

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **30 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2016/0916/BN	A	Plots 1 and 2, Merthyr Street, Barry	2 No. new dwellings
2017/0091/BR	AC	36, Perclose, Dinas Powys	2 storey extension to side of house
2017/0095/BR	AC	37, Old Port Road, Wenvoe	Remove existing rear conservatory. Convert existing garage into storage and habitable room - part of new side/rear extension. Two storey side/rear extension and single storey rear glass conservatory; new porch
2017/0119/BR	AC	Eryl Surgery, Station Road, Llantwit Major	Internal reconfiguration - moving medical records offsite to create 2 additional construction rooms upstairs and downstairs to create reception office
2017/0128/BR	AC	Plough and Harrow, Monknash	Proposed accommodation extension to existing pub and conversion of outbuildings to 4 holidays lets
2017/0140/BR	AC	Tresillian Woods, Dimlands Road, St Donats	Holiday accommodation lodges

2017/0146/BN	A	Kingdom Hall Of Jehovah's Witnesses, 74a Plassey Street Penarth	Replacement windows to ground and first floor of Christian meeting room
2017/0149/BN	A	Glan Yr Afon, Llancarfan	Removal of existing chimney masonry at ground floor level and the installation of structural steelwork frame to support masonry/floor at first floor level
2017/0150/BR	AC	7, St. Andrews Road, Wenvoe	Garage and single storey office
2017/0153/BR	AC	50, Brookfield Avenue, Barry	Proposed raising of roof to form rooms and first floor side extension above ground floor
2017/0154/BR	AC	Tyr Poste, Wine Street, Llantwit Major	Alterations to existing house
2017/0155/BR	A	17, Llwyn David, Barry	Bedroom and shower room adaptation and through floor lift
2017/0156/BN	A	1, Margaret Avenue, Barry	UPVC waste pipes, ext. soil and vent, external finishing. External decoration, external over render system, windows external decoration
2017/0157/BN	A	2, Margaret Avenue, Barry	Loft insulation, chimney, upvc waste pipe, ext. soil and vent, external decoration/cavity wall insulation, external over render system, windows, flat roofing
2017/0158/BN	A	3, Margaret Avenue, Barry	Waste pipes, external soil vent, external decoration external over render system, property windows, outbuilding window
2017/0159/BN	A	4, Margaret Avenue, Barry	Loft insulation, chimney, fascia/soffits, upvc gutters and downpipes, external soil and vent, decoration

2017/0160/BN	A	5, Margaret Avenue, Barry	Pitched roofing, loft insulation, chimney, upvc waste pipes, external decoration, external over render system, windows
2017/0161/BN	A	7, Margaret Avenue, Barry	Pitched roofing, loft insulation, chimney, fascia/soffits, upvc gutters and downpipes, flat flooring, external soil vent, decoration, external over render system, windows
2017/0162/BN	A	9, Margaret Avenue, Barry	Pitched roofing, oft insulation, chimney fascias/soffits, flat roofing, chimney, waste pipes, external soil and vent, external decoration, external over render system
2017/0163/BN	A	12, Margaret Avenue, Barry	Pitched roofing, loft insulation, fascia/soffits, gutters and downpipes, external soil and vent, decoration. External over render system, windows
2017/0164/BN	A	11, Margaret Avenue, Barry	Pitched roofing, loft insulation, chimney, fascia/soffits, gutters and downpipes, flat roofing, waste pipes, soil and vent, decoration
2017/0165/BN	A	15, Margaret Avenue, Barry	Loft insulation, fascia soffits, gutters and downpipes, upvc waste pipes, external soil and vent, external decoration, external over render system
2017/0166/BN	A	23, Augusta Road, Penarth	First floor bath extension and ground floor orangery
2017/0170/BN	A	36, Hillside Drive, Cowbridge,	Conversion of internal garage to room

2017/0172/BN	A	Flats 1-30, Albany Court, Beach Road, Penarth	Existing individual flat-front doors to be removed and replaced with 30 minute fire doors and 30 existing glass side panel to front door to be replaced with fire glass x12
2017/0175/BN	A	19, Darren Close, Cowbridge	Cut aperture through ground floor ceiling to first floor to allow Stannah domestic vertical lift
2017/0176/BN	A	2, Ash Grove, Llandough, Penarth	Removal of interior wall to enlarge kitchen/lounge
2017/0177/BN	A	Southview, 1, Pencoedre Road, Barry	Alterations to existing drainage and conservatory extension
2017/0180/BR	AC	Waverley Care Center, Penarth	Extension at ground floor under overhang to create office space
2017/0181/BN	A	6, Primrose Close, Cowbridge	Conversion of existing level 1 space to ensuite bathroom
2017/0183/BN	A	11, Kennedy Rise, Barry	Garage conversion to habitable room
2017/0185/BN	A	6, Pierhead View, Penarth	Conversion of garage to lounge. internal alterations
2017/0186/BN	A	23, Heol Ger-Y-Felin, Llantwit Major	Demolition of existing conservatory with a construction of single storey rear extension and two storey side extension
2017/0187/BN	A	94, Barry Road, Barry	Re-roof
2017/0190/BN	A	5, Kent Green, Barry	Re-roof, New doors and re-pointing
2017/0191/BN	A	4, North Walk. Barry	Re-pointing
2017/0192/BN	A	5, North Walk. Barry	Re-pointing
2017/0193/BN	A	25, North Walk, Barry	Re-pointing
2017/0194/BN	A	39, North Walk, Barry	Re-pointing



2017/0195/BN	A	43, North Walk, Barry	Re-pointing
2017/0196/BN	A	61, North Walk, Barry	Re-Pointing
2017/0197/BN	A	73, North Walk, Barry	Re-pointing
2017/0198/BN	A	75, North Walk, Barry	Re-pointing
2017/0199/BN	A	79, North Walk, Barry	Re-Pointing
2017/0200/BN	A	81, North Walk, Barry	Re-pointing
2017/0201/BN	A	85, North Walk, Barry	Re-pointing
2017/0202/BN	A	29, Partridge Road, St. Athan	Loft conversion without dormer
2017/0203/BN	A	Rachwen, Ewenny Road, St Brides Major	Garage conversion to habitable room
2017/0204/BN	A	Former ICT College, Hood Road, Barry	Kitchen to be installed on the first floor and ground floor of building. No structural work
2017/0206/BN	A	19, Sherbourne Close, Barry	Rear Kitchen extension
2017/0210/BN	A	42, Fitzhamon Avenue, Llantwit Major	Double storey side extension to existing dwelling to create new kitchen/diner on ground floor and additional bedroom and bathroom
2017/0211/BN	A	10, Knowbury Avenue, Penarth	Double storey back and side extension
2017/0212/BN	A	37, Glebeland Place, St. Athan	Wall ties to be replaced
2017/0214/BR	AC	19, Nailsea Court, Sully	Loft conversion with hip to gable and rear dormer
2017/0217/BN	A	15, Heol Pentre Felin, Llantwit Major	Convert back part of existing garage to new cloakroom. Remove existing cloakroom in hall
2017/0218/BN	A	45, Churchfields, Barry	Windows and doors replacement

2017/0221/BN	A	Welford Barn, Port Road, Barry	Installation of Klargester Blo Tec 2 Vessel. With full concrete encasement. Plus installation of outlet drainage
2017/0222/BN	A	17, Archer Road, Penarth	Proposed single and two-storey rear extensions, internal re-modelling (in part) and associated alteration works
2017/0223/BN	A	6, Sully Terrace, Penarth	Double storey and single storey extension
2017/0228/BN	A	The Retreat, St. Nicholas, CF5 6SJ	New two storey house
2017/0232/BN	A	6, St. Quentins Close, Cowbridge	Single storey rear extension to form kitchen/day room. Front Porch extension

(b) Building Regulation Applications - Reject

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

2017/0220/BN	R	25, Lewis Road , Llandough	Kitchen extension and internal alterations
2017/0225/BN	R	36, Murlande Way, Rhoose	Erection of single storey side extension

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

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

2017/0020/AI	A	48, Seaview Drive, Ogmore By Sea	Internal alterations, installation of bathroom and associated works
2017/0021/AI	A	7, Cwrt Y Vil Road, Penarth	Single storey rear extension, internal alterations, construction of new first floor in detached garage and associated works
2017/0022/AI	A	13, Earl Road, Penarth	Loft conversion with rear rooflights

2017/0023/AI	A	15, Osprey Close, Penarth	Extension and alterations with associated works
2017/0024/AI	A	6, Parklands, Corntown	Replacement of existing conservatory roof
2017/0025/AI	A	79, Woodham Park, Barry	Proposed structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0026/AI	A	173, Cardiff Road, Dinas Powys	Proposed loft conversion, internal alterations and associated works
2017/0027/AI	R	18, Catkin Drive, Penarth	Proposed conversion of existing garage into habitable room with WC facility, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0028/AI	A	30, Queens Road, Penarth	Proposed loft conversion to create one new room at third storey, works to include material alterations to structure, controlled services, fittings and thermal element
2017/0029/AI	R	44, Chandlers Way, Penarth	Proposed installation of new French doors and new external balcony to front elevation (works to include material alterations to structure, controlled services, fittings and thermal elements)

(d) Section 32 Building Act, 1984

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

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

2014/0003/BR

2014/0006/BR

2014/0080/BR

2014/0109/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 30 MARCH, 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

2009/01104/1/N MA	R	Pizzamia, 12, Paget Road, Barry Island	Non-material Amendment - Vary Condition 11 to allow submission of mechanical extraction fan details after the first beneficial use of the restaurant. Proposed refurbishment of 12 Paget Road to provide A3 use cafe/restaurant to lower ground and ground floor with proposed rear extension to extend the existing residential dwelling to floors above
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2012/00946/1/N MA	A	Red Oaks, Upper Farm, Rhoose Road, Rhoose	Non material amendment - Proposed double garage with home office/store above
2014/00628/1/N MA	A	Green Meadow, Penllyn, Cowbridge	Non Material Amendment - Adjustment of internal layout and minor repositioning of side windows to suit on planning permission 2014/00628/FUL for the demolition of existing dwelling and replacement with 2 No. 4 bedroom detached houses
2014/00992/1/N MA	A	53, Lakin Drive, Barry	Non-material Amendment - Condition No. 4 was not discharged prior to commencement. Construction of new dwelling
2015/00859/1/N MA	A	Corntown Farm, Corntown	Construction and operation of a solar photovoltaic farm including site access, internal service roads, perimeter fencing, inverter and transformer stations, below ground cabling, CCTV, Substations, internal access road and landscaping/biodiversity enhancements
2015/01158/1/N MA	A	Tudor Lodge, Bonvilston	Revision of scheme of parking within the curtilage of Tudor Lodge
2016/00103/LBC	A	Cliff Farm, Llancarfan	Upgrade windows to south elevation to main house

2016/00218/FUL	A	Swanbridge Beach Front, (Outside of the Seashore Grill Restaurant), Sully	Retention of refreshment kiosk with proposed feature glass addition (use class A3), plus retention of coastal works such as terrace, walls and new steps to beach
2016/00294/1/N MA	A	30, Rhodfa Sweldon, Barry	Non-Material Amendment - Utility room amended to living space. Window has been introduced. Garage conversion
2016/00493/1/N MA	A	2, Little West Bungalows, Southerndown	Non-material Amendment- Installation of Marsh, Ensign 12 person package sewage treatment plant. Installation of new septic tank
2016/00789/FUL	A	Strawberry Fields, 7, Penny Lane, Cowbridge	Extension to existing building and change of use of units 6 and 7 to include A3, as well as A1 and A2 uses
2016/01218/LAW	A	30, Primrose Close, Cowbridge	Single storey flat roof extension
2016/01220/FUL	A	36, Goldsland Walk, Wenvoe	Conversion of integral garage to living accommodation
2016/01232/FUL	A	West Aberthaw Farm, West Aberthaw	The conversion of a redundant and derelict barn into a single detached residential dwelling, and the erection of the original cow shed structure to the South West perimeter of the site

2016/01256/FUL	A	Caer Wigau Uchaf Farm, Pendoylan Road, Pendoylan	Conversion and refurbishment of existing detached outbuilding/store to provide garden office/occasional guest bedroom facilities ancillary to existing farmhouse
2016/01276/LBC	A	West Aberthaw Farm, West Aberthaw	The conversion of a redundant and derelict barn into a single detached residential dwelling, and the erection of the original cow shed structure to the South West perimeter of the site
2016/01288/FUL	A	116, Port Road East, Barry	Change of use from C3 (dwelling house) to C2 for a residential care home
2016/01290/RES	A	Arno Quay, Barry Waterfront, Barry	Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape
2016/01297/1/N MA	A	Whiteoaks, 26, Caynham Avenue, Penarth	First floor side extension rear balcony and alterations
2016/01298/LBC	A	Caer Wigau Uchaf Farm, Pendoylan Road, Pendoylan	Conversion and refurbishment of existing detached outbuilding/store to provide garden office/occasional guest bedroom facilities ancillary to existing farmhouse
2016/01315/LAW	A	25, Plymouth Road, Barry	Use of building as 3 no. flats
2016/01353/FUL	A	2, Raven Way, Penarth	Proposed extension to rear of existing dwelling. Converting a single storey flat roof extension into a two storey extension with minor internal remodelling.



2016/01361/LBC	A	Glendale Hotel, 8-10, Plymouth Road, Penarth	Conversion of rear hotel annexe to Hotel Mangers flat. Regularisation application in relation to pre-commencement conditions for submission of window details and notice of commencement
2016/01367/FUL	A	MOD St. Athan, St. Athan	Proposed storage buildings within a fenced compound
2016/01374/LAW	A	54, Beechwood Drive, Penarth	Single storey rear extension with associated roof drainage
2016/01375/FUL	A	52, Shakespeare Avenue, Penarth	Loft conversion comprising hip to gable and rear dormer
2016/01398/LAW	A	103, Fonmon Park Road, Rhoose	Single storey brick rear extension with tiled roof
2016/01406/FUL	A	Unit 308, Vale Enterprise Centre, Hayes Road, Sully	Change of use from Office (B1) to (D1) - Non Residential Education, Training Centre and Clinic
2016/01407/FUL	A	Greystones, Factory Road, Cowbridge	Domestic double garage
2016/01414/FUL	R	The Piggery, Logwood Hill, Peterston Super Ely	Refurbishment, reinstatement and extension to The Piggery for agricultural purposes
2016/01421/FUL	A	The People Business Wales Ltd, 2, Beryl Road, Barry	Change of use from B1 Office to C3 Residential
2016/01431/FUL	A	Bryn Sion Hall, Court Road, Barry	Demolition of existing timber framed hall adjacent to chapel building, replaced with a proposed office and storage block. Construction of a proposed covered van parking to existing yard / parking area

2016/01453/FUL	A	2, Llandilo Close, Dinas Powys	Detached two storey dwelling to the side of No. 2 Llandilo Close
2016/01456/FUL	A	Babs Baps, 3, Thompson Street, Barry	To bring the recess in the doorway of the shop approx 1.5 metres square flush in line with the street. new windows, doors, roof, and stone work cleaned. Also proposed new roller shutter
2016/01461/ADV	A	The Parade Gardens, The Parade, Barry	Erection of four flagpoles
2016/01465/FUL	A	6, Pierhead View, Penarth	Conversion of garage into a living room and alterations to rear elevation
2016/01469/FUL	A	65, Caer Odyn, Dinas Powys	Proposed single storey rear and side extension to add utility room and downstairs WC and extended kitchen space to property
2016/01472/FUL	A	11, The Parade, Dinas Powys	Change of use from an A1 retail unit, dividing premises into an A3 Coffee Shop and D2 Gym
2016/01473/FUL	A	33, Matthew Road, Rhoose	Proposed side extension, addition of pitched roof over existing garage to facilitate a car port with rooflights and associated external alterations.
2016/01478/FUL	A	Mynfa, Heol y Mynydd, Southerndown	Proposed rear ground floor extension
2016/01480/LBC	A	Duffryn House, Dyffryn Gardens, Duffryn Lane, Dyffryn	The installation of a 1 hour fire door and frame to the second floor of Dyffryn House

2016/01482/FUL	A	Kemberway, Station Terrace, East Aberthaw	Proposed first floor extension over existing single storey addition, plus internal and external alterations to remodel the dwelling
2016/01485/FUL	A	Limefield House, Crossways, Cowbridge	Proposed single storey front and side extensions
2016/01486/FUL	A	24, Aneurin Road, Barry	Add a family room single storey extension to rear
2016/01487/FUL	A	Dyffryn Gardens, St. Nicholas	Charging shed for site vehicles and proposed alterations to compost bays and concrete apron
2016/01489/FUL	A	7, Min Y Mor, Barry	Proposed single storey extension to front and rear of existing domestic dwelling. New parking to front
2016/01490/FUL	R	8, Pontypridd Road, Barry	Proposed 1.5 storey dwelling to rear with off street parking (revision to app ref 2016/00438/FUL)
2016/01493/FUL	A	5, Holms Court, Minehead Avenue, Sully	Open up existing window opening to front of property and replace with patio doors. Replace existing patio with a decking raised to ground floor level of the flat
2016/01495/FUL	A	17, Park Avenue, Barry	Change of use from single dwelling to 2no flats
2016/01496/FUL	A	8, Sully Terrace, Penarth	Proposed single storey kitchen and garden sitting area extension and garage with first floor storeroom
2016/01504/FUL	A	Land at the Lawns, Cwrt Yr Ala Road, Michaelston Le Pit	American barn to provide 3 x stables and a feed store

2016/01505/FUL	A	4, Station Road West, Wenvoe	Retention of Garden Store/Hobby room
2016/01507/LAW	A	4, Drope Terrace, Drope, St Georges Super Ely	Rear single storey extension for kitchen
2016/01508/FUL	A	24, Archer Road, Penarth	Demolition of existing single storey extension and the erection of a new orangery
2016/01509/FUL	A	15, Village Farm, Bonvilston	Construct new single storey extension to rear and side elevation. Excavate garden soil to reduced height, to level the garden. Construct new timber fence
2016/01510/FUL	A	16, Cornerswell Place, Penarth	Proposed single storey side and rear extension
2016/01513/FUL	A	29, Clive Place, Penarth	Retrospectively, the alteration and refurbishment of outbuilding
2016/01514/FUL	A	240, Holton Road, Barry	New store to rear of property (external) to replace existing dilapidated store
2016/01515/FUL	A	Swn y Mor, 1A, Brig Y Don Hill, Ogmore By Sea	Remove Conditions 3, 4 and 5 from 2011/00841/FUL
2016/01523/RG3	A	Barry College, Waterfront IT Centre, Hood Road, Barry	Former College building to be used as office units for small local businesses
2016/01525/FUL	A	New Bryn Sion Hall, Court Road, Barry	Retrospective installation of bow top steel fencing to side and front of property and new gates

2016/01527/FUL	A	5, Longmeadow Drive, Dinas Powys	Proposed two storey extension to existing dwelling. (Revision to change in external finish approved under 2015/01344/FUL)
2016/01528/LAW	A	DCWW - Cowbridge SPS, land west of St. Athan Road, Cowbridge	Proposed development and engineering works including: Site road; Washwater storage tank and booster set; Works return pumping station; Decommission and removal of existing MCC; Recirculation pumping station; Effluent outfall; Effluent monitoring kiosk; Effluent sampling point; Refurbished interstage pumping station; HV/LV transformer; Ferric sulphate secondary dosing point; MCC kiosk; Tertiary treatment plant; Turning stub; Refurbished sludge decant pump station; Sludge holding tanks to replace existing; Cut back existing sludge drying beds; Inlet works; Demolition of existing balancing tank and installation of flocculation chamber; PST desludge pumps; Bridge scraper replacements, scumboards and V-Notch weirs; and Chemical dosing kiosk
2016/01531/FUL	A	15, Marine Drive, Ogmere by Sea	Infill existing patio area to form family/breakfast room and extension to veranda
2016/01534/LBC	A	24, Archer Road, Penarth	Demolition of existing single storey extension and the erection of a new orangery

2017/00004/FUL	A	6, Sully Terrace, Penarth	Two storey extension to rear and single storey extension to side
2017/00005/FUL	A	43, Marine Drive, Barry	Installation of glass balcony to replace dilapidated wrought iron balcony
2017/00007/FUL	A	Westbury, Factory Road, Llanblethian, Cowbridge	Proposed single storey rear extension and first floor rear extension with dormer
2017/00014/FUL	A	Ashley Cottage, Bridge Road, Llanblethian	Single storey rear extension and three roof lights in the existing rear annexe
2017/00016/FUL	A	24c, Victoria Road, Penarth	Replace an unsafe part open porch of metal construction with a purpose built UPVC lean to porch
2017/00022/LBC	A	Nicells, Swanbridge Road, Sully	Removal of asbestos roof and replacement with slate. Upper section front brick wall of the back porch removed. Replacement of concrete lintels
2017/00032/PNT	A	Land at Vale of Glamorgan Services, 87, Fontygary Road	The installation of a 15.0m slimline T-Range pole supporting 3 no. antennas, ground based equipment cabinets and ancillary development thereto
2017/00037/FUL	A	36, Cwm Barry Way, Barry	New single storey rear extension to replace exiting rear extension, to the same footprint
2017/00040/FUL	A	60, Lavernock Road, Penarth	Erection of rear single and two storey extensions, side first floor extension and front elevation alterations

2017/00046/FUL	A	43, Cilgant Y Meillion, Rhoose	Conversion of garage to living space with window in front
2017/00077/OBS	B	North West Cardiff	Outline planning application with all matters reserved
2017/00093/OBS	P	Area 526 Culver Extension, Severn Estuary	Marine aggregate dredging at Area 52(Culver Extension), Severn Estuary

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **30 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2016/00219/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 17/3169539  
Appellant: DS Properties (Barry) Ltd  
**Location:** **United Reformed Church, Windsor Road, Barry**  
Proposal: Conversion and minor extension to the existing church and school buildings to create live-work units (C3) office space (Class A2 / B1a) and associated works  
Start Date: 16 February 2017

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  
Start Date: 27 February 2017

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2016/00517/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 16/3163785  
Appellant: Mr. Len Richards  
**Location:** **Land adjacent to Pond Villa, Llanmaes**  
Proposal: Development of one dwelling house  
Decision: Appeal Dismissed  
Date: 6 March 2017  
Inspector: Mr. A. Thickett  
Council Determination: Delegated



## Summary

The main issues were considered to be:

- whether the proposed development would preserve or enhance the character or appearance of Llanmaes Conservation Area and the setting of St Cattwgs Church (Grade II\*).
- whether the proposed development should make provision for affordable housing

### ***Impact on the Heritage assets:***

The inspector noted that the appeal site is bordered to the north by the churchyard to St Cattwgs Church and that within the church yard there are two Grade II Listed structures. He also noted Llanmaes House to the east (Grade II\* listed) bounded by high walls (also Grade II\* as are its gatepiers and gates), as well as the Grade II Listed Barn at Great House Farm to the south. Finally, within the context of the site he noted Brown Lion Cottage, not listed but recognised in the Council's Conservation Area Appraisal as important.

Having noted the context of the appeal site, the Inspector found as follows:

*'The design of the proposed dwelling has regard to the simple form of the cottage opposite and in itself would preserve the character and appearance of the Conservation Area. However, I agree with the Council that the appeal site occupies a prominent position within the Llanmaes Conservation Area and that the proposed building would have a detrimental impact on the relationship of the church and Llanmaes House as the historical gateway into the village. Further, the site and playing field are significant to the rural setting of the church and the listed barn.'*

The Inspector also noted:

*'The churchyard is bounded by tall evergreen trees but approaching from the south one catches glimpses of the southern side of the church and its east gable and window. The proposed dwelling, due to its siting, would obscure this view when approaching the village from the south and constitute an unacceptable imposition into the rural setting of the church and barn.'*

With regard to the protected tree on the site, the Inspector noted that this would overhang a single storey element of the proposed house and part of a gravel parking area. He was of the view that the tree is in a poor condition and was satisfied that conditions could be imposed that would ensure that the proposed development would not accelerate the tree's demise.

### ***Affordable Housing:***

The Inspector's findings with regard to the Council's requirement for an affordable housing contribution are as follows:

*'Policy HOUS 12 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (adopted 2005) (UDP) states that where there is a demonstrable need the Council will seek to negotiate with developers for the inclusion of a reasonable element of affordable housing in substantial development schemes. Substantial is defined as development of 50 or more dwellings. The reasoned justification to Policy HOUS 12 also states that 'the starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale'. However, in my view, this 'starting point' is not reached unless the development is substantial as defined above.'*

*'In minor rural settlements Policy MG 4 of the emerging Local Development Plan (LDP) seeks an affordable contribution where there is a net gain of one dwelling. The Council has produced draft supplementary planning guidance (SPG) to support the emerging policy. Although at an advanced stage the LDP is not adopted. The affordable housing policy is subject to objection and the final form of Policy MG 4 will not be known until the Inspector's report is published. SPG provides guidance on how development plan policies will be applied. They cannot make new policy, the Council's affordable housing SPG may have to change to reflect the adopted LDP and, consequently, I give it limited weight. Whilst I do not doubt that there is a need for affordable housing, the failure to make provision in this case does not conflict with Policy HOUS 12 of the development plan.'*

**Other matters:**

With regard to the LDP, as the plan is not yet adopted, the Inspector did not consider it further.

As for the appellant's requests, for him to comment on the principle of development on the site, the Inspector was of the view that this would fetter the discretion of anyone coming after him. He clearly stated that his *'conclusions are based on the specific impacts of the development subject to this appeal'*.

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L.P.A. Reference No:	2016/00778/FUL
Appeal Method:	Written Representations
Appeal Reference No:	16/3160995
Appellant:	Newydd Housing Association
<b>Location:</b>	<b>Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe</b>
Proposal:	Demolition of existing buildings and residential redevelopment of land to deliver 15 affordable homes together with associated car parking, landscaping, drainage infrastructure and other ancillary development (resubmission)
Decision:	Appeal Allowed

Date: 9 March 2017  
Inspector: Melissa Hall  
Council Determination: Committee

## Summary

The main issue was considered to be whether the development would be served by a safe means of access for pedestrians and cyclists, such that it would represent a sustainable form of development in accordance with national and local planning policy.

The Inspector noted the relevant UDP policies, ENV 1 (restricts new development in the open countryside with exceptions) and HOUS 13 (allows for exception sites for affordable housing in the rural Vale subject to meeting the listed criteria) and was of the view that this policy is consistent with Planning Policy Wales (PPW) and Technical Advice Note 6 '*Planning for Sustainable Rural Communities*' (TAN 6) insofar as, she stated, '*the guidance states that exception sites should meet local need and be within or adjoining existing settlements to ensure adequate access to services and viability of the local rural community*'.

The Inspector also noted that the provision of affordable housing is a priority in both national and local planning policy.

The Council's position was noted by the Inspector, that the site is not within or adjoining a defined settlement and would, therefore, conflict with HOUS 13. The Inspector also noted the Council's view that access via an unrestricted rural road would be unsafe for pedestrian and cyclists in terms of access to day-to-day facilities, thus representing an unsustainable form of development.

In this regard, the Inspector stated:

*'I accept that the site does not strictly accord with the provisions of UDP Policy HOUS 13 insofar as the closest defined settlement is Wenvoe, which lies over 800m to the south east. I also acknowledge that Twyn Yr Odyn is identified.....as a minor rural settlement with little by way of day-to-day facilities'*.

The Inspector had regard to the relevant national planning guidance as follows:

- '*the Chartered Institute of Highways and Transportation guidelines for 'Providing Journeys on Foot' which stipulates that 2km is a reasonable walking distance for commuting and access to facilities*'.
- '*PPW which recognises that for most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas*', but also states that '*in rural areas, the majority of new development should be located where there is relatively good accessibility by non-car modes when compared to the rural area as a whole*'.

- *‘Technical Advice Note 18 ‘Transport’ (TAN 18) adds that long distance out-commuting from rural areas raises sustainability issues given the length of the journey and the rural location likely to result in conventional public transport being unviable’.*

In the context of the guidance above, the inspector was of the view that the site is not entirely isolated but noted that the services and facilities at Culverhouse Cross if accessed by pedestrians and cyclists along St Lythans Road would not be ideal. She stated as follows:

*‘it is not conducive to a safe and attractive route for pedestrians, particularly during the evenings or in periods of inclement weather. It is therefore unlikely that this route would be a favourable alternative for pedestrians, notwithstanding the traffic calming measures proposed by the appellant’.*

Whilst the inspector noted that future residents are likely to rely on the private car, she was of the view that the use of the private car is not the only means of transport available to future residents. The appellant had proposed signage and traffic calming improvements to St Lythans Road which the Inspector considered would only improve highway safety for any pedestrians choosing to use this route. Accordingly, she found as follows;

*‘the site represents a reasonably accessible location by modes of transport other than the private car when compared to the rural area as a whole’.*

In addition to the above, the Inspector stated:

*‘I have weighed in the balance the contribution that the development would make to meeting affordable housing need, and that it would involve the use of previously developed land. These are other aspects of sustainable development that weigh heavily in favour of the proposal.’*

The Inspector concluded by stating:

*‘Whilst the development may not strictly accord with certain criteria of UDP Policy HOUS 13, overall, I consider that it meets the overarching aims of Strategic Policy 2 and Policy ENV 27 to encourage sustainable practices and promote good accessibility in new developments. In this regard, it also meets with the overarching sustainability aims of PPW, TAN 6 and TAN 18.’*

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(d) Enforcement Appeal Decisions

None

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(e) April 2016 - March 2017 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (inc. tree appeals)	<b>W</b>	17	9	<b>26</b>	1
	<b>H</b>	4	6	<b>10</b>	1
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		21 (58%)	15 (42%)	<b>36</b>	2
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	-	-	-	2
	<b>PI</b>	1	-	-	-
<b>Enforcement Total</b>		1	-	<b>1</b>	2
<b>All Appeals</b>	<b>W</b>	17	9	<b>26</b>	-
	<b>H</b>	4	6	<b>10</b>	1
	<b>PI</b>	1	-	<b>1</b>	-
<b>Combined Total</b>		22 (59%)	15 (41%)	<b>37</b>	1

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 : **30 MARCH, 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

2016/01103/TPO	E	Foxglove Cottage, 1, Castle Mews, Llanblethian, Cowbridge	Reduce one Ash and remove another Ash
2016/01442/TPO	A	St. James Church, Church Street, Wick	Removal of trees and various works to other trees in TPO No.2 1976
2017/00027/TCA	A	Robin Hill, St. Hilary	Remove limbs on Sycamore X 1; crown lift Walnut X 1 and Sycamore X 2; fell Cherry X 1, Beech X 1, Sycamore X 1, Ash X 2, Prunus X 1 and Salix X 1
2017/00028/TPO	A	St. Cattwgs Chruuch, Llanmaes	Works to various trees, covered by TPO 1977/01/A01
2017/00051/TCA	A	2, Button Ride, St Nicholas	Remove Conifer Hedge, reduce crown and stem growth of one Ash

2017/00069/TPO	A	Grass Verge, Main Avenue, Peterston Super Ely	Pruning of three Horse Chestnut and one Ash, Tree Preservation Order No. 02, 1959
2017/00180/TCA	A	Village Farm House, Colwinston	Removal of dead wood and reduction of two Ash trees within Colwinston Conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **30 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT - UPDATE AND PROGRESS

1. Introduction

This report is for noting to advise Members of the Enforcement Team's performance over the current financial year from April, 2016, to March, 2017. The report is also intended to provide members with an update on the Enforcement investigations where the Committee have granted authorisation for formal enforcement action. At the next Planning Committee a year-end report will be provided setting out the progress and update on the close of the current financial year.

2. Enforcement Action Authorised at Last Committee

Enforcement Notices are issued under Section 172 of the Town and Country Planning Act (as amended) 1990. The Following Enforcement Notices were authorised at the last committee but have not yet been issued:

Enforcement Ref No: **ENF/2013/0469/PRO**  
**Location:** **Land and Buildings at Hafod Lodge, Hensol**  
Breach: Alteration of outbuilding  
**Update:**  
The notice has been prepared and has been sent to the Council's legal services for checking and signing.

Enforcement Ref No: **ENF/2016/0304/CLL**  
**Location:** **Land and Buildings to the North of the Butts, Llanmaes**  
Breach: Use of the land for the storage of various items.  
**Update:**  
The notice has been prepared and has been sent to the Council's legal services for checking and signing.

3. Enforcement Notices issued so far April 2016 to March 2017

A total of **8** Enforcement Notices have been issued so far in the current financial year Section 172 of the 1990 Act. These Notices are as follows:

Enforcement Ref No: **ENF/2015/0065/CCC**  
**Location:** **Land at Hendrewennol, Welsh St Donats**  
Issued: 27<sup>th</sup> July, 2016  
Breach: Change of use of the land from agriculture to a mixed use for agricultural and a tourism/recreational use. Also the erection of a building.



Requirements of Notice: Cease the use of the land for a recreational/leisure use and remove all items that facilitate that use. Also remove the building.

**Update:**

An appeal has been made against the Notice and, as such, the Notice is in abeyance. That appeal is being dealt with by way of a Public Inquiry. That appeal is currently on-going and the Inquiry is scheduled to be completed on 28<sup>th</sup> March, 2017.

Enforcement Ref No: **ENF/2015/0201/PC**

**Location:** **Hangars A and B, Llandow (Site Serv)**

Issued: 14<sup>th</sup> June, 2016

Breach: Change of use of the land from storage and distribution to a waste transfer station.

Requirements of Notice: Cease the use of the land as a waste transfer station.

**Update:**

An appeal has been made against the Notice and, as such, the Notice is in abeyance. That appeal has been linked to the appeal against the refusal of planning permission for the same use of the land. That appeal is currently scheduled to be dealt with by way of a Public Inquiry commencing at the end of April. However, due to the recent devastating fire at the site, the Council are waiting to hear from the appellant with regard to their intentions for the current linked appeal.

Enforcement Ref No: **ENF/2015/0151/INT**

**Location:** **The Old Police Station, 1, Old Port Road, Wenvoe**

Issued: 26<sup>th</sup> May, 2016

Breach: Erection of a means of enclosure.

Requirements of Notice: Remove the Means of Enclosure.

**Update:**

Whilst the notice has come into effect and the period for compliance with the Notice has expired, the owner of the property has submitted an application for planning permission in an attempt to retain the enclosure that is subject of the notice. As such, no formal action will be pursued against the non-compliance with the notice pending the determination of the planning application.

Enforcement Ref No: **ENF/2014/0161/PRO**

**Two enforcement Notices have been issued in respect of the following site:** **Land at Tudor Lodge, Bonvilston**

Issued: 5<sup>th</sup> April, 2013

Breach: (1) The construction of a building.  
(2) The construction of a means of enclosure and breach of conditions of planning permission granted for the access track and earth works.

Requirements of Notice: (1) Remove from the land the building.  
(2) Reduce the height of the enclosure and comply with the requirements of the conditions stated in the Notice.

**Update:**

Both notices have come into effect and the period for compliance with both notices has expired. With regard to the first notice, an application for planning permission has been submitted in an attempt to retain the building that is subject of the Notice. As such, no formal action will be pursued against the non-compliance with the notice pending the determination of the planning application. As for the non-compliance with the second Notice, this matter has been passed to the Council's Legal Services.

Enforcement Ref No: **ENF/2015/0269/PC**

**Location:** **Ty Closoph, Barry**

Issued: 5<sup>th</sup> January, 2017

Breach: The construction of a wall higher than the permitted height of 2 metres.

Requirements of Notice: Reduce the height of the wall to 2 metres.

**Update:**

The Notice has come into effect and the period for compliance will expire early April.

Enforcement Ref No: **ENF/2015/0299/CLL**

**Location:** **32, Archer Road, Penarth**

Issued: 21<sup>st</sup> December, 2016

Breach: The construction of a fence adjacent to a highway higher than the permitted height of 1 metre.

Requirements of Notice: Reduce the height of the fence to 1 metre.

**Update:**

The Notice has come into effect and the period for compliance has recently expired. Officers are pursuing compliance with the requirement of the notice.

Enforcement Ref No: **ENF/2016/0093/PC**

**Location:** **16, Cae Rex, Llanblethian**

Issued: 10<sup>th</sup> February, 2017

Breach: The construction of a means of enclosure adjacent to a highway higher than the permitted height of 1 metre.

Requirements of Notice: Reduce the height of the fence to 1 metre.

**Update:**

The period to appeal against the Notice has not yet expired. If the Notice comes into effect without an appeal, the period for compliance will expire early May, 2016.

4. Other Enforcement Notices still currently being pursued:

Enforcement Ref No: **ENF/2012/0481/A**

**Location:** **Land at Twyn Yr Odyn, Wenvoe**

Issued: 5<sup>th</sup> April, 2013

Breach: The change of use of the land to a residential use.

Requirements of Notice: Cease the residential use and remove all caravans and associated paraphernalia.

**Update:**

A temporary planning permission was granted for the use of the land as a single pitch Gypsy site. This permission will expire in November, 2017.

Enforcement Ref No: **ENF/2009/0408/PRO**  
**Location:** **Brooklands Hall, Brook Lane, St Nicholas.**  
Issued: 19<sup>th</sup> February, 2014.  
Breach: The erection of a building.  
Requirements of Notice: Remove the building or carry out the works necessary to comply with planning permission 2010/01267/FUL.

**Update:**

Planning permission was granted for the retention of the building with amendments. A further planning permission has also recently been granted for further amendments to the building. The enforcement Notice is still in effect but will be amended to make reference to the most recent scheme of development.

Enforcement Ref No: **ENF/2009/0408/INT**  
**Location:** **Arosfa, Ewenny.**  
Issued: 20<sup>th</sup> August, 2015.  
Breach: The change of use of an annexe to a residential dwelling.  
Requirements of Notice: Cease the use of the annexe as a dwelling.

**Update:**

Confirmation is being sought from the property owners that the Notice has been complained with.

Enforcement Ref No: **ENF/2012/0489/PRO**  
**Location:** **Land at Swn Y Mor Wick.**  
Issued: 19<sup>th</sup> January, 2015.  
Breach: The change of use of the land and buildings from the keeping of horses to a mixed use for the keeping of horses and residential use.  
Requirements of Notice: Cease the use of the land and buildings for residential purposes.

**Update:**

An appeal was made against the Notice; this was subsequently dismissed. The Notice has, therefore, come into effect. The period for compliance with the Notice expires on 6<sup>th</sup> October, 2017.

5. **NEW POWERS - Temporary Stop Notices issued so far April 2016 to March 2017**

Action pursued under Section 187A of the Town and Country Planning Act (as amended) 1990. **One** Temporary Stop Notice has been issued so far in the current financial year.

Enforcement Ref No: **ENF/2017/0071/PRO**  
**Location:** **Lanerch Vinyard, Hensol**  
Issued: 3<sup>rd</sup> March, 2017  
Breach: The construction of a building for holiday accommodation.  
Requirements of Notice: Cease all works.

**Update:**

The notice has effect for a maximum of 28 days and can be followed by an Enforcement notice and, if necessary, a permanent Stop Notice. It was considered expedient to issue this notice as works were carrying on at the site in earnest to erect a building for which permission had not been granted.

6. NEW POWERS - Enforcement Warning Notices issued so far April 2016 to March 2017

Action pursued under Section 173ZA of the Town and Country Planning Act (as amended) 1990. **Four** Enforcement Warning Notices have been issued so far in the current financial year. The most notable of which is as follows:

Enforcement Ref No: **ENF/2015/0065/CCC**

**Location:** **Land at Hendrewennol, Welsh St Donats**

Issued: 6<sup>th</sup> May, 2016

Breach: Change of use of the land from agriculture to a mixed use for agricultural and a tourism/recreational use.

Requirements of Notice: Submit an application for planning permission for the mixed use of the land for agriculture and recreational/leisure.

**Update:**

This Notice was not complied with and resulted in the issue of an Enforcement notice, referred to above.

7. Breach of Condition Notices issued so far April 2016 to March 2017

Action pursued under Section 187A of the Town and Country Planning Act (as amended) 1990. **Six** Breach of Condition Notices have been issued so far in the current financial year.

Enforcement Ref No: **ENF/2016/0063/PRO**

**Location:** **71, Queens Road, Penarth**

Issued: 9<sup>th</sup> December, 2016

Breach: Breach of condition regarding window in side elevation of extension.

Requirements of Notice: Remove the window.

**Update:**

Officers are currently pursuing compliance with this Notice.

Enforcement Ref No: **ENF/2012/0164/CLL**

**Location:** **Southmead, Wick Road, LLandow**

Issued: 15<sup>th</sup> December, 2016

Breach: Breach of condition regarding compliance with planning permission.

Requirements of Notice: Amend the garage so that it complies with the approved scheme.

**Update:**

The period for compliance with the notice expires 15<sup>th</sup> March, 2017. Officers will pursue compliance after this time.

Enforcement Ref No: **ENF/2016/0059/PRO**  
**Location:** **Seaview, St Athan.**  
Issued: 3<sup>rd</sup> January, 2017  
Breach: Breach of condition relating to change of timber windows to UPVC.  
Requirements of Notice: remove the UPVC windows and replace with timber.

**Update:**  
The period for compliance with the Notice expires April, 2017. Officers will pursue compliance after this time.

Enforcement Ref No: **ENF/2016/0147/PRO**  
**Location:** **Garn Farm, Wenvoe.**  
Issued: 21<sup>st</sup> February, 2017  
Breach: Occupation of the dwelling in breach of the agricultural occupancy condition.  
Requirements of Notice: Cease the occupation of the dwelling in breach of the condition.

**Update:**  
The period for compliance with the Notice expires August, 2017. Officers will pursue compliance after this time.

Enforcement Ref No: **ENF/2017/0036/PRO**  
**Location:** **Woodview, Wenvoe.**  
Issued: 21<sup>st</sup> February, 2017  
Breach: Occupation of the dwelling in breach of the agricultural occupancy condition.  
Requirements of Notice: Cease the occupation of the dwelling in breach of the condition.

**Update:**  
The period for compliance with the Notice expires August, 2017. Officers will pursue compliance after this time.

Enforcement Ref No: **ENF/2015/0076/PRO**  
**Location:** **1, Cae Rex, Llanblethian.**  
Issued: 21<sup>st</sup> February, 2017  
Breach: Breach of materials condition - plastic cladding used on a dormer extension as opposed to hanging tiles.  
Requirements of Notice: Remove the plastic cladding and complete dormer with hanging tiles.

**Update:**  
The period for compliance with the Notice expires April, 2017. Officers will pursue compliance after this time.

8. Untidy Land and Buildings Notice issued so far April 2016 to March 2017

Action pursued under Section 217 and 215 of the Town and Country Planning Act (as amended) 1990. **Two** such notices have been issued so far in the current financial year.

Enforcement Ref No: ENF/2016/0060/INT  
**Location:** **10, Somerset Road East.**  
Issued: 23<sup>rd</sup> September, 2016.  
Requirements of Notice: remove waste material from front garden.

**Update:**

This notice has not been complied with. This matter has been referred to legal services.

Enforcement Ref No: ENF/2015/0116/CLL  
**Location:** **Ty Uchaf, Moulton, LLancarfan.**  
Issued: 19<sup>th</sup> January, 2017.  
Requirements of Notice: Remove waste from the land.

**Update:**

The period for compliance with the Notice expires April, 2017. Officers will pursue compliance after this time.

9. Planning Contravention Notices and Requisitions for Information issued so far April 2016 to March 2017

Action pursued under Section 171C of the Town and Country Planning Act 1990 (as amended) and under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. A planning contravention notice and Requisition for Information are used to gather information from a land owner, offender or another individual regarding a breach of planning control. A total of **five** such Notices have been issued so far in the current financial year.

Background Papers

Whilst the relevant Notices and Committee reports are available, enforcement files are confidential.

Contact Officer:

Justina M Moss, Tel: 01446 704690

Officers Consulted:

Operational Manager Development Management and Building Control

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **30 MARCH, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT LLANERCH VINEYARD, HENSOL

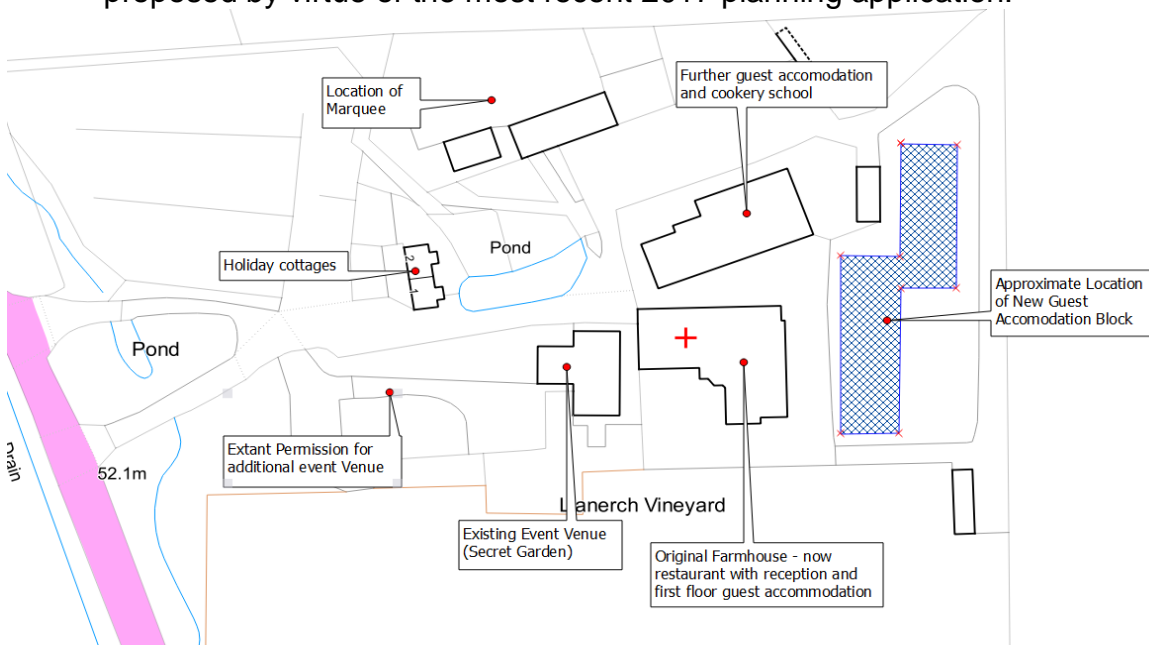
Introduction

1. This report relates to the erection of a guest accommodation block and an event venue without the benefit of planning permission at the property known as Llanerch Vineyard, Hensol.
2. Llanerch Vineyard was formerly only in agricultural use but is now a tourism and events complex that incorporates a restaurant, event venue, cookery school and hotel/holiday accommodation. The site is still used for growing grape vines, although wine production is understood to take place off site. The site is within the rural Vale, between Hensol and the M4 Motorway, with Junction 34 within a short distance to the northeast, and is accessed via a driveway that meets with the highway to the western edge of the site. The site is within the designated Special Landscape Area of the 'Ely Valley & Ridge Slopes'.
3. In terms of built development, the site is occupied by the former farmhouse building that has been converted and extended to provide the restaurant and accommodation at first floor. The event venue (known as the Secret Garden) has been recently constructed to the west of the original farmhouse and further guest accommodation and the cookery school is provided in an extended and converted farm building to the north of the farmhouse and a semi-detached pair of holiday-let cottages are within the site but to the west of the complex of buildings. Finally, a temporary marquee has been on site in the past providing a further event venue.

Background and Details of the Breach

4. On 15 January, 2015, it was resolved to grant planning permission (application reference 2013/01095/FUL) for a 19 bed guest accommodation block, subject to the satisfactory completion of a Section 106 agreement relating to necessary planning obligations. The application remains undetermined as the Section 106 agreement remains unsigned.
5. More recently two planning applications have been submitted to the Council proposing an amended version of the accommodation block (planning application reference 2017/00191/FUL and 2016/01051/FUL). The first proposes 26 bedrooms and the second 27 bedrooms. Both applications remain invalid and are not, therefore, currently being considered by the Council.

6. Following a very recent site inspection in early March 2017, it was noted that development has commenced for the erection of a guest accommodation block. Whilst it was noted that the location of the new development to the east of the existing complex (i.e. the location of the 2013 scheme), the building under construction is substantially different to the scheme resolved for approval under the 2013 planning application. A site survey has confirmed that the building under construction is in the approximate location shown in the submitted plans for planning applications reference 2016/01095/FUL and 2017/00191/FUL (both of which have the same footprint). The building has a footprint of approximately 1916sqm, in comparison with the 1208sqm (approximate) footprint of the 2013/01095/FUL scheme. The principal west facing elevation is also located some 3 – 6m to the east of the 2013 scheme. It is understood to be the developer's intention to complete the development proposed by virtue of the most recent 2017 planning application.



7. The planning history outlined above confirms that there is no extant planning permission for the erection of a guest accommodation block on this site. Whilst the 2013 application has been resolved for approval (subject to the signing of a Section 106 agreement), this permission will ultimately be subject to pre-commencement conditions and, in any event, the development on site does not accord with this scheme.
8. In addition to the above unauthorised development, the existing event venue (known as the Secret Garden) was also erected without the benefit from planning permission. As noted from the planning history above, an application for planning permission (reference 2015/00745/FUL) was submitted seeking retrospective consent for the retention of the building erected. That application was considered and it was resolved to grant permission for the proposed scheme, subject to the developer entering into a section 106 agreement requiring planning obligations for public art and sustainable transport. Despite the resolution to grant permission having been made in September 2015, the Section 106 agreement remains unsigned. As such, permission has not been granted and the development remains unauthorised.



### Action Pursued to Date

9. The applicant was advised, via their agent, to cease works on 18 January when it became apparent that ground works had commenced on site.
10. A site visit was conducted on 2 March 2017 where the Director of Llanerch Vineyard was advised to cease works, which by now had consisted of a slab and the erection of a substantial timber frame and some stud walls. The Director expressed a desire to continue with construction in order to complete the development before the upcoming wedding season. The Director was advised that, whilst an application has been submitted for the scheme currently under construction, there was no certainty that permission would be granted, as such, all works should cease until such time as that application has been through the statutory process.
11. In light of the developer's intentions it was considered expedient to issue a Temporary Stop Notice under the new enforcement powers that have recently come into effect. A Temporary Stop Notice can require unauthorised development to cease for a period of up to 28 days in order to allow the Local Planning Authority to further investigate the breach and negotiate with the developer. Having regard to the fact that there is no planning permission for the development and such details as slab levels, drainage, landscaping or materials have not even been considered, let alone agreed, the Temporary Stop Notice was issued on 3 March, 2017. The Notice is due to expire on 31 March 2017.

### Planning History

12. In addition to the Temporary Stop Notice that has recently been issued (under reference ENF/2017/0017/PRO), the site benefits from the following planning application history:
  - **2017/00191/FUL:** Llanerch Vineyard, Hensol – Proposed 8.no additional bedrooms to the north of approved scheme – undetermined (invalid)
  - **2016/01501/FUL:** Llanerch Vineyard, Hensol - Proposed additional guest accommodation (27 bedrooms) – undetermined (invalid)
  - **2016/00735/FUL:** Llanerch Vineyard, Hensol - Extension to the existing restaurant kitchen - Approved 19/08/2016
  - **2016/00096/FUL:** Llanerch Vineyard, Hensol - Proposed all year temporary use of marquee and ancillary building - Approved 20/04/2016
  - **2015/00745/FUL:** Retention as built - Calon Lodge formerly Secret Garden, approved ref. 2014/01137/FUL – undetermined, resolved to approve subject to Legal Agreement (outstanding)
  - **2014/01188/FUL:** Llanerch Vineyard, Hensol - Temporary kitchen, toilets, table and chair storage, bar and cellar to be used with existing marquee - Approved 17/12/2014

- **2014/01137/FUL:** Llanerch Vineyard, Hensol - Proposed secret garden room – undetermined, resolution to approve 25/09/15
- **2014/00634/FUL:** Llanerch Vineyard, Hensol - Proposed retention of canopy linking main farmhouse to Visitor Centre and accommodation block - Approved 30/07/2014
- **2014/00633/FUL:** Llanerch Vineyard, Hensol - Proposed retention of wine store and ancillary side marquee to main farmhouse - Approved 31/10/2014
- **2014/00234/FUL:** Llanerch Vineyard, Hensol - Proposed marquee for use between April to September. Marquee and ancillary structures to be removed between October to March - Approved 09/05/2014
- **2013/01095/FUL:** Llanerch Vineyard, Hensol - Proposed additional 19 No bedrooms including undercover walkway with drop off point to link farmhouse, cookery school/machinery store and accommodation – undetermined, resolved to approve subject to Legal Agreement (outstanding) 15/01/2015
- **2013/00038/FUL:** Llanerch Vineyard, Hensol - Proposed extension to existing restaurant including new toilets, staffroom and first floor office accommodation. Retention of dry food store, cold store and refuse store (Constructed) - Approved 05/07/2013
- **2011/00680/FUL:** Llanerch Vineyard, Hensol - Proposed single storey events complex on the site of existing poolhouse, with associated vehicle turning space and associated works. Also proposed is an additional car park area (approximately 64 spaces). Furthermore, existing unauthorised works such as the use of the ground floor of the farmhouse as a cafe/restaurant and the cookery school are included for their retention. - Approved 19/06/2013

## Policy

### **Unitary Development Plan**

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT  
 POLICY 5 - BUSINESS AND INDUSTRIAL USES  
 POLICY 6 – TOURISM  
 POLICY 8 – TRANSPORTATION

#### *Policy:*

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE  
 ENV4 - SPECIAL LANDSCAPE AREAS  
 ENV10 - CONSERVATION OF THE COUNTRYSIDE

ENV11 - PROTECTION OF LANDSCAPE FEATURES  
ENV27 - DESIGN OF NEW DEVELOPMENTS  
ENV28 - ACCESS FOR DISABLED PEOPLE  
ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY  
EMP7 - FARM DIVERSIFICATION  
TRAN 7 – STRATEGIC PUBLIC TRANSPORT  
TRAN 9 – CYCLING DEVELOPMENT  
TRAN 10 – PARKING  
TOUR 1 – NEW HOTELS IN THE COUNTRYSIDE

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

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

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

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

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

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

## Planning Policy Wales

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

*'7.3.3 Local planning authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport. While initial consideration should be given to adapting existing farm buildings<sup>9</sup>, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.'*

### Technical Advice Notes:

17. 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 (2010) – *“When considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.”* (3.7.1)
  - TAN 9 Enforcement of Planning Control (1997)
  - Technical Advice Note 12 – Design (2009)
  - Technical Advice Note 13 – Tourism (1997)

### Supplementary Planning Guidance:

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

## The Local Development Plan:

19. The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions are expected in January 2017.
20. With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

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

### Other relevant evidence or policy guidance:

21. The following guidance is also relevant:
  - Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management
  - Welsh Office Circular 13/97 - Planning Obligations
  - Welsh Office Circular 24/97 - Enforcing Planning Control
  - Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

## **Well Being of Future Generations (Wales) Act 2015**

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

### Reasons for Serving an Enforcement Notice

23. As noted above, from the initial investigation it has been established that the unauthorised development is being erected with the intention of providing a 26 bedroom guest accommodation block in the form proposed by virtue of the most recent 2017 application. In this regard, the main issues to consider in this report are as follows:

- The Principle of the unauthorised development;
- Design;
- Landscape and visual Impact;
- Drainage, parking and highway matters; and
- Planning Obligations.

### ***Principle of the development:***

24. The principle of a 19 bedroom guest accommodation block has been accepted within the resolution to approve planning application 2013/01095/FUL. The predominant use of the site for many years was as a commercial vineyard, which is considered a form of agricultural use. It has grown significantly as a tourism attraction in recent years, with several piecemeal extensions, conversions and other development that has been granted planning consent.
25. It is noted that PPW (section 7.3.3) states that Local Planning Authorities should adopt a positive approach to farm diversification, to financially underpin existing working farm practises. However, it is no longer accurate to describe the addition of a guest accommodation block as a farm diversification proposal. The vineyard is already supported by the existing leisure and tourism uses at the site, comprising the restaurant, existing guest accommodation, wedding services and events complex / marquee and cookery school. These tourism and leisure uses have in fact become the predominant use of the site, albeit the vineyard is a key feature of its attraction to visitors.

26. Policy TOUR 1 – New Hotels in the Countryside of the Unitary Development Plan (UDP) allows for new hotels in the countryside if they are an extension to an existing building, subject to relevant criteria. The development results in a stand-alone building that, on the face of it, would not benefit from the provisions of policy TOUR 1. However, it is understood that the building is intended to provide additional guest accommodation as an expansion of the existing guest accommodation at the site. The building is within the established operational area of the tourism/recreation complex and, whilst its exact position, scale and form is a matter considered in more details below, the intention is that the accommodation is closely linked to, and part of, the existing tourism and leisure business at Llanerch Vineyard. In this regard the unauthorised development could be considered to benefit from the provisions of policy TOUR 1, providing that the development can be controlled to ensure that its use remains wholly connected with the existing tourism and recreation use at the site. It is not, however, possible to impose such controls on unauthorised development as an enforcement notice cannot impose any conditions restricting the use of the development. Accordingly, without the necessary controls on the use of the building, the principle of the development is not considered to accord with the provisions of UDP policy TOUR 1 and, as such, is considered to conflict with the Council's principle countryside protection policy ENV1 and strategic policies 1 and 2. In this regard the development would also conflict with the sustainability principles of PPW, particularly as they relate to tourism (Chapter 11).
27. In addition to the above, it should be noted that the building is situated on land that formerly comprised part of the vineyard. In relation to planning application 2013/01095/FUL, it was suggested in the original submission that part of the area would be retained for this purpose. However, it is now accepted the building would have inevitably resulted in the loss of some, if not most, of that part of the vineyard considering the disruption during the construction process, scaffolding etc. The vines have since been completely removed from this area and several trees to the eastern boundary, which offered some screening to the site, have been felled.

***Design of the building:***

28. In recommending a resolution to approve planning application 2013/01095/FUL, it is noted within the Officer's Report that the scale and design of the building was significantly altered from the original submission. The reason for the negotiation on design was that the building did not reflect the rural setting and was not sympathetic to the character of the existing buildings within the site, which are predominantly converted farm buildings.
29. The main character of the site is derived from its agrarian origins and the more recent development on the site has consisted of conversion to existing buildings or extensions that although have altered the site, have still had regard to this character in terms of their form, layout and design. The agrarian character of the site is reinforced by the continued presence of the vineyard, which remains a significant element of the site as a whole, despite the recent expansion of tourism related development.

30. The revised scheme, with resolution for approval, had a main central section with an appearance reflective of the main farmhouse and two subservient wings, both of which had lower ridges and were narrower in width. These side sections were designed to be similar in design to the converted dairy buildings, with stone walls and low eaves. It was noted that this scheme would be comparable in size to the approved events complex, currently undeveloped, and the plans showed it being stepped broadly in line with existing site levels, albeit a condition required submission of accurate levels prior to commencement is proposed to be imposed. The site levels have not been approved. The elevations of the amended scheme are illustrated in the below plan extract:



31. As noted above, there are fundamental differences between the building under construction and the proposal resolved for approval under planning application reference 2013/01095/FUL.
32. In relation to the size and form of the building, the design approach is similar to that first proposed under the 2013 scheme, albeit larger in size. That original submission was considered unsuitable and amendments, previously referred, were subsequently made. The building under construction has two substantial accommodation blocks which give it a very bulky appearance. The sheer breadth of the elevations offers no significant visual relief, particularly to the eastern elevation which faces on to the open countryside. It is noted that the final design could still be subject to some minor alterations, such as elevation treatments, materials etc.; however there remains serious concern regarding the fundamental impact from a building of this form, bulk and size given the context of the site. It is considered that it would significantly alter the character of the site and dominate the historic buildings that form such a fundamental part of its character.



33. The latest plans received under planning application reference 2017/00191/FUL are illustrated in the below plan extract. These drawings offer an indication as to the intended final form and design of the building under construction:



34. The building has been laid on a level slab and the site that has a sloping ground that declines to the south-east. It is noted that the built level is to allow for functional access from the western elevation; however it does result in the building requiring a plinth that is raised above ground level to the southern and part of the eastern elevations. Planning application 2013/01095/FUL proposed a building that occupied multiple levels, and notwithstanding the requirement for the submission of detailed levels, was nonetheless indicative of how the building could be designed to minimise the height and thus the relative visual impact to the site and its surroundings. The slab level and design results in a tall ridgeline that would also fail to complement the existing buildings and character of the site.
35. The building is considered to be of a poor design that does not sympathetic to its context. In this regard the development is considered contrary to UDP policy ENV27 and, even if applicable, would conflict with the design criteria of policy TOUR1 as well as Strategic policy 1. The development is also in conflict with the good design and sustainable development principles in PPW and TAN 12 on Design. Furthermore, even if this were considered a farm diversification proposal that is generally supported by chapter 7 of PPW, the development would still conflict with UDP Policy EMP 7 – Farm diversification as well as the guidance contained in chapter 7 of PPW, in particular section 7.3.3, which states such buildings, must be sensitively designed.

### ***Landscape and Visual Impact:***

36. Llanerch Vineyard is positioned within the open countryside and the designated Special Landscape Area of the 'Ely Valley and Ridge Slopes' and in such highly sensitive landscape areas the visual and landscape impact of the proposals is of significant importance. It is considered that the detrimental impact of the building on the character of the site identified above would also result in detrimental impact on the wider rural setting, particularly as the development results in a further encroachment of the complex into the undeveloped landscape setting to the site by approximately 14 metres (not including any terrace/ balcony) compared to the east facing elevation of the scheme that has been resolved to approve. Whilst there will only be a localised impact on the landscape setting to the site (as a result of limited views of the building) that impact is nevertheless significant when considered against the context of the existing built development on the site. In this regard the development conflicts with policy ENV4 and ENV10, as supported by PPW.
37. With regard to visual impact, there are limited public vantage points surrounding the site, but views of the building can nevertheless be gained from the southern approach on Hensol Road. The details of landscaping for 2013/01095/FUL were reserved by condition. The removal of trees to the east of the site has also resulted in the loss of screening from the wider countryside and is another reason that the building would fail to sensitively integrate with its surroundings.
38. The proposed development fails to integrate with its surroundings to a degree that would be significantly detrimental to the character of the site and the surrounding landscape, in conflict with Policy ENV27 as supported by PPW.

### ***Drainage, Highways, Transport and Parking:***

39. In terms of drainage, the resolution to approve the 2013 application was subject to a condition requiring the submission of a scheme of foul and surface water drainage. It is not possible to impose such a condition via an Enforcement notice. As such, there is no certainty that the unauthorised development will be adequately drained. As such, the development would conflict with the provisions of UDP policy ENV27 which requires that development does not have an unacceptable impact on adjoining areas.
40. In the assessment of planning application 2013/01095/FUL the application was considered acceptable in relation to parking provision and highway safety, noting the sizeable car park serving Llanerch Vineyard. A car park was proposed under the application for the undeveloped events complex, but the constructed car park has been constructed to a different configuration. Whilst the application was not accompanied by a Transport Assessment, paragraph 8.7.2 of Planning Policy Wales (2016) states that The Welsh Government expect all applications for hotels of over 1000sqm gross floor area to be accompanied by a Transport Assessment.

41. The development under construction is now over 1900sqm in floor area and would contain an additional 7 bedrooms above the 2013 scheme. It is therefore significantly above the threshold identified in paragraph 8.7.2 of PPW (2016) and it is considered necessary that a Transport Assessment be undertaken to assess the impacts on travel demands, travel modes etc. to ensure that travel to and from the development for visitors and guests are adequately catered for and to inform the requirements for any Section 106 agreement. It should also include an assessment of parking capacity, traffic generation and the impact to the local highway network. Having commenced in the absence of such information, it has not been demonstrated that the highways and transport impacts of the development is acceptable, and as such it does not accord with the aforementioned national planning policy.

***Planning Obligation (Section 106) Matters:***

42. The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to any material circumstances.
43. The need for planning obligations was established on the 2013/01095/FUL planning applications based on 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. They consisted of contributions in lieu of sustainable transport, training and development and public art.
44. Such obligations would also be sought in respect of the unauthorised building and may in fact be greater than required under the 2013 scheme. There is no mechanism for requiring the developer enter into a section 106 agreement with the Council via an enforcement notice. Accordingly, the development on site is not considered to adequately mitigate its impact in accordance with both local and national policy and guidance. In this regard the unauthorised development is considered to be contrary to the aims of Strategic Policies 1 & 2 and policies ENV27; the Council's Supplementary Planning Guidance on Planning Obligations and Public Art; and National Planning guidance contained in Planning Policy Wales, 12 - Design and 18 - Transport.

***Stop Notice:***

45. The Temporary Stop Notice is due to expire on 31<sup>st</sup> March 2017, at which time it would no longer constitute an offence to progress with the construction of the building subject of this report. It is considered that the development, for the reasons outlined above, is of a particularly poor design that is harmful to the context within which it is set. There has been a series of unauthorised developments at the site, some of which remain unresolved. The actions of the developer in this regard add weight to the expediency of issuing a full Stop Notice in order to continue to prohibit building operations on the site pending the outcome of any valid application for an amended scheme that may come forward to the authority or the appeal of an enforcement notice.

46. The developer's agent has forwarded a suite of proposed immediate works they wish to undertake prior to the determination of the application in the interest of site safety. The works include cross bracing the timber frame, installation of crash decks and fire doors and boarding. They also wish to weatherproof the structure via the installation of a roof and temporary covering, along with weatherproofing the window openings. This approach would also require the installation of pre-manufactured bathroom pods.
47. It is noted the timber frame and flooring is not suitable to prolonged exposure. However, this approach to weatherproofing effectively leads to a further progression in the erection of a building that has been constructed without planning permission. It is considered, as outlined above, that the building in its proposed form would be harmful and that the developer should seek alternative means of securing the site and that, in these circumstances, the deconstruction of the frame would be the more appropriate method of securing the site and salvaging the construction materials.

### ***Existing Events Venue:***

48. As noted in the background and details section above, the existing events venue remains unauthorised development despite a resolution to grant permission for its approval subject to a drainage conditions and appropriate mitigation in terms of public art and sustainable transport. The event venue has been completed and has been in use for a period of some 3 years. The building will become immune from enforcement action if it remains unauthorised for a further year. As there has been no recent progress in agreeing and signing a Section 106 agreement in order to allow for the 2015/00745/FUL permission to be granted, it is considered expedient to pursue formal action in order to ensure that the development does not become immune from action and cannot be adequately controlled. In its current form, without the necessary planning agreement in place, the development is not considered acceptable. There is no certainty that the development is adequately drained and the development fails to mitigate its impact in terms of public art and sustainable transport, in conflict with Strategic Policies 1 & 2 and policies ENV27; the Council's Supplementary Planning Guidance on Planning Obligations and Public Art; and National Planning guidance contained in Planning Policy Wales, 12 - Design and 18 - Transport.
49. As the Council is unable to require the developer to enter into a Section 106 agreement via an enforcement notice, the only option available to the Council via its enforcement powers is to issue an enforcement Notice requiring the removal of the building from the land. It is, however, hoped that this enforcement action will provide the necessary prompt for the developer to finally resolve and sign the planning agreement allowing for the formal approval of the building, bringing the development under planning control.

### **Conclusions**

50. The unauthorised guest accommodation building, if completed as proposed, would have a poor design that harms the visual amenities of the area and the special landscape character of the buildings setting.

51. Both the guest accommodation building, if completed, and the event venue building fail to mitigate their impact in terms of sustainable transport, training and development and public art.
52. In view of the issues identified in the paragraphs above, it is considered expedient to pursue enforcement action requiring all works on site to cease and the removal of both buildings.

#### Resource Implications (Financial and Employment)

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

#### Legal Implications (to include Human Rights Implications)

54. 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).
55. For information, it should be noted that the issuing of a Stop Notice must be preceded by an Enforcement Notice, although they may be served concurrently. In issuing a Stop Notice, the Council must ensure all details contained therein are precise, clear and enforceable. Compensation may be payable only where the notice is flawed in some respect, subsequently altered, varied or withdrawn. Compensation is not payable if a subsequent appeal under ground (a) is allowed to the benefit of the appellant. In view of the intentions of the developer and the harm caused by the development it is considered that the Stop Notice is warranted.
56. I would confirm my officers have undertaken a risk assessment in respect of the service of such a Notice. It has been concluded that the operator has no legitimate reason to be undertaking the development specified above and that accordingly the possibility for compensation would be extremely low.
57. It is considered that the only grounds on which any appeal may successful would be in respect of ground (a), that planning permission should be granted, and in this respect no compensation would be payable by the Authority.
58. 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)

59. None.

## Wellbeing of Future Generations (Wales) Act 2015

60. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
61. In recommending the service of an Enforcement Notice and Stop Notice to remedy this breach of planning control, the Council considers that the action is expedient and in the public interest to pursue. It proposed action is therefore considered consistent with the Council's duty under the aforementioned 2015 Act.

## RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of all works on site to construct the guest accommodation building subject of this report.
  - (ii) The removal of the unauthorised guest accommodation building and event venue building, including their slab and all associated materials from the land in their entirety and restore the land to its former condition prior to the commencement of the unauthorised works.
- (2) That the Head of Legal Services be authorised to issue a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended) to require the cessation of:
  - (i) The cessation of all works on site to construct the guest accommodation building subject of this report.
- (3) In the event of non-compliance with the Notices, authorisation is also sought to take such legal proceedings as may be required.

## Reason for Recommendation

### ***Guest Accommodation:***

- (1) The principle of the stand-alone guest accommodation without adequate controls connecting its use to the existing tourism and recreational use of the site results in an unjustified form of development within a countryside location. Furthermore, the building, if completed, would have a bulky appearance owing to its size, height and form with broad and unrelieved elevations. It is of a design that has little regard to the character of the existing historic buildings within the site and as such would be discordant with the site's predominantly agrarian character. The unauthorised development, if completed, would also cause harm to the special landscape setting and would fail to sensitively integrate with its surroundings resulting in a visually harmful form of development. There is also no certainty that the development can be adequately drained. In this regard the unauthorised development is contrary to Strategic policies 1 and 2, Policies ENV1 – Development in the Countryside, ENV4 – Special landscape Areas, ENV10 – Conservation of the Countryside, ENV27 – Design of New Developments, TOUR 1 – New Hotels in the Countryside and EMP7 – Farm Diversification of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. It is also contrary to the national advice and guidance contained within Planning Policy Wales (2016), Technical Advice Note 6 Planning for Sustainable Rural Communities, Technical Advice Note 12 Design and Technical Advice Note 13 - Tourism.
- (2) The absence of an appropriate Section 106 agreement for the provision of sustainable transport, training and development and public art results in a form of development the impact of which has not been adequately mitigated. Accordingly, the development is in conflict with the aims of Strategic Policies 1 & 2, policy ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Supplementary Planning Guidance on Planning Obligations and Public Art; and National Planning Guidance contained in Planning Policy Wales (2016), Technical Advice Notes 12 - Design and 18 - Transport.
- (3) The construction of the guest accommodation block without having undertaken a prior Transport Assessment results in an unacceptable form of development, as it has not been adequately demonstrated that the site provides adequate access, provision made for all modes of transport and means of travel, including parking, or that the impact to the local highway network in terms of traffic generation is acceptable. The development therefore fails to accord with Policy TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, national planning policy contained within Planning Policy Wales (2016) and Technical Advice Note 18 - Transport.

***Event Venue:***

- (1) There is no certainty that the development can be adequately drained. Furthermore, the absence of an appropriate Section 106 agreement for the provision of sustainable transport and public art results in a form of development the impact of which has not been adequately mitigated. Accordingly, the development is in conflict with the aims of Strategic Policies 1 & 2, and policy ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Supplementary Planning Guidance on Planning Obligations and Public Art; and National Planning Guidance contained in Planning Policy Wales (2016), Technical Advice Notes 12 - Design and 18 - Transport.

Background Papers

Enforcement File Ref: ENF/2017/0017/PRO

Contact Officer – Mr Ceiri Rowlands, Tel: 01446 704654

Officers Consulted:

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

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **30 MARCH, 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.

**2016/00551/FUL** Received on 17 May 2016

Mr. Hugh Morris RWE Generation, Trigonos, Windmill Hill Business Park,  
Whitehill Way, Swindon,, SN5 6PB  
Mr. Hugh Morris RWE Generation, Trigonos,, Windmill Hill Business Park,  
Whitehill Way, Swindon, SN5 6PB

**Aberthaw North Quarry, Castle Road, Aberthaw**

Variations of conditions 1, 2, 6, 7, 12, 13, 14, 15, 17, 18, 19, 21, 24, 26, 27 and 28 of planning permission 2013/00903/FUL to increase the height of the final restoration levels to increase the volume of ash that can be deposited in the former quarry and to vary the associated details to which the conditions refer

**REASON FOR COMMITTEE DETERMINATION**

The application is to be determined by Planning Committee at the request of Councillor Chris Franks due to concerns over the environmental impact of the development.

**EXECUTIVE SUMMARY**

This is an application to vary conditions on an existing planning permission to deposit pulverised fuel ash in Aberthaw Quarry. Principally, the application seeks consent to vary and increase the final levels of the restored/filled quarry, however, the application also seeks to update various other conditions in line with the levels changes.

The main issues are considered to be the visual impact, impact on residential amenity, impact on the environment and traffic. Seven letters of representation have been received, raising concerns in respect of the impact on the landscape, increased noise and dust, increases in traffic, health impacts and the need for the development. The application is recommended for approval, subject to conditions.

**SITE AND CONTEXT**

The application site is land at Aberthaw North Quarry, Castle Road, Aberthaw, which is used for the deposition of ash from Aberthaw power station. The site is shown on the location plan below:



Access to the site is from the B4265, and then from Castle Road.

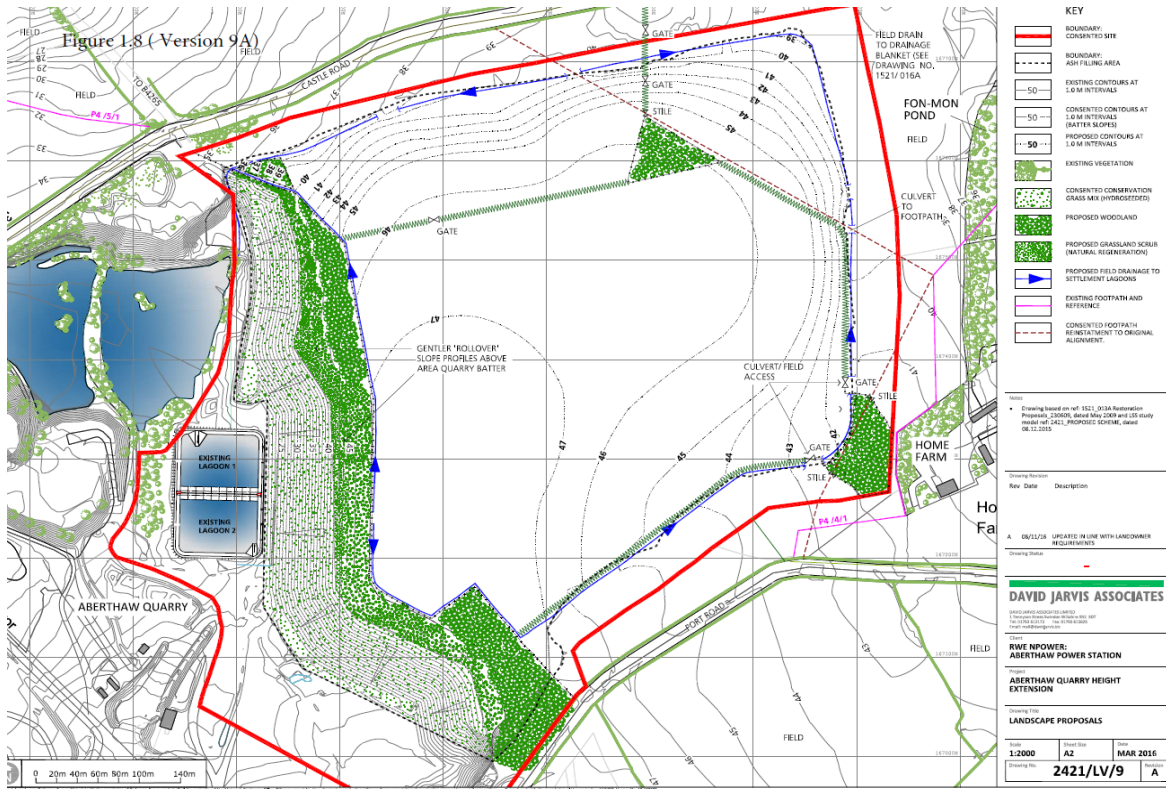
## DESCRIPTION OF DEVELOPMENT

The application is to vary conditions of planning permission 2013/00903/FUL to increase the height of the final restoration levels of the quarry and to vary associated details to which conditions refer.

The application stems from a need to find additional capacity above and beyond the approved restoration profile for the quarry. The application states that in 2015, RWE (the operator of the power station) carried out a detailed survey of the quarry and an assessment of the volumes of material predicted to be sent to the quarry, over the lifetime of the power station. This identified that there was an overall shortage of volume, equivalent to approximately 1 million tonnes of ash and that the existing 'available' capacity would be filled by the end of 2017. RWE is applying to raise the height of the consented restoration levels, in order to create an additional 1 million tonnes of capacity and provide available capacity which can be used in 2018-19. As a result of the revised restoration levels, the noise bunds would be raised and the phasing plan would also be amended to reflect the new schedule for filling the quarry.

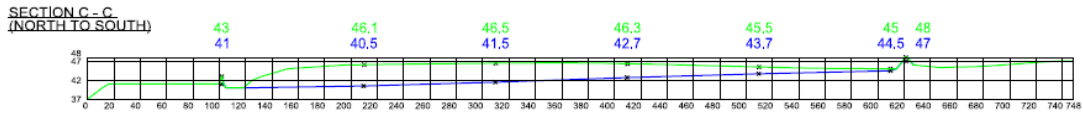
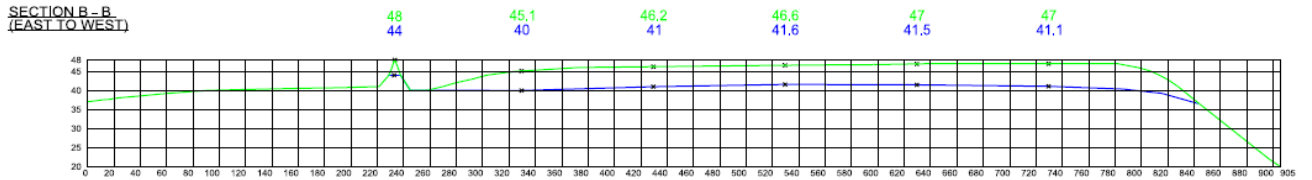
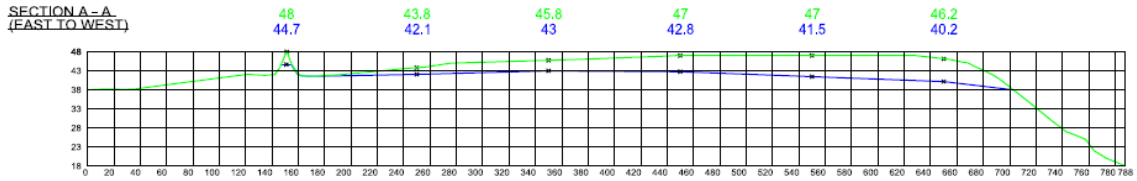
RWE is also proposing a revised restoration and landscaping plan, taking into account the new levels and also the preference of the landowner for the part of the site (which is being returned to agriculture) to be in the form of an open grazing area. The revised plan has an increased area of woodland planting on the slopes which would not be restored to agricultural use.

The plans below show the proposed restoration levels:



The plan below shows a sample of the site sections, which include the approved and proposed levels (proposed in green and approved in blue):

NB. VERTICAL SCALE EXAGGERATED -  
 VERTICAL SCALE = HORIZONTAL SCALE x3



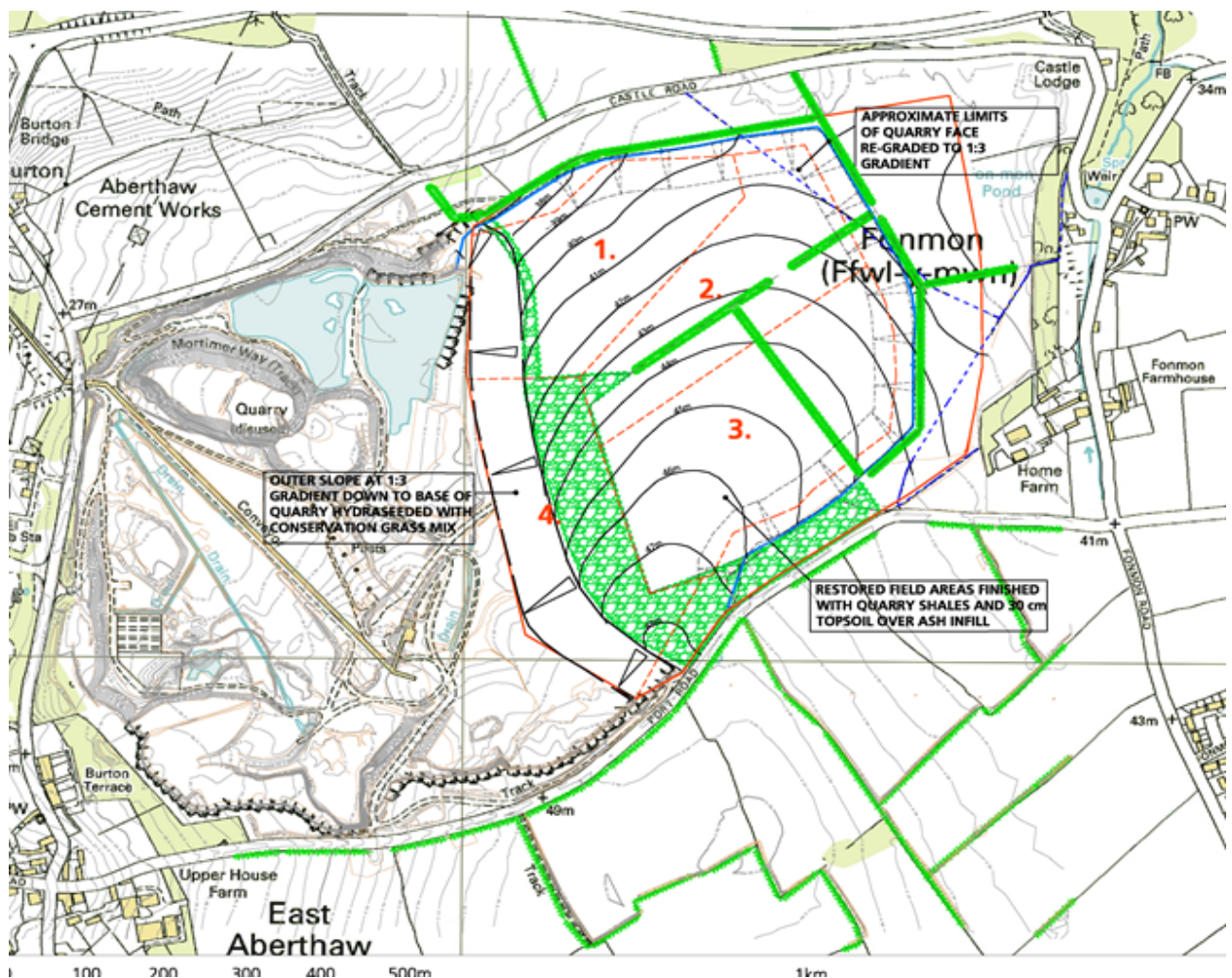


The proposed re-profiling of the final level of filling would raise the restoration level above the consented level by a maximum of approximately 6m at any point. The overall highest level proposed is approximately 48m, being 1m higher than the existing highest level. This would create a gently sloping 'plateau' from the level of the southern rim, which then slopes down, around the northern and eastern edges to meet the quarry rim.

Condition 2 of planning permission 2013/00903/FUL reads as follows:

*No pulverised fuel ash shall be deposited at any level higher than those shown on plan reference 5.10 approved under application 2007/00810/FUL on 11 October 2007.*

The plan below shows plan 5.10 of that permission:



The application also proposes the variation or removal of conditions 1 (compliance with Environmental Statement), 6 (vehicle cleaning), 7 (dust), 12 (hours of operation), 13 (noise attenuation), 14 (drainage), 15 (phasing), 17 (bird nesting), 18 (geese), 19 (Peregrine Falcon nesting), 21 (site restoration), 24 (earth bunds), 26 (works during the Gileston Old Mill highway improvement period), 27 (works during the Gileston Old Mill highway improvement period) and 28 (works during the Gileston Old Mill highway improvement period).

In the case of conditions 26, 27 and 28, the applicant no longer considers them relevant given that those highway works have now been undertaken. In the case of conditions 1, 2, 6, 7, 13, 14, 15, 18, 21 and 24, the applicant proposes the conditions being updated to make reference to documents submitted with this application, rather than referring back to details submitted with a 2007 application. In the case of condition 12, the application proposes a minor change to the details referenced in the condition, in the case of condition 17 the applicant argues that the condition is no longer necessary and in the case of condition 19, the applicant proposes it requires the retention of existing works. The detail of those conditions is set out and discussed below.

## PLANNING HISTORY

The original planning permission for the deposition of ash in the quarry is 2005/01811/FUL. Since that time, there have been a series of Section 73 applications to vary conditions of that permission and to vary the subsequent Section 73 approvals. The most recent of which is planning permission 2013/00903/FUL, which varied conditions 11 and 12 of the previous planning permission- 2012/00506/FUL, relating to the means of transporting the ash.

## CONSULTATIONS

**Environmental Health (Pollution Control)**- No objection subject to a condition to control hours of operation for the increase in the height of the bund.

**Cardiff Airport**- No objection.

**Local ward members**- No comments.

**The Council's Ecology Officer** has no objection to the removal of Conditions 17, 18 and 19.

**The Council's Landscape Architect** has advised that he considers the amended proposal to be acceptable.

**Ministry of Defence**- No representations received.

**Highway Development**- No objection.

**The Council's Drainage Engineer**- No representations received to date.

**Natural Resources Wales** initially advised of 'no comment' and then subsequently advised that the applicant may require an amendment to their environmental permit to consider potential changes in noise and dust impacts.

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. The application was re-advertised following the receipt of additional and amended information.

Seven representations have been received, six of which are objections and one raises procedural issues regarding the Environmental Impact Assessment Regulations. The points of objection are summarised as follows:

- 'The ash mountain should be removed in its entirety'.
- The development isn't needed since the power station is due to be providing only back-up capacity in the future.
- Increase in dust generation.
- Additional traffic movements/highway activity.
- Noise from the increased working levels and traffic noise.
- Additional pollution from the additional transport movements.
- Adverse landscape impact, creating an unnatural landscape form.
- The extension in the time that the restoration scheme would last for.
- A better use should be found for the ash.
- Adverse health impacts.

The seventh representation queried procedural matters relating to the processing of the application, but does not appear to constitute an objection in respect of the planning merits of the proposal.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 8 – TRANSPORTATION

POLICY 13 – WASTE MANAGEMENT

#### *Policy:*

POLICY ENV6 – EAST VALE COAST

POLICY ENV7 – WATER RESOURCES

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY WAST 1 - PROVISION OF WASTE MANAGEMENT FACILITIES

POLICY WAST 2 – CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

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

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

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

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

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

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

### **Planning Policy Wales:**

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

12.5.1 The Welsh Government's general policy for waste management is contained in its overarching waste strategy document *Towards Zero Waste* and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.



12.5.2 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs to 2050. It indicates a move towards a position where disposal and recovery options are reduced in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention). The reality as we move from where we are now towards these aspirations is the need for planning authorities to facilitate the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy.

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

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.

#### **Technical Advice Notes:**

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)

#### **Supplementary Planning Guidance:**

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

- Amenity Standards
- Design in the Landscape

## **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination.

Examination in Public commenced in January 2016. Following hearing sessions the Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes and Further Matters Arising Changes. The Council is currently awaiting the Inspector's Report, which will advise whether the Plan can be adopted by the Council.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

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

## **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
- Land Fill Directive 1999
- Waste Framework Directive 2008
- South East Wales Regional Waste Policy (1ST Review 2008)
- Project Gwyrdd 2008
- Towards Zero Waste 2010
- The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012
- WAG Circular 38/89: Landfill sites Development Control
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016

## **Well Being of Future Generations (Wales) Act 2015**

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

### Issues

#### The principle of the development

The use of the quarry for the deposition of ash has already been considered and approved in principle, and this application does not propose any fundamental change to the core use. The application is, therefore, not accompanied by a Waste Planning Assessment to assess such fundamental issues as the principle of the use, given that the use has already been approved and the development is only to make relatively minor changes to the restoration profile of the land.

The objective of a Waste Planning Assessment is to provide information to demonstrate that the proposed development will contribute towards meeting Wales' overriding objectives, set out in the overarching waste strategy document for Wales 'Towards Zero Waste'. It is considered that the use in principle remains compliant with the aims of PPW and TAN 21 in this respect and this application does not reasonably require a fundamental re-assessment of those issues of principle, given the established position of principle and the relatively minor change in levels proposed.

The main issues involved with the assessment of the proposed changes to the restoration level of the quarry are therefore the visual/landscape impact, highways issues, and environmental impacts including dust and noise. The following sections will also consider the merits of the proposed changes to the other conditions listed above.

#### Condition 1

As existing:

*Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement and supporting documents received on 5 June, 2007 and the additional information received on 30 August, 2007 submitted with application reference 2007/00810/FUL approved on 11 October, 2007.*

The applicant wishes to vary this condition to make reference to the 2016 update to the Environmental Statement. Subject to an assessment of the merits of the principal changes proposed (i.e. those relating to the changes to the levels and profile of the restored quarry) the proposed change to Condition 1 would represent the appropriate way to require compliance with the relevant Environmental Statement/information.

### Condition 2

As existing:

*No pulverised fuel ash shall be deposited at any level higher than those shown on plan reference 5.10 approved under application 2007/00810/FUL on 11 October 2007.*

The application proposes to amend the condition so that it refers to the levels and profile shown on the plans submitted with this application. The impact associated with the change in levels is assessed below:

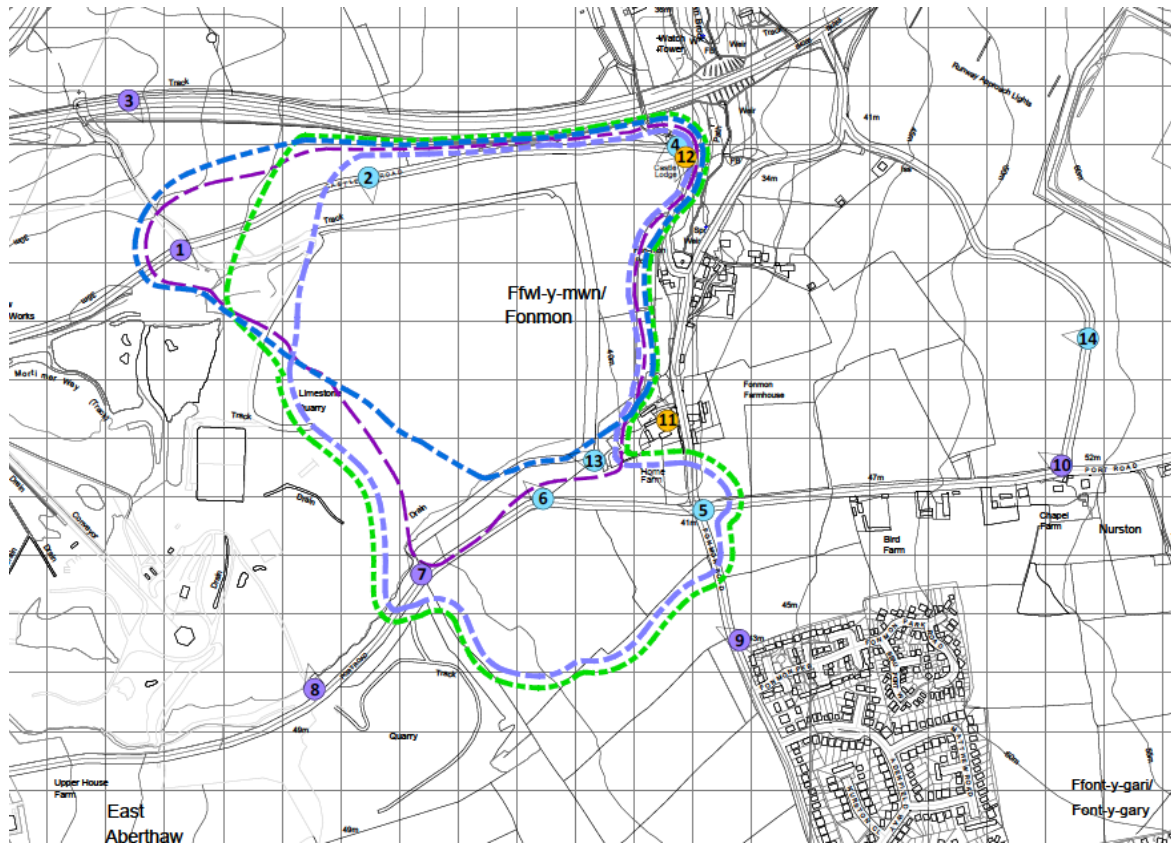
### Visual and landscape impacts

The proposed changes would result in an increase of the highest point by approximately 1m, but a maximum change at any single point of approximately 6m. The previously approved scheme involved a generally sloping profile from north east to south west, whereas this proposal would create a steeper slope around the perimeter of the area, and with a flatter plateau centrally. The associated landscaping has also been amended and the proposed scheme involves a larger open field parcel centrally within the restored area, whereas the approved scheme sub-divided that area.

The application is accompanied by a landscape visual impact assessment (LVIA) and the Council's Landscape Architect has also been consulted. The scheme currently before officers and members is an amended plan, which seeks to respond to concerns that were raised with the initial proposal in terms of the pattern of landscaping and the resultant field patchwork.

The submitted LVIA states that the study area falls within the Rhoose Hinterland and Aberthaw Quarry Visual and Sensory Aspect Areas. It also notes that the intact areas of the Rhoose Hinterland comprise open plateau farmland in fairly good condition located between the Weycock and Kenson Valleys. It is important to ensure that the resultant restored area is not alien to the surrounding landscape in terms of the levels, topography and landscaping.

The LVIA states that the consented ash infilling and restoration works are difficult to discern in the wider landscape, being largely hidden from view behind peripheral grassed bunds or intervening landform. This is borne out in the viewpoint photographs within the LVIA and is supported by the officer's site assessment, at which time it was evident that the site does not hold a prominent position within the wider landscape. The plan below shows viewpoints which have been considered:



The viewpoints from where the site and development are/would be most visible remain those around the immediate perimeter on Castle Road to the north and Port Road to the south. For example, from viewpoints 2, 4, 6 and 7, the development is more highly visible, whereas from those viewpoints further afield, the site is more screened by the intervening landform and landscape features.

As noted above, there would not be a significant increase in the highest point of the site, that being approximately 1m, while there would be greater increases in other parts. In summary, the new profile creates a larger area (or plateau) at the higher level than the previous scheme, which was graduated over a larger part of the site up to the high point.

Notwithstanding this, the land would not be significantly higher than the adjacent land to the south of the site and within the wider context, this would not appear as a visually harmful or unnatural landform. It is also considered that it would not have a significantly different impact within the wider landscape than the previously approved scheme, both as a consequence of the limited increase in height, the varied surrounding landform (slopes and flatter areas) and the degree to which the site is screened. It is also considered that the steeper slopes would not be highly visible and would not be harmful to the wider landscape.

While there is and will continue to be an appreciable visual impact during the restoration phase (particularly from those closer viewpoints on Castle Road and Port Road), it is considered that the finished levels and landscaped site would not be harmful to the character of the countryside.

In terms of landscaping and field sizes, the proposed layout would create a larger field parcel centrally within the site than the previously approved scheme, however, it is not so large that it would appear harmfully uncharacteristic of the surrounding landscape and it would not be significantly greater in area than the larger fields parcels around the site. The aerial photograph below shows the surrounding field pattern and the relatively varied patchwork in terms of field shape and size (the application site is located just to the left of the word 'Fonmon' on the photograph).



The landscape features include new hedgerows, copses of trees and planted grassland. These forms of landscaping are all common within the local landscape and would not appear as alien features, rather they would assist in assimilating the restored site into the surrounding landscape.

The Council's Landscape Architect, having initially requested amendments to the layout and landscaping scheme, has now advised that the amended layout is acceptable.

Natural Resources Wales (NRW) have noted that an environmental permit variation may be required and that measures to mitigate changes in impact regarding dust and noise may be required. NRW have further added that these measures may need to include an increase to the height of the bund, to ensure that there would not be adverse impacts on neighbours in respect of noise or dust from working at the higher level.

The applicant is proposing to increase the height of the existing noise attenuation bunds in order to provide an appropriate level of mitigation when ash deposition works are carried out at higher levels. The height of the bund is based upon modelling carried out by the applicant's noise consultant. In summary this would involve an increase of approximately 1m for the southern bund, 2m on the northern bund and approximately 3m for the eastern bund. It is considered that these increases would not result in a significant wider landscape impact, however, these would in any case be temporary impacts since the bunds will be removed.

In summary, it is considered that the proposed development would not be demonstrably harmful to the visual amenity of the immediate area and the wider rural landscape, in accordance with the above listed policies.

#### Impacts on residential amenity

The proposed works are not so close to any neighbour that they would in themselves constitute a physically overbearing landform and it is considered that the visual impact of the works would not be demonstrably harmful to reasonable residential amenity levels or fundamental living conditions. Consequently, it is considered that the main issues in respect of residential amenity relate to noise and dust from the proposals.

The proposals to increase the volume of material going into the quarry are likely to increase the length of time that work will be taking place within the site. In addition, some of the work would be at a higher level than that already approved and for both of these reasons, there is scope for increased impacts on neighbouring residents. As noted above, the development involves increasing the height of the bunds and, while NRW have noted this will be required in association with an amended permit, they have not objected. Similarly the Council's Environmental Health officer has considered the proposals and has raised no objection in respect of noise. It is, therefore, considered that the amended bund will mitigate any additional impacts in terms of noise and residential amenity will be preserved in this respect.

In terms of dust, the submitted Environmental Statement states that no fundamental changes are proposed to the existing dust control measures. However, it goes on to note that more detailed management procedures will be updated where necessary to reflect the changes to the levels and the phasing of operations.

The existing planning permission includes a condition which requires the implementation of dust control measures, which are formalised through a management procedure and working plan. Dust emissions are also controlled by the Environment Agency through the quarry site Environmental Permit and the procedures that have been put in place satisfy both planning and permit conditions.

The ES states that the applicant will review and update the working procedure and working plan, where necessary, to comply with the existing planning condition, reflecting the changes to the levels and phasing, but that no changes are required to the core dust management and monitoring methodologies that will be deployed. The Council's Environmental Health Officer and NRW have not objected in respect of dust and it is considered that a condition will adequately control this issue. (The Local Health Board have also been consulted, however, no response has been received). The condition recommended requires compliance with the dust measures set out in the ES and requires details of the updated working procedures and working plan to be submitted and approved prior to any work that is at a level higher than those approved in the previous application. Subject to this condition, it is considered that measures will be in place to ensure that there are no unacceptable impacts resulting from dust.

### Ecology

The Council's Ecologist has advised that she has no objection to the removal of conditions 17-19 and no objection to the increase in levels. The proposed bunds will be removed and the land restored to agriculture on completion of the works and any works to strip the grass off phase 1 (to enable the increased levels to be reached) would be done outside of birds' breeding season. There is nothing fundamentally about the works that should have an adverse impact on any ecological interest and it is considered that the additional hedgerows and tree copses will provide ecological benefits, in accordance with Policy ENV 16 of the UDP.

### Archaeology

There are no likely archaeological impacts that would be attributable to the proposed works, given that they involve raising the height of existing and permitted ash material.

### Hydrology

The proposed works would not result in any fundamental change to how hydrology within the site is dealt with. The restoration scheme would continue to shed run-off water into the perimeter drain which runs around the quarry rim. The drain takes the form of a channel, which catches run-off and directs it into the drainage layer. In the centre of the channel is the drainage layer which runs down the quarry face and underneath the floor of the quarry before flowing into the settlement lagoons. No changes are proposed to the core consented drainage arrangements. While no comments have been received to date from the Council's Drainage Engineer, it is considered on the basis of the above that the development remains acceptable in this respect.

In addition, the site is regulated by Natural Resources Wales through an Environmental Permit and the permit application includes a Hydrological Risk Assessment which is subject to routine review. The development is, therefore, considered acceptable in the context of Policy ENV 7- Water Resources, of the UDP.



## Transport and highways issues

No changes are proposed to the way that the ash would be transported to the quarry and the only change in respect of highways issues is that the works are likely to be ongoing across a longer period of time (rather than more vehicles movements per day). It is considered that the highway network is still capable of accommodating the vehicle movements to transport the ash and since the last application improvements have been undertaken to the section of the B4265 between the Power Station junction and the Ash Quarry entrance. It is considered, therefore, that the highway network serving the development is now better placed to accommodate these HGV movements than it was at the time of the previous application. It is considered that the presence of these vehicle movements for a prolonged period of time would not be demonstrably harmful to the free flow of traffic or highway safety and the Highways Engineer has raised no objection to the proposed development.

The increased number of vehicle movements will in itself have a minor impact on the environment in terms of emissions and noise, however, in the context of the existing highway and traffic levels, it is considered that the change would not be significant.

## Summary on Condition 2

In summary, it is considered that the proposed change in levels and landscaping is acceptable in the context of the issues discussed above, and that the proposed change to Condition 2 is acceptable.

## Condition 6

As existing:

*All vehicles leaving the quarry having deposited pulverised fuel ash shall use the cleaning facilities agreed under application 2007/00810/FUL, which shall be retained in use throughout the duration of tipping operations and the subsequent restoration of the site.*

The applicant wishes to vary this condition to make reference to the details submitted with this application, rather than referring back to details approved with a previous application. The wheel washing details remain acceptable and, therefore, the proposed change is considered acceptable and a more appropriate form of wording of the condition.

## Condition 7

As existing:

*The details submitted to the local planning authority under application reference 2007/00810/FUL and approved on 21 July, 2008 relating to the minimisation and mitigation of dust arising from the operations at the site, which includes a working plan and operational procedure to be followed, including actions, roles and responsibilities, shall be implemented and operational throughout all periods of ash deposition and subsequent restoration of the site.*

The applicant wishes to vary this condition to make reference to the details submitted with this application, rather than referring back to details approved with a previous application. It is considered that the dust mitigation measures remain acceptable and, therefore, the proposed change is considered acceptable and a more appropriate form of wording of the condition. In addition, the recommended condition also includes provision to require approval of the amended working procedures (necessitated by the increase in levels) prior to any works at a height/level that exceeds those of the previous approval.

#### Condition 12

As existing:

*Notwithstanding the provisions of Condition No. 13 of planning permission reference 2007/00810/FUL, the importation, deposition or consolidation of ash in the quarry within 300 metres of any residential property shall not be carried out outside the following hours on the following days:*

*i. Monday to Friday - 08:00 to 18:00 hours.*

*ii. Saturday - 08:00 to 16:00 hours.*

*iii. Sunday and Bank Holidays - At no time.*

The applicant wishes to vary this condition to make reference to condition 10 of this permission, rather than a condition of a previous permission. This is logical and would represent an appropriate change to the wording. It should be noted that the proposed change does not alter the hours of working.

#### Condition 13

As existing:

*The details contained within the noise attenuation and monitoring program submitted to and approved by the local planning authority on 9 July, 2008 under application reference 2007/00810/FUL or such variation thereto that may first be approved in writing by the local planning authority shall be fully implemented throughout all periods of ash deposition and subsequent restoration of the site.*

The applicant wishes to vary this condition to make reference to the details submitted with this application, rather than referring back to details approved with a previous application. It is considered that the noise mitigation measures set out in the current application are acceptable (and include the implementation of the increased height bund) and, therefore, the proposed change is considered acceptable and a more appropriate form of wording of the condition.

#### Condition 14

As existing:

*The drainage details approved in writing by the Local Planning Authority under application 2007/00810/FUL on 28 April, 2008 shall be retained and utilised in accordance with these details for the discharge of water, in perpetuity.*

The applicant wishes to vary this condition to make reference to the details submitted with this application and the details submitted with the 2007 application. The relevant drainage details with this application are shown on Figure 1.8 (the location of the perimeter drain) and drawing 1521/016A (cross sections of the drains). The remainder of drainage detail submitted as part of the 2007 application, in terms of the connection to the settlement lagoons, remains relevant and it is considered acceptable and appropriate to reference the new details alongside the remainder of those approved in 2007 (and reiterated in the previous 2013 application).

#### Condition 15

As existing:

*The operation shall be carried out in accordance with the phasing scheme submitted to and approved by the Local Planning Authority under application 2007/00810/FUL on 4 February, 2008 or such variation thereto that may first be approved in writing with the Local Planning Authority.*

The applicant wishes to vary this condition to make reference to the details submitted with this application, rather than referring back to details approved with a previous application. The proposed phasing has changed as a consequence of the new land profile, and this is summarised in the table below. The site is divided into phases 1-3 east and west and phase 4.

Sequence ↓	Preparation works	Filling Works		Reinstatement works
		Fill to existing levels	Fill to new levels	
Continue filling 3E to existing levels				
2016		3E		
	Raise bunds	3E		
Start Filling 3E,2E,1E to new levels (c.2018)				
	Strip 1 & 2		3E	Eastern slopes of 3E
	Prepare 4		2E/1E	Eastern slopes of 2E
Filling moves to Phase 4 (c.2020)				
	Remove bunds	4		1E,2E,3E
		4		
Filling moves back into 1-3W				
		4 + 3W		
		4 + 2W		
			3W	
			2W	3W
			4	2W
			1W	
Filling scheme completed				
				4 & 1W

The phasing set out in the table is relatively complex in terms of the ordering, however, this represents an efficient progression of works across the site. It is necessary to amend this condition to ensure that the outdated phasing plan is superseded, and the new phasing plan is considered acceptable. The phasing plan will ensure the bunds are raised at the appropriate time (prior to further works on the eastern part of the site) and that they can only be removed once works in the areas closest to residential properties have been completed.

#### Condition 17

As existing:

*During each bird nesting season throughout the period of ash deposition at the site, a survey shall be carried out of:*

(a) any quarry faces that may be affected or disturbed by works during the subsequent breeding season, to identify the location of any breeding Peregrine falcon, and

(b) the quarry floor to identify the location of any Little Ringed Plover or any other ground nesting bird.

*The complete survey, together with proposals for mitigating the effect of ash deposition operations on the identified species, shall be forwarded to the Local Planning Authority within one month of its completion, and ash deposition during the following year shall be carried out entirely in accordance with the submitted survey or any variation thereto that may be first approved in writing by the Local Planning Authority.*

The applicant has argued that this condition is no longer necessary, given the stage of restoration that has been reached. The Council's Ecologist is in agreement and has no objection to the removal of the condition.

#### Condition 18

As existing:

*The one-metre high fence designed to restrict the movement of geese erected between the high water mark of the lagoons in the quarry and the ash deposition area, shall be retained in accordance with Condition No. 11 of application reference 2008/00810/FUL approved on 11 October, 2007.*

The fence in question is in place, therefore, the applicant proposes the condition be amended to require the retention of the existing fence for the duration of ash deposition. It is considered that this is acceptable and would achieve the purpose of the initial condition.

#### Condition 19

As existing:

*The provision of a Peregrine Falcon nesting platform at Aberthaw Power Station shall be retained for use throughout the duration of ash deposition operations in the quarry, in accordance with the details submitted to and approved by the local planning authority on 9 January, 2008 under application reference 2007/00810/FUL.*

The nesting platform in question is in place, therefore, the applicant proposes the condition be amended to require the retention of the platform for the duration of ash deposition. It is considered that this is acceptable and would achieve the purpose of the initial condition.

#### Condition 21

As existing:

*The details contained within the restoration scheme submitted to and approved by the Local Planning Authority under application 2007/00810/FUL on 8 September, 2009 shall be implemented within 12 months of the completion of each phase of deposition and the appropriate aftercare detailed shall be carried out.*

The applicant wishes to vary this condition to make reference to the restoration details submitted with this application rather than the details submitted with the 2007 application. This is logical and would tie the restoration in with the development variation that is proposed in relation to Condition 2.

#### Condition 24

As existing:

*The existing earth bunds on the east side of Phase 2 and Phase 3 areas of the quarry, shown on plan reference UKP/ATB/1631/A, shall remain in place during all remaining ash deposition operations within 500 metres of the residential properties at Castle Lodge Cottages and Forge Cottage.*

The applicant wishes to vary this condition to make reference to the bund details submitted with this application rather than the details submitted with the 2007 application. This is logical and would require the retention of the raised bunds that have been assessed above in terms of their visual impact and noise mitigation effectiveness.

#### Condition 25

As existing:

*Restoration of filled areas of the quarry including the removal of the existing earth bunds and subsoiling and topsoiling works within 500 metres of the nearest residential property shall only be carried out during times when ash deposition within 300 metres of residential properties is permitted under Condition 12.*

The applicant is not seeking to vary this condition, however, it would be logical and appropriate to incorporate its requirements into conditions 11 and 12. The applicant is agreeable to this approach.

#### Conditions 26, 27 and 28

These conditions all relate to the period of time when the Gileston Old Mill road improvements were taking place. Given that these works have now been completed, there is no purpose in retaining the conditions in any form.

### Other points of objection raised by members of the public

Concerns have been raised regarding the need for the increased capacity, if operations at the power station are being reduced. However, the future direction of the power station may be subject to change and, therefore, the storage needs for the ash may vary depending on how this situation develops. In any case, it is principally necessary to assess whether the development is acceptable in planning terms, rather than if the extra capacity will be needed. Similarly, the application could not reasonably be refused on the grounds that the ash should be recycled into other products. While this may be a beneficial option, it does not fundamentally alter the merits of the proposal as assessed above.

Health impacts have been raised in representations received, however, as noted above the Council's Environmental Health Section have not objected (no representations have been received from the Health Board) and subject to the dust control measures being implemented, it is considered that the development would not have adverse impacts in this respect.

### General EIA Issues

Members should note that the submitted Environmental Statement includes a description of the development, an outline of the main alternatives, a description of the aspects of the environment likely to be significantly affected by the development, a description of the likely effects of the development on the environment, a description of the measures envisaged to prevent, reduce and where possible offset any effects on the environment and a non-technical summary.

It should be noted that in making the assessment above, the environmental information has been taken into consideration, and the recommendation below is made, having taken that information into account (in accordance with the requirements of Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

### RECOMMENDATION

APPROVE subject to the following condition(s):

1. Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement Addendum (Nov 2016) (and all associated figures and appendices) and the following documents:
  - David Jarvis Associates Landscape and Visual Impact Assessment 08.11.16
  - Plan 2421/LV/9 Rev A

Reason:

In the interests of general amenity, to ensure compliance with Policies ENV 27 and WAST 2 of the UDP and for the avoidance of doubt as to the approved plans.

2. No pulverised fuel ash shall be deposited at any level higher than those shown on plans reference 2421/LV/9 Rev A and plan UKP/ATB/1656/B or such variation thereto that may first be approved in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure the beneficial restoration of the site so as to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

3. With the exception of any material specifically required for the treatment of the quarry floor or faces to prepare the site for the deposition of ash, or soils for use in the final restoration of the site, no material other than pulverised fuel ash arising from Aberthaw Power Station shall be deposited in the site.

Reason:

For the avoidance of doubt, in the interests of amenity and to comply with the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

4. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

In order to protect groundwater resources and to comply with the objectives of Policy WAST2 (Criteria for assessment of waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 2011.

5. All vehicles transporting pulverised fuel ash from the Power Station to the quarry shall be enclosed or sheeted.



Reason:

In the interests of highway safety and general amenity and to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan Unitary Development Plan 1996-2011.

6. All vehicles leaving the quarry having deposited pulverised fuel ash shall use the cleaning and wheel wash facilities/procedures set out in the Environmental Statement Addendum (Nov 2016), and these shall be retained in use throughout the duration of tipping operations and the subsequent restoration of the site.

Reason:

In the interests of highway safety and to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

7. The deposition of ash up to the levels approved under application 2013/00903/FUL shall at all times (during ash deposition and subsequent restoration of the site) be carried out in accordance with the dust mitigation/minimisation measures and procedures contained at Section 7 of the Environmental Statement Addendum (Nov 2016). Prior to any ash deposition at a height/level that exceeds that approved under application 2013/00903/FUL, an amended working procedure and working plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times accord with the approved details.

Reason:

In the interests of general and residential amenity and to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

8. All reversing sirens on mobile plant, machinery or vehicles shall be of the 'white noise' type or other types approved in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

9. All loaded vehicles carrying pulverised fuel ash for deposition in the quarry and all empty vehicles having deposited ash shall only use the new entrance to the site off Castle Road approved under permission reference 2007/00808/FUL, approved on 10 July, 2007, unless otherwise agreed in writing with the Local Planning Authority .

Reason:

In the interests of highway safety and in order to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

10. All future site preparatory works in the excavated quarry bowl to facilitate the deposition of ash shall not be carried out outside the following hours:
  - i. Monday to Friday - 07:30 to 18:00 hours.
  - ii. Saturday - 09:00 to 16:00 hours and only following the prior written agreement of the Local Planning Authority.
  - iii. Sunday and Bank Holidays - at no time.

For the avoidance of doubt preparatory works include the delivery of materials into the site, which deliveries facilitate those preparatory works.

Reason:

In the interest of residential amenity and to meet objectives of Policy WAST2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

11. Notwithstanding Condition No. 10 of this consent, importation, deposition or consolidation of ash within the quarry (and restoration of filled areas of the quarry including the removal of the existing earth bunds and subsoiling and topsoiling works) beyond a distance of 300 metres from any residential property shall not be carried out outside the following hours on the following days:
  - i. Monday to Friday except Bank Holidays - 07:00 to 19:00.
  - ii. Saturday - 07:00 to 17:00 hours.
  - iii. Sunday - 08:00 to 17:00 hours.
  - iv. Bank Holidays - 08:00 to 17:00 hours.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

12. Notwithstanding the provisions of Condition No. 10 of this planning permission, the importation, deposition or consolidation of ash in the quarry (and restoration of filled areas of the quarry including the removal of the existing earth bunds and subsoiling and topsoiling works) within 300 metres of any residential property shall not be carried out outside the following hours on the following days:
- i. Monday to Friday - 08:00 to 18:00 hours.
  - ii. Saturday - 08:00 to 16:00 hours.
  - iii. Sunday and Bank Holidays - At no time.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

13. Notwithstanding the provisions of Conditions 10, 11 and 12 of this planning permission, prior to any works to raise the height of the existing bunds, a schedule of the hours of working involved in raising those bunds shall be submitted to and approved in writing by the Local Planning Authority. The works to raise the bunds shall thereafter only take place within the approved hours.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

14. The details, measures and requirements contained within The Noise Impact Assessment PJ3448/15416 and Environmental Statement Addendum (Nov 2016) Section 6 shall be fully implemented throughout all periods of ash deposition and subsequent restoration of the site.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

15. The drainage of the site shall be in accordance with Figure 1.8 (the location of the perimeter drain) and drawing 1521/016A (cross sections of the drains) submitted with this application and the drainage detail submitted as part of application 2007/00810/FUL in relation to the connection of the drain to the settlement lagoons.

Reason:

In the interests of the satisfactory drainage of the site and in order to comply with the terms of policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development plan 1996-2011.

16. The operations shall be carried out in accordance with the phasing scheme on Figure 1.6 and Table 1.3 of the Environmental Statement Addendum (Nov 2016) submitted with this application, or such variation thereto that may first be approved in writing with the Local Planning Authority.

Reason:

In the interests of the protection of the ecological interest in the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

17. Access to the site shall be provided at all reasonable times for the Bird Control Co-ordinator of Cardiff International Airport.

Reason:

In the interests of aviation safety and to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

18. The existing one-metre high fence designed to restrict the movement of geese, erected between the high water mark of the lagoons in the quarry and the ash deposition area, shall be retained for the duration of ash deposition operations.

Reason:

In the interests of aviation safety and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

19. The existing Peregrine Falcon nesting platform at Aberthaw Power Station shall be retained for use throughout the duration of ash deposition operations.

Reason:

To ensure the protection of the ornithological interest in the site.

20. Prior to the undertaking of any future on-site preparatory works, a scheme for the management of those works, which scheme shall include details of siting of equipment, shall be submitted to and agreed in writing by the Local Planning Authority. The site preparatory works shall thereafter be implemented in full accordance with that scheme.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

21. The details contained within the restoration scheme (shown on plans : fig 1.4, fig 1.5 and fig 1.6) shall be implemented within 12 months of the completion of each phase of deposition and the appropriate aftercare detailed within the application documents shall be carried out.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

22. All soils and soil-forming materials on the site at the date of this permission shall be retained for use in the scheme of agricultural restoration to be approved under Condition No. 21 above.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

23. Notwithstanding the provisions of Condition No. 1 of planning permission ref: 79/2300, granted on 18 March 1980, any ash deposition on the ash disposal mound at the power station after the date of this permission shall be carried out entirely in accordance with the methods and contours set out in the letter of 19 September 2008 under application 2008/01177/FUL and shown on plan ref: UKP/ATB/1434/AP7 revision A received on 22 September 2008 and in particular no ash shall be deposited at a level above 50 metres above Ordnance datum and no further ash shall be deposited on the southern or eastern flanks of the mound as existing at the date of this permission .

Reason:

In the interests of visual and residential amenity and to meet the objectives of Policy WAST2 of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

24. The earth bunds (existing and raised sections) on the east side of Phase 2 and Phase 3 areas of the quarry, shown on plan reference UKP/ATB/1656/B, shall remain in place during all remaining ash deposition operations within 500 metres of the residential properties at Castle Lodge Cottages and Forge Cottage.

Reason:

In the interests of residential amenity and to meet the objectives of Policies ENV27, ENV29 and WAST2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

### REASON FOR RECOMMENDATION

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

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

Having regard to POLICIES 1 & 2 - THE ENVIRONMENT, 8 – TRANSPORTATION 13 – WASTE MANAGEMENT, ENV6 – EAST VALE COAST, ENV7 – WATER RESOURCES, ENV11 – PROTECTION OF LANDSCAPE FEATURES, ENV27 – DESIGN OF NEW DEVELOPMENTS, ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY, WAST 1 - PROVISION OF WASTE MANAGEMENT FACILITIES and WAST 2 – CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES, Planning Policy Wales 9<sup>th</sup> Edition, Technical Advice Notes 11 – Noise, 12 – Design, 18– Transport, 21 – Waste and 23 – Economic Development, the Council's Supplementary Planning Guidance on Amenity Standards and Design in the Landscape and The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (the EIA Regs), and having regard to the Environmental Information submitted with the application, as required by Regulation 3 of The EIA Regulations, the proposed development is considered acceptable in terms of the landscape impact, environmental impacts, residential amenity, health, noise, dust, drainage, traffic impacts and ecology.

### NOTE:

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

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

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

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



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**2016/01077/FUL** Received on 5 September 2016

Mr. Chris Mumford, C/o Agent  
Mr. Martin Plow M J Plow Ltd., 30, Clos Llysfaen, Lisvane, Cardiff, CF14 0UP

### **Pen Y Lan Road, Aberthin**

Development of a three bedroom detached dwelling

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Andrew Parker, ward member for Cowbridge, due to local concerns about the proposals.

#### **EXECUTIVE SUMMARY**

The site is off Pen Y Lan Road, south of Aberthin, immediately adjacent to, but outside of, the settlement boundary of Aberthin. It is within the Upper Thaw Valley Special Landscape Area.

The application is for a 3 bedroom detached dwelling. A previous application for a dwelling on this site was refused, and this application is a resubmission in an attempt to overcome the previous reasons for refusal. The revised proposals have been significantly redesigned and reduced in scale.

At the time of writing this report, objections have been received from the residents of 4 properties in Aberthin and one former resident. Objections have also been submitted by Cowbridge Town Council. The main issues raised relate to - the justification for the development outside of the settlement boundary; the scale and design of the proposals and their visual impact on the Special Landscape Area and neighbouring Listed Building; impact on neighbour amenity; amenity space and parking provision; highway safety. Issues relating to ownership of the highway verge along this stretch of the road have also been raised.

The main considerations for this application are: the principle of the development, including if the proposals constitute 'rounding off'; scale, design and visual impact; impact on neighbouring amenity; impact on nearby listed building and ancient monument, provision of amenity space; highway safety, access and parking; sustainability, affordable housing and provision of utilities.

The application is recommended for approval subject to conditions, including the submission and approval of full landscaping and drainage details and the addition of balcony screening and obscure glazing to the northwest side.

#### **SITE AND CONTEXT**

The site is a plot south of Aberthin, just to the west of Pen Y Lan Road, between the existing dwellings of Pen Y Bryn to the south east and Tyn Y Tyle to the northwest.

The site is immediately adjacent to, but outside of the Aberthin settlement boundary, as defined in the Unitary Development Plan. Pen Y Bryn, to the south, is Grade II Listed. The site is also part of the designated Special Landscape Area (SLA) of the 'Upper Thaw Valley' and approximately 75m west of the Scheduled Ancient Monument of Stalling Down Round Barrow.

The site is approximately 300 square metres (0.03 hectare) with a field gate to the boundary fronting the road, hedges to either side and a hedge and fence posts to the rear of the site. The site has a frontage of approximately 19m and rises from the road up to rear boundary as well as the road rising from north to south.

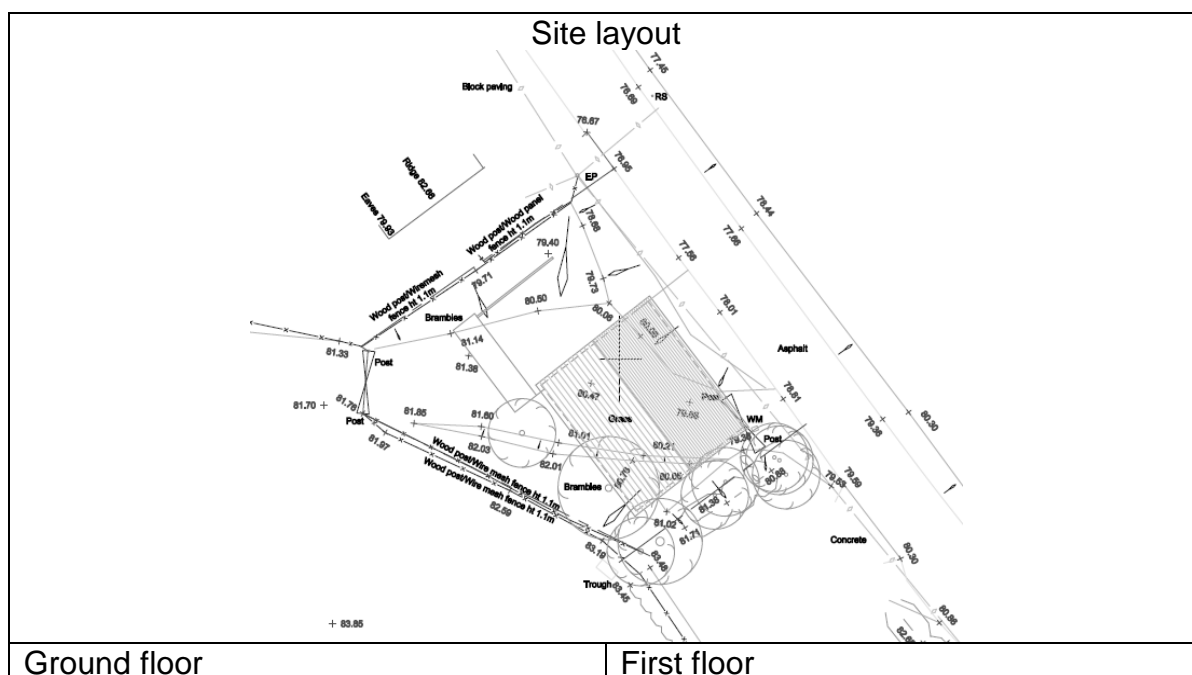
## DESCRIPTION OF DEVELOPMENT

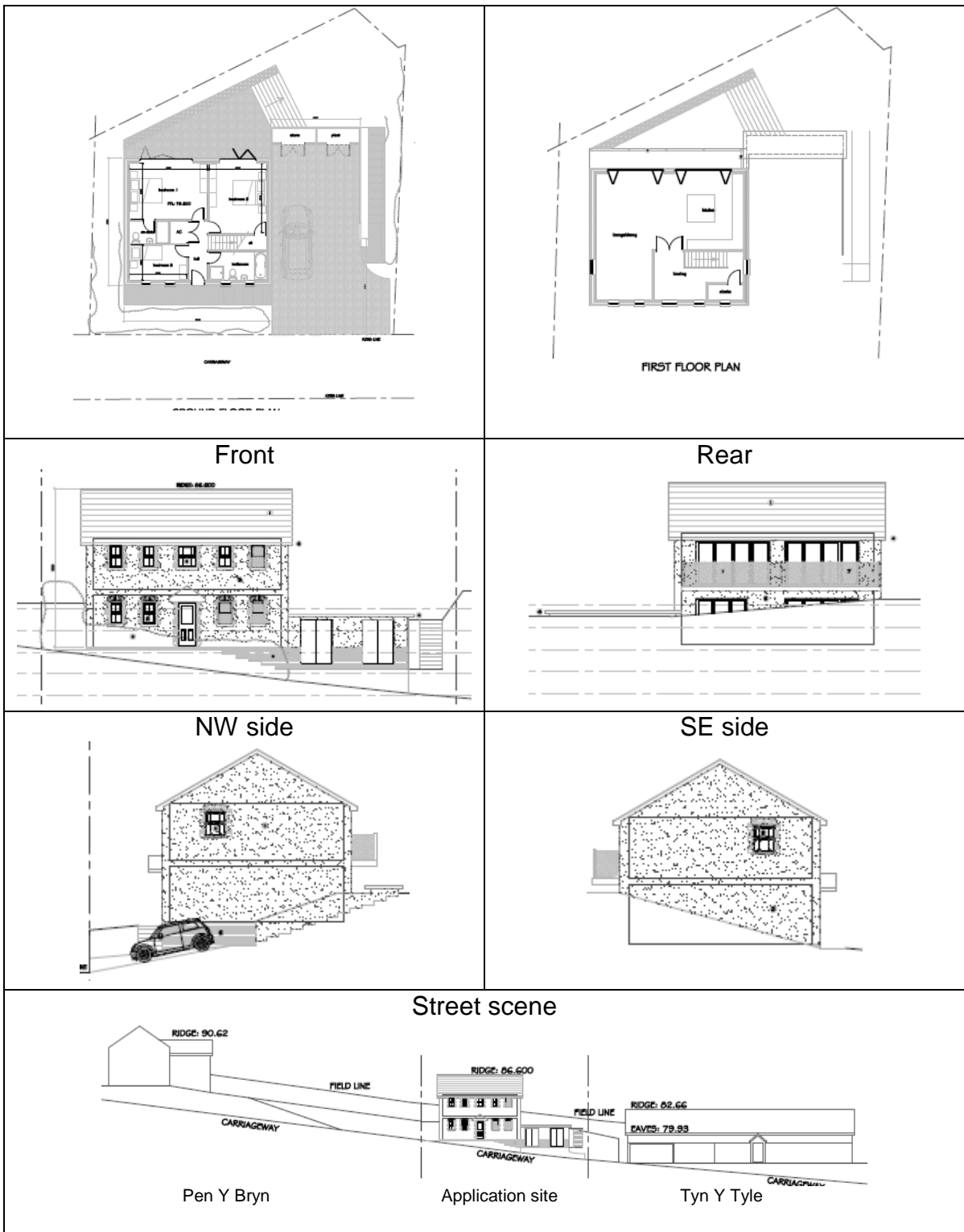
The application is for a two storey detached, 3 bed house between the dwellings of Pen-Y-Bryn and Ty'n-Y-Tyle, with access off Pen-Y-Lan Road to the front. The proposals include a store and plant room to the rear and an area of hard standing to the side for parking/turning of vehicles. To the rear, a small private amenity area is proposed, along with a full width balcony at first floor.

The dwelling would have smooth rendered walls with brickwork detailing and a pitched slate roof and uPVC windows. The bi-fold doors to the rear would be aluminium and the balcony stainless steel and glass. Cutting into the slope and the use of retaining walls would create a level building surface and a split level rear amenity space.

A previous application (ref. 2015/00677/FUL) for a dwelling on this site was refused. This was on the grounds that the scheme was poorly designed and cramped within the plot, harming the character of the Special Landscape Area, in addition to encroaching into a field to the rear and not considered as a sensitive form of rounding off of the settlement boundary. This application is a resubmission in an attempt to overcome the previous reasons for refusal.

*Drawings of the proposals are shown below:*





**PLANNING HISTORY**

2015/00677/FUL – Land Between Tyn Y Tyle and Penybryn, Pen y Lan Road, Aberthin. Refused on 20 January 2016, for the following reason:

*The proposal represents an unacceptable and unjustified dwelling in this countryside location. The dwelling is poorly designed and would appear cramped and contrived within the plot, which encroaches into the agricultural field to the rear. As such, the proposal would not constitute sensitive infilling or rounding off of the settlement boundary, and would cause demonstrable harm to the undeveloped, unspoilt rural character of the Special Landscape Area. The proposal is therefore considered contrary to Policies ENV1 - Development in the Countryside; ENV 4 - Special Landscape Areas; ENV10 - Conservation of the Countryside; ENV27 - Design of New Developments; HOUS 2 – Additional residential development and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales Edition 8, 2016.*

## CONSULTATIONS

The following list of consultees were consulted on 16 September. The plans were subsequently amended, and re-consultations were sent out on 23 November 2016.

**Cowbridge Ward Members** were consulted and Cllr Andrew Parker called in the application to be considered by committee. The stated reason was “local concern”.

**Cowbridge with Llanblethian Town Council** were consulted and raised an objection to the original plans stating “That the proposed vehicular access and egress to and from the property on to Pen Y Lan Road will cause safety issues for other vehicles and persons using this road, especially if vehicles are having to reverse out of the property into Pen y Lan Road”. They also raised concerns that the plans provided insufficient detail in relation to the height and width of the proposed building, and height differences between the proposed development and that of the neighbouring property. Concerns about possible encroachment onto agricultural land were also mentioned.

The Town Council commented on the final plans, stating “The revised plans do not appear to address the issue of improving traffic and pedestrian safety when vehicles enter/exit the property even with the removal of the garage. The amended plans do not clearly indicate traffic flow within the property boundary which allows for the safe egress and entry into the property. Therefore the previous Committee decision to object to this development still stands”. They restated their original grounds for objection.

The final Town Council comments are attached at **Appendix B**

**Council’s Highway Development Team** were consulted and requested that an area is required to be provided within the boundary of the site to enable vehicles to manoeuvre and enter/exit the site in a forward gear, in addition to visibility splays of 2.4m x 43m to the north and 2.4m x 33m to the south. Following the submission of amended plans, the visibility splays have been provided, although the Highway Engineer has stated that the driveway is not of sufficient length to accommodate 2 cars parked in tandem without overhanging the adjacent highway verge. The final Highway Comments are attached at **Appendix A**

**Council's Highways and engineering (Drainage)** were consulted and noted that the site is not located in an area at risk of tidal, fluvial or surface water flooding. However, they stated that if permission was granted, a condition should be added requiring drainage details to be approved prior to commencement.

**Council's Ecology Officer** was consulted and responded stating they had no comments to make.

**Council's Environmental Health (Pollution Control)** were consulted and no comments have been received to date.

**Glamorgan Gwent Archaeological Trust (GGAT)** were consulted and responded noting that "it is unlikely that buried archaeological remains will be encountered during the work. The proposal will not impact on the adjacent grade II listed property. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application."

**Cadw, Ancient Monuments** were consulted and responded stating that "The proposed development is located within the vicinity of the scheduled monument known as Stalling Down Round Barrow (GM230)...located some 73m to the east of the application area." They note ... "The proposed dwelling will be located in the periphery of the significant view identified above. It will be two storey, and therefore slightly higher than the neighbouring Tyn Y Tyle which is single storey but with dormer windows in the roof, and therefore slightly more visually prominent. However, the new dwelling will be seen in association with the existing modern structures in this area and given the intervening extant vegetation it is Cadw's opinion that the impact of the proposed development on the setting of the designated monument will be slight".

**Dwr Cymru Welsh Water** were consulted and requested that if permission was granted, a condition and advisory notes be added regarding drainage. The advisory notes relate to connection to a public sewer.

## REPRESENTATIONS

The neighbouring properties were consulted on 16 September 2016. A site notice was also displayed on 29 September 2016. Objections were been received from 5 interested person to date. In summary the objections relate to the following issues:

- The proposals conflict with national and local planning policy – Particularly UDP policies ENV1, ENV2, ENV4, HOUS2 and HOUS3.
- Unjustified development in the countryside as is outside the settlement boundary
- Negative visual impact on the special landscape area
- Proposal too large for the plot, poorly designed, cramped and contrived, insufficient amenity space and with no consideration of its surroundings.
- Negative impact on the neighbouring Listed Building at Pen Y Bryn
- Overbearing within the street scene

- Impact on neighbouring amenity - Windows facing directly at neighbouring bedrooms and living spaces; overbearing; overshadowing of windows, garden and solar panels;
- Highway safety and site access – Narrow road with poor visibility; no pavement or accessible verges for pedestrians; would increase traffic and dangers to pedestrians, cyclists and motorists; inability to achieve the parking, visibility splays and manoeuvring requested by Highways
- Loss of agricultural land
- No consideration of drainage
- Power lines crossing the site
- No merit to the community and would set an undesirable precedent for additional dwellings on the edge of the village.

To address some of the concerns, amended plans and additional street scene information was submitted and neighbours were re-consulted on 23 November 2016. Further changes, removing the garage, were made, and the immediate neighbours have commented on the final plans which are assessed here. A series of responses have been received from both of the immediate neighbours and a planning consultant on their behalf, requesting that all previous objections to remain. Additional detailed comments were added in relation to the following:

- Land ownership - Applicant does not own all of area to the front as there is a verge area owned by The Vale of Glamorgan Council; hedges are not within the site ownership; boundary details are incorrect (Land registry extract and a series of drawings were provided)
- New street scene drawing demonstrates how overbearing the property would be to Tyn Y Tyle but does not demonstrate how overbearing it will look from Pen-Y-Lan Road
- Boundary fencing will overshadow neighbouring property due to level changes
- A recent refusal in Bonvilston, upheld at appeal, is of relevance to the determination of this application (2016/00258/FUL – Court farm, Bonvilston).

A representative sample of the series of correspondence received from the adjacent neighbours is attached as **Appendix C**.

The applicant provided detailed responses to the comments and objections outline above. In summary the responses stated that:

- The proposals did not contravene policy
- All parts of the proposal are within the applicants ownership
- Both Pen Y Bryn and Tyn Y Tyle have used the strip of highway land/verge to the front of the properties - Tyn Y Tyle driveway is only 3m in length without including the verge and has block paved right to the road, across land they state is highway land. On-going works at Pen Y Bryn include works on the area claimed to be highway verge.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

- HOUS 2 (Additional residential development)
- HOUS 3 (Dwellings in the countryside)
- HOUS 8 (Residential Development Criteria)
- HOUS 11 (Residential Privacy and Space)
- HOUS 12 (Affordable housing)
- ENV 1 (Development in the countryside)
- ENV 2 (Agricultural Land)
- ENV 4 (Special Landscape Areas)
- ENV 10 (Conservation of the countryside)
- ENV 11 (Protection of landscape features)
- ENV 17 (Protection of built and historic environment)
- ENV 27 (Design of new developments)
- TRAN 10 (Parking)

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

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

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

- *there is no adopted development plan or*

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

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

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

### **Planning Policy Wales:**

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

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

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



9.3.2 Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport.

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

9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

#### **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 (2010)
- Technical Advice Note 12 – Design (2016)

#### **Supplementary Planning Guidance:**

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

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

#### **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following hearing sessions the Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes and Further Matters Arising Changes. The Council is currently awaiting the Inspector's Report, which will advise whether the Plan can be adopted by the Council.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (edition 9, 2016) is noted. It states as follows:

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

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

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 ( September 2016) (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Joint Housing Land Availability Study (2014)
- Small Sites Viability Report (2013)
- Designation of Special Landscape Areas (2013 Update)
- Sustainable Settlements Appraisal Review (2016)
- Planning and Working Together: The VoG Community Strategy 2011-2021

**Other relevant evidence or policy guidance:**

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)

## **Well Being of Future Generations (Wales) Act 2015**

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

### Issues

Given the relevant criteria of the policies outlined above, the main considerations for this application are: the principle of the development, including if the proposals constitute 'rounding off'; impact on agricultural land; scale, design and visual impact; impact on neighbouring amenity; impact on nearby listed building and ancient monument, provision of amenity space; highway safety, access and parking; sustainability, affordable housing and provision of utilities.

### Principle of the development

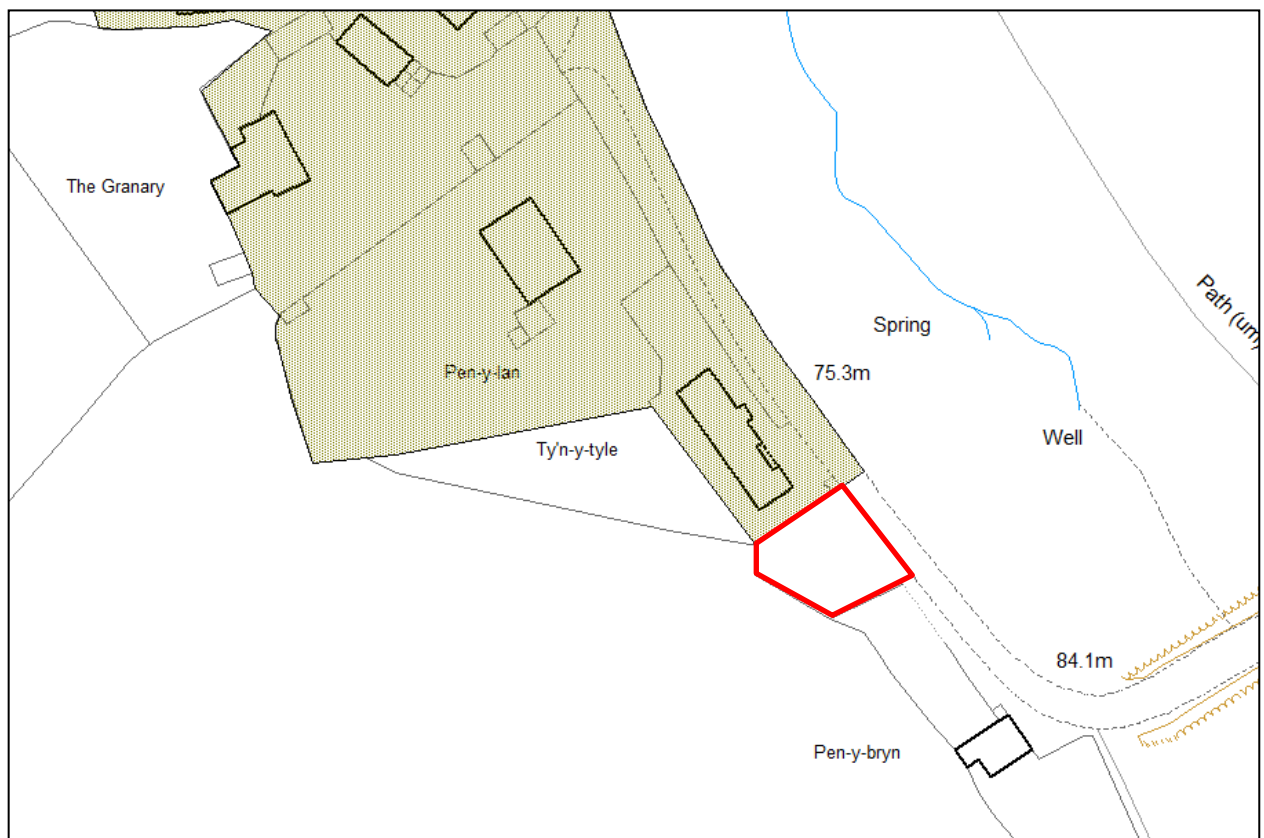
Policy HOUS 2 (Additional residential settlement) states that housing infill, small-scale development and redevelopment, which meets the criteria listed in HOUS 8 will be permitted within certain settlement boundaries, which includes the rural settlement of Aberthin. It also states that favourable consideration will be given to development which constitutes the 'rounding off' of the edge of settlement boundaries where it can be shown to be consistent with the provisions of HOUS 8 and particularly criterion (i). Principally this criteria relates to the scale, form and character of the proposed development being sympathetic to the environs of the site.

The site lies immediately adjacent to, but outside of, the Aberthin Settlement Boundary, as defined by the Unitary Development Plan (see plan overleaf). The settlement boundary includes Tyn Y Tyle to the northwest, but not Pen Y Bryn or the other properties to the southeast. The delineated settlement of Aberthin currently encompasses a fairly linear strip of dwellings just to the west of Pen Y Lan Road. The settlement boundary ends at Tyn Y Tyle, being the end of the continuous form of development in this part of the village. The settlement boundary proposed in the LDP follows the same boundaries in this location.

The UDP (section 4.4.63) defines rounding off as "development which constitutes no more than five dwellings, where the site lies within or immediately adjacent to the settlement boundary and conforms to a logical site boundary. All site boundaries should be existing man made or natural physical features. "

Paragraph 4.7.8 of PPW states: "Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

The settlement boundary in relation to the site is shown below.



The proposal is for a single dwelling on a site immediately adjacent to the settlement boundary. The site has pre-existing defined boundaries to the front (road), both sides and most of the rear (hedging). The proposal is contained within these existing and logical site boundaries, with no encroachment into the field to the rear. It is considered that the site would comprise of a logical form of rounding off of this part of the settlement, between the existing dwellings of Tyn Y Tyle and Pen Y Bryn, reflecting the existing pattern of development along this lane and would not appear as an arbitrary extension.

Therefore, subject to compliance with the criteria of HOUS 8 (which are assessed in subsequent sections), in principle it is considered that the site, which lies adjacent to but just outside of the settlement boundary conforms to a logical pre-existing site boundary, would amount to an acceptable form of rounding off, in accordance with Policy HOUS 2.

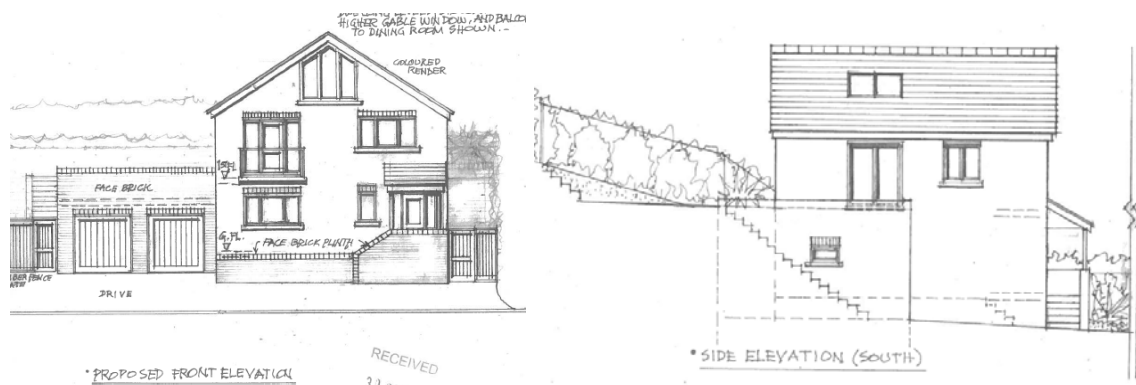
The previous application (2015/00677/FUL) for a new dwelling on this site was refused, where the proposal extended the site into the agricultural field to the rear of the current application site, creating a new and arbitrary site boundary and not appropriate 'rounding off' of the settlement boundary. This revised application has overcome this issue.

The application site and the immediate surrounding area are classified as grade 5 agricultural land. This lower level agricultural land does not require protection under policy ENV2.

### Scale, design and visual impact

The previous application (ref. 2015/00677/FUL) for a new dwelling on this site was also refused on the scale and poor design of the dwelling, overdevelopment and impact on the Special Landscape Area. The refused proposal was for a 3 storey dwelling with a double garage. The frontage, including the garage, was 13m wide and the height to the eaves was 6m, rising to 9m at the ridge. The gable fronting onto the road also increased its visual impact on the streetscene.

The original refused proposal is shown below.



The amended proposals under this application (shown below) would have a frontage (excluding the store, which is well set back) of approximately 9.2m wide and the dwelling is approximately 4.8m high to the eaves and 7.3m high to the ridge.



This represents a significant reduction in the scale of the proposals, reducing the visual impact on the surroundings. Turning the gable to the sides has also reduced the massing when viewed from the front.

The refused proposal was very suburban in style, whereas the revised proposal has a principal elevation which is much more traditional in design, particularly with regard to its roof, in addition to the use of painted render finish, brick quoin details to the door and window openings, and a slate roof. This traditional design is more in keeping with the rural setting and reflects the design of some of the other dwelling to the north. The rear elevation is more modern in its design, but would not be visible from the road and due to the change in levels, would be largely screened from view from the fields to the rear.

This stretch of Pen Y Lan Road is characterised by a range of property types and designs. Tyn Y Tyle is a modern dormer bungalow and Pen Y Bryn is a Listed thatched cottage with a modern extension to the front. Consequently, there is no strong design style for the proposals to follow.

Taking all of the above into account, the proposed dwelling is considered to be of an appropriate scale and design for the site, which reflects the characteristics of traditional rural Vale housing styles and the reasons for refusal of the previous scheme have been overcome in this regard.

#### Visual impact on the SLA, listed building and ancient monument

Considerable changes to the existing site levels would be undertaken to allow the new dwelling to be located within the site. Effectively, the rear section of the ground floor would be cut into the site. This cutting in, combined with the rise in natural ground levels to the west, means visibility of the proposed dwelling from the open fields to the west and south west would be limited.

The dwelling would be visible from Stalling Down to the north and east, but would be viewed in the context of the existing neighbouring properties, including a modern dwelling and modern extensions. Consequently, whilst a new dwelling would have very localised impacts on the character of the landscape, the proposals are not considered to have a significant detrimental impact to landscape character within the Special Landscape Area.

The site is adjacent to a Listed Building at Pen Y Bryn. However, the listed building itself has been significantly altered, including the addition of a large, contemporary, glass fronted, tiled roof, extension and a large garage, both to the front of the property and highly visible within the streetscene. It is within this context that the impact of the proposals on the Listed Building must be considered. The original refusal concluded that the proposed new dwelling would not have an adverse impact on the character and setting of the listed building. This revised proposal has significantly reduced the height and improved the design of the proposals, and therefore any impact on the Listed Building would be even less. Consequently, the impact of the proposals on the Listed Building is considered to be limited and acceptable in policy terms.

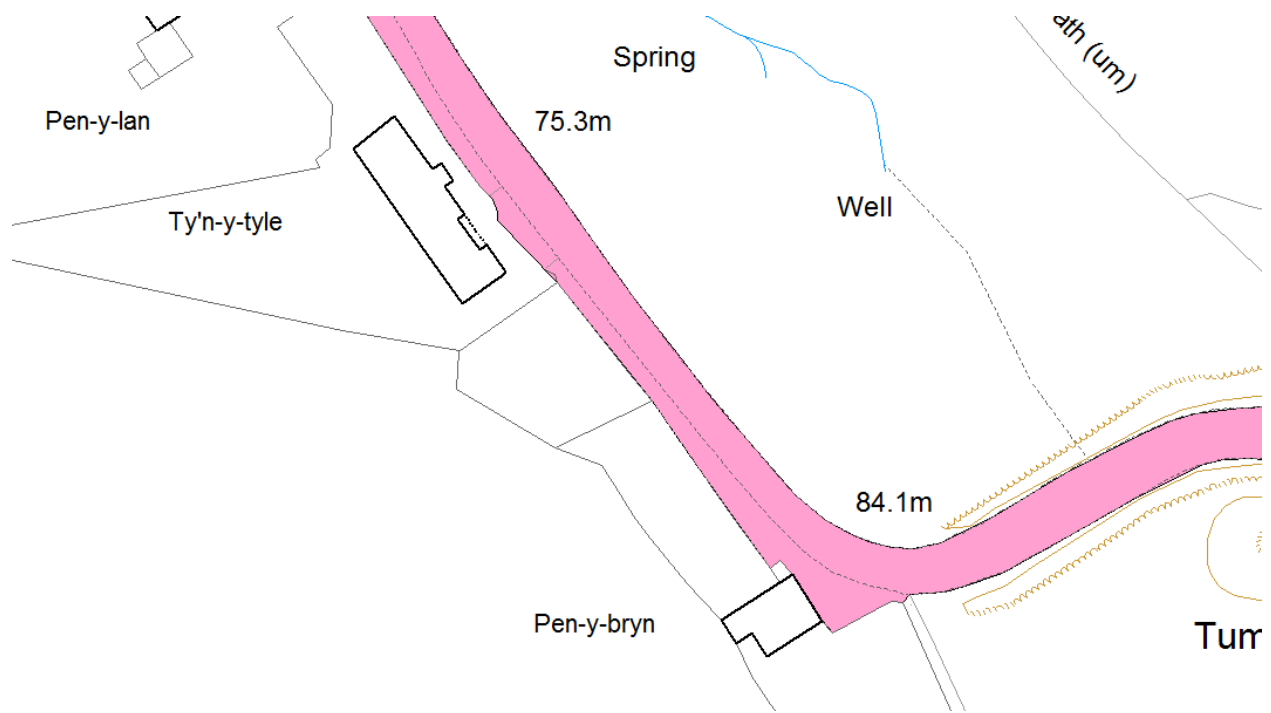
With regard to the Ancient Monument, it is noted that the Councils archaeological advisors, Glamorgan Gwent Archaeological Trust and Cadw have commented on the proposals and raised no objections.

Taking all of the above into account, the proposed dwelling is not considered to have an unacceptable visual impact on the Special Landscape Area or the setting of the neighbouring Grade II Listed building and Ancient Monument.

#### Visual impact on the streetscene / Proximity to the road

The principal elevation of the dwelling would be set back from the carriageway by approximately 2.5m, of which around half is made up of highway verge. It is acknowledged that this is relatively close to the road, which would have the effect of increasing the visual prominence of the dwelling from the road. However, the principal elevation of Tyn Y Tyle is only set back from the carriageway by approximately 6m, of which around half is highway verge, and Pen Y Bryn directly adjoins the highway verge. In addition, Pen Y Bryn has permission for a large double garage (approved under 2014/01521/FUL, partially constructed to date) which includes a 3m high, 10m long wall located right up to, and possibly beyond, the highway verge.

The location of the existing dwellings in relation to highway land, including highway verge, is shown in the image below. Highway land is shown in pink, with the dotted line showing the line between carriageway and verge.



The proximity of the dwelling to the road would make it highly visible within the street scene, and this visibility would be increased by the requirement to remove some existing hedging to the front to create the access. However, the frontage of the development could be softened with planting agreed as part of a landscaping condition attached to any planning permission which may be granted.

The proposed dwelling would be visible when travelling south, up the hill from the village centre, as the roof ridge would be approximately 4m higher than the ridge at Tyn Y Tyle to the north. However, the roof ridge of Pen Y Bryn to the south would be 4m higher than the proposed dwelling. Consequently, there would be an incremental rise in ridge heights going up the hill, which is not considered to be significantly detrimental to the streetscene.

Consequently, the proximity of the proposed development to the road would not appear significantly out of keeping with the adjacent dwellings and existing means of enclosure along this lane frontage.

#### Landscaping, trees, hedgerows and ecology

The Council's Ecology Officer responded, stating they had no comments to make on the application.



A Tree Survey and Arboricultural Report submitted with the application, notes that the only significant tree on the site had already been removed as it was split and leaning over the highway. In this regard the development would not result in conflict with ENV 11. The remaining vegetation has been described as low level hedging, brambles and bushes of poor quality. There are no proposals to retain this vegetation, although the proposed plans include proposed planting to the boundaries of the site. It is considered that if approved, a landscaping condition **(Condition 7)** could be attached to require a full landscaping plan to seek to compensate for the loss of vegetation, which should include native hedgerow species.

#### Impact on neighbouring amenity

The original refused proposal concluded that the impact on neighbouring amenity was acceptable, and this amended proposal reduces the impact on neighbouring amenity still further, by virtue of a reduction in scale and changes to site layout.

In terms of the impact on Pen Y Bryn, there would be a separation distance of approximately 24m between the southeast side elevation of the proposed dwelling and the facing elevation of the modern extension at Pen Y Bryn to the south. The adopted Amenity Standards SPG requires 21m between opposing principal windows. The separation distance more than meets these standards. In addition, vegetation at the boundary and changes in levels also serve to protect privacy to some degree. The separation distance and site orientation also means that the proposals are not considered to overshadow or be overbearing, as the new dwelling would be nearest to the Pen Y Bryn parking area.

It is acknowledged that the proposed dwelling would result in some overshadowing impact on Tyn Y Tyle, located to the north of the site. The original refused scheme was in close proximity to the boundary with Tyn y Tyle. The revised proposals are approximately 11.5m between the side elevation of the proposed new dwelling and the facing side elevation of Tyn Y Tyle. This change in layout, combined with a reduction in height has reduced the impact in terms of overshadowing and any sense of overbearing. In addition, having regard to levels, the boundary wall and hedging between the two plots, it is considered that any increase in shadowing, would, on balance, not be significant and is not sufficient to warrant a refusal.

The proposals include a window in the northwest side elevation facing Tyn Y Tyle. Although the window is small and will serve a landing (not a habitable room). As there is only approximately 11.5m to the side elevation of Tyn y Tyle, the window would potentially impact negatively on neighbouring privacy. However, this can be sufficiently mitigated by requiring that the window be obscurely glazed.

The proposed side steps to provide access to the rear of the amenity space would run along the boundary. This could potentially create issues with regard to overlooking. However, this could be sufficiently mitigated by the installation of suitable boundary treatments. Submission and approval of such boundary treatments would be a condition of any planning permission that may be granted.

It is recognised that the proposed rear balcony could enable some overlooking of both neighbouring properties and have a negative impact on both actual and perceived level of privacy. However, this could be mitigated to an acceptable level by the addition of 1.8m high privacy screens to either side of the balcony. This would be secured by a planning condition (Condition 6).

Overall, it is considered that the amended proposals would not have a significant detrimental impact on neighbouring amenities and therefore do not conflict with ENV27 and the Council's adopted amenity standards SPG.

#### Provision of adequate amenity space to serve the development

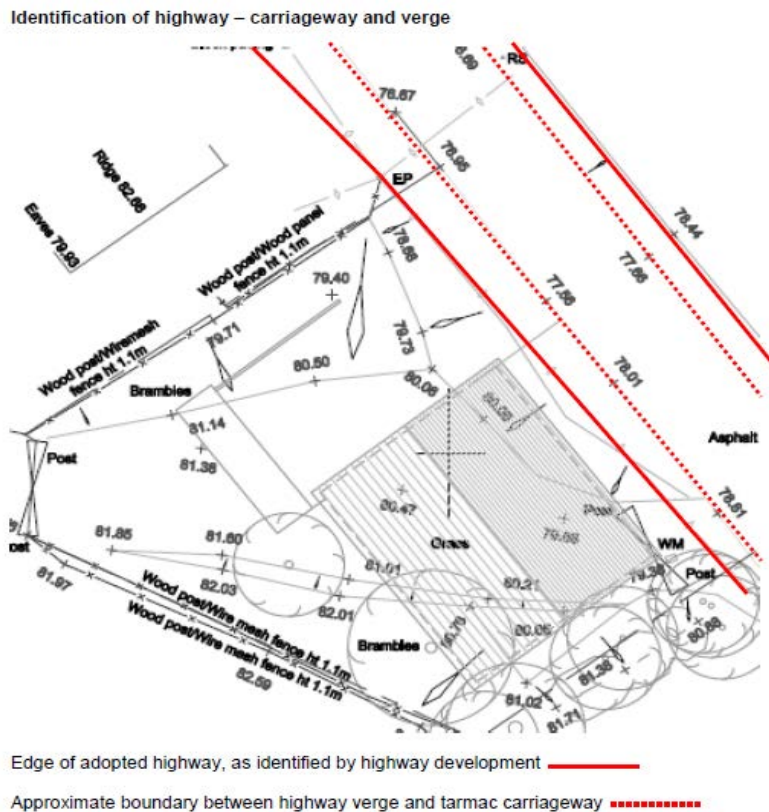
The Amenity Standards SPG requires one square metre of amenity space to serve one square metres of floor space, of which 70 per cent being private space and usable.

The proposed dwelling would have a floorspace of some 150 square metres. The site is approximately 300 square metres, with the house and store having a footprint of approximately 85 square metres and a driveway area of some 66 square metres. This would leave some 150 square metres of amenity space, of which around 100 square metres would be private. In addition, the balcony would add 9 square metres of private outside space.

It is recognised that rear garden is irregular in shape, part of which is at a higher level than the proposed dwelling. Many of the dwellings in the area benefit from substantial gardens and this proposal would not follow that pattern. However, the approved amenity standards can be met and the dwelling also provides easy access to extensive outside space on the nearby common.

#### Highway safety, access and parking

Part of the consideration of the application, related around the boundary between private land and highway land. The image below shows the location of highway land (solid red line), as well as the approximate location of the boundary between verge and tarmac carriageway (dotted red line). It is on this basis that boundary location and parking area lengths have been calculated.



The original refused proposals included a large double garage and the first version of the resubmitted plans under this application also included a double garage. Concerns relating to scale and massing as well as the provision of insufficient parking and turning space led to subsequent amended plans. Initial amendments proposed a single garage set back from the front, where the final version have omitted the garage and replaced it with a paved parking area to the side of the dwelling.

The Highway Engineer, whilst advising that the visibility from the means of access along the adjacent highway is acceptable, has advised that the proposed driveway is not of sufficient length to accommodate 2 cars parked in tandem without overhanging the adjacent highway verge.

The adopted Parking Standards state that the standard dimensions of a car parking space should be 4.8m by 2.6m. The proposed plans show a parking area of approximately 12m long by 5.5m wide. Therefore, two spaces each of 2.6m wide can be accommodated side by side on the parking area. However, it is acknowledged that around 1.3m of the length is actually highway verge rather than within the bounds of the site. However, the doors of the store/plant building can be conditioned (see condition 8) to be sliding or inward opening only, ensuring they do not impinge unnecessarily on the parking area. By removing an allowance for the store doors, an effective parking length of approximately 10.7m can be achieved. This would enable two spaces of 4.8m in length to fit on the driveway in tandem. Consequently, the proposals (with a relevant condition relating to the store doors) are considered to provide sufficient space to park 3 cars, as required by the adopted Parking Standards.

Whilst there is not sufficient space for vehicles to turn on site, this is not a classified road, and other properties along this stretch of Pen Y Lan Road do not do not allow vehicles to access and egress the site in forward gear. The parking area at Tyn Y Tyle (approved under 2003/00880/FUL) has a driveway that is only approximately 3.5m deep, therefore it is only possible to park a car lengthwise by taking the highway verge into consideration to achieve 5m. However, the context and planning history of the surrounding dwellings must be taken into account, and refusing an application on the basis of parking arrangements when the neighbouring dwelling has sub-standard arrangements, would be very difficult to justify, particularly as this is a low trafficked no classified road.

Therefore, although it is acknowledged that whilst manoeuvring / access is restricted, the arrangements are satisfactory and will not cause significant harm to highway safety.

#### Sustainability and provision of utilities

The site is approximately 430m from the village centre, which includes a public house and bus stop. It is recognised that the site would require a reasonable walk by future occupiers to village services, but the site is considered to be a sustainable location. In addition, Aberthin is recognised as a sustainable rural settlement within the LDP evidence paper, Sustainable Settlements Appraisal Review (as amended 2016).

#### Drainage

Insufficient information has been provided to make an assessment of the drainage arrangements. However, responses from the Council Drainage team and Welsh Water raised no objections to the proposals in principle, but required that if permission was granted a condition (see Condition 3) be added requiring full drainage details to be submitted and approved prior to commencement and an advisory note added relating to connection to a public sewer.

#### Other matters

A neighbour objection stated that a recent refusal in Bonvilston, upheld at appeal, was of relevance to the determination of this application (2016/00258/FUL – Court farm, Bonvilston). However, it is considered that this case is not particularly relevant. The Court farm site was within a conservation area, unlike this site. More significantly, the Court farm site was separated from the settlement boundary by a field and no argument could be made in terms of rounding off, unlike this site which directly adjoins the settlement boundary and can be classed as rounding off.

It is acknowledged that power lines cross the front of site. However, this does not preclude development.

Objectors also noted that the proposals would have no merit to the community and would set an undesirable precedent for additional dwellings on the edge of the village. The application is not required to demonstrate community merit in this case and any future applications would be considered on their individual merit. Furthermore, Planning Policy Wales has a presumption in favour of sustainable development and individual new homes such as this do help to satisfy the requirements for new housing to meet housing needs in the Vale of Glamorgan.

### S106 Planning obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. In addition the updated Draft Planning Obligations SPG (approved by Cabinet on 14 December, 2015 and at the Council's Economy and Environment Scrutiny Committee on 5th January 2016) is now used as a material consideration in the Development Management process.

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 for the development of 1 dwelling.

On this basis, officers have considered the need for planning obligations based on 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. In this case, it only relates to the provision of affordable housing.

### Affordable Housing

TAN 2 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.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states:-

*“The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale’.*

The Draft Affordable Housing Supplementary Planning Guidance has been approved by the Council and is now a material consideration in the assessment of planning applications. Within the Rural Vale, which includes Aberthin, the Council's Affordable Housing policy requires residential sites resulting in a net gain of 1 or more dwellings to provide a 40% affordable housing contribution. For a single dwelling, this would be a financial contribution used towards off-site affordable housing provision within the Vale. Based on the size of the proposed dwelling the contribution calculated in accordance with the formula set out within the SPG would, the contribution would be £40,054.

The applicant was advised of the required contribution and has submitted a formal response in the form of a viability assessment. The costing and details provided within the viability assessment state that the overall development would be rendered unviable with the requirement to make an Affordable Housing contribution.

The Draft Affordable Housing SPG states the following under para 5.2:

*“In line with the Welsh Government advice, the Council will normally expect developments to deliver affordable housing on development sites..... unless there are exceptional circumstances why this cannot be achieved, such as .... insurmountable development viability issues caused or exacerbated by the affordable housing requirements...”*

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

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

The Council accepts that there may be sites which may not be viable, due to site specific constraints, high build costs, and lower gross development values. Therefore in accordance with the above guidance set out within the SPGs, the applicant has submitted information in relation to the build costs and the likely value of the property once completed.

The submitted figures have been checked against the latest BCIS (Building Cost Information Service) of the Royal Institution of Chartered Surveyors (RICS), which sets out nationally accepted figures for the cost of building houses and flats. The Council's Quantity Surveyor reviewed the submitted Viability Assessment and concluded that:

*“Value seems low... this needs to be checked out... Generally the costs are not unreasonable for a development of this nature (other than the allowance for the balcony). The key to profitability, and therefore any potential contribution, would appear to be the robustness of the valuation of the completed property”.*

On the figures provided, the development is already shown to be marginal in terms of viability, achieving only a small developer profit. Whilst the projected sales value may be somewhat low, nevertheless, when the additional abnormal costs are added there is unlikely to be any viability in the project. These abnormal costs include engineering works as well as the cost of installing the balcony to increase otherwise limited amenity space. The addition of the Affordable Housing contribution would therefore eliminate any profit and result in a financial loss, therefore rendering it unviable.

With regard to the valuation estimate of £325,000, whilst this may appear to be on the low side, it is not considered to be unreasonable. Two other 3 bedroom properties are currently advertised for sale in Aberthin, being a detached property in a generous size plot for £349,950 and a semi-detached property for £275,000. Whilst a modest increase in open market valuation may be achieved, this would not be sufficient to make the development viable with the addition of an Affordable Housing contribution.

In accordance with the above SPGs, it is accepted that the developer has demonstrated, in this instance, and based on the particulars of the development costs and comparable up to date sales values, that an Affordable Housing contribution would render the development unviable. As such, the requirement to provide the Affordable Housing contribution, or even any reduced level of such contribution, would be unreasonable in this case.

### Conclusion

The development as proposed, is considered to comply with all of the relevant criteria of HOUS 8 (Residential Development Criteria), and would amount to an acceptable form of 'rounding off', in accordance with HOUS 2 (Additional residential development). The proposals are considered to be acceptable in terms of any impact on the landscape, streetscene and neighbouring amenity and do not have a significantly negative impact on highway safety.

### 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: Site location plan, and site survey 2528, received 5 September 2016; Existing plans elevations and sections 16(A)007.2001revB, Proposed site layout 16(A)007.2000revB, Existing and proposed street scene 16(A)007.2002revA, received 10 February 2017; Tree survey and arboricultural report, and Design and access statement (development proposal as per plans above), received 5 September 2016.

Reason:

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

3. No development shall commence until full details of a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details, prior to beneficial occupation of the site, and thereafter so maintained at all times. The scheme shall detail foul water connection arrangements as well as how road, roof and yard water shall be disposed of on-site via the use of SuDS techniques. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To ensure the provision of adequate drainage to serve the development; to prevent hydraulic overloading of the public sewerage system; to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment; and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Prior to the commencement of development, a scheme detailing all means of enclosure associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use, and shall be maintained as such thereafter.

Reason:

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



5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking area has been laid out in full accordance with the approved plans and the parking area shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

6. Notwithstanding the submitted plans, privacy screens shall be erected to a height of 1.8 metres, across the full depth of both sides of the rear balcony, prior to the first beneficial use of the balcony. Details of the proposed privacy screens shall be submitted to and approved in writing by the Local Planning Authority prior to being erected on site and the development shall be carried out and completed in accordance with the approved details and shall thereafter be so retained at all times.

Reason:

In the interests of neighbouring privacy and in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

7. Notwithstanding the submitted details, prior to the commencement of development and site clearance, a scheme detailing landscaping (including native hedgerow planting) including protection methods for any hedgerows to be retained, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the development looks in keeping with its surroundings and to comply with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. Notwithstanding the submitted plans, from the first beneficial use of the development hereby approved, the doors to the store/plant shall open inwards or slide, and shall be retained as such thereafter.

Reason:

To ensure the doors do not encroach on the parking area and so ensure the provision of adequate on site of parking to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. The window in the northwest side elevation shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of the dwelling and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of residential amenity, due to the constraints of the site and the restricted amenity space, in accordance with Policy ENV27-Design of New Developments, of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of residential amenity, due to the constraints of the site and the restricted amenity space, in accordance with Policy ENV27-Design of New Developments, of the Unitary Development Plan.

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

Reason:

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

## REASON FOR RECOMMENDATION

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

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

Having regard to Policies HOUS 2 (Additional residential development); HOUS 3 (Dwellings in the countryside); HOUS 8 (Residential Development Criteria); HOUS 11 (Residential Privacy and Space); HOUS 12 (Affordable housing); ENV 1 (Development in the countryside); ENV 2 (Agricultural Land); ENV 4 (Special Landscape Areas); ENV 16 (Protected Species); ENV 10 (Conservation of the countryside); ENV 11 (Protection of landscape features); ENV 17 (Protection of built and historic environment); ENV 27 (Design of new developments); and TRAN 10 (Parking), of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the approved amenity standards SPG and adopted parking standards, the site is considered to be acceptable 'rounding off' of the settlement boundary; and the proposed dwelling represent an acceptable form of development which would not cause significant harm to the character of the Special Landscape Area or the setting of a listed building; and would not have an unacceptable impact on neighbouring amenity or highway safety.

### NOTE:

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

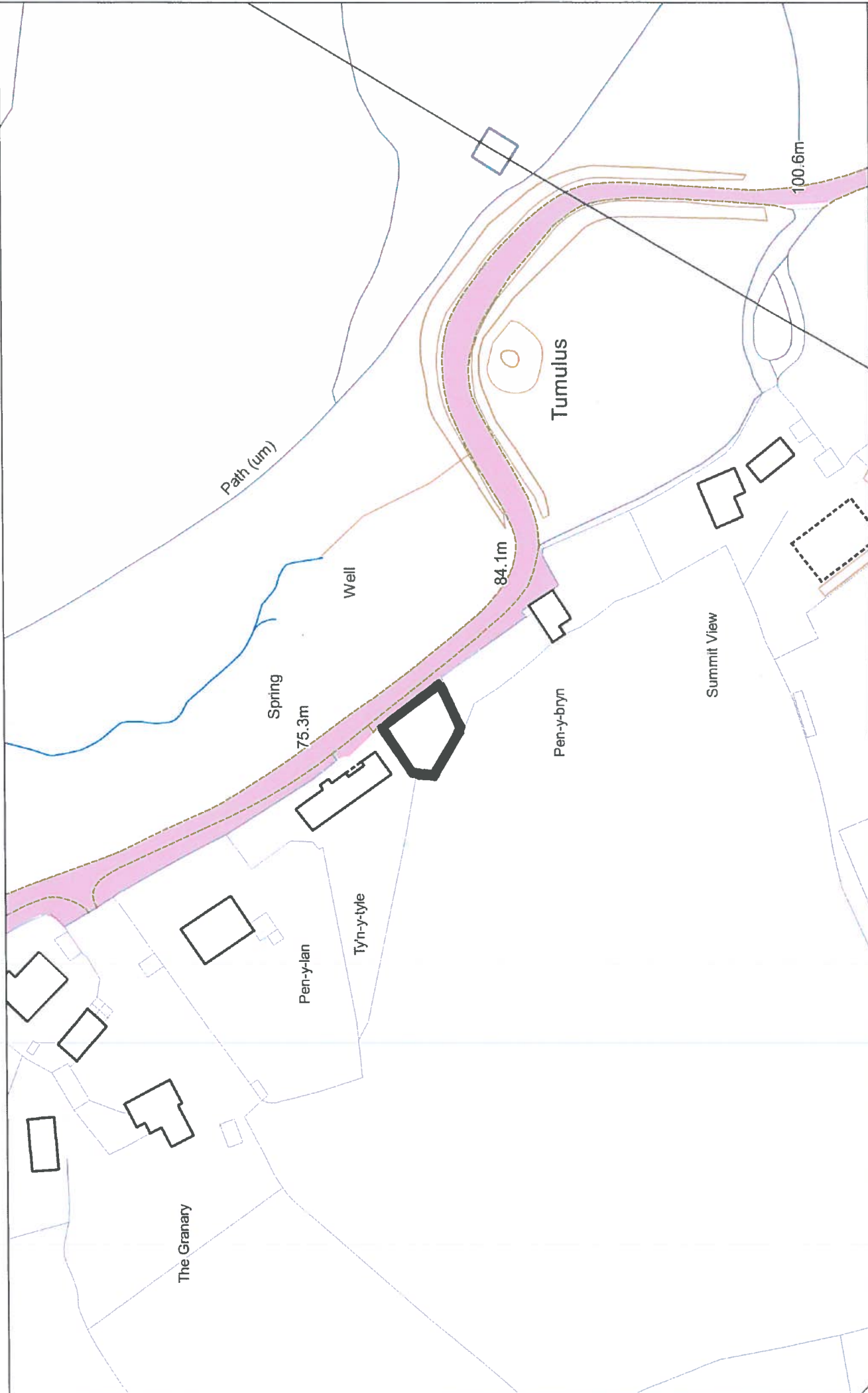
- 2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Responses are based on the information provided by your application. Should the proposal alter during the course of the application process reconsultation is required. If you have any queries please contact Welsh Water on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)**

**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**



Pen Y Lan Road, Aberthin - 2016/01077/FUL

16 March 2017

1:1,250

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2017 Arolwg Ordnans 100023424

# Appendix A - Final Highway Comments

**From:** Harrison, Paul D (Agency)  
**Sent:** 15 February 2017 11:25  
**To:** Davies, Helen  
**Subject:** RE: Planning application - 2016/01077/FUL - Pen Y Lan Road, Aberthin - Revised parking layout - Comments requested

Helen

Following our conversation in relation to the amended plans, I am happy with the visibility from the means of access along the adjacent highway. However, based on the parking requirement of the development (3 No. car parking spaces), the driveway is not of sufficient length to accommodate 2 cars parked in tandem without overhanging the adjacent highway verge.

When considering the effective length of the driveway (taking account of doors to the storage/plant areas and the adjacent highway verge), this measures around 9.2m, where 11.0m would be required in order to allow occupants to access all sides of the vehicle, including the boot area, which would be a fundamental requirement for all users including those who are disabled.

Thanks

Paul Harrison  
Highway and Engineering Services  
Planning and Transportation Services / Gwasanaethau Cynllunio a Thrafnidiaeth  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 02920 673151  
mob / sym:  
e-mail / e-bost: [REDACTED]

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Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

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[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**From:** Davies, Helen  
**Sent:** 13 February 2017 09:23  
**To:** Harrison, Paul D (Agency)  
**Subject:** Planning application - 2016/01077/FUL - Pen Y Lan Road, Aberthin - Revised parking layout - Comments requested

Paul

I have received amended plans for the above application. It's the one on the hill outside Aberthin where there were questions about where the highway ended! The amended plans have now removed the garage so parking and turning on site now looks much improved. Your comments would be much appreciated.

It has to go to committee at the end of March, so I have to write it up by the end of this month, so if possible, can you let me have comments by Feb 28<sup>th</sup> at the latest? Let me know if that's will be a problem.

Thanks

Helen

Helen Davies  
Planner / Cynllunydd Cynorthwyol  
Planning and Transportation Services / Gwasanaethau Cynllunio a Thrafnidiaeth  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704651  
mob / sym:  
e-mail / e-bost: [REDACTED]

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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

Davies, Helen

Appendix B - Final Town Council Comments

**From:** COWBRIDGE TOWN COUNCIL <info@cowbridge-tc.gov.uk>  
**Sent:** 09 March 2017 11:37  
**To:** Davies, Helen  
**Subject:** RE: Planning application - 2016/01077/FUL - Pen Y Lan Road - Revised plans

Helen

Planning Committee met on Monday 6<sup>th</sup> March and made the following comment on tis amended plan –

Planning Application No. **2016/01077/FUL**

Applicant: Mr C Mumford

Agent: M J Plow Ltd

Location: Pen y Lan Road, Aberthin

Proposal: Development of a three bedroom detached dwelling.

<http://vogonline.planning-register.co.uk/PlaRecord.aspx?AppNo=2016/01077/FUL>

**Objection.** The revised plans do not appear to address the issue of improving traffic and pedestrian safety when vehicles enter/exit the property even with the removal of the garage. The amended plans do not clearly indicate traffic flow within the property boundary which allows for the safe egress and entry into the property. Therefore the previous Committee decision to object to this development still stands as detailed below: That the proposed vehicular access and egress to and from the property in to Pen y Lan Road will cause safety issues for other vehicles and persons using this road, especially if vehicles are having to reverse out of the property into Pen y Lan Road.

In addition, the Committee raised their concerns that the amended plans did not provided sufficient detail in relation to the height and width of the proposed building and consequently make the same observations that were submitted for the original plans – That the proposed development is outside the Vale of Glamorgan Council Unitary Development Plan boundary and consequently encroaching onto agricultural land. That the height differences between the proposed development and that of the neighbouring property need to be investigated by the Vale of Glamorgan Council Planning Department to ensure that it is not overlooked and thereby a loss of privacy and/or light.

Thank you

David B. Morris  
Town Clerk  
Cowbridge (Ancient Borough) with Llanblethian Town Council  
Town Hall  
Cowbridge  
Vale of Glamorgan  
CF71 7AD

Tel/Fax: 01446 773385

Cyngor tref  
y Bontfaen (Bwrdeistref Hyfanol) gyda Llanfleddian  
Neuadd y Dref  
Y Bont Faen  
Bro Morgannwg  
CF71 7AD



---

**From:** Davies, Helen [REDACTED]  
**Sent:** 13 February 2017 09:50  
**To:** 'adam@goakley.com'; [REDACTED]  
**Cc:** Andrew Parker; Jarvie, Hunter (Cllr); Cowbridge with Llanblethian Town Council  
**Subject:** Planning application - 2016/01077/FUL - Pen Y Lan Road - Revised plans

Please be aware that revised plans have been submitted for the above planning application. The revised plans have removed the proposed garage to enable a larger parking and turning area. You can view the amended plans at <http://vogonline.planning-register.co.uk/PlaRecord.aspx?AppNo=2016/01077/FUL> The amended plans are on pages 3 and 4 of the documents tab and are all dated 10/2/2017.

This is not a formal re-consultation as the fundamental elements of the proposal remain as per the previous plans. However, if you do wish to provide additional or amended comments then these can be submitted, either via the website or directly to me, up to the end of February.

Please be aware that at present it is likely that the application will be considered by planning committee on March 30<sup>th</sup>, meaning that a report has to be written, checked and ready for submission by March 10<sup>th</sup>.

Regards

Helen Davies  
Planner / Cynllunydd Cynorthwyol  
Planning and Transportation Services / Gwasanaethau Cynllunio a Thrafnidiaeth  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704651  
mob / sym:  
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# Appendix C - Sample of Neighbour Comments

Ty'n-y-tyla  
Pen-Y-Lan Road  
Aberthin  
Cowbridge  
CF71 7HB

Thursday, 27 October 2016

Helen Davies  
Planning Officer  
The Vale of Glamorgan Council  
Development Control  
Dock Offices  
Barry Docks  
Barry  
CF63 4RT

Ref : 2016/01077/FUL - Development Of A Three Bedroom Detached Dwelling

Dear Ms Davies

I live immediately adjacent to the application site and would like to object to the application for the following reasons.

The planning application conflicts with the following policies:

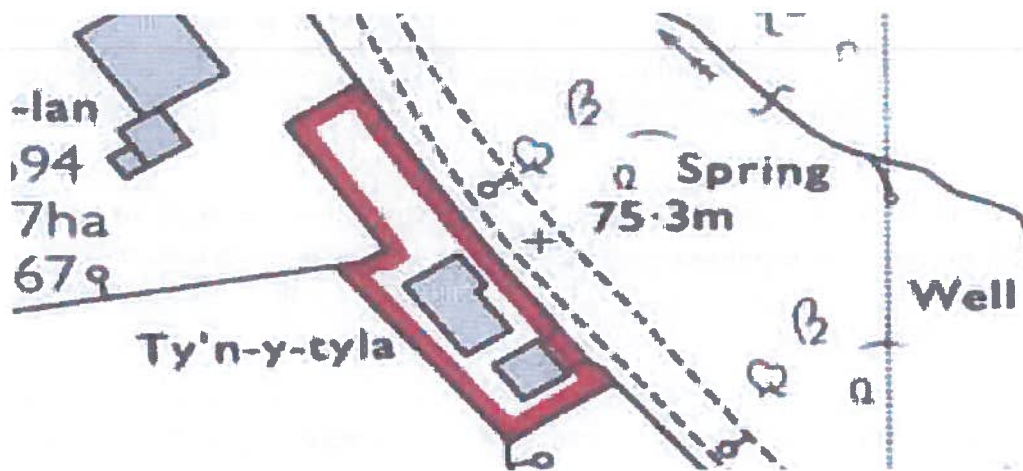
- Planning Policy Wales (Edition 7), Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise.
- The development should be considered against Policies ENV1-Development in the Countryside and HOUS3-Dwellings in the Countryside where appropriate justification in the interests of agriculture or forestry is required for such development.
- Policy HOUS2 states, HOUSING INFILL, SMALL-SCALE DEVELOPMENT AND REDEVELOPMENT WHICH MEETS THE CRITERIA LISTED IN POLICY HOUS8 WILL BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES OF THE FOLLOWING.....The list includes the rural settlement of Aberthin but the application site is not within that settlement boundary so it should not be assessed against Policy HOUS8. By definition of the policy, the site cannot be considered as infill housing.
- The site is also designated as a Special Landscape Area (Upper Thaw) under UDP Policy ENV, which states: NEW DEVELOPMENT WITHIN OR CLOSELY RELATED TO THE FOLLOWING SPECIAL LANDSCAPE AREAS WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED THAT IT WOULD NOT ADVERSELY EFFECT THE LANDSCAPE

CHARACTER, LANDSCAPE FEATURES OR VISUAL AMENITIES OF THE SPECIAL LANDSCAPE AREA:

- The amplification to that policy states that development in such areas will be strictly controlled in order to protect their special landscape character. It also states that any development proposed within or on land closely related to defined Special Landscape Areas will need to have regard to the characteristics and features of the surrounding landscape. Applicants will need to demonstrate that their proposal has been designed to minimise the impact of the development upon the landscape. I would argue that this has not been achieved with this application on the basis of what I have set out below.
- In local planning policy terms, the site lies in the countryside outside the residential settlement boundary of Aberthin as defined by the Development Plan for the area; the Vale of Glamorgan Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18<sup>th</sup> April 2005. As such, the development falls to be considered against Policies ENV1-Development in the Countryside and HOUS3-Dwellings in the Countryside where appropriate justification in the interests of agriculture or forestry is required for such development.
- This approach is still supported by current national guidance which also recognises that new houses in the countryside require special justification, for example where they are essential for rural enterprise workers as indicated in TAN6-Planning for Sustainable Rural Communities. It is noted that no such justification is provided with the application. Thus with no agricultural or other rural enterprise justification put forward there is a clear policy objection to the principle of new residential development in this location which would be contrary to Policies ENV1 and HOUS3 of the Unitary Development Plan.
- Furthermore, the proposal is contrary to policy ENV2 of the UDP which seeks to protect the Best and Most Versatile agricultural land (Grades 1, 2 and 3A) from irreversible development. It is clear that the development will result in the loss of a greenfield site currently in agricultural use. Paragraph 4.10.1 of PPW notes that the Best and Most Versatile agricultural land should be conserved as a finite resource for the future, stating:-
- "...considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable..."
- As no Agricultural Land Classification report has been submitted it must be assumed that the site is Best and Most Versatile Land.
- Using what is the only viable entrance to the large field behind the application site will effectively remove over five Hectares of land from agricultural use.

- Neighbouring Cowbridge has expansion plans for further settlement as required, this application would be of no merit to the community.
- The “plot” is simply agricultural land in the form of the main, not secondary, field access, with additional area claimed by relocating the barbed wire fencing/gate further in to the agricultural land.
- The detail of the submission has various errors from the scaling, massing and topography. This lack of detail provides misleading correlation between the levels of the plot and what is drawn, considering all the surveying that has been carried surprisingly no detail has been illustrated?
- No consideration has been given to the plots topography in relation to the surrounding buildings. The ridge height would tower above my home yet no drawings have been produced to show how this would affect adjoining properties.
- Due to the large mass and height of the building it would even be seen from Lower Aberthin. This is a complete contrast to the current view enjoyed by all in the conservation area.
- As the proposed property would be a two storey building sited approximately 2m from the road the impact from the roadside and surrounding area will be completely overbearing. This is exacerbated by the fact that the properties on either side are not 2 storey buildings.
- The next door property, Pen y Bryn, is a grade II listed building and therefore this application should be considered as if it is located within the curtilage of that property.
- The generic submission refers to matching the local buildings yet this hasn't been demonstrated within the submission, it doesn't add any value to the surrounding buildings. The proposal has windows facing directly at both neighbouring properties bedrooms and living spaces. This encroaches on the privacy of neighbouring properties.
- No consideration has been made to the properties drainage as there is no main soak away drainage. Current building regulations will not allow a combined or single waste collection system to be installed on the site because its location would be too close to buildings. The application form states that foul sewage will be disposed of via mains sewage however this is incorrect as mains sewage is not available in this area.
- No consideration for field drainage has been incorporated within the design. Water from the fields behind the property currently drains off the fields and through the entrance where the new property would sit.
- I would also like to invoke my right to light as the development will directly overlook my property, look straight into my bedroom and be completely overbearing, thus blocking out all morning sunlight. Please see the attached document.

- Your Highways Officer has commented that visibility splays of 2.4m x 43m to the north and 2.4 x 33m to the south are required. The boundary line for Tyn y Tyla (where the telegraph /electricity pole exists) extends to less than 1.9m from the roadside. This will make 2.4 x 43m to the north impossible to achieve. If a vehicles are parked on my drive it would make visibility even worse. Highways also state that vehicles must be able to enter/exit the application site in a forward gear, this is not possible to achieve. Pen y Lan Road is a very dangerous road, so much so that it has recently featured in motoring awareness videos.
- Please note that the roadside boundaries shown on the applicant's drawings are incorrect. The extract from the Land Registry Title Plan shown below demonstrates that the actual boundary line is 1m left of the telegraph pole not the line indicated on the applicant's plans. I would also like to point out that the boundary fence on this line is the property of Tyn Y Tyla as per Land Registry TP1 document.





In summary, the proposal represents an unjustified and unacceptable form of residential development in a countryside location that would undermine policies for its protection. The proposal is clearly contrary to both national and local policies that seek to restrict new development in the countryside. Furthermore, the proposal would set an undesirable precedent for additional dwellings on the edge of the village, which would incrementally have a significant harmful impact on the quality and openness of the countryside.

Additionally the application has misleading information, issues with field drainage, site services and access challenges. This application should be refused.

I hope you will take my comments into account when deciding this application.

Yours faithfully

L Taylor

Enc : Photograph and 'Right to Light' Information

Photograph illustrating elevation of application in relation to Ty'n-y-tyla. Roof of Ty'n-y-tyla is only just visible in the distance.





Vale Planning

Mr Marcus Goldsworthy  
Head of Regeneration and Planning  
The Vale of Glamorgan Council  
Development Control  
Dock Offices  
Barry Docks  
Barry  
CF63 4RT

Please ask for: Jinny Jones

Direct Line: 01446 771490 /  
07912 878350

E-Mail:



Date: 27<sup>th</sup> October 2016

Dear Sir,

We write on behalf of our client Mr. Adam Oakley of Pen Y Bryn, Pen Y Lan Road to lodge a formal objection to planning application 2016/01077/FUL for the development of a three bedroom detached dwelling at Pen Y Lan Road, Aberthin.

As the Local Planning Authority is aware, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise.

The application site lies in the countryside outside the residential settlement boundary of Aberthin as defined by the Development Plan for the area; the Vale of Glamorgan Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005. As such, the development falls to be considered against Policies ENV1 (Development in the Countryside) and HOUS3 (Dwellings in the Countryside) where appropriate justification in the interests of agriculture or forestry is required for such development. This approach is entirely consistent with national planning policy which also recognises that new houses in the countryside require special justification, for example where they are essential for rural enterprise workers as indicated in TAN6 (Planning for Sustainable Rural Communities).

The application is not promoted for any such policy exception and would therefore be in fundamental conflict with Planning Policy Wales and Policies ENV1 and HOUS3 of the Unitary Development Plan. The proposal therefore amounts to unjustified development in the countryside and an unjustified departure from the development plan and Planning Policy Wales. There are no material considerations in this case that would indicate taking a decision that is contrary to the development plan.

On the contrary, there are a number of other critical policy failures which support a clear refusal of the application. Firstly, the site is designated Special Landscape Area (Upper Thaw) under UDP Policy ENV4. The amplification to the policy states that development in such areas will be strictly controlled in order to protect their special landscape character. It



## Vale Planning

also states that any development proposed within or on land closely related to defined Special Landscape Areas will need to have regard to the characteristics and features of the surrounding landscape. Applicants will need to demonstrate that their proposal has been designed to minimise the impact of the development upon the landscape. It is considered that this has not been achieved with the current application and that the proposal would result in substantial harm to this Special Landscape Area, contrary to UDP Policy ENV4.

In this regard, the existing houses, both adjacent to the application site and others along Pen Y Lan Road, are detached properties set within spacious gardens. The proposal has inadequate amenity space and appears as a cramped form of development to the detriment of the countryside setting. The inadequate amenity space would also fail to meet the Council's minimum standards for private amenity space as outlined in the Supplementary Planning Guidance on Amenity standards to the detriment of the residential amenities of the future occupiers.

The proposal is also contrary to policy ENV2 of the UDP which seeks to protect the most versatile agricultural land (Grades 1, 2 and 3A) from irreversible development. It is clear that the development would result in the loss of the access to agricultural land resulting in the land being landlocked and thus unworkable. Paragraph 4.10.1 of PPW notes that the best and most versatile agricultural land should be conserved as a finite resource for the future, stating:-

*"...considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable..."*

In view of the above, the proposal represents an unjustified and unacceptable form of residential development in a countryside location that would undermine policies for its protection and fails to overcome the previous reason for refusing planning permission. The proposal remains therefore clearly contrary to both national and local policies that seek to restrict new development in the countryside. Furthermore, the proposal would set an undesirable precedent for additional dwellings on the edge of the village, which would incrementally have a significant harmful impact on the quality and openness of the countryside.

In conclusion, it is considered that the proposal represents an unjustified and unacceptable new dwelling in an unsustainable countryside location that would detract from the undeveloped and unspoilt character of the surrounding rural landscape, and result in the loss of agricultural land, contrary to prevailing planning policies. It is therefore respectfully requested that planning permission is again refused.

If you require any clarification on the above, please do not hesitate to contact me.





Vale Planning

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Yours sincerely,

**JINNY JONES BSc (Hons) MSc (Hons) MRTPI**  
**CHARTERED TOWN PLANNER**

---



Pen-y-Bryn  
Pen-Y-Lan Road  
Aberthin  
Cowbridge  
CF71 7HB  
24/02/2017

Helen Davies  
Planning Officer  
The Vale of Glamorgan Council  
Development Control  
Dock Offices  
Barry  
CF63 4RT

Ref: 2016/01077/FUL - Development of a Three Bedroom Detached Dwelling

Dear Ms Davies

I would like to confirm all previous comments from Vale Planning and myself still remain as they are relevant to the revised submission. I wasn't planning to add further objections/comments on this application, however, I feel I have to respond to correct the inaccuracies and add further concerns.

### **Site issues/boundary issues**

The previous submissions were refused with a series of issues ranging from safety to the site being "Cramped and contrived" despite this, the submission still hasn't been reduced scale or mass? The development would unacceptably detract from the quality of life of the occupants of neighbouring houses and gardens.

The Developer/applicant has illustrated splays to the field access, this has been incorrectly detailed unless it is set back from both boundaries not to conflict with neighbouring land ownership detailed on land registry documents.

The submission has not dealt with concerns over privacy issues with 2<sup>nd</sup> floor living spaces directly facing Neighbouring Bathrooms and Bedrooms. The development is positioned close to the boundaries and as a result would unacceptably encroach upon the sense of outlook from neighbouring dwellings and gardens. The living space window facing the Pen-y-bryn bathroom and Bedroom would not be acceptable and should be removed with screening to the Balcony.

The Boundary hedge that separates Pen-y-Bryn and the field access is within the Pen-y-Bryn Plot and is owned maintained accordingly. The Boundary hedge within Pen-y-Bryn Plot has been recently cut back whilst construction work has been carried out. The Hedge will be grown back to its normal height which is above the service cables running along Pen-y-lan road (as per photographs below) with additional planting to help growth in the future.



The Boundary hedge that separates Pen-y-Bryn and the field access is within the Pen-y-Bryn Plot and is owned maintained accordingly. If any development work was undertaken on the field access full protection would be required to ensure the Hedge is not damaged.



In view of all my previous correspondence and above, the proposal represents an unjustified and unacceptable form of residential development in a countryside location that would undermine policies for its protection. The proposal is therefore clearly contrary to both national and local policies that seek to restrict new development in the countryside. Furthermore, the proposal would set an undesirable precedent for additional dwellings on the edge of the village, which would incrementally have a significant harmful impact on the quality and openness of the countryside. This would in turn generate raft of concerns with projects that were previously rejected due to policy and question the Policy that protects these sites.

The proposal is poorly designed and would be cramped and contrived within the plot, which encroaches into agriculture field to the rear. Compounded by further concerns with misleading information, issues safety concerns, field drainage, site services, Buildability, access challenges this application should be refused.

Ty'n-y-tyla  
Pen-Y-Lan Road  
Aberthin  
Cowbridge  
CF71 7HB

Friday 24th February 2017

---

Helen Davies

Planning Officer

The Vale of Glamorgan Council

Development Control

Dock Offices

Barry Docks

Barry

CF63 4RT

Ref : 2016/01077/FUL - Development Of A Three Bedroom Detached Dwelling

Dear Ms Davies

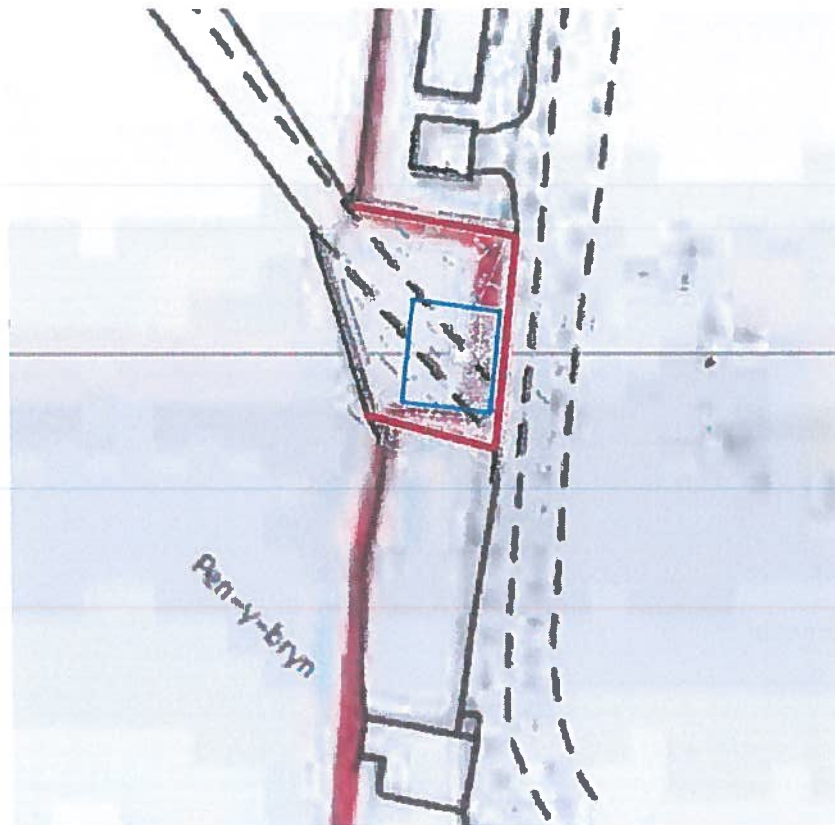
I wish all my previous comments to stand as I still believe them to be true and accurate.

You have added comments made by Mr Mumford to the planning portal recently, these are dated 8/12/2016.

I did not want to comment further on this application, however, due to the nature of some of the comments made by Mr Mumford I feel I have to respond to correct the inaccuracies.

Mr Mumford has questioned if the plan I supplied showing the boundaries was correct. My plan is the latest available from The Land Registry. However to avoid doubt I have overlaid my plan on top of his to show the differences between the two. This hybrid plan is shown below, I have also added the outline of the proposed property in blue.





From the above it is clear that the two plans are very similar, the only real difference being the boundary along the road, which in my plan actually shows an increased plot size over the plan supplied by Mr Mumford.

Mr Mumford also claims that the land right up to the edge of the road (the kerb line) belongs to him. This is not correct and I have overlaid the correct Land Registry plan onto a Google Earth image and that is shown below.



The above clearly demonstrates how close the property will be to the road and that the verge to the front of the property does not belong to Mr Mumford.

Additionally I have overlaid the Land Registry plan over Mr Mumford's site layout and highlighted the proposed property for clarity.



I have not produced plans based on Mr Mumford's Land Registry document although clearly if I had it would show the property as being partly located outside of the owned plot.

I have also not shown the steps to the front of the property that are not obvious on the plans, these would appear to be on land not owned by Mr Mumford. The plans also show the installation of a hedge directly behind the kerb edge which is clearly not in the ownership of Mr Mumford.

I have also attached photographs taken by the Vale of Glamorgan Planning Department in 2005 before I purchased Tyn Y Tyla in 2008. They show my drive as it is now, the fence installed by the previous owner of Tyn Y Tyla and the land in front of Mr Mumford's field entrance before he purchased it. It is clearly the same as it is now although the vegetation has now been cut back. Please see also attached legal documents to confirm my ownership of boundary fence.

I would also like to point out that the rear balcony and the external steps shown on the proposed plan would give occupiers of that property a clear view directly into at least two of my bedroom windows and a clear view into my amenity space. This would clearly breach my privacy.

The Street scene drawing provided by Mr Mumford does not provide sufficient information as noted by the town council and is inaccurate.

Does the proposed development meet the required amount of Amenity space?.

Please find attached documents relating to a recent planning appeal refusal in The Vale of Glamorgan. Reference 2016/00258/FUL. These documents are a material consideration in the determination of this application. The documents show that all the planning policies that I have previously referred to are relevant grounds for refusal. They show that the Vale of Glamorgan council and the Planning Inspectorate vigorously support these policies and The Vale of Glamorgan council should be consistent in its application of policy and refuse this application.

If it is still your decision to refer this application to Planning Committee I would like to request that the committee members pay a site visit to the proposed site to clearly understand all the points of objection made by myself and my neighbours.

I hope you will take my comments into account when deciding this application.

Yours faithfully.

L Taylor



**2016/01142/FUL** Received on 19 September 2016

Mr. Simon Berni The Highlands, Old Barry Road, Penarth, Vale of Glamorgan, CF64 2NR

Mr. Jonathan Williams Robertson Francis Partnership , 13, Cathedral Road, Cardiff, CF11 9HA

### **The Highlands, Old Barry Road, Penarth**

Demolition of detached two storey dwelling house, two storey coach house and single storey garages, and replacement with 8 No. two storey, four bedroom detached houses with double garages, and 3 No. affordable units, served by extended adopted highway and new private driveway

### **REASON FOR COMMITTEE DETERMINATION**

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

- the application has been called in for determination by Councillor Peter King for the reason that the objections raised can be fully considered.

### **EXECUTIVE SUMMARY**

The application site covers an area of approximately 0.66ha and is currently occupied by a detached two storey dwellinghouse, with a second separately occupied converted outbuilding. The application site lies within the residential settlement boundary for Penarth, adjacent to the main A4055, Barry Road.

This is an application for full planning permission for the construction of 11 No. dwellings, including 3 No. affordable units and the construction of a new access and driveway.

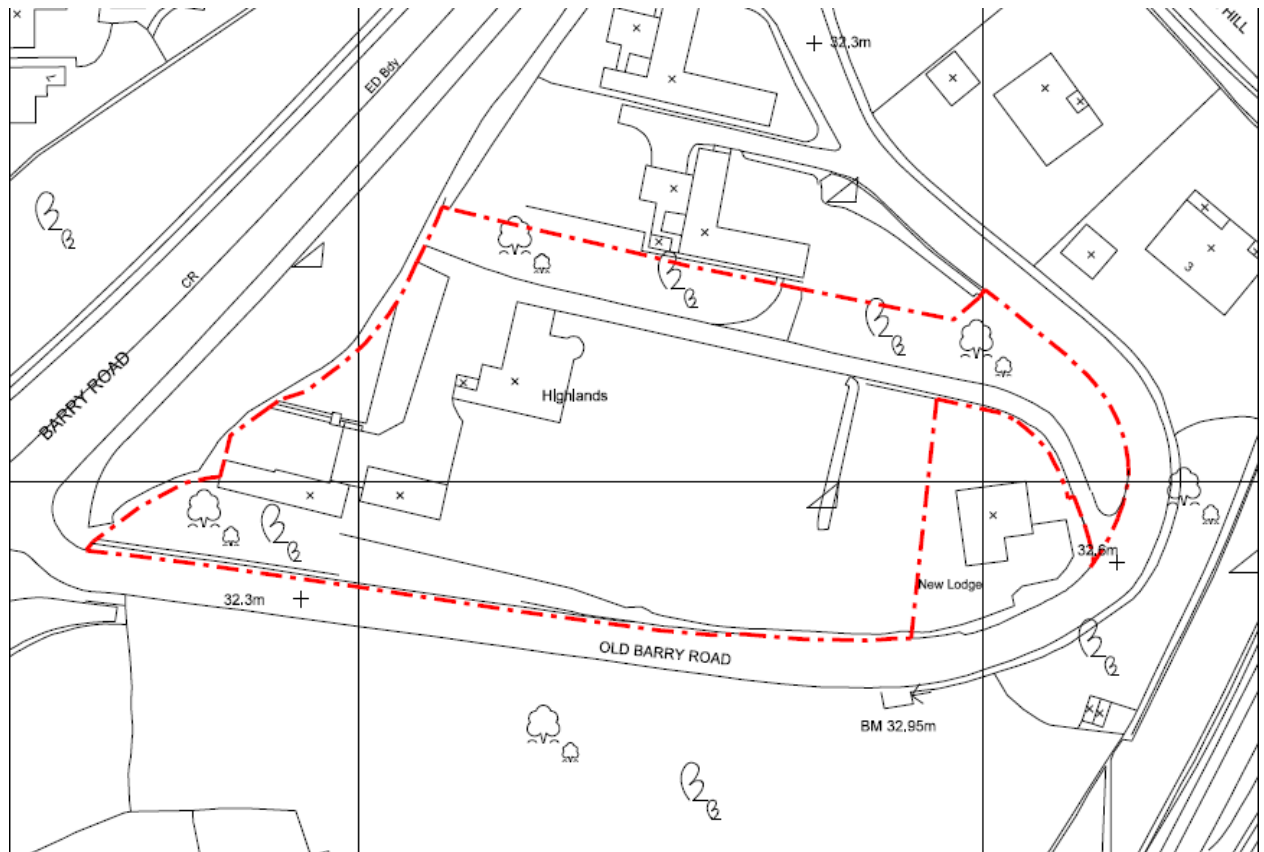
To date objections to the application have been received from the Ancient Monuments Society and the Victorian Society. In addition, the Council has received objections from the occupiers of 'Gweld y Mor', 'New Lodge', c/o 'New Lodge', 'Sea Crest House', 1 and 3 'Bay View' Old Barry Road. Two neighbours have lodged their support for the application.

The main issues in the assessment of the application include: the design and visual impact; the effect on neighbouring and residential amenity; highway safety; the ecology and biodiversity interest on the site; and the S106 planning obligations.

It is recommended that the application be APPROVED subject to conditions, including off-site highway improvements, and a S106 legal agreement relating to affordable housing and public open space.

## SITE AND CONTEXT

The application site covers an area of approximately 0.66ha and is occupied by two existing residential units and associated outbuildings. The main property is a detached, two storey dwellinghouse, with a second separately occupied dwelling being the converted former coal house.



The site is an elevated one which is accessed onto Old Barry Road, which itself connects to the main A4055, Barry Road, which runs between the Merrie Harrier junction and the Cogan Spur at Baron's Court.



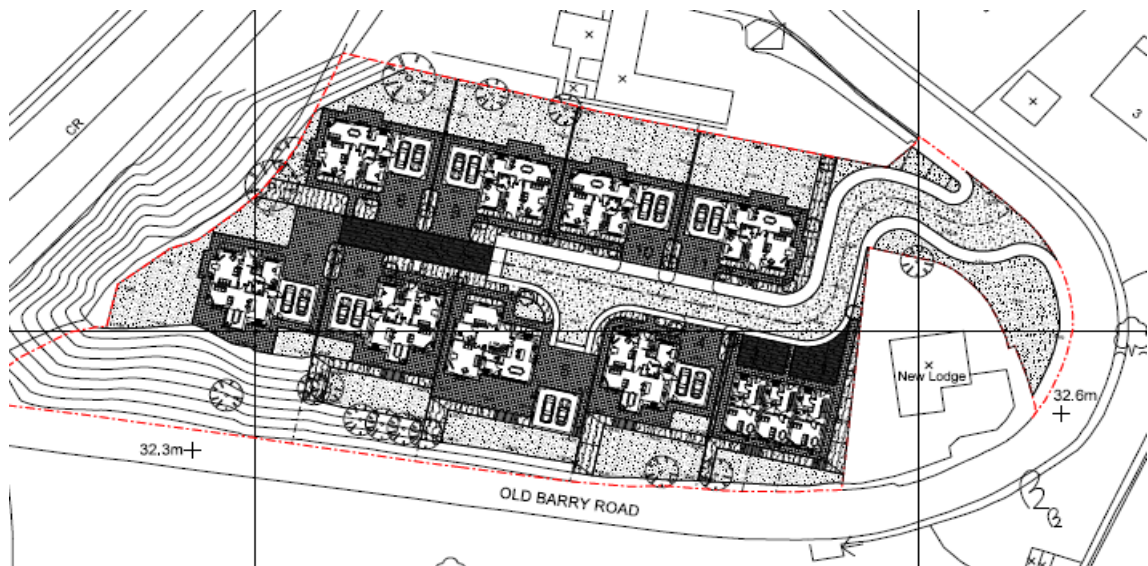
The application site lies within the residential settlement boundary for Penarth as defined in the Unitary Development Plan.

### DESCRIPTION OF DEVELOPMENT

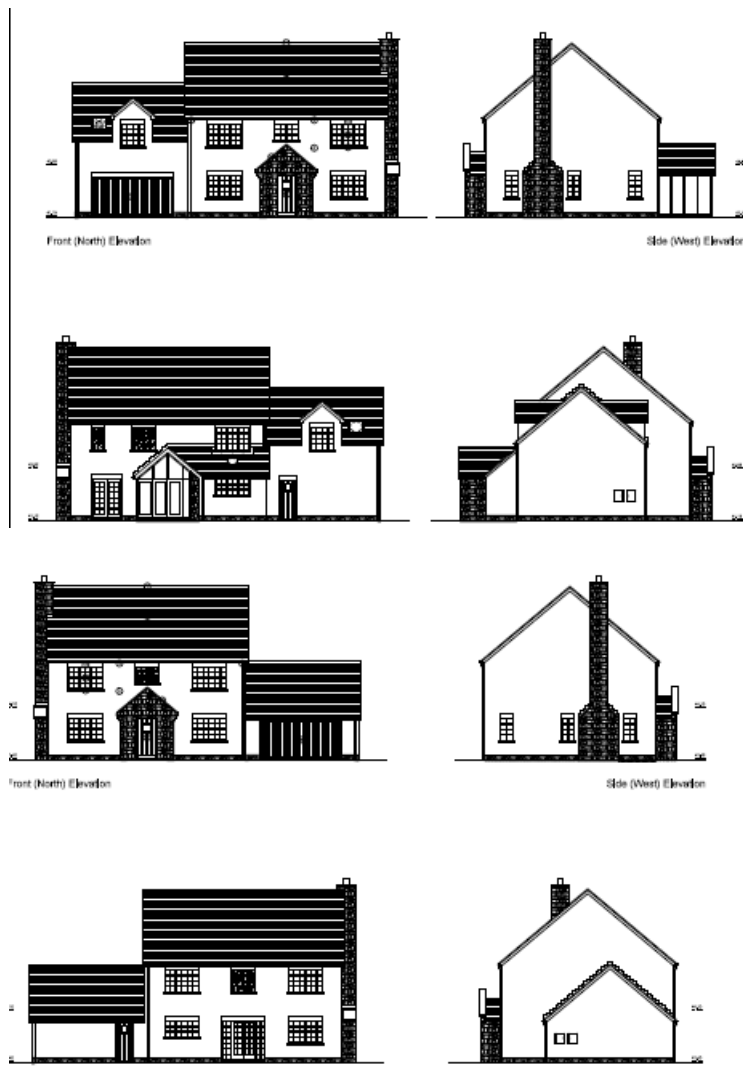
This is an application for full planning permission for the demolition of the existing houses on the site, including associated outbuildings, and the construction of 11 dwellings.

The proposed dwellings will comprise 8 detached, open market houses, with a terrace of 3 affordable units, comprising of two social rented and one intermediate.

The proposed dwellings will be laid out in two rows north and south of a central driveway giving access onto Old Barry Road via a new entrance. The new entrance will be positioned in the north eastern corner of the site with the access road measuring approximately 7m across, including a 2m footway on the north side.



All of the properties will be two storey in height with a traditional gabled pitched roof design. The detached open market houses will be four bedroom properties, whilst the affordable units will be two bed houses. The external finishes will be predominantly render and slate effect roof tiles, with some reconstructed stone detailing to chimney stacks and porches, etc.



Examples of open market houses



### Affordable terrace units

The car parking for the site will include, double garaging for the open market units plus forecourt spaces, with the affordable units provided with 6 No. parking bays along their frontage.

The proposal includes the removal of a number of trees on the site and replacement planting.

The application is accompanied by a number of supporting documents, including, a Design and Access Statement (DAS); a Transport Statement; a Tree Survey and Arboricultural Report; and an Ecology report including Bat Survey and Method Statement.

### PLANNING HISTORY

1989/00443/OUT – ‘The Highlands’ – Extension to lodge and two dwellings – Refused 25 July 1989 for the following reason:-

*“The development would adversely affect the free flow and safety of traffic using Barry Road, which is a distributor road which forms a strategic link in the main distributor road network within the County.”*

Other applications of some relevance within the vicinity of the application site, include:-

1990/00071/FUL – Land to south side of Old Barry Road – 15 No. houses – Refused 20 March 1990 for the following reasons:-

*“1. The development would adversely affect the free flow and safety of traffic using Barry Road which is a distributor road which forms a strategic link in the main distributor road network within the County.*

*2. The proposal would constitute an unneighbourly development to the detriment of the amenities of the residential properties below the application site.*

*3. The proposal would appear as an incongruous element on the hillside to the detriment of general visual amenities.”*



A subsequent appeal was dismissed on 26 November 1990.

1991/00563/OUT – land to the south side of Old Barry Road – Erection of two detached houses – Refused 23 July 1991 for the following reasons:-

*“1. The proposal constitutes undesirable backland development which would adversely affect the residential amenities of occupiers of dwellings adjoining the site.*

*2. The existing means of access from the site to Andrew Road is unsuitable to serve additional development.*

*3. The approach roads to the site are inadequate to deal with the traffic likely to be generated by the proposed development.”*

A subsequent appeal was dismissed on 17 December 1991.

1996/00396/OUT – Land adjacent 3 Old Barry Road – Detached house and garage – Refused 18 October 1996 for the following reasons:-

*“1. The proposal would appear as an incongruous element on the hillside to the detriment of general visual amenities.*

*2. The proposal is contrary to Policy H3 of the East Vale Local Plan and HOUS 9 of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended) since the accessing of the development onto Old Barry Road via its junction with the A4055 is unacceptable on highway grounds and the dwelling would appear as an obtrusive and incongruous feature out of character with the surrounding area.”*

A subsequent appeal was dismissed on 14 August 1997.

2006/00766/OUT – Land immediately to the north of the application site – Two storey dwelling – Refused 4 October 2006 for the following reason:-

*“In the opinion of the Local Planning Authority the proposal represents a cramped and contrived form of development that cannot provide for adequate amenity, parking and access arrangements, and would appear as an intrusive and incongruous feature within the street scene, adversely affecting the general amenities of the area contrary to Policies HOUS2 and HOUS8 - Residential Development Criteria, and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, and Trees and Development; and national guidance contained in Planning Policy Wales March 2002.”*

## CONSULTATIONS

**Penarth Town Council** were consulted and have stated “That the application be approved with reservations over overcrowding and visibility of development, including trees already felled.”

**Natural Resources Wales** were consulted. In their initial comments - They note the bat report submitted in support of the above application ('Highlands, Penarth: Bat Survey and Method Statement', conducted by Smith Ecology Limited, dated 12 November 2016) has identified that bats are present at the application site.

On the basis of the above report, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, no objection subject to a number of conditions, including, implementation of the submitted ecology report; details of the bat mitigation measures at Plot 5; submission and implementation of an external lighting plan; and no commencement until a licence has been issued to the applicant by Natural Resources Wales, pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

In respect of the amended scheme, their comments remain the same.

**Dwr Cymru/Welsh Water** were consulted and raised no objections, but request that conditions and advisory notes be attached to any consent, including details of a drainage scheme for the disposal of foul, surface, and land drainage. No objection to the development in relation to Water supply.

In respect of the amended scheme the comments remain the same.

**Ancient Monuments Society** have stated that, as a mandatory consultee on applications for listed building consent their attention has been drawn to this proposal to destroy the late Victorian villa known as "The Highlands". Some local press reports suggested that it was designed by Coates Carter. They note that this is not the case but it could well be the work of another distinguished Victorian architects working in Cardiff and the Vale such as Edwin Seward or Brice Vaughan. It is a striking composition, especially the tourelle with the balcony offering grand views out. It deserves better than to be destroyed, especially as it can clearly be retained with new housing reserved to the gardens. We raise no concerns over the coach house which is plain and altered.

**The Victorian Society** strongly object to the proposed demolition of the Highlands, which would deprive the area of a distinguished Victorian dwelling of the sort that characterises the area and which could be easily adapted to provide the sort of residential accommodation the applicant desires. Whether or not the Highlands was designed, as it is rumoured to have been, by the eminent *John Coates Carter*, it is evidently the work of a highly accomplished architect. The building is generously proportioned and handsomely detailed. Its galleried, conically-roofed tower is particularly pleasing. Overall it is a fine and highly characterful building, and of the sort that defines Penarth's unique character and identity. We recommend that the Council inscribes the building on its list of County Treasures, the criteria for which it certainly fulfils. In order to preserve both the special character of the area and a building of high local significance the demolition of the Highlands should not be permitted. As we note above – and as others have argued – the redevelopment of this site is not dependent on the demolition of the historic building. While the erection of dwellings in its grounds would do nothing for its setting, we could certainly concede to such an approach if it allowed for the retention of the historic structure, which could then be sympathetically subdivided into flats.

**The Council's Shared Regulatory Services - Environmental Health** were consulted and raised no concerns regarding the development. However, would like to be provided with a Construction and Environmental Management Plan that is approved by the local planning authority prior to development.

In respect of the amended scheme have now submitted additional comments have requested a TAN 11 noise assessment in relation to the likely impact of noise from the busy nearby road on residential amenity. Advice is offered to the developer/applicant on sound insulation requirements and ventilation measures within the houses themselves and private open space, with at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour (free field). Additional comments relating to construction noise and Section 60 of the Control of Pollution Act 1974.

**The Council's Ecology Officer** was consulted. A holding objection with initially raised, with a request for additional information relating to the submission of a Method Statement outlining mitigation/compensation. Also suggest consultation with NRW and assessment of the "3 tests" to be undertaken.

Following consultation, the holding objection is removed subject to a number of conditions. The first two planning conditions recommended by NRW can be included in an overarching condition, which requires the applicant to submit a copy of the licence prior to commencing work. Therefore the details required to be secured, can be secured through the licensing process. It therefore does not explicitly need to be secured via planning condition (providing the condition for a licence is included). The external lighting plan requirement should be included as a planning condition.

In respect of the amended scheme no additional comments.



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

Based on the initial proposal by the applicant to pay an offsite affordable housing contribution of £150,000, an objection was raised.

Following the submission of the revised scheme to provide of 3 affordable units, comprising of two social rented and one intermediate, the Council's Housing Strategy section are in support of the scheme, subject to all units being built to Design Quality Requirements.

**The Council's Highway Development team** were consulted and in their initial comments advised that the means of access to the site is not acceptable due to its acute angle where it connects to Old Barry Road, leading to a reduction in achievable visibility, below the requirements of Manual for Streets. Therefore, in order to provide satisfactory visibility, the access is required to be relocated away from the bend along the adjacent highway. In addition, the further vehicle swept paths are required to be submitted and the width of the carriageway is required to be increased to 5.5m, to accommodate visitor parking within the site. The applicant is required to provide street lighting facilities along Old Barry Road, between the site and the existing pedestrian link connecting to Cogan Hill, and a carriageway centreline along Old Barry Road and bilingual "slow" road markings are required to be provided.

It is proposed to reduce the existing speed limit along Old Barry Road (from 40mph to 30mph) and the applicant has agreed to provide street lighting facilities between the site and the existing pedestrian link connecting to Cogan Hill alongside the provision of road markings and associated highway signing. When reviewing the proposals it is noted that a Transport Statement (TS) has been submitted. The audit supports the findings of the TS and concludes that the increase in development traffic is not expected to have any significant impact along Old Barry Road or at its junction with the A4055.

However, it is noted that there have been similar developments along Old Barry Road, which have been previously refused planning consent, in part, based on the increase in traffic. Nevertheless, while the assessment and conclusions of the TS differs from that of earlier planning applications, it is noted that there have been material changes along the A4055, including the reduction of the speed limit (to 40mph) and the provision of traffic lights at the Barons Court junction, improving access/egress to and from Old Barry Road. In addition, the TS has undertaken an assessment of road traffic accidents along the highway network, with no recorded incidents within the latest five year period to December 2015.

Finally, when considering the means of access to the site, it is noted that adequate visibility can be provided along the adjacent carriageway in accordance with the requirements of Manual for Streets, based on recorded speeds along Old Barry Road.

Therefore, based on the above, an objection in relation to the highway and transportation aspect of the development cannot be sustained in this instance, subject to a number of conditions, including details of the proposed improvements along the complete length of Old Barry Road and at the junction with the A4055, highway signing and carriageway; details of street lighting along Old Barry Road between the access to the site and Cogan Hill; and full engineering details of all traffic arrangements. Further comments on amended plans have requested a visitor space in association with plots 1-3 and the width of the driveway serving plot 1 be increased from 4.8m to 6m where adjacent to the carriageway.

**The Council's Drainage section** were consulted and have advised that the site is not located in NRW flood zones at risk of tidal or fluvial flooding, and NRW surface water maps indicate there is a very low risk of surface water flooding across the site, however there is a high risk of surface water flooding to the adjacent highway.

They have requested a number of conditions be attached to any consent, including, a detailed scheme for the surface water drainage and management of the site; a SuDS Management plan to be submitted; and a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation.

## REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 27 September 2016 and re-notified of amended plans on 7 March 2017. In addition a site notice was posted on 21 October 2016.

Objections have been received from the occupiers of 'Gweld y Mor', 'New Lodge', c/o 'New Lodge', 'Sea Crest House', 1 and 3 'Bay View' Old Barry Road. These are all available on file to view in full, however, in summary the main points of concern relate to:-

- Development not in accord with the Local Development Plan, including compromising policies to mitigate impact on highway network.
- Cause harm to highway safety, with increase in traffic onto A4055; and proposed entrance on a blind bend.
- Loss of existing house with special architectural interest, also a landmark building with circular tower.
- Adverse impact on neighbouring amenity including loss of privacy and light, and noise and dust nuisance.
- Subsidence impacting on adjacent roads and damage to road surface.
- Impact on services, including water pressure and drainage.
- Loss of trees and impact on bats.
- Social housing provision affecting house values.

Two representations supporting the application have been submitted by the occupier of the Highlands Coach House and a tenant of Old Barry Road.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

#### *Strategic Policies:*

- POLICIES 1 & 2 - THE ENVIRONMENT.
- POLICY 3 - HOUSING.
- POLICY 7 - TRANSPORTATION NETWORK.
- POLICY 8 - TRANSPORTATION.

#### *Policy:*

- POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.
- POLICY ENV16 - PROTECTED SPECIES.
- POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.
- POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.
- POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.
- POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.
- POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.
- POLICY HOUS12 - AFFORDABLE HOUSING.
- POLICY TRAN10 - PARKING.
- POLICY REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.
- POLICY REC6 - CHILDREN'S PLAYING FACILITIES.

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

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

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

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

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

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

### **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.2, 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, and 5.5.1; 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:

- TAN 2 - Planning and Affordable Housing.
- TAN 5 - Nature Conservation and Planning, including paragraphs 1.6.1, 4.6, and 6.3.7.
- TAN 12 - Design, including paragraphs 2.6 and 5.11.3.
- TAN 16 - Sport, Recreation and Open Space.
- TAN 18 - Transport.

## Supplementary Planning Guidance:

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

- Amenity Standards.
- Affordable Housing.
- Biodiversity and Development.
- Model Design Guide for Wales.
- Parking Standards.
- Planning Obligations.
- Trees and Development.

## The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following hearing sessions the Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes and Further Matters Arising Changes. The Council is currently awaiting the Inspector's Report which will advise whether the Plan can be adopted by the Council.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) (PPW) is noted. It states as follows:

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

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

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016) (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)
- Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- VOGC and Natural Resources Wales LDP Nature Conservation Position Statement (2016) (LDP Hearing Session 7, Action Point 2).
- Local Development Plan Highway Impact Assessment (2013).
- VOGC - Local Transport Plan (2015).
- Open Space Background Paper (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.
- Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (Welsh Government, 2009).
- The Community Infrastructure Levy Regulations 2010.
- Conservation of Habitats and Species Regulations 2010.

## **Well Being of Future Generations (Wales) Act 2015**

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

### Issues

In assessing the proposed development against the above policies and guidance it is considered that the principal issues include, the design and visual impact; the effect on neighbouring and residential amenity; highway safety; the ecology and biodiversity interest on the site; and the S106 planning obligations.

### Principle of development

In relation to the principle of development, it has already been noted that the site lies within the residential settlement boundary for Penarth as defined in the UDP. Policy HOUS2 of the UDP allows for new residential development, including redevelopment, within the settlement boundary.

However, this is not without qualification and is subject to the residential development criteria of policy HOUS8. Criterion (i) of HOUS8 requires that the scale, form and character of the proposed development is sympathetic to the environs of the site. 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."*

### Loss of existing dwelling

One of the issues of concern raised by neighbours relates to the loss of the existing dwelling. In addition, objections have been submitted by the Ancient Monuments Society (AMS) and the Victorian Society (VS). The Council's own Conservation Officer has also submitted an objection agreeing with the conclusions of AMS and VS that the building is of some historical/architectural merit. He also notes that the building would seem to meet the criteria for inclusion as a locally listed County Treasure.

However, it is noted the building does not benefit from any statutory protection. In addition, Cadw have indicated informally that they have been approached to consider the building for spot listing and consider whilst there is some local significance and interest, this does not extend to national significance. As such, the Council's Conservation officer acknowledges that it is unlikely there is a case for listing the building.

As regards the suggestion put forward by the objectors that the building could be retained and incorporated in a revised scheme, the applicant has pointed out that the existing building is in a poor state of repair. The submitted viability information includes a statement by Burnett Davies with Easton Estates that although a structural survey has not been completed, an inspection shows that the property has fallen into disrepair. There were also signs of significant structural movement. Associated costs in respect of remedial repairs and refurbishment are likely to be considerable, and for some, prohibitive.

Notwithstanding the above, in planning terms, as the building is not statutorily listed, is not a County Treasure, and does not lie within a Conservation Area, then there is no justification to refuse the application on the grounds of the loss of the existing building. Regardless of the current application to redevelop the site, it would be open to the applicant to submit a Prior Notification for Demolition of the existing house. Under such applications the Council can only consider whether the prior approval of the authority will be required for the method of demolition and any proposed restoration of the site.

#### Design and visual impact

The existing houses in the immediate vicinity and along Old Barry Road, are a largely modern with a mix of architectural style and materials. With regard to the acceptability of the proposed redevelopment scheme, it is considered that the scale, form and design of the proposed housing is appropriate to the location, given and the context of the site.

It is noted that the site is a prominent one, but the proposed houses are no more than two storeys in height, and, as the submitted DAS points out, the development responds to the sites contours which rise a total of 8m from the entrance at the east to plot 7 to the west. The DAS also indicates that the plots will be separated from one another by retaining walls with a maximum height of 1.25m and finished with timber fencing. However, full details of these have not been submitted, and this information will be required to ensure that the enclosure treatment is fully acceptable, particularly on the external boundaries to the public highway (see **Condition 11**).

In relation to the landscaping of the site, the application is supported by a tree survey and Arboricultural Report. Whilst there will be some tree loss across the site, the proposed layout does provide for the retention of some trees, with proposal for their protection during construction, and replacement planting of Mountain Ash.

As such, it is considered that, in terms of design and visual impact, the proposal would accord with the aims of Policies HOUS8 and ENV27 of the UDP.



### Neighbouring and residential amenity

In terms of the likely effect on the residential amenity of the neighbouring occupiers, the replacement of two dwellings sited in the western corner of the site, with a total of 11 new dwellings across the whole of the site, will clearly have some impact in terms of the intensification of the residential use of the site.

It is considered that the two adjacent properties at 'New Lodge' to the east, and 'Gweld y Mor' to the north, will be most affected, in relation to issues of privacy, overshadowing or of an overbearing nature.

The occupiers of 'Gweld y Mor' currently benefit from the openness of the existing garden space to the front of 'The Highlands'. This will be lost with the development of four, two storey detached dwellings along the full length of the common boundary. However, the proposed houses will be set off the boundary to minimise any overshadowing or loss of privacy. It is noted that paragraph 5.11 of the Council's SPG on Amenity Standards requires developers to aim to ensure that new dwellings have a minimum rear garden length of 10m. In this instance, the Proposed Site Plan indicates distances of approximately 10m from the rear elevations to the rear boundary on plots 8 to 11, along with an annotated distance showing the 10m recommended in the SPG.

As regards the impact on the neighbour at 'New Lodge', the position of the nearest proposed houses to the south and west, along with their orientation, ensures that there is no direct overlooking of habitable room windows. There is likely to be some overshadowing of the garden area, but it is not considered that this would be so significant as to justify a refusal.

Thus it is acknowledged that the redevelopment proposal will result in some detriment to the level of residential amenity currently enjoyed by the existing residents, particularly the immediately adjacent occupiers of 'Gweld y Mor' and 'New Lodge'. However, it is considered that the impact would not be so severe as to justify the refusal of the application.

On the issue of the residential amenity of the proposed dwellings, Council's Amenity Standards SPG requires the minimum of 1m<sup>2</sup> of amenity space per 1m<sup>2</sup> of the gross floor area of the dwelling, inclusive of garage space. The majority of the detached houses meet or are close to this requirement. However, there is some shortfall for the terraced houses, particularly plot 2. Despite this it is considered that there will be sufficient space to allow for sitting out, drying and bin storage. This is considered acceptable in this instance, particularly bearing in mind the provision of much needed affordable housing.

It is also noted that the Council's Environmental Health section have raised late concerns over the potential impact of noise from the nearby A4055 on the residential amenity of future occupiers. They have requested a noise assessment in line with TAN11-Noise. Such a survey could be undertaken by the applicant before the commencement of development to inform any necessary measures for sound insulation and ventilation within the houses themselves, plus any acoustic screening required for the private garden areas (see Condition 14). Environmental Health have also offered advice in relation to construction noise and restriction of hours for such activity, however, as indicated this can be controlled under legislation separate from planning, i.e. Section 60 of the Control of Pollution Act 1974. Furthermore, the suggested Condition 13 relates to the requirement for a Construction Environmental Management Plan (CEMP).

### Highways

A large number of the objections received refer to concerns over the new access and the increase in traffic, which would exacerbate existing highway problems. Reference is also made to the planning history relating to Old Barry Road and the previous refusals, including reasons for refusal based on highway safety grounds.

The Council's Highway Development team had initial concerns over the proposed scheme, including the acute angle of the proposed access to the site; the vehicle swept paths; the width of the internal carriageway in relation to on-site car parking; the need for street lighting facilities along Old Barry Road, due to the increase in use; and road signage.

Following the submission of amended plans, which show the relocation of the access to the north of the existing entrance, Highways have now confirmed that they have no objection, subject to a number of conditions being attached to any consent. These include, details of the proposed improvements along the complete length of Old Barry Road and at the junction with the A4055, including the provision of highway signing and carriageway; details of the proposed street lighting facilities along Old Barry Road between the access to the site and Cogan Hill; and full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing, materials etc.), associated with the means of access to and within the site.

Further comments made on the amended plans have requested an additional visitor space for the affordable housing and an increase in the driveway width to plot 1. However, officers consider that whilst the driveway/parking bay width increase can be incorporated within the proposed layout an additional space cannot be achieved. The 6 No. parking bays indicated to the front of the proposed affordable units is considered acceptable, and the lack of an additional visitor space would not justify a refusal in planning terms. However, the other highway requirements can be reasonably incorporated in appropriate planning conditions (see **Conditions 3, 4 and 5, and Informatives 2 and 3**).

As regards the neighbour concerns, Highways acknowledge that there have been previous refusals for similar developments accessing Old Barry Road, in part based on the increase in traffic. In addition, Highways recognise that the assessment and conclusions of the TS differs from that of earlier planning applications.

However, they note that there have been material changes along the A4055, including the reduction of the speed limit (to 40mph) and the provision of traffic lights at the Barons Court junction, improving access/egress to and from Old Barry Road. Furthermore, the TS has undertaken an assessment of road traffic accidents along the highway network, with no recorded incidents within the latest five year period to December 2015. Highways confirm that the TS has been the subject of an independent audit, which has been accepted by the Council's Traffic Management section. The audit supports the findings of the TS and concludes that the increase in development traffic is not expected to have any significant impact along Old Barry Road or at its junction with the A4055.

Thus, in view of the above, subject to the implementation of the new access, and the off-site highway improvements identified by the Council's Highway team, it is considered the proposal should have no adverse impact on highway safety.

### Ecology and biodiversity

The Council's Ecologist initially submitted a holding objection to the application due to the lack of information in relation to the likely impact of the development on protected species. A number of objections also relate to the effect on wildlife in the area.

The relevant policies and guidance include policies ENV16-Protected Species of the UDP, and national guidance contained in PPW and TAN5-Nature Conservation and Planning. Paragraph 5.1.3 of PPW states:-

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

Natural Resources Wales (NRW) have commented on the proposal and note the bat report submitted in support of the above application has identified that bats are present at the application site. On the basis of the report, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, they have no objection to the proposal subject to a number of conditions, including, implementation of the submitted ecology report; details of the bat mitigation measures at Plot 7; submission and implementation of an external lighting plan; and no commencement until a licence that has been issued to the applicant by Natural Resources Wales, pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

The Council's own Ecologist has also assessed the additional submission and now confirms that the holding objection is removed subject to a number of conditions. The first two planning conditions recommended by NRW can be included in an overarching condition, which requires the applicant to submit a copy of the licence prior to commencing work. Therefore the details required to be secured, can be secured through the licensing process. It therefore does not explicitly need to be secured via planning condition (providing the condition for a licence is included). The external lighting plan requirement should be included as a planning condition (see **Conditions 6, 7, and 8**).

Policy ENV16 of the UDP relates to protected species and states that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:- (i) there are exceptional circumstances that justify the proposals; (ii) there is no satisfactory alternative; and (iii) effective mitigation measures are provided by the developer.

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

The submitted survey work identified evidence of Protected Species with pipistrelle and brown long-eared bats at the site.

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

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

The redevelopment of the site has benefits in terms of providing much needed housing, including affordable housing in the wider public interest in providing a range of choice of housing within the Vale of Glamorgan. In addition, the development of the site will provide off-site highway improvements that can benefit not only the proposed occupiers but also the existing residents of Old Barry Road. As such the proposal is considered to be of overriding public interest of a social and economic nature that offers long-term benefits of primary importance.

**Test ii) - There is no satisfactory alternative**

It has been shown that the site can be acceptably redeveloped to provide additional housing including affordable homes. The site is a sustainable one within an identified settlement boundary, where the Council would wish to see such development. Not providing such sustainable development to meet the Vale of Glamorgan's housing supply requirements is not considered to be a 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.**

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

NRW have advised that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, they do not object to the proposal, subject to a number of conditions, including, implementation of the submitted ecology report; details of the bat mitigation measures at Plot 5; submission and implementation of an external lighting plan; and no commencement until a licence has been issued to the applicant by Natural Resources Wales, pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

Thus it is considered that as the proposal meets all three tests for derogation, and is in line with local and national policy, guidance and regulations, including, policy ENV16 of the UDP, the Council's SPG on Biodiversity and Development, and national guidance contained in TAN5 - Nature Conservation and Planning and the Conservation of Habitats and Species Regulations 2010.

S106 Planning obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. In addition the updated Draft Planning Obligations SPG (approved by Cabinet on 14 December, 2015 and at the Council's Economy and Environment Scrutiny Committee on 5th January 2016) is now used as a material consideration in the Development Management process.

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 for the development of 11 dwellings. However as the proposal includes the demolition of 2 existing dwellings, the net gain in the number of units is 9.

On this basis, officers have considered the need for planning obligations based on 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 issues are outlined below.

## Affordable Housing

TAN 2 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.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states:-

*"The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale".*

The Deposit Local Development Plan (October 2013) policy MG 4 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in the area of Penarth. The Council has produced further evidence to support this position following the recent examination in Public of the LDP which is contained in the Action Point Responses for Hearing Session 6.

The Vale of Glamorgan Local Housing Market Assessment (2015) provides the latest evidence on affordable housing need. The LHMA identifies a net annual need for 559 Affordable Housing Units. The greatest need is for one and two bedroom properties, across all areas of the Vale of Glamorgan, although in some areas the LHMA identifies a requirement for 3 and 4 bedroom properties.

In light of the evidence contained within the Council's Affordable Housing update Report (2014) and the focussed change to Policy MG 4, a Draft SPG for Affordable Housing was 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 SPGs are now being used as a material consideration in the Development Management process.

As the site falls within the Penarth housing market area, LDP Policy MG 4 (as amended by the focused change) and the approved Affordable Housing SPG requires all residential sites within this area resulting in a net gain of one or more dwellings to provide 40% of affordable housing.

In view of this, and based on the original scheme for a net gain of 7 new dwellings, the development should have delivered 2.8 affordable housing units on site. In line with the SPG, this would equate to 2 units being provided on site (comprising of one Social Rented unit and one Intermediate unit), with the remaining 0.8 of a unit by way of an off site affordable housing contribution.

The applicant advised that providing affordable housing units on site would have a considerable bearing on the viability of the development. In light of this it was proposed by the applicant that a commuted sum be offered for affordable housing, to the sum of £150,000, given the narrow margins in relation to the gross development value of the site and the risks of making the development unviable. 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. The burden of proof in such cases falls with the developer to prove that viability is an issue for their development.

The developer has submitted a viability appraisal, which includes details such as development revenue, development costs, abnormal development costs, professional fees, finance costs and build contingency and land value. This is confidential and contains commercially sensitive information and consequently cannot be released to the public.

The District Valuer was then appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. The District Valuer's Report confirms that the proposed development of the site is viable at full policy requirement.

On this basis, and in line with the guidance set out in the adopted SPG on Planning Obligations and at a national level by WG, the full requirement is sought. The agent was advised that TAN 2 (Planning and Affordable Housing) states that *There is "a strong presumption that affordable housing will be provided on the application site so that it contributes to the development of socially mixed communities"* which is also set out in the Affordable Housing SPG. In light of the above, the agent was advised that the Council would not accept an off site contribution, given the location of the site and based on evidence put forward in the application and the viability assessment that was undertaken.

Officers undertook further discussions with the applicant and agent, and notwithstanding their previous stance, they initially proposed 3 Affordable Housing units (in place of a detached house originally shown at Plot 1) on site, all of which were Intermediate units. However, this was not compliant with the specified need to secure a tenure split of 70:30 (Social Rented: Intermediate units). Following, further discussions with the agent, it is confirmed that the tenure split will be policy compliant, being two Social Rented units and one Intermediate Unit.

The Councils Housing Team have confirmed that they are supportive of the on – site provision for 3 AH units and the tenure mix, subject to all units being constructed to Design Quality Requirements (DQR). The agent has subsequently confirmed that all units will be constructed to DQR.

### 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.

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children’s playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3 sq. m per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). 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 site falls within the Cornerswell Ward where there is an overprovision in outdoor sports space, but a deficit in the provision of natural and semi-natural greenspace; amenity greenspace; and all children’s play space. As such there is a requirement of 18.56 sq. m per dwelling. Based on the amended scheme, with a net gain of nine units, the total provision on site would be 167.04 sq. m equivalent to a Local Area for Play (LAP).

There is a preference for all public open space to be on site, however where it is impractical to provide open space on site, or where existing open space is deficient in quality in the immediate locality, the Council can accept alternatively provision by way of an off-site contribution. In this instance, given the limited size of the application site and limited number of dwellings proposed, and the close proximity of the site to Cogan Leisure Centre and play area (which is some 600m walking distance from the application site) it is considered in this an off-site contribution should be sought. This would be costed at £850 per dwelling, which would amount to £7650. This contribution would be used to provide enhancements to the existing play facilities at nearby Cogan Leisure Centre.

The applicant has agreed to this payment.



### Planning obligations administration fee

In addition 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. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher.

In this instance, based on the higher of the two fees, the administration fee would be £836. The agent has agreed to the fee.

### Other issues

On the issue of the drainage of the site Welsh Water have not raised any objections but have requested conditions requiring full details of a drainage scheme for the disposal of foul, surface, and land drainage. In addition the Council's Drainage section confirm that the site is not located within a flood zone at risk of tidal or fluvial flooding, and that NRW surface water maps indicate there is a very low risk of surface water flooding across the site. However, they indicate that there is a high risk of surface water flooding to the adjacent highway and have requested a number of conditions be attached to any consent, including, a detailed scheme for the surface water drainage and management of the site; a SuDS Management plan to be submitted; and a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation (see Condition 12).

In relation to the issue of surface water and potential impact on the adjacent highway, it is noted that a number of the objections refer to subsidence in the area in the past, including slippage onto the A4055 and Old Barry Road. It is noted that none of the statutory consultees have raised any concerns on this issue. However, as indicated above, the Council's Drainage section acknowledge the potential issues connected to the proposed surface water drainage of the site and recommended conditions.

No objections have been received from the Council's Environmental Health section, but they have requested the submission of a Construction and Environmental Management Plan (CEMP) that is approved by the local planning authority prior to development (see Condition 13). Ultimately, in relation to any damage to the public highway or to neighbouring properties, the legal liabilities lie with the owners of the site. Notwithstanding this an informative could be attached to any consent advising the applicant of their responsibilities and subsequent liability for safe development and secure occupancy of the site (see Informative 4).

Finally it is noted that a number of objections refer to the likely devaluation of their property as a result of the development. This is not a matter that can be considered under planning legislation which operates in the public interest rather than seeking to protect private interests.

### RECOMMENDATION

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

- Provide and maintain in perpetuity 3 No. units of affordable houses to comprise of two social rented units and one intermediate unit.
- Pay a contribution of £7650, to provide enhancements to the existing facilities at Cogan Leisure Centre.

### 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:-
  - Site Location Plan, Dwg. No. DP 100, received 19 September 2016;
  - Existing Site Plan, Dwg. No. DP 101, received 19 September 2016;
  - Proposed Site Plan, Dwg. No. DP 110 Rev F, amended plan received 7 March 2017;
  - Proposed Floor & Roof Plans (Plots 1-3), Dwg. No. DP 200, amended plans received 7 March 2017;
  - Proposed Elevations (Plots 1-3), Dwg. No. DP 210, amended plans received 7 March 2017;
  - Proposed Floor & Roof Plans (Plot 4), Dwg. No. DP 400 Rev A, amended plans received 7 March 2017;
  - Proposed Elevations (Plot 4), Dwg. No. DP 410 Rev A, amended plans received 7 March 2017;
  - Proposed Floor & Roof Plans (Plot 5), Dwg. No. DP 500 Rev A, amended plans received 7 March 2017;
  - Proposed Elevations (Plot 5), Dwg. No. DP 510 Rev A, amended plans received 7 March 2017;
  - Proposed Garage Plans & Elevations (Plot 5), Dwg. No. DP 520, amended plans received 7 March 2017;
  - Proposed Floor & Roof Plans (Plot 6), Dwg. No. DP 600 Rev A, amended plans received 7 March 2017;
  - Proposed Elevations (Plot 6), Dwg. No. DP 610 Rev A, amended plans received 7 March 2017;

- Proposed Floor & Roof Plans (Plot 7), Dwg. No. DP 700 Rev A, amended plans received 7 March 2017;
- Proposed Elevations (Plot 7), Dwg. No. DP 710 Rev A, amended plans received 7 March 2017;
- Proposed Floor & Roof Plans (Plot 8), Dwg. No. DP 800 Rev A, amended plans received 7 March 2017;
- Proposed Elevations (Plot 8), Dwg. No. DP 810 Rev A, amended plans received 7 March 2017;
- Proposed Floor & Roof Plans (Plot 9), Dwg. No. DP 900 Rev A, amended plans received 7 March 2017;
- Proposed Elevations (Plot 9), Dwg. No. DP 910 Rev A, amended plans received 7 March 2017;
- Proposed Floor & Roof Plans (Plot 10), Dwg. No. DP 1000 Rev A, amended plans received 7 March 2017;
- Proposed Elevations (Plot 10), Dwg. No. DP 1010 Rev A, amended plans received 7 March 2017;
- Proposed Floor & Roof Plans (Plot 11), Dwg. No. DP 1100 Rev A, amended plans received 7 March 2017;
- Proposed Elevations (Plot 11), Dwg. No. DP 1110 Rev A, amended plans received 7 March 2017;
- Proposed Site Sections A-A & B-B, Dwg. No. DP113, received 7 March 2017;
- Design and Access Statement, received 19 September 2016;
- Arboricultural Report prepared by Cardiff Treescapes, received 19 September 2016;
- Arboricultural Impact Assessment Rev A, received 19 September 2016;
- Tree Constraints Plan Rev A, received 19 September 2016;
- Tree Protection Plan, received 19 September 2016;
- Transport Statement prepared by Lime Transport, received 19 September 2017; and
- Bat Survey and Method Statement prepared by Smith Ecology Limited, received 14 November 2016.

Reason:

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

3. No development shall commence until full details of highway improvements along the complete length of Old Barry Road, from the access to the site up to the junction with the A4055, have been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the provision of highway signage and carriageway markings, plus street lighting facilities. The approved details shall be implemented before the first beneficial occupation of any one of the dwellings hereby permitted.

Reason:

In the interests of highway safety in accordance with Policies HOUS8-Residential Development Criteria and ENV27-Design of New Developments of the Unitary Development Plan.

4. The proposed new access and internal driveway, shall be implemented in accordance with Drg. No. DP110 Rev F Proposed Site Plan, amended plan received 7 March 2017, before the first beneficial occupation of any one of the dwellings hereby permitted.

Reason:

In the interests of highway safety in accordance with Policies HOUS8-Residential Development Criteria and ENV27-Design of New Developments of the Unitary Development Plan.

5. The proposed on-site car parking provision shall be implemented in accordance with Drg. No. DP110 Rev F Proposed Site Plan, amended plan received 7 March 2017, with the additional requirement for the width of the parking bays/driveway to Plot 1 to be a minimum of 6m adjacent to the carriageway, before the first beneficial occupation of the associated dwelling house, and retained thereafter for the parking of private motor vehicles.

Reason:

To ensure the provision and retention of adequate on-site car parking in the interests of highway safety in accordance with Policies TRAN10-Parking and ENV27-Design of New Developments of the Unitary Development Plan.

6. The development hereby permitted shall be implemented in accordance with the recommendations outlined in the Ecology Report and Method Statement (issue 3) prepared by Smith Ecology Ltd., and received on 14 November 2016, and subject to further details, including an annotated architectural drawing, to show the location and nature of the proposed bat access points, to be agreed in writing with the Local Planning Authority before the commencement of development.

Reason:

In the interests of ecology and biodiversity enhancement in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

7. Before the commencement of development on site, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and biodiversity enhancement in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

8. Before the commencement of development on site, a scheme demonstrating bat-friendly external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented thereafter in accordance with approved details prior to the occupation of the first dwelling.

Reason:

In the interests of ecology and bio diversity enhancement in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

9. The development hereby permitted shall be implemented in accordance with the submitted Tree Survey and Arboricultural Report, prepared by Cardiff Treescapes and received on 19 September 2016.

Reason:

In the interest of visual amenity in accordance with Policies ENV11-Protection of Landscape Features, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary 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 five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

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

Reason:

In the interest of visual amenity in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

12. 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 ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

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

Reason:

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

14. Before the commencement of development, a detailed noise assessment shall be undertaken to measure the likely effects of road traffic noise from the nearby A4055 on the residential amenity of future occupiers. The survey shall consider the need for any sound insulation and ventilation measures within the proposed houses themselves, as well as any acoustic screening to garden areas. The survey and any identified noise attenuation measures shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of development, and the scheme shall be implemented before the first beneficial occupation of the units requiring attenuation.

Reason:

In the interests of residential amenity in accordance with Policies ENV27-Design of New Developments, and ENV29-Protection of Environmental Quality of the Unitary Development Plan, and national guidance contained in TAN11-Noise.

### REASON FOR RECOMMENDATION

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

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

Having regard to Policies ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS8-Residential Development Criteria, HOUS12-Affordable Housing, TRAN9-Cycling Development, TRAN10-Parking, REC3-Provision of Open Space within Residential Development, REC6-Children's Playing Facilities, Strategic Policies 1 and 2-The Environment, 3-Housing, 7-Transportation Network and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Amenity Standards, Trees and Development, Biodiversity and Development, Draft Affordable Housing, Draft Planning Obligations, Parking Standards and Model Design Guide for Wales; and national guidance contained in Planning Policy Wales, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN12-Design, TAN16-Sport, Recreation and Open Space, TAN18-Transport, and the Conservation of Habitats and Species Regulations 2010, 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, neighbouring and general residential amenities of the area. The proposal should also not detract from highway safety. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site.

**NOTE:**

- 1. 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.**
- 2. 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.**
- 3. Before commencement of works, the applicant is required to contact Mr. Mark Simpson of the Highways Traffic Section in order to confirm the process and to implement the change of the existing speed limit along Old Barry Road from 40mph to 30mph. All associated costs of amending the current traffic order along Old Barry Road will be at the applicant's expense.**
- 4. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.**
- 5. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

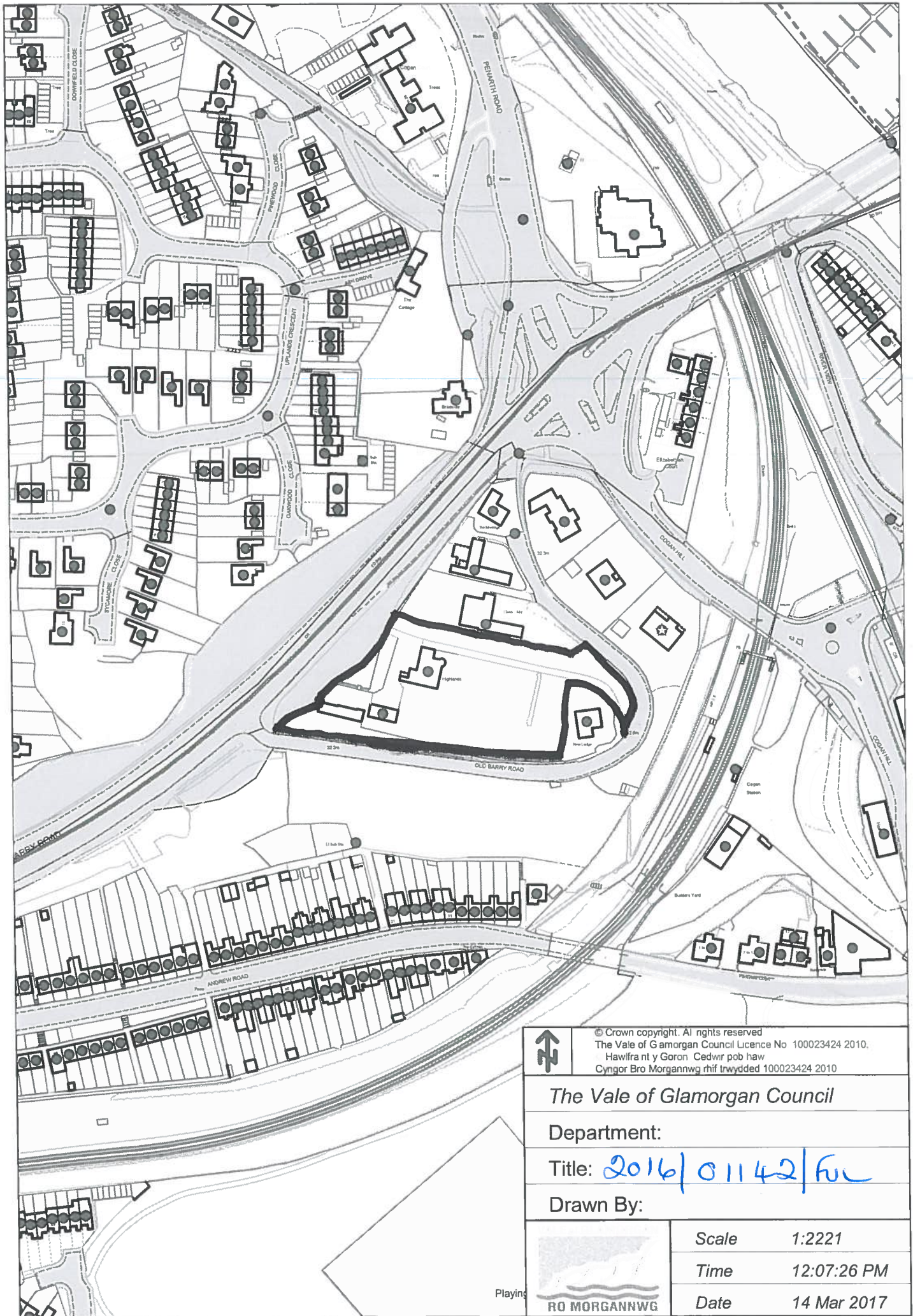
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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



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



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

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



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	<i>The Vale of Glamorgan Council</i>	
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**2016/01438/FUL** Received on 16 December 2016

Mr. Richard and Mrs. Sian Banks, The Tower, Tower Hill, Penarth, Vale of Glamorgan. CF64 3BJ  
1010 Architects Studio 1, The Coach House, Stanwell Road, Penarth, CF64 3EU

### **The Tower, Tower Hill, Penarth**

Proposed extensions, alterations and renovation to the existing buildings

#### **REASON FOR COMMITTEE DETERMINATION**

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

- the application has been called in for determination by Cllr Clive Williams with the reason given as the opposition from local councillors and 11 No. people commenting strongly in the online Penarth daily news.

#### **EXECUTIVE SUMMARY**

The application site relates to an existing dwellinghouse which has vehicular access onto Tower Hill. The property is located within the residential settlement boundary for Penarth and the Penarth Conservation Area (covered by the Article 4 Direction). The property is a former Coastguard lookout tower and is a locally designated County Treasure (No. 934). Directly to the east of the dwelling is the Grade II Listed terrace of Tower Hill Avenue.

This is an application for the alteration and extension of the existing dwelling, including partial demolition of existing extensions to the original coastguard tower section of the property. The new works are contemporary in design.

To date objections to the application have been received from Penarth Town Council, the Penarth Civic Society and the occupiers of 52 Plymouth Road. The occupiers of 'The Coach House' have submitted representations in support of the proposal.

The main issues in the assessment of the application include, design and visual impact, bearing in mind the contemporary approach to the alteration of this County Treasure, located within the Penarth Conservation Area and adjacent to the Grade II listed Tower Hill Avenue; neighbouring and residential amenity; and highway safety. The planning history of the site is also a material consideration in this instance. There is an extant planning permission, reference 2013/00212/FUL, for a similar extension and alteration of the dwelling, particularly in relation to the contemporary design approach.

It is recommended that the application be APPROVED subject to conditions, including, retention of garage for parking; details of external finishes; and window details.



## SITE AND CONTEXT

The application site is occupied by an existing, three storey detached dwelling with a detached garage/coach house on the northern boundary, which has access onto Holmsdale Place. There is a separate vehicular entrance to the front of the property onto Tower Hill which gives access to a hardstand parking area on the east side of the dwelling. There is also a public footpath that runs along the western boundary of the site.

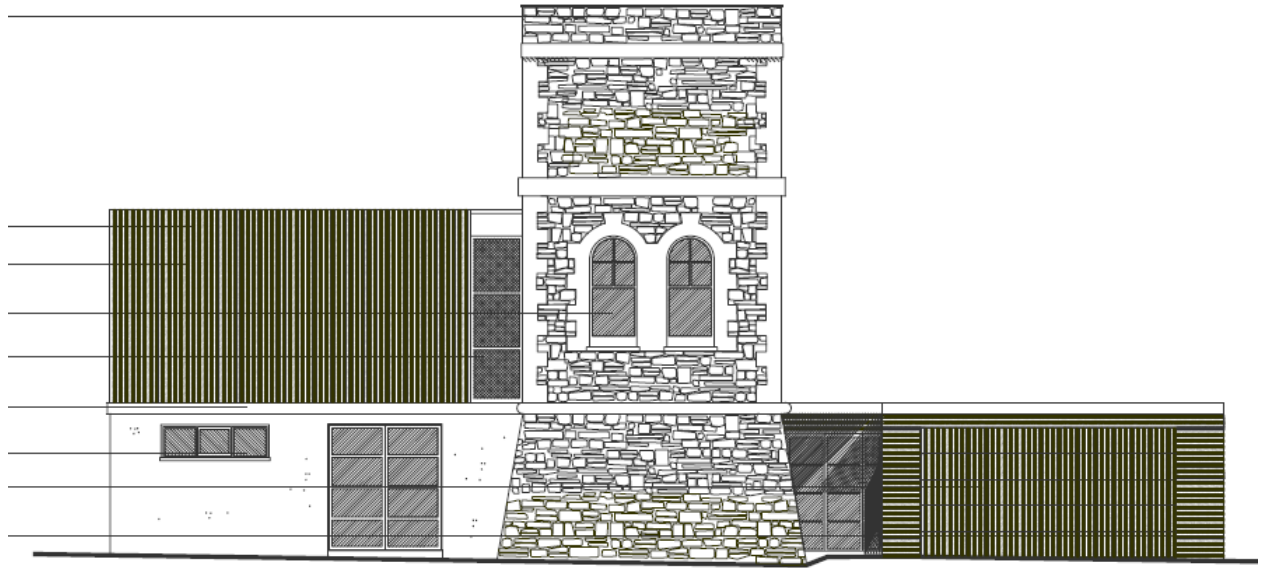


The property is located within the residential settlement boundary for Penarth and the Penarth Conservation Area (covered by the Article 4 Direction), as defined in the Unitary Development Plan. The property is a former Coastguard lookout tower and is a locally designated County Treasure (No. 934). Directly to the east of the dwelling is the Grade II Listed terrace of Tower Hill Avenue.

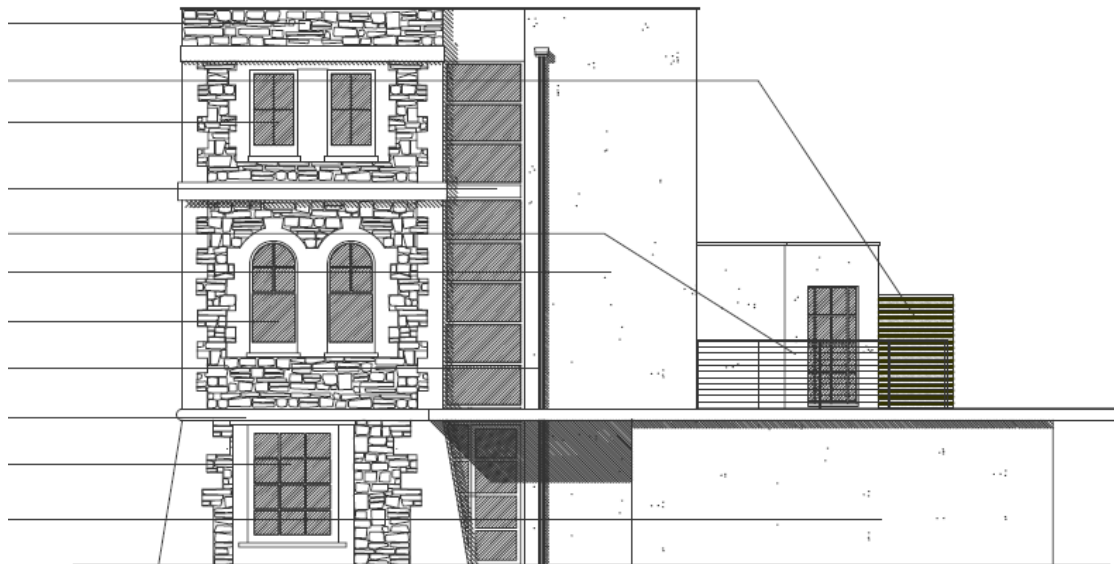
## DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the alteration and extension of the existing house. The proposal entails the following:-

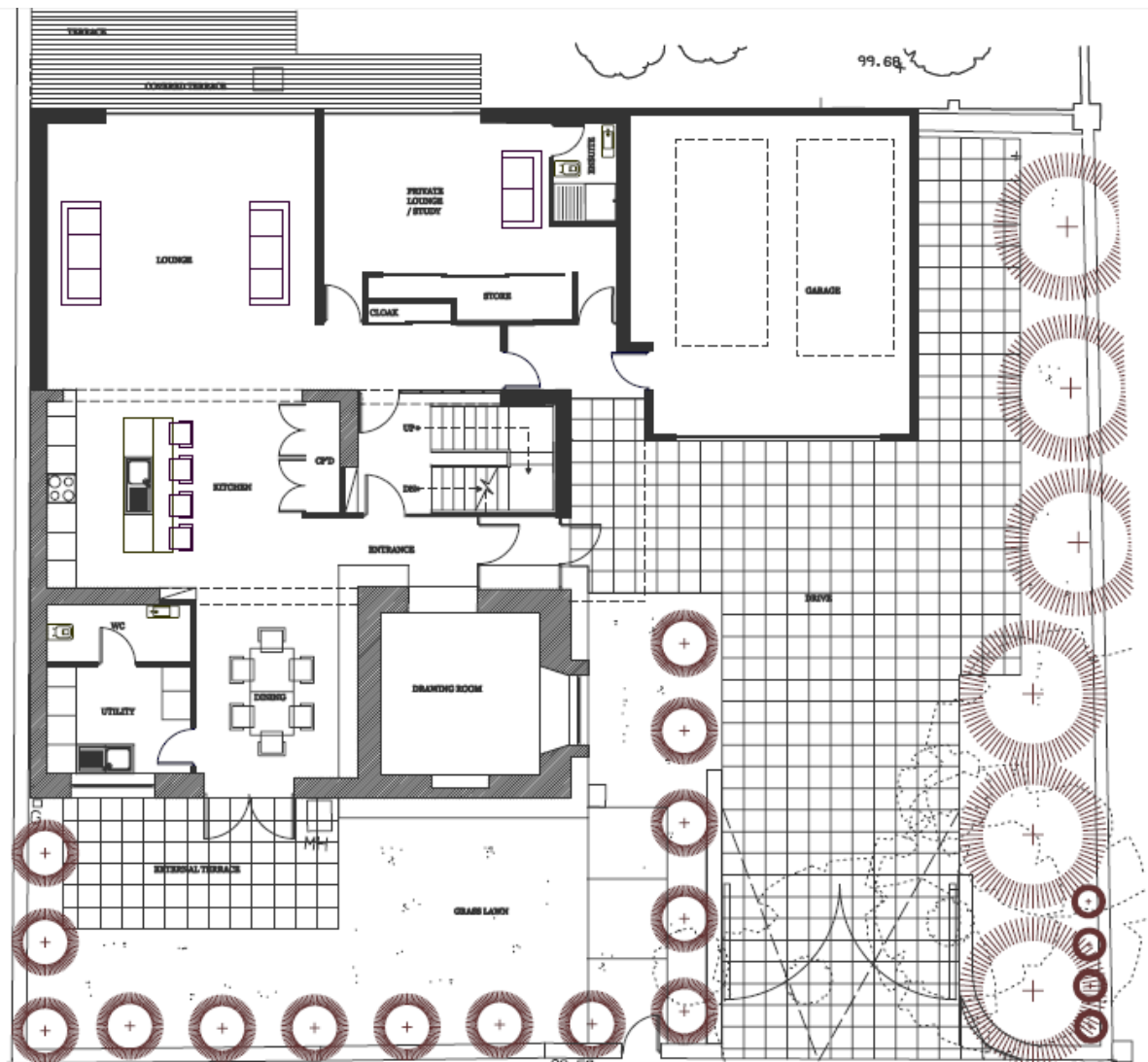
- Demolition works relating to existing extensions on the original tower, including, demolition of a single storey flat roof porch on the rear elevation; partial demolition of the three storey flat roof to the rear and east; and partial demolition of the two storey flat roof on the front and west.
- Construction of a new basement level comprising store and gym.
- Construction of a single storey, flat roofed double garage, set back from the front elevation with Tower Hill on the eastern side of the property.
- External terrace and French doors on the front south elevation and a covered terrace to the rear.
- Replacement flat roofed two storey extension on the east side elevation projecting to the rear, including a terrace to the rear at first floor.
- Replacement three storey flat roof to the rear of the original tower.



*Proposed south facing elevation*



*Proposed east facing elevation*



*Proposed ground floor plan*

The external finishes will include smooth render to the walls, with an aluminium trellis wall on the front south elevation with climbing foliage; powder coated metal window and doors plus traditional box sash to match the original in the main tower; timber garage door and associated screen; and Siberian larch screen and steel balustrade to balcony.

### PLANNING HISTORY

2006/01178/TCA - Work to trees - No objections 4 October 2006.

2013/00186/CAC - External renovations, ground floor extension and new vehicular entrance - Approved 19 June 2013.

2013/00212/FUL - External renovations, ground floor extension and new vehicular entrance - Approved 19 June 2013 subject to conditions, including, retention of garage; schedule of materials; full details of windows and their glazing; written details and sample panel of boundary wall; and landscaping details of green wall structure.

## CONSULTATIONS

**Penarth Town Council** were consulted and have stated that the application should be refused due to overdevelopment in context of County Treasure.

**Plymouth Ward Members** were consulted. **Cllr C Williams** initially responded with no comment to make, but subsequently called in the application for determination by Planning Committee, as outlined above.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 29 December 2016. In addition the application was initially advertised on site and in the press on 5 January 2017 and again on the 9 and 16 February 2017 respectively.

To date representations have been received from the occupiers of 'The Coach House' Tower Hill, and 52 Plymouth Road. These are available on file to view in full. However, in summary the occupiers of 'The Coach House' support "this sensitive application to improve some of the more utility features of previous extensions". The occupiers of 52 Plymouth Road have submitted objections relating to "planning creep"; the large two storey will destroy the character of the old tower, a County Treasure; the rear balcony will intrude on the privacy of their rear garden; and represents an overbearing, out of scale and out of character change in the appearance of a building in a conservation area and adjacent to Grade II listed cottages.

In addition representations have been received from the Penarth Civic Society. They have raised concerns given the "listed building" status and location within the Penarth Conservation Area. While the Society does not object to the replacement of the existing extension, the proposals are "uncompromisingly modern" and suggest a more modest proposal with the use of less glass and employing more lime stone walling on the south (lane) elevation.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

*Strategic Policies:*

POLICY 1 - THE ENVIRONMENT.

*Policy:*

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.  
POLICY ENV20 - DEVELOPMENT IN CONSERVATION AREAS.  
POLICY ENV21 - DEMOLITION IN CONSERVATION AREAS.  
POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.  
POLICY TRAN10 - PARKING.

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

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

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

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

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

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



## **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.1.1, 4.3.1, 4.4.3, and 4.11-Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1.1; Chapter 6-Conserving the Historic Environment, including paragraphs 6.1.1, 6.1.2, 6.5.11, 6.5.20 and 6.5.21; and Chapter 9-Housing, including 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:

- TAN12 - Design, including paragraphs 2.6, 4.8, 5.6 and 5.11 with 5.11.3, stating:-

*“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.”*

## **Supplementary Planning Guidance:**

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

- Amenity Standards.
- County Treasures.
- Parking Standards.
- Penarth Conservation Area.
- Penarth Conservation Area Appraisal and Management Plan.
- Model Design Guide for Wales including paragraph 1.1 and objective 5-Character and context. This recognises that design is important as it directly affects the social, economic and environmental well-being of places.

## **Other relevant evidence or policy guidance:**

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended).

- 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

In assessing the proposal against the above policies and guidance it is considered that the principal issues include design and visual impact, bearing in mind the contemporary approach to the alteration of this County Treasure, located within the Penarth Conservation Area and adjacent to the Grade II listed Tower Hill Avenue; neighbouring and residential amenity; and highway safety. The planning history of the site is also a material consideration in this instance.

### Design and impact on the County Treasure, Conservation Area and adjacent listed buildings

The site is identified in the Penarth Conservation Area Appraisal as being within the Esplanade and Gardens Character Zone, and the dwelling itself, including the rear coach house, is identified as a locally listed County Treasure. In addition, the terrace of cottages at Tower Hill Avenue, are Grade II listed buildings.

The objections received primarily relate to the impact of the development on the County Treasure and the historical context of the site. The Penarth Town Council, the Penarth Civic Society, and the occupiers of 52 Plymouth Road, have expressed concerns that the proposal will adversely affect the character of the County Treasure, being out of scale with the existing building, and effecting its appearance within the conservation area and adjacent to the Grade II listed cottages. It should be noted that the Penarth Civic Society refer to the building as a "Listed Building", but this is not correct.

The County Treasure designation provides local recognition for buildings and structures, considered to be of insufficient value to warrant inclusion in the statutory list, but this is not the same as the statutory protection of a listed building. Nevertheless the building does have some statutory protection due to its location within the Penarth Conservation Area. The Society note that they do not object to the replacement of the existing extension, rather it is the contemporary approach to the design that is of concern.

It is acknowledged that the likely impact of the development on the character and appearance of the existing building, the wider Conservation Area, and the setting of the listed buildings, 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 ENV17, ENV20 and ENV21 of the UDP which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. 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. The aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building’s survival or provide it with a sound economic future.”*

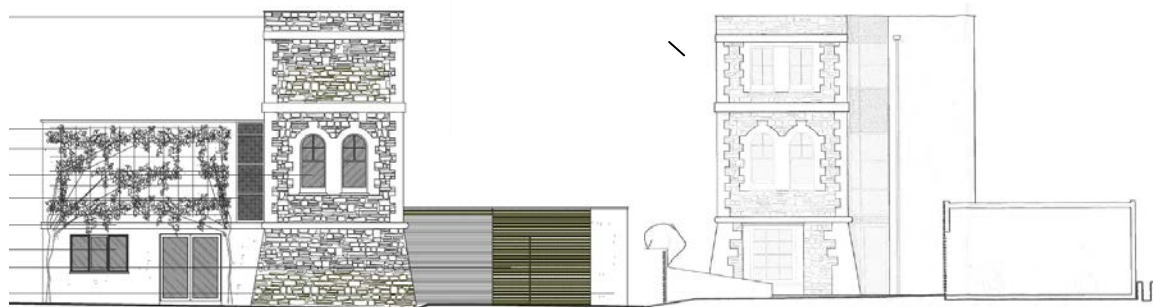
*“6.5.20 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. It is preferable, for both the applicant and the local planning authority, for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline, application.*

*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. 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.”*

These make clear that special regard should be given to the impact of proposals on the character and appearance of the conservation area, and the setting of listed buildings, in particular to the preservation of that setting.

The Council’s Conservation Officer has been consulted on the likely impact of the proposal and has confirmed that he has no objection. The conservation context of the site is recognised, and the fact that the building is one of the few in the area that pre-date the significant expansion in the later Victorian epoch. It forms part of an ensemble of buildings which includes the adjacent rocket shed and the Grade II listed Tower Hill Avenue which housed the coast guard workers.

In assessing the application, it is recognised that there is an extant permission for the extension of the building, reference 2013/00212/FUL, and that this is a very similar scheme to the current proposal, as detailed below.



*South facing elevation (as approved)*

*East facing elevation (as approved)*

Even with the changes now proposed, the Conservation Officer is satisfied that there will be no additional harm to the character or appearance of the conservation area or the setting of the adjacent listed buildings.

It is noted that one of the main changes in the current scheme is the increase in size of the new works. These include an increase in the two storey, with a larger projection to the rear; the inclusion of a first floor balcony to the rear; the introduction of a basement; and an additional infill floor area at ground floor, increasing the size of the garage and a lounge/study/en-suite. The contemporary design approach has not changed and neither has the general appearance and effect on the character of the building and the wider context.

In considering the original application (which remains extant due to the implementation of the works to the boundary wall), it was determined that the existing extensions did little to complement the historic interest of the building, particularly given their construction in rock faced blocks. The replacement of the existing extension was a contemporary design approach was also accepted, with the report noting that, unlike the existing extensions, the new works would provide a clear distinction between the traditional and modern elements of the building. Such an approach was, and remains, the more appropriate in relation to the historic character of the host building. The additional contrast between the historic and contemporary elements of the scheme, provide a clear distinction between old and new, which the existing extensions fail to do.

However, it is considered necessary to ensure that the materials and finishes used, are appropriately detailed. Therefore samples of all materials used shall be approved prior to their use on site (**Condition 3**), together with construction details and sections of windows, doors, glazing and trellice under **Condition 4**.

Thus, it is considered that this revised scheme, although slightly larger in size, remains an improvement over the existing extension. Furthermore, the contemporary design is considered to be an appropriate response to the heritage asset which preserved and distinguishes between the “old and new”.

The proposal is therefore considered to enhance the character of the original building and the wider Conservation Area, whilst preserving the setting of the nearby listed buildings in accordance with policies ENV17-Protection of Built and Historic Environment and ENV20-Development in Conservation Areas of the UDP.

#### Neighbouring and residential amenity

There are a number of residential properties surrounding the site, including 'The Coach House' to the south of the site on the opposite side of Tower Hill. The occupiers of this property have submitted representations in support of the scheme. However, objections have been received from the occupiers of 52 Plymouth Road to the west on the opposite side of a public footpath. These relate to, not only the design, which has been assessed above, but also the impact on privacy.

In assessing the original application it was determined that the new works would not adversely affect the amenities of neighbouring occupiers. It has already been noted that the current revised scheme is slightly larger in size. This is particularly evident in relation to the depth of the rear extension on the western boundary. In addition a first floor balcony has been introduced and again this is positioned on the western side of the property. Thus in assessing the impact of the changes on neighbouring amenity, it is considered that the properties most affected are 'Holly Cottage' and 52 Plymouth Road.

It is considered that the increase in the size of the extension will cause some additional detriment to the occupiers of 'Holly Cottage' in relation to overshadowing and whether it is of an overbearing nature. However, this is considered to be relatively insignificant compared to the approved scheme and the planning permission and would not justify a refusal in this instance. The likely impact on the occupiers of 52 Plymouth Road would be even less so bearing in mind the size of their rear garden (some 45 metres in length) and the distance from the house to the proposed extension which would be some 47 metres.

Similarly, when considering the impact of the proposed balcony on current levels of privacy, as there would be some 47 metres to 52 Plymouth Road from the application site, there will be no direct overlooking of any habitable room windows. Furthermore, the orientation of the balcony, facing north-east, and the provision of a 1.8m screen on the western boundary, will ensure that there will be no direct overlooking of the far end of the garden of 52 Plymouth Road. The provision of a balcony screen shall be erected prior to the first beneficial use of the balcony as set out in **Condition 5**.

As regard the residential amenity of the application site itself, it is noted that the objections refer to the overdevelopment of the site. However, the property sits within a very large curtilage, with the rear garden comprising of some 500 square metres, particularly when compared with some of its neighbours. The revised scheme does represent an increase in floor space, but more than sufficient private amenity space will remain to serve the extended dwelling.

Thus it is considered that this revised scheme remains acceptable in relation to neighbouring and residential amenity in line with policy ENV27-Design of New Developments and the SPG on Amenity Standards.

### Highways

It has already been noted that the 2013 permission has been implemented with the removal of part of the front boundary wall to create the access onto Tower Hill. This currently provides two on-site parking spaces. These will be supplemented by the two spaces within the double garage proposed as part of the current revision. As such there is considered to be sufficient on-site parking for the extended property.

### Other issues

Finally, in relation to the proposed demolition works and the need for any separate Conservation Area Consent, it is noted that the original application, reference 2013/00186/CAC, has been implemented and remains extant. The current revised proposal does not show any additional demolition works, particularly in relation to the original building. Furthermore, the extant permission was not tied to the original planning permission. As such, it is considered that a revised Consent Area Consent is not required in association with this development.

### 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:-
  - Location plan, Dwg. No. Location Plan Rev 1, received 16 December 2016;
  - Existing floor plans and elevations, Dwg. No.s EL 01 Rev 1, EE 01, EE 02 Rev 1, received 1 December 2016; and
  - Proposed plans and elevations, Dwg. No.s AE 10 Rev 3, AE 11 Rev 3, AE 12 Rev 3, AE 14 Rev 3, amended plans received 20 March 2017, and AL 20 Rev 2, AL 21 Rev 2, AL 22 Rev 2, AL 23, received 1 December 2016.

Reason:

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

3. Notwithstanding the approved plans, prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples and colours, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of the character and appearance of the property, the wider Conservation Area and the setting of the nearby listed buildings in accordance with Policies ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas and ENV27-Design of New Developments of the Unitary Development Plan.

4. Notwithstanding the submitted information, before their installation on site, further details and specifications of windows, doors, glazing, trellice, screens and balustrade, including sections to a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and full accordance with the approved details.

Reason:

In the interests of the character and appearance of the property, the wider Conservation Area and the setting of the nearby listed buildings in accordance with Policies ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas and ENV27-Design of New Developments of the Unitary Development Plan.

5. The balcony screen shall be erected (in full accordance with the details to be approved under Condition 4), as specified on the approved plans, prior to the first beneficial use of the balcony/terrace area and shall thereafter be retained and maintained at all times thereafter.

Reason:

In order to protect the amenities of nearby occupiers in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

## REASON FOR RECOMMENDATION

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

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

Having regard to Policies ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV21-Demolition in Conservation Areas, ENV27-Design of New Developments, TRAN10-Parking and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Amenity Standards, County Treasures, Penarth Conservation Area, the Penarth Conservation Area Appraisal and Management Plan, Parking Standards and the Model Design Guide for Wales; and national guidance contained in Planning Policy Wales and TAN 12-Design; subject to the compliance with conditions, it is considered that this revised proposal will serve to enhance the character and appearance of the house itself and the wider Penarth Conservation Area, whilst preserving the setting of the adjacent listed buildings. Furthermore, the revised scheme should cause no additional detriment to either neighbouring amenities or highway safety.

### NOTE:

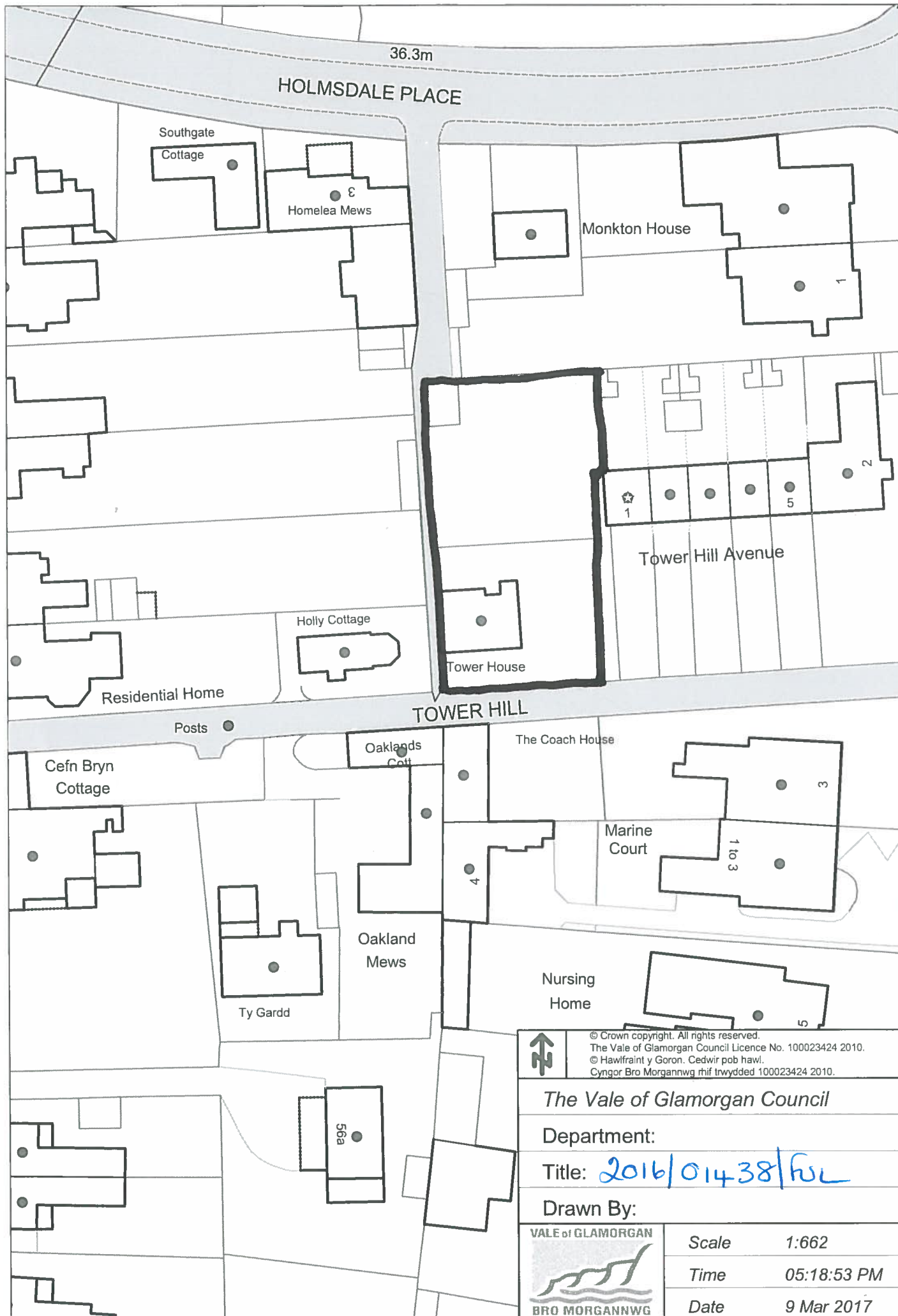
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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



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




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**The Vale of Glamorgan Council**

Department:

Title: *2016/01438/FUL*

Drawn By:

 <p>VALE of GLAMORGAN BRO MORGANNWG</p>	Scale	1:662
	Time	05:18:53 PM
	Date	9 Mar 2017

**2017/00044/FUL** Received on 26 January 2017

Mr & Mrs. Williams Church Cottage, Aberthin Lane, Aberthin, Vale of Glamorgan,,  
CF71 7LD  
C2J Architects & Town Planners, C2J Architects & Town Planners,, Unit 1a,  
Compass Business Park, Pacific Road, Ocean Park, Cardiff. CF24 5HL

### **Church Cottage, Aberthin Lane, Aberthin**

Proposed demolition of existing dwelling and outbuildings. Construction of two new detached dwellings with improved site access

### **REASON FOR COMMITTEE DETERMINATION**

The application is to be determined by Planning Committee at the request of Councillor Andrew Parker due to concerns over the impact of the setting of the development.

### **EXECUTIVE SUMMARY**

The application site is an existing detached dormer bungalow situated within the settlement of Aberthin as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. The site is significantly elevated above Aberthin lane and adjoining land. The southern and western boundaries of the site form the defined settlement boundary, whilst the north-eastern part of the site falls within the Aberthin Conservation Area. The property also falls within the Upper Thaw Valley Special Landscape Area.

This is a full application for 2 four bedroom dwellings and groundworks to provide a new access to serve the dwellings, following the demolition of the existing dwellinghouse.

At the time of writing this report, four letters of representation had been received raising issues relating to the scale of development, overlooking, impact upon Conservation Area, loss of boundary wall, insufficient information, inadequate visibility and greater impact compared to previous submission.

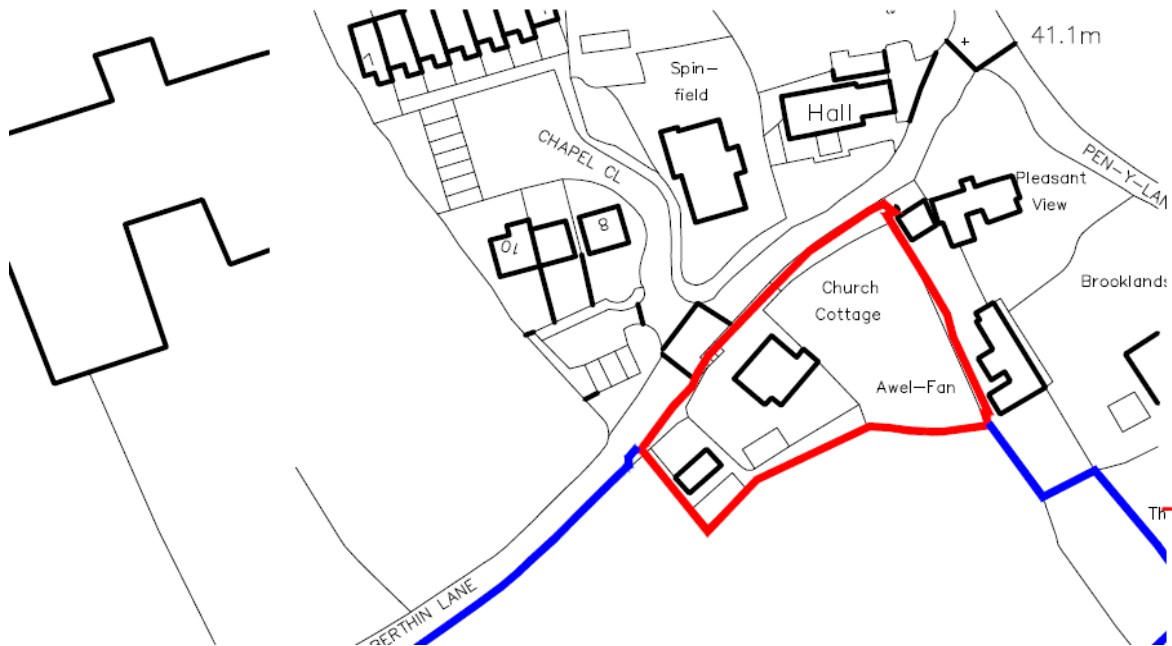
The main issues relate to the design and visual impact on the immediate street scene, Aberthin Conservation Area and Upper Thaw Special Landscape Area; neighbouring and residential amenity; highway safety; ecology and archaeology.

The application is recommended for approval subject to conditions and a section 106 agreement.

### **SITE AND CONTEXT**

The application site is an existing detached dormer bungalow situated within the settlement of Aberthin as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011.

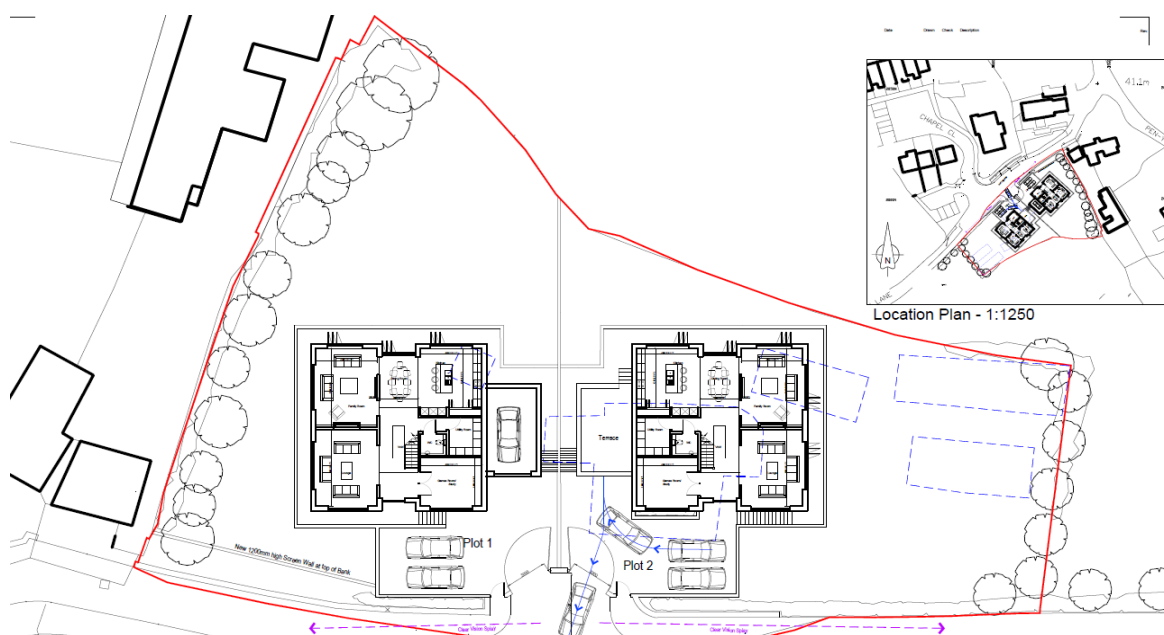
The site is significantly elevated above Aberthin lane and adjoining land, such that it holds a prominent position at the edge of the village, where it adjoins countryside to the south and west. To the north and east the site adjoins other residential properties which range in style and age.



The southern and western boundaries of the site form the defined settlement boundary whilst the north-eastern part of the site falls within the Aberthin Conservation Area. The property also falls within the Upper Thaw Valley Special Landscape Area.

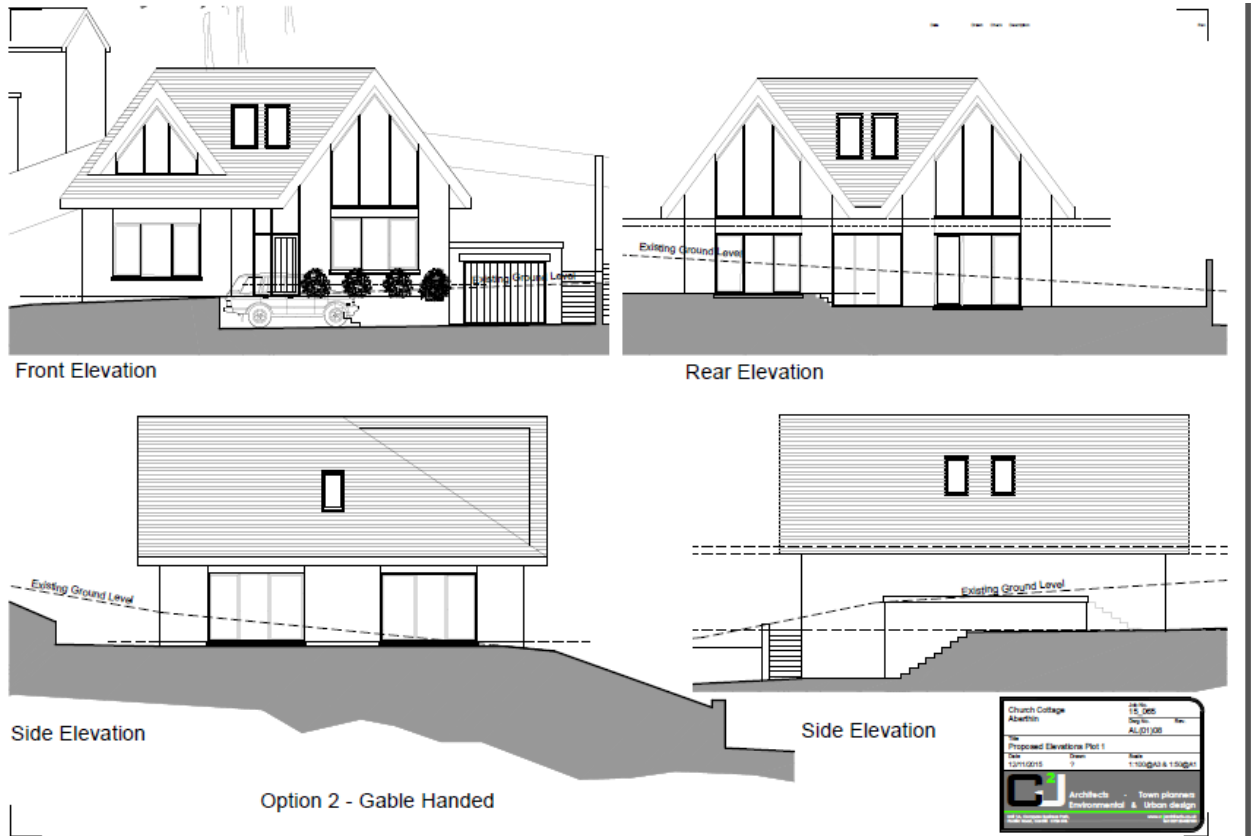
## DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing dwelling and outbuildings and the erection of 2 four bedroom detached dwellings with associated access and landscaping. A site layout plan of the proposals are shown below:



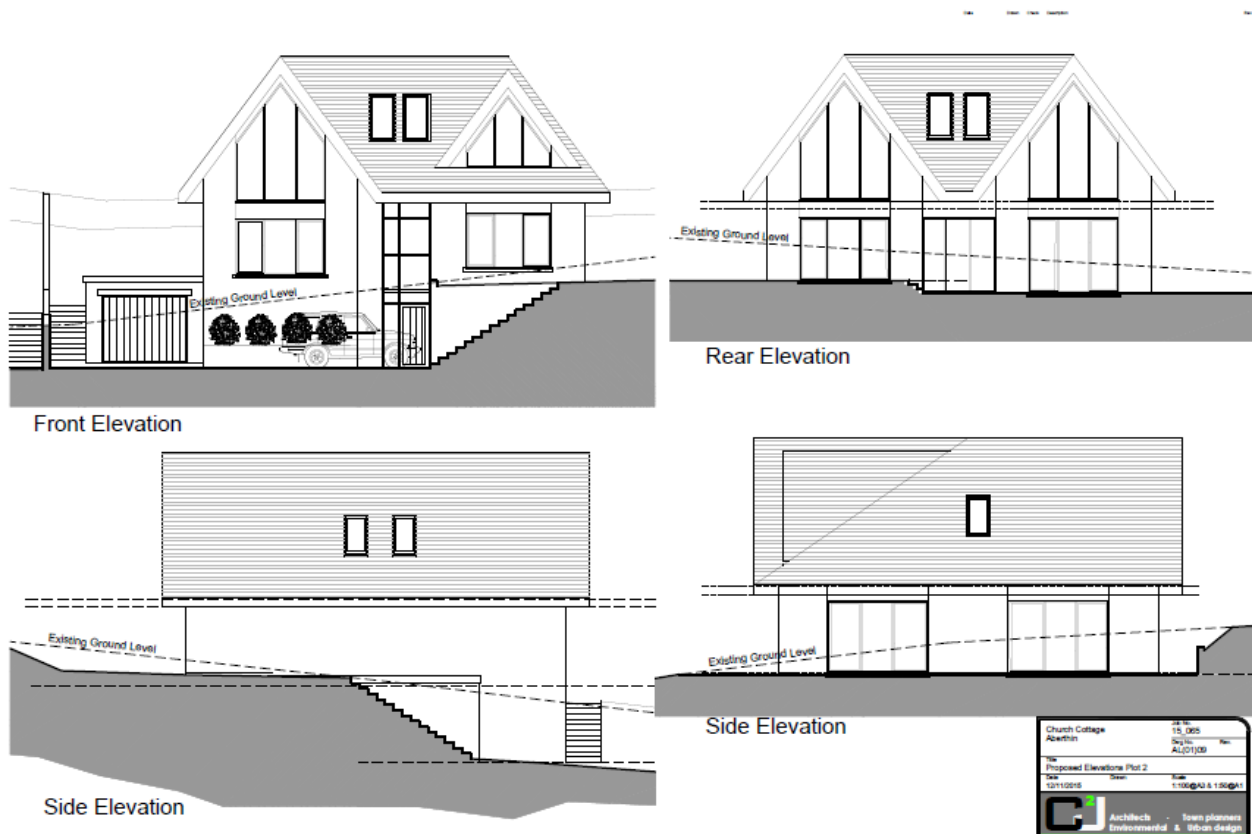
The proposed dwellings would be two storey in height and would be contemporary in terms of their form and design, predominantly finished in render, with timber panel detailing and synthetic slate roof. The proposals would be served by a shared access with independent parking areas. The proposed access and parking areas would involve the removal of the existing wall, steps and ramp to the front of the property and the reduction in land levels of approximately 3 metres for a width of 25 metres.

*Proposed Elevations for Plot 1*



Option 2 - Gable Handed

*Proposed Elevations for Plot 2*



A street scene elevation of the proposed dwellings are shown below:



## PLANNING HISTORY

2004/00914/FUL: Awelfan, Aberthin, Cowbridge, Proposal: First floor bedroom extension, Decision: Approved

2013/00966/FUL: Church Cottage, Aberthin Lane, Aberthin, Proposal: Demolition of Church Cottage and development of 2 No. 3 bed houses and 1 No. 4 bed house, Decision: Withdrawn

2014/00940/FUL: Church Cottage, Aberthin Lane, Aberthin, Proposal: Demolition of existing bungalow and construction of 4 No semi detached single storey dwellings, Decision: Refused for the following reason:

1. The proposal represents a cramped and contrived, overdevelopment of the site, with a design approach that would be out of context within its setting and an arrangement that would result in the infilling of an important open space within and adjacent to the Aberthin Conservation Area, obstructing important views into and out of the Conservation Area. Furthermore, the cramped and contrived nature of the development results in an unsuitable and unsatisfactory provision of amenity space for the proposed dwellings and an unsatisfactory parking and vehicle turning layout, which would also be to the detriment of the safety of highway users. Therefore, the development of this plot would be considered an insensitive and inappropriately designed proposal that would neither preserve nor enhance the character and appearance of the village setting, or the Aberthin Conservation Area. As such, the proposals are considered contrary to Policies ENV17 (Protection of Built and Historic Environment), ENV27 (Design of New Developments), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), ENV20 (Development in Conservation Areas) and TRAN10 (Parking) of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011; Supplementary Planning Guidance on 'Amenity Standards'; the Aberthin Conservation Area Appraisal and Management Plan, and national guidance contained in Planning Policy Wales (Edition 7, 2014) and TAN 12 (Design).
2. The proposal for a residential development includes a substandard access onto the public highway (Aberthin Lane) with the potential vision compromised by the steps/ramp structure to the front of the site. As such, there would be a lack of suitable vision splays for the proposed new access to serve the development and therefore the proposals would be detrimental to highway safety and thus contrary to Policy ENV27 (ii) of the adopted Unitary Development Plan 1996-2011.

2016/00408/FUL: Church Cottage, Aberthin Lane, Aberthin, Proposal: Proposed demolition of existing dwelling & outbuildings. Construction of 2 new detached dwellings with improved site access, Decision: Withdrawn

## CONSULTATIONS

**Cowbridge with Llanblethian Town Council** were consulted although no comments had been received at the time of writing this report.

**The Council's Highway Development section** was consulted and requested further details with regard to the design of the access, levels and car parking spaces.

Further details have been submitted, and additional comments are anticipated to be reported to Committee at the meeting.

**The Council's Operational Manager for Highways and Engineering (Drainage)** was consulted and indicate that 'due to the size and nature of the proposal, control of surface water disposal via Building Regulations will suffice.' They also state that 'this section does not wish to attach conditions to this application.'

**Shared Regulatory Services: Environment Team** were consulted and recommend that conditions relating to ground gas protection; contaminated land; importing of soils and importing of aggregates be attached to any permission granted.

**Cowbridge Ward members** were consulted and comments were received from Andrew Parker requesting that the application be reported to Planning Committee due to concerns with regard to impact upon the setting of the proposals and associated access.

**Dwr Cymru Welsh Water** were consulted and request that a condition be attached to any consent given to ensure that no surface water and/or land drainage shall connect directly or indirectly to the public sewerage network.

**The Council's Ecology Officer** was consulted although no comments had been received at the time of writing this report. However, the Council's Ecologist confirmed that they had no objection to the grant of planning permission having considered the same survey under the previous submission (2016/00408/FUL) subject to conditions restricting the timing of vegetation clearance to be outside of the bird nesting season.

**Glamorgan Gwent Archaeological Trust** have stated that *'Church Cottage is recorded on the Historic Environment Record, and is shown on the Ordnance Survey First Series map of 1833. It is likely to be associated with the adjacent Methodist Chapel, founded in 1749, and may therefore date to the mid 18<sup>th</sup> century. As a result, the building forms part of the historic build environment of Aberthin, and has significance for understanding the cultural history and settlement of this area.'* Noting this however they state that *'we do not have objections to the granting of the application on archaeological grounds'* subject to a condition being attached to any consent requiring a scheme of historic recording of the building.

## REPRESENTATIONS

The neighbouring properties were consulted on 8 February 2017 and a site notice was erected on 10 February 2017. At the time of writing this report 4 letters had been received, raising the following principal issues:

- Scale of dwellings and dominating effect on this part of the village
- Overlooking
- Construction traffic
- Impact upon Conservation Area
- Loss of boundary walls
- Overdevelopment of the site
- Insufficient evidence provided with regard to engineering operations
- Inadequate visibility at access
- Greater impact than previously refused/withdrawn applications for the development of the site



## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 – TRANSPORTATION

#### *Policy:*

POLICY ENV4 – SPECIAL LANDSCAPE AREAS

POLICY ENV 17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV 20 – DEVELOPMENT IN CONSERVATION AREAS

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS 3 - DWELLINGS IN THE COUNTRYSIDE

POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY

HOUS 2 SETTLEMENTS

POLICY TRAN 10 – PARKING

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

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

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

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

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

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

### **Planning Policy Wales:**

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

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

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

*9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.*

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

### **Technical Advice Notes:**

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

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

### **Supplementary Planning Guidance:**

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

- Amenity Standards
- Affordable Housing
- Conservation Areas in the Rural Vale
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Sustainable Development - A Developer's Guide
- Aberthin Conservation Area Appraisal and Management Plan

### **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following hearing sessions the Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes and Further Matters Arising Changes. The Council is currently awaiting the Inspector's Report, which will advise whether the Plan can be adopted by the Council.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

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

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

#### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- 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)
- 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

### Principle of Development

Policy HOUS2 of the adopted UDP permits small-scale redevelopment within settlements and rounding off subject to the conditions of policy HOUS8, particularly criterion (i) which emphasises the scale, form and character of any proposal is sympathetic to the surrounding area. The supporting text to policy HOUS 2 states that such small scale rounding off may be permitted if the site conforms to a logical site boundary such as an existing man-made or natural physical feature. Specifically, the text states that 'arbitrary lines drawn for the convenience of plot size do not qualify as such' logical boundaries.

In this instance it is acknowledged that part of the site falls on the edge of but within the defined settlement boundary of Aberthin. This boundary has been drawn in this position to accord with the established, existing boundaries of Church Cottage with agricultural land to the south and east. The proposed development falls within the boundaries of Church Cottage and as such would not encroach into the adjoining countryside.

The property also falls within the Upper Thaw Special Landscape Area. Policy ENV4 of the UDP states that new development will only be permitted where it can be demonstrated that it will not adversely affect the landscape character [...] or visual amenities of the Special Landscape Area. Therefore the addition of any additional development to this site would need to respect the adjoining rural landscape.

Overall, it is considered that as the proposed residential development is within the Settlement Boundary then the principle of the redevelopment proposals are acceptable, subject to the criteria set out within Policy HOUS 8 and other relevant policies, such as ENV 4.

### Impact upon the character of the area

The existing dwelling is a simple rural dwelling sitting on a large plot surrounded by paddocks and a garden area, within the defined settlement boundary. The existing dwelling of Church Cottage is in the style of a dormer bungalow, as are properties to the north-west of the site in Chapel Close. There are also a number of single storey outbuildings on the site which appear to be in a poor state of repair.

The existing street scene is quite mixed with dormer bungalows at the application site and within Chapel Close opposite and two storey dwellings at Awel-Fan, Spinfield and Pleasant View. The proposal would introduce two 4 bedroom dwellings of a more contemporary design, albeit with a low eaves height and first floor accommodation largely provided within the roof slope. The applicant has sought to hip the roofs of the dwellings to further reduce this mass and bulk.

Noting the substantial variation within the street scene and the prevalence of 20<sup>th</sup> century dwellings of limited architectural merit, it is not considered that there is a strong design form within the immediate vicinity of the site. Being mindful of the above it is considered that there is not an objection to a more contemporary design approach on this site, although the visual impact of the proposals need to be carefully considered.

The application site sits at a sensitive interface between the village of Aberthin and the adjoining countryside. The north-eastern corner of the site (front of the paddock) falls within the Aberthin Conservation Area, and Church Cottage was also within the conservation area until the boundary review and associated appraisal of 2009. The Aberthin Conservation Area Appraisal Management Plan (CAAMP) states in its recommendations that it would oppose development of open spaces within the Conservation Area where the open spaces contribute to the area's character. The CAAMP also states the following:

*“Open areas and ‘greens’ between buildings and groups of buildings play an aesthetic part in forming the character of the village.”*

The existing paddock contributes to the character of the Conservation Area, as it allows views between properties and out of the Conservation Area into the surrounding countryside. The applicant has sought to locate the development outside the Conservation Area boundary although the north-eastern corner of the site has been retained within the Conservation Area to maintain significant views out of the area. The Conservation Area appraisal recognises the negative impact of some previous ‘twentieth century infill severely eroding the openness’ of the village Conservation Area.

As previously detailed, the site is significantly elevated above the adjoining lane, approximately 3 metres higher for much of the frontage, with a ramp and steps projecting forwards of the existing dwelling. The current proposals would introduce two dwellings and also the provision of a vehicular access to the front of the site at road level. Although there is no principle objection to such development, it is considered that given their elevated position and siting the dwellings would undoubtedly be visible within the street scene. The site currently sits significantly higher than the adjacent highway enclosed at road level by a stone boundary wall. This coupled with the grass bank, vegetated boundary towards the south of the site and the relatively low slung bungalow serve to provide a pleasing semi-rural character to this part of the village at present.

The proposals would undoubtedly alter the character of the site, although it must be noted that the applicant has sought to significantly reduce the mass and bulk of the dwellings when compared with the originally submitted drawings for the previously withdrawn application 2016/00408/FUL. The submitted topographical details indicate that the eaves and ridge height of the existing dwelling are 55.47 and 58.55m AOD metres whilst the heights of the proposed dwelling on plot 2 have an eaves and ridge heights of 56.07m and 60.77m AOD. Whilst the proposals would result in a modest increase in height, this is not considered to cause an unacceptably large increase in mass and bulk when compared to the existing dwelling.

The assessment is based on the specified eaves and ridge heights and the level of excavation, within the site to achieve the proposed eaves and ridge heights. As the levels within the site are critical in assessing the level of impact, which have been subject to extensive discussions through the application process, it is considered necessary to condition the levels as specified in the submitted plans as set out under **Condition 5**.

It is acknowledged that any additional development of the site would result in a more urban feel to the site, although the design of the dwellings with first floor accommodation being provided within the roofslope serves to reduce the potential harm.

With regard to the dwelling proposed at plot 1, it is clear that this would urbanise the site, compared to the paddock currently in situ. However, the site does fall within an established residential setting with dwellings to the north and west of the site, within the defined settlement boundary and does not therefore sit within a completely rural context. As aforementioned, the applicant has sought to reduce the overall mass and bulk of the dwellings with the dwelling at plot 1 set lower than that at plot 2, reflecting the relief of the land relative to the other dwelling proposed and existing neighbouring dwellings.

The introduction of additional built form would clearly have a degree of impact, although it must be acknowledged that the grass bank to the front of the site would be largely retained and views would be maintained through the site, given the gap between the dwellings. Whilst the proposals would urbanise the site to a degree, it must be acknowledged that the site sits within a largely residential context, whilst the proposals would maintain a degree of spaciousness to setting of the Conservation Area, noting that the proposals would not form a physical or visual barrier to views of the hillslope beyond the site.

It is considered on balance that the proposed dwellings are of a high quality design, which have been through a number of amendments and revisions and would not result in an unacceptable degree of harm to the street scene.

Conditions would be attached to any permission given requiring a robust scheme of landscaping and enclosures (**Conditions 6 and 7**), as well as restricting permitted development rights to restrict domestic buildings and enclosures (**Condition 13**) to further mitigate any potential harm from the residential development and use of the site.

As aforementioned the proposals indicate the provision of a shared access into the site that would require a significant degree of excavation to provide level access. The provision of a single shared access would undoubtedly limit the level of excavation required when compared with the provision of two separate accesses, whilst the proposed maintenance of a substantial wall and gates would maintain the physical enclosure provided currently at the site. Furthermore it is considered that the provision of visibility splays as required would not result in an unacceptable visual impact. Overall therefore it is not considered that this element of the works would unacceptably impact upon the character of the street scene.

It is evident that this is a sensitive site and the proposals must be carefully assessed. It is considered on balance that the proposals would not harm the character and appearance of the Aberthin Conservation Area or Upper Thaw Special Landscape Area and therefore it is considered that the proposals are acceptable.

#### Impact upon the amenity of neighbouring residential properties

The application would introduce additional two storey mass on a site within an existing residential setting with dwellings to the east and north. Despite the dwellings' elevated position in comparison to dwellings to the north, it is considered that given the degree of separation from these dwellings that there would not be an unacceptable degree of overbearing impact.

The Council's Amenity Standards SPG requires that a minimum distance of 21 metres be provided between opposing principal windows of dwellings. The proposals would maintain a separation in excess of 21 metres from the dwelling of Spinfield to the north and in excess of 30 metres from the rear of dwellings within Chapel Close. Noting this it is considered that the proposed dwellings would not result in an unacceptable loss of privacy to occupiers of these dwellings to the north of the site.

The dwelling proposed on plot 1 would be set approximately 7 metres from the eastern boundary of the site, with two large feature windows at ground floor level and a single rooflight within the roofslope serving an en-suite bathroom. Noting the lack of first floor openings within the dwelling at plot 1, the blank side elevation of Pleasant View and the position of the garage within the neighbouring plot, it is considered that the proposals would not result in an unacceptable detriment to the privacy and amenity enjoyed by occupiers of the neighbouring dwelling.

The dwelling at Awel-Fan is setback significantly from Aberthin Lane. This dwelling has a number of openings within its northern and western elevations fronting towards the application site. Notwithstanding this, given the degree of separation and relative angles of view, it is considered that the proposals would not result in an unacceptable loss of privacy to occupiers of the neighbouring residential property.

Overall having considered the potential impact upon neighbouring dwellings, it is noted that the proposal will be set a sufficient distance from these dwellings and will comply with the requirements of the adopted Amenity Standards SPG in terms of separation and angle between principal windows serving habitable rooms. As such this is not considered to represent a reason to refuse planning permission in this instance.

#### Amenity provision

The Council's adopted supplementary planning guidance on Amenity Standards requires that applications for new dwellings 'should aim to provide a minimum of 1 sq.m. of amenity space per 1 sq.m. of the gross floor area of the dwelling' with 70% of this space being accommodated in the private rear garden and shall be usable and private



The dwellings have a gross floor area of approximately 290 square metres and garden areas in excess of 400 square metres. The main area of amenity space proposed to serve plot 1 would be to the rear of the property whilst the principal area serving plot 2 would be to the side. Notwithstanding the position of the amenity space to the side of the plot, this area is significantly elevated from the road and not overlooked by neighbouring dwellings, and is considered to be suitable as private amenity space. With regard to the principal area serving plot 1 it is noted that there are a number of windows serving the neighbouring property of Awelfan fronting onto this area. Notwithstanding this, it is considered that sufficient private amenity space would still be available to serve future occupiers.

### Highways implications

The proposed dwellings would be served by a single point of access from Aberthin Lane to the north. The proposed parking area would require the excavation of a significant degree of material but would allow access and egress from the respective properties in a forward gear. Parking is proposed for 2 vehicles per dwelling within the confines of the site, which is considered to be acceptable.

The highway engineer has requested visibility splays of 2m x 25m to be provided from the access serving the property and to ensure that no obstructions including boundary walls fall within this area. At the time of writing this report, further details are awaited confirming the visibility splays can be provided/maintained and these details will be reported to Committee for consideration. It is considered that the access arrangements are adequate subject to the provision of adequate visibility and an improvement over and above the current ramped arrangement into the site.

### Archaeology

Comments received from the Council's archaeological advisors Glamorgan Gwent Archaeological Trust indicate that the existing dwelling on the site may be contemporary to the Methodist chapel, on the opposite side of Aberthin Lane.

However, whilst noting this, they indicate that they have no objection to the demolition of the building subject to a suitable scheme of recording being required by way of condition (**Condition 9 refers**). Noting the lack of an archaeological constraint and listing of the building it is considered that there is not an archaeological constraint restricting the potential demolition of the building in this instance.

## Ecology

The current submissions have been supported by a bat survey prepared by Ethos Environmental Planning. The survey found no evidence of the use of the building by bats or other protected species. The Council's Ecologist confirmed that they had no objection to the grant of planning permission having considered the same survey under the previous submission (2016/00408/FUL) subject to conditions restricting the timing of vegetation clearance to be outside of the bird nesting season. Such a condition is proposed (**Condition 11**) and an informative relating to necessary steps should protected species be found prior to or during demolition/construction works.

## Affordable Housing

The Draft Affordable Housing Supplementary Planning Guidance has been approved by the Council and is now a material consideration in the assessment of planning applications. Within this housing market area the Council's Affordable Housing policy requires all residential sites resulting in a net gain of 1 or more dwellings to provide 40% of affordable housing. In areas with a 40% requirement, a new dwelling would require a financial contribution equating to 40% of an Affordable Housing Contribution.

The financial contribution would be used towards off-site affordable provision within the Vale. Based on the size of the dwelling proposed the contribution calculated in accordance with the current formula set out within the SPG and the based on the current ACG would be £57,211. The applicant's agent has confirmed their acceptance of this requirement and would need to enter into an appropriate legal agreement to ensure the payment of this contribution.

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher. In this instance the administrative fee would be £1144.22.

## Other issues

It is noted that the Council's Environmental Health Officer requests a number of conditions to be attached with regard to potential contaminated land at the site. Noting the nature of the site, being an existing dwelling and associated curtilage in an elevated site, it is considered on balance that the risks from contaminated land from quarrying are likely to be limited, and the imposition of such conditions on any consent would be overly onerous and it would not be reasonable to impose such conditions in this instance.

Following consultation with sewerage and drainage undertakers, there are not considered to be any associated issues with the development of the site that would prevent the grant of planning permission.

## RECOMMENDATION

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

- Pay a contribution of £57,211 towards off-site affordable housing provision

In addition payment of the appropriate monitoring fee of £1144.22 is required.

### 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:

AL(90)01 'Proposed site plans', AL(01)01 Rev B 'Plot 1 - Proposed floor plans', AL(01)02 ' Plot 2 -Proposed Floor Plans', received 18 January 2017; AL(90)03 'Proposed site plans', AL(90)01 'Proposed Site Plans' received 13 March 2017; AL(01)09 Rev A 'Proposed Elevations Plot 2', AL(01)12' Rev A Proposed Elevations Plot 2' and AL(01)08 Rev A 'Proposed Elevations Plot 1' received 15 March 2017.

Reason:

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

3. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan

4. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on AL(90)03 received 13/03/2017 and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

5. The dwellings hereby approved shall constructed in accordance with the slab levels and ridge heights as set out on Proposed Elevations Plot 1 AL(01)08 Rev. A and Proposed Elevations Plot 2 AL(01)09 Rev. A, received on 15 March 2017.

Reason:

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

6. Notwithstanding the submitted details, all means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

7. A landscaping scheme (including hedgerow planting to the northern boundary) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

9. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the local planning authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

As the building is of significance the specified records are necessary in order that records are kept of any features of archaeological interest and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

10. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

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 ENV27 of the Unitary Development Plan.

11. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

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

12. Prior to the commencement of development, details of the finished levels of the site, parking areas and garden areas in relation to existing ground levels and the adjacent highway, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of visual amenity, due to the prominent and sensitive setting of the site, in accordance with Policy ENV27-Design of New Developments, of the Unitary Development Plan.

#### REASON FOR RECOMMENDATION

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

Having regard to Policies ENV4 – Special Landscape Areas, ENV17 ‘Protection of Historic and Built Environment’, ENV20 - Development in Conservation Areas, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria , HOUS11- Residential Privacy and Space, TRAN10 - Parking , Supplementary Planning Guidance ‘Amenity Standards’ and Supplementary Planning Guidance ‘Planning Obligations’, it is considered on balance that the proposed erection of two dwellings in this position are acceptable.

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. 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).**
  
- 2. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
  
- 3. 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.**

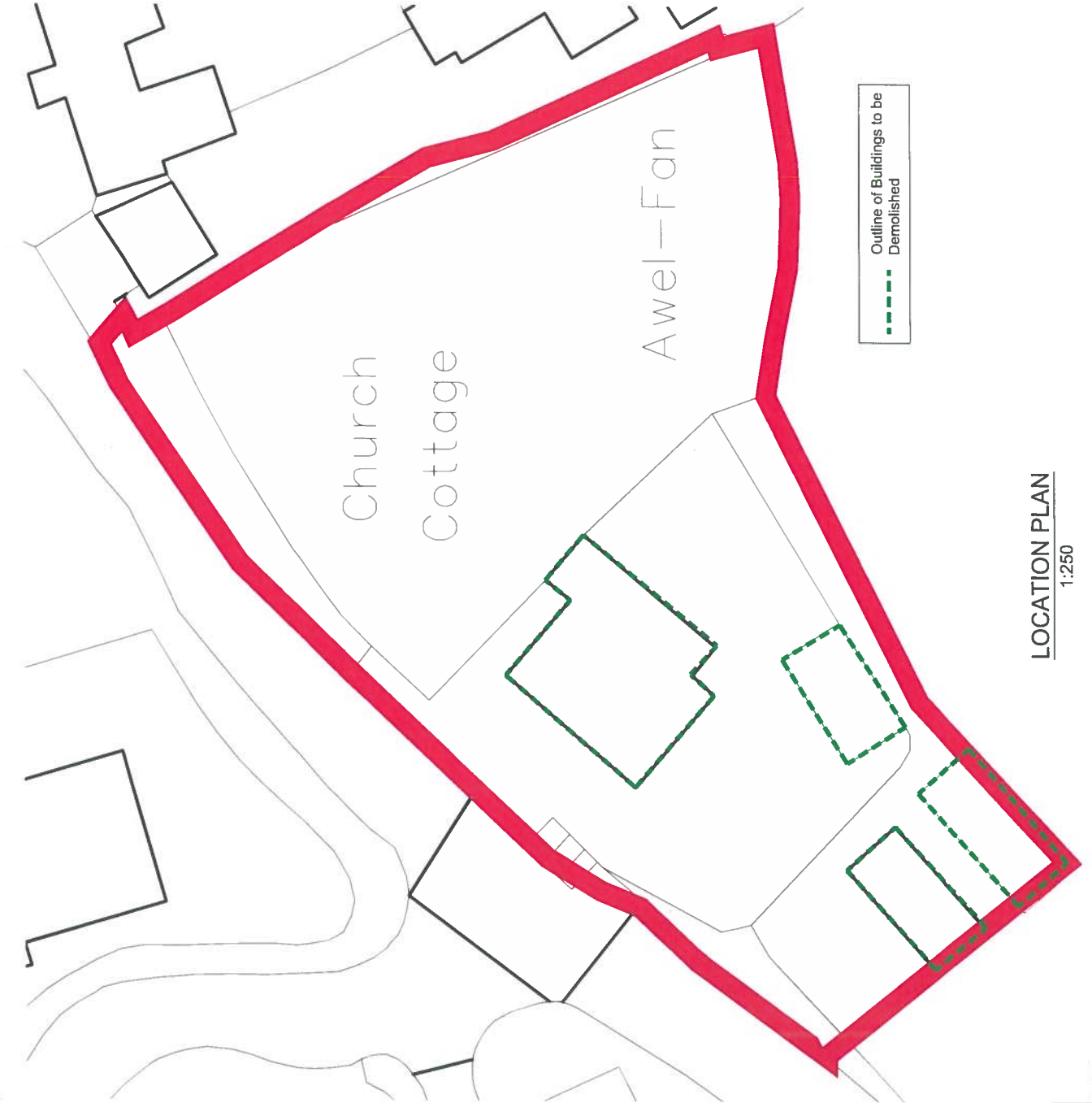
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

2017/00044/ful



- - - - - Outline of Buildings to be Demolished

LOCATION PLAN  
1:250



LOCATION PLAN  
1:1250



Job No.	15_065	Rev.	
Dwg No.	AL(00)01		
Title Location Plan			
Date	Drawn BK	Scale 1:250/1:250 @ A3	

Architects Town planners  
 Environmental & Urban design  
 www.john-hughes.co.uk  
 Unit 15, Station Road, Cardiff, CF11 1JL

line 10



**2017/00210/PNT** Received on 1 March 2017

CTIL & Telefonica UK Ltd c/o Agent  
Ms. Jenny Bye Waldon Telecom, Phoenix House, Pyrford Road, West Byfleet,  
KT14 6RA

**Dinas Powys Service Station, Cardiff Road, Dinas Powys**

Installation of a 15m high monopole supporting 3 no. shrouded antennas, 1no. 300mm diameter dish antenna, 2no. equipment cabinets and ancillary works

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Hartrey as a number of objections have been received (by Cllr Hartrey).

**EXECUTIVE SUMMARY**

This application has been submitted under the procedures set out in Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for "*a 15 metre high monopole supporting 3 shrouded antennas, 1 no. 300mm diameter dish antenna, 2 equipment cabinets and ancillary works*", as to whether Prior Approval would be required for siting or appearance.

The proposed works accord with Part 24 of the Regulations and the authority can only consider the acceptability of siting (within the site) or the appearance of the equipment, and not the principle of development or general location.

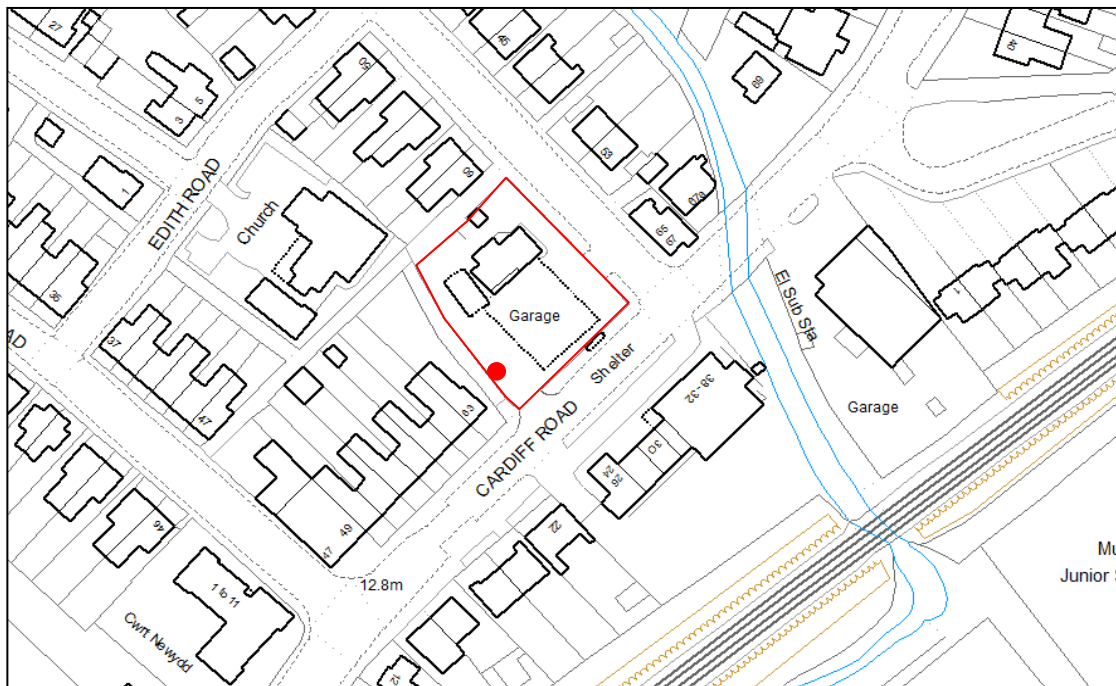
With regard to siting, the proposed mast and associated equipment is adjacent to the boundary fence of the petrol station, set back some 10 metres from the pavement edge. The mast would be visible from Cardiff Road, however it would be viewed in context with the large canopy of the filling station and the adjacent two and a half storey end terrace dwelling and existing street lighting. Therefore within its wider context the mast would not appear out of keeping with the area.

In terms of its design, the streetworks style mast would allow it to easily assimilate with other vertical elements in the surrounding area and the proposed column is the thinnest available to the applicant to be able to structurally support the technically preferred antennas, dish and feeder cables. The proposed development in its entirety will be painted grey and will help assimilate the installation into the surrounding area.

In conclusion, it is considered that the mast and associated equipment has been sensitively sited, designed and finished in this instance to reduce the overall visual impact. As such, Prior Approval would not be required for the siting and appearance of the proposal.

## SITE AND CONTEXT

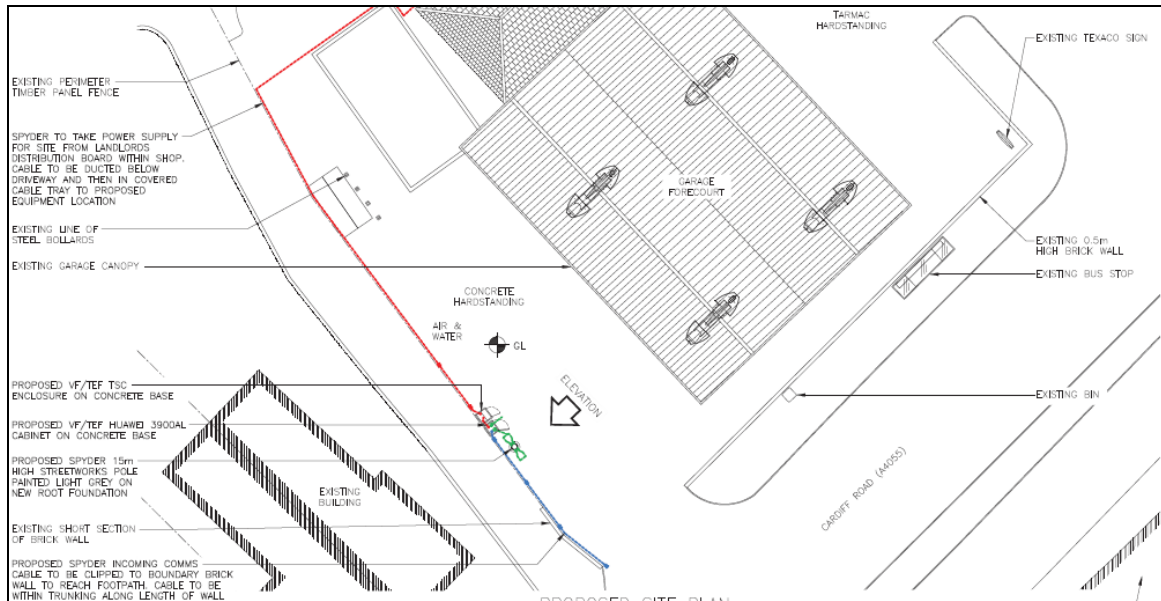
The application site is located at Dinas Powys Service Station off Cardiff Road. The site is situated close to the Cardiff Road entrance to the garage, adjacent to the existing perimeter timber panel fence and south of the air and water pump.



The surrounding area is predominately made up of residential properties, however the area immediately surrounding the site consists of a mix of residential and commercial uses. To the north and west of the service station are residential properties. Opposite the site, to the south is a row of shops and houses to the south west. To the east are residential properties and shops, along Cardiff Road.

## DESCRIPTION OF DEVELOPMENT

A Prior Approval application has been made by Waldon Telecom (on behalf of CTIL and Telefonica UK Limited) for a determination as to whether the prior approval will be required from the authority, relating to siting and appearance for: *the installation of a 15 metre high monopole supporting 3 shrouded antennas, 1no. 300mm diameter dish antenna, 2 equipment cabinets and ancillary works.*



*Proposed Site Plan*

More specifically the works relate to:

- 15m high street works pole and antenna painted light grey
- 3 shrouded antennas
- 300mm diameter dish antenna
- BTS 3900AL equipment housing – 0.75m wide, 0.77m long, 1.92m high
- TSC enclosure – 0.6wide, 0.6m long, 1.41m high

The works include communications cabling to be clipped to boundary wall and a cabled power supply to be ducted below driveway from the garage shop to the equipment cabinet.

The proposed mast and equipment cabinets will be located adjacent to the south-west boundary of the site as illustrated above and below.



*Proposed Elevation – from Cardiff Road*

## PLANNING HISTORY

1998/00757/FUL, Address: Dinas Powys Service Station, Cardiff Road, Dinas Powys, Proposal: Provision of jet wash with portico and relocation of air/water and vacuum facilities, Decision: Refused.

1999/00591/FUL, Address: Dinas Powys Service Station, Cardiff Road, Dinas Powys, Proposal: The installation of an automatic telling machine (ATM) in the existing sales building, Decision: Approved.

2000/00266/ADV, Address: Dinas Powys Service Station, Cardiff Road, Dinas Powys, Proposal: Fascia sign, Decision: Approved.

2005/01431/FUL, Address: Dinas Powys Service Station, Cardiff Road, Dinas Powys, Proposal: De-commissioning and foam filling tanks 1, 2 and 3 and installing a 70,000 litre underground double, Decision: Approved.

2006/01609/FUL, Address: Dinas Powys Service Station, Cardiff Road, Dinas Powys, Proposal: Rear single storey extension to shop with increased glazed area to front elevation, Decision: Approved.

2008/00600/ADV, Address: Dinas Powys Service Station, Cardiff Road, Dinas Powys, Proposal: Two single sided internally illuminated free standing display units, Decision: Approved.

2009/00778/ADV, Address: Texaco, 65, Cardiff Road, Dinas Powys, Proposal: New illuminated canopy fascia signs and new illuminated signs to free standing display unit, Decision: Approved.

## REPRESENTATIONS

Neighbouring properties were consulted on 20<sup>th</sup> March 2016, no representations have been received at the time of writing. Representors have 21 days to comment, therefore the recommendation below makes provision for such comments to be taken into account following Committee's determination.

## CONSULTATIONS

**Dinas Powys Community Council** were consulted, although no comments have been received to date.

**Public Health Wales** were consulted and have stated that the application is accompanied by a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Therefore they have no adverse comments from a public health perspective.

## REPORT

### Planning Policies and Guidance

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

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

#### *Policy:*

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS  
POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY  
POLICY COMM 6 – TELECOMMUNICATION

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

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

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

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

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

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

### **Planning Policy Wales:**

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

### **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 19 – Telecommunications (2002)

Annex 1 provides advice and guidance on determining prior notification applications:

*11. Local planning authorities should take into account any relevant representations received in determining whether to give or refuse approval for a proposed development. A local planning authority may wish to discuss with the developer possible modifications to the proposed development to mitigate the concerns raised by particular consultees.*

*12. Factors to be considered concerning the appearance of the mast and ancillary apparatus include materials, colour and design. The use of appropriate materials and coloration may allow a mast to blend more easily into its surroundings. Features of design which an authority may wish to consider include dimensions; overall shape; and whether construction is solid or forms an open framework. They should also consider with the developer the availability of alternative designs which might be more suited to the local environment.*

*20. The local planning authority may refuse approval to siting and/or appearance if it considers that this is justified. The authority must do so by notifying the applicant, within the 56-day period, of its decision to refuse approval. Reasons for refusal should be given. Where an authority considers that a refusal of approval may be justified, it should first explore with the operator the possibility of modifying the siting and/or appearance of the proposed development. In exercising this power, the local planning authority should take account of the obligations on code system operators to provide a service, and of technical constraints upon network development.*

## **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 proposed site is required to provide 2G, 3G and 4G coverage for Telefónica and Vodafone to this area of Dinas Powys. The coverage plots submitted with the application, show the existing 2G, 3G and 4G coverage respectively, currently provided by neighbouring cells and the predicted coverage from the proposed development demonstrating the need for the installation.

As shown on the submitted plots, the proposal would enhance network coverage in this area most notably 3G coverage. In addition, it would provide new 4G coverage to the area.

This application has been submitted under the procedures set out in Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2002 and the Town and Country Planning (General Permitted Development) (Amendment) (Wales) No 2 Order 2014.

Part 24 of the above Order relates to Development by Electronic Communications Code Systems Operators and Class A (a) permits the installation, alteration or replacement of electronic communications apparatus subject to certain criteria. The schedule sets out a number of criteria under which development *is not* permitted. In summary, this includes the installation of a ground mounted mast and radio equipment housing that are *not* on article 1(5) land, within an SSSI, or within the curtilage of a dwelling house.

The mast and associated equipment will be sited within the curtilage of the petrol filling station. The mono pole and antennas would not exceed 15m in height. The mast and associated equipment is outside any residential curtilage and outside of a Conservation area or SSSI. In addition, the housing cabinets do not exceed the permitted square area or cubic volumes allowed for the development.

As such, the details submitted accord with Part 24 of the Regulations and the Prior Approval details for the proposed development must be considered. All of the relevant details and requirements required by prior approval conditions have been provided by the applicant in this application. These set out the siting, appearance and finishes of the Mast and associated equipment.

### Assessment

Therefore the consideration of this application is whether Prior Approval would be required for siting or appearance.



*View from Cardiff Road*



The proposed mast and associated equipment is located adjacent to the boundary fence of the petrol station, set back some 10 metres from the pavement edge. The mast would be visible from Cardiff Road, however it would be viewed in context with the large canopy of the filling stations and the adjacent two and a half storey end terrace dwelling and the existing street lighting. Therefore within its wider context the mast would not appear out of keeping with the area. In addition, it is noted that the new installation must have a line of sight to one of the operators' existing sites in the area to achieve a radio connection with the network. The proposal would enable the site to be connected to the Telefónica and Vodafone network.

Whilst the mast would be located close to No. 63 Cardiff Road, the equipment cabinets would not be visible from this property, being behind the existing fence. The mast would be some 6m from the side elevation of the dwelling. Whilst there are habitable windows in the side elevation, the mast, whilst 15m in height would not have an overbearing impact on this property.

In terms of health impacts, there are no adverse comments from a public health perspective, given the Declaration of Conformity with ICNIRP Public Exposure Guidelines and this is not one of the matters to be considered under this type of application.

The siting shown is considered acceptable, in accepting that the apparatus is permitted within the site, having regard to the operational requirements of the site and the network.

The design of the proposal as a streetworks style mast would allow it to easily assimilate with other vertical elements in the surrounding area. The overall height of the proposed pole at 15 metres is set at the minimum required to clear surrounding clutter and not to be overbearing in the skyline. It is stated that the proposed column is the thinnest available to the applicant to be able to structurally support the technically preferred antennas, dish and feeder cables. The proposed antennas would be contained within a shroud forming the upper most section of the column. The antennas are closely spaced together so as to keep the profile of the column as thin as possible. In this regard the proposed column gives the illusion of a single operator installation and each operator's antennas are not distinguishable as separate elements. The proposed dish would be installed below the antenna shroud at approximately 10 metres AGL and is required to provide the site with a link into the network. Its size at 300mm has been limited to the minimum required for operational efficiency.

The applicant is also seeking to install two ground cabinets. The proposed equipment cabinets, together measure less than 2.5 cubic metres and each will be located alongside the new monopole. The cabinets will be painted grey, with an appearance similar to cabinets normally found in a street scene. Given their limited height (max. 1.9m) they would be partly screened by the existing boundary fence.

The proposed development in its entirety will be painted grey, it is considered that this treatment will help assimilate the installation into the surrounding area. In light of the above and in choosing this particular design, it is considered that the scheme takes a form which is sympathetic within the context of its immediate environment.

In conclusion, it is considered that the mast and associated equipment has been sensitively sited, designed and finished in this instance to reduce the overall visual impact. As such, prior approval would not be required for the siting and appearance of the proposal in this instance.

### RECOMMENDATION

As noted above, consultation responses may be received up to 10 April 2017 inclusive, but the application must be determined by 26 April (i.e. prior to next Committee). Therefore, it is recommended that the application be determined that **PRIOR APPROVAL WOULD NOT BE REQUIRED**, subject to the Head of Regeneration and Planning / Operational Manager for Development Management in consultation with the Chair of Planning Committee being given delegated power to amend the decision if consultation responses are received within the timeframe which alter the recommendation.

DOES NOT REQUIRE the prior approval of the Local Planning Authority.

1. DOES NOT REQUIRE the prior approval of the Local Planning Authority:

The development proposed falls within the terms and conditions of Part 24 Development by Telecommunications Code Systems Operators (Wales) contained in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2002, and prior approval is not required.

### REASON FOR RECOMMENDATION

It is considered that the development proposed falls within the terms and conditions of Part 24 Development by Telecommunications Code Systems Operators contained in the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2002 (as amended) and prior approval of the siting and appearance is not required.

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

### NOTE:

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

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

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

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

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R. E: 315630 N: 171273

CONCESSION REQUIRED NO

DIRECTIONS TO SITE:  
FROM JUNCTION 35 OF THE M4 TAKE THE A4232 SOUTHBOUND UNTIL YOU REACH THE A4050 EXIT. CONTINUE STRAIGHT OVER THE ROUNDABOUTS. AT THE FIRST ROUNDABOUT TAKE THE FIRST EXIT SIGNPOSTED FOR 'DINAS POWYS' ON ST. ANDREWS ROAD. ROAD BECOMES BRITWAY ROAD, THE SQUARE AND THEN ELEM GROVE ROAD. CONTINUE TO T-JUNCTION AT END OF ELEM GROVE ROAD AND TURN LEFT. FOLLOW A4055 FOR SHORT DISTANCE AND SITE ENTRANCE (TEXACO GARAGE) IS ON LEFT HAND SIDE.

NOTES:

1700210 PNT

REV	DESCRIPTION	BY	CH	DATE
B	NGR updated	TR	LS	16/07/17
A	Issued for Approval	TR	LS	26/11/16

SPYDER

Spyder Facilities Ltd  
Stansted Catchment, Pennington Road, Stansted, Essex, SS12 6PJ  
Tel: 01279 434000  
Email: info@spyderfacilities.co.uk  
www.spyderfacilities.co.uk

O<sub>2</sub>

Cell Name	Opt.
DINAS POWYS STATION	A
Cell ID No	
CTIL	VF
208045	012837
	TEF
	050807

Site Address / Contact Details	
DINAS POWYS STATION CARDIFF ROAD DINAS POWYS SOUTH GLAMORGAN CF64 4J5	
Drawing Title: SITE LOCATION MAPS	
Purpose of Issue:	PLANNING
Drawing Number:	100
Surveyed By:	PJ/DW
Original Sheet Size:	A3
Drawn To:	16/11/16
Checked:	LS
Date:	16/11/16
Drawn:	B



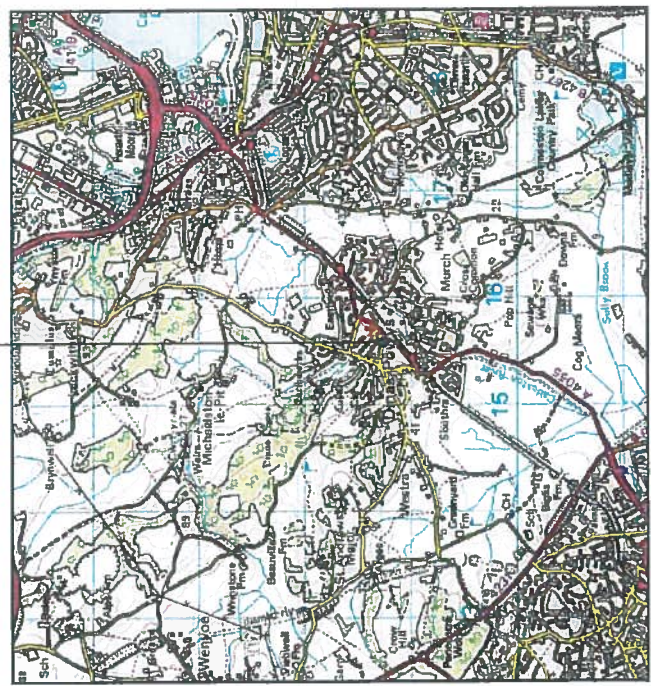
315700  
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171300  
171200

**DETAILED SITE LOCATION**

(Scale 1:1250)

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**SITE LOCATION**

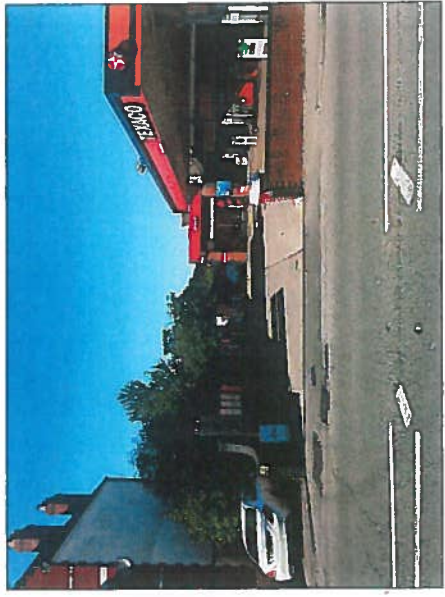


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Scale

**SITE LOCATION**

(Scale 1:50000)

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office. Licence No. 0100023487. Crown copyright.



SITE PHOTOGRAPH

**2016/01330/RG3** Received on 15 February 2017

Mr. Marc Cross Vale of Glamorgan Council, Cosmeston Country Park, Lavernock Road,, Penarth, Vale of Glamorgan, CF64 5UY

Mr. Kai Peake Vale of Glamorgan Council, Docks Office, Subway Road, Barry, Vale of Glamorgan, CF63 4RT

**Cosmeston Medieval Village, Cosmeston Country Park, Lavernock Road, Penarth**

Change of use of two barn buildings (Tithe Barn and Reeves Barn), forming part of Cosmeston Medieval Village, to allow civil marriages and wedding events

**REASON FOR COMMITTEE DETERMINATION**

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

- the application has been called in for determination by Councillor Penrose for the reason that the Community Council and numerous residents have concerns on the following grounds:-
  - Inadequate parking for attendees of the functions, being in addition to normal parking for Medieval Village, Country Park, Film Company usage and proposed "Park and Ride".
  - That the function would limit the opening time for the Medieval Village.
  - Noise of the functions disturbing local residents.
  - Detract from tranquillity of the Country Park and the everyday operation of the Medieval Village.
  - Buildings proposed not suitable for the commercial purpose applied for.

**EXECUTIVE SUMMARY**

The application site comprises part of the Cosmeston Country Park, including a section of the Medieval village and its overflow car park.

The Cosmeston Country Park lies on the south western edge of Penarth outside of the residential settlement boundary as defined in the Unitary Development Plan. A large part of the Park is within a C2 Flood Risk Zone, although only one of the buildings under the current application is within this zone. Part of the Park immediately to the north of the buildings is a designated Site of Special Scientific Interest (SSSI).

This is a full application for the change of use of two of the Medieval barns, the Tithe Barn and the Reeve's Barn, to allow civil marriages proceedings.

To date objections to the application have been received from Cllr M Garland, which relate to the proposal compromising the site as a visitor/tourist attraction; pressure on available car parking; nuisance to nearby residents; and safety issues. Cllr M Kelly-Owen has also raised the issue of security and proper use of the Country Park for all users.

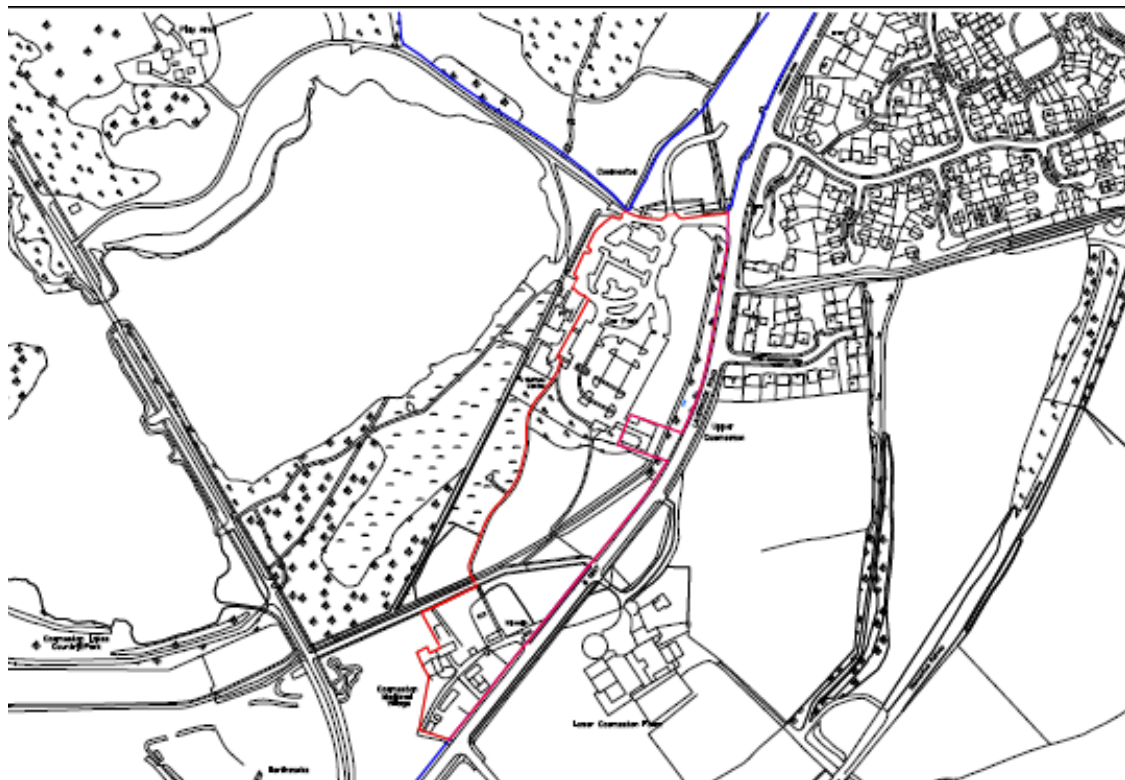


Having regard to both local policy and national guidance it is considered that the main issues relate to the justification for the development bearing in mind the countryside location and any implications for the use and viability of the country park; any visual impact; neighbouring and general amenities; and highway safety.

It is recommended that the application be approved subject to conditions, including, implementation of the access improvements; and no wedding ceremonies to take place on bank holidays.

### SITE AND CONTEXT

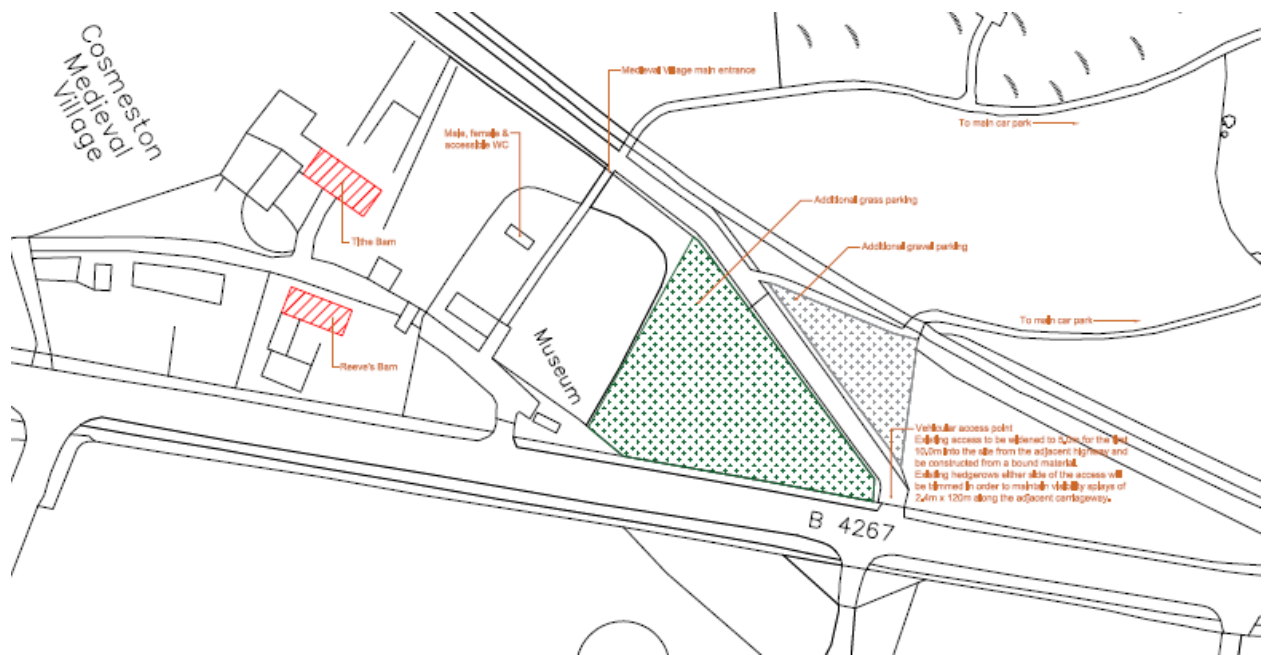
The application site comprises part of the Cosmeston Country Park, including a section of the Medieval village, the main car park and its overflow car park.



The Cosmeston Country Park lies on the south western edge of Penarth outside of the residential settlement boundary as defined in the Unitary Development Plan. A large part of the Park is within a C2 Flood Risk Zone, although only one of the buildings, the subject of the current application, is within this zone, the other lies outside. In addition, that part of the Park immediately to the north of the buildings is a designated Site of Special Scientific Interest (SSSI).

### DESCRIPTION OF DEVELOPMENT

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 (Minute No. 1979, May 2002 refers) for the change of use of two of the Medieval barns, the Tithe Barn and the Reeve's Barn, to allow civil marriages proceedings.



The supporting information indicates that although the two barns will be licensed to hold ceremonies, only one civil marriage event will take place at any one time. It is anticipated that the site will host approximately 10 No. civil ceremonies per year.

The venue will be available for use 7 days a week, but it is anticipated that the majority of civil marriage events will take place between Friday and Sunday, between 9am and 5pm, with none held on bank holidays.

The organisation of any civil marriage events will be managed by Countryside services staff, with terms and conditions, including, the correct insurances, licensing and permissions are obtained; no equipment capable of producing amplified sound shall be used in a way to cause nuisance; only emergency vehicles shall be allowed into the area on which the event is taking place; and the parking of all vehicles, other than emergency vehicles, shall be restricted to designated parking places.

On-site car parking is available at the main car park, plus overflow car parks, including the grass and gravel parking areas on the north eastern edge of the Medieval village. The existing vehicular entrance at this point will be widened to 5m for the first 10m into the site, and constructed in a bound material. The existing hedgerows either side of the access will be trimmed in order to maintain visibility splays of 2.4m x 120m along Lavernock Road.

The application is accompanied by an Access Statement (AS).

## PLANNING HISTORY

There is a considerable planning history relating to the wider Cosmeston Park area, including:-

1986/01217/FUL - Relocation of office and works compound to Cosmeston Mediaeval Village project - Approved 10 February 1987, subject to conditions, including replanting and enhancement of hedgerow boundary with Lavernock Road.

1989/00687/OBS - Visitors Centre to include exhibition area, kitchen, cafe & lecture room – Recommended no objections subject to conditions - 23 June 1989.

1989/01403/OBS - Phase 1 car park development: surfacing & laying out (approx. 180 new parking spaces, amend layout of existing car park) – Recommended no objections subject to conditions – 8 December 1989.

1995/00988/REG3 - Provision of additional warden accommodation, storage and security shutters - Approved 28 November 1995.

2011/00287/ADV - Permanently fixed free standing signs – Approved subject to conditions 2 November 2011.

2016/01167/FUL - Change of use of an existing exhibition area in the Visitors Centre to an Ice Cream Parlour with facilities to purchase snacks and hot/cold drinks - Approved 14 December 2016.

## CONSULTATIONS

**Penarth Town Council** – No comments as outside their boundary.

**Sully Community Council** – No comments received to date. Note comments from Cllr Garland (Community Councillor) below.

**Ward Members - Cllr M Kelly-Owen and Cllr C Williams** – No adverse comments.

Further comments from Cllr M Kelly-Owen - A requirement should be added for security to be provided by the Hirer of the Barns & associated parts of the country park to ensure their safe & proper use. It is essential that the Local Authority honour their obligations in this regard to all users of the Country Park.

**Cllr M Garland (Sully and Lavernock Community Council)** – Objections relating to: compromise the site as a visitor/tourist attraction; pressure on available car parking; nuisance to nearby residents; and safety issues. A full copy of the objections is reproduced at Appendix A.

**Natural Resources Wales** – No comments received to date.



**Dwr Cymru/Welsh Water** – Have requested their standard conditions and advisory notes be attached to any consent. They also advise that as the applicant intends to utilise a septic tank facility that Natural Resources Wales are consulted as they may have an input into this method of drainage disposal.

**Glamorgan Gwent Archaeological Trust** – “No construction works or development activities will take place. As a result there is unlikely to be any archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.”

**The Council’s Ecology team** – No comments to make on this application.

**The Council’s Shared Regulatory Services - Environmental Health - Comments on initial submission** - Having looked at the application I have concerns regarding the potential for disturbance to nearby properties from the proposed activities at the Cosmeston Medieval village due to the lack of information in regards to noise mitigation and control of noise, the application also states that no amplified music will be played and I recommend that this is conditioned as part of the application. If in the future the applicant wants to have amplified music they would need to then submit a variation of the application for further comment from the Pollution department.

Comments following re-notification – No comments to make.

**The Council’s Highway Development team** – Comments on initial submission – Concerns over use access to site particularly the substandard access to the south west. Therefore, the access is required to be widened and adjacent hedgerows relocated in order to provide visibility splays of 2.4m x 120m along the adjacent highway. Furthermore, it is noted that on Bank Holidays, the Country Park can become exceptionally busy, and, as such, a condition will be required to preventing wedding events at these times.

Final comments following re-notification - Further to reviewing the amended details, it is noted that the proposed use of the adjacent events field for associated wedding receptions/parties etc. has now been omitted from the proposals. It is noted that these can take place without the need for planning consent for a period of up to 28 days per year.

Notwithstanding this, it is noted that during peak times (bank holidays) the Country Park can become exceptionally busy, with a high demand for on-site parking. However, in order to control the parking demand, the applicant has informed that weddings will not take place during peak periods. As a result, subject to a suitably worded planning condition, it is considered that there would be available car parking capacity within the existing 700 parking spaces at the site.

In addition, as part of the development, improvements to the existing access adjacent to the medieval village (which would be used for overflow parking if required) are proposed, by undertaking localised widening of the access and trimming adjacent hedgerows in order to provide and maintain visibility along the adjacent highway.

As such, there is no objection in relation to the highway and transportation aspects of the development, subject to a condition that no weddings or civil marriages will be permitted to take place during public or bank holidays.  
(Members note Condition 3)

**The Council's Drainage section** - Due to the nature of the proposals at the above location, this section does not wish to attach any conditions to this proposal due to the change of use application not including the increase of impermeable area on the site.

**The Council's Estates - Strategic Property section** – No objection.

## REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 24 November 2016 and re-notified on 22 February 2017. In addition a site notice was posted on 15 December 2016.

No representations have been received to date.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 5 - BUSINESS AND INDUSTRIAL USES.

POLICY 6 - TOURISM.

POLICY 8 - TRANSPORTATION.

POLICY 11 - SPORT & RECREATION.

POLICY ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

POLICY ENV7 - WATER RESOURCES.

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE.

POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.

POLICY ENV14 - NATIONAL SITES OF NATURE CONSERVATION IMPORTANCE.

POLICY ENV18 - ARCHAEOLOGICAL FIELD EVALUATION.

POLICY ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS.

POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.

POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.

POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

POLICY EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.  
POLICY TOUR5 - NON-RESIDENTIAL TOURIST ATTRACTIONS.  
POLICY TRAN10 - PARKING.  
POLICY REC1 - PROTECTION OF EXISTING RECREATIONAL FACILITIES.  
POLICY REC11 - INFORMAL PUBLIC OPEN SPACE AND COUNTRY  
PARKS.

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

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

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

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

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

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

### **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.3 and 4.4.3; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1.1; Chapter 6-The Historic Environment, including paragraphs 6.2.1, and 6.5.5; Chapter 7-Economic Development, including, paragraph 7.6.1; and Chapter 11-Tourism, Sport and Recreation, including paragraphs 11.1.3 and 11.1.4.

### **Technical Advice Notes:**

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

- TAN 5 - Nature Conservation and Planning.
- TAN 11 - Noise.
- TAN 12 - Design.
- TAN 13 - Tourism.
- TAN 15 - Development and Flood Risk.
- TAN 16 - Sport, Recreation and Open Space.
- TAN 23 - Economic Development.

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development.
- Design in the Landscape.
- Parking Standards.

### **Other relevant evidence or policy guidance:**

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology.

## Well Being of Future Generations (Wales) Act 2015

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

### Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification for the development bearing in mind the countryside location and any implications for the use and viability of the country park; any visual impact; neighbouring and general amenities; and highway safety.

### Principle of use and implications for the current operations at the Country Park

In policy terms the site lies within the countryside where policy ENV1 of the Unitary Development Plan (UDP) restricts unjustified development. However, criterion (ii) allows for appropriate recreational use, and criterion (iii) allows for the re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy. In addition, policy TOUR5 permits non-residential tourist attractions subject to certain criteria, and recognises that these are often likely to seek locations within the countryside. Furthermore, policy EMP2 permits new business development, including the conversion of existing premises, although criterion (i) requires that the development does not lie within the countryside. This approach is supported by national guidance which states at paragraph 11.1.4 of Planning Policy Wales (PPW):-

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

Notwithstanding the above, the application site relates to two existing buildings within the Medieval village, an educational and visitor attraction at Cosmeston Country Park. The recreated village, and the wider park, is a facility that provides for both the recreational needs of local residents, and is an important attraction in the economy of the Vale. Indeed, policy REC11 of the UDP relates to informal open space and country parks and recognises the importance of such areas to allow both visitor and residents the opportunity to enjoy the attractive countryside of the Vale.

One of the issues of objection raised by local Councillors relates to the proposal compromising the existing uses at the Country Park. This includes concerns that the function would limit the opening time for the Medieval Village, and also detract from the tranquillity of the Country Park and the everyday operation of the Medieval Village.

Firstly it should be clarified that the application has been amended to an application that seeks only to expand the use of the two barns to allow for civil marriage ceremonies to take place at the site. The reference to the use of the adjoining fields for associated wedding receptions has been omitted from the description. This is because the use of the land for not more than 28 days in total in any calendar year is development permitted under Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. It is anticipated that the site will host approximately 10 No. civil ceremonies per year.

The supporting documentation notes that Cosmeston Medieval village currently operates as a popular heritage visitor attraction. Built on the original foundations of a 13th-14th century settlement, the village is comprised of reconstructed barns and farm buildings and offers an authentic living village experience, frequented by educational institutions and open to the general public. In addition to the built structures, an adjoining field is already used to host various events, such as re-enactments and craft markets. The proposed use of the Tithe Barn and Reeve's Barn for civil wedding proceedings will allow the resource to be used to its full potential and offer an attractive, alternative civil marriage events venue for the local area. The site will continue to operate as a visitor attraction when civil wedding events are not taking place.

Thus it is considered that the limited use of the barns for civil marriages will both complement and enhance the existing facilities. This should serve to maintain the viability of the park into the future, thereby serving to safeguard an existing recreational facility in line with policy REC1 of the UDP.

As regards the likely impact of the proposal on the surrounding area, this is explored below.

#### Visual impact

The proposal relates to the change of use of two existing barns within the Medieval Village, being a developed area of the country park. The submitted details confirm that there are no physical changes proposed to the existing buildings.

The proposal does entail works to an existing access to enable emergency and disabled access to the venue and servicing as required. This includes the widening of the entrance and a new bound surface for a distance of 10m. Such works do represent additional development within the rural landscape. However, these are relatively minor when compared with the wider scale of the Country Park and its overall facilities. In addition the impact on the existing hedgerow is very limited, with the majority requiring only trimming to achieve the required visibility splays along Lavernock Road.

As such it is considered that the proposal will have no adverse impact on the character and appearance of the immediate area or the wider undeveloped countryside of the park.

#### Neighbouring and general amenity

Another concern raised by Councillors relates to nuisance to neighbours, resulting from noise and general disturbance from traffic movements.

The Council's Environmental Health section has commented on the initial submission which referenced the use of the adjoining fields for associated receptions. These indicated some concern regarding the potential for disturbance to nearby properties, with a lack of information on noise mitigation and the control of noise. It was recommended that a condition be imposed on any consent that no amplified music be played. However, as already noted, the associated use of the field, which may involve music at a wedding reception, (and currently holds events with the potential for amplified music to be played), has been omitted from the description of development in the current application, as the use is permitted development for the specified 28 days.

Thus, it is considered that the use of the barns for civil marriage ceremonies should not result in a noise nuisance that would have a significant adverse impact on neighbouring amenity. It is possible that the proposal will result in the increased use of the vehicular access to the Medieval village, and thereby an associated increase in general disturbance. However, it must be recognised that the use of the access is not currently restricted, and therefore already has the potential to result in some disturbance. Despite this, it is noted that the access is removed from the majority of residential properties which are located to the north, and opposite the main entrance, and its use has to be considered against the background noise levels that already exist in terms of the everyday use of the main road between the country park and nearby residential properties.

It is not considered that the proposed additional use of the barns for civil marriages would serve to increase the general levels of any noise or disturbance associated with the use of the park.

#### Highways

The Council's Highway Development team, when considering the initial submission, had some concerns over the use of the substandard access to the site located to the south west. However, following the amended details, it has been accepted that the use of the adjacent fields for events, including associated wedding receptions/parties, is permitted development for a period of up to 28 days per year. Notwithstanding this, there is still a concern over use of the site during bank holidays, bearing in mind the existing high demand for on-site parking. However, it is noted that the applicant has indicated that weddings will not take place during peak periods such as Bank Holidays.

In addition, it is noted that improvements to the existing access adjacent to the medieval village are proposed, i.e. localised widening of the access and trimming adjacent hedgerows in order to provide and maintain visibility along the adjacent highway.

As such, Highways have confirmed that there is no objection, nevertheless, a condition to ensure that no weddings or civil marriages take place during public or bank holidays is still requested (see Condition 3).

As regards the accessibility and sustainability of the site, the Access Statement outlines the availability of public bus transport to the Country Park, as well as the facilities that allow access for visitors with mobility issues. Furthermore, in terms of the actual access to the barns themselves, the two selected for the proposed use offer alternative entrances, and can provide access ramps where necessary.

In view of the above it is considered that the proposal will have no adverse impact in relation to highway or pedestrian safety and is in accord with UDP Policies ENV27-Design of New Developments and ENV28-Access for Disabled People of the UDP.

### Other issues

It has already been noted that a large part of the country park lies within a Zone C2 flood risk as defined by the Development Advice Map (DAM) referred to under TAN15-Development and Flood Risk. However, only one of the two buildings that are the subject of the current application lies within the zone. Natural Resources Wales (NRW) have not commented on the application to date. Despite this, it is recognised that the proposal relates only to the change of use of existing buildings. In addition, unlike permanent residential, the proposed use is not a vulnerable one. Indeed, it could be argued that it differs little from the existing situation in relation to the accommodation of visitors to the site. As such, it is considered that there is no additional risk from flooding to health and safety.

The Council's Drainage engineers have not raised any objections, noting that there is no increase to impermeable areas across the site.

It has also been noted that the application site lies immediately adjacent to a designated Site of Special Scientific Interest (SSSI). It is recognised that the proposal relates to existing buildings and is a complementary use to existing facilities at the Country Park. Indeed, the Council's Ecologist has no concerns. As such, it is not considered that the proposal will have any additional impact on the SSSI.

In respect of the archaeology interests at the site, it has already been noted that the Medieval Village was built on the original foundations of a 13th-14th century settlement, and is comprised of reconstructed barns and farm buildings. As the proposal relates to a change of use, with no excavation works, only surfacing of an existing access, it is considered that there should be no adverse impact on any historical asset or archaeological interest on the site and GGAT have not objected.

Finally, Cllr M Kelly-Owen has raised concerns over security and the safe and proper use of the Country Park and all its visitors. Although this is not a matter for consideration under planning legislation, nevertheless, the Council's Operational Manager for Regeneration has advised that all events/bookings at the Country Park are assessed. A judgement is then made on each case, and if appropriate,



security, first aid, parking management, etc., is required.

In view of the above the following recommendation is made.

### RECOMMENDATION

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

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

Reason:

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

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

- Barn Floor Plans, Dwg. No. AL(00)01, amended plans received 15 February 2017;
- Site Layout, Dwg. No. AL(90)02, amended plans received 3 March 2017;
- Site Location Plan, Dwg. No. AL(90)01, amended plans received 15 February 2017;
- Plan of Medieval Village, received 7 November 2016;
- Supporting statement dated February 2017, amended plans received 15 February 2017; and
- Access Statement, amended plans received 15 February 2017.

Reason:

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

3. The development hereby permitted shall not include the use of the buildings for civil marriage ceremonies on any Bank Holiday.

Reason:

To ensure adequate on-site car parking is retained for the wider use of Cosmeston Country Park as a whole, in the interests of highway safety and in accord with Policies TRAN10-Parking and ENV27-Design of New Developments of the Unitary Development Plan.

4. The use hereby permitted shall not be implemented until the highway improvements shown on the Site Layout, Dwg. No. AL(90)02, amended plan received 3 March 2017, have been completed in full.

Reason:

In the interests of highway safety in accordance with Policies ENV27-Design of New Developments of the Unitary Development Plan.

### REASON FOR RECOMMENDATION

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

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

Having regard to Policies ENV1-Development in the Countryside, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV14-National Sites of Nature Conservation Importance, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, EMP2-New Business and Industrial Development, TOUR5-Non-Residential Tourist Attractions, TRAN10-Parking, REC1-Protection of Existing Recreational Facilities, REC11-Informal Public Open Space and Country Parks, and Strategic Policies 1 & 2-The Environment, 5-Business and Industrial Uses, 6-Tourism, 8-Transportation and 11-Sport & Recreation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance including Biodiversity and Development, Design in the Landscape, and Parking Standards; and national guidance contained in Planning Policy Wales, TAN5-Nature Conservation and Planning, TAN11-Noise, TAN12-Design, TAN13-Tourism, TAN15-Development and Flood Risk, TAN16-Sport, Recreation and Open Space, and TAN23-Economic Development; it is considered that the proposal is an acceptable and justified, part-time change of use of part of the existing Medieval village, that will serve to support and enhance the existing facilities at the Cosmeston Country Park, without causing any detriment to the character and appearance of the surrounding countryside, neighbouring and general amenity, or highway safety.

### NOTE:

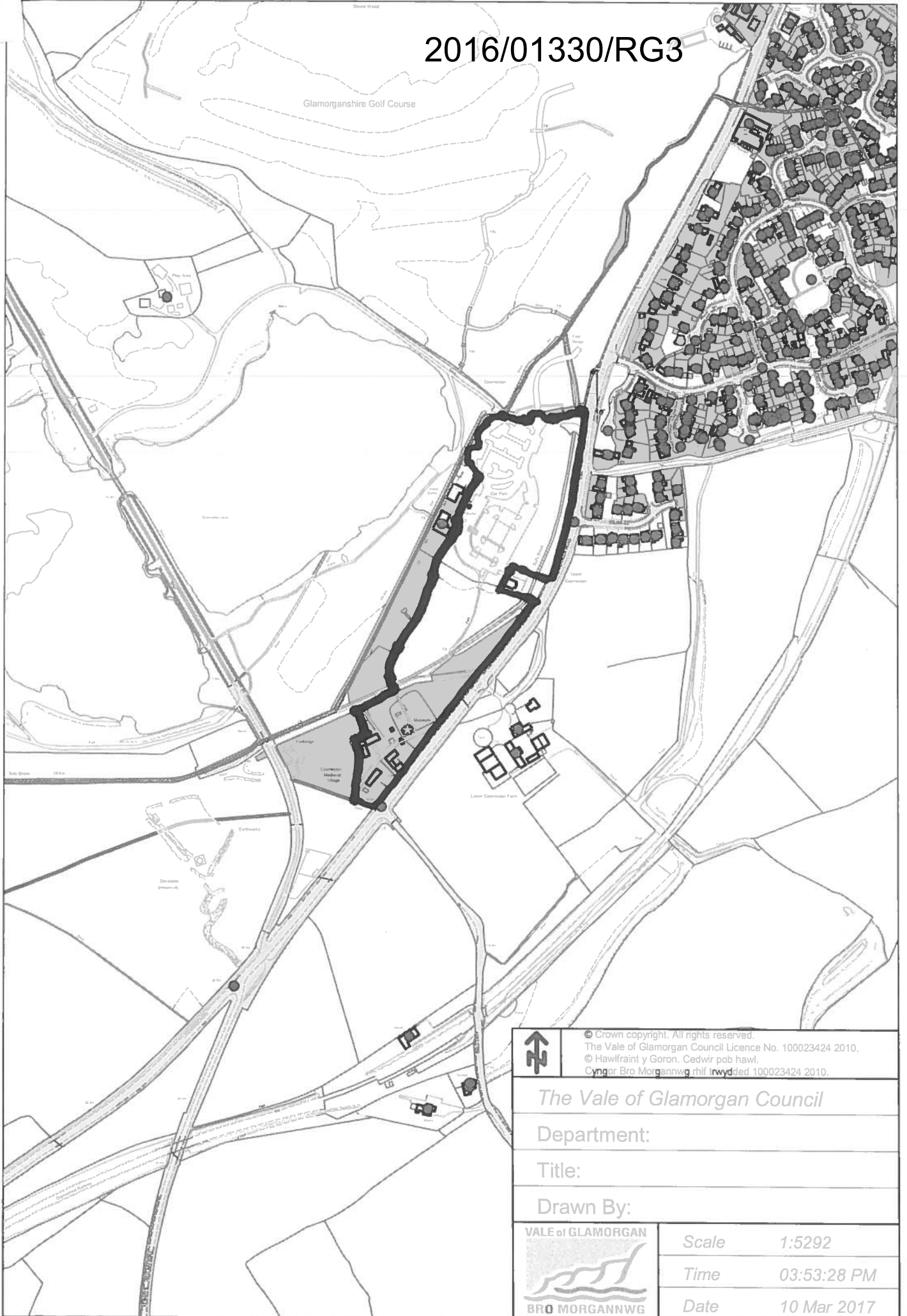
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.**

# 2016/01330/RG3



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	<b>The Vale of Glamorgan Council</b>	
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16/01330/RG3 'A'

Mrs. Y. J. Prichard  
Planning Department,  
Vale of Glamorgan Council,  
Docks Offices,  
Barry Docks,  
Barry.  
CF63 4RT  
7<sup>th</sup> March 2017

Councillor Michael Garland  
3 Plover Way,  
Lavernock Park,  
Lavernock  
CF64 5FU



Dear Mrs. Y. J. Prichard,

I wish to make the following objections to the planning application listed below, and, also request that the application is 'called in' to be heard by the Planning Committee. I believe Councillor Penrose has already requested this.

2016/01330/RG3    Cosmeston Medieval Village,  
Cosmeston Country Park, Lavernock Road, Lavernock.  
  
Change of use of two barn buildings (Tithe Barn and Reeves Barn) and associated land, forming part of Cosmeston Medieval Village, to allow civil marriages and wedding events

Cosmeston Medieval Village is situated is located within the Lavernock Ward of Sully and Lavernock Community Council and not in the Plymouth Ward of Penarth Town Council.

Cosmeston Medieval Village is a full-scale reconstruction/restoration on the original fourteenth century site and foundations and forms a heritage attraction that is unique in Britain and is of historical, educational and recreational importance. The Vale of Glamorgan Council has listed Cosmeston Medieval Village as a County Treasure (Sully), No 864.

I wish to make the following objections to the planning application:-

1. The application for a "change of use, to allow civil marriages and wedding events" will be detrimental to and compromise this heritage site and its attraction as a historical, educational and recreational and tourist establishment, as visitors/tourists (some who may be travelling some distance to the venue) will be deterred from visiting the Medieval Village with the possibility of it being closed for wedding events.

16/01330/RG3(A<sub>2</sub>)

Its availability for wedding events seven days a week, although more predominantly Friday to Sunday and Bank Holidays will affect the majority of visitors who would be planning to visit this heritage attraction on these days.

2. With 50 car parking spaces being allocated to the venue on 'wedding event days' this will put an undue strain on the limited car parking facilities at the Cosmeston Lakes Country Park and may lead to off-site car parking on the nearby residential roads on the nearby Lavernock Park and Upper Cosmeston Farm estates causing, nuisance, traffic congestion and accessibility problems for residents and emergency services.

Although available car parking spaces for the site has been given as 700 including the 'overflow' car parks. The overflow car parking areas, consist of grassed areas, situated alongside Sully Brook, and are weather dependent and are 25% susceptible to groundwater flooding (LDP Flooding Background Paper).

On the May Day Bank Holiday 2016 the overflow car parking areas were unusable following a number of days of rain and were unusable for nearly three weeks after, waiting for high water levels in Sully Brook to reduce, and the ground to dry out sufficiently to allow vehicles to use these areas.

The main car parking area consists of an estimated 100 car parking spaces and two coach parking areas. This number of car parking spaces available together with the numbers including the overflow car park is dependent on vehicles parking appropriately, although this is reduced somewhat when accounting for the larger vehicles in use today, i.e. suv's and vans, and spacial parking (leaving wide spaces between vehicles), as car parking spaces at the Country Park are not marked/indicated.

With 50 spaces being set aside for wedding guests. This will severely limit car parking to other visitors of the Country Park, in the main car park area, taking into account that weddings will generally occur on weekends and Bank Holidays which are also a high visitor number day to the Country Park. Even with the over flow car parks available, there will be times when these are full, especially through the Spring/Summer months.

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3. The venue may cause a nuisance through noise to the nearby residents of nearby residents at Lower Cosmeston Farm, Upper Cosmeston Drive, Lavernock Park Estate and Lavernock Road.

The venue is only located approximately 20 metres from the B2467 and will be available for wedding events from 9am to 1am the following day, although clearing up operations could be taking place later than this time.

Noise from the venue in these late evening and early morning hours (loud music and organisers clearing up) will cause a nuisance to nearby residents.

There will also be noise from guests and vehicles leaving the site at these times which will also cause a nuisance to nearby residents.

4. The application states that 'guests' with mobility problems can access the Medieval Village from the B4267 via access point A and B on the site plan. The use of access point B could cause traffic congestion or an accident with vehicles turning right off the B4267 into the Medieval Village via access Point B. This access point is located opposite Lower Cosmeston Farm and a short distance from an acute bend, and where the speed limit on this section of road being 40 mph, although this speed is exceeded by many vehicles using this road.
5. A public footpath is located at Acces Point A and users of this footpath going into the Country Park could be put at risk from 'guests' vehicles using this access.

Councillor Michael Garland  
(Sully and Lavernock Community Council - Lavernock Ward)

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