

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 SEPTEMBER, 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:

2017/0696/BN	A	39, Highwalls Avenue, Dinas Powys	Re-slate roof
2017/0711/BN	A	1, The Old Yard, Bromfield Place, Penarth	Single storey brick extension to replace current glass conservatory
2017/0715/BN	A	25, Queens Road, Penarth	Removal and replacement of whole annexe roof structure including new trusses, insulation and ventilation. Also works to main roof
2017/0716/BN	A	2A ,Whitewell Road, Barry	Pitched roofing, loft insulation, fascias/soffits, gutters and downpipes and external decoration
2017/0717/BN	A	5,Whitewell Road, Barry	Pitched roofing, chimney, cavity wall tie renewal and windows
2017/0718/BN	A	14 ,Whitewell Road, Barry	Pitched roof, chimney, loft insulation, fascias/soffits, gutters and downpipes, flat roofing. cavity wall tie renewal, external wall insulation and windows
2017/0719/BN	A	18, Whitewell Road, Barry	Pitched roofing, chimney, loft insulation, fascias/soffits, gutters and downpipes, external decoration and windows

2017/0720/BN	A	30 ,Whitewell Road, Barry	Pitched roofing, chimney, fascias/soffits, gutters and downpipes, external decoration and windows
2017/0721/BN	A	54,Whitewell Road, Barry	Pitched roofing, chimney, fascias/soffits, gutters and downpipes, external decoration and windows
2017/0722/BN	A	56,Whitewell Road, Barry	Pitched roofing, chimney, fascias/soffits, gutter and downpipes, external decoration , windows, lintels and outbuilding roof
2017/0723/BN	A	62 ,Whitewell Road, Barry	Pitched roofing, chimney, loft insulation, fascias /soffits, gutters and downpipes, external decoration, property windows, lintels, and outbuilding roofing
2017/0724/BN	A	74 ,Whitewell Road, Barry	pitched roofing, chimney, loft insulation, fascia /soffits, gutters and downpipes, cavity wall insulation, windows and outbuilding roofing
2017/0725/BN	A	76 ,Whitewell Road, Barry	Pitched roofing, chimney, fascias/soffits, gutter and downpipes, cavity wall insulation, flat roofing and outbuilding roofing
2017/0726/BN	A	60, Holton Road, Barry	Commercial renewal area grant works - roof to front, windows, shopfront and structural pinning
2017/0731/BN	A	7, Caradoc Avenue, Barry	Disabled adaptation - converting a ground floor utility room into a shower room. The part wall dividing the location is to be removed
2017/0733/BN	A	49, Cae Canol, Penarth	Proposed internal structural alterations to ground floor

2017/0734/BN	A	9, Lower Cwrt Y Vil Road, Penarth	Proposed structural remedial works to front balcony comprising removal of defective supports, and replacement with new designed support.
2017/0737/BN	A	16, Plas Pamir, Penarth	Removal of internal non-weight bearing wall to create an open plan kitchen area
2017/0738/BN	A	254, Barry Road, Barry	Steel beam X 2 to kitchen (1 to replace concrete lintel and 1 new) and removal of part wall between kitchen and front room
2017/0741/BN	A	22, Bron Awelon, Barry	Rear single storey kitchen extension with w.c. and conversion of integral garage to sitting room
2017/0742/BN	A	6, St. Cyres Road, Penarth	Forming an opening in an existing load bearing wall between kitchen and dining room
2017/0745/BR	AC	14, Laburnum Way, Penarth	Conversion of ground floor dining room into level access shower room
2017/0747/BN	A	Quedgeley, Graig Penllyn, Cowbridge	Replace existing window with patio bi-fold door with increased opening width
2017/0748/BN	A	2 - 4, Byrd Crescent, Penarth	roof covering and roof line replacement works
2017/0749/BN	A	24, Archer Road, Penarth	Proposed Gallow Supports to replace Oriel window at second floor level
2017/0752/BN	A	54, Cosmeston Drive, Penarth. CF645FA	Conversion of the garage to habitable space for kidney dialysis treatment with an addition of a front bathroom single storey extension.

2017/0755/BN	A	84, Victoria Road, Penarth	Renew existing tile roof covering with new tiles to match. The roof is cole boarded so cross battens have been fixed to roof, covered with felt and battened to provide ventilation
2017/0758/BN	A	16, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0759/BN	A	33, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0760/BN	A	35, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0761/BN	A	38, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0762/BN	A	41, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0763/BN	A	45, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0764/BN	A	50, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0765/BN	A	10, Andrew Court, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0766/BN	A	11, Andrews Court, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0767/BN	A	60, Llanmaes Road, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0768/BN	A	13, Declare Court, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0769/BN	A	8, Declare Court, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0770/BN	A	5, Declare Court, Llantwit Major	External upgrade of property with 90mm insulated render

2017/0771/BN	A	9, Allen Court, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0772/BN	A	12 Allen Court, Llantwit Major CF61 2LN	External upgrade of property with 90mm insulated render
2017/0775/BN	A	73, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0776/BN	A	55, Byrd Crescent, Penarth	Roof Covering and roof line replacement works
2017/0777/BN	A	67, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0778/BN	A	77, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0779/BN	A	79, Byrd Crescent, Penarth	Roof covering and roof line replacement works
2017/0780/BN	A	22, Sir Ivor Place, Dinas Powys	Roof covering and roof line replacement works
2017/0781/BN	A	24, Sir Ivor Place, Dinas Powys	Roof covering and roof line replacement works
2017/0782/BN	A	34, Sir Ivor Place, Dinas Powys	Roof covering and roof line replacement works
2017/0783/BN	A	36, Sir Ivor Place, Dinas Powys	Roof covering and roof line replacement works
2017/0784/BN	A	21, Nightingale Place, Dinas Powys	Roof covering and roof line replacement works
2017/0786/BN	A	70-72, Purcell Road, Penarth	Roof covering and roof line replacement works
2017/0787/BN	A	74-76, Purcell Road, Penarth	Roof covering and roof line replacement works
2017/0788/BN	A	78-80, Purcell Road, Penarth	Roof covering and roof line replacement works
2017/0789/BN	A	82-84, Purcell Road, Penarth	Roof covering and roof line replacement works
2017/0790/BN	A	5, Dowland Road, Penarth	Roof covering and roof line replacement

2017/0791/BN	A	4, Hazel Road, Penarth	Roof covering and roof line replacement works
2017/0795/BN	A	8, Goscombe Drive, Cogan	Single storey extension to back of house
2017/0796/BN	A	Windyridge, St. Lythans	Single extension
2017/0797/BN	A	Southwinds, St. Lythans	2 storey infill to form stair enclosure
2017/0798/BN	A	2, Shakespeare Road, Barry	Roofing, loft insulation, chimney, fascia / soffits, upvc gutters and downpipes and external decoration
2017/0799/BN	A	6, Shakespeare Road, Barry	Roofing, loft insulation, chimney, fascia / soffits, upvc gutters and downpipes and external decoration
2017/0800/BN	A	10, Shakespeare Road, Barry	Roofing, loft insulation, chimney, fascia / soffits, upvc gutters and downpipes and external decoration
2017/0801/BN	A	12, Shakespeare Road, Barry	Roofing, loft insulation, chimney, fascia / soffits, upvc gutters and downpipes and external decoration
2017/0802/BN	A	18, Shakespeare Road, Barry	Roofing, loft insulation, chimney, fascia / soffits, upvc gutters and downpipes and external decoration
2017/0804/BN	A	11, Caer Mead Close, Boverton	Roof covering and roof line replacement works
2017/0805/BN	A	12, Caer Mead Close, Boverton	Roof covering and roof line replacement works
2017/0806/BN	A	15, Caer Mead Close, Boverton	Roof covering and roof line replacement works
2017/0808/BN	A	4, Castle Close, Boverton	Roof covering and roof line replacement works

2017/0810/BN	A	8, Castle Close, Boverton	Roof covering and roof line replacement works
2017/0811/BN	A	11, Castle Close, Boverton	Roof covering and roof line replacement work
2017/0812/BN	A	Glen View, Croft John, Penmark	Two storey extension to both rear and side and refurbishment of existing property
2017/0814/BN	A	12, Castle Close, Boverton	Roof covering and roof line replacement works
2017/0818/BN	A	Sycamore House, 5, Boverton Park, Boverton	Proposed conversion and extension of existing detached garage outbuilding into residential annex to main house
2017/0823/BN	A	31, Dinas Road, Penarth	Knock through wall to create kitchen/diner area. Remove wall in bathroom to create larger area
2017/0829/BN	A	The Willows, Llanccarfan	Conversion of garage to living accommodation and associated works in accordance with planning application 2017/00363/FUL
2017/0833/BN	A	4, Voss Park Drive, Llantwit Major	Two rooms into one - to create large kitchen diner
2017/0834/BN	A	20, Dylan Close, Llandough, Penarth	Re-roof
2017/0836/BN	A	16, Brookside, Treoes	Garage conversion to utility room
2017/0839/BR	AC	Ty Draw Farm, Llantrithyd, Near Cowbridge	Proposed rural enterprise dwelling
2017/0841/BN	A	39, Eagleswell Road, Llantwit Major CF61 2UE	Upgrade of property with: EWI 90mm
2017/0842/BN	A	34 Nicholl Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0843/BN	A	7 Nicholl Court, Llantwit Major	Upgrade of property with: EWI 90mm

2017/0844/BN	A	12 Nicholl Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0845/BN	A	13 Nicholl Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0846/BN	A	15 Nicholl Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0847/BN	A	11, Caer Mead Close, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0848/BN	A	12, Caer Mead Close, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0849/BN	A	1, Carne Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0850/BN	A	3, Carne Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0851/BN	A	27, Carne Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0852/BN	A	33, Carne Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0853/BN	A	34, Carne Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0854/BN	A	36, Nicholl Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0855/BN	A	3, Cae Stumpie, Cowbridge	Upgrade of property with: EWI 90mm
2017/0856/BN	A	4, Cae Stumpie, Cowbridge	Upgrade of property with: EWI 90mm
2017/0857/BN	A	5, Cae Stumpie, Cowbridge	Upgrade of property with: EWI 90mm
2017/0858/BN	A	6, Cae Stumpie, Cowbridge	Upgrade of property with: EWI 90mm
2017/0859/BN	A	1, Andrews Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0860/BN	A	2, Andrews Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0861/BN	A	57, Eagleswell Road, Llantwit Major	Upgrade of property with: EWI 90mm

2017/0862/BN	A	63, Eagleswell Road, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0863/BN	A	13, Declare Court, LLantwit Major	Upgrade of property with: EWI 90mm
2017/0864/BN	A	8, De Clare Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0865/BN	A	5, De Clare Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0866/BN	A	25, Berry Court, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0867/BN	A	2, Bedford Rise, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0868/BN	A	22, Bedford Rise, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0869/BN	A	40, Bedford Rise, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0870/BN	A	23, Greys Drive, Llantwit Major	Upgrade of property with: EWI 90mm
2017/0871/BN	A	58, Westward Rise, Barry	Existing garage to be demolished. New two storey side extension
2017/0872/BN	A	4, Church Road, Rhoose	Removal of wall between kitchen and dining room
2017/0873/BN	A	30, Cwm Barry Way, Barry	Single storey rear and side extension and ground floor redesign
2017/0874/BN	A	33, Seabank, The Esplanade, Penarth	Re-new fire door to main entrance of apartment
2017/0875/BN	A	68, South Road, Sully	Re-roof
2017/0876/BR	AC	21, Britten Road, Penarth,	Conversion of garage into home office and small extension
2017/0877/BR	AC	2, Knowbury Avenue, Penarth	Single storey side extension
2017/0878/BN	A	5, Port Road East, Barry	Double storey side extension with garage / sunroom at rear of garden

2017/0882/BN	A	19, Cardiff Road, Barry	Installation of home lift VM56
2017/0886/BN	A	2-8, Ceri Road, Rhoose	Upgrade of property with EWI 90mm
2017/0887/BN	A	20, Plymouth Road, Penarth	New bathroom and drainage connection
2017/0890/BN	A	29, Blackbird Road, St. Athan	Loft conversion with cloakroom (no dormer)
2017/0895/BN	A	21, St. Pauls Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0897/BN	A	35, St. Pauls Avenue, Barry	Renewal of roof covering, edge detail plastics and rain water goods
2017/0898/BN	A	39, St. Pauls Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0899/BN	A	49, St. Pauls Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0900/BN	A	51, St. Pauls Avenue, Barry	Renewal of roof covering, edge detail plastics, and rainwater goods
2017/0901/BN	A	53, St. Pauls Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0902/BN	A	Chapel Mews, Chapel Lane, Glebe Street, Penarth	To convert garage into living quarters including kitchen, living area and ground floor WC
2017/0903/BN	A	42, Jewel Street, Barry	Replacement of 8 windows and rear upvc door
2017/0905/BN	A	13, Walker Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0906/BN	A	14, Walker Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods

2017/0907/BN	A	18, Walker Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0908/BN	A	20, Walker Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0909/BN	A	47, Walker Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0910/BN	A	59, Walker Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0911/BN	A	13, Severn Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0912/BN	A	14, Severn Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0913/BN	A	15, Severn Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0914/BN	A	16, Severn Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0916/BN	A	18, Severn Avenue, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0917/BN	A	11, Phyllis Street, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0918/BN	A	117, Phyllis Street, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0919/BN	A	158, Phyllis Street, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0920/BN	A	160, Phyllis Street, Barry	Renewal of roof covering, edge detail plastics and rainwater goods

2017/0921/BN	A	13, Llandinam Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0922/BN	A	14, Llandinam Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0923/BN	A	15, Llandinam Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0924/BN	A	16, Llandinam Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0925/BN	A	45, Glanmor Crescent, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0926/BN	A	46, Glanmor Crescent, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0927/BN	A	5, Glyndwr Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0930/BN	A	426, Gladstone Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0931/BN	A	436, Gladstone Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0932/BN	A	444, Gladstone Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0934/BN	A	24, Montgomery Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0935/BN	A	49, Aneurin Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0936/BN	A	6, Ceiriog Close, Barry	Renewal of roof covering, edge detail plastics and rainwater goods

2017/0939/BN	A	4, Beddington Terrace, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0940/BN	A	17, Heol Dewi Sant, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0942/BN	A	10, Hafren Road, Barry	Renewal of roof covering, edge detail plastics and rainwater goods
2017/0943/BN	A	7, Paget Terrace, Penarth	Single storey rear extension to increase kitchen and dining space
2017/0945/BN	A	19, Mountjoy Place, Penarth	Removal of internal walls to create a kitchen diner. create an understair wc
2017/0947/BN	A	45, Cornerswell Road, Penarth	New Roof
2017/0956/BN	A	11, Sullivan Close , Penarth	Remove and replace existing roof tiles
2017/0958/BN	A	13, Coleridge Avenue, Penarth	Conversion of garage to habitable room
2017/0963/BN	A	80, Glebe Street, Penarth	Erection of steels to support ceiling to first floor, new trusses in loft room and re-wire whole house

(b) Building Regulation Applications - Reject

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

2017/0883/BN	R	Land adj. to 7, Stacey Road, Dinas Powys	Construction of new dwelling and associated works
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2017/0105/AI	A	Replacement farmhouse, South of B4265 and South West of Seaview, St. Athan	Erection of new replacement dwelling and associated works
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2017/0106/AI	A	29, Aeron Close, Barry	Proposed formation of a structural opening, works to include material alterations to structure, controlled serviced, fittings and thermal elements
2017/0107/AI	A	54, Tennyson Road, Penarth	Two Storey Extension and associated works
2017/0108/AI	A	13, Hawthorn Road, Barry	Single storey rear extension and associated works
2017/0109/AI	R	Land adjacent to 7, Stacey Road, Dinas Powys	Construction of a new dwelling and associated works
2017/0110/AI	A	44, South Road, Sully	Garage conversion, internal alterations and associated works
2017/0111/AI	A	Wilcare Wales Ltd, Vale Business Park, Llandow	Upgrade and refurbishment of existing mezzanine floor
2017/0112/AI	A	34, Cambrian Avenue, Llantwit Major	Proposed first floor extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0114/AI	A	10, Sully Terrace, Penarth	Proposed loft conversion at second floor level to create one habitable room, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0115/AI	A	Maritime Cottage, Southerndown	New roof to conservatory, internal alterations and associated works
2017/0116/AI	A	9, Tarrws Close, Wenvoe	First floor extension and associated works
2017/0117/AI	A	Chantry House, Burial Lane, Llantwit Major	Renovation of existing Grade II Listed Building and single storey extension of existing dwelling and associated works

2017/0118/AI	A	28, St. Andrews Road, Barry	Proposed conversion of existing loft space to create habitable room, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0119/AI	A	8, Westbourne Road, Penarth	Structural alterations to form new opening
2017/0120/AI	A	Former Filling Station, St. Brides Road, Wick - Plot 2	Construction of detached garage
2017/0121/AI	A	Cardiff International Airport, Rhoose	Proposed external wall underpinning, new structural opening in existing wall and new opening within existing mezzanine floor(works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0122/AI	A	84a, Broadway, Llanblethian, Cowbridge	New detached dwelling
2017/0123/AI	A	24, Evenlode Avenue, Penarth	Construction of new detached dwelling
2017/0124/AI	A	University Hospital Llandough, Penlan Road, Llandough	New modular theatre and recovery facility
2017/0125/AI	A	12, Fonmon Road, Rhoose	New single storey front bay extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0126/AI	A	33, Millfield Drive, Cowbridge	Proposed two storey side extension and single storey rear extension. Works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0127/AI	A	5, Cliff Street, Penarth	Dormer loft conversion and associated works

2017/0128/AI	A	26, Lon Lindys, Rhoose	Single storey rear extension and associated works
2017/0129/AI	A	10, Anchor Road, Penarth	Garage conversion, alterations and associated works including installation of an Oriel window in gable end wall
2017/0130/AI	A	4, Clinton Road, Penarth	Dormer loft conversion and associated works
2017/0131/AI	A	Kiosk at Cardiff Airport (Airside)	Internal alterations and refurbishment
2017/0132/AI	A	55, Glebe Street, Penarth	Proposed internal alterations and associated works
2017/0133/AI	A	YMCA , Court Road, Barry	Internal alterations to ground floor
2017/0134/AI	A	6, Royal Buildings (Shop Unit), Penarth	Proposed internal first floor extension to existing premises (over void)
2017/0135/AI	A	10, Tresilian Close, Llantwit Major	Proposed replacement of conservatory roof and frame with a warm roof system and frame
2017/0136/AI	A	15, Shakespeare Avenue, Penarth	Proposed loft conversion at second floor level to create one habitable room with en-suite facility, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0137/AI	A	75, High Street, Cowbridge	Proposed fit out of existing unit to create new Building Society

(d) Section 32 Building Act, 1984

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

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

2014/0162/BR

2014/0291/BR

2014/0294/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 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

2014/00859/1/N MA	A	Former Mortuary Building, Hayes Point, Sully	Non material amendment - Conversion and extension of former mortuary building to residential bungalow at Former Mortuary building, Hayes Point, Hayes Road, Sully
2014/01424/3/N MA	A	Plot 114, St. James Gardens, Wick	Non material amendment: Alteration to approved dwelling to include rear conservatory extension

2014/01505/1/N MA	A	Land at North West Cowbridge	Non material amendment to 2014/01505/OUT to revise conditions to allow phased discharge of conditions and; exclusion of partial hedgerow removal and archaeological investigations from site clearance definition
2015/00089/1/N MA	A	9, Grange Close, Wenvoe	Non material amendment - Window alteration to the rear elevation. Discharge of conditions 8. 10 and 13 in relation to planning application 2015/00089/FUL
2015/00095/1/N MA	A	Ardwyn, Pen y Turnpike Road, Dinas Powys	Non material amendment - Construction of eighteen dwellings and associated works at Ardwyn, Pen Y Turnpike Road, Dinas Powys. Planning permission red. 2015/00095/FUL: Construction of eighteen dwellings and associated works (NMA)
2015/00668/2/N MA	A	Building 2, Plot 3B, Atlantic Trading Estate, Barry	Non material amendment - Change wording of conditions 7 and 8 and removal of condition 4. Development of warehouse and associated office building
2015/01192/3/N MA	A	41, Llwyn Passat, Portway Marina, Penarth	Non material amendment - Window layout variations. Proposed two storey side extension and first floor extension over existing porch

2016/00312/2/N MA	A	5, Fferm Goch, Llangan	Non material amendment: Demolition of single storey utility room and pantry. Erection of two storey rear extension. Erection of single storey front extension
2016/00611/1/N MA	A	Colcot Junior and Infant School, Florence Avenue, Barry	Non material amendment - Proposed internal alterations with a glazed link and entrance canopy. Construction of new car park, tarmac play area and installation of access ramps. Planning permission ref 2016/00611/RG3.
2016/00834/FUL	A	Plot 2, land at 90, Fontygary Road, Rhoose	Construction of detached two storey house with detached double garage
2016/01118/1/N MA	A	17, Plymouth Road, Penarth	Non material amendment - Amendment to Condition 3 of Planning Permission 2016/01118/FUL for car parking provision
2016/01224/FUL	A	The Carpenters Arms, Eglwys Brewis Road, Llantwit Major	Change of use from public house to 5 no. residential dwellings
2016/01481/FUL	A	43, Afal Sur, Barry	Retention of the conversion of part of a double garage for use as a hairdressing salon
2016/01499/FUL	A	Cherry Orchard Farm, Welsh St. Donats	Retention of agricultural building to accommodate the equine rehabilitation clinic and retention of association to highway

2017/00049/1/N MA	A	26, Wordsworth Avenue, Penarth	Non material amendment - Two storey rear extension hip to gable roof extension single storey side and rear extension and alterations works. Planning permission ref. 2017/00049/FUL
2017/00108/1/N MA	A	20, Whittan Close, Rhoose	Non material amendment - Block/brick up openings on side extension. Two storey extension to side of property
2017/00109/FUL	A	Pentre Parc, LLYsworney	Removal of condition 1 (Agricultural tie) of Planning Permission 73/596 (CR/596/73)
2017/00193/1/N MA	A	90, Brookfield Avenue, Barry	Non material amendment - Construction and maintenance of temporary link road between Brookfield Avenue and Priory Gardens, Barry
2017/00241/FUL	A	Pleasant View Farm, Sigingstone	Demolition of existing fire damaged dwelling house and construction of replacement dwelling (previous planning application withdrawn - reference 2016/00830/FUL)
2017/00288/FUL	A	4, Clive Crescent, Penarth	The demolition of an existing two storey rear extension and the construction of a new two storey rear extension plus associated works
2017/00293/FUL	A	Mary Immaculate High School, Caerau Lane, Wenvoe	Erection of temporary classrooms on existing car park. Extension to existing car park to accommodate 42 extra parking spaces

2017/00306/FUL	A	6, Brig y Don Hill, Ogmore by Sea	Supply and fit Velux skylight window in west elevation/ pine end of roof
2017/00315/FUL	A	33-34, Windsor Terrace, Penarth	Refurbishment and extensions to remodel existing flats and sub division of top floor flat to create a total of four self-contained flats, provision of ground floor office and store
2017/00324/FUL	A	Kailily Farm, East of Hillfield Farm, Peterston Super Ely	Agricultural storage barn
2017/00334/FUL	A	4, Glan y Mor, Barry	Two storey extension to rear of existing property
2017/00337/FUL	A	42, Stanwell Road, Penarth	Proposals for alteration to existing rear dormer roof extension
2017/00362/FUL	A	15, Tresilian Close, Llantwit Major	Removal of 2 no. UPVC Georgian bar windows to front of property and replacement with 2 no. UPVC Georgian bar bifold doors
2017/00373/FUL	A	42, Plas St Pol De Leon, Penarth Marina, Penarth	Proposed front elevation, first floor balcony in glass, and powder coated steel frame
2017/00403/FUL	A	Brynhyfryd, Colwinston	1.5 storey extension to the side and rear of the existing property. Existing floor space: 241.6 m ² . Proposed floor space: 322.7 m ² , Overall increase: 81.1 m ²

2017/00405/FUL	A	Llanblethian Sewage Pumping Station, Broadway, Cowbridge	Construct a new Sewage Pumping Station (SPS) in the field adjacent to the existing SPS, and to demolish the existing SPS to surrounding ground levels
2017/00406/FUL	A	Flat 5, Glan Hafren, Maes y Coed, Barry	1. Replacement of the three windows facing the car park and bathroom window at rear of property. 2. Increase height of lounge window to floor to ceiling height. 3. Install floor to ceiling French style doors in larger of the lounge windows. 4. Install glass and stainless steel barrier in front of proposed doors
2017/00411/FUL	A	17, Broad Street, Barry	Change of Use from a vacant shop to a fast food takeaway (i.e. Change from A1 and A2 to Class A3)
2017/00422/FUL	A	17, Chandlers Way, Penarth	Two storey side extension and single storey rear extension
2017/00426/FUL	A	Sycamore Lodge, 4, Mill-lay Lane, Llantwit Major	Extend above flat roofed garage to provide master bedroom and ensuite, add balcony to front of house replacing small stepped roof add glass balustrade. Replace windows some with bifold doors. Render exterior. Convert half double garage into interior living space - single garage to remain install 2 woodburners including 2 flue pipes above roof line

2017/00429/ADV	A	Ford, Llandough Industrial Estate, Penarth Road, Cardiff	A - 1 of new internally illuminated brand and dealer name clip; B - 1 of new internally illuminated brand Transit Centre clip; C - 1 of new size 2 internally illuminated arched entrance feature complete with a new concrete base; D - 1 of new internally illuminated wall mounted free flying oval complete with non illuminated wall mounted Transit Centre; E - 1 of new internally illuminated double sided 3.4 metre Transit Centre complete with new concrete base; F - 1 of new wall mounted dealer name and dealer sign
2017/00430/FUL	A	81, Westbourne Road, Penarth	Demolition of existing garage. Construction of single storey extension
2017/00435/FUL	A	Conifers, St. Nicholas	Replacement of all existing timber framed, single glazed windows and doors with uPVC double glazed units, to match existing. Kitchen window is to be replaced with a set of French doors
2017/00440/FUL	A	West Down, Church Close, Ogmore By Sea, Bridgend	Dormer extension to create additional bedroom and bathroom in the roof space. Rebuild of existing ground floor conservatory creating balcony space above
2017/00441/FUL	R	Land adjacent to Pensarn farm, Llanmaes Road, Llanmaes	Conversion of barn to residential use and single storey extension to existing barn

2017/00446/FUL	A	5, Port Road East, Barry	Two storey to side of existing dwelling with porch to front. New detached garage and sun room to rear of garden
2017/00450/FUL	A	32, John Batchelor Way, Penarth	Proposed front and rear balconies, new windows
2017/00453/FUL	A	8, Westbourne Road, Penarth	Insert French doors into the side return of property and replace rear windows to property with UPVC
2017/00461/FUL	A	72, Clos yr Wylan, Barry	Proposed two storey side extension with accommodation also at second floor level, and new boundary treatments to side and rear
2017/00463/FUL	A	31, Rhodfa Felin, Barry	Convert existing integral garage into a bedroom. Garage door to be removed and replaced with a window
2017/00466/FUL	A	Jubilee Fields Campsite, Peterston Super Ely	Erection of toilet block, installation of septic tank and formation of new vehicular access to the site
2017/00468/FUL	A	22, Plymouth Road, Barry Island	Change a single storey terraced residence into two self contained flats
2017/00469/FUL	A	Hazelwood, St. Andrews Road, Dinas Powys	Proposed two storey side extension to provide carers residential annexe
2017/00472/FUL	A	14, Colcot Road, Barry	Two storey side/rear extension

2017/00481/FUL	A	11, Plover Way, Penarth	Proposed single storey rear extension, plus internal alterations to remodel the dwelling to form additional kitchen accommodation, dining room and family room at ground floor level
2017/00483/FUL	A	Coed y Bryn, Nash	Construction of a flat roof single storey extension at the rear and the side of the property
2017/00486/FUL	A	Land South of Wenvoe and East of Port Road, Wenvoe	Variation of Condition 1 of permission 2011/00341/FUL to allow a further period of two years for the implementation of the access and internal site works
2017/00487/FUL	A	Maesaeson House, Pont Sarn Lane, Peterston Super Ely	Manege 45 m x 30 m private use
2017/00488/HR	A	Boverton Mill Farm, Boverton	Removal of 274m length of hedgerow which is currently dividing two fields
2017/00490/FUL	A	69, Geraints Way, Cowbridge	Retention of front dormer
2017/00492/FUL	A	Verber, Victoria Park Road, Barry	Erect conservatory to the rear elevation
2017/00494/CAC	A	Llanblethian Sewage Pumping Station, Broadway, Cowbridge	Construct a new Sewage Pumping Station (SPS) in the field adjacent to the existing SPS, and to demolish the existing SPS to surrounding ground levels
2017/00496/FUL	A	Tegfan, Gileston Road, Gileston	Proposed two storey rear extension
2017/00498/FUL	A	10, Hensol Villas, Hensol	Proposed single storey rear extension

2017/00499/FUL	A	Mountain Lodge, Hensol	Construction of a two storey extension to the rear (North) side of the existing property, including the removal of an existing sub standard conservatory provided at the rear of the property, and amendment to the access arrangements into the site
2017/00502/FUL	A	6, Kingsley Close, Sully	Two storey side extension and single storey rear extension
2017/00503/FUL	A	10, Westbourne Road, Penarth	Rear dormer extension and relocation of existing Velux roof window
2017/00505/FUL	A	15, Cae Rex, Cowbridge	Extension and alterations to existing bungalow to form two storey house
2017/00509/ADV	A	1A, Tynewydd Road, Barry	Advertisement consent for 1 no. internally illuminated fascia and 1 no. internally illuminated projecting sign
2017/00512/ADV	A	1, The Precinct, Llantwit Major	Advertisement consent for 1no. internally illuminated fascia sign
2017/00513/FUL	R	Land adjacent to Pond Villa, Llanmaes	Proposed cottage relocated to meeting with planning inspectors comments
2017/00514/ADV	A	1, Stanwell Road, Penarth	Advertisement consent for 5 no. non-illuminated fascia signs
2017/00515/FUL	A	Tyr Poste, Wine Street, Llantwit Major	Minor alterations to elevations, including re-rendering and repointing plus new windows and erection of an external flue. Alterations to rear extension

2017/00516/LAW	A	14, Cook Road, Barry	Extension to rear of property (single storey)
2017/00517/FUL	A	39, Heol Pearetree, Rhoose	1) Proposed new dwarf, retaining wall and pillars to be installed around boundary of front garden; 2) Proposed new steps/pathways to replace existing
2017/00518/FUL	A	12, Downs View, Aberthin	Two storey side and rear extensions and alterations and extension to existing front porch
2017/00519/ADV	A	Bus Shelter, Lavernock Road j/o Stanwell Road adjacent to school playing fields	Two single sided advertising panels fully integrated into bus shelter
2017/00521/FUL	A	50, Wordsworth Avenue, Penarth	Proposed two storey extension and single storey garage with associated works
2017/00522/FUL	A	Westbury, Factory Road, Llanblethian, Cowbridge	Proposed rear dormer to enlarge bedroom
2017/00524/FUL	A	20, Windsor Terrace, Penarth	Replacement single storey garage to rear lane
2017/00525/FUL	A	Malt Barn Cottage, Higher End, St. Athan	Conservatory addition to rear elevation
2017/00527/FUL	A	Durell House, 14, Town Mill Road, Cowbridge	Proposed conservatory
2017/00528/FUL	A	6, Osprey Close, Penarth	Proposed single storey rear and side extensions

2017/00529/FUL	A	Kiosk opposite Seashore Grill and Cafe Bar, Beach Road, Swanbridge	Amended external design and internal alterations to the glass conservatory addition (approved under planning Application reference 2016/00218/FUL - use class A3), plus utilising the use of an existing external storage space, for a new kitchen/sandwich preparation area
2017/00532/FUL	A	17, Tair Onen, St. Hilary	Two storey rear extension
2017/00533/FUL	A	20, Heol Pentre'r Felin, Llantwit Major	First storey extension above garage
2017/00536/FUL	A	2A, The Parade, Barry	Proposed loft conversion with the addition of side elevation roof lights
2017/00537/LAW	A	Ty Gwyn, Wick Road, Ewenny	Use for outdoor work area and storage
2017/00538/FUL	A	9, Tarrws Close, Wenvoe	First floor extension over existing kitchen
2017/00542/LAW	A	Airparks Airport Car Parking Park and Ride Site, Port Road, Rhoose	Use of the land for long stay airport parking.
2017/00546/FUL	A	17, Laburnum Way, Penarth	Single storey kitchen extension
2017/00551/FUL	A	Cider Barn, Crossways, Cowbridge	Installation of small underground waste treatment plant and drainage field to treat waste water from toilet facilities produced by toilet and sink
2017/00553/FUL	A	5, Ashby Road, Sully	Rear single storey extension and two storey rear and side extension

2017/00556/FUL	A	Brynhouse, Penylan Road, St. Brides Major	Proposed single storey conservatory extension to rear of property
2017/00557/FUL	A	5, Park Road, Barry	Proposed ground floor extension to form kitchen/family room
2017/00558/FUL	A	Marie Curie Hospice, Bridgeman Road, Penarth	Re-positioning of 4 no. condenser units and the installation of 4 no. additional condenser units
2017/00562/FUL	A	Felin Dawel, Michaelston Le Pit, Dinas Powys	Extensions and alterations to house - single storey side and front extension, rear glazed infill, conservatory over garage and associated roof and window alterations etc
2017/00565/FUL	A	26, Dyserth Road, Penarth	Demolition of existing detached garage, new single storey extension to side elevation and two storey to the rear. Loft conversion and new dormer to rear roof pitch.
2017/00566/FUL	A	14, Cory Crescent, Peterston Super Ely	Demolition of existing conservatory. Proposed single storey porch extension, part single/part two storey rear extension, loft extension and other alterations to property
2017/00567/FUL	A	Castle Lodge, Drope Lane, St Georges Super Ely	Roof extensions to garage to form first floor hobby room and external staircase, garden engineering works and detached rear covered swimming pool with roof lantern and glazed walls

2017/00568/FUL	A	21, Elm Grove Road, Dinas Powys	Two storey / single storey rear extension and loft conversion complete with rear dormer
2017/00570/FUL	A	Fir Trees, Romilly Park Road, Barry	First floor infill extension plus ground floor orangery extension to rear plus associated works
2017/00571/FUL	A	5, Church Road, Rhoose	Removal of outbuilding, single storey rear extension and drive
2017/00573/FUL	A	103, Plymouth Road, Penarth	Demolition of original single storey rear annexe, removal of historic steel escape ladders to rear elevation, demolition of party wall between 103 and 105 to make way for construction of new single storey flat roof extension
2017/00574/FUL	A	31, Glebeland Place, St. Athan	Addition of a porch to the front elevation
2017/00575/FUL	A	24, Oakfield Road, Barry	Part demolition of existing garage, proposed single storey side and rear extension
2017/00577/FUL	A	6, The Verlands, Cowbridge	Retention of balustrade on first floor roof terrace rear extension
2017/00578/FUL	A	1, The Pastures, Barry	Proposed rear and side single storey domestic extension
2017/00579/FUL	A	21, Smithies Avenue, Sully	Take down existing garage and store and rebuild with small front canopy into workshop and store
2017/00580/LBC	A	28, High Street, Cowbridge	Replacement of advertisement with the erection of 2 no. fascia signs

2017/00581/ADV	A	28, High Street, Cowbridge	Replacement of existing advertisement with the erection of 2 no. fascia signs
2017/00582/FUL	A	5, Woodham Close, Barry	Garden building
2017/00584/FUL	A	174, Redlands Road, Penarth	Proposed single storey side and rear extensions and internal alterations
2017/00585/FUL	A	9, Clement Place, Barry	We wish to install bi fold doors to replace existing patio doors and windows on the rear wall of the house
2017/00587/FUL	A	74, Stanwell Road, Penarth	Proposed new single storey rear kitchen extension
2017/00588/FUL	A	Mynfa, Heol y Mynydd, Southerndown	Proposed conversion of existing stable block workshop to garage workshop & hobby rooms above
2017/00589/FUL	A	30, Aneurin Road, Barry	Take down existing outbuildings and construct new single storey extension and associated works
2017/00591/FUL	A	Marlborough Farm Lodge, Crossways, Cowbridge	Detached garage
2017/00592/FUL	A	40, Hillcrest, Broadway, Llanblethian	Proposed porch extension, dormers to front and rear and external alterations, including new door and window openings
2017/00596/FUL	A	10, Stradling Place, Llantwit Major	Demolish existing garage, utility, WC. Construct new part single/part two storey front and side extension and internal alterations

2017/00597/FUL	A	Llan Yr Afon, Well Lane, St. Nicholas	Demolish existing conservatory. New single storey extension, internal alterations, porch and fenestration
2017/00598/LBC	A	West Aberthaw Farm, West Aberthaw	Remove loose section of wall following vehicle collision and rebuild as existing
2017/00599/FUL	A	Benacre, Cowbridge Road, St. Nicholas	Proposed loft conversion with rear facing box dormer and hip to half-gable to side
2017/00600/FUL	A	4, John Street, Penarth	Loft conversion with dormer to rear
2017/00601/LAW	A	Sutton Rise, Pendoylan	Continued occupation in excess of 10 years in breach of occupancy condition of outline planning permission P.5/Z/1564-CB10760 dated 29 November 1965. Reserved matters P5/Z/1676-CB.11040 dated 18 February 1965
2017/00602/FUL	A	9, Channel View, Ogmore By Sea	Single storey rear extension with roof top seating area and external spiral stair. New Juliet balconies and doorways onto roof top seating area
2017/00605/LBC	A	33, High Street, Cowbridge	Repairs and decorations to exterior and interior of property for maintenance purposes. There are no proposals to undertake material alterations or demolitions, other than to replace rainwater goods.
2017/00608/FUL	A	Argos Waterfront Retail Park, Heol Ceiniog, Barry	Proposed new automated teller machine (ATM)

2017/00614/FUL	R	9, Meadow Court, St. Brides Major	To erect a canopy at the front of the house to cover and protect driveway and cars
2017/00616/FUL	A	7, Paget Terrace, Penarth	Single storey rear extension to increase and enhance kitchen and dining space
2017/00617/RG3	A	St. Cyres School, Sully Road, Penarth	Addition of UPVC and glass conservatory as an extension to the school canteen
2017/00621/LBC	A	Tymaen Farm, B4524 Ogmore Road at Ogmore, Ogmore	Proposed installation of 4 no. steel support posts and header beam in northern ground floor section of two storey barn to strengthen existing first floor
2017/00622/FUL	A	2, Berkley Drive, Penarth	Two storey side extension with Juliette balcony, single storey front and rear extensions and alteration works
2017/00623/FUL	A	Ty Ni, Llanmaes Road, Llanmaes	Proposed single storey rear extension, plus internal alterations to remodel the dwelling to form additional kitchen accommodation, dining area and family room at ground floor level
2017/00626/FUL	A	Pen Y Bont Surf Life Saving Clubhouse, The River Mouth, Ogmore by Sea	Variation of Condition 1: Demolition of existing Pen Y Bont Surf Life Savers Centre and replacement with a new Surf Life Savers Centre at Ogmore by Sea
2017/00629/ADV	A	Argos Waterfront Retail Park, Heol Ceiniog, Barry	Signage surrounding proposed new automated teller machine (ATM)

2017/00633/FUL	A	The Stables, Church Road, Llanblethian, Cowbridge	Alterations to existing single storey garage
2017/00636/FUL	A	7, Sycamore Close, Llandough, Penarth	Addition of a porch to the front elevation
2017/00641/FUL	A	6, Sully Terrace, Penarth	Relocation of window to rear bedroom extension
2017/00643/FUL	A	78, Cae Canol, Penarth	To convert the existing garage to a play room and provide a single storey rear extension with internal alterations
2017/00646/FUL	A	Lane End, Michaelston le Pit Road, Michaelston Le Pit	The refurbishment of the existing cottage and the provision of an ancillary dwelling and a replacement barn including the reinstatement of pond. The existing pole barns and light industrial buildings are to be demolished
2017/00657/FUL	A	9, Paget Terrace, Penarth	Ground floor rear extension
2017/00659/FUL	A	24, Stradling Close, Sully	Extension to single storey dwelling comprising of entry hall to side and additional bedroom/study and dining area to rear and additional window (including roof windows) to main living area.
2017/00665/FUL	A	9, Village Farm, Bonvilston	Two storey corner extension, single storey rear extension and change of garage door and front elevation windows
2017/00673/PND	A	Former Canteen and Bus Depot, Broad Street, Barry	Demolition of the former canteen and office building down to floor slab level
2017/00675/FUL	A	26, Lon Lindys, Rhoose	Front single storey extension to adjoin property and garage

2017/00682/FUL	A	3, Andover Close, Barry	Alterations to garage (Disabled facilities)
2017/00745/OBS	B	Llys Brocastle, off A48, Bridgend	Further extend the time period for commencement of works to P/12/763/RLX for a further 5 years (30 no. assisted living units with assoc. works ref: P/06/1275/FUL)
2017/00764/PNA	F	Ty Pica Farm, Station Road East, Wenvoe	Storage barn for hay and haylage

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 7 SEPTEMBER, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

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
Start Date: 24 July 2017

L.P.A. Reference No: 2016/00525/FUL
Appeal Method: Hearing
Appeal Reference No: 17/3179846
Appellant: Mr. Mike Psaila
Location: **Upper Langcross Farm, Leckwith**
Proposal: Agricultural workers dwelling
Start Date: 7 August 2017

L.P.A. Reference No: 2017/00399/FUL
Appeal Method: Written Representations
Appeal Reference No: D/17/3181205
Appellant: Mr James Crinion
Location: **Greenfields, Llanmaes**
Proposal: Retention of timber fence to road elevation, replacing boundary shrub hedge and original fence
Start Date: 15 August 2017

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2017/00118/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3174621
Appellant: Mr Dusty Jones
Location: Unit 2, Seaview, St Athan
Proposal: Variation of condition 1 of 2010/00957/FUL relating to description of windows and doors i.e. from timber as noted on approved drawings to woodgrain UPVC to allow for the retention of the UPVC windows and doors at unit 2, Seaview, St Athan

Decision: Appeal Allowed
Date: 18 July 2017
Inspector: Mr. C. Nield
Council Determination: Delegated

Summary

The Inspector considered the principal issues to relate to the effect the plastic windows and doors have on the character and appearance of the building and its surroundings. The Inspector concluded that the replacement plastic doors and windows were, from a distance, not discernible from wood. Notwithstanding that, the Inspector agreed that the window frames did have wider sections than usually occurs with timber, which detracts from their appearance and that of the building itself in closer views.

National and local planning policies support the use of traditional materials when old farm buildings are converted to residential use. The Inspector acknowledged that Local Development Plan Policy MD12 does not support building alterations that unacceptably affect the appearance and character of the building or its setting. In concluding that the chunky appearance of the window frames detracts from the appearance of the building, the Inspector acknowledged that the development was contrary to policy. However, whether that is unacceptable or not is matter of further judgement.

Whilst the northern end elevation is clearly visible from the B4265 and the adjoining lane (which is a public right of way), all other views into the site are from some distance away. The northern elevation was considered to be the only elevation with no UPVC windows or doors; thus the Inspector concluded that the appearance of the building had not changed in views of that elevation. Furthermore, the alterations carried out had not materially changed public perceptions of the group of former farm buildings within their landscape setting, particularly when viewed from the passing main road and the adjacent lane.

Weighing up the matter, the Inspector reached the overall conclusion that the retention of the plastic windows and doors would not unacceptably harm the appearance and character of the building or its setting. On balance, their retention would not conflict with development plan policy, and for the reasons given above the appeal was allowed.

L.P.A. Reference No:	2016/01236/OUT
Appeal Method:	Written Representations
Appeal Reference No:	17/3174260
Appellant:	Mr & Mrs D Reade
Location:	Land rear of 6, Salmons Wood, Graig Penllyn
Proposal:	Erection of two dwellings including access and parking
Decision:	Appeal Dismissed
Date:	13 July 2017
Inspector:	Mr. C. Nield
Council Determination:	Committee

Summary

The Inspector considered the main issues in this appeal to relate to the effect the proposed development had on the character and appearance of the area. Notwithstanding that this submission was an outline application, with most details reserved for further determination, the Inspector was not satisfied that the development would assimilate into its setting. The Inspector was of the view that the dwellings would be a considerable distance from the nearest properties in Salmon Wood, and would be quite unrelated to the form of the wider village. The development would protrude out into the countryside, and consequently would not bear any relationship to the concept of *rounding off*. Notwithstanding landscaping proposals submitted by the Appellant, the Inspector was of the view that the development would be highly visible, causing detrimental effect on the rural landscape and harm to the character and appearance of the countryside.

National policy advises that new development should be well integrated with the existing pattern of the settlement, and newly adopted LDP policies MD1 and MD2 do not support development that would have an unacceptable impact on the countryside and that would not contribute to the context and character of the surrounding landscape. The Inspector concluded, in view of the above, that the proposed development would be contrary to development plan and national planning policies.

The development required a minor diversion of a public footpath, which crosses the site. Whilst the Inspector noted that this not in itself be problematic, the close proximity of the footpath would lead to the erosion of its amenity, and users of the footpath would experience a detrimental impact on the character of the rural landscape within which the footpath currently runs.

The Inspector dismissed the Appellant's submission that the development would serve a social benefit, in providing housing for family members and returning other housing stock to the market. The Inspector concluded that it was a well-established planning principle that personal circumstance rarely outweigh the long-term impacts of new built development and the circumstances outlined by the Appellant would not be so exceptional as to override this principle.

Given the Inspector's conclusion that the location of the development was so poor, consideration was not given to the sustainability of the site, as the harm identified would not justify the development proposed. The appeal was dismissed accordingly.

L.P.A. Reference No: 2016/01490/FUL

Appeal Method: Written Representations

Appeal Reference No: 17/3172188

Appellant: Mr. Anton Macardy

Location: 8, Pontypridd Road, Barry

Proposal: Proposed 1.5 storey dwelling to rear with off street parking (revision to app ref 2016/00438/FUL)

Decision: Appeal Dismissed

Date: 13 July 2017

Inspector: Mr. C. Nield

Council Determination: Delegated

Summary

The Inspector considered the main issues to relate to the impact the proposed development would have on the amenity of the neighbouring residents and the visual amenity of the street scene.

In respect of the character and appearance of the street scene, the Inspector concluded that the proposed dwelling would be the only property on the north east side of that part of Crossfield Road and would have little relationship with the bungalows in Pontypridd Road. As such, the development would not have any meaningful transitional effect from the bungalows in Pontypridd Road and the two storey houses in Crossfield Road. Moreover, the proposed development would appear incongruous and out of place in the street scene of Crossfield Road.

The Inspector was of the view that the erection of a new building so close to the garden and rear elevation of the neighbouring property would substantially affect its outlook and would appear overbearing. In addition, due to the orientation of the properties, the proposed new dwelling would reduce the sunlight to the rear garden of No. 1 Kennedy Rise and lead to overshadowing at certain times in the year. The amenity of the house opposite, No. 4 Crossfield Road, would also be affected by reason that the new dwelling would be sited only some 16.5 metres from the front elevation of No. 4 Crossfield Road, substantially less than the 21 metres recommended in the Council's adopted supplementary planning guidance. Construction of the appeal property with a first floor bedroom window overlooking the front bedroom windows of the house across the road at a relatively short distance would be unacceptably harmful to the privacy of that property.

The Inspector's overall conclusion was that the proposed development would be unacceptably harmful to both the street scene and to the residential amenity of several neighbouring properties. The proposal would conflict with development plan policies MD2 and MD5 and with the Council's adopted supplementary planning guidance on amenity standards. The appeal was dismissed accordingly.

L.P.A. Reference No: 2016/01414/FUL
Appeal Method: Hearing
Appeal Reference No: 17/3171492
Appellant: Mr. Leslie Hardy
Location: The Piggery, Logwood Hill, Peterston Super Ely
Proposal: Refurbishment, reinstatement and extension to The Piggery for agricultural purposes
Decision: Appeal Dismissed
Date: 10 August 2017
Inspector: Joanne Burston
Council Determination: Delegated

Summary

The Inspector considered the main issues to relate to the impact the proposed development had on the character and appearance of the surrounding countryside. It was noted that Planning Policy Wales, Edition 9 (PPW) establishes that *“the countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors.”* The appeal site is located within the Ely Valley Ridge Slopes Special Landscape Area, the surrounding area being characterised by undulating countryside, comprising regular field patterns, bounded by hedgerows and interspersed by large deciduous woodland blocks. ‘The Piggery’ itself is situated within open pasture and generally slopes down towards the Ely River. Its north western side forms a prominent steep slope which plays a significant role in defining the valley sides at this point, providing extensive views to the north and east. A Right of Way is located to the east of the site and travels in a broadly North West direction across the field, forming part of the Bonvilston Circular walk (Doc 2).

The Inspector noted the remnant of a former piggery existing on the appeal site, the condition of which whilst being described as a derelict state forms part of the context of the area and does not significantly detract from the spacious feel and open character of the local landscape. Indeed, the absence of a substantially constructed building has in itself strengthened the current open character. The proposal sought to utilise this derelict structure, particularly the central block for the proposed barn. However alterations would be necessary to accommodate modern agricultural machinery, including new doors and other openings, as well as increasing the height and depth of the structure.

In respect of longer range views, the proposal would not have a dominant or overbearing presence in any vistas and prospects, such that any harm arising in respect of the effect on SLA character and visual impact would be minor. Notwithstanding that, the proposed building is of a considerable size and due to the focus of the design on the central two storey element and its overly busy roof design, it would not have the appearance of a barn despite the external materials used. Whilst the appellant asserted that it would not be untypical of agricultural buildings in the area, the Inspector considered it would differ significantly to most barns, including those of traditional design.

The development's length and height of its front elevation and its isolated location, would visually dominate the surrounding area, particularly from the public footpath, which gives views at close quarters. Moreover, it would be clearly visible from other public viewpoints, including the adjacent highway. Due to its size and elevated plateau position, the appeal building would be visually prominent from these places and would add a sense of visual clutter to the area. Neither the rising landform and trees to the rear, nor other trees nearby, reduce its impact to any substantial degree.

The building's size and detailing would not reflect the typical, more humble scale and utilitarian design that give such agricultural buildings legibility in the landscape. The Inspector agrees that it would appear awkward and out of place as a result, and because of its prominence in the local landscape, this impact would be significant, particularly where it would extend over the skyline. The Inspector noted that the Council's Supplementary Planning Guidance 'Design in the Landscape' (SPG) states that "*where practicable new farm buildings should be sited and grouped in such a way as not to dominate original farmsteads or the surrounding countryside. This may include the following considerations...not break the skylines*". The historical presence of the derelict piggery did not alter the conclusions above.

Given the requirement to balance the needs of the environment against the economic, social and recreational needs of local communities, as set out in PPW, the Inspector recognised that the building is required to serve a tenant holding of some 26.3ha, which forms part of the appellant's overall agricultural unit, and that the use of a building would reduce the amount of agricultural traffic on the surrounding rural roads. The Inspector also acknowledged the appellant's comment that the building would support the continued agricultural use of the land hereabouts which forms an important part of the character of the SLA. However, whilst the appellant stated that the building had been specifically designed for its agricultural function, the Inspector was unconvinced. The Inspector noted the Council's comment that 'The Piggery' has no historic merit for retention. Moreover, the Inspector was concerned not that have any tenancy agreements before her to provide for the building's continued use and to avoid the proliferation of farm buildings in the countryside or any assessment to provide that this would be the only suitable location within the 26.3ha tenant holding. Additionally no evidence was submitted to demonstrate that without the building the use of the land would cease or would be unviable. As such the Inspector was concerned that the landscape harm identified would continue long after the circumstances of the tenant farmer cease to be material.

On balance the Inspector concluded that the proposed barn would cause significant harm to the character and appearance of the surrounding SLA countryside. As such, it would conflict with the SPG and LDP Policies MD1, MD2, MG17 and SP10. These Policies broadly allow development in the countryside provided that it is of a high standard of design that positively contributes to the context and character of the surrounding natural environment and must preserve or enhance the rich diverse built and natural environment including SLAs. The appeal was dismissed accordingly.

Costs decision

Insofar as the Appellant's costs submission was concerned, the Inspector was satisfied that Council's submissions were entirely proportionate and directly related to its reasons for refusal. The statement of case, although short, was supported by the Officer Report and was explicitly framed in terms of the reasons for refusal and relevant policy context at that time. Additionally at the Hearing the Council was able to robustly explain their position and its opinion that the proposed development was unacceptable. For this reason and having regard to all other matters raised, an award of costs was deemed unjustified and that no costs borne by the Appellant were done so unnecessarily. The costs element of the appeal was, therefore, also dismissed.

L.P.A. Reference No:	2016/00869/FUL
Appeal Method:	Hearing
Appeal Reference No:	17/3169927
Appellant:	Mr. Carl Terry,
Location:	Meadowvale Nursery, Cowbridge Road, Llantwit Major
Proposal:	Proposed nursery workers functional needs dwelling with annexe for aged relative
Decision:	Appeal Allowed
Date:	26 July 2017
Inspector:	Mr. A. Thickett
Council Determination:	Committee

Summary

The Inspector considered the main issue to relate to whether the proposed development is essential for the maintenance of a viable rural enterprise.

The Inspector noted that Vale of Glamorgan Local Development Plan (LDP) and that there is no specific policy for rural enterprise dwellings in the LDP as it is intended that such applications be judged against TAN6 *Planning for Sustainable Rural Communities*. The SPG sets out a number of tests which proposals must meet.

Functional test

TAN6 requires there to be a clearly established functional need for new permanent dwellings which support established rural enterprises. It must be shown that it is essential to the proper functioning of the enterprise for a worker to be readily available at most times. At the hearing the appellant explained that he grows a variety of plants which have varying requirements in terms of water, heat and light; the first two in particular can be greatly affected by the weather. Conditions can alter rapidly, and forecasts are not always accurate, necessitating a timely response to ensure seedlings and plants remain in optimum condition. In his decision the inspector noted much of what the appellant advised during the hearing in terms of weather conditions, site security, labour demands of the business, recent experiences of plant loss, etc. Having considered these matters, the Inspector concluded that the lack of a worker living on site restricts the nursery's operations and prevents its proper functioning.

Financial test

The TAN6 financial test is that the enterprise concerned has been established for at least three years, profitable for at least one, is currently financially sound, and has a clear prospect of remaining so. To assess economic sustainability it is necessary to demonstrate that the business has a reasonable prospect of providing a market return for the amount of management and manual labour inputs for at least five years. This should be assessed on the basis of what is a realistic income for the skills of the operator.

The inspector noted the appellant's details of previous financial performance and considered overall that the financial appraisal indicates that the nursery as currently operating can fund a full-time worker. On this matter the Inspector stated that *"the success of the nursery thus far, and especially since the tearoom has been in business, gives me confidence that the appellant and his wife have the commitment and ability to realise their business objectives"*.

With regard to the dwelling proposed, the inspector noted that *"TAN6 stresses that whether there is an essential need for a rural enterprise dwelling will depend on the needs of the enterprise and not on the personal preference or circumstances of the appellant. It is reasonable, however, that a dwelling should be of sufficient size for a worker's family to live comfortably with him/her. That requirement is reflected in the standard occupancy condition for rural enterprise dwellings"*. The Inspector noted the annexe to the proposed dwelling for the appellant's elderly mother and the small office for the nursery business. She stated that *"To my mind, the proposed bungalow would not be much larger, if at all, than a three bedroomed dwelling suitable for a family with children.....All in all I consider that the size and cost of the proposed dwelling is commensurate with the ability of the enterprise to fund and sustain it without prejudice to the continued viability of the enterprise"*

Other dwelling test

Whilst the site is close to the edge of Llantwit Major, the Inspector was of the view that dwellings with separate accommodation for a relative are few and far between. Furthermore, she was of the view that the functional needs of the nursery could not be adequately fulfilled by a dwelling in a neighbouring settlement.

Conclusion

In her conclusion the Inspector stated that *“I have found that the TAN6 tests disputed by the Council, in terms of a functional need, financial soundness and whether another dwelling would be adequate, are met. The proposed development is therefore essential for the maintenance of a viable rural enterprise”*.

(d) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2013/0469/PRO
Appeal Method:	Written Representations
Appeal Reference No:	C/17/3176585
Appellant:	Mr Dave Edwards
Location:	Land and buildings at Hafod Lodge, Hensol
Proposal:	Without planning permission, the alteration of the Outbuilding consisting of the installation of a clock tower/turret
Decision:	Appeal Withdrawn
Date:	13 July 2017
Inspector:	
Council Determination:	Committee

Summary

The Appellant withdrew the appeal, confirming that compliance with the requirements of the enforcement notice will be achieved within the requisite period.

(e) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals and appeals for conservation area consent)	W	3	4	7	-
	H	1	-	1	-
	PI	-	2	2	-
Planning Total		4 (40%)	6 (60%)	10	-
Enforcement Appeals	W	1	-	1	1
	H	-	-	-	1
	PI	-	1	-	-
Enforcement Total		1 (50%)	1 (50%)	2	2
All Appeals	W	4	4	8	-
	H	1	-	1	-
	PI	-	3	3	-
Combined Total		5 (42%)	7 (58%)	12	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision
R - Refused

2017/00284/TPO	A	Brooklands Retail Park, Brooklands Terrace, Culverhouse Cross, Cardiff	Reduce 3 Poplars and remove a single Poplar from TPO no. 10 2005
2017/00612/TPO	A	Llansannor Court, Llansannor	Works to trees
2017/00618/TCA	A	22, Victoria Road, Penarth	Remove 1 no. Cypress front garden, 1 no. Cypress rear garden, reduce Bay rear garden
2017/00634/TCA	E	The Stables, Church Road, Llanblethian, Cowbridge	Fell 12 trees and reduce 1 - Llanblethian Conservation area
2017/00670/TCA	A	20, Raglan House, Highwalls Road, Dinas Powys	Removal of 1x Conifer tree
2017/00683/TCA	A	103, Plymouth Road, Penarth	Felling of two pine trees, one silver birch and two self seeded ash trees

2017/00697/TCA A 103, Plymouth Road,
Penarth

Work to tree in Penarth
Conservation Area - 20%
crown reduction of
Magnolia tree at front of
property

THE VALE OF GLAMORGAN COUNCIL PLANNING

COMMITTEE : **7 SEPTEMBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

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

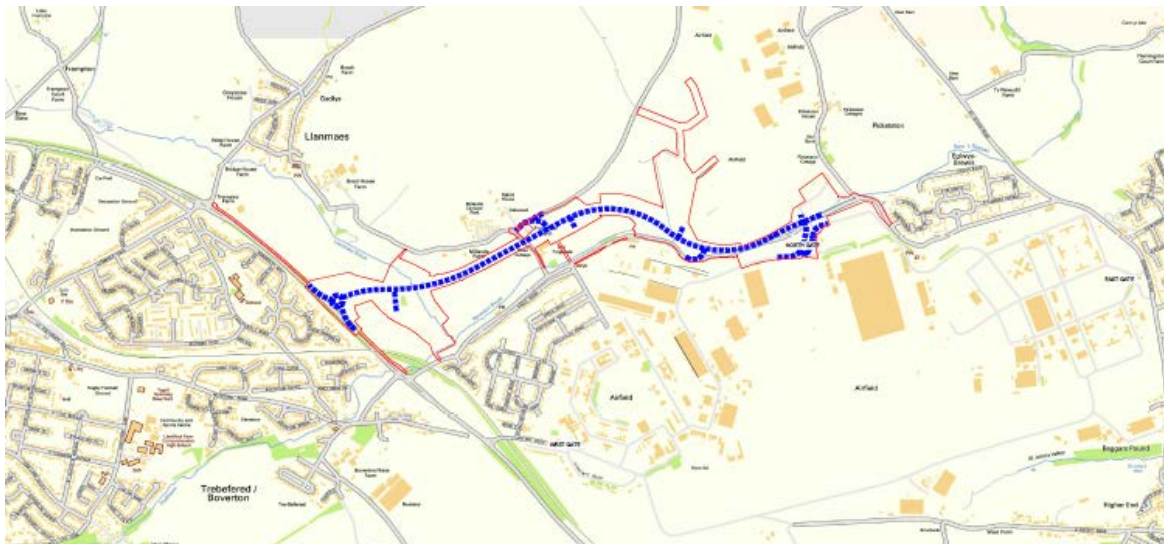
Welsh Ministers c/o Agent
Mr. Paul Vining, WYG Environment Planning Transport Ltd., 5th Floor Longcross Court,, 47, Newport Road,, Cardiff., CF24 0AD

Land East of B4265 between Boverton and Eglwys Brewis, St. Athan

Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations

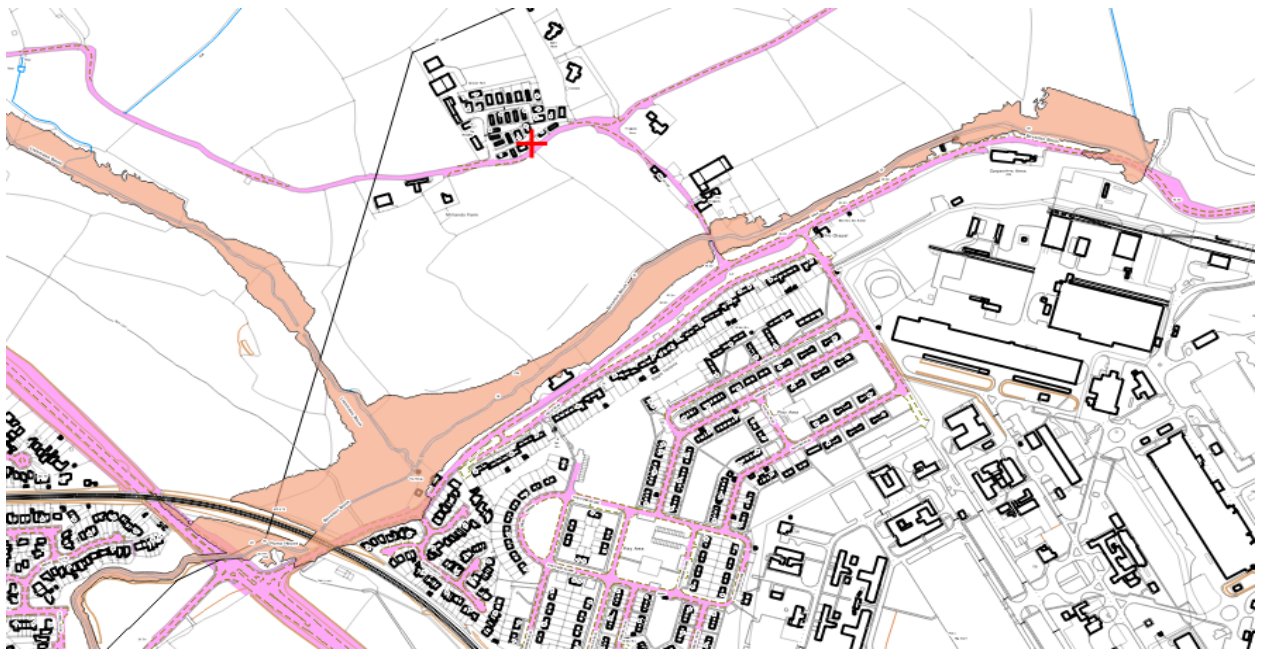
SITE AND CONTEXT

The application site is land East of the B4265 between Boverton and Eglwys Brewis, St. Athan. It is fundamentally linear in shape and provides the site area for a new 'Northern Access Road' (see description of development below). The site's location and extent are shown below:



The site is principally agricultural land, but does also take in areas of existing highway. Land allocated for residential development in the Local Development Plan lies immediately to the south of the site.

The site lies partially within a C2 Flood Zone, where it crosses the Llanmaes Brook, but principally lies to the north of the C2 flood zone. The plan below shows the location of the C2 Flood Zone, shaded pink:

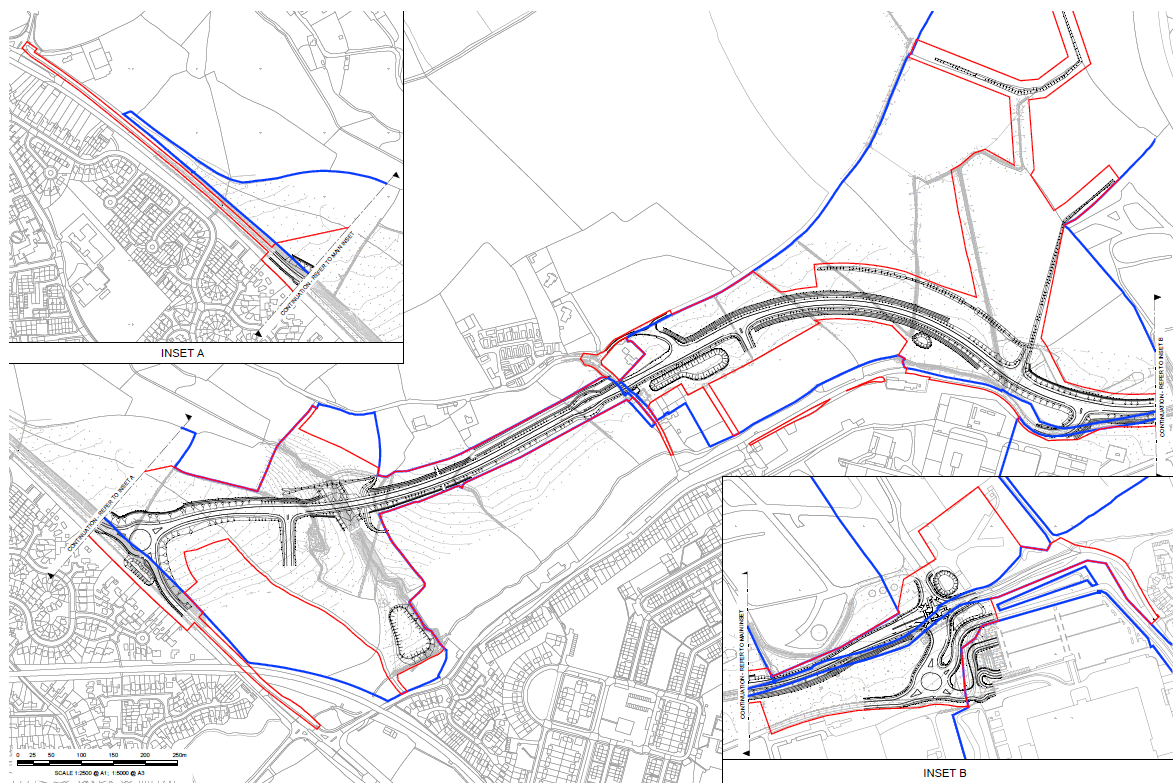


DESCRIPTION OF DEVELOPMENT

The application is for:

Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations

The plan below shows the development in the context of the application boundary:



At the western end of the site, a new roundabout junction would be created at the B4265 (Junction A). The road would then run broadly west to east, between Eglwys Brewis Road to the south and Milllands Caravan Park to the north. Much of the land between the proposed road and Eglwys Brewis Road to the south is allocated in the Council's Local Development Plan for housing, and this proposed road makes provision for the junctions into those allocated parcels of land (junctions B and D). At the eastern end of the site, a new signalised crossroads junction is proposed to provide access into the Aerospace Business Park (ABP) (Junction F). Further junctions are proposed to give access to Llanmaes Lane (Junction C) and to give access to Eglwys Brewis Road (Junction E- and this lies to the west of the new signalised junction). The road would then re-join Eglwys Brewis Road to the east of the signalised junction.

The highway cross-section comprises a single carriageway with two 3.65 m lanes, giving a total carriageway width of 7.3 m. A shared footway/cycleway 3.5 m wide is provided on the southern side of the road with a 2.0 m wide grass verge beyond. A 4.0 m wide grass verge is proposed on the northern side to allow the possible construction of a 2.0 m wide footway in the future if demand requires.

The plans below show enlarged insets of the roundabout and signalised junctions:





The shared footway/cycleway proposed along the southern side of the road, and this can be seen on the plan above.

The scheme has been designed to complement and work with the Councils proposed flood alleviation scheme for Llanmaes and includes bunding/embankment construction work which will provide storage and runoff channels designed to slow water flows.

It is proposed that flood alleviation measures will be installed at Llanmaes Brook as part of the first phase of works. This will enable further flood alleviation measures within Llanmaes to be undertaken by the Vale of Glamorgan Council (It should be noted that the works in Llanmaes village do not form part of this application).

2016/00617/LAW, Address: Super Hangar, Aerospace Business Park, St Athan, Proposal: Proposed use by Aston Martin Lagonda Limited for a primary use for the manufacture and assembly of motor cars (Class B2), with ancillary uses for storage/distribution. office, reception and exhibition area, staff canteen and parking, Decision: Approved,

2010/00901/RES, Address: Defence Technical College : Zone 7 Picketston South, MOD St Athan, Proposal: Reserved Matters submission in accordance with planning permission 2009/00500/OUT for a proposed Defence Technical College (DTC), in respect of Zone 7 (Picketston North) incorporating matters including: - Buildings (MT Workshop; Grounds Maintenance;,, Decision: Finally Disposed of

2010/00875/RES, Address: Defence Technical College : Zone 5 Picketston South, MOD St Athan, Proposal: Reserved Matters submission in accordance with planning permission 2009/00500/OUT for a proposed Defence Technical College (DTC), in respect of Zone 5 (DTC Training) incorporating matters including: - buildings; access; parking facilities; landscapin, Decision: Finally Disposed of

2010/00707/RES, Address: Defence Technical College : Zone 6 Picketston South, MOD St Athan, Proposal: Reserved Matters submission in accordance with planning permission 2009/00500/OUT for a proposed Defence Technical College (DTC), in respect of Zone 6 (Picketston South), Decision: Finally Disposed of

2009/00500/OUT, Address: Land at and adjoining MoD St Athan in the Vale of Glamorgan, extending from the B4265 at Boverton in the west to Castleton Farm, St Athan, in the east, and from north of the runway and north of Castleton Road at St Athan in the south to land..., Proposal: Development of a Defence Technical College and associated facilities and works, including 483 Service Families' Accommodation dwellings, military external and field training areas, the alteration and reconfiguration of St Athan golf course..., Decision: Approved

2009/00501/OUT, Address: Land at and adjoining the Aerospace Business Park at St Athan in the Vale of Glamorgan, extending from land adjacent to the B4265 at Boverton in the west to land adjacent to Cowbridge Road, St Athan in the east, and from the B4265 at Batslays ..., Proposal: Development at and adjoining the Aerospace Business Park, including: the erection of new and replacement buildings, airfield operational facilities and structures; the provision of access roads, hard standings and other infrastructure; ..., Decision: Approved

2008/00877/SC2, Address: RAF St. Athan, Proposal: Scoping request - Redevelopment of MoD St. Athan as a Defence Technical Academy (DTA) and Aerospace Business Park (ABP), Decision: EIA (Scoping) - No Further Information Required

2009/01228/FUL, Address: Defence Technical College and Aerospace Business Park, St. Athan, Proposal: Construction of 21 no. additional ponds and the erection of 5 no. bat houses, Decision: Approved

CONSULTATIONS

Llanmaes Community Council strongly oppose the application, and the grounds are summarised as follows:

- Lack of evidence to show that the NAR is essential for development of the Aerospace Business Park (ABP).
- Unnecessary destruction of a large area of unspoiled green countryside.
- Lack of importance given to the archaeology in the area.
- Unrealistic proposals for traffic management.

Llantwit Major Town Council have raised a strong objection on the following grounds:

- Inadequate business case or demonstrated need for the road.
- Adverse impact on traffic flow on the B4265.
- The road would enable new residential developments that would put a strain on the town's infrastructure and facilities.
- Adverse impact on the rural landscape and loss of farming land.
- Improvements to the existing Eglwys Brewis Road would be a more sensible and cost effective solution.

St. Athan Community Council object on the following grounds:

- Inadequate identified need for the road.
- Not cost effective- money would be better spent elsewhere.
- New access should be via an upgraded Eglwys Brewis Road.
- Adverse impact on traffic through St. Athan.
- Adverse impact on infrastructure and facilities.
- Flood risk.
- Impact on the character of the area as a consequence of the extent of ground works.

Ministry of Defence - No safeguarding objection to the proposal, however, further comments have suggested the traffic modelling should take account of potential additional future military vehicle flows. Members should note that Welsh Governments response to this request can be found at **Appendix B**.

Highway Development - No objection subject to conditions relating to issues including traffic modelling, engineering detail, road surfacing and a Construction Traffic Management Plan.

The Council's Public Rights of Way Officer has provided advice in respect of the necessary procedures in the event of a public right of way being affected by the development.

The Council's Drainage Engineer - No objection subject to conditions relating to engineering detail of the surface water drainage strategy, a SUDS management plan and a Construction Environmental Management Plan, to prevent pollution of the adjacent brook.

Environmental Health - No objection, subject to conditions relating to land contamination, dust/air quality, a CEMP and noise mitigation.

Cardiff Airport (Safeguarding) - No objection.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection subject to a condition requiring a written scheme of investigation to be submitted and complied with.

Cadw, Ancient Monuments - No objection.

Local Ward Members - Councillor Gwyn John has submitted the following comments: *I refer the above planning application to which I object to the access on to the Llantwit Major By-Pass, I wish to give notice that I intend to speak at the Planning Meeting. There are a number of issues I have with the need for the NAR but they are not planning issues and my comments will be raised directly with the Minister.*

Ecology Officer - No objection, subject to a condition to secure Skylark mitigation.

The Council's Landscape Architect - No representations received.

SWALEC - No representations received to date.

National Air Traffic Control Centre - No objection.

Natural Resources Wales have raised no objection subject to conditions relating to ecological mitigation and management, compliance with the Flood Consequences Assessment, and land contamination.

Dwr Cymru Welsh Water - No representations received.

Network Rail have submitted a holding objection on the basis that it is unclear whether additional land under and alongside the railway line would be needed for additional roadworks. The holding objection is pending a commercial settlement between the applicant and Network Rail (in the event the land was required). Comments have been received from the applicant concerning this objection which advises that the footway will stop either side of the bridge because a suitable hardstanding already passes beneath the bridge itself. The proposed works will have no effect on the railway infrastructure and all proposed works will be within the highway boundary.



The Badger Group- No representations received.

Wales and West Utilities- No representations received to date.

Western Power Distribution- No representations received to date.

REPRESENTATIONS

Neighbouring properties have been consulted and the development has been advertised on site and in the press. Over 30 representations have been received, and the grounds of objection are summarised as follows:

- Impact on air quality.
- Noise pollution.
- Destruction of a tranquil area.
- Light pollution.
- Impacts on ecology and wildlife.
- There is no justified need for development or evidence base for it.
- The ABP is unlikely to materialise.
- Aston Martin doesn't need or want the road.
- The development is not cost effective and is a waste of money.
- Upgrading Eglwys Brewis Road would be a better option.
- Damage to the environment.
- Visual impact.
- Adverse impact on traffic.
- Impact on property value.
- The site is green belt.
- Adverse impact on the caravan business at Millands Park.
- Loss of vegetation.
- No coherent methodology to the development.

- Impact on health.
- The new access to Millands Farm should be to an adoptable standard.
- Drainage basins will hold stagnant water that will attract flies, mosquitos, etc.
- The development would hinder access to local facilities.
- Archaeological impacts.
- Inadequate infrastructure in the area.

Two sample letters are attached as **Appendix A** and all other letters and email received can be viewed on the online register.

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 SP2 – STRATEGIC SITES
 POLICY SP3 – RESIDENTIAL REQUIREMENT
 POLICY SP5 – EMPLOYMENT REQUIREMENTS
 POLICY SP7 – TRANSPORTATION

Managing Growth Policies:

POLICY MG2 – HOUSING ALLOCATIONS
 POLICY MG9 – EMPLOYMENT ALLOCATIONS
 POLICY MG10 – ST ATHAN - CARDIFF AIRPORT ENTERPRISE ZONE
 POLICY MG16- TRANSPORT PROPOSALS
 POLICY MG19 – SITES AND SPECIES OF EUROPEAN IMPORTANCE
 POLICY MG20 – NATIONALLY PROTECTED SITES AND SPECIES

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT
 POLICY MD7 - ENVIRONMENTAL PROTECTION
 POLICY MD8 - HISTORIC ENVIRONMENT
 POLICY MD9 - PROMOTING BIODIVERSITY

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

Planning Policy Wales:

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

Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast.

Chapter 8 of PPW sets out guidance relating to transport infrastructure.

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Amenity Standards
- Biodiversity and Development
- Design in the Landscape
- Trees and Development

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Sections 66 and 72 of the Planning (Listed buildings and Conservation Areas) Act 1990
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Active Travel Wales Act 2013

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues relevant to the assessment of the application are the principle of the development, visual impact, highways issues (traffic and highway safety), impacts on ecology, the historic environment, residential amenity, noise, flood risk and drainage, agricultural land quality and other environmental issues.

Departure Issues

As referenced below, a Northern Access Road is allocated in the adopted LDP, however, at the time of the submission of the application (when it was advertised publicly) the LDP had not been adopted. Consequently, at that point in time, when the advertisement process was undertaken, the development represented a departure from the then development plan (the UDP). This provides background to Members as to why the development was advertised as a departure.

The principle of the development.

The key factors relevant to the principle of development are its status within the Vale of Glamorgan Adopted Local Development Plan 2011-2026 (LDP), the practical need/justification for it in highways and economic development terms (linked to its status within the LDP), and the history, which includes an Access Road approved as part of the Defence Technical College application.

The LDP Strategy comprises four key elements as follows:

“To promote development opportunities in Barry and the South East Zone. The St. Athan area to be a key development opportunity and Cardiff Airport a focus for transport and employment investment. Other sustainable settlements to accommodate further housing and associated development.”

The first three strands of the strategy are particularly relevant to the proposed development and they emphasise the importance of Cardiff Airport and St. Athan with regard to development opportunities and economic activity. It is clear that the LDP envisages the Enterprise Zone at St. Athan as being central to economic development in the Vale and the wider South Wales region.

St. Athan is identified as one of three Strategic Opportunity Areas in the Wales Spatial Plan, offering significant potential regional benefits. The LDP recognises that the designation of the ‘St. Athan – Cardiff Airport’ Enterprise Zone in September 2011, focussing on the aerospace and defence sector, represents a significant opportunity to bring aerospace related inward investment to the area.

The following extract is taken from the LDP, in respect of the strategy and the role of this area:

The LDP Strategy acknowledges the important role St. Athan will play in the future prosperity of the Vale of Glamorgan and the wider South East Wales Capital Region. Policy SP2 seeks to maximise opportunities for new inward investment and growth arising from these designations, while Policy SP7 emphasises the strategic importance of a new Northern Access Road to facilitate the further development of the Aerospace Business Park at St Athan as part of the Enterprise Zone. Significant levels of new housing development are also proposed to reflect the importance of St Athan to the Strategy of the Plan, and to support the key employment opportunities within the area.

A new Northern Access Road (NAR) to facilitate the further development of the ABP at St Athan is a significant element of the Enterprise Zone proposals and is considered necessary to facilitate further development of the Aerospace Business Park. Paragraph 6.63 of the LDP states that the NAR is in fact critical to the success of the Enterprise Zone and the absence of this means of access would significantly undermine the potential of the Zone.

The NAR would serve the Aerospace Business Park, the Aston Martin car manufacturing plant, and proposed residential development on land to the south of the road. It is considered vital that the ABP and Aston Martin sites (in particular) must be accessed by a road of appropriate design, specification and construction that makes access as quick and easy as possible from the existing highway network.

The residential allocations in the St. Athan Area (and those adjacent to the proposed NAR in particular) are reflective of the importance of St. Athan, both locally and on a regional level. Those allocations are well located in terms of access to existing services, facilities and the opportunities for further investment and employment and their delivery is similarly dependent on a high quality means of access.

It is highly relevant to note the commentary of the Inspector appointed to consider the soundness of the Local Development Plan, and the following extracts of the Inspector's report provide further evidence of considered need for the development:

5.11 However, the sites (two residential allocations) are being actively promoted by the Welsh Government, providing confidence that they will be delivered within the Plan period. They would also facilitate the delivery of the NAR which would significantly improve access to the 'Aerospace Business Park' from the B4265. Indeed, whilst some representors have questioned the need for the development of the NAR, evidence submitted at the hearings indicated that it would be essential to the effective delivery of the economic aspirations at the northern element of the Enterprise Zone whilst also providing the opportunity for residential development within close proximity to the proposed employment uses.

8.11. The site (Aerospace Business Park) is allocated specifically for aerospace related development that will be expected to meet strategic rather than local needs. The development will include: the refurbishment of the existing 70,000sqm hanger; the erection of new and replacement buildings, airfield operational facilities and structures, to the north and south of the runway; and the development of a business park for aviation support services marketed to civilian aviation companies. The success of the proposals is likely to depend upon the effective delivery of the following: The Northern Access Road147; the proposed highway improvements on the B4265148; and the new housing developments within the St Athan area.

9.6. Policy SP7.1 and Policy MG16.13 propose a new Barry Island Link Road which comprises a key element of the Barry Waterfront development proposals. Policy SP7.2 and Policy MG16.14 propose a new Northern Access Road (NAR) at the St. Athan Enterprise Zone. As set out above, the evidence indicates that this scheme is critical to the successful delivery of the strategic employment objectives.

It is, therefore, evident that there are clear and focussed policies for these works within the LDP, which were fully supported by the LDP Inspector. These policies would ensure easier, efficient and user friendly access to the Enterprise Zone and housing allocations at St. Athan. This is identified as being critical to the continued and future development of these areas and to the economic development of the wider region, and it is considered that this application in principle is wholly compliant with those policies and aims.

A number of objections have been raised by local resident in respect of the principle of the development, including the following points:

- The development is not necessary and when similar was approved as part of the Defence Technical College (DTC)/Aerospace Business Park (ABP), the road would not have been justified for the ABP alone (with specific reference to a condition rescinded permission for the road if the DTC did not go ahead).
- The development is based on aspirations only, of the development of the ABP.

- No cost benefit analysis has been carried out.
- Eglwys Brewis Road could be upgraded.
- Traffic may not use the NAR.

With specific regard to conditions attached to previous planning permissions for the ABP and DTC, it is considered that these do not infer the development is not necessary to support the development of the ABP. Condition 10 of planning permission 2009/00501/OUT for the ABP reads as follows:

No work whatsoever shall commence on the construction of the Northern Access Road approved by this permission until such time as formal confirmation has been received in writing from the Ministry of Defence that the Defence Technical College (as granted consent by planning permission ref. 2009/00500/OUT) is to go ahead, and that a contract for the undertaking and financing of such development has been signed.

Reason:

Since the development of the Northern Access Road has been justified on the basis that it is strictly necessary to mitigate the highway impacts of the combined impacts of the Defence Technical College and Aerospace Business Park, and it is therefore unacceptable to allow its construction until such time as LPA has been given satisfactory assurances that the DTC project will be undertaken at the site.

This does not infer that the road would not be necessary to serve either/or development alone, rather that the specific traffic modelling for that road, at that time, was carried out with regard to the combined development. Consequently, should either part not go ahead, the need for the road should be re-visited. In the time since the 2009 applications, the concept of the ABP and Enterprise Zone has been strengthened further, reflected in their status in the LDP and the associated allocation of the road.

It is considered that the road is critical to the delivery of the ABP and, therefore, while objectors have referred to it as aspirational, it logically needs to be delivered as early as possible to give the ABP the greatest chance of being developed to its potential. It is considered that any cost benefit analysis undertaken by the applicant is not fundamental to the acceptability of the scheme from a planning perspective. The cost of the scheme and the asserted lack of cost effectiveness is one of the principal points made by objectors and, while it is understandable that residents are keen to ensure that money for projects such as this is spent efficiently, that is not fundamental to the planning merits of the development.

Alternative options have been considered and these are summarised in the applicant's Design and Access Statement. This principally considered a Southern Access Road, (which would lead northwards from the B4265, crossing the railway line, and entering the ABP south of the runway) and improvements to the existing Eglwys Brewis Road.

The options report concluded that although both options have various advantages and disadvantages and constraints that would need to be overcome, the NAR has fewer, less costly and less time-impactful constraints to overcome. The main factors were considered to be:

- The ability to deliver the NAR to the required timescale, which is vital given the pending restrictions imposed by the MoD from 2019 in respect of the existing entrance to the ABP via Main Gate.
- The risks associated with upgrading Eglwys Brewis Road – particularly in respect of maintaining Network Rail service levels while achieving the required construction timescale imposed by the MoD requirements, as well as the need for land acquisitions.
- The opportunities for addressing flood risk by incorporating flood alleviation measures into the NAR design.
- Building constraints associated with upgrading Eglwys Brewis Road.
- Opportunities for Safe Routes to Schools' improvements if the NAR is constructed.

Some local representations suggest that improvements could be carried out to Eglwys Brewis Road and then pending how the ABP develops, the further road could be constructed in the future. While a costed interrogation of such a proposal has not been submitted, that would represent a more costly solution than implementing only the NAR.

It is considered that the applicant has explored alternative options and, while the selected option is not the preferred option of a number of local residents and representors, the judgement of the most appropriate option is subjective and requires balancing the weight to be given to various factors. It is considered that the grounds for selecting the NAR option are soundly reasoned and this demonstrates that the advice at paragraph 8.1.7 of PPW, in terms of considering other possible solutions, has been complied with.

A northern access road was approved as part of applications 2009/00500/OUT and 2009/00501/OUT for the Defence Technical College and Aerospace Business Park, however, that was justified specifically for those developments at that time. Consequently, in the context of the assessment of this application for this road, definitive weight would not be placed on the previous approval. It is, however, relevant context in terms of what has previously been considered an acceptable location for a new road, to serve a development of the ABP.

Having regard to the above, it is considered that the proposed road is acceptable in principle and would comply with the above referenced policies and the LDP strategy.

Highways issues

The proposed development would run east to west, from a new roundabout junction at the B4265, up to a new signalised crossroads junction in the eastern part of the site. As noted above, there would be a series of other junctions between these two points, to give access to future residential allocations, Llanmaes Lane, and Eglwys Brewis Road. A further 'contingency' junction is evident on the plans with access from the NAR to land at the north (to cater for any potential future development- as yet unplanned).

(NB: that junction is labelled in error as junction D on the submitted plans- however- that does not prohibit proper consideration of the highways layout).

The two principal highways issues to consider (albeit linked) are highway safety and impact on traffic. Firstly, it should be noted that the Council's Highways Engineers have raised no objection to the proposal, in respect of either safety or traffic impacts.

In terms of highway safety, the Highways Engineers are satisfied that the design, size and alignment of the road (and the respective junctions) would not have adverse impacts. The scheme has been designed from its outset in consultation with the Council's Highways department and to the necessary standards to ensure safe function. Therefore, subject to the engineering detail of the road being agreed, it is considered that it would function safely and provide a further option to road users when considering journeys in the area.

While some concerns have been received from representors regarding highway safety, the Council's Highways Engineers have considered the scheme as a whole, which has been developed over a significant period of time while taking such matters into account. Fundamentally the Highways Engineers are of the view that the road layout is safe, and this has not been challenged by any technical submissions to the contrary.

The traffic impacts of the development have been modelled in the Transport Assessment (TA), taking into account existing traffic flows at a series of junctions in the area. The TA considers the potential scope of trips to be created from three residential allocations in the LDP, in addition to the Aston Martin use of the Super Hangar and the ABP as a whole. The scope of the TA in that respect was agreed with the Council and is considered to be a robust assessment of committed development. It should be emphasised that the TA considers the capacity of the new road and its ability to deal with the likely levels of traffic arising from those developments. However, the impacts of those subsequent developments on junctions beyond the NAR itself would have to be demonstrated and considered through submissions associated with those developments. That is because the road itself is not responsible for generating the additional traffic associated with those developments (notwithstanding its clear role in enabling the development of these areas).

The Council's Highways Section has considered the submitted TA and raises no objection, subject to two conditions (in respect of traffic impacts). Further work is requested to demonstrate the interaction between the new B4265 roundabout at the western end of the NAR and the signalised junctions at Eglwys Brewis Road and Llanmaes Road. The second condition relates to the implementation of any limited mitigation measures that may be necessary as a consequence of that modelling.

It is appropriate and reasonable to condition this matter, given that it is clear that the development itself would not result in significant traffic issues in this regard. It should be noted that this is only the application for the road, not for developments that would be served by it, and therefore this application can only consider the traffic impacts of the road. The subsequent applications for other developments will need to demonstrate the relevant traffic impacts of those proposals.

Considering the potential scenarios at each of the junctions in question, firstly it is considered that the amount of traffic arriving at the Llanmaes Road junction from the west is unlikely to be materially different as a consequence of the new road alone, which is further east of it. The amount of traffic arriving at the Llanmaes junction from the east, whether having used the new road or having come from further east along the B4265, isn't likely to be materially different or greater.

It is considered that the amount of traffic arriving at the Eglwys Brewis Road junction from the east won't be likely to be significantly different as a consequence of the new road, which is further west of that junction. The amount of traffic arriving at the Eglwys Brewis Road junction from the west may be greater as a consequence of the road, however, that is likely to be offset by vehicles using the new road as opposed to travelling further along the B4265 to Eglwys Brewis Road.

It is recognised that the exact patterns cannot be established without modelling, however, based on the above and assessing the significant distances between the roundabout and these two signalised junctions, it is considered that there is highly unlikely to be significant or demonstrably harmful traffic issues caused on that stretch of the B4265. Notwithstanding this, mitigation measures (which may include alterations to timing of lights, minor works to lane flares etc) can be controlled by condition.

At the eastern end of the site a new signalised junction would provide access into the ABP. The junction is to be designed as an 'all-movement crossroads', however, measures are incorporated to discourage traffic from travelling through the village of St Athan. These include road markings and carriageway surface treatments as well as reduced signal timings to discourage traffic leaving the ABP from turning right towards St Athan and, similarly, traffic travelling west through St Athan from turning left into the ABP. This arrangement has been considered by the Council's Highways Section and no objection has been raised to the technical arrangement of the junction or the likely traffic impacts. While this may result in some traffic using St. Athan, it is considered that it is not likely to be an amount that it is so significant it would have a demonstrable impact upon traffic through the village.

In a more general sense, the proposed/allocated developments in the area will be likely to generate increased levels of traffic and it is considered that the proposed road will add robustness and resilience to the highway network, given the capacity/efficiency of the proposed road in its own right (i.e. its ability to carry traffic quickly and efficiently, given its size, alignment and location), the cumulative capacity of the road network as a whole and the increased route choice available to road users. Furthermore, the development would make wider access to the Enterprise Zone easier and more attractive, which is a fundamental part of unlocking the development potential of the site.

The design incorporates a 3.5m wide shared footway cycleway along the southern side and a 4m wide verge on the northern side allows for a footway if future developments necessitate. This represents comprehensive pedestrian/cycling provision along the highway and by comparison, is an improvement over that which currently exists along Eglwys Brewis Road. While there is presently pedestrian provision along Eagle Road (parallel to Eglwys Brewis Road) there is none along most of Eglwys Brewis Road and therefore pedestrian/cycling links in both directions towards Llantwit Major and St. Athan would be much improved.

The proposals include two bus stops on the NAR which will allow for future provision of bus services. The details of these stops match the bus laybys used elsewhere in the Vale of Glamorgan to ensure continuity across the network. It is anticipated by the applicant that if the new road is opened, bus services would remain on their existing routes until such time as demand dictates that either the existing routes are amended, or otherwise new services are deployed.

In considering this matter, the LDP Inspector noted:

Indeed, the new access via the NAR would represent an opportunity to improve sustainable connections to Llantwit Major town centre and the railway station, thereby satisfying the sustainability principles that underpin national policy.

It is noted that the agent of Milllands Farm has raised concerns if the proposed access points into the farm are not constructed to adoptable standards. The applicant has responded to this point via their agent and has advised that these access points are only to enable agricultural vehicles to cross the NAR as conveniently and safely as possible. The access points are not to provide access to future residential developments and consequently, they need not be constructed to adoptable standards. The access is also in addition to an underpass at the farm.

The development would result in Llanmaes Lane being stopped up at a specific point, however, the layout of the new road would take account of this. It is considered that this stopping up would not unacceptably impact upon traffic flows or unreasonably elongate journeys for people living in the area and those using this part of the highway network.

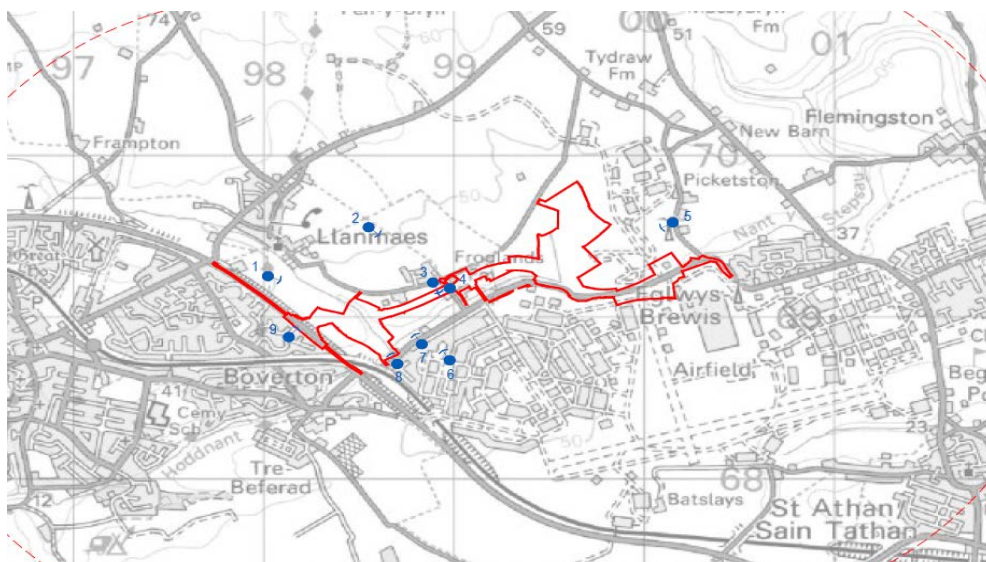
It should be noted that not all of the conditions requested by the Highways Engineer have been recommended. In some cases the requirements of multiple conditions have been captured in a single condition (e.g. wheel washing and times of heavy vehicle movements are incorporated in the CTMP condition) and in other cases the conditions would not meet the terms of the Circular. For example, one requested condition seeks to prevent Aston Martin commencing use in the super hangar before the road is completed. The lawful use of the super hangar for producing cars could not be delayed/triggered upon a condition in this application for the road. Other issues raised in requested conditions such as the need for TROs or a bond, are outside of the planning process.

In summary, it is considered that the proposed road makes provision for a safe access between the B4265 and the point where it adjoins the existing highway at the eastern point of the site, and would not adversely impact upon traffic flows within the wider highway network. The development would also enhance pedestrian and cycling facilities in the area, as well as making ample provision for bus services.

Visual impact

The site generally comprises relatively flat land at an approximate elevation of 42.0 m above Ordnance Datum (AOD). Llanmaes Brook crosses the western end of the site running on an approximate north/south alignment within a narrow valley. The level of the brook is approximately 36.5 m AOD where it crosses the proposed NAR. The western end of the site abuts the B4265 road which is situated within a cutting. The level of the B4265 is approximately 38.5m AOD where it meets the NAR.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers visual impacts from a range of viewpoints around the site, namely: PRow L16/38/1 (Valeways Millennium Heritage Trail) & Bedford Castle, PRow L12/3/1, Milllands Caravan Park, Froglands Farm & Rose Cottage and unnamed road, properties at Picketston, properties at Partridge Road, Eagle Road, Church Meadow and properties at Boverton. The plan below shows the location of these points, relative to the site:



The LVIA concludes that during the construction phase and at the time of opening the road, the development would have between minor adverse and major adverse effects on these receptors. However, it goes on to conclude that once the primary and secondary landscaping has matured, with the exception of Froglands Farm and Rose Cottage (moderate adverse), impacts from the respective points would be no greater than minor adverse.

Whilst not an identified point within the LVIA, it is also considered that the development would be visible at points from Llanmaes Village, more notably the southern section, however, the views and associated visual impacts are unlikely to be more significant than from those viewpoints closer and identified in the LVIA.

The LVIA also considers the LANDMAP character areas potentially affected by the development, and these are defined as Visual and Sensory, Landscape Habitats, Historical Landscape, Cultural Landscape and Geological. Ultimately, the LVIA concludes there would not be significant effects in respect of each of these aspect areas.

Given the length and general form of the proposed NAR, and the unspoilt rural character of the land at present, the construction of a formalised NAR will undoubtedly have an appreciable visual impact on the wider landscape. The natural topography of the surrounding areas of countryside to the north will also provide views of the road from higher ground, meaning that it is visible from a number of public viewpoints. Its proximity to a number of existing dwellings along its route will also result in significant close range landscape changes for a number of individual properties, as well as an appreciable increase in traffic activity.

The LVIA acknowledges that significant changes to views would be experienced by visual receptors during the construction phase and in the early operational years, prior to the landscaping maturing. However, whilst there would be undeniable changes to the local landscape, it is considered that this in itself does not render the development fundamentally unacceptable. Rather a balance has to be made between the visual impact (and all impacts) and the benefits of the proposal, having regard to the fact that it is allocated in the LDP. When considering the need/merit of the road in principle during the LDP process, the visual impact of a proposal of this kind (albeit not with this level of detail) was considered, however, the benefits associated with it were considered to outweigh the harm, visually, to the character of the countryside.

Moreover, Planning Policy Wales states at paragraph 8.5.1 that *'for local road schemes the development plan procedures should normally provide the means to examine both the need for and the alignment of the route'*.

In this case the development plan procedure has provided that means, and it is then for the development management process to consider the detail of the scheme, to ensure the visual impacts are minimised as far as possible. In this regard, it is considered that the visual impact can be mitigated as far as possible by ensuring the route is as direct as possible, as close as practicable to existing landform, and landscaped appropriately.

Whilst the existing site levels do not undulate significantly on the whole, the height of the proposed road relative to the existing land would vary, and most of the route is characterised by an element of cut or fill. This is appropriate in principle (as opposed to the road merely following every contour of the route), and the areas of cut in particular will mitigate the visual impact from longer distance views.

For limited sections of its route there would be greater differentials between the existing land and the carriageway, most notably where it crosses the Llanmaes Brook. However, the brook lies within a dip and once the road traverses this dip in the landform, it then closely follows the level of the existing land.

There would be a more obvious visual impact locally (and from wider vantage points to the north) of the area around the brook crossing, as a consequence of the larger embankment and the agricultural underpass. However, it is considered that the height differential would not be significant in the wider context and would not markedly add to the visual impact of the development as a whole. It should also be noted that from these views to the north, this section of the road would be viewed directly against the backdrop of new allocated housing. It should also be noted that the road at this point would be appreciably lower than the corresponding point of the Northern Access Road approved under application 2009/00500/OUT.

As referenced above, the NAR would run tightly along the northern boundaries of two housing allocations, and would effectively create a physical and defensible barrier to enclose these parcels of land. Given the close physical relationship between the road, the allocated sites and the existing West Camp, it is considered that the NAR would appear as an appropriately sited and clearly defined physical barrier, which would effectively denote the upper limits of the settlement, without appearing as an arbitrary incursion running through the rural landscape. Regard must therefore be given to the fact that the NAR is one element of a wider comprehensive development of this part of the settlement.

It is also accepted that there would be an increased level of light pollution from wider viewpoints, particularly to the north and north west, however, this would largely appear as a continuation of the existing and proposed residential areas further south. Therefore, whilst also contributing to the general change in character of the landscape, it is considered that degree of additional light trespass would not unacceptably impact upon the wider countryside. The means of lighting and the level and spread of illumination are matters that can be influenced by the Council, both as local planning and highway authority.

Notwithstanding the above, both sides of the NAR route are to be lined with substantial landscaped buffers, which would serve to partially screen and filter views of the NAR from short and long range views, thereby serving to mitigate its impacts. The landscape strategy includes minimising the removal of existing vegetation as far as practicable, linear tree and shrub planting to integrate the new junction at the B4265 to the existing semi-mature vegetation and hedgerow planting adjacent to the highway to provide habitat linkage and visual amenity.

Whilst it is accepted that the effect of the landscaping would be more limited in the short term, it is considered that it would significantly soften the visual impact of the road in time, to the point where it would effectively reduce its impacts. Having regard to the above it is considered that the proposed NAR, while fundamentally changing the character of the existing landscape, would nevertheless through careful design and landscaping, assimilate into the surroundings such that it would not unacceptably impact upon the character of the wider area in the long term. While accepting that the area is a locally appreciated and a not unattractive rural landscape, it is not a Special Landscape Area and lies outside of the Glamorgan Heritage Coast.

Having regard to the above, it is considered on balance that the harm attributed to the development is outweighed by the essential economic benefits and the role it has to play in the development of the Enterprise Zone and ABP.

Impact on the Historic Environment

The submitted Design and Access Statement (DAS) summarises the asserted impacts on the historic environment, and states that there are no statutorily designated heritage assets within the footprint of the NAR. There are parts of two conservation areas, one scheduled monument (Bedford Castle) and seven listed buildings within the 500 m buffer.

Three of the listed buildings are located in Boverton (south of the B4265), one is in Llanmaes village, two are to the east of the site (at Picketston and Eglwys Brewis) and one, Bethesda'r Fro Chapel, is the closest to the proposed road, at a distance of approximately 150 m. An assessment, has been made by the applicant of the potential impact of the development on the setting of the listed buildings (as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and on the setting of the other statutorily designated heritage assets.

No potential adverse impacts on the setting of any listed building, scheduled monument or conservation area are identified in the submitted Heritage Desk Based Assessment, and these conclusions were supported by your officer's site visit. The distance between the development and the heritage assets, and the intervening buildings, vegetation and topography, are such that the development would not adversely impact on the setting of these areas and buildings. It should be noted that Cadw have raised no objection to the development.

The DAS states that no previously recorded archaeological assets have been identified within the footprint of the NAR and, accordingly, no potential physical impacts have been identified. Notwithstanding that, there is the potential for previously unrecorded archaeology to be discovered during construction and consequently a programme of archaeological work is proposed by the applicant.

Glamorgan Gwent Archaeological Trust have been consulted and concur with this approach, recommending a condition to require the applicant to submit a written scheme of investigation, and then carry that out.

Having regard to the above, it is considered that the development would preserve the setting of the nearest conservation areas and listed buildings, in accordance with Sections 72 and 66 respectively of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, and would not unacceptably impact on Scheduled Ancient Monuments of archaeology. The development would, therefore, comply with the objectives of Policy MD 8 of the LDP.

Drainage and Flood Risk

The NAR crosses two watercourses, Boverton Brook and Llanmaes Brook and lies close to a third (Nant y Stepsau), intersects overland flow routes and the majority of the site is located in flood zone A, with a small area within flood zone C2. As such, flood modelling has been undertaken to inform the design of the watercourse crossings and to assess the flood risk from the NAR. To address the impact of the NAR on these flow routes, mitigation measures are proposed as part of the design, in the form of upstream storage areas with flood bunds containing overspill weirs, culverts and flood relief culverts. Results from the modelling demonstrate that even during 100% blockage scenarios, flood levels downstream of the scheme are decreased beyond the baseline results and upstream storage volumes remain less than 10,000 cubic metres. The proposed scheme therefore provides an improved situation downstream of the NAR and reduces flood depths and peak flows at Boverton and Froglands Farm. The scheme provides overall benefit to flood risk in the area and will form part of a wider flood alleviation scheme, proposed by the Council.

As advised above part of the site lies within a C2 flood zone (as defined by the Development Advice Maps with TAN 15) and consequently the application is accompanied by a Flood Consequences Assessment (FCA), which models flood risk associated with the development.

TAN 15 states that:

Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹; or,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

In this case, the location is necessary to assist a regeneration initiative and to contribute to key employment objectives. The potential consequences of flooding have been considered in the FCA and Natural Resources Wales (NRW) have deemed the development acceptable in this regard. NRW have advised that *based on the submitted FCA together with our review of the hydraulic model, we advise that the consequences of flooding to and from the proposal as designed are acceptable in line with TAN 15. We recommend the following condition (compliance with the FCA) is secured on any planning permission granted to ensure the delivery of the proposed mitigation measures.*

It is acknowledged that much of the site is not brownfield land, however, only a very small proportion of the site lies in a C2 flood zone and it is highly unlikely to be practically feasible that a development of this kind could be all within brownfield land. Essentially, and most importantly, there are overriding justifications for the development that comply with points (i) and (ii) of the above extract from TAN 15, and the effects of flooding have been fully considered. It is, therefore, considered that the development complies with the aims and objectives of TAN 15, in terms of flood risk, and the technical issue in respect of brownfield land does not render the development unacceptable.

The drainage strategy involves a series of catchment ponds and bunds. This has been considered by the Council's Drainage Engineer, who has similarly raised no objection subject to conditions relating to engineering detail of the surface water drainage strategy, a SUDS management plan and a Construction Environmental Management Plan, to prevent pollution of the adjacent brook. In particular, it is considered by the engineer that the proposals for crossing Llanmaes Brook are acceptable and provide sufficient capacity to deal with the development, in addition to further flood mitigation measures proposed by the Council for Llanmaes Village.

Having regard to the above, it is considered that the development is acceptable in terms of drainage and flood risk, in accordance with Policy MD7 of the LDP and moreover forms an important part of a wider flood mitigation scheme for Llanmaes.

Residential amenity (including noise issues)

In addition to the wider landscape impacts identified above, it is also accepted that the proposed NAR would result in localised impacts on the residential amenities of specific properties.

The application is accompanied by a noise and vibration report, which considers the likely impacts and ways to best mitigate against them. In addition to proposing low noise surfacing to the road, a series of noise barriers (details of which will be required by condition prior to their installation) are proposed to the north of the scheme in the area of Froglands Farm, Millands Farm and Millands Caravan Park. These would also be used to the south of the scheme in the area of Rose Cottage and Old Froglands and to the west of the scheme at the top of the B4265 cutting, to protect properties in Llantwit Major. The applicant has agreed to an extension of this at the request of a property on Denbigh Drive, and it is considered that these measures would be effective in mitigating noise at the key locations where the road would be closest to residential properties.

The conclusions of the report are that once operational and once landscaping has matured, the development would not unacceptably impact upon residential amenity by way of noise or vibration. It acknowledges that impacts would be greater during the construction phase and that a Construction Environmental Management Plan will be necessary to mitigate those construction impacts as far as possible.

The NAR would also run close to dwellings at Millands Farm and Caravan Park and the small cluster of dwellings around Froglands Farm. For these residents there would be an appreciable increase in close range movement and activity which would contrast with the more peaceful rural setting that they currently experience. However, whilst a higher level of general disturbance, activity and light trespass would occur than at present, it is considered that this would not be to an unacceptable degree, with the measures described above in place.

It is noted that the NAR would be sited sufficiently distant from these properties such that it would not generate a level of noise that would unreasonably affect amenity, or the conditions that would normally be expected in a residential area. Whilst it is noted that the occupants of these properties will have become accustomed to a very rural environment, this does not imply the unacceptability in principle of a scheme that results in a material change to that situation.

Specifically in terms of light pollution, the impacts on the closest properties from headlight glare would be largely mitigated by the proposed landscaping, particularly when it has become more mature. Whilst properties further away to the north and south may appreciate an additional level of light above the existing baseline level, this would not be so close as to unreasonably affect their living environment.

Therefore, having regard to the above it is considered that, whilst the NAR would have the effect of changing the existing rural setting currently enjoyed by these dwellings, the direct impacts would not be so severe as to unacceptably impact upon living conditions. It is clear that issues relating to the scale and impacts of the NAR are matters of significant concern to local residents and it is understandable that concerns would be raised in respect of what would represent an appreciable change to their immediate environment, however, it is considered that an appreciable change is not, alone, reason to refuse the application.

The Council's Environmental Health Section (Shared Regulatory Services) have been consulted and having regard to the mitigation measures, and have not objected in respect of impacts on residential amenity. A Noise Insulation Regulations assessment is requested and this can be conditioned, to inform the final design and extent of acoustic noise barriers. Other issues raised by the Environmental Health Officer are dealt with as part of the Construction Environmental Management Plan condition. Implementation of the mitigation measures described above should be controlled by condition, as can measures to deal with potential vibration.

In conclusion, the impacts of the new NAR have been fully assessed, however for the reasons given above, it is considered that the issues identified do not outweigh the wider benefits to the scheme and are not considered critically harmful to amenity.

Ecology

The proposal does not contain any statutory designated sites for nature conservation, the nearest such designated site being East Aberthaw SSSI, which is over 4km from the proposal. In addition, no non-statutory designations are present within the site.

A range of ecological surveys were carried out during 2016, including an extended phase 1 habitat survey and protected species surveys (including badger, bat, great crested newt, reptile, otter and water vole, hazel dormice, invertebrate and breeding birds). Additional surveys have been carried out in 2017. The DAS states that the site contains a mosaic of habitats, being largely dominated by grassland, subject to varying levels of agricultural improvement, and arable fields.

Protected species surveys identified the presence of a number of species including a hazel dormouse nest and single adult hazel dormouse in the east of the site. Based on connectivity of suitable habitats, their presence has been assumed within hedgerows across the site. In addition, two badger setts were located on-site, with slow worm found associated with the Llanmaes Brook stream corridor. Surveys also recorded twelve notable invertebrate species, with a diverse breeding bird population recorded. No evidence of water vole, otter or great crested newt was recorded during the surveys, but it has been assumed that otter may commute along Llanmaes Brook and Boverton Brook. No bat roosts were recorded within the site and bat activity surveys recorded relatively low levels of activity.

The scheme design has focused on the retention, enhancement and protection of habitats as far as possible and the maintenance of habitat connectivity. Ecological mitigation and enhancements included within the development include:

- Extensive planting of native shrub, trees, hedgerows, species-rich grassland and translocation of all hedgerows impacted by the scheme to maintain and enhance habitats for a range of protected species.
- Sensitive clearance methodologies to reduce potential for impacts on reptiles during construction.

- An application for a European Protected Species Licence for hazel dormice and an application for a NRW licence to close an outlier badger sett.
- Provision of features to maintain fish and eel movement along Llanmaes Brook.
- Sensitive lighting strategy for bats and provision of large areas of suitable foraging and commuting habitat within the planting scheme.

Natural Resources Wales (NRW) have raised no objection, subject to conditions relating to the Dormice Method Statement and Landscape and Ecological Management and Maintenance Plan, and a lighting scheme. NRW initially requested long term monitoring and management of mitigation measures be controlled by a Section 106 agreement, however, following discussion with the applicant, NRW have agreed that this can be dealt with by condition, provided the applicant is effectively in control of those measures (e.g. as landowner).

NRW has confirmed that the applicant will require a European Protected Species licence under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon a European Protected Species.

The Local Planning Authority (LPA) has a legal duty under the Conservation of Habitats and Species Regulations 2010 in relation to EPS', namely that when determining a planning application for a development which has an impact on EPS, the Local Planning Authority must take into account the three derogation tests contained within Article 16 the Habitats Directive 1992:

The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

It is considered that there are reasons of overriding public interest, namely the effective development of the Enterprise Zone. It is also considered that there is no satisfactory alternative to the road, given the identified benefits that it would bring in terms of economic development, and the constraints associated with other options. In terms of Test 3, NRW have raised no objection, subject to a condition relating to compliance with the Dormice Method Statement. It is, therefore, considered that subject to compliance with that, the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.

The Council's Ecologist initially sought further information on whether breeding Skylark would be affected by the proposal, and details of mitigation measures if so. The applicant has now submitted detail of adequate mitigation measures, to the satisfaction of the Council's Ecologist, who raises no objection subject to those measures being secured.

In summary, it is considered that the development would not unacceptably impact upon ecology, in accordance with Policies MG20 and MD 9 of the LDP.

Trees

A tree survey has been carried out which states that the majority of the trees to be affected are category C (low quality), with only two tree groups classified as category B (moderate quality). Members are advised that your officers concur that the trees within the application site boundary are not a significant arboricultural constraint to the proposed scheme.

Agricultural Land Quality

Planning policy guidance seeks to conserve "best and most versatile agricultural land", which is grades 1, 2 and 3a. The application is supported by an agricultural land classification report which shows that the majority of the land in the footprint of the road is either Grade 3b (moderate) or Grade 4 (poor). A small area of land towards the western end of the NAR is classified as Grade 3a (good) and is included within the definition of "best and most versatile agricultural land."

This area amounts to approximately 0.626 hectares and planning policy states that land in grades 1, 2 and 3a should be developed only if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable or available lower grade land has an environmental value which outweighs the agricultural considerations. In this case, it is considered that the quantity of Grade 3a lands is very modest in the context of the scheme as a whole, and the harm attributable to its loss is outweighed by the overriding need for the development.

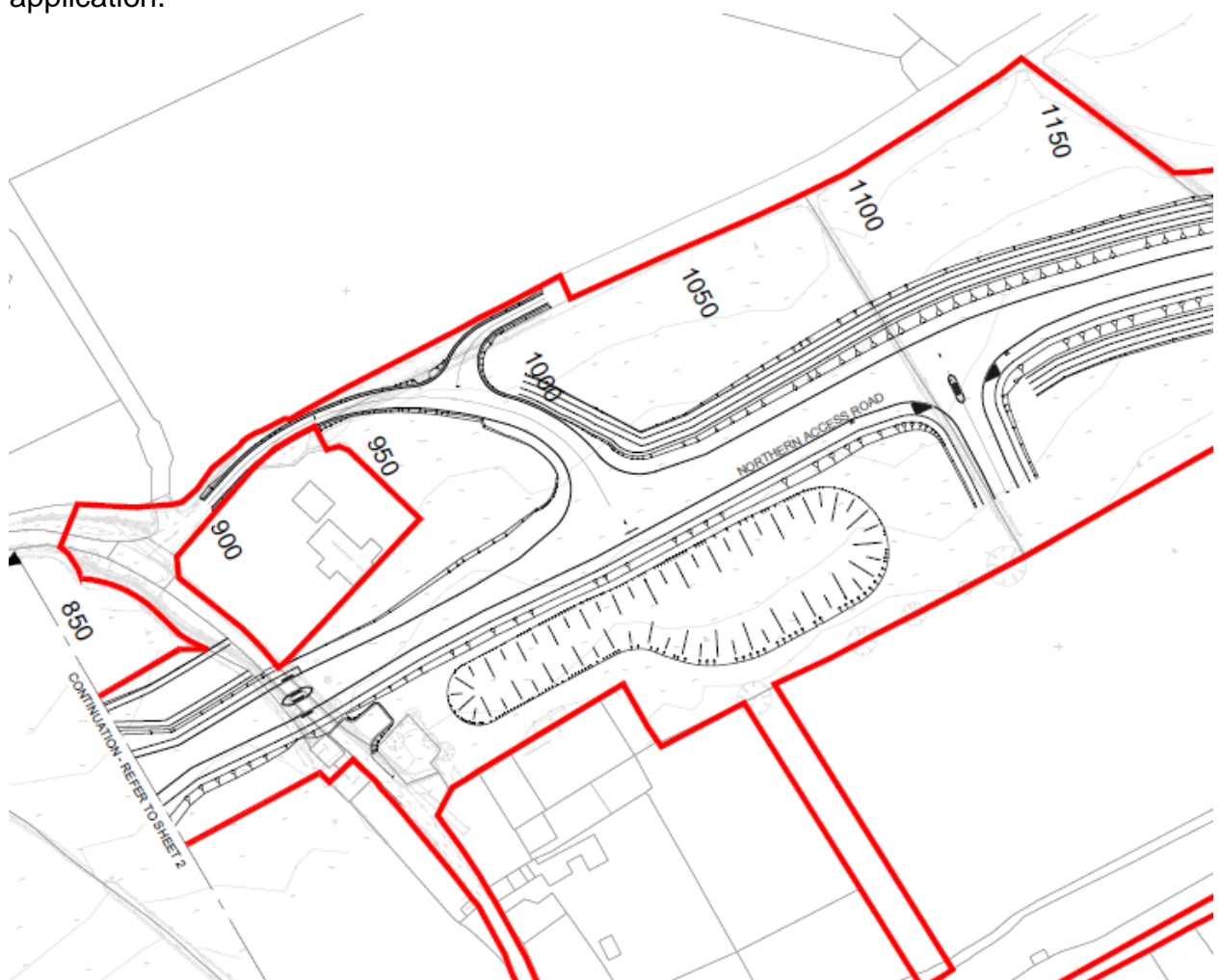
Public Rights of Way

The proposed road would cross two existing public rights of way. While the applicant wishes to retain such routes on their current alignment where possible, it is acknowledged that some diversions will be necessary. The DAS states that stiles and/or gates will be provided where the footpaths meet the proposed highway boundary. There exists provision under Section 257 of the Town and Country Planning Act 1990 to seek diversions and that process does not fundamentally affect the planning merits of the proposal, given that there is scope for these diversions to take place.

The granting of planning permission would not, in itself, give permission to close or divert the public footpath and planning permission does not mean that an application to alter the public footpath will necessarily succeed.

The Council's Public Rights of Way officer has advised that the proposed shared footway/cycleway shown on the applicant's plan does not show the existing connection of Public Footpaths Nos.38 and 40 Llantwit Major to the B4265, and that this connection should be maintained. No objection is raised by the PROW officer to the planning application.

The road would also intersect Llanmaes Lane near Rose Cottage, a property in the ownership of the Welsh Ministers, where the existing garage would be demolished and replaced by a hardstanding. A short section of the existing highway in this location would need to be closed to vehicular traffic and a turning head for vehicles would be provided on the southern side of the NAR. Again, while there is due process the applicant would have to undertake in relation to the stopping up of this part of the road, provision for that exists outside of the planning application process and it does not fundamentally affect the merits of this application.



Other environmental issues

Prior to the submission of the planning application, the applicant submitted a screening opinion application, the outcome of which was that an Environmental Impact Assessment would not be required. Nevertheless, there are a comprehensive raft of technical documents with the application, which robustly assess the likely environmental impacts, such as impact on air quality and land contamination.

In terms of air quality, the application is accompanied by an Air Quality Report, and this has been assessed by the Council's Environmental Health officers (EHO). The report concludes that construction activities have the potential to generate dust emissions as a result of construction, however, that should be controlled using on site management practices to the extent that the development should give rise to negligible short-term effects on dust deposition rates and concentrations of particulate matter at the nearest sensitive receptors. The effect is, therefore, not considered to be significant with respect to health and amenity.

For the operational phase, predictions of NO₂, and other particulate matter concentrations at receptors in the vicinity of the road indicate that there would be negligible changes in pollutant concentrations between the 'Without Development' and 'With Development' scenarios.

The air quality report states that given the conservative approach taken in respect of background concentrations and emissions factors used for the dispersion modelling, the impact of emissions from road sources during operation of the road is considered to be negligible. It therefore concludes that impact on air quality is not significant and the proposals are compliant with relevant air quality planning policy.

The Council's EHOs reviewed the reports and conclude that the assessments are robust and the methods used are appropriate. The officer requested a condition for a Construction Environmental Management Plan (CEMP) to be submitted. The CEMP subsequently submitted has been reviewed by the officer and deemed acceptable in relation to dust/air quality.

The EHO and NRW have also considered the submissions in respect of land contamination. The EHO has advised that the submitted information indicates a generally low risk from contamination across the site, given the context of the development. The officer goes on to note that the risk of localised contaminative issues has been identified, requiring further investigation, as recommended by the consultant. Consequently, conditions are recommended to ensure that any contamination risks are considered and mitigated against. Natural Resources Wales have similarly requested conditions in respect of risk assessment, a verification report, long-term monitoring and unsuspected contamination. It is, therefore, considered that subject to these conditions, the development would not pose an unacceptable risk of contamination to the environment.

Other points of objection

The majority of points of objection are covered in the report above, however, in response to the other points, impact on property value is not a material consideration and the site does not lie within a green belt. An objection has been received in respect of the impact on the business at Milllands Caravan park. While it is recognised that the development would alter the character of the surroundings to the park, it is considered that there is no reason why the park should as a consequence cease to be a viable business. No evidence has been submitted to demonstrate that large vehicles would not be able to access the park. The drainage catchments are not designed to be 'wet' all of the time and there is no evidence to suggest that they would attract flies, vermin or mosquitos. Some objections have been received in respect of the development hindering access to services, however, conversely it is considered that on the whole, the development would improve access to services, by a range of modes. It should also be noted that this proposal is only for the road, and concerns regarding impacts on infrastructure as a consequence of the housing allocations are not fundamentally relevant to this proposal.

Network rail (NR) have raised a holding objection on the grounds that the application site appears to include land under or adjacent to the railway line. The holding objection relates to NR's wishes to discuss a commercial settlement with the applicant. However, the applicant advises that the footway will stop either side of the bridge because a suitable hardstanding already passes beneath the bridge itself. The proposed works will have no effect on the railway infrastructure and all proposed works will be within the highway boundary. Moreover this is a matter of landownership and commercial issues and does not affect the planning merits of the proposal. Therefore any objections on these grounds are not material to the consideration of the planning application.

Summary

The sections above consider the specific impacts (positive and negative) of the development in respect of the relevant material considerations.

In terms of negative impacts, the report identifies a degree of harm to the character of the countryside, however, the detailed design and mitigation proposed would ensure that these impacts are minimised. The development would also result in the loss of some vegetation and require ecological mitigation, however, the Council's Ecologist and Natural Resources Wales do not object, subject to conditions.

There would be some impacts on air quality as a consequence of the development, however, these are also not significant and air quality levels would remain at an acceptable level. Consequently, the Council's Environmental Health Section has not objected. There would be a loss of some Best and Most Versatile Agricultural land, however, the area would be limited in scope.

The benefits of the scheme are principally in terms of economic development, by unlocking/enhancing the attractiveness and development the Enterprise Zone, and it is also considered the development would give resilience to the highway network. The scheme provides overall benefit to flood risk in the area and will form part of a wider flood alleviation scheme, proposed by the Council. There would also be benefits in terms of improved cycle and pedestrian access in the area.

It is considered that the above listed benefits are significant and would make decisive and meaningful contributions to economic development/regeneration and the highway network. It is considered that the development would comply with the objectives of Planning Policy Wales in respect of sustainability and economic development, and the advice within TAN 23. In particular, it is considered that the development is of special merit, given the importance of the Enterprise Zones to the regional economy.

Weighed against this are a number of outcomes (or possible impacts) which have essentially negative impacts. However, it is considered that those impacts, summarised above, are decisively outweighed by the significant benefits described.

Finally, it is also considered that the development would have due regard to the sustainability objectives contained in the Council's Development Plan and Planning Policy Wales. The development also complies with the Well Being of Future Generations (Wales) Act 2015 and the Well Being Outcomes and Objectives that have been adopted by the Vale of Glamorgan Council.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Aecom TA Jan 2017, Aecom Arboricultural Report March 2017, CT0151-0158, CT3001-3008, CT3020, CT051-057, CT100, CT0120-0128, CT0160 CT0201-0208, CT0301-0308, CT0402- 0403, CT0501-0507, CT0551-0557, CT0595, CT0601-0605, CT0611-0617, CT0701-0707, CT1101-1108, CT1009, CT1201-1207, CT1211-1212, CT1221-1227, CT1250, CT1310, CT2606, WYG DAS, Air Quality Report, F03-14, Geo Environmental Assessment, GI Factual Report, Aecom LVIA, Historic Environment DBA, Drainage Strategy, Landscape and Ecological Management and Maintenance Plan, Ecological Assessment, Noise and Vibration Assessment, Air Quality Study, CT0521-0528, SK014, Hazel Dormice Method Statement May 2017, CT0652.

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 the commencement of any works associated with the proposed roundabout junction along the B4265, a modelled assessment of the traffic impacts of the development on the signal controlled junctions of the B4265 / Eglwys Brewis Road and the B4265 / Llanmaes Road shall be carried out; and submitted to and approved in writing by the Local Planning Authority. The submissions shall include an assessment of whether any traffic mitigation measures are required at either of those junctions, or along the stretch of the B4265 between them.

Reason:

In order to fully establish the impact of the development along the adjacent highway network, in the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

4. Prior to the first operational use of the new northern access road, any mitigation measures identified in condition 3 above shall be carried out in full, in accordance with details (include timescales/phasing) that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety, the free flow of traffic and compliance with Policy MD2 of the LDP.

5. Notwithstanding the submitted plans, full engineering details of all sections of the new road and all junctions through the route, including details of cycle/footways, vision splays, sections, street lighting, surface water drainage and the details of the location of all new signage and changes to existing signage (and including full engineering details of any structures, drainage systems and culverts abutting or adjacent to the existing / proposed highway), shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any operational development involved in the construction of the road. The development shall be implemented and at all times thereafter maintained in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

6. Prior to the first operational use of the new northern access road or the new roundabout and signalised junctions, the approach to the new roundabout and signalised junctions shall be re-surfaced, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

7. Prior to the commencement of any operational development involved in construction of the new road, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

8. Prior to the commencement of any operational development involved in the construction of the new road, an independent highway maintenance consultant shall be appointed to carry out a full and comprehensive condition survey of the local highway network (the relevant scope of which shall be first agreed in writing with the Local Planning Authority) and the survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

9. Following the construction of the development and prior to the road being opened to public use, an independent maintenance consultant shall be appointed to carry out a full and comprehensive condition survey of the highway network referred to in Condition No. 8 above, so as to identify any difference in the condition of the highway since the commencement of the construction of the development, and any repairs required as a consequence. The survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

10. Following the construction of the development and prior to the new road being opened for public use, the developer shall carry out any repairs to the adopted highway identified as being necessary in the second survey required by Condition No. 9 above.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and COMM8 of the Unitary Development Plan.

11. Prior to the construction of the road, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully completed as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

12. Prior to any works in the vicinity of existing skylark territories, five skylark plots shall be provided within land under the ownership of the applicant, in accordance with the Skylark Plots Best Practice Guide, submitted with the WYG letter of the 2nd August 2017.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

13. The development shall at all times be carried out in accordance with the submitted Dormice Method Statement May 2017 and Landscape and Ecological Management and Maintenance Plan.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

14. Prior to the erection of any new lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, designed to reduce light spillage onto retained and created habitats. This scheme shall include details of the siting and type of lighting to be used, drawings setting out light spillage and any operational measures to be implemented.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

15. Prior to the road being opened for public use, details of measures for ongoing management and maintenance of all ecological habitats shall be submitted to and approved in writing by the Local Planning Authority. The areas shall be managed and monitored at all times in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

16. The development shall be carried out in accordance with the Aecom Flood Consequences Assessment (FCA) March 2017, ensuring that all flood mitigation measures set out in the FCA are carried out in full prior to the road being opened for public use.

Reason:

In order to prevent flood risk and to ensure compliance with Policy MD7 of the LDP.

17. Prior to the commencement of work to construct the road, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:

In order to mitigate against the risks of contamination, and to ensure compliance with Policy MD7 of the LDP.

18. Prior to the commencement of work to construct the road (with the exception of any activities that may be required in order to comply with condition 17 above), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason:

In order to mitigate against the risks of contamination and to ensure compliance with Policy MD7 of the LDP.

19. Within one month of completion of the monitoring programme referred to in condition 18 above, a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority. Monitoring may only finally cease when the above referenced report has been approved in writing by the Local Planning Authority.

Reason:

In order to mitigate against the risks of contamination/pollution and to ensure compliance with Policy MD7 of the LDP.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason:

In order to mitigate against the risks of contamination, and to ensure compliance with Policy MD7 of the LDP.

21. No infiltration of surface water drainage into the ground shall be permitted, other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated in writing that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details, once they have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to mitigate against the risks of contamination and to ensure compliance with Policy MD7 of the LDP.

22. Any topsoil (natural or manufacture), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason:

In the interests of environmental protection and to ensure compliance with Policy MD7 of the UDP.

23. Any site won material including soils, aggregates or recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

In the interests of environmental protection and to ensure compliance with Policy MD7 of the UDP.

24. No work on the construction of the road shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include details of the following:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xi) diesel and oil tank storage areas and bunds;
 - xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

25. Prior to the road being opened to public use and prior to the construction, erection or laying of any noise mitigation features, an assessment shall be carried out under the Noise Insulation Regulations and a report of the assessment shall be submitted to and approved in writing by the Local Planning Authority (to include details of all of the necessary noise mitigation measures), also prior to the road being opened to public use and prior to the construction, erection or laying of any noise mitigation features.

Reason:

In the interests of residential amenity and to ensure compliance with Policies MD2 and MD7 of the LDP.

26. Having regard to the Noise Insulation Regulations assessment referred to in condition 25 above, the full range of noise mitigation measures listed in the report required under the terms of Condition 25 (to include an acoustic noise barrier at the western end of the site between the new roundabout and properties in Llantwit Major/Boverton, acoustic noise barriers along the route of the NAR and 'low noise surfacing') shall be carried out prior to the road being opened for public use, and so be shall maintained at all times thereafter.

Reason:

In the interests of residential amenity and to ensure compliance with Policies MD2 and MD7 of the LDP.

27. Prior to the commencement of any works relating to the surface water drainage strategy, full engineering details for the surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include calculations for onsite attenuation or discharge, cross-sections and long-sections of all drainage features on site. The detailed scheme for drainage shall also identify all existing surface water drainage structures within the site and demonstrate that they are still utilised for their intended use, or that alternative provision is made. The scheme shall also demonstrate that flows within said structures are maintained during construction works and thereafter.

The approved scheme shall be implemented prior to the first beneficial use of the road and 'as built' plans shall also be submitted prior to the first beneficial use of the road.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere, in accordance with Policy MD7 of the LDP.

28. Prior to the commencement of any works relating the drainage system, a SuDS management plan which includes details of future management responsibilities for the site and its drainage assets shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The management plan shall be implemented in full accordance with the approved details prior to the first beneficial use of the road and complied with in perpetuity.

Reason:

To ensure the effective drainage of the site and to ensure compliance with Policy MD7 of the LDP.

29. Prior to the commencement of any works relating the drainage system, a construction environmental management plan for the protection of the adjacent brook from pollution during the course of construction shall be submitted to and approved in writing by the local planning authority. This plan shall include the position and location of all mitigation measures included within the CEMP. The development shall thereafter be carried out and at all times maintained in accordance with the approved

Reason:

In order to protect against pollution and to ensure compliance with Policy MD7 of the LDP.

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, SP2 – STRATEGIC SITES, SP3 – RESIDENTIAL REQUIREMENT, SP5 – EMPLOYMENT REQUIREMENTS, SP7– TRANSPORTATION, MG2 – HOUSING ALLOCATIONS, MG9 – EMPLOYMENT ALLOCATIONS, MG10 – ST ATHAN - CARDIFF AIRPORT ENTERPRISE ZONE, MG16- TRANSPORT PROPOSALS, MG19 – SITES AND SPECIES OF EUROPEAN IMPORTANCE, MG20 – NATIONALLY PROTECTED SITES AND SPECIES, MD2 - DESIGN OF NEW DEVELOPMENT, MD7 - ENVIRONMENTAL PROTECTION, MD8 - HISTORIC ENVIRONMENT and MD9 - PROMOTING BIODIVERSITY of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the advice within Planning Policy Wales 9th Edition, Technical Advice Notes 5, 11, 12, 15, 18, 23 and 24, the Council's Supplementary Planning Guidance on Amenity Standards, Biodiversity and Development, Design in the Landscape and Trees and Development, and Sections 66 and 72 of the Planning (Listed buildings and Conservation Areas) Act 1990, the proposed development is considered acceptable in principle, and in terms of visual impact, highway safety, traffic, flood risk, residential amenity, archaeology, the historic environment, ecology. Landscaping, trees, environmental impacts and agricultural land quality.

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

NOTE:

1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
2. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, may require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.
3. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

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

4. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
5. 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.
6. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
7. Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse. Contact Natural Resources Wales, Cambria House, 29, Newport Road, Cardiff. CF24 0TP; telephone number 02920 772400 for more information.

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.

Mr V.L. ROBINSON
The Vale Of Glamorgan Council
Dock Office
Barry Dock
Barry
CF63 4RT

29 th JUNE 20017

Proposed development Northern Access Road ,East of the B4265. Application No 2017/00564/FUL

Dear Sir

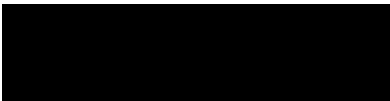
I wish to register my very strong objection to the proposal outlined in your letter dated 16th June 2017. There is already a perfectly adequate road already in existence used by hundreds of vehicles without any obstruction, interruption, or traffic problems on a daily basis. Putting an unnecessary and unwarranted new junction and road on the Llantwit Major bypass will inevitably result in traffic hold-ups on the B4265. This will not serve the local community in any regard whatsoever, unless there is an alternative agenda not outlined in your letter. Notwithstanding the fact that this development encroaches on green belt land.

As a retired person living on Millands Park I came here preferring to live in a quiet environment and see out my final years in relative peace and harmony, not to have that disrupted by the volume of heavy goods and other traffic using this new road development.

I am also very concerned that this development will have a detrimental knock on effect on the value of my property. In my opinion there is already a road infrastructure sufficient to cater for the locality and the people who live in the area. I will therefore reserve my right to claim compensation for the disruption, noise levels and inconvenience associated with this development. And finally the increase in pollution that will inevitably result from an increase in the volume of heavier traffic which is bound to have a detrimental effect on my already poor health.

I would therefore like to reiterate that I strongly object to the new access road on the B4265.

Yours Faithfully



Mr C. C. O'Neill
31 Millands Park
Llanmaes
Llantwit Major
CF612XY

D.E.E.R
RECEIVED
ACTION BY: <i>JL</i>
NO: <i>5</i>
ACK:

RECEIVED
03 JUL 2017
Regeneration and Planning

Old Froglands
Llanmaes
Llantwit Major
Vale of Glamorgan CF61 2XR



Mr. I Robinson
Operational Manager Development Management,
The Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry CF63 4RT

29th July 2017

Dear Mr. Robinson

Town and Country Planning Act 1990 (as amended)

Application No. 2017/00564/Full

Location : Land east of B4265 between Boverton and Eglwys Brewis, St Athan

Proposal: Proposed construction of a new highway (called the Northern Access Road)

I would like to make a formal objection to the planning application No. 2017/00564/FUL for the following reasons:-

1. A similar application was made by the Welsh Government in 2009 for the Defence Technical College and the Aerospace Business Park. The Vale of Glamorgan Council approved the application but added a condition that if the Defence Technical College did not go ahead the approval was rescinded. The conclusion being that approval was not appropriate for the Aerospace Business Park only. Application No. 2017/00564/FUL is in effect for access to the Aerospace Business Park although it is now presented as the St Athan Enterprise Zone. Access to the residential developments also mentioned could easily be accessed off the existing Eglwys Brewis road. If approval was not appropriate then it is not appropriate now especially as Aston Martin have made it clear that they do not require the NAR to proceed for their development. It should also be noted that reference to this matter is not mentioned in sections 605 to 608 of the Design and Access Statement.
2. The applicant has not demonstrated with satisfactory research and studies the basis on which this road is required. There is an **aspiration**, mentioned a number of times, that the Aerospace Business Park can be developed for aerospace related business however there is no detailed study or evidence that there are organizations that would wish to relocate or establish at St Athan. The concept of developing St Athan has been around for nearly 15 years but very little has actually been established. Indeed in the document prepared for the planning application it mentions that only 200 people are presently employed on the business park. A study prepared by the Public Policy Institute for Wales on behalf of The Minister for Enterprise, Science and Transport clearly states the

shortcomings of the work to date and sets out the detailed work that needs to be done to justify the aspirations proposed. On page 50 of the report it states:-

“ Turning from supply side to potential market demand for such facilities in Wales, the MRO Report prepared by Aerospace Wales in 2014 provides a useful top line overview of the MRO market in Europe and some of the key dynamics within the sector. ----- However, the 2014 analysis is certainly not an in depth market study identifying current or prospective requirements that would consider South Wales, nor does it articulate a marketing profile or selling proposition that would pro-actively help to attract them”

In addition it sets out the key access requirements that need to be carried out to enable organizations to consider locating to St Athan. The subject of this application is the very last element of the access requirements. **It would be a disaster to build a road through prime countryside and which has a significant impact on a lot of people to then find when the studies have been completed that there is no significant demand to come to St Athan.**

3. No cost benefit analysis has been carried out for the establishment of this road which I believe is a prerequisite for any development which is spending tax payers' money.
4. The Northern Access Road duplicates the Eglwys Brewis road which could be upgraded to accommodate the traffic that may be generated in the short term. Should this become overloaded in time if the studies mentioned above are carried out and demand is proven then consideration could be given to constructing an alternative route to relieve any congestion. The proposed construction of the Northern Access Road is not in itself going to attract firms to the site when a number of other more important access bottlenecks from the M4 exist. These include Culverhouse Cross interchange, St Nicholas village and 5 mile lane.
5. The line of the Northern Access road has the following adverse impacts which make this proposal unacceptable:-
 - It adds an additional junction on the Llantwit Major by pass which if the flows predicted happen could result in significant congestion on the by pass and the possibility of motorists using the route through Llantwit Major at peak times with the increased potential of accidents. The document does not give details of existing flows down the various roads only turning counts and no mention is made of possible congestion.
 - To construct the roundabout on the bypass there will have to be a significant cutting due to the difference in levels with the resulting intrusive scar on the landscape.
 - The route of the road cuts across a significant areas of countryside between settlements and agricultural land used by three farmers and a riding stables.
 - Although mitigating measures have been proposed, the impact on the people living along its route will be significant due to noise and light pollution and the visual impact. Most of these people are retired and at present enjoy a quiet existence. This new road will change all that.
 - The development of the NAR goes against a number of the Vale of Glamorgan's own planning policies.

6. It has not been conclusively demonstrated that traffic requiring access to the St Athan Enterprise zone will use the Northern Access Road. The majority of the traffic will come from the east and they will have the alternative routes through St Athan village and also down the Eglwys Brewis road. I do not believe that the traffic analysis prepared for this application demonstrates that the traffic will use the Northern Access Road.

In conclusion the need for the Northern Access Road has been based on inadequate market analysis (as stated by the Public Policy Institute of Wales), no cost benefit analysis has been carried out and it is highly possible that a significant area of countryside will be destroyed for a road that replicates an existing road. Just because it has been demanded by the Welsh Government that it must be included in the LDP does not mean, I believe, that planning permission must be given. Now is the time to show the strength of the democratic process and demand that conclusive evidence is provided to show the need for this road.

Yours sincerely,

David Harris



A097705
20 June 2017

Ian Robinson
Development Management
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

Dear Mr Robinson

**Northern Access Road, St Athan
Planning application P/DC/IR/2017/00564/FUL**

Thank you for informing us that you have received comments on the above planning application from Mr Jeremy Melhuish on behalf of the Ministry of Defence. Mr Melhuish's comments, as recorded in his e-mail to you of 16 June 2017, have been considered and I am authorized to make the following response on behalf of the applicant (the Welsh Minsters).

The Welsh Government continues its commitment to promoting the Aerospace Business Park at St Athan, which is an essential part of the Government's promotion of the Cardiff Airport St Athan Enterprise Zone and of your own Council's economic development strategy as set out in the *Vale of Glamorgan Local Development Plan*. This commitment includes the delivery of the Northern Access Road, the importance of which is fully recognized in the recently-published Inspector's report following the LDP Examination.

As explained in the submitted *Design and Access Statement and Planning Statement*, the segregation of MoD traffic from Aerospace Business Park traffic is considered fundamental to the successful economic development of the ABP. In order to achieve this, the Welsh Government has secured a contractual commitment from the MoD that their right to access through or to travel across the Welsh Ministers' land at North Gate will cease with effect from 31 March 2019. This position is non-negotiable. In light of this, we are surprised by the representations made by Mr Melhuish, in which he infers that this option may remain. This is not correct.

Mr Melhuish's e-mail also appears to be unduly definitive in terms of the announcement made by the Secretary of State for Defence as set out in the *A Better Defence Estate* (November 2016). We believe that the position represented by Mr Melhuish is overstated in that rather than being "earmarked" for expansion, the St Athan site is simply one of several on a list for consideration for accommodating army light infantry battalions, with the RAF footprint at St Athan remaining largely unchanged apart from the relocation away from St Athan of 4 School of Technical Training.





It is correct to say the MoD continue their deliberations over their potential future use of St Athan; these deliberations have been ongoing for a number of years without a formal decision having been taken. It is also correct that the MoD continues discussions with Welsh Government around the use of East and West Camps at St Athan but, in each case, access to the facilities there will be from the existing MoD East Gate and Main Gate respectively. MoD has no legal right and will not be permitted to access the retained MoD site via the North Gate entrance from the NAR.

As to existing military traffic movements, the NAR has been designed to accommodate all road legal vehicles. Moreover, as you will appreciate, existing traffic conditions in the area, including current MoD activity, have been accounted for in the *Transport Assessment* submitted in support of the planning application for the NAR, and modelled accordingly. The scope of that TA was agreed with your Council and, as is normal, existing commitments and definite proposals (such as the Council-approved deposit LDP housing sites) were included in the assessment. In contrast, speculative developments have not been included. In our view, Mr Melhuish's comment that "*potential additional military traffic movements*" (none of which have been specified or quantified) should be accounted for in the design of the NAR is incorrect and inappropriate and, as such, should have no bearing on the determination of the planning application for the NAR.

The impact of additional traffic that may be generated at some future unspecified date by any MoD confirmed proposals for St Athan is a matter for the MoD to consider as and when a planning application(s) for that development(s) is being worked-up and consulted upon. At that time, the impact would need to be assessed against the improved highway network in the Vale area resulting not only from the construction of the NAR but also from the recent highway realignment at Gilestone Old Mill and the programmed highway improvements to Five Mile Lane.

We should be grateful if you would take these comments into account in your consideration of the planning application.

Yours sincerely

For and on behalf of WYG Environment Planning Transport Ltd

Paul Vining

Director

paul.vining@wyg.com



Celtic Developments (Penarth) Ltd., 28, Sturmi Way,, Village Farm Industrial Estate,, Bridgend., CF33 6BZ
LRM Planning Ltd., 22, Cathedral Road,, Cardiff., CF119LJ

Northcliffe Lodge, Northcliffe Drive, Penarth

Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, replacement tree planting and landscaping and associated works (resubmission application)

REASON FOR COMMITTEE DETERMINATION

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

- the application is of a scale and/or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site comprises an existing dwelling Northcliffe Lodge and its associated residential curtilage, plus part of the neighbouring Northcliffe apartments including a parking area. The site lies within the settlement boundary for Penarth as defined in the Local Development Plan. The Penarth Conservation Area lies to the south of the site on the opposite side of Paget Place. Other historic assets in the vicinity of the site, include the Grade I listed Church of St Augustine's to the south, the Grade II Custom House and Marine Building to the north, and the scheduled monument Penarth Churchyard Cross. There is existing mature tree coverage over the site, with two Tree Preservation Orders, TPO (No. 24) 1970, a mix of species in the south eastern corner, and TPO (No. 11) 2015, including Sycamore, Oak, Holm Oak, Magnolia, Pine and Yew on the remainder of the site.

This is an application for full planning permission for the demolition of the existing property and the residential redevelopment of the site for 30 No. apartments.

To date objections have been received from Penarth Town Council; local Ward Member Cllr Ruba Sivagnanam; approximately 24 No. neighbour representations; the adjoining landowner of Custom House/Marine Buildings to the north; and Barry and Vale Friends of the Earth. The management company for the neighbouring Vista Court on Northcliffe Drive, welcome the provision of the new access, but have raised concerns over the level of car parking and request that the existing access be stopped up.

Two representations have expressed general support for the proposal noting the quality of the design which has been recognised by the Design Commission for Wales.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, the design and visual impact, bearing in mind the historic context of the site; the effect on neighbouring and residential amenity; highway safety; the ecology and biodiversity interest on the site; ground stability and drainage; and the S106 planning obligations.

It is recommended that the application be APPROVED subject to conditions, including, implementation of new access and closure of existing; provision of parking; a travel plan; landscaping and tree work; means of enclosure; details of bin store; ecology/biodiversity protection and enhancement; further investigation for ground conditions; drainage details; measures for possible land contamination; a CEMP; construction hours; and a S106 planning obligation to provide:

- An off-site contribution of £270,345 towards affordable housing;
- A contribution of £29,655 towards community facilities to enhance existing facilities within the ward.

SITE AND CONTEXT

The application site extends to an area of approximately 0.63 ha, which includes an existing detached dwellinghouse, 'Northcliffe Lodge', and its associated outbuildings and garden curtilage, plus an area of land that includes car parking associated with the existing Northcliffe apartments to the east.



The site is situated at the top of the Penarth Escarpment with a considerable change in levels across the land. The existing residential curtilage extends across three main terraces, with the existing house situated within the middle terrace.



The existing vehicular and pedestrian access to the site is via Northcliffe Drive to the west of the property.

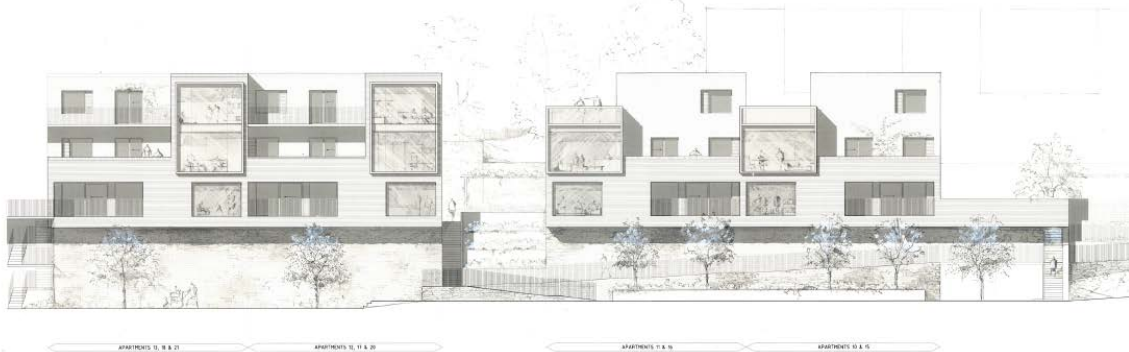
The site lies within the settlement boundary for Penarth as defined in the Local Development Plan. The Penarth Conservation Area lies to the south of the site on the opposite side of Paget Place. Other historic assets in the vicinity of the site, include the Grade I listed Church of St Augustine's to the south, the Grade II Custom House and Marine Building to the north, and the scheduled monument Penarth Churchyard Cross. There is existing mature tree coverage over the site, with two Tree Preservation Orders, TPO (No. 24) 1970, a mix of species in the south eastern corner, and TPO (No. 11) 2015, including Sycamore, Oak, Holm Oak, Magnolia, Pine and Yew on the remainder of the site.

DESCRIPTION OF DEVELOPMENT

This is a resubmission following a previous refusal, 2015/01449/FUL refused 6 January, 2017, which seeks full planning permission for the demolition of the existing house and outbuildings and the construction of 30 No. apartments within three principal apartment blocks (Block A-one building, Block B-three buildings, and Block C-one building). The apartments will comprise 24 No. two bedroom and 6 No. three bedroom duplex units.

The proposed apartment blocks will be set into the sloping landscape over three main plateaus with varying heights of between three and four storeys. Block A is located at the highest and most southerly position and comprises 9 No. units set over three main levels, with a lower ground/basement level providing access to the car parking and storage area. Block B is positioned centrally and is divided into two structures that are set in an 'L' formation, comprising 13 No. units. Block C is a linear block positioned to the north at the bottom of the slope and comprises 8 No. units.

The design of the development remains an overtly contemporary one, including flat roofs with parapet walling, and rooftop pods creating duplex accommodation within lightweight material. The main elevations of the buildings will be constructed in two tones of facing brick, sedum grass to the roofs, and the duplex pods clad in a bronze tone anodised aluminium. Similar materials will be used to the windows, shutters and balconies/balustrades. It is proposed that the surface of the entrance court is carried through to the principal entrances creating a hard landscape using one material which will respond to the brickwork, such as stone pavers and stone sets.

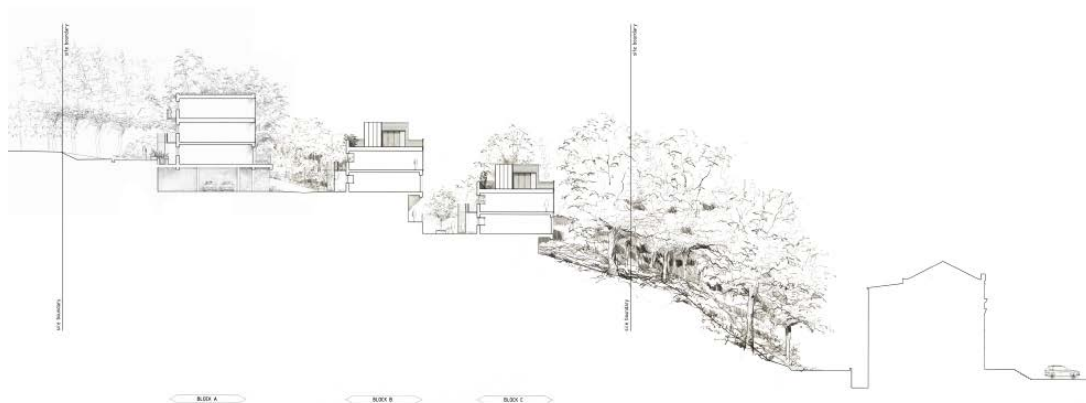


Block B north elevation

COMPUTER GENERATED VISUALIZATION 04
HEMG STREET BETWEEN APARTMENT BLOCKS B AND C



Visualisation Blocks B and C



Site section

The proposal will provide for a new vehicular and pedestrian access to the site from Paget Place to the south, approximately 100m east of the junction with Northcliffe Drive and 20m west of the private access serving Northcliffe apartments. The internal driveway will wind through the site following the levels and will comprise a shared surface design. The new driveway will give access to level parking areas (part undercroft), plus secure communal storage area for cycles and refuse/recycling materials. This will be in addition to the individual stores provided for each unit. A communal parking area is situated between blocks A and B. A ramped access is also proposed to provide a compliant access down the levels, which is in addition to the stairs and lifts which offer a more direct alternative route.

A dedicated car parking space will be provided for each of the units with a total of six casual parking spaces (located both within the main parking area and also along the main spine road) to serve the needs of visitors.

The internal access road is proposed to be maintained in private ownership, whilst a private management company will also address the collection of waste and recycling materials. Notwithstanding this, the access road has been auto tracked to illustrate how a refuse vehicle would be able to navigate and turn within the site, enabling the vehicle to egress in a forward gear.

The proposed new access road also includes the rationalisation and re-plan of an existing car parking area for the adjacent apartments at Northcliffe, with 25 No car parking spaces.



Proposed layout

The proposal entails the loss of several trees across the site protected by the two Tree Preservation Orders. Compensatory planting is proposed within a new landscape scheme. In addition, communal areas are proposed within the site to provide not only amenity space, but also to soften the development within the landscape.



Photo montage existing



Photo montage proposed

The application is accompanied by a number of supporting documents, including, a Design and Access Statement (DAS) prepared by Loyn & Co Architects; Planning Statement (Original and Addendum) prepared by LRM Planning Ltd; Transport Statement by WYG; Preliminary Slope Stability Report and Stability Desktop Report both by Terra Firma (Wales) Ltd; Tree Survey and Arboricultural Impact Assessment by Treescene; an Ecological Assessment, Bat and Reptile Survey, and Biodiversity Strategy by David Clements Ecology Ltd; an Impact Assessment by Buzzbox; a Heritage Impact Assessment, and Landscape Impact Assessment by EDP Ltd; and a Pre-Application Consultation Report by LRM Planning Ltd.

PLANNING HISTORY

2015/01449/FUL - Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, provision of a footpath link, replacement tree planting and landscaping and associated works – Refused 6 January 2017 for the following reason:-

“The proposed development is considered to be contrary to the aims of Policies HOUS2 - Additional Residential development, HOUS8 – Residential Development Criteria and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales and Technical Advice Note 12 (Design) for the following reason: It is considered that the proposed buildings are of an excessive size, massing and form and fail to have regard to the context of the site, would appear as over scaled and incongruous within the streetscene and within its coastal headland context, and would fail to either preserve or enhance the character of the nearby Conservation Area or Listed Buildings. The development would therefore be contrary to the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.”

There have also been a number of applications relating to the wider site including:-

2007/00050/TPO - Northcliffe Apartments (part of current site) - Fell three mature Sycamore trees - Approved subject to conditions 1 March 2007.

2011/01177/FUL - Marine Buildings, Penarth Marina (to north of site) - Conversion and extension of existing derelict fire and water damaged building to create a hotel, with 55 bedrooms, a Cafeteria and Wine Bar. To include the retention of the building's northern and western facades, reconstruction of the roof and chimneys to the original design, construction of side and rear extensions and creation of car parking and landscaped external areas – Approved subject to conditions 26 April 2012.

2011/01178/LBC - Marine Buildings, Penarth Marina (to north of site) - Conversion and extension of existing derelict fire and water damaged building to create the boutique four star Marine Hotel, with 55 bedrooms, a Cafeteria and Wine Bar. To include the retention of the building's northern and western facades, reconstruction of the roof and chimneys to the original design, construction of side and rear extensions and creation of car parking and landscaped external areas - Approved subject to conditions 27 April 2012.

2014/01256/TPO - Northcliffe Apartments (part of current site) - Crown raise Beech and Lime, fell Holm Oak and Ash - Approved subject to conditions 17 December 2014.

CONSULTATIONS

Penarth Town Council were consulted and have stated that the application be Refused on the basis of the same concerns raised by Committee on 16/06/16, failure to have regard to the context of the site:-

1. Over-dominant form of development that could threaten the future of the listed buildings, Custom House and Marine Building.
2. Overcrowded form of development.
3. Detrimental to this iconic headland known as the Bears Head believed to be where the name of Penarth is derived.
4. Request the Vale Council's own ecology officer carry out a comprehensive ecology survey as it is considered that the submitted survey is inadequate. Local Knowledge is aware of an extensive and active bat population.

5. The loss of so many mature trees is also of concern.
6. The S106 contribution is insufficient for the development.

Local Ward Member Cllr Ruba Sivagnanam was consulted and has raised concern that the proposal will adversely affect the surroundings of the listed building below; that the flats will also affect the heritage coastline by damaging and spoiling it. These concerns not addressed by the proposals.

Natural Resources Wales were consulted and have responded by stating that they have no further comment on the application as the advice and position provided during the statutory pre-application consultation remains current. They note that the bat report submitted in support of the application, 'Bat and Reptile Surveys' prepared by David Clements Ecology Ltd dated June 2016, has identified that bats were not using the application site. They note the conclusions and recommendations and do not have any comment to make with regards to European Protected Species (EPS). They therefore have no objection to the application as submitted.

Dwr Cymru/Welsh Water were consulted and request that a number of conditions and advisory notes be attached to any consent relating to a drainage scheme for foul, surface and land drainage, and the possible need to apply for connection to the public sewer. There are no problems envisaged with Waste Water Treatment Works for the treatment of domestic discharges from the site. In addition, there is no objection to the development in relation to a water supply.

Cadw were consulted and having carefully considered the information provided with the planning application, confirm that the advice given in the pre-application response to LRM Planning on 13 April 2017 remains unchanged. The proposed development is located within the vicinity, c300m to the south, of the scheduled monument known as Penarth Churchyard Cross (Now in St Augustine's Church) (GM227); as the name suggests located within the church itself. There are no other designated historic assets in the vicinity and so no historic assets will be affected.

Crime Prevention Design Advisor South Wales Police was consulted and raised no objection to proposal. However, the development features external walkways and elements of undercroft parking and hiding spaces which are not considered to be good practice and would result in higher risks of anti-social behaviour, burglary and theft. The design and access statement is brief and could contain more information and detail in terms of security standards on doors and windows, lighting levels, refuse and cycle storage facilities. South Wales Police therefore recommend that:- the undercroft parking areas are made into secure garages; details are provided of secure cycle and bin storage facilities; details are provided of lighting for external walkways; all flat entrance doors and accessible windows comply with PAS24 2012/2016 standards; a suitable scheme of lighting of pedestrian walkways, parking and communal facility is agreed; all service meters to be externally accessible towards accessible elevations; an alternative to the provision of garaging would be to secure the site with possible 2.1m powder coated weld mesh fence and secure access control features.

Cardiff County Council were consulted and request a condition be imposed relating to the safe use of the footpath at the base of the cliff in the form of a Construction Environmental Management Plan to ensure appropriate mitigating measures and adherence to safe working practices.

The Council’s Housing Strategy team were consulted and have advised that there is substantial need for housing in the Penarth area.

	One bedroom	Two bedroom	Three bedroom need	Four bedroom need
Penarth	261	175	68	16

There is a need more affordable housing in Penarth, and an onsite contribution is usually favoured. However on this site we would prefer to take the full off site contribution if approved by Members.

The reasons for this are that it would be very difficult for a social housing landlord to manage two units within a large block of market properties and also the service charges could over time with unrestricted increases make the units unaffordable even if they were not at the point of purchase.

The Council’s Ecology Officer was consulted and notes the findings of the submitted ecology reports, that no bat roost was found at Northcliffe Lodge, but that the retaining wall has the potential to support small numbers of bats; and that no reptiles were confirmed on site. It is recommended that the measures detailed in the Biodiversity Strategy are fully implemented to secure biodiversity conservation and enhancements, by way of condition.

The Council’s Regulatory Services - Environmental Health – Pollution Section were consulted in relation to potential contaminative issues, whilst contaminative issues are not known at the site, this cannot be ruled out. Therefore they recommend the use of a number of conditions and advisory note relating to contamination, including ‘unforeseen contamination’; imported soil; imported aggregates; use of site won materials; and contamination and unstable land advisory.

Furthermore, they also request the submission of a Construction Environmental Management Plan (CEMP) before the commencement of development to cover the provision for noise, dust and vibration, which should address both the demolition and construction phases, including all necessary engineering and ground works. Also request a restriction on hours of working on site to Monday-Friday 8:00 until 18:00, Saturday 8:00 until 13:00, with no work Sunday or Bank Holidays, and further restrictions relating to any pilling or drilling. Further advise relating to the disposal of asbestos, demolition and other wastes.

The Council's Highway Development team were consulted and requested that an additional six car parking spaces be provided within the site, and recommend that the spaces located adjacent to the steps are relocated to avoid potential conflicts. In addition, the proposed access arrangement as shown on the finishes drawing is required to be amended, and a long section provided to show the vertical alignment from the adjacent highway, and a roll over. The submitted TS should also be amended for clarity to correspond with the submitted drawings and the proposed access arrangement is required to be amended, with a transitional rollover.

Further to reviewing amended plans no objection is raised by the Highway Engineer, subject to conditions to require the car and cycle parking facilities to be provided before beneficial occupation; the reconfiguration of the existing car park serving the adjacent Northwood apartments; full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing etc.) and a Travel Plan.

In addition the highway Engineer has stated that no surface water from within the site shall be discharged or be allowed to migrate onto the adopted highway.

The Council's Highways and Engineering (Drainage section) Team were consulted and note that a small portion of the site is located within Flood risk zone B indicating it is at risk of tidal or fluvial flooding. NRW maps show there is very low surface water flood risk. There are reports of localised landslips in the area and cliff falls on the adjacent coast. They note that the desktop slope stability assessment considers the site at high risk of subsidence related to landslides. These factors should be taken into consideration when designing the scheme and drainage design.

They note that due to the potential impacts on existing properties beneath the site, either through increased flows off the site or acceleration of potential ground instability, the drainage strategy must be integrated with a comprehensive geotechnical assessment, incorporating the recommendations of the Desktop Slope Stability Study submitted.

A number of conditions are recommended, including, no commencement on site until a comprehensive geotechnical assessment, incorporating a strategy for the disposal of surface water is agreed; no development until a detailed scheme for the surface water drainage of the site; a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage; and a Construction Environmental Management Plan, including a Construction Phase Programme. It is also advised that the applicant is made aware of the Severn Estuary Shoreline Management Plan and the strategy outlined for this section of the coast.

The Council's Waste Management Section were consulted and no comments have been received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 15 June 2017. In addition the application was advertised in the press and on site on 29 June and 4 July 2017 respectively.

Approximately 25 representations of objection have been received to date. These are all available on file for Committee Members inspection. However, the representation from the occupier of 1 Dyfed is reproduced at **Appendix A** as being generally indicative of the objections raised. In summary these include:-

- Increase in traffic with effect on highway safety.
- Exacerbation of car parking problems with lack of parking on-site.
- Overdevelopment, with design unacceptable and overbearing, in particular the intrusive Block B, and Block C increased in height.
- Loss of historical resource and impact on listed buildings.
- Stability of cliff and adverse impact on neighbours.
- Loss of TPO trees.
- Adverse impact on wildlife.
- Adverse impact on neighbouring amenity and effect the quiet enjoyment of neighbours.
- Disruption during construction.
- Impact on existing services and issues of viability with S106 requirements not being met.
- Loss of view.
- Devaluation of property.
- Questions raised relating to: required parking spaces; details of sustainability scoring; whether Highways have considered improved siting/access bus stops/shelters; explanation for Highway officers departure from/consideration of Manual for Streets; acceptability of shared surface; design of access driveway inadequate; checked for wheelchair accessibility; lack of permeability; and need for lighting of footway access road.

A representation has also been received from the adjoining landowner of Custom House/Marine Buildings to the north. This highlights a number of the concerns relating to, ground stability; levels and impact on the listed Custom House and Marine Buildings; loss of trees; impact of existing restaurant extraction on the future occupiers; adverse impact on future plans for hotel at Marine Buildings.

The management company for the neighbouring Vista Court on Northcliffe Drive, Horace John, Forse and Co., have also submitted representations noting that the proposal to provide a new access is welcomed but that consideration should be given to the blocking up of the existing access, and there should be no access allowed during construction. Also note that the proposed level of on-site car parking is inadequate.

In addition, Barry and Vale Friends of the Earth question both the extent and content of the ecological reports, and the comments of the Council's Ecologist, requesting that further information be submitted.

Two representations have expressed general support for the proposal noting the quality of the design which has been recognised by the Design Commission for Wales.

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 MG4 - AFFORDABLE HOUSING.
POLICY MG19 - SITES AND SPECIES OF EUROPEAN IMPORTANCE.
POLICY MG20 - NATIONALLY PROTECTED SITES AND SPECIES.

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT.
POLICY MD2 - DESIGN OF NEW DEVELOPMENT.
POLICY MD3 - PROVISION FOR OPEN SPACE.
POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS.
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES.
POLICY MD6 - HOUSING DENSITIES.
POLICY MD7 - ENVIRONMENTAL PROTECTION.
POLICY MD8 - HISTORIC ENVIRONMENT.
POLICY MD9 - PROMOTING BIODIVERSITY.

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.2, 4.3.1, 4.4.3, 4.11-Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1.1, 5.2, 5.2.9, 5.5.1, 5.5.13 and 5.5.14-TPOs; Chapter 6-Conserving the Historic Environment, including paragraphs 6.1.1, 6.1.2, 6.5.9, 6.5.11, 6.5.20 and 6.5.21; and Chapter 9-Housing, including paragraphs 9.3.3 and 9.3.4.

Technical Advice Notes:

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

- TAN1 - Joint Housing Land Availability Study (2015).
- TAN2 - Planning and Affordable Housing (2006).
- TAN5 - Nature Conservation and Planning (2009), including paragraphs 1.6.1 and 4.6.
- TAN10 - Tree Preservation Orders (1997), including paragraphs 18 and 19.
- TAN12 - Design (2016) including paragraph 2.6, and 5.11.3.
- TAN14 - Coastal Planning (1998).
- TAN16 - Sport, Recreation and Open Space (2009).
- TAN24 - The Historic Environment (2017).

Supplementary Planning Guidance:

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

- Amenity Standards.
- Affordable Housing (2017).
- Biodiversity and Development.
- Model Design Guide for Wales.
- Parking Standards.
- Penarth Conservation Area.
- Penarth Conservation Area Appraisal and Management Plan.

- Planning Obligations (2017).
- Trees and Development.

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

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- 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.
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Well-being of Future Generations (Wales) Act 2015

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

Issues

This is a revised submission following the refusal in January of this year for the residential redevelopment of the site. In assessing the proposed development against the above policies and guidance it is considered that the principal issues remain the same and include, the design and visual impact, bearing in mind the historic context of the site; the effect on neighbouring and residential amenity; highway safety; the ecology and biodiversity interest on the site; ground stability and drainage; and the S106 planning obligations.

Background and principle of development

It will be noted from the planning history that the previous application, reference 2015/01449/FUL, was refused in January of this year on the grounds that the proposed buildings were considered to be of an excessive size, massing and form, and failed to have regard to the context of the site. The development would appear as over-scaled and incongruous within the street scene, and within its coastal headland context, and would fail to either preserve or enhance the character of the nearby Conservation Area or Listed Buildings.

Since that application, the Local Development Plan has been adopted, however, the principle of the proposed development remains acceptable.

It has already been noted that the site lies within the settlement boundary for Penarth as defined in the LDP. Policy MD5 of the LDP allows for new development within the settlement boundary subject to certain criteria, including, criterion 3, that the scale, form, layout and character is sympathetic to, and respects its immediate setting and the wider surroundings, and does not unacceptably impact upon the character and appearance of the locality. The Council's SPG on Amenity Standards also has policies relating to design and the impact on amenity, including policies 1 and 3, which highlight the need to respect existing character. This is in line with national guidance, with paragraph 9.3.4 of Planning Policy Wales (PPW) stating:

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

Following the previous refusal in January, the scheme was presentation to the Design Commission for Wales (DCFW) in February. Following the Design Review Report (attached as Appendix B) the applicants have sought to address the reasons for refusal and comments made by DCFW, along with the other issues raised in consideration of the 2015 application. The supporting Addendum Planning Statement outlines the steps that have been taken, which include:-

- *Step 1 - Undertake an initial review of the scheme design with the design team;*
- *Step 2 - Engage with specialist consultants to review the scheme proposals and prepare additional supplementary information which would be used to inform the redesign and support a resubmission;*
- *Step 3 - Undertake consultation with the Design Commission for Wales and, where possible, take on board the feedback received;*
- *Step 4 - Undertake the statutory pre-application consultation (PAC) with the community; and*
- *Step 5 -Review the final design and submission package in light of the preceding steps, resubmitting the amended application to the LPA.*

This document also outlines the amendments to this revised scheme, noting that whilst the general layout, form and amount of development has not changed significantly, there are a number of important alterations which they believe cumulatively have significantly changed the appearance and feel of the development. These include:-

- *Reductions to Block B.* The massing of Block B has been reduced through the subdivision of part of the block and through a reduction of its height by a storey. This change has resulted in a small loss of accommodation and explains the variation in apartment mix, compared to the previous design. The 'gap' which has been introduced has also the benefit of providing a vista from the lower courtyard out towards the Bristol Channel, thus improving the amenity value to the pedestrian courtyard.
- *Handing of units to Blocks A & C.* Through the handing of the units the relief has been introduced to the massing of the blocks given the recesses that are subsequently created. This change visually reduces the massing of the blocks.
- *Facing materials.* As mentioned above, the scheme now proposes the use of two different tones of linear facing brick, which offer a darker and warmer finish to the elevations to soften the development into the natural landscaped setting. This is in contrast to the white brick previously proposed. The bronze tone of the aluminium windows, balustrades, shutters etc., will further help to disseminate the building into the landscape.
- *Reduced gap between Blocks A & B.* Through the repositioning of Block A increased amenity and planting space has been provided which is considered to improve the pedestrian environment and soften the visual appearance of the building. Furthermore, the balconies have been extended to increase private amenity space and help to screen the undercroft parking.

- *Gradient and resting place.* The shared access drive into the site is to be at a maximum gradient of 1:12 so that the scheme considers the mobility needs of all future occupiers and visitors alike. Furthermore, the scheme now also provides for a level resting place adjacent to the southern side of Block A to aid users with mobility issues.
- *Improved amenity and pedestrian spaces.* In making a number of changes, opportunities to improve the pedestrian spaces and amenity areas within the site have been developed. The pedestrian courtyards have been improved through the changes to the blocks making them more inviting to use. Furthermore, a woodland walk has been developed which provides a circular route through the site and along the northern boundary.
- *Enhanced landscaping.* The landscaping of the site has been reviewed with additional planting incorporated around the site boundary to help soften the impact of the site. Furthermore, additional landscape planting has been introduced to help provide an attractive pedestrian environment complementing the built form. Included within this is pergola planting which has been introduced over the car parking spaces but also to the apartment buildings and framework for the external stairs.

The applicant's agent also notes that the revised application is supported by enhanced presentation materials, and additional supporting documents, including, an Impact Assessment by Buzzbox; and a Heritage Impact Assessment, and Landscape Impact Assessment by EDP Ltd.

In light of the above the following is an assessment of the revised proposal.

Design and visual impact

As already noted, the principal reason for the previous refusal related to the design of the development and its impact on the surrounding area, including the character of the nearby Conservation Area and Listed Buildings. The Penarth Town Council have maintained their previous objections on this issue, as have the correspondents who have reiterated concerns relating to overdevelopment, overbearing impact and effect on the historic environment.

As with the previous application, it is acknowledged that the likely impact of the development on the setting of the listed buildings and the nearby Conservation Area requires special consideration, and carries substantial weight in the determination of the application.

Of particular relevance is the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant policies include SP10-Built and Natural Environment and MD8-Historic Environment which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas and listed buildings. This is supported by national guidance including PPW, with the following of particular relevance:-

“6.5.11 There should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.”

“6.5.21 There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level.³⁴ In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.”

Both make clear that special regard be given to the impact of the proposals on the setting of listed buildings and the conservation area and in particular to the preservation of that setting. In addition, paragraph 6.5.9 of PPW states:-

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

In this respect Cadw has assessed the proposed development in relation to the scheduled monument known as Penarth Churchyard Cross (now in St Augustine’s Church) (GM227), and confirm that in their opinion no historic assets will be affected. They also note that they do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

As with the previous application, the Council’s Conservation Officer has been consulted on the likely impact of the proposal and has once again confirmed no objection. Although the application site lies outside of the Penarth Conservation Area, and there are no heritage assets within the site, it is recognised that there is the potential for the development to affect the setting of either the listed buildings or the Conservation Area. The scheme has been assessed against the above policy and guidance, including the Welsh Government’s TAN24-Historic Environment. Indeed this document was draft during the assessment of the 2015 application, nevertheless, it was considered best practice at that time. The guidance sets out a series of key principles for understanding setting – the surroundings in which an asset is experienced. Views of or from an asset play an important part in the ‘setting’ but the experience of setting extends beyond just visual considerations.

The guidance explains that the setting of historic assets will generally be more extensive than ‘curtilage’, and its perceived extent may change as surroundings evolve; and the setting of an asset can enhance its significance whether or not it was designed to do so. The contribution that setting makes does not depend on there being public rights of access, but nevertheless the evaluation of the effect of change within the setting of a heritage asset will usually consider the implications for public appreciation of its significance.

In assessing the impact on the identified heritage assets the Council's Conservation Officer has concluded that there will be no impact on the setting of the listed buildings or conservation area arising from the proposed development. The following assessment has been made for each of the identified heritage assets:-

Marine Building (Grade II) and Custom House (Grade II)

The immediate setting of these listed buildings is the former tidal estuary that led to the Penarth and Cardiff Docks. Since the construction of the Cardiff Bay Barrage this immediate setting has been altered drastically, however, the quintessential maritime character of the area remains. Behind the buildings the cliff face forms the back drop to the buildings with development above. In longer range views across Cardiff Bay the scale of the cliffs is such that this aspect of the setting of the listed building is considered negligible.

Church of St. Augustine's (Grade I)

The immediate setting of the Church is considered to fall completely within the Penarth Conservation Area some distance from the application site. However, given the height of the tower and the prominent location at the top of the head the wider setting is considerable. In particular, views of the Church (usually in silhouette) from across Cardiff Bay form part of the setting of the listed building. The proposed development will lie below the existing built development in the area and there will be no impact on the silhouette of the Church from across the Bay. Accordingly it is considered that the setting of the Church will not be affected.

Penarth Conservation Area

In terms of the setting, the issues relating to the conservation area are similar to the Church above. Short range setting of the conservation area in this area is largely constrained by existing development that lies outside the conservation area boundary. Longer range views are of the skyline across Penarth Head include the significant tree coverage. I note there is a recent TPO on the site and note the development would entail the loss of a significant number of trees across the site. This is an aspect that could affect the setting of the conservation area to some extent. However, this is likely to be from long range views.

As regards the site specific design of the proposed buildings, the DAS and other supporting documents explain the design concept of the scheme, including the re-design. One of the steps taken by the applicants to review and refine the scheme was a presentation to the Design Commission for Wales (DCfW) which took place 16 February this year. A copy of the DCfW's Design Review Report is reproduced within the Addendum Planning Statement and attached at **Appendix B**. This DCfW expressed support of the proposal, expressing surprise that the original scheme did not achieve a planning consent.

"The Design Commission is supportive of development of this site which would deliver much needed housing on an urban infill site. The ambitions of the client and design team to deliver a high quality, innovative residential scheme are commended."

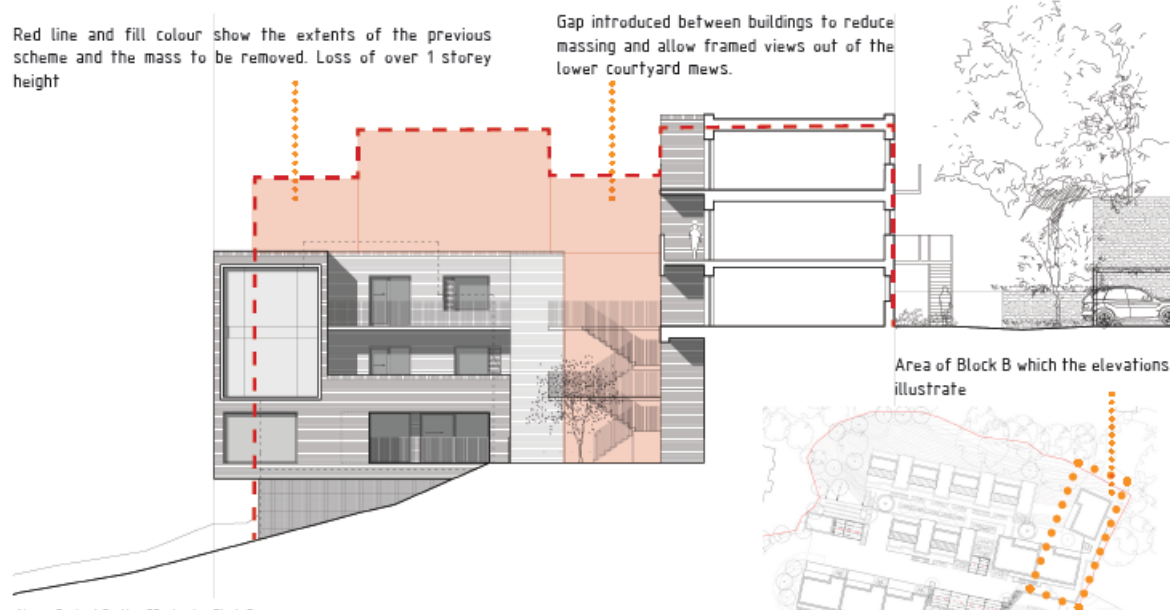
In addition the Report states that :

“...The proposal is well-considered response to a difficult site, with strong inclusive design commitment and an enhancement to choice of housing in the area.”

The DCfW recognised that the review offered an opportunity to discuss minor improvements to the scheme to increase an already high quality of development and add further value. They also offered advice on how the design process and proposal could be better communicated in any materials and presentation produced for any revised planning application.

The advice offered by the DCfW has been considered by the applicants with many of the points taken on board, including, the enhanced presentation material, and comparisons with previous scheme, such as the drawings referenced in the revised DAS (see below).

BLOCK B WEST ELEVATION



It is agreed that the apartment block form of development is appropriate to the context of the site, and that the scale and massing, which has been improved within this revised scheme, is in keeping. The contemporary design is also considered acceptable and in line with national guidance including paragraph 5.11.3 of TAN12, which states:-

“The design of housing layouts and built form should reflect local context, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area.”

Loss of trees

Another issue of particular concern reiterated by objectors is the loss of existing tree coverage across the site with existing TPOs currently providing statutory protection. Firstly, it should be recognised that the presence of a TPO on a site is not a blanket ban on any development. A TPO is made because of the amenity value of the tree, and it is the impact on this amenity value that must be considered when assessing the loss of the trees that are proposed to be felled. Paragraph 18 of TAN10-Tree Preservation Orders states that the effect of planning proposals on protected trees is a material consideration, and recognises that it may be appropriate to require applicants to seek full planning permission and provide details of the trees on site and the location of those to be felled. In this respect it is noted that the revised application is again accompanied by an updated Tree Survey and Arboricultural Impact Assessment prepared by Treescene Arboricultural Consultants, along with the additional Landscape and Visual Impact Assessments. The tree survey, and the accompanying landscape plans identify the removal of several mature trees across the site. Clearly this will cause some detriment to the current landscape character of the site.

However, the conclusions of the survey notes that the majority of the trees to be removed are of C and U category, and that the loss will be mitigated by new tree planting. The Council's Tree Officer previously advised that there were no objections subject to conditions relating to a change in some species in the proposed landscaping scheme, and the employment of a qualified professional arboriculturist to undertake a watching brief (see Condition 9). It is considered that the comments remain relevant to the revised application.

Thus it is considered that the loss of the trees is acceptable in this instance, bearing in mind the development will provide housing to meet the Council's Housing Supply targets, and the proposal includes replacement planting. Indeed it is noted that the current landscape scheme has been further enhanced from the previous refused scheme. This includes additional planting at the site boundary to help soften the impact of the site, plus additional planting to improve the pedestrian environment, with pergola planting over the car parking spaces, apartment buildings and a framework for the external stairs. Furthermore, it is considered that the revised scheme presents a number of improvements over the original proposal that enhances the design quality, including amendments to external finishes. Notwithstanding this, it remains of a size, scale and design that generally reflect the established character and appearance of the wider area.

As such it is considered that the proposal will not harm the character and appearance of the area and will serve to preserve the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with local policy and national guidance, including SP10, MD8 and MD5 of the LDP, along with PPW, TAN12 and TAN24.

Neighbouring and residential amenity

In terms of the likely impact on the residential amenity of the neighbouring occupiers, it remains the case that the replacement of a single dwelling with a number of apartment blocks, will have some effect. Once again it is noted that the objectors repeated concerns over the loss of a view and the devaluation of property are not valid planning grounds for a refusal.

In assessing the original application it was determined that the position of the blocks and the use of the existing levels meant that there should be no adverse impact of an overshadowing or overbearing nature. It is considered that the changes made in the revised proposal do not alter this conclusion. The main area of concern when assessing the original application related to the effect on existing levels of privacy, particularly in respect of the proposed balconies and the raised walkways. Further clarification was sought in respect of the roof balconies, which confirmed that any impact would not be so severe as to justify a refusal. This remains the case. As regards the raised walkway, the applicants were requested to review the position and amended plans were submitted which reduced the impact on the neighbouring occupiers at Harbour View Cottages. The revised scheme remains acceptable in this respect.

As regards the repeated concerns by neighbours over the loss of quiet enjoyment, clearly the introduction of a new access road, and 30 No. residential units to replace a single dwelling, will result in an increase in general noise and disturbance over the current situation. However, this would still be a residential use and is not considered unreasonable in the urban setting of Penarth.

Finally, on the issue of the level of private amenity space available to serve the new residential units, when assessing the scheme against the minimum standards indicated in the Council's SPG on Amenity Standards, it is noted that the proposal is to provide communal areas in line with the guidance for flatted development. However, when assessing the original scheme there was some doubt as to how practical the use of the landscaped areas would be. It is noted that the revised scheme has sought to improve the amenity and pedestrian spaces. The changes to the blocks have allowed for improvements to the pedestrian courtyards. In addition, a woodland walk has been developed which provides a circular route through the site and along the northern boundary. Notwithstanding these improvements, it is still recognised that the site is located close to the amenity of the coastline and associated recreational use.

Highways

As with the original application, objections have again been received referring to concerns over the new access, the increase in traffic, and lack of parking on site which would exacerbate existing problems.

In assessing the original application the Council's Highway Development team entered into negotiations with the applicant over a number of issues relating to the parking and alignment of the junction and new access road. Following the receipt of amended details Highways confirmed that they had no objection, subject to a number of conditions being attached to any consent. These included, full details of the proposed on-site car parking provision to be agreed and laid out before beneficial occupation; proposed reconfiguration of the existing car park serving the adjacent property to be completed before commencement; details of cycle parking before commencement and implemented before beneficial occupation; full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing etc.), associated with the means of access to the site before commencement and implemented before occupation; and submission and agreement of a Travel Plan before occupation.

When assessing this revised application the Highway team have again requested additional information relating to car parking; the proposed access arrangement; a transitional rollover; and additional proposed long-section. The applicants have provided additional information and the final Highway comments are awaited.

As regards the concerns over the lack of on-site parking, again the level proposed for the site is considered acceptable for this urban location, and the controls over the management of these spaces is a matter for the future management company.

The Council's Parking Standards SPG require one space per bedroom, and this equates to two spaces for each of the 24 two bedroom flats and 3 spaces for the 6 larger units. Six spaces are required by the standards for visitor parking, based on a requirement of 1 space per 5 units. However, the SPG allows for a relaxation if the site is located sustainably, with good access to local services and other modes of transport. The site scores well on sustainability points due to its close proximity to bus stops, a public house, schools, a restaurant, public open space, community hall and a church. Consequently, the parking requirements are reduced in accordance with the SPG to 1 space for the 2 bedroom units and 2 spaces for the three bed units, which is a total of 42 spaces including visitors. The revised scheme provides for a dedicated car parking space for each of the units. There will also be a total of six casual parking spaces, which are located both within the main parking area (three spaces) and along the main spine road (three spaces) which can serve the needs of the visitors. It is also noted that provision has been made for the secure storage of cycles. Thus, as with the original scheme there is still a shortfall when compared against the Council's parking Standards, albeit now only 6 spaces. However, as recognised in the previous report, these are maximum standards. The site is in a very sustainable location and there remains a clear emphasis in local and national planning policy towards reducing reliance on the private car, and not promoting such high levels of parking as may have been the case in the past.

In addition to the parking within the site for residents of every unit and visitors, there is also parking provision on street, which could be used without impacting harmfully on the safety or free flow of traffic. As noted above, there is no objection from the Highways Engineer in respect of parking provision

In summary, no objection is raised by the Highway Engineer, subject to conditions to require the car and cycle parking facilities to be provided before beneficial occupation (**see Condition 7**); the reconfiguration of the existing car park serving the adjacent Northwood apartments (**see Condition 5**); full engineering details of all traffic arrangements (**see Condition 4**); and a Travel Plan (**see Condition 8**).

As regards the wider accessibility of the site, it is recognised that the site is a sustainable one, and remains within a defined settlement boundary in the new LDP. Neighbours have raised concerns over the possible impact of the development on local infrastructure, however, the increase in population in the area is more likely to serve to sustain services into the future, including the local bus service. Furthermore, on the issue of permeability, the DCfW requested that the developer's consider a pedestrian access to the west of the site from the existing entrance. Permeability of any development site is an objective of Council policy, but this must be considered bearing in mind the deliverability of links, and the need to consider issues of Secure by Design as raised by the Police Crime Prevention officer. The applicants have determined that retention of an access to the west is not deliverable at this time due to the objections raised by the management company for the neighbouring site. This is considered reasonable in planning terms, as the road is not adopted, nor does it provide a more direct access to Paget Place than the proposed new access road. As regards a footpath link to the north, this was omitted from the original scheme following confirmation from the owner of Marine Buildings that such access would not be granted.

Ecology and biodiversity

Another concern raised once again in this revised application by a large number of local residents, the Penarth Town Council, and bodies such as Friends of the Earth, relates to the effect on wildlife in the area.

The Council's Ecologist has again assessed the submitted ecological reports. The findings of the reports are noted, including, no bat roost was found at Northcliffe Lodge, but that the retaining wall has the potential to support small numbers of bats; and that no reptiles were confirmed on site. In view of the findings it is recommended that a condition be attached to any consent requiring the implementation of the biodiversity protection, conservation and enhancement measures, as detailed in the submitted Biodiversity Strategy, (**see Condition 13**).

Specifically in respect of the wall, the applicant's consultant confirmed the potential of the retaining wall to support hibernating bats, however, no hibernating bats were found during the surveys and the Council's ecologist advised that a survey at the appropriate time of year is unlikely to reveal bats, even if they are present. As a result, as with the previous application, a precautionary (but proportionate) approach should be adopted. The Council's ecologist has again recommended the inclusion of an additional condition relating to the following:-

Any works to the retaining wall referenced at paragraphs 4.4 and 4.5 of the David Clements Ecology Bat and Reptile Surveys report June 2016 (including repointing, demolition, partial demolition etc) must be undertaken outside of the bats hibernation period and under the supervision of an appropriately licenced and qualified ecologist, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the wall. If any bats are found, all works must cease immediately and remain ceased pending consultation with Natural Resources Wales, and details of the bats shall be reported to the Local Planning Authority in writing. Prior to the subsequent re-commencement of any works to the wall, a European Protected Species licence, if required by Natural Resources Wales, shall be submitted to the Local Planning Authority **(See Condition 13)**.

It is noted that Friends of the Earth have again questioned the completeness of the submitted ecology information, and the assessments made of the details by the Council's own ecologist. Again this is not accepted. The Council's Ecologist is fully qualified and has made an assessment of the likely impact of the development on protected species and habitats in full accordance with Council policy and national guidance. Furthermore, NRW have been consulted on the application and have also not raised an objection.

Ground stability and drainage

The ground stability of the site was considered in the original application, and remains an issue of concern raised by the objectors to the current submission.

This revised application is again supported by a survey work into the ground conditions. These include the initial 'Slope Stability Desk Study Report', December 2015, and the 'Preliminary Slope Stability Analysis' November 2016, both prepared by Terrafirma. The latter includes the additional investigative work requested by the Council in the previous application and concludes:-

"The slope stability modelling has not identified an unacceptable risk of deep seated failure beneath the site. The shallow slip circles with unacceptable factors of safety identified can be engineered using common design techniques."

However, as previously stated, they confirm that the analysis is based upon limited data both in term of site investigation and soil parameter testing, and further investigative work is recommended. Furthermore, should any unacceptable movement of the slope be recorded that significantly increases the risk from further and greater slips, appropriate steps can be made to secure the slope as necessary.

It is noted that the Council's own engineers have previously agreed that the precise details of the required investigation works and the final technical design can be secured through an appropriate condition (**see Condition 14**). This approach is considered reasonable in planning terms, particularly bearing in mind that there is evidence of existing ground movement within the site, so that the safety of the site is questionable whether or not the current development proposal is approved and implemented. In addition, the legal liabilities for any damage to neighbouring properties lie with the owners. Furthermore, the intrusive nature of the further investigation work required, and the access constraints to the site, means that this must be done following the demolition of Northcliffe Lodge and the clearance of trees and shrubs.

On the issue of the final technical design, it is noted that the Council's Drainage engineers have again advised that this should be considered in conjunction with the drainage of the site. Due to the potential impacts on existing properties beneath the site, either through increased flows off the site or acceleration of potential ground instability, the drainage strategy must be integrated with a comprehensive geotechnical assessment of the proposed development, incorporating the recommendations of the Slope Stability report (**see Conditions 14 & 15**).

Other issues

The previous application indicated that part of the northern section of the site was located within a Flood Risk Zone as defined in the DAM flood risk maps under TAN15-Development and Flood Risk. However, the original application was amended following submission, with the boundary of the site reduced due to the omission of the proposed footpath link to the north. As such the current application does not lie within a flood risk zone. Notwithstanding this, the Council's Drainage engineers have advised that NRW maps show there is a very low surface water flood risk to the site. Indeed NRW have been consulted and have not raised any concerns on this issue. However, the Drainage engineers do note that although erosion rates are considered low for this stretch of the coastline, they again advise that the applicant is made aware of the Severn Estuary Shoreline Management Plan and the strategy outlined for this section of the coast (see Informative 1).

The Council's Environmental Health Officer (Shared Regulatory Services) have also commented on the proposal and have not raised an objection. However, as previously they have requested the submission of a Construction Environmental Management Plan (CEMP), and seek restricted hours of working on site. This is considered reasonable due to the scale of the development and the investigative work required in relation to ground stability, which will involve 'Rotary Core Drilling Techniques' (see Conditions 14 & 20). Furthermore, they have now also requested that conditions relating to possible land contamination be attached to any consent (**see Conditions 16 to 19**).

S106 Planning obligations

Supplementary Planning Guidance (SPGs) on Affordable Housing and Planning Obligations provide the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan.

The Council prepared draft SPGs on Affordable Housing and Planning Obligation in November 2015 in response to updated evidence being used by the Council and to inform the Examination of the Deposit Local Development Plan.

The Draft SPGs were approved by Cabinet on 14th December 2015 (Cabinet Minute C3022) and at the Council's Economy and Environment Scrutiny Committee on 5th January 2016. The draft SPGs have been used for development management purposes since 6th January 2016. Following the initial Examination sessions in early 2016 a number of consequential and typographic changes were made to the draft SPG to take account of the Matters Arising Changes to the LDP and public consultation on the amended draft documents took place concurrently with the consultation on the Matters Arising Changes to the LDP from 16th September to 28th October 2016.

Since the adoption of the Council's Local Development Plan, the Council formally adopted the draft Planning Obligations and Affordable Housing SPGs in July 2017. Minor changes were made to the draft SPGs prior to their adoption, to reflect factual changes or relevant changes in national policy and guidance. In addition, the formulae used to calculate financial contributions were updated to reflect index increases since November 2015.

The adopted SPGs apply to any applications received after 1st August 2017. Given that this application was received prior to the formal adoption of the SPGs, this application has been assessed against the draft SPG and based upon 2015 formulae values set within the draft Planning Obligations SPG.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

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

In this case, the application seeks full planning permission or the development of 30 residential apartments.

Officers have considered the need for planning obligations based on the draft SPGs (2015); the type of development proposed; the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. The relevant planning obligation requirements are outlined below followed by an analysis of the development viability issues affecting the deliverability of such obligations.

Relevant Planning Obligations:

Affordable Housing

TAN2 defines 'Affordable Housing' as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

Relevant policies of the LDP include, SP4-Affordable Housing Provision, MG4-Affordable Housing, and MD4-Community Infrastructure and Planning Obligations. Policy MG4 requires 40% affordable housing on residential development resulting in a net gain of 1 dwelling or more. In this instance, as with the previous application, the affordable housing requirement equates to 12 dwellings. The Council require the affordable housing tenure to be provided at a ratio of 70% social rented, 30% low cost home ownership/intermediate rent consistent with the local housing needs identified in the Council's LHMA.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. Paragraph 4.4.3 of PPW emphasises that in order to achieve a 'More Equal Wales', development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

Policy MD5 of the LDP allows for new development within settlements, subject to certain criteria, including, criterion 7, that it makes appropriate provision for community infrastructure to meet the needs of future occupiers. Policy MD4 sets out that, where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, including the provision or improvement of education facilities.

The Council's formula for calculating pupil demand contained in the draft Planning Obligations SPG indicates that the development of 30 dwellings would generate the need for education facilities for 3 nursery school age children, 8 primary school age children, 6 secondary (aged 11-16) school age children and 1 secondary place for pupils post-16years.

Based upon the Council's formula and an assumption that there is no capacity at local schools, the Council would under normal circumstances seek to secure the following as a section 106 contribution for Education provision:

- Nursery school children – 3 children x £17,446 = £52,338
- Primary school children – 8 children x £17,446= £139,568
- Secondary (aged 11-16) school children – 6 children x £26,280 = £157,680
- Secondary (aged post-16) school children – 1 children x £28,511 = £28,511

In total, the Council would require the developer to pay a contribution of £378,097 towards education facilities (based on the SPG requirement at the time the application was submitted).

Community Facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel. All new residential developments place pressure on existing facilities. Chapter 4 'Planning for Sustainability' of PPW promotes the importance of equal and cohesive communities, and access to services such as community facilities. Paragraph 4.6.1 of PPW recognises that development can help to arrest the decline in community facilities.

Policy MD4 sets out that, where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, including the provision or improvement of Community Facilities. The SPG on Planning Obligations acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The LDP Community Facilities Background Paper (2013) advises that within the St Augustine's Ward the projected housing growth over the plan period would result in a deficit of provision by 2026. Therefore a contribution would be required for the enhancement of existing community facilities within the ward. It is understood that popular existing community facilities within this ward require significant enhancements, for example, Belle Vue Park Pavilion.

Therefore, given the scale and location of the development, it is considered appropriate to require an off-site contribution of £1,208 per dwelling (based on the SPG requirement at the time the application was submitted), equalling **£36,240** in total.]

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity. Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

1. Outdoor sports provision 1.6 ha per 1,000 population;
2. Children's equipped play space 0.25 ha per 1,000 population;
3. Informal play space 0.55 ha per 1,000 population.

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

The development for 30 houses creates the need for 174sqm of children's play space, 382.80sqm of other children's play space and 1113.60sqm of outdoor space.

The LDP Public Open Space Background Paper (2013) identifies an existing under-provision of children's play space and outdoor sport space in the St. Augustine's Ward (which the development falls within). Given the constraints of the site, the Council would usually expect an off-site contribution calculated upon the basis of £2,552 per household not catered for by the Public Open Space delivered on site, equalling £76,560 (based on the SPG requirement at the time the application was submitted).

Sustainable Transport

In terms of local policy, objective 3 of the LDP seeks to reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport. In addition policy SP1 promotes sustainable transport. This policy background is supported by the advice in PPW, TAN 18-Transport, and Manual for Streets.

The Council's Sustainable Transport Assessment LDP Background Paper (2013) identifies the sustainable transport measures required to ensure better conditions for pedestrians, cyclists and public transport users, and to encourage a change in travel choices away from the single occupancy car. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver.

Based on the provision of 30 dwellings, the Council would require a financial contribution which equates to £66,000 to improve sustainable transport provision within the vicinity of the site (based on the SPG requirement at the time the application was submitted).

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "individuality and distinctiveness" within a development, town, village and cities.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.

Analysis - Development Viability

During negotiations on the both the previous and current revised application, the applicant has argued that the Council's requirements for planning obligations threaten the economic viability of the development.

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications.

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

"7.29 Where a developer contends that the Section 106 requirements are too onerous...and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available"

To provide some background, the developer submitted a viability appraisal with the original application, which included details such as development revenue, development costs, abnormal development costs, professional fees, finance costs and build contingency and land value. The District Valuer (DV) was then appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability.

The DVs appraisal and report regarding the viability of the development originally proposed under the previous application, confirmed that the abnormal development costs did in fact make the site unviable at full policy requirement (including 40% affordable housing).

This was centred primarily on the abnormal foundation costs and retaining works that would be required for the development to be constructed and costs associated with the land required for the access. On that basis, and in line with the guidance set out in the draft SPG on Planning Obligations, and at a national level by WG, a reduced section 106 package was negotiated to allow the development to be viable. The developer's offer on the original application was £300,000 as an off-site contribution with no affordable housing on site. This was verified as reasonable by the DV, given the abnormal viability constraints at this site.

Due to the period of time since the consideration of the previous application and the subsequent amendments to the scheme, the developer has submitted updated information.

As with the original application, the DV was appointed as an independent expert to review the submitted updated information and advise the Council on the development viability. These reports are confidential as they contain commercially sensitive information and consequently cannot be released to the public, but the latest report associated with the current application will be circulated for Committee Member's Inspection under member privilege. Notwithstanding the above the conclusion of the DV is repeated below:

"My revised fully open market appraisal as detailed above, and as attached, which has regard to re-assessed development values, updated development costs (including abnormal costs), contingency, fees and a 20% developers return (but excluding the Vale of Glamorgan Council's Section 106 requirements) returns a surplus of some £287,000. It is therefore evident that the Vale of Glamorgan Council's full policy requirements would render the scheme unviable based upon 40% affordable housing on site, and off-site contributions for sustainable transport, education, public open space and public art.

It may be concluded that any additional costs above the surplus returned of £287,000 would therefore render the scheme unviable, or would erode into the developer's profit, which at 20% is considered a reasonable return for a scheme such as this, as set out in my assessment above. The developer has agreed to an off-site contribution £300,000. This is in my opinion considered reasonable, given the above assessment.

If the authority are minded to grant permission on the basis of reduced contributions we would suggest that a time scale for delivery is agreed which if not met triggers a viability review."

As with the original application, the DV has confirmed that the scheme under the current application would not be viable at full policy requirement (including 40% affordable housing). This, again, is centred primarily the abnormal foundation costs and retaining works that would be required for the development to be constructed, and the costs associated with the land required for the access.

The developer has again offered £300,000 as an off-site contribution with this revised application. Following the assessment of the up-dated viability appraisal the DV has confirmed that the agreed contribution of £300,000 is still reasonable. However it should be noted that given possible fluctuations in the figures attached to the assessment of viability that a limited time for the implementation of the consent is granted (two years), thereby negating the need for a possible claw-back provision. Members will note that this is an approach followed by the Planning Inspectorate in the consideration of an appeal in respect of application 2014/01358/FUL for 25 flats at The Dolphin, Friars Road, Barry.

Officers have considered the above contribution, and in light of the advice published by WG, LDP Policy MD4 and the SPG on Affordable Housing, the Council consider that this contribution is acceptable. The reduced planning obligations offer is only considered acceptable in view of the development viability issues balanced against the need for housing and the sustainable credentials of the site (this appeal also consider the correct level of developer profit and established that 20% was considered to be acceptable). This appeal decision and conclusions are included at **Appendix C** for members reference.

Policy MD4, Paragraph 7.31 advises where it is necessary to prioritise planning obligations, the Council will do so on a site by site basis, having regard to the specifics of the development at that time and in light of the statutory tests. Paragraph 7.31 sets out that “Essential Infrastructure” should be prioritised, to enable the development of the site, for example, transport infrastructure, ecological mitigation, service and utilities and flood prevention. Thereafter, “Necessary Infrastructure” should be prioritised, such as affordable housing and infrastructure required to mitigate the impacts of the proposed development on local services and to provide for the needs generated by the development, where they cannot be met by existing facilities (for example, community facilities and open space).

“Essential Infrastructure” such as highways, ecology and flooding has been considered above, and where necessary, appropriate conditions have been suggested.

Having regard to the particular circumstances of this development in this location, officers remain of the opinion that the contribution should mainly be prioritised towards the provision of off-site affordable housing plus a contribution towards the enhancement of community facilities within the locality of the site. This is considered to be appropriate in terms of prioritising contributions, and in line with the available evidence demonstrating need within this ward.

Therefore, officers again recommend a reduced s106 package of planning obligations reflecting the viability constraints of the site as follows:

Affordable housing - the viability evidence shows that 40% affordable housing cannot be achieved due to the particular characteristics of the site, which do not allow for this level of on-site affordable housing. The Council's Housing Strategy section has reiterated the earlier advice that whilst there is a desperate need to deliver affordable housing in Penarth and whilst an on-site provision is always favoured, in this instance it is considered acceptable to secure an off-site contribution given the viability issues identified at the site.

The off-site contribution would total **£263,760**. Given the viability constraints of the site, which have been verified by the DV, the Council considers this sum to be acceptable. This would be used to deliver additional affordable housing off-site in the area, which is considered to be an important priority based upon the high level of need for affordable housing in this area. Based on current Acceptable Cost Guidance (ACG) figures, and the percentage of social housing grant currently available, the sum could provide 3 no. 1 bed (2 person) flats and 1 no. 2 bed (3 person) flat (i.e. 4 units) or equivalent in the area. The developer has again agreed to this obligation.

Community facilities – Officers consider that this would be an appropriate priority for section 106 amount available, given the projected deficit within the ward, and the need to enhance existing facilities within the ward. Furthermore, the Community Facilities contribution could also be used to enhance and improve the quality of the play and outdoor sport provision within the ward. Therefore, given the scale and location of the development, it is considered a contribution of **£36,240** is appropriate to provide / improve community facilities serving the development. The developer has again agreed to this obligation.

Planning obligations administration fee

In addition to the above, and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement. This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. As such, the developer is reasonably expected to cover the Council's costs in this regard. The fee is calculated on the basis of 2% of the total financial contribution being sought under the agreement, or 20% of the planning application fee, whichever is the greater, subject to a minimum fee of £200. In this case, that would equate to £6,000. The developer has agreed to this.

In view of the above the following recommendation is made.

RECOMMENDATION

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

- Provide an off-site contribution of £263,760 towards affordable housing;
- Pay a contribution of £36,240 towards community facilities to enhance existing facilities within the ward;

and to Meet the planning obligations administrative fee of £6,000.

APPROVE subject to the following condition(s):

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

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to overcome possible changes in market conditions which would necessitate a re-assessment of the viability of the development.

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

- Location plan, Drg. No. 1321/L01C;
- Aerial location plans, Drg. No.s L02C & L03C;
- Existing plans and sections, Drg. No.s 1321/E01, E02 & E03;
- Proposed site plan, Drg. No. 1321/S100C;
- Block A Ground floor plan, Drg. No. 1321/S101C;
- Block B Ground floor plan, Drg. No. 1321/S102C;
- Block C Ground floor plan, Drg. No. 1321/S103C;
- Proposed Roof plan, Drg. No. 1321/S104/C;
- Parking layout Northcliff Apart, Existing-Proposed, Drg. No. 1321/S110C;
- Block A Apartment plans, Drg. No. 1321/S115C;
- Block B Apartment plans, Drg. No. 1321/S116C;
- Block C Apartment plans, Drg. No. 1321/S117C;
- Block A North elevation, Drg. No. 1321/S200C;
- Block A South elevation, Drg. No. 1321/S201C;
- Block B North elevation, Drg. No. 1321/S205C;
- Block B South elevation, Drg. No. 1321/S206C;
- Block B East elevation, Drg. No. 1321/S207C;
- Blocks A, B & C West elevation, Drg. No. 1321/S208C;
- Block C North elevation, Drg. No. 1321/S210C;
- Block C South elevation, Drg. No. 1321/S211C;
- Site section A-A, Drg. No. 1321/S300C;
- Site section B-B, Drg. No. 1321/S301C;
- Computer generated visualisations;
- Proposed topographical survey, Drg. No. 15025-100;
- Proposed levels, Drg. No. 15025-101D;

- Proposed finishes plan, Drg. No. 15025-102C;
- Proposed drainage layout, Drg. No. 15025-103B;
- Proposed site sections, Drg. No. 15025-104B;
- Proposed vehicle tracking, Drg. No. 15025-105D;
- Proposed access road long section, Drg. No. 15025-106A;
- Landscape plans and planting schedule, Drg. No.s 2015./100 to 102 rev C;
- Design and Access Statement (DAS) and Presentation Drawings Brochure prepared by Loyn & Co Architects;
- Planning Statement (Original and Addendum) prepared by LRM Planning Ltd;
- Transport Statement by WYG;
- Preliminary Slope Stability Report and Stability Desktop Report both by Terra Firma (Wales) Ltd;
- Tree Survey and Arboricultural Impact Assessment by Treescene;
- an Ecological Assessment, Bat and Reptile Survey, and Biodiversity Strategy by David Clements Ecology Ltd;
- an Impact Assessment by Buzzbox;
- a Heritage Impact Assessment, and Landscape Impact Assessment by EDP Ltd; and
- a Pre-Application Consultation Report by LRM Planning Ltd.

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. A schedule of materials to be used in the construction of the development hereby approved, including samples, shall be submitted (prior to its use in the relevant element of the development) to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

In the interests of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies MD2-Design of New Development, SP10-Built and Natural Environment, and MD8-Historic Environment of the Local Development Plan.

4. Before commencement of any works for the new access, full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing, details of surface water management etc.), associated with the means of access to the site, which shall be in general accord with Dwg. No. 15025-102 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full before the first beneficial occupation of any one of the residential units hereby permitted.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, in accordance with the terms of Policies MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

5. Prior to any works relating to the construction of the apartment blocks (other than demolition works) the reconfiguration of the existing car park serving the adjacent Northcliffe apartments shall be completed in accordance with the approved plans, Dwg. No. 1321/S110C.

Reason:

To ensure adequate car parking provision for the use of the adjacent Northcliffe apartments in the interests of highway safety, and in accordance with MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

6. The development hereby permitted shall not rely on, or utilise the existing access onto Northcliffe Drive, but shall be served only via the proposed new access onto Paget Place. Full details of the means of stopping-up of this access, and the timing of this work, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of neighbouring amenity, and community safety, in accordance with Policies MD2-Design of New Development and MD5-Development within Settlement Boundaries of the Local Development Plan.

7. No dwelling shall be occupied until its associated parking space, cycle parking and visitor space, has been laid out within the site in accordance with the approved details, and that space shall thereafter be kept available for the parking of vehicles/bicycles in perpetuity.

Reason:

To ensure that satisfactory vehicle and cycle parking is provided on site to serve the development, and to ensure compliance with the terms of Policies MD2-Design of New Development and MD5-Development within Settlement Boundaries of the Local Development Plan.

8. Prior to the commencement of the development hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1-Delivering the Strategy, MD2-Design of New Development and MD5-Development within Settlement Boundaries of the Local Development Plan.

9. The development hereby permitted shall be implemented in accordance with the submitted Tree Survey and Arboricultural Impact Assessment, prepared by Treescene dated 8 June 2015 and 18 April 2017 respectively, along with the following additional requirements:-

- Two weeks before the commencement of any demolition works, or deposition of materials, equipment or machinery on site, the details of the name and address of a qualified arboriculturist shall be submitted to, and agreed in writing by the Local Planning Authority; and
- the agreed arboriculturist shall carry out a watching brief from the commencement of demolition through to excavations/piling processes (including those required for the investigation into site stability and service trenching), in order to supervise and monitor these works near trees on, and adjacent to the boundaries, of the site, and to advise on, or undertake root severance as may arise, and to ensure adequate measures are in place to protect root zones and soil levels around trees that are to be retained.

Reason:

To ensure those trees that are to be retained are safeguarded during investigation and construction works, in the interest of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies MD2-Design of New Development, MD5-Development within Settlement Boundaries and MD8-Historic Environment of the Local Development Plan.

10. 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 and to ensure compliance with Policies SP10-Built and Natural Environment, MD2-Design of New Development and MD8-Historic Environment of the Local Development Plan.

11. All means of enclosure associated with the development hereby approved, including retaining walls, shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

In the interests of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies MD2-Design of New Development, SP10-Built and Natural Environment, and MD8-Historic Environment of the Local Development Plan.

12. Prior to its construction, further details of the bin store, including elevations, materials and means of securing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

Full details have not been provided and in the interest of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies SP10-Built and Natural Environment, MD2-Design of New Development and MD8-Historic Environment of the Local Development Plan.

13. The development hereby permitted shall be implemented in accordance with the biodiversity protection, conservation and enhancement measures detailed in the Biodiversity Strategy (June 2016 v2) prepared by David Clements Ecology Ltd. Any works to the retaining wall referenced at paragraphs 4.4 and 4.5 of the David Clements Ecology Bat and Reptile Surveys report June 2016 (including repointing, demolition, partial demolition etc) must be undertaken outside of the bats hibernation period and under the supervision of an appropriately licenced and qualified ecologist, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the wall. If any bats are found, all works must cease immediately and remain ceased pending consultation with Natural Resources Wales, and details of the bats shall be reported to the Local Planning Authority in writing. Prior to the subsequent re-commencement of any works to the wall, a European Protected Species licence, if required by Natural Resources Wales, shall be submitted to the Local Planning Authority.

Reason:

In the interests of ecology and biodiversity enhancement in accordance with Policies MD9-Promoting Biodiversity, and MG20-Nationally Protected Sites and Species of the Local Development Plan, and TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

14. No development granted by this consent, other than demolition and tree removal, shall commence on site until a comprehensive geotechnical assessment, including results of monitoring, as recommended in the 'Slope Stability Desk Study Report' dated December 2015, and the 'Preliminary Slope Stability Analysis' dated November 2016, both prepared by Terrafirma, and incorporating a strategy for the disposal of surface water, has been submitted to and agreed in writing by the Local Planning Authority.

Reason:

To manage the flood risk and ground stability issues in the interests of public health and safety in accordance with Policies MD1-Location of New Development, and MD7-Environmental Protection of the Local Development Plan.

15. 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 with shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. In particular further details of the surface water drainage strategy are required, showing how road and roof/yard water will be dealt with, and if infiltration techniques are used, then details of field percolation tests should be included, along with any calculation for on-site attenuation or discharge, plus a maintenance schedule for the surface water system. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details prior to the first beneficial occupation of any dwelling on the site.

Reason:

To ensure the effective drainage of the site and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies MD1-Location of Development and MD7-Environmental Protection of the Local Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

19. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

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

20. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include:-
- details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated;
 - a Construction Phase Programme, and shall demonstrate how the surface water scheme identified in Condition 15 will be implemented across the site, with indication of how the developer intends to control surface water run-off during construction works;
 - utilisation of the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk);
 - a system for the management of complaints from local residents which will incorporate a reporting system;

and the construction of the Development shall be completed in accordance with the approved CEMP.

Reason:

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

21. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday - 8:00 until 18:00

Saturday - 8:00 until 13:00

Unless such work is:

(a) associated with an emergency (relating to health and safety or environmental issues);

(b) carried out with the prior written approval of the Local Planning Authority.

In addition, should there be a requirement for piling or drilling on site, such operations are restricted to Monday-Friday 8:30 until 17:30 only.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policy MD7-Environmental Protection 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, Policy SP7-Transportation, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG19-Sites and Species of European Importance, MG20-Nationally Protected Sites and Species, MD1-Location of New Development MD2-Design of New Development, MD3-Provision for Open Space,

MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection, MD8-Historic Environment, and MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Amenity Standards, Trees and Development, Penarth Conservation Area, the Penarth Conservation Area Appraisal and Management Plan, Biodiversity and Development, 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, TAN5-Nature Conservation and Planning, TAN10-Tree Preservation Orders, TAN12-Design, TAN14-Coastal Planning, TAN16-Sport, Recreation and Open Space, and TAN24-Historic Environment, 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 and would preserve the setting of the nearby listed buildings and the Penarth Conservation Area. The proposal is also considered acceptable in respect of neighbouring and general residential amenities of the area and highway safety. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, and sufficient evidence has been submitted to show that the ground stability of the site should not preclude its development, and that provisions for the adequate drainage of the site can be made.

NOTE:

- 1. The developer is advised that they should be aware of the Severn Estuary Shoreline Management Plan (Theme Area: Penarth. Management Unit: PEN2) and the strategy outlined for this section of the coast.**
- 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. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**

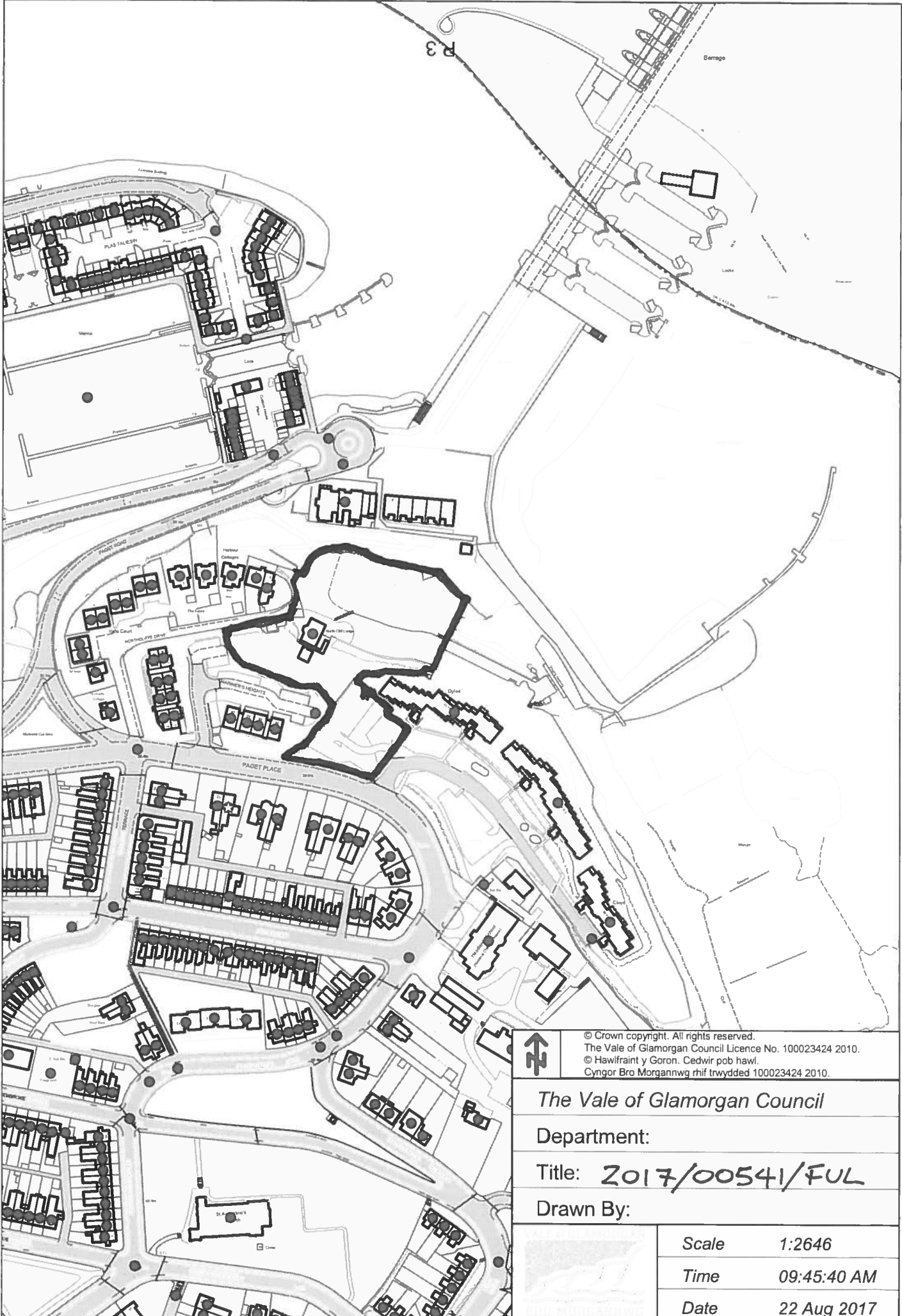
- 4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 5. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner and although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability.**


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

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

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

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



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<p>The Vale of Glamorgan Council</p>	
<p>Department:</p>	
<p>Title: 2017/00541/FUL</p>	
<p>Drawn By:</p>	
Scale	1:2646
Time	09:45:40 AM
Date	22 Aug 2017

2017/00541/FUL
Appendix A

Head of Planning and Transportation | DEVELOPMENT CONTROL

The Dock Office

Barry Dock

Barry CF63 4RT

D.E.E.R
RECEIVED
ACTION BY: SDB / yf
NO: 5.
ACK:

RECEIVED
19 JUL 2017
Regeneration and Planning

Planning Application 2017/00541/FUL

I am totally against the Planning Application as previously along with many other residents and neighbours in Paget Place. The supposed new application is worse than the previous one and it has seemed timed to be produced when there are now new councillors which I hope will be advised by the previous older councillors. They are hoping to hood wink the new ones that this development is viable.

The previous vote to the shareholders of Northcliffe was unfair as it would only affect the Dyfed end and still they think they can offer compensation.

The contributory roads out of Penarth are already congested since the development of Penarth Heights. To build a further 30 flats would mean another 30 to 50 more cars using the same congested roads. The existing bus service only runs Monday to Saturday between 08 30 and 1800 one every hour and not always on time due to congestion.

The local catchment area for Schools are already over subscribed.

In order for this to go ahead they want to build an entrance/exit road from Northcliffe Lodge via Dyfed end of Northcliffe estate on to Paget Place. I vehemently oppose to building yet another entrance/exit onto Paget Place where there is already three access roads within 200 yards and there are two bus stops where they intend the road to exit. There is a severe bend by Headlands School which bears down on to Northcliffe entrance and twice daily taxis that deliver the children block the road as far down as Mariners Heights there has been accidents here and near misses as people try to move around the bend using opposite side of the road. Another exit would be sheer lunacy and another accident waiting to happen.

For this development to go ahead would mean the destruction of trees which would increase the already instability of the ground. Their destruction would remove stability given by their roots which in turn would make the land more open to water build up and soil erosion. The water runoff from this could undermine the present fragile structure of the foundation of the cliff erosion and adding to the already existing instability of the ground due to previous landslips at the Dyfed end of Northcliffe Estate and there is significant continuous erosion at the point where Northcliffe Lodge and Northcliffe Estate adjoin.

The Tree survey undertaken by Treescene Ltd has mistakenly categorised many trees as "Category C" another independent survey seems to have been dismissed and or another one been used for and unbiased survey. There have been many sink holes found on the Northcliffe Estate in the Car Parking areas further investigation is needed.

The development would have a negative impact on the existing wildlife there is a colony of breeding Bats in these trees and they are protected species. I do not understand that the Ecologist report states there are no bat presence when Two councillors have seen this with their own eyes plus many of Dyfed Residents can back this up on a nightly basis. Why has this information been ignored. There are also nesting Jays ,Swallows and Owls.

The Box like flats are ugly and do not fall in line with the coastal view of "Bear Head Penarth" they would be obtrusive.

Also there is no mention of affordable housing as in the report put forward by Liz Burnett this has also seems to have been ignored even the S106 contributions would place a burden on the council and tax payers.

I do hope that the new councillors will look thoroughly into this and not get bullied into agreeing with the developers. Please see all supporting paperwork.

Yours Sincerely



MRS R H DAVIES

1 DYFED



DESIGN
COMMISSION
FOR WALES
COMISIWN
DYLUNIO
CYMRU

2017/00541/RUC

Appendix B.

Design Review Report

Northcliff Lodge, Penarth

DCFW Ref: N135

Meeting of 16th February 2017



Declarations of Interest

Panel members, observers and other relevant parties are required to declare *in advance* any interests they may have in relation to the Design Review Agenda items. Any such declarations are recorded here and in DCFW's central records.

Review Status

Meeting date

Issue date

Scheme location

Scheme description

Scheme reference number

Planning status

PUBLIC

16th February 2017

6th March 2017

Penarth

Residential

N135

Permission refused

Declarations of Interest

None declared.

Consultations to Date

No formal consultation has taken place. Formal pre-application consultation will be carried out if/when a revised planning submission is made. This engagement with the Commission facilitates the early consideration of options following a planning refusal.

The Proposals

The site is located along the Northcliff headland in Penarth, and lies outside the Conservation Area of Penarth. Custom House sits below the site at the foot of the cliff and is listed. The site consists of Northcliff Lodge and its extensive grounds. The steeply sloping site benefits from panoramic views over the barrage and towards Cardiff Bay.

The proposal is to demolish the existing late 20th century dwelling and outbuilding and build 30 apartments with new access, parking and replacement tree planting.

The scheme was submitted for planning in 2015 and was supported by Vale of Glamorgan Officers with a recommendation for approval. However, in January 2017, the permission was refused by the Planning Committee. Following this review meeting, the applicant will decide whether to appeal the decision or submit a revised application.

Main Points in Detail

The following points summarise key issues from the review, and should be considered to inform any further work ahead of resubmitting a planning application or appealing the refusal:

Overall Approach

The Design Commission is supportive of development of this site which would deliver much needed housing on an urban infill site. The ambitions of the client and design team to deliver a high quality, innovative residential scheme are commended.

This review offers an opportunity to discuss minor improvements to the scheme to increase already high quality and add further value; and to consider how the design process and proposal can best be communicated in any materials and presentation produced for any revised planning application. The additional design work and illustrative information developed between the planning refusal and this review is useful and heading in a positive direction.

The Commission was surprised that the original scheme – despite this opportunity to enhance it – did not achieve a planning consent. The proposal is a well-considered response to a difficult site, with strong inclusive design commitment and an enhancement to choice of housing in the area.

Communication of Design Process

The differences between the submitted and presented documentation raised the awareness that exemplary clear communication of both the design development process and the resulting proposal is important to assure the local planning authority, planning committee and local residents that the best solution has been found.

Visual presentation of the following are useful:

- Site analysis and the implications (beyond the plot, including the neighbouring properties)
- Wider context shown in plan and section to demonstrate appropriate design response
- Justification for the number of units/density on the site
- Accurate visual studies showing the impact on selected key views (including alternative design options considered, if appropriate)
- Materiality and articulation of form – texture, colour and shadow
- Physical model of site, context and proposal to explain response to topography
- Energy and sustainability strategies

Documenting Changes

It will be useful for the design team to methodically document any changes they make to the scheme which was originally submitted for planning. Side-by-side comparison drawings and diagrams will allow everyone to easily see and understand the positive steps that have been taken to enhance and improve the scheme in response to feedback and further design studies.

The verified view studies which have been started are useful. It would also be helpful to have summer and winter studies to assess how the wooded backdrop to the Custom House changes through the seasons. This would also show if/where additional tree planting will be beneficial. One of the images presented suggested there might be an opportunity to better articulate the east end of the buildings using texture and/or openings, which would also provide additional views out.

Section and elevation drawings of the amended proposal with the outline of the original planning submission would demonstrate changes to height and massing and the inclusion of more gaps between the blocks. Including texture, colour and shadow on elevation drawings will show how material changes and articulation help to break down the appearance of the massing.

A strategic approach to the changes rather than a detailed enumeration is fundamental. The communication of these is also to be considered.

Access and Inclusive Design

It is very positive that access and inclusive design has been considered in detail and integrated through design. The following amendments could also be considered:

- Include pedestrian only access from the existing lane to the west of the site
- Provide natural resting places along/off of the main access ramp to make walking easier. These could be positioned to enjoy views through the site
- Provision for future pedestrian access to the marina from the site
- Ensure some/all parking spaces are accessible
- Maintenance of multiple lifts could be expensive. The long term viability should be balanced against the level of accessibility.

Consulting local access groups and considering 'scenarios' for different potential residents will be helpful.

Design for Quality and well-being

It is positive that the design team are using this opportunity to give further consideration to the detailing, materials and landscape design to maximise the quality of the scheme.

This is important because the detail design of both the apartments and the shared spaces between them will have an impact on the well-being and quality of life for all residents. The following could be considered:

- Further 'greening' of the upper, wider street/courtyard space to make it feel less like a space for cars
- Proportion of the open spaces of the upper and lower decks - car vs pedestrians
- Increase external amenity space
- Consider mini front gardens for ground floor flats and to improve the views of the block A and Block B to the upper terraced 'car' dominated area
- Explore levels of and around block A to allow for external landscaped spaces to soften and improve the views, and the relationship of the flats with the setting they are in
- Consider the impact of increasing floor to ceiling heights to make apartments feel more spacious and increase daylight. The current 2.4 m high is low by today's standards in apartments of this quality
- Maximise storage provision

- Visitor parking

There may be a tension between providing views from the new dwellings and maintaining a continuous 'green' backdrop of trees to the Custom House building. The view studies will help to achieve the right balance. The move to open the view in the lower block form of the earlier proposal was seen as a positive feature that could be further explored while reviewing the site analysis, density, access, flows and landscaping strategies.

Planning Strategy

Working closely with their planning consultant, the design team and applicant must now develop a sound planning strategy.

There are a number of steps which could be taken to help reduce the risks involved with submitting an amended planning application. These include:

- Benchmarking visits for elected Members
- Highlighting the public value of the scheme
- Good communication of the rationale of the design process founded on in depth analysis
- Communication of a viability/affordability study
- Demonstrate response to National Policy – housing need, urban densification, housing variety and choice
- Invest in a good public exhibition and PR strategy
- Persuasive communication and illustration of a good quality design proposal

It may be beneficial for a specialist conservation consultant to be appointed to assess and communicate the impact on the setting of the listed building.

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A Welsh language copy of this report is available upon request.

Attendees

Agent/Client/Developer:

Jon Shields, Celtic Developments

Architect/Planning Consultant:

Rhian Thomas & Chris Loyn, Loyn + Co Architects
Lorraine Corscadden, Corscadden Associates
Sam Courtney, LRM Planning Ltd

Local Authority:

Stephen Butler, Vale of Glamorgan Council

Design Review Panel:

Chair

Ewan Jones

Lead Panellist

Maria Asenjo

Michael Griffiths

Jamie Brewster

Kedrick Davies

Amanda Spence, Design Advisor, DCFW

Carole-Anne Davies, CE, DCFW

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 29/09/15
Ymweliad â safle a wnaed ar 29/09/15

gan Aidan McCooey BA MSc MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 12/11/15

Appeal Decision

Hearing held on 29/09/15
Site visit made on 29/09/15

by Aidan McCooey BA MSc MRTPI
an Inspector appointed by the Welsh Ministers
Date: 12/11/15

Appeal Ref: APP/Z6950/A/15/3119189

Site address: The Dolphin, Friars Road, Barry, South Glamorgan, CF62 5TR

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Barry Island Property Company against The Vale of Glamorgan Council.
- The application Ref 2014/01358/FUL is dated 21 November 2014.
- The development proposed is the demolition of the existing Dolphin Bar/Restaurant and re-development for 25 residential units, commercial uses and associated works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing Dolphin Bar/Restaurant and re-development for 25 residential units, commercial uses and associated works at The Dolphin, Friars Road, Barry, South Glamorgan, CF62 5TR in accordance with the terms of the application, Ref 2014/01358/FUL, dated 21 November 2014, and the plans submitted with it, subject to the conditions set out in the attached Schedule of Conditions.

Application for costs

2. At the Hearing an application for costs was made by the Council against the appellant. This application is the subject of a separate Decision.

Background and Main Issues

3. The appellant was formerly the owner of the overall funfair site at Barry Island but has disposed of the remainder of the site to a funfair operator. The funfair has now re-opened. The appellant had been involved in protracted discussions regarding the future of the overall site culminating in a major planning application for its re-development. This application was subsequently withdrawn and the appellant retained the appeal site and wished to provide residential development. The Council indicated during preliminary discussions that an element of commercial use would be an essential part of the development of the site.

4. The application was reported to the Council's Planning Committee (the Committee) on 12 March 2015 where it was resolved to approve it subject to conditions and the applicant entering into obligations under Section 106 of the Act to provide contributions for affordable housing, sustainable transport, public open space, community facilities and public art. In the meantime, the viability of the project was under consideration by the District Valuer (DVS). The DVS concluded that the costs of the development would be so high that the 25 apartments would be necessary to fund the commercial element of the scheme and that there was no scope for any s.106 contributions with a developer profit of 15%. The application was reported to Committee on 14 May 2015 and the Council agreed with the DVS conclusions on the viability of the scheme. The resolution remained that planning permission be granted subject to conditions. The original contributions sought were replaced by a different obligation requiring that the Council be given an equal share of any profits above 15% that accrued. The level of profit to be assessed at first beneficial occupation of the development. The appellant refused to accept this deferred payment or claw-back arrangement and the appeal was lodged. The Committee re-considered the Council's stance on the appeal on 30 July 2015 and resolved that the application would have been refused in the absence of the suggested obligation.
5. In these circumstances, the main issues are whether a deferred payment or claw-back obligation as proposed is justified in this case to make the development acceptable in terms of planning policies and whether the original proposed obligations meet the legal tests.

Reasons

6. The site is located immediately adjacent to the funfair and pleasure park known as Barry Island, which has recently re-opened. It contains the Dolphin Bar which was built in the 1990s and an area of hardstanding. The proposal involves the demolition of the existing building and the erection of a modern contemporary design building. The building would have 4 commercial units on the ground floor and 25 flats above. Parking would be provided under the building and to the rear with access off the Station Approach Road. A secondary access is proposed via the funfair onto Friars Road. The proposed flats would have large windows and balconies to the front (sea-facing) and deck access to the rear.
7. The Council in its reports to the Committee and appeal submissions made it clear that there were no objections to the principle of the development or its detailed design and layout that could not be addressed by the imposition of suitably worded conditions. In particular, I note that the Council considered that the proposal would enhance the character and appearance of the Barry Marine Conservation Area, meeting the statutory duty under Section 72 of the Act¹. Having considered the detailed design and all the evidence I have no reason to disagree with that conclusion.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

Benefits of the Proposal

8. The Council outlined the benefits of the proposal as the regeneration of a prominent site important to the re-development of Barry Island. The proposal was considered to accord with the important Council objectives for the development of Barry Island. Its modern design would make a positive contribution to the character and built form of the area and enhance the Conservation Area. The replacement of a single Class A3² unit with four retail units was considered to present a more engaging street frontage with consequent benefits to the vitality of the area. Weighing these benefits against the lack of affordable housing, etc. the Council decided that the scheme should be approved without obligations to provide for affordable housing, sustainable transport, public open space, community facilities and public art. I accept the Council's evidence in this regard. The use of these units for Class A1 or A3 purposes can be secured by an appropriate planning condition. It would also be necessary to ensure that the units are actually provided prior to the occupation of the apartments and marketed for their intended use thereafter. It would not be appropriate for an automatic reversion to residential use should this marketing exercise fail to attract tenants, as suggested by the appellant. Any such change of use should be the subject of a fresh planning application so that the Council could assess the efficacy of the marketing undertaken.

Viability of the Proposed Development

9. The Council provided a revised valuation by the DVS just prior to the hearing. It was based on off-site provision of affordable housing and appeared to indicate that the scheme's viability would be enhanced in those circumstances. The Council confirmed at the hearing that their basic position had not changed since the committee report recommending approval i.e. that the scheme was not viable as it stood. The key figure therefore is the 15% profit, above which the proposed claw-back mechanism would apply. Whilst this was the figure used in the appellant's viability appraisal, it was argued that this would not represent a reasonable profit figure in the current economic climate. The appellant considered that a 20% return would be more reasonable and cited the use of 20% in the Council's own Affordable Housing Viability Update Report produced to support the emerging Local Development Plan. Whilst this report may be looking at the strategic level, it is an indication of the Council's thinking on appropriate profit levels. The appellant also cited various appeal decisions and Community Infrastructure Levy (CIL) charging schedules where 20% had been used. The DVS referred to 17.5% as used in the Merthyr Tydfil CIL charging schedule. I do not consider that level to be materially different. Lending conditions are also particularly stringent and banks expect higher profit levels before agreeing loans. For these reasons I consider that a 20% profit level would not be unreasonably high.
10. The Council submitted little evidence that the scheme could potentially make more than 15% profit. The DVS revised calculations were submitted with the final comments, which allowed little time for scrutiny of the assumptions made. The appellant's valuer made the point that minor variations in the assumptions and figures used could make a big difference to the outcome. The evidence from the DVS related to the region or Wales as a whole. This part of the Vale of Glamorgan would not have as buoyant a housing market as some of the more affluent areas. There was little evidence of the performance of the general housing market in Barry and almost none in relation to the market for sales of apartments in Barry. Whilst the fun fair has re-

² Use Classes in the Town and Country Planning (Use Classes) Order 1987

opened and there is a large development ongoing in the general area, it is too early to conclude on the effect that will have on the private housing market on Barry Island. Indeed the appellant pointed out that the proposal faces competition from that very large development nearby offering incentives to purchasers. These factors increase the risks to the developer profits and I am not therefore persuaded by the Council's evidence that the viability of the proposal is highly likely to improve in the short term.

Suggested Claw-back Mechanism

11. The appeal scheme comprises the development of one building and consequently must of necessity be built in one phase. The commercial units must be built and marketed at the outset of the development and have an effect on the viability of the scheme as noted above. The nature of this relatively small-scale development means that regular review of an s.106 obligation would not be appropriate. The main factor that could affect the profitability of this scheme is when it actually commences. Welsh Government guidance³ suggests another mechanism to respond to possible changes in the profitability of a scheme. That is granting a shorter time period for the commencement of the development to ensure that it comes forward swiftly. As I have not been persuaded by the Council's evidence that viability is highly likely to change in a relatively short period of time, I consider that this would be a more appropriate approach in this case. The appellant indicated that its intention was to complete the development quickly and that such a condition would be acceptable. The difficulties with using this approach identified in the guidance do not apply in this case. The level of reduction has been identified, the scheme is ready to develop as it stands and it will be developed in one phase or all at once. The appellant suggested a time limit of three years for the commencement of development. I consider that two years (as suggested in the guidance) would be more appropriate because a shorter period would speed completion of the development and thereby allay the Council's concerns on possible changes in viability or market conditions.

Conditions and other matters

12. Concerns had been raised by the Council's Environmental Health officers regarding noise and disturbance to occupiers of the proposed apartments from the adjacent funfair. The appellant provided details of the legal contract transferring the funfair to the current operators. This contract includes the provision of a buffer zone controlling the level of noise in the funfair around the appeal scheme. The Council decided that the benefits of the scheme and the fact that prospective residents would be well aware of the existence of the funfair when making a decision to purchase outweighed these objections. The existence of the above contractual arrangements reinforces the controls available to deal with noise and disturbance. In these circumstances I have no reason to disagree with the Council's conclusions on noise impact. A condition to require details and implementation of a noise attenuation scheme would assist in addressing these concerns.
13. The submission of a Travel Plan is required in order to encourage the use of more sustainable forms of transport to and from the development. The control of the effects of construction activities and traffic is required given that there are existing residential properties nearby. It is essential that full details of the existing and

³ Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update Cambridge Centre for Housing and Planning Research and Three Dragons for the Welsh Assembly Government September 2009

proposed site levels, means of drainage, access, parking and servicing arrangements are all approved prior to the development commencing. It is also necessary to restrict the use of a secondary emergency access to this purpose because it would not be suitable for use as a main site access. Full details of the proposed shopfronts, boundary treatments, privacy screens, external finishes and materials to be used in hard surfacing/landscaping need to be approved to ensure that the development is in keeping with the character and appearance of the Conservation Area. The removal of permitted development rights for new means of enclosure would be necessary for similar reasons.

Conclusion

14. In all these circumstances, I conclude that the Council were correct to recommend the approval of the scheme without planning obligations for affordable housing and the other listed matters being in place. The evidence in this case has not persuaded me that a claw-back mechanism as suggested would be appropriate. The absence of a planning obligation requiring payments to the Council in the event of viability of the proposal improving does not weigh against the proposal for the reasons given above. The appeal should be allowed subject to conditions. In the light of my conclusions, I do not need to consider whether the individual obligations sought were actually justified in this case and meet the legal tests. Nor do I need to consider whether a claw-back mechanism is appropriate in principle.



Inspector

APPEARANCES

For the Appellant

Geraint John BSc (Hons) Dip TP

Aidan Lynch

James Mordecai

Joe Ayoubkhani

Geraint John Planning

al3d Projects

Herbert R Thomas, Estate Agents & Valuers

Geraint John Planning

For the Council

Justina Moss BSc (Hons) Dip TP
MRTPI

Victoria Robinson BSc (Hons) Dip TP
MRTPI

Nick Tyldesley MRICS

Principal Planning Officer
Enforcement and Appeals

Principal Planning Officer
Developer Contributions

Principal Development Surveyor DVS

Documents

1. Letter of notification of the hearing arrangements and list of those notified
2. Schedule of Plans and Documents
3. List of Section 106 Obligations entered into since 6 April 2010

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. Prior to the commencement of the construction of the building, details of the finished levels of the site and building, in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.
3. The development shall be carried out in accordance with the following approved plans refs 2585-100, 217a- 6005, 217a- 6006, 217a- 6007, 217a- 6008, 217a- 6010, 217a- 6011, 217a- 6012, 217a- 6013, 217a- 6015, 217a- 6016, 217a- 6017, 217a-6030(1), 217a-6031(1); 217a-6032(1); 217a-6033(1); 217a-6034(1); 217a-6035(1); 217a-6036(1); 217a-6037(1), G/OC541/01 and G/OC541/02.
4. Notwithstanding the submitted plans and prior to the commencement of any works on site, full engineering drawings and design calculations of the proposed vehicular / pedestrian access to the site, to include vision splays, sections, drainage and gradients details, and details of the amended layby along Station Approach Road shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed and maintained in accordance with the approved details.
5. Prior to the first beneficial occupation of the development hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.
6. Prior to the commencement of development, a Construction Traffic Management Plan, to include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.
7. Prior to the commencement of the construction of any of the residential units, a scheme of noise attenuation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained at all times.

8. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include a Site Waste Management Plan and details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours. The CEMP will utilise the Considerate Constructors Scheme. The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the development shall be completed in accordance with the approved Plan.
9. Full details of a scheme for the disposal of foul water, land drainage and surface water including connections to the public sewerage system shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details. The details shall include a written declaration detailing responsibility for the adoption and maintenance of the drainage system in perpetuity.
10. The ground floor units of the development hereby approved shall be used only for the purposes specified in the application, i.e. within Classes A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose whatsoever in any other use class 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.
11. Notwithstanding the submitted plans, no part of the development hereby approved shall be brought into beneficial use until such time as further plans have been submitted to and approved in writing by the Local Planning Authority, to indicate parking areas, the associated access and turning areas and space for servicing within the site. The details submitted under the terms of this condition shall include full details of how parking spaces will be allocated and a servicing management plan. No part of the development shall be brought into beneficial use until such time as the site has been laid out in full accordance with the details approved under the terms of this condition and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.
12. Prior to the first beneficial occupation of any part of the development, 14 no. cycle spaces (ten to serve the flats and 4 to serve the retail units) shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be provided prior to the first beneficial occupation of the building and so retained at all times thereafter.
13. The vehicular access point shown on plan reference 217a-6010 as 'secondary access gates' shall only be used as an emergency vehicle access and not as the primary vehicular access to the site.

14. Notwithstanding the submitted forms and plans, prior to their use in the construction of the development hereby approved, a full schedule (including samples) of the proposed materials to be used (including doors, windows, balcony guards, hard surfacing/hard landscaping materials) and their locations shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and at all times maintained in accordance with the approved details.
15. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, further details of the proposed balcony screens and all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority (including details of the location of all the screens). The screens and the means of enclosure shall be erected prior to the development being put into beneficial use and shall be so maintained at all times thereafter.
16. Prior to the commencement of development on the construction of the front elevation of the retail units, further details and elevation plans of the proposed shopfronts shall be submitted to and approved in writing by the Local Planning Authority. The shopfronts shall thereafter be constructed and maintained in accordance with the approved details.
17. All of the A1 or A3 units hereby approved shall be built, fitted out to a shell and core specification, to be first agreed in writing with the Local Planning Authority, and made available for rent / sale prior to the first occupation of any of the apartments hereby approved. The A1 or A3 units shall thereafter be marketed until such time that all of the A1 or A3 units are sold or leased, in accordance with a marketing plan (which will detail tenure, rental levels and types of operator) with said plan to first be submitted to and agreed in writing by the Local Planning Authority.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), no gates, fences, walls or other means of enclosure (other than those approved under the terms of conditions of this planning permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Mr. William Carroll, c/o Agent
Davies Llewelyn and Jones LLP Unit 114, The Maltings, East Tyndall Street,
Cardiff, CF24 5EA

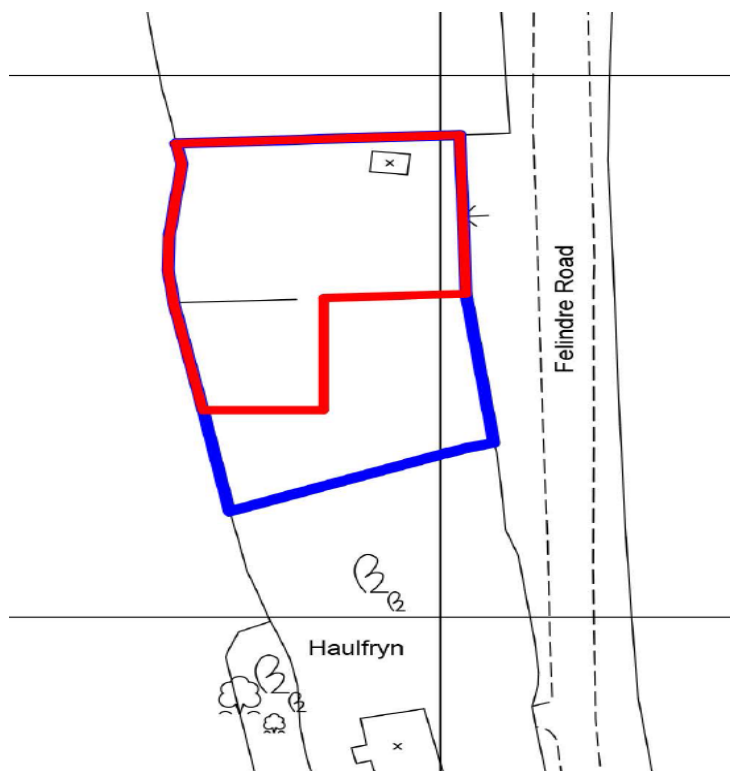
Travellers Rest, Felindre Road, St. Marys Hill

The use of land for the stationing of caravans for the residential purposes for 3 no gypsy pitches together with the formation of hard standing and utility/dayroom ancillary to that use.

SITE AND CONTEXT

The site is located on the west side of the adopted highway recorded on the Council's records as Ruthin Road, but suggested on the submitted plans as 'Felindre Road'. The highway is the main road between the Pentre Meyrick junction with the A48 to the south, and Pencoed and the A473/M4 roads to the north. About 120m north of the site is an isolated dwelling at Pedair Onnen and about 50m to the south is another dwelling at Haulfryn.

St. Mary Hill is subject to a 40mph speed limit which commences just over the brow of the hill beyond Pedair Onnen. It then continues downhill past Haulfryn to join a 30mph speed limit zone by Heol Llidiard, about 260m south of the existing site access. Heol Llidiard and a further group of dwellings nearby comprise the settlement of Fferm Goch. Other sporadic buildings and a primary school to the south, are part of Llangan Community but located about 0.9km east of the main village settlement area.



The application site is approximately 1.6 ha in area, this comprising a 1.2ha field parcel along with an additional 0.35ha of an adjoining parcel of land (the latter proposed to be used for a package treatment plant and soakaway). The land slopes gently down to the south, with a small storage building near its north-east corner. The northern part is covered in scalplings and divided from the lower southern grassland area of the site by a low rail fence. To the west of the site and across St. Mary Hill to the east are open fields.

The site is accessed directly onto Ruthin Road. It is already splayed and has been laid with a solid surface in part and loose gravel for the remainder. The access is defined with a curb edge.

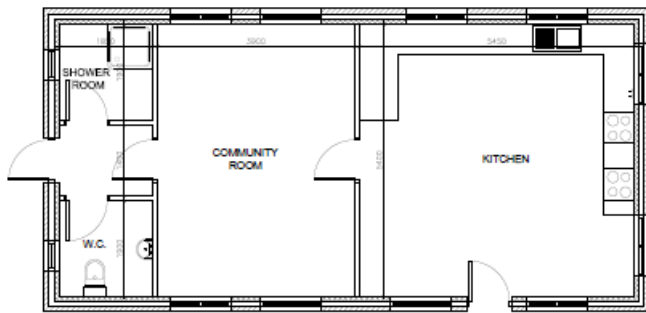
DESCRIPTION OF DEVELOPMENT

This is a full planning application which originally sought planning permission for a single pitch Gypsy site with hard standing and day room. During the course of the application, the proposal was changed and permission is now sought for “the use of land for the stationing of caravans for the residential purposes for 3 no gypsy pitch together with the formation of hard standing and utility/dayroom ancillary to that use”.

The site would be accessed from the existing vehicular access off Ruthin Road. The plans indicate a “proposed hardstanding” for the vast majority of the application site, although this area is already surfaced in loose aggregate. The submitted plans illustrate the siting of three static caravans (along the western and southern boundary of the site) and a touring caravan (between the new mobile home and existing shed) along the northern boundary, with adequate parking for a minimum of 2 No. vehicles of less than 3.5 tonnes.



A single storey utility/day room is proposed close to the northern boundary of the site the site which would measure some 12m x 6m and some 5m to ridge. The illustrative plans show this as a brick built structure with clay tile roof. The DAS states that “the utility / day room will provide facilities that enable the occupants of the caravans to minimize the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene”.



COMMUNITY DAY ROOM PLAN



SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION

The DAS advises that the site layout has been determined to best meet the applicant’s requirements and has been designed with reference to the standards defined in ‘Model Standards 2008 for Caravan Sites - Caravan Sites and Control of Development Act 1960 – Section 5 and Good Practice Guide in Designing Gypsy Traveller Sites in Wales.’

The DAS also advises that the proposed caravans will conform to the definitions within Section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 (1) of the Caravan Sites Act 1968 and therefore plans and elevations of individual units are not required.

The application has been supported by the following information: -

- Design and Access Statement (provided at **Appendix A**)
- Location Plan
- Existing Site Plan
- Proposed Site Plan
- Utility Room : Indicative layout and elevation

No personal details of the applicant, Mr Carroll, have been provided.

PLANNING HISTORY

The site has the following relevant planning history:

2012/01022/FUL: The Travellers Rest, Felindre Road, St. Mary's Hill - Erection of animal welfare shelter/barn - Approved 6 December, 2012

2011/00683/FUL: Travellers Rest, Felindre Road, St. Marys Hill - The use of land for the stationing of caravans for the residential purposes for 1 no gypsy pitch together with the formation of hard standing and utility/dayroom ancillary to that use. - Refused 21/10/2011 for the following reasons:

- (1) The proposed use of the site would introduce new structures, domestic activities and a pattern of land-use which would by reason of its prominence, have a harmful effect on the setting of this important route which provides a link between the M4 and the A48, and have a substantial adverse impact on the open character and appearance of the countryside, contrary to the objectives of Policies ENV1 – Development in the Countryside; HOUS14 - Gypsy Caravans; and ENV27 – Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. It would thus also fail to accord with advice in Welsh Government Circular 30/2007 ‘Planning for Gypsy and Traveller Caravan Sites’.
- (2) The proposal amounts to a sensitive residential development within the identified Buffer Zone around Ruthin Quarry, wherein the proposed use would be vulnerable to such effects and, as a consequence, would conflict with the relevant safeguarding policies within Policy MIN6 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. As a consequence it would thus also fail to accord with advice in Welsh Government Circular 30/2007 ‘Planning for Gypsy and Traveller Caravan Sites’.

2002/00109/FUL: Enclosure 9845, St. Marys Hill, Llangan. Mr. Carroll applied for planning permission for a ‘Change of use to gypsy caravan site for personal use of applicant and family and siting of one mobile home one caravan (touring) and one ancillary building’. REFUSED 23 May, 2002 and subsequent appeal DISMISSED February 2003 with the Inspector concluding that the site was unsuitable for residential development use to its countryside location, access objections and location within proposed minerals buffer zone. The submissions in respect of the appellant’s personal circumstances were not considered to outweigh the requirements of S54A.

1993/01021/FUL: Mr. Carroll applied for planning permission for a ‘temporary change of use for siting and occupation of not more than four touring caravans for period of three years’. Planning permission was REFUSED on 11th January 1994. A subsequent appeal was DISMISSED on 2 June 1994.

1993/00161/FUL: Mr. Carroll first applied for planning permission for 'Change of use of land to gypsy Caravan Park for two permanent caravans and two tourers. Planning permission was REFUSED on 6th May 1993. A subsequent appeal to the Welsh Office was DISMISSED on 15 September 1993.

1980/02323: Application for 'Residential Development. Refused on 16 December 1980.

1977/00946/OUT: An application for a dwelling was refused on 9 May 1978.

1974/00949/OUT: An application for a dwelling was refused on 19 November 1974.

In addition to the above, enforcement action was taken in 1993, which pursued unauthorised works on the site, and included the service of an Enforcement Notice against unauthorised engineering and tipping operations on 25 February 1993 and an Enforcement Notice against unauthorised use of land for residential caravans on 4 June 1993.

Following a number of injunctions/court matters, the caravans were subsequently removed from the site and re-located at Oakfield, Llangan in or about August 1994, and are understood to have not been sited on the land at any time since.

CONSULTATIONS

All those listed below were consulted twice during the course of the application. the first consultation was in respect of the proposal for a single gypsy pitch and the second was in respect of the amendment to the proposal for the provision of a three pitch site. The responses received are as follows:

1. Llangan Community Council responded to the first consultation stating that it has no comment. A response was also received to the second consultation in which the Community Council state as follows:

"The Community Council would like to ensure that there is no 'scope creep' on this planning application and that planning for 3 pitches only is granted, which we understand is the pitches on the resident's current site. Any additional sites should require new planning permission."

2. Highway Development did not respond to the first consultation, but has responded to the second consultation, confirming that *"there has been no material change along the adjacent highway since the assessment associated with the previous planning application (reference 2011/00683/FUL) for a similar development at the site"*. On the previous application (2011/00683/FUL) Highway Development comments were as follows:

*"The Highway Authority would advise the Local Planning Authority that the site is located in a semi rural area which has an **existing** vehicular access onto the adopted highway which is subject to a 40mph speed limit."*

However due to concerns of vehicular speeds approaching the village from the North travelling in a southerly direction a 24hrs speed survey has been undertaken between Tuesday 13 September 2011 and a Monday 19 September 2011 which has identified that the 85th percentile speeds of entering the village from the north travelling south is 47.9 mph (77.09kph) and 45.87 mph (73.82kph) which are both exceed the existing 40mph speed limit.

The Highway Authority would advise the Local planning Authority that the required vision splays will need adjusting based on the actual 85th percentile speeds and the recommended safe stopping distance (SSD) within Table A, Page 44, item B2 (interpolated), Planning Policy Wales, Technical Advice Note 18 : Transport Table and table 10.1 and accompany graph within Manual for Streets 2 which as follows:

- (i) Visibility in a Northerly Direction based on 85th percentile speeds of 47.9 mph (77.09kph) requires an absolute minimum vision splay of approximately 105 m and a desirable vision splay of approximately 135m
- (ii) Visibility in a Southerly Direction based on 85th percentile speeds of 45.87 mph (73.82kph) requires an absolute minimum vision splay of approximately 100 and a desirable vision splay of 128m

Based on the above, the Highway Authority does not raise an objection to the proposals subject to a number of conditions including need for improvements to access radii, gradients, gates to be set back 10m and provision of a specified minimum number of parking spaces.”

3. GGAT responded to both consultations stating that the site lies within a “landscape rich in prehistoric archaeological resource”. In accordance with the Planning Policy Wales (edition 9) guidance (section 6.5.8) and Welsh Office Circular 60/96 (section 22), should planning permission be granted it has suggested a condition requiring a watching brief, together with an advisory note.
4. In response to the first consultation, Dwr Cymru Welsh Water had no comments since the applicant intends to utilise a private treatment works. It has suggested that the applicant contact Natural Resources Wales who may have input in the regulation of the proposed method of drainage disposal. No response has been received to the second consultation.
5. The Council’s Drainage Engineer has confirmed that there is a very low risk of flooding on the site. In response to the consultation for the revised scheme, the Drainage Engineer has requested the imposition of a condition requiring a scheme of surface water drainage of the site.
6. Ecology Officer, in response to both consultations, has no comment on the application providing the hedgerows on site will be retained.

7. Housing Strategy and the Council's Rural Enabling Officer have provided their support for the application as originally submitted and as amended as there are currently no permanent pitches in the Vale of Glamorgan for Gypsies and Travellers.

8. Pollution - Shared Regulatory Services, in response to the second consultation, has no objection to the development but have requested a condition controlling the hours of construction activity.

9. Licencing – Shared Regulatory services, in response to the second consultation, requested that the applicant be advised of the potential need for a licence under the Mobile Homes (Wales) Act 2013 and that such a licence should be obtained prior to the occupation of the units.

REPRESENTATIONS

The neighbouring properties were consulted in respect of the application as originally submitted on 2nd March and a site notice was displayed on 10th March, 2017. One letter of representation was received objecting to the development. The objections are summarised as follows:

- The applicant has made a number of similar applications over the years; circumstances have not changed to allow the past valid reasons for refusal to be altered.
- The applicant has a proven record of not complying with planning conditions, or adhering to the planning regulations. Any constraints imposed by the planning conditions will inevitably be ignored.
- The existing conditions attached to the existing planning for stables on this ground have not been met.
- The site has, in recent years, been used in contravention of all planning regulations as a storage facility for heavy plant, lorries and vans. Officers have enforced removal of this heavy plant and equipment.
- The applicant already has a purpose built facility at nearby Treoes and does not need to reside at two sites in such close proximity to each other.
- I believe there is no electrical connection to the national grid on this site and as such considerable noise nuisance from diesel / petrol driven generators will be experienced again.
- The foul drainage system proposed is totally unsatisfactory.

Following the second round of consultation the same respondent wrote again to confirm that their objections to the previous scheme, and to the previous application, still remained. Reference was made to the reasons for Enforcement action having been pursued in the 1990's and the respondent suggested that these matters have remained unaltered.

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

Managing Growth Policies:

POLICY MG5 – GYPSY AND TRAVELLER SITE

POLICY MG23 – BUFFER ZONES

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD9 – PROMOTING BIODIVERSITY

POLICY MD18 - GYPSY AND TRAVELLER ACCOMMODATION

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

Planning Policy Wales:

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

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

Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast.

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 6 – Planning for Sustainable Rural Communities
- Technical Advice Note 18 - Transport

Other relevant evidence or policy guidance:

- Manual for Streets 1&2 (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites.
- Welsh Office Circular 76/94 Gypsy Sites policy and Unauthorised Camping
- Welsh Government guidance “Designing Gypsy and Traveller Sites” May, 2015.

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

Having regard to the above national and local policy context, as well as the previous planning history on the site, the main issues in the consideration of this application are considered to be as follows:

- The principle of the development;
- Need for travellers sites;
- Sustainability in terms of location;
- Impact on character and appearance;
- Impact on highway safety;
- Residential amenity;
- Agricultural land
- Ecology; and
- Minerals safeguarding

The Principle of the Development:

The application site is located within the open countryside, lying beyond the settlement limits of Fferm Goch or Llangan. As such, the provisions of policy MD1 are relevant to the determination of this application in that the land is not allocated for any purpose within the LDP. Whilst there is not specific reference to gypsy and traveller sites in policy MD1, there is support for development that is, *inter alia*, sustainable and does not have an unacceptable impact on the countryside. The criteria of Policy MD1 are considered in more details below.

Policy MD18 provides an objective, criterion-based assessment against which planning applications for additional gypsy and traveller accommodation (i.e. additional to the site allocated via LDP policy MG5) can be assessed. The policy text advises that proposals for the use of land for the siting of residential caravans occupied by gypsies will only be permitted if all of the following criteria are met:

1. THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES;
2. THE SIZE OF THE SITE AND THE NUMBER OF PITCHES ARE APPROPRIATE TO ITS LOCATION AND ACCOMMODATION NEEDS OF THE APPLICANT;
3. ADEQUATE ON SITE SERVICES FOR WATER SUPPLY, DRAINAGE, SEWAGE, POWER AND WASTE DISPOSAL ARE AVAILABLE OR CAN BE PROVIDED WITHOUT CAUSING ANY UNACCEPTABLE ENVIRONMENTAL IMPACT; AND
4. THE EXISTING HIGHWAY NETWORK IS ADEQUATE TO SERVE THE SITE AND A SATISFACTORY MEANS OF ACCESS CAN BE PROVIDED, INCLUDING PROVISION FOR PARKING, TURNING, SERVICING AND EMERGENCY VEHICLES.

The policy also states that there will be a preference for accommodation needs to be met on any of the following:

- ALLOCATED GYPSY AND TRAVELLER SITES;
- EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES; OR
- SITES WITHIN EXISTING SETTLEMENTS.

It is noted that the location of the site is not within an area identified as a preference in Policy MD18. However, this policy does not impose any restrictions in terms of the principle of a rural location. As such, providing compliance is achieved with the relevant criteria of policy MD1 and MD18, a Gypsy and Traveller site in the location proposed is not considered to be in conflict with Local Planning Policy.

With regard to national planning policy guidance, Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' provides guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers and how local authorities can work together to achieve this aim. This applies a more flexible approach to such development and suggests that rural sites may be appropriate for new gypsy and traveller accommodation where not subject to specific planning or other constraints. Special policy consideration is clearly given at a national level to applications for new gypsy and traveller sites and, as such, they are not subject to the more rigid planning constraints as new market housing in terms of their location.

The Guidance does not, however, suggest that rural sites should be granted automatic approval. Paragraphs 36 to 41 of the Circular are of particular note, clarifying that the determination of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. Other considerations for Gypsy and Traveller site applications are identified as usually including the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances.

Having regard to both local and national planning policy and guidance, it is concluded that the principle of the proposed development in this location is considered acceptable, subject to the consideration of more details matters, as follows.

Need for Traveller Sites:

The most recent Gypsy and Traveller Accommodation Needs Assessment (GTAA), identified the need for 2 gypsy and traveller pitches within the Vale area. The assessment has been agreed by the Welsh Government, in accordance with the provisions of Housing (Wales) Act 2014, subject to an addendum to the originally published Assessment. The applicant, Mr William Carroll, is understood to be part of the family that currently occupies an unauthorised Council owned site in nearby Llangan. As the site is currently unauthorised in planning terms, the Carroll family are one of the 2 families that have been identified as being in need of accommodation within the GTAA.

The Llangan site that they occupy has, however, been allocated in the LDP (Policy MG5) for the provision of 2 pitches in order to meet the need identified in the up to date GTAA (as required by the Housing (Wales) Act 2014. It is also noted that the allocation is larger than is necessary for two pitches and is capable of accommodating additional pitched is additional need arises in the future.

Notwithstanding the above, it is important to note that planning permission has not yet been obtained for the use of the allocated Llangan site for gypsy and traveller pitches and the necessary works have not been undertaken to the site in order to make provision for the pitches needed. The current position is, therefore, that there are no authorised gypsy and traveller sites to meet the unmet need identified within the GTAA. The Council have not, therefore, officially fulfilled their duty imposed by the Housing (Wales) Act 2014 to meet that unmet need, as well as any other unmet need that might arise after the publication of the GTAA.

As noted earlier, the existing level of provision and need for gypsy and traveller sites in the area as well as the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances are matters identified in the 30/2007 Circular as being relevant to the consideration of an application for a new gypsy and traveller site. As there is currently unmet need, this is a matter that weighs in favour of the grant of planning permission for the application site.

Notwithstanding the above conclusions, the comments of an Inspector in a recent appeal decision in the Vale area are noted with regard to the provision of private sites (appeal reference APP/Z6950/A/12/2173682 - The Stables, Redway Road, Bonvilston, Cardiff, CF5 6TR). At paragraph 34 the Inspector states that Circular 30/2007 *'explains that gypsies may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on Council sites for gypsies most in need of public provision. Further, Councils should encourage the provision of private sites. Clearly, the appellant and his family wish to live on a private site which should be encouraged.'*

With the above decision in mind, even when the Llangan is provided, it is clear that such provision would not be a determining factor in the consideration of the application subject of this report. Furthermore, neither National planning guidance nor LDP policy MD18 require the applicant to first demonstrate that his need cannot be met elsewhere.

Sustainability:

In the consideration of the 2011 application, the following comments were made with regard to the location of the site:

'The 2003 Inspector concluded that the site is some distance from any settlement which is recognised in the UDP as suitable for development, including those with a range of services. Nevertheless, advice in Circular 30/2007 (paragraph 26) deals with rural sites and advises that, in assessing the suitability of rural sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services, and that over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could be used to effectively block proposals for any Gypsy and Traveller Site in a rural location.'

With such advice in mind, there is some concern that the occupants(s) of the site would clearly be heavily reliant on private transport for many services and facilities, and that walking along the main road towards the village is not safe. Nevertheless it is recognised that, to the south along the main road, there is access to play facilities and the school, with employment sites also nearby. In this respect, it is considered that an objection should not be raised purely on location / sustainability terms.'

There has been no change in circumstances or policy that would lead to an amendment to this position. In fact, the assessment of the nearby settlement of Fferm Goch in terms of its appropriateness for accommodating additional growth is a matter that adds weight to the above conclusions in 2011. The site is within close proximity of to the settlement of Fferm Goch, which is identified in the LDP as a Sustainable Rural Settlement that, in view of the services and facilities in such settlements, can accommodate new development. Whilst it is accepted that the application site is not within or adjacent to Fferm Goch, it is not considered to be wholly isolated in view of the proximity of the site from that settlement. Accordingly, this site as a Gypsy and Traveller site is not considered to conflict with the LDP Strategy; the proposal being for what is considered to be a 'rural exception site' where its location is not likely to be considered suitable for conventional housing. The more flexible approach to the location of Gypsy and Traveller sites is condoned in both the national planning policy guidance documents on Gypsy and traveller sites. In fact the most recent guidance document (May 2015) suggests that *'it is likely that Local Authorities will need to follow the "line of best fit" when assessing potential sites'* and indicates that a particular site may be appropriate even if it does not completely satisfy the guidance in the document. For example, in terms of access to the site, it states that *'although access to public transport would be ideal, it may be unrealistic in close proximity to the site in a rural setting'*.

In terms of other aspects of sustainability, guidance is provided on pages 11 and 12 of the Welsh Government Designing Gypsy and Traveller Sites document and within paragraph 19 and 20 of WG Circular 30/2007. When identifying a site, paragraph 19 of the Circular also suggests that site sustainability should be assessed not only in terms of transport mode, but also in terms of, *inter alia*, the following:

- *opportunities for growth within family units;*
- *the promotion of peaceful and integrated co-existence between the site and the local community;*
- *the wider benefits of easier access to GP and other health services;*
- *access to utilities including waste recovery and disposal services;*
- *access for emergency vehicles;*
- *children attending school on a regular basis;*
- *also other educational issues such as space e.g. for touring or static play bus, homework club, teaching base for older children and adults - (see proposed Good Practice for Local Education Authorities in Wales in meeting educational needs at Annex A);*
- *suitable safe play areas;*

- *contribute to a network of transit stops at intervals that reduce the need for long distance travelling - see paragraph 7;*
- *possible environmental damage caused by unauthorised encampment;*
- *not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and;*
- *regard for areas designated as being of international or national importance for biodiversity and landscape - see paragraphs 34-35 below.'*

There are a number of factors that render this site sustainable in accordance with Circular 30/2007. These include the following:

- The scale of development proposed would not adversely impact upon the local community, and allow for integration with the local community.
- The site is not constrained and is capable of expansion and improvement to meet any growth that may result from within the occupying family unit.
- The site is not constrained in terms of any health and safety issues (identified as important in 'Designing Gypsy and Traveller Sites' Guidance document - paragraph 3.21).
- The site is within reasonable access to local schools.
- The limited development that will be required to accommodate the proposed pitch can be entirely contained within the existing site boundaries and is unlikely to adversely impact on biodiversity (see consideration of ecology below).

There is also nothing to suggest that the use of the site for the accommodation of three Gypsy and Traveller pitches will conflict with the remaining site sustainability criteria listed.

In view of the findings above, the development proposed on the site is considered to be consistent with national planning policy in respect of sustainable development as well as local Strategic policy SP1 and MD1 of the UDP.

Character and Appearance:

In terms of the impact of the proposed development on the character and appearance of the site and the surrounding area, it is noted that the site is not within an identified Special Landscape Area or an area that is otherwise identified for its particular landscape value. The site is adjacent to a main highway route and, although it is predominantly within a rural setting, its character is one of a developed rural site accommodating an existing expansive area of hardstanding and built development. It is also noted that the site is close to, and in between residential properties, which are also accessed via and visible from the adjoining highway.

With regard to consideration of the impact of the proposed development on character of appearance, the following conclusions of the Inspector in the 2003 appeal decision are noted:

“... there can be no doubt about the predominantly open rural character of the wider surroundings ... The site is also some distance from any settlement which is recognised in the emerging UDP as suitable for development, including those with a range of services; it does not fall within any normal definition of 'infilling'; and there has been no claim of any essential agricultural or other employment reason which might justify a location in the countryside”.

Within this context, the Inspector concluded as follows:

“... the site has some screening from hedgerow boundaries, although that on the western side is poor. The caravans and their associated domestic paraphernalia would be seen from the St Mary Hill road past the site, the dwellings to the north and south, and from Heol Lliardiard. I consider that, particularly in winter, the use would be seen as quite intrusive in the rural scene as well as diminishing the open gap between Haulfryn and Pedair Onnen. ... My conclusion is that the use of the site would have a substantial adverse impact on the open character and appearance of the countryside”.

Since the above appeal decision there has been a change to the site's context, both physically and in policy terms, that should be taken into account when considering visual and landscape impact. As noted above, the character of the site has slightly changed in light of the physical development that it accommodates. The site is also closely related to the Fferm Goch settlement, which has now been identified as appropriate for accommodating new growth. In fact the recent redevelopment of the former garden centre site (some 400 metres to the south of the site) has had an impact on the character of that settlement. The Inspector's conclusions with regard to the site not falling within the definition of 'infilling' are still appropriate, although the justification of a countryside location for this gypsy and traveller pitch now comes from both Circular 30/2007 and May 2015 Welsh Government Guidance, both of which were published since the Inspector's decision.

Whilst the weight that the appeal Inspector gives to the adverse impact that the development would have on the open character and appearance of the countryside is noted, the context within which his conclusions were made has altered. Nevertheless, it is accepted that the development will have an adverse impact on its rural setting.

In terms of what weight that should be given to that impact, reference is again made to the most recent guidance document (May 2015), which post-dates both the appeal decision and the 2011 application. The document builds upon the flexible approach to the consideration of proposed gypsy and traveller sites that is condoned in Circular 30/2007 and recognises that potential sites may not completely satisfy the guidance in that document. As mentioned earlier, it states *'it is likely that Local Authorities will need to follow the "line of best fit" when assessing potential sites'*.

With this guidance in mind, it is noted that no other insurmountable constraints have been identified on the site. Whilst harm in terms of impact on character and appearance has previously been identified, the weight attached to that harm can be reduced for the reasons identified above. Furthermore, it is noted that in the decision on the 2003 appeal and in the report considering the 2011 application, the harm identified is from the adjoining highway. That highway is a free flowing section of road where views of the site by drivers will only be fleetingly. There is no footway adjoining the site and this section of highway is not understood to be one that connects any popular Public Right of Way routes. The visual impact of the development when viewed from the adjoining highway can be mitigated by enhancing the existing landscaping on the site such that views of the site will be minimal. The proposed development and caravan units occupy less than half of the site owned by the applicant and the location of those permanent features can be controlled so as to limit their impact when viewed from the adjoining highway.

In summary, whilst the objections of the 2003 appeal Inspector and the 2011 planning officer are noted, the context within which those conclusions were made has altered and are not now considered to be insurmountable. The approval of this development is not, therefore, considered to conflict with the objectives of LDP policies SP1, MD1, MD2 and MD18, as well as the relevant national planning guidance, subject to the imposition of suitable conditions.

Highway Safety:

The need for safe vehicular access is emphasised under LDP Policy MD2 and, in this regard, it is of note that the earlier appeal was dismissed on highway safety grounds, with the Inspector concluding that:

“It is my conclusion that there is a substantial highway safety objection to the proposal as it stands. I accept that it might be possible to re-locate the access further south within the site which could potentially improve the visibility considerably. However, such a scheme was not part of the application before me and without further detailed investigation it is not possible to say whether the 160m advisory standard, or at least a non-dangerous situation as recognised in paragraph B8 of TAN 18, could be achieved.”

The application site and access arrangements to it remain as they were in the 2002 / 2003 appeal. Nevertheless, since that appeal there has been a material change in National Policy insofar as TAN 18 – Transport was updated in 2007, and Manual for Streets (1 and 2) have been published, in addition to Circular 30/2007.

The applicant has not submitted any additional information to address the issues raised in 2003, which was also the case with the 2011 application. Notwithstanding this, it is noted from the consideration of the 2011 application that a full and detailed analysis had been undertaken in respect of highway matters, from the report prepared in respect of that application, the following is noted:

‘.....a full and detailed analysis has been undertaken in respect of highway matters, including conducting further speed tests within the vicinity of the site to establish up-to-date 85th percentile speeds. As a consequence, although the previous TAN18 referred to the need to use the next highest speed on the table (Table B) when speeds are known, the highway Officer has interpolated such required visibility/ stopping distances based upon the up-to-date graphical tables in Manual for Streets 2. On this basis, the required visibility/ SSD have been calculated as follows:

*VISIBILITY IN NORTHERLY DIRECTION – Based on 85thile speeds of 47.9mph, equating to required / desirable SSD of **135 metres**.*

*VISIBILITY IN SOUTHERLY DIRECTION – Based on 85thile speeds of 45.87mph 85thile equating to required / desirable SSD of **128 metres**.*

In order to ascertain whether such distances can be achieved, the highway officer(s) visited the site and measured such visibility, and concluded that the required SSDs could be achieved. Accordingly, taking a reasonable interpretation of TAN18 and MfS2 it is concluded that, while there remain some concerns about the potential impacts of slow moving or queued traffic at this location, and the views of the previous Inspectors are acknowledged, acceptable visibility can now be achieved. In addition, in respect of the low level use of the land for a mobile and one touring caravan and the fact that the Council’s Highway Authority has raised no objection to the access and parking arrangements, the Council no longer raise an objection in this respect.

Accordingly, although the previous objections are of note, as are the objections from local residents on such grounds, it is concluded that sufficient visibility would be able to be achieved to ensure that the access is safe and, as a consequence, would meet the objectives of Policy HOUS14 of the UDP.

A number of highway-based conditions would need to be attached to any relevant consent to ensure that any impact on highway safety would be mitigated, including site gradients and setting gates back into the site. Nevertheless, given the objections raised elsewhere in this report, the above conclusion in respect of highway are not considered to overcome the objections to the proposal on other land use policy grounds.’

In response to the second round of consultations for the 3 pitch scheme, the Council’s Highways Engineer has confirmed that there has been no change in circumstances or policy that would lead to an amendment to this position. The development is, therefore, considered to accord with the above-mentioned national planning guidance and LDP policy MD2, subject to the imposition of suitable conditions.

Amenities of Neighbouring Occupiers:

An objection has been received from the nearest occupants of property to the south of the site, namely 'Haulfryn'; the curtilage of which is less than 20m from the application site boundary. The objections raised are similar to those raised in respect of the 2011 application. In the consideration of that application, the following is noted:

'Their valid objections on matters relating to the previous history of the site, and concerns in respect of the impact on the countryside and highway safety, have been addressed above. In addition, concerns have been raised about the potential noise impact from generators, in light of previous use on the site in the past. This, however, is considered to be a matter which could be overcome by condition requiring the siting and details of any such generator – if indeed such a generator would be required - to be subject to further approval, including any required acoustic mitigation to ensure it would have no adverse impact on the amenity of the nearest residential properties.'

'While these concerns are acknowledged, as is the fact that the proposed use would introduce additional development and associated activities where none presently exist, nevertheless it is thus concluded that there are no reasonable grounds to object in terms of the potential impact on neighbouring amenity as a result of the proposed use.'

Having considered the objections to the current application, there does not appear to have been a change in circumstances or policy that would lead to an amendment to this position. Whilst the objector's reference to the planning history is noted, each application must be considered on its merits and in the light of the most up to date planning policy and Guidance. Such policy and guidance leans towards a presumption in favour of the development.

Agricultural Land Classification:

Criterion 9 of LDP Policy MD1, seeks to control the development of the best and most versatile agricultural land. That is land classified as grade 1, 2 and 3a. These controls are replicated in the most up to date PPW. The application site is identified as being Grade 3b and there is no evidence available to suggest that this is not correct. Accordingly, it is reasonable to conclude that the development of the site would not conflict with LDP policy MD1 or PPW.

Ecology:

Policy MD9 seeks to prevent development that would cause harm to protected species. These controls are mirrored in local SPG, national planning guidance and legislation. The applicant does not propose to remove any of the existing vegetation from the boundaries of the site and, as such, the Council's ecologist has suggested that there is unlikely to be harm caused to any existing protected species on the site. In this regard, the development is not considered to conflict with LDP policy MD9.

Quarry Buffer Zone:

Whilst the application site was within a Minerals Buffer Zone defined around Ruthin Quarry established under the former LDP Policy MIN 6. The policy prohibited the location of new residential and similarly sensitive development within the Buffer Zone. A review of the extent of the Buffer Zone was undertaken as part of the process for preparing the LDP. Accordingly, in the location of the application site, the Buffer zone has been amended on the LDP proposal map and the site is no longer within the Ruthin Quarry Buffer Zone. Accordingly, the development is not in conflict with LDP policy MG23.

Other Considerations:

Circular 30/2007 explains that the provisions of the European Convention on Human Rights should be considered as an integral part of local authorities' decision making, including its approach to the question of what are material considerations in planning cases. In the consideration of the 2011 application, as there were a number of principle objections to the development proposed, it was considered appropriate to have regard to the rights of the applicant and those concerned in the refusal of the application. It was concluded that:

*'.....in considering the applicant's Human Rights - which are not unqualified or absolute rights, it is maintained that a **balanced and proportionate** judgement has been reached, which weighs more heavily in favour of protecting the countryside and the applicant's own safety and wellbeing in terms of the countryside and minerals issues.'*

As with the 2011 application, the applicant has not provided any evidence to suggest that he is a gypsy or traveller, as defined in the Housing (Wales) Act 2014. Notwithstanding this, the applicant is understood to be part of the family occupying the currently unauthorised site at Llangan.

However, the principle objections to the 2011 application have now been overcome or are not considered to be insurmountable. In addition to this, the site would contribute towards the overall supply of Gypsy and Traveller accommodation in the Vale. Furthermore, as the applicant owns the site, it is accepted that he would ideally prefer to occupy this private site without need to pay rent elsewhere. It is, therefore, concluded that the approval of the application would not interfere with the applicant's Human Rights and would result in an overall marginal wider benefit.

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:

(90)001A - Site Location Plan
(90)003D - Proposed Site Layout
(90)004A - Proposed Plan and Elevations

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. The site shall not be occupied by any persons other than gypsies and travellers as defined in the Housing (Wales) Act 2014 or in any statutory instrument revoking and re-enacting that Act with or without modification.

Reason:

Since a residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller, and in order to ensure that the site is kept available to meet the needs of other Gypsies or Travellers.

4. Notwithstanding the submitted plans, prior to the commencement of the development an amended site layout plan showing a revised site layout shall be submitted to and approved in writing by the Local Planning Authority. The layout shall propose the location of the utility/day room adjacent and to the west of the existing shed and a proposed new location within the site for the touring caravan. The site shall at all times be laid out in accordance with the approved details, in particular the approved location within the site of the utility/day room, mobile home and touring caravan.

Reason:

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

5. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the utility/day room hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

6. No more than four vehicles shall be kept on the land for use by the occupiers of the caravans hereby permitted and none of those vehicles shall exceed 3.5 tonnes in weight.

Reason:

To ensure a satisfactory use of the site and to safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

7. No commercial activities shall take place on the land.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site and to safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

8. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, comprising three static caravan and one touring caravan shall be stationed on the site at any time.

Reason:

To ensure a satisfactory use of the site and to safeguard local visual amenities, as required by Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

9. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land (including spread and species), identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

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

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

11. The hedgerow and planting around the entirety of the site outlined in blue and red on the approved site location plan shall be retained at all times.

Reason:

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

12. No development shall take place until details of any external lighting have been submitted to and approved in writing by the local planning authority. All external lighting shall accord with the approved details.

Reason:

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

13. The use of the site hereby approved shall be limited to the hatched area shown on the attached annotated plan labelled "Plan 1", save for the siting of the package treatment plant and soakaway required to serve the development hereby approved.

Reason:

To control the extent of the use of the site, and to safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

14. Notwithstanding the plans and details submitted, no development shall commence until details of the visibility splay at the entrance to the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure a visibility splay of 2.4 metres by 135 metres in a northerly direction and 2.4 metres by 128 metres in a southerly direction. The development shall not be brought into beneficial use until the visibility splay has been provided in accordance with the approved details. The visibility splay shall thereafter be maintained free of any obstruction exceeding 900mm in height.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy MD2 (Design of New Development) of the Local Development Plan.

15. The development shall not be brought into beneficial use until the first 10 metres of the existing access to the site measured from the edge of the carriageway known as Ruthin Road have been hard surfaced in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

16. The use hereby approved shall not commence until four parking spaces have been laid out within the site in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that vehicles are able to turn within the site so that they may enter and leave the site in forward gear. The parking spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason:

To ensure that satisfactory vehicle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

17. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD1 (Location of New Development) 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 comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to policy ENV1, ENV10, ENV27, HOUS14, MIN7 as well as the relevant policies of emerging LDP, Planning Policy Wales, TAN6, TAN18, Circular 30/2007, Welsh Government Guidance 'Designing Gypsy and Traveller Sites' (May 2015), and Planning Policy Wales the principle of the use of the site for the provision of 3 gypsy and traveller pitches is considered to be acceptable as an exception site within the rural Vale. The sustainability of the site in terms of its location is considered to be satisfactory and the development is considered to be otherwise sustainable in accordance with general planning policy on sustainability and that specific to Gypsy and Traveller sites. The impact of the development on highway safety and on the character and appearance of the locality is considered to be acceptable. Furthermore and in the light of emerging LDP policies, there is no longer an objection to the development based on the proximity of the site to Ruthin Quarry. Finally, the decision to grant approval is not considered to interfere with any individuals' Human Rights.

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

NOTE:

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

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

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

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

Notes

This drawing is copyright.
All dimensions are to be checked prior to construction or manufacture.
Any discrepancies are to be reported immediately to the Architect.

davies llewelyn and jones

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Sheet SITE LOCATION PLAN

Sheet No./Revision (90)001A

Client Mr WILLIAM CARROLL

Date FEB 2017

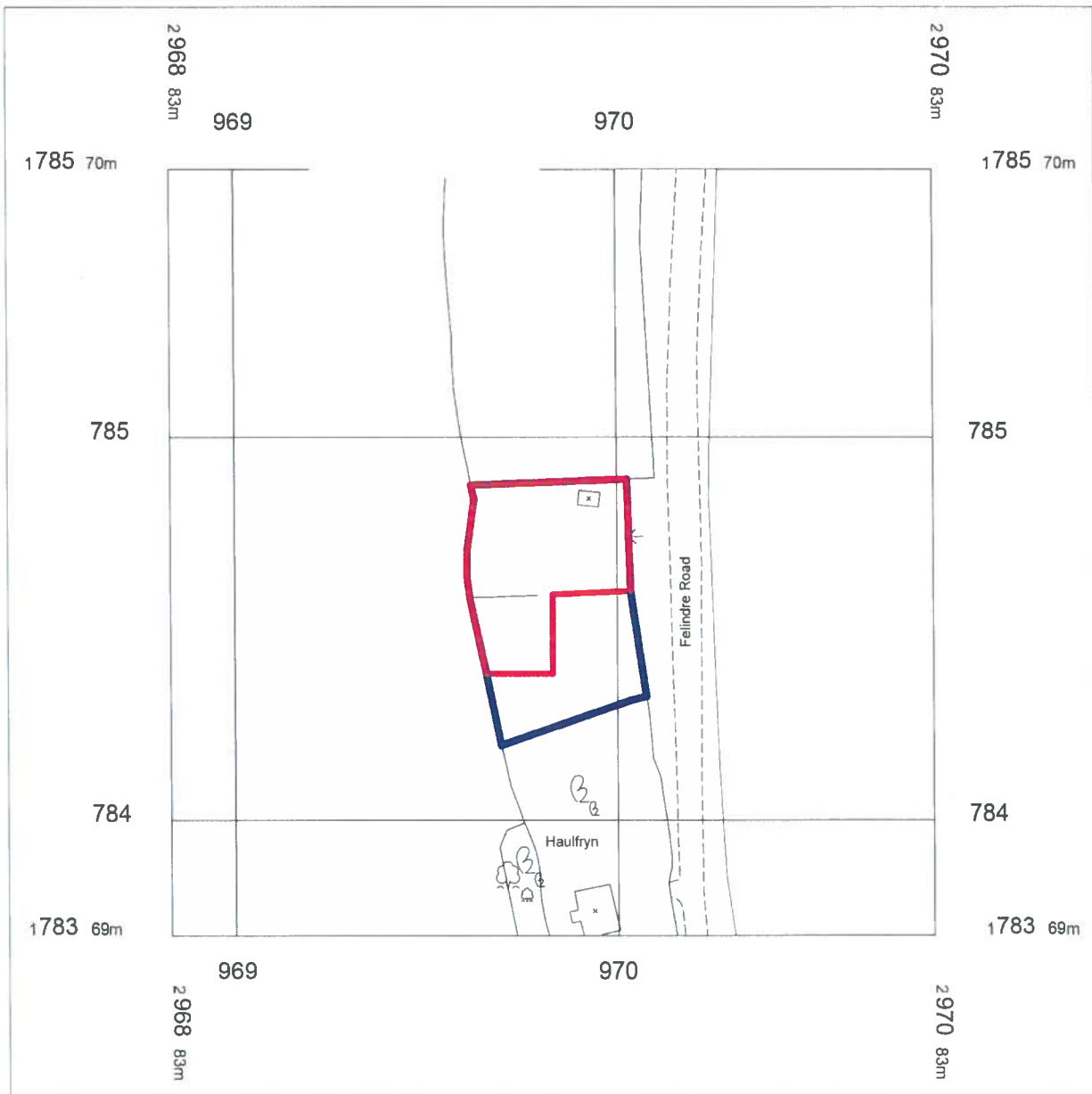
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Drawn/Checked

Job TRAVELLERS REST, ST MARYS HILL, GLAMORGAN

Ordnance Survey OS Sitemap

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Metres

Client: Mr William Carroll
Project Title: Travellers Rest, St Marys Hill, Glamorgan
Project Ref: 0217/08
Date: 06.02.2017

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DESIGN & ACCESS STATEMENT

APPENDIX A

Site: Travellers Rest, St Marys Hill, Glamorgan

Applicant: Mr William Carroll

Application for: The use of land for the stationing of caravans for the residential purposes for 1 no gypsy pitch together with the formation of hard standing and utility/dayroom ancillary to that use.

1.0 Site Analysis

- 1.01 The applicant seeks permission to provide 1 no. residential family gypsy pitch with utility/dayroom, to meet a recognised need for such facilities in the area to facilitate a gypsy lifestyle.
- 1.02 Following a site visit and consultation with the client the site layout has been determined to best meet the applicant's requirements and has been designed with reference to the standards defined in 'Model Standards 2008 for Caravan Sites - Caravan Sites and Control of Development Act 1960 – Section 5 and Good Practice Guide in Designing Gypsy Traveller Sites in Wales.'
- 1.03 The proposed caravans will conform to the definitions within Section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 (1) of the Caravan Sites Act 1968 and therefore plans and elevations of individual units are not required.

2.0 Physical Context. Movement to, from and within the development.

- 2.01 Access into the site is from an existing point off Felindre Road. This point is on the eastern boundary of the site.
- 2.02 The site is accessed from Felindre Road onto a new area of hardstanding bending to the south with the new dayroom to the western boundary. The new mobile and tourer will be laid out on the northern boundary with adequate parking for a minimum of 2 no. vehicles of less than 3.5T.
- 2.03 The provided single storey utility/day room is positioned to allow convenient access to the stationed caravans during the day. The utility/day room will provide facilities that enable the occupants of the caravans to minimize the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene.

3.0 Accessibility

- 3.01 As the proposals are for private use with no public access required, it has reasonably been determined that no specific provision for disabled access is required beyond the statutory requirements of building regulations.

4.0 Character

- 4.01 The site lies in an area of countryside approximately 4 km south of Pencoed on the western side of Felindre Road. The site is bounded on all sides by agricultural land.
- 4.02 The proposal contains numerous measures that will be taken in order to minimise any resultant visual impact. Existing hedgerows, bunds and areas of substantial vegetation will be retained and augmented wherever possible and no existing trees will be affected by the proposals. Additional native hedgerow

17 001 29 FUL

Client: Mr William Carroll
Project Title: Travellers Rest, St Marys Hill, Glamorgan
Project Ref: 0217/08
Date: 06.02.2017

davies llewelyn and jones

The Mallings, East Tyndal Street,
Cardiff Bay, Cardiff CF24 5EA
Tel: (029) 2046 4433
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Email: d.llewelyn@aal.com
Chartered Architects

and tree planting is indicated on the plan to supplement what exists on the site and where any hedgerow is removed this will be replaced with new native species planting.

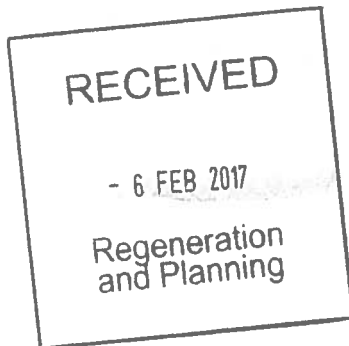
4.03 The materials and overall form of the utility/day-room building are appropriate to a countryside location with features typical of the tradition of agricultural buildings of this scale in the countryside.

5.0 Community Safety

5.01 The site is laid out in accordance with the good practice guidance in section 6.2 of 'WAG Good Practice Guide in Designing Gypsy Traveller Sites in Wales

6.0 Environmental Sustainability

6.01 Utility/Dayroom will incorporate solar hot water panels to assist and augment the fixed hot water heating systems in an effort to minimise unnecessary carbon emissions.



1200159 FUL

Mr. Alan and Mrs. Michelle Bagshaw Wooleston, 2, Stacey Road, Dinas Powys, Vale of Glamorgan, CF64 4AE

Mr Greg Tuck Meridan Building Design, The Rise, 41A, Highwalls Avenue , Dinas Powys, Vale of Glamorgan, CF64 4AQ

Land adjacent to Westra Stables, Westra, Dinas Powys

Proposed stable block for stabling horses and associated parking area, retention of boundary fencing and engineering works

EXECUTIVE SUMMARY

This application relates to the erection of stables, as well as seeking retrospective planning permission for a fence and the level and hardsurfacing of land in the Westra, Dinas Powys. The land is located in open countryside and is partly within a C2 flood zone.

The main issues to consider in this case relate to; the principle of the development, the design and impact of the development on the surrounding countryside, flooding, highway safety and neighbouring amenity. The report concludes that the principle and design of development is contrary to overarching principles Policies MD1, Policy DG12 of Design in the Landscape SPG and the advice in Paragraph 5.8.1 of TAN12 as it would undermine these criteria and adversely impact the countryside setting. The urbanisation of the site and the depositing of hardcore materials compounds the issues on site. Insofar as the other principal issues are concerned, these matters are considered however in view of the harm identified in consideration of the principle and design of development; they do not weigh in favour of the grant of planning permission.

It is recommended that the planning application be REFUSED and that PLANNING ENFORCEMENT ACTION BE AUTHORISED in order that formal action in the form of a planning enforcement notice may be pursued to remedy the breach of planning control. In addition, in the event of non-compliance with the enforcement notice authorisation is also sought to take such legal proceeding that may be required.

REASON FOR COMMITTEE DETERMINATION

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

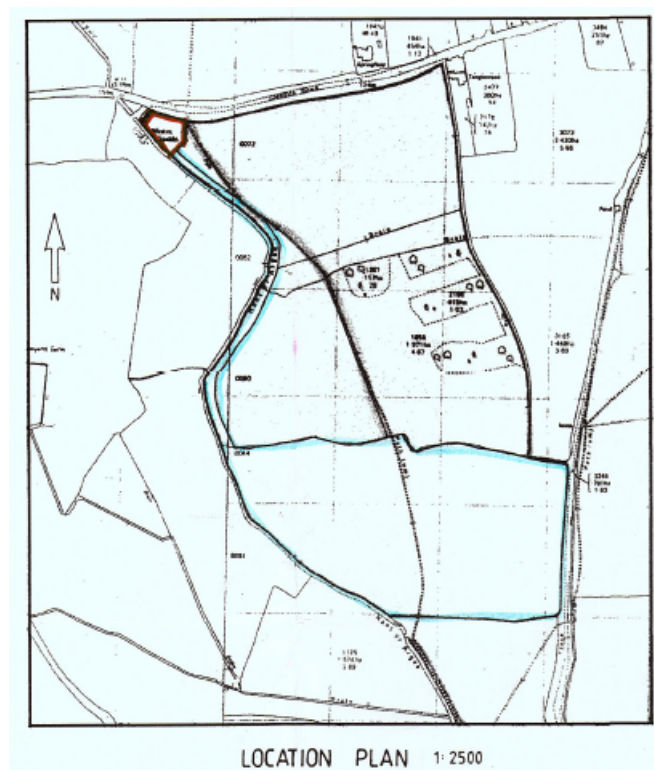
- The report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegated powers.

SITE AND CONTEXT

The application site relates to an agricultural parcel of land located at Westra, Dinas Powys. The land was formerly part of the St Andrews Major Golf Club but has recently been separated and sold. The entirety of the site has recently been laid with a gravel surface and the levels of the land appear to have been raised. A close board timber fence has also been constructed along the boundary of the site with the adjoining highway. These works have been undertaken without planning permission.

A public right of way runs through part of the site and the site is located outside the residential settlement boundary and is therefore located in the countryside.

Part of the application site falls within the C2 Flood Zone.



DESCRIPTION OF DEVELOPMENT

Notwithstanding the recent unauthorised works on the site, the application proposes the retention of a close boarded timber fence, the construction of a stable building incorporating 4 no stables, a tack room and food store. The plans also show a concrete slab area for manure and a hard surfaced parking/turning area together with an area for planting of trees and a hard surfaced access track shared with the adjoining land.

The proposed stables would measure 20 metres in length, between 4-8 metres in depth with a 3.5 metre ridge height. The stables would be timber constructed with roof finished in olive green profiled roofing sheets. The development would be located close to the boundary with the adjoining highway to the north of the site.

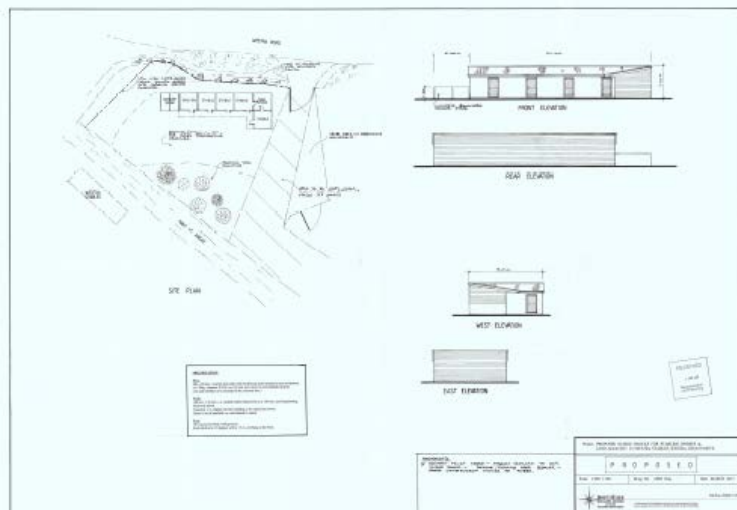
The building would be located on top of the raised ground levels. Despite requesting further information from the applicant, the exact extend of the raised ground level has not been established and as such its final height of the stable building in relation to the adjoining highway has not established.

The fencing erected requires the benefit of planning permission as it forms a means of enclosure to the site and is located adjacent to adopted highway.

As noted above, details on the surfacing of site and increase in site levels have not been provided despite requests to the agent, however following a site visit it has been noted that the site levels have been raised with recycled hardcore materials which are also part of the consideration of this application.

The council's enforcement team are currently investigating the raising of levels, erection of fencing and depositing of hardcore.

The plan below shows the proposed layout:



The photos below show the site prior to the works and as existing:



Pre-works

Following unauthorised works

PLANNING HISTORY

1999/00766/FUL, Address: St. Andrews Major Golf Club, Coldbrook Road East, Barry, Proposal: Extensions to existing clubhouse, 12 bay driving range and additional 9 holes to form 18 hole golf course, Decision: Approved

CONSULTATIONS

Dinas Powys Community Council were consulted on 4 April 2017. No response was received at the time of writing this report.

Public Rights of Way Officer were consulted on 4 April 2017. No response was received at the time of writing this report.

Dinas Powys Ward Members were consulted on 4 April 2017. No response was received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 4 April 2017 and a site notice was also displayed on 13/04/2017. To date no letters of representation have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
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.

Technical Advice Notes:

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

- TAN 12 - Design, including paragraphs 2.6, 5.5.1 and 5.8-Rural areas.

Supplementary Planning Guidance:

In addition to the adopted Unitary 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:

- Design in the Landscape including DG1-Sustainable Development and DG7 Roads- Rural – Urban Edge DG14-Farm Buildings.
- Parking Standards (Interactive Parking Standards Zones Map)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The application as submitted proposed 2no separate detached blockwork constructed stables and did not show development (namely the boundary fencing and level changes). Amended plans were submitted during the course of the application combining the stables and relocating the building closer to the entrance and including the retention of the timber boundary fence. These amended plans now form the basis of this application.

It is important to note that the amended plans show a reduction in the level of parking but do not show whether or not land would be returned to grazing land with the removal of hardcore that has been deposited on site. The plans also fail to show the level difference and the changes in levels.

In light of the above and in assessing the proposal against the above policies and guidance, it is considered that the main issues relate to the principle of the development, the design and impact of the development on the surrounding countryside, flooding, highway safety and neighbouring amenity.

Principle

The most relevant policies are MD1- Location of New Development and MD2- Design of New Development. Policy MD1 allows for horse related development subject to certain criteria including the requirement that it should not unacceptably affect the character and appearance of the locality. Whilst not lying within a statutorily protected area or having any designated special landscape value, nevertheless, the application site is located in the countryside.

Design and visual impact

In terms of Design, paragraph 2.6 of TAN12 establishes that 'Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities'.

Paragraph 4.6.4 of Planning Policy Wales, Edition 9 (PPW) states that 'the countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors.'

Policy DG13 of the 'Design in the Landscape' SPG provides design aims for the rural settlements stating '*to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.*'

Policy MD2 requires all development proposals to fully consider the character and context to ensure that development contributes positively to the local setting.

Paragraph 4.7.8 of Planning Policy Wales goes further in terms of development in the countryside by stating 'All new development should respect the character of the surrounding area and should be appropriate scale and design'.

Fence:

In terms of visual impact a number of hedges and boundary screening landscaping has been removed and replaced with a 2 metre high close boarded fence along the boundary of the site adjacent to the highway and highway verge. The applicant maintains the fence is in keeping with new housing developments approved in Dinas Powys and is required for security purposes. However, the application site is not within a residential context and therefore the use of close boarded timber fencing is considered out of character with the form of build development within the context of the application site.

The application site is located in the countryside, where boundaries are predominantly formed by vegetation and hedgerow or low post and wire/post and rail fencing which reflect the agricultural character of the setting. The fence is domestic in appearance. Measuring approximately 30 metres in length and at a height of 2 metres, it is highly visible from the public highway and right of way that runs through part of the site and results in a marked change to the character of the site that results in the degradation of the character of the surrounding countryside and wider visual harm.

The applicants have suggested that the fence could be screened with new hedgerow along the boundary, however this would be on land outside the applicant's ownership and could not be required by way of condition. The applicants have also suggested that the fence is required for security purposes. Such a justification is flawed as there is a public right of way running through the site. Accordingly, the harm caused by the fence cannot be mitigated and there is no other material consideration that would overcome the harm identified.

Whilst every application is judged on its own merits, small incremental changes such as those being considered under this application undermine the character of the countryside, collectively resulting in long term harm to its setting. In this instance the proposal is not considered to meet the aims and criterion set on in policy MD2, the aims of the Policy DG13 of the Design in Landscape SPG, paragraph 2.6 of TAN12 and the advice in paragraph 4.6.4 of PPW edition 9 as outlined above.

Hard surfacing and raised ground levels:

The site has been covered with a membrane and recycled hardcore materials laid on top. The site has been inspected and historical photographs of the site considered. It would appear that the level of the vast majority of the site has been raised by some 0.5 metres. This has resulted in a significant change in the character of the site. The raising of the ground levels and the depositing of hardcore materials require the benefit of planning permission, whilst the principle of such development to create a hard surface may be considered acceptable if it is required in connection with a rural activity (and of a size and area commensurate with that activity), the tipping of hardcore in this rural location is considered unacceptable due to the excessive scale of development.

Whilst one would expect to see some areas of hard surfacing in a countryside setting such as this, this would generally relate to an access path and a small parking area. In this instance the changes are so excessive that the character of the site has significantly changed resulting in serious harm to the visual amenities of the area.

Paragraph 5.5 of TAN12 states..' *The way in which development relates to its urban or rural landscape or seascape context is critical to its success. Because of this, an understanding of landscape quality, including its historic character is fundamental to the design process.*'

The applicants have been advised of the Council's concerns and the Council have tried to negotiate its removal. The applicant has suggested that the site was undulating and the works have only been undertaken to level the site i.e. that the works are minimal. Whilst there may have been mounds on the site (as visible in the historic street view photograph), in light of the significant volume of material that has clearly been brought onto the site, the works undertaken are considered to be over and above those necessary to create a consistent level across the site and have resulted in an overall raising of the ground level, which is estimated to be around half a metre in height.

The submitted plans do not seek to retain the entirety of the hard surfaced area currently on site. An area of tree planting is proposed in the southernmost corner of the site. Furthermore an area along the north westernmost boundary has been excluded from the area identified as 'parking/turning area', although no details have been provided of its finish. Notwithstanding these token amendments to the current scheme, the area of hard surfacing associated with this development is still considered to be excessive. They incorporate a 'parking/turning area' of some 450 square metres and a track of some 35 metres measuring some 10 metres at its widest point.

There is not considered to be sufficient justification for the extent of hard surfacing associated with private stables. Neither is there sufficient justification for the increase in ground level. The public right of way along the line of the track allows views into the area affected by these changes, and, as such the extent and excessive scale of the development is fully visible from this vantage point. Accordingly, the development is considered to be unjustified and harmful to the character of this countryside location contrary to policy MD2 of the LDP and the advice provided by paragraph 4.7.8 of PPW.

Stable Building:

In terms of the proposed stables, the agent has confirmed that they would be for private use by the applicant. The proposal includes 4no stables, a food store, a tack room and a manure slab. The supporting documents suggest the applicants own 0.1322 ha which is land outlined in blue, this is considered sufficient to maintain the number of stables proposed.

Paragraph 5.8.1 of TAN12 states that...*'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.'*

The applicant has advised that the L shaped design has been dictated by the desire for her pony to face other stables to aid the wellbeing of the pony. The Council have suggested reducing the scale of the building by providing a combined tack room and stable, whilst this would reduce the scale marginally, it would nevertheless reduce the overall scale of the development.

The materials and design of the proposed stables is considered acceptable, the amended plans show a timber structure which would be in keeping with what one would expect to see in a countryside location.

As aforementioned, it would appear that the site has been levelled and site levels increased. Despite a request for confirmation of the previous and as constructed levels, no details have been provided. Given the difference in levels between the road and the application site (application site higher) the stables would be constructed on higher ground level and therefore much more prominent than were it to be sited at the original ground level. The applicants maintain that the site levels have not increased despite photographic evidence to the contrary; in fact they suggest they have been reduced.

With the benefit of historical photos and a site inspection, it would appear that land levels on the site have increased at some point by a minimum of 0.5 metres in height. Notwithstanding this, the scale of the stables at approximately 20 metres in length with a height of 3.5 metres on top of the increase in levels close to the boundary and entrance to the site with the adopted highway, in the Council's opinion, be of a scale that would be overly visible, particularly with the removal or the reduction in the height of the fence when viewed from the adopted highway. The full length of the building will be appreciated from the highway and this, combined with the unnecessary height and visual prominence of the building, would harm visual interests of the wider area.

The site is visible from the wider area and a public right of way crosses part of the site which results in the development being highly visible. Policy MD1 (Location of New Development) states new development should amongst other criteria

- have no unacceptable impact on the countryside;
- seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development

In this particular case, the proposal as a whole is considered contrary to Policies MD1, Policy DG12 of Design in the Landscape SPG and the advice in Paragraph 5.8.1 of TAN12 as it would undermine these criteria and adversely impact the countryside setting. The urbanisation of the site and the depositing of hardcore materials further compounds the issues on site.

The agent has provided details of similar scaled stable block granted consent in 1992, every application is judged on its own merits, and nevertheless it is considered the merits of this application are materially different to the consent in 1992.

Highway safety and parking

The site benefits from an existing field access gate and a historic access off the public highway. The agent has confirmed that the stables are intended for private use only, and, as such, the level of movement to and from the site will be minimal. In addition, and notwithstanding the comments above with regard to the visual impact of the extent of the hard surfacing area proposed, this area is considered to provide sufficient off highway parking to serve this development. The development is not, therefore, considered to result in additional parking on the adopted highway or an increase in traffic movements that would have an unacceptable impact on highway safety, contrary to LDP policy MD2.

Impact on neighbouring amenity

The site is located some distance from any residential properties and as already noted the stables are intended for private use and, therefore, there should be no impact on neighbouring amenities that would conflict with LDP policy MD2.

Enforcement Action

In view of the harm that is considered to have been caused by the extent of hard surfacing, the increase in ground levels and the fence erected adjacent to the adopted highway, it is considered expedient to pursue Enforcement action in respect of the unauthorised development that has taken place on the site. Accordingly, authorisation is also sought to issue an Enforcement Notice to require the removal of the material used to create a hard surface and to raise the ground level on the site, as well as the removal of the fence that is adjacent to the highway.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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

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

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The unauthorised fence, engineering works and hard surfaced area is considered to cause unacceptable harm for the reasons set out above. The overarching public interest to protect the amenity of the area and to promote sustainable development principles is not considered to be outweighed by the developer's own gain.

RECOMMENDATION

- (1) That planning permission for the retention of the fence, hard surfacing and raised ground level; and the erection of the stable building is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) Remove from the land the material used to lay a hard surface and increase the ground levels on the site.
 - (ii) The return of the land to its former ground level and condition.
 - (iii) Remove from the land the fence.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE AND AUTHORISE ENFORCEMENT ACTION (W.R.)

REASON FOR RECOMMENDATION (1) REFUSAL OF PLANNING PERMISSION:

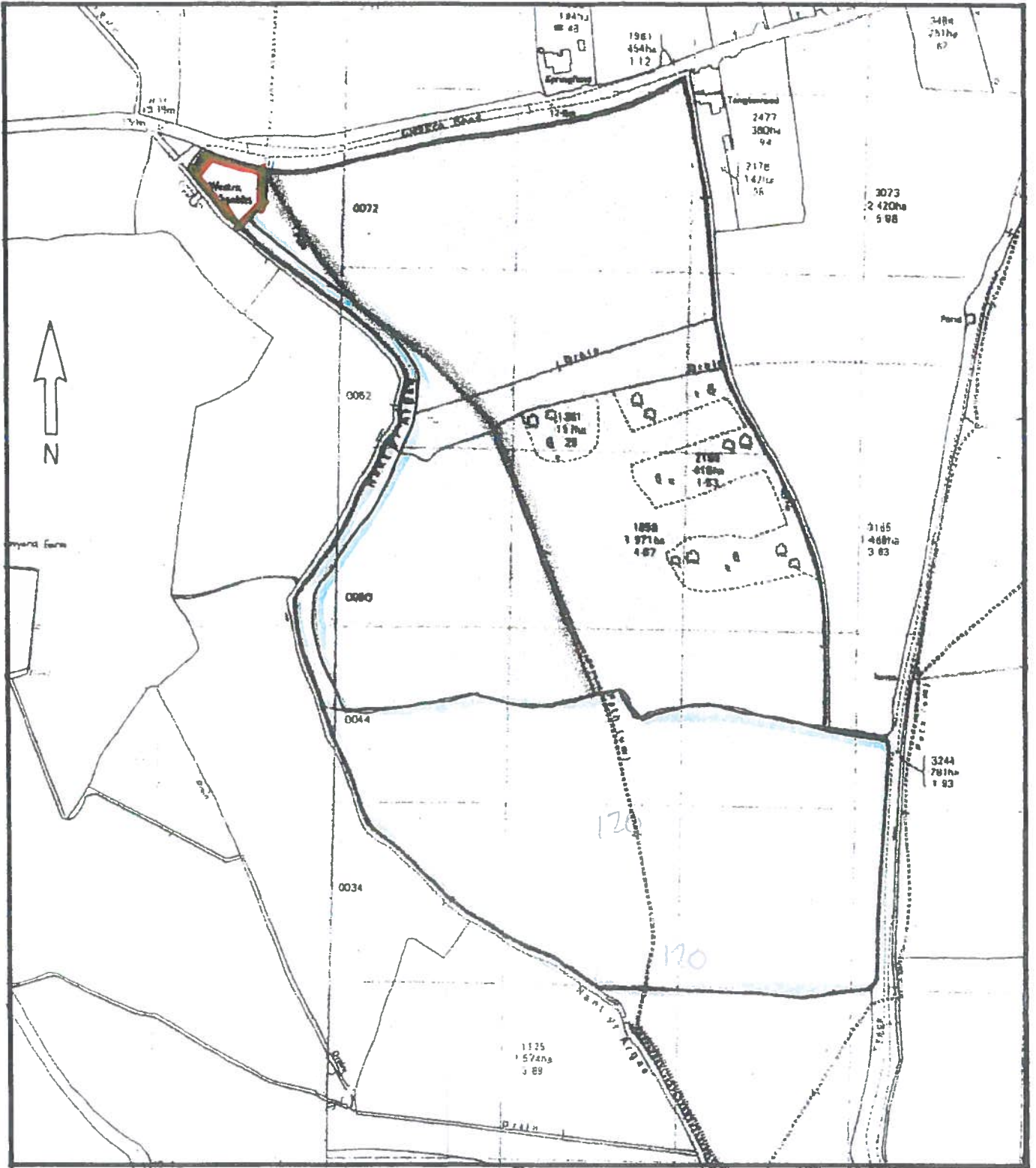
The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations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

- (1) The proposal represents a poorly designed and incongruous form of development that fails to respect the existing character and appearance of the immediate countryside location and will result in a significant change to the character of the area, detracting from the site's rural appearance. The proposal is therefore considered contrary to Policies MD1-Location of New Development and MD2 - Design of New Development the Vale of Glamorgan Local Development Plan 2011-2026, and the advice in the Council's approved Supplementary Planning Guidance on Design in Landscape and national guidance contained in Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 12-Design.

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.

REASON FOR RECOMMENDATION (2) FOR ENFORCEMENT ACTION:

- (2) The fence, hard surfacing and raised ground levels represent a poorly designed and incongruous form of development that fails to respect the existing character and appearance of the immediate countryside location and results in a significant change to the character of the area, detracting from the site's rural appearance. The unauthorised development is therefore considered contrary to Policies MD1-Location of New Development and MD2 - Design of New Development the Vale of Glamorgan Local Development Plan 2011-2026, and the advice in the Council's approved Supplementary Planning Guidance on Design in Landscape, as well as national guidance contained in Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 12-Design.



LOCATION PLAN 1:2500

2017 00255 FUL

* REPEAT OF IMAGES ON PAGE 193 OF THE OFFICER'S REPORT.

PROPOSED LAYOUT :

The architectural drawings include a site plan showing the layout of the stable block, including sections for 'STABLE', 'HORSE', 'TACK', and 'WATER STABLES'. The site plan also shows 'WESTERLY ROAD' and 'EASTERLY ROAD'. Four elevation drawings are provided: 'FRONT ELEVATION', 'REAR ELEVATION', 'WEST ELEVATION', and 'EAST ELEVATION'. The front elevation shows a long building with a gabled roof and several windows. The rear elevation is a simple rectangular wall. The west and east elevations show the side profiles of the building.

NOTES:
 1. All dimensions are in meters unless otherwise stated.
 2. The site plan shows the proposed layout of the stable block.
 3. The elevations show the proposed appearance of the stable block.
 4. The site plan shows the proposed location of the stable block.
 5. The elevations show the proposed appearance of the stable block.
 6. The site plan shows the proposed location of the stable block.
 7. The elevations show the proposed appearance of the stable block.

Project: PROPOSED STABLE BLOCKS FOR STABLES HORSES & LAND ADJACENT TO KAJIMA STABLES WESTERLY ROAD, DUNEDIN

Scale: 1:200 (1:100)

Page No: 1/1

Date: MARCH 2017

PROPOSED

meridian CONSULTANTS

181 RUSSELL STREET

DUNEDIN 9016

Architectural drawings showing the proposed layout and elevations of the stable block. The drawings include a site plan and four elevation drawings (front, rear, west, and east). The site plan shows the building's location relative to the roads and other structures. The elevations show the building's appearance from different angles.

THE PHOTOS BELOW SHOW THE SITE PRIOR TO THE WORKS AND AS EXISTING:



PRE- WORKS

P.T.O →

FOLLOWING UNAUTHORIZED WORKS.



P. 206.