

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **1 NOVEMBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2017/0961/BR	AC	19, Merthyr Dyfan Road, Barry	Internal and external adaptations to existing dwelling
2017/0990/BR	AC	Jubilee Fields Campsite, Peterston Super Ely	Erection of toilet block and septic tank
2017/0999/BR	AC	40, Commercial Road, Barry	Construction of three bedroom end of terrace house
2017/1005/BR	AC	22, Cwrt Syr Dafydd, Llantwit Major	Proposed single storey rear extension
2017/1006/BR	AC	8, Teasel Avenue, Penarth	Single storey rear extension and two storey side extension
2017/1010/BN	A	4, St. Cadocs Avenue, Dinas Powys	Install Guardian Warm Roof
2017/1016/BR	AC	18, East View, Llandow	Extend existing side annex by 850mm to rear to bring in line with back wall of house for conservatory to span eaves raised to 2.5m & ridge to 3.9m new porch on front of property & Conservatory (non exempt)
2017/1021/BN	A	7, Nightingale Place, Dinas Powys	Removal of internal wall - kitchen to dining room

2017/1025/BR	AC	Pinfold, 1, Broadway Green, St. Nicholas	Construction of an attached double garage
2017/1026/BN	A	8, Vale View Crescent, Llandough	Add new window to front first floor bedroom and divide into two bedrooms
2017/1027/BR	AC	155, Plymouth Road, Penarth	Shower room to be fitted in existing workshop area
2017/1031/BN	A	8, Romilly Park Road, Barry	Single storey rear extension
2017/1032/BN	A	15, Shakespeare Avenue, Penarth	Single storey rear extension
2017/1033/BN	A	14, Tewdrig Close, Llantwit Major	Single storey extension into garage from hall to provide toilet, wash basin and shower
2017/1034/BN	A	113, Colcot Road, Barry	Two Storey extension
2017/1035/BN	A	13, Nelson Road, Barry	Conversion of integral garage into habitable room and removal of wall between kitchen and lounge
2017/1036/BN	A	7, Meliden Road, Penarth	Single storey rear extension to increase kitchen and dining space
2017/1037/BR	AC	30, Aneurin Road, Barry	To take down existing outbuildings to side of dwelling and construct new kitchen, shower room and utility room
2017/1038/BN	A	20, Wolfe Close, Barry	Fit FD30 door to kitchen
2017/1040/BR	AC	30, Wordsworth Avenue, Penarth	Moving external doorway & fitting level access shower
2017/1041/BN	A	21, Langlands Road, Barry	WHQS kitchen, Bathroom, (Central Heating and re-wire - CPS)
2017/1042/BN	A	2, Longmeadow Court, Cowbridge	Install WHQS wet room, kitchen & FD30 door to kitchen

2017/1043/BN	A	13, Longmeadow Court, Cowbridge	WHQS kitchen & FD30 door to kitchen
2017/1044/BR	AC	11, Friars Road, Barry	Construction of single storey timber frame ancillary annex
2017/1046/BN	A	13, Westbourne Road, Penarth	Single storey extension
2017/1047/BN	A	11, Hickman Road, Penarth	Replace roof to porch & install RSJ's
2017/1048/BN	A	17, Hensol Villas, Hensol	Converting three downstairs rooms into one open plan room
2017/1049/BN	A	9, Lennox Green, Barry	FD30 door to kitchen
2017/1050/BN	A	7, Tensing Terrace, Barry	FD30 door and frame to kitchen
2017/1051/BR	AC	1, Gidlas Close, Llantwit Major	Demolition of existing conservatory and construction of single storey side and rear extension
2017/1053/BR	AC	Fairfield, Welsh St. Donats	Kitchen and boot room extension. Convert/extend existing roof to provide new bedrooms/ensuite and bathrooms
2017/1054/BN	A	3, Digby Street, Barry	Change head to internal partition to form new doorway to rear bedroom
2017/1056/BN	A	36, Cwm Barry Way, Barry	Rear single storey extension
2017/1058/BN	A	38, Denys Close, Dinas Powys	Part conversion of garage for habitable use
2017/1059/BR	AC	3, Alwen Drive, Cwm Talwg, Barry	New single storey lean-to kitchen extension
2017/1060/BN	A	12, Coldknap Way, Barry	Front extension
2017/1061/BN	A	341, Barry Road, Barry	Replacing roof including felt and battening

2017/1062/BN	A	2, Andrews Court, Llantwit Major	External upgrade of property with 90mm EWI
2017/1068/BR	AC	Cornerways, Wick Road, Ewenny	Demolish existing garage and rebuild new garage, hobbies room and wider drive
2017/1071/BR	AC	10, Hawthorne Avenue, Penarth	New single storey rear and side extension
2017/1074/BN	A	Greenmeadow, Port Road, Wenvoe	Extension and refurbishment
2017/1076/BN	A	3, Fulmar Close, Penarth	Single storey rear extension comprising of garden room and shower room
2017/1077/BN	A	63, Stanwell Road, Penarth, Vale of Glamorgan CF64 3LR	Construction of a single storey contemporary glazed extension to the rear of a double storey residential dwelling house in place of an existing single storey extension
2017/1078/BN	A	3, Holland Way, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1079/BN	A	20, Holland Way, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1080/BN	A	1, Islwyn Way, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1081/BN	A	4, Cawley Place, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1082/BN	A	14, Dafydd Place, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards

2017/1083/BN	A	16, Dafydd Place, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1084/BN	A	16, Dafydd Place, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1085/BN	A	11, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1087/BN	A	Tenby House, Marcross	Single storey extension
2017/1089/BN	A	19, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1090/BN	A	20, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1091/BN	A	27, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1092/BN	A	31, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1093/BN	A	33, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1094/BN	A	35, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1095/BN	A	37, O'Donnell Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards

2017/1099/BN	A	9 - 1, Hafren Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1100/BN	A	39, Tordoff Way, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1101/BN	A	5, Crwys Lane, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1102/BN	A	10, Boon Close, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1103/BN	A	321, Gladstone Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1105/BN	A	2, Henry Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1106/BN	A	4, Henry Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1107/BN	A	6, Henry Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1109/BN	A	2, Carne Court, Llantwit Major	External upgrade of property with EWI 90mm
2017/1110/BN	A	10, Carne Court, Llantwit Major	External upgrade of property with 90mm EWI
2017/1111/BN	A	25, Carne Court, Llantwit Major	External upgrade to property with 90mm EWI
2017/1112/BN	A	12, Rees Court, Llantwit Major	External upgrade of property with EWI 90mm

2017/1114/BN	A	31, Cambourne Close, Barry	Side extension (single storey) to provide utility space
2017/1115/BN	A	19, St. Brides Road, Wick	Internal alteration and insertion of roof lights
2017/1116/BN	A	47, St. Pauls Avenue, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1117/BN	A	2-4, Jenner Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1118/BN	A	12, Montgomery Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1119/BN	A	2, Lower Morel Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1120/BN	A	71, Princes Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1122/BN	A	158, Phylis Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1123/BN	A	20, Crossways Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1124/BN	A	424, Gladstone Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1125/BN	A	426, Gladstone Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards

2017/1126/BN	A	24, Montgomery Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1127/BN	A	21, O'Donnell Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1128/BN	A	49, Aneurin Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1129/BN	A	3, Edmund Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1130/BN	A	5, Edmund Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1131/BN	A	7, Edmund Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1132/BN	A	12, Parklands, Corntown	Removal of existing concrete tiled roof (including felt and battens) and renew with concrete tiles, battens & breather membrane
2017/1133/BN	A	11, Edmund Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1134/BN	A	1, Geraint Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1135/BN	A	2, Geraint Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards

2017/1136/BN	A	3, Geraint Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1137/BN	A	5, Geraint Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1138/BN	A	102, Morel Street, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1140/BN	A	78-84, Treharne Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1141/BN	A	62-67, Treharne Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1142/BN	A	14 to 24, Treharne Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1143/BN	A	1, Edmund Place, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1144/BN	A	31, Walker Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1145/BN	A	35, Walker Road, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1149/BN	A	17, St. Pauls Avenue, Barry	Replacement of roof covering, rainwater goods, fascias, soffits and barge boards
2017/1151/BN	A	1, Berkrolles Avenue, St. Athan	Single storey side extension to create an attached garage

2017/1154/BN	A	12 Carne Court, Llantwit Major	Upgrade of property with EWII 90mm
2017/1155/BN	A	38, Carne Court, Llantwit Major	Upgrade of property with EWI 90mm
2017/1156/BN	A	124, Winston Road, Barry	Roofing work and windows
2017/1157/BN	A	126, Winston Road, Barry	Roofing work and windows
2017/1158/BN	A	128, Winston Road, Barry	Roofing work and windows
2017/1159/BN	A	130, Winston Road, Barry	Roofing work and windows
2017/1160/BN	A	134, Winston Road, Barry	Roofing work and windows
2017/1161/BN	A	136, Winston Road, Barry	Roofing work and windows
2017/1162/BN	A	140, Winston Road, Barry	Roofing work and windows
2017/1164/BN	A	170, Winston Road, Barry	Roofing work and windows
2017/1165/BN	A	172, Winston Road, Barry	Roofing work and windows
2017/1168/BN	A	23, Fair Oaks, Dinas Powys	Roofline works
2017/1172/BN	A	74 - 84, Treharne Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1173/BN	A	40, Whitewell Road, Barry	Pitched roofing, loft insulation, chimney, external decoration, windows, fascia's, soffits, gutters & downpipes
2017/1174/BN	A	91 - 97, College Road, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1175/BN	A	1 - 6, Irving Place, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1176/BN	A	7 - 12, Irving Place, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards

2017/1177/BN	A	19 - 24, Williams Crescent, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1178/BN	A	25 - 30 Williams Crescent, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards
2017/1179/BN	A	1 - 6, Williams Crescent, Barry	Replacement roof covering, rainwater goods, fascias, soffits and bargeboards

(b) Building Regulation Applications - Reject

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

2017/1009/BN	R	65, Caer Odyn, Dinas Powys	Single storey rear and side extension
2017/1011/BN	R	1, Powys Drive, Dinas Powys	2, Storey extension to increase overall living space
2017/1012/BN	R	72, Clos Yr Wylan, Barry	2 Storey side extension
2017/1018/BN	R	24, Oakfield Road, Barry	Single storey extension, rebuild garage, new kitchen diner, lounge extension to rear of house
2017/1022/BN	R	33, Afal Sur, Barry	Single storey rear extension
2017/1052/BN	R	2, Spencer Drive, Llandough,	Single storey extension to rear of property
2017/1073/BN	R	116, Pontypridd Road, Barry	Single storey rear infill extension
2017/1171/BN	R	2, Berkley Drive, Penarth	Two storey side extension to install downstairs cloakroom. Extend kitchen. Extend bedroom and install disabled friendly en-suite

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

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

2017/0157/AI	A	8, Tennyson Road, Penarth	Loft conversion
2017/0158/AI	A	Masons Self Storage, Storage House, Priority Enterprise Centre, Cardiff Road, Barry	Two tier mezzanine floor with fire rating and stair enclosures for self storage
2017/0159/AI	A	Vale of Glamorgan Delivery Office, Unit 7, Vale Business Park, Cowbridge	Replacement and Relocation of boiler with associated works
2017/0160/AI	A	Barclays Bank, 73, Holton Road, Barry	Flat-roof recovering works to existing bank
2017/0161/AI	A	Rushmoor House, St. Marys Church, Cowbridge	Proposed two storey dwelling (works to include material alterations to structure, controlled services, fittings and thermal elements)
2017/0162/AI	A	27, Heol Sirhwi, Barry	Single storey rear extension
2017/0163/AI	A	27, Cog Road, Sully	Construction of two semi- detached community homes and new drainage to serve the outbuildings
2017/0164/AI	A	35, Samson Street, Llantwit Major	Replace conservatory roof with Supalite roof and associated work at ground level
2017/0165/AI	A	20, Conway Drive, Barry	Replacement of existing conservatory roof
2017/0166/AI	A	Jaflon Restaurant, 39, Albert Road, Penarth	Fire damage reinstatement and associated works
2017/0167/AI	A	25, Caynham Avenue, Penarth	Formation of a structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements

2017/0168/AI	A	1, The Meadows, Penllyn	Structural opening for new window installation (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.

2013/1071/BR
2014/0429/BR
2014/0447/BR
2014/0511/BR
2014/0524/BR
2014/0556/BR
2014/0560/BR
2014/0613/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 NOVEMBER, 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

2009/01344/1/N MA	A	Cwrt Bethesda, High Street, Barry	Non material amendment - Development of seven residential units at land between 34 and 35, High Street, and 106 and 107, Queen Street, Barry. Planning permission ref. 2009/01344/FUL: Development of seven residential units
----------------------	---	-----------------------------------	---

2015/00044/1/N MA	A	Land adjacent to The Retreat, St. Nicholas	Non material amendment - Proposed new low energy dwelling. (Renewal of Planning Permission ref 2009/01205/FUL). Planning permission ref. 2015/00044/FUL: Proposed new low energy dwelling (Renewal of planning permission ref:- 2009/0105/FUL)
2015/00095/2/N MA	A	Ardwyn, Pen Y Turnpike Road, Dinas Powys	Non material amendment - Construction of eighteen dwellings and associated works at Ardwyn, Pen Y Turnpike Road, Dinas Powys. Planning permission ref. 2015/00095/FUL: Construction of eighteen dwellings and associated works (NMA) at Ardwyn, Pen y Turnpike Road, Dinas Powys
2015/00176/1/C D	A	Rushmoor House, St. Mary Church	Discharge of conditions 4, 5, 7 and 11 - Demolition of existing sub standard dwelling and erection of new 4 bedroom dwelling, triple garage and stable block
2015/00647/2/N MA	A	2, Stanwell Road, Penarth	Non material amendment to Condition 7- Arboricultural impact assessment & Condition 11-Landscaping of planning permission 2015/00647/FUL for extension and alteration to form seven self-contained residential apartments and one town house

2015/01129/1/N MA	A	The Rectory, Port Road, Wenvoe	Non material amendment - Development of 12 dwellings and associated infrastructure at Land at The Rectory, Wenvoe. Planning permission ref. 2015/01129/FUL: Development of 12 dwellings and associated infrastructure
2015/01355/1/C D	A	Saron Chapel, Treoes	Discharge of Conditions 3, 4 and 5. Alteration and refurbishment of Saron Chapel and associated vestry building
2016/00557/1/N MA	A	9, Heol Leubren, Pencoedtre Village, Barry	Non-Material Amendment- roof amendments. Construction of single storey extension and conversion of double garage to living area
2016/00809/1/C D	A	Land to the rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of Condition 11- Wildlife/habitat mitigation plan on planning permission 2016/00890/FUL for 37 No. retirement apartments for elderly
2016/00950/1/N MA	A	Land east of Five Mile Lane, Whitton Mawr	Non material amendment relating to inclusion of swale, pedestrian gate and path - 6MW solar PV array at Land east of Five Mile Lane. Planning permission ref 2016/00950/FUL: 6MW solar PV array

2016/01237/1/N MA	A	The Stables, Corntown Road, Corntown	Non material amendment - Condition 2 - Change sliding doors from 4 leaf timber to 3 leaf aluminium and addition of 4 roof lights. Reserved matters application planning permission ref. 2016/01237/RES: for one dwelling - Appearance, landscaping and layout of the development at The Stables, Corntown Road, Corntown.
2017/00102/FUL	A	Cloggs, 5B, Stanwell Road, Penarth	The change of use of a retail unit from Class A1 (Shops) to Class A3 (Food and Drink) and associated external alterations - including the installation of extraction and ventilation equipment
2017/00114/FUL	A	Tip Trailers, Sully Moor Road, Sully	Change of use from temporary structure to permanent
2017/00188/FUL	A	Land within the curtilage of Kingfisher Hall, St. Nicholas	Erection of new dwellinghouse, with associated works and access arrangements.
2017/00230/FUL	A	Gigman Mill, St Mary Church	New drive access to Gigman Mill House
2017/00263/1/N MA	A	33, Westbourne Road, Penarth	Non-material amendment: Additional window in the utility room. Single storey extension to side/rear. Demolition of existing garage to be replaced by a new double garage with playroom

2017/00344/FUL	A	11, Vishwell Road, Wenvoe	Proposed works including ground floor extension to form new living room, garage extension with new roof, first floor conservatory and loft extension with side dormer for staircase and rear dormer
2017/00373/1/N MA	A	42, Plas St Pol De Leon, Penarth Marina, Penarth	Non-material Amendment - Amend the finish of the handrail and posts to zinc galvanised and powdercoated (white). 2017/00373/FUL Proposed front elevation, first floor balcony in glass, and powder coated steel frame
2017/00377/FUL	A	The Anchorage, 38, Cog Road, Sully	New four bedroom dormer bungalow in the rear/side garden
2017/00385/FUL	A	36, Pencoedtre Road, Barry	Demolish existing sub standard double garage and workshop alteration /extension to detached bungalow. Build a pair of 3 bed semi-detached houses in place of double garage
2017/00437/FUL	A	Plot 1, 90, Fontygary Road, Rhose	Construction of in ground swimming pool
2017/00443/FUL	A	Westra Fach, Westra, Dinas Powys	Detached garage and studio to be used solely in connection with existing dwelling
2017/00475/FUL	A	Kam Hung, 14, Glebe Street, Penarth	Retention of extraction flue at rear of property
2017/00491/FUL	A	5, Channel Close, Rhose	First floor side extension and ground floor extension to front

2017/00549/FUL	A	56, Windsor Road, Penarth	Retention of existing subdivision and addition of 3 residential units and extension
2017/00555/FUL	A	61, Porth Y Castell, Barry	Proposed double storey side and single storey rear extension
2017/00561/FUL	A	Land at Pancross Farm, Llancarfan	The proposed installation is a 22.5m monopole mast, supporting 3 no antenna, 2 no dishes, together with associated ground based equipment cabinets and ancillary development thereto
2017/00569/FUL	A	West Aberthaw Barns	Permission for the inclusion of CCTV, external lighting, at West Aberthaw Barns development, with a revised landscaping and parking layout
2017/00595/FUL	A	20, Robinswood Crescent, Penarth	Proposed two storey side extension and rear single storey extension, including external and internal alterations
2017/00606/FUL	A	The Beach Cafe, Llantwit Major	Renewal of planning application 2012/00771/ FUL: Extension to existing cafe
2017/00607/LBC	A	West Aberthaw Barns	Permission for the inclusion of CCTV, external lighting, SAS radio receiver within the West Aberthaw Barns development, with a revised landscaping and parking layout;

2017/00621/1/C D	A	Tymaen Farm, Ogmore	Discharge of Conditions 2 and 4 - Proposed installation of 4 No. steel support posts and header beam in northern ground floor section of two storey barn to strengthen existing first floor
2017/00628/FUL	A	12, Marine Parade, Penarth	External and internal alterations to the existing property and reconfiguration from 6 flats to 4
2017/00635/FUL	A	54, Amherst Crescent, Barry	2 Storey side extension and loft conversion with rear dormer to roof and Juliette balconies to front elevation and associated works
2017/00653/FUL	A	10, Cory Crescent, Peterston Super Ely	Re-roofing of original roof using weathered modern rosemary tiles. Moving internal walls between bathroom and rear bedroom to relocate bathroom back to its believed original position and create a more usable shaped rear bedroom. Demolish dated rear extension and replace by less obtrusive minimally designed extension. Remove dated glazing to rear of kitchen and replace by modern frameless glazed element. Construct feature ensuite 'pod' for rear bedroom.

2017/00660/FUL	A	40, Victoria Road, Penarth	Proposed single storey sun room extension, alterations to existing fenestration, construction of single storey detached garage with access and swimming pool
2017/00664/FUL	A	7, Croft Street, Cowbridge	Rear two storey and single storey extension
2017/00671/FUL	A	12, Plas St. Andresse, Penarth	Change windows to French doors and construct Juliet balcony on Front elevation
2017/00676/FUL	A	Hyndburn, 56, Craig yr Eos Road, Ogmore By Sea	Extensions and alterations to existing dwelling including first floor accommodation and balcony.
2017/00677/FUL	A	206, Holton Road, Barry	Conversion to form five number self contained apartments with two storey rear extension, internal alterations and refurbishment.
2017/00679/LBC	A	Former Mortuary Building, Hayes Point, Sully	Variation to original 2014/00860/LBC seeking minor external changes to doors and window openings, removal and reinstatement of stone wall.
2017/00681/FUL	A	The Albion, 28, Glebe Street, Penarth	Installation of air conditioning units
2017/00688/RG3	A	(Block 5), The Buttrills Estate, Buttrills Walk, Barry	External envelope scheme of existing estate to upgrade the thermal performance and appearance of the buildings
2017/00693/OUT	R	39, Pontypridd Road, Barry	New 3 bed domestic dwelling

2017/00696/FUL	A	14, Salisbury Avenue, Penarth	Ground and first floor rear extension
2017/00706/FUL	A	6, Vincent Close, Barry	Side extension for new kitchen
2017/00707/FUL	A	Groes Farm, Southerndown	25m x 60m All weather turnout/exercise area
2017/00708/FUL	A	74, Holton Road, Barry	Demolition of rear outbuildings, new shop front, new front replacement windows
2017/00710/FUL	A	Ty Amandla, Marcross	Disconnection of foul drainage from existing common cesspool serving four properties and connection to new domestic sewage treatment plant within curtilage for one dwelling
2017/00711/FUL	A	The Old Rectory, Marcross	Disconnection of foul drainage from existing common cesspool serving four properties and connection to new domestic sewage treatment plan within curtilage for one dwelling
2017/00715/FUL	A	Barry Community Water Activity Centre, Powell Duffryn Way, Barry	Construction of new multi-use community building with associated site works. New building to incorporate; (D2) gymnasium and classrooms as well as (A3) restaurant
2017/00725/FUL	A	Sigingstone Lane, Llanmaes	Re-siting of previously approved agricultural shed (2016/01370/FUL) together with details of improvements to existing access and details of provision of hardstanding or similar

2017/00730/LBC	A	10, Cory Crescent, Peterston Super Ely	Re-roofing of original roof using weathered modern rosemary tiles. Moving internal walls between bathroom and rear bedroom to relocate bathroom back to its believed original position and create a more usable shaped rear bedroom. Demolish dated rear extension and replace by less obtrusive minimally designed extension. Remove dated glazing to rear of kitchen and replace by modern frameless glazed element. Construct feature ensuite 'pod' for rear bedroom.
2017/00734/FUL	A	Wind turbine, The Grange, St. Brides Road, St. Brides Super Ely	Retention of a turning head and realignment of an access track formed as part of a wind turbine development granted under planning permission reference 2014/00812/FUL
2017/00735/FUL	A	St. Briavels, Church Close, Ogmore by Sea	Single storey extension
2017/00738/FUL	A	Southcot, 27, Cog Road, Sully	Replacement of a dwelling (formerly semi detached) with new semi- detached dwellings
2017/00739/FUL	A	12, Downs View, Aberthin	Retention of patio area and steps (between existing raised patio areas) and re-grading and reduction of existing garden level by 500mm.

2017/00747/FUL	A	Nash Cottage, Nash	Replacement of existing timber and UPVC windows to Aluminium windows. Planning permission required for the removal of the three dormers.
2017/00750/FUL	A	21, Daniel Hopkin Close, Llantwit Major	Two storey side extension
2017/00754/LBC	A	Nash Cottage, Nash	Replacement of existing timber and UPVC windows to Aluminium windows. Planning permission required for the removal of the three dormers
2017/00756/FUL	A	Super Hangar, Aerospace Business Park, St. Athan, Barry	Phase 2 Building Alterations, comprising of proposed loading bays and infilling existing covered area
2017/00758/LBC	A	Ewenny Priory, Abbey Road, Ewenny	To north wing roof only: - Replacement of poor / defective / sub-standard lead sheet tapering gutters with new single-ply membrane. - Replacement of 5 no. existing poor / defective / sub-standard rooflights with new rooflights. - Replacement of poor / defective rainwater downpipe and hopper arrangement at eastern end of tapering gutter. - Timber roof structures beneath the tapering gutters and associated pitched (natural slate finished) roofs will be repaired. All as detailed on application drawings

2017/00759/LBC	A	West Aberthaw Farm, West Aberthaw	Remove existing ridge tiles and slates, clean and reuse, replace any missing ones with reclaimed. Repair or replace roof timbers, battens, wall plates and fascias, carefully take down west end gable elevation (damaged) and NW corner and rebuild to match existing structure, repoint/repair other elevations using traditional methods, replace door frame, conserve floor coverings and replace missing tiles with matching reclaimed ones.
2017/00760/FUL	A	61, Stanwell Road, Penarth	Replace existing single glazed, timber framed casement windows on the front of the house with double glazed uPVC vertical sliding sash windows
2017/00762/FUL	A	Gwaun Llyn, Degar Road, Llanharry	Proposed granny annexe
2017/00763/LBC	A	Top and North Lodges, UWC Atlantic College, St. Donats, Llantwit Major	Roof repairs / replacement
2017/00771/FUL	A	Station House, Decca Cottages, Llancarfan	Widening of existing drive, replacement front boundary wall and storm porch on side of dwelling.
2017/00772/FUL	A	Vale Cricket Club, Corntown Road, Corntown	Erecting wooden shed 12' x 12' adjacent to club house
2017/00774/FUL	A	Ty Pentre, Marcross	Proposed dormer extension to rear and side of existing bungalow

2017/00776/FUL	A	66, Plymouth Road, Penarth	Replacement of existing 2 storey rear extension with 2 storey and single storey side kitchen extension, new rooflights and enlarged rear dormer window
2017/00778/FUL	A	Holiday Inn Express, Port Road, Rhoose	Replacement car parking in an alternative location.
2017/00781/FUL	A	Ynysdawel, Llancarfan	Change of use of part of existing dwelling to facilitate holiday lets
2017/00785/FUL	A	120, Porthkerry Road, Barry	Proposed extension of existing rear terrace platform, with minor elevational alterations to existing window/door configuration at ground floor level
2017/00787/FUL	A	10, Kestrel Way, Penarth	Two storey extension including reduction in size of existing garage
2017/00791/FUL	A	9, Maes Y Coed, Barry	Proposed loft conversion with dormer to rear and proposed balcony to front elevation and side Juliet balcony
2017/00792/FUL	A	Rockleigh, 34, Craig yr Eos Road, Ogmore By Sea	Rear extension, extension to rear existing dormer and addition of glazing to front elevation at first floor.
2017/00795/FUL	A	Cartref, Llanbethery	Proposed single storey extension and remodelling to form additional accommodation and dining area at ground floor level

2017/00796/FUL	A	Seashore Grill and Cafe Bar, Beach Road, Swanbridge	Main restaurant kitchen extension and additional internal alterations to facilitate additional catering requirements
2017/00797/FUL	A	Conifers, A48, St. Nicholas	Extension to existing dwelling and general alterations
2017/00800/FUL	A	31, Pill Street, Cogan, Penarth	Double storey rear extension, loft conversion with rear dormer and new detached garage
2017/00803/FUL	A	31, Cambourne Close, Barry	Side extension (single storey) to provide utility space
2017/00808/FUL	A	2, Spencer Drive, Llandough, Penarth	Single storey orangery to rear
2017/00809/FUL	A	17, Downs View, Aberthin	Two storey extension to side and part single part two storey with dormer to rear
2017/00811/FUL	A	38, Crompton Way, Ogmore By Sea	Proposed rear garden terrace- Option 01
2017/00812/FUL	A	38, Crompton Way, Ogmore By Sea	Proposed rear garden terrace - Option 02
2017/00813/FUL	A	38, Crompton Way, Ogmore By Sea	Proposed replacement Windows- first floor rear elevation
2017/00814/FUL	A	Vale Cottage, Dimlands Road, St. Donats	Rear single storey orangery and alterations to existing roof to form gable roof to accommodate Juliet balcony
2017/00815/FUL	A	Plymouth House West, Dimlands Road, Llantwit Major	Demolition of an existing detached garage and replacement with a new two storey annexe

2017/00816/FUL	A	Greenmeadow, Port Road, Wenvoe	Extension and refurbishment of Greenmeadow, including raising ridge level and providing new access to property
2017/00820/FUL	A	Windy Nook, 12, Cold Knap Way, Barry	Replace existing conservatory with solid structure, replace substandard (leaking) flat roof with pitched slate to match existing (and match render)
2017/00821/FUL	A	Cornerways, Wick Road, Ewenny	Demolish existing garage and re-build new garage, hobbies room and wider drive
2017/00824/RG3	A	Romilly Primary School, Romilly Road, Barry	Works to include the construction of a permanent teaching block comprising four class spaces with relevant facilities, demolition of two timber demountable units, hard landscaping to create a new external recreation space and associated ground at Romilly Primary School, Romilly Road, Barry
2017/00825/FUL	A	31, Dyserth Road, Penarth	Loft conversion comprising hip to gable and dormer to rear
2017/00828/FUL	A	37, Tennyson Road, Penarth	2 Storey rear extension
2017/00829/ADV	A	Land at North West Cowbridge	3 No. flag and pole to existing A48 signage, 3 no. flag and pole to existing Llantwit Major road signage

2017/00830/FUL	A	9, Bassett Road, Sully	Proposed single storey rear kitchen extension with a flat roof
2017/00832/FUL	A	Corrwg, Pendoylan	Proposed agricultural barn
2017/00834/FUL	A	21, Earl Road, Penarth	Single storey extension to rear, dormers to existing house and annexe to create extra bedroom /bathroom
2017/00836/FUL	A	33, Afal Sur, Barry	Single storey rear extension
2017/00837/LBC	A	Plymouth House West, Dimlands Road, Llantwit Major	Demolition of an existing detached garage and replacement with a new two storey annexe at the Grade II listed Plymouth House West, Llantwit Major
2017/00842/FUL	A	85, Lavernock Road, Penarth	Demolish existing WC and outbuilding and construct new WC and utility room
2017/00843/FUL	A	18, Windsor Terrace, Penarth	External renovations to period Victorian dwelling. New rear garden single storey garage
2017/00845/FUL	A	116, Pontypridd Road, Barry	Single storey rear infill extension
2017/00846/FUL	A	105, Plymouth Road, Penarth	Proposed two storey and single storey extension to replace existing conservatory and lean-to rear extension to provide suitable wheelchair accessible accommodation. Removal of derelict greenhouse.

2017/00852/FUL	A	Cwrt yr Ala House, Michealston le Pit Road, Michealston Le Pit	Alterations to existing gated access to provide 4.2m access with replacement gates and additional railings to existing boundary walls.
2017/00855/FUL	A	Hazelhurst Care Home, Sully Road, Penarth	Variation of Condition 2 to permission 2016/01090/FUL for nursing home extension to allow installation of 2 No. dormers
2017/00860/FUL	A	6, Lord Street, Penarth	Small side extension within the curtilage of the rear of the existing property and materials to match existing
2017/00861/FUL	A	Trehill Cottage, St. Nicholas	Erection of a 5.5m x 7m double garage
2017/00862/FUL	A	38, Stanwell Road, Penarth	Replacement of existing single glazed sliding sash windows to front of property to double glazed upvc sliding sash (ultimate rose collection). Replacement of existing double glazed casement bay window and UPVC panelling at rear of property to double glazed sliding upvc sash (heritage rose collection) and UPVC cladding. Replacement of existing single glazed sliding sash and single glazed fixed windows to east and west elevations to double glazed sliding upvc sash (heritage rose collection)

2017/00864/FUL	A	43, Heol Eryr Mor, Barry	Ground floor conservatory re Build, Roof Extension and Conversion which includes dormer, new front porch and internal remodelling
2017/00866/ADV	A	75, High Street, Cowbridge	Erection of 1no double sided projecting sign, 2no main fascia signs and 2no information signs
2017/00867/FUL	A	9, Uphill Close, Sully	Attic conversion with Velux windows
2017/00868/FUL	A	Westside, 1, Claude Road West, Barry	Change of use of section of lane as a garden extension to 1 Claude Road West
2017/00869/ADV	A	Thomson Travel Agents, 25, Windsor Road, Penarth	Fascia sign and projector
2017/00870/FUL	A	85, Fontygary Road, Rhoose	Proposed storm porch and glazed canopy serving the front elevation
2017/00871/FUL	A	The Railway Hotel, 1, Plymouth Road, Penarth	Taking down and rebuilding of stone boundary wall
2017/00873/FUL	A	62, Heol y Frenhines, Dinas Powys	Minor changes to planning approval 2016/01437/FUL for new dwelling, to include, enlarged flat roof, rear ground floor addition; car port and window alterations
2017/00875/FUL	A	Wrinstone Farm, Station Road East, Wenvoe	Manege for personal use on existing farmland
2017/00876/FUL	A	7, Paget Road, Penarth	To alter the first floor window arrangement. The current two windows will be replaced by one large central window. The works will also include rendering the front of the house

2017/00882/FUL	A	33, Chandlers Way, Penarth	2 no. new first floor balconies to front and rear of property
2017/00886/FUL	A	26, Coed Mawr, Barry	Two storey side extension to extend kitchen and provide clks, utility and small living room and extending bedroom 3 at first floor
2017/00888/FUL	A	9, Norseman Close, Rhoose	Porch with WC and small hand basin
2017/00891/FUL	A	Cardiff Road Service Station, Cardiff Road, Barry	The retention of an ATM installed through existing brick to the far left hand side of the shop front. incorporating the ATM fascia with a black bezel surround and white internally illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to the ATM surround (286.478cd/m)
2017/00896/LAW	A	5, Larchwood, Wenvoe	This is a residential dwelling with minor alterations to the external windows and doors, including insertion of rooflights to the existing garden room at the rear of the dwelling
2017/00899/FUL	A	162, Westbourne Road, Penarth	Ground floor rear extension, part first floor rear extension and loft conversion with Juliet balcony
2017/00900/LAW	A	4, Milton Close, Llantwit Major	Proposed garage conversion into bedroom with infill link extension and small rear extension for en-suite

2017/00904/ADV	A	Cardiff Road Service Station, Cardiff Road, Barry	The retention of an ATM installed through existing brick to the far left hand side of the shop front. incorporating the ATM fascia with a black bezel surround and white internally illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to the ATM surround (286.478cd/m)
2017/00921/LAW	A	Green Oak Cottage, Graig Penllyn	Extension to garden area at side of Green Oak Cottage, Graig Penllyn
2017/00943/FUL	A	25, Cosmeston Drive, Penarth	Proposed single storey garage in the rear garden to no.1 Lapwing Close.
2017/00971/LAW	A	10, Green Meadow Close, St. Athan	Erect conservatory to the rear elevation

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **1 NOVEMBER, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2017/00559/ADV
Appeal Method: Written Representations
Appeal Reference No: H/17/3185302
Appellant: Mr Hassan Mustafa
Location: Paramount Tandoori, 5, Station Approach, Penarth
Proposal: Banner sign
Start Date: 5 October 2017

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

None

(d) Planning Appeal Decisions

L.P.A. Reference No: 2017/00399/FUL
Appeal Method: Written Representations
Appeal Reference No: D/17/3181205
Appellant: Mr James Crinion
Location: Greenfields, Llanmaes
Proposal: Retention of timber fence to road elevation, replacing boundary shrub hedge and original fence
Decision: Appeal Dismissed
Date: 10 October 2017
Inspector: C Sproule
Council Determination: Committee

Summary

The principle issue was considered to be the effect of the development on the character and appearance of the locality.

Character and Appearance:

The Inspector noted that context of the appeal site and that stone wall boundary treatments are present throughout the village. These include characteristic low stone walls that often have vegetation set behind them, which encloses the front amenity spaces. He also noted that taller stone walls that provide higher levels of privacy can be found between rear amenity spaces and the highway.

The development considered by the Inspector comprises of timber posts set immediately behind the wall that enable rails and close lapped boards to be mounted above the wall. The fence is approximately 1.8m in height.

The Inspector noted that the potential visual impact of the development has been reduced considerably by its green colour, but was of the view that *'the close lapped boards have a consistent and sheer appearance that emphasises the fence's presence and consequently, it is very apparent in views along the street'*. He stated that *'in this respect, the development contrasts significantly with the hedge previously in that location and the planted boundary treatments elsewhere in the locality'*.

With regard to the former means of enclosure, the inspector was of the view that *'the combination of low stone walling and the organic form of the hedge would have been sympathetic to the character of the locality, and any planting to fill gaps or to replace the hedge would have reinforced this'*.

The Inspector concluded that *'the manner in which the proposal encloses the front amenity space causes the development to appear as a clear departure from the established character of the village. This is emphasised in views from the southwest where the viewer can see around both sides of the fence and the structure appears as a strident feature at the vehicular access into Greenfields'*. For these reasons, he found the development to be unacceptably harmful to the character and appearance of the locality and in conflict with the relevant LDP Policy.

Other Matters:

The Inspector noted the appellant's intention for the fence was to provide privacy and security for the occupiers of Greenfields. However, he considered the area to be a quiet residential location where a certain degree of overlooking from the footway reasonably can be expected to occur. He said that *'within this context, and given the areas of amenity space around Greenfields that could be screened away from the highway boundary, it has not been demonstrated that the development is necessary in the interests of privacy and security'*.

The Inspector also noted the other types of enclosure that were drawn to his attention, but stated that these did not change his decision and that each case was considered on its merits.

(e) Enforcement Appeal Decisions

None

(f) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals and appeals for conservation area consent)	W	4	4	8	-
	H	1	-	1	-
	PI	-	2	2	-
Planning Total		5 (45%)	6 (55%)	11	-
Enforcement Appeals	W	1	1	2	1
	H	-	-	-	1
	PI	-	1	1	-
Enforcement Total		1 (33%)	1 (67%)	3	2
All Appeals	W	5	5	10	-
	H	1	-	1	-
	PI	-	3	3	-
Combined Total		6 (43%)	8 (57%)	14	-

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 : 1 NOVEMBER, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2017/00702/TPO	A	Brook House, Main Avenue, Peterston Super Ely	Work to trees covered by TPO 1959 No. 2 area A10. Crown raise all to 5.5m over the road and shorten any low over-extended limbs by up to 2m, remove any deadwood over 25mm in diameter. T3 - Clear back from house to give at least 2m clearance
2017/00721/TPO	R	13, Pwll Y Min Crescent, Peterston Super Ely	Work to a tree covered by TPO 1959, Number 2 - Group A04 - Remove One Horse Chestnut
2017/00801/TPO	A	2, Cliff Parade, Penarth	Work to tree covered by TPO 2008, No 8 ref T001 - Mature English Oak, removal of dead wood within the tree and slight crown lift
2017/00822/TPO	A	Llaneinydd, School Lane, St. Nicholas	Removal of tree branches within the St Nicholas Conservation Area

2017/00857/TPO	R	Sycamore Lodge, 4, Mill Lay Lane, Llantwit Major	Dismantle to ground level largest sycamore tree
2017/00947/TCA	A	Colhugh House, Colhugh Street, Llantwit Major	Works to tree within the Llantwit Major Conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 1 NOVEMBER, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

ANNUAL PERFORMANCE REPORT OF THE VALE OF GLAMORGAN LOCAL PLANNING AUTHORITY FOR 2016/17

Introduction

1. The purpose of this report is to apprise Members of the Planning Committee of the content of this year's Annual Performance Report (APR) which is submitted annually to Welsh Government in October. The Vale of Glamorgan Annual Performance Report is attached at **Appendix A**.

Background

2. We are required to submit an Annual Performance Report to Welsh Government each Autumn, setting out how we have performed as a Local Planning Authority in terms of a range of key performance indicators. These indicators cover all areas of the planning function including Policy, Development Management, Appeals, Enforcement and Sustainable Development Indicators such as Section 106 income.

Issues

3. The APR, which is attached at **Appendix A**, starts by providing some context to the Vale of Glamorgan's planning service and the key areas of change over recent years. It includes the results of our annual customer satisfaction survey which is sent to all applicants and agents issued a planning decision last year. The results demonstrate we are consistent with the rest of Wales in terms of customer satisfaction with 61% of respondents being satisfied overall with how we handled their application.
4. The report then sets out the Council's performance across a range of indicators, and shows how we compare to other Local Planning Authorities in Wales during the same period (2016/17) and how we compare against the Welsh Government's benchmarks, where they have them. Generally, the Council is performing very well across the range of performance indicators, being in the top performing quarter of all LPAs for most indicators and better than the WG benchmark.
5. Areas where we did not meet the WG benchmark last year or fall within the 'fair' or 'poor' categories are: having an up to date development plan in place, deviation from the LDP delivery agreement, housing land supply (again linked to lack of LDP), Percentage of Member decisions made against officer advice (3% short of good), and percentage of appeals dismissed (3% short of 'fair' category). Having now adopted the Local Development Plan in June 2017, some of these indicators will change to 'good' next year. We will continue to strive to maintain and improve performance across the range of indicators and continue to provide a good service to our customers.

RECOMMENDATION

That the Members of the Planning Committee

- (1) That the Members of the Planning Committee note the content of the Annual Performance Report attached at **Appendix A**.

Reason for the recommendation:

1. To inform Members of the Planning Committee of the content of the Annual Performance Report attached at **Appendix A**.

The Vale of Glamorgan LPA

PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2017-18

PREFACE

The Planning system in Wales is currently going through an unprecedented period of change with the introduction of the Wales Planning Act 2015, the Well-being of Future Generations (Wales) Act 2015, and the Historic Environment (Wales) Act 2016 and all the consequent change for the Planning system associated with the implementation of this legislation. This comes in a period of reducing budgets for Local Government. It is also hot on the heels of one of the deepest recessions ever to affect the UK as a whole and Wales in particular. Notwithstanding the above the Vale of Glamorgan recognises the important role the Planning service has in re-invigorating the economy and communities to ensure that economic growth and regeneration lead to sustainable growth in the local economy while protecting and improving both the urban and rural features of the Vale of Glamorgan which ultimately make it one of the best places to live in Wales.

The recently adopted Local Development Plan, provides a framework for sustainable development within the Vale of Glamorgan up to 2026 and is an extremely important document that guides the growth of the Vale of Glamorgan and identifies the infrastructure needs of our communities in terms of employment, facilities and services needed to support that development. In setting this framework for the future development of the Vale of Glamorgan, we have been mindful of the need to regenerate and support our communities and in doing so the plan seeks to achieve a balance between economic growth, social cohesion and environmental impact.

Wherever possible, as a Council the re-use of previously developed land and the need to minimise development on green fields is promoted. Nowhere is this more apparent than in Barry where the emphasis is very much on the continued regeneration of the Waterfront. In addition, we have ensured that sufficient emphasis is being placed on providing for an appropriate level of growth in other communities throughout the Vale thereby ensuring their long term sustainability and vitality.

The Council is also seeking to grasp the opportunities offered by the St Athan - Cardiff Airport Enterprise Zone and demonstrates the essential role that the Vale of Glamorgan plays in the success of the wider City-Region area. I would also re-affirm the Councils strong commitment to the on-going regeneration of Barry and the Vale of Glamorgan.

I am pleased to note the progress identified in this Performance Report including the adoption of the LDP and the clear continuing high performance of the council in determining planning applications. I am confident that this puts this Council in a very strong position as we move forward in 2017/18.

Councillor Jonathan Bird, Cabinet Member for Regeneration and Planning

CONTEXT

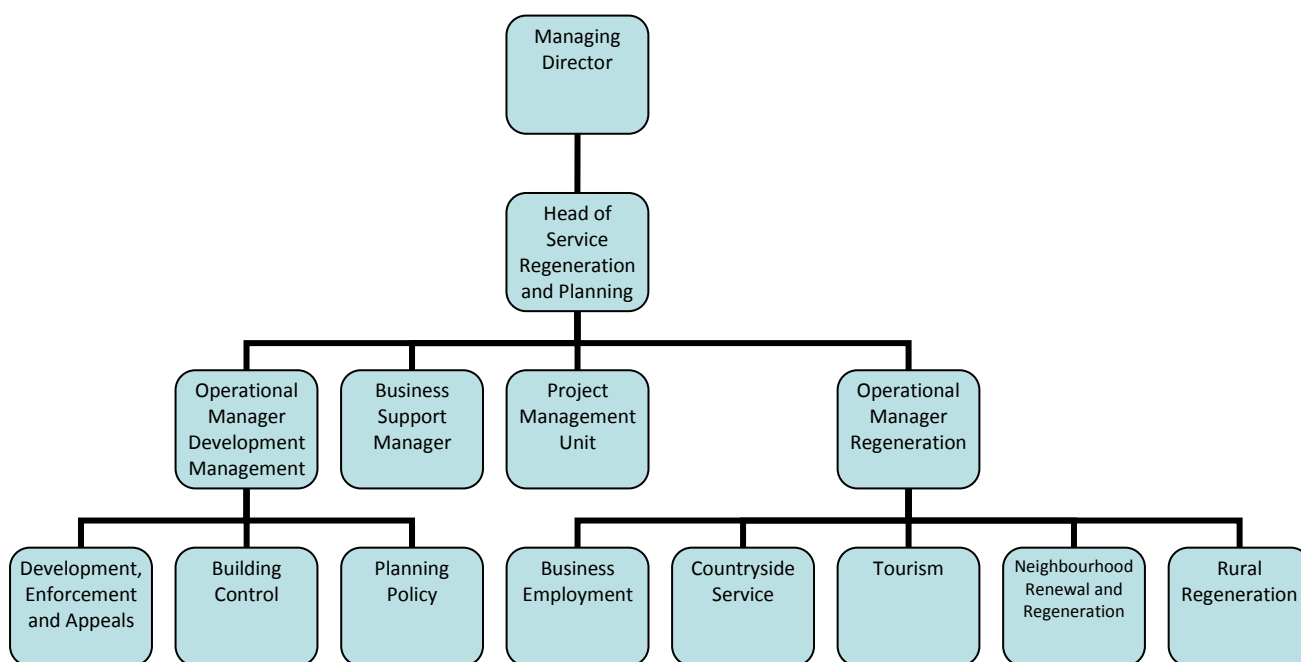
- The Vale of Glamorgan Adopted Local Development Plan 2011-2026 (LDP) constitutes the development plan for the authority. The LDP provides the strategic and detailed policy framework for the Vale of Glamorgan. The Council formally adopted the LDP on 28th June 2017 when it formally replaced the previous Unitary Development Plan (1996-2011).
- The LDP has regard to the policy context provided by a range of local policy documents, strategies and programmes. The LDP supports the objectives of the Vale of Glamorgan Community Strategy and will assist in the delivery of the priority outcomes where they relate to or require the development and use of land or protection of natural assets. In addition, the Community Strategy vision has been adopted as the overarching vision for the Vale of Glamorgan LDP to ensure consistency.
- The proximity of the Vale of Glamorgan to Cardiff, coupled with the rich and diverse nature of the towns and villages in the area have resulted in significant development pressure, particularly for new residential development. In terms of employment, the Vale has one of the highest levels of out commuting in the region. The majority of people travel to Cardiff to work resulting in peak time congestion on the distributor roads in the eastern Vale. The designation of the St. Athan – Cardiff Airport Enterprise zone in 2011 is of regional importance and focuses on the aerospace and defence sector. The LDP seeks to capitalise on the opportunities presented by this designation and seeks to attract inward investment that will benefit the region as a whole. Although the UK Government decided not to progress with the Defence Training College development, MOD ST. Athan continues to play an important part in UK defence plans and provides an important source of employment for the local economy. The LDP also favours proposals which assist the long term viability of Barry's port to facilitate the efficient and reliable movement of freight by sea. In 2010, the Welsh Government designated Barry as a regeneration area and the ongoing redevelopment of Barry Waterfront plays a key role in this.
- The Vale of Glamorgan benefits from a wide range of environmental resources, some of which are recognised for their value by international and national designations such as the Severn Estuary and the Glamorgan Heritage Coast. There are also a large number of national and locally important designated sites of nature conservation value which provide important habitats for local biodiversity including protected species. The Vale of Glamorgan has 27 sites of special scientific interest, 1 special protection area, 2 special areas of conservation and one adjoining the Vale of Glamorgan at Kenfig (Bridgend) and 1 Ramsar site.
- In terms of cultural heritage, the Vale of Glamorgan has approximately 740 listed buildings, over 100 Scheduled Ancient Monuments, 39 conservation areas, 18 areas included in the Register of Historic Parks and Gardens and 2 areas on the Register of Landscapes of Historic Interest in Wales.
- The Vale of Glamorgan covers 33097 hectares of which approximately 85% is agricultural land. Notwithstanding this, the number of persons employed in agriculture or fishing accounts for less than 1% of the employment market, compared to a national average of 1.7%. Barry is identified as a key settlement in the Wales Spatial Plan in recognition of its role in the success of the South

East Wales Capital Region. This is reflected in the LDP strategy which seeks to promote new housing, employment and retail opportunities in Barry and other urban settlements in the south east zone. Other major settlements include Penarth, Llantwit Major and Cowbridge all of which have good public transport provision, local employment opportunities, established town centres and a wide range of cultural, educational and community facilities. The remaining population live in the smaller villages and hamlets located across the rural Vale.

- As part of the LDP process, the Council has fully considered the Welsh Government’s 2011-based population and household projections which indicate that the population will reach 136,281 by 2026 and will result in 7,118 new households between 2011 and 2026 (based on 10-year average migration projections). The Council’s LDP anticipates the need for 9460 new dwellings up to 2026 arising from these forecast demographic changes and to address local affordable housing need and to support economic growth (Policy SP3 refers).

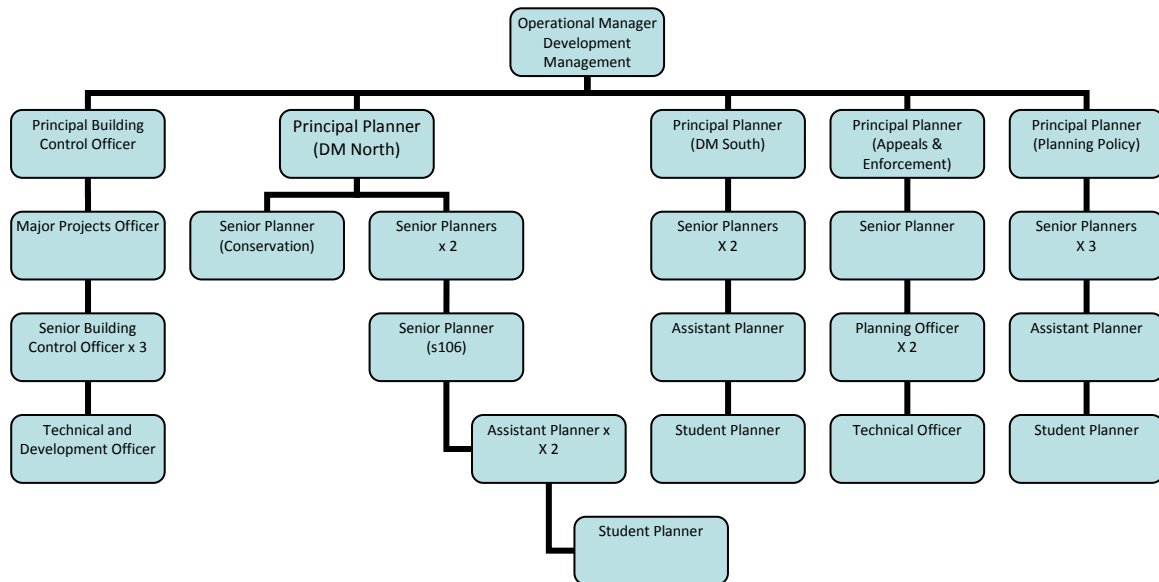
PLANNING SERVICE

The Planning Service now sits within a Regeneration and Planning Department under a Head of service that reports directly to the Managing Director.



- The Department has been through a restructure in 2015 with the Planning and Regeneration roles of the Council being grouped under one head of service with that role reporting directly to the Managing Director (Chief Executive).
- The Council is also going through a ‘re-shaping service’ process in light of the substantial cuts to its budgets. The process is exploring alternative deliver models, business case change models and income generation themes.

- Over the last 4 years the income received by the Planning Department in respect of planning applications has fluctuated from £644,000 in 13/14, £970,000 in 14/15 to £975,000 in 15/16 to £622,649 in 2016/17.



- The Council uses a combination of in house training and the information cascaded down by collaborative groups like POSW, and the SE Wales regional enforcement group to facilitate the training and development of staff in this difficult financial times. Officers are very much of the opinion that quality staff development can be achieved in this way and in fact is in many cases more real life/job based than some of the bought in training courses. The Council also supports existing staff who attend college and employs 3 students on yearly contract from the Planning School of Cardiff University, which helps develop the planners of the future.
- Staff have also been involved in the training of Members of the Council and also in training delivered to Community Councils through the Community Liaison Committee and have also given presentations to One Voice Wales the organisation representing Community and Town Councils in Wales.

YOUR LOCAL STORY

- The Council received 1366 planning applications in 16/17 and determined 1280 and this averages at 128 determinations per officer.
- The Council also received 19 major applications and determined 31 (including some carried over from the previous year) which was a drop in major application case load compared to previous years (the majority of which are major housing applications of over 10 dwellings). These applications are in the majority for sites identified within the Councils LDP
- With reference to the above, the Council has worked hard to try and maintain its housing supply figures going forward but unfortunately this has significantly undermined by the Welsh Governments TAN 1 which removed the ability of Councils without adopted LDPs to provide formal Housing availability figures in a JHLAS.
- The Team has been working with its software provider on a process review to speed up the processing of planning applications and to deliver a statistical package of performance indicators to match Welsh Governments requests.

During the period of this report the following service improvements have been delivered:

- Adopted the Vale of Glamorgan Local Development Plan (2011-2026) on the 28th June 2017. The Council will prepare its first Annual Monitoring Report in October 2018.
- Adopted new Supplementary Planning Guidance for Affordable Housing and Planning Obligations
- Provided an integrated approach to land use planning in the Vale, by managing new developments in a sustainable manner for the benefit of communities through the development team approach.
- The Council continued to be successful in negotiating S106 agreements in the financial year of 2016/17. During this period, a total of 21 planning permissions have been granted, which have been subject to Section 106 agreements. The value of the financial contributions in these legal agreements totals £5.34m and they relate to a range of developments including major residential developments. Approximately £1.4 million was spent on Section 106 schemes during 2016/17. Further receipts are anticipated on current on-going major applications that will in due course be subject to s106 agreements.
- In 2016/17, s106 money was used to expand educational facilities at Gwenfo Primary School; undertake sustainable highway improvements in Llandough; refurbish and enhance public open spaces in Penarth; and enhance community facilities in Dinas Powys and Llangan.

WHAT SERVICE USERS THINK

In 2016-17 we conducted a customer satisfaction survey aimed at assessing the views of people that had received a planning application decision during the year.

The survey was sent to 836 people, 10% of whom submitted a whole or partial response. The majority of responses (51%) were from members of the public. 12% of respondents had their most recent planning application refused.

We asked respondents whether they agreed or disagreed with a series of statements about the planning service. They were given the following answer options:

- Strongly agree;
- Tend to agree;
- Neither agree nor disagree;
- Tend to disagree; and
- Strongly disagree.

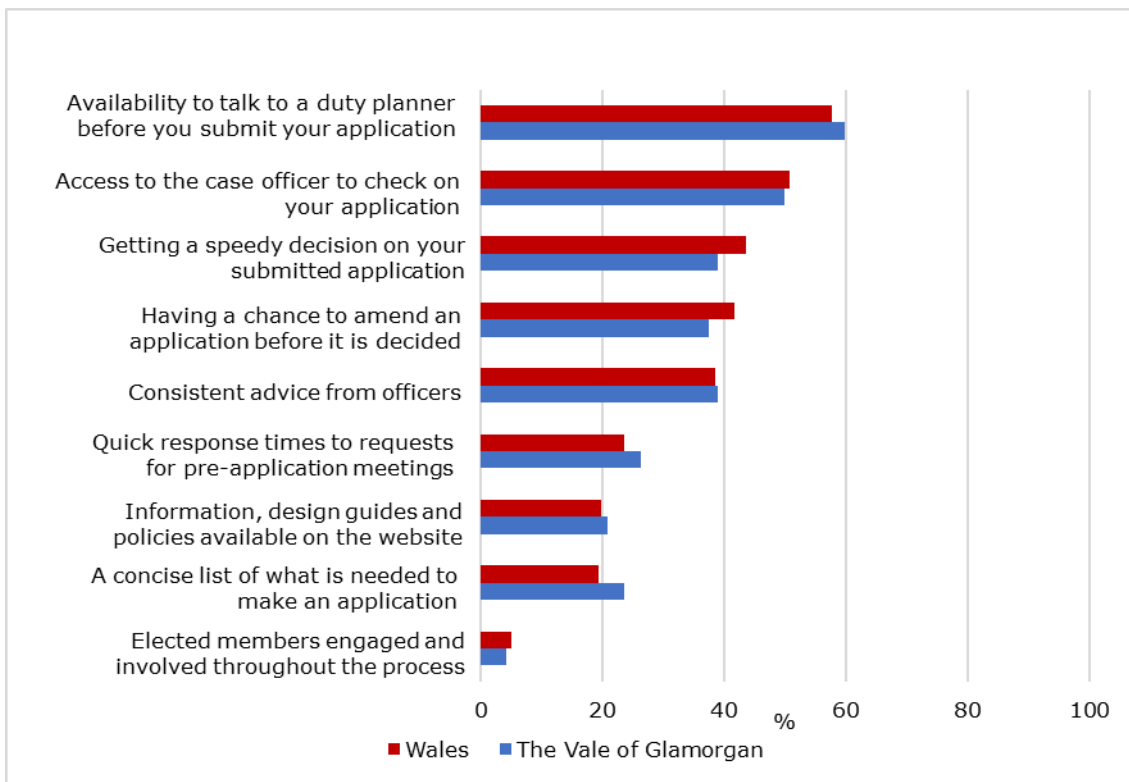
Table 1 shows the percentage of respondents that selected either 'tend to agree' or 'strongly agree' for each statement for both our planning authority and Wales.

Table 1: Percentage of respondents who agreed with each statement, 2016-17

Percentage of respondents who agreed that:	%	
	The Vale of Glamorgan LPA	Wales
The LPA enforces its planning rules fairly and consistently	55	52
The LPA gave good advice to help them make a successful application	62	62
The LPA gives help throughout, including with conditions	49	52
The LPA responded promptly when they had questions	60	61
They were listened to about their application	54	59
They were kept informed about their application	53	51
They were satisfied overall with how the LPA handled their application	61	61

We also asked respondents to select three planning service characteristics from a list that they thought would most help them achieve successful developments. Figure 1 shows the percentage of respondents that chose each characteristic as one of their three selections. For us, 'the availability to talk to a duty planner before submitting an application' was the most popular choice.

Figure 1: Characteristics of a good planning service, The Vale of Glamorgan LPA, 2016-17



Comments received include:

- “I think it is an extremely helpful LPA and I can't thank them enough for their help.”
- “It would be helpful if to have an interactive website that we are able to check ourselves for TPO and conservation restrictions. It would limit the amount of enquiries the council receive and they would be able to deal with the full applications on a more effective turn around.”
- “The officers have in my experience been very helpful.”

OUR PERFORMANCE 2016-17

This section details our performance in 2016-17. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all Wales picture.

Performance is analysed across the five key aspects of planning service delivery as set out in the Planning Performance Framework:

- Plan making;
- Efficiency;
- Quality;
- Engagement; and
- Enforcement.

Plan making

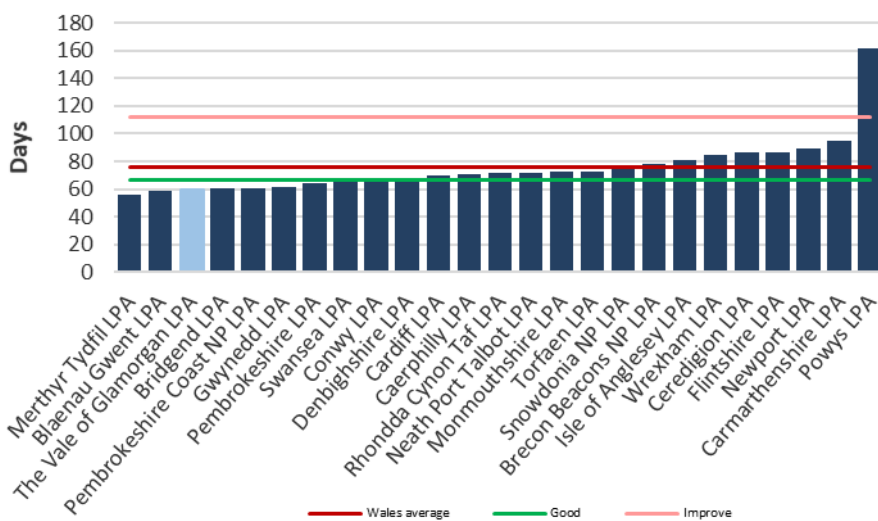
As at 31 March 2017, we were one of 3 LPAs that did not have a current development plan in place. The Local Development Plan (LDP) was adopted on 28th June 2017.

During the APR period we had 0 years of housing land supply identified because we did not have an adopted LDP, making us one of 19 Welsh LPAs without the required 5 years supply.

Efficiency

In 2016-17 we determined 1280 planning applications, each taking, on average, 60 days (9 weeks) to determine. This compares to an average of 76 days (11 weeks) across Wales. Figure 2 shows the average time taken by each LPA to determine an application during the year.

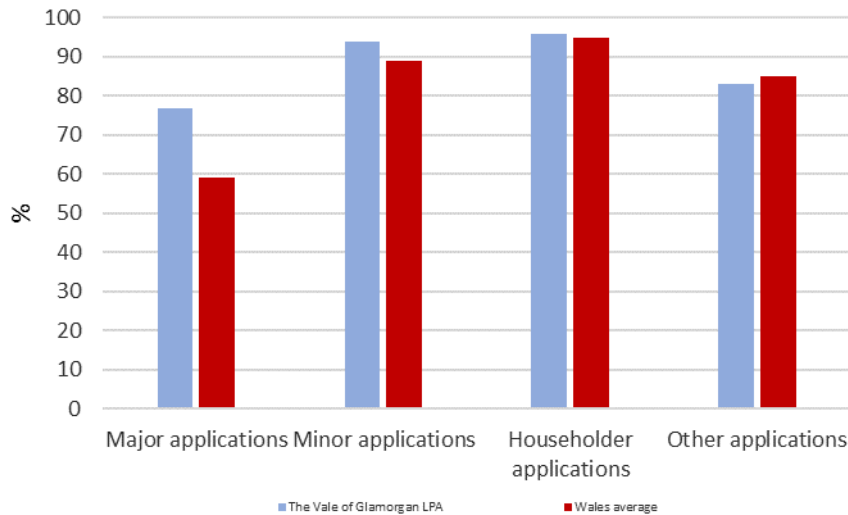
Figure 2: Average time taken (days) to determine applications, 2016-17



91% of all planning applications were determined within the required timescales. This compared to 87% across Wales and we were one of 20 LPAs that had reached the 80% target.

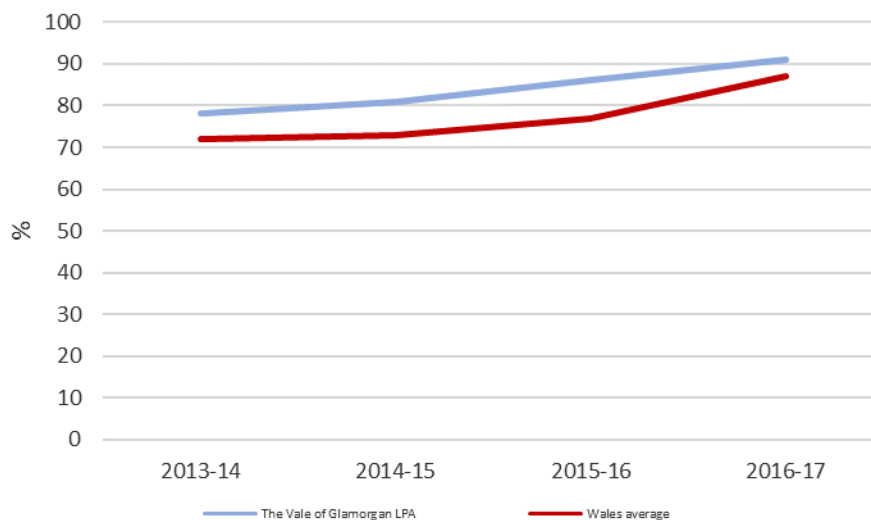
Figure 3 shows the percentage of planning applications determined within the required timescales across the four main types of application for our LPA and Wales. It shows that we determined 96% of householder applications within the required timescales.

Figure 3: Percentage of planning applications determined within the required timescales, by type, 2016-17



Between 2015-16 and 2016-17, as Figure 4 shows, the percentage of planning applications we determined within the required timescales increased from 86%. Wales also saw an increase this year.

Figure 4: Percentage of planning applications determined within the required timescales



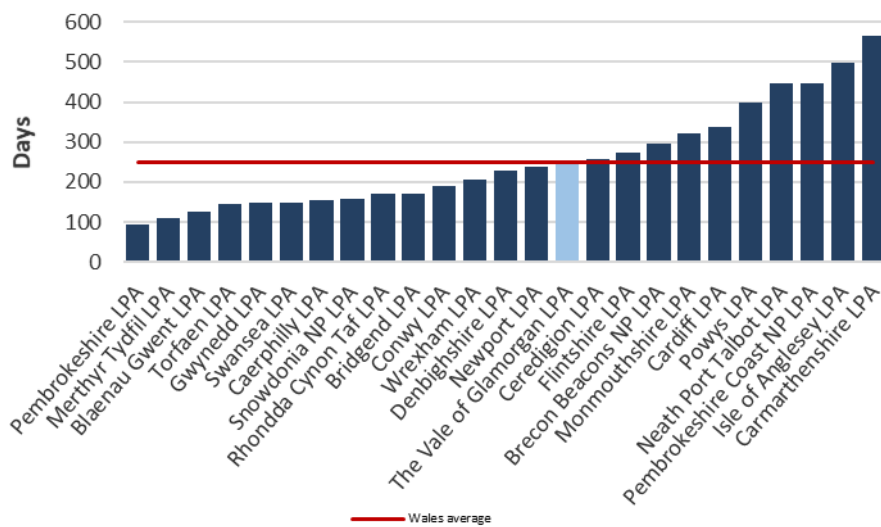
Over the same period:

- The number of applications we received increased; and
- The number of applications we determined increased.

Major applications

We determined 31 major planning applications in 2016-17, 10% (3 applications) of which were subject to an EIA. Each application (including those subject to an EIA) took, on average, 243 days (35 weeks) to determine. As Figure 5 shows, this was shorter than the Wales average of 250 days (36 weeks).

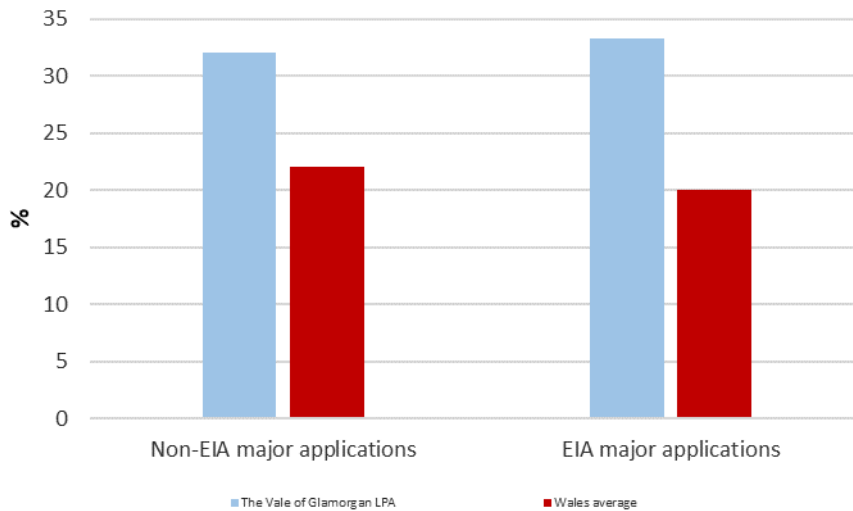
Figure 5: Average time (days) taken to determine a major application, 2016-17



77% of these major applications were determined within the agreed timescales, compared to 59% across Wales.

Figure 6 shows the percentage of major applications determined within the required timescales by the type of major application. 32% of our ‘standard’ major applications i.e. those not requiring an EIA, were determined within the statutory 8 week deadline.

Figure 6: Percentage of Major applications determined within the statutory timescales during the year, by type, 2016-17

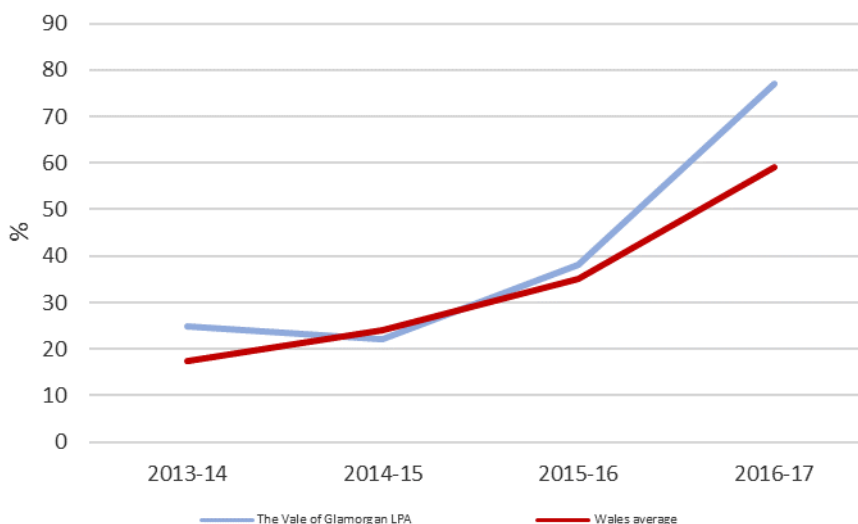


In addition we determined 70% of major applications that were subject to a PPA in the required timescales during the year.

Since 2015-16 the percentage of major applications determined within the required timescales had increased from 38%. In contrast, the number of major applications determined decreased while the number of applications subject to an EIA determined during the year stayed the same.

Figure 7 shows the trend in the percentage of major planning applications determined within the required timescales in recent years and how this compares to Wales.

Figure 7: Percentage of major planning applications determined within the required timescales



Over the same period:

- The percentage of minor applications determined within the required timescales increased from 89% to 94%;

- The percentage of householder applications determined within the required timescales increased from 94% to 96%; and
- The percentage of other applications determined within required timescales increased from 81% to 83%.

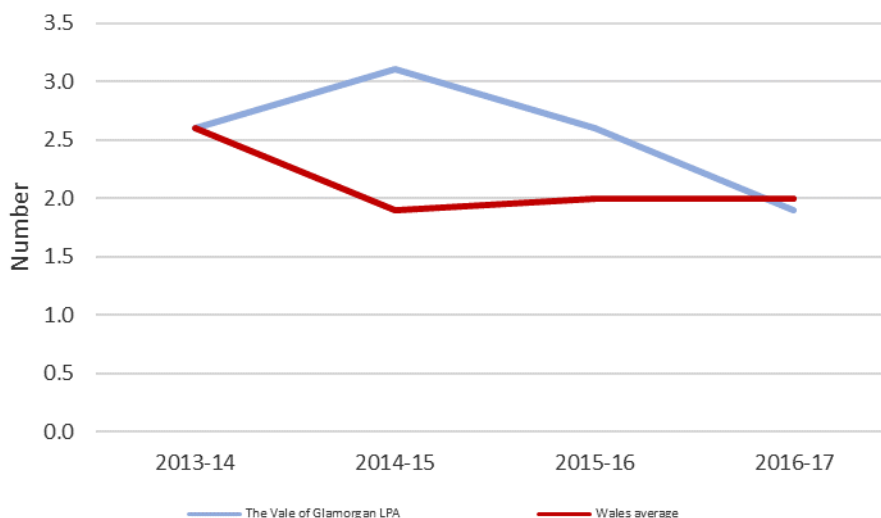
Quality

In 2016-17, our Planning Committee made 51 planning application decisions during the year, which equated to 4% of all planning applications determined. Across Wales 6% of all planning application decisions were made by planning committee.

8% of these member-made decisions went against officer advice. This compared to 11% of member-made decisions across Wales. This equated to 0.3% of all planning application decisions going against officer advice; 0.7% across Wales.

In 2016-17 we received 26 appeals against our planning decisions, which equated to 1.9 appeals for every 100 applications received. Across Wales 2 appeals were received for every 100 applications. Figure 8 shows how the volume of appeals received has changed since 2015-16 and how this compares to Wales.

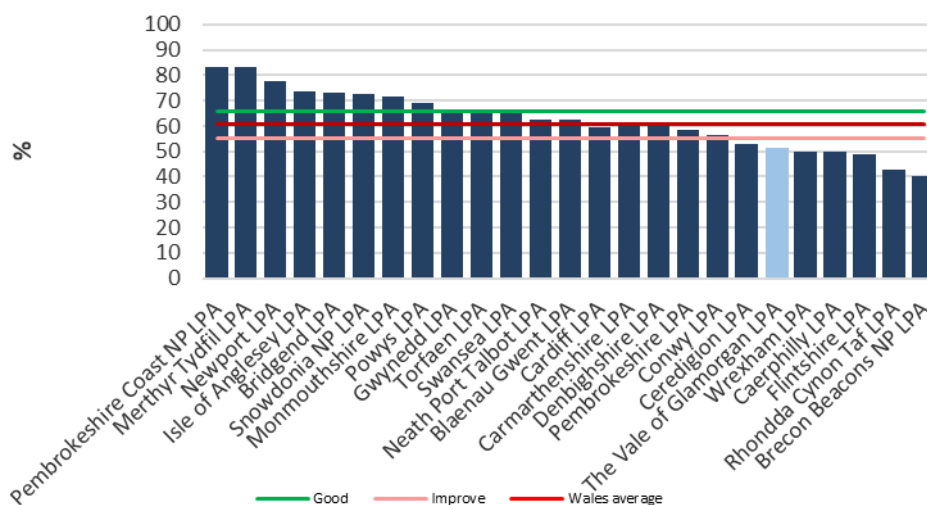
Figure 8: Number of appeals received per 100 planning applications



In 2016-17 we approved 93% of planning applications. This compares to 91% across Wales.

Of the 31 appeals that were decided during the year, 52% were dismissed. As Figure 9 shows, this was lower than the percentage of appeals dismissed across Wales as a whole and was below the 55% threshold.

Figure 9: Percentage of appeals dismissed, 2016-17



During 2016-17 we had no applications for costs at a section 78 appeal upheld.

Engagement

We are:

- one of 24 LPAs that allowed members of the public to address the Planning Committee; and
- one of 20 LPAs that had an online register of planning applications.

As Table 2 shows, 62% of respondents to our 2016-17 customer satisfaction survey agreed that the LPA gave good advice to help them make a successful application.

Table 2: Feedback from our 2016-17 customer satisfaction survey

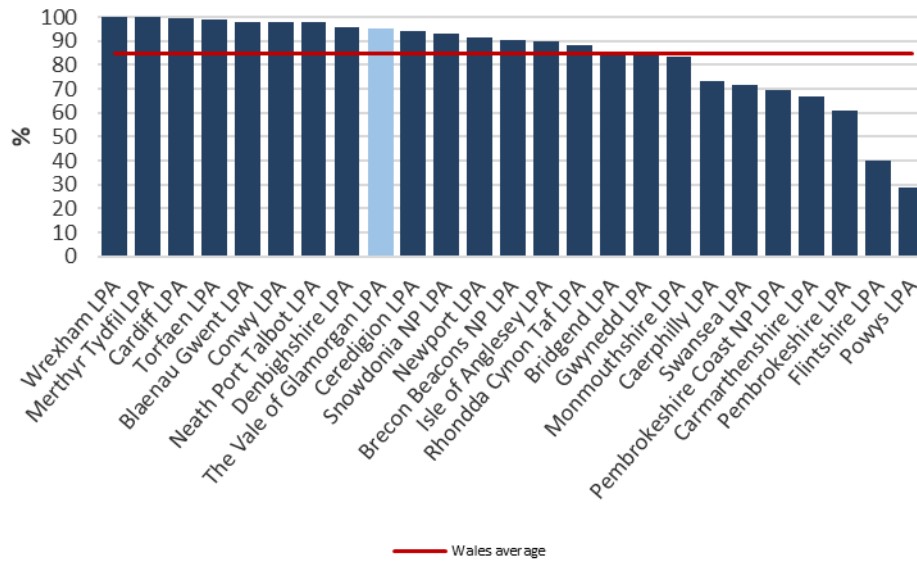
Percentage of respondents who agreed that:	%	
	The Vale of Glamorgan LPA	Wales
The LPA gave good advice to help them make a successful application	62	62
They were listened to about their application	54	59

Enforcement

In 2016-17 we investigated 100 enforcement cases, which equated to 0.8 per 1,000 population. This was the fourth lowest rate in Wales. We took, on average, 16 days to investigate each enforcement case.

We investigated 95% of these enforcement cases within 84 days. Across Wales 85% were investigated within 84 days. Figure 10 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

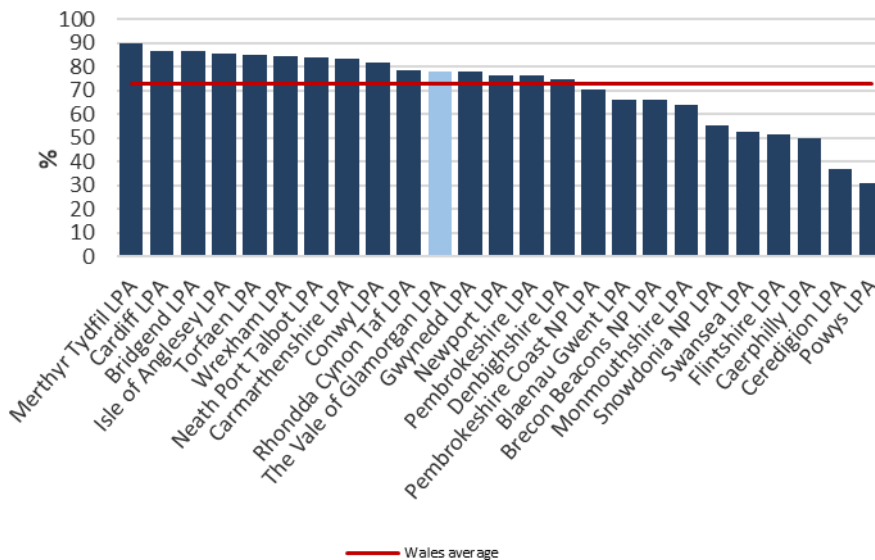
Figure 10: Percentage of enforcement cases investigated within 84 days, 2016-17



Over the same period, we resolved 208 enforcement cases, taking, on average, 130 days to resolve each case.

78% of this enforcement action was taken within 180 days from the start of the case. As Figure 11 shows this compared to 73% of enforcement cases resolved within 180 days across Wales.

Figure 11: Percentage of enforcement cases resolved in 180 days, 2016-17



ANNEX A - PERFORMANCE FRAMEWORK

OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	The Vale of Glamorgan LPA LAST YEAR	The Vale of Glamorgan LPA THIS YEAR
Plan making						
Is there a current Development Plan in place that is within the plan period?	Yes		No	Yes	No	No
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+	58	73	73
Annual Monitoring Reports produced following LDP adoption	Yes		No	Yes	N/A	N/A
The local planning authority's current housing land supply in years	>5		<5	2.9	0	0
Efficiency						
Percentage of "major" applications determined within time periods required	Not set	Not set	Not set	59	38	77
Average time taken to determine "major" applications in days	Not set	Not set	Not set	250	140	243

MEASURE	GOOD	FAIR	IMPROVE
Percentage of all applications determined within time periods required	>80	60.1-79.9	<60
Average time taken to determine all applications in days	<67	67-111	112+
Quality			
Percentage of Member made decisions against officer advice	<5	5.1-8.9	9+
Percentage of appeals dismissed	>66	55.1-65.9	<55
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2+
Engagement			
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No

WALES AVERAGE	The Vale of Glamorgan LPA LAST YEAR	The Vale of Glamorgan LPA THIS YEAR
87	86	91
76	67	60
11	0	8
61	86	52
0	0	0
Yes	Yes	Yes
Yes	Yes	Yes

MEASURE	GOOD	FAIR	IMPROVE
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
Enforcement			
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	Not set	Not set	Not set
Average time taken to investigate enforcement cases	Not set	Not set	Not set
Percentage of enforcement cases where enforcement action is taken or a retrospective application received within 180 days from the start of the case (in those cases where it was expedient to enforce)?	Not set	Not set	Not set
Average time taken to take enforcement action	Not set	Not set	Not set

WALES AVERAGE	The Vale of Glamorgan LPA LAST YEAR	The Vale of Glamorgan LPA THIS YEAR
Yes	Yes	Yes
85	91	95
74	8	16
73	75	78
201	164	130

SECTION 1 – PLAN MAKING

Indicator	01. Is there a current Development Plan in place that is within the plan period?	
"Good"	"Fair"	"Improvement needed"
A development plan (LDP or UDP) is in place and within the plan period	N/A	No development plan is in place (including where the plan has expired)

Authority's performance	No
The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28 th June 2017. The first AMR will be prepared in October 2018.	

Indicator	02. LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	
"Good"	"Fair"	"Improvement needed"
The LDP is being progressed within 12 months of the dates specified in the original Delivery Agreement	The LDP is being progressed within between 12 and 18 months of the dates specified in the original Delivery Agreement	The LDP is being progressed more than 18 months later than the dates specified in the original Delivery Agreement

Authority's performance	73
The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28th June 2017. The first AMR will be prepared in October 2018.	

Indicator	03. Annual Monitoring Reports produced following LDP adoption	
"Good"	"Fair"	"Improvement needed"
An AMR is due, and has been prepared		An AMR is due, and has not been prepared

Authority's performance	N/A
The Vale of Glamorgan Local Development Plan 2011-2026 was adopted on 28th June 2017. The first AMR will be prepared in October 2018.	

Indicator	04. The local planning authority's current housing land supply in years	
"Good"		"Improvement needed"
The authority has a housing land supply of more than 5 years		The authority has a housing land supply of less than 5 years

Authority's performance	0
<p>During the APR period we had 0 years of housing land supply identified because under the terms of TAN 1 the Council cannot prepare a JHLAS because we did not have an adopted LDP. However, our subjective assessment of our housing supply indicates we had a housing land supply of 5.6 years at April 2017. Our housing land trajectory evidence submitted and agreed as part of the LDP Examination shows we had a 5 year land supply upon adoption of the LDP in June 2017.</p>	

SECTION 2 - EFFICIENCY

Indicator	05. Percentage of "major" applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	77
<p>This compares to the Welsh average of 59% and an improvement from last year's 38%. We determined 31 major planning applications in 2016-17, 10% (3 applications) of which were subject to an EIA. Each application (including those subject to an EIA) took, on average, 243 days (35 weeks) to determine. This was shorter than the Wales average of 250 days (36 weeks).</p>	

Indicator	06. Average time taken to determine "major" applications in days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	243
<p>We determined 31 major planning applications in 2016-17, 10% (3 applications) of which were subject to an EIA. Each application (including those subject to an EIA) took, on average, 243 days (35 weeks) to determine. This was shorter than the Wales average of 250 days (36 weeks).</p>	

Indicator	07. Percentage of all applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
More than 80% of applications are determined within the statutory time period	Between 60% and 80% of applications are determined within the statutory time period	Less than 60% of applications are determined within the statutory time period

Authority's performance	91
This is significantly better than the Welsh average of 87% and an improvement on last year's 86%.	

Indicator	08. Average time taken to determine all applications in days	
"Good"	"Fair"	"Improvement needed"
Less than 67 days	Between 67 and 111 days	112 days or more

Authority's performance	60
This is 1 week quicker than the 'good' threshold and demonstrates strong performance from the Vale of Glamorgan Council particularly compared to the all Wales average of 76 days.	

SECTION 3 - QUALITY

Indicator	09. Percentage of Member made decisions against officer advice	
"Good"	"Fair"	"Improvement needed"
Less than 5% of decisions	Between 5% and 9% of decisions	9% or more of decisions

Authority's performance	8
This is still within the "fair" category and despite an increase from last year it reflects the relatively low number of planning applications that are reported to Planning Committee as the Council has an effective scheme of officer delegation. The Council had a number of major and controversial planning applications (which were recommended for approval by Officers and overturned for refusal) in the run up to the Local Government elections in May 2017.	

Indicator	10. Percentage of appeals dismissed	
"Good"	"Fair"	"Improvement needed"
More than 66% (two thirds) of planning decisions are successfully defended at appeal	Between 55% and 66% of planning decisions are successfully defended at appeal	Less than 55% of planning decisions are successfully defended at appeal

Authority's performance	52
<p>We have been disappointed with the drop in performance under this indicator given the Council's historic success at defending appeals in the Vale of Glamorgan. However, a number of appeals related to the same issue at the same site, and in light of the Inspector's decisions the Council has reviewed how it interprets TAN 6 and rural enterprise developments which was a step change from the Council's policies in the previous Unitary Development Plan which has now been replaced by the Local Development Plan. We are hopeful of an improved performance against this measure in 2017/18.</p>	

Indicator	11. Applications for costs at Section 78 appeal upheld in the reporting period	
"Good"	"Fair"	"Improvement needed"
The authority has not had costs awarded against it at appeal	The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases

Authority's performance	0
<p>The Council is pleased with this success.</p>	

SECTION 4 – ENGAGEMENT

Indicator	12. Does the local planning authority allow members of the public to address the Planning Committee?	
"Good"		"Improvement needed"
Members of the public are able to address the Planning Committee		Members of the public are not able to address the Planning Committee

Authority's performance	Yes
<p>From December 2014 the planning committee meetings were web cast and from February 2015 public speaking procedures were put in place, which have been well managed by the democratic services department and welcomed by representors and consultees.</p>	

Indicator	13. Does the local planning authority have an officer on duty to provide advice to members of the public?	
"Good"		"Improvement needed"
Members of the public can seek advice from a duty planning officer		There is no duty planning officer available

Authority's performance	Yes
The Vale of Glamorgan has operated a duty officer system for members of the public since 2008. It operates 5 days a week during normal office hours by telephone or in person at the Council's Offices.	

Indicator	14. Does the local planning authority's web site have an online register of planning applications, which members of the public can access track their progress (and view their content)?	
"Good"	"Fair"	"Improvement needed"
All documents are available online	Only the planning application details are available online, and access to other documents must be sought directly	No planning application information is published online

Authority's performance	Yes
The Vale of Glamorgan has offered a full online planning service covering, planning applications, appeals, enforcement and building control since 2010.	

SECTION 5 – ENFORCEMENT

Indicator	15. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	95
The Council is performing well against this indicator. The Council's percentage of enforcement cases investigated within 84 days is significantly better than the All Wales average of 85% and has improved since last year (91%). No benchmark has been given for this indicator to date.	

Indicator	16. Average time taken to investigate enforcement cases	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	16
The Council is performing very well against this indicator. The Council's time taken to investigate enforcement cases averaging 16 days is significantly better than the All Wales average of 74 days. No benchmark has been given for this indicator to date.	

Indicator	17. Percentage of enforcement cases where enforcement action is taken or a retrospective application received within 180 days from the start of the case (in those cases where it was expedient to enforce)	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	78
The Council is performing well against this indicator. The Council's percentage of enforcement cases where enforcement action is taken or a retrospective application granted within 180 days from the start of the case is better than the All Wales average of 73%. No benchmark has been given for this indicator to date.	

Indicator	18. Average time taken to take enforcement action	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	130
The Council is performing very well against this indicator. The Council's average time taken to investigate enforcement cases is significantly better than the All Wales average of 201 days. No benchmark has been given for this indicator to date.	

SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS

The purpose of the Sustainable Development Indicators is to measure the contribution the planning system makes to sustainable development in Wales.

The Sustainable Development Indicators will be used to measure the progress against national planning sustainability objectives, set out in Planning Policy Wales, and can be used to demonstrate to our stakeholders the role and scope of the planning system in delivering wider objectives. The information will also be useful to local planning authorities to understand more about the outcomes of the planning system and help inform future decisions.

Authority's returns	Complete
The Council has established a protocol for recording SD Indicators within the Development Management back office system. Initial 'teething problems' with accuracy of returns have now been resolved.	

Indicator	SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.
------------------	--

Granted (square metres)	
Authority's data	4,365

Refused (square metres)	
Authority's data	0

This included new storage buildings within MOD St. Athan, 6 new industrial units at Vale Business Park, Tumulus Way, Llandow, and an office building at Units 5 and 6, Sutton Road, Llandow.

Indicator	SD2. Planning permission granted for renewable and low carbon energy development during the year.
------------------	--

Granted permission (number of applications)	
Authority's data	3

Granted permission (MW energy generation)	
Authority's data	2

These included 1 solar farm, 1 Biomass and 1 Wind Turbine.

Indicator	SD3. The number of dwellings granted planning permission during the year.
------------------	--

Market housing (number of units)	
Authority's data	814

Affordable housing (number of units)	
Authority's data	332

This figure clearly shows the Council commitment to ensuring that it is meeting its obligations to provide both market and affordable housing in the Vale of Glamorgan. Of the 1146 dwellings granted planning permission in 2016/17, 29% were affordable housing.

Indicator	SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.
------------------	--

Number of residential units (and also hectares of non-residential units) that DID NOT meet all TAN 15 tests which were GRANTED permission	
Authority's data	0

Number of residential units (and also hectares of non-residential units) that did not meet all TAN 15 tests which were REFUSED permission on flood risk grounds	
Authority's data	0

Number of residential units (and also hectares of non-residential units) that MET all TAN 15 tests which were GRANTED permission	
Authority's data	0

Our SD returns to WG indicated we approved 0.02 hectares C1 and 0.02 hectares C2 of non-residential development which met the TAN 15 tests.

Indicator	SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.
------------------	---

Previously developed land (hectares)	
Authority's data	54

Greenfield land (hectares)	
Authority's data	191

Of the 245 hectares of land granted planning permission for development in the Vale of Glamorgan in 2016/17, 54 hectares (22%) was on previously developed land.

Some of these permissions include agricultural and rural enterprise development that can only take place on greenfield land. The Council has been in discussions with Welsh Government to amend this SD Indicator so that it excludes these forms of development that can artificially influence the picture this data presents in rural authority areas.

The Vale of Glamorgan Local Development Plan aims to provide 38% of all new housing on previously developed land.

Indicator	SD6. The area of public open space (ha) that would be lost and gained as a result of development granted planning permission during the quarter.
------------------	---

Open space lost (hectares)	
Authority's data	1

Open space gained (hectares)	
Authority's data	3

We are pleased that there is an overall net gain of open space as a result of planning permissions granted in 2016/17. The Council works hard to secure open space provision as part of major new housing developments.

Indicator	SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.
------------------	---

Gained via Section 106 agreements (£)	
Authority's data	5,349,489

Gained via Community Infrastructure Levy (£)	
Authority's data	0

The above figure is based on the WG's definition for recording this SD indicator, i.e. only counting the last full / reserved matters application. The Council has been in discussions with Welsh Government to amend this SD Indicator so that it counts the s106 obligations at the time it is entered into (i.e. at Full or Outline stage) as this is the time usually used for recording this data within LPAs.

In the 12 months between April 2016 and March 2017, a total of 21 full or final reserved matters planning permissions have been issued, which have been subject to section 106 legal agreements. Excluding affordable housing contributions, these have equated to £5.34m in contributions for community infrastructure including (£733,231 for affordable housing contributions) in addition to on-site provision of public open space, sustainable transport facilities, public art and affordable housing.

The Council has ceased working on preparing a Community Infrastructure Levy for adoption pending the DCLG review of the CIL Regulations and the transfer of power to Welsh Government in 2018.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE :

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

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

2014/00995/FUL Received on 30 August 2017

Barratt Homes South Wales Barratt Homes South Wales,, C/o Agent
Mrs Zoe Aubrey, Barratts

Land adjacent to Llantwit Major Bypass, Boverton

Change of use of agricultural land to residential development (C3) including demolition of a disused building and the development of 65 residential dwellings, public open space, landscaping, highway improvements and associated engineering works

REASON FOR COMMITTEE DETERMINATION

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

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

EXECUTIVE SUMMARY

The site relates to two field parcels to the north of the Llantwit Major bypass, to the south of the Bridgend-Cardiff railway line and to the east of Eglwys Brewis Road. The site is an elevated position compared to the bypass and is enclosed to three sides by semi-mature trees. The application site has an area of approximately 1.82 hectares and forms part of an allocation for residential development identified within the adopted Vale of Glamorgan Local Development Plan (MG2)(22) 'Land adjacent to Llantwit Major Bypass'. This site comprises approximately two-thirds of this allocation and a total of 65 dwellings are proposed. At the time of writing this report, 23 letters of representation have been received.

The principle of the residential development of the site has already been established by its LDP allocation therefore this application assesses whether the development proposal is acceptable in terms of its design, density and scale, neighbouring amenity, open space provision, highways implications, amenity space, ecology, archaeology, drainage, noise and landscaping.

Having considered the above, it is considered that the proposed development acceptable and the application is recommended for APPROVAL, subject to the applicant entering into a S106 agreement.

SITE AND CONTEXT

The site relates to two field parcels to the north of the Llantwit Major bypass, to the south of the Bridgend-Cardiff railway line and to the east of Eglwys Brewis Road. The site is an elevated position compared to the bypass and is enclosed to three sides by semi-mature trees. The site is dissected by a species poor hedgerow and to the east there is a hedgerow separating site from another field parcel.

The application site has an area of approximately 1.82 hectares and forms part of an allocation for residential development identified within the adopted Vale of Glamorgan Local Development Plan (MG2)(22) 'Land adjacent to Llantwit Major Bypass' and forms approximately two-thirds of this allocation. An aerial photograph showing the location of the site is shown below:



DESCRIPTION OF DEVELOPMENT

The application, as amended, is for the development of the site for 65 dwellings, associated open space, landscaping, vehicular access to the road to the south and pedestrian access onto Eglwys-Brewis road to the west. The application comprises of a mix of detached, semi-detached and terraced dwellings and one bed apartments within the layout shown below:



As noted the layout will include the provision of a new vehicular access from the B4265 from the south, with a single primary route running through the centre of the site, dwellings predominantly fronting onto the main road and a number of private drives accessed from it. A small area of public open space is provided towards the north-east of the site, while a larger area of public open space is also provided towards the west of the site incorporating a LAP and an attenuation pond that form part of the drainage strategy for the site.

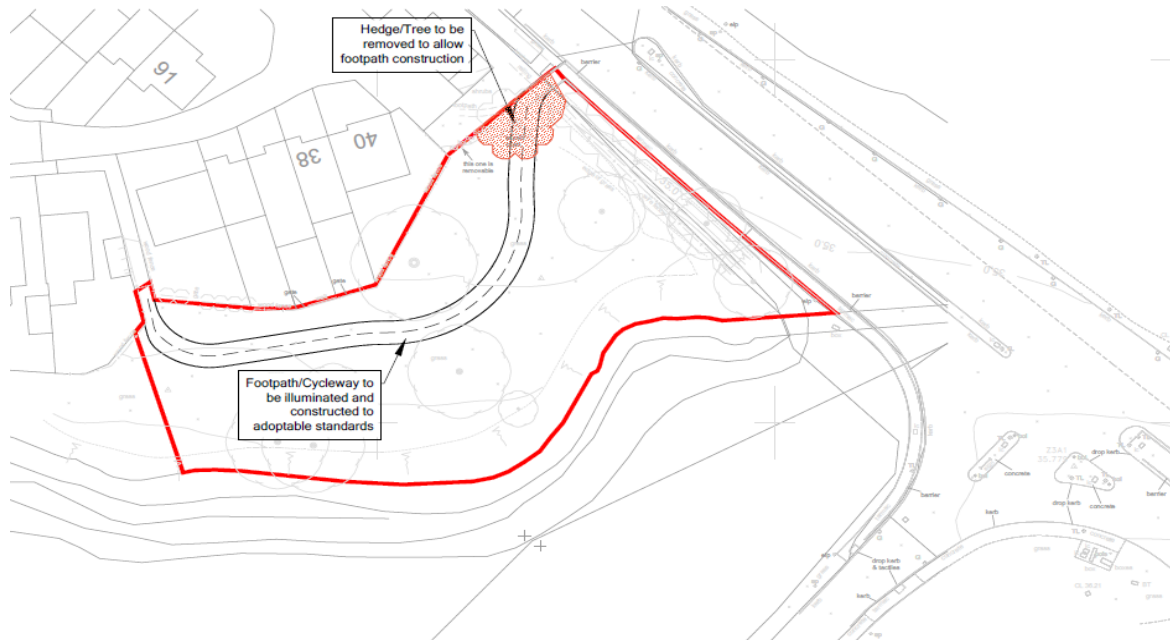
The development comprises of a mix of house types of a generally traditional form. The proposed dwellings would be finished in a mix of render as well as red and buff brick beneath charcoal grey roofs. Example street scenes are shown below:



Section A-A



The application also proposes a pedestrian link between the B4265 and Harding Close, to the west of the principal part of the site. This is shown on the plan below:



The application is accompanied by a number of supporting and technical documents including:

- Design and Access Statement
- Transport Assessment
- Heritage Desk Based Assessment
- Flood Risk Assessment
- Agricultural Land Quality Appraisal
- Ecological Assessment
- Site Investigation Report

PLANNING HISTORY

2014/00984/SC1 – Land adjoining Llantwit Major Bypass; Screening Opinion: 64 Dwellings, public open space, landscaping, highway works and associated infrastructure – EIA not required

2006/00662/FUL - O.S. 6162 and 7154, Boverton, Llantwit Major - Change of use to riding school stables and construction of new stables – Refused

1996/00560/FUL - Land west of Church Meadow, Boverton - Residential and ancillary development – Refused and dismissed at appeal

CONSULTATIONS

Llantwit Major Town Council were consulted and stated the following: *‘no objections in principle to the development. However, concerns were expressed at the probability of an increase in the surface water run off level and the provisions made to cope with the issue. In addition access and egress from the site for vehicles and pedestrians was a serious concern. Vehicles turning right onto the busy B4265 could be a hazard and the risk should be addressed. There is no provision in the planning for a pedestrian footpath to Boverton, with the anticipated number of school aged children the development is likely to contain it was considered that a safe route to school was essential. It was noted from the plans that there is a proposed Phase 2 development and it is assumed that adequate consideration be given to safe access and egress for the additional vehicles and pedestrians’*

The Council’s Highway Development section was consulted and state that an objection in relation to the highway and transportation aspect of the development is not raised in this instance’ subject to conditions being attached to any consent given. The conditions relate to engineering details relating to the internal access roads, access and off-site improvements; a Construction Traffic Management Plan and provision of wheel washing facilities.

Public Rights of Way Officer indicate that Public Right of Way L16/43 must be kept open and free for use by the public at all times, or a legal diversion or stopping up order must be obtained and implemented prior to works affecting the PROW taking place. They request that no adverse effect including the storage of materials, should not occur to the PROW.

Comments were also received from the **South Wales Police Design Out Crime Officer** stating that they ‘had no objection to the proposed development’. They did however raise a number of recommendations with regard to enclosure of rear gardens; PAS24 2012 compliant doors and windows; service meters being to the front of the property and that the estate complies with Secured by Design.

The Council’s Education Section was consulted and provided comment with regard to the number of school places arising from the development and current capacity within local schools.

The Council’s Principal Engineer (Coastal and Flood Risk Management) provided comments with regard to the application indicating that no detrimental impacts on flows to Boverton would be considered acceptable. They confirm that the drainage strategy relies on infiltration and that further tests would be required in addition to further hydraulic calculations. They require full engineering details to be submitted prior to works commencing on site in addition to further details of management of the drainage system and additional details of exceedance flows. Noting this recommend that two conditions be attached to any planning permission granted including a detailed scheme of drainage to be submitted prior to the commencement of development and a condition relating to the provision of a SUDS management plan.

They also confirmed that the attenuation pond will be used for events over the 1 in 30 rainfall event that the basin would likely act as a normal area of open space, receiving natural overland flows.

Shared Regulatory Services (Environmental Health Pollution Control Section) was consulted with regard to the application. They raised initial concern with regard to noise exposure of a number of properties within the site and that noise attenuation measures would be required to reduce noise levels to an acceptable degree. Following the submission of an addendum they had nothing further to add on 4 of the 6 concerns raised. However they did indicate that measures should be taken to ensure that amenity space serving properties should comply with the requirements of TAN11.

Glamorgan Gwent Archaeological Trust was consulted with regard to the application. They identify that the proposed works will require archaeological mitigation and recommend that a written scheme of investigation be required by condition.

Llantwit Major Ward members were consulted with regard to the application. Concerns were raised by Councillor Gwyn John with regard to flooding issues, the S106 agreement, the proposed access point to the junction and the potential 'bottleneck' this may create with other proposals onto this road. Councillor John indicates that the proposed access should be from West Camp Road.

Dwr Cymru Welsh Water was consulted with regard to the proposals. They request that a condition be attached to any planning permission granted requiring a comprehensive scheme of drainage to be submitted prior to the commencement of development. They raise no objection to the provision of a water supply whilst also indicating that sufficient capacity is available within the foul sewerage treatment works to serve the development.

Network Rail were consulted with regard to the application and confirm that they have 'no objection in principle to this proposal' but provide a number of comments with regard to fencing adjacent to the railway line; foundations; no surface water being discharged towards their land; ground disturbance; buildings being set more than 2m from the boundary fence; details of any piling to be submitted to NR for their approval; landscaping; no impact upon signalling as a result of development; environmental issues; plant, scaffold and cranes not encroaching on railway land; lighting; safety barriers; party wall.

The Council's Ecologist was consulted with regard to the application and initially raised an objection to the proposals given that insufficient information had been submitted in support of the application to determine the impact upon protected species. The species indicated included dormouse; reptiles; great crested newts.

Further to the provision of additional information the objection is withdrawn. Conditions are also requested requiring the applicant to undertake the works in accordance with the submitted Reptile Mitigation Strategy and that the LPA be provided with a copy of the licence from NRW prior to the commencement of works.

The Council's Operational Manager Parks and Grounds Maintenance were consulted although no comments had been received at the time of writing this report.

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

Affordable Housing coordinator was consulted and provided comments with regard to the type and nature of tenure of the dwellings proposed. Concerns were raised regarding the level of provision and the mix of units proposed, however, following discussions on the viability issues assessed below, it was conceded that the proposals were acceptable in terms of the affordable housing provision.

Natural Resources Wales were consulted with regard to the application. They raise no adverse comments with regard to flood risk noting that the site is outside of the area of fluvial flood risk from the Boverton Brook and that the site is located outside of the 7m byelaw distance of the brook and does not therefore require Flood Defence Consent under the Water Resources Act 1991. They also indicate that the site is considered to be of low sensitivity with respect to controlled waters.

They did however initially object to the development of the site given that dormouse, a European Protected Species, were found on the site. Pursuant to the submission of a dormouse mitigation strategy, NRW confirmed that they would not object to the proposals subject to conditions requiring development to be carried out in accordance with the submitted Dormouse Mitigation Strategy; a long term habitat management and species monitoring plan and the provision of a lighting scheme to ensure that wildlife corridors/mitigation habitats.

REPRESENTATIONS

The neighbouring properties were consulted on 29 August 2014, 15 July 2016 and 6 September 2017, site notices were also displayed on 17 September 2014 and 6 September 2017 and the application was also advertised in the press on 17 September 2014. At the time of writing this report 23 letters of representation had been received raising the following points:

- Lack of consultation
- Flooding issues in Boverton
- Position of access into development and potential highway safety issues
- Lack of adequate pedestrian/cyclist access to the site resulting in car dependent site
- Size and density of development inappropriate
- Prematurity of proposals and proposals near to St Athan Enterprise Zone
- Lack of ecological mitigation
- Need for new train station in Boverton
- Loss of greenfield land and urban sprawl
- Lack of on-site amenities including play areas

- Concern over the proposed pedestrian/cycle way to the rear of properties on Harding Close/loss of green space including loss of privacy, security issues, noise and disturbance, loss of outlook. Propose alternative to use existing drive at Harding Close
- Correspondence with adjoining landowner detailing issues with land assembly

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN
 POLICY MG2 – HOUSING ALLOCATIONS
 POLICY MG4 – AFFORDABLE HOUSING
 POLICY MG6 – PROVISION OF EDUCATIONAL FACILITIES
 POLICY MG7 – PROVISION OF COMMUNITY FACILITIES
 POLICY MG19 – SITES AND SPECIES OF EUROPEAN IMPORTANCE
 POLICY MG20 – NATIONALLY PROTECTED SITES AND SPECIES
 POLICY MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES

Managing Development Policies:

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

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

Planning Policy Wales:

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

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

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 20 - Planning and the Welsh Language (2017)

Supplementary Planning Guidance:

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

- Amenity Standards
- Affordable Housing
- Biodiversity and Development
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide

-
- Trees and Development

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

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- 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)
- Plan Preparation and Flood Risk background paper update (2015)
- Habitats Regulations Assessment - Appropriate Assessment Report of Deposit LDP (2013)
- Habitats Regulations Assessment Screening of Focused Changes (2015) and Matters Arising Changes (2016)
- Open Space Background Paper (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)

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 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to be considered with this application are considered to be:

- The principle of the development having regard to relevant Local Development Plan, National policies and agricultural land quality.
- Visual impact of the development, which is currently an area of agricultural land in the countryside.
- The suitability of the proposed access and junction arrangement, and highway safety issues.
- Issues related to the potential increased traffic levels as a result of the proposed development.
- The potential impact to neighbour amenities.
- Parking Provision
- Amenity Space and Public Open Space Provision
- Amount and tenure of Affordable Housing to be provided on site; and
- Other issues that will be considered include the need to protect archaeology; noise; flood risk and drainage; ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development

Principle of Development of the site

The application forms part of a site allocated for residential development within the Local Development Plan under policy MG2(22). The LDP envisaged that the overall site of 2.4 hectares comprising of 3 land parcels would be developed for a total of 70 dwellings. The application site comprises the 2 northernmost field parcels with a land area of approximately 1.82 hectares and proposes the development of the site for 65 dwellings. Whilst it would be the LPA's preference for the site to be developed comprehensively, the applicant has been unable to secure ownership of the remaining field parcel and therefore such an approach has not been possible. However, the principle of residential development has been established through the allocation of the site within the Local Development Plan. As such issues of land assembly are not strictly considered to represent a reason to defer or refuse the application, subject to the proposed development being acceptable in its own right and not being reliant on the future development of the remaining field parcel to provide facilities such as open space, nor should it in any way sterilise the development of the site.

Visual impact of the Development within the Wider Rural Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, noting it is currently field parcels laid to grass. However, it is considered that this does not necessarily render the development unacceptable. Rather an assessment of the visual impacts is required in the context of the surrounding landscape and how the development relates to the existing built environment. Given that the site is allocated for residential development, it is inevitable that the character of the land will fundamentally change, however, the broad impact of that has been assessed as part of the LDP process, which determined the most appropriate locations for new blocks of residential development, relative to existing settlements.

The application site lies to the north east of Boverton and to the south of Eglwys Brewis. It is separated from Boverton by the bypass and an intervening parcel of land and therefore would not directly adjoin it. However, save for the intervening railway line, the site would directly adjoin the existing residential area within Eglwys Brewis to the north. It is enclosed by the B4265, Eglwys Brewis Road and the railway line and it is considered that these represent logical, physical boundaries to the site. While the development would extend the built form by some 100m to the south, it would be read in the context of established development to both the north and the south. Given the relationship of the site to the existing pattern of development and the fact that the site is closely related to existing residential development to the north, it is considered that the development would not appear as an arbitrary incursion into the countryside being viewed against the backdrop of residential development to the north and south.

While the site itself is rural in character, the wider context is considered to be semi-urban/semi-rural and the site does not form part of a Special Landscape Area or any other statutory landscape designation. Therefore, while the character of the land would fundamentally change, it is considered that the development would not unacceptably impact upon the wider rural landscape, and that the wider importance of the development (in terms of housing demand) outweighs any negative visual impacts associated with the urbanisation of the site. As referenced above, this has also been fully assessed through the Local Development Plan process.

Density of the development

In terms of density, Paragraph of 4.7.5 of Planning Policy Wales advises that 'Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by public transport, walking and cycling should either not be allocated for development or be allocated or reallocated for uses which are not travel intensive.'

The development proposes 65 units on approximately two thirds (1.82ha) of the land allocated whereas the LDP allocates the whole site (2.42ha) for up to 70 units.

Policy MD6 'Housing Densities' of the Local Development Plan states that proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. However the policy states that 'higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon the local amenity.' The proposals would amount to a density of approximately 36 dwellings per hectare, and it is noted that the development of Church Meadow in Eglwys Brewis, to the northern side of the railway line is of a very similar density.

The LDP allocation of 70 units is not definitively prescriptive. However it provides a basis to consider the appropriate density for the site in line with the provisions of local and national policy. It is important to ensure that sites in sustainable locations are developed efficiently, and it is also necessary to consider the character of the area and whether an increase in density would be appropriate and sympathetic to the surrounding context. The site does not form part of a minor rural settlement, where densities may typically be lower, and it is considered that the proposed density (which is not excessively dense or urban) is compatible with the nature of surrounding developments including Church Meadow to the north.

As will be detailed later in the report, the increased number of units is principally a result of viability issues identified by the applicant and verified by the District Valuer with regard to the development of the site. However, notwithstanding this, it is considered that the increased density is acceptable on its own merits and it is considered that this represents an efficient use of land in this location.

Having regard to the character of the surrounding area and given that this is not a unacceptably significant increase above that anticipated within the LDP, it is considered that the density is acceptable and would represent efficient use of the land.

Layout of the Development

The application proposes the development of the largely rectangular site for 65 dwellings, with a central spine road where some units enjoy direct access whilst others would be accessed by a number of private drives. A change in materials on the main spine road is proposed between plots 40-59 to the south-east of the site, 7-26 to the north-west of the site and on 'T' junction centrally within the site. It is considered that the block paved areas would appear as attractively designed, less formal/engineered parts of the site, and would contribute towards a sense of place. The distinction between primary and secondary parts of the site also accords with the principles of Manual for Streets.

Given the shape and physical constraints of the site it is considered that a single access from the south of the site and a single main access road running through the development is the only viable and practicable option for the internal layout. Furthermore the proposals would allow for access to the remainder of the residential allocation within the LDP and would not therefore prevent the development of the remainder of the site. As such the principle of such a layout is considered to be acceptable.

The layout of the site ensures that the majority of units adjacent to the access road are orientated towards the main spine road and a number of dual frontage house types are utilised on prominent corner plots. This provides a significant degree of active frontage onto the main spine road which is considered to sensitively respect its context and provide a more visually pleasing form of development.

In terms of parking, the dwellings would be served by driveways and garages within their curtilages whilst the affordable units would largely be served by parking courts to the front. Visually, it is considered that this is an appropriate form of layout and would avoid large communal parking areas.

Sufficient parking is provided for each dwelling, with all market properties having 3 parking spaces, which is considered to accord with CSS Parking guidelines. The affordable flats are shown to have one space each, which is considered to be acceptable given that car ownership amongst occupiers of affordable housing schemes is typically lower.

Nineteen no. affordable housing units are proposed within the scheme and proposed within two distinctive blocks. 4 no. units are proposed to the north-west of the site (4 no. 2 bed dwellings) with a further 15 units proposed to the east of the site (10 no. 1 bed apartments, 2 no 2 bed dwellings and 3 no. 3 bed dwellings). Whilst it is noted that the affordable units are not strictly 'pepper potted' throughout the site, they are split into two distinct areas and are not considered to represent an overconcentration of these units.

House types and design

The application proposes 65 dwellings in total that will comprise 13. No house types of the following mix:

Market housing:

- 10 no. Maidstone units (3 bedrooms)
- 8 no. Derwent units (3 bedrooms)
- 8 no. Kingsville units (4 bedrooms)
- 6 no. Alderney units (4 bedrooms)
- 4. No. Halton Units (4 bedrooms)
- 4 no. Tamerton units (4 bedrooms)
- 6. No Radleigh units (4 bedrooms)

Affordable housing provision:

Low Cost Home Ownership

- 2 no. Washington (2 bedrooms)
- 2 no. Palmerston (3 bedrooms)
- 1 no. Eskdale (3 bedrooms)

Social Rented

- 6 no. 1 bed flats within Hawthorne Block
- 4 no. 1 bed flats within Alder
- 4 no. 2 bedroom Olive units

Given the position of the site, it does not sit within an existing residential context. However it is noted that there are relatively modern dwellings in Egwlys Brewis to the north. There is little consistency within the surrounding built environment (including detached, semi-detached and terraced with material including red brick, buff brick, brick and render) and accordingly, there are no overriding design cues to follow. The proposed houses comprise a mix of designs and house types, but with a consistent and relatively 'conventional' character, finished in a mix of two brick types and Ivory render beneath charcoal grey roofs.

The overall design of the house types and flat development, whilst fairly typical of a volume house builder, are considered as a group to be acceptable with varying heights (including two storey, 2 ½ storey houses and a three storey block of flats), would result in a sufficiently interesting and varied built environment that would not unacceptably detract from the site's context and has sufficient regard to the character of the surrounding residential development. The street scenes have been amended and improved such that they are now more varied and subject to control over the materials, it is considered that the respective street scenes would create a positive built environment.

The dwellings are also comparable in their general scale, massing and height to the existing neighbouring residential developments and in this respect also, the proposed dwellings will be in keeping with the surrounding built environment

Highways issues

The application is accompanied by a Transport Assessment prepared by Mayer Brown. In conclusion, it states that *'To summarise, it can be concluded that the proposed development is unlikely to have any material impact upon the safety or operation of the surrounding local highway network... Consequently, it is considered that there are no significant highways and transportation matters that would preclude the Local Planning Authority from approving this planning application.'*

Given the linear nature of the site, the applicant has introduced changes in materials to include shared mews courts and utilised the position of housing and road geometry which would assist with reducing vehicular speeds, an approach advocated by Manual for Streets. The shared surfaces would also encourage pedestrian movements and give more of a sense of place to parts of the highway. In general terms it is considered that the layout has been designed upon the principles of Manual for Streets. The application also proposes the provision of a combined pedestrian/cycle link to Eglwys Brewis Road to the north and between the B4265 and Harding Close, to facilitate improved links with Llantwit Major.

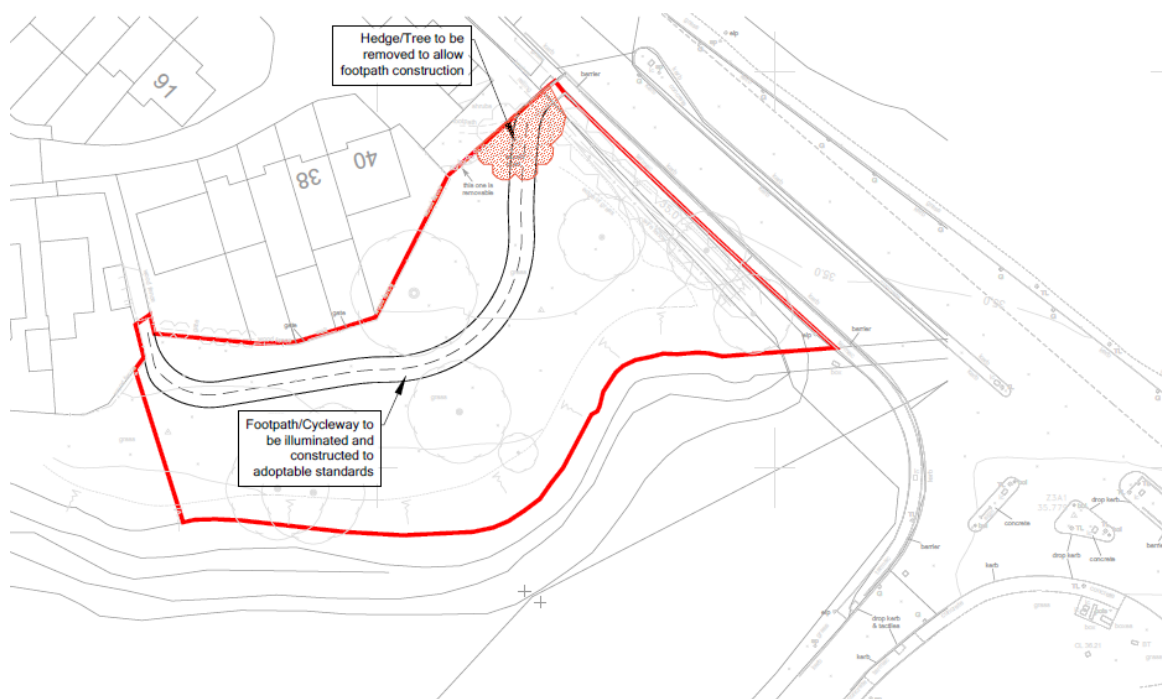
As noted above, the highway layout involves the provision of a principal access road that would be accessed from the B4265 to the south of the site. The proposals would include the provision of a dedicated right turn lane to provide access for vehicles approaching from the east. The Council's Highway Development Section are satisfied with the appraisal of the additional traffic generated by the development to the B4265 junctions with Eglwys Brewis Road and Llantwit Road, and have concluded that there would not be a material impact to these junctions should the site be developed. Significant consultation and negotiation was undertaken with regard to internal layout and finishes during the course of the application and the resulting layout reflects the outcome of these lengthy discussions. Noting this, the Highways officer confirms that *'an objection in relation to the highway and transportation aspect of the development is not raised in this instance.'* They do however request a number of conditions be attached to any consent given relating to provision of full engineering details of proposed internal roads, access to the B4265 and off-site improvements; a Construction Traffic Management Plan and details of wheel washing facilities. Conditions 18, 19 and 20 refer.

In summary, it is considered that the proposed development would be served by a safe principal access onto the B4265, which would benefit from sufficient visibility along the highway when vehicles are egressing. The access movements into the site from the B4265 are also considered safe and in accordance with the relevant standards.

Pedestrian movements

In addition to the pedestrian linkages between the site and Eglwys Brewis Road, the application proposes a pedestrian link between the B4265 and Harding Close, to the west of the principal part of the site. Given that the application only relates to the north western part of the allocation, there is no scope for pedestrian access through the eastern part of the site, to link up with the B4265 or Boverton Road. Notwithstanding this, given that the stretch of highway between the B4265 and Boverton Road does not provide comprehensive pedestrian facilities, it was necessary to establish a safe and commodious pedestrian route from the site towards Llantwit Major.

The area of land in question through which the new pedestrian link would be made, is controlled by the Council and would provide a direct link between the B4265 and Harding Close, as shown below.



This link would ensure strong and safe links between the site and Boverton/Llantwit Major and provide pedestrians and cyclists with a genuine direct access from the site to surrounding facilities. It is considered that this bolsters the sustainability credentials of the development and would give occupiers a choice of how to travel to destinations away from the site.

In summary, it is considered that the development would be served by safe and comprehensive access arrangements, in line with the Council's detailed policies and local/national planning guidance in respect of sustainability.

Impact upon amenity of neighbouring residential properties

As noted previously the nearest residential properties to the new houses are those within Eglwys Brewis to the north of the site, albeit being separated from the site by the Cardiff-Bridgend railway line. Given this, a separation in excess of 35 metres would be maintained between dwellings proposed and those existing to the north. With regards the direct impacts of the development on existing levels of privacy and general amenity, whilst the introduction of a residential use adjacent to existing properties will undoubtedly change the existing relationship, the proposed dwellings have been located to ensure that the minimum distance of 21m between principal opposing windows is maintained, in line with the Council's adopted Amenity Standards SPG.

It is therefore considered that the new dwellings are sited so as to ensure they would not be overbearing or unneighbourly to any neighbour and would not unacceptably impact upon parking, in accordance with Policy MD2 of the Local Development Plan and the Council's Supplementary Planning Guidance.

The new pedestrian footway/cycleway adjacent to Harding Close would be likely to increase pedestrian movements to the rear of certain properties, however, it is considered that such pedestrian and cycleway movements would not give rise to an unacceptable impact on residential amenity or privacy, nor would they raise fundamental security concerns.

Amenity of the future occupiers of the site

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provides guidelines to ensure that all new residential developments contribute towards a better quality of life without adversely affecting the amenity enjoyed by existing residents. Policy 2 of this document is considered to be of particular relevance in this instance, and states that 'the council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development'.

The guidance contained within this policy notes that developers should provide 1m² of amenity space per 1m² of the gross floor area for new dwelling houses, whilst 20m² of readily accessible amenity space should be provided per occupier of flatted development. All of the houses would be served by private garden spaces whilst the proposed flats would have access to a limited degree of shared amenity space. Having assessed the proposals a number of units would not meet the requirements of the Council's SPG. The gardens that do not meet the requirement of 1m² of amenity space per 1m² of gross floor space do not amount to a significant shortfall and it is considered that all of the gardens are of sufficient size to meet the outdoor relaxation and functional needs of the occupiers. The Amenity Standards SPG states that the detailed amounts are not intended to be a prescriptive standard and whilst there is a degree of shortfall in some instances,

it is considered that the contribution the development would make to strategic housing provision outweighs the deficit in amenity space relative to the requirements of the Council's SPG.

Furthermore it is considered that the relationship of the proposed buildings to each other is such that the respective dwellings would not appear as overbearing or unneighbourly to each other, and each dwelling would benefit from adequate levels of privacy.

In light of the above it is considered that although there may be a shortfall in private defensible amenity space for some units that sufficient amenity space is provided to meet functional needs, whilst the position of the proposed dwellings would serve to safeguard the amenity of future occupiers of the development. As such it is considered that adequate amenity space is provided to serve future occupiers of the development.

Ecology

The application was initially supported by an ecological desk study and extended phase 1 habitat survey. As noted previously objections were initially raised to the development of the site by the Council's Ecologist and Natural Resources Wales, due to concern with regard to the potential impact upon dormice; reptiles and great crested newts not being adequately considered. Pursuant to this, additional submissions were provided including an Ecological Masterplan; A Reptile Mitigation Strategy and a Dormouse Mitigation Strategy.

Policy MD9 'Promoting Biodiversity' of the Council's LDP new development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes

Furthermore policy MG21 'Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species' of the LDP requires that Development proposals likely to have an adverse impact on priority habitats and species will only be permitted where it can be demonstrated that:

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

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). Survey work undertaken identified the presence of protected species on the site, and therefore the need for a licence from the Welsh Assembly Government. In assessing the application the Council must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met as noted below.

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.

It is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting housing need in the area, including the provision of affordable housing. The site has been allocated to meet the strategic housing requirement identified within the LDP process and as such is considered to be of an overriding public interest with a social benefit in terms of providing much needed housing and an economic benefit in terms of construction and to local businesses.

Test ii) - There is no satisfactory alternative

In terms of Test 2, the application site has been considered in the round in the context of a significant number of other candidate sites. Through that exercise and supported by background evidence, the Council has sought to allocate the site for housing. In doing so, when balancing all of the relevant planning issues, it has been concluded that the site is appropriate for housing and necessary to meet housing need, whereas the alternative sites that have not been included within the finalised LDP were not considered to be satisfactory alternatives.

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.

Natural Resources Wales and the Council's Ecologist have advised that subject to the measures in the mitigation statements being adhered to, including the provision of a dormouse buffer to the periphery of the site, there is no objection and, therefore, it is considered that the development would not be detrimental to the maintenance of the population of the protected species.

Overall therefore it is considered that the works would comply with the above tests and as such the proposals would not cause undue harm to protected species identified within the accompanying documentation.

Archaeology

Policy MD8 of the LDP seeks to ensure that development proposals protect the qualities of the historic environment including the preservation or enhancement of archaeological remains and where appropriate their settings.

The application is supported by an archaeological desk-based assessment undertaken by Cotswold Archaeology dated July 2014. The assessment identifies *'no archaeological constraints within the site, but has identified some potential for currently unrecorded remains; these are considered unlikely to be [of] such significance as to preclude development. It is considered that the proposed development will not conflict with either national or local planning policy on Listed Buildings, Conservation Areas or archaeological remains.'*

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust were consulted with regard to the application and generally concur with the results of the findings. They note however that *'field evaluation would not, by its nature, identify discrete burials'* and as such recommend that a condition be attached to any consent given to ensure that an archaeological contractor is employed to prepare a written scheme of investigation.

Noting the above, it is considered that there is not an archaeological constraint restricting the grant of planning consent.

Public Right of Way

Public Right of Way (PROW) L16/43 (Llantwit Major 43) crosses the site and the applicant has proposed to divert the PROW around the periphery of the site. Comments were received from the Council's PROW officer to the effect that the PROW must be kept open and free to the public or a legal diversion or a stopping up notice must be obtained prior to any development occurring that would affect the way across the site. An informative will be attached to any permission given to ensure that no adverse effect results from the development works and informing the applicant of any need for diversion.

Drainage and Flood Risk

Policy MD7 'Environmental Protection' requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from... flood risk and consequences.' The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15' citing specific requirements relating to zone C2.

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore the site is considered to be at little or no risk of fluvial or tidal flooding. It is however noted that Boverton Brook runs to the north of the site and that either side of this brook are identified C2 flood zones including Eglwys Brewis Road running to the north of the site.

A number of the consultation responses from neighbours have referred to concerns regarding flooding within and beyond the site. Drainage and flood risk is understandably an issue of great concern to residents in the area, given the apparent history of flooding within the village of Boverton.

The applicant indicates that they would dispose of surface water by way of a sustainable drainage system. Individual properties would be served by domestic soakaways and the principal drainage feature would be an attenuation area at the north/western part of the site. This is considered to be an acceptable (and not uncommon) strategy in principle, subject to conditions relating to detailed design.

Noting the designation of the site within Flood Zone A, no objection has been received from Natural Resources Wales. The Council's Drainage Engineer has not raised objection to the proposals subject to conditions relating to further details of the drainage strategy and the future maintenance of this system. Noting this it is considered that the development of the site would ensure that future occupiers of the site would not be prone to flooding whilst the proposals would not exacerbate flood risk off-site. Whilst therefore it is acknowledged that the matter is a concern for existing nearby residents, given the lack of objection from consultees in this regard on this basis this does not represent a reason to refuse planning permission.

The applicant also indicates that foul sewerage will be discharged to mains sewer. Following consultation with Dwr Cymru they note that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. They also indicate that they have no objection to provide water supply to the development, although do request that a condition requiring the submission of a comprehensive drainage scheme to be submitted prior to the commencement of development.

As such subject to suitable conditions, it is considered that the development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk.

Agricultural land quality

The proposed site for the residential development is primarily agricultural land which is made up of two agricultural fields, divided by a hedgerow, with the fields currently being grassed. When visiting the site it appears that the fields are not being actively farmed.

Technical Advice Note 6 notes that agricultural land within Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output.

Planning Policy Wales states the following on this matter:

4.10.1 In the case of agricultural/and, land of Grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future....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, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in Grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

The application has been supported by an Agricultural Land Classification Survey prepared by Reading Agricultural Consultants dated April 2014. The report has assessed Site and Climatic Conditions including general features, land form and drainage; agro-climatic conditions; soil parent material and soil types and Agricultural Land Quality including soil survey methods and agricultural land classification and site limitations.

The agricultural land classification map (MAFF 1977) classifies the site as Grade 2 agricultural land, however, the submitted report indicates that the entirety of the site falls within Subgrade 3b given constraints of the site primarily 'soil wetness and workability due to the interaction of climate and clay textured topsoil.'

Policy MD8 'Environmental Protection' of the LDP requires development proposals to demonstrate that they will not result in an unacceptable impact on the built or natural environment by reason of a number of criteria including '7. The loss of the best and most versatile agricultural land'.

This site forms part of the LDP allocations and in that respect, it is considered to be necessary to meet strategic housing need over the next 15 years. Furthermore, it is noted that the land in question is not actively being farmed and the supporting survey indicates that the land does not comprise the best graded land. It is further considered that the physically constrained nature of the site would limit its potential utility for many forms of farming.

Given the allocation of the site for residential development within the LDP, the constrained nature of the site and the findings of the submitted agricultural land quality survey, it is considered that the proposals would not result in the loss of best and most versatile agricultural land.

Noise

The application as originally submitted was supported by a Noise Survey. The initial noise survey concluded that the *'site in its undeveloped state is indicated to fall mainly into NEC A of TAN11 during the daytime and NEC B during the night-time, with only part of the south-western boundary with the B4265 falling under NEC C of TAN11.'* As a result it initially recommended that a 1.8m high close boarded fence be erected along the south-western boundary to the B4265 and that up-rated glazing and acoustic ventilation be utilised on critical facades overlooking the B4265 and to bedroom windows fronting the railway line to the north-east. With regard to rail vibration, it did not conclude that this was an issue that should restrict the grant of planning permission.

Following consultation with the Council's Environmental Health Officer some concern was raised with regard to the degree of noise that prospective occupiers of the development may be subjected to. Consequently, clarification was requested with regard to a number of points. As such an addendum and update noise assessment was submitted in response to these points.

The submitted details indicate that the site in its undeveloped state falls mainly into Noise Exposure Category A/B of TAN11 during the daytime and NEC B during the night time with only part of the south western boundary falling under NEC C of TAN11. Additional sound insulation measures in the form of up-rated glazing and acoustic ventilation would be needed on critical facades facing the B4265 to achieve suitable internal noise levels. The applicant states that adequate mitigation has been proposed to comply with internal noise criteria whilst outdoor noise levels would be around 50-55db within 50% of garden areas.

Having regard to the guidance contained within Technical Advice Note 11: Noise (1997), it is noted that a limited number of plots adjacent to the southern boundary (including plots 1 and 65) and some garden areas fall in part within Noise Exposure Category C. TAN11 states: *Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.*

Whilst being mindful of the above, it is noted that the dwellings falling within this area represent only a modest number of those proposed within this scheme. Whilst some occupiers may experience higher levels of noise than may be experienced on others within the development, or occupiers of more remote sites, given the position of the B4265 and railway line to the north and south of the site, a degree of increased noise is inevitable. The submitted details indicate that appropriate noise mitigation measures can be incorporated within the development that would suitably mitigate the impact of noise upon future occupiers of the dwellings in question. In this regard therefore it is considered that this mitigation can be accommodated without fundamentally impacting upon the character and design of the dwellings or upon the visual amenities of the wider area, whilst safeguarding future occupiers.

The inclusion of the site as an allocated site within the Local Development Plan establishes the principle of development, due to the significant level of assessment that has been undertaken that has led to its allocation. As such being mindful of the limited number of units that would fall within NEC C and the allocation of the site within the LDP, it is considered for the purposes of TAN11 that there is not a suitable alternative to assist the LPA to meet the housing requirement identified within the LDP. Furthermore following consultation with the Environmental Health Officer it is considered that any adverse impact can be adequately mitigated and will be controlled by way of condition (condition 25 refers).

In view of the above it is considered that, with appropriate conditions, the residential development of the site can be appropriately controlled in order to protect residential amenity in line with the requirements of Table 2 of Technical Advice Note 11.

Public Open Space Provision

LDP policies MD2 'Design of New Development' and MD3 'Provision for Open Space' require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states *"Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. PPW indicates that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments"* (paragraph 4.15 refers).

Policy MD3 requires that developments resulting in a net gain of 5 or more units should provide outdoor sports provision at 1.6ha per 1,000 population; children's equipped play space 0.25 hectares per 1,000 population; informal play space 0.55 hectares per 1,000 population. The Open Space background paper indicates that for the development of the whole of the wider site for 70 dwellings, a total of 406m² of Children's Play Space (or equivalent) should be provided, whilst Outdoor Sport Space would be met by the existing provision (noting the existing provision within the Llantwit Major Ward). Consequently, approximately 377m² of equipped children's play space and 829.44m² of other children's play space would be required to serve the development of this part of the site for 65 dwellings

The submitted layout indicates the provision of two Local Areas of Play within the confines of this part of the site. One to the north-west of the site of 280m² and one towards the east of the site of 105m². This combined represents a slight over-provision when compared with the figures given above in terms of equipped children's play space. In addition to this an area of green space with an area of approximately is shown adjacent to the LAP with an area of approximately 1,180 m² (including footways and attenuation area and not including the LAP) to the north of the site that will be more informal in nature, offering an area of green space, whilst also provided for the infiltration basin for the site in addition to an area of approximately 113m² adjacent to the LAP to the east of the site.

The Council's Planning Obligations SPG states that '*generally drainage basins will not be considered appropriate as a usable area of public open space, and such spaces will not contribute to satisfying the necessary public open space requirements, unless the applicant can demonstrate via a detailed drainage assessment that the drainage basin area will not be impacted by flooding.*' The applicant has demonstrated that this area would be usable for the vast majority of the time and as such this area and the associated landscaped buffer is considered to contribute a more informal area of POS within the site that is considered to be adequate in terms of provision of 'other children's play space'. It is however considered reasonable to require further details of the proposed POS areas and their future management and a condition is proposed to require these details (condition 26 refers).

It is considered that the layout makes provision for the necessary amount of public open space, to meet the on-site needs of the occupiers, in accordance with the Council's policy and SPG.

Affordable housing provision and Development Viability

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.

Of the 65 dwellings proposed, 19 are proposed as affordable units representing a provision of 29%. It is acknowledged that such a level of provision of on-site affordable housing falls below the 35% requirement in the Llantwit Major area required within the adopted LDP allocation as required by policy MG4. However, members are advised that when the application was originally submitted (in excess of 3 years ago), the requirement envisaged within the then draft LDP was 30% in this area. Draft policy MG4 was amended as a result of focussed changes to the Local Development Plan in light of housing need and viability evidence to increase the level of affordable housing provision from 30% to 35%. The applicant was advised of the change in draft policy position in July 2015, who advised that the land values for the purchase of the site had been agreed with the land owners on the basis of this lesser provision and that the contractual position would not allow for any further negotiation in this regard. They also advised that in part, delays to the potential development of the site had arisen from the LPA seeking to develop the whole of the LDP allocation in a holistic fashion.

Following lengthy negotiation with the applicant, evidence was provided in support of their arguments that the development costs would undermine the commercial viability and ultimate deliverability of the site, if the full section 106 package were secured. The developer submitted a viability appraisal, which includes details such as development revenue, development costs, abnormal development costs, professional fees, finance costs, build contingency, land value and in particular, infrastructure costs. The viability appraisal tested a number of scenarios, based on a varying provision of affordable housing provision. This is confidential and contains commercially sensitive information and consequently cannot be released to the public, but is available on file for Member's Inspection on request.

The District Valuer (DV) was appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. The DV's Report looked at a number of development scenarios, with varying percentage provision of affordable housing, against factors including a reasonable level of developer profit and benchmark land values identified within the LDP process.

This evidence was independently verified by the District Valuer who undertook sensitivity testing of the proposals. They concluded that based on a 35% AH provision in addition to the S106 contributions, the residual value of land would be well below the benchmark land value and the scheme would not be viable.

The viability information also demonstrates that even at 30% the viability of the scheme would be marginal. Following lengthy discussions with regard to layout issues, a reduction in the amount of units from 66 to 65, was agreed with the applicant in light of the marginal viability of the site. This however resulted in the loss of one low cost home ownership unit and a resulting affordable provision of 19 units (29.23%) would be acceptable in this instance. It is noted that this results in a modest shortfall below the 30% level agreed with the applicant, although the applicant has demonstrated to the LPA and the District Valuer, that this is a reasonable provision in light of marginal viability for the delivery of the site.

On this basis, and in line with the guidance set out in the adopted SPG on Planning Obligations and at a national level by Welsh Government, given the time of the submission, the contractual position of the applicant and the demonstrated issues of commercial viability relating to the development of the site, it was considered that the provision of a reduced level of affordable housing was agreed to allow the delivery of this part of the site.

It was also negotiated and agreed that the contribution that would otherwise have been used for public art, should be prioritised for affordable housing in light of the high level of need for affordable housing in the Vale of Glamorgan. Therefore, the developer has agreed to an off-site contribution of **£59,449.80** for the provision of affordable housing off-site.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (ed. 8, January 2016) Paragraph 4.4.3 emphasises that in order to achieve a “More Equal Wales”, development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

LDP Policy MD4 requires proposed developments for residential developments, to improve community infrastructure for educational facilities.

Based on 55 units (not including the 10 units that are 1 bed), this will yield the following:

- Pre-school = $55 \times 0.1 = 5.5$ (6)
- Primary = $55 \times 0.278 = 15.29$ (15)
- Secondary (11-16yrs) = $55 \times 0.208 = 11.44$ (11)
- Secondary (16+) = $55 \times 0.04 = 2.2$ (2)

Cost per school place, based upon the former SPG – costs based on the Department for Children, Schools and Families (2015) including an allowance of 18% fees for design, feasibility, planning and project management:

- Nursery and Primary - £14,463.26 x number of places required
- Secondary - £21,793.42 x number of places required (11 - 16)
- Secondary - £23,635.40 x number of places required (post 16)

The primary schools serving the development are;

- St Illtyd Primary for English medium provision (78.5%)
- Ysgol Dewi Sant for Welsh medium provision (7.5%)
- Wick & Marcoss for CIW provision (11%)
- St Helens RC provision 0.5%)
- Ysgol Y Deri for Special provision (2.5%)

The Secondary School serving the development are;

- Llanilltud Fawr for English medium (93%)
- Ysgol Bro Morgannwg for Welsh medium (4.5%)
- St Richard Gwyn for Denominational provision (2%)
- Bishop of Llandaff (0.5%)

Nursery - 6 nursery children generated. The development is served by the primary schools above. The Education Authority has advised that there is no spare capacity at nursery level within all types of provision to accommodate the development. The authority would therefore seek a S106 contribution for 6 nursery children at a cost of £14,463.26 per place totalling **£86,779.56** to enhance educational provision.

Primary - 15 primary pupils generated. The development is served by the primary schools above. The Education Authority has advised that there is no spare capacity at St Illtyd, St Helens, Ysgol y Deri and Wick (92.5%) to accommodate the development in future that takes account of approved housing developments serving the schools. Based upon this information, the LPA would seek S106 contributions for 14 places at a cost of £14,463.26, equalling **£202,485.64**.

Secondary level (11-16yrs)- 11 secondary age pupils generated (13 pupils aged 11-16). The development is served by the secondary schools above. The Education Authority has advised that there is no spare capacity in future to accommodate the development that takes account of approved housing developments serving the schools. Based upon this information, the LPA would seek s106 contributions for 11 places at a cost of £21,793.42, equalling **£239,727.62**.

Secondary level (16+) – 2 secondary age pupils generated in this age category. The development is served by the secondary schools above. The Education Authority has advised that there is no spare capacity in future to accommodate the development that takes account of approved housing developments serving the schools. Based upon this information, the LPA would seek s106 contributions for 2 places, at a cost of £23,635.40, equalling **£47,270.80**.

Total contribution required for nursery, primary and secondary level of **£576,263.62** has been agreed by the developer and will be secured through a section 106 agreement.

Community facilities

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

Policy MG7 of the LDP 'Provision of Community Facilities' states that 'to meet the identified needs of development within the plan period, new/enhanced community facilities will be sought in areas where need cannot be met by existing facilities based on the most up to date evidence and need.' Policy MD4 'Community Infrastructure and Planning Obligations' sets out that, where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, including the provision or improvement of Community Facilities.

The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The LDP Community Facilities Background Paper (2013) advises that within the Llantwit Major Ward the projected housing growth over the plan period would result in a deficit of provision by 2026. Therefore a contribution would be required for the enhancement of existing community facilities within the ward and the background paper identifies possible improvements including extension to existing Llantwit Major Library/Joint community use building.

Therefore, given the scale and location of the development, it is considered appropriate to require an off-site contribution of £988.50 per dwelling (based on the SPG requirement at the time the application was submitted), equalling £ **£64,252.50** in total.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Planning Policy Wales (PPW) paragraph 4.4.3 recognises that in order to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required. Paragraph 4.7.4 seeks to ensure that new developments are integrated appropriately within existing settlements, to minimise the need to travel by private car.

National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

In terms of local policy, objective 3 of the LDP seeks to reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport. In addition policy SP1 promotes sustainable transport. Policies SP1 (4), SP7 and MD4 within the adopted LDP promote the importance of sustainable transport. Policy MD4 in particular, requires proposed developments to improve community infrastructure such as transport infrastructure and services for pedestrians, cyclists and public transport, through the use of planning obligations. This policy background is supported by the advice in PPW, TAN 18-Transport, and Manual for Streets.

The Council's Sustainable Transport Assessment LDP Background Paper (2013) identifies the sustainable transport measures required to ensure better conditions for pedestrians, cyclists and public transport users, and to encourage a change in travel choices away from the single occupancy car. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. Based on the provision of 65 dwellings, it is considered appropriate to require an off-site contribution of £2,000 per dwelling (based on the SPG requirement at the time the application was submitted), equalling **£130,000** in total. This could be used to improve pedestrian/cycling facilities near to the site including the proposed footpath proposed to the rear of Harding Close and improvements to public transport facilities such as bus stops near to the site.

Planning obligations administration fee:

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. This equals £16,599.32.

RECOMMENDATION

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

- Procure that 29.23% (19) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity.
- Pay a contribution of £59,449.80 for the provision of affordable housing off-site.
- Pay a contribution of £576,263.62 for the provision or enhancement of education facilities to meet the needs of future occupiers generated
- Provide Public Open Space on site (including the provision of 2 no. Local Area of Play) and secure future maintenance of this POS area
- A contribution of £64,252.50 towards improvement to community facilities
- Pay a contribution of £130,000 to provide or enhance sustainable transport facilities in the vicinity of the site to be spent on one or more of the following; towards improve cycle routes in the area; upgrading bus stops in the vicinity of the site; contributing towards enhanced bus services; and improving pedestrian links in the area.
- Provision of off-site highway works

APPROVE subject to the following condition(s):

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

Reason:

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

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

Transport Assessment prepared by Mayer Brown; Site Investigation Report 11344/GNS/14/SI; Heritage Desk Based Assessment dated July 2014; Arboricultural Survey ABAW105/001/002; Desk Study and Extended Phase 1 Habitat Survey ABAW105/002/002; Land at Boverton Agricultural Land Classification and Soil Resources received 22 August 2014
GAR-C-04 'Pair Single Garage' received 28 October 2014
Transport Assessment Addendum prepared by Mayer Brown received 5 February 2015
Hunter Acoustics Response to Environmental Health Comments dated 05 February 2015 and 3309/ENS1_Rev1 'Environmental Noise Survey' received 27 November 2015
Dormouse Survey ABAW105/006 and Reptile Survey ABAW105/007 received 16 June 2016
ALD-C-01 'Alderney Planning Drawing'; KIS-C-01 'Kingsville Planning Drawing'; MAI-C-01 'Maidstone Planning Drawing'; OLI-C-01 'Olive Planning Drawing'; PAL-C-02 'Palmerston Planning Drawing'; RAD-C-01 'Radleigh Planning Drawing'; SLP-02 'Site Location Plan'; TMT-C-01 'Tamerton Planning Drawing' received 23 June 2016
EDP3775_01b 'Dormouse Mitigation Strategy'; EDP3775_02a 'Reptile Mitigation Strategy' received 4 January 2017
Design and Access Statement dated 30 August 2017
HAL-C-01 'Hale Planning Drawing'; PRW-05 'PROW Diversion' received 19 September 2017
BESK 00WCS 'Eskdale Classic (Semi) -BSW'; BAVR 00WCD 'Andover Classic (Det) -BSW'; TP-05 Rev D 'Site layout'; SH-05 Rev C 'Storey Height Layout'; AMP-05 Rev C 'Access & Movement Plan'; SK500 Rev 2 'Proposed Junction Radii SPA Refuse'; EN-05.1 Rev C 'External Works Layout'; EN-05.2 Rev D 'External Works Layout'; EF-05 Rev C 'External Finishes Layout'; C/350 Rev 5 'Vehicle Tracking 11.22m Refuse'; SS-05 Rev A 'Street Scenes'; C/010 Rev 7 'Engineering Layout'; EM-05 Rev C 'Ecology Masterplan'; GAR-C-02 'Single Garage'; received 6 October 2017
PL-ALR Rev A 'Alder Flats 40-43 Planning Drawing'; 2016/WAS/C/02 Rev B 'Washington'; -050 Rev A Proposed Cycle/Pedestrian Link received 19 October 2017

Reason:

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

3. Notwithstanding the submitted details a schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be completed in accordance with the approved details prior to beneficial occupation of any of the dwellings.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

4. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that visual amenities are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

5. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the dwelling that they relate to.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

6. Prior to commencement of development, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 29% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

7. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully completed as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

8. Notwithstanding the submitted details, no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event plus climate change and not in any part of any building for the 1 in 100 year rainfall event plus climate change. If infiltration techniques are used, then the plan shall include the details of field percolation tests. Any calculation for onsite attenuation or discharge should also be included. Thereafter the scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of any part of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with 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 Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

9. No building shall be occupied until a sustainable drainage system for the site has been completed in accordance with details first submitted to and agreed in writing by the Local Planning Authority, which shall include details of a timetable for implementation and management of the system, including arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the perpetual operation of the sustainable urban drainage scheme. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

To enable a more sustainable form of drainage, and 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 / Policies SP1 (Delivering the Strategy) / MD1 (Location of New Development) of the Local Development Plan.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

11. The development shall be carried out in full accordance with the submitted 'Land adjacent to Llantwit Major Bypass Boverton. Dormouse Mitigation Strategy' prepared by EDP LTD dated December 2016.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

12. No development shall take place until a long term habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include:

- i) Details of the habitats to be managed and their desired condition;
- ii) The nature of management operations required to deliver and maintain the condition of the habitat
- iii) Details of development and construction methods and measures to be taken to minimise the impact of any works; and
- iv) Details of appropriate timing, scheduling and phasing of completion of the protection and enhancement plan.
- v) Proposals for on-going review of management as informed by a protected species monitoring scheme.

The approved management plan shall be carried out and shall be monitored and managed at all times in accordance with the approved details in perpetuity.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) / MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

13. 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 In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

14. Prior to the commencement of development, a light mitigation strategy, including measures to reduce light spillage onto wildlife corridors/mitigation habitats identified on drawing 'Ecology Masterplan' EM-05 Rev C received 06 October 2017 and detailed within the approved Dormice (C_EDP3775_01b), Reptile (EDP3775_02a) strategies, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and maintained as such in perpetuity.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

15. The works must be undertaken in accordance with the submitted and approved Reptile Mitigation Strategy EDP3775_02a dated December 2016. Following site clearance, a reptile/clearance translocation report shall be sent to the Local Planning Authority including details of number of animals, species and receptor areas for approval.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

16. No works shall commence unless the local planning authority has been provided with one of the following:
- a) A licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead; or
 - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence;

The works and Post development monitoring of the roost shall be carried out following completion of works as detailed in the NRW licence.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity),MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

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

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

18. Notwithstanding the submitted plans, no works whatsoever shall commence at the site until full engineering details of the proposed internal access roads, inclusive of turning facilities, footways/cycleways, vision splays, street lighting, highway drainage, onsite parking and all associated highway retaining structures have been submitted and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure the proposed internal estate roads are designed and constructed in accordance with the Council's standard details for adoption, in the interests of highway safety in accordance with policy MD2 of the LDP.

19. Notwithstanding the submitted plans, no works whatsoever shall commence at the site until full engineering details of the proposed access junction along the B4265 (including an up to date speed survey along the B4265), which shall include an agreed overlay surface dressing between the junctions with Eglwys Brewis Road and Llantwit Road have been submitted and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and maintained as such in perpetuity.

Reason:

To ensure the means of access and the associated junction is designed and constructed in accordance with the Council's standard details for adoption in the interests of highway safety in accordance with policy MD2 of the LDP.

20. Notwithstanding the submitted plans, no works whatsoever shall commence at the site until full engineering details of the proposed uncontrolled pedestrian crossing along Eglwys Brewis Road and the combined cycle/footway link between the B4265 and Harding Close, including scraping back of vegetation along Eglwys Brewis Road and the provision of street lighting facilities etc. have been submitted and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved plans and completed before the first beneficial occupation of the development.

Reason:

To ensure that the works are designed and constructed in accordance with the Council's standard details for adoption and in the interests of highway safety in accordance with policy MD2 of the LDP.

21. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) of the Local Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) and the scheme of enclosures approved under condition 5, no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house or a side elevation where it abuts a highway used by vehicular traffic.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

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

Reason:

To ensure the satisfactory development of the site and that adequate off-street parking provision and garaging facilities are retained and in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

25. Notwithstanding the details contained within the submitted noise surveys, further details of the noise mitigation measures to be installed, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the mitigatory measures shall be implemented in accordance with the approved details prior to the beneficial occupation of the dwellings on these plots.

Reason:

In the interests of the amenities of future occupiers of these dwellings in accordance with policies MD2 and MD8 of the Development Plan and the advice contained within Technical Advice Note 11: Noise.

26. Notwithstanding the submitted details, prior to the commencement of construction of any of the dwellings, a scheme for the provision (including details of the equipment) and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision. The Public Open Space shall be provided in accordance with the approved details and so retained at all times thereafter.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies MD2 and REC3 of the Local Development Plan.

REASON FOR RECOMMENDATION

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

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015. Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4-Affordable Housing Provision, Policy SP7-Transportation, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations; MG4-Affordable Housing, POLICY MG6 – Provision of Educational Facilities; MG20-Nationally Protected Sites and Species, MG21 - Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species; MD1-Location of New Development MD2-Design of New Development, MD3-Provision for Open Space, P MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection, and MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance,

including Amenity Standards, Trees and Development, Penarth Conservation Area, Biodiversity and Development, Affordable Housing, Planning Obligations, Parking Standards and Model Design Guide for Wales; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN12-Design, TAN16-Sport, Recreation and Open Space, and TAN24-Historic Environment, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area. The proposal is also considered acceptable in respect of neighbouring and general residential amenities of the area and highway safety. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, and sufficient evidence has been submitted to show that provisions for the adequate drainage of the site can be made.

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

NOTE:

- 1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 2. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 3. 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).**
- 4. 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.**

5. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
6. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
7. **Part of the development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**
8. **Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
9. **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.**
10. **In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.**

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

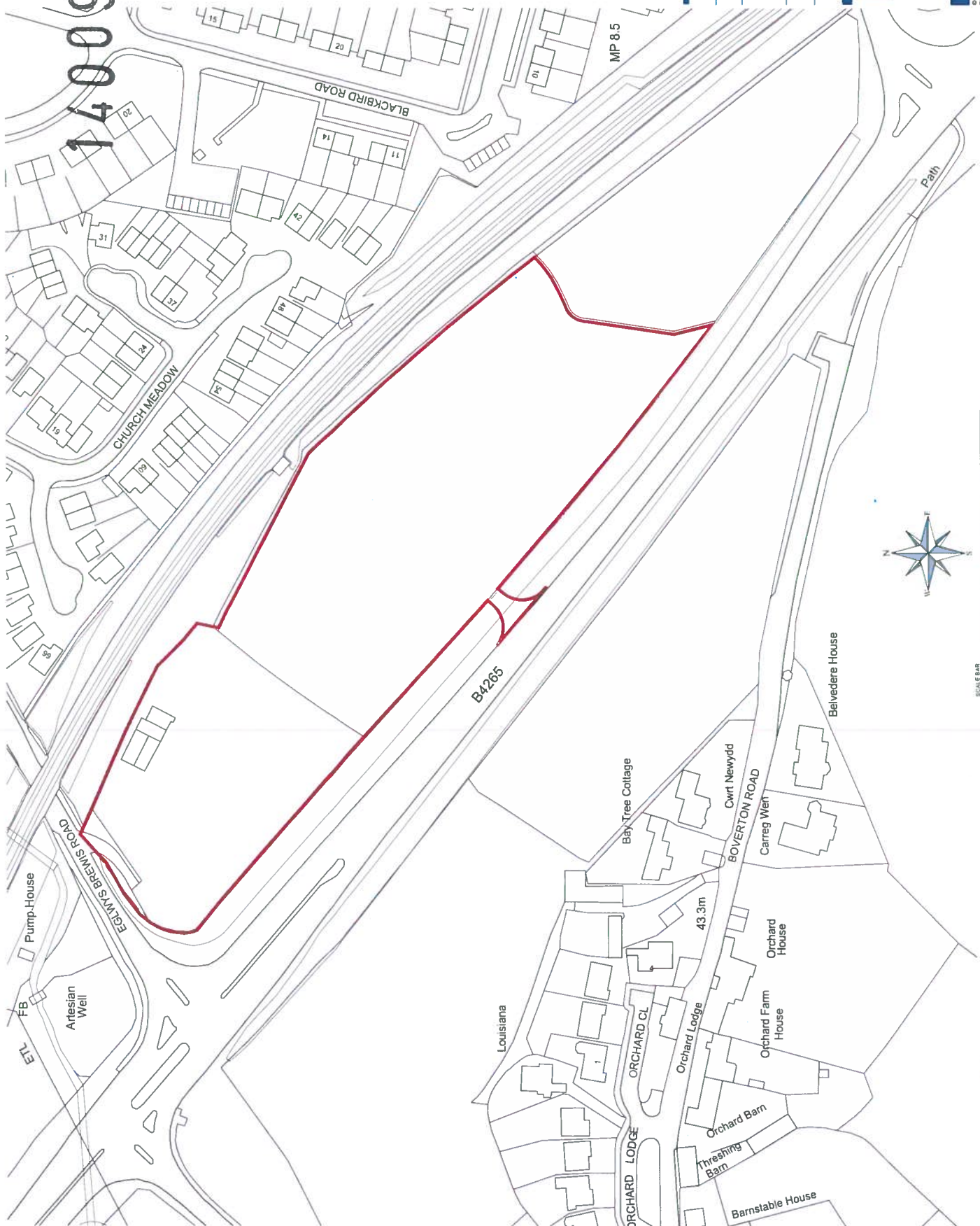
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

1400995 FUL



REV	DESCRIPTION	DATE
A	Revised application boundary	12/06/14

CLIENT
Barratt Homes South Wales

JOB TITLE
Land North of B4265, Boverton

DRAWING TITLE
Site Location Plan

SCALE @ A3	DATE	DRAWN BY
1:1250	Aug '14	RW
JOB NO.	DRAWING NO.	REVISION
1363	SLP-01	A

hammond
ARCHITECTURAL

Melrose Court
Melrose Hall
Cypress Drive
St. Mellons
Cardiff CF3 0EG

T: 019 2077 6900
F: 019 2079 9619
E: info@hammondtd.co.uk

www.hammondtd.co.uk

© 14 00 99 5 FUL
Figured dimensions must be taken in preference to scaled dimensions and any discrepancies are to be referred to Hammond Architectural Ltd. Contractors are advised to check all dimensions and locations before commencing any work or making any workshop drawings



SCALE BAR
0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

2017/00329/FUL Received on 30 May 2017

Mr. L. England, C/o Agent
Geraint John Planning, 33, Cathedral Road, Cardiff., CF11 9HB

Siteserv Recycling, Llandow Trading Estate, Llandow

Retention of a material change of use of land and a warehouse known as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2) and retention of a weighbridge and weighbridge office

EXECUTIVE SUMMARY

This report relates to an application for planning permission for the retention of the use of an existing building, a former aircraft hangar (referred to as 'Hangar A'), for the sorting and processing of waste material consisting of cardboard, paper and plastic.

Members will be aware that the site is the subject of an on-going enforcement investigation which was initially instigated in respect of the use of this application site and the wider site that was occupied by a further former hangar building ('Hangar B'). The use was for the sorting and processing of waste material, including cardboard, paper, plastic and back bag waste. An Enforcement Notice was issued in June, 2016, in respect of this use. During a devastating fire in March this year, Hangar B was effectively burnt to the ground and, as such, all operations on that site have ceased. This application is, therefore, only in respect of the remaining Hangar A and the half of the wider site that this hangar occupies.

The report provides a detailed chronology of events leading up to this most recent submission, together with the informal and formal action having been pursued to date in respect of the matter.

The principal matters to consider in this application relate to the principle of the development, the impact the development has on neighbouring land uses and the wider amenity of the surrounding area, and highway safety.

In light of the conclusions reached in respect of the acceptability of the development, the report recommends that Members resolve to grant planning permission for the development subject to a number of detailed conditions that will seek to mitigate the impact of the development.

REASON FOR COMMITTEE DETERMINATION

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

- The local member has requested that the application be called in to be determined by the Planning Committee.

BACKGROUND AND RECENT CHRONOLOGY OF THE SITE

The use of the wider site (i.e. that occupied by the two former hangars) as a waste transfer operation for the receipt storage sorting and export of waste material is understood to have commenced in the summer of 2015, following the grant of a Standard Rules Permit by Natural Resources Wales (NRW).

The Council's Enforcement investigation in respect of the use of the site commenced in August 2015, at the same time an application for planning permission (reference 2015/01464/FUL) was submitted for the retention of the use. As noted from the description of the development below, the lawful use of the application site is considered to be a use falling within use class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987. As such, the use of the site as a waste transfer operation is considered to be a material change of use that requires the benefit of planning permission.

The 2015/01465/FUL application for planning permission was refused on 15th April, 2016 and an Enforcement Notice, as authorised by the Planning Committee, was issued in respect of the authorised use of the land on 14th June, 2016.

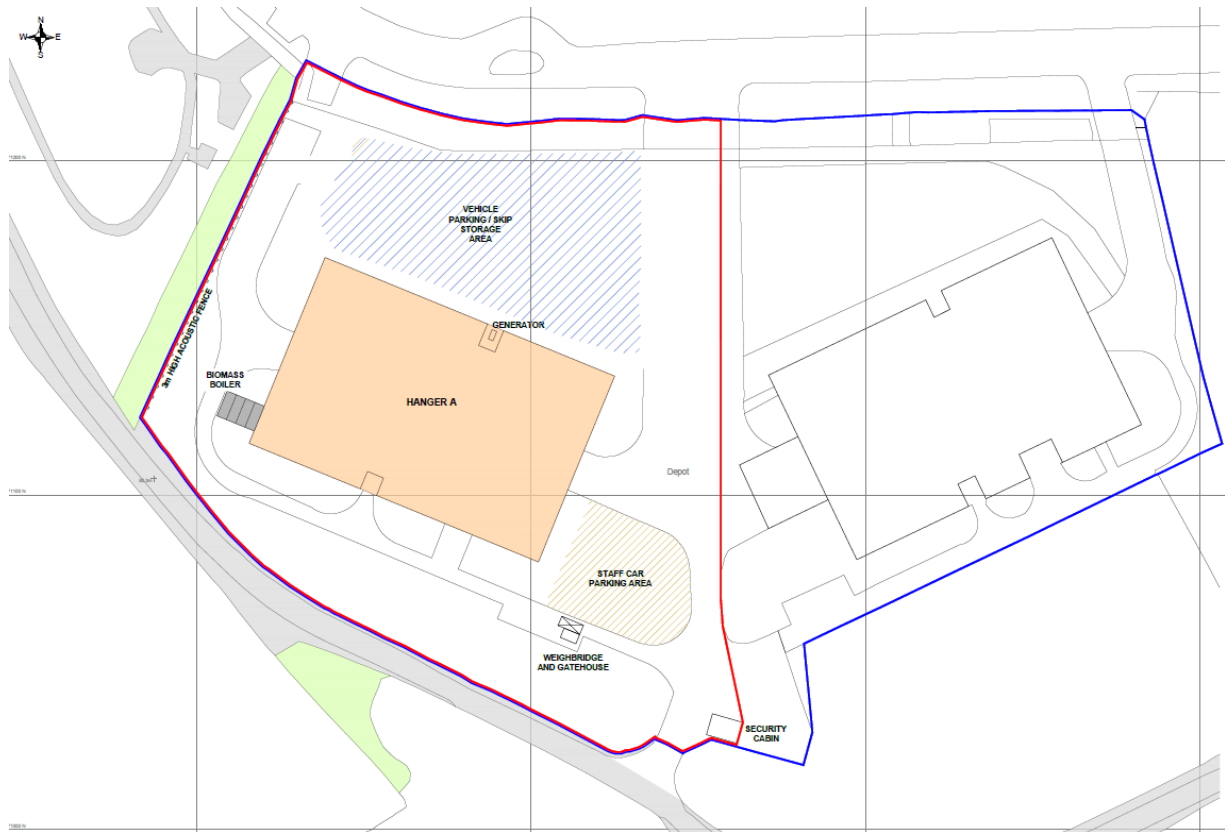
An appeal was made against the refusal of planning permission shortly after the decision was issued, with a further appeal having been made in respect of the issue of the Enforcement Notice. The appeals have been linked and are being considered by the Planning Inspectorate together, via a public inquiry.

The site suffered a devastating fire in March this year, prior to the public inquiry date, and Hangar B was effectively burnt to the ground. As such, all operations on that site ceased. During the incident NRW are understood to have suspended the Permit, but shortly after it partially lifted the suspension in order to allow the continued operation of the part of the site not affected by the fire, i.e. the current application site.

In May 2017 the application subject of this report was submitted and, as a result, the linked appeals were placed into abeyance pending the determination of the application.

SITE AND CONTEXT

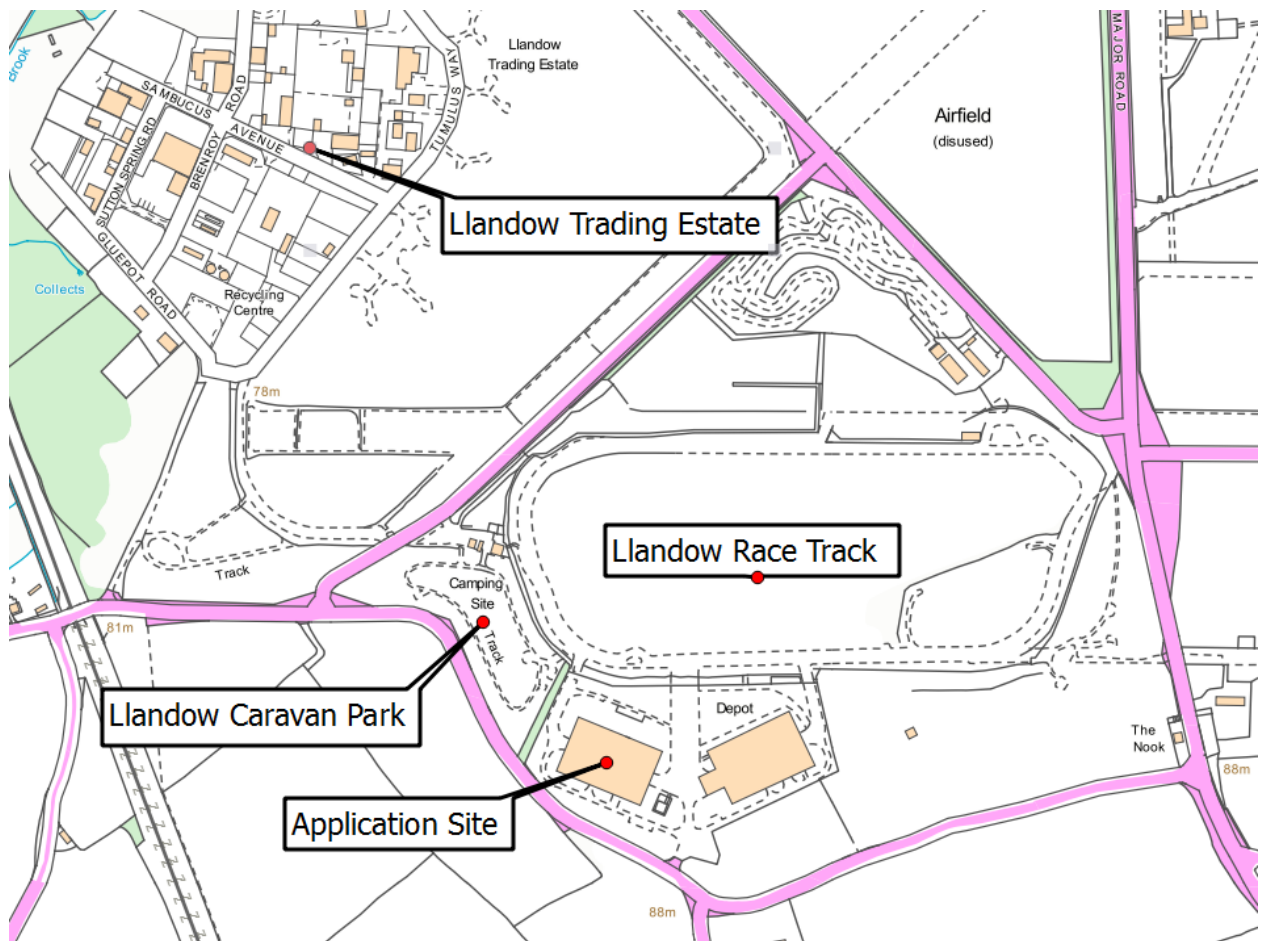
The application site effectively forms half of a single wider existing industrial site. See the location plan below:



The site is occupied by a former aircraft hangar (referred to as 'Hangar A'), which is approximately 5,800 sq. m. The Hangar A is accessed via a roller shutter door on its eastern elevation. The building accommodates the offices of the applicant company in its southern section. There is also an extension to the rear (west) of the building that accommodates a biomass boiler which provides heating and hot water to the site. There is a staff and visitor parking area to the east of the building and a skip and vehicle storage area to the north. These areas are surfaced in compacted aggregate. A haul road has been constructed around the periphery of the application site, which leads to a weighbridge and associated building to the south of the building, close to the site entrance.

The site entrance is in the south east corner of the application site, via the adopted highway off the B4270 between Llantwit Major and Cowbridge/A470.

Although for the purposes of planning policy the site forms part of the Llandow Trading Estate, the site is detached from the wider estate being some 460 metres to the south east. The application site is, however, immediately adjacent and to the south of the Llandow Race Track and to the west of the Llandow Caravan Park. The site is some 2.4 hectares.



DESCRIPTION OF DEVELOPMENT

For clarification, the application site, the wider site and the former aircraft hangars are understood to have been historically used as a storage facility for a tissue paper manufacturer, which is considered to fall within use class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987. Whilst there is no planning history that permits this use, in the light of the longevity of this use and the understanding that there has been no other use since that use ceased (except for that subject of this application), the B8 use is considered to be the lawful use of the application site itself. It has not, however, been established that the same can be said for the wider site (i.e. the remaining half of the site formerly occupied by Hangar B) having regard to the loss of the building upon which the former B8 use can be said to have relied upon and the sub division of the former single planning unit that will result if this current application is approved. The consideration of this matter is not, however, part of this current application.

The site is currently being used for what is described as a Waste Transfer Station and the application proposes the retention of this material change of use from the B8 storage and distribution use. Although not explicit within the documentation submitted with the application, the applicant has confirmed during the course of the consideration of the application that the use of the site for the storage of skips and the use of the site for the storage of some commercial vehicles is unconnected with the waste transfer operation. With regard to the skip storage use, the applicant confirms that *'the skips onsite are not used for processing at the site'* (agent's letter dated 11th September, 2017). As for the commercial vehicle storage, the agent's letter of the 20th September, 2017, confirms that *'As part of the business, the applicant runs a transport business and they are required to be at certain sites before 07:00 to fulfil contracts, therefore leaving at such a time i.e. 6:00am, allows for this'*. The agent also confirms that *'The business does not just run the site in Llandow it has many operational sites around south Wales and it has customers who require services. Therefore, the lorries which are parked in Llandow are utilised for such services'*.

In view of the above, and the lack of connection between the skip storage and the commercial vehicle storage activities, the application is, in fact, proposing the retention of a mixed use of the site that consist of the following:

1. a use for the receipt, sorting/processing and export of waste paper, cardboard and plastic, together with an ancillary office;
2. a use for the storage of skips; and
3. a use for the storage of commercial vehicles.

The application proposes this mixed use on a single planning unit (that being the current application site), and, if approved, this will create a planning unit separate to the remainder of the wider site.

It is understood that the activities associated with the skip storage and commercial vehicle storage primarily takes place in the area of the site to the north of Hangar A. The commercial vehicle drivers are understood to park their own private vehicles in the staff parking area to the east of Hangar A. The primary use of the site is for the waste transfer operation. Waste material is largely transported to the site in third party vehicles. That waste material is off loaded, sorted on the site before being baled and stored ready for transportation on larger articulated vehicles to alternative sites for re use or disposal. As noted earlier in this report, the site already has the benefit of a Natural Resources Wales (NRW) Standard Rules permit which allows for the processing of 75,000 tonnes of household, commercial and industrial waste. The Waste Planning Assessment submitted with the application states that the *'facility will deal with approximately 50,000 tonnes per annum of clean paper, cardboard and plastics generated predominantly from commercial printing companies'*. In discussions with the applicant it has, however, been confirmed that the materials received at the site also emanates from household collections.

The application also proposes the retention of the ancillary offices in the southern section of Hangar A, which are considered to be ancillary to the main operation on the site. The application also proposes the retention of the weighbridge and gate house to the south of Hangar A. The gatehouse is a predominantly timber clad, centrally ridged building with a footprint of some 3 metres by 5 metres, and a maximum height of no more than 4 metres.

It is understood that vehicles entering the site in association with the Waste Transfer Operation manoeuvre about the site using the haul road in a one way, anti-clockwise direction around the periphery of the application site. The vehicles then head to the weighbridge before unloading the imported materials onto the site or within Hangar A.

The plans submitted with the application indicate how each external area of the site is used. The plans show a generator housed within Hangar A, but accessed externally from the north facing elevation. Although it is understood that two generators have been on the site, it is understood that only one is operational. The skip and vehicle storage area is to the north of Hangar A. There are also areas of the site indicated on the plan to be used for staff parking and a security cabin.

PLANNING HISTORY

The following planning history is relevant to the site and this planning application:

- **2014/01464/FUL:** Hangars A and B, Llantwit Major Road, Llandow - Change of use of existing mixed Class B1 (Business), B2 (General Industrial), B8 (Storage and Distribution) warehouses known as Hangars A and B to a, waste transfer station, storage of municipal waste and ancillary offices (Sui Generis) and erection of a weighbridge and weighbridge office - Refused 15/04/2016 (case officer - JMM)
- **2003/00985/FUL:** Unit B, Wick Road, Llantwit Major - New access doors to gable. Approved 05/09/2003.
- **1985/01015/FUL:** Wick Road, Llandow Trading Estate, Llandow - Canopy to provide covered loading/unloading area. Approved 26/11/1985.

The waste transfer use of this site, now proposed for retention, was initially screened under the following screening opinion to determine whether an Environmental Impact Assessment was required:

- **2012/00716/SC1:** Hangars A & B, off Llantwit Major Road, Llandow - Proposed material recycling facility - Environmental Impact Assessment (Screening). EIA Required 31/07/2012

Whilst waste processing is not an activity that is specifically referred to in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (which were in force at the time of the submission of the application), the National Guidance in paragraph A.36 of Welsh Office Circular 11/99: Environmental Impact Assessment does direct that on installations for the disposal of non-hazardous waste EIA is more likely to be required where the site will hold more than 50,000 tonnes per year. In light of the fact that it was proposed that the site would process 200,000 tonnes of municipal waste per annum, it was determined that EIA was required.

As is noted from the information submitted with the application, the amount of waste to be processed on the site will now not exceed 50,000 tonnes. In the light of the above-mentioned guidance it was determined that the proposal subject of this report would not require EIA.

CONSULTATIONS

1. Llandow Community Council commented on 19th July 2017 and raises a particular concern with regard to the recent fire and the Appeal proceedings. The Community Council object to the application on the following grounds:
 - Given the widespread import of wastes, the use fails to meet the Welsh Government's proximity principle which demands that waste materials should be dealt with near to source and is, therefore, strategically unsustainable;
 - The use generates significant numbers of HGV movements;
 - The existing transport infrastructure, comprising rural secondary roads in the Vale, is wholly unsuitable to support the demands of a regional waste transfer
 - The applicants claim to "no additional movements" seems disingenuous both in terms of the scale of movements and their distribution;
 - The use is incompatible with neighbouring land uses e.g. caravan site, agriculture, residential properties – odorous emissions, proliferation of vermin and invertebrates, and fires associated with the existing use are indicative of unsuitability next to leisure, farming and houses; and
 - The use does and would continue to have a detrimental impact on the local environment and amenity – not just around the operational site but on access routes blighted by the passage of HGVs, giving rise, inter alia, to air, noise and litter pollution.

The Community Council also raise concern that an Environmental Impact Assessment was not required, particularly as the permit allows for 75,000 tonnes p/a. It also states that it *'has absolutely no confidence in the standards of operation at the site or the adequacy of monitoring and does not wish its constituents to bear the continuing unacceptable impacts of this use or, as implied in the application, their future exacerbation through expansion'*.

2. The adjoining Community Council of Wick commented on the application on 16th July, 2017. It objects to the application stating:

'residents of Wick have been considerably affected by the frequent fires which have taken place on similar facilities at Llandow. There is a long history of similar facilities catching fire with considerable negative impact on businesses and residents. The proposed location of yet another facility will be even more likely to affect neighbouring communities when a fire occurs. The applicant would appear to have a poor record of preventing fires at their facilities and should not be allowed to continue to have such a negative effect on surrounding areas.'

3. Highway Development, commented on the application on 16th August, 2017. The Highway Engineer was satisfied with the parking provision at the site and noted that the use utilises the existing access to the site. Having considered the trips that would be generated by the processing of 50,000 tonnes per annum (as proposed) and 75,000 tonnes per annum (as allowed under the permit), the Officer notes that the site is currently operating with little or no impact along the adjacent highway network. As a result, it is considered that if the operation at the site were to intensify in line with the existing waste permit, based on the low increase in traffic, the development would not have a material impact along the adjacent highway network above that of the current operation. A condition is, therefore, recommended to limit the amount of material processed on the site to 75,000 tonnes.
4. Chief Fire Officer was consulted on the application, but has not commented. South Wales Fire and Rescue Service did, however, provide advice requested from them in respect of the risk of fire on the site as part of the past application. That advice is applicable to the development subject of this application.
5. Environmental Health (Pollution) has provided detailed comments on Noise and Operational Hours, Occupation and Capacity of the site and Materials handling, dust, odour and flies. The representation is attached at **Appendix 1** to this report. No objection has been raised subject to a number of recommended conditions.
6. Dwr Cymru Welsh Water, was consulted on the application, but has not commented. It did not raise any objection to the last application and requested a number of conditions imposed on any permission.

7. Natural Resources Wales (NRW) commented on the application on 10th July, 2017, and has not objected to the development. It has itself granted a General Rules Permit for the operation subject of this planning application. NRW provided advice requested from them in respect of detailed matters relating to the previous planning application, including tonnage capacity, Processing, Odour, Pest control, Dust, hours of operation and land and ground water pollution. That advice is relevant to the determination of this application.
8. The Local Ward Member Councillor Cave has provided comments on the application in the early stages of the application (19 July, 2017) relating to, *inter alia*, risk of fire, the control of the development via the planning process, the sensitivity of the adjoining properties.

REPRESENTATIONS

Following a consultation in June, 2017, including a site notice, letters of representation have been received from 3 parties, including a detailed representation from Llandow Caravan Park and Llandow Circuit. This representation is attached as **Appendix 2** to this report. The following is a summary of the concerns and objections that have been raised by the caravan park and circuit:

- Concerns were raised with regard to the procedural matters, including:
 - The certificates signed on the application forms;
 - The information submitted with the application, including information regarding transport and contamination;
- The applicant has not properly interpreted the planning history;
- The documentation submitted with the application contains anomalies regarding the type and volume of material to be received at the site;
- The applicant had not properly regarded as a “sensitive property” and should be accorded proper weight in the planning assessment;
- There are legitimate amenity concerns especially regarding hours of operation, noise, dust and fire risk;
- The submitted ‘Fire Prevention and Mitigation Plan’ is based on an erroneous calculation of the number of caravan pitches close to the site;
- The submitted ‘Fire Prevention and Mitigation Plan’ casts doubt on the feasibility of complying with water storage requirements on the site; adopting the precautionary principle, this application should not be determined favourably until, in the interests of public safety, this important matter has been resolved;
- The development does not comply with adopted development plan policies and does not, therefore, benefit from the section 38 (6) presumption; and
- Hangar A is not a suitable location for the development.

The third objector was concerned with regard to the risk of fire, particularly in view of the incidents of fire on this site and the operator's other sites.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

- SP8: Sustainable Waste Management
- SP11: Tourism and Leisure

Managing Development Policies:

- MD2: Design of New Development
- MD7: Environmental Protection
- MD13: Tourism and Leisure
- MD14: New Employment Proposals
- MD16: Protection of Existing Employment Sites and Premises
- MD20: Assessment of Waste management proposals

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

Planning Policy Wales:

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

Chapter 4:

This chapter deals with planning for sustainability. Paragraph 4.1.5 defines sustainable development and paragraph 4.1.6 confirms that this approach is consistent with the shared UK principles, one of which is to '**achieve a sustainable economy**: by setting out how we want to transform our economy so that it is low carbon, low waste'. Part 4.3 identifies the Sustainable Development Principles, which include, *inter alia*:

- *'putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *taking a **long term** perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *applying the **proximity principle**, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations'*

Amongst the Sustainable Development Objectives set out in section 4.4, it suggests that decision and proposals should *'encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice (4.11.5, Chapters 12 and 13). Waste arising from demolition and construction should be minimised, and opportunities to recycle and re-use this waste promoted (4.11.5).'*

Section 4.6 identifies the priorities for rural areas, one of those being to secure *'a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside'*.

Chapter 11:

Whilst not relevant to the land use proposed, in the light of the adjoining land use (caravan park) the importance PPW places on rural tourism is of note. In particular, paragraph 11.1.1 identifies that *'**Tourism** is vital to economic prosperity and job creation in many parts of Wales. It is a significant and growing source of employment and investment, based on the country's cultural and environmental diversity. Tourism can be a catalyst for environmental protection, regeneration and improvement in both rural and urban areas'*. Similarly, paragraph 11.1.7 states that *'In rural areas, tourism-related development is an essential element in providing for a healthy, diverse, local and national economy. It can contribute to the provision and maintenance of facilities for local communities'*.

Chapter 12:

Section 12.5 of chapter 12 sets out how the Welsh Government intends to achieve its general policy for waste management and refers to the overarching strategy document 'Towards Zero Waste'. It states at paragraph 12.5.1 that *'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'*.

Paragraph 12.5.3 states as follows:

'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’.*

Paragraph 12.5.4 goes on to state:

‘There are a number of specific principles, in addition to these general principles, which should guide planning approaches and inform decisions. Of these principles, the waste hierarchy provides the key starting point for all types of waste management proposals and consideration of the hierarchy should be set against the wider social, economic and environmental considerations which are relevant in any given case.’

Section 12.7 sets out what should be considered when making decisions in respect of waste management proposals.

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 13 – Tourism (1997)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)

Of course, TAN 21 is of particular relevance to this development. It reinforces the PPW approach towards ‘zero waste’ and includes the Waste Hierarchy (below). At chapter two TAN 21 promotes the EU Directive waste hierarchy as follows:

Waste Hierarchy diagram



TAN 21 sets the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process. Paragraph 1.10 of TAN21 explains:

'Sustainable development is a key functioning principle of the Welsh Government and its policies. The movement towards sustainability in relation to planning for waste should be guided first by the wider principles of sustainability contained in Planning Policy Wales, however, with specific reference to waste management land use planning should help to:

- Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities;*
- Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities;*
- Recognise and support the economic and social benefits that can be realised from the management of waste as a resource within Wales.'*

TAN21 also indicates at paragraph 3.2 that *'In the short to medium term there will be a continued need to develop more waste treatment and recovery facilities in order to reduce reliance on landfill'*.

Paragraph 3.26 advises:

'In general, the most appropriate locations will be those with the least adverse impacts on the local population and the environment, and with the best potential contribution to a broad infrastructure framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses' amongst potential sites for facilities paragraph 3.27 includes:

- industrial areas, especially those containing heavy or specialised industrial uses*
- degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use*
- existing or redundant sites or buildings - which could be used, or adapted, to house materials recycling facilities, or composting operations.'*

Other relevant evidence or policy guidance:

- Welsh Assembly Government Guidance: Towards Zero Waste – One Wales: One Planet. The Overarching Waste Strategy Document for Wales (June 2010)
- The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012
- South East Wales Regional Plan (March 2004)
- Review of the South East Regional Waste Plan (September 2008)
- The Waste (England & Wales) Regulations 2011(as amended)
- EU Directive 2008/98/EC
- Technical Guidance Note (TGN7.01) Reducing Fire Risk at Sites Storing Combustible Materials.
- Waste Industry Safety and Health Forum: reducing Fire Risk as Waste Management Sites (October 2014).

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

- Waste Management Background Paper (2013) (Also see LDP Hearing Session 13, Action Point 16 response)

Well-being of Future Generations (Wales) Act 2015

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

Issues

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

1. the principle of the development in this location and the support for such development provided in national and local policy and guidance;
2. Environmental impact of the development upon the adjoining land uses and residential amenity by way of noise, dust, odour and pests;
3. Highway safety and parking;
4. Ground water pollution;
5. Risk of Fire;
6. The Operational Development proposed for retention

These matters will be considered in turn below, with a concluding section on the planning balance that should be struck in the light of the findings with regard to each issue.

1. The Principle of the Development

The matter of the principle of a Waste Transfer Facility at this site was considered in some detail in the last report to committee for the 2015/01464/FUL planning application. Although that application was ultimately refused, it was established in the report and accepted by members that the principle of a waste management facility at this site is acceptable and is, in fact, encouraged by national planning policy in light of the Welsh Governments Zero Waste Targets. Notwithstanding this, the 'Principle of the Development' section of this report has also been set out in detail and has been updated in the light of the change to the development now being sought for retention and the change to the local planning policy position.

In addition to this, consideration is also given to the other elements of this mixed use development, i.e. the skip storage and Commercial Vehicle Depot element. These are considered at the end of this section.

European Directive:

The Waste Framework Directive (2008/98/EC) sits at the top of the legislation, policy and guidance on waste. Technical Advice Note 21 on Waste (TAN21) states that *'The Directive establishes clearer definitions, provides greater emphasis on the importance of preventing waste from arising (through the incorporation of reuse within prevention) and includes preparation for reuse. The Directive also sets more ambitious recycling goals'*. There are a number of Articles within the Directive to which the planning process makes a contribution. However, the Articles that are of particular relevance to the determination of this application are Article 4 – the Waste Hierarchy, Article 6 – End of waste Status, Article 10 - Recovery, Article 11 – Re use and Recycling, and Article 16 – Principles of Self Sufficiency and proximity. These are considered as suggested in the relevant National Planning Policy documents as follows.

National Policy:

At a national level, Planning Policy Wales, TAN21- Waste and documents such as 'Towards Zero Waste' and The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012 set out the Governments Waste strategy and approach to reducing the amount of waste being taken to landfill through, recovery, recycling and reuse of the waste.

Planning Policy Wales:

As noted from the Planning Policies and Guidance section above, PPW sets the context for the more specific waste policy in the overarching strategy document 'Towards Zero Waste' and Technical Advice Note 21. As such, consideration of the matters referred to in PPW is set out under the more details guidance of Towards Zero Waste and TAN21, as follows.

Towards Zero Waste (June 2010):

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

It is understood that the site receives both commercial and municipal waste. Accordingly, it is noted that Welsh Government strategy Towards Zero Waste sets out the following national targets for the re-use, recycling and landfill reduction for the two types of waste that are received at the site:

Commercial and Industrial Waste	2015/16	2019/20	2024/25
Commercial waste recycled	57 %	67 %	70 %
Industrial waste recycled	63 % ²³	67 %	70 %
Packaging waste	Reusing and recycling packaging will be key actions for the retail sector plan and the collection, infrastructure and markets sector plan. This will include making packaging more recyclable.		
Landfill of biodegradable waste	Further reducing the landfilling of biodegradable wastes will be a key aim of each sector plan.		
Priority Materials	<p>Our collection, infrastructure and markets sector plan will also concentrate on the following areas for action</p> <ul style="list-style-type: none"> • Diverting food waste from landfill to anaerobic digestion plants • Recycling paper and card rather than landfilling it • Recycling metals 		
Further Actions	<p>We will also explore in our sector plans the feasibility of setting</p> <ul style="list-style-type: none"> • Separate recycling targets for our priority materials • 'Preparing for reuse' targets. <p>Our sector plans will also develop ways of phasing out hazardous waste from landfill in the medium term.</p>		

Municipal Waste collected by local authorities	09/10	12/13	15/16	19/20	24/25
Minimum levels of preparing for reuse and recycling/composting (or AD) for municipal waste.					
We will consult on proposed minimum levels of composting (or AD) of source separated food waste from kitchens in our municipal sector plan.	40 %	52 %	58 %	64 %	70 %
Minimum proportion of preparing for reuse/recycling/composting that must come from source separation ²⁴ .	80 %	80 %	80 %	80 %	80 %
Maximum level of landfill of municipal waste.	-	-	-	10 %	5 %
Maximum level of energy from waste of municipal waste for individual local authorities.	-	-	42 %	36 %	30 %
Minimum levels of preparing for reuse (excluding WEEE).	-	0.4 %	0.6 %	0.8 %	1.0 %
We propose to undertake research to build on this target in the municipal sector plan.	-	0.4 %	0.6 %	0.8 %	1.0 %

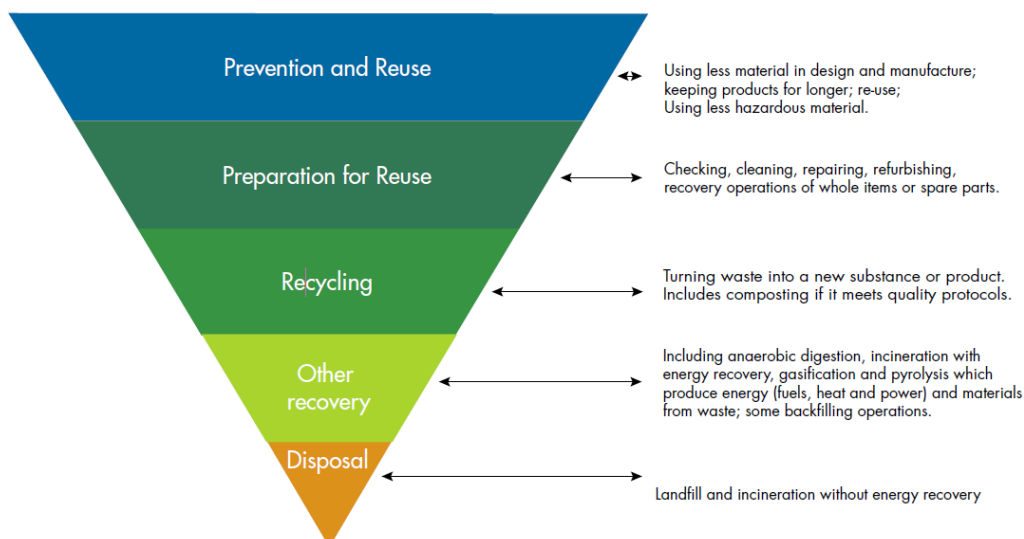
As detailed in the description of the development, the waste material processed on the site consists of paper, cardboard and plastic. Although no proportions of the 50,000 tonnes per annum have been given in respect of the amount of each type of waste processed on the site, following discussions with the applicant it was confirmed that 5% of the waste processed is plastic, leaving 95% of the remaining being paper and cardboard. Whilst the information submitted with the application does not explain the exact destination or use of the bales once exported, it is stated that the material is '*distributed onwards for appropriate recycling companies*' (Waste Planning Statement - August 2017). As such, it is safe to assume that the material will not end up as landfill. Accordingly, it is acknowledged that the facility will contribute towards the achievement of the above-listed targets.

Technical Advice Note 21 – Waste:

Notwithstanding this, Part 2 of TAN21 sets out the 'Planning Principles' for waste management which correspond to a number of the Articles in the Waste Directive Framework. Part 4 sets out how to apply these principles in development management decisions. With the Part 4 guidance in mind, the planning principles of waste management are considered as follows:

Waste Hierarchy (Article 4 of the Waste Framework Directive):

The first part of this process is to apply the waste hierarchy, although it is acknowledged at paragraph 4.4 that '*the hierarchy itself is not absolute nor is it the only determining factor*'. It is also noted at paragraph 4.6 that '*The waste hierarchy principle should be set alongside other relevant social, economic and environmental factors, including the amenity of adjacent uses and communities, before the appropriateness of potential developments can be determined*'. The waste hierarchy as set out in TAN21 is as follows:



Paragraph 2.6 states that *'The objective of the waste hierarchy is to ensure that wastes are managed in a sustainable way. The options for waste management appear in the waste hierarchy as a priority order in waste prevention and management'*. As the waste management facility subject of this application is an operation to sort and recover waste material to be sent on and used in a recycling operation elsewhere, it is considered to fall primarily in the 'Recycling' option of the hierarchy, i.e. Article 11 of the Waste Framework Directive, albeit it can be considered to contribute towards the aims of Article 10 - Recovery, and is consistent with the objective of Article 6 – End of Waste Status.

Paragraph 2.7 of TAN21 states that the *'When taking planning decisions it is expected that the waste hierarchy be applied as a priority order'*. As the facility would fall within the middle to lower part of the hierarchy, this facility is afforded a lower priority, although it is accepted that any option above 'Disposal' in the hierarchy is encouraged as an alternative to disposal. In particular, paragraph 2.7.4 identifies the recovery of energy from mixed municipal waste to be *'a vital component in the waste management system in Wales'*.

An Integrated and Adequate Network (Article 16 of the Waste Framework Directive):

Paragraph 4.7 of TAN21 suggests that *'In applying the waste hierarchy to proposals falling within the ambit of Article 16 of the Waste Framework Directive (disposal of waste or recovery of mixed municipal waste) it will be appropriate to consider how the proposal contributes towards the provision of an integrated and adequate network of facilities'*. This guidance reflects that in chapter 2 that deals with the general planning principles.

The operation at the site is not a stand-alone waste management facility. The operation is part of a wider process, in that it sorts and prepares waste into a recyclable product.

The Waste Planning Statement does not identify the user of the recyclable product, but does confirm that *'paper and cardboard products are generally sourced from the Vale of Glamorgan and Bridgend industrial areas'*. As 95% of the material that is processed at the site is paper and cardboard, it is reasonable to conclude that the facility contributes towards an integrated and adequate Waste network.

Nearest Appropriate Installation Principle (Article 16 of the Waste Framework Directive):

Paragraph 2.9 of TAN 21 refers to the requirements of Article 16 of the Waste Framework Directive which requires that mixed municipal waste should be *'disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health'*. The paragraph goes on to state that *'This means taking into account environmental, economic and social factors, to ensure the right waste management facilities are located in the right place and at the right time. There are several reasons why it is important to manage such waste close to where it arises. This includes reducing the detrimental environmental impacts associated with the transportation of waste and retaining the intrinsic value of waste as a resource in line with the need to*

secure greater resource efficiency. Planning authorities should not attempt to restrict waste management developments within their boundaries to deal only with arising in their areas'.

It is noted that this is a matter that has been referred to in objections to the proposed development and the previous scheme. It is suggested that, given the widespread import of wastes to the site, the location of this facility is strategically unsustainable and not in accordance with the Welsh Government's proximity principle. The facility subject of this report is understood to receive waste from within and close to the Vale's boundaries. As such, processing this waste material would not significantly add to the distance this waste would have travelled. Whilst the site is not in the most ideal location (i.e. close to the site which it is used for recycling the product), its location is not considered to conflict with the strategic waste management approach that the Council are committed to and, therefore, its location is not considered to conflict with the Proximity Principles promoted by the Welsh Government.

Self-sufficiency principle (Article 16 of the Waste Framework Directive):

Whilst the guidance suggests that it is not essential for Wales to have the full range of waste facilities, the development subject of this application does contribute towards this principle.

Protection of Human Health and the Environment (Article 13 of the Waste Framework Directive):

Paragraph 2.11 of TAN21 requires that '*all types of waste facilities are located where a high level of protection for the environment and public health can be ensured. In particular, waste management should be undertaken:*

- *without risk to water, air, soil, plants, or animals;*
- *without causing a nuisance through noise or odour; and*
- *without adversely affecting the countryside or places of special interest.'*

This is a matter that is considered in more detail in the following sections of this report.

In summary, and notwithstanding the consideration that the national Planning Guidance requires to be given to the environmental impact of the development, it is considered the proposal accords with the general principles found in the above mentioned national guidance documents.

Regional Policy:

The South East Wales Regional Waste Planning Technical Group in conjunction with the Welsh Assembly, have produced the South East Wales Regional Waste Plan (RWP) (March 2004) and Review of the South East Regional Waste Plan was published in September 2008 which has directed Councils, as far as possible, to be self-sufficient in dealing with its waste arising by 2013. IN view of the findings above, the principle of the development is considered to accord with this regional planning guidance.

Local Policy and Guidance:

Local Development Plan- Waste Background Paper:

Paragraph 7 of the Waste Background Paper to the deposit LDP estimated that 6.6 (indicative number of facilities) are required to deal with 252,836 tonnes of waste and on an estimated land area of 8.6ha.

The LDP goes on to identify suitable locations for Waste Management Facilities based on the RWP identification for suitable locations for waste facilities and the guidance set out in TAN21. As identified earlier within the policy section, TAN 21 promotes the Local Development Plan (LDP) concept at paragraph 3.18. It explains that the locational requirements of waste facilities should be considered when preparing local development plans: *so as to ensure that the provision of a wide range of waste management infrastructure can be facilitated.* And at paragraph 3.21 it advises that LDPs should: *indicate where suitable and appropriate sites exist for the provision of all types of waste management facilities in order to provide some certainty for waste operators interested in fulfilling demand in an area.*

The background paper has drawn upon guidance as well as the findings of a study commissioned by Prosiect Gwyrdd to identify potential sites for developing a regional waste management facility. The background paper study assessed 59 sites, of which 14 were located within the Vale of Glamorgan and of the 14, 4 were identified as being the most suitable locations for residual waste treatment facilities, those being Atlantic Trading Estate, the Operational Port of Barry Docks, Llandow Trading estate, and land adjacent to Bosch at Junction 34.

The site was included within the Llandow Trading Estate during the examination of the LDP and, as such, is considered to be a site that is suitable for the provision of 'in-building' waste management facilities (see LDP policies MD20 and SP8). In addition to this, the background paper does identify that there may be a requirement for smaller local facilities which would also contribute towards meeting local and regional targets. At paragraph 8.2.1 it states that *'within the RWP, Strategic Policy 8 also identifies existing B2 and B8 Employment and Industrial sites.....as also being suitable locations for waste management facilities'*.

Local Development Plan:

Policies SP8 and MD20 of the LDP, in line with advice contained within PPW and TAN 21 (Waste) 2001, all actively seek to encourage waste transfer operations in appropriate and sustainable locations, to meet both national and European Union targets and objectives on waste recycling and to lessen the increasing demand for further landfill.

Accordingly, the principle of this waste management facility on a former B8 use class site is considered to benefit from the provisions of UDP policy, subject to compliance with the detailed criteria of the relevant policies.

Policy MD20 provides criteria for assessing waste management facilities. The first and second criteria require that the proposal is supported by a Waste Planning Assessment and that the proposal has regard to the waste hierarchy, proximity principle and requirements of the Waste Framework Directive. As this has been considered in detail above, the development is considered to comply with the first 2 criteria policy MD20.

As for the remaining criteria of policy MD20 and the objectives of the remaining relevant LDP policy, i.e. SP11, MD2, MD7, MD13, MD14 and MD16 these are more relevant to the detail of the waste management element of the proposal and its impact on the surrounding area. As such, these are considered in the remaining sections of this report.

Accordingly, subject to the consideration of the detail of the development and its impact on the surrounding area, the principle of the Waste management Element of the use proposed for retention is considered acceptable and in accordance with the above listed European Directive and national and local policy.

As for the principle of the remaining elements of the mixed use proposed for retention, i.e. the skip storage and commercial vehicle storage uses, both are considered to fall within a B8 use as defined in the Town and Country Planning (Use Classes) Order 1987; such uses are considered to benefit from the provisions of LDP policies MD14 and MD16.

The vehicle and skip storage use of the site does not dominate the use of this site or the wider employment site and is a use that is clearly compatible with the waste management facility. In addition to this, and as with the waste management use of the site considered above, both the skip storage and commercial vehicle storage uses must comply with the objectives and relevant criteria of the remaining policies SP11, MD2, MD7, MD13 and MD20 which are more relevant to the detail of the uses and their impact on the surrounding area. Whilst the skip storage and commercial vehicle storage uses are also considered below in the context of these remaining policy, subject to establishing compliance with criterion 5 of policy MD20, the principle of the skip storage and commercial vehicle storage elements of the mixed use of the site is considered to be in compliance with the LDP and in board accordance with the national planning policy on Economic Development in PPW and TAN23.

2. Environmental impact of the development upon the adjoining land uses and residential amenity by way of noise, dust, odour and pests

As mentioned earlier, the site is to the east of the Llandow caravan holiday park, within which there is a resident warden. The site is to the south of the Llandow car racing track. Objections have been received from the operators of the adjoining race track and caravan park. Issues of dust, health and safety, waste material on the adjoining highways, odour, flies, litter and rats have either been mentioned in the objection letters or have been previously raised. The various impacts of the development have been considered in turn as follows, taking into account the controls imposed by the NRW Standard Rules Permit and the impacts that would be associated with the fall back position (that being a B8 Storage and Distribution use):

Noise, disturbance and Hours of Operation:

As a preliminary matter, the Council have been provided with two noise assessments, one prepared by NRW (entitled 'Noise Impact Assessment') and the other prepared as a response to this by the applicant (entitled 'Acoustics Report' drafted by MLM Acoustics). These have not been prepared for the purposes of this or the previous planning application and have not been submitted with this application. However, in the absence of any noise assessment for the planning process, these two reports have been useful in providing a quantified assessment about the type of noise generated at the site, the times of day noise is generated and its impact.

The applicant has proposed the following hours of operation for the site:

Hangar A to operate to the following hours:

- Monday to Friday 07:00 – 18:00
- Saturday 07:00 -13:00
- Sundays and Bank Holidays – no operations

Transport and access at the site:

- Monday to Friday 06:00 – 19:00
- Saturday 06:00 -16:00
- Sundays and Bank Holidays – no operations

Members will note that the previous application was refused, partly due to the proposal for a 24 hour operation. At that time the sources of noise on site emanated from the generators, movement of lorries and other vehicles about the site, movement of skips, offloading and loading of material, and the machinery used for the sorting process within the two buildings. It was determined that such an operation would be detrimental to the amenity of the area and the adjoining land uses.

The hours of operation listed above for Hangar A are now proposed to commence at 7am, which the Council's EHO had confirmed is defined as being the start of daytime hours, as defined by the World Health Organisation. Furthermore, the operational generator has been moved into an enclosed space within Hangar A. Accordingly, the EHO has not raised any objection to the hours of operation for Hangar A. Furthermore, the appellant's own noise assessment, the MLM Report, identifies that these proposed hours are acceptable with regard to site and states the following:

'Waste handling and processing activities at the site shall not take place outside of the hours of 07:00 to 18:00 on any day between Monday and Saturday, with no working on Sundays.'

Notwithstanding this, the applicant proposes a 6am start for the movement of vehicles in the site and access to the site. Correspondence with the applicant confirms that the 6am start is required in connection with the vehicle storage use of the site. The applicant has confirmed that vehicles are required at clients' sites prior to 7am, necessitating a 6am start at the application site. It is, therefore, also assumed that these activities would also involve the movement of skips prior to 7am. It is worth noting again that the site is operated with an internal one way anti-clockwise system. Vehicles leaving the site from the skip and vehicle storage area would pass close to the adjoining caravan site on the internal haul road in order to leave the site.

The Council's EHO has considered the 6am start as follows:

'Regardless of the fact that [the proposed hours for access and vehicle movements] would be contrary to the applicants proposed vehicle circulation..... It would allow, as applied for, vehicles and skips to be moved within the 'vehicle parking/ skip storage area' thereby creating noise from 6 a.m., a time deemed by the World Health Organisation, and British Standards, as being within night-time hours.

The lorry /skip area in question is approximately only 40 metres from the boundary of the adjoining site. The noise from such lorry and skip movements has been recorded by the NRW as occurring between 65 and 74 decibels (NRW Report pgs. 12-14). Such impulsive noise due to the movement of skips has occurred at times when in comparison the noise level 'immediately prior was in the mid 30's dBA'. The noise created by the lorry/skip area it has been described in the NRW report as 'skip clatter, and dragging noises. Thud/boom/hollow metallic noise'. (NRW Report pg.12).

Such were the noise levels recorded by the NRW that they deemed noise during night-time hours, that is between 23:00 and 07:00 as such that the noise would have a "significant adverse impact" which is accentuated by the very low background sound level (23DbL_{A90,15MIN}).' (NRW Report pg.20).

It is evident that at night, that is before 07:00 in the morning the area is very quiet an opinion also expressed by the applicant's own Noise Assessment. The MLM Report states;

'In the absence of significant levels of motor racing noise the area typically experiences very low levels of background noise and that any commercial activity is likely to be noticeable at the adjacent receptor under such circumstances'. (Summary pg. 25)

The MLM Report going onto note that two particular activities namely lorry movements before 07:00 and the operation of the generator, which was deemed in 2016 by the applicant's own report as having a 'significant adverse impact' in its own right, as the main contributors of noise from the site.(MLM Report pg.24-25).

It should also be noted that the MLM Report does not allow for, that is deem, the movement and dropping of skips as 'impulsive' noise the NRW Report does (NRW pg.18). It is my opinion that not to do so is remiss on the part of MLM and thereby their Report does not give a true reflection of the noise climate.

The MLM Report also relies heavily upon the noise created by 'significant levels of motor racing noise', noting that the survey in relation to the report was carried out between 11:40 on Friday 27 May and 11:40 on Tuesday 31 May 2016, a Bank Holiday weekend, when the applicant's site was relatively inactive and the race circuit, which is under the control of the immediate neighbour, the caravan park with residential warden, was in operation as was the nearby karting track. It is apparent that motor racing and or karting took place on the Friday, Saturday and Tuesday over the survey period (MLM pg. 13). However probably due to the fact it was a Bank Holiday weekend the applicant's site does not operate, as in vehicle movements on Sunday 29 and Bank Holiday Monday 30 May with only one vehicle movement on Saturday 28 May at 07:59. (MLM pg. 14).

In light of the information provided by both the MLM and NRW Reports it can be concluded that it is highly likely that the neighbouring site will suffer some degree of detriment, disturbance and nuisance both day and night, especially when other intermittent noisy activities are not occurring in the area.

Evidence in both the MLM and NRW Reports indicate that the detriment, disturbance and nuisance that would occur during night-time hours, that is between 23:00 and 07:00 would be significant...'

Due to the type of activity on the adjoining race track and the user of that site, it is not considered that the activities at the race track are prohibited or affected to any significant degree by the noise generated by the use of the application site proposed for retention. However, the adjoining caravan park, being a residential tourism use, is one that would be sensitive to the noise and activity that is generated on the application site, particularly as there is a resident caravan site warden.

The mitigation to the noise generated by vehicle and skip movements within the application site is an acoustic fence. The effectiveness of this mitigation is limited as the noise is generated in the open and is often a distance from the fence, reducing its effectiveness.

It is accepted that the fall back position would result in noise being generated on the site, although this would be limited to that generated by vehicle movements, loading and unloading. The operation of machinery, movements of skips and generators, for example, would not result from a B8 use. It may also be the case that the nature of the operation proposed for retention would result in a greater number of vehicle movements than those of a standard storage and distribution use.

Criteria 3 of LDP policy MD20 states that proposal for waste management facilities will be permitted where it is demonstrated that the development, *inter alia*, 'would not result in unacceptable harm to.....the amenity of neighbouring land uses'. Such requirements are mirrored in LDP policies MD2 and MD7.

In addition to the above policy, the guidance provided in Chapter 12 of PPW and that provided in TAN21 is noted and this reflects the considerations imposed under the criteria of the LDP policies identified above. Both documents recognise the benefits of the management of waste, but at the same time they seek to ensure that the amenity of residents and other land uses are protected. Finally, paragraph 8 of TAN11 requires that noise generating development does not cause an unacceptable degree of disturbance.

Whilst it is not necessarily suggested that the proposal will have an unacceptable impact on public health or safety as a result of noise, it is certainly the case that the noise generated by this mixed use, if operated in part prior to 7am, would have an adverse impact on the amenity of those occupying or using the adjoining caravan park, resulting in an adverse and unacceptable impact on that adjoining site. Accordingly, it is considered appropriate to impose an hours of operation condition for the site as a whole that does not permit any activity on the site prior to 7am.

As a final point, it is important to consider whether the imposition of controls on the hours of operation, or indeed any matter, would replicate the controls imposed on the Standard Rules permit; it is not appropriate to seek via the planning application system to control matters that are already controlled by other legislation. The NRW Standard Rules Permit does not restrict the hours of operation, although it does require that the operation is free from noise and vibration at levels likely to cause pollution outside the site, otherwise it requires the submission of a noise and vibration management plan. Not only is this a reactive approach to the management of noise and vibration, it is understood that the test of whether or not noise and vibration is likely to cause pollution is different to establishing an impact on amenity. In view of this and the lack of any restriction on hours of operation, the consideration of the impact of noise on the amenity of the users and occupier of the adjoining and nearby sites would not duplicate the controls imposed by the NRW permit.

Dust:

As very little of the site is surfaced in a bound material, dust that arises from the use of the site predominantly emanates from the movement of vehicles about the site. As mentioned earlier, the lorries entering the site will head west to the weighbridge before manoeuvring in an anti-clockwise direction to the rear of Hangar A. This internal route passes close to the boundary with the adjoining caravan park and the race track. Dust and debris also emanate from the external storage of material on the site.

Whilst the NRW Standard Rules Permit does not impose any specific requirements with regard to dust generated by the facility, it does impose a restriction on 'emissions', albeit as a pollutant and not as an impact on amenity. The permit also prohibits the external storage of material other than those specified in the permit. Accordingly, the consideration of the impact of dust on the amenity of the users and occupier of the adjoining and nearby sites would not duplicate the controls imposed by the NRW permit.

Both the adjoining race track and the adjoining caravan park would be sensitive to the dust blown across from the application site. The operators of both sites, including the operator of the café on the site and users of the race track, have referred to issues of dust generation.

The applicant has confirmed that large parts of the application site (predominantly the internal haul road) have now been completed in a sealed/bound surface. No other dust suppression measures have been proposed. Notwithstanding this, it is understood airborne dust continues to be an issue on the adjoining sites. Vehicle movements within the site are not just limited to the haul road and, in view of the vehicle and skip storage element of the current mixed use, vehicle movements are prevalent on areas of the site that are not surfaced in a bound material (i.e. the vehicle and skip storage area). This part of the site is particularly close to the adjoining race track and caravan site. It is reasonable to conclude that the regular vehicle movements on this part of the site result in the occurrence of dust on the adjoining sites, particularly in periods of dry weather.

It is accepted that the fall-back position would also result in the generation of dust from vehicle movements and external storage, although the flow of traffic about the site, close to the adjoining caravan park and race track, is less likely (i.e. the route of the internal access road to the rear of hangar A is only necessary as a result of the weigh bridge). Also, as suggested earlier in this report, it may also be the case that the nature of the operation proposed for retention would result in a greater number of vehicle movements than those of a standard storage and distribution use.

The requirements of LDP policy, PPW and TAN21 that new development does not have an unacceptable effect on residential amenity or on adjacent areas have already been set out earlier in this report. Having considered these requirements, it is considered that, on balance, the matter of dust generated by this development would have an unacceptable adverse impact on the amenity of those occupying or using the adjoining sites, resulting in an adverse and unacceptable impact on those adjoining sites. In light of this, it is considered appropriate to impose further mitigation measures to alleviate the problem of dust. It is not considered reasonable to require that the entirety of the site is surfaced in a bound material, but it is considered reasonable that areas subject to regular vehicle movements are. As such, a condition is suggested requiring the surfacing of the vehicle and skip storage area in a bound material.

With regard to the external storage of material, it is noted that this is a matter that is dealt with under the NRW permit (i.e. only specified material can be stored externally under the rules of the permit). Furthermore, it is now understood that the material currently stored on site (i.e. a large bund along the northern boundary of the application site and the adjoining site) is stored in breach of the permit. This is a matter that NRW are pursuing. Notwithstanding this, this current application proposes the receipt and handling on the site of waste cardboard, paper and plastic only. None of these items are defined as 'specified wastes' in the NRW permit and cannot, therefore, be stored externally under the rules of the permit. There is, therefore, no need to duplicate these controls via planning condition. It is, however, suggested that a condition is imposed to limit the type of waste that can be stored and processed on the site to paper, cardboard and plastic. If permission is granted, the existing bund, not being any of those items, could also be pursued as a breach of this condition.

Odour and pest control:

The EHO notes that the site will *'predominately handle paper, cardboard and plastic. However wet paper and cardboard products and dirty plastics can over time become odorous, provide a breeding ground for pests and flies as well as posing a risk of spontaneous combustion'*.

Both the adjoining race track and the adjoining caravan park would be sensitive to odour and pests. The operators of both sites, including the operator of the café on the site and users of the race track have referred to issues of odour and pests in the past and have suggested that such an issue would have an adverse impact on the businesses operated on these adjoining sites.

No mitigation is proposed in respect of odour and pests. It is, however, suggested that such issues would be minimal in view of the type of material received at the site.

It is noted that the NRW Permit does not deal with the matter of pest control. It does, however, impose requirements with regard to odour management similar to those relating to noise and vibration. It requires that the operation is free from odour at levels likely to cause pollution outside the site, otherwise it requires the submission of an odour management plan that will either mitigate or, if not practicable, minimise odour. Again, not only is this a reactive approach to the management of odour, it is understood that the test of whether or not odour is likely to cause pollution is different to establishing an impact on amenity. In view of this, the consideration of the impact of odour on the amenity of the users and occupier of the adjoining and nearby sites would not duplicate the controls imposed by the NRW permit.

As noted above, the NRW Permit does not allow the external storage of plastic, paper and cardboard. As such, material should not become wet from being on site, although it may arrive at the site wet. The documentation submitted with the application suggests that there is a particularly high turnover of material on the site reducing the likelihood of odour. Nevertheless, the Fire Prevention & Mitigation Plan indicates that material can stay on site for as long as 3 months. Although it is agreed that the likelihood of odour and flies is reduced as black bag waste is no longer received on the site, further mitigation is considered appropriate, particularly as the applicants conclusion with regard to odour and flies is reliant on a fast turnover of material. Such mitigation will also reduce the risk of fire; considered below. As such, in order to ensure that material is not stored on site for excessive periods, it is suggested that there is a limit on the amount of material that can be on site at any one time. It is also suggested that the amount of plastic that can be stored on site at any one time is limited, as this type of waste is more likely to result in odour and pests than the paper and cardboard waste.

The fall-back position is unlikely to generate problems of odour and pests. Accordingly, the issue of odour arises only from the use proposed for retention.

The controls suggested above are considered appropriate in view of the requirements of LDP policy, PPW and TAN21; that new development does not have an unacceptable effect on residential amenity or on adjacent areas have already been set out earlier in this report.

3. Highway Safety and Parking

The application has been accompanied by a letter providing a Transport Assessment. It proposes the provision of 25 staff parking spaces and 20 spaces for the parking of operational vehicles. This parking provision is considered to be acceptable for this facility and in accordance with the relevant LDP policy MD2.

With regard to the impact of the traffic generated by this new development, the Council's Highway Engineer notes the trips generated by the use processing 50,000 tonnes per annum with little or no impact on the adjacent highway network. The Council's Highway Engineer also suggests that even if the operation were to intensify to process 75,000 tonnes per annum, in line with the NRW Permit, the development would not have a material impact on the adjacent highway network above that of the current operation. In view of this, the development is considered to accord with the relevant LDP policies MD2 and MD20.

4. Land and Ground Water Pollution

The matter of land and ground water pollution has been raised previously. NRW has not provided any specific advice with regard to the issue of ground water pollution. It is, however, noted that the NRW Standard Rules Permit requires waste material to be stored and processed within the buildings where there is a slab base. It is also noted that the Permit requires that the emissions of substances not controlled by emissions limits (which includes the emission of substances to the ground and, therefore, ground water) shall not cause pollution.

Whilst the Council's UDP policies and planning guidance does reflect these controls, the pollution to the land and ground water from the waste material stored on the site is a matter that is firmly within the control of NRW and the Permit in this instance. Accordingly, and as there has been no objection from NRW on this matter, whilst the concerns of the objectors are noted, the development is considered to be acceptable in terms of pollution to the land and ground water from the storage of waste material on the site.

Notwithstanding this, NRW have in the past confirmed that the Permit does not allow for any controls with regard to the leakage of oil petrol and diesel from storage containers and vehicles on the site. Information submitted with the application does suggest that vehicles will be washed on site, which may increase the risk of ground water pollution. This is a matter that could be mitigated with a requirement for vehicles to be stored on a non permeable surface with an appropriate oil, petrol and diesel interceptor. This would align with the suggested requirement for a bound surface on the commercial vehicle and skip storage area. In addition to this, a condition is suggested that controls the method of oil, petrol and diesel storage.

In view of controls imposed under the NRW Permit and the controls that could be imposed under planning condition, as suggested above, the development is not considered to conflict with requirements of LDP Policies MD7 and MD20 with regard to land and ground water pollution.

5. Fire Risk

Fire can result in such a facility if waste, particularly that containing organic matter, is stored in large stock piles for an extended period of time. The risk of fire is a matter that has been raised by a number of parties both via this application and in the recent planning history, particularly due to the very recent and devastating fire on the wider site. The applicant has operated at a site on the nearby Llandow Trading Estate, which was also the location of a significant fire that destroyed the building on site. The fire is understood to have resulted from the storage of combustible waste within the building.

Whilst the matter of fire is not explicitly referred to in the NRW standard Rules Permit, it is understood that risk of fire is a matter that is reviewed by NRW during their site inspections, particularly if a concern has been raised. Accordingly, under the remit of the permit, NRW have an on-going obligation to consider the risk of fire on the site. However, in view of the history of the applicant, the potential for fire in such a facility and the potential risk to public health and safety that would result from a fire, it is considered appropriate to consider the risk of fire when determining this application, particularly in view of the legitimate concerns of the objectors who live or have businesses close to the site.

The applicant has addressed the matter of fire in the Fire Prevention and Mitigation Plan submitted with the application. This suggests a number of recommendations in order to minimise the risk of fire not just from combustion but also from arson/vandalism, plant and equipment failure, accidents, etc.

Whilst the Fire Service has been consulted on the application, no response has been received. As such, and in view of the lack of any objection from NRW (whose remit does include the on-going assessment of fire risk at the site) the Council have no reason to question the robustness of the recommendations of the Fire Prevention and Mitigation Plan. As such, a condition is recommended to require the site is operated in accordance with the recommendations of the Fire Prevention and Mitigation Plan.

Notwithstanding the above, together with the condition suggested above to limit the amount of material on site at any one time, it is also considered appropriate to impose a condition relating to stockpile sizes, as suggested in the Technical Guidance Note TGN7.01 entitled 'Reducing Fire Risk at Sites Storing Combustible Materials' and The Waste Industry Safety and Health Forum (WISH) publication (October 2014) entitled 'Reducing Fire Risk at Waste Management Sites', which have been referred to and discussed with the Fire service.

The concerns of the public and objectors to the development are noted and are considered to be of merit in the light of the incidents of fire on this and the operators other sites. However, in view of the conditions that could be imposed to minimise the risk of fire at the site and the on-going monitoring undertaken by NRW, the risk of fire is not a matter that would warrant the refusal of the application.

6. Operational Development Proposed for retention

The application proposes the retention of the weighbridge and gatehouse. The gatehouse and weighbridge are development that is necessary to facilitate the use of the site. These are small structures, when compared to Hangar A, and are utilitarian in their appearance. Whilst being visible from outside the site, these operations are considered acceptable in terms of their visual impact and are in accordance with LDP policy MD2 in this regard.

Whilst details of the Bio Mass boiler housing were also submitted with this application, this extension to Hangar A was the subject of a previous planning enforcement case. It was concluded that the extension was permitted development granted permission under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and, as such, does not require the consent of the Council. Notwithstanding this, the extension is appropriate in its scale and form and is functional in its appearance. This extension is, therefore, considered to be in accordance with the design principles in LDP policy MD2.

Notwithstanding the above, it is recommended that a condition be imposed to remove the permitted development rights that would allow new openings to be made in Hangar A and to allow further extensions to Hangar A. This is considered necessary as the above assessment of the appropriateness of the use of the site is based on the current form of Hangar A. Any new openings in the building (for example, in the west facing elevation of the building facing the caravan part) or any new extensions to expand the use permitted are likely to impact upon all of the issues identified and considered in this report. As such, it is considered reasonable and necessary to control these specific permitted development rights so as to control the nature of the use in the future.

The Planning Balance / Conclusion

As set out in the report above, the principle of the change of use of an existing building and site, previously used for storage and distribution, to a waste transfer facility, together with a skip storage and vehicle storage use, is considered acceptable and in accordance with national planning guidance and the Welsh Government's targets for the reduction of waste to landfill. It is, therefore, acknowledged that weight should be attributed to this new development as a result.

Notwithstanding this, both national planning guidance and local planning policy requires that such development does not have an unacceptable impact on the amenity of residents and other land uses.

The occupiers adjoining the site are both tourism/leisure related uses and both relying on visiting members of the public for their business. These adjoining land uses are, therefore, clearly sensitive to any adverse environmental effects that result from the operation of the waste transfer facility. National planning guidance (PPW – Chapter 11 and TAN13) recognises how vital tourism is to the economic prosperity and job creation and that tourism-related development is an essential element in providing for a healthy, diverse, local and national economy. The Vale's own planning policy recognises the Vale as an attractive tourism destination and, in this regard, any existing tourism and leisure related development should be protected in the light of the contribution it makes to the Vale's rural economy. This approach is continued in the Council's LDP.

Whilst the objections of the adjoining land users are noted, having regard to the change in the nature of the development now proposed for retention, it is considered that the adverse impacts that are identified above (and where considered to warrant refusal of the previous application), can adequately be mitigated, as set out. As such, the development is considered acceptable, subject to appropriate conditions.

In addition to this, having regard to the policies that seek to protect the adjoining land uses from an unacceptable impact of development, sufficient weight has been afforded to the adjoining land uses and the mitigation measures proposed are considered to be reasonable and necessary in order to make the development acceptable.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The mixed use of the site hereby approved shall be undertaken in accordance with the following approved plans and documents:

- 001 Site Location Plan
- 002/E Site Layout
- 003/D Floor Plan
- 004/D Proposed Site Access
- 005/A Weighbridge and Gatehouse
- 006/B Bio-mass boiler house
- 007/B Generator
- Planning Statement dated May 2017
- Fire Prevention and Mitigation Plan dated 18th May 2017
- Waste Planning Statement dated August 2017
- Letter from Agent dated 4th August 2017
- Letter from Agent dated 11th September 2017
- Letter from Agent dated 20th September 2017

Reason:

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

2. The use hereby permitted is for a mixed use as a facility for the receipt, sorting, storage and export of non-hazardous waste, together with an ancillary office; for the storage of skips; and for the storage of commercial vehicles and for no other purpose whatsoever.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

3. All activity relating to the mixed use of the site as a facility for the receipt, sorting, storage and export of non-hazardous waste, together with an ancillary office; for the storage of skips; and for the storage of commercial vehicles, including any movement of vehicles and skips, shall not be carried out outside of the following specified hours:

- Monday to Friday 07:00 to 18:00 excluding bank holidays and public holidays.
- Saturday 07:00 to 13:00 for the receipt, sorting, storage and export of non-hazardous waste and skip storage use.
- Saturday 07:00 to 16:00 for the vehicle depot use.

Reason:

In the interests of amenity, to enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

4. The receipt, sorting, storage and export of non-hazardous waste element of the use hereby approved shall relate to paper, cardboard and plastic waste only.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

5. The amount of waste material received, sorted, stored and export shall not exceed 50,000 tonnes per annum.

Reason:

In the interests of amenity, to enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

6. The waste material on site shall not exceed 4,500 tonnes at any one time, of which no more than 225 tonnes shall consist of plastic waste.

Reason:

In the interests of amenity, to enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

7. An up to date register of the type and tonnage of material that is received on the site, with dates or receipt, and exported from the site, with dates of export, shall be kept in perpetuity. The register shall be made available for inspection by the Local Planning Authority within one week of the Local Planning Authority's written request to inspect the register.

Reason:

In the interests of amenity, to enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

8. Individual stockpiles of externally stored material shall not exceed 5 metres in height if loose material or 4 metres in height if bailed material; shall not be stored within 10 metres of any building on site; shall be positioned 6 metres from any other stockpile; shall not exceed a volume of 750 cubic metres; and shall not cover an area greater than 235 square metres. Individual stockpiles of internally stored material shall not exceed 5 metres in height if loose material or 4 metres in height if bailed material; shall not be stored within 6 metres from any other stockpile; shall not exceed a volume of 750 cubic metres; and shall not cover an area greater than 235 square metres.

Reason:

In the interests of preventing fire, to enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

9. The use of the site for a mixed use as a facility for the receipt, sorting, storage and export of non-hazardous waste, together with an ancillary office; for the storage of skips; and for the storage of commercial vehicles shall be carried out at all times in accordance with the Environmental Focus Fire Prevention and Mitigation Plan dated 18th May, 2017.

Reason:

In the interests of preventing fire, to enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

10. Material sorting shall only take place within the building identified as Hangar A on the Plan number 0002/B – Site Layout.

Reason:

To safeguard local amenities, to enable the Local Planning Authority to maintain control over the nature of the use, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

11. The roller shutter doors on the building identified as Hangar A on plan number 002/B – Site Layout shall be kept closed at all times other than when material is being delivered to or taken from the building

Reason:

In the interests of amenity and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

12. All vehicles leaving the site carrying material shall be sheeted over.

Reason:

In the interests of amenity and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

13. The number of operational generators in use on the site shall be limited to one and that generator shall be permanently housed within Hangar A in accordance with plan number 007/B – Generator.

Reason:

In the interests of amenity and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

14. Notwithstanding the submitted plans, within one month of the date of this decision details of the high acoustic fence to be erected along the westernmost boundary of the site at a minimum height of 3 metres shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fence shall be completed in accordance with the approved details within three months of the date of their approval and shall thereafter be so retained.

Reason:

In the interests of amenity and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

15. Within one month of the date of this permission details of all external lighting, to include specification, means of operation (whether permanent or sensor/security lights, and hours of operation), and lux plots to prevent / minimise light spillage outside of the site (including atmospheric light pollution) shall be submitted to and approved in writing by the Local Planning Authority. All lighting on site shall be provided in accordance with the approved scheme.

Reason:

In the interests of amenity and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management proposals of the Local Development Plan.

16. Notwithstanding the submitted plans, within one month of the date of this decision details of the extent and type of surfacing of the vehicle parking / skip storage area indicated on plan number 002/B - Site Layout Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall propose a bound surface with an oil, diesel and petrol interceptor. The bound surface and oil, diesel and petrol interceptor shall be completed in accordance with the approved details within three months of the date of their approval and shall thereafter be so retained.

Reason:

In the interests of amenity and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management proposals of the Local Development Plan.

17. 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 terms of Policy MD7 of the Local Development Plan.

18. Notwithstanding the provisions of schedule 2, part 8, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions shall be erected and new openings shall be made in the building identified as Hangar A on the Plan number 0002/B – Site Layout other than those expressly authorised by this permission and shown on plan number 002/E - Site Layout and 006/B - Bio-mass boiler house.

Reason:

To enable the Local Planning Authority to control the nature of the use of the site in the interest of local amenity and to ensure compliance with Policies MD2 - Design of New Development, MD7 – Environmental Protection and MD20 – Assessment of Waste Management Proposals of the Local Development Plan.

REASON FOR RECOMMENDATION

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

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

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.

LEGEND



APPLICATION SITE
BOUNDARY

APPLICANT OWNERSHIP
BOUNDARY

1700329FUL

RECEIVED
18 APR 2017
Regeneration
and Planning

SITESERV
RECYCLING LTD



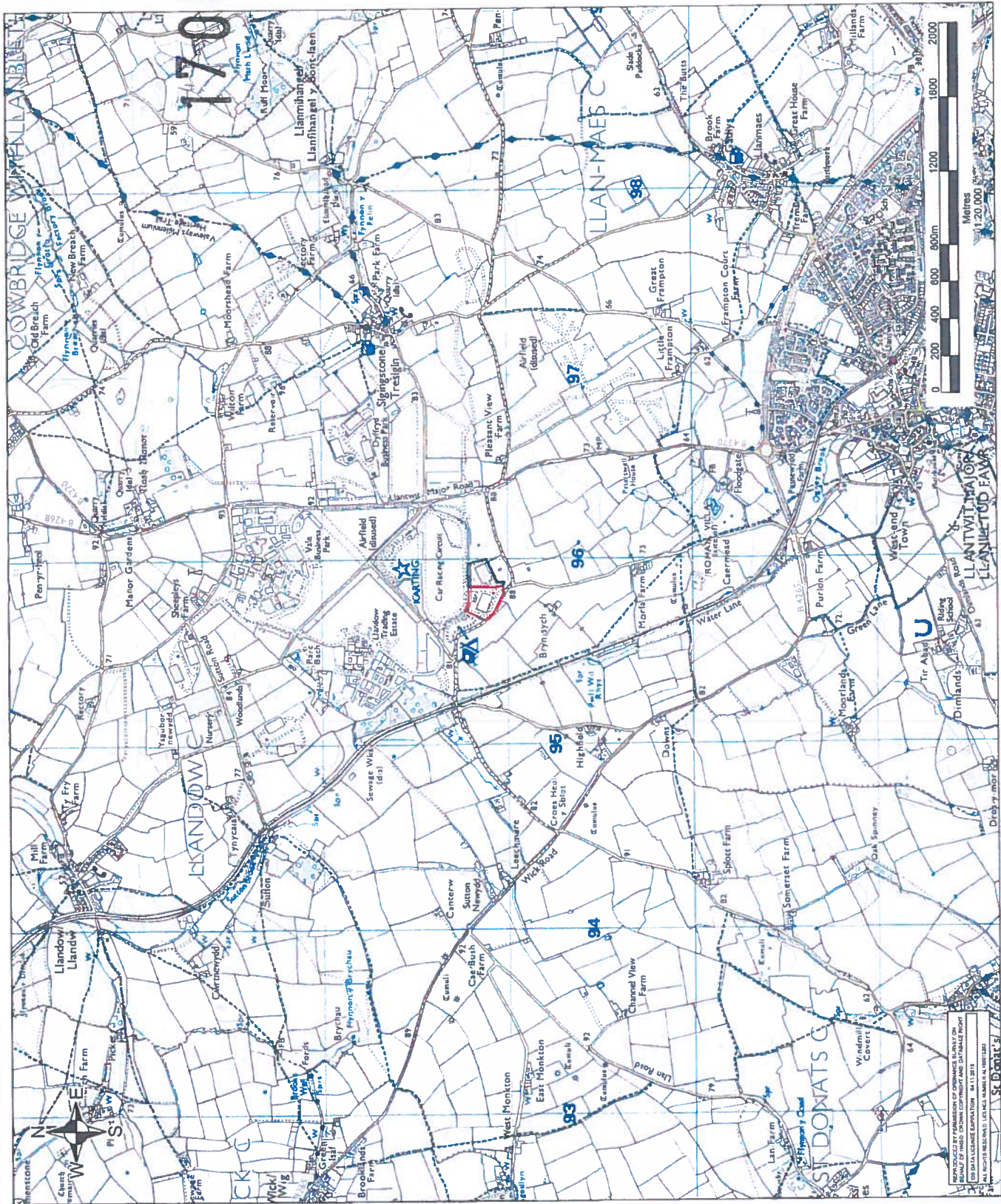
HANGAR A
FORMER LLANDOW AIRFIELD
WASTE TRANSFER STATION

SITE LOCATION PLAN

001

Scale 1:20,000 @ A3

DATE
DECEMBER 2014



THIS PLAN IS THE PROPERTY OF SITESERV RECYCLING LTD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ALL RIGHTS RESERVED. LECTURA NUMBER: 14/10/12/140

05226.00001.18.001 A site location plan.dwg

COFNOD / MEMORANDUM

I / To:	Mrs Justina Moss	Oddi Wrth / From:	Sue Brown
Adran / Dept:	Planning Department	Ein cyf / Our ref:	SB1-1527/17
Dyddiad / Date:	18 October 2017	Ffôn / Tel:	03001236696
Eich Cyf / Your Ref:	2017/00329/FUL	Ebost / Email:	sfbrown@valeofglamorgan.gov.uk

SUBJECT: RETENTION OF A MATERIAL CHANGE OF USE OF LAND AND A WAREHOUSE KNOWN AS HANGAR A FROM A STORAGE AND DISTRIBUTION USE (USE CLASS B8) TO A MATERIALS RECOVERY FACILITY AND ANCILLARY OFFICES (USE CLASS B2) AND RETENTION OF A WEIGHBRIDGE AND WEIGHBRIDGE OFFICE

PLANNING APPLICATION NO: 2017/00329/FUL

SITE SERV RECYCLING, HANGAR A, LLANDOW TRADING ESTATE, LLANDOW, COWBRIDGE, VALE OF GLAMORGAN. CF71 7PB

I refer to your memorandum received by this department on 22 June 2017, this department has comments to make regarding the above application.

The above application and supporting documentation has been considered and regard has been given to the a number of documents including the;

- Planning Statement (dated May 2017)
- Design and Access Statement (dated May 2017)
- Waste Planning Statement (dated August 2017)
- Proposed Site access Drawing 004/C (dated Sept 2017)

Documents supplied in relation to the previous application namely;

- Acoustics Report compiled by MLM Acoustics on behalf of the applicant (dated June 2016) (MLM Report)
- Noise Impact Assessment compiled by Natural Resources Wales (dated 6 July 2016) (NRW Assessment)

As the information supplied is the most current in relation to noise and the data and subsequent conclusions apply to this application both of the Noise Reports have been deemed relevant and been referred too.

Areas of concern namely noise, including hours of operation, occupation of the site including capacity, materials handling, dust, odour and flies will be addressed.

Noise and operational hours

At section 3.25, (pg. 10 of 18), of the Design and Access Statement the applicant has stated that they require Hangar A to operate to the following hours;

- Monday to Friday 07:00 – 18:00
- Saturday 07:00 -13:00
- Sundays and Bank Holidays – no operations

With transport /access etc.

- Monday to Friday 06:00 – 19:00
- Saturday 06:00 -16:00
- Sundays and Bank Holidays – no operations

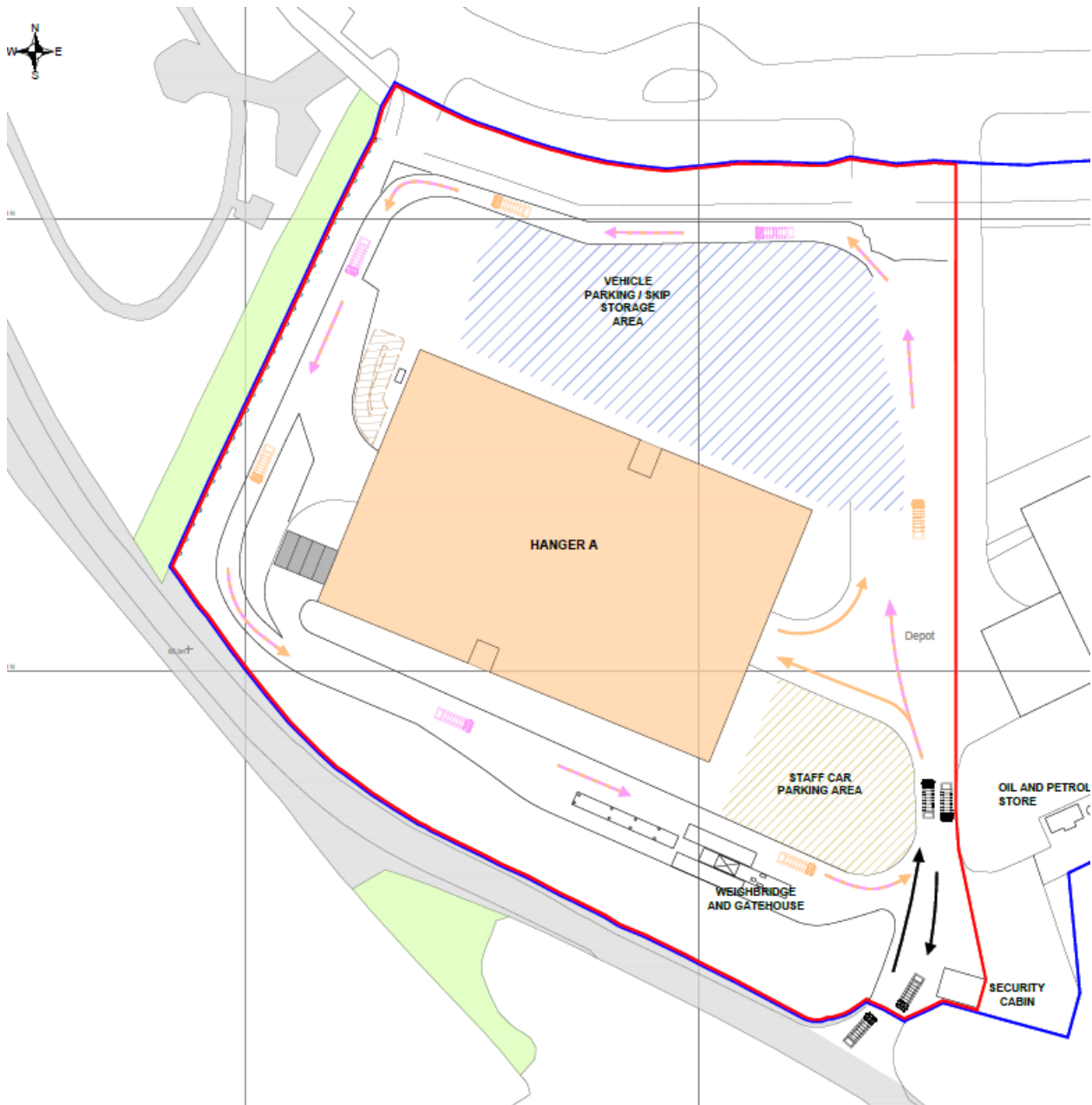
The Acoustics Report drafted by MLM Acoustics, the MLM Report, on behalf of the applicant identifies that these proposed hours are acceptable with regard to site and states the following, at pg. 26;

'Waste handling and processing activities at the site shall not take place outside of the hours of 07:00 to 18:00 on any day between Monday and Saturday, with no working on Sundays.'

With the caveat that;

'No vehicles shall travel along the haul route to the western side of Hangar A between the haul route to the western side of Hangar A between the hours of 18:00 and 07:00 on any day. All vehicle routing between these times shall occur between the vehicle storage area and the weighbridge/exit via routes to the east of Hangar A'

Regardless of the fact that this proposed condition would be contrary to the applicants proposed vehicle circulation route shown below. It would allow, as applied for, vehicles and skips to be moved within the 'vehicle parking/ skip storage area' thereby creating noise from 6 a.m., a time deemed by the World Health Organisation, and British Standards, as being within night-time hours.



The lorry /skip area in question is approximately only 40 metres from the boundary of the adjoining site. The noise from such lorry and skip movements has been recorded by the NRW as occurring between 65 and 74 decibels (NRW Report pgs. 12-14). Such impulsive noise due to the movement of skips has occurred at times when in comparison the noise level *'immediately prior was in the mid 30's dBA'*. The noise created by the lorry/skip area it has been described in the NRW report as *'skip clatter, and dragging noises. Thud/boom/hollow metallic noise'*. (NRW Report pg.12).

Such were the noise levels recorded by the NRW that they deemed noise during night-time hours, that is between 23:00 and 07:00 as such that the noise would have a *"significant adverse impact" which is accentuated by the very low background sound level (23DbL_{A90,15MIN})*. (NRW Report pg.20).

It is evident that at night, that is before 07:00 in the morning the area is very quiet an opinion also expressed by the applicant's own Noise Assessment. The MLM Report states;

In the absence of significant levels of motor racing noise the area typically experiences very low levels of background noise and that any commercial activity is likely to be noticeable at the adjacent receptor under such circumstances. (Summary pg. 25)

The MLM Report goes on to note that two particular activities namely lorry movements before 07:00 and the operation of the generator, which was deemed in 2016 by the applicant's own report as having a 'significant adverse impact' in its own right, as the main contributors of noise from the site. (MLM Report pg.24-25).

It should also be noted that the MLM Report does not allow for, that is deem, the movement and dropping of skips as 'impulsive' noise the NRW Report does (NRW pg.18). It is my opinion that not to do so is remiss on the part of MLM and thereby their Report does not give a true reflection of the noise climate.

The MLM Report also relies heavily upon the noise created by 'significant levels of motor racing noise', noting that the survey in relation to the report was carried out between 11:40 on Friday 27 May and 11:40 on Tuesday 31 May 2016, a Bank Holiday weekend, when the applicant's site was relatively inactive and the race circuit, which is under the control of the immediate neighbour, the caravan park with residential wardens, was in operation as was the nearby karting track. It is apparent that motor racing and or karting took place on the Friday, Saturday and Tuesday over the survey period (MLM pg. 13). However probably due to the fact it was a Bank Holiday weekend the applicant's site does not operate, as in vehicle movements on Sunday 29 and Bank Holiday Monday 30 May with only one vehicle movement on Saturday 28 May at 07:59. (MLM pg. 14).

In light of the information provided by both the MLM and NRW Reports it can be concluded that it is highly likely that the neighbouring site will suffer some degree of detriment, disturbance and nuisance both day and night, especially when other intermittent noisy activities are not occurring in the area.

Evidence in both the MLM and NRW Reports indicate that the detriment, disturbance and nuisance that would occur during night-time hours, that is between 23:00 and 07:00 would be significant and therefore it is advised that the following hours be subject to condition;

- Monday to Friday 07:00 – 18:00
- Saturday 07:00 -13:00
- Sundays and Bank Holidays – no operations

With transport /access etc.

- Monday to Friday 07:00 – 19:00
- Saturday 07:00 -16:00
- Sundays and Bank Holidays – no operations

Namely no activity should take place during night-time hours, as in before 07:00, nor after the beginning of evening hours, as defined by the World Health Organisation as between 19:00 and 23:00.

Finally the mitigation measures identified and proposed in both Noise Reports, as well as the current application should be the subject of condition. These mitigation measures include the construction of an acoustic fence the integrity of which should be maintained for the duration of the proposed activities on

site. Measures also include, amongst others, the housing of noisy activities and equipment, such as the generator indoors, as well as the maintenance of the service road and storage areas in such a condition so as to minimise lorry and skip noise due to potholes and uneven surfaces.

Occupation and capacity of the site

Currently the applicant has a permit, deemed a 'standard rules permit' (SR permit), issued by NRW to operate a waste transfer station. It is understood the permit allows the treatment of up to 75,000 tonnes of household, commercial and industrial waste in a year.

Such is nature of standard rules permits, compared to be-spoke permits, that they are broad in what they allow the holder of the permit to process and hold on site. Consequently there are a range of issues that can result including noise, odour, pests, flies and fires amongst other matters that can be detrimental to amenity as well as the environment.

As the applicant has attempted in part to mitigate some of the possible hazards and nuisances that can occur by limiting the maximum amount of waste that can be accepted onto site to 50,000 tonnes per year, with an upper capacity of 4,500 tonnes on site at any one time, these proposals should be conditioned by the Local Planning Authority (LPA) so that these levels take precedence over those permitted by the SR permit, in an attempt to minimise detriment to the amenity and nuisance.

With regard to stockpiles it is understood that agreement has been reached between the LPA and applicant and again these proposals should be subject to condition so to safeguard amenity and minimise nuisance as well as the risk of fire due to spontaneous combustion.

In this application, as previously the applicant has made reference to black bag waste, that they have then termed municipal waste, as well as the broad terms of industrial and commercial waste which has led to misunderstanding, misinterpretation and confusion.

However it is also noted that with in the Planning Statement dated May 2017 that the applicant states that;

- *No storage or sorting of black bag waste will take place on site (3.18)*
- *There will be no external storage, deposition or transfer of any wastes (3.18)*
- *All of the sorting and processing operations....are to be undertaken within the existing building (3.19)*
- *It is not proposed to bring into the site any material in under exemptions (3.22)*
- *No materials will be stored outside of the building.....and no material will be stored, deposited or transferred externally. (3.27)*

These proposals along with the self-imposed limit of 5% plastic by volume, GJP letter dated 11 September 2017, again should be subject to condition in an attempt to protect amenity and minimise nuisance.

Materials handling, dust, odour and flies

Many of the measures considered above along with the applicant's statement that '*the processes undertaken are 'clean recycling' operations and no processing of waste is undertaken on site.*' (Planning Statement pg.13 section 3.18) should ideally go some way to minimising and mitigating possible issues and nuisances such as dust, odour, pests and flies.

However noting the possible generation of dust from the skip storage area, that will hold approximately 40 skips, as well as due to lorry movements, it is advised that it be established how much of the transportation and storage areas, including the haul road, consist of tarmac and concrete or other materials such as compacted stone hard-standing that can lead to the generation of dust.

Therefore it is advised that skips and lorries not be stored on compacted stone/ gravel areas due to the potential of the raising of dust that has previously been an issue, and the subject of complaint, in relation to the haul road.

Measures including road sweeping and damping down should be undertaken as necessary, weather dictating, so to limit nuisance and protect amenity.

The applicant has stated that they will predominately handle paper, cardboard and plastic. However wet paper and cardboard products and dirty plastics can over time become odorous, provide a breeding ground for pests and flies as well as posing a risk of spontaneous combustion.

Thereby the applicant should advise how they intend to proactively, as well as if necessary, deal with the matters of odour, pests and flies as these matters are not addressed in the Waste Planning Statement, dated August 2017.

With regard to the risk of fires due to the spontaneous combustion of waste the Fire Prevention and Mitigation Plan, dated 18 May 2017, has been reviewed. It is advised that guidance be sort with regard to the conclusion that waste only poses a risk of spontaneous combustion if it should be on site for 3 months or longer. Yet if waste is on site for over 3 months;

'weekly temperature monitoring will take place by using a thermal lance that can extend to a distance of greater than 1.5m from the surface of the material. This material will be removed as a priority and as soon as possible.'

It is questioned whether there should be a blanket reliance on the specified time period of 3 months.

Therefore with regards to the above it is advised that the risk of spontaneous combustion be reviewed by the applicant in light of the history of fires on this and other sites they have operated.

Conclusion

In conclusion the use and operation of the site in terms of operating hours should be restricted as detailed above, and namely nothing should take place on site before 07:00 or after 19:00.

The amount and type of waste, along with its processing and storage should be restricted and conditioned as detailed above so to protect the amenity of occupiers and sites within the vicinity.

Details should be sought and clarified with the applicant in relation to the proactive and reactive measures that will be put in place and taken to deal with the matters of dust, odour, pests and flies.

Finally it is advised that the risk of spontaneous combustion be reviewed by the applicant in light of the history of fires, on this and other sites they have operated, and that the blanket reliance on the specified time period of 3 months be re-considered.

SUE BROWN
NEIGHBOURHOOD SERVICES OFFICER

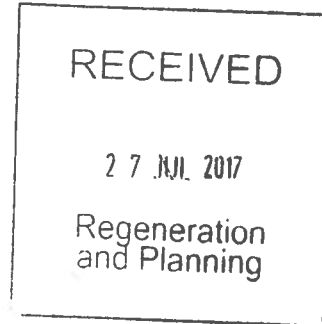
APPENDIX 2



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

A091600
25 July 2017

Victoria Robinson
Head of Planning
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT
For the attention of Justina Moss



Dear Madam

Hangar A, Llandow Application no. 2017/00329/FUL

As you know, we act for Llandow Caravan Park Limited and Llandow Circuit, who wish to object to the above planning application. The companies own land and businesses adjoining the application site, running the entire length of the application site's northern and western boundaries.

Summary of principal concerns

1. Has the application been properly certificated?
2. Has the applicant provided all the information required, especially in relation to contamination and transportation?
3. The applicant's interpretation of the planning history of the site is disputed.
4. The application documents contain anomalies about the type and volume of materials to be received at the site.
5. The caravan site is properly regarded as a "sensitive property" and this should be accorded proper weight in the planning assessment.
6. There are legitimate amenity concerns especially about hours of operation, noise, dust and fire risk.
7. The submitted *Fire Prevention & Mitigation Plan* is based on an erroneous calculation of the number of caravan pitches close to the site.
8. The submitted *Fire Prevention & Mitigation Plan* casts doubt on the feasibility of complying with water storage requirements for the site; adopting the precautionary principle, this application should not be determined favourably until, in the interests of public safety, this important matter has been resolved.
9. The development does not comply with adopted development plan policies and does not, therefore, benefit from the section 38(6) presumption.
10. Hangar A is not a suitable location for the development and our clients request that the application be refused planning permission.

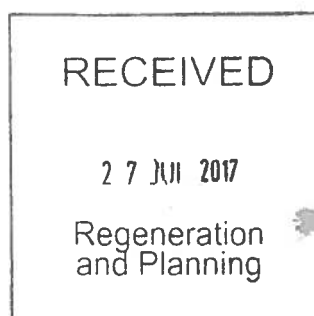




Comments | queries on the application information

Please note:

- The applicant is Mr L England and Certificate A has been completed, indicating that the applicant is the sole owner of the land. We understood, from the enforcement notice proceedings, that the land is owned by Site Serv Recycling (SW) Ltd and that company is referred to as the applicant in both the *Planning Statement* and the *Pre-Application Consultation Report*. We drew this apparent anomaly to the attention of the agent in our pre-application comments. Would you please seek confirmation of whether the correct certificate has been completed?
- At Question 15 of the application form, the applicant has answered "No" to the potential presence of contamination on the site. In our opinion, given the previous and existing unauthorised use of this site, the applicant should have answered "Yes" and a contamination assessment should accompany the planning application.
- At Question 16 of the application form, the applicant has answered "No" to the presence of trees on adjacent land. This is incorrect. There is a significant group of trees on our client's land, adjoining the application site, and on which Site Serv previously undertook arboricultural works.
- In its pre-application consultation response, your Council's Highway and Engineering Services advised that, when submitted, the application should be accompanied by various highways information including a Transport Statement. This has not been provided.
- The description of the development (question 3 of the application form) does not include reference to the biomass boiler house and flue shown on submitted drawing 006B. Site Serv previously claimed that this building was erected under permitted development provisions; if so, why has this drawing been submitted as part of the application? If the building was in fact erected under permitted development rights, its use would be restricted to "...storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking" (Condition A.2(b)(ii) of Class A of Part 8 (Wales only) of the *Town and Country Planning (General Permitted Development) Order 1995*. Notwithstanding the above, our clients remain concerned that the flue is not high enough to satisfactorily disperse the emissions from it.
- Along the common boundary with the caravan park, application drawings 003B *Floor Plan* and 004B *Site Access* (and Figure 1 of the *Fire Prevention & Mitigation Plan*) show the internal access road in a different position from its existing position, as clearly shown on the attached Googleearth photograph dated 16 August 2016. The plans are potentially misleading because the road follows the boundary.



5th Floor, Longcross Court, 47 Newport Road, Cardiff, CF24 0AD
Tel: +44 (0)29 2082 9200 Fax: +44 (0)29 2045 5321 Email: info@wyg.com www.wyg.com

WYG Environment Planning Transport Limited. Registered in England & Wales Number: 3050297
Registered Office: Arndale Court, Headingley, Leeds, LS6 2UJ



Planning history of the site

The applicant claims that the site has the benefit of either an established use (*Planning Statement*, paragraph 2.15) or a planning permission (*Planning Statement*, for example paragraphs 3.25 and 6.2) for unrestricted Class B1 and Class B8 uses. This is disputed. There is no planning permission, established use certificate or certificate of lawfulness of existing use for either a Class B1 or Class B8 use. No application has been made for a certificate of lawfulness of existing use and, given the interruption of any previous use, no such application could now be successful.

The "permission" relied upon by the applicant (1983/01004/OBS) was not an application for planning permission but a request by the former Property Services Agency for the Council to advise whether, in the event of planning applications being made, the Council would be likely to grant planning permission for certain uses. The Council replied, on 13 February 1984, to say that it would recommend refusal of planning applications for housing, general industry, special industry and recreation and would recommend approval of applications for light industry and warehousing. In respect of the latter, the Council indicated that, in the event of permission being granted, it would wish to impose conditions, including a condition that: "*The site or buildings shall be used only as a wholesale warehouse or repository and for no other purpose whatsoever (including retail uses).*"

The applicant believes that the currently uncontrolled use of the site is in accordance with the B1 and B8 planning permission: see paragraph 3.25 of the *Planning Statement*. That is not correct. Both the existing use and that now proposed are *suis generis* uses, which do not fall within either Class B1 or Class B8. The existing use is unauthorised and subject to enforcement action.

Type and volume of waste material

The *Planning Statement* (at paragraph 3.16) states that the facility will deal with "clean paper, cardboard and plastics" only. However, the description of the development at Question 3 of the application form seeks permission for "a materials recovery facility" and the submitted *Fire Prevention & Mitigation Plan* refers to metals, rubber, rags, wood and other materials in addition to paper, cardboard and plastics. What appears on the application form is a broad description and, in the event of planning permission being granted, it is the description on the permission notice that would prevail.

The description of the development does not indicate that this is for a specific volume of material. Elsewhere in the application (in answer to question 23), this volume is estimated to be 50,000 tonnes but in supporting documents there is some ambiguity about this:

- Paragraph 3.16 of the *Planning Statement* refers to "...approximately 50,000 tonnes per annum" (our underlining). This infers that there could be amounts higher than 50,000 tonnes in some years.
- Paragraph 3.36 of the *Planning Statement* states that the applicant has a waste permit for up to 75,000 tonnes and that "...under normal operating circumstances it will only receive approximately 50,000"





tonnes per annum (our underlining). This infers that a volume of more than 50,000 tonnes will be accepted in some years.

If the applicant in fact intends to operate the facility at a level above 50,000 tonnes, this should be stated at this stage. In paragraph 2.23 of the *Planning Statement*, the applicant has made the case that the development should be screened as not being "EIA development" on the basis that: (a) the site is smaller than 10 hectares; and (b) the site will not accept more than 50,000 tonnes. If this is not in fact the case, and a volume of more than 50,000 tonnes is actually contemplated, any planning permission issued on that basis could be open to challenge.

We suggest that you ask the applicant to amend the description of the development so that it is specific as to both the type and volume of waste to be received at the premises.

Amenity considerations

The applicant has acknowledged that the caravan park is a "sensitive property" and is the closest such property to the application site (*Planning Statement*, paragraph 5.25). The proximity of the proposed development to the caravan site should therefore be accorded proper weight in the assessment of the application.

Please note, in this respect, that:

- Planning permission 03/00871/FUL, granted by the Council on 15.08.2003, permits a static caravan for warden, which is tantamount to a permanent residential use.
- The applicant's contention that no caravan may stay longer than eight weeks in any calendar year (*Planning Statement*, paragraph 5.28) is incorrect: condition 6 of planning permission 2006/00105/FUL was overturned by the full planning permission granted on appeal reference APP/Z6950/A/07/2043024 on 31 July 2007, which allows 50 caravans for the whole season and 50 caravans for up to 8 weeks. (This permission is omitted from the planning history recited at paragraph 2.13 of the *Planning Statement*.)
- The caravan park – which has operated for over 25 years, since 1988 – accommodates 100 touring caravans for a large part of the year, being closed in the months of December and January only. An adjacent caravan park – in the same ownership – has been in operation since 2012 and accommodates an additional 75 caravans. Both parks are fully authorised. The caravan park is highly regarded, having been ranked in the top one hundred best parks in the UK for the last four years.

The nearest caravans are within approximately 15 metres of the application site boundary. Many of those who site their caravans here are long term users of the caravan park, who stay for extended periods of time. In such circumstances, it is reasonable that they should be allowed to enjoy the same standards of residential amenity as one would expect in their own home. Moreover, both the caravan park and the circuit are tourist attractions|facilities that contribute to the economy of the Vale and to the area's tourism offer.



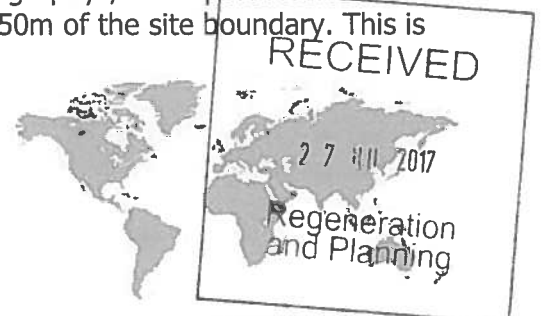


The *Planning Statement* (at paragraph 3.9) says that "The company prides itself as being a 'good neighbour', and seeks to ensure that its operations do not impact upon those adjacent, or in close proximity, to their sites." We are advised by our clients, who work and live in the vicinity, that this statement is not borne out in practice. The existing use has attracted many complaints, as did Site Serv's other premises in the Llandow area, where complaints were received in respect of odour, flies, litter and rats. Moreover, our clients' experiences of fires at Site Serv's premises at Hangar B and elsewhere lead them to query whether their operations could ever be regarded as "good neighbours".

Notwithstanding the difference between the current unauthorised use of Hangars A and B and the proposed use of Hangar A, the proximity of the use to the caravan park is such that users of the park are likely to suffer adverse effects. These are most likely to be effects associated with noise (particularly at unsociable hours), dust and the risk from fire. The last is, in particular, a matter of public safety, which should be accorded the greatest weight in the planning balance.

As you know from the adjourned appeal proceedings, our clients have recorded an extensive log of instances where their amenity has been adversely affected by Site Serv's operations at this site on a continuing basis. Matters of particular concern include:

- **Hours of operation** – According to Question 21 of the application form, the applicant seeks use from 0700 to 1800 during weekdays and 0700 to 1300 hours on Saturdays. However, paragraph 3.25 of the *Planning Statement* indicates the applicant's intention to allow transportation and access to the site over longer periods, from 0600 to 1900 on weekdays and 0600 to 1600 on Saturdays. This is unacceptable to our clients. Many of the logged complaints at this site relate to vehicular movements during the early morning, which is exacerbated by the route that the vehicles have to take, close to the common boundary with the caravan park.
- **Noise fence** – Application drawings 002B and 002C show a 3m high acoustic fence along the common boundary with the caravan site. This fence is not specified in Question 10 of the application form and there is no submitted detail for it. Moreover, paragraph 3.24 of the *Design and Access Statement* states that this boundary will be enclosed by a 2.5m high fence intended to provide a visual screen, but there is no mention of an acoustic fence. We have suggested a planning condition to deal with this apparent anomaly.
- **Dust** – Our clients are concerned at the effects of dust given the proximity of the internal access road to our clients' site boundaries.
- **Fire risk** – Our clients remain concerned at the risk of fire from operations on this site. This risk cannot be discounted even with the limitation on materials proposed. We note that the application is now accompanied by a *Fire Prevention & Mitigation Plan* but we have concerns about that plan.
 - Under the heading "Site Neighbours and Local Geography", the report refers to ten pitches at the caravan park being located within 150m of the site boundary. This is incorrect: a large part of the park is within 150m





and the closest pitches are within only 15m of the boundary. Has the plan been prepared on a realistic basis?

- The report says: *'SiteServ Recycling Ltd must be allowed the commercial freedom to operate its business without the burden of being over Regulated to the point that it becomes constrictive to business growth and expansion.'* Our client's direct experience suggests that this is an unfortunate and inappropriate statement.
- There is an apparent inconsistency in the report in respect of the necessity and desirability of monitoring stacks and piles. At one point the report advocates monitoring the sub-surface temperature of piles and stacks using thermal imaging equipment or thermal lances if material is stored for longer than 3 months. But elsewhere it states: *'...a thermal imaging camera or thermal lance would most likely provide the most effective means of monitoring storage for self-heating but is not deemed to be required at this stage'* (underlining added). Given the history of this site, we would have thought the use of such equipment to be essential.
- It appears also, from the text under the report heading "Water and FRS Access" that the water storage requirements for the current operation in Hangar A are not met and that the feasibility of doing so is doubtful. The report recommends a series of options for discussion and agreement with FRS. Has this been done? In our opinion, having regard to the fire history at Site Serv's premises (notably Hangar B) and adopting the precautionary principle, this planning application should not be determined favourably until this important matter has been resolved.

Development plan policies

The application falls to be considered under various policies of the development plan, which is now the *Vale of Glamorgan Local Development Plan 2011-2026*. These include:

- Under **Policy MD16A** "Protection of Existing Employment Sites and Premises" the application site is categorised as an "existing employment site" (no. 17). The policy seeks to protect such sites and states that proposals for non B1, B2 and B8 employment uses on those sites will only be permitted where it meets one of four criteria and:

'5. The proposal would not prejudice existing or neighbouring employment uses, have an unacceptable impact on amenity or the environment and would not lead to a material change in the nature of the employment site.'

In our opinion, the use of the application site does not meet the criteria in the policy.

- **Policy MD20** entitled "Assessment of Waste Management Proposals" states:

'Development proposals for waste management facilities will be permitted where:

- 1. The proposal is supported by an appropriate waste planning assessment;*





2. *The proposal has regard to the waste hierarchy, proximity principle and the requirements of the Waste Framework Directive;*
3. *It is demonstrated that the development would not result in unacceptable harm to health, the environment or to the amenity of neighbouring land uses; and*
4. *Where the principal road network has adequate capacity, or improvements to ensure adequate capacity can be readily and economically provided, to accommodate the transport movements associated with the proposal.*

Proposals for waste management facilities that accord with the locations set out in Policy SP8 will be favoured.'

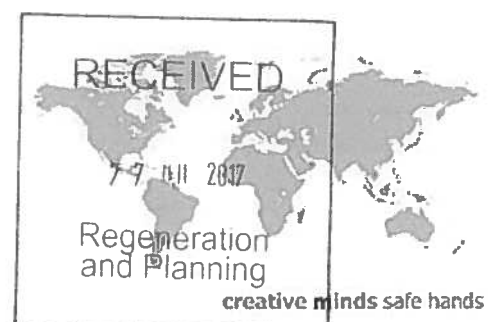
The supporting text at paragraph 7.95 states that proposals will be required to provide evidence on how the requirements of Policy MD 20 and other LDP policies such as Policy MD 8 have been addressed. Notwithstanding the application site's identification under Policy SP 8, it is our opinion that the site is not an appropriate location for this type of use.

- **Policy MD 8** "Environmental Protection" states that development proposals will be required to demonstrate that they will not result in an unacceptable impact on people, residential amenity, etc as a result of (among other things) noise nuisance. It further states that where impacts are identified, the Council will require applicants to demonstrate that appropriate measures can be taken to minimize the impact to an acceptable level.
- **Policy MD 2** "Design of New Development" sets out the criteria that development proposals must meet. These include:
 - *'...2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;*
 - *'...8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;...'*
- **Policy SP 11** "Tourism and Leisure" seeks to protect and enhance existing tourism and leisure facilities. The policy emphasizes the desirability of providing a range and choice of visitor accommodation, of favouring farm diversification and the local economy, and of protecting existing tourism assets

In our opinion the development does not satisfy these policies and is out of accord with the adopted development plan. The proposal cannot be said, therefore, to benefit from the development plan presumption in section 38(6) of the *Planning and Compulsory Purchase Act 2004*. The site's proximity to a caravan park in the countryside means that this location is not appropriate for the use proposed.

Conclusions

In our opinion, Hangar A is not a suitable location for this development and our clients request that the application be refused planning permission.





Conditions in the event of permission being granted

In the event of the Council being prepared to grant planning permission for the development, we request that conditions/obligations be imposed to ensure enforceable control of various matters.

The following conditions are based on the applicant's own stated intentions and should not therefore be regarded as contentious or unacceptable:

1. To limit the type of materials to "clean paper, cardboard and plastics" as intended by the applicant (see the submitted *Planning Statement*).
2. To limit the quantity of materials to a maximum of 50,000 tonnes per annum, as intended by the applicant (see question 23 of the application form) and because, if a higher figure were proposed, the development would probably have been screened as "EIA development".
3. To ensure that no waste will be stored, deposited or transferred externally, as intended by the applicant (see bullet point 3 of 3.18 of the *Planning Statement*). Please note that bunds of waste fines have been on site since 2012 without consent.
4. To ensure no reception at the site of black bag waste, as intended by the applicant (see bullet point 1 of paragraph 3.18 of the *Planning Statement*).
5. To ensure no reception at the site of hazardous waste, as intended by the applicant (see question 24 of the application form and paragraph 3.3.3 of the *Planning Statement*).
6. To ensure that, within four weeks of the planning permission being issued, the applicant shall submit for the Council's approval a detail for the 3m high acoustic fence on the common boundary with the caravan park; and that, within one month of its approval, the approved acoustic fence shall be erected and thereafter retained in position (see application drawings 002B and 002C).
7. To ensure compliance with the submitted *Fire Prevention & Mitigation Plan*.

In addition, we request that the following conditions be imposed:

8. To restrict hours of operation (including deliveries to/from the site) to 0730-1800 each weekday, 0730-1300 on Saturdays and no working on Sundays or public holidays.
9. To ensure that the biomass boiler is not used for the combustion of waste other than clean wood.

Planning obligations

Sub-section 106(1) of the *Town and Country Planning Act 1990* allows planning obligations to be used for, among other things:

5th Floor, Longcross Court, 47 Newport Road, Cardiff, CF24 0AD
Tel: +44 (0)29 2082 9200 Fax: +44 (0)29 2045 5321 Email: info@wyg.com www.wyg.com

WYG Environment Planning Transport Limited. Registered in England & Wales Number: 3050297
Registered Office: Arndale Court, Headingley, Leeds, LS6 2UJ





- (a) restricting the development or use of the land in any specified way;
- (c) requiring the land to be used in any specified way.

We request that you consider the use of planning obligations in this case as they are likely to be more effective than planning conditions.

We also request that a planning obligation be employed to deal with the current unsatisfactory position in relation to Hangar B and its curtilage. We understand that your advice (at the time that the applicant was requesting an adjournment of the appeal proceedings) was that Hangar B should be included in the application site to ensure effective control. The applicant has not chosen that route and, for this application, Hangar B is now shown as other land in the control of the applicant. We are unaware of the applicant's intentions for Hangar B once the mess left after the fire has been cleared. We therefore request that you address this issue as part of your consideration of the current planning application.

We trust that you will take these representations into account in your consideration of the application.

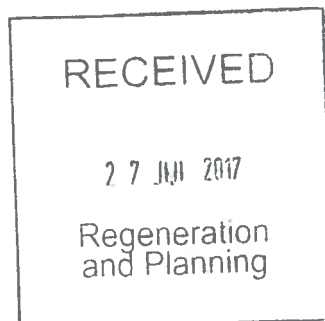
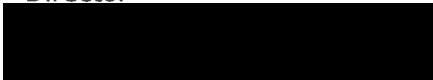
Yours faithfully

For and on behalf of WYG Environment Planning Transport Limited



Paul Vining

Director



RECEIVED
27 JUN 2017
Regeneration
and Planning