

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 DECEMBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2017/0031/PO	AC	21, Rhyd Y Penau Road, Cyncoed, Cardiff.	Ground floor rear extension, First floor rear extension, Hip to Gable roof extension. Internal structural alterations with new outbuilding and associated external works
2017/0032/PO	AC	21, Austin Avenue, Laleston, Bridgend	Take down existing garage and single storey kitchen structure. Construct rear extension with flat roof and lantern light. To extend existing pavement crossover and drive
2017/0321/BN	A	22, West Terrace, Penarth	Single storey extension to enlarge kitchen
2017/1029/BN	A	14, Cook Road, Barry	Rear single storey extension
2017/1030/BR	AC	Vale Cottage, Dimlands Road, St Donats	Rear single storey orangery extension and internal alterations to existing first floor bathroom and en-suite
2017/1057/BR	AC	Tarmac Cement and Lime Ltd, Aberthaw Cement Depot, East Aberthaw	Extension and internal alterations of existing gatehouse office

2017/1063/BR	AC	40, Millbrook Road, Dinas Powys	Extension to rear and side with part two storey at rear. Loft conversion. Internal alterations including new kitchen, bathrooms, and stair alterations. Associated alterations to drainage and services.
2017/1066/BR	AC	20, Rutland Close, Barry	Two storey side extension
2017/1098/BR	AC	19, Tan y Fron, Barry	To construct new first floor to footprint of ground floor and single storey extension to rear dwelling
2017/1139/BN	A	11, Nurston Close, Rhoose	Single storey extension to side of property for extra bathroom
2017/1146/BN	A	8, Church Place South, Penarth	First floor extension and loft conversion
2017/1147/BN	A	163, Gladstone Road, Barry	Internal alterations installing steel beams
2017/1148/BN	A	18, O'Donnell Street, Barry	Replacement roof covering, rainwater goods, fascias, soffits and barge boards
2017/1152/BR	AC	22, Heol Corswigen, Barry	Single storey rear extension
2017/1166/BN	A	22, Fairoaks, Dinas Powys	Roofing work and windows
2017/1167/BN	A	21, Fairoaks, Dinas Powys	Roofline works
2017/1169/BN	A	19, Fairoaks, Dinas Powys	Roofline works
2017/1170/BN	A	24, Fairoaks, Dinas Powys	Roofline works
2017/1180/BN	A	2, Monmouth Way, Barry	Fascias/soffits, UPVC gutters and downpipes, Flat roofing, external finishing, external decoration
2017/1181/BN	A	3, Monmouth Way, Barry	Fascias/soffits, UPVC gutters and downpipes, Flat roofing, external finishing, external decoration

2017/1182/BN	A	6, Monmouth Way, Barry	Fascias/soffits, UPVC gutters and downpipes, flat roofing, external finishing, external decoration
2017/1183/BN	A	9, Monmouth Way, Barry	Fascias/soffits, UPVC gutters and downpipes, flat roofing, external finishing, external decoration
2017/1184/BN	A	3, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1185/BN	A	5, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1186/BN	A	7, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1187/BN	A	9, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1188/BN	A	11, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1189/BN	A	13, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1190/BN	A	14, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1191/BN	A	15, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1192/BN	A	17, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1193/BN	A	19, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1194/BN	A	20, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1195/BN	A	21, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1196/BN	A	38, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1197/BN	A	40, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works

2017/1198/BN	A	42, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1199/BN	A	44, Plas Essyllt, Dinas Powys	Roof covering and roof line replacement works
2017/1201/BN	A	4, Ael Y Bryn, Peterston Super Ely	Roof covering and roof line replacement works
2017/1202/BN	A	13, Ael Y Bryn, Peterston Super Ely	Roof covering and roof line replacement works
2017/1203/BN	A	1, Pen Y waun, Dinas Powys	Roof covering and roof line replacement works
2017/1204/BN	A	23, Fontygary Road, Rhooose	Roof covering and roof line replacement works
2017/1205/BN	A	25, Fontygary Road, Rhooose	Roof covering and roof line replacement works
2017/1206/BN	A	7, Church Place South, Penarth, Vale of Glamorgan CF64 1BA	Single storey rear extension with car port and covered storage area to side.
2017/1207/BN	A	4, Ael-y-Bryn, Peterston Super Ely. CF5 6LL	Upgrade of property with EWI 90 mm
2017/1208/BN	A	49, Scott Close, St. Athan	Two rooms into one
2017/1209/BN	A	26, Heol Cae Pwll, Colwinston	Garage conversion
2017/1210/BN	A	17, Manorbier Court, Barry	Carry out WHQS works - full kitchen, bathroom, W.C. and re-wire. Two rooms into one
2017/1211/BN	A	Rhos Colwyn, Welsh St. Donats	Conversion of existing garage to cinema room
2017/1212/BN	A	9, Fairoaks, Dinas Powys	Roof line replacement works
2017/1213/BN	A	11, Fairoaks, Dinas Powys	Roof line replacement works
2017/1214/BN	A	13, Fairoaks, Dinas Powys	Roof line replacement works

2017/1215/BN	A	15, Fairoaks, Dinas Powys	Roof line replacement works
2017/1216/BN	A	17, Fairoaks, Dinas Powys	Roof line replacement works
2017/1218/BN	A	21, Britten Road, Penarth	Proposed erection of rear dormer extension
2017/1219/BN	A	75, Cae Canol, Penarth	Garage Conversion
2017/1220/BN	A	147, Windsor Road, Penarth	Installation of steel beam
2017/1221/BN	A	355, Barry Road, Barry	Single storey rear extension for new kitchen area
2017/1224/BN	A	60, Pardoe Crescent, Barry	Re-roof
2017/1225/BN	A	25, Fairoaks, Dinas Powys	Roof line works
2017/1226/BN	A	26, Fairoaks, Dinas Powys	Roof line works
2017/1227/BN	A	27, Fairoaks, Dinas Powys	Roof line works
2017/1228/BN	A	29, Fairoaks, Dinas Powys	Roof line works
2017/1229/BN	A	31, Fairoaks, Dinas Powys	Roof line works
2017/1230/BN	A	40, Fairoaks, Dinas Powys	Roof line works
2017/1231/BN	A	42, Fairoaks, Dinas Powys	Roof line works
2017/1232/BN	A	44, Fairoaks, Dinas Powys	Roofline works
2017/1233/BN	A	50, Merthyr Dyfan Road, Barry	External door
2017/1234/BN	A	27, Hinchsliff Avenue, Barry	Roofing, loft insulation, chimney, fascia/soffits, UPVC gutters and downpipes, external repointing, wash down all UPVC
2017/1235/BN	A	73, Hinchsliff Avenue, Barry	Loft insulation, chimney, fascia/soffits, renew gutters and downpipes, paint elevation, external repointing, wash down all UPVC

2017/1236/BN	A	58, Pardoe Crescent, Barry	RE-roof
2017/1237/BN	A	56, Pardoe Crescent, Barry	Re-roof
2017/1238/BN	A	36, Somerset Road East, Barry	Re-roof
2017/1239/BN	A	23, Shelley Crescent, Barry	Re-roof
2017/1240/BN	A	21, Shelley Crescent, Barry	Re-roof
2017/1241/BN	A	19, Shelley Crescent, Barry	Re-roof
2017/1242/BN	A	17, Shelley Crescent, Barry	Re-roof
2017/1243/BN	A	15, Shelley Crescent, Barry	Re-roof
2017/1244/BN	A	13, Shelley Crescent, Barry	Re-roof
2017/1245/BN	A	40, Somerset Road, Barry	Re-roof
2017/1246/BN	A	67, Byrd Crescent, Penarth	WHQS works - re-new kitchen, bathroom and full rewire of property
2017/1247/BN	A	1, Uplands Crescent, Llandough	Forming an opening and installing a steal beam
2017/1248/BN	A	65, Elizabeth Avenue, Barry	New facia/soffits, renew Upvc gutters and downpipes. New Upvc soil and vent pipe, painting, replace defective windows and external decoration
2017/1251/BN	A	35, Nicholl Court, Llantwit Major	Upgrade of property with 90mm EWI
2017/1252/BN	A	20, Ael y Bryn, Peterston Super Ely	Property upgrade with EWI 90mm
2017/1253/BN	A	13, De Clare Court, Llantwit Major	Upgrade of property with EWI 90mm
2017/1254/BN	A	13, Vachell Court, Boverton	Upgrade of property with EWI 90mm
2017/1256/BN	A	24, Heol Miaren, Barry	Loft conversion - no dormer
2017/1257/BN	A	40, Victoria Road, Penarth	Single storey ground floor sun room extension

2017/1258/BN	A	Tegfan, Gileston	Two storey side extension
2017/1259/BN	A	Fern Bank, Pen Y Lan Road, Aberthin	Loft conversion with dormer
2017/1260/BN	A	16, Minehead avenue, Sully	Renewal of roof
2017/1261/BN	A	22, Wood Street, Penarth CF642NH	Internal renovations to the dwelling.
2017/1262/BN	A	Darren Las, St. Hilary	Single storey extension to front elevation plus internal alterations to rear extension
2017/1263/BN	A	31, Port Road East, Barry	Attached garage
2017/1264/BN	A	8, Nicholl Court, Llantwit Major	Upgrade of property with EWI 90 mm
2017/1265/BN	A	19 - 24, Severn Avenue, Barry	Replacement roof covering, rainwater goods, fascia;s soffits and bargeboards
2017/1266/BN	A	14, Lougher Place, St. Athan	Single storey side extension
2017/1271/BN	A	The Gables, Porthkerry, Lane to St Curigs Church.	Side extension that will be the new front door access point for the house.
2017/1273/BN	A	9, Ael y Bryn, Peterston Super Ely	upgrade of property with ewi 90mm
2017/1274/BN	A	5, Ael y Bryn, Peterston Super Ely	Upgrade of property with ewi 90mm
2017/1275/BN	A	7 Ael y Bryn, Peterston Super Ely	Upgrade of property with ewi 90mm
2017/1276/BN	A	6, Ael y Bryn, Peterston Super Ely	Upgrade of property with ewi 90mm
2017/1277/BN	A	3, Castle Close, Boverton	Replace roof covering
2017/1280/BN	A	29, Clos Y Fulfran, Barry	Rear kitchen extension
2017/1282/BN	A	33, Drake Close, St. Athan	Single storey flat roof extension

2017/1283/BN	A	2, Charles Place, Barry	Knock through of ground floor internal wall between front and middle rooms. Installation of an RSJ
2017/1284/BN	A	1, Rogersmoor Close, Penarth	First floor bedroom and en suite
2017/1286/BN	A	17, Heol Gylfinir, Barry Island	Single storey rear extension
2017/1287/BN	A	74, Churchfields, Barry	Installation of steel beams
2017/1290/BN	A	53, Clive road, Barry	Two rooms into one and remove load bearing cavity wall
2017/1293/BN	A	34, Fairfield Crescent, Llantwit Major	Single storey side extension
2017/1294/BN	A	50, Harbour Walk, Barry	Create new door opening in single skin brick wall to detached garage
2017/1295/BN	A	7, Church Terrace, St. Mary Church	Upgrade of property with ewi 90mm
2017/1296/BN	A	24, Carne Court, Llantwit Major	Upgrade of property with ewi 90mm
2017/1297/BN	A	6, Windsor Close, Llantwit Major	Upgrade of property with ewi 90mm
2017/1298/BN	A	12, Windsor Close, Llantwit Major	Upgrade of property with ewi 90mm
2017/1299/BN	A	59, Eagleswell Road, Llantwit Major	Upgrade of property with ewi 90mm
2017/1300/BN	A	51, Holton Road, Barry, Vale of Glamorgan	Replacement shop front with facade refurbishment and alterations
2017/1301/BN	A	2, Mill Lay Lane, Llantwit Major	Knock through load bearing wall to open up kitchen and dining room
2017/1303/BN	A	West Down, Church Close, Ogmore by Sea	Dormer front and back. Rebuild front sun room to same dimension. Internal alterations

2017/1305/BN	A	Bryn Celyn, Castle Hill, Llanblethian	Two rooms into one
2017/1307/BN	A	53, Porthkerry Road, Barry	Rebuild retaining wall to front elevation of property
2017/1309/BN	A	Alexander Wright House, Trinity Street, Barry	Works to basement flat to include structural wall to be removed and steel supports to be installed to open up kitchen area and part new floor. New roof to building
2017/1310/BN	A	13, Ael Y Bryn, Peterston Super Ely	Upgrade of external property with ewi 90mm
2017/1312/BN	A	1, Westcliffe Gardens, Dinas Powys	Single storey extension
2017/1314/BN	A	3, Maes Y Bryn, Colwinston	Single storey rear extension and two storey side extension

(b) Building Regulation Applications - Reject

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

2017/1281/BN	R	Mint & Mustard, 33-34, Windsor Terrace, Penarth	Internal renovation and refurbishment to upper floors to create 4 no. of self-contained flats and apartments
2017/1289/BN	R	Longwood House, Llancarfan	Car port and double garage
2017/1302/BN	R	Brookside, Boverton, Llantwit Major	Conversion of garage to bedroom and en suite

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

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

2017/0169/AI	A	6, Vincent Close, Barry	Proposed single storey extension, internal alterations and associated works
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2017/0170/AI	A	17, Chandlers Way, Penarth	Two storey side extension and single storey rear extension
2017/0171/AI	A	Ty'r Onnen, Madoc Close, Dinas Powys	Loft conversion
2017/0172/AI	A	117, Fonmon Park Road, Rhoose	Replacement Superlite roof and associated works at ground floor level
2017/0173/AI	A	The Croft, Pen y Lan, Cowbridge	Extension and internal alterations
2017/0174/AI	A	2, Cliffside, Penarth	Proposed internal structural alterations to existing garage, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0175/AI	A	Cardiff International Airport, Rhoose	Internal alterations and associated works to extend airport departure lounge
2017/0176/AI	A	The Captains Wife, Beach Road, Swanbridge, Sully	Refurbishment works to ground and first floor levels to include the removal of existing staircase
2017/0177/AI	R	11, Eckley Road, Sully	Proposed conversion of garage to create habitable room (works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0178/AI	A	1, Victoria Avenue, Penarth	Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0179/AI	A	88A, Windsor Road, Penarth	Proposed fit-out to form an Anytime Fitness Centre

2017/0180/AI	A	25A, Cardiff Road, Dinas Powys	Proposed formation of a structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0181/AI	A	Cardiff International Airport, Rhose	Construction of a car hire building
2017/0182/AI	A	Cardiff International Airport, Rhose	Construction of car wash bays
2017/0183/AI	A	8, Cliff Parade, Penarth	New two storey house and detached garage (works to include material alterations to structure, controlled services, fittings and thermal elements)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 DECEMBER, 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

2012/01227/2/C D	A	Rawley Court, Turkey Street, Llantwit Major	Discharge of Condition 13 - Photographic Survey - Proposed conversion of outbuildings / barn to form annex to existing dwelling
2013/00036/1/C D	A	10, Park Road, Penarth	Discharge of conditions 8, 9, 16 and 24 - New three storey dwelling built over existing pool with access formed off Park Road
2013/00648/1/N MA	A	Badgers Hollow, Graig Penllyn	Non material amendment - First Floor Side Extension. Planning permission ref. 2013/00648/FUL: First floor side extension

2013/00767/2/N MA	A	Northcliff Farm, Dyffryn	Non material amendment - Reconstruction and replacement of existing dwelling and new extensions including alterations to domestic curtilage. Planning permission ref. 2013/00767/FUL: Reconstruction and replacement of existing dwelling and new extensions including alterations to domestic curtilage
2014/00460/5/N MA	R	Plot 39, Manor Park, Sully Road, Penarth	Non material amendment - Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works. Planning permission ref. 2014/00460/FUL: Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works

2015/00387/1/N MA	A	Rear of 9, Station Road, Rhoose	Non-material Amendment- height increase of the gable roof on the east elevation. Demolition of existing coach house on land to the rear of 9, Station Road Rhoose and the construction of new detached two storey two bed dwelling house
2015/00441/2/C D	A	Llanilltud Fawr/Llantwit Major Primary and Infant Schools, Ham Lane East, Llantwit Major	Discharge of condition 13 - Replacing existing 1FE Primary School with a new 2FE Primary School (Inc. Nursery). Providing Secondary School with approx.. 5400m2 of new build accommodation and refurbishing the main existing along Ham Lane. Remaining buildings will be demolished to make way for new 3G Pitch and MUGA along with associated car parking and landscaping (NMA)
2015/00566/6/C D	A	Former Adult Training Centre, Woodlands Road, Barry	Discharge of condition 23 - Erection of thirty residential units (Class C3) comprising twenty four one bedroom units and six two bedroom units, erection of bin/cycle store, amendment to existing access on Belmont Street, landscaping, car parking and associated works
2015/00757/2/C D	A	Cliff Lodge, Llancarfan	Discharge of condition 10 - Change of use from barn to domestic dwelling

2015/00960/1/C D	A	Land at Sycamore Cross, Bonvilston	Discharge of Condition 13 - Scheme for the protection and enhancement of biodiversity for development of 120 homes and associated works
2015/00960/2/C D	A	Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston	Discharge of condition 16- Tree and hedgerow protection - Development of 120 homes and all associated works
2015/00960/3/C D	A	Land at Sycamore Cross, Bonvilston	Discharge of condition 14- Japanese Knotweed strategy - Development of 120 homes and associated works
2015/01032/2/C D	A	Land at South Haven, Barry Waterfront, Barry	Discharge of condition 11 - Approval is sought for the layout, scale, appearance, access and landscaping of Phase 2 (109 dwellings) at Land at Barry Waterfront, Phase 2, Barry
2016/00778/1/N MA	A	Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe	Non material amendment - Substitution of two approved plans listed under Condition 2 to install two 4000 litre Calor Gas tanks - Demolition of existing buildings and residential redevelopment of land to deliver 15 affordable homes together with associated car parking, landscaping, drainage infrastructure and other ancillary development

2016/00809/2/C D	A	Land to the rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of condition 12 - Bat licence for redevelopment to form 37 apartments for the elderly including communal facilities access, car parking and landscaping
2016/01214/FUL	A	1, Alma House, Colhugh Street, Llantwit Major	Retention and completion of an outbuilding
2016/01269/1/N MA	A	58, Westward Rise, Barry	Non Material Amendment - Removal of proposed side entrance and addition of two high level light portals on the ground floor. Velux window situated on roof at rear of property to be moved from rear facing elevation to side facing elevation
2016/01328/1/C D	A	Meadowlands Estate, Drope Road, The Drope	Discharge of conditions 4- Further details of restoration works, 6-Wheel wash, 13-Scheme for protection of reptiles and birds, 19-Noise survey and attenuation and 21-Method statement and risk assessment for the protection of the structural condition of the strategic water main - Removal of waste material stored on site since 1983 and the restoration of land
2016/01437/1/C D	A	62, Heol y Frenhines, Dinas Powys	Discharge of conditions 3- Schedule of materials and 4- Levels details - Four bedroom detached house

2017/00264/1/C D	A	77, Eastgate, Cowbridge	Discharge of conditions 3- Further details and specifications of all windows, glazing, roof lights and external doors, and 4-Further details and samples of the rainwater goods - 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
2017/00424/FUL	A	Green Oak Cottage, Graig Penllyn	Development of a detached double garage on land currently used as garden
2017/00482/FUL	A	76, St. Pauls Avenue, Barry	Retention of re-modelled and extended garage and attached rear facing outhouse.
2017/00563/FUL	A	17, Archer Road, Penarth	Retention of two and single storey rear extension
2017/00651/FUL	A	37, Main Road, Ogmore By Sea	Replacement of existing dwelling with new 2 storey dormer style dwelling
2017/00667/FUL	A	Ty Rhosyn, 12, Wick Road, Ewenny	Replacing of the existing full glazed conservatory with a single storey lean to roof extension to side of the property
2017/00701/FUL	A	Handy Gas Ltd., Sambucus Avenue, Llandow Trading Estate, Llandow	LPG Installation

2017/00723/FUL	A	61, Church Meadow, Boverton	Extension at rear of property and two storey extension at side of property
2017/00726/FUL	O	Former LME UK Ltd Site, Tank Farm Way, Sully	Extend the existing buildings, the installation of associated plant and machinery and extend an area of existing hardstanding for vehicle parking and circulation in association with the use of the site for the manufacture of precast concrete frame products.
2017/00733/FUL	A	The Stables, Church Road, Llanblethian, Cowbridge	Alteration to existing house and coach house. Extension to the side of house and demolition of existing front porch. All existing windows are to be replaced additional dormers to be formed. New porch to be constructed, existing chimneys to be rendered and chimney pots fitted. Internal alterations to be undertaken.
2017/00755/HAZ	A	Handy Gas Ltd., Sambucus Avenue, Llandow Trading Estate, Llandow	LPG Installation
2017/00757/FUL	A	Little Wymering, Slon Lane, Ogmore By Sea	Alteration of bungalow to form a two storey and single storey dwelling with terrace
2017/00779/FUL	A	43, Spencer Drive, Llandough, Penarth	Two storey extension to rear. Part conversion of garage to utility room with first floor extension above.

2017/00799/FUL	A	Southerndown Lodge, Southerndown	Proposed demolition of existing double garage and rebuild of garage to incorporate granny annexe
2017/00819/FUL	A	3, Craig Yr Eos Place, Ogmore By Sea	Proposed roof expansion works to comprise raising of roof, with lounge accommodation within roof space and balcony
2017/00826/FUL	A	April Cottage, Church Road, Llanblethian, Cowbridge	First floor side extension
2017/00831/FUL	A	Land at 22, Sycamore Crescent, Barry	Erection of a detached dormer bungalow - variation of condition of application 2010/00774/FUL, to allow for amended plans to include changes in house dimensions and dormer windows;
2017/00847/FUL	A	29, Dingle Road, Penarth	Proposed single storey rear extension with proposed rear dormer extension within permitted development limitations
2017/00849/FUL	A	Ingleby, 91, Broadway, Llanblethian, Cowbridge	Modifications to existing house to provide additional first floor, side extension, front extension and rear terrace
2017/00850/FUL	A	Former Robert Smith Garage, Windsor Road, Penarth	Change of use of garage floor unit from existing retail (A1 use) to gym (D2 use)
2017/00851/FUL	R	Bar 44, 44, High Street, Cowbridge	Creation of a first floor bay window, lowering of an existing window cill and associated alteration work to existing roof pitches

2017/00854/FUL	A	1, Harriet Street, Cogan, Penarth	New detached dwelling at the rear of 1, Harriet Street, Cogan, Penarth
2017/00874/FUL	A	Land adjacent to Ty Dan Y Graig, Graig Penllyn	Erect two new stables to two existing stables for equine use
2017/00879/FUL	A	Happy Jakes Touring Park, 1, Newbarn Holdings, St. Athan Road, Flemingston	Erection of building for storage in connection with tourist use.
2017/00883/FUL	A	5, Longmeadow Drive, Dinas Powys	Alterations to existing vehicular/pedestrian access. New fence adjacent boundary with no. 3 Longmeadow Drive
2017/00887/FUL	A	Cadoxton Methodist Church/ Upper Hall, Church Road, Barry	Proposed disabled access ramp and staircase
2017/00890/FUL	A	131, Fontygary Road, Rhoose	Extension of first floor bedroom by removing hipped roof and replacing with gabled roof. New glazed screen and doors to new gable. Provision of porch outside entrance to front elevation
2017/00897/FUL	R	Existing coach house, to the rear of 16-20 Sully Terrace, Sully Terrace Lane, Penarth	Conversion and extension to existing brick coach house to form new 2 bedroom dwelling with associated external amenity space
2017/00901/FUL	A	20, Dylan Close, Llandough, Penarth	Removal of existing part garage roof and porch and form new covered porch roof
2017/00903/FUL	A	1, Walnut Grove, Eglwys Brewis	Removal of boundary walls and erection of a garage
2017/00906/FUL	A	15, Craven Walk, Penarth	Single storey rear extension to kitchen and living room

2017/00907/ADV	A	Tesco Stores Limited, Culverhouse Cross Access Roads Tesco and Marks and Spencer, Culverhouse Cross	1 number of internally illuminated, 1 number of non-illuminated other signs
2017/00908/FUL	A	Waitrose Ltd, Birds Lane, Cowbridge	It is proposed to install a MAV AMPR camera to cover the dual entrance and exit lanes. In addition two further cameras to be installed to exempt the parking areas where the two private bays are. Cameras to be installed on existing lighting columns
2017/00911/FUL	A	Ground Floor Shop, 28, High Street, Barry	Change of use from A1 retail shop to Physiotherapy Practice, replace and renew old wooden and single glazed shop front and removal of external shutters to be replaced with anthracite grey (RAL 7016) reinforced UPVC and laminated double glazed safety glass keeping the design and layout of the shop front the same and erection of single storey extension to rear.
2017/00912/FUL	A	Fernlea, Port Road West, Barry	Attached garage and alterations
2017/00913/FUL	A	Pitcot House, Wick road, St. Brides Major	Two storey extension with balcony
2017/00914/FUL	A	2, Foulds Cottage, West Street, Llantwit Major	Two storey rear extension
2017/00915/FUL	A	10, Lon Cefn Mably, Rhoose	Elevated decking area
2017/00916/FUL	A	28, Marine Drive, Ogmore By Sea	Convert and extend existing garage into an annex

2017/00917/FUL	A	54, Tynewydd Road, Barry	Loft conversion with dormer to rear
2017/00918/FUL	A	24, Seaview Drive, Ogmore By Sea	Single storey sunroom to the rear of property
2017/00919/FUL	A	Tesco Stores Ltd, Culverhouse Cross Access Roads Tesco and Marks and Spencer, Culverhouse Cross	Xpress Centre for proposed vehicle repairs
2017/00920/FUL	A	46, Westbourne Road, Penarth	Rear single storey extension, incorporating a sun room and a bathroom
2017/00922/FUL	A	Land near The Croft, Llangan	Temporary use of land as car park until 1/7/2018 in connection with lawful use of The Croft Riding Stables
2017/00923/LAW	R	Oak Tree Farm/Oak Tree House, Morfa Lane, Wenvoe	Use of the dwelling without complying with an agricultural occupancy condition attached to the original planning permission.
2017/00924/FUL	A	122, Port Road East, Barry	Single storey extension to rear of property - domestic no change of use
2017/00927/ADV	A	Dominos, 5, Stanwell Road, Penarth	1 no. Fascia sign (halo illuminated). 1 no. Projecting sign (externally illuminated). 2no. A1 poster frames (fixed internally)
2017/00928/FUL	A	Briarbank, 18, Station Road, Dinas Powys	To demolish existing boundary brick wall and timber fence and construct a new boundary brick wall and timber fence.
2017/00929/FUL	A	Brynteg, Treerhyngyll	Retention of means of enclosure and alterations

2017/00936/FUL	A	11, Nurston Close, Rhoose	Single storey side extension
2017/00937/FUL	A	Gelli Goll farm, Llansannor, Cowbridge	Hay/ straw barn
2017/00939/FUL	A	23, Althorp Drive, Cosmeston Park, Penarth	Single storey side extension
2017/00940/FUL	A	Old Post Office, Rock Road, St. Athan	Change of use from A1 to A3 coffee shop / tea room
2017/00941/TPO	A	The Stables, Church Road, Llanblethian, Cowbridge	Work to One Cedar, One Juniper, One Scots Pine
2017/00942/FUL	A	48, Clive Place, Penarth	Replacement of existing timber windows with new timber painted flush casement windows and fanlights and white upvc sliding sash windows and fanlights with through horn feature.
2017/00944/FUL	R	Kailily Farm, Pont Sarn Lane	New entrance into field, no change of use needed
2017/00946/LAW	A	1, Royal Close, Penarth	New rear glass room to rear of property with decking
2017/00948/FUL	A	29, Clive Place, Penarth	Addition of 2 roof windows (fixed not opening) to coach house at rear garden
2017/00949/RG3	A	Wenvoe Community Centre, Old Port Road, Wenvoe	Proposed extension to existing community centre to provide new library and toilet facilities, and demolition of existing library and outbuilding
2017/00950/FUL	A	The Walled Garden, Wenvoe	Single storey bedroom and en-suite extension

2017/00952/ADV	A	Tesco Stores Ltd, Culverhouse Cross Access Roads Tesco and Marks and Spencer, Culverhouse Cross	Signage relating to proposed Xpress Centre
2017/00953/FUL	A	15, Regency Close, Llantwit Major	Existing garage to be replaced with new larger garage and utility room
2017/00954/FUL	A	Bryn Celyn, Castle Hill, Llanblethian, Cowbridge	Replacing existing defective timber framed conservatory with new aluminium conservatory and enlarging lounge window
2017/00956/FUL	A	9, Tarrws Close, Wenvoe	Roof terrace and access stair from within property
2017/00957/FUL	A	18, Barriars Way, Barry	Ground and first floor side extension
2017/00959/FUL	A	Flanders Barn, Flanders Road, Llantwit Major	Replacement windows and external doors. Proposed new rooflight. Proposed repairs to adjacent stone boundary wall
2017/00965/FUL	A	Heol Llidiard, Llangan	Proposed storeroom extension to existing village hall.
2017/00970/FUL	A	29, Aneurin Road, Barry	Modernisation of existing conservatory
2017/00974/ADV	A	Redrow Homes, Land to the East of St Nicholas	Display of marketing signs for Redrow Homes housing development comprising 9 No. free standing signs, 1 No. sales centre facade sign and 5 No. flags
2017/00980/LAW	A	16, Forrest Road, Penarth	Small rear gable roofed extension to existing kitchen

2017/00984/CAC	A	Wenvoe Community Centre, Old Port Road, Wenvoe	Proposed extension to existing community centre to provide new library and toilet facilities, and demolition of existing library and outbuilding.
2017/01002/HR	A	Land to rear of Cwrt Llanfleiddan between Cwrt Llanfleiddan and Cowbridge WWTW on St. Athan Road	Removal of two sections of 9m hedgerow. replanted upon completion construction
2017/01003/FUL	A	11, Walston Road, Wenvoe	Extension to existing bungalow at rear and side. Small gabled extension to front with material alterations. Demolition of existing garage
2017/01007/FUL	A	63, Wordsworth Avenue, Penarth	Proposed single storey rear extension. Existing garage pitched roof to be replaced with flat, green roof. Proposed loft conversion comprising hip to gable and dormer to rear.
2017/01013/FUL	A	4, Orchard Walk, St. Athan	Single storey rear extension
2017/01015/LAW	A	19, St. Brides Road, Wick	Insertion of 2no rooflights to existing front elevation
2017/01019/FUL	A	8, The Meridian, Penarth Portway, Penarth	Replacement of kitchen and lounge windows/doors from UPVC to Aluminium. Replacement of all other external windows and French doors to UPVC as existing
2017/01036/ADV	A	Marks and Spencer, Culverhouse Cross, Copthorne Way, Cardiff	Display of 28 non-illuminated advertisements in relation to supermarket car park

2017/01042/FUL	A	10, St. Johns Close, Cowbridge	Single storey extension, conversion of garage and external alterations
2017/01047/FUL	A	10, Westbourne Road, Penarth	Proposed single storey side extension
2017/01048/FUL	A	8, Hickman Road, Penarth	Replacement of ground and first floor windows to front elevation
2017/01059/FUL	A	25, Caynham Avenue, Penarth	Orangery style extension to rear of dwelling
2017/01063/OBS	B	Caergwanaf Isaf Farm, Hensol Road, Miskin, Pontyclun	Conversion of existing former barn to form a 2 storey extension to an existing farm house

2017/01070/LAW	A	Ton yr Deryn, Church Lane, Welsh St. Donats	<p>Construction to create a lean-to conservatory extension. To include: 1. Adaptions to the existing raised hardstanding patio area (currently over-clad with timber decking), to rear of house to include additional concrete strip foundations and either cast in situ slab or block and beam floor with insulation and screed on top to match existing house FFL. 2. PVC/aluminium composite frame system with double glazed units to form the three elevations of conservatory with part solid walls to both side elevations. Rear elevation to also include openable patio or French type doors. 3. Solid construction roof made up of either GRP or timber beams, fixed in a mono-pitch arrangement, onto the rear elevation of the house, with cavity trays, felt and batten roof with roof tiles to match existing house. Also new RWG to same. 4. Internal works will include new floor finishes, lighting, radiators and decorations. Also install up to 6 new roof-lights into the attic space and bedrooms of the house.</p>
2017/01081/FUL	A	Hillside, 7, Pencoedre Road, Barry	Single storey rear extension
2017/01118/LAW	A	15, Herbert Street, Barry	Rear single storey extension

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **7 DECEMBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2017/00441/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3186855
Appellant: Mrs Tracey Gardner
Location: Land adjacent to Pensarn Farm, Llanmaes Road, Llanmaes
Proposal: Conversion of barn to residential use and single storey extension to existing barn
Start Date: 17 October 2017

L.P.A. Reference No: 2017/00721/TPO
Appeal Method: Written Representations
Appeal Reference No: T/17/3186116
Appellant: Arbtech Tree Services Ltd.
Location: 13, Pwll Y Min Crescent, Peterston Super Ely
Proposal: Work to a tree covered by TPO 1959, Number 2 - Group A04 - Remove One Horse Chestnut
Start Date: 24 October 2017

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

None

(d) Planning Appeal Decisions

L.P.A. Reference No: 2017/00455/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3179250
Appellant: Mr. Paul Stevens
Location: Side garden of Glen View, 99, Penlan Road, Llandough

Proposal: Construction of new detached house in garden of residential property
Decision: Appeal Dismissed
Date: 30 October 2017
Inspector: Mr. C. Nield
Council Determination: Delegated

Summary

The Inspector agreed that the principal matters in the case related to; whether the development should provide a financial contribution towards the provision of affordable housing; and, the impact the development would have on the character and appearance of the area. These matters aligned with the Council's two reasons for refusal.

The recently adopted Local Development Plan makes provision to meet the needs for affordable housing under Policy MG4. The Inspector relied on the provisions of the Development Plan in the determination of the application, as a decision maker is required to do. As the development made no provision towards meeting the need for affordable housing, nor demonstrated that the scheme would otherwise be unviable, it conflicted with the Policy MG4. The Inspector dismissed the Appellant's objection and disagreement with the policy to provide for affordable housing, citing that such objection would need to be submitted at the development plan review stage and not at an appeal relating to an individual development. The Inspector afforded no weight to the fall-back position of an extant planning permission for the site which was not subject to an affordable housing contribution.

Insofar as the design merits of the development was concerned, the Inspector agreed with the Council's assessment of character areas and indicated that the development proposed would be substantially larger in scale and mass than the surrounding area. As such, the proposal was considered to be incongruous, giving the impression of substantial bulk. Whilst acknowledging that its simple form may support the Welsh Government's policies encouraging innovative design, that simplicity would exacerbate the scale of the building. Given that, the development was considered to conflict with Policy MD2, the Council's overarching design based criteria for the design of new developments.

In concluding, the Inspector considered the proposed development would be harmful to the character and appearance of the street scene and would fail to make any provision towards affordable housing in the area. For these reasons the appeal was dismissed.

(e) Enforcement Appeal Decisions

None

(f) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals and appeals for conservation area consent)	W	5	4	9	-
	H	1	-	1	-
	PI	-	2	2	-
Planning Total		6 (50%)	6 (50%)	12	-
Enforcement Appeals	W	1	1	2	1
	H	-	-	-	1
	PI	-	1	1	-
Enforcement Total		1 (33%)	1 (67%)	3	2
All Appeals	W	6	5	11	-
	H	1	-	1	-
	PI	-	3	3	-
Combined Total		7 (45%)	8 (55%)	15	-

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

2017/00963/TCA	A	Land to the rear of 5 to 8 Cwrt Yr Eglwys and 13 and 14 Elm Grove lane, Dinas Powys	Works to trees in the Dinas Powys Conservation Area
2017/00993/TCA	A	1, Elm Grove Lane, Dinas Powys	Work to trees in the Dinas Powys conservation area - Tree 1 - Reduction of 50% of crown. Tree 2 (Laburnum Bush) - Reduction of 20% of area
2017/00997/TPO	A	Rhos Colwyn, Heol y Mynydd, Welsh St. Donats	Removal of Beech tree (T1) and Crown lifting of Beech tree (T2) from Tree Preservation Order No. 01 1960
2017/01012/TCA	R	Y Bwthyn, St. Hilary	Removal of 3 fir trees in the St Hilary Conservation Area
2017/01062/TCA	A	Woodlands, Llancarfan, Barry	Works to trees
2017/01066/TCA	A	Bally Heigue, Flemingston	Felling of four trees in the Flemingston Conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **7 DECEMBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

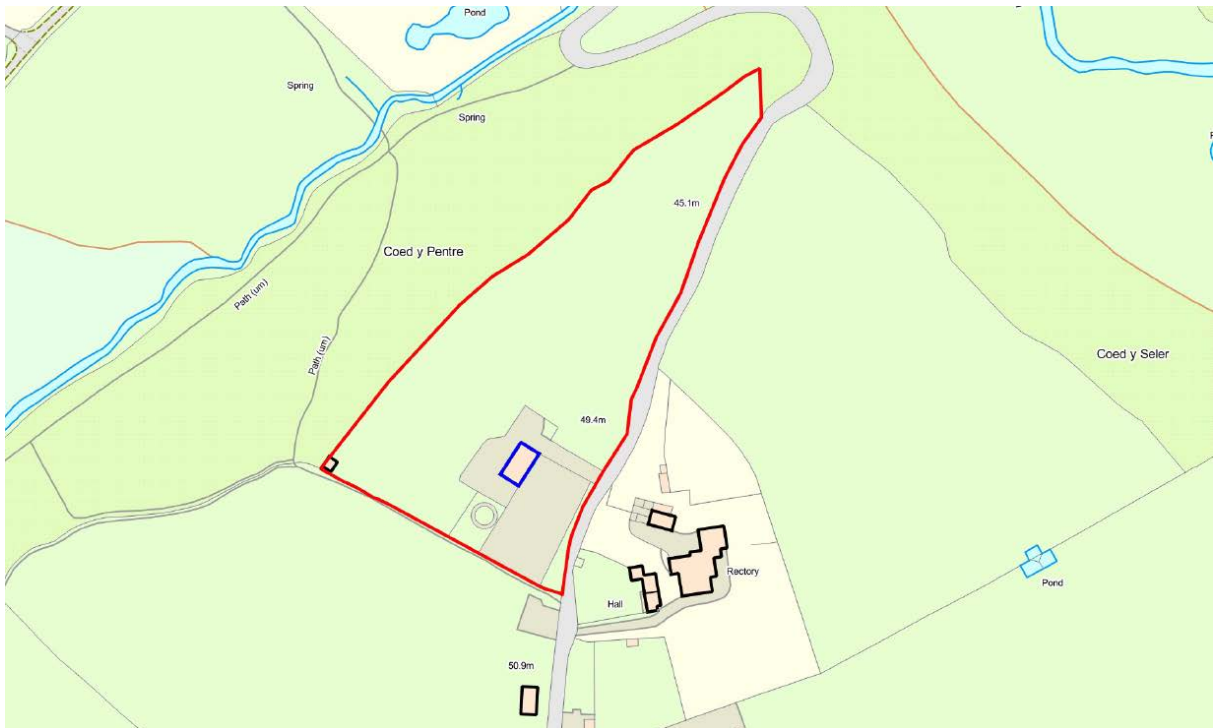
LAND AND BUILDINGS AT RECTORY STABLES, SOUTH OF LLANDOUGH, NR. COWBRIDGE, CF71 7LR

Background

1. This report relates to unauthorised alterations to a stable block at the property known as Rectory Stables, South of Llandough, Nr. Cowbridge,
2. The site is located on land known as Rectory Stables, opposite the Old Rectory, south of Llandough. The site is located within a very rural context and is enclosed by woodland to the north-west, a dense hedge row to the road side and is flanked by a public footpath to south west. The site is located within the Upper and Lower Thaw Valley Special Landscape Area.
3. There is an existing building, believed to be a former agricultural barn, in use as a stable on the site. It has been in situ for several years. The stable block is of a blockwork construction and has a corrugated sheet roof. More recently, the land and building have been used for equestrian purposes, and a retrospective planning permission was granted for the retention of equestrian facilities on the site, including a manège, horse walker and hard surfacing.

Details of the Breach

4. During a site inspection it was noted that unauthorised works had taken place to the stable block. These works have been undertaken after the conclusion of an enforcement case relating to previous unauthorised works were identified at the site, which culminated in the retrospective approval of the other equestrian facilities on the site in 2016.
5. It was observed that the stable block has been altered and extended. It has been re-roofed, with a mezzanine floor inserted to the southern side of the building. There have also been alterations made to the doors and window openings. It should be noted that, unlike agricultural buildings, stable and equestrian buildings do not benefit from any 'permitted development' rights for their alteration or extension. Planning permission is, therefore, required for these works which have resulted in the material alteration of the external appearance of the building. The layout and provision of a new gable end wall to the south-western side of the building indicates that it has also been extended lengthways by a few meters.
6. The approximate location of the stable block is shown on the below site plan:



7. In addition to the above, a new and smaller building is under construction on the site. This building is located on the hard surfaced area to the immediate south-west of the stable block, adjacent to the horse walker. This building is incomplete.
8. Photographs of both buildings are shown below:

The stable:



The other building:



Action Pursued to Date

9. A site visit was undertaken and due to concerns that the alterations could facilitate the habitation of the building, a Planning Contravention Notice was also served. It was established that the works are intended to provide space for the storage of additional equestrian equipment and a day room (inclusive of kitchen and bathroom facilities).
10. A letter was delivered to the owner on 13th September 2017 that outlined the requirement for planning permission. No application for the retention of the works has been submitted to date.

Planning History

11. The site benefits from the following recent planning history:

2016/00862/FUL - Retention of equestrian facilities and associated works.
Approved on 17th October 2016.

Policy

Local Development Plan:

12. Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

Managing Growth Policies:

POLICY MG17 – SPECIAL LANDSCAPE AREAS
POLICY MG22 – DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD7 - ENVIRONMENTAL PROTECTION

Planning Policy Wales:

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

Technical Advice Notes:

14. 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)
5.8.1 The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.

Supplementary Planning Guidance:

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

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

16. 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

17. The site falls outside of any settlement boundary as defined by the Vale of Glamorgan Local Development Plan 2011-2026 (LDP). Therefore, the provisions of policy MD1 'Location of New Development' of the LDP are of relevance. The policy is indicative that new development should have no unacceptable impact on the countryside. In addition, Policy MG17 is relevant and states development will be permitted where it causes no unacceptable harm to the important landscape character of the area.
18. The principal issues in the assessment of the expediency of pursuing enforcement action is considered to be the visual impact of the development, considering the countryside location within the Upper and Lower Thaw Valley SLA and the rural character of the site.
19. There is only one immediate neighbour to the site, The Rectory on the opposite side of the road, and the development is of a sufficient distance to have no detrimental impact in terms of it being overbearing or resulting in a loss of light. The Rectory is also a listed building, however the site is considered to be sufficiently divorced from it to not have any material impact to the historic character of the building. The equestrian use of the site is also established, albeit the use of the facilities is restricted by condition to limiting it to private use.
20. There was, at the time of the Officer's site visit, no ostensible change of use of the site. It is noted that it was the intention of the owner to install kitchen and bathroom facilities to the stable block. The provision of limited day room facilities would not, in itself, result in a change of use of the site; however the facilities should be commensurate to the need associated with the private equestrian use. The provision of a mezzanine floor with a upvc window, and the (uninstalled) kitchen units comprising a sink, washing machine, oven and hob, on the face of it, would go beyond that required for a private equestrian use. It is not considered necessary to have facilities to cook hot meals, for example, on a non-residential site such as this. Accordingly, this assessment relates only to the visual impact of the alterations undertaken to date. If a residential use was to commence, it could be subject to separate investigation and enforcement action.

21. The development has not yet been completed and the exterior of the stable has a bare block finish, with the majority of the roof having been rebuilt with a new corrugated plastic sheet cover, with the lighter sections providing daylight. The stable block was previously finished with the same materials, which are noted to be in fairly common usage on buildings of this kind. The stable also has new timber doors and wooden slats to the windows to provide ventilation.
22. The main visual difference and negative impact arises from the alterations to the northern roof plane, which has been undertaken to accommodate a new first floor within the roof of the building. The alterations have created a substantial flat section to the roof. It has a stark appearance that jars with the otherwise fairly traditional design of the building, particularly at the gable end. This section of the roof has been clad with timber and a white upvc window inserted into the face of the roof extension. The materials exacerbate the contrast between the pitched sections of the roof and give it a fairly domestic appearance, not dissimilar to the appearance of a dormer extension on a dwelling house.
23. This element in particular is considered to be of a poor design that does not accord with the aims of Policy MD2 – Design of New Developments – which promoted good design. The existing stable block had the functional appearance of a fairly typical stable or agricultural building, which complemented the rural context in which it stood. However, the roof extension serve to develop domestic characteristics on a rural building, both in form appearance. This is also considered contrary to Criterion 1 of Policy MD1 – Location of New Development.
24. The local landscape is particularly sensitive as it comprises part of the Upper and Lower Thaw Valley SLA. The ‘Designation of Special Landscape Areas (2013)’ the background paper defines the countryside (south of Cowbridge) as an area of high landscape value and states:

“The valley to the south is a confined, sinuous lowland valley with steep wooded sides and hedgerowed field valley floor with streams and wet ditches contributing to biodiversity. The strong valley, semi-natural and planted broadleaf woodland, and juxtaposition with valley settlements is very attractive and one of the best examples of this landscape in the Vale”.
25. In terms of pure size, it is recognised that the roof extension is largely screened from distant views within the landscape. However, a public footpath runs directly adjacent to the site from which it is visible. Whilst there is a boundary hedge between the footpath and the site which contains some mature trees, there are some significant gaps and the building is visible from the footpath, clearly so in winter. In any circumstance, the presence of such screening is not considered to justify otherwise inappropriate development, particularly given that there is no guarantee that it will be maintained. Accordingly, the roof extension, despite its size, is also contrary to Policy MG17 – Special Landscape Areas, due to the unacceptable local impact to the

rural character of the SLA. It is also considered to be contrary to the aims of SP1 – Delivering the Strategy and principles good design advocated in TAN 12 – Design, particularly at paragraph 5.8.1.

26. The local context and is illustrated in the below photographs:

Street view photograph dated 2010 showing the footpath, hedge and stable block in the background:



Photograph illustrating glimpsed view from footpath in late summer:



27. The other building to the south-west of the stable block is also unauthorised but is incomplete. The building is fairly modest in size (pictures above) and subject to design, finish and intended use, might be considered acceptable. However, there is no certainty with regard to these matters and, in its current form, the works are considered to be unacceptable and harmful, particularly as this structure can be viewed from the footpath adjoining the site. In its current form, and without the ability to control this development in the future (as a result of the lack of planning permission for the works) this development is also considered to an unjustified and unacceptable form of development that contributes to the proliferation of buildings on the site. As such the development is in conflict with LDP Policies SP1 – Delivering the Strategy, MD1 – Location of New Development, MD2 – Design of New Developments and MG17 - Special Landscape Areas and national advice and guidance contained within Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 12 - Design. Accordingly, authorisation is also sought to issue an enforcement notice in respect of this development.
28. In relation to other relevant matters, the land is identified as Grade 3 agricultural land. The development areas are located however on an existing hardstanding and it is considered that it would not compromise the future agricultural use of the site, if the equestrian use was ever to cease. It is also located in a Limestone and Sandstone safeguarding area, however the nature and size of the development is considered to be such that no significant impact on the possible future working of such resources is caused.

Conclusions

29. The re-roofing and enlargement of the stable building for an equestrian use are considered acceptable in principle, however the alteration and extension to the building, as constructed, including the provision of a first floor and roof extension result in alterations that are both excessive for a private use of this kind and cause an unacceptable harm to the visual amenity and rural character of the local area. The form, materials and the urbanising appearance of the roof extension do not conform to the traditional character of rural buildings in the Vale, which alongside the sensitive location within the Upper and Lower Thaw Valley SLA, would be detrimental to the rural character of the locality and local landscape value of the SLA.
30. The building to the south-west of the stable block is also an unjustified and unacceptable form of development that contributes to the harmful proliferation of buildings on the site.
31. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in respect of the alterations to the stable block. Authorisation is also sought to pursue action in respect of the other unauthorised building, if the matter remains unresolved and it considered expedient by Officers to do so.

Resource Implications (Financial and Employment)

32. 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)

33. 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).
34. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

35. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of the unauthorised alterations and extensions to the main stable block ;
 - (ii) The removal of the building under construction to the south-west of the stable block.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.
- (3) In the event that it is considered expedient to do so by Officers, that the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the removal of the other unauthorised building.

Reason for Recommendation

- (1) The unjustified alteration and extension to the stable block and the construction of a detached building to the south-west of the stable block by reason of their form, design and materials, has a significantly harmful impact upon the visual amenities and rural character of the locality and local landscape value of the Upper and Lower Thaw Valley Special Landscape Area. Accordingly, the unauthorised development is considered to be contrary to Policies SP1 – Delivering the Strategy, MD1 – Location of New Development, MD2 – Design of New Developments and MG17 - Special Landscape Areas of the Vale of Glamorgan Local Development Plan 2011-

2026 and national advice and guidance contained within Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 12 - Design.

- (2) It is considered that the decision to issue an Enforcement Notice 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/2017/0257/INT

Contact Officer - Mr Ceiri Rowlands, Tel: 01446 704654

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **7 DECEMBER, 2017**

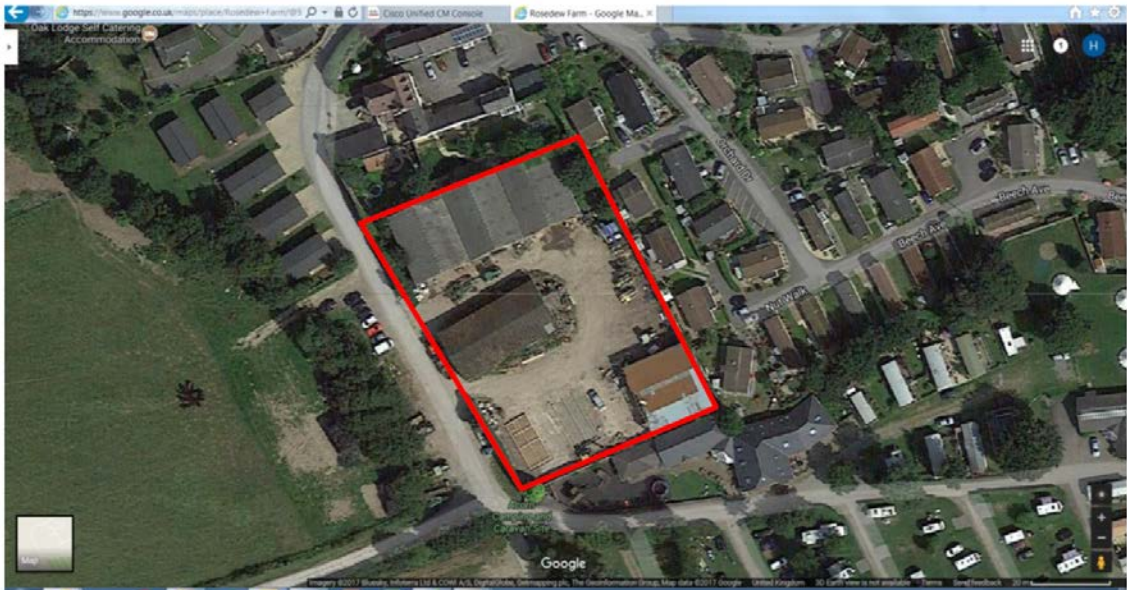
REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT ROSEDEW FARM. LLANTWIT MAJOR

Background

1. A complaint was initially received in September 2017 regarding the demolition of barns and commencement of works at Rosedew Farm, Llantwit Major.
2. The site subject of this report is located within the main complex of farm buildings at Rosedew Farm, located to the south of Llantwit Major.



3. The site sits within the caravan site/holiday complex known as Ham Manor. To the north of the site is Ham Mews and some converted stone buildings for residential purposes. To the south is the Acorn Camping site. To the west is the access Road to Rosedew Farm and agricultural land, whilst to the east are caravan and chalet buildings associated with the Ham Manor Residential Park, namely Orchard Drive and Nut Walk.
4. The wider area beyond the farm yard (south and west) is largely surrounded by the Glamorgan Heritage Coast and the agricultural fields associated with Rosedew Farm.

5. Prior to work commencing, the site consisted of three agricultural buildings and a yard area, as shown in the aerial image above. Barn 1 is along the northern border, barn 2 in the centre, and barn 3 in the south east corner.

Details of the Breach

6. Permission was granted under planning application 2015/00707/FUL for the demolition of agricultural buildings and construction of a biomass unit and twelve log cabins and associated works. The permission was granted with a series of conditions, several of which were required to be discharged prior to commencement of development on site or at set stages of the development.
7. The application was submitted with an ecology/bat survey report which outlined that bat roosts were confirmed in barns 1 and 2, which were to be demolished as part of the development. Conditions 15 and 16 related to the requirement to obtain a Licence from Natural Resources Wales (NRW) and follow the recommendations contained within the approved bat survey report, in relation to the demolition of barns 1 and 2.
8. Five other conditions relating to materials, drainage, parking, biodiversity enhancement, and means of enclosure have also not been discharged and the trigger point for their discharge has already passed.
9. No conditions have been discharged and a licence has not been obtained from NRW, and yet barns 2 and 3 have been demolished; 4 log cabins completed and seemingly occupied; and the biomass unit and another log cabin substantially progressed.
10. In view of the breach of the 'prior to commencement' conditions, none of the demolition works or operational development has been carried out in accordance with the 2015/00707/FUL permission. As such, the following works do not benefit from any planning permission and are, therefore, unauthorised and in breach of planning control:
 - i) the works of demolition of two of the three barns shown on the aerial extract above;
 - ii) the construction of the bio mass boiler housing; and
 - iii) the construction of 4 log cabins.

Action Pursued to Date

11. Following an enforcement complaint (relating to an allegation of full time occupation of units conditioned as holiday accommodation only) a site visit was undertaken on 20 September, 2017. It was noted that the development had commenced.

12. Following research into the planning history and the full range of conditions attached to the permission, the following occurred:
 - The site owner was written to on 2 October to inform him of the breach.
 - NRW were contacted and confirmed that no Licence had been issued.
 - Discussions were undertaken with the Council Ecologist who informed the Bat Conservation Trust of the issues on 16th October.
 - The Bat Conservation Trust informed South Wales Police on 18 October. This has prompted a police investigation which is understood to be currently on-going.
13. On 16 October a Non Material Amendment application was submitted (but is not yet valid) seeking to amend the wording of various conditions and to approve the submitted details, in an attempt to regularise some of the conditions of the 2015/00707/FUL permission. However, this NMA does not apply to conditions 15 and 16, which relate to the demolition of the barns and the protection of the bats/bat roosts.
14. Finally, as the works on site continued, despite the owner being notified that all works were unauthorised, a Temporary Stop Notice was authorised and issued on 27 October, 2017. The notice requires all works to cease but can only have affect for a maximum of 28 days. This period expires on 1 December, 2017.

Planning History

15. The following planning history is relevant to the matters considered in this report:
 - 2015/00707/FUL: Walled garden, Rosedew farm - Demolition agricultural buildings and construct biomass heating system and twelve log cabins and associated works – Approved – It is this application to which this enforcement case relates
 - 2015/00707/1/NMA – Walled garden, Rosedew farm – Seeking an amendment to conditions Submitted 16th October, 2017. Currently Invalid.
 - ENF/2017/0280/CLL – Enforcement investigation commenced in September, 2017. Temporary Stop Notice issued on 27th October, 2017.
16. The following planning history relates to the wider site:
 - 2014/00218/FUL: Rosedew Farm, Beach Road, Llantwit Major - Proposed Solar Farm - Approved
 - 2014/00759/FUL : Walled Garden, Rosedew Farm, Llantwit Major - Demolition of two existing agricultural buildings, part demolition and reinstatement of end elevation of one agricultural building to accommodate storage area and biomass heating system together with construction of eleven log cabins and associated works - Withdrawn 14/10/2014

- 1992/00140/FUL : Entrance green, Ham Manor Park, Ham Lane East, Llantwit Major - Change of use of land to permit the siting of two permanent residential mobile homes and garages in accordance with model standards 1989 and other ancillary works - Refused 14/04/1992
- 1988/01407/FUL: Ham Manor Park, Llantwit Major. - Construct an area of rubble fill and locate 1 No. residential mobile home with single garage. Residential Mobile Home Park. - Approved 28/02/1989
- 1985/00861/FUL : Ham Manor Park, Llantwit Major - Siting of additional mobile home on existing mobile home park, together with parking space - Approved 19/11/1985
- 1981/00219/FUL : Ham Manor Trailer Park, Llantwit Major - Additional caravan base - Approved 06/10/1981
- 1980/00246/FUL : Ham Manor Caravan Park, Ham Lane, Llantwit Major - Water storage tank - Refused 13/05/1980

Policy

Local Development Plan:

8. Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP11 – TOURISM AND LEISURE

Managing Growth Policies:

POLICY MG19 – SITES AND SPECIES OF EUROPEAN IMPORTANCE
POLICY MG27 – GLAMORGAN HERITAGE COAST
POLICY MG29 – TOURISM AND LEISURE FACILITIES

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD7 - ENVIRONMENTAL PROTECTION
POLICY MD9 - PROMOTING BIODIVERSITY
POLICY MD11 - CONVERSION AND RENOVATION OF RURAL BUILDINGS
POLICY MD12 - DWELLINGS IN THE COUNTRYSIDE
POLICY MD13 - TOURISM AND LEISURE

Planning Policy Wales:

9. 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 deals with planning for sustainability, Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast, and Chapter 11 relates to Tourism.

Technical Advice Notes:

10. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 5 – Nature Conservation and Planning (2009)
 - Technical Advice Note 13 – Tourism (1997)

Supplementary Planning Guidance:

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

Other relevant evidence or policy guidance:

- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

12. 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

13. There are two principle breaches of planning control to consider in this case. These are, namely:
 1. The unauthorised demolition; and
 2. The works to construct the cabins and the biomass boiler housing.

14. Each of these matters have been considered in turn as follows:

Demolition:

15. As noted above, the original application (2015/00707/FUL) was submitted with an ecology report which specifies that bat roosts were confirmed in barns 1 and 2, both of which were to be demolished as part of the development.
16. The officer's report prepared for the determination of the 2015 application notes that, as a competent authority under the Habitats Regulations 1994, the Local Planning Authority (LPA) must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the Habitats Directive are met. The 'three tests' were considered and Natural Resources Wales (NRW) was consulted. NRW advised that a licence from the Welsh Assembly Government would be required, but having considered the applicant's mitigation and method statement they did not object to the development. The Council's Ecologist considered the submission and also raised no objection to the development, provided conditions were imposed relating to the mitigation measures and the requirement for an NRW licence.
17. Consequently, it was considered that the applicant had satisfactorily demonstrated that the proposed development would not adversely affect the maintenance of the existing bat habitat, providing specific mitigation measures were put in place and the necessary licence was obtained from NRW for the works to be undertaken. Permission was, therefore, granted on 20th January, 2017, with the following conditions.
18. The conditions relating to the bats present within the barns to be demolished were as follows:

15. The development and the mitigation measures shall at all times be carried out in accordance with Section 6 'Recommendations/Method Statement of the report 'Walled Garden, Llantwit Major- Bat Survey report carried out by Acer Ecology and received on 16 June 2015.

Reason:

To ensure protect the protected bats on site and in accordance with ENV16- Protected Species of the Unitary Development Plan.

16. Prior to the commencement of development, the local planning authority shall be provided with

- a) a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead; or*

- b) *A Method Statement agreed by the relevant licensing body which will allow the works to be undertaken, providing they are undertaken in accordance with the Method Statement*

Reason

To protect the bat habitats and to comply with the requirements ENV16 of the Unitary Development Plan.

19. No licence has been secured (this has been confirmed by NRW) and yet the works to demolish the barns on site have commenced.
20. Since the issue of the Temporary Stop Notice, it is understood that demolition works have ceased. However, as noted above, the effect of the Notice expires 1st December. Notwithstanding this, it is understood that a police investigation is underway at the site in respect of the demolition that has already taken place without the necessary NRW derogation licence. In addition to this, it is understood that the necessary NRW derogation licence has still not been obtained to complete the demolition works. In view of the current position, there is concern that the works of demolition may well recommence on the site following the expiry of the Temporary Stop Notice. Without the necessary NRW licence in place it may well be the case that an offence will be committed under the relevant wildlife legislation. Furthermore, if the demolition works recommence without the necessary permission having been obtained from the Council to continue with the demolition works, there would be no mechanism for the Council to ensure that the demolition works are undertaken in accordance with the appropriate mitigation measures. Accordingly the continuation of works would not only be contrary to the Habitats Directive but would also be contrary to LDP policies SP1 and MG19, as well as the Council's SPG on Biodiversity and Development, TAN5 and PPW.
21. In view of the above, it is considered expedient to pursue further enforcement action, should the demolition on site continue. Whilst ordinarily an enforcement notice would be issued in respect of on-going unauthorised works, the demolition of the final barn on site has not yet commenced. As such, it is not possible to issue an enforcement notice prior to the unauthorised works (in this case the demolition of the final barn) taking place. If the demolitions of the third barn commences, the Council could issue an enforcement notice and stop notice at this stage. However, a stop notice must give a minimum of three days to come into effect, within which time the demolition may well have been completed. Accordingly, it is advised that a Court Injunction would be the better mechanism in this case. An Injunction could have immediate effect. It may also be possible to obtain an injunction from the Courts if the Council have good reason to suggest that the demolition of the third barn will take place in breach of planning control for the reasons set out above. Accordingly, authorisation is sought for your officers to apply to the Courts to seek an injunction should the demolition works continue on site.

Construction of Log Cabins and Biomass Boiler Housing:

22. The other conditions of the 2015 permission that should have been discharged at this point, but have not been, are as follows:
10. *Prior to their use in the construction of the buildings hereby approved and notwithstanding the submitted plans, further details and samples of the materials to be used in the construction of the biomass boiler building and chalets shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter at all times be carried out and maintained in accordance with the approved details.*
 11. *Full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how road and roof/yard water will be dealt with as well as provide a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system. The approved scheme shall be fully implemented in accordance with the approved details prior to beneficial occupation of the development and so maintained at all times thereafter.*
 12. *No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access have been laid out in full accordance with the details shown on drw 140515 Rev D and the parking and access road shall thereafter be so retained at all times to serve the development hereby approved.*
 18. *Prior to the commencement of any works associated with the development hereby approved, a scheme for biodiversity conservation and enhancement at the site (Ecological Design Strategy), shall be submitted to the local authority for approval. The approved details shall be implemented prior to beneficial occupation of the development.*
 19. *Prior to the first beneficial use of any of the units hereby approved, details of a scheme of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected prior to the first beneficial occupation of any of the units and so retained at all times thereafter.*
23. In addition condition 3 restricts the occupation of the cabins as follows:
3. *The chalet accommodation hereby approved shall be used or occupied solely as holiday accommodation only and not as permanent dwellings falling with Class C3 of the Town and Country Planning Use Classes Order 1987 or any Order re-enacting or amending that Order.*
24. Condition 4 requires the operator to keep a register of the names, addresses and dates of occupation of the cabins to as to ensure compliance with condition 3.

25. A noted earlier in this report, a Non Material Amendment application has been submitted in an attempt to amend the wording of the conditions listed above so that the conditions can be complied with. This application is not, however, valid at this stage.
26. Notwithstanding this, as the development commenced without complying with conditions that had prohibited the start of the development until certain matters had been resolved (e.g. the submission of the NRW licence), the development as a whole is unauthorised. It is not, therefore, the case that the log cabins and biomass boiler housing are simply in breach of the above-mentioned conditions of the 2015 permission.
27. Without the benefit of a planning permission, the development is uncontrolled. As such the Council has no mechanism to enforce the matters that the conditions seek to control, which would result in an inappropriate form of development. These include the following:

1. *Scheme for foul and surface water drainage:*

The Council have not been formally provided with the details of site drainage. Without an appropriate scheme of drainage and without any mechanism of requiring the owner to submit the details of drainage, the development has the potential to have an unacceptable impact on flooding, water pollution and the public sewerage system. As such, the development in its current uncontrolled form is unacceptable and contrary to LDP policy MD1.

2. *Access Road and Parking Areas:*

Again, the Council have not been formally provided with the necessary details of the access road and parking areas. These have also not been laid out on site. Without appropriate access and parking to serve the development and without any mechanism of requiring the owner to submit these details, the development is considered unacceptable in terms of highway safety and contrary to LDP policy MD2.

3. *Biodiversity conservation and enhancement:*

Condition 18 of the 2015 permission required the submission of a scheme for the enhancement and conservation of biodiversity on the site. Such a requirement complies with the national planning guidance found in TAN 5 and is supported locally by LDP policies MD2 and the Council's Biodiversity and Development SPG. Without a scheme for the conservation and enhancement of Biodiversity on the site the development is unacceptable and contrary to the above-mentioned policy and guidance.

4. *Means of enclosure, materials, etc:*

Certain conditions of the permission required the submission of more detailed elements of the scheme. Such matters are important to such a scheme in order to ensure that the development does not become overly domesticated, retains the appearance of tourism accommodation and complements the wider rural environment within which the site sits. Without such details, or mechanism to require the submission of such details, the development is in conflict with LDP policy MD2.

5. *Occupation of the dwelling:*

Fundamentally, permission for the development subject of the 2015 application would not have been granted for the new residential units if not for the condition controlling the occupation of the cabins as holiday accommodation. Whilst the site is outside of the identified settlement boundary of Llantwit Major, the tourism related development was considered in the 2015 application to be a benefit of the scheme in terms of the contribution it would make to the Vale's rural economy and, as such, is supported at both local and national level. Without any mechanism to control the occupation of the log cabins, their occupation could be on a permanent basis and they would not be retained for a tourism related use.

Furthermore, the design of scheme is inappropriate for a permanent residential development. The cabins (dwellings) do not site within defined amenity space and the vast majority of the units are not served by adequate and/or private amenity space. Furthermore the distance between each unit and the windows within each that serve habitable rooms is such that there are direct and close range views between habitable rooms windows. Such privacy infringements would be considered unacceptable in a normal residential development.

The development, if uncontrolled in terms of its occupation, would not accord with LDP policies SP1 and MD1, the Council's SPG on the Amenity Standard and the Sustainable Development principles of PPW.

Summary:

29. In view of the conclusions above, it is considered expedient to pursue enforcement action in respect of the unauthorised development on site consisting of the unauthorised demolition and the unauthorised construction of 4 timber cabins and the biomass boiler housing. It is recommended that authorisation is granted for your officers to seek a Court Injunction and that an enforcement notice is issued in respect of each of the cabins and the biomass boiler housing. Such a recommendation is considered to be in accordance with the policy and guidance referred to above. Furthermore, 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.

Resource Implications (Financial and Employment)

30. 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)

31. 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).
32. Some of the timber cabins that are subject of this report are understood to have been occupied. As such, the recommendation to issue an enforcement notice requiring the removal of the cabins may well interfere with the human rights of the individuals occupying the cabins.
33. The matter has been considered and 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 development 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)

34. None.

RECOMMENDATION (1)

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the following:
- i) The demolition of the all development on site including the four log cabins, the biomass boiler housing and any other associated works.

- ii) The return of the land to its former condition, save for the two barns that have already been demolished.
- (2) In the event of non-compliance with the Notices, authorisation is also sought to take such legal proceedings as may be required.

RECOMMENDATION (2)

- (1) That the Head of Legal Services be authorised to apply to the Courts for an Injunction under Section 187B of the Town and Country Planning Act 1990 (as amended) to prohibit the demolition of the remaining barn on site in the event of the following:
- i) Planning permission having not first been obtained for the works of demolition (such permission only being granted on the basis that an appropriate Bat Report has been submitted with the planning application and a condition imposed on the planning permission requiring the demolition to be carried out in accordance with its recommendations);

AND

- ii) One of the following having not occurred:
 - a) the submission to the Local Planning Authority of a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead; OR
 - b) the submission to the Local Planning Authority of a Method Statement agreed by the relevant licensing body which will allow the works to be undertaken, providing they are undertaken in accordance with the Method.
- (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 development, if not brought under the control of a planning permission, is unacceptable in terms of flooding, water pollution, protection of the public sewerage system, highway safety, the conservation and enhancement of biodiversity, visual amenity, residential amenity and sustainability. As such, the uncontrolled development is considered to conflict with policies SP1 – Delivering the Strategy, MD1 – Location of New development and MD2 – Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the Council's adopted Supplementary Planning Guidance on Biodiversity and Development, amenity Standards, and Sustainable Development, Technical Advice Note 5 on Nature Conservation and Planning and Planning Policy Wales (Edition 9).

Reason for Recommendation (2)

In view of the likely presence of a protected species on the site, the continuation of the works of demolition to the remaining barn is unacceptable and potentially harmful to the habitat of a protected species without the implementation of an appropriate method of demolition and scheme of mitigation; AND without a licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead OR a Method Statement agreed by the relevant licensing body which will allow the works to be undertaken, providing they are undertaken in accordance with policies SP1 – Delivering the Strategy and MG19 – Sites and Species of European Importance of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the Council's adopted Supplementary Planning Guidance on Biodiversity and Development, Technical Advice Note 5 on Nature Conservation and Planning and Planning Policy Wales (Edition 9).

Background Papers

Enforcement File Ref: ENF/2017/0280/CLL

Contact Officer - Miss Helen Davies, Tel: 01446 704651

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE :

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.

2013/01249/FUL Received on 13 December 2013

Newydd Housing Association
Jon Hurley WYG, 5th Floor, Longcross Court, 47 Newport Road, Cardiff,, CF24
0AD

Haydock House, 1, Holton Road, Barry

Change of use and conversion of building to provide residential accommodation in the form of 15 affordable dwellings, retail unit (Use Class A1 / Use Class A2 / Use Class A3 Restaurant / Cafe), access arrangements, 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 is of a scale that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

Members may recall that the application was previously reported to Planning Committee in February 2014. There have been a number of issues relating to the building and its redevelopment since the resolution to grant planning permission, including changes in terms of planning policy including the adoption of the LDP and S106 requirements relating to affordable housing developments of this scale. As such this report assesses the proposals in the context of the current legislative framework, in terms of principle, visual impact, impact upon neighbouring amenity, drainage and highways, in addition to S106 contributions.

The application relates to a four storey office building previously occupied by the Vale of Glamorgan Council Children and Family Services on the corner of Buttrills Road and Holton Road, which has been vacant for some time. The building falls within the settlement of Barry as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

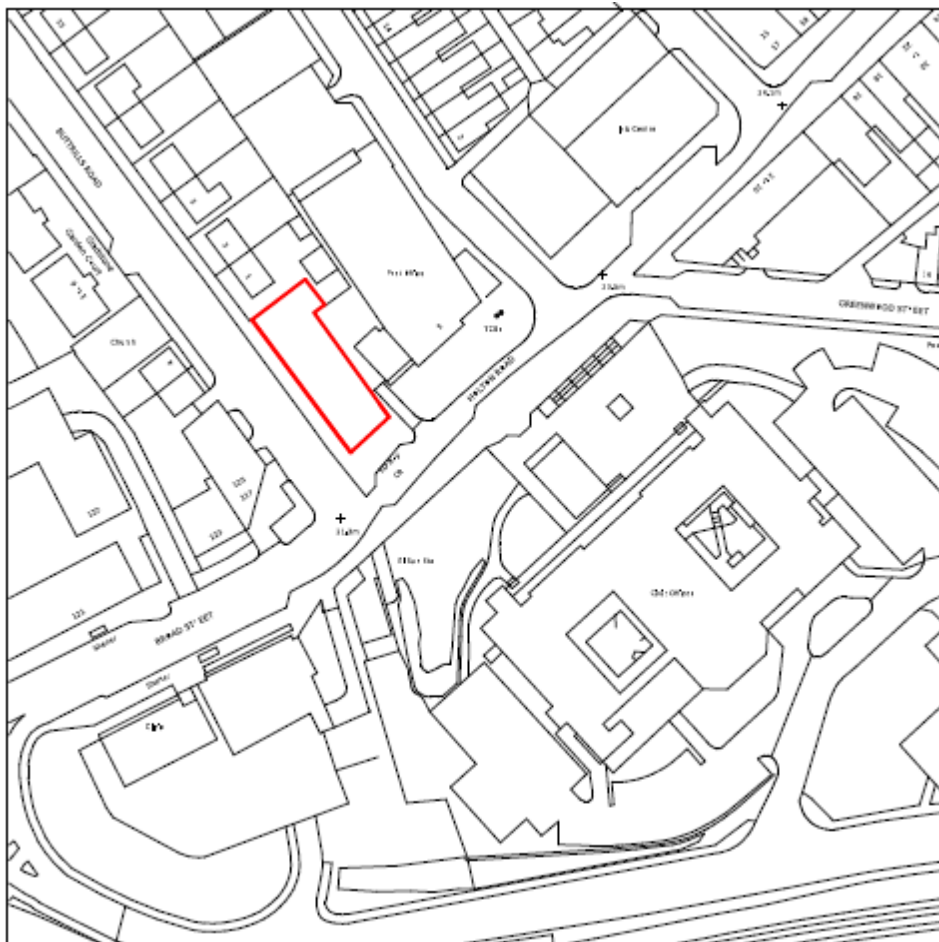
The application is for the change of use and conversion of the building to provide residential accommodation in the form of 15 affordable dwellings and a retail unit (Use Class A1/A3 Café). To necessitate these changes a single storey front extension is proposed following the demolition of the existing access ramps. The proposed extension to the front would project by approximately 3.5 metres for the entire width of the building (11.5 metres) with a maximum flat roofed height of 5.1 metres (given levels differences).

Two letters of representation had been received at the time of writing this report, raising concerns with regard to the lack of requirement for affordable housing; already empty retail units along Holton Road; exacerbation of local parking and traffic problems; impact upon property value.

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

SITE AND CONTEXT

The application relates to a four storey office building previously occupied by the Vale of Glamorgan Council Children and Family Services on the corner of Buttrills Road and Holton Road. The building falls within the settlement of Barry as defined by the Vale of Glamorgan Local Development Plan 2011-2026.



The property is situated in a prominent position and is of a simple flat roof design, with limited undercroft parking available to users of the offices above and secured by roller shutters.

The application site lies within the Holton Road District Centre. The street scene is mixed with the former post office to the north-east, local authority office building to the south-east, furniture warehouse to the south-west, offices and a church to the west and a row of semi-detached dwellings to the north-west of the property.

DESCRIPTION OF DEVELOPMENT

The application is for the change of use and conversion of building to provide residential accommodation in the form of 15 affordable dwellings and retail unit (Use Class A1/A3 Café). The refurbishment and extension of the property provide for the following accommodation:

- 12 No. 1 bedroom flats
- 3 No. 2 bedroom flats
- 1 No. retail unit at ground floor
- 5 parking spaces for residents

To necessitate these changes a single storey front extension is proposed following the demolition of the existing access ramps to the front. The proposed extension to the front would project approximately 3.5 metres to the front for the entire width of the building (11.5 metres) with a maximum flat roofed height of 5.1 metres (given levels differences). In addition to this extension, it is also proposed to make significant external alterations to the buildings including recladding and alterations to fenestration. Elevations from the front as viewed from Holton Road and side, as viewed from Buttrills Road of the proposals are shown below and overleaf:



Front Elevation (Holton Road)

1 : 100



Side Elevation (Buttrills Road)

1 : 100

Officer note: A four storey extension to house a stair well and single storey rear lobby have been removed from the application since it was last reported to committee. The proposals now indicate that the existing stair well will be utilised. Minor changes in the pattern of fenestration are also proposed.

PLANNING HISTORY

2000/00200/REG3: Haydock House, 1, Holton Road, Barry - Installation of roller shutters to secure existing car parking area - Approved.

1982/02071/OBS: 1, Holton Road, Barry - Dev. under Reg. 4, T & C P Gen. Regs. 1976: New ramp for wheelchair access to existing social services building - Permittal- no objections :request conditions.

CONSULTATIONS

Given the nature of the changes/amendments to the proposals it was not considered necessary to carry out further consultation at this time. The following consultation responses were received with regard to the proposals when originally submitted.

Barry Town Council was consulted with regard to the application who stated that 'subject to the provision of adequate parking and waste storage facilities, implementation of bird management and control, appropriate tenant vetting procedures and a financial contribution to the improvement of local public open space and local infrastructure, Barry Town Council makes no objection in principle to the application.

The Council's Highway Development Section was consulted with regard to the application who raised concerns with regard to parking, where delivery vehicles would load and unload, the requirement for the movement of a disabled bay adjacent to the additional accesses from Buttrills Road and potential need for a new controlled crossing across Buttrills Road.

Environmental Health (Pollution) was consulted with regard to the application who note that they 'have no objection to the proposed residential development' but advise that the floor layout should be retained with access corridors, stairwells and common parts adjacent to the Post Office sorting office and caution with regard to provide a commercial hot food (A3) use given the proximity to residential units and note that any extraction system should avoid conflict with amenity of future occupiers by reason of noise and odour; 'the latter with difficulty due to the potentially low level of discharge of odours relative to the flats above.' They conclude that 'the A3 element of the scheme should not be permitted unless the applicant can demonstrate no conflict of amenity (ie due to noise and odour) with the main residential use.'

Local Ward Members were consulted with regard to the application and comments were subsequently received from Councillor Ian Johnson, who notes that whilst it is unfortunate that the Council has decided that office accommodation is surplus to requirements he notes that given the lack of demand for office accommodation in central Barry, the size of the building and the area of land that it covers, there are limited development options available if we do not want either demolition with no replacement or a building left to fall into disrepair. He notes that there is an established need for affordable housing in the area and notes that flats are therefore the most appropriate use of the available space, given the limitations of the site and local need. He does however state that it is disappointing that a pre-consultation exercise was not carried out by the applicants prior to submission, and that the predominant concern for local residents is the increase in parking pressure due to the number of units and also the likely effect of any A1/A3 unit at ground floor level. Concern was also raised about potential increase in crime and anti-social behaviour that may result from the increased residences in the area and requests that appropriate vetting and behaviour controls are adopted, as well as appropriate waste storage facilities. They also raise concern with regard to local drainage capacity, bird management and overlooking of the Post Office Yard, requesting security glass be inserted in the stair well windows. They also request that the planning contributions be used to improve the local highway network and play area improvements in Gladstone Gardens.

Dwr Cymru / Welsh Water was consulted with regard to the application who request conditions to ensure no detriment arises from the proposals, relating to separate drainage of foul and surface water from the site, no surface water connecting to the public sewerage system, no land drainage run off discharging into the public sewerage system, no development commencing until the developer has prepared a comprehensive drainage scheme and provision of suitable grease trap.

They raise no issue with sewage treatment from the site and raise no objection in terms of water supply.

They also note that the development site is crossed by a public sewer and request that no development will be permitted within 3 metres either side of the centreline of the public sewer. An informative will be attached to any permission given to alert the applicant.

The Council's Housing Strategy Section was consulted with regard to the application who 'strongly support the application'. They noted that there is a critical need for affordable housing units within the vale noting that the highest need of 552 units (59.9%) per annum is required in Barry. They note that prevailing economic and social circumstances have worsened the shortfall in affordable housing within the Vale. They note that 'this development will provide 100% affordable housing through a Housing Association and provide much needed one and two bedroom units which required in the Authority to mitigate the impact of the under occupancy changes made to the Housing Benefit Regulations. In addition to the Local Housing Market Assessment register (Homes4U) also shows that there are already 353 households who require housing in Barry Town Centre as follows:

1 Bed	265
2 Bed	88
Total	353

This is the number of households who require social housing and represents only those in the most acute need, as households with a lower need, who do not have a realistic chance of acquiring social housing, are not included in this list.'

Comments were also received from the **South Wales Fire and Rescue Service** provide comments/information for the applicant with regard to fire appliances, water supplies for fire fighting and other issues, and a copy of these comments will be provided with any permission given.

REPRESENTATIONS

The neighbouring properties were consulted on 19 December 2013 and site notices were also displayed on 27 December 2013 and the application was also advertised in the press on 23 January 2013. To date 2 letters of representation had been received at the time of writing this report, raising the following points:

- There is not a requirement for further social housing given existing permissions/developments such as those at the former Magistrates Court site and former Theatre Royal building.
- Already numerous empty retail units along Holton Road.
- Would exacerbate local parking and traffic problems due to change in the nature of the use.
- Impact upon property value.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP4 – AFFORDABLE HOUSING PROVISION
POLICY SP10 – BUILT AND NATURAL ENVIRONMENT
POLICY SP11 – TOURISM AND LEISURE

Managing Growth Policies:

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN
POLICY MG4 – AFFORDABLE HOUSING
POLICY MG14 – NON A1 RETAIL USES WITHIN TOWN AND DISTRICT
RETAIL CENTRES

Managing Development Policies:

POLICY MD1 – LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD3 - PROVISION FOR OPEN SPACE
POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING
OBLIGATIONS
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD6 - HOUSING DENSITIES
POLICY MD7 - ENVIRONMENTAL PROTECTION

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

Planning Policy Wales:

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

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

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

As aforementioned this application was previously reported to the planning committee in February 2014. There have been a number of issues relating to the building and its redevelopment since the resolution to grant planning permission, including changes in terms of planning policy including the LDP and S106 requirements relating to affordable housing developments of this scale.

Noting the above it is considered that the principal issues involved in the assessment of the application are:

- The principle of the development.
- The scale, form and design of the building and its impact on the character of the area.
- Highways issues including access and the level of parking to serve the development.
- The level of amenity space to serve the units and public open space provision.
- Impact on residential amenity.
- S106 contributions

Principle of Development

The building was most recently used as an office by the Vale of Glamorgan Council Social Services Section although it is noted that the property is currently vacant and has been marketed for sale since the previous application. As such it is considered that the current use of the building falls within use class B1 (Business) of the Use Classes Order 1987. The current application proposes the conversion of the first, second and third floors to a residential use, the creation of an A1/A3 unit and retention of parking and ancillary functions at ground floor level as previously reported to Committee.

The proposed use of the ground floor retail unit remains as a mixed use A1/A3 unit comprising of café with retail function. Such a use is considered to be acceptable in this location, providing an active frontage, contributing positively to the vitality of the area over and above the current office use at the site, subject to conditions restricting hours of operation in the interest of neighbouring amenities, the nature of cooking equipment and the exact nature of use within the premises.

The application does fall within the defined settlement boundary of Barry and as such additional residential development is acceptable in principle subject to the provisions of Policies MD2 and MD5 of the Local Development Plan.

There is no specific policy within the LDP that relates to the protection of office/employment use such as this noting that particular employment sites are identified within policy MD16 of the Local Development Plan. The applicant previously demonstrated to the LPA's satisfaction that the building had been extensively marketed for use as office accommodation. Noting the above, it is considered that the loss of office accommodation is acceptable.

The provision of 15 affordable units would contribute to meeting the Council's affordable housing targets and meet the need for affordable housing in the locality whilst the provision of a commercial unit at ground floor will ensure that there is active use within the premises and will contribute to ensuring a vital and viable town centre. The need for the provision of affordable housing within the Vale is well evidenced by the Council's Local Housing Market Assessment and there is a requirement for up to 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan.

The application would make a meaningful and positive contribution to meeting the established need for affordable accommodation within this area and this represents a material consideration in favour of the proposed mix of uses. It is considered that this need supports the principle of a mixed use that would also contribute towards wider social aims within the town centre, as opposed to just the vitality of the retail area or retention of surplus of office accommodation. Furthermore, it is considered that a sustainable central location such as this represents an appropriate location for high densities of development, in order to make most efficient use of the land.

The site lies within the Holton Road District Centre although it is outside of the identified primary or secondary frontages. Policy MG14 is a criteria based policy relating to non-A1 retail uses within town and district centre. These criteria include that proposals for non-A1 uses would not result in an over-concentration of non-A1 uses (criteria 3); complement character of the existing centre and maintain an attractive shop frontage (criteria 4); they would not prevent the beneficial use or reuse of upper floors (criteria 5). The proposals would introduce an A1/A3 use that would make a contribution to the attractiveness and vitality of this area of the town centre which the existing office function does not, whilst the proposals would clearly allow for the beneficial use of the upper floors. As such it is considered that the proposals would support the aims of the LDP detailed above. The development would contribute towards identified local housing need and the requirement for affordable housing in particular, retaining a commercial presence at ground floor which is considered to be acceptable in principle.

Noting the above, whilst there has been a change in the relevant development plan since the last time the application was reported to committee, the thrust of the relevant policies remains very similar and it is considered that the proposals are acceptable in principle.

The Scale, Form and Design of Development

The building as existing is of limited architectural merit, clad in grey concrete with high levels of glazing. The redevelopment of the building proposes a contemporary design approach through substantial alterations to fenestration, the introduction of a modern shop frontage consisting of grey shop fronts with beige render plinths and the use of contrasting beige and white cladding boards to the upper storeys (with a surrounding grey clad projection).

The property is situated on a prominent corner plot between Buttrills Road and Holton Road and as such will be widely visible from the public domain. The immediate street scene is mixed in terms of its character with a row of semi-detached residential properties to the north, a contemporary office building to the south-east, similarly aged office and post office buildings to the east and a mixture of building forms and styles on the opposite side of Buttrills Road to the west. The proposed changes to materials and alterations to the fenestration of the building are considered to improve the appearance of the existing building, and would make a positive contribution to the immediate street scene and as such are considered to be acceptable in principle in line with Policy MD2 of the development plan.

The application as amended proposes an extension to the front of the property (the Holton Road frontage). This element of the works will be particularly prominent, projecting from the front of the existing building by approximately 3.4 metres with a flat roof of 4.3 metres in height, to house the proposed commercial function at ground floor level. It is acknowledged that this extension will project forward of the main frontage of the building in the position of the existing ramp, and would be positioned further forward than neighbouring units. However, it is considered that this contemporary flat roofed addition to the building would add significant interest within the street scene and would assist in improving the urban fabric of the area. As such there is no objection to this element of the works.

A four storey extension and single storey entrance lobby previously proposed to the northern elevation to provide the stair well and access to the residential accommodation at upper floor levels has been removed since the application was previously reported to Committee. These elements have been removed due to issues relating to the position of drains to the rear of the building and the proposals would now utilise the existing stair well within the building. Since the time the application was last reported to Planning Committee, there have only been minor alterations to the proposed pattern of fenestration, none of which would have an adverse impact on the character of the building.

Overall therefore it is considered that the proposed alterations would improve the appearance of the building,, and as such the works are considered to accord with Policies MD2 and MD5 of the Development Plan.

Highways issues (including parking)

The existing office building has undercroft parking at ground floor level accessed from Buttrills Road. The application proposes the retention of this facility, with the provision of 5 car parking spaces served by safe accesses from Buttrills Road. The applicant has previously confirmed that the spaces provided will be rented '*to tenants with a post and lock system in a similar way that they do garages*'.

It is acknowledged that the provision of 5 No. spaces to serve the proposed functions represents a shortfall when considered against the upper limits set out in the Council's Parking Guidelines that have been formally adopted since the previous committee resolution, however, it should be noted that these are not minimum standards. In resolving to grant planning permission previously, it was noted that whilst the nature and time of demand for parking would be likely to change, there was a shortfall to serve the existing use and any use of the building would be likely to result in a similar level of parking provision. It was also agreed that alterations to existing on-street parking arrangements (including the need to relocate an existing disabled parking bay) and the lack of a dedicated loading bay to serve the premises, did not represent reasons to refuse permission. No amendments are proposed that affect the level of parking provision, and no significant alterations have occurred in the road layout since the previous grant of consent. As such subject to the same conditions proposed previously when the application was last reported to members, the development is acceptable in terms of parking and highway safety.

Private Amenity Space and Public Open Space

Policy 2 of the adopted Amenity Standards SPG requires useable, adequate and appropriate amenity space to be provided with any residential development. The document suggests that the provision of individual areas of amenity space per flat are not usually practicable and that communal areas shall be provided to provide a minimum of 20m² of amenity space per person inhabiting such a development. As previously reported, the submitted proposals do not include any on-site provision of amenity space to serve future occupiers, clearly contrary to the guidance contained within Policies MD2 and MD5 of the Local Development Plan and the supporting SPG. It is however recognised that bin storage is proposed at ground floor level within the external yard area.

Notwithstanding this it is recognised that the application relates to the beneficial reuse of an existing building that sits on a physically constrained site in an urban location. As such it would not be practicable to provide such an area of amenity on-site. Previously it was considered that subject to adequate public open space provision being made, that there would potential for this requirement to be relaxed to some degree.

Given the confines of the site it is impractical to provide on-site open space, although notwithstanding this it is noted that the application site is in close proximity to existing public open spaces being within 200 metres of both Gladstone Gardens and Barry Central Park. Committee previously resolved to grant planning permission subject to payment of a contribution towards improvement of these areas of POS, in addition to other contributions (discussed later).

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

Being mindful of this shift in Council policy, the proposals would no longer be subject to S106 contributions, including the provision of an off-site contribution towards POS. Noting the proximity of existing areas of POS, however, it is considered that future occupiers of the development would be adequately served with access to public open space.

Impact upon amenity of neighbouring residential properties

As noted the application site sits in a relatively mixed street scene, with residential dwellings to the north. Given the removal of the four storey extension from the previous iteration, the proposals are likely to have significantly less impact upon the amenity of occupiers of the neighbouring dwelling of 1 Buttrills Road than that previously considered by members.

As previously reported, the proposed conversion would result in the introduction of a number of openings serving habitable rooms at first, second, third and fourth floor level. Whilst noting good practice guidance regarding separation of 21 metres between windows serving habitable rooms, a separation of only 16 metres will be maintained with the buildings directly opposite, to the west of Buttrills Road. It is however acknowledged that these buildings are not in residential use, rather they are a furniture warehouse, solicitors' office and a church. One window is proposed on each floor to serve the shared hallway in the north-eastern elevation of the property although these will look onto the adjoining offices, whilst there are no neighbouring residences to the south of the building. Overall therefore it is considered that the proposals will cause minimal detriment to the amenity enjoyed at neighbouring residential properties by reason of overlooking or being overbearing.

The amended plans also indicate minor repositioning of windows although these would not result in any material impact over and above previously considered.

As previously, relevant conditions relating to any potential extraction system will be attached to any consent given to ensure that no adverse impact by way of odour or noise results to future residential occupiers of the units.

Planning Obligations

The Council previously resolved to grant planning permission subject to the S106 contributions for the provision of the dwellings as affordable housing in perpetuity; sustainable transport (£10,000); public open space (£24,000) and administrative fee. As noted previously within the Public Open Space section of the report, there has been a shift in Council policy since the application was last reported to committee. Noting this, the proposed change of use would not be subject to any S106 contributions, hence a revised recommendation to members. A condition will be attached to any consent granted to ensure that the proposed accommodation is occupied as affordable housing (condition 10 refers).

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:

Drawing Nos. 050 Site Location Plan; 051 Proposed Block Plan; 052 Proposed Site Layout; 053 Proposed Floor Plans Sheet 1; 054 Proposed Floor Plans Sheet 2; 055 Proposed Elevations Sheet 1; 056 Proposed Elevations Sheet 2 and 057 Proposed Site Sections received 20 November 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. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy MD2 and MD5 of the Local Development Plan.

4. Further details of the windows and roller shutter doors, shall be submitted to and approved in writing by the Local Planning Authority, prior to their use in the development. The development shall be constructed in full accordance with the details as agreed and thereafter so maintained at all times.

Reason:

To ensure a high quality of development in compliance with Policy MD2 and MD5 of the Local Development Plan.

5. Foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system unless otherwise approved in writing by the Local Planning Authority. The scheme shall include details of a grease trap to prevent entry into the sewerage system of any matter likely to interfere with the free flow of sewer contents.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policies MD2 and MD7 of the Local Development Plan.

6. No development shall commence until such time as a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be disposed of, has been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until such time as such agreed drainage works have been implemented in accordance with the approved details.

Reason:

To ensure that effective drainage facilities are provided for the development, and that no adverse impact occurs to the environment or existing public sewerage system, and to ensure compliance with the terms of Policies MD2 and MD8 of the Local Development Plan.

7. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending, revoking or re-enacting that order howsoever the ground floor commercial premises shall be used only for the purpose of a cafe with retail uses (mixed A1/A3 use) as specified and for no other purpose whatsoever, including any other purpose in Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site, noting proximity to residential properties and to ensure compliance with the terms of Policies MD2 and MD8 of the Local Development Plan.

8. The use in the ground floor commercial unit hereby permitted shall not be open to customers outside the following times:

Monday to Saturday 07.00 - 18.30 hours
Sunday and Bank Holidays 08.00 - 17:30 hours

unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To safeguard the amenities of adjoining occupiers, and to ensure compliance with the terms of Policies MD2 and MD8 of the Local Development Plan.

9. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending ,revoking or re-enacting that order howsoever, no cooking facilities shall be installed at the premises other than those used for the heating of pre-packaged food, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To control the precise nature of the use of the site, noting proximity to residential properties and to ensure compliance with the terms of Policies MD2 and MD8 of the Unitary Development Plan.

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

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4-Affordable Housing Provision, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG14 – Non Retail Uses in Town and District Centres; MD1-Location of New Development; MD2-Design of New Development, MD3-Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities and MD7-Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Amenity Standards, Affordable Housing, Planning Obligations, Parking Standards and Model Design Guide for Wales; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning for Affordable Housing, TAN12-Design and TAN16-Sport, Recreation and Open Space, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area. The proposal is also considered acceptable in respect of neighbouring and general residential amenities of the area and highway safety.

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

NOTE:

- 1. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. A copy of Welsh Water's comments are attached for your information. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**
- 2. Please see attached comments from the South Wales Fire and Rescue Service for your information.**

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.

Notes:
Please make this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

Revision:
-

Client: **newydd**

Project: **Proposed Re-development at:
Haydock House, Barry**

Job Number: **L428**

Date: **03 12 13**

Drawn by: **PC**

Dwg No: **010**

Site Location Plan

Revision: -

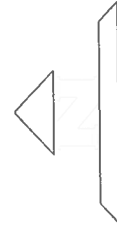
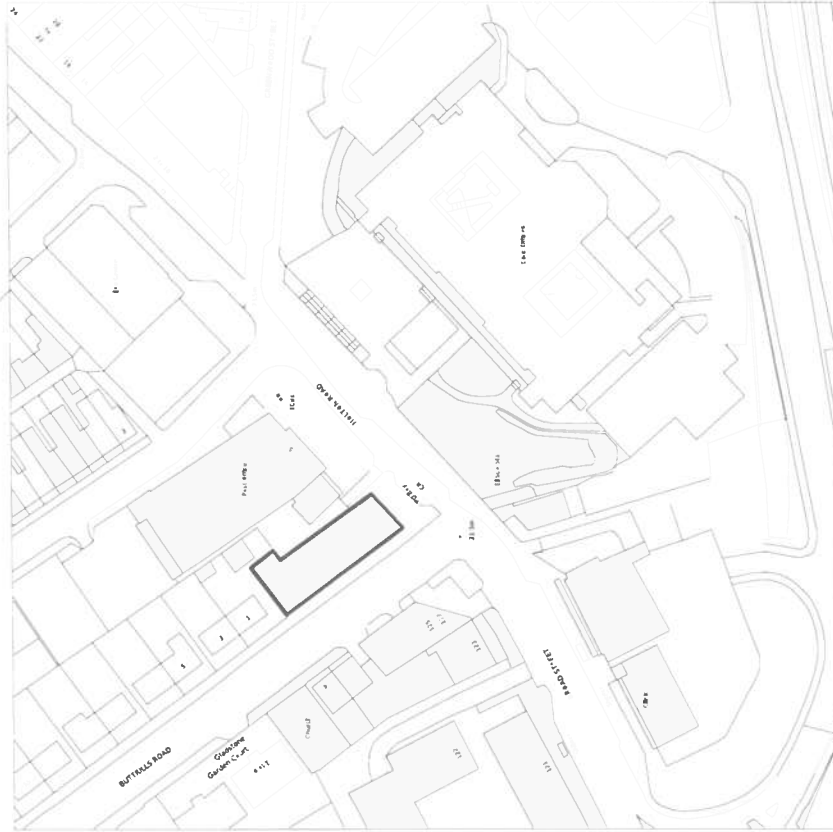
Scale: **1 : 1250 @ A3**

Drawing Status: **PLANNING**

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13 | 01249 | FUL



2017/00724/RES Received on 8 August 2017

Kier Living Limited, Tugsten Building, Central Boulevard, Blythe Valley Business Park, Solihull. B90 8AU
Asbri Planning Ltd., Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff. CF23 8RS

Land at Caerleon Road, Dinas Powys

Approval of all reserved matters on outline consent 2014/00282/OUT for residential development

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application site comprises an area of approximately 2.73 ha comprising unmanaged neutral grassland. The site lies within the settlement boundary for Dinas Powys as defined in the Local Development Plan, being allocated for residential development under Policy MG2(29). It also lies adjacent to the Green Wedge, between Dinas Powys and Penarth. In addition the land on the western boundary lies within a C2 Flood Risk Zone.

This is a reserved matters application, following the approval of outline application 2014/00282/OUT, for the development of the site for 70 residential units and associated works, including access roads, drainage, public open space and play areas.

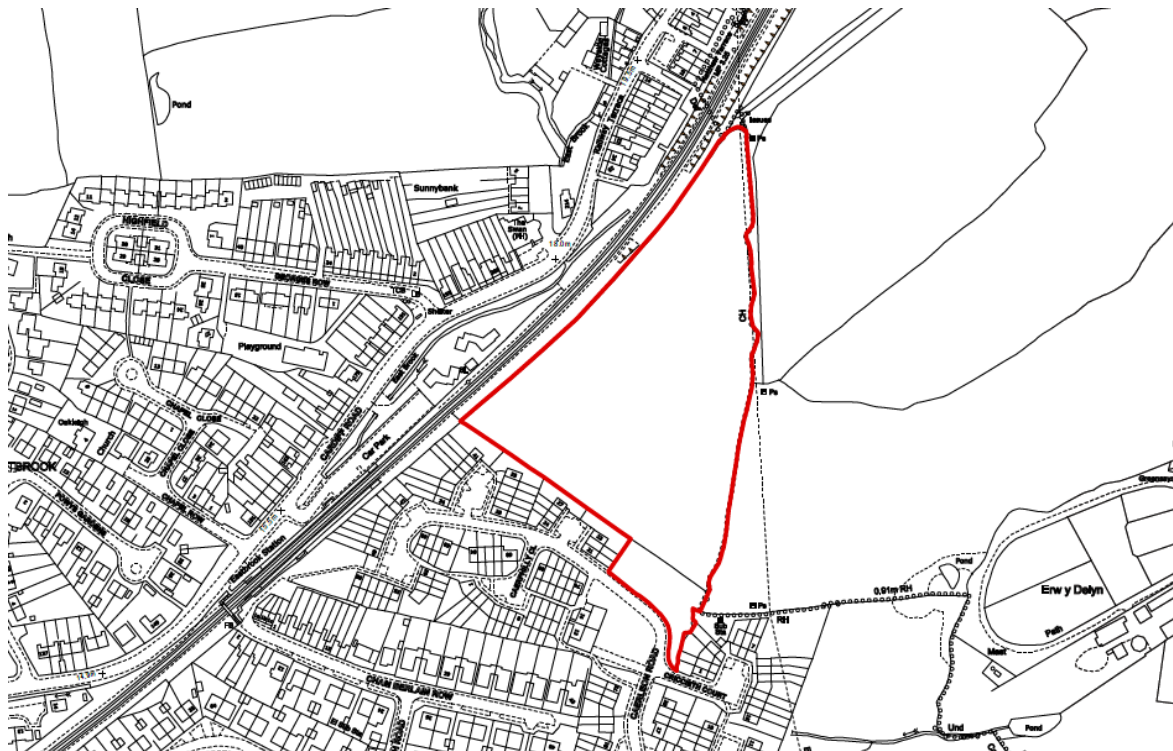
To date objections have been received from Dinas Powys Community Council and approximately eleven local residents, raising concerns over the exacerbation of existing traffic problems and the impact on highway safety; impact on existing infrastructure and local services; lack of pedestrian links to Eastbrook Station and blocking of future cycle route; loss of wildlife and carbon capture; and no single bed houses and lack of play space with impact on existing residents.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, design and visual impact; highway safety; the effect on neighbouring and general residential amenity; ecology; and drainage. The acceptability of the principle of residential development on the site has already been agreed with the granting of outline consent, reference 2014/00282/OUT, the details of which are also material to the consideration of this reserved matters application, as is compliance with the terms of the S106 legal agreement.

It is recommended that the application be APPROVED subject to conditions, including, full engineering details of the highway works; implementation of access and parking before occupation; further details of landscaping and tree/hedgerow protection; further details of play areas; and implementation of pos/play areas before occupation of adjacent plots.

SITE AND CONTEXT

The application site as edged red extends to a roughly triangular shaped area of approximately 2.73 ha comprising unmanaged neutral grassland. The site is bound by the existing Murch housing estate to the south, fields to the east, the main railway line to the west, and beyond that the Cardiff Road and additional residential development.



There is no existing formally laid out vehicular access to the site, although it lies immediately adjacent to the adopted highway of Caerleon Road to the south.

The site lies within the settlement boundary for Dinas Powys as defined in the Local Development Plan. It also lies adjacent to the Green Wedge between Dinas Powys and Penarth. In addition the land on the western boundary lies within a C2 Flood Risk Zone.

DESCRIPTION OF DEVELOPMENT

This is a reserved matters application following the grant of outline consent, reference 2014/00282/OUT, for the residential development of the land. The application seeks to discharge all of the reserved matters, including access, appearance, landscaping, layout and scale.



Street Scene A - A



Street Scene B - B

In compliance with the section 106 agreement attached to the outline consent, two local areas of play (LAPs) are provided within the site in a roughly central location on the eastern side of the spine road, in open space areas B and C. There are additional areas of public open space which will also accommodate drainage facilities across the site, including a dry flood detention basin in the south-western corner of the site, which will control run-off associated with the development.

The landscape proposals for the site include the retention and enhancement of existing hedgerow, not only to contain and screen the site, but to increase biodiversity opportunities. The hedgerows will maintain and augment existing dark corridors for bat flight/feeding areas and will provide connectivity for mammals and birds.

The application is accompanied by a number of supporting documents including an up-dated Design and Access Statement (DAS); a Planning Statement; Soft Landscape Management and Maintenance Plan; Soft Landscape Specification; a Travel Plan; a Construction Environmental & Traffic Management Plan; a Pollution Prevention Plan; Ecological Management Plan; Environmental Noise & Vibration Surveys; Drainage Strategy; Levels Strategy; and a Geotechnical & Geo-Environmental Report (with trail log location plan and CBR results).

PLANNING HISTORY

2014/00282/OUT - Outline application for residential development (of up to 70 dwellings) and associated works – Approved 25 May 2017 subject to conditions, including, a Travel Plan; details of measures to mitigate for the effect of noise and vibration from the main railway line and Cardiff Road; a scheme of the enhancement of biodiversity; a Construction Traffic Management Plan; a Construction Environmental Management Plan; landscape details to pay regard to Landscape Assessment and Tree Survey; a drainage scheme; amenity and parking in accordance with Council's SPGs; and details of enclosure; and a S106 legal agreement relating to, the provision of 40% affordable housing; a contribution of £3,719.13 per dwelling towards education; a contribution of £2,000 per dwelling towards sustainable transport to be used in the vicinity of the site; a contribution of £988.50 per dwelling towards community facilities; POS on site to meet the Council's standards (i.e. 19.72m per dwelling with the provision of at least 2 x LAPs); in the event where this is not met to pay a POS contribution of £760 for those dwellings not covered; a 20 year commuted sum towards the maintenance of the public open space, if the developer will seek to hand these areas to the Council; and provide public art on the site to the value of 1% of the project budget.

CONSULTATIONS

Dinas Powys Community Council were consulted and have objected for the following reasons:-

“Additional traffic generated:

1. The Murch Road / Castle Drive junction is already functioning beyond its capacity
2. The Murch Road / Cardiff Road / Millbrook Road junction will need improvement to cope with additional traffic. We refer to the adopted LDP which indicates that this junction will be at or over capacity as a result of the LDP.
3. The Pen-y-Turnpike Road / Leckwith Road junction will need improvement to cope with additional traffic. We refer to the adopted LDP which indicates that this junction requires will be at or over capacity as a result of the LDP.
4. The Merry Harrier junction is already at capacity. We refer to the adopted LDP which indicates that this junction will be at or over capacity as a result of the LDP.
5. This proposal is premature. No further substantial development should proceed until the Dinas Powys By Pass is constructed due to the inadequate nature of the A4055 and local roads.

If the application is approved, we would request that the following is taken into account:

1. Surface water run-off is adequately addressed as the area is prone to localised flooding;
2. Access to the railway station is properly addressed;
3. Provision for cycle use is included in the proposals;
4. Section 106 is utilised in improving the play area and facilities for families.”

Penarth Town Council were consulted on 24 July 2017 and no comments received to date.

Natural Resources Wales were consulted and do not object to the application as submitted. They note the application site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Environment Agency Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the East Brook, a designated main river. They have reviewed the site layout plan submitted in support of the application and note that all built development continues to be located outside the flood outlines. As such they consider the risks and consequences are acceptable in this instance.

Dwr Cymru/Welsh Water were consulted on 24 July 2017. No comments have been received to date.

Network Rail were consulted and raised no objection in principle, however they do have concerns regarding the excess surface water that will be created. Therefore need to ensure that sufficient drainage is installed as surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway due to risk of flooding and/or pollution.

They also outline a number of requirements relating to the operation of the railway and the protection of Network Rails adjoining land. These relate to fencing to secure Network Rail land; foundations; drainage; ground disturbance; site layout recommendation that all buildings be at least 2m from the boundary; excavation/earthworks; no interference with signalling; landscaping; plant, scaffolding and cranes; lighting; safety barrier; and maintenance of access points.

South Wales Police - Crime Prevention Design Advisor was consulted and provided advice regarding Secured by Design standards.

The Council's Housing Strategy Team were consulted and have stated that there is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the council's Homes4U waiting list in the area.

DINAS POWYS	
1 Bed	67
2 Bed	34
3 Bed	11
4 Bed	7
5 Bed	1
	120

In addition there are 9 people on the Aspire2Own register awaiting an opportunity to buy either a 2 or 3 bedroom home in Dinas Powys as their first choice and 19 who have cited Dinas Powys as their second choice, again for 2 or 3 bedroom houses.

We would suggest that the distribution of affordable housing could be better in the interests of integration rather than concentrated in the same area.

The Council's Landscape section were consulted and have made the following comments on the soft landscaping:-

- Replace Quercus petraea specimen tree with Quercus robur and increase the number of this species within the site
- Introduce spring bulbs to amenity grass areas, particularly at the entrance and in key areas through the site
- Replace 50% of the Acer campestre 14-16cm trees with Sorbus aucuparia 14-16cm trees
- Consider omitting shrub understorey at the entrance or alternatively moving to the rear of the soft landscape area at these beds will screen and shade the wildflowers
- Has a condition survey been undertaken on the existing trees and hedge on the boundary. Are there any works required to these prior to works commencing. Removal any limbs of hedge laying to ensure their future health?
- Clarification on how the existing trees and hedges will be maintained and protected in the future.

Comments relating to the play area – No issue with the design of the LAP, with the natural play elements being set within the open space. It is understood that:- *LAPs should be designed to be safe and attractive areas which encourage children to develop social skills and interaction with others. The use of age specific equipment, furniture or landscape features (mounding, boulders or timber or planting) is required in order to create stimulating spaces which will be used by children and features that allow the area to be identified as their own domain e.g. low key games such as hopscotch, mushroom seating etc.*

The proposed LAP will be naturally supervised with open views from surrounding areas and it is also located near a footway in the centre of the development so it should be a well-used route.

As the LAP is directly next to the access road a minimum of a 600mm steel guard rail to perimeter with gates (and 3m wide gate for maintenance) and also a barrier limiting the speed of a child entering or leaving the play area is required.

The minimum size of a LAP is 100sqm and the Site Plan (5567/P/10 Rev L) indicates that this is about 1,100sqm but shows the LAP being located in 2 areas next to each other; it would be useful to know whether the smaller area is still part of the LAP.

Other requirements include:-

1. A hard surface path into the area is required, leading to at least 2 seats and one bin;
2. Signage - that dogs are excluded, adults are not allowed unless accompanied by children, area is to be solely used by children; and
3. Confirmation that there will be a 5m minimum separation zone between activity zone and the boundary of dwellings

The Council's Operational Manager Parks and Grounds Maintenance was consulted and confirm that they have previously advised that they would be satisfied with one LAP on site. As regards the proposed design there are some concerns over its acceptability. Although natural play elements are encouraged the proposed boulders, logs, and grass mounds may pose maintenance.

The Council's Ecology Team were consulted. In their initial comments they requested further information/clarification to enable the assessment of the impact on biodiversity,

Following receipt of additional information and the submission of a revised Ecological Management Plan, no objection to the application is raised, subject to a a planning condition requiring the implementation of the methodology, commitments and recommendations set out in the Caerleon Road, Dinas Powys; **Ecological Management Plan**; 6 September 2017 by Soltys Brewster Ecology and the commitments in the email from Asbri Planning (actual date 7 September 2017).

The Council's Environmental Health (Pollution Section) Team were consulted and have advised that the application has been considered with particular reference to the following conditions.

Having reviewed the Acoustic Reports, dated 14 June 2013 and 7 July 2017, that Condition 7 is acceptable in this case.

As regards Condition 10 and having reviewed the 'Construction Environmental and Traffic Management Plan' provided it is advised that this Department cannot sanction the following working hours that the applicant proposes, i.e.

'All works will be carried out in strict accordance with the following working hours – 07:30am to 6:00pm Monday to Friday and 07:30am to 2:00pm on Saturdays. '

All works including deliveries should be carried out during the hours Monday – Friday 8:00 until 18:00, Saturday 8:00 until 13:00, with no Sunday or Bank Holiday working. Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works these operations shall be restricted to: Monday – Friday 8:30 until 17:30, and Saturday and Sunday no works.

With regard to Condition 14 relating to the acoustic fencing, the condition is acceptable noting the amended site layout.

Finally can the applicant confirm the proposed location of the site compound so a judgement can be made in relation to its possible impact on existing residents adjoining the site and new residents if the site is to be occupied in phases.

The Council's Highway Development Team were consulted and have confirmed that they have no highway objections in principle subject to a number of conditions, including, full engineering details and calculations; developer to enter a legally binding agreement in relation to the highway works; resurfacing of the section of Caerleon Road across full site frontage; provision and maintenance of vision splay onto Caerleon Road as identified on drawing 5567/P/10 Rev T; all access/junction to be at right angles to adjoining road; gradients of access/driveways to plots not to exceed 5 % (1:20) for the first 6m and thereafter shall not be steeper than 12.5% (1 in 8); no enclosures within areas of vision splays; developer to incorporate TROs where deemed necessary; developer to undertake condition surveys along agreed haulage routes, and any remedial works identified to be undertaken; provision of a CTMP; restriction on lorry deliveries during peak hours; wheel cleansing; restriction on deposited materials; on-site parking to be surfaced in a bound/block paved material; and no surface water to discharge onto the adopted highway. **The Council's Highways and Engineering Section (Drainage) Team** were consulted. Insufficient information has been submitted with this application to agree the drainage details, therefore, they request the same condition as previously applied.

The Council's Transport and Road Safety section were consulted and have stated that as part of the Active Travel Cycle Integrated Network Map consultation, a route running parallel to the railway line has been identified and promoted. They believe that it is possible to provide a link along the entire corridor up to Merrie Harrier, and request that the developer complete this length as part of their scheme.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 24 July 2017. In addition the application was advertised in the press and on site on 3 and 18 August 2017 respectively.

To date, objections have been received from the occupiers of 23, 33, 34 Caerleon Road, 13 Caerphilly Close, 9 Pembroke Close, 17 and 19 Railway Terrace, 37 Millbrook Road, 1 The Drive, Windyridge, and 22 Drylla, Southra Park. These are all available on file for Committee Member inspection, however, in summary, the main points of concern relate to:-

- The exacerbation of existing traffic problems and impact on highway safety.
- Impact on existing infrastructure and local services.
- Lack of pedestrian access to Eastbrook Station and obstruction of possible future cycle way.
- Loss of wildlife and carbon capture.
- No single bed houses and lack of play space with impact on existing residents.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 - HOUSING SUPPLY IN THE VALE OF GLAMORGAN.
 POLICY MG2 (29) - HOUSING ALLOCATIONS.
 POLICY MG4 - AFFORDABLE HOUSING.
 POLICY MG18 - GREEN WEDGES.
 POLICY MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT.
 POLICY MD3 - PROVISION FOR OPEN SPACE.
 POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS.
 POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES.
 POLICY MD6 - HOUSING DENSITIES.
 POLICY MD7 - ENVIRONMENTAL PROTECTION.
 POLICY MD9 - PROMOTING BIODIVERSITY.

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular Chapter 4-Planning for Sustainability, including paragraphs 4.3.1, 4.4.3, 4.10 and 4.11; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1.1 and 5.2; Chapter 8-Transport, including paragraph 8.7; Chapter 9-Housing, including paragraph 9.3-Development management and housing; Chapter 11-Tourism, Sport and Recreation, including paragraphs 11.1.3 and 11.3.2; Chapter 12-Infrastructure and Services, including paragraph 12.4; and Chapter 13-Minimising and Managing Environmental Risks and Pollution, including paragraphs 13.4, 13.13 and 13.15.

Technical Advice Notes:

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

- TAN 1 - Joint Housing Land Availability Studies.
- TAN 2 - Planning and Affordable Housing.
- TAN 5 - Nature Conservation and Planning.
- TAN 11 - Noise, including paragraphs 10 and 11.
- TAN 12 - Design, including paragraphs 2.6 and 5.5.
- TAN 15 - Development and Flood Risk.
- TAN 16 - Sport, Recreation and Open Space, including paragraphs 3.16, 3.21 and 4.15.
- TAN 18 - Transport, including paragraph 9.

Supplementary Planning Guidance:

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

- Amenity Standards.
- Affordable Housing.
- Biodiversity and Development.
- Design in the Landscape.
- Model Design Guide for Wales.
- Parking Standards.

- Planning Obligations.
- Public Art.
- Sustainable Development - A Developer's Guide.
- Trees and Development.

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

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)
- Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Green Wedge Background Paper (2013).
- Local Development Plan Highway Impact Assessment (2013).
- VOGC - Local Transport Plan (2015.)
- Infrastructure and Site Deliverability Statement (2015).
- Open Space Background Paper (2013).
- Community Facilities Assessment (2013).
- Education Facilities Assessment (2013.)
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007).
- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 13/97 - Planning Obligations.
- Conservation of Habitats and Species Regulations 2010 as amended.

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to design and visual impact; highway safety; the effect on neighbouring and general residential amenity; ecology; and drainage. The acceptability of the principle of residential development on the site has already been agreed with the granting of outline consent, reference 2014/00282/OUT, the details of which are also material to the consideration of this reserved matters application, as is compliance with the terms of the S106 legal agreement.

Background

It will be noted from the planning history that outline permission for the residential development of the site for up to 70 dwellings was approved on 25 May 2017 subject to conditions and subject to a S106 legal agreement.

At the time the outline application was determined the Unitary Development Plan (UDP) remained the adopted statutory development plan for the area.

Since the approval of the outline the Local Development Plan (LDP) has been adopted. Criterion 1 of policy SP1-Delivering the Strategy seeks to provide a range and choice of housing to meet the needs of all sectors of the community. In addition MG1 relates to Housing Supply in the Vale of Glamorgan, and makes provision for new dwellings which will be met in a variety of ways, including allocated sites. The site is one of the identified housing allocations within policy MG2, with Dinas Powys defined as a 'Primary Settlement', and the site accommodating 70 No. dwellings.

Thus although the principle of the development has already been accepted with the approval of the outline permission in May this year, nevertheless, this decision is now reinforced with the formal adoption of the LDP. Notwithstanding this, it remains necessary to assess the acceptability of the reserved matter details now submitted, which relate to access, appearance, landscaping, layout and scale.

Density

LDP policy MD6 requires a minimum of 30 dwellings per hectare in Primary Settlements. PPW encourages local planning authorities to ensure sufficient density in areas accessible to non-car modes of transport, however, each site must be considered with regard to its particular circumstances.

The issue of density was raised at the outline stage, where the proposed density was 24 dwellings per ha. Despite this it was determined that some minor reduction in the density would be appropriate in this instance, bearing in mind the limitations due to the location of the site alongside the main railway line, and the character of the existing Murch housing estate. This approach was accepted with the adopted LDP which allocates the site for 70 No. dwellings. Thus whilst the current proposal represents only a medium density development of 25 dwellings per hectare, nevertheless, this is in line with the stated allocation in the LDP.

Design and visual impact

Policy MD5 relates to Development within Settlement Boundaries and permits development subject to certain criteria, including, criterion 3 – is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality. Policy MD2 which relates to the Design of New Development also has a criteria relating to context, and criterion 1 which requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.

All matters were reserved at outline stage, however, an indicative layout plan was submitted which was criticised in the original report, particularly in relation to the extent and location of public open space and play areas.

It is acknowledged that the current layout has made a number of improvements over the illustrated outline. The accompanying Design and Access Statement (DAS) outlines the design evolution of the layout from the initial outline illustration to the current proposal. As the DAS notes at paragraph 5.9:-

“Many of the main design principles remain from this original plan however, the layout has been progressed and improved to include a clearer hierarchy of roads and streets, the provision of the required amount of public open space in a central location, the implementation of a less grid-like urban pattern, and a considered balance between hard surfaces, streets and parking, and softer planted areas and buffer zones.”

This approach to the proposed layout, including the central green concept, has provided a number of identifiable improvements to the indicative outline scheme, in particular, the increase in the buffer to the railway line and the introduction of a street frontage. The detail of the Public Open Space (POS) and play area provision is explored below under the assessment of the compliance of the scheme with the S106.

However, in relation to its position within the overall layout, it is considered that this is acceptable. There are some concerns that some of the POS is located within the more remote edges of the site, in areas set aside for drainage purposes, and the play area provision is surrounded by roads. Despite this, the constraints of the site must be recognised, such as the sewer easement, and the need to provide a certain density of housing that reflects its setting. As regards the location of the play area provision, subject to suitable enclosure, this should not present a safety issue.

Thus it is considered that the proposed layout is acceptable and should serve to contribute towards the 'sense of place' referred to in TAN12-Design.

As regards the scale of the development, the DAS notes at paragraph 6.19:-

"It is considered that the scheme represents an efficient use of prime land, identified as a housing allocation, within a prominent location in Dinas Powys and the development, as proposed, is largely proportionate to the scale of recent developments in the surrounding area."

It is agreed that the proposal reflects the scale of existing development in the area, with the two storey form in keeping with the existing housing in the wider Murch estate. The proposal will also provide for a mix of terrace, semi-detached and detached. Although there are a greater number of detached properties than is generally evident within the wider estate, nevertheless, the mix is considered acceptable.

In terms of floor area, the DAS recognises that the proposed affordable housing units are smaller than the requirement of Welsh Government's Design Quality Requirements. However, the principle of such development has already been accepted in the legal agreement for the outline consent.

In terms of the appearance of the development, the DAS notes the following:-

"In relation to the design of the dwellings, it has been the intention to express a familiar and traditional residential form using traditional materials such as a facing brick and render, but in a contemporary style in order to provide a clear identity to the development. Simple design tools such as proposing contemporary window styles, grey coloured facias, verges and rainwater goods, and contemporarily designed projecting window bays will express a clear and simple design notion that is traditionally reflective but not 'pastiche' urban design."

The design approach is a traditional one, with consideration given to the architectural features in the existing housing. The proposed materials for the development, along with the elevational details, present a varied palette which is intended to enhance the local vernacular, yet “meet the requirements of modern day living.”

In relation to the comments submitted by the South Wales Police, Crime Prevention Design Advisor, it is noted that the DAS confirms that the windows and doors are to be installed to Secured by Design standards. Indeed paragraph 6.36 of the DAS states:-

“The scheme is to be developed to Secure by Design standards, thus will ensure a positive relationship between private and public space. In this respect, the provision of the dwellings in their current location and orientation enables enhanced natural surveillance of the wider surroundings which will be beneficial for the safety and welfare of the prospective residents as well as the neighbours.”

On the landscape issues, Condition 11 of the outline permission requires that the reserved matters landscape details shall pay full regard to the Landscape and Visual Impact Assessment, Tree Survey and tree protection proposals accompanying the outline, in particular the proposal to retain and enhance the existing boundary planting, especially to the north, west and east.

It is noted that the documentation submitted in support of the outline application indicated that the proposal would retain the existing boundary features and enhance these with additional planting. The original DAS noted that a landscape buffer zone will be created to protect and maintain the planted boundaries and ensure a strong defensive ‘green’ edge to the settlement. The up-dated DAS that accompanies this reserved matters application confirms that all existing hedgerow boundaries are to be retained and enhanced as part of the development. However, the submitted landscape details, which include Drg. No.s PR12173-11C sheets 1 to 3, and the Soft Landscape Management and Maintenance Plan, do not provide any details on this element of the scheme.

The Council’s Landscape section have provided comments on the soft landscape proposals, covering a number of issues relating to the proposed species (e.g. replacement of 50% of the Acer compestre with Sorbus aucuparia); the introduction of spring bulbs to amenity grass areas, particularly at the entrance and in key areas through the site; and consider omitting shrub understorey at the entrance or alternatively moving to the rear of the soft landscape area at these beds will screen and shade the wildflowers.

Notwithstanding the submitted plans, it is considered that further details of the proposed landscaping of the site, which will tie-in with the enclosure details and the layout of the LAPs, can be required by condition, see Conditions 4 and 7.

Condition 14 of the outline consent requires details of all means of enclosure, including any required acoustic fencing. The details submitted with this reserved matters application, including the reference at paragraph 3.19 of the submitted Planning Statement, and Proposed Boundary Plan, Drg. No. 5567/P/15 Rev C, indicate that the site is to be enclosed along its western and southern boundary with 1.8m high timber board fencing, and on its eastern boundary by a post and wire fence. The Proposed Boundary Plan also shows no enclosures to the road frontage of the plots, and the majority of the side and rear gardens enclosed by a 1.8m timber fence.

In most cases this is considered acceptable, however, this approach is not considered appropriate on certain plots that are more visible within the public realm, such as, the side boundary of Plot 40 at the entrance to the site; side/rear boundaries to plots 26, 28, 29, 62 to 70 to the north of the site; and side boundaries of plots 51, 52, and 37 towards the south of the site. Furthermore, it is noted that no enclosure is proposed to the play area. As already noted, it is considered that these areas should be enclosed by some form of railings to secure the site. Although these details have been submitted with the current reserved matters application for completeness, and to assist in the holistic assessment of the proposed development, it is noted that a separate formal application for the discharge of this condition will be required. As such, it is noted that the issues outlined above can be considered in more detail at that stage.

Highways

Criterion 6 of MD2 of the LDP requires that new development has no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree. In addition, Criterion 9 requires the provision of car parking in accordance with the Council's Parking Standards SPG.

In assessing the outline application, it was noted that the likely impact of the development on the existing highway network was one of the main points of objection raised in the representations received from local residents and the Community Council. Similar objections relating to the exacerbation of existing traffic problems and the impact on highway safety have again been raised by existing residents and the Community Council on the current application. However, this issue was fully addressed before the outline permission was granted, including consideration of the submitted Transport Assessment (TA). The TA concluded that the traffic generated by the proposed development could be accommodated within the existing highway network without significantly increasing delays to existing road users. The cumulative impact with the housing allocation at the former St Cyres school would have more impact on the operation of the local highway network. However, it was considered that an effective Travel Plan could "restrain vehicle trip generation at each of the development sites."

In light of the information submitted with the outline application, the Council's Highway Development team confirmed that they could not substantiate a highway objection and the outline was approved subject to conditions. These include, Condition 6 relating to a detailed Travel Plan, and Condition 13 requiring the off road car parking provision to be in accordance with the Council's Supplementary Planning Guidance on Parking Standards, and pay due regard to the Secured by Design requirements and the Model Design Guide for Wales.

Thus, the assessment of the reserved matters in relation to access can only consider the on-site layout and car parking proposal. The issue of the impact on the wider highway network cannot be re-visited, other than consideration of the acceptability of the submitted Travel Plan. Although a Travel Plan has been submitted with this reserved matters application, a separate formal application will be required, i.e. an 'Application for approval of details reserved by condition'.

The Council's Transport and Road Safety officer has requested that the developer complete a section of a promoted cycle route as part of their scheme. As part of the Active Travel Cycle Integrated Network Map consultation, a route running parallel to the railway line has been identified and promoted. It is intended that a link will be provided along the entire corridor up to Merrie Harrier. However, in planning terms, it is noted that a S106 has already been secured, with the negotiations undertaken as part of the outline application.

The provision of a networked cycle route through the site should have been requested and considered at that time, however and it is not considered reasonable to require the developer to now provide this as part of the proposed reserved matters layout. Indeed it is noted that as part of the S106 agreement the developer is required to provide a sum of £140,000 towards sustainable transport, which could be used to fund part of the works. However in order to safeguard the route, the applicants have made amendments to the proposed layout to ensure that any future cycle provision can be provided and is not prejudiced by the development.

In relation to the on-site road layout, the proposal envisages an internal south/north adoptable spine road from a simple priority junction off Caerleon Road. Two linked side roads will run off at right angles, with the hierarchy going down to shared surfaced and private drives. Pedestrian access will be provided by formal footpaths either side of the adoptable length of the internal road, apart from the section on the western side close to the boundary with the railway line. Beyond this the developer proposes shared surfaces to ensure safer movement between pedestrian and vehicles.

The Council's Highway Development Team raised a number of concerns over the initial layout. Following negotiations, a final amended layout has been submitted which is now acceptable to the Highway Engineer, subject to conditions, including full engineering details and calculations; developer to enter a legally binding agreement in relation to the highway works; resurfacing of the section of Caerleon Road across full site frontage; provision and maintenance of vision splay onto Caerleon Road as identified on drawing 5567/P/10 Rev T; all access/junction to be at right angles to adjoining road; gradients of access/driveways to plots not to exceed 5 % (1:20) for the first 6m and thereafter shall not be steeper than 12.5% (1 in 8); no enclosures within areas of vision splays; developer to incorporate TROs where deemed necessary; developer to undertake condition surveys along agreed haulage routes, and any remedial works identified to be undertaken; provision of a CTMP; restriction on lorry deliveries during peak hours; wheel cleansing; restriction on deposited materials; on-site parking to be surfaced in a bound/block paved material; and no surface water to discharge onto the adopted highway.

A number of these requirements were requested at the outline stage and are already covered by conditions on the outline permission, e.g. a Construction Traffic Management Plan (CTMP). Other requirements can be controlled under the separate Highway legislation. As regards the requirement that the developer re-surface the existing Caerleon Road along the frontage of the site, this is not considered reasonable on this reserved matters application in planning terms, as it would fail to meet the tests for planning conditions. However, it is considered that further details of the new roadworks, including full engineering details and calculations, can be required as part of any permission, see Condition 2.

In respect of car parking, the submitted DAS acknowledges the requirements of the Council's Parking Standards, in line with Condition 13 of the outline consent. The DAS indicates that sufficient parking space for each property will be provided, along with cycle storage and covered cycle parking for the proposed apartments. However, the Council's Highways team raised some initial concerns, including issues relating to location of parking spaces and the number of visitor spaces. Following negotiations, an amended layout has been submitted which has re-positioned some of the proposed access drives/parking bays, and introduced a number of additional lay-by visitor spaces. Thus it is considered that the level of on-site parking provision for the proposed development is acceptable, particularly bearing in mind the sustainable location of the site.

Neighbouring and residential amenity

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Amenity Standards.

When assessing the outline application it was accepted that the introduction of an additional 70 dwellings on the site will clearly have some impact on the amenity of existing residents, not only from the general disturbance from the additional volume of traffic through the estate, but also in relation to issues of privacy, overshadowing or overbearing impact. It was acknowledged that this could only be fully assessed once the detailed plans were submitted with any subsequent reserved matters application. However, it was noted that the illustrative layout suggested that the proposed development could be accommodated on the site without any significant harm to neighbouring amenity and in line with current amenity guidelines. Condition 13 was attached to the outline permission, which requires consideration of residential amenity at the site to be in accordance with the Council's Supplementary Planning Guidance on Amenity Standards.

When assessing the proposed layout in relation to the likely impact on the neighbouring residents it is noted that it is the southern boundary of the site that lies immediately adjacent to the existing housing. Plots 40 to 49 on the proposed layout run adjacent the boundary with the existing houses on Caerleon Road, which, at this point, are aligned at right angles to the road. As such, it is the side elevations to No.s 23, 27, 33, and 41 Caerleon Road that face the application site, with a minimum distance to the rear elevations of the proposed dwellings being approximately 10m. This is in line with paragraph 5.11 of the Council's SPG on Amenity Standards. Whilst there will be some effect on the levels of privacy currently enjoyed by the neighbouring occupiers, primarily resulting from overlooking of rear gardens, the degree of impact will not be so significant as to justify a refusal of the application on these grounds. In addition the distance and position of the new dwellings to the north is such that there should be no adverse effect on overshadowing or of an overbearing impact.

The proposed plot 1 is also positioned close to houses on Criccieth Court but again there is no direct overlooking of habitable room windows and the distance from the side elevation to the nearest neighbour is approximately 13m. Again the location and distance of the new dwelling to the north means that there will be no adverse impact in relation to overshadowing or of any overbearing effect. It is also noted that the proposed layout shows the retention of an existing footpath link and driveway to the properties in this area.

Another location where the proposed dwellings are sited close to existing properties is to the north of the site, with plots 63-70 facing the existing houses at railway terrace. However, the distance between the properties will be over 30m and they are also separated by the railway line. As such there will be no significant adverse impact on neighbouring amenity.

Amenity Space

The residential amenity of the future occupiers of the proposed development must also be considered. It was noted on the initial layout that a number of plots did not meet the full standards outlined in the Council's Amenity Standards SPG. These included plots 26 to 30, 35, and 37 to 38, and related to privacy and the amount of private amenity space provided.

In the case of plots 26 to 28, it is noted that the distance between the rear elevations is only around 17 to 18m and not the 21m between opposing principal windows required by policy 4 of the SPG. However, this distance can be reduced where the elevations are at an angle. The properties in question are angled rather than directly facing, and although the distances are still slightly short of the SPG requirement, in this instance it is not considered that a refusal would be justified, particularly given that the impacts are within the development and relate to proposed dwellings (rather than impacts between existing and proposed dwellings)

It is noted that Plots 26 and 27 do not provide the required 10m minimum rear garden length, along with plots 30, 35, and 37 to 38, nor do they meet the private amenity space requirement outlined in policy 2. The developer has reviewed the rear garden areas for plots 26-30, 35 & 37-39 and made adjustments to the garden areas for plots 30, 35, 38 and 39. Plot 39 now meets the 10m suggested rear garden length, and the amount of amenity space for the other plots has been increased slightly. Thus, although there is still some shortfall, it is considered that the amount of private amenity space is not so unacceptable as to justify a refusal in this instance, particularly as any future occupiers should be fully aware of arrangements and the fact that the other dwellings within the site largely meet these standards

Noise

A particular concern in relation to the residential amenity of the future occupiers raised in the outline application related to the issue of potential noise problems resulting from the proximity of the site to the main railway line.

As a result Condition 7 was attached to the outline consent which requires the submission of a noise survey, and full details of measures to mitigate for the effect of noise and vibration from the main railway line and Cardiff Road to the north and west of the site. In addition Condition 14 relating to means of enclosure references the possible need for an acoustic fence, and the details to be agreed.

Policy MD7 of the LDP relates to Environmental Protection and requires that development proposals demonstrate that they will have no unacceptable impact on people, residential amenity, property and/or the natural environment, resulting from a variety of issues, including criterion 4 noise, vibration, odour nuisance and light pollution. TAN11-Noise is also relevant as the noise levels identified in the Environmental Noise and Vibration Survey submitted with the outline put the development into Noise Exposure Category (NEC) B.

The current reserved matters application is accompanied by an 'Environmental Noise & Vibration Surveys 3131/ENS2_Rev1', dated 7 July 2017, and a Boundary Plan, Drg. No. 5567/P/15 Rev C. The Council's Environmental Health section have commented on the submitted details, and confirmed that these are acceptable, noting that due to the changes in the layout from the illustrative proposals, an acoustic fence is not required.

Notwithstanding the above, it still remains necessary for these conditions to be discharged through a separate formal 'Application for approval of details reserved by condition'.

Ecology

A number of neighbour representations have raised concerns over the impact on the biodiversity of the site. The outline application was accompanied by an Extended Phase 1 Habitat Survey prepared by Soltys Brewster Ecology, which concluded that there was no evidence of protected species (with the exception of birds), and a limited range of habitat types, principally comprised of semi-improved neutral grassland with associated hedgerow and scrub boundaries.

Following consultation with NRW and the Council's Ecology team it was noted that no objections were raised, however, the advice indicated that the recommendations in Section 5 of the report be secured by condition. In addition, the Council's Ecology team highlighted the need to secure the implementation of a biodiversity enhancement scheme for the site. As such, Condition 8 was attached to the outline, which requires the reserved matters to pay full regard to the findings of the Extended Phase 1 Habitat Survey, prepared by Soltys Brewster Ecology, and to follow the recommendations in Section 5 of the report. In addition, full details are required of a scheme, including timescale's for implementation, for the enhancement of biodiversity on the site.

Policies MG21 and MD9 of the LDP relate to ecological interests, with MD9 seeking to promote biodiversity. The application is accompanied by an 'Ecological Management Plan' dated 6 September 2017, which is an amended report following the comments of the Council's Ecology team. The Ecology team have now confirmed that there is no objection to the application subject to the implementation of the methodology, commitments and recommendations set out in the ecology report and the commitments in the email from Asbri Planning dated 7 September 2017.

Notwithstanding the above, as with Condition 7 relating to the noise survey, it still remains necessary for this condition to be discharged through a separate formal 'Application for approval of details reserved by condition'.

Drainage and flood risk

In assessing the outline application, it was noted that local residents had referred to the often wet conditions of the site due to surface water, and the potential for flooding. In considering this reserved matters application it has already been noted that the western boundary of the site remains within a C2 Flood Risk Zone, and therefore NRW have been consulted. Once again NRW have confirmed that they have no objection to the application. They have reviewed the site layout plan submitted in support of the application and note that all built development continues to be located outside the flood outlines. As such they consider the risks and consequences are acceptable in this instance.

In respect of the proposed drainage of the site, following comments from Welsh Water and the Council's Drainage section, Condition 12 was attached to the outline permission requiring the submission and agreement of a scheme for the comprehensive and integrated drainage of the development site, including details of how foul water, surface water and land drainage will be dealt.

Drainage details have been submitted with the current reserved matters application, including, Drainage Strategy, Drg. No.s 16022-100 Rev B and 16022-101 Rev B, and the Surface Water Drainage Review dated 28 July 2017. The initial comments from the Council's Drainage section noted that the submitted drainage plan indicated that all surface water will be disposed of via an attenuation basin and a new connection into an existing public surface water sewer through private gardens. They confirmed that any connection to the public surface water sewer would require the approval of Welsh Water, and they should therefore be consulted on this application. Welsh Water have been consulted, however, they have not responded to date. Notwithstanding this, the Council's Drainage section's initial assessment noted that the submission was lacking certain information, including, no evidence of the identified soakaway tests have been submitted; hydraulic calculations; full engineering details of the proposed attenuation basin; no agreement from the SuDS Approval Body (SAB) is currently in place; and no management and maintenance plan that details the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime.

Although additional information has been submitted, the Council's Drainage section have advised that further information is still required on the surface water drainage system proposed for the site. As such, they cannot agree the details submitted to date towards the discharge of Condition 12. Notwithstanding this, as with a number of other conditions attached to the outline permission, it still remains necessary for this condition to be discharged through a separate formal 'Application for approval of details reserved by condition', and the required information can be submitted and assessed at that stage. It is not considered necessary therefore to delay the determination of this reserved matters application.

Compliance with the S106 Planning obligations

Aside from assessing the acceptability of the reserved matter details submitted with this application in relation to Council policy, national guidance, and the comments of the relevant statutory consultees, the Council must ensure that the proposed scheme complies with the planning obligations specified in the S106 legal agreement.

The outline application was assessed against Council's UDP policies at the time, national guidance, and the requirements of the Council's SPGs on Planning Obligations and Affordable Housing. Having considered the nature and scale of the development, the local circumstances and needs arising from the development, and what it would be reasonable to expect the developer to provide in light of the relevant national and local planning policies, the following planning obligations were included within the S106 legal agreement:-

- the provision of 40% affordable housing;
- a contribution of £3,719.13 per dwelling towards education;
- a contribution of £2,000 per dwelling towards sustainable transport to be used in the vicinity of the site;
- a contribution of £988.50 per dwelling towards community facilities;
- POS on site to meet the Council's standards (i.e. 19.72m per dwelling with the provision of at least 2 x LAPs). In the event where this is not met to pay a POS contribution of £760 for those dwellings not covered;
- a 20 year commuted sum towards the maintenance of the public open space, if the developer will seek to hand these areas to the Council; and
- provide public art on the site to the value of 1% of the project budget.

Affordable Housing

It is noted that in relation to Affordable Housing the S106 requires 40% of the units to be affordable, comprising 80% Social Rented Housing and 20% Intermediate Housing (being the favoured tenure split at the time) . The Social Rented Housing is defined within the agreement as 6 x 1 bedroom apartments; 14 x 2 bedroom houses; and 3 x 3 bedroom houses.

The submitted reserved matter details confirm that the proposed scheme accords with the S106 Affordable Housing requirements, with 42 No. of the total 70 No. units proposed being market houses and 28 No. socially rented, i.e. a total provision of 40% affordable units. The proposal indicates that 80% of the affordable housing provision will be socially rented, and the remaining 20% will be 2 bed intermediate housing. Furthermore, the Social Rented units will be made up of 26% or 6 x 1 bed apartments; 61% or 14 x 2 bedroom houses; and 13% or 3 x 3 bed houses.

The Council's Housing Strategy section have commented on the application confirming the need for additional affordable housing in the Vale, and more specifically within Dinas Powys. However, they suggest that the distribution of affordable housing could be more dispersed throughout the site in the interests of integration. It is agreed that there could be a wider dispersal of the affordable units, as they are all located to the west of the site. Despite this, the units are spread from the north to the south of the site and lie adjacent to the market housing. As such it is not considered that the proposed layout would have any significant harmful effect on integration.

Education

In relation to the education, the S106 agreement requires a contribution of £3,719.13 per dwelling towards educational provision. This was based on the Council's formula for calculating pupil demand as contained within the adopted Planning Obligations SPG, and the anticipated yield of children resulting from the development. As calculated within the outline application, the nursery level requirement is £101,242.82, the primary level is £159,095.86, no contribution required for secondary level, being a total of £260,338.68. This will be payable within 30 days of the commencement of development.

Sustainable Transport

The S106 agreement requires a contribution of £2,000 per dwelling towards sustainable transport to be used in the vicinity of the site. This equates to £140,000 for the 70 No. units now proposed in this reserved matters application. This will be payable within 30 days of the commencement of development.

As indicated in the outline application, this contribution is considered to be additional to the separate requirements for mitigation for the impact of the development on the main Cardiff Road junction, within the Travel Plan.

Community Facilities

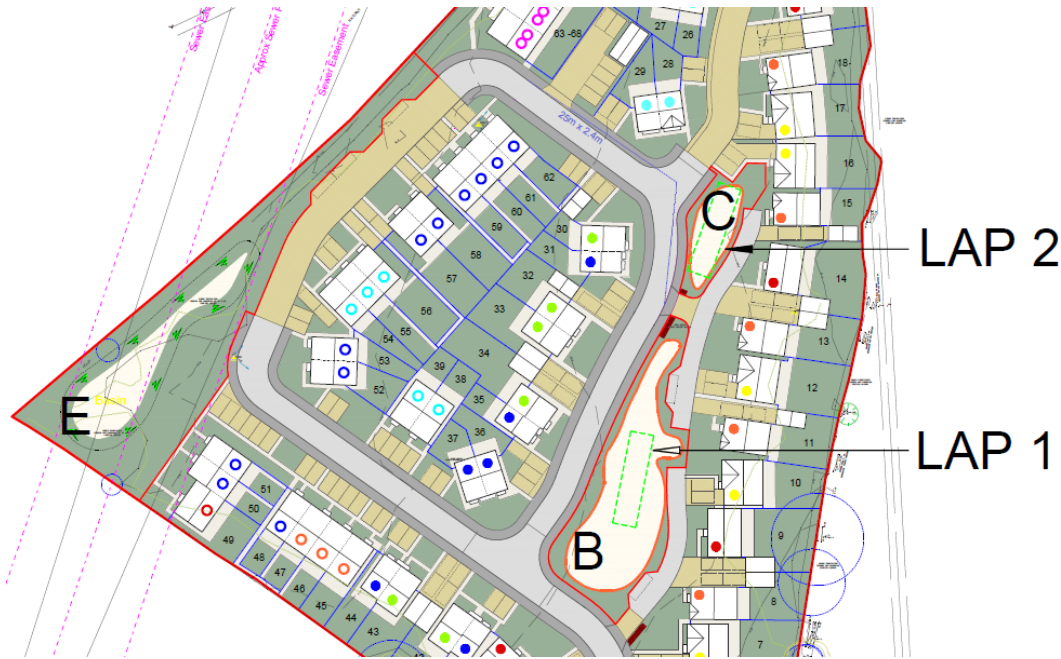
The contribution towards community facilities required by the S106 agreement is £988.50 per dwelling. Based on the proposed scheme of 70 dwellings, this amounts to £69,195, and will be payable before the first occupation of the first dwelling on the site.

Public Open Space

When assessing the outline application it was noted that some of the POS/play areas were identified as off-site, and there was a deficit of 880.4sqm of open space shown on the illustrative layout plan. Despite this it is expected that the development should meet the required level of open space/play areas within the site. As such, in relation to the Public Open Space (POS) requirement, the S106 agreement refers to an on-site provision of 19.72m per dwelling with at least 2 x LAPs. This equates to a total on site provision of 1,380.4sqm of POS. In the event where this is not met the developer is required to pay a POS contribution of £760 for those dwellings not covered. Further, a 20 year commuted sum towards the maintenance of the public open space is required if the developer seeks to hand these areas to the Council.

Concerns were raised over the initial layout plan in relation to the quantum and usability of the POS and, what appeared to be, the provision of only one LAP. The applicants have subsequently submitted an amended plan which indicates a total provision of POS of 3906 sq m and two LAPs, each having a 100sqm Activity Zone,

The developers have indicated that early discussions with the Council's Parks department indicated a preference for a single LAP within the site which could reduce annually maintenance fees. However, the S106 agreement requires the provision of two LAPS within the site, one within open space area B and the other within area C, as shown below.



The S106 requires that 19.72 sq m of POS be provided for each dwelling which for 70 units equates to 1380 sq m . The developers have shown on the above plan that the total area of POS equates to 3906 sq m, and 2160 sq m if you exclude the dry basin area. The areas of POS are broken down to include, area A at entrance-507 sq m; area B with LAP1-911sqm; area C with LAP2-267sqm; area D north corner of site-385 sq m.

Thus, even if the further drainage details required to be discharged under Condition 12 demonstrated that the dry basin area E would not be practicably useable as POS, the site as a whole would still meet the S106 requirement.

As regards the arrangement of the LAPs, the equipment and enclosure, these are not finalised but the agreement of full details can be secured by condition, see Condition 7.

Public Art

As already noted the S106 agreement requires the developer provide public art on the site to the value of 1% of the project budget. It is noted that to date no such provision is indicated within the submitted details. However, there is still scope for such provision to be included within the development, particularly within the POS and play areas.

Other issues

Condition 9 of the outline consent requires the submission and agreement of a Construction Traffic Management Plan (CTMP), while Condition 10 requires the submission and agreement of a Construction Environmental Management Plan (CEMP). The applicant has submitted a joint 'Construction Environmental and Traffic Management Plan dated June 2017.

To date no comments have been received from the Council's Highway section on the CTMP, however, the Council's Environmental Health section have submitted comments on the CEMP. They note that the proposed working hours of 7:30am to 6:00pm Monday to Friday and 7:30am to 2:00pm on Saturdays, are not acceptable. They advise that all works including deliveries should be carried out during the hours Monday – Friday 8:00 until 18:00, Saturday 8:00 until 13:00, with no Sunday or Bank Holiday working. Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works these operations shall be restricted to Monday – Friday 8:30 until 17:30, and Saturday and Sunday no works. These requirements can be included within a revised CEMP which will be required to be submitted in order to discharge Condition 10.

In view of the above the following recommendation is made.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan, Drg. No. 5567/P/01, received 10 July 2017;
 - Existing Site Plan, Drg. No. 5567/P/05, received 10 July 2017;
 - Proposed Site Plan, Drg. No. 5567/P/10 Rev T, amended plan received 14 November 2017;
 - Floor Plan: Hatton End/Mid, Drg. No. 5567/P/200 Rev A, received 17 July 2017;
 - Floor Plan: Pemberton, Drg. No. 5567/P/201, received 17 July 2017;
 - Floor Plan: Holmewood, Drg. No. 5567/P/202 Rev A, received 17 July 2017;
 - Floor Plan: Kirkwood, Drg. No. 5567/P/203 Rev A, received 17 July 2017;
 - Floor Plan: Chelmsford, Drg. No. 5567/P/204 Rev B, received 17 July 2017;
 - Floor Plan: Hareford, Drg. No. 5567/P/205 Rev B, amended plan received 12 October 2017;
 - Floor Plan: Lindford, Drg. No. 5567/P/206 Rev B, received 17 July 2017;
 - Floor Plan: 2Bed End/Mid House LCHO, Drg. No. 5567/P/207 Rev B, received 17 July 2017;
 - Floor Plan: 1Bed Flats Aff'd Rent, Drg. No. 5567/P/208 Rev A, received 17 July 2017;
 - Floor Plan: 2Bed End/Mid Aff'd Rent, Drg. No. 5567/P/209 Rev C, received 17 July 2017;
 - Floor Plan: 3Bed End/Mid House Aff'd Rent, Drg. No. 5567/P/210 Rev B, received 17 July 2017;
 - Floor Plan: 4Bed House Aff'd Rent, Drg. No. 5567/P/211 Rev B, received 17 July 2017;
 - Floor Plan: Garages, Drg. No. 5567/P/212 Rev A, received 17 July 2017;
 - Elevations: Hatton End/Mid, Drg. No. 5567/P/700 Rev B, received 17 July 2017;

- Elevations: Pemberton, Drg. No. 5567/P/701 Rev B, received 17 July 2017;
- Elevations: Holmewood, Drg. No. 5567/P/702 Rev B, received 17 July 2017;
- Elevations: Kirkwood, Drg. No. 5567/P/703 Rev B, received 17 July 2017;
- Elevations: Chelmsford, Drg. No. 5567/P/704 Rev C, received 17 July 2017;
- Elevations: Hareford, Drg. No. 5567/P/705 Rev C, amended plan received 12 October 2017;
- Elevations: Lindford, Drg. No. 5567/P/706 Rev A, received 17 July 2017;
- Elevations: 2Bed End/Mid, Drg. No. 5567/P/707 Rev A, received 17 July 2017;

- Elevations: 1Bed Flats Aff'd Rent, Drg. No. 5567/P/708 Rev A, received 17 July 2017;
- Elevations: 2Bed End/Mid, Drg. No. 5567/P/709 Rev A, received 17 July 2017;
- Elevations: 3Bed End/Mid, Drg. No. 5567/P/710 Rev A, received 17 July 2017;
- Elevations: 4bed House Aff'd Rent, Drg. No. 5567/P/711 Rev A, received 17 July 2017;
- Elevations: Hatton End/Mid (Render), Drg. No. 5567/P/712 Rev A, received 17 July 2017;
- Elevations: Pemberton (Render), Drg. No. 5567/P/713 Rev A, received 17 July 2017;
- Elevations: Holmewood (Render), Drg. No. 5567/P/714 Rev A, received 17 July 2017;
- Elevations: Chelmsford (Render), Drg. No. 5567/P/715 Rev A, received 17 July 2017;
- Elevations: Hareford (Render), Drg. No. 5567/P/716 Rev A, amended plan received 12 October 2017;
- Elevations: Lindford (Render), Drg. No. 5567/P/717 Rev A, received 17 July 2017;
- Elevations: Garages, Drg. No. 5567/P/718 Rev A, received 17 July 2017;
- Indicative street scenes and site section, Drg. No. 5567/P/750 Rev A, amended plan received 12 October 2017;
- Proposed Boundary Plan, Drg. No. 5567/P/15 Rev C, received 10 July 2017;
- Proposed Finishing Materials Plan, Drg. No. 5567/P/16 Rev B, received 17 July 2017;
- Materials Swatch, received 8 August 2017;
- POS/LAP Area, Drg. No. DP-304-01, amended plan received 12 October 2017;
- Play Area Proposal, Drg. No. PR121273-10, received 17 July 2017;
- Landscape Proposals, Drg. No. PR121273-11C sheets 1-3, amended plans received 12 October 2017;
- Soft Landscape Specification, prepared by ACD Environmental, Ref: PR121273spec Rev A, received 17 July 2017;
- Soft Landscape Management and Maintenance Plan, prepared by ACD Environmental, Ref: PR121273man Rev B, amended plan received 12 October 2017;
- Vehicle Tracking, Drg. No. 16022-150 Rev A, received 17 July 2017;

- Levels Strategy Sheet 1 of 2, Drg. No. 16022-102 Rev B, received 17 July 2017;
- Levels Strategy Sheet 2 of 2, Drg. No. 16022-103 Rev B, received 17 July 2017;
- Planning Statement, prepared by Asbri Planning, dated July 2017, received 17 July 2017;
- Design and Access Statement, prepared by Asbri Planning, dated July 2017, received 17 July 2017; and
- Geotechnical & Geo-Environmental Report prepared by Terra Firma, dated April 2017, received 10 August 2017.

Reason:

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

2. Notwithstanding the submitted plans, full engineering details and associated calculations of the proposed highway works, incorporating vision splays, street lighting, road signs, surface water drainage strategy and any retaining structures retaining or adjacent to the highway/public open space, which shall be in general accord with the Proposed Site Plan, Drg. No. 5567/P/10 Rev T, shall be submitted to and agreed in writing with the Local Planning Authority before their implementation on site. The development shall be completed thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policy MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

3. The approved access, internal road layout and car parking provision, including private curtilage parking and on road bays (as identified on Drg. No. 5567/P/10 Rev T) shall be completed before the occupation of the residential units that they serve. The car parking provision shall thereafter be retained and maintained for use exclusively in connection with the residential units that they serve, and the wider development in relation to visitor spaces.

Reason:

To ensure adequate access and parking is provided and maintained in the interests of highway safety in accordance with Policies MD2-Design of New Development and MD5-Development within Settlement Boundaries of the Local Development Plan.

4. Notwithstanding the submitted plans, further details of the landscaping of the site, which shall provide full details of the proposed enhanced hedgerow boundaries, and further consideration of the proposed species in line with the Council's Landscape comments, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of the rural setting of the site on its eastern boundary, in accordance with Policies SP10-Built and Natural Environment, MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area in accordance with Policies SP10-Built and Natural Environment, MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

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

Reason:

To ensure the existing trees/hedgerows to be retained are safeguarded and in the interests of visual amenity and the character and appearance of the rural setting of the site on its eastern boundary, in accordance with Policies SP10-Built and Natural Environment, MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

7. Notwithstanding the submitted plans, before their installation on site, further details of the play areas, including equipment and enclosure, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual and neighbouring amenity, and the adequate and safe provision of public open space/play areas, in accordance with Policies MG28-Public Open Space Allocations, MD2-Design of New Development, MD3-Provision of Open Space, MD4-Community Infrastructure and Planning Obligations, and MD5-Development within Settlement Boundaries of the Local Development Plan.

8. Each of the public open space/play areas shall be laid out and completed in accordance with the agreed details before the first beneficial occupation of any of the dwellings directly adjoining or overlooking the public open space areas (for the avoidance of doubt, Plots 1-16; 20-37; 40-42; 49-55; and 70).

Reason:

In the interests of visual and neighbouring amenity, and the adequate provision of public open space/play areas, in accordance with Policies MG28-Public Open Space Allocations, MD2-Design of New Development, MD3-Provision of Open Space, MD4-Community Infrastructure and Planning Obligations, and MD5-Development within Settlement Boundaries of the Local Development Plan.

REASON FOR RECOMMENDATION

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

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

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4-Affordable Housing Provision, SP7-Transportation, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG2-Housing Allocations, MG4-Affordable Housing, MG18-Green Wedges, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD2-Design of New Development, MD3-Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection, and MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Biodiversity and Development, Design in the Landscape, Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art,

Sustainable Development, and Trees and Development; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Studies, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN11-Noise, TAN12-Design, TAN15-Development and Flood Risk, TAN16-Sport, Recreation and Open Space, and TAN18-Transport, it is considered that the proposal represents an acceptable and sustainable form of residential development that should have no significant adverse impact on the character and appearance of the area, highway safety, neighbouring and general amenities, and other issues such as ecology, and flood risk.

The proposal is therefore in line with the outline permission and the requirements of the S106 legal agreement, and complies with the relevant national planning policies and supplementary planning guidance.

NOTE:

- 1. The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 4. The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
- 5. The developer should be aware that the site lies adjacent to/partially within Zone C2 as defined by the Development Advice Map (DAM) under TAN15-Development and Flood Risk. There is therefore the potential for flood risk where Natural Resources Wales offer advice on the installation of flood-proofing measures as part of the development, which can be found in their Floodline publication 'Damage Limitation' www.naturalresourceswales.gov.uk.**
- 6. The developer is reminded of the responsibilities associated with working adjacent to the neighbouring railway line and Network Rail's land. In order to mitigate the risks involved the developer is advised to contact Network Rail's Asset Protection Wales Team on assetprotectionwalesnetworkrail.co.uk.**

- 7. The developer should be aware that the neighbouring East Brook is scheduled as a statutory main river, and as such a flood defence consent may be required. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, 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. You are advised to contact the Council's drainage engineer for further information, crmoon@valeofglamorgan.gov.uk.**

- 8. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, 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.

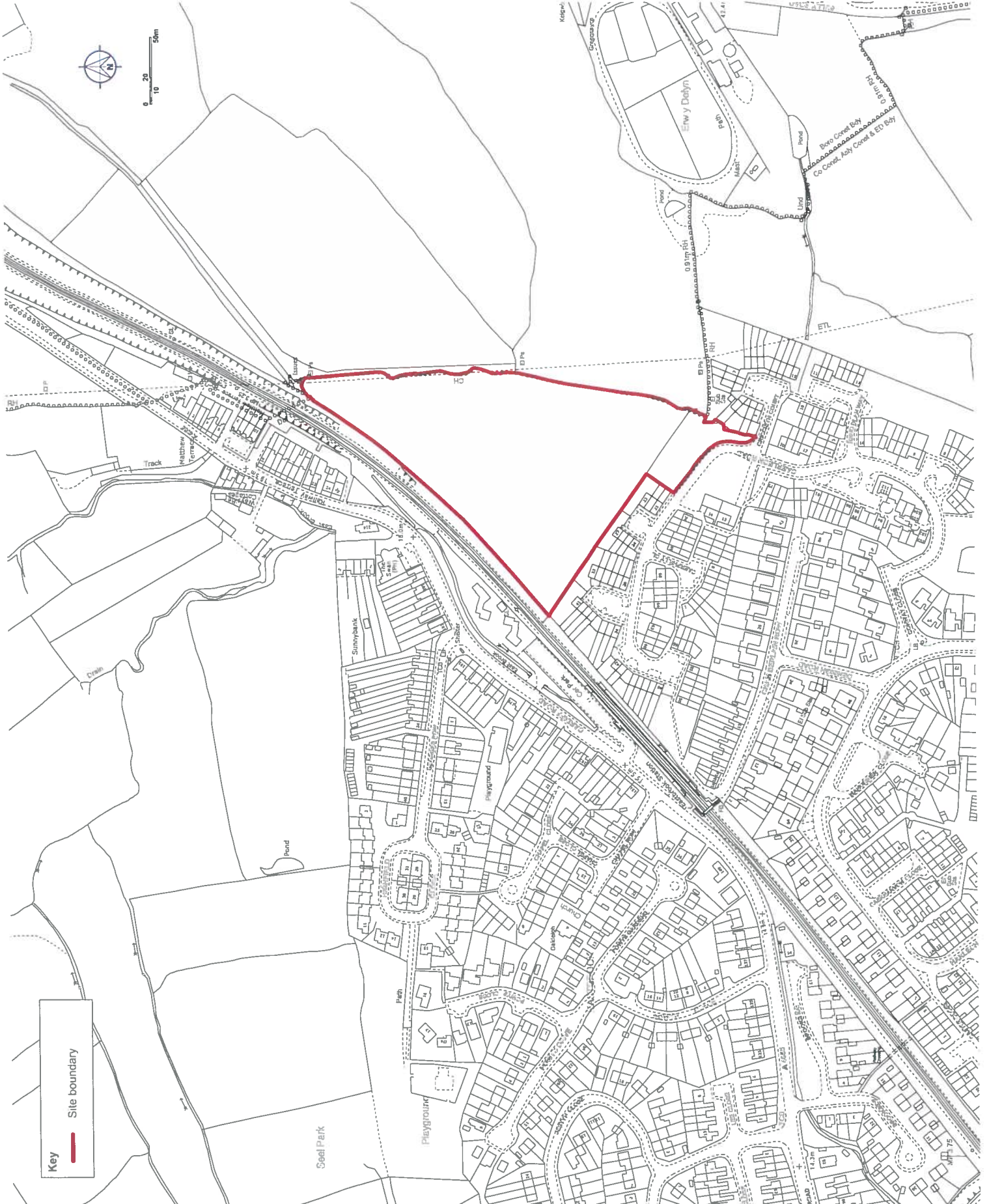
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

NOTES

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REVISIONS

REV DATE DRAWN CHECKED NOTE
- 23.01.17 - DC - RJF
Drawing created.



Key

— Site boundary

DRAWING TITLE

Site Location Plan

PROJECT

Caerleon Road, Dinas Powys

CLIENT

Kier Living

SCALE 1:1250@A3

DATE Jan 2017



DRAWING NO. 5567/P/01

REV

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Jan 2017
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2017/01029/FUL Received on 2 October 2017

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Homemade Wales, 5, Island Road, Barry

Change of use from an A1 Shop to D2 Magicians Theatre

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr. Nic Hodges.

EXECUTIVE SUMMARY

The site relates to 5, Island Road – formerly known as Homemade Wales. The unit is located on a one-way street off Broad Street and is situated within the designated High Street / Broad Street District Retail Centre as part of the secondary frontage. The unit is located within the Barry settlement boundary.

The application seeks permission for a change of use from an A1 retail unit to a D2 Magician's Theatre.

The main considerations for this application are: the principle of the change of use to a magician's theatre involving the loss of an A1 use in a retail centre, the impact upon the amenity of neighbouring residential properties and the impact upon parking provision.

Having regard to the above issues and consultation responses received, it is recommended that the application be REFUSED.

SITE AND CONTEXT

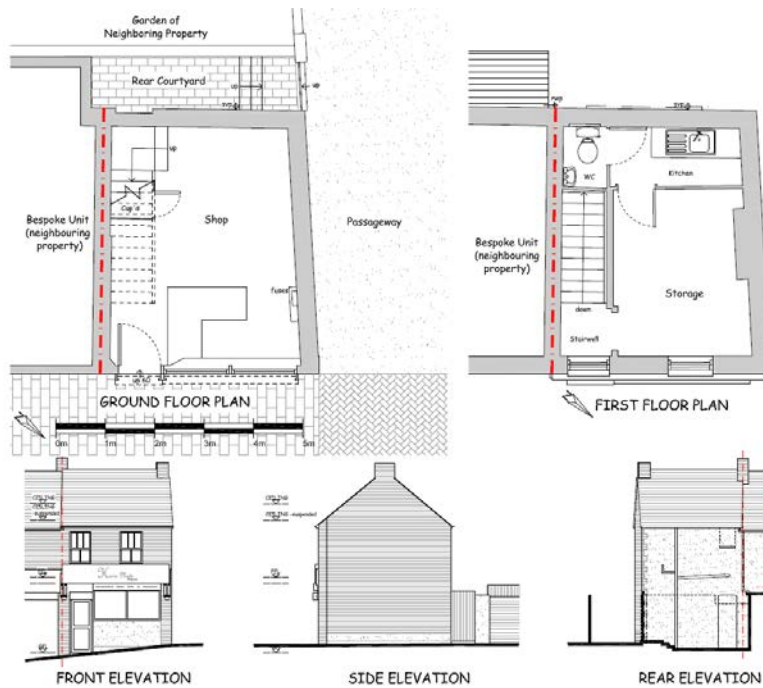
The site is 5, Island Road – formerly known as Homemade Wales. The unit is located on a one-way street between High Street and Broad Street and is situated within the designated High Street / Broad Street District Retail Centre as part of the secondary frontage. The unit is located within the Barry settlement boundary.



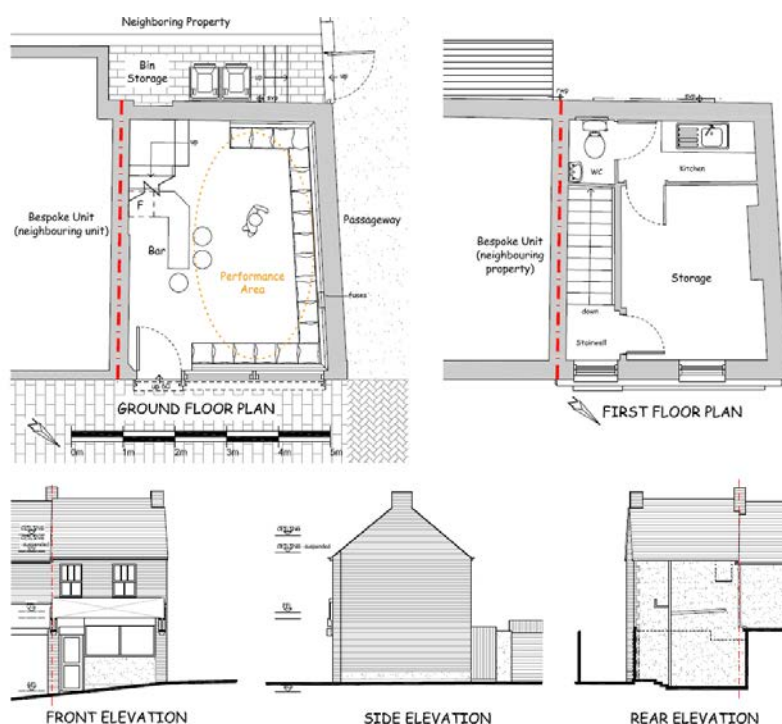
DESCRIPTION OF DEVELOPMENT

The application seeks permission for a change of use from an A1 Retail unit to a D2 Magicians Theatre. No alterations are proposed to the external frontage and internally, the unit would maintain a very similar layout.

Existing:



Proposed:



PLANNING HISTORY

The application site has no planning history of relevance.

CONSULTATIONS

Barry Town Council were consulted and provided the following comments: *“No objection, subject to a condition restricting the use to magicians theatre rather than an open D2 consent.”*

Iltyd Ward Members were consulted and to date, no comments have been received.

Highway Development were consulted and provided the following comments: *“Further to reviewing the above, it is considered that the proposals would be ancillary to the adjacent area. As a result, an objection in relation to the highway and transportation aspect of the development is not raised in this instance.”*

Environmental Health (Pollution) were consulted and have provided comments in respect of hours of opening, sale of alcohol and the nature of the D2 use proposed.

Dwr Cymru Welsh Water have provided general comments in respect of the drainage of the site. No objection is raised.

Theatres Trust were consulted on 13 November 2017. To date, no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 5 October 2017.

A site notice was also displayed on 17 October 2017.

No representations have been received to date. Some media outlets have made enquiries regarding the status of the application and queried the policy basis for the assessment of the application.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP6 – RETAIL

Managing Growth Policies:

POLICY MG12 – RETAIL HIERARCHY
POLICY MG14 – NON A1 RETAIL USES WITHIN TOWN AND DISTRICT
RETAIL CENTRES

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

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

Planning Policy Wales:

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

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

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

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

- Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
- Sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness; and*
- Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.”*

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 4 – Retail and Commercial Development (2016)

9.7 Changes of use can create new concentrations of single uses, such as take away food outlets, where the cumulative effects can cause local problems. Such proposals should be assessed against the development plan policies, on their contribution to diversification of the retail and commercial centre and on the cumulative effects on matters such as parking and local residential amenity.

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

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

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

- Town and District Retail Centre Appraisal (2013 Update) (Also see LDP Hearing Session 15, Action Point 4 response)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

In summary, the following are the key points about the proposed use, as advised by the applicant:

- Proposed operating hours: 08.00 -23.00
- Maximum capacity of the theatre space on the ground floor seated: 20
- Performances would be on an ad -hoc basis (the applicant indicated verbally that performances would be 3-4 times a month). Private hire will be an option.

- Alcohol would be sold only when events are on and in conjunction with a premises licence.
- The performers would vary from week to week. There will be a maximum of two staff.

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

Principle of the proposed change of use

As aforementioned, Technical Advice Note 4 states that changes of use proposals should be “*assessed against the development plan policies, on their contribution to diversification of the retail and commercial centre and on the cumulative effects on matters such as parking and local residential amenity*”.

Local Development Plan Policy MG12- Retail Hierarchy sets out the hierarchy of retail centres within the Vale, and this is based upon the availability of retail provision. The designations have been defined where there is a sufficient concentration of retail activity such it that cumulatively comprises a 'centre'. The application site sits within the District Retail Centre on High Street / Broad Street for the purpose of this policy. As a consequence, the other principal relevant policy in this instance is Policy MG14- Non A1 Retail Uses within Town and District Retail Centres, which seeks to protect the retail function within these centres.

Policy MG14 outlines the following requirements (in respect of Town and District Centres): -

PROPOSALS FOR NON-A1 RETAIL USES AT GROUND FLOOR LEVEL WITHIN THE TOWN AND THE DISTRICT CENTRES WILL BE PERMITTED WHERE:

- 1. THEY WOULD NOT RESULT IN MORE THAN 35% OF NON A1 RETAIL USES WITHIN THE PRIMARY SHOPPING FRONTAGE;*
- 2. THEY WOULD NOT RESULT IN MORE THAN 50% OF NON A1 RETAIL USES WITHIN THE SECONDARY SHOPPING FRONTAGE;*
- 3. THEY WOULD NOT CREATE AN OVER CONCENTRATION OF NON A1 RETAIL USES WITHIN THE CENTRE;*
- 4. THEY COMPLEMENT THE CHARACTER OF THE EXISTING CENTRE, BENEFIT THE DAYTIME ECONOMY AND MAINTAIN AN ATTRACTIVE SHOP FRONTAGE; AND*
- 5. THEY WOULD NOT PREVENT THE BENEFICIAL USE OR REUSE OF UPPER FLOORS.*

WITHIN THE TOWN AND DISTRICT RETAIL CENTRE BOUNDARIES, PROPOSALS FOR THE CONVERSION OF A GROUND FLOOR EXISTING A1 UNIT TO A NON-A1 USE WILL ONLY BE PERMITTED WHERE IT CAN BE DEMONSTRATED THAT THE UNIT HAS BEEN APPROPRIATELY MARKETED AND THAT THE PROPOSED USE WOULD HAVE NO UNACCEPTABLE IMPACT ON THE ROLE AND FUNCTION OF THE RETAIL CENTRE.

The LDP notes that the range and mix of uses within town and district retail centres will be carefully managed and controlled to ensure continued vitality, viability and attractiveness for the centre. It is considered that this approach is consistent with the aims of PPW and TAN 4, whereby the latter in particular emphasises the importance of maintaining vibrant centres.

Criterion 2 of Policy MG 14 relates specifically to secondary frontages and states, in summary, that non A1 uses will be permitted where the percentage of non A1 uses would be greater than 50%. The purpose of this criterion (which is already more flexible than criterion 1 which relates to primary frontages) is to ensure that the retail function of secondary frontages is not harmfully undermined. It is noted that TAN 4 encourages a diversity of uses to support the retail function in such centres, particularly in secondary frontages, and it is considered that Policy MG14 accords with this approach. Setting the bar at 50% gives significant scope for appropriate non A1 uses to support and supplement retail activity, however, it is considered that further loss of A1 activity below this level would be harmful to the retail centre.

From a recent survey of the current units in the district centre, it is evident that more than 50% of the Secondary Frontage of the District Centre is currently made up of non A1 uses. Specifically at present 46% of uses in the centre's secondary frontage are A1. The 46% comprises 38 units, of which 3 are vacant, out of a total 83 units. . While the A1 proportion of the secondary frontage is already under 50%, the retail function remains strong enough that it should still be protected. The conversion of this A1 unit to a D2 unit would exacerbate the existing distribution in favour of non-A1 uses and therefore it does not comply with the second requirement of policy MG14.

Island Road is a one way street which leads from High Street to Broad Street and it has seven commercial units fronting the street. Of these, six are A1, whilst the other is an A3 diner The map below shows the distribution of use classes on Island Road and adjoining streets:



While Broad Street for example is characterised by a relatively high proportion of A2 and A3 uses, it is evident that Island Road retains a reasonably strong A1 core. In the context of the centre as a whole, where already 54% of uses are non-A1, it is considered particularly important to retain that retail function in the areas where it is strongest, and to avoid a gradual erosion of the A1 uses (in areas such as Island Road) which would be harmful to the retail centre as a whole.

It is considered that the proposed change of use, which would exacerbate the existing shortfall below the 50% threshold, would contribute harmfully to an over-concentration of non A1 uses, contrary to criterion 3 of Policy MG 14 and to the detriment of the character of the retail centre.

Policy MG14 also states that proposals for non A1 retail uses within the Town and District Centres will be permitted where they would *“benefit the daytime economy and maintain an attractive shop frontage”*. Details with regards to shop frontage will be discussed in the visual impact section, however, the theatre would run on an ad-hoc basis (with performances taking place 3 or 4 times a month) which would therefore suggest that for much of the day (or for whole days/periods of days), the unit would be closed. Therefore, the proposed Magician’s Theatre would not benefit the daytime economy of the District Centre and would not maintain an attractive and active shop frontage. In this respect it is considered that the proposed use would harm the vitality and attractiveness of the Centre, contrary to criterion 4 of Policy MG14.

Notwithstanding this, part two of Policy MG14 requires proposals for the conversion of a ground floor existing A1 unit to a non-A1 use to demonstrate that appropriate marketing (for A1 use) has taken place. Therefore, additional information was requested to demonstrate that the unit has been appropriately marketed as an A1 unit for a continuous period of at least 12 months. It may be the case that some properties are no longer viable as commercial units within retail centres, however, the onus is on an applicant to provide information to clearly justify the development in terms of viability.

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

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

Information submitted from the applicant's agent demonstrates that the unit has not been marketed, given that the applicant does not own the unit but instead leases the unit. The unit was previously occupied by 'Homemade Wales', which officers are advised will be moving to a new unit on High Street. The agent has highlighted that the LDP background paper for the Town and District Retail Centre Appraisal identifies a lack of leisure premises in this retail area and that this application would assist in addressing this issue. However, in the visitor survey which is widely quoted in the background paper, the most common response to missing leisure facilities was a cinema (67%) followed by a theatre (13%) and a bowling alley (13%). The background paper also notes that there is already a theatre in Barry at the Memorial Hall and "*therefore the prospects of a second theatre locating in the town are remote*" (pa. 2.22, p. 9). The size and nature of the theatre proposed, providing performances on an infrequent basis, would have a limited effect in terms of meeting visitor demand for a theatre in Barry.

In conclusion, given the absence of a marketing campaign, it is considered that insufficient evidence has been submitted to justify the loss of the A1 unit. It is considered that the unjustified loss of this unit to an alternative use that would make very limited contribution to commercial activity would unacceptably detract from the retail function of the District centre. The issue is exacerbated by the fact that at present there is already a higher percentage of non-A1 uses within the District centre. Part 2 of the policy still requires an assessment of whether the development would in any case result in an overconcentration of non-A1 uses that is detrimental to the vitality and attractiveness of the centre. In this case, it is considered that the loss of daytime commercial activity in this unit, taken together with the percentage of non-A1 uses that would result, would be harmful to the retail centre.

The proposal is therefore contrary to Policy MD2 (criteria 1 and 2), policy SP1 (introductory paragraph and criterion 3) and policy MG14- Non A1 retail uses within Town and District retail centres (criteria 2, 3, 4 and part 2) of the Adopted Local Development Plan 2011-2026 and the advice and guidance set out in Paragraphs 10.2.8 and 10.3.10 of Planning Policy Wales (9th Edition). Notwithstanding this, the other key considerations are assessed below.

Visual impact

The proposed shop frontage would mostly remain as existing, albeit with the removal of the existing signage and consequently it is considered that there would be no detrimental impact on the appearance of the streetscene.

However, at present, the shop has an external shutter. Whilst the opening hours of the theatre are proposed as 8am to 11pm, the unit would only be used for events on an ad-hoc basis. During periods where the unit is not used for performances, the aim is to use it as a 'rehearsal space'. During the daytime, the agent has stated that the shutters are to remain open. However, should the external shutters be closed during periods in which the unit is not being used (an issue which would be very difficult to enforce), it is considered that this would represent a dead frontage to the street and would have a negative impact on the appearance of the streetscene, to the detriment of the vitality and character of the District Centre.

Parking and Highway Safety

The Council's SPG on Parking Standards (Interactive Parking Standards Zones Map) sets the Council's parking standards and identifies that Island Road falls within zone 2. The existing standards specify a need for one commercial space and one parking space for the A1 use. As detailed in the Access Statement which accompanies this application, the standards require one commercial space and one space per 8m². Therefore, based on a ground floor area of 25.0m², the proposals would normally require 3 spaces, plus 1 commercial space to be provided.

Zone 2 is characterised in the Parking Standards SPG as an area with a full range of retail activity which is also the focus of the local bus network and whilst there are significant parking restrictions there is substantial amounts of off-street parking available to members of the public. Therefore, in accordance with the Council's Parking Standards SPG, based on the number of sustainability points acquired due to its sustainable location, the parking is reduced to 2 car parking spaces plus 1 commercial space – which represents one extra car parking space to that which is needed for the existing A1 use. Therefore, whilst it is noted that the proposals would result in an increase in demand for parking, given the location of the unit in an area in close proximity to sustainable modes of transport (bus, train etc.) it is considered that the proposals would not result in a detrimental impact on parking in the area.

Impact on neighbours

As aforementioned, externally there are very little changes proposed to the building. To the front, the frontage is to remain, although the signage would be removed. To the rear, the courtyard is to be used for bin storage. Given that there are no additions proposed to the building, it is considered that there would be no detrimental impact to neighbouring amenities as a consequence of changes to the fabric of the building. Should the development have been considered acceptable in principle, it would have been necessary to consider whether any noise mitigation measures would be necessary, however, in principle it is considered that the use itself is unlikely to result in a level of noise and disturbance that would not be adequately controlled by hours of operation and/or noise mitigation conditions.

RECOMMENDATION

REFUSE (W.R.)

1. The proposal would result in the loss of an A1 use, without appropriate justification in terms of marketing or the viability of the use, and this would in turn unacceptably impact upon the vitality and retail function of the Broad Street/High Street district retail centre. The principle of the development is therefore considered unacceptable and contrary to Policies SP1- Delivering the Strategy, MG14- Non A1 Retail Uses within Town and District Retail Centres, and MD2- Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice and guidance set out in Planning Policy Wales, (Edition 9).

REASON FOR RECOMMENDATION

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

Number R313-00 A4

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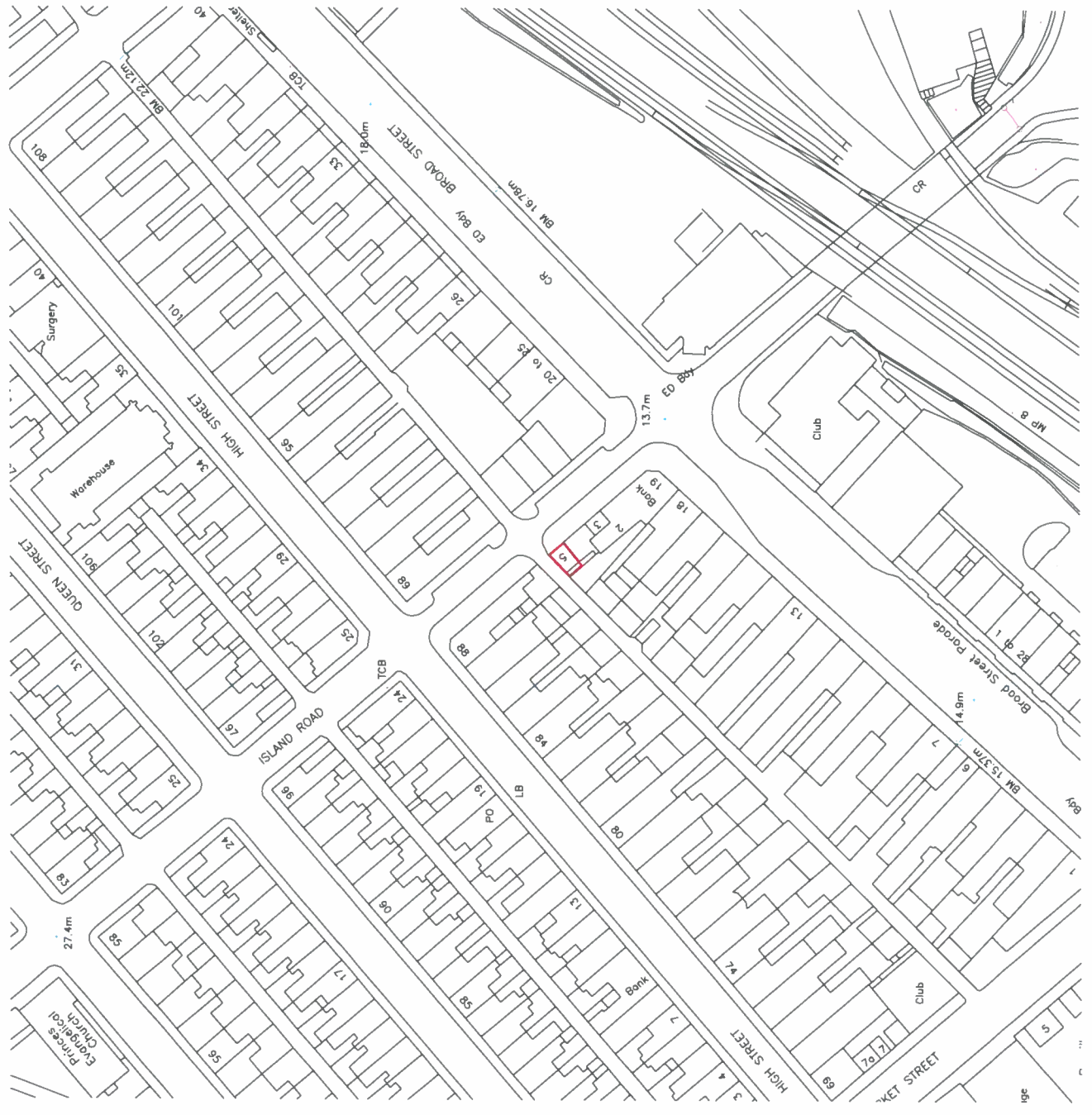
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