 2017 shall be implemented in full.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the UDP.

REASON FOR RECOMMENDATION

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

It is considered that the 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 1 & 2 - THE ENVIRONMENT, 3 – HOUSING, 8 – TRANSPORTATION, 11 - SPORT & RECREATION, ENV 27 – DESIGN OF NEW DEVELOPMENTS, ENV 28- ACCESS FOR DISABLED PEOPLE, ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY, HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT, HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS, REC1- PROTECTION OF EXISTING RECREATIONAL FACILITIES and TRAN 10- PARKING, and the advice within Planning Policy Wales 9th Edition, Technical Advice Notes 1 – Joint Housing Land Availability Study (2015), 2 – Planning and Affordable Housing (2006), 12 – Design (2016) and 16 - Sport, Recreation and Open Space (2009), and the Council’s Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Barry Development Guidelines, Parking Standards (Interactive Parking Standards Zones Map) and Sustainable Development, the proposed development is considered acceptable in respect of the principle of the development, loss of open space, design and layout, impact on neighbours, parking, amenity space and drainage. The development would also accord with Policy MG2 of the Council’s Local Development Plan, which allocates this site for residential development.

NOTE:

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

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.

2017/00260/RG3

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

Drawn by	MM
Checked by	
Date	08 06 2016
Project	Holm View, Barry
Job Number	L522
Client	

Client:  TKA

Project: Holm View, Barry

Job Number: L522

Date: 08 06 2016

Drawn by: MM

Dwg No: A001

Site location plan

Revision: B

Scale: 1:1250 @ A3

Drawing Status: **PLANNING**

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2016/01287/OUT Received on 4 January 2017

Mr. Martin Stokes Baobab,, Highlight Lane, Barry, Vale of Glamorgan, CF62 8AA

Mr. Sean Taylor ST Planning,, 155, Chapelwood, Llanedeyrn, Cardiff, CF23 9EH

Land to the rear of Baobab, Highlight Lane (site fronting Buckingham Place).

Erection of 3 new dwellings and associated works

REASON FOR COMMITTEE DETERMINATION

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

- The application has been called in by Councillor Clare Curtis who objects to the proposals for the following reasons: overdevelopment of the site; the access via Buckingham Place would be unacceptable; and that the proposed houses (as originally proposed) would be out of character with the area.

EXECUTIVE SUMMARY

The proposal is for three new dormer bungalows within what is currently the rear garden of Baobab, which fronts Highlight Lane. The proposed dwellings, however, would be accessed via Buckingham Place. The proposals are in outline, with landscaping and appearance reserved.

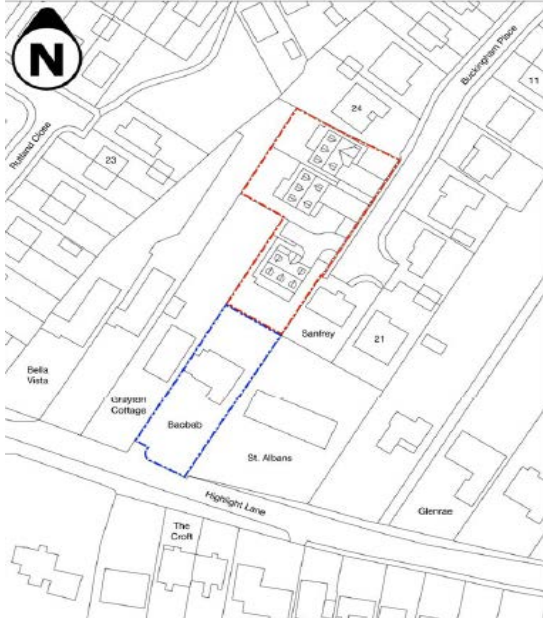
The main issues to consider include the principle of residential development at this site; the scale, layout and number of dwellings proposed; access and traffic generation issues; impact on neighbour amenities; and the potential impact on trees on or near the site.

There have been over 80 objections received in total from neighbours to the site, citing reasons such as overdevelopment of the site, the dormer bungalows being out of character in the area, additional traffic generated by the development and parking issues. Notwithstanding this, the application has been recommended for approval subject to conditions.

SITE AND CONTEXT

The site is the rear garden of the detached dwelling known as Baobab, which fronts Highlight Lane. However, the site area borders Buckingham Place as well as some dwellings on both Highlight Lane and Buckingham Place. The site is also close to dwellings at both Rutland Close and Sandringham Close. The surrounding housing type varies in scale and external finishes within the street scene in both Highlight Lane and Buckingham Place. The site is located outside of any Conservation Area, although within the defined Settlement Boundary of Barry.

The site is relatively flat, with mainly fences to the boundaries with Buckingham Place and neighbouring properties. Baobab appears to be currently unoccupied and the garden area is in an overgrown condition. The site's location is shown on the plan below:



DESCRIPTION OF DEVELOPMENT

The proposal is in outline for three new dwellings, indicated to be dormer style bungalows. Access, layout and scale have not been reserved and as such have been considered in detail at this outline stage. Landscape and Appearance remain as reserved matters.

The proposal was originally for 5 houses, but this was amended to 3 dormer bungalows following negotiations. The amended layout is shown on the following plan extract:



The three dormer bungalows would be detached, with independent access points all off Buckingham Place. All three dwellings would have rear garden areas, with smaller front garden areas adjacent to the parking provision/driveways. It is indicated that all the dwellings would have front and rear dormers, allowing for first floor accommodation. It is stated that the dwellings would be 11m wide, 10.5m deep, with a ridge height of 6.950m and an eaves height of 2.6m



PLANNING HISTORY

2005/01525/HH, Baobab, Highlight Lane, Barry, Proposal: High hedge, Decision: Approved

1988/01345/FUL, Baobab, Highlight Lane, Barry, Proposal: Living room and kitchen extension. Decision: Approved

CONSULTATIONS

1. Barry Town Council - No objection (based on the amended proposals);
2. Highway Development – Based on the amended plans, no objection is raised. It is considered by the engineer that low traffic flows and speeds mean that the proposals would not have a material impact along the adjacent highway. Conditions recommended include compliance with parking standards, the inclusion of visibility splays and the crossovers being constructed to suitable standards.

Please see **Appendix A** for a full copy of the latest Highways comments.

3. Environmental Health (Pollution Control) – Recommended restrictions on construction times (including piling) and delivery times. There should be no burning of materials on site. (Note – CEMP condition 10 recommended)
4. Dwr Cymru/Welsh Water – No objection to the proposals, with a condition recommended to ensure that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. (Note – condition 6 recommended)
5. Ecology Officer – No observations to make;

6. Dyfan Ward Member – Councillor Clare Curtis objected to the proposal and has called it in to Planning Committee for determination.

The objections, that were based on the original plans, stated that the proposals would be an overdevelopment of the site. Also, the two storey dwellings, as originally proposed, would result in loss of privacy for neighbours and would be imposing in an area of mainly bungalows. Concern that Buckingham Place is narrow and unsuitable for construction traffic and subsequent access for future residents. Advised that any site visit with Planning Committee should be also accessed via Highlight Lane.

Please see **Appendix B** for a full copy of this representation.

7. Natural Resources Wales – No comment to make;

REPRESENTATIONS

The neighbouring properties were consulted on 15 November 2016. The latest site notice was displayed on 27 April 2017. There have been over 40 objections received, and the grounds are summarised as follows:

- Concern for 2 large trees on the site under threat by the proposed development, which is not wholly within the applicant's ownership.
- There is a ransom strip along the site frontage with Buckingham Place that would mean there may not be access to the dwellings
- Overlooking and overbearing impacts from first floor windows and the height of the proposed dwellings
- Increased traffic within Buckingham Place
- Lack of turning space within Buckingham Place
- Impact on the drainage system, where there are existing issues
- Construction noise and traffic causing disturbance
- Original scheme for two storey houses would be out of character with an area characterised by bungalows or dormer bungalows
- Overdevelopment of the site
- Small gardens proposed with original proposals for 5 houses
- Overshadowing impact as a result of the proposed dwellings
- This is a form of 'garden grabbing' development
- Lack of public transport or walking/cycling provision for the site would result in dependency on private cars
- Lack of sufficient visitor or occupant parking provision
- Loss of existing views
- Concern over possible future development of the dwelling Baobab, to be replaced with further housing/access points

Please see **Appendix C** for a copy of three of the objections received.

In addition to the above, thirty nine individually addressed copies of the same objection letter have been received (**see Appendix D**). Objections cited relate to the impact on trees at the site, the ‘ransom strip’ across the site frontage, together with impact on neighbour amenities (alleging that the dwellings would result in overlooking and would be “imposing and obtrusive”). The letter also states that the dormer bungalows would be out of keeping with the bungalows in the area.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 2 and 8

Policy:

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS
POLICY TRAN10 – PARKING

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

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

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

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

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

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

Planning Policy Wales:

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

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

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

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

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published in November 2013. The Council submitted the Local Development Plan to the Welsh Government for Examination in July 2015. Following Examination hearing sessions that took place in 2016 and 2017 the Council received the Inspector's report on 25th May 2017.

The Inspector's report concludes that subject to the recommended changes the LDP is sound. The report and the recommended changes are binding and the Council is required by the Local Development Plan Regulations 2005 (as amended) to formally adopt the LDP within 8 weeks of receiving the report. Consequently, the Inspector's report concludes the Examination process.

The LDP will become operative upon its adoption and until such time the Adopted UDP remains the statutory development plan for the area. However, publication of the Inspector's report provides certainty as to the content of the LDP. With regard to the weight that can be given to the LDP and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

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

As the Inspector’s report has been published it is considered that significant weight can be given to LDP policies (as amended by the Inspector’s recommended changes) in advance of the formal adoption of the LDP, in line with the guidance provided in the Paragraph above.

There is a meeting of Full Council scheduled for the 28 June, 2017, and members will be provided with an update in respect of the status of the Local Development Plan at the Planning Committee meeting.

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office 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 primary issues to be considered are:

- The principle of residential development
- The scale and layout of the proposed development
- Access to the proposed dwellings, the impact of traffic and parking
- Potential impact of the proposed dwellings on adjacent trees
- The potential impact of the proposed dwellings on residential amenity

The site is within a residential area and lies within the Settlement Boundary of Barry. As such, the principle of an infill development is accepted under UDP policy HOUS 2, subject to the criteria of policies ENV 27 (Design of new developments) and HOUS 8 (Residential Development Criteria).

Design, scale and layout

The proposal is for three new dwellings, shown on the indicative plans to be dormer style bungalows. It is stated that the dwellings would be 11m wide, 10.5m deep, and with a ridge height of just under 7m. The dwellings on the plans are shown as 'blocks' without detail, since 'appearance' is a reserved matter. However, the plans clearly indicate dormer bungalows.

There is a mix of dwelling types within both Highlight Lane and Buckingham Place (where the dwellings would be most visible) which include single storey bungalows, dormer bungalows, and two storey houses. This range includes a dormer bungalow opposite the site frontage (No 19 Buckingham Place) and a full two storey house at No 15 Buckingham Place. Whilst there have been comments received that the proposed dwellings should be single storey bungalows only, the mix of dwelling types within Buckingham Place and surrounding streets means that the dormer bungalows proposed would not be at odds with the character of the area.

While the full appearance of the dwellings would only be considered at the reserved matters stage, there is sufficient information submitted with this application to judge the scale and form of them now. Based on the plans, it is considered that the dormer bungalows proposed would be of a general size, height and form that are compatible with this street scene, and would not be over scaled or visually incongruous. The height is comparable or less than other dwellings in the street and the width and depth of the dwellings is also not dissimilar.

The dwellings are well spaced, such that they would not appear cramped or contrived within the site.

It is, therefore, considered that the proposed dwellings are of an acceptable form, scale and layout which would accord with policies HOUS 8 and ENV 27, subject to full appearance details being submitted at the reserved matters stage.

Access and Parking

In terms of parking provision, all three dwellings would have off-street spaces. Plots 1 and 2 could accommodate up to 4 vehicles on their driveways, whereas Plot 3 would in practice have less parking provision (2-3 spaces if the turning area is kept free). This could be increased to 4 if necessary in the future with the widening of the driveway slightly to 5.6m. This parking provision is considered acceptable, particularly considering the sustainable location of this site, near shops and public transport routes, and it is considered that it would not unduly increase pressure for on-street parking. It should be noted that the Council's (maximum) Parking Guidelines do not require more than three spaces for a dwelling in any case.

Access to all three dwellings would be via independent driveways from Buckingham Place. For Plots 1 and 2 there is a conventional driveway to the front of the dwellings, similar to many other driveways within Buckingham Place. Plot 3 has an access that includes a turning area, which would allow vehicles to enter and exit in a forward gear. This is considered particularly beneficial for Plot 3 as the access is relatively close to the access to Sanfrey at the end of this cul-de-sac. Considering the turning area included for Plot 3 and the general slow speed of traffic at this point at the end of the cul-de-sac, this access is considered acceptable and should have no discernible impact on the access at Sanfrey or any other property.

The proposed dwellings would result in some additional traffic along Buckingham Place and the surrounding highway network. However, only 3 modest size dwellings are proposed and it is considered that this would not result in a significant increase in local traffic flow that would have any discernible impact on highway safety or congestion levels. There would be some additional traffic over existing levels through the course of construction, but this would be for a temporary period of time only, limiting the potential impact. Furthermore, any construction work could not result in an obstruction of the highway unless the Highway Authority section gives approval.

It has also been noted that there is a telegraph pole and lamp post along the site frontage at Buckingham Place. The revised plans indicate that the lamp post is to be removed and placed to the side of the proposed access to Plot 1. The telegraph pole is not to the front of any driveway but is shown to be close to the driveways of Plot 1 and 2. The Highways Officer has stated that this close proximity is not acceptable and that no vehicle crossover should be permitted within 1m of either the lamp post or telegraph pole. This can be dealt with by condition (see condition 12), with it then up to the applicant to secure the re-location of these items to allow for the driveway access points as proposed.

Residential amenity

The dormer window features as indicated would be to the front and rear of the proposed dwellings. Whilst the windows in the dormers at the rear of dwellings 1 and 2 would have views towards neighbouring gardens, there would be approximately 12m between the dormers and the boundary at the rear of the site with the neighbouring garden. This is considered to be sufficient to ensure that this part of the neighbouring garden would not be unreasonably overlooked. Any dormers may also be serving non-habitable rooms, such as a bathroom, which would diminish any potential overlooking impact. However, the distance is such that habitable room windows would not be harmfully close. Angled views from plot 1 towards no. 24 Buckingham Place would not give rise to an excessive degree of overlooking. The rear dormers on dwelling three would be a similar distance from the remaining garden of Baobab and there would be over 21m to the rear of that dwelling. The rear dormers on plots 1 and 2 would also not be within 21m of an opposing neighbouring dwelling, in accordance with the Council's SPG. Finally in respect of privacy, the windows on the fronts of the properties would also be in excess of 21m from the houses opposite, and consequently would preserve privacy.

The dwelling at Plot 1 would be in relatively close proximity to No 24 Buckingham Place to the north. However, there would remain a separation distance of 3-4m between side elevations. There are also no primary windows serving habitable rooms in the side elevation of this neighbouring bungalow. Given this and the fact that the new dwelling would be broadly in line with no. 24, it is considered that dwelling 1 would not result in significant overshadowing or have an overbearing impact to occupants of this dwelling. There may be some level of overshadowing of the side of No 24, but not to any significant degree and only for a relatively short period of the day.

Dwelling 3 would be in relatively close proximity to the side of Sanfrey of Buckingham Place. However, there would remain a separation distance of approximately 4.5m between the side elevation of the proposed dwelling and Sanfrey. Being slightly north of Sanfrey, Plot 3 would not have any significant overshadowing impact to this neighbour, with the separation distance (and siting broadly in line with Sanfrey) being sufficient to avoid any overbearing impact.

It is not clear if there are any side elevation windows in the proposed dwellings, which could potentially have overlooking impacts, especially to No 24 and Sanfrey of Buckingham Place. As this is an outline application this information has not yet been submitted, but the applicant should design the final appearance and internal layout of these dwellings to avoid harmful overlooking impact, in accordance with the Supplementary Planning Guidance on 'Amenity Standards', which can be controlled in the future reserved matters application.

Overall, it is considered that the siting and scale of the dwellings are acceptable in that they would not be demonstrably harmful to residential amenity. Notwithstanding this, a full assessment of amenity impacts would be needed at the reserved matters stage, in relation to the detailed internal layout and appearance.

Amenity Standards

The Amenity Standards SPG requires 1m² of amenity space for every 1m² of dwelling floorspace. Of this amenity space, approximately 70% should be to the rear and/or relatively private. While this is an outline application, it is clear from the layout plan that each dwelling would have an SPG compliant level of amenity space, including a sizeable rear garden area and amenity space to the front, sufficient for leisure purposes for occupants and for more functional requirements such as drying clothes. As such, the proposed amenity space included on the layout is considered acceptable.

Tree Impacts

Although there are no significant trees within the site, there are two large and mature Hybrid Black Poplars on the boundary with Grayton Cottage. One of these trees appears to be wholly within the boundary of Grayton Cottage, whereas the other appears to straddle the boundary. These trees would be in relatively close proximity to Plots 2 and 3 as proposed.

An assessment of these trees and the impacts of the development have been considered in the supporting arboricultural report. This report identifies the trees and states they are C grade trees of generally low quality, estimated to have 10 to 20 years of life left. The report states that replanting in mitigation for removal of these trees would “more than offset the loss of amenity resulting from the removal of such low quality trees”. However, the report acknowledges that as these trees are either wholly or partially within the neighbour’s boundary then permission would be required from this neighbour. The report did also state that there could be falling branches from these trees and also shading to the north, which would impact future occupiers of the proposed dwellings.

The arboricultural report was based on the original 5 houses proposed. The amended layout, with three dormer bungalows, allows for a greater separation distance between the new dwellings and the trees. It is likely that there would be some shading of the dwelling at Plot 2 due to the trees, but the Applicant is aware of this as the revised plans have been submitted after the tree report was submitted. As such, whilst it is acknowledged that the dwelling at Plot 2 would be shaded by the tree at certain times of the day, this would not be critically harmful to residential amenity. Furthermore, the space between the trees and the new dwellings would be sufficient to safeguard the trees and construct the proposed dwellings. However, a full Arboricultural Method Statement should be submitted to fully demonstrate how this is to be achieved, if the trees are to remain. This is required via condition (see condition 11).

Based on the submitted tree report, it is clear that an option for this development would be to remove these trees and plant replacements, however, this is not fundamentally necessary or an unavoidable outcome. These trees are not under the full ownership of the applicant and therefore this option cannot be guaranteed. The trees are stated to be of low quality and are not considered suitable for protection under a Tree Preservation Order. However, if they are to remain it is considered that suitable ground protection measures and root protection areas can safeguard the trees and maintain their stability.

Other Matters

Comment has been received in relation to local knowledge of a ‘ransom strip’ across the site frontage, adjacent to the footway at Buckingham Place. The applicant was not aware of this initially but has since incorporated this strip into the ‘red line site area’ and served notice on the owner. From a planning application perspective, this is all that is required of the applicant and any further negotiations between the applicant and the owner of the strip of land is not a planning matter. The proposals have been assessed on the planning merits of the case and the correct ownership certificates have been now signed.

RECOMMENDATION

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

5. The development shall be carried out in accordance with the following approved plans and documents: 160914/AR/PL/201 P04 (received 19 June 2017), Amended Design and Access Statement and Supporting Statement (ST Planning - Recieved 15 May 2017) and Arboricultural Report (Graham Chesterton Arboriculture - Received 9 December 2016);

Reason:

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

6. Full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason:

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

7. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on 160914/AR/PL/201 P04, and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

8. All means of enclosure associated with the each dwelling hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the dwelling they relate to, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

9. Prior to the commencement of development, details of the finished levels of the site and the dwellings hereby approved, in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

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

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the commencement of development, an Arboricultural Method Statement and a Tree Protection Plan, together with an arboricultural site supervision model, shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the protection of the two trees identified in the submitted Arboricultural Report (Graham Chesterton Arboriculture). The development shall thereafter be carried out in accordance with the agreed tree protection measures set out in the approved details.

Reason:

To ensure the protection of the trees identified in the submitted Arboricultural Report (Graham Chesterton Arboriculture) being set partially or wholly within neighbouring land, in the interests of visual amenities and in accordance with ENV 27 of the adopted Unitary Development Plan.

12. Prior to the first beneficial occupation of any of the dwellings, details of the re-located positions of the telegraph pole and lamp post (that are currently outside the side frontage on Buckingham Place) shall be submitted to and approved in writing by the Local Planning Authority. The telegraph pole and lamp post shall thereafter be moved in accordance with the approved details, prior to the occupation of any dwelling whose driveway is within 1m of either of those items.

Reason:

To ensure suitable levels of visibility clear of obstructions for vehicles entering and exiting the plots, in accordance with policies ENV 27 and HOUS 8 of the adopted Unitary Development Plan.

13. Notwithstanding the submitted details, the subsequent Reserved Matters application shall include details of pedestrian visibility splays of 2m x 2m in each direction either side of the accesses to the plots hereby approved. Within these vision splays there shall be no obstructions, car parking or planting that exceeds 0.6m in height. The agreed pedestrian vision splays shall be implemented before the first beneficial occupation of the dwellings hereby approved and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and ENV8 of the Unitary Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies ENV 27 (Design of new developments), HOUS 2 (Additional residential development), HOUS 8 (Residential Development Criteria) and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable in terms of design, layout, impact on neighbours, access, parking, amenity space and impact on trees.

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:

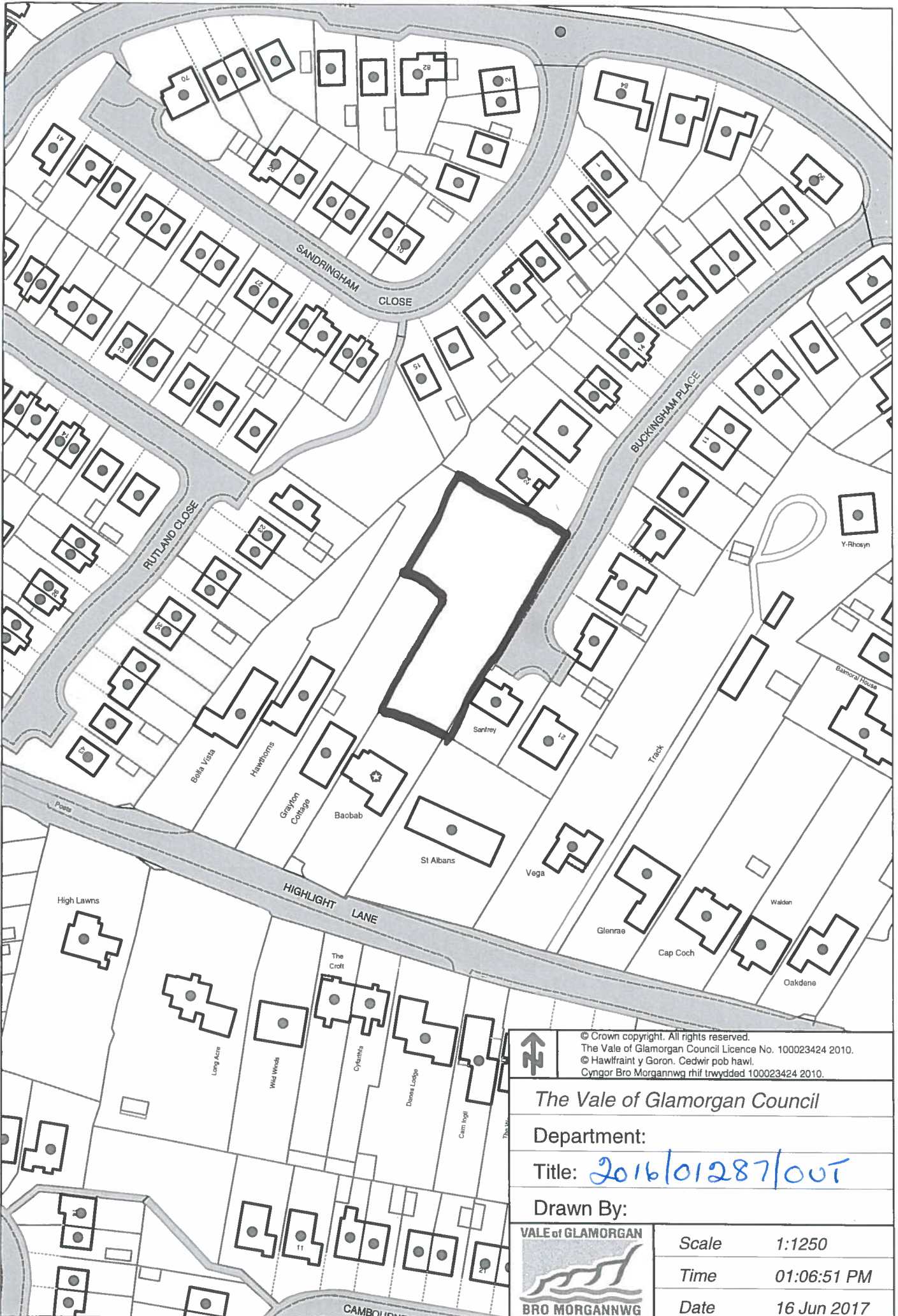
1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
2. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.
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.


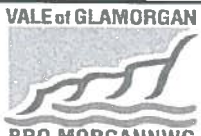
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2016/01287/OUT</i>		
Drawn By:		
	Scale	1:1250
	Time	01:06:51 PM
	Date	16 Jun 2017



Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2016/01287/OUT
Observations By:	Paul D Harrison
Date:	06 June 2017
Location:	Baobab, Highlight Lane, Barry
Proposal:	Erection of 5 new dwellings
Case Officer:	Mr. Steven Rennie

Further to reviewing amended plans in relation to the above, it is noted that the access to plot No. 3 is located close to the vehicle crossover serving the dwelling known as Sanfrey. However, based on the low traffic flows and associated speeds, it is considered that this would not have a material impact along the adjacent highway.

Therefore, provided that the details below are made conditional to the planning consent and are submitted for approval as part of a full or reserved matters planning application, an objection in relation to the highway and transportation aspects of the development is not raised in this instance.

Conditions

- 1 Details of the proposed car parking provision to be provided and laid out within the boundary of each dwelling in accordance with the Councils adopted parking standards shall be submitted and agreed in writing by the LPA. Thereafter, the approved parking provision shall be provided upon beneficial occupation of each dwelling and thereafter maintained and retained at all times for the use of the development. **Reason:** To ensure the provision of adequate car parking facilities are provided within the site, in the interests of highway safety.
- 2 Pedestrian visibility splays of 2.0 x 2.0m along the adjacent highway are required to be provided either side of the proposed access to each dwelling. Within the visibility splays, no obstructions, inclusive of planning, fencing or boundary walls shall exceed 600mm in height. **Reason:** To provide adequate visibility along the adjacent highway, in the interest of highway safety.

- 3 No vehicle crossover will be permitted to be located within 1.0m of any lighting column or telegraph post fronting the site. As a result, the location of existing street lighting columns and telegraph posts in relation each vehicle crossover is required to be identified on a topographical survey plan, which shall be submitted to and agreed in writing by the LPA **Reason:** In the interest of highway safety.
- 4 The proposed vehicle crossovers along the adjacent highway shall be constructed in accordance with the Council's standard details for adoption.

The applicant is required to contact Mr. Peter Coughlan of the Highways Traffic Section prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's expense. **Reason:** To ensure construction of the proposed crossover in accordance with the Council's standard details for adoption.

From: [REDACTED]
Sent: 18 December 2016 15:57
To: Planning & Transportation (Customer Care)
Subject: 2016/01287/OUT

FAO: Steven Rennie

Dear Steven,

I appreciate that the closing date for consultation was 6 December 2016, but I don't believe this application has been determined yet. I understand that a request was going to be made to ensure this application was put before the planning committee, and I'd be grateful if you would confirm this is the case.

I wish to add my objection to the planning application. The proposed buildings are over development of the site. They are also over imposing on what is an area of mainly bungalows. I believe that the two storey buildings by virtue of location and size will overlook neighbouring properties affecting their privacy and will also cause detriment to the natural light of the surrounding dwellings.

I am gravely concerned at the proposed access for the building of these properties; Buckingham Place is a narrow cul-de-sac and is not designed to allow large, heavy, construction lorries to have access to the building plots. They will be unable to turn and will have to reverse into a busy road, Lakin Drive, on to a bend. This road is also unsuitable for permanent access for residents of the proposed development by virtue of its size and current cul-de-sac status. You will also need to consider how house removal vans and large delivery lorries will be able to access the location.

Finally, after representation from local residents, I have been asked to ensure that any site visit is accessed via Highlight Lane, where the true size of the prospective development can be viewed better, as opposed to from Buckingham Place where the land available is deceiving.

Yours sincerely,

Clr Claire Curtis
Dyfan Ward

Sent from Mail for Windows 10

Appendix C

2016/01287/OUT
Baobab Highlight
Lane Barry
CF62 8AA

Dear Mr Rennie


I am writing to object to the amended plans regarding the land to rear of Baobab Highlight Lane Barry, listing the reasons below for my objection. The initial plan had a tree report containing an in depth report and concerns for 2 large trees and ownership. It has now been established in that report that the one tree is 100% ownership of next door Greyton Cottage and the other is 50% ownership between Greyton cottage and Baobab. The trees in question will not be removed therefore causing concern for the houses to be built underneath them infringe greatly due to there size.

During a land registry search the land is governed by a ransom strip running down Baobab and situate between the land and Buckingham Place. It has been discussed with the owner of the ransom strip that neither permission or sale of the ransom strip has taken place with the applicants in order for the houses to gain access onto Buckingham Place. With this in mind the houses could not have access to be built let alone be sold for useable dwellings to access out of there properties.

It would seem from a simple land search that this ransom strip has ownership and the applicants would have addressed this knowing it would have significant impact on there application.

The new Application is now showing 3 large houses and not the 5 smaller dwellings. This infact has no change to the impact this will have on the surrounding houses. The 3 windows over looking there properties and being of larger properties still being imposing and obtrusive and not in keeping with the area as at first bungalows would be. The lack of privacy will certainly impact on quality of life for the surrounding bungalows.

Thank you for considering our objections to this application.

Signature.....

Date..... 28/04/2017

RECEIVED
2 MAY 2017
Regeneration
and Planning

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

Appendix C

Comment for planning application 2016/01287/OUT

Application Number	2016/01287/OUT
Location	Land to the rear of Baobab, Highlight Lane (site fronting Buckingham Place).
Proposal	Erection of 3 new dwellings and associated works
Case Officer	Mr. Steven Rennie
Name	Mrs Esme Sydna Camr
Address	9 Buckingham Place, Barry, CF62 8AT
Type of Comment	Objection
Type	Neighbour
Comments	ALL my previous objections still stand - a reduction from 5 to 3 dwelling makes little difference to my objections.. The planned dwellings are not in keeping with other properties (mostly bungalows) in Buckingham Place. Traffic in Buckingham Place will increase considerably (despite the land actually being off Highlight Lane!, as 3 further houses increases the number of properties in Buckingham Place (just over 20) by a large proportion. Transport links are poor despite what the application says.
Received Date	10/05/2017 12:15:27
Attachments	

Appendix C

Grayton Cottage
Highlight Lane
Barry
CF62 8AA
28 November 2016

Mr Steven Rennie
Planning Officer
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry

Dear Mr Rennie,

Re: Application No. 2016/01287/OUT: Baobab, Highlight Lane, Barry

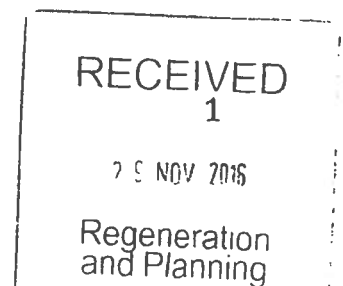
We wish to **strongly object** to the proposed development of five detached, four bedroomed houses in the garden of Baobab, application number referenced above. As an immediate neighbour to Baobab, we feel that the proposed development would result in a major impact on our quality of life. Our specific objections are as follows:

1. Adverse impact on residential amenities

Planning Policy Wales (PPW) Edition 9 (2016) paragraph 4.11.9: The visual appearance of proposed development, its scale and its relationship to its surroundings are material planning considerations.

PPW Edition 9 (2016) paragraph 9.3.4: In determining applications for new housing, local planning should ensure that the proposed development does not damage an areas character and amenity.

We believe that the proposed development is in direct contravention of these policies. It does not respect the local context and street patterns, and in particular, the scale and proportions of the new buildings in a garden plot would be entirely out of character with the area, to the detriment of the local environment. This is a quiet residential area and the majority of the dwellings in proximity to the proposed development are bungalows or dormer style properties therefore attracting occupants of a retirement age. The family type houses on very small plots, with spaces for 4 cars for each house, will have a detrimental impact on the surrounding area.



2. Unacceptably high density/ overdevelopment of the garden plot

PPW Edition 9 (2016) paragraph 9.3.3: Insensitive infilling, or the cumulative effect of development should not be allowed to damage an areas character of amenity. This includes any impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

We believe that the proposed development is a direct contravention of the above policy. This planning proposal represents an overdevelopment of the site, which would significantly alter the character of the area and amount to serious cramming in what is a low-density area. This will have an adverse impact on neighbours by virtue of the scale and massing of the dwellings created. Additionally, the plot sizes of the five proposed dwellings are very small, particularly compared with the large plots typically enjoyed by the surrounding properties.

A more reasonable planning request for two properties of a bungalow or dormer bungalow style would be more in keeping with the design, scale and plot sizes of the existing residential properties, thus limiting the adverse impact on the neighbourhood.

PPW Edition 9 (2016) paragraph 9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully fitted into small vacant sites in established residential areas.

The garden spaces of the proposed houses are very limited and not proportionate to the size of the new buildings, and this together with the very little space available for landscaping would lead to a gross over-development of the site. Therefore, the proposed development would not result in a benefit in environmental and landscaping terms; to the contrary it would lead to the loss of valuable green space.

3. Adverse impact on the landscape character of the area

We have grave concerns about the adverse effect the proposed development would have on a large black poplar tree, the trunk of which is partly in our garden and partly in the plot in question. We hope the planning authority has requested a full tree survey with this planning application. This tree creates an essential wild life habitat in an urban area and adds beauty and texture to the landscape. The pruning or felling of this tree to facilitate building work would have a detrimental impact on both the environmental aspect of the area and would also have structural implications for the houses proposed. **Mature trees are a valuable and irreplaceable feature particularly in built up areas** as emphasised in the paragraph quoted below.

PPW Edition 9 (2016) paragraph 5.2.9: Trees, woodlands and hedgerows are of great importance to landscape character and beauty. Local planning authorities should seek to protect trees and areas of woodland where they have natural heritage or contribute to the character of a particular locality.

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2 NOV 2016
2Regeneration
and Planning

4. Loss of privacy and overlooking

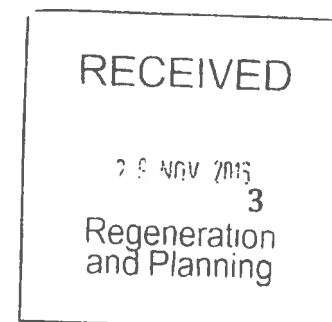
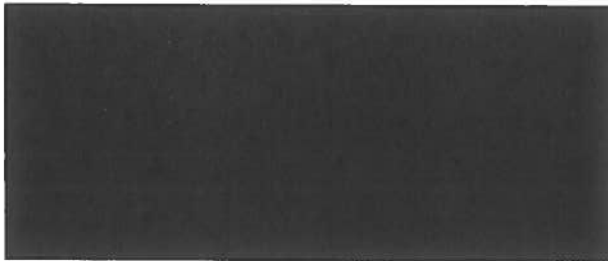
PPW paragraph 9.3.3: Insensitive infilling, or the cumulative effect of development should not be allowed to damage an areas character of amenity. This includes any impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

We are particularly concerned about the development, which will constitute plots 4 and 5. The land to be developed is approximately one metre higher than our garden. This would result in our seating area in the garden, conservatory, and an upstairs bedroom window being overlooked from the upper windows of these two properties, resulting in a serious invasion of privacy. There would also be overshadowing onto our garden from plot No. 4. Additionally, the scale of the proposed development would have a dominating impact on us, and our quiet enjoyment of our property.

In summary we feel that this proposal is by a developer driven by profit to build as many houses as possible on a garden plot without any consideration for the impact on neighbours. This destructive practice known as **garden grabbing** will change and blight the character of this quiet neighbourhood.

Yours sincerely,

A.D. & S.L. Thomas



Appendix D

MR & MRS JAVIES
HIGHWAYS
HIGHLIGHT LANE, BARRY
VO5 CF62 8AA.

Ref 2016/01287/OUT

Dear Mr Rennie

I am writing to object to the amended plans regarding the land to rear of Baobab Highlight Lane Barry, listing the reasons below for my objection. The initial plan had a tree report containing an in depth report and concerns for 2 large trees and ownership. It has now been established in that report that the one tree is 100% ownership of next door Greyton Cottage and the other is 50% ownership between Greyton cottage and Baobab. The trees in question will not be removed therefore causing concern for the houses to be built underneath them infringe greatly due to there size.

During a land registry search the land is governed by a ransom strip running down Baobab and situate between the land and Buckingham Place. It has been discussed with the owner of the ransom strip that neither permission or sale of the ransom strip has taken place with the applicants in order for the houses to gain access onto Buckingham Place. With this in mind the houses could not have access to be built let alone be sold for useable dwellings to access out of there properties.

It would seem from a simple land search that this ransom strip has ownership and the applicants would have addressed this knowing it would have significant impact on there application.

The new Application is now showing 3 large houses and not the 5 smaller dwellings. This infact has no change to the impact this will have on the surrounding houses. The 3 windows over looking there properties and being of larger properties still being imposing and obtrusive and not in keeping with the area as at first bungalows would be. The lack of privacy will certainly impact on quality of life for the surrounding bungalows.

Thank you for considering our objections to this application.

Signature [Redacted]
Date... 26/4/2017

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

RECEIVED
28 APR 2017
Regeneration and Planning

2017/00328/FUL Received on 26 April 2017

Mr Jonathan Bird Home Farm, Dyffryn, St Nicholas, Cardiff, CF5 6SU
Reading Agricultural Consultants Gate House, Beechwood Court, Long Toll,
Woodcote, RG8 0RR

Dyffryn Springs, St Lythans Road, Dyffryn

Construction of a building to serve as a wedding venue

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 submitted by a current Elected Member of the Council

EXECUTIVE SUMMARY

The application site comprises the existing Dyffryn Springs wedding venue and fishery, plus agricultural land, all located to the south of Home Farm. The site is currently occupied by an existing single storey fishery office and function room, plus a marquee. The site lies within both the open countryside and the Dyffryn Basin and Ridge Slopes Special Landscape Area as defined in the Unitary Development Plan.

This is an application for full planning permission for the replacement of an existing marquee with a permanent building to serve the wedding function element of the existing business.

To date no objections to the application have been received.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, the impact on the character and appearance of the surrounding area, including the Dyffryn Basin and Ridge Slopes Special Landscape Area; any effect on neighbouring amenity; and highway safety; 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.

It is recommended that the application be APPROVED subject to conditions, including, restriction on use; no external illumination without permission; details of surface water drainage; provision of a buffer to the watercourse; and a construction environmental management plan for the protection of the adjacent brook.

SITE AND CONTEXT

The application site comprises the existing Dyffryn Springs wedding venue and fishery, plus agricultural land, all located to the south of Home Farm. The site is currently occupied by an existing single storey fishery office and function room, plus a marquee.

There are a number of residential properties nearby, including 'Yr Hen Felin' and its annexe, which is accessed immediately to the south of the proposed new access track, and 'Well Cottage' which lies to the north and is a thatched Grade II listed building.

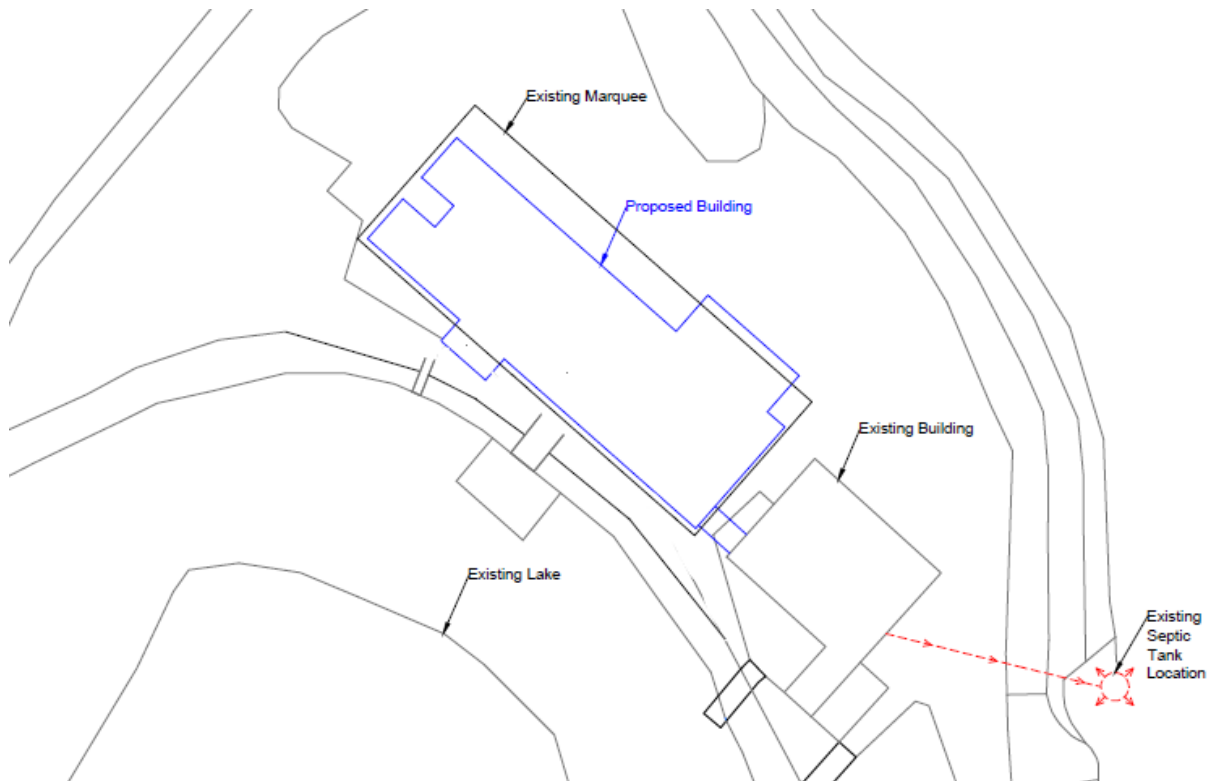
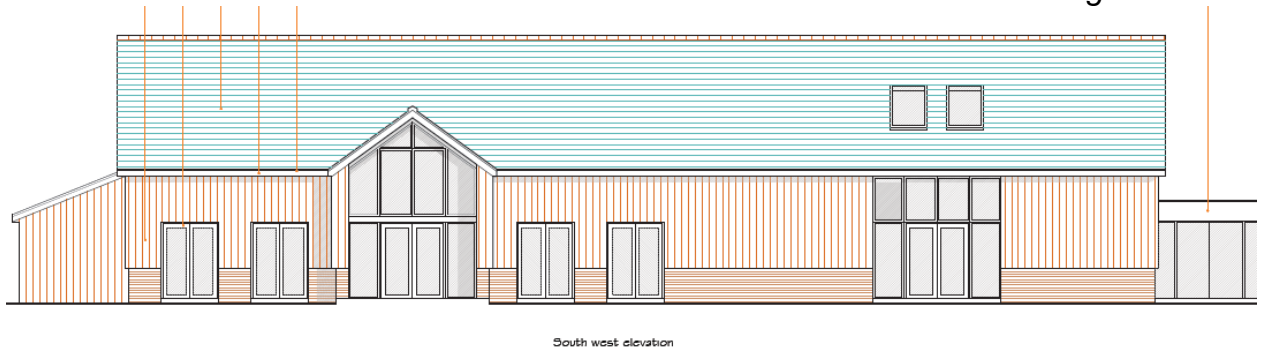


The site lies within both the open countryside and the Dyffryn Basin and Ridge Slopes Special Landscape Area as defined in the Unitary Development Plan. In addition, that part of the site which provides the connection of the new access road with the adopted highway lies within a Flood Risk Zone. To the north are the Doghill Moated Scheduled Ancient Monument and the Dyffryn Gardens Historic Park.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the replacement of the existing marquee with a permanent building to serve the wedding function element of the existing business, as shown in the plans below.

South West Elevation facing lake



Site Location Plan

The proposed building will be sited in the same position as the existing marquee and will be linked to the existing permanent building by a glazed corridor. The building has been designed to have the appearance of a traditional barn, with the external walls clad in shiplap boarding, and a pitched roof of artificial slate.

The proposed building will accommodate at ground floor the main function room with bar, a welcome area, a lobby, toilet facilities, storage and a plant room; and at first floor an office, lounge area, and storage.



3D Montage

Vehicular access to the site is proposed via the new access road approved under application 2015/00725/FUL. The car parking is provided within the existing hard standing area to the east of the building, which can accommodate approximately 70 cars.

The application is accompanied by an Access Statement (AS) and a supporting statement prepared by Reading Agricultural Consultants.

PLANNING HISTORY

There have been a number of applications relating to Dyffryn Springs and the wider farm enterprise, which include:-

1991/00430/FUL - New access road to farm - Approved 26 July 1991.

2000/00652/FUL - Single storey fishing amenity building with associated children's play area, car parking and access road - Refused 21 December 2000 on the grounds of its unacceptable scale and form in an attractive open countryside location.

2001/00760/FUL - Use of lakes for fishing with associated amenities building, car park and access - Approved 7 September 2001 subject to conditions, including, landscaping; restriction on hours; drainage; car parking; and restriction on external illumination.

2002/00495/FUL - Two additional lakes for angling purposes, with associated disabled car parking and access track - Approved 24 July 2002 subject to conditions, including, landscaping; cross sections of track and car parking; restriction on hours to between 7.30am to one hour after dusk; and restriction on external illumination.

2003/01078/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 13 November 2003 subject to conditions, including temporary consent to 30 September 2005; and restricted to plant sales only.

2006/01660/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 31 January 2007 subject to conditions, including temporary consent to 2 February 2008; and restricted to plant sales only.

2008/00395/FUL - Extension to toilets to comply with disability regulations - Approved 6 June 2008.

2008/00788/FUL - Proposed permanent continuation of A1 use at Dyffryn Springs Nursery - Approved 5 August 2008 subject to conditions, including restriction on sale of plants only; and removal of permitted development rights for any change of use.

2008/00955/FUL - Permission to erect a marquee for a temporary 6 month period every year - Withdrawn 10 September 2008.

2009/00668/FUL - Temporary permission for a period of 36 months for the erection of a marquee for the months of May to September in any calendar year - Approved 4 December 2009 subject to conditions, including, temporary period of four months in each calendar year and for a maximum total of 12 months or three years, with the marquee not being erected before 1 May and removed from the site on or before 30 September every year until 1 September 2012; and details of the restoration of the site.

2012/00364/FUL - Extension of existing building to provide a club room for fishermen along with a new decked terrace and service compound. Refurbish remainder of building as a wedding venue - Approved 6 July 2012 subject to conditions, including, restriction on use for primary purpose of fishery business with wedding functions and other D2 use to be ancillary; matching external finishes; further details of means of enclosure of the service compound; no external illumination; and details of landscaping.

2015/00725/FUL - Construction of new access track and variation of Condition 2 of planning permission 2012/00364/FUL to remove ancillary restriction on wedding functions – Approved 23 October 2015 subject to conditions, including, restriction of use to fishery and wedding venue; no external illumination; landscaping; details of access gates; hedgerow protection; and engineering details of bridge.

2015/00725/1/CD - Discharge of conditions 5-landscaping, 7-access gates, 9-engineering details bridging of watercourse – Approved 27 April 2016.

2015/00725/1/NMA - Widening of entrance splay and red line area to accommodate the required swept path analysis for coaches entering and existing the wedding venue at Dyffryn Springs – Approved 18 February 2016.

CONSULTATIONS

Wenvoe Community Council were consulted and support the application subject to a legal restriction precluding its use as domestic residential accommodation.

Dwr Cymru/Welsh Water were consulted on 3 May 2017 and no comments have been received to date.

Council's Ecology team were consulted and have no comments to make on the application.

Council's Shared Regulatory Services-Environmental Health were consulted and have no comments to make regarding the application.

Council's Highway Development team were consulted and based on the nature of the use and the number of guests, it is considered that the proposed car parking provision is adequate to serve the development. Furthermore, it is noted that there is available land within the site that would accommodate an increase in the parking demand if required.

In terms of the likely traffic generation associated with the development, it is noted that planning consent has been previously granted (planning reference 2009/00668/FUL) for temporary marquee, that also provided for wedding functions for the same number of guests. While the temporary consent related to a period of 36 months, it is considered that the site has operated with no material impact along the adjacent highway network.

Therefore, an objection in relation to the highway and transportation aspect of the development is not raised in this instance, subject to the submission of a plan identifying a coach parking space, and the proposed car parking spaces.

Council's Highways and Engineering section (drainage) were consulted and note the site is located outside of DAM zones at risk of tidal or fluvial flooding, and NRW flood maps indicate that there is a low to medium risk of surface water flooding across the site. There is an ordinary watercourse which flows across the site, in close proximity to the proposed wedding venue.

No surface water drainage plan has been submitted with this application. Surface water should be disposed of on-site in accordance with best practice, with infiltration the primary method of surface water disposal. Prior to work commencing on site, a full drainage plan shall be submitted demonstrating how surface water shall be disposed. Details of infiltration testing shall also be included. Should the use of SuDS techniques be used, a SuDS management plan shall be submitted to and approved by the LPA. This shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime.

The proposed new wedding venue is to be located adjacent to an existing watercourse across the site. The building should not affect the integrity of this watercourse, and no structure should be built within this watercourse. The amended site plan submitted indicates the exact location of the watercourse in relation to this proposed new dwelling, and it is deemed that the proposed building should have no effect on the this watercourse.

No details have been submitted with regard to protection of the watercourse adjacent to the proposed wedding venue. Prior to commencement of works on site, a Construction Environmental Management Plan shall be submitted detailing the measures that shall be put in place to mitigate risks to the watercourse. These risks include silt, cement, concrete, oils and chemicals and any other item which may deteriorate water quality within the watercourse.

The developer should be aware that any works to the watercourse, including temporary works to facilitate construction of the wedding venue, may require Land Drainage Consent from the relevant authority. This is a separate consent to those granted with planning applications.

Conditions are suggested in relation to :

- scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt
- A written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation.
- a construction environmental management plan for the protection of the adjacent brook from pollution during the course of construction

and an advisory note in respect of any works to watercourses.

Councils Tourism & Marketing section were consulted on 4 May 2017. No comments received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 3 May 2017. In addition a site notice was posted on 5 May 2017.

No representations have been received to date.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT.
- POLICY 5 - BUSINESS AND INDUSTRIAL USES.
- POLICY 6 - TOURISM.
- POLICY 8 - TRANSPORTATION.
- POLICY 11 - SPORT AND RECREATION.

Policy:

- POLICY ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.
- POLICY ENV2 - AGRICULTURAL LAND.
- POLICY ENV4 - SPECIAL LANDSCAPE AREAS.
- POLICY ENV7 - WATER RESOURCES.
- POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE.
- POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.
- POLICY ENV16 - PROTECTED SPECIES.
- POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
- POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.
- POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.
- POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.
- POLICY EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.
- POLICY EMP7 - FARM DIVERSIFICATION .
- POLICY TOUR5 - NON-RESIDENTIAL TOURIST ATTRACTIONS.
- POLICY TRAN10 - PARKING.

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

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

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

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

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

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular Chapter 4-Planning for sustainability, including paragraphs 4.1.1, 4.3.1, 4.4.3, 4.6.3-Priorities for rural areas, and 4.10-Conserving agricultural land; Chapter 5-Preserving and improving natural heritage and the coast, including paragraph 5.1.1; Chapter 6-Conserving the historic environment, including paragraph 6.1.1, 6.1.2 and 6.5.9; Chapter 7-Economic development, including, paragraphs 7.1.3, 7.3-Promoting diversification in the rural economy and 7.6.1; and Chapter 11-Tourism, sport and recreation, including, paragraphs 11.1.1 and 11.1.4.

Technical Advice Notes:

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

- TAN 6 - Planning for Sustainable Rural Communities, including paragraphs 3.1.2 and 3.7-Farm diversification.
- TAN 12 - Design, including paragraphs 2.6, 5.5.1 and 5.5.2.
- TAN 13 – Tourism, including paragraph 4.
- TAN 15 - Development and Flood Risk.
- TAN 23 - Economic Development, including paragraph 3.1.1 and 3.1.3.

Supplementary Planning Guidance:

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

- Design in the Landscape SPG, including DG1 - Sustainable Development.
- Parking Standards SPG.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published in November 2013. The Council submitted the Local Development Plan to the Welsh Government for Examination in July 2015. Following Examination hearing sessions that took place in 2016 and 2017 the Council received the Inspector's report on 25th May 2017.

The Inspector's report concludes that subject to the recommended changes the LDP is sound. The report and the recommended changes are binding and the Council is required by the Local Development Plan Regulations 2005 (as amended) to formally adopt the LDP within 8 weeks of receiving the report. Consequently, the Inspector's report concludes the Examination process.

The LDP will become operative upon its adoption and until such time the Adopted UDP remains the statutory development plan for the area. However, publication of the Inspector's report provides certainty as to the content of the LDP. With regard to the weight that can be given to the LDP and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) (PPW) is noted. It states as follows:

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

As the Inspector’s report has been published it is considered that significant weight can be given to LDP policies (as amended by the Inspector’s recommended changes) in advance of the formal adoption of the LDP, in line with the guidance provided in the Paragraph above.

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

- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).

There is a meeting of Full Council scheduled for the 28 June, 2017, and members will be provided with an update in respect of the status of the Local Development Plan at the Planning Committee meeting.

Other relevant evidence or policy guidance:

- Welsh Office 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

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the impact on the character and appearance of the surrounding area, including the Dyffryn Basin and Ridge Slopes Special Landscape Area; any effect on neighbouring amenity; and highway safety; 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.

Justification and background

In policy terms the site is located within the countryside, outside of any recognised settlement, where restrictive planning policies apply to proposals for new development, including policy EMP2 - New Business and Industrial Development of the UDP. Notwithstanding this, policy EMP7 allows for diversification on existing farming units, subject to certain criteria. 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 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.”

It will be noted from the planning history, and the supporting information, that the original farming enterprise has been subject to considerable diversification over the years, with a number of non-agricultural businesses, including the fisheries and wedding venue operations both of which are now well established on the site. As such the principle of the diversification of the agricultural enterprise into other uses has already been accepted.

The current application proposes the replacement of an existing marquee with a permanent building. The supporting statement notes that the wedding venue was established in 2004 following the construction of six lakes as part of the fishery diversification enterprise. Application 2009/00668/FUL granted a 36 months temporary permission for the marquee which expired on 1 September 2012. Although application 2012/00364/FUL granted consent for an extension of a fishery building to provide a club room for fishermen and use as a wedding venue, this did not include consent for the marquee, and imposed a restriction on the wedding functions to be ancillary to the main fishery business. As such the existing marquee is unauthorised. However, the ancillary requirement on the wedding business no longer applies. Application 2015/00725/FUL for the construction of new access track to serve the site, also allowed the variation of Condition 2 of planning permission 2012/00364/FUL to remove the ancillary restriction on wedding functions. This was sought to allow the on-going, and future expansion of this element of the farm diversification, with the statement noting at the time that the wedding business had become an important element of the diversification that supports the farming enterprise.

The supporting statement that accompanies the current application provides further justification for the promotion of the wedding business. This states that the wedding and function venue is proving to be an important source of diversification income for the farm. Whilst it is subservient to the main farming business, the financial accounts demonstrate that the farm would not be viable as a stand-alone enterprise without the wedding venue income. The established venue specifically aims at a sector of the market that is not catered for by the more traditional hotels and venues in the locality. It seeks to create a bespoke and niche wedding venue that uses local independent businesses/suppliers. The statement notes:-

“The development of the site as a wedding venue is encouraging economic growth in the area. As well as bringing in local employment it also increases tourist revenue to the area, with the consequent demand for local hotel rooms for guests who have travelled from further afield to the wedding.”

Thus the principle of the wedding venue operation and its continued expansion, which will be enabled by the already approved new access track and the current permanent replacement for the unauthorised marquee, is acceptable. Not only is it supported by local policy including Strategic policy 6-Tourism and EMP7 of the UDP, but also national guidance in TAN6 and PPW which states at paragraph 7.3.3:-

“Local planning authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport. While initial consideration should be given to adapting existing farm buildings, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.”

One final issue to consider with regard to the principle of the development relates to policy ENV2 of the UDP which seeks to protect the most productive agricultural land (Grades 1, 2 and 3A) from irreversible development. The Council's Land Classification records indicate that the site is Grade 3, but it is not clear whether it is Grade 3A. Despite this it is considered that the introduction of a permanent building in place of a temporary marquee would not necessarily prejudice the continued agricultural operations on the remainder of the land, or its future, longer term use for purely agricultural purposes. As such it is not considered that the proposal would justify a refusal on the grounds of the loss of agricultural land.

Visual impact

It has already been noted that the site lies within the Dyffryn Basin and Ridge Slopes SLA, where Policy ENV4 seeks to ensure that development is controlled in order to protect the quality of the rural landscape. Part of the application site is also positioned close to the Grade II listed 'Well Cottage', but this relates to the line of the new access track which has already been approved under application reference 2015/00725/FUL.

Relevant policies of the UDP in relation to design and visual impact include ENV27 and, in particular, EMP7 which requires that diversification proposals are compatible with the surrounding landscape; do not unacceptably affect certain interests, including landscape and historic environment; and vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside.

As already noted the vehicular access has already been approved, and therefore consideration of the current application relates solely to the replacement of a temporary marquee with a permanent building.



The proposed building is designed to reflect the appearance of a traditional tithe or threshing barn. It will occupy a similar footprint to the existing marquee, but will be larger in scale with its additional height, being higher than the existing permanent building, and providing a second floor of accommodation. Despite this, it is considered that its position alongside the existing fishermen's lodge, will serve to contain development and minimise the visual impact. The supporting statement also notes that the proposed building will be significantly less intrusive than a white marquee. The building will be clad with larch which will age naturally and soften the visual appearance, particularly when considering the landscape context of the site with undulating land dotted with mature copses and hedgerow.

Thus it is considered that the proposal will have some impact on the character and appearance of the surrounding landscape, including the SLA. However, this will not be so significant as to justify a refusal on wider landscape grounds, particularly when considering the economic benefits of this farm diversification scheme. Furthermore, it is recognised that the farm diversification should serve to maintain the main farming business and thus the nature of the surrounding area as working farm land.

Neighbouring 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 wedding venue business has been operating for some time with 18 functions taking place last year alone, while the fishery business has been operating for longer. There is no evidence that these uses have adversely affected the residential amenity of the neighbouring dwellings. Indeed there are separate licensing requirements that can control any nuisance.

The supporting statement makes the case that the permanent building should serve to minimise the potential for noise nuisance with solid walls and insulated roof, when compared to the existing marquee. Notwithstanding this, it is considered that the use should remain restricted by condition, in line with previous approvals, to ensure the nature and scale of the use is controlled into the future (see Condition 3).

Highways

The Council's Highway Development team have confirmed that there are no highway objections to the proposal, noting that the site has operated for some time with no material impact along the adjacent highway network. In addition, based on the nature of the use and the number of guests, it is considered that the proposed car parking provision is adequate to serve the development. The access statement also states that the proposal will not change the capacity at the venue. Furthermore, it is noted that there is available land within the site that would accommodate an increase in the parking demand if required. However, they have requested that any permission be conditioned to require the submission of a detailed plan identifying a coach parking space, and the proposed car parking layout.

In planning terms it is not considered that such a condition is reasonable or necessary. The current proposal relies on the existing parking provision which includes a hardstand area to the east of the building, plus a grassed overflow area. Highways have confirmed that this is adequate, although they refer to it as 'proposed' when it is existing, and the current application proposes no changes. In addition, no such requirement was identified by Highways when considering the new access road under application 2015/00725/FUL. Furthermore, the current parking arrangement is informal which is considered best suited to the rural context of the site.

Thus it is concluded that the replacement of the temporary marquee with a permanent building should have no additional impact on highway safety.

Other issues

It has already been noted that there are a number of historic assets to the north of the site, including the Doghill Moated Scheduled Ancient Monument and the Dyffryn Gardens Historic Park. Paragraph 6.5.9 of PPW states:-

“Local planning authorities are required to consult the Welsh Ministers on any development proposal that is likely to affect the site of a scheduled monument, or where development is likely to be visible from a scheduled monument and meets certain criteria.”

Having assessed the proposal against the relevant guidance and criteria it is considered that the new works will not affect the historic assets, and consultation with Welsh Ministers is not required. However, it will be noted from the planning history that previous consents have considered it necessary to control the external illumination of the site. This was in the interests of mitigating potential light pollution, particularly bearing in mind the astronomical observatory at the nearby Dyffryn Gardens. It is considered that the need to control lighting remains relevant for the same reasons (see Condition 4).

The Council's Ecology team have been consulted on the proposal and advised that they have no comments on the proposal. It is noted that there were some concerns over the impact of the proposed access track, with the loss of hedgerow and the potential impact on protected species, However, these were resolved as part of the earlier application, reference 2015/00725/FUL, and are not relevant to the current proposal.

Finally on the issue of drainage, it has already been noted that a small part of the site lies within a C2 flood risk zone. This relates to the entrance off the adopted highway which has already been approved under application 2015/00725/FUL. As the current application relates solely to the replacement of a temporary marquee with a permanent building, in an area outside of the flood risk, consultation with Natural Resources Wales is not required.

However, the Council's Drainage section have commented on the application noting that there is a low to medium risk of surface water flooding across the site. In addition there is an ordinary watercourse which flows across the site, in close proximity to the proposed wedding venue. With no details provided in relation to surface water and the protection of the watercourse adjacent to the proposed building, they have requested a number of conditions be attached to any permission. These relate to a full drainage plan to demonstrate how road and roof / yard water will be dealt with, including a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation and a construction environmental management plan (CEMP) for the protection of the adjacent brook from pollution during the course of construction (see Conditions 5 and 6).

The developer should also be made aware that any works to the watercourse, including temporary works to facilitate construction of the wedding venue, may require Land Drainage Consent from the relevant authority (see Informative 1).

In view of the above the following recommendation is made.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

- Location Plan, received 5 April 2017;
- Site Plan, received 26 June 2016;
- Ground floor plan, Drg. No. 3118-01 Rev A, received 21 April 2017;
- First floor plan, Drg. No. 3118-02 Rev A, received 21 April 2017;
- Elevations and section, Drg. No. 3118-03 Rev A, received 21 April 2017;
- Floor plans with existing building, Drg. No. 3118-04 Rev A, received 21 April 2017;
- Floor plan sketches, Drg. No. 3118-04, received 21 April 2017;
- Photo montages, received 5 April 2017;
- Access Statement, received 26 April 2017; and
- Supporting statement prepared by Reading Agricultural Consultants, received 5 April 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order amending, revoking or re-enacting that Order, the principal uses of the development hereby permitted shall be to serve the existing Dyffryn Springs fishery and wedding venue businesses, and any other use shall be solely ancillary to those uses, and this consent shall not relate to any other use falling within Class D2.

Reason:

The site is located within the countryside where development is only justified in connection with the existing rural enterprise in accordance with Policy EMP7 - Farm Diversification of the Unitary Development Plan, and national guidance contained in Planning Policy Wales and TAN6 - Planning for Sustainable Rural Communities.

4. No part of the site shall be externally illuminated without the prior written consent of the Local Planning Authority.

Reason:

To control light pollution and in the interests of visual amenity and the character and appearance of the Dyffryn Basin and Ridge Slopes Special Landscape Area in accordance with Policies ENV4 - Special Landscape Areas; ENV27 - Design of New Developments; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

5. No development shall commence on site until a detailed scheme for the surface water drainage of the site, showing how road and roof/yard water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The details shall include field percolation tests; calculation for any onsite attenuation or discharge; and full engineering details of drainage assets and a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation. The development shall be implemented in full accordance with the approved scheme of drainage, prior to the first beneficial use of the building here by permitted.

Reason:

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

6. Before the commencement of development a Construction Environmental Management Plan, for the protection of the adjacent brook from pollution during the course of construction, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. The development shall be implemented in accordance with the approved details.

Reason:

To safeguard the watercourse from pollution in accordance with Policy ENV29-Protection of Environmental Quality of the Unitary Development Plan.

REASON FOR RECOMMENDATION

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

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 ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, EMP2-New Business and Industrial Development, EMP7-Farm Diversification, TOUR5-Non-Residential Tourist Attractions, TRAN10-Parking, and Strategic Policies 1 & 2-The Environment, 5-Business and Industrial Uses, 6-Tourism, 8-Transportation, and 11-Sport and Recreation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Design in the Landscape, and Parking Standards; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Rural Communities, TAN12-Design, TAN13-Tourism, TAN15-Development and Flood Risk, and TAN23-Economic Development, it is considered that the proposal represents an acceptable form of farm diversification, the benefits of which outweigh any limited adverse visual impact the proposal will have on the character and appearance of the surrounding countryside, including the Dyffryn Basin and Ridge Slopes Special Landscape Area. The proposal should also not result in any harmful impact on neighbouring amenity or highway safety.

NOTE:

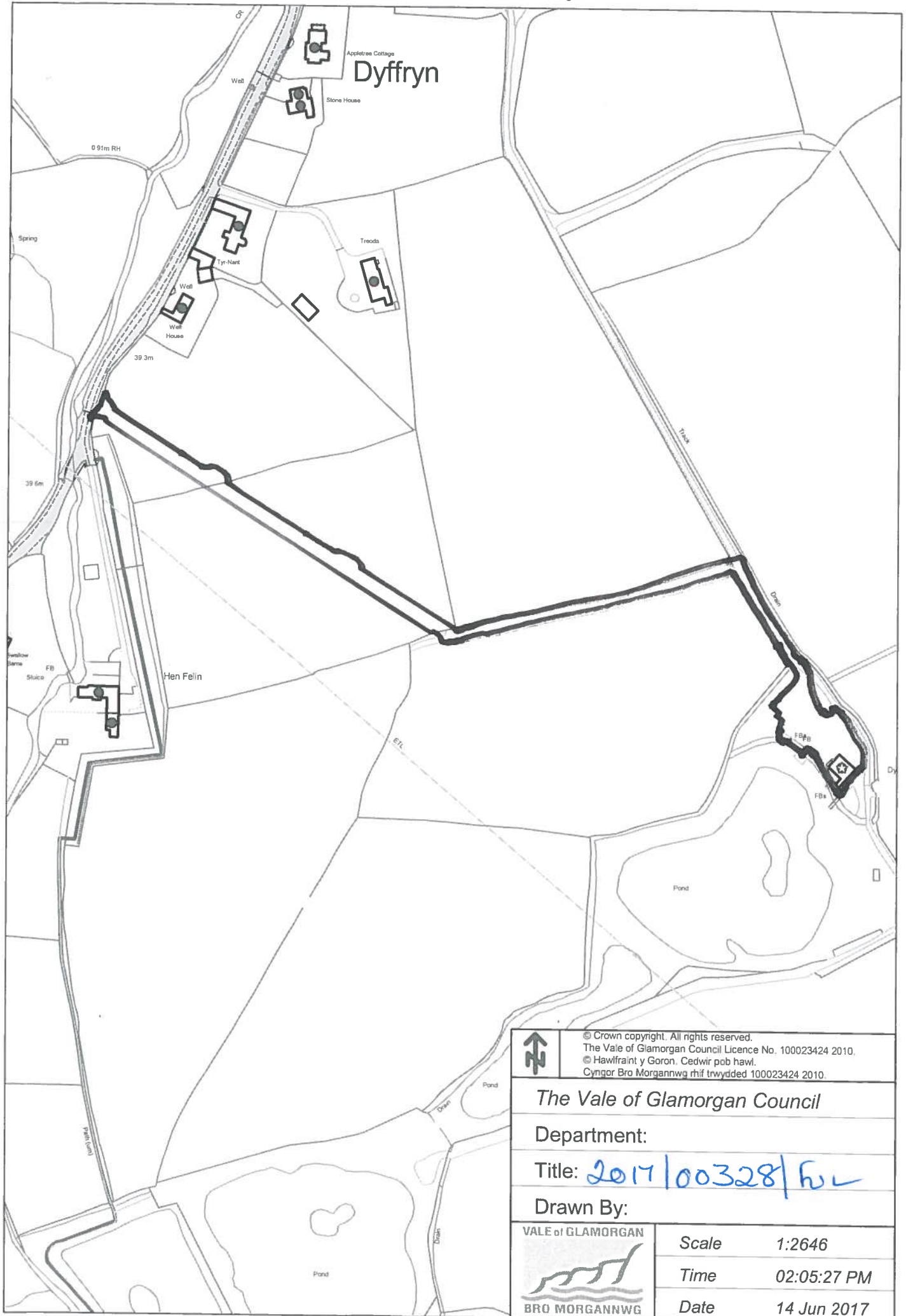
- 1. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, may require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.**



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

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

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

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



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	The Vale of Glamorgan Council	
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