

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 JUNE, 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:

2017/0007/PO	AC	7, Burns Avenue, Church Crookham, Hampshire	Proposed single storey rear extension, with internal structural alterations to kitchen. Proposed erection of side garage with associated external works
2017/0009/PO	AC	30, Maes Dewi Pritchard, Brackla	To construct new kitchen/breakfast room extension & associated works
2017/0011/PO	AC	27, Homelands Road, Cardiff	Rear elevations single storey extension with internal alterations
2017/0012/PO	AC	Harbourside Works, Unit 2, The Jennings Building, The Esplanade, Porthcawl.	Fit Out of A3 restaurant
2017/0015/PO	AC	Unit 1, Harbourside Works, Jennings Building, Porthcawl	Restaurant fit out
2017/0236/BR	AC	108, High Street, Barry	Shop refit
2017/0287/BN	A	51, Lewis Road, Llandough	Single storey flat roof extension to rear of property and kitchen to create utility room
2017/0322/BN	A	4, St. Baruch Close, Dinas Powys	Single storey side extension

2017/0336/BR	AC	1, Hazel Grove, Dinas Powys	Extension and adaptations to existing dwelling
2017/0337/BN	A	44, Chandlers Way, Penarth	New balcony to front and fire protection
2017/0339/BR	AC	OWT, The Mole, Powell Duffryn Way, Barry Dock, Barry	Single storey changing rooms, showers, W.C's and office
2017/0340/BR	AC	13, Monmouth Way, Llantwit Major,	Two storey extension to existing dwelling and internal alterations
2017/0386/BR	AC	40, Greenfield Avenue, Dinas Powys	Proposed single storey rear extension to provide open plan kitchen and living area
2017/0387/BR	AC	Peartree Cottage, Beach Road, Marcross	Granny annexe downstairs back into living accommodation. Upstairs 3 small dormer bedrooms into one bedroom. Addition of porch
2017/0390/BR	AC	57, Highwalls Avenue, Dinas Powys	Single storey extension together with internal alterations
2017/0391/BR	AC	Barns at West Aberthaw Farm, Lane -JCT B4265 to west Aberthaw Farm, West Aberthaw	Reconstruction of cow shed structure - Phase 1
2017/0395/BN	A	9, East View, Llandow	New roof, re-wire, new central heating, new windows and re-plaster
2017/0397/BR	AC	18, The Grange, Baroness Place, Penarth	Single storey rear extension plus associated works
2017/0398/BN	A	4, Celtic Way, Rhoose	Replacement roof cover
2017/0399/BN	A	Redholme Cottage, Llanbethery	Install wood burning stove and flue pipe
2017/0400/BN	A	Ravensmere, 8, St. Quentins Close, Cowbridge	Installation of steel beams and extending bay

2017/0401/BN	A	The Conifers, 13, Windyridge, Dinas Powys	Turn attached garage into living space, extend garage approx.. 6' into back garden single storey
2017/0403/BN	A	5, Warlow Close, St. Athan	Single storey rear kitchen extension 3.2 x 2.70 single storey
2017/0404/BN	A	Broadgate House, The Broadshoard, Cowbridge	Single storey extension with garage conversion
2017/0406/BN	A	49, Gwern Close, St Lythans Park, Culverhouse Cross	To make doorway from hallway into garage
2017/0407/BR	AC	2, Kennedy Rise, Barry	To raise existing flat roof (single storey) to accommodate roof insulation - upgrade floor and wall insulation to existing structure - to form new living room extension and internal alterations
2017/0408/BR	AC	UWC Atlantic College St. Donats Castle St. Donats	Estates maintenance building
2017/0410/BR	AC	Rear of 21, Birchgrove, Barry	Demolition of existing lean to extension with the replacement of new lean to extension with 4 no. roof lights
2017/0411/BN	A	41, Pendine Close, Barry	Knock two rooms into one - removal of one structural and one non-structural wall. Fit roof light/dome to allow light into the attic. Alter timber supports and alter 4 roof braces and re-support with beam or wall
2017/0412/BN	A	19, Plassey Street, Penarth	Taking down a supporting wall in the kitchen
2017/0413/BN	A	20, Pant Y Celyn Place, St. Athan	Two storey side extension, garage underneath internal alterations

2017/0414/BN	A	2, Tal y Bryn, Penarth	Glazed rear conservatory converted in cavity wall construction with tiled roof
2017/0417/BR	A	24a, Westbury Close, Barry	Widen front external doorway to allow for wheelchair access door
2017/0418/BR	AC	Barns at West Aberthaw Farm, Lane Jct B4265 to West Aberthaw Farm, West Aberthaw	Change of use from C3 to C2, site to be used for residential care of children and adults with additional needs related to ASD, to include 5 self-contained residential units and 2 shared residential units
2017/0419/BN	A	Crossways House, Cross Ways, Cowbridge	Swimming Pool and Spar
2017/0420/BN	A	18, Burns Crescent, Barry	New roof cover
2017/0421/BR	AC	70, Celtic Way, Rhoose	Timber frame extension above the garage
2017/0423/BN	A	122 Windsor Road, Penarth	Basement works, remove existing walls and replace with RSJj
2017/0424/BN	A	87, Tennyson Road, Penarth	Side extension
2017/0426/BN	A	Seabreezes, Lane to St. Curig's Church, Porthkerry	Re-roof
2017/0427/BN	A	The Gables, Lane to St. Curigs Church, Porthkerry	Re-roof
2017/0428/BN	A	1, Glas y Llwyn, Barry	Garage conversion
2017/0430/BN	A	Greenfield, East Street, Llantwit Major	Loft conversion
2017/0431/BR	AC	4, Maes Y Bryn, Colwinston	Proposed two storey extension to side and single storey extension to rear
2017/0433/BN	A	16, Canon Walk, Llandough	Ground floor rear extension to form orangery
2017/0434/BN	A	12, The Grove, Barry	Re-roof

2017/0435/BN	A	Hunters Gate, 2, Ash Park, Ystradowen	Single storey rear extension to create garden room
2017/0438/BN	A	Ty Isha Farmhouse, Bonvilston	Proposed alterations and ground floor extension
2017/0439/BR	AC	9, Birch Grove, Barry	To construct new dining room extension - relocate existing wood burning flue
2017/0440/BN	A	Uplands, Peterston Super Ely, CF5 6LG	Internal and external renovation of the existing floor plan and replacement of glazing/doors
2017/0441/BN	A	21, Hawthorn Road, Barry	Internal alterations plus Velux roof lights
2017/0442/BN	A	12, Morningside Walk, Barry	Single storey extension to rear of property
2017/0443/BN	A	7, Rhodfa Sweldon, Barry	Garage conversion
2017/0444/BR	AC	10, Ewenny Cross, Ewenny	Proposed rear extension
2017/0445/BR	AC	20, Whittan Close, Rhoose	Two storey side extension to provide new WC and access to rear at ground floor level and two new bedrooms and WC at first floor level
2017/0446/BN	A	Hillbrook, Claude Road West, Barry	Full replacement of roof tile/felt and removal of a chimney stack
2017/0448/BN	A	40, Plassey Street, Penarth	Change window, change pitched roof to flat roof on existing rear extension. Add deck to rear extension. Repair/replace internal plaster finishes. Remove dividing wall between front rooms. Add upstairs bathroom
2017/0450/BN	A	Friendship, Higher End, St. Athan	Two storey side extension

2017/0451/BN	A	9, Norseman Close, Rhoose	Porch with WC and heating
2017/0453/BN	A	2, Cledwen Close, Barry	Knock through in kitchen area installing steel beam
2017/0454/BN	A	29, Tathan Crescent, St. Athan	Small single storey utility extension in place of existing conservatory
2017/0455/BN	A	11, St.Brides Road, Wick	External Upgrade of property with 60mm Insulated Render (EWI)
2017/0456/BN	A	4, Tai Llanbedr, Peterson Super Ely	External upgrade of property 60mm Insulated Render (EWI)
2017/0457/BN	A	17, Pantycelyn Place, St. Athan	External upgrade of property with 60mm Insulated Render (EWI)
2017/0458/BN	A	19 Pantycelyn Place, St. Athan	External upgrade of property with 60mm Insulated Render (EWI)
2017/0459/BN	A	5, Pantycelyn Place, St. Athan	External upgrade of property with 60mm Insulated Render (EWI)
2017/0460/BN	A	15, St.Brides Place, Wick	External upgrade of property with 60mm Insulated Render (EWI)
2017/0461/BR	AC	3, Byron Place, Penarth	Two storey side extension to provide kitchen, dining room and additional bedroom
2017/0462/BN	A	41, Purcell Road, Penarth	Removal of load bearing wall
2017/0463/BN	A	5, Blenheim Close, Highlight Park, Barry	Single storey extension to rear of garage to create shower room, downstairs toilet with rear door to garden and flat roof
2017/0464/BN	A	3, Petrel Close, Cosmeston	Single storey extension

2017/0465/BN	A	9, Forrest Road, Penarth	Single storey orangery with flat roof and glazed lantern sliding doors to enlarge the lounge and kitchen
2017/0466/BN	A	3, Summerland Close, Llandough, Penarth	Re design of ground floor, house is a 3 storey townhouse. Current use of ground floor - utility room, toilet, spare room and garage. New use - open plan kitchen / living area, utility room / WC, garage store
2017/0468/BR	AC	3, Little Avenue, Peterston Super Ely	Removal of an internal wall to co-join a kitchen and reception room to create an open-plan living space. (Removal of French doors, enlargement of opening and fitting of replacement bi-folding doors. FENSA)
2017/0469/BR	AC	10, The Limes, Cowbridge	Rear link extension from the main house to the existing garage
2017/0470/BN	A	Flat 10, Albany Court, Beach Road, Penarth	Removal of non load-bearing wall within existing bathroom, and formation of new door opening into existing kitchen from entrance hall and associated interlinked smoke and heat detection system installation
2017/0471/BN	A	32, Afal Sur, Pencoedtre, Barry	Take out 1 window and 1 French door and replace with bi-fold doors and fit new catnic lintel. Kitchen alterations
2017/0473/BR	AC	35, Millbrook Heights, Dinas Powys	Forming larger shower room including the widening on an existing doorway. Additional drainage to serve new shower area

2017/0474/BR	A	3, Claude Road, Barry	Ground floor WC with pumped waste to discharge into existing soil and vent pipe
2017/0477/BN	A	Rothwell, Treoes	Removal of internal load-bearing wall
2017/0478/BN	A	40, Salop Place, Penarth	Replace single storey extension with addition of first floor over and loft conversion with dormer to rear
2017/0479/BR	AC	55, Glyndwr Avenue, St. Athan	Internal alterations to house and single storey side extension
2017/0480/BN	A	52, Britway Road, Dinas Powys	Single storey extension 190cm x 380cm. Knock two rooms into one
2017/0481/BN	A	27, Shelley Crescent, Barry	Roofing, loft insulation, chimney, fascia/soffits, replace UPVC gutters and downpipes
2017/0482/BN	A	29, Shelley Crescent, Barry	Roofing, loft insulation, chimney, fascia/soffits, replace UPVC gutters and downpipes
2017/0483/BN	A	3, South Walk, Barry	Chimney, external decoration, external repointing
2017/0484/BN	A	5, South Walk, Barry	Chimney, external decoration, external repointing
2017/0485/BN	A	6, West Walk, Barry	Loft insulation, external decoration, repointing
2017/0486/BN	A	18, West Walk, Barry	Loft insulation, external decoration, repointing
2017/0487/BN	A	5, Dorothy Avenue, Barry	Loft insulation, fascia/soffits, upvc gutters & downpipes, flat roofing, external decoration, external over render system, chimney

2017/0488/BN	A	7, Dorothy Avenue, Barry	Loft insulation, fascia/soffits, upvc gutters and downpipes, flat roofing, external decoration, external over render system, chimney
2017/0489/BN	A	11, Dorothy Avenue, Barry	Loft insulation, fascia/soffits, upvc gutters and downpipes, flat roofing, external decoration, external over render system, chimney
2017/0490/BN	A	3, John Street, Penarth	Installation of steel beams to ground floor
2017/0492/BR	AC	11, Ludlow Street, Penarth	Loft Conversion to form bedroom with en-suite
2017/0493/BN	A	5, Summerland Crescent, Llandough	Garage conversion
2017/0494/BN	A	8, Hastings Place, Penarth	Take down existing conservatory and build single storey extension to existing extension
2017/0496/BN	A	13, Llwyn Passat, Penarth Marina	Installation of lintel and patio doors
2017/0498/BN	A	7, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, fascia and soffits
2017/0499/BN	A	9, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, fascia and soffits

2017/0500/BN	A	13, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, fascia and soffits
2017/0501/BN	A	15, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, fascia and soffits
2017/0502/BN	A	27, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits
2017/0503/BN	A	29, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits
2017/0504/BN	A	33, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits
2017/0507/BN	A	39, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits

2017/0508/BN	A	41, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits
2017/0509/BN	A	43, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits
2017/0510/BN	A	49, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits
2017/0511/BN	A	53, Shakespeare Road, Barry	Roofing, chimney, UPVC gutters and downpipes, waste pipes. External decoration, cavity wall insulation, external wall insulation, windows, loft insulation, fascia and soffits
2017/0513/BN	A	108, Windsor Road, Penarth	Create bathroom on 2nd floor
2017/0514/BN	A	19, Plas Gwernen, Barry	Installation of steel beams to support first floor joists after removal of internal wall
2017/0515/BN	A	1, Cwrt Pencoedtre, Barry	New garage with utility room at rear
2017/0516/BN	A	18, Birch Grove, Barry	Internal alterations (New beams and Bi-fold doors)
2017/0518/BN	A	Cartre Glas Farm, Ystradowen	Removal of load bearing internal wall

2017/0520/BN	A	Apartment 22, Sea Point, Barry	Break up screed and replace with Jablite insulation to floors throughout property
2017/0521/BN	A	Trevaughan, Trehyngyll	New extension to front elevation to include porch and new garage on side elevation
2017/0523/BN	A	Valley View, Llangan	Knocking internal walls. Drainage and electrical works
2017/0525/BN	A	28, Dingle Road, Penarth	Full window replacement - French doors and front door
2017/0526/BR	AC	Whiteoaks, 26, Caynham Avenue, Penarth	First floor side extension rear balcony alterations
2017/0529/BR	AC	5, Plas Gwernen, Pencoedtre Village, Barry	Extend the first floor of the property above the ground floor footprint to create fourth bedroom, enlarge master bedroom and install en-suite
2017/0530/BN	A	143, Plassey Street, Penarth	Installation of Defra approved wood burning stove with the living room and existing builders opening. Installation includes liner, cowl and new chimney pot
2017/0533/BN	A	15, Archer Road, Penarth	Single storey timber conservatory to replace existing, widen opening into adjoining kitchen. New kitchen floor and doors. Remodelling top floor bedroom and bathroom.
2017/0534/BN	A	7, Thistle Close, Barry	Proposed ground floor bedroom extension for disabled use

2017/0536/BN	A	21, Port Road East, Barry	Loft insulation, chimney repoint, fascia/soffits, UPVc gutters and downpipes, flat roofing, external decoration and external repointing
2017/0537/BN	A	35, Port Road East, Barry	Loft insulation, chimney repoint, fascia/soffits, UPVc gutters and downpipes, flat roofing, external decoration and external repointing
2017/0538/BN	A	49, Port Road East, Barry	Loft insulation, chimney repoint, fascia/soffits, UPVc gutters and downpipes, flat roofing, external decoration and external repointing
2017/0539/BN	A	51, Port Road East, Barry	Chimney, fascia/soffits, UPVc gutters and downpipes, external flashing, external decoration and external repointing
2017/0540/BN	A	59 Port Road East, Barry	Loft insulation, chimney repoint, UPVc gutters and downpipes, wash down UPVc, external decoration and external repointing
2017/0541/BN	A	81, Port Road East, Barry	Loft insulation, chimney repoint, fascia/soffits, UPVC gutters and downpipes, wash down UPVC, external decoration and external repointing
2017/0543/BN	A	12, Clos Mancheldowne, The Waterfornt, Barry	Conversion of garage into living room
2017/0546/BN	A	135, Court Road, Barry	Fitting of new fire door and frame set to kitchen
2017/0547/BN	A	40, North Walk, Barry	Fitting of new fire door and frame set to kitchen
2017/0549/BN	A	8, Hastings Avenue, Penarth	Dormer loft extension to add bedroom and shower room

2017/0552/BN	A	15-16, Stewart Road, Rhoose	External upgrade of property with 90mm insulated render
2017/0553/BN	A	17-18 Stewart Road Rhoose	External upgrade of property with 90mm insulated render
2017/0555/BN	A	2, Lower Morel Street, Barry	Renewal of roof coverings and upgrade roof insulation
2017/0557/BN	A	9-10, Stewart Road, Rhoose	External upgrade of property with 90mm insulated render
2017/0558/BN	A	11-12, Stewart Road, Rhoose	External upgrade of property with 90mm insulated render
2017/0559/BN	A	13-14, Stewart Road, Rhoose	External upgrade of property with 90mm insulated render
2017/0560/BN	A	30, Lougher Place, St. Athan	External upgrade of property with 90mm insulation render
2017/0561/BN	A	14, Illtyd Avenue, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0562/BN	A	16, Illtyd Avenue, Llantwit Major	External upgrade of property with 90mm insulated render
2017/0567/BN	A	16, St.Davids Avenue, Llantwit Major	External upgrade of property - 90mm insulated render
2017/0568/BN	A	4, St.Brides Place, St.Brides Super	External upgrade of property - 90mm insulated render
2017/0569/BN	A	4, Caer Mead Close, Llantwit Major	External upgrade of property - 90mm insulated render
2017/0571/BN	A	15, Nightingale Place, Dinas Powys	Installation of steel beam to support first floor joists after removal of internal wall

2017/0572/BN	A	2, Caer Mead Close, Llantwit Major	External upgrade of property - 90mm insulated render
2017/0575/BN	A	62, Heol y Frenhines, Dinas Powys	Garage conversion
2017/0587/BN	A	21, Lower Pyke Street, Barry	Renewal of roof coverings and upgrade to insulation
2017/0589/BN	A	12, Montgomery Road, Barry	Renewal of roof covering and upgrade of roof insulation

(b) Building Regulation Applications - Reject

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

2017/0171/BR	R	Hazelhurst Care Home, Sully Road, Penarth	Three storey extension comprising six new care bedrooms
2017/0436/BN	R	4, St. Peters Road, Penarth	Single storey extension
2017/0437/BN	R	26, Whitewell Road, Barry	Take down side elevation lean to construction single skin and replace with cavity wall lean to in brickwork to match existing
2017/0583/BN	R	65, The Pastures, Barry	Single storey kitchen extension

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

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

2017/0051/AI	A	68, Porlock Drive, Sully	Conservatory extension to existing dwelling
2017/0052/AI	A	6, Dispenser Road, Sully, Penarth	Proposed installation of Leka roof to an existing single storey extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0053/AI	A	11, Kestrel Way, Cosmeston, Penarth	Extensions and alterations with associated works

2017/0054/AI	A	Ashley Cottage, Bridge Road, Llanblethian	Single storey extension roof lights to existing roof and associated works
2017/0055/AI	A	Style Gardens, Port Road, Wenvoe	Proposed single storey extension to create new coffee shop/café facility, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0056/AI	A	33, Cawnpore Street, Penarth	Alterations to enlarge existing structural wall opening, replacement roof to rear single storey annexe and associated works
2017/0057/AI	C	Cobbles Deli and Kitchen, Ty Maen Barns, Ogmore By Sea	Internal/external alterations, and replacement roof and change of use of barn to restaurant
2017/0058/AI	A	155, Westward Rise, Barry	Single storey front extension. Works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0059/AI	A	Glendale, Corntown Road, Ewenny	Alteration and extension
2017/0060/AI	A	68, Celtic Way, Rhoose	Replacement of conservatory roof with warm roof system, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0061/AI	A	Maitor, Slon Lane, Ogmore by Sea	Double single extension to bed and kitchen
2017/0062/AI	A	1, Sully Terrace Lane, Penarth	Dormer extension with bathroom facility at 1st floor level. Works to include material alterations to structure, controlled services, fittings and thermal elements

2017/0063/AI	A	Penllwyn Cottage, Boverton	Reinstatement of ground bearing floor to living room
2017/0064/AI	A	Ridgebrook, Colwinston	Conversion of garage into granny annex with associated works
2017/0065/AI	A	The Old Rectory, Drope Road, St. Georges Super Ely	Demolition of existing stone outbuilding and replacement with new stone outbuilding to provide open plan office/playroom with adjoining car port
2017/0066/AI	A	6, Fairfield Road, Penarth	Proposed single storey rear extension, works to incorporate material alterations to structure, controlled services, fittings and thermal elements
2017/0067/AI	A	7, Fferm Goch, Llangan, Bridgend	Proposed formation of a structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0068/AI	R	68, Barry Road, Barry	Loft conversion internal alterations and associated works
2017/0069/AI	R	Ty Maen Barns, Ogmere By Sea	Proposed internal/external alterations, and replacement roof and change of use of barn to restaurant
2017/0070/AI	A	5, Stradling Close, Sully	Flat roof replacement to single storey extension
2017/0071/AI	A	3a, Windsor Terrace, Penarth	Replacement windows, doors, ceilings and internal alterations
2017/0072/AI	A	16, Cornerswell Place, Penarth	Proposed internal alterations and associated works
2017/0073/AI	A	Nantycloed, Peterston Super Ely	Extension, alterations and loft conversion with associated works

2017/0074/AI	A	7, Llys y Coed, Barry	Single storey rear extension
2017/0075/AI	A	Stone Court, Bonvilston	Single storey extension and associated works
2017/0076/AI	A	Ty Maen Barns, Ogmore by Sea	Proposed internal alterations to provide change of use of barn to restaurant, including strengthening of existing floor/ replacement stairs/mezzanine and additional sanitary conveniences
2017/0077/AI	A	Charmel, Treerhyngyll, Cowbridge	Proposed replacement of conservatory roof with warm roof system, works to include material alterations to structure, controlled services, fittings and thermal elements
2017/0078/AI	A	32, St. Pauls Avenue Barry	Proposed internal alterations and associated works
2017/0079/AI	A	NatWest, 2, Plymouth Road, Penarth,	Replacement roof covering and associated structural works
2017/0080/AI	A	77, Fontygary Road, Rhose	New 4 bedroom dwelling and adjoining double garage
2017/0081/AI	A	Marie Curie Hospice, Cardiff and The Vale, Bridgeman Road, Penarth	Undercroft waterproofing works - replacement of existing fire escape stair, waterproofing of concrete deck, installation of additional air-conditioning

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 15 JUNE, 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

2011/00579/1/N MA	A	Highlight Cottages, Highlight Farm, Highlight Lane, Barry	Non material amendment - Conversion of a farm outbuilding to holiday accommodation
2012/00609/1/N MA	A	Plot adjacent to 14, Fitzhamon Avenue, Llantwit Major	Non-Material Amendment - To remove Conditions 9, 10 and 11 (Code for Sustainable Homes)
2013/00884/2/N MA	A	Land West of Port Road, Wenvoe	Non-material Amendment- Seeking an extension of time to Condition 2 for a one year period. Residential development for up to 140 dwellings with associated access, estate roads and public open space at Land to the West of Port Road, Wenvoe.

2015/00249/1/N MA	A	Land to the East of St. Nicholas, St. Nicholas	Non material amendment - Development of 100 houses and associated open space, vehicular and pedestrian access, landscaping and infrastructure, including the demolition of Emmaville at land to the East of St. Nicholas
2015/00506/1/N MA	A	1, Cae Rex, Llanblethian, Cowbridge	Non-Material Amendment- Revised proposed spot levels varied from original scheme plans. Single storey extensions to rear and side, engineering works to garden levels, dormers to front and rear and retention of retaining wall
2015/00601/3/N MA	A	Land to the West of Port Road, Wenvoe	Non material amendment - Reserved Matters for part of site (relating to Outline consent 2013/00884/OUT) for a site total of 132 dwellings and associated landscaping and works at Land to the West of Port Road, wenvoe
2015/00662/2/N MA	A	Land to the East of Mink Hollow, St. Nicholas	Non material amendment - Variation of Conditions 24 and 25 - Proposed residential development for 17 dwellings and associated highway and ancillary works
2015/00744/1/N MA	A	Bassett Road, Sully	Non-Material Amendment - inclusion of a basement storey and alterations to ground floor plan. Planning permission 2015/00744/FUL: Two detached houses

2015/00859/2/N MA	A	Corntown Farm, Corntown	Non material amendment - Construction and operation of a solar photovoltaic farm including site access, internal service roads, perimeter fencing, inverter and transformer stations, below ground cabling, CCTV, substations, internal access road and landscaping/biodiversity enhancements
2015/01503/2/N MA	A	4, Victoria Avenue, Penarth	Non material amendment-Relocation of rooflights to rear elevation. Two and single storey extension
2016/00181/1/N MA	A	Secret Garden, Ty Mawr, Llanbethery	Non-Material Amendment-Variation of Condition 6 of planning application 2016/00181/FUL for the erection of a detached single storey dwelling, to allow internal south facing garden wall to be demolished and rebuilt in accordance with the revised drawing
2016/00312/1/N MA	A	5, Fferm Goch, Llangan	Non-material Amendment - Demolition of single storey utility room and pantry. Erection of two storey rear extension. Erection of single storey front extension
2016/00329/1/N MA	A	10, Church Street, Llantwit Major	2016/00329/FUL to change of use of the ground floor retail premises to residential in order to form a single dwelling house. Non Material Amendment application relates to Condition 4 to amend the wording to allow for details of stonework to be approved retrospectively

2016/00525/FUL	R	Upper Langcross Farm, Gower Road, Leckwith	Agricultural workers dwelling
2016/00529/FUL	A	Upper Langcross Farm, Leckwith	The proposed development is for a livestock shed
2016/00530/FUL	A	Upper Langcross Farm, Leckwith	The proposed development is for a livestock shed
2016/00570/FUL	A	Site at Boverton Road, Boverton	Proposed detached bungalow retaining field access and public footpath
2016/00639/FUL	R	Kia Ora, 2, Cold Knap Way, Barry	Proposed demolition of substandard bungalow and construction of 2 No. 4 bedroom dwellings
2016/00715/1/N MA	A	2, Brig y Don Hill, Ogmore By Sea	Non-material Amendment - Amendment to Condition 4 of Planning Permission 2016/00715/FUL to allow for non obscured glazing above 1.8m from the internal floor level and provision of an additional roof light to the front elevation. Proposed loft extension and single storey side extension
2016/00890/1/N MA	A	Super Hangar, Aerospace Business Park, St. Athan	Non-material Amendment - Minor alterations to configuration of internal layouts and elevations. Minor alterations to external works proposals. Phase 1 building operations, comprising the conversion and alteration of the northern part of the existing support building to provide upgraded reception areas, offices, meeting rooms, kitchen, staff cafeteria and exhibition area together with changes to external circulation and parking, and landscaping

2016/00997/1/N MA	A	4, Ffordd Sealand, Waterfront, Barry	Non-material Amendment- Changing from face brick work to exterior, to a coloured render coat system in light grey. Single extension to back of house, no change of use
2016/01164/1/N MA	A	1, Four Acre, Llantwit Major	Non material amendment - Two storey side extension
2016/01223/FUL	A	32, Fairfield Rise, Llantwit Major	Retention and completion of single storey rear extension to accommodate new kitchen/ dining room and ancillary works including raised patio, driveway and fencing
2016/01250/FUL	A	Tudor Lodge, Bonvilston	Construction of a retaining boundary wall
2016/01267/1/N MA	A	Land off Station Terrace, East Aberthaw	Reposition of house plot 2, Planning permission re 2016/01267/FUL Proposed development of the site for 2 new build, detached houses
2016/01268/FUL	A	Tudor Lodge, Bonvilston	Retention of building as erected
2016/01290/1/N MA	A	Arno Quay, Barry Waterfront, Barry	Non material amendment Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape at Arno Quay, Barry Waterfront, Barry

2016/01311/1/N MA	A	72, Clos yr Wylan, Barry	Non-Material Amendment - Removal of existing ground floor window and repositioning along the same gable wall and same level. Existing opening to be infilled to match existing render finish. Planning permission ref: 2016/01311/FUL: Removal of 2 windows on front elevation (rhs) including central pier including blockwork below to dpc and insertion of 4 panel bi-fold door(s) to width of 3.6m x 2.1m height in white upvc with clear glazing to match existing building finishes. Insertion of 2 additional windows to South East Elevation to dimensions of 1.2 x 1.2 with 550 wide central pier and cill height of 900mm ADPC. Windows to be white UPVC with clear glass to match existing
2016/01423/FUL	A	45, Althorp Drive, Penarth	Proposed demolition of garage and replacement with single storey flat roof store room and office
2016/01444/FUL	A	Garden attached to 1, Treharne Road, Barry	Proposed demolition of existing outbuilding and garage and erection of 2 no. new cottages
2016/01457/FUL	A	40, Millbrook Road, Dinas Powys	Construction of new two storey side and rear extensions
2016/01462/FUL	A	Ridgebrook, Colwinston	Conversion of garage into Granny Annexe

2016/01464/LBC	O	Llansannor Court. Llansannor	Remove roof structure to garage. Demolish two brick walls to garage. Leave and repair existing stone walls to existing walled garden, currently part of the garage
2016/01467/FUL	A	33, Station Road, Penarth	Proposed conversion and loft conversion to existing property to form 2 self contained dwellings
2016/01479/OUT	R	Land to the West of Cherry Acre, Llangan	Residential development (2 no. detached dormer bungalows)
2016/01533/FUL	A	Maltsters Cottage, Factory Road, Llanblethian, Cowbridge	New hipped roof to rear annexe, addition of one roof light on the rear roof slope, new porch/wc extension to side with double gates
2017/00015/FUL	A	Ashleigh. Llangan	Alterations and 1st floor extension to house and demolition of existing studio/garage and construction of new annexe
2017/00019/FUL	A	1, The Old Yard, Bromfield Place, Penarth	Single storey extension across the back of the property to replace existing glass conservatory with brick and render. approximately 5m wide (the width of the existing back wall) and 3.2m out (0.2m further than existing conservatory)
2017/00024/FUL	A	Tudor Lodge, A48, Bonvilston	Retention of building

2017/00042/RG3	A	Docks Office, Subway Road, Barry	Excavation of existing embankment to install new retaining wall and concrete base for the provision of a new containerised biomass boiler and associated works. 1800mm high steel palisade fence with lockable gates, all painted dark green
2017/00049/FUL	A	26, Wordsworth Avenue, Penarth	Two storey rear extension hip to gable roof extension single storey side and rear extension and alterations works
2017/00050/FUL	A	21, Birch Grove, Barry	The demolition of an existing lean to extension with the replacement of a new lean to extension with 4 no. roof lights
2017/00061/FUL	R	10A, Pembroke Terrace, Penarth	Retention of rear fire escape platform and staircase
2017/00064/FUL	A	Morfa Farm, Morfa Lane, Llantwit Major	Change of use of existing annex with living accommodation to use as a holiday let
2017/00074/FUL	A	The Railway Hotel, Plymouth Road, Penarth	Taking down and rebuilding of stone boundary wall and associated piers
2017/00076/FUL	A	4, Oakfield Road, Barry	Proposed ground floor utility and sitting room and first floor bedroom and en suite extension

2017/00084/FUL	A	Barns at West Aberthaw Farm, Aberthaw	Change of Use to C2. Site to be used for residential care of children and adults with additional needs related to ASD, to include 5 self contained residential units and shared residential unit
2017/00087/FUL	A	27, High Street, Cowbridge	Works to existing building to include : extension to cover existing external area and removal of section of North wall internally
2017/00090/FUL	A	18, Speedwell Drive, Rhoose	Removal and replacement of garage to front of property
2017/00091/FUL	A	10, Knowbury Avenue, Penarth	Variation of condition 6 of previous application 2016/01247/FUL for Proposed entrance porch and two storey side and rear extension. New raised deck to rear. Proposed timber boarding to existing front gable and replacement windows
2017/00092/FUL	A	1, Heol y Dryw, Rhoose	Conservatory extension to rear elevation
2017/00097/FUL	A	22, Mill Road, Dinas Powys	Extensions, adaptations and minor extensions at ground floor to create new kitchen / family room
2017/00098/FUL	A	Ivy Cottage, 31, Station Road, Dinas Powys	Demolition of existing single storey extensions and the construction of a proposed 2 storey and single storey extension
2017/00100/FUL	A	21, Britten Road, Penarth	Proposed erection of rear dormer extension

2017/00103/FUL	A	Longlands Quarry, Corntown Road, Corntown	Removal of condition 25 on 2005/00472/FUL
2017/00106/PND	A	U.W.C. Atlantic College, St. Donats Castle, Llantwit Major	Re-provision of estate maintenance yard following its demolition to allow the building of new sports hall
2017/00107/FUL	A	Ty Chwarel, Castleton Road, St. Athan	Proposed manege
2017/00108/FUL	A	20, Whittan Close, Rhoose	Two storey extension to side of property
2017/00110/LBC	A	27, High Street, Cowbridge	Works to existing building to include: extension to cover existing external area and removal of section of North wall internally
2017/00111/FUL	A	Chantry House, Church Lane, Llantwit Major	Renovation to the existing Grade 2 listed cottage and adjacent stone outbuilding within its curtilage. Extension of the existing dwelling to provide single story living and sleeping accommodation and associated landscaping
2017/00115/FUL	A	The Vines, Llanbethery	Variation of Condition 1- Standard 5 Year Time Limit. Erection of 2 storey rear extension following demolition of existing rear extension.
2017/00116/FUL	A	12, Morningside Walk, Barry	Proposed rear extension
2017/00117/FUL	A	1a, Regent Street, Barry	Conversion of part ground floor and upper floor into four self contained flats with shopfront alterations and external alteration

2017/00119/FUL	A	Meadow View, 23, Pwll y Min Crescent, Peterston Super Ely	Conversion from existing the bedroom detached house to five bedroom detached house
2017/00121/FUL	A	21, Clevedon Avenue, Sully	New roof design to existing porch. New balcony to garden elevation
2017/00122/FUL	A	24, Archer Road, Penarth	Demolition of existing flat roof garage and build new one
2017/00123/LAW	A	24, The Verlands, Cowbridge	Small rear single storey extension to form a dining area opening to existing terrace
2017/00124/FUL	A	Friendship, Higher End, St. Athan	Two storey side extension and internal alterations
2017/00132/FUL	R	44, Amherst Crescent, Barry	Decking to front of property
2017/00133/FUL	A	3, Petrel Close, Penarth	Single storey rear extension
2017/00134/LAW	A	56, Windsor Road, Penarth	Use of existing car showroom as retail Use Class A1
2017/00137/FUL	A	133, Plassey Street, Penarth	Proposed roof extension and single storey rear extension
2017/00138/FUL	A	5, Old Port Road, Wenvoe	Flat roof dormer to rear of property with a rear single storey extension and out houses.
2017/00139/FUL	A	Aldworth, Pen Y Turnpike Road, Dinas Powys	Rear single storey extension and alterations to garage

2017/00143/FUL	A	Fonmon Castle, Fonmon	Seasonal change of use of part of curtilage (April to October inclusive) to permit erection of marquee in connection with wedding receptions / social events
2017/00144/ADV	A	Unit 2, Culverhouse Cross Retail Park, Culverhouse Cross	This application seeks advertisement consent for the erection of six signs at the approved store (Planning Permission 2016/00107/FUL) of which five would be illuminated and one non-illuminated
2017/00145/FUL	A	46, Westward Rise, Barry	Demolish existing garage. Construct new single storey lean to extension to rear of property
2017/00146/FUL	A	2, Knowbury Avenue, Penarth	Construct new double garage and single storey extension to side of existing house
2017/00156/FUL	A	The Glen, Sully Road, Penarth	New detached garage
2017/00160/FUL	A	Hunters Gate, 2, Ash Park, Ystradowen	Proposed garden room to rear of property
2017/00161/FUL	A	40, Westward Rise, Barry	To construct to rear and side of dwelling new sun lounge and utility room extension with internal alterations
2017/00167/FUL	A	50, Port Road East, Barry	Extension above existing flat roof, rear of house
2017/00168/FUL	A	43, The Verlands, Cowbridge	Proposed first floor side extension over existing double garage
2017/00170/FUL	A	Crossways House, Crossways, Cowbridge	Erection of a private covered swimming pool with associated facilities

2017/00171/FUL	A	15, Birch Grove, Barry	Proposed double storey side extension. Taking up front lawn to extend parking area
2017/00175/FUL	A	19, Boverton Brook, Boverton, Llantwit Major	Outbuilding to rear garden
2017/00177/FUL	A	62, Celtic Way, Rhoose	First floor side extension
2017/00181/FUL	A	Bijou Play Centre, 48a, Eastgate, Cowbridge	Vary Conditions 3 and 6 of 2011/00348/FUL
2017/00184/LAW	A	19, Nailsea Court, Sully	Loft conversion with HIP to gable and rear dormer
2017/00186/FUL	R	3, Broad Street, Barry	Alteration of condition 2008/00859/FUL to allow late night opening on Friday and Saturday - from 2am to 3:30am
2017/00187/FUL	A	The Old Village Shop, Carreg Wen, Bonvilston	Proposed retention of A1 and A3 use village shop and cafe
2017/00189/LBC	A	Chantry House, Burial Lane, Llantwit Major	Renovation to the existing Grade 2 listed cottage and adjacent stone outbuilding within its curtilage. Extension of the existing dwelling to provide single story living and sleeping accommodation and associated landscaping
2017/00190/LBC	A	West Aberthaw Farm, West Aberthaw	Change of Use to C2. Site to be used for residential care of children and adults with additional needs related to ASD, to include 5 self contained residential units and shared residential unit
2017/00192/FUL	A	12, Heol Gwerthyd, Pencoedre Village, Barry	Erection of garden decking to the rear of the property

2017/00193/FUL	A	90, Brookfield Avenue, Barry	Construction and maintenance of temporary link road between Brookfield Avenue and Priory Gardens, Barry
2017/00194/FUL	A	1, Cwrt Pencoedtre, Barry	Outbuilding
2017/00195/FUL	A	5, Plas Gwernen, Barry	To expand the first floor to the same footprint as the ground floor. This will make a 4 bedroom with ensuite and family bathroom on the first floor, no change to the ground floor
2017/00196/FUL	A	La Cucina, 51, Holton Road, Barry	Shop front and facade refurbishment and alterations.
2017/00197/LBC	A	24, Archer Road, Penarth	Demolition of existing flat roof garage and build new one
2017/00198/FUL	A	66, Wordsworth Avenue, Penarth	Single storey extension to side and rear
2017/00199/ADV	A	HSBC, 61, High Street, Cowbridge	1 no. fascia sign, 1 no. projecting roundel
2017/00201/FUL	A	33, Millfield Drive, Cowbridge	Two storey extension to the side of house and single storey extension to rear of house
2017/00202/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.

2017/00203/FUL	A	Rosedew Farm, Beach Road, Llantwit Major	Installation of a 17.5m column mast accommodating three no. antennas and two no. dishes together with two no. cabinets within a fenced compound at Acorn Farming (east of toilet block)
2017/00204/FUL	A	129, St. Davids Crescent, Penarth	Single storey rear extension to create open plan kitchen, living, dining. Dormer loft conversion to create a double bedroom with en-suite
2017/00205/FUL	A	The Cider Barn, Crossways, Cowbridge	Concrete hardstanding outside agricultural building.
2017/00206/FUL	A	110, Stanwell Road, Penarth	Demolition of existing rear single storey flat roof extension and erection of new single storey flat roof extension
2017/00211/FUL	A	25, Uplands Crescent, Llandough	Two storey side extension
2017/00213/LAW	A	6, St. Quentins Close, Llanblethian, Cowbridge	Single storey extension to the rear
2017/00215/FUL	A	White Cottage, Graig Penllyn	Extension of annex/former garage (retrospective permission)
2017/00216/FUL	A	Land to the rear of The Three Golden Cups Public House, Southerndown	Variation of Condition 2 of consent 2014/00446/FUL to allow the siting of up to 10 campervans within a designated area.
2017/00217/ADV	A	HSBC, 1, Herbert Terrace, Penarth	Replacement of the existing HSBC signage with HSBC UK equivalents. To comply with the current nationwide rebranding programme

2017/00218/RG3	A	Holton Primary School, Holton Road, Barry	Application for construction of a waterproof umbrella canopy to provide shade and shelter, within the grounds of Holton Primary School
2017/00219/FUL	A	78, Millfield Drive, Cowbridge	Retention of first floor side facing window
2017/00221/FUL	A	18, Porfa Ballas, Rhoose	Erection of a galvanised steel bow top fence to contain the garden
2017/00222/LBC	A	HSBC, 61, High Street, Cowbridge	Replace external signage like or like including fascia sign, projecting sign, branch nameplate and branch opening hour signs
2017/00223/FUL	A	110, Redlands Road, Penarth,	Flat roof dormer extension. Rear single storey kitchen / day room extension. Entrance porch and garage to replace existing
2017/00224/FUL	A	Trevellian, Ham Lane South, Llantwit Major	Removal of existing shed. Proposed single storey extension to form granny annexe
2017/00225/LAW	A	Little Hamston, Dyffryn	Extension to the rear of the house which falls under permitted development
2017/00226/FUL	A	68, Dochdwy Road, Llandough	Extended porch with new wet room and cloak room. New pitched roof over porch and adjacent garage.
2017/00227/FUL	A	Twmbarlwm, Grove Road, Llandow	Renewal of application 2012/00114/FUL
2017/00232/FUL	A	Downs Filling Station, Stalling Down	The retention of an ATM installed in a new purpose built steel secure room with steel floor plate to the left of the shop front as viewed from the outside

2017/00233/FUL	A	1, Woodbine Cottages, Peterston Super Ely	Demolition of existing rear single storey extension and rebuilding of new single storey extension
2017/00234/FUL	A	178, Colcot Road, Barry	Two storey side extension / single storey to front
2017/00235/FUL	A	1, Plas Taliesin, Penarth	Proposed ground floor extension with balcony over and alteration works to front and rear elevations
2017/00236/PNO	A	Cadoxton Railway Station	Proposed construction of an access for all footbridge incorporating lifts
2017/00238/FUL	A	79, Cornerswell Road, Penarth	Single storey rear extension and part raised patio area. Alterations to existing outbuilding including covered area and wall to lane raised in height complete with new larger door access to lane
2017/00239/FUL	A	40, Stanwell Road, Penarth	Replacement windows
2017/00240/FUL	A	2, Caynham Avenue, Penarth	Single storey rear extension, two storey side extension and central entrance bay, integral single storey replacement garage
2017/00245/FUL	A	12, Westward Rise, Barry	Single storey extension and side porch
2017/00246/FUL	A	6, Fonmon Road, Rhoose	Proposed rear extension
2017/00247/FUL	A	125, Wordsworth Avenue, Penarth	Single storey side / rear extension. Existing garage removed
2017/00248/FUL	A	5, Grange Avenue, Wenvoe	Demolition of existing flat roof extension and the proposed rear extension

2017/00249/FUL	A	15, Celtic Way, Rhoose	Single storey rear extension
2017/00250/FUL	A	218, Holton Road, Barry	The retention of an ATM installed through existing glazing to the right hand side of the shop front. Replacing part of the existing glazing with white laminate composite security panel incorporating the ATM fascia with a black bezel surround and white illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to the ATM surround (286.478cd/m)
2017/00252/FUL	A	The Granary, Llangan	Demolition of existing outbuilding and its replacement with a similar outbuilding to be used as an office / occasional guest bedroom and associated works
2017/00254/FUL	A	Nant y Coed, Peterston Super Ely	Ground floor rear extension, two storey side extension and loft conversion with raised eaves and ridge and side dormer
2017/00259/ADV	A	Downs Filling Station, Stalling Down, Cowbridge	Retention of ATM fascia with black bezel surround and white illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to ATM surround
2017/00261/FUL	A	Ty Frandy, Curnix Farm, Cuckoo Mill Lane, Moulton	Proposed agricultural barn to house turkeys / chickens, feed, hay/straw and equipment

2017/00263/FUL	A	33, Westbourne Road, Penarth	Single storey extension to side / rear. Demolition of existing garage to be replaced by a new double garage with playroom
2017/00266/FUL	A	22, Hastings Avenue, Penarth	Proposed single storey rear extension
2017/00268/ADV	A	218, Holton Road, Barry	The retention of an ATM installed through existing glazing to the right hand side of the shop front. Replacing part of the existing glazing with white laminate composite security panel incorporating the ATM fascia with a black bezel surround and white illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to the ATM surround (286.478cd/m)
2017/00270/FUL	A	70, St. Davids Crescent, Penarth	Two storey rear and ground floor side extensions
2017/00271/FUL	A	Tudor Lodge, A48 Bonvilston, Bonvilston	Double storey rear extension to provide new kitchen/dining space at ground floor and new master bedroom at first floor
2017/00272/FUL	A	42B, Salop Place, Penarth	Retrospective application for small rear extension to increase kitchen area
2017/00275/FUL	A	Eryl Surgery, Station Road, Llantwit Major	New window on existing elevation and new rooflight on corridor flat roof bridging the two surgery buildings

2017/00276/FUL	A	6, Regency Close, Llantwit Major	Porch
2017/00277/FUL	R	1, Bungalow, Waycock Road, Barry	New single storey front extension comprising: living room, kitchen and a double garage
2017/00280/FUL	A	Foxglove Cottage, 1, Castle Mews, Llanblethian, Cowbridge	Single storey orangery to rear of property and associated works
2017/00281/FUL	A	Corntown Country Inn, Corntown	Alterations to existing public house, including the erection of an external staircase, a UPVC roof turret, new opening, the replacement of an existing timber shed and extension to the bottle store
2017/00283/FUL	A	35, Victoria Road, Barry	Conversion of attic space to provide 2 new bedrooms (to include 2 dormers). Convert existing outhouse lean-to into internal shower room / wc
2017/00286/FUL	A	14, Manor Park, Llantwit Major	Single storey pitched roof side extension
2017/00287/FUL	A	8, Church Place South, Penarth	First floor side extension and alterations.
2017/00295/FUL	A	7A, Broadway, Cowbridge	To convert the garage in to another sitting room. An internal door is to be created from the kitchen creating the entrance in to the garage. The garage door is to be replaced and have windows fitted.
2017/00296/FUL	A	9, Grange Close, Wenvoe	Proposed single storey garden structure

2017/00298/ADV	A	Downs PFS, Stalling Down, Cowbridge	2 No. illuminated shop fascia signs. 1 No. illuminated totem sign. 3 No. illuminated canopy fascia signs
2017/00321/LAW	A	8, Rutland Close, Highlight Park, Barry	Convert existing garage for use as dining room and partition to create utility room / wc
2017/00325/FUL	A	Elmlea, Abbey Road, Ewenny	Retention of dormers with glazed balconies and rendering of property

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **15 JUNE, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2016/01490/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3172188
Appellant: Mr. Anton Macardy
Location: 8, Pontypridd Road, Barry
Proposal: Proposed 1.5 storey dwelling to rear with off street parking (revision to app ref 2016/00438/FUL)
Start Date: 26 April 2017

L.P.A. Reference No: 2016/01236/OUT
Appeal Method: Written Representations
Appeal Reference No: 17/3174260
Appellant: Mr & Mrs D Reade
Location: Land rear of 6, Salmons Wood, Graig Penllyn
Proposal: Erection of two dwellings including access and parking
Start Date: 24 April 2017

L.P.A. Reference No: 2017/00118/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3174621
Appellant: Mr Dusty Jones
Location: Unit 2, Seaview, St Athan
Proposal: Variation of condition 1 of 2010/00957/FUL relating to description of windows and doors i.e. from timber as noted on approved drawings to woodgrain UPVC to allow for the retention of the UPVC windows and doors at unit 2, Seaview, St Athan
Start Date: 28 April 2017

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2016/00478/OUT
Appeal Method: Hearing
Appeal Reference No: 16/3163704
Appellant: Mr. Gareth Lucas
Location: UK Hydroslides, Dimlands Waterpark House, Green Lane, Llantwit Major
Proposal: Redevelopment of established industrial area for residential purposes
Decision: Appeal Dismissed
Date: 12 May 2017
Inspector: Joanne Burston
Council Determination: Delegated

Summary

The Inspector noted that the proposal subject to the appeal had been promulgated on the basis that it would 'enable' the appellant to utilise the profit from the grant of planning permission to acquire alternative business premises to sustain the enterprise currently operating on site. The Inspector concluded that there was no clear proposal in this regard and that the appellant had failed to provide a mechanism to secure that proposition in any event. Moreover, the Inspector noted that the appellant conceded that the enterprise would continue to operate even if the appeal did not succeed. Therefore, the Inspector agreed with the Council's submission that limited weight should be attached to that proposition.

Accordingly, the Inspector considered the principal issues to relate to; whether the proposal is consistent with the objectives of local and national planning policies relating to sustainable development in the countryside, the effect on the supply of rural employment land, and whether the proposal should be required to make a financial contribution towards the provision of affordable housing.

The Inspector concluded the appeal site was distinct from the nearest settlement both physically and visually. In considering the sustainability of the site, although noting services and facilities in Llantwit Major were in close proximity to the appeal site, the Inspector concluded access to the area and nearest bus stops was along an unlit road with no pavement or cycleway. In these circumstances there would be a high probability that residents of the new dwellings would drive into neighbouring towns and villages, rather than walk or cycle. Moreover, once in their cars, the potential for travelling further afield to access basic services would be enhanced. As such, the site was deemed unsustainable for new residential uses.

Turning to visual impact, the Inspector concluded that even at outline stage the overall quantum of development would be fixed and the limited scope for design would result in an inappropriate change in character and appearance of the appeal site. Notwithstanding the benefits arising from the removal of the industrial buildings and chattels, the significant harm identified in the proposal even at outline stage would not outweigh that benefit. The intensification of residential development would be detrimental to the intrinsic value and character of the countryside in this location.

In terms of the benefits arising from the delivery of additional residential development, the benefits arising from an additional number of units (up to five) would only be modest and would not outweigh the harm identified.

The Inspector also considered the loss of the employment land, and concluded that the proposal would have an unacceptable and adverse impact on the sustainability of the provision of rural employment site, contrary to both local and national planning policy. In reaching that conclusion, the Inspector noted that the premises appeared to be in a serviceable condition and were in use. Moreover, a lack of substantive evidence to indicate the premises was not suitability for re-occupation for a suitable employment user and it seemed that the premises could be attractive to the right type of user, even without refurbishment.

In respect of affordable housing provision, the Inspector considered the status of the Local Development Plan and the Council's adopted Development Plan. Given that the LDP Inspector was yet to publish the final report on the LDP, limited weight was attached to its policy framework and the Inspector returned to the Unitary Development Plan as the statutory Development Plan for decision making purposes. As such, the Inspector concluded no conflict with HOUS12 in respect of affordable housing provision. Notwithstanding this conclusion, that position has now moved on and the LDP Inspector has published the finding in respect of the LDP and its soundness, including its policies relating to the provision of affordable housing.

In any event, the Inspector was not satisfied that the appellant had made suitable provision by way of unilateral undertaking to address either the matters of affordable housing provision nor the propagated 'enabling' element of the proposal, and was similarly not satisfied by the appellant's suggested condition. Notwithstanding the appellant being afforded additional time to submit a suitable unilateral undertaking, no such agreement was forthcoming.

In summarising the decision, the Inspector noted the proposal's conflicting interests which needed to be balanced. The Inspector concluded that the development conflicted with the Development Plan in relation to the impact of the development on the character and appearance of the area, the impact on the supply of rural employment land and the locational sustainability of the proposed dwellings. Those harms carry significant weight. The benefits of the proposed residential development carry modest weight. Therefore, on balance, the harm would not be outweighed by the overall benefits of the scheme. For the reasons set and having taken into account all matters raised, the appeal was dismissed.

L.P.A. Reference No: 2016/00749/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3169036
Appellant: Mr. Christopher Leeke
Location: **Ty Hensol, Hensol Castle Park, Hensol**
Proposal: Construction of a single storey stable block subdivided internally to provide two stables, a workshop, a tack and feed room and dog kennels
Decision: Appeal Allowed
Date: 23 May 2017
Inspector: Mr. Hywel Jones
Council Determination: Delegated

Summary

The Inspector considered the main issues to be the acceptability of the principle of the development in terms of policy restricting development in the countryside, and the effect of the proposed building on the character and appearance of the Hensol Castle Registered Park and Garden and the Ely Valley and Ridge Slopes Special Landscape Area.

The appellant proposed a building which would be partly within land designated as garden and partly outside of the garden, with the portion within the garden being for domestic use and the portion outside for horse related use. The domestic element had been acceptable but the area outside was considered by the Council to be contrary to policies for the protection of the countryside. The Inspector considered that policies for the protection of the countryside did not prohibit considering the two distinct elements of the proposed use of the building separately and that had the scheme been designed as two buildings separated by just the fence line, it would be policy compliant. Therefore, the Inspector concluded that the principle of the development was compliant with policy, despite the physical attachment of the two elements of the proposed building.

The Inspector considered that the proposed building is simple in design, generously proportioned, screened and reflected the character of other outbuildings in the area. Therefore, the Inspector concluded that the scheme would not harm the character or appearance of the surrounding area and would, therefore, preserve the special interest of the Registered Park and Garden and would not harm the landscape character of the Special Landscape Area.

(d) Enforcement Appeal Decisions

None

(e) April 2017 - March 2018 Appeal Statistics

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

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 : 15 JUNE, 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

2016/01436/TPO	A	Land at The Bay Caravan Park, St Marys Well Bay Road, Swanbridge	Removal of 1 Holm Oak and reduction and shaping a further Holm Oak in TPO no. 06 1952 and/or TPO No. 06, 2006
2017/00127/TPO	A	St. Bleddian Church, Church Road, Llanblethian, Cowbridge	Various works to trees within TPO No. 07 1973
2017/00147/TPO	R	2, Merevale, Dinas Powys	Remove Sycamore tree in rear garden - TPO No. 14 1973
2017/00148/TPO	R	3, Merevale, Dinas Powys	Reduce Chestnut by 20% on rear boundary - TPO No 14 1973
2017/00149/TPO	A	2, Stanwell Road, Penarth	Slight reduction to one Yew - TPO No. 11 2004
2017/00150/TPO	A	To north of A48, St. Nicholas	Fell Ash x 3 and Sycamore x 1 - TPO 05 1972

2017/00166/TCA	A	St. Bleddian Church, Church Road, Llanblethian, Cowbridge	Various works to trees within Llanbleddian Conservation Area.
2017/00200/TCA	A	Gadlys Farmhouse, Llanmaes	Fell a Sycamore, thin a Poplar by 33% and lift crown by 33% in Llanmaes Conservation Area
2017/00208/TCA	A	Westbury, Factory Road, Llanblethian, Cowbridge	First Ash tree, far North West of property, proposed works - Felling. Tree has cancerous growth with a divided stem and offset weight over the adjacent property. This is potentially hazardous. Second Ash tree, far North of property, proposed works – Felling. Tree is on an elevated bank with a cavity at 4 metres and is suppressing the growth of a native Beech species. Again it is potentially hazardous. Felling would be with the aim to preserve the native Beech
2017/00228/TCA	A	10, Marine Parade, Penarth	Repollard 5 Sycamores and 1 Horse Chestnut
2017/00244/TPO	A	Parc Cottage, Park Road, Dinas Powys	Repollard Norway Maple to previous points. TPO 1954 No. 2 (part felled)
2017/00251/TCA	A	The Grange Lane, Llancarfan	Re-pollard Willow in front garden - Take back to original pollard points. Re- pollard Willow in rear garden - Take back to original pollard points
2017/00253/TCA	A	Castleby House, Main Road, Peterston Super Ely	Cut down and remove 2 x Leylandii trees

2017/00269/TPO	R	7, The Mount, Dinas Powys	Fell Sycamore and replace with Acer Griseum from TPO No. 12 1995
2017/00274/TPO	A	6, Glaslyn Close, Barry	Crown Reduction on Ash Tree TPO No. 03 1984
2017/00349/TCA	A	Benacre, Cowbridge Road, St. Nicholas	Fell and grind out 3 Lawson Cypress Trees and 1 Cherry. Reduce and shape Beech and reduce and shape Sycamore
2017/00358/TCA	A	Unit 1b, 15, Marine Parade, Penarth	Pinetree fell and replace with Magnolia
2017/00370/TCA	A	Tree outside Green Close, Ffordd Yr Eglwys, Peterston Super Ely	Re pollard tree on the verge outside Green Close, Ffordd yr Eglwys, Peterston Super Ely
2017/00504/TCA	A	Old Hall, Cowbridge	Reduce down to 6m and reduce end loading of vulnerable limbs to Lawsons Cypress

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **15 JUNE, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT TREASURE ISLAND AND FUNFAIR, PAGET ROAD, BARRY ISLAND

Background

1. This report relates to the erection of an extension at the site known as Treasure Island and Funfair, Barry Island.
2. The funfair is located within the circular road that runs past Barry Island Railway Station, turning south to the beach, west to run along the rear edge of the Promenade and north. The loop closes by running past a crescent of three storey buildings that consist of a mix of commercial uses including amusement arcades and residential accommodation. The promenade runs along the curving sea front of Whitmore Bay. It is a well-known site that developed to compliment the historic seaside resort at Barry Island. It is also situated within the Barry Marine Conservation Area.
3. Planning permission was applied for in 2008 for the wholesale redevelopment of the site for a mix or leisure uses, but the scheme did not progress. The site has also since been sold to a new funfair operator.

Details of the Breach

4. The breach of planning control to which this report relates is the erection of an extension to the arcade building fronting on to Paget Road. The development has also involved the partial demolition of the perimeter wall that formerly comprised the site entrance.
5. The extension occupies a footprint of approximately 540 square meters. The footprint is an irregular shape, but measures approximately 20m in width by 27m in depth. It is constructed of a steel frame with corrugated shutters to the front elevation, with an advertisement hoarding above. The frame has been recycled from a previous structure on the site, which was dismantled and moved to its current location.

6. In recent months there have been several developments within the site area. There are permitted development rights for some development within a funfair, subject to relevant criteria. The rights allow for the erection of some 'booths and stalls' and 'plant and machinery'. The erection of funfair rides is generally considered to fall within the definition of 'plant and machinery'. The other developments on the site include the renovation of the exterior of the existing arcade, the erection of new stalls and rides within the park, demolition of boundary walls, resurfacing and the placement of a caravan within the site. The advertisements displayed on the exterior of the arcade building also require advertisement consent. These matters are subject to on-going investigation.

Action Pursued to Date

7. The site has been visited by Officers on several occasions. It was initially contended by the site owner that the canopy structure was permitted as a 'booth or stall', however it is not considered to be a 'booth or stall' as it forms a significant extension to the arcade building. It therefore requires planning permission. This has been communicated several times to the site operator.
8. In spring 2016 officers were also advised that it was a temporary structure to provide cover to funfair rides and would be in place for no more than 12 months whilst finance was sought for a permanent structure to replace it. The operator requested further time to submit a planning application. There were difficulties cited by the operator in gaining finance for the opening of the funfair and, whilst unauthorised, the benefit of an operational funfair to tourism in the area was noted. The enforcement case was kept open for the monitoring of the site.
9. The works have progressed on site with the substantial completion of the extension, which has formed an enclosed extension to the arcade building. It is ostensibly the same structure Officers were advised was temporary over a year ago. No planning application has been made to date despite recent reminders.
10. A section of the perimeter wall was demolished to accommodate the canopy extension. It is an offence to cause the 'significant' demolition of a wall above 1m in height within a Conservation Area; however given the extent and breadth of the remaining wall, it is not considered to constitute a 'significant' demolition in this context.

Planning History

11. The site benefits from the following planning history:

2008/01553/OUT: Barry Island Pleasure Park, Barry Island. Mixed use redevelopment including commercial leisure, retail and residential and a care home. Deemed withdrawn.

2008/00602/SC1 Land at Barry Island, Barry. 192 residential apartments, 53,304 sq.ft. of commercial floorspace including a cinema and an arcade, 25,000 sq.ft. of A3 uses and associated parking. Environmental Impact Assessment (Screening) Not Required.

1999/00246/ADV : Barry Island Pleasure Park, Barry Island, Barry. Application of lettering to 4 No. entrance gates into the Park and decorative panels to buildings. Approved.

1999/00195/FUL : Barry Island Pleasure Park, Barry Island, Barry. Siting of 2 No. Roman Guard statues within the grounds of the Pleasure Park, adjacent to a new entrance gate facing the Promenade/Friars Road. Approved.

1999/00008/FUL : Dodgem plot, Barry Island Amusement Park. Office and children's play area to lower level and family restaurant to upper level. Approved.

1998/01271/FUL : Penny Arcade Plot, Barry Island Amusement Park, Barry Island. Proposed family public house. Approved.

1998/00995/FUL : Existing gift shop and existing arcade buildings, Barry Island Pleasure Park, Barry. To construct new facing brick and rendered block facing skin over existing profiled metal cladding on the road facing elevations of the existing gift shop and arcade buildings. Approved.

1998/00151/FUL : Barry Island Pleasure Park, Barry Island. Retention of Taxi Business. Refused.

1997/00312/FUL : The Amusement Park, Barry Island. Conversion and extension of existing side stalls to form replacement for Lucky Penny Amusement Arcade. Approved.

1996/00987/FUL : The Amusement Park, Barry Island. Demolition of existing arcade and erection of family pub. Approved.

1995/01099/FUL : Barry Island Pleasure Park, Barry Island, Barry. New toilet block and workshop to replace existing to offer on-site facilities not available at present. Approved.

1995/00605/FUL : Barry Island Pleasure Park, Barry. Variation of Condition Nos. 4 and 5 applied to planning permission ref: 95/00304/FUL in accordance with letter dated 30 June 1995. Refused.

1995/00304/FUL : Barry Island Pleasure Park, Barry. Construction of 2 detached single storey buildings to accommodate cafe, gift shop and stalls. Approved.

1993/00061/FUL : Barry Island Pleasure Park, Barry Island. Construction of new boundary wall and gates. Approved.

1988/00629/FUL : Barry Island Pleasure Park, Barry. Erection of an indoor family centre. Approved.

1985/00782/ADV : 'Just Pennies' arcade building, Barry Island Pleasure Park, Barry. Illuminated signs reading 'Just Pennies' and moving lights. Approved.

1985/00756/FUL : Barry Island Pleasure Park, Paget Road, Barry Island, Barry. Erection of an arcade building. Approved.

Policy

Unitary Development Plan

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 6 – TOURISM

Policy:

POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV28 – ACCESS FOR DISABLED PEOPLE

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY TOUR5 - NON-RESIDENTIAL TOURIST ATTRACTIONS

POLICY TRAN10 – PARKING

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

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

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

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

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

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

Planning Policy Wales

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

Technical Advice Notes:

16. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
- Technical Advice Note 12 – Design
 - Technical Advice Note 24 – The Historic Environment

Paragraph 2.6 states:

“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

Paragraph 4.5 states:

“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

Paragraph 6.6 states:

“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”

- Technical Advice Note 13 – Tourism

Supplementary Planning Guidance:

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

- Amenity Standards
- Parking Standards
- Barry Marine Conservation Area Appraisal and Management Plan

The Local Development Plan:

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

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

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

21. It states as follows:

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

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

23. The background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report.

24. In addition, the LDP policies of most relevance to this matter are:

- MD1 – Location of New Development
- MD2 – Design of new Development
- MD8 – Environmental Protection
- MD9 – Historic Environment
- MD14 – Tourism and Leisure

Other relevant evidence or policy guidance:

25. The following guidance and legislation is also relevant:

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control

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

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

27. As noted above, from the initial investigation it has been established that an unauthorised extension has been erected on the site. In this regard, the main issues to consider in this report are as follows:
- The principle of the unauthorised development
 - Design and visual Impact;
 - Impact on neighbouring amenity; and
 - Drainage, parking and highway matters

Principle of the development

28. The site benefits from an existing use as a funfair and arcade. The principle of an extension to the arcade building would accord with the existing use and building, which is inherently tourism based and appropriate for this site, given the surrounding context and the complimentary relationship that it has with the beach and promenade. In addition to this, it is noted that an outline planning permission (2008/01533/OUT), subject to a resolution for approval, included new development fronting Paget and Friars Road, albeit with matters relating to detailed design reserved.
29. The development is, therefore, considered acceptable in principle, subject to detailed assessment of the design of the building, impact on the character of the Barry Marine Conservation Area, alongside all other material planning considerations. This position is supported by Policy MD14 – Tourism and Leisure of the deposit Local Development Plan, which supports tourism uses subject to compliance with the appropriate design, amongst other criteria.

Design and Visual Impact

30. The provision of new development at the perimeter of the site, fronting Friars Road is, considered acceptable in principle as noted above. The location is prominent and development here has a role to play in creating a positive perception of Barry Island to visitors and tourists. New development would offer the potential of interacting with the existing commercial activity in the surrounding public domain and it does form a natural continuation of the arcade. This frontage is nevertheless clearly sensitive with the Victorian development of The Esplanade opposite, and whilst modern design could be suitable in this location, it should nevertheless complement the character of the surrounding buildings, uses and the broader Barry Marine Conservation Area.
31. The extension has a similar height to the pre-existing arcade building, continuing the frontage along Friars Road. The existing building is also steel framed and was clad with painted corrugated metal with several double door entrance point punctuated along Paget and Friars Road. The cladding areas on the frontage have also been removed in recently and have been replaced by further shuttered entrance points.
32. The extension has four shuttered entrance points located between the vertical beams. The structure is situated above the ground level of the adjacent highway pavement and is currently accessed via covered wooden ramps that require placement on the public highway. At the northern end of the structure it is placed on top of a brick plinth, with the exterior stud 'wall' retrofitted. These walls are clearly reclaimed and the structure has the general appearance of having been constructed on an 'ad hoc' basis, with little care as to the design and finishes of the building. The building is illustrated in the following photographs:

Front elevation



Northern elevation



33. In addition to the extension, the existing arcade building has also undergone renovation. The previous finishes of the arcade consisted of a largely corrugated metal finish. It is depicted within the following street view extract:

The building c. Aug 2014 and May 2016





34. It is noted that the shuttered finish is of a similar material to the previous finish of the arcade building; however that building had a run-down appearance and did not have a high quality finish. The scope of the works however, including the creation of additional openings, new finishes and large fascia hoarding above, has not created a particularly cohesive or attractive frontage to the building. The quality of workmanship and materials is also questionable, with evidence of some inappropriate repairs. In considering the condition of the existing building, the new fenestration, realignment of the doors etc. are considered to be generally acceptable. The advertisements are, however, subject to separate controls and can be pursued separately.
35. In relation to the extension, whilst there is some use of corrugated metal within the existing building, it does not contribute positively to the character of the street scene or relate well to the conservation area as a whole. It is therefore considered that by extending the use of these materials to a new part of the building impacts negatively on the amenity of the area. Moreover, the shuttered openings incorporated within the steel frame of the structure do not reflect the pattern of openings created within the main building. The front elevation of the extension consists entirely of these large shutters which are opened during the daytime. It fails to create an attractive frontage during the daytime given the obvious industrial appearance of the frame and shutters. The shutters when closed result in a blank, uninteresting and oppressive frontage at times when the amusement arcade is closed.
36. The negative appearance of the building is exacerbated by the quality of its construction, which is evident in its appearance. There have also been several compliance issues relating to building regulations which are on-going. The stability of the structure is not a material planning consideration. However the poor quality of the construction and materials is evident throughout and nevertheless harmful to the visual amenity of the area. It is noted that a building site is not a pleasant sight; however the lack of a planning application gives the Local Planning Authority little input or control over the final finished appearance of the development, which has been on-going for over a year. In this time there has been little improvement in the visual appearance of the extension. The foundation and plinth of the extension is shown in the photograph below:

The foundations



37. In conclusion, it is considered that the finished appearance of the building is poor and does not relate well to the surrounding environment. The poor quality of construction exacerbates the harm to visual amenity and that the development is therefore contrary to Policies TOUR5 and ENV27 of the Unitary Development Plan, which promotes good design and a high quality of development. The objectives of this policy are also supported by Policy MD2 – Design of New Developments of the deposit Local Development Plan. The development is also considered to conflict with the Sustainable Development and Good Design Principles of Planning Policy Wales and Technical Advice Note 12 – Design.

Impact on the Barry Marine Conservation Area

38. It is noted above that the principle of the development is considered acceptable. The conservation area itself is expansive and the use of the site as an arcade and funfair complements its character as a seaside resort. It is considered that the extension and renovation of the arcade building could be achieved sensitively, but the development on site to date fails in this respect, principally due to the poor quality of finish to the development.
39. The assessment as to the design and general visual appearance of the building has broadly addressed the issues relating to its visual appearance. In addition, it is important to emphasise the importance of the location, as to many visitors arriving this is the first impression they will get of this seaside resort. The poor quality and appearance of the structures are considered to also be detrimental to the character of the conservation area.

40. Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*. It is considered that the development fails to preserve or enhance the character (and in particular) appearance of the area and therefore also fails to accord with Policy ENV20 – Development in Conservation Area of the Unitary Development Plan as well as Policy MD9 – Historic Environment of the deposit Local Development Plan and Technical Advice Note 24 – The Historic Environment.
41. Paragraph 6.5.21 of Planning Policy Wales advises that *“there will be a strong presumption against the grant of planning permission for developments... which damage the character or appearance of a Conservation Area or its setting to an unacceptable level”*. In view of the harm identified above, the development conflicts with the guidance in Planning Policy Wales as well as the conservation principles set out in the newly published Technical Advice Note 24 – The Historic Environment.

Impact on neighbouring amenity

42. The structure is located on land formerly comprising an access to the open air funfair. It is not considered to cause any significant detrimental impact to neighbouring amenity in relation to loss of light, overbearing impact etc. The use of the site is established and it is considered that the structure would not create or exacerbate noise disturbance to nearby residential properties.

Drainage, parking and highways

43. It appears that the extension is located on a part of the land that had an existing hard standing. It appears from the planning history of the site that the surface water run off was principally directed towards drainage points connecting to the public sewer system. A copy of the drainage investigation of the site dating to 2010 indicated that a surface water drain is located within the footprint of the structure. It is generally expected that new development does not discharge surface water into the public sewerage system or highway and there does not appear to be any provision for surface water from the development, no rainwater goods are visible and there is no soakaway.
44. There is evidence of pooling of water adjacent to the building (see above photograph). It appears that the structure has been built over an existing drain and whilst that is connected to the public sewerage system, it nevertheless would have provided a surface water drainage function. The contours of the site mean that surface water is directed towards the extension, causing it to pool and/or discharge on to the highway.

45. The site drain and public highway are both likely to discharge into the combined public sewer surrounding the site. It is nevertheless considered that the opportunity to discharge surface water to an adequate soakaway should be explored. It is not possible to impose such a condition requiring further drainage details via an Enforcement notice. As such, there is no certainty that the unauthorised development will be adequately drained. As such, the development would conflict with the provisions of UDP policy ENV27 which requires that development does not have an unacceptable impact on adjoining areas. It is also relevant to consider the public safety impact of discharging significant amounts of water on to the highway, which is a relevant to criterion 4 of MD2 – Design of New Developments and criterion 8 of Policy MD8 – Environmental Protection of the deposit Local Development Plan.
46. The extension is located within the operational area of the site, on part of the former funfair. In terms of parking, there is provision available for the funfair located to the eastern end of the site. It is considered that the development would not result in any significant degree of additional on-street parking that would be detrimental to highway safety, considering it is located within an the existing funfair and has good access to local public transport.

Conclusions

47. The unauthorised extension to the arcade building is considered to be of a poor design and quality that harms the visual amenities of the street scene and wider Barry Marine Conservation Area.
48. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action requiring the removal of the building and restoration of the perimeter wall.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

50. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
51. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

52. None.

Wellbeing of Future Generations (Wales) Act 2015

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

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) The removal of the unauthorised arcade building extension, including the frame, foundations and all associated materials from the land in their entirety and restore the land and perimeter wall to their former condition prior to the commencement of the unauthorised works.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The extension to the arcade building is of a poor quality design and construction. The extension also has an industrial appearance and character that, together with the finishes and materials, creates an unattractive frontage that relates poorly to the street scene and the wider Barry Marine Conservation Area. In this regard the unauthorised development is visually harmful and contrary to Policies ENV20 – Development in Conservation Areas and Policy ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as Policies MD2 – Design of New Developments and MD9 – Historic Environment of the Deposit Vale of Glamorgan Council Local Development Plan 2011 – 2026. It is also contrary to the national advice and guidance contained within Planning Policy Wales (2016) and Technical Advice Note 12 – Design and Technical Advice Note 24 – The Historic Environment.

- (2) The extension appears to have been constructed over an existing gravity drain serving this area of the site, ostensibly requiring that excess water drain on to the public highway. In providing a new extension it is considered that the surface water should not connect to the public sewerage system and otherwise should be served by an acceptable scheme of drainage. There can be no assurance that the unauthorised structure is adequately drained and as such the development is considered to be contrary to Policy ENV27 – Design of New Developments of the Vale of Glamorgan Unitary Development Plan 1996-2011, as well as Policies MD2 – Design of New Developments and MD8 – Environmental Protection of the Deposit Vale of Glamorgan Council Local Development Plan 2011 – 2026.
- (3) It is considered that the decision complies with the Council’s well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2016/0004/INT

Contact Officer – Mr Ceiri Rowlands Tel: 01446 704654

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **15 JUNE, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

ENFORCEMENT ACTION

LAND AND BUILDINGS AT COG MOORS, CARDIFF ROAD, DINAS POWYS

Background

1. A complaint was received by the Local Planning Authority on 19 July 2016, regarding the siting of a caravan at Land at Cog Moors, Cardiff Road, Dinas Powys.
2. The site is a parcel of land at Sully Moors, to the south east of the A4055 Cardiff Road. The site measures approximately 16.9 hectares and lies in the open countryside, but is not a designated Special Landscape Area. The site falls within a C2 flood zone, defined as an extreme flooding area, under TAN15 (Development and Flood Risk). The land is used for the keeping of horses and there is a hay barn structure on the land, associated with this use.

Details of the Breach

3. Following a site inspection (from the public highway only) it was noted that a touring caravan had been sited on the land to the rear of the hay barn. The caravan is highly visible from the A4055 Cardiff Road in both directions.
4. Planning permission is required for any material change in the use of land. The Land at Cog Moor has an established use for the keeping of horses. The storage of a touring caravan cannot be considered as incidental to this established lawful use of the Land. The Land is neither within a residential curtilage nor in agricultural use (see planning history) so the storage of the caravan cannot be justified as being incidental to a domestic or agricultural use. Consequently, the use of the Land at Cog Moors for the storage of a caravan is considered to be an unauthorised change of use from the keeping of horses, to a mixed use, involving the keeping of horses and the storage of a caravan, and is therefore a breach of planning control.



Action Pursued to Date

5. The owner of the Land (Mr Reginald Forse) was served a Planning Contravention Notice (PCN) on 1 March 2017, in order to ascertain the names and addresses of all persons with an interest in the land and to establish the facts of the case. The breach of planning control as set out in the PCN was as stated above.
6. The PCN was completed and returned on 6 March 2017. The answer to certain questions, as provided by Mr Reginald Forse in his signed return, are as follows:
 - Q1) State the nature of your interest in the land – *Freeholder owner*
 - Q10) On what date was the caravan first sited on the Land? - *15/6/16*
 - Q11) Is the caravan being stored on the land? - *Yes*
 - Q13 If the answer to Q11 is no, please state in full all of the purposes for which the caravan is used – *N/A*
 - Q16) Do you have any reason to believe that the matters referred to in the Notice do not constitute a breach of planning control? – *I do not believe I am in breach of planning, as it is my own personal touring caravan parked on my own land.*
7. In view of the answers provided in the PCN, officers are satisfied that the caravan is not being used for residential accommodation.
8. Mr Forse was written to on 30 March 2017 to explain that the use of the Land for the storage of a personal touring caravan was unauthorised and that the caravan should be removed from the Land within 21 days (ie by 20 April 2017).
9. The caravan was not removed so Mr Forse was written to again on 3 May 2017. This letter stated that authorisation was being sought from Planning Committee to serve an Enforcement Notice, but if the caravan was removed before authorisation was secured then the serving of the Enforcement Notice could still be avoided.
10. To date, the caravan continues to be stored on the Land.

Planning History

11. 2008/00594/PNA : Land off Cardiff Road at Sully Moors, Barry (OS field 0950) - Proposed Hay Barn - Refused 4 June 2008. The application was not considered to be permitted development, as it failed to meet the five tests to benefit from permitted development rights as the land was not considered to be in agricultural use or the proposed building to be for agricultural purposes.
12. 2010/00386/FUL : Land at Cog Moors, Cardiff Road, Dinas Powys - Retention of engineering works which include the raising of the ground levels by deposit of recycled stone and tarmac plainings. Erection of a barn for hay storage and horses feed and flooding offset works by reduction of the ground levels on land – Refused at committee 19 November 2010. Reasons for refusal –

- By virtue of its height, length, width and materials used, the raised access track, hard standing and alterations to the vehicular access hereby proposed represents an incongruous and urban feature in this otherwise undeveloped rural landscape, which detracts from the sensitive countryside setting of the site, and cannot be justified in the interest of agriculture. The development is therefore contrary to Policies ENV1 - Development in the Countryside; ENV9 - Development Involving Horses; ENV10 - Conservation of the Countryside; ENV27 - Design of New Developments; EMP8 - Agricultural Enterprise and Associated Development; and WAST4 - Waste Disposal on Agricultural Land, of the Vale of Glamorgan Unitary Development Plan 1996-2011.

- By virtue of its scale, form and siting in a highly visible part of the site, the proposed hay barn would detract from the undeveloped rural character of the site and surroundings, and cannot be justified in the interest of agriculture. The development is therefore contrary to Policies ENV1 - Development in the Countryside; ENV9 - Development Involving Horses; ENV10 - Conservation of the Countryside; ENV27 - Design of New Developments; and EMP8 - Agricultural Enterprise and Associated Development of the Vale of Glamorgan Unitary Development Plan 1996-2011.

Subsequent to the refusal of the above PNA application, an Enforcement Notice was served on the applicant, as a result of the unauthorised deposit of waste and other materials on the site. The owner appealed against the Enforcement Notice but the Inspector dismissed the appeal and upheld the enforcement notice on the 9 September 2009. The Notice should have been complied with on or before 9 December, which was then extended until 1 January 2010. No action was taken by the applicant, and the matter was placed before the Courts. The action was subsequently withdrawn by the Council pending the determination of planning application 2011/00177/FUL.

13. 2011/00177/FUL : Land at Cog Moors, Cardiff Road, Dinas Powys - Erection of hay barn, together with provision of storage areas for polythene wrapped hay bales and corral for horses to facilitate loading and unloading and use as a feeding area during extreme weather conditions and retention of historic tipping and alterations to access - Approved 25 May 2011.
14. 2014/00126/PNA : Reg Forse Land, Cog Moors, Nr. Barry - Stable block - Refused 04/03/2014. The application was not considered to be permitted development.
15. 2014/00583/PNA : Reg Forse Land, Cog Moors, Nr. Barry – Proposed Building - Refused 04/06/2014. The application was not considered to be permitted development.

Policy

Unitary Development Plan

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

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
POLICY ENV9 – DEVELOPMENT INVOLVING HORSES
POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

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

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

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

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

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

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

Planning Policy Wales

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

Technical Advice Notes:

20. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following is of relevance:
 - Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
 - Technical Advice Note 15: Development and Flood Risk

Well Being of Future Generations (Wales) Act 2015:

21. 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.

The Local Development Plan:

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

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

25. As the Inspector’s report has been published it is considered that significant weight can be given to LDP policies (as amended by the Inspector’s recommended changes) in advance of the formal adoption of the LDP, in line with the guidance provided in the Paragraph above.
26. The background evidence to the Deposit Local Development Plan is relevant to the consideration of this matter insofar as it provides factual analysis and information that is material to the issues addressed in this report.
27. In addition, the LDP policies of most relevance to this matter are:
 - MD1 – Location of new development
 - MD2 – Design of new development

Reasons for Serving an Enforcement Notice

28. The main issues to consider in this case are the principle of the use, as well as the impact the use has on the character and appearance of the landscape in this countryside location.
29. As stated above, the Land at Cog Moor has an established use for the keeping of horses. The storage of a touring caravan cannot be considered as incidental to this established lawful use of the Land. The Land is neither within a residential curtilage nor in agricultural use (see planning history) so the storage of the caravan cannot be justified as being incidental to a domestic or agricultural use. Consequently, the use of the Land at Cog Moors for the storage of a caravan is considered to be an unauthorised change of use, from the keeping of horses, to a mixed use, involving the keeping of horses and the storage of a caravan, and is therefore a breach of planning control.

30. The site is located in open countryside and therefore the overarching Development Plan Policy ENV1 would be relevant to the determination of the planning merits of this development. ENV1 is a restrictive policy that seeks to ensure that only agricultural or other appropriate development is permitted in countryside locations, subject to the provisions of the Development Plan. That policy position is consistent with national planning guidance contained in Planning Policy Wales. In addition, policy MD1 of the Local Development Plan restricts any development that would have an unacceptable impact on the countryside.
31. There is no evidence of agricultural activity on the Land. Three previous applications, for Prior Notification Approval (see planning history), have been refused on the grounds that there was no evidence that the land was being actively farmed or used for livestock. The storage of the caravan on the Land cannot therefore be justified on agricultural grounds so is in conflict with Policy ENV1. Furthermore, there are no policies within the UDP (or the LDP) that allow for countryside locations such as this to be used for the storage of a caravan which is unconnected to the authorised use of the land.
32. The completed and signed Planning Contravention Notice, returned by Mr Forse on 6 March 2017 confirmed that the caravan was a personal touring caravan being stored on the Land and that it was not being used for any other purpose. Therefore in a signed statement, Mr Forse has confirmed that the caravan is not being used for purposes incidental to the established lawful use of the Land – ie the keeping of horses. Consequently, an unjustified and unauthorised change of use has taken place and as this change of use is contrary to local and national policy on the protection of the countryside, the principle of this storage use is not acceptable.
33. Policies ENV10 and ENV27 seek to ensure that new development maintains or improves the character of the countryside and complements or enhances the local character, whilst minimising any detrimental impact on adjacent areas. Planning Policy Wales' overarching sustainability principle advocates that the countryside should be protected for its own sake. In addition, policy MD2 of the LDP seeks to ensure that development is appropriate to the local context and character.
34. The caravan being stored on the land is highly visible from the highway along the A4055 Cardiff Road, when travelling in both directions. It is also visible from the public right of way that runs just to the northwest of the A4055. Other than the hay barn on the site, the rest of the Land, and the surrounding land, is open countryside and undeveloped, with the nearest development being over 400m away. The use of the land to store a caravan is considered to be both unsightly and incongruous in this location and, as such, has an adverse impact on the character of the area and the surrounding countryside, contrary to policies ENV10 and ENV27 of the UDP and policy MD2 of the LDP.

35. ENV 9 allows for horse related developments as long as certain criteria are met. One of those criteria is that the development would not unacceptably affect the character and appearance of the locality. As stated above, the caravan is considered to have a negative impact on the character and appearance of the locality. In addition, Mr Forse has specifically stated that the caravan is being stored on the land and is not being used for any other purpose. Consequently, the siting of the caravan on the Land cannot be considered to be horse related development.
36. The site falls within a C2 flood zone, defined as an extreme flooding area, under TAN15 (Development and Flood Risk). However, the use of the Land for the storage of a caravan is not considered to increase the risk of flooding. Neither is it considered to be a use vulnerable to flooding.

Conclusions

37. The unauthorised use of the Land for the storage of a caravan is considered to be an inappropriate use in this countryside location which has an adverse impact on the character and appearance of the countryside setting, contrary to UDP policies ENV1, ENV10 and ENV27; LDP policies MD2 and MD3; and PPW.
38. In view of the issues identified above, it is considered expedient to pursue action and serve an enforcement notice in respect of the breach of planning control identified at the site.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

40. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
41. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

42. None.

Wellbeing of Future Generations (Wales) Act 2015

43. Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
44. The development is considered to cause unacceptable harm for the reasons set out above. The overarching public interest to protect the amenity of the area and to promote sustainable development principles, is not considered to be outweighed by the land owners personal interest.

RECOMMENDATION

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

Reason for Recommendation

- (1) The use of the Land for the purposes of the storage of a caravan is considered to be inappropriate in this countryside location and is considered to result in harm to the character and appearance of the countryside setting of the Land. As such, the use is considered to be contrary to Policies ENV1 – Development in the Countryside, ENV10 – Conservation of the Countryside and ENV27 – Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Policies MD1 – Location of New Development and MD2 – Design of New Development, of the Vale of Glamorgan Local Development Plan; and national planning guidance in the form of Planning Policy Wales (Edition 9, 2016).
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2016/0215/CCC

Contact Officer – Ms Helen Davies, Tel: 01446 704651

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 JUNE, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. PLANNING APPLICATIONS

Background Papers

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

2016/00551/FUL Received on 17 May 2016

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

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

Aberthaw North Quarry, Castle Road, Aberthaw

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

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

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

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

The application was deferred at the Council's Planning Committee of the 30 March 2017 for further consideration of issues relating to dust. These matters are expanded below.

SITE AND CONTEXT

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



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

DESCRIPTION OF DEVELOPMENT

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

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

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

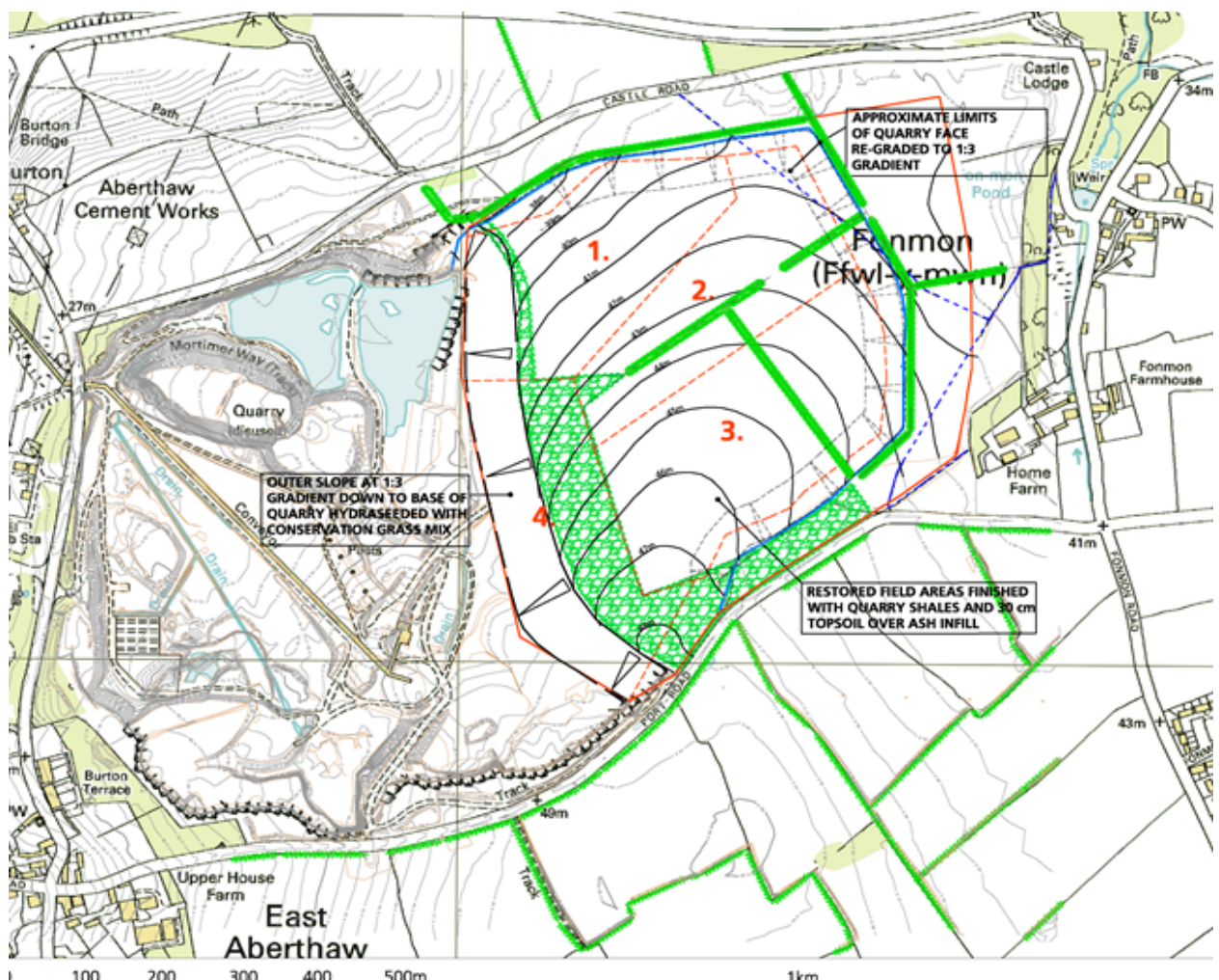
The plans below show the proposed restoration levels:

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

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

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

The plan below shows plan 5.10 of that permission:



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

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

PLANNING HISTORY

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

CONSULTATIONS

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

Cardiff Airport- No objection.

Local ward members- No written comments received. Cllr Riley spoke at the Planning Committee meeting on 30th March 2017 and raised concerns including dust pollution from the site and impact on nearby properties.

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

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

Ministry of Defence- No representations received.

Highway Development- No objection.

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

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

Following Committee's deferral of the application, further correspondence has taken place between Officers and NRW regarding pollution monitoring and permitting procedures and is addressed in the issues section below.

REPRESENTATIONS

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

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

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

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

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 8 – TRANSPORTATION

POLICY 13 – WASTE MANAGEMENT

Policy:

POLICY ENV6 – EAST VALE COAST
POLICY ENV7 – WATER RESOURCES
POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
POLICY WAST 1 - PROVISION OF WASTE MANAGEMENT FACILITIES
POLICY WAST 2 – CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

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

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

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

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

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

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

Planning Policy Wales:

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

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

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

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

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

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

Technical Advice Notes:

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

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

Supplementary Planning Guidance:

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

- Amenity Standards
- Design in the Landscape

The Local Development Plan:

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

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

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

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

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

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Land Fill Directive 1999
- Waste Framework Directive 2008
- South East Wales Regional Waste Policy (1ST Review 2008)
- Project Gwyrdd 2008
- Towards Zero Waste 2010
- The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012
- WAG Circular 38/89: Landfill sites Development Control
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016

Well Being of Future Generations (Wales) Act 2015

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

Issues

Purpose of this report

This application was reported to the Council's Planning Committee in March 2017, at which time there were concerns raised by Members in respect of dust generation. Following the Committee meeting, the issue was raised with the applicant, and both Natural Resources Wales and the Council's Environmental Health Officer.

Natural Resources Wales (NRW) have advised that typically site visits are undertaken twice per year, but this frequency is increased if complaints are received or when there are adverse weather conditions. Dust deposition rates in the area are also measured and reported monthly. They have advised that dust suppression availability and deployment, and any surface sealing is checked where necessary during these site visits.

The officer at NRW confirmed that complaints have been received in the past regarding dust, but that the frequency had declined recently. The officer stated that there are a number of potential sources of dust in the area, including the power station itself, the ash landfills and the cement works, as well as transport, agricultural and coastal sources. Where NRW have been able to obtain a reliable fresh dust sample, they have been able to link deposition events with a particular source. In the past the quarry landfill has been identified as a source, however, this has only been from samples in Fonmon and the western edge of Rhoose, but not for receptors in the East Aberthaw area.

The last incidence of dust which could be linked by NRW to the quarry was July 2016. Your officers are advised that this was the result of a previously restored area being stripped back to correct the levels, combined with hot weather and strong winds. The applicant has advised that the incident was investigated by NRW and the area was sealed immediately.

The applicant acknowledges in their response since the last Committee meeting that climatic conditions had been a contributing factor to the July 2016 event and additional procedures have now been put in place to control ash filling operations under dry, windy conditions.

Hand held wind speed meters are now used to monitor wind speed in the quarry and the management procedure now requires wind speed measurements to be taken before deciding what mitigation measures are required, and in which areas tipping can take place. The new procedure is summarised below:

1. Wind speed and direction to be taken from the working area every morning before tipping takes place and monitored throughout the day for change in weather conditions.

2. According to weather conditions on the day a decision is made by the quarry supervisor where filling will take place based on the parameters set out below.

0- 5 mph Westerly dry weather winds:- This should not affect filling PFA dust to any part of the Quarry

5- 10 mph Westerly dry weather winds:- Water Bowser must be in use at all the time throughout these conditions.

10- 15 mph Westerly dry weather winds:- Move tipping process to a lower level with use of Water Bowser and dust suppression sprays if necessary.

15 - 20 mph Westerly dry weather winds- Move tipping process to the extreme Western end of Phase 3B with use of Water Bowser and dust suppression.

20 plus mph Westerly dry weather winds :-Monitor conditions according to wind direction, also consider stopping the fill operation in the quarry and short tipping options at the Power Station.

Members should note that Condition 7 has been amended to ensure these measures continue to be implemented.

The Council's Environmental Health Officer has advised that NRW permit the site, and the local authority would not have any involvement in this regard. Should the local authority receive any dust complaints about the site, they would pass this information on to NRW to investigate.

In summary, while dust remains an issue of concern to residents and Members, it is evident from the NRW response that there are a number of potential dust sources in the area, not just the quarry. Where complaints have been received, dust can potentially be linked to its source, however, the last time a dust complaint could be attributed to the quarry by NRW was July 2016. Management procedures in the quarry have been updated and strengthened since that event and it is considered that the measures, which are much more responsive to and based upon weather conditions, are likely to minimise dust emanating from the quarry.

It is considered that the measures explained by NRW are robust and give officers sufficient comfort that the site is actively and thoroughly monitored in relation to the permit.

In light of the above, the recommendation made to Members at the March 2017 meeting is maintained, and there are no additional conditions proposed. The substantive consideration of the issues (as contained in the March 2017 report) is set out below:

The principle of the development

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

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

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

Condition 1

As existing:

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

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

Condition 2

As existing:

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

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

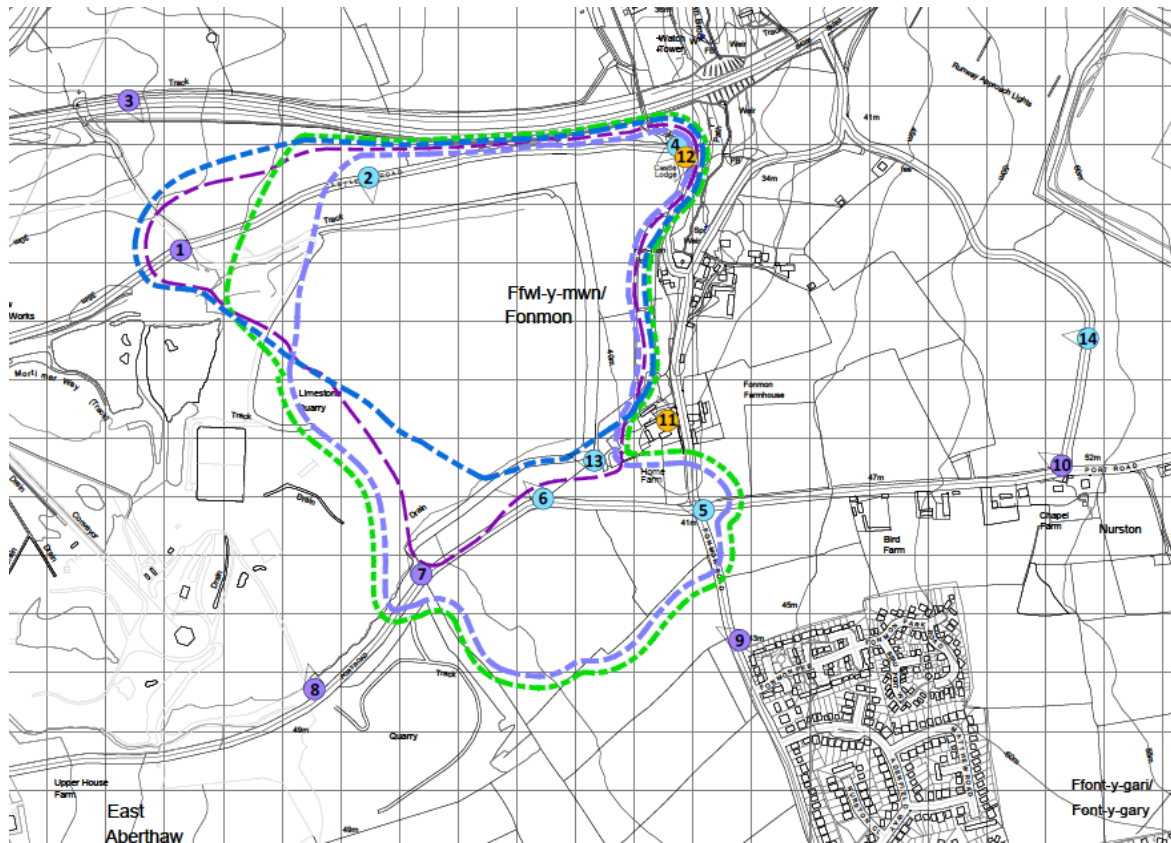
Visual and landscape impacts

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

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

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

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



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

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

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

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

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



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

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

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

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

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

Impacts on residential amenity

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

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

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

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

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

Ecology

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

Archaeology

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

Hydrology

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

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

Transport and highways issues

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

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

Summary on Condition 2

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

Condition 6

As existing:

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

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

Condition 7

As existing:

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

The applicant wishes to vary this condition to make reference to the details submitted with this application, rather than referring back to details approved with a previous application. It is considered that the dust mitigation measures remain acceptable and, therefore, the proposed change is considered acceptable and a more appropriate form of wording of the condition. An additional reference to the measures set out in the applicant's letter of 20th April 2017 is made to secure the ongoing implementation of wind monitoring and appropriate response. In addition, the recommended condition also includes provision to require approval of the amended working procedures (necessitated by the increase in levels) prior to any works at a height/level that exceeds those of the previous approval.

Condition 12

As existing:

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

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

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

iii. Sunday and Bank Holidays - At no time.

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

Condition 13

As existing:

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

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

Condition 14

As existing:

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

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

Condition 15

As existing:

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

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

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

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

Condition 17

As existing:

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

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

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

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

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

Condition 18

As existing:

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

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

Condition 19

As existing:

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

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

Condition 21

As existing:

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

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

Condition 24

As existing:

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

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

Condition 25

As existing:

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

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

Conditions 26, 27 and 28

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

Other points of objection raised by members of the public

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

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

General EIA Issues

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

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

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement Addendum (Nov 2016) (and all associated figures and appendices) and the following documents:

- David Jarvis Associates Landscape and Visual Impact Assessment 08.11.16
- Plan 2421/LV/9 Rev A

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

7. The deposition of ash up to the levels approved under application 2013/00903/FUL shall at all times (during ash deposition and subsequent restoration of the site) be carried out in accordance with the dust mitigation/minimisation measures and procedures contained at Section 7 of the Environmental Statement Addendum (Nov 2016) and the measures set out in the RWE letter of 20th April 2017 (ref JHM/Aberthaw/VOG/200417). Prior to any ash deposition at a height/level that exceeds that approved under application 2013/00903/FUL, an amended working procedure and working plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times accord with the approve details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

REASON FOR RECOMMENDATION

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

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

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

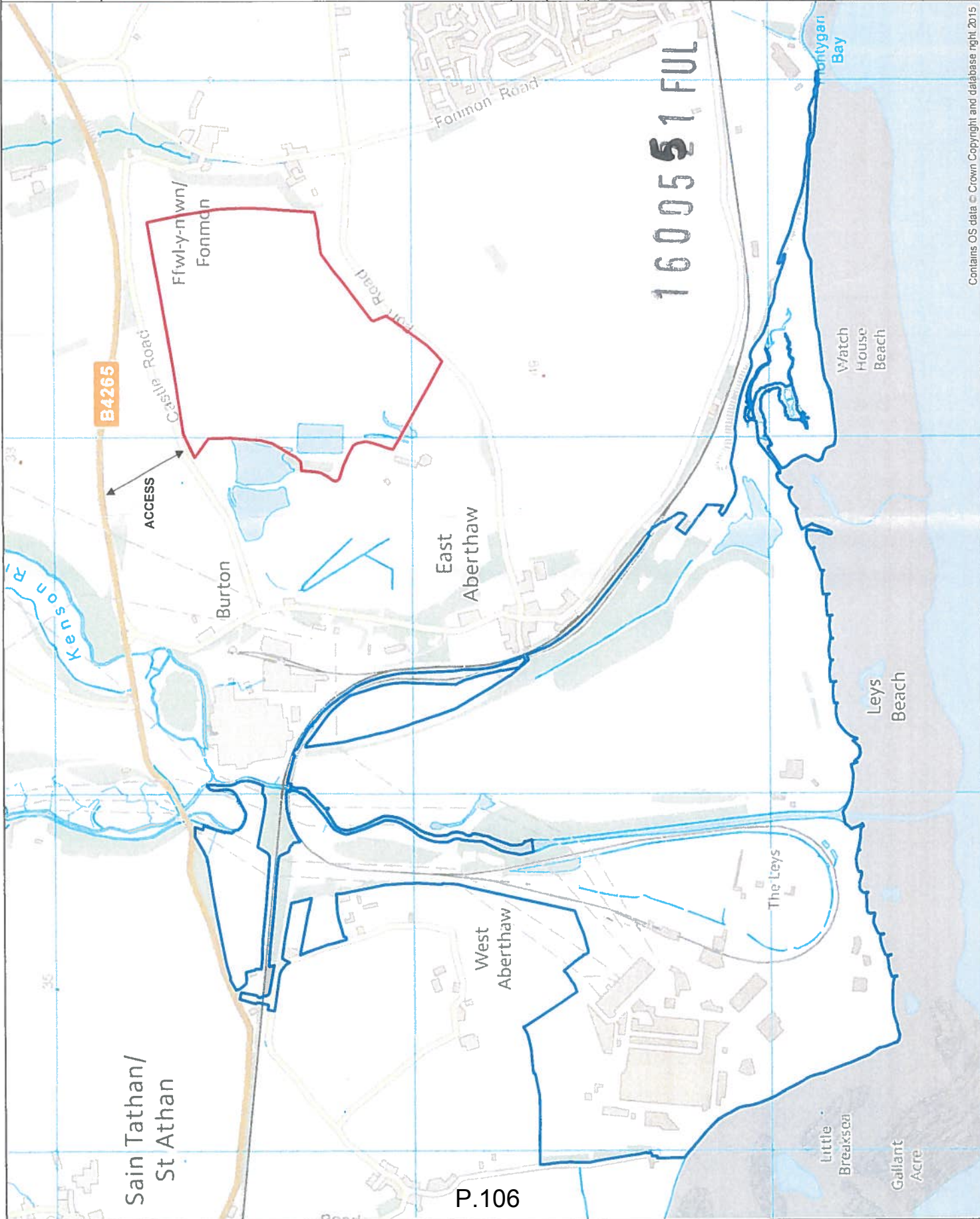
NOTE:

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

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

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

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



Sain Tathan/
St Athan

P.106



KEY:
 Planning Application Boundary
 RWE Ownership Boundary

RECEIVED

5 May 2016

Regeneration
and Planning

SJP	Drawn	***	Checked	Date	HM	Approved	Rev	A
				20/04/2016				

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Size of original
A3

Scale of original
1:10,000

Site
ABERTHAW QUARRY

Title
APPLICATION TO INCREASE
THE RESTORATION HEIGHT
AND BUND HEIGHT

FIGURE 1.2

APPROVED

Reference: UKPIATB1662/A

2016/00946/FUL Received on 10 November 2016

ALDI Stores Limited, C/o Agent
Miss Rhiannon Boulton, Turley, 18, Windsor Place, Cardiff. CF10 3BY

Unit 6, Ty Verlon Industrial Estate, Barry

Demolition of existing building and erection of a Class A1 Limited Assortment Discount foodstore (1,593 sq m gross, 1,140 sqm net sales) with associated access, parking, landscaping and ancillary works

REASON FOR COMMITTEE DETERMINATION

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

INTRODUCTION

Members will recall that this application was deferred at the 27 April 2017 Committee for a site visit. The report has been updated to reflect any change in material considerations since the previous committee meeting and to provide additional information in light of further representations.

The main changes include an amendment to the policy section to include the updated position with respect to the Local Development Plan. No additional information has been submitted by the applicants or their agents but a letter and email sent to Councillor Moore and the planning department on 30 and 31 May 2017 from the owners of the site (COS Group Ltd) has been attached as an Appendix to this report. The matters raised in the letter and email have been addressed within the issues section of the report. One letter of support was received by a local resident on 27 April 2017 and has been added to the letters of support in the representations section.

EXECUTIVE SUMMARY

The application proposes the demolition of an existing office building and its replacement with an Aldi retail store. The site would continue to be accessed from Sully View and the proposed layout makes provision for approximately 90 parking spaces.

The application has received four objections from local residents on grounds that include parking, congestion, noise, flood risk, lack of retail 'need', impact on the town centre and obstructing access to adjacent units. Approximately 90 representations of support have been received.

The main issues involved in the assessment of the application are the loss of an existing employment site, retail impacts, design and visual impact and highways implications.

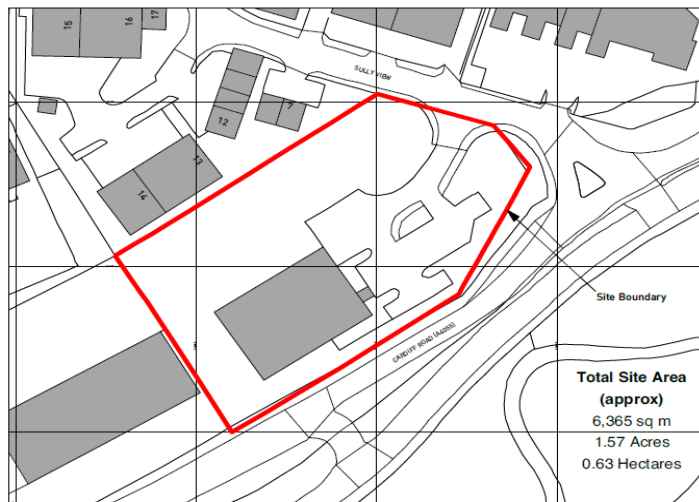
The application is recommended for refusal, for reasons relating to the loss of the employment site and retail impact.

SITE AND CONTEXT

The application site sits within the Ty Verlon Industrial Estate on the corner site at the junction of Cardiff Road (A4055) and Sully View. The site falls outside of the residential settlement boundary of Barry for the purposes of the Vale of Glamorgan Unitary Development Plan 1996-2011.

The site has an area of 0.63ha and is accessed from Sully View. Currently there is a medium sized industrial unit sat within the south-eastern corner of the site, with areas of landscaping to the north and west and a large car park to the north-east of the site. There are three trees covered by Tree Preservation Orders with two Norway maples to the northern boundary (267 - 2004 - 08 - T001 and 267 - 2004 - 08 - T002) and another to the southern boundary adjacent to Cardiff Road (267 - 2004 - 08 - T003).

The site is occupied by a company named 'COS' Group who generally supply and fit office storage and facilities. They employ approximately 32 people at the site and have operated from the site for approximately 30 years. The Ty Verlon Industrial estate is currently generally well occupied and it would appear that only 1 unit is currently vacant and two units are occupied by uses other than B1, B2 or B8.

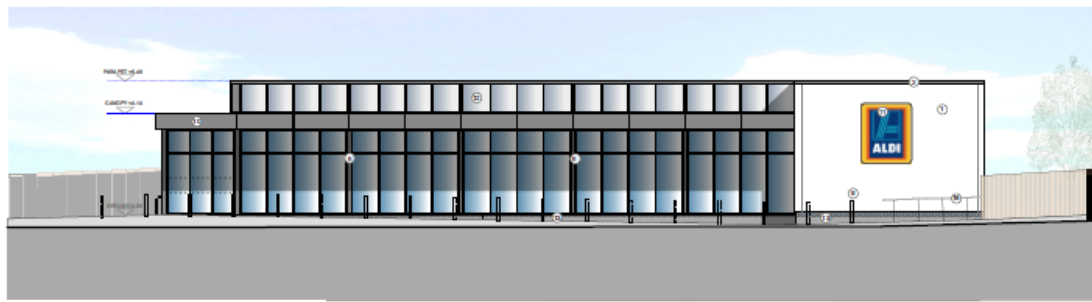


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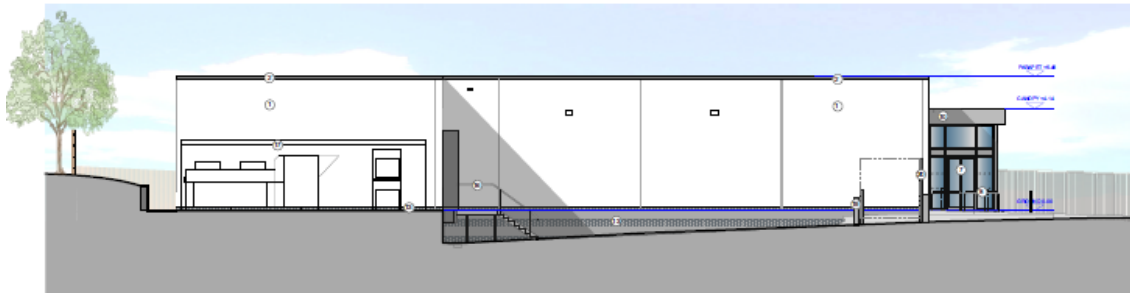
 Application Area

DESCRIPTION OF DEVELOPMENT

The application is for the demolition of the existing units on the site and the erection of 1,660 sq. m (gross), providing 1,140 sq. m of retail floor space, in the form of a supermarket. Car parking for 91 cars is proposed along the southern boundary of the site with the store being situated adjacent to the northern boundary. A proposed site layout is shown below:



North-East Elevation Scale 1:100 @ A1



South-West Elevation Scale 1:100 @ A1

The application was submitted with the following documents

- Design & Access Statement
- Arboricultural Method Statement
- Arboricultural Impact Assessment and Tree Protection Plan
- Preliminary Ecological Appraisal and Initial Bat Survey
- Geo Environmental Assessment report
- Flood Consequence Assessment report
- Planning & Retail Statement
- Barry & Vale Commercial Property Market Review
- Draft Staff Travel Plan

PLANNING HISTORY

2015/00574/FUL- Demolition of existing building and erection of a Class A1:Limited Assortment Discount Foodstore with access, landscaping and ancillary works- Withdrawn

2008/00997/FUL: 6, Ty Verlon Industrial Estate, Cardiff Road, Barry - 2 no. class B2 general industrial units and relocation of existing oil storage tanks - Approved

1997/00022/FUL: Unit 6, Ty Verlon Industrial Estate, Cardiff Road, Barry - Two light industrial units - Renewal of 92/00293/FUL - Approved

1992/00293/FUL: Unit 6, Ty Verlon Industrial Estate, Barry - Two light industrial units - Approved

Other Relevant Planning History

There are relevant cases to the proposal on the adjoining sites. The first is a recent approval for the change of use of a Former Architectural Aluminium Ltd into a car sales use and the more historical is the McDonald's site on the corner of the industrial estate. Both of these sites have been raised as examples of approvals for 'non-employment' retail uses in the vicinity. The relevant cases are referenced below and discussed in more detail within the issues section of the report: -

2011/00018/FUL: Former Architectural Aluminium Ltd factory, corner of Cardiff Road and Verlon Close, Ty Verlon Industrial Estate, Barry, Proposal: Change of use of part of building to car sales motor dealership and part of external area to car sales. Alterations to external face of building: Approved (Now Broad Street Motors)

1997/00859/FUL : Ty Verlon, Cardiff Road, Barry - Class A3 restaurant with drive-thru facility - Approved 16/10/1997

CONSULTATIONS

Barry Town Council- The Town Council outlines that 'subject to the Vale of Glamorgan Council being satisfied that the proposed development will not unacceptably impact on Barry Town Centre or on district centres in the areas and that the increased traffic generated from the proposed development does not cause unacceptable harm to local communities and the local environment, no objection is raised regarding the proposal. However, it is requested that if the Council are minded to grant consent then a contribution is sought to mitigate against any negative impact of the development on existing retail areas.

Highway Development- No objection, subject to conditions on Traffic regulation orders on Sully View, visibility splays being provided, car parking provision, cycle provision and a staff travel plan.

Highways and Engineering (Drainage)- No objection subject to a detailed scheme for the surface water drainage of the site being submitted, including the hydraulic and infiltration tests as well as a document detailing the responsibility and management of the surface water drainage system for the site.

Local Ward members- Councillor A. Moore has submitted observations in support of the application, in terms of employment and the design of the building.

Dwr Cymru Welsh Water- No objection subject to conditions requiring the drainage system for the site to be completed in accordance with the submitted details prior to occupation and surface water flows from the development shall only communicate with public surface water sewer through an attenuation device that discharges at a rate not exceeding 25 l/s.

Ecology Officer- No objection to the proposed development.

Natural Resources Wales- No objection subject to the Local Planning Authority including a flood risk condition.

Economic Development Section- Considerable concerns have been raised as the approval would take away valuable employment space on a key estate and in a prime location. Office space of this nature is in short supply in Barry. It could also cause considerable congestion and conflicts between commercial traffic and high numbers of retail customers which would make the estate unattractive.

Waste Management- No comments have been received to date.

Wales and West Utilities- No comments have been received to date by the Council but a response was provided in the submitted PAC report. Wales & west Utilities outlined that they have pipes in the area and the construction may affect the apparatus. The developer is advised to contact the company before commencing works.

Transport and Road Safety- No objection but have set out the S106 requirements for the proposal if the Council were minded to approve the development.

Western Power Distribution- No comments have been received to date.

Police – Designing out Crime Officer- No objections in principle but recommendations have been made on boundaries, lighting, landscaping, car park, trolleys and the retail unit.

Environmental health- No objection subject to a Construction Environmental Management Plan being attached to any consent via condition.

REPRESENTATIONS

The neighbouring properties were consulted on 23 November 2016. A site notice was also displayed on 28 November 2016. The application was also advertised in the press on 1 December 2016. 4 letters of objection have been received and approximately 91 postcards and letters (mostly replying to the applicants PAC consultation) of support from residents have been received. The letters of objection raised issues such as: -

- Parking, congestion and access issues for larger vehicles.
- Impact upon Waitrose
- Noise
- Flood risk issues
- No need for retail use/oversupply, Barry is already served by Morrison, Asda, Waitrose, Lidl and Tesco
- Impact upon vitality and retail function of main town centre
- Possible implications of accessing adjoining industrial sites (scaffolding and Vets) over 24hrs
- Possible noise impacts upon animals being treated at adjoining veterinary surgery

The letters of support are largely encouraged by the introduction of a new Aldi store within Barry. The brand of supermarket is popular and the nearest store at present is in Cardiff Bay.

Further representations were received and reported to the previous planning committee as late representations. These comprise two further letters of support from members of the public, and a petition of support signed by employees of the business.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT
- POLICY 5 - BUSINESS AND INDUSTRIAL USES
- POLICY 8 – TRANSPORTATION
- POLICY 9 – SHOPPING FACILITIES
- POLICY 10 – SHOPPING FACILITIES

Policy:

- ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
- ENV7 – WATER RESOURCES
- ENV26 – CONTAMINATED LAND AND UNSTABLE LAND
- ENV27 – DESIGN OF NEW DEVELOPMENTS
- ENV 28 – ACCESS FOR DISABLED PEOPLE
- ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY
- EMP1 – LAND FOR EMPLOYMENT USES
- EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT
- EMP4 – PROTECTION OF LAND FOR EMPLOYMENT USES
- TRAN10 – PARKING
- SHOP12 – NEW RETAIL DEVELOPMENT OUTSIDE DISTRICT SHOPPING CENTRES

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

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

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

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

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

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

Planning Policy Wales:

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

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

Paragraph 4.4.3 states 4.4.3 In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should:

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites (Sections 4.7, 4.8 and 4.9).
- Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings (Section 4.12).
- Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities, energy supplies and distribution networks and telecommunications), while ensuring proper assessment of their sustainability impacts (Chapter 12).
- Maximise the use of renewable resources, including sustainable materials (recycled and renewable materials and those with a lower embodied energy). Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible. The use of renewable resources and of sustainably produced materials from local sources should be encouraged and recycling and re-use levels arising from demolition and construction maximised and waste minimised (4.11.5 and 4.11.10).
- 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).
- Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness (Chapter 7).
- Promote a low carbon economy and social enterprises (Section 7.4).
- Facilitate the provision of minerals to meet the needs of society both now and in the future whilst protecting and improving the amenity of communities and the natural and built environment, together with promoting efficient use, recycling, waste prevention and the use of appropriate alternative materials (Chapter 14).

- Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted (4.10, 4.11.10, Chapters 5 and 13).
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change (see 4.5.4 and 4.5.5) by building resilience into the natural and built environment (Chapters 5,12 and 13).
- Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of achieving the well-being goals and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account (Sections 4.7, 8.1, 11.1 and Chapter 12).
- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare (Sections 4.6, 4.7 and 8.1, Chapters 7, 10 and 11).
- Promote quality, lasting, environmentally-sound and flexible employment opportunities (Chapter 7).
- Respect and encourage diversity in the local economy (Section 4.6 and Chapter 7).
- Locate developments so as to minimise the demand for travel, especially by private car (Section 4.7 and Chapter 8).
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods (4.11.12 and Chapter 9).
- Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged (Section 4.7 and Chapter 8).

- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car (Section 4.7 and 4.11.11).
- Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity (4.11.10 and Chapter 6).
- Contribute positively to the well-being of the Welsh language and ensure any negative impacts on the use of the language are mitigated (4.13).
- Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments (Sections 4.7, 4.11 and Chapter 12).

Chapter 10 of PPW sets out the Welsh Government guidance for Planning for Retailing and Town Centres. The following paragraphs are considered to be of relevance in this instance:

10.1.2 The Welsh Government's objectives for retail and commercial centres are to:

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

10.1.4 The Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing. Such co-location of retail and other uses in existing centres, with enhancement of access by walking, cycling and public transport, provides the opportunity to use means of transport other than the car. This mix of uses sustains and enhances the vibrancy, attractiveness and viability of those centres as well as contributing to an increase in linked trips and a reduction of travel demand.

10.2.10 Where the current provision appears to be adequate in quantity, the need for further allocations or developments as a result of an identified qualitative need must be fully justified. Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- Supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;
- Is highly accessible by walking, cycling or public transport;
- Contributes to a substantial reduction in car journeys;
- Contributes to the co-location of facilities in existing retail and commercial centres;
- Significantly contributes to the vibrancy, attractiveness and viability of such a centre;
- Assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;
- Addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it
- Alleviates a lack of convenience goods provision in a disadvantaged area.

10.2.11 It will be for the local planning authority to determine and justify the weight to be given to any qualitative assessment. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced. Further policy and guidance is provided in Chapter 7 and Technical Advice Note (TAN) 23: Economic Development.

10.2.12 If there is no need for further development for retail and commercial centre uses, there will be no need to identify additional sites. There is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries. This approach reinforces the role of centres as the best location for most retail/leisure/commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.

10.2.14 Adopting a sequential approach requires the application of a sequential test whereby first preference should be for a site allocation or development proposal located in a retail and commercial centre defined in the development plan hierarchy of centres. The proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for this process. The extent of any sequential test should be agreed by pre-application discussion between the local planning authority and the developer at the outset of the development management process. This should indicate which retail and commercial centres should be examined for potential sites or buildings. If a suitable site or building is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

10.4.1 When determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with the development plan;
- Quantitative and qualitative need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;
- The sequential approach to site selection;
- Impact on existing centres;
- Net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience;
- Rate of take-up of allocations in any adopted development plan;
- Accessibility by a variety of modes of travel;
- Improvements to public transport;
- Impact on overall travel patterns; and
- Best use of land close to any transport hub, in terms of density and mixed use.

10.4.6 Edge of centre or out-of-centre retail developments may seek, over time, to change the range of goods they sell or the nature of the sales area, for example by sub-division to a mix of smaller units or to a single 'department' store. Sites might come up for redevelopment or be extended, or additional floorspace (possibly in the form of mezzanine floors) might be proposed. Local planning authorities should anticipate such future changes to retail developments (which are likely to impact upon the vibrancy, viability or attractiveness of a retail and commercial centre) by the use of appropriate conditions on the initial permission and on any subsequent variation of condition.

10.4.15 Planning applications for retail development should not normally be permitted on land designated for other uses. This advice applies especially to land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses.

Technical Advice Notes:

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

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

2.6 The planning system's role in creating vibrant, viable and attractive retail and commercial centres is two fold: firstly in creating a positive and flexible policy environment for retail and commercial centres which recognises the individual needs and potential of each centre and planning for their futures in a co-ordinated way (see below) and; secondly, taking other policy and development management decisions which do not undermine the importance of retail and commercial centres and the sustainable locations they offer for businesses and the community.

6.2 The requirement to consider need for a development is not relevant for retail proposals within a defined retail and commercial centre in a development plan. However it will be required for any application in an edge-of-centre or out-of-centre location which is not in accordance with an adopted development plan.

6.5 Planning Policy Wales is clear in the requirement to establish a quantitative retail need before other, qualitative aspects of need are considered. Where the current provision is sufficient, the need for further allocations must be fully justified in the development plan and supporting evidence.

- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

- Sustainable Development
- Planning Obligations
- Public Art
- Trees and Development
- Parking Standards (Interactive Parking Standards Zones Map)

The Local Development Plan:

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

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

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

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

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

Local Development Plan Policies

Strategic Policies

SP6 - Retail

Managing Growth Policies

MG9 - Employment Allocations

MG 12 - Retail Hierarchy

MG 13 - Edge and Out of Town Retailing Areas

MD16A- Protection of Employment Sites and Premises

It should be noted that the whole of Ty Verlon Industrial Estate is within the settlement boundary for Barry identified in the LDP and is identified as an existing employment afforded significant protection under Policy MD16A.

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

- VOGC and Natural Resources Wales LDP Flooding Position Statement (2016) (LDP Hearing Session 4, Action Point 1)
- Employment Land and Premises Study (2013)
- Local Employment Land Deliverability Paper (2015) (Also see LDP Hearing Session 5, Action Point 8 response)
- Further Advice on Employment Land and Premises Study (2015)

- Retail Planning Study (2013 Update) (Also see LDP Hearing Session 15, Action Point 1 response)
- Town and District Retail Centre Appraisal (2013 Update) (Also see LDP Hearing Session 15, Action Point 4 response)
- Open Space Background Paper (2013)

Other relevant evidence or policy guidance:

- 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 in the consideration of this application are the principle of providing a new retail unit in this location, removing an existing commercial unit from an established business park, the quality of the design of the building and the impact of the proposed development on the visual amenities of the area in terms of siting, scale and design, the residential amenity of the neighbouring dwellings, adjoining commercial units and highway safety. Furthermore given the site’s location it is also of relevance to consider issues of flood risk, water contamination and impact upon protected trees.

Principle of Development – loss of employment land

The application site is currently occupied by COS Group, who have been based in Barry for 48 years and currently employ 32 people within the existing unit. The vendor has confirmed that the success of the business in recent years has resulted in a need to expand and relocate to larger premises within the Barry area. The land itself is owned by a pension group whose shareholders consist of the owners of the business and thus, the sale of the land would put funds into the pension and allow the business to relocate and expand. The vendors have discussed their intention to expand and hopefully relocate within Barry.

As aforementioned the site is located on Ty Verlon Industrial Estate, and seeks the redevelopment of the existing occupied, business premises with a retail (principally food) outlet (approximately 1,140 sq. m net floorspace).

Ty Verlon Industrial Estate is identified as an established employment area within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and as such one of the main policy considerations is the loss of an existing employment use at the site, with policy EMP4 'Protection of Land for Employment Uses' considered to be of particular relevance. This policy states that 'on existing employment sites and site identified in policy EMP1 development of uses that are not contained in classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted.'

Since the adoption of the Unitary Development Plan in 2005, the Council has undertaken two reviews of the authority's employment land supply requirements, with the most recent being undertaken in 2013 (Vale of Glamorgan Employment Land and Premises Study, B.E. Group September 2013). This study examined the current employment land supply alongside a comprehensive market analysis of the local employment and land requirements to enable the Council to identify its employment land needs for the Local Development Plan period 2011-2026.

The Study identifies an existing shortage of good quality office space within the Barry area, including a demand for small units (as highlighted at paragraphs 5.15 and 5.16) and also demand for small developable plots of 0.4 -1.2 ha (paragraph 5.21).

With regard to Ty Verlon Industrial Estate, the Study identifies the site as a '*reasonable quality, successful estate on the edge of Barry*' (Table 24, p. 68) and a Key Employment Site within the site hierarchy (Table 38 p.130). The recommendations of the Study indicate '*The retention of Employment Sites and Areas*' and it states that '*existing sites and premises provide valuable opportunities for employment close to where people live. They benefit the local economy, and the loss of employment uses can negatively impact on local access to jobs and the economic competitiveness of local areas. Ultimately this challenges the Vale's economic growth*' (paragraph 10.18 p.142). The Study further reinforces this stance noting that '*there is strong economic justification for the protection of employment land in Vale of Glamorgan from development for alternative uses*'; '*non B Class uses should only be allowed on existing sites if an applicant can demonstrate exceptional circumstances and that the proposals will not have a significant adverse impact on surrounding local uses*' (paragraph 10.21), and '*Retail uses should not generally be supported on employment sites*' (Paragraph 10.22). These findings have informed the LDP allocations and Policy MD16A which protects existing employment site, and which the LDP Inspector has found to be sound.

Noting all of the above, it is considered that the findings of this most recent study are consistent with the policy position of policy EMP4 of the Unitary Development Plan 1996-2011 as previously detailed, noting the restrictions on non B class uses within existing employment sites, particularly on sites identified in policy EMP1 (Land for Employment Uses) which includes Ty Verlon Industrial Estate. As such the proposed development of the site for a non B class use is clearly at odds with the provisions contained within the adopted Development Plan.

It is also noted as context to this that such policy provision is contained within the emerging Vale of Glamorgan Local Development Plan. LDP Policy MD16A (Protection of Existing Employment Sites and Premises) (as amended by MAC 95) is considered to be of particular relevance to these proposals. This policy states that '*proposals which would result in a loss or redevelopment of existing local employment sites or premises will only be permitted where:*

- 1. It is demonstrated that the site/premises is no longer suitable or reasonably capable of being redeveloped for employment purpose; or*
- 2. There is significant community benefit which outweighs the impact of losing the employment site/premises; and*
- 3. The proposal would not prejudice existing or neighbouring employment uses...'*

It may be the case that some sites are no longer viable as an industrial unit on employment land but the onus is on the applicant or the agent to provide information to clearly justify the approval of the development, contrary to the Unitary Development Plan Policy and Planning Policy Wales.

The applicant has submitted information indicating that the Vale of Glamorgan has an over provision of employment land as well as the size, scale and location of the building in question would not be in demand by prospective users. The information submitted in is in the form of a report from property consultants Cushman and Wakefield- 'Barry and Vale of Glamorgan Commercial Property Market Review'. The report sets out four primary points in their conclusions that they consider represent overriding factors that would mean that the loss of the employment land and accommodation would not be detrimental to the current and future supply of employment land in the Vale of Glamorgan. In particular: -

1. The Vale of Glamorgan is over supplied with development sites to serve employment uses, even when removing strategic site contribution supply and demand for such space at this time is insufficient to render further development necessary. In addition, the need for such employment land is unlikely to be provided by nearby boroughs who are currently keeping pace with demand.
2. There is substantial amount of vacant land for employment within the area and on the fringes of surrounding boroughs, despite flexible approaches by the landlords.
3. There is little demand for the industrial accommodation (the size of this property) in this location. The preference for this type of property amongst occupiers is to locate nearer to larger urban centres and the M4 intersections. This is exemplified by St. Hilary Court in Culverhouse Cross, which has seen voids in the renting of the spaces.
4. The Council has approved non B uses within the locality, contrary to employment land policy, without incurring any detrimental impact.

Following correspondence, a further statement was submitted by Cushman & Wakefield (dated 19 January 2017) where the consultant has largely reiterated the above mentioned points while also highlighting further vacant space within a 15 mile radius of the application site. As such, despite the Council's policy objection, the applicant's agent is of the view that there is sufficient vacant employment land of at least the equivalent to mitigate against the loss of the land at Ty Verlon.

The agent's submission outlines that the loss of the premises would not prejudice the supply of employment land within the Vale of Glamorgan, indicating "there is an abundance of allocated (both strategic and local) development sites available in the Vale of Glamorgan which are suitable for class B1/B2/B8 uses to support the plentiful provision of employment land supply". While this is generally consistent with the findings of the Council's employment land Study, the proposal is for the redevelopment of existing premises in Barry where the Council's evidence clearly identifies a shortage of such space. Additionally, as a result of the shortage of office space within the Barry area, Ty Verlon is identified as being a Key Local Employment Site (Table 38, page 130), advocating the protection of such premises, "*Sites with an influence over the whole of the study area, geared to serving the needs of indigenous industry. They are likely to be of a size to create presence and able to accommodate a range of uses, but more suited to B2 and B8 activity*".

With regards to site allocations, identified within their submissions, it should also be noted that these have been allocated to provide for a range and choice of sites to meet future projected needs over the Plan period rather than to address the loss of an existing serviced accommodation that might otherwise be viable. In this respect the Council's Employment Land Study concludes that local employment land provision and forecast demand are broadly at equilibrium (i.e. all of the realistic local supply will be required to meet projected demand to 2026). In terms of office accommodation demand and site viability, the submitted employment land supply review provides a regional and national market comparison rather than expanding on the local office accommodation market in Barry. In this respect, the review provides numerous examples of vacant premises within or on the edge of Cardiff which the existing premises is unlikely to be in direct competition with given that the office and warehousing accommodation at Ty Vernon Industrial Estate serves a more local market for small and medium sized businesses.

As such, despite there being vacant and strategic employment land within the locality, this fails to fully address *the requirement that site/premises is no longer suitable or reasonably capable of being redeveloped for employment purpose*. As such, while the market in the Vale of Glamorgan is more reliable with smaller office accommodation, this does not necessarily demonstrate that this currently occupied unit would be unviable. It is considered that to allow the removal of the employment site is not justifiable on the information submitted and would erode the more limited supply of office space of this scale from the locality rather than demonstrating, via tangible marketing information, that the unit is no longer viable.

Given that the site is currently occupied by a seemingly strong local business, this adds further weight to the Council's view that the proposal is contrary to the UDP and the emerging LDP background evidence, as well as the above quoted provisions of PPW and TAN23.

The redevelopment of the site to provide an ALDI foodstore would theoretically help facilitate COS Group to invest in growth and the applicant argues that this would result in a net positive increase in the number of jobs within the Barry economy and a regeneration of the existing industrial site. However, despite submissions from the vendors indicating their intentions to remain within Barry and the Vale of Glamorgan, they are yet to identify a firm relocation site. They are a Barry based business and it would be their preference to remain within the town. However, it cannot be guaranteed that the business will relocate within the Barry area upon any consent being granted and the change of use being implemented. It is therefore considered that relatively limited weight can be given to these aspirations which have not been adequately demonstrated.

In addition, it should be noted that the site is relatively large in size and there appears to be scope for operations to be expanded within the existing site. The applicant has not demonstrated why that would not be a viable alternative to relocating. As a successful established enterprise there are likely to be alternative means of financing the expanding growing business and no evidence has been submitted to suggest the business will fail without the purchase of the existing site by Aldi.

An additional letter and email (attached as **Appendix A** and outlined in the introduction of this updated report) has been submitted by the COS group. Generally, the comments from the existing occupiers of the site reaffirm their intention to remain in Barry as well as the benefits of the proposed development being approved to the COS group i.e. providing expansion of the business and employment within the Barry area. This matter has been addressed above and as no firm relocation plan has been outlined within the additional email and letter, this does not provide compelling evidence that the future of the business, as a source of local employment, would be secured.

The additional letter also suggests that the applicant was given a supportive view or encouragement regarding the proposed development by Council officers. Members should be made aware that this statement is incorrect, Council officers have not provided any encouragement regarding the proposed development at this location. The application subject of this report was submitted following the withdrawal of a previous application, which was being recommended for refusal by officers prior to being withdrawn by the applicant. In addition, prior to the initial application, the applicant submitted a pre application enquiry but this was withdrawn prior to any formal planning advice being provided. However, it is understood that informal meetings were held at pre application stage where the applicant was made aware of the principle policy objections to the proposal at this location. Accordingly, the applicant and their agents have always understood the policy framework and at no point was any degree of encouragement put forward by the planning department for the retail use at this location.

The applicant suggests that the redevelopment of the site would assist in enabling the existing business to expand but the proposal would, nevertheless, result in the loss of existing employment use, in a location identified within the Council's employment land study as being a key local employment site, and in an area where there is an identified shortage of this size employment accommodation. Additionally, national policy set out in TAN 23 recognises the importance of maintaining existing local employment sites "*where there is strong evidence of likely future need for B1-B8*" and that "*the loss of such areas may cause harm to local economies and should be avoided.*" (Para 4.6.8) Such a stance is reinforced within the recommendations of the Employment Land and Premises Study prepared as background evidence in support of the Local Development Plan.

Proponents of the scheme have cited a number of recent planning approvals for non B1, B2 and B8 uses within Barry, suggesting that these applications indicate that non-conforming uses are acceptable within the Ty Verlon Industrial Estate, which is not agreed. For instance, the sites include McDonald's restaurant, which was approved in 1997, after being unsuccessfully marketed as an employment site for 6 years. Similarly, the adjoining site at Broad Street Motors, a former Architectural Aluminium Ltd factory, was approved in 2011 after being details submitted by the agent for the application indicated that the land and building had been vacant and actively marketed since 2000. As such, in these cases the premises were vacant at the time of the application and had been appropriately marketed for alternative employment uses, and there were specific circumstances in the case of each which the Local Planning Authority considered merited the approval of those applications.

Unlike the historical applications referred to, the applicant has failed to demonstrate through any marketing exercise that the application site no longer remains viable for 'B' uses, nor are they likely to be able to do so having regard to the fact the site is currently used by a successful employment use. It is considered that this is not similar to the approved examples within the locality as the site remains occupied by a viable 'B' use and no marketing exercise to advertise and promote the unit has been submitted to unequivocally demonstrate its lack of viability at this location. The applicant has not provided any empirical information on the viability of the site within Barry i.e. by carrying out a conventional marketing exercise to advertise the unit over a sustained period (12 months minimum) that would support the claims made in the property market review. While the market review has provided a comparison in Culverhouse Cross, there are clearly variables between the two sites such as: their accessibility to the local employment market; their accessibility by public transport, walking and cycling; access for customers; and proximity to other complementary businesses, which makes their comparison questionable, especially when a clear and sustained marketing exercise would provide supporting data that would provide more certainty on the matter.

The loss of allocated employment land is therefore considered to be a significant material consideration in determination of this application, and it is considered that the information submitted in support of this application fails to demonstrate that there are exceptional circumstances that would justify a departure from both local and national policy. With regard to the needs of the existing business, if there is a need for the existing business to expand, UDP policy EMP2 and emerging LDP Policy MD15 support the expansion of existing employment premises, and as such there is potential for the LDP to facilitate the existing businesses needs without the loss of employment land, which could be achieved on the existing site (there is sufficient space to extend on the land) or by relocating to employment land that would suit their needs.

It is considered that the loss of the employment unit would be harmful to the necessary supply of employment land within the Vale and would undermine the Council's strategy for delivering the necessary range and mix of employment accommodation in the right locations.

Having considered all of the above it is considered that the proposed demolition of the existing units on the site and the erection of an A1 retail store, would be contrary with the provisions of EMP1 'Land for Employment Uses' and EMP4 'Protection of Land for Employment Uses' of the adopted Unitary Development Plan 1996-2011 and Criterion (iii) of Policy SHOP12 'New Retail Development Outside District Shopping Centres, LDP Policy MD16A (Protection of Existing Employment Sites and Premises) (as amended by MAC 95) and the background evidence of the emerging Local Development Plan as well as the guidance contained within PPW and Technical Advice Note 23: Economic Development. The proposals are therefore considered to be unacceptable in principle, having regard to the above policies.

Retail impact

The application is supported by a Planning and Retail Statement, which seeks to provide details of a Sequential site assessment and an impact assessment on local centres, to demonstrate that the provision of a supermarket on this site would not undermine the vitality and viability of local centres.

Although the development does not exceed the threshold of 2,500 square metres (indicated within TAN4) where development requires a Retail Impact Assessment, the application is nevertheless supported by a Planning and Retail Statement which includes Qualitative, Sequential and Impact Assessments of the proposed supermarket on existing retail areas in proximity to the site. In this regard policy SHOP12 of the UDP is of relevance to this proposal relating to 'New Retail Development outside District Shopping Centres and the guidance found in Chapter 10 of PPW. This policy is a criteria based policy stating that new retail development outside existing town and district shopping centres will be permitted if all of the listed criteria are met including:

- (i) *The proposal either singularly or cumulatively with other existing or approved developments will not undermine the vitality, attractiveness and viability of the town and district shopping centres...;*

- (ii) *There are no suitable town, district or edge of centre sites and in the case of out of town proposals, there are no suitable town, district or edge of centre or out of centre sites ('the sequential test');*
- (iii) *The proposal will not have an unacceptable effect on the achievement of an acceptable supply of business/industrial land as identified in policy EMP1;*

UDP Policy SHOP12 refers to the likely economic impact of the development either singularly or cumulatively with other existing or proposed developments on existing retail centres. Section 7 of the Planning and Retail Statement refers to this element and is based on the benchmark / average uncovers of existing food stores and convenience floor space within the catchment area of the proposal. The primary catchment area used in the statement is principally based on a 10 - 15 minute off peak drive time from the application site with the exception of adjustments to the north and east to take account of the existing Aldi store at Cardiff Bay and the proposed Aldi store at Culverhouse Cross.

With regard to point (i) the submitted retail assessment and the associated tables indicates that there will be a negative impact upon Barry Town Centre (-4.4%), Main Street (-5.7%), Upper Holton Road (-5.4%), Dinas Powys Local Centre (6.5%) Castle Court/The Parade, Dinas Powys (-7.3%) and Penarth District Town Centre (2.4%). In conclusion, the assessment states that 'Although the proposed ALDI store will divert some expenditure from in-centre convenience stores in both the town centre and surrounding district/local centres, the majority of its turnover will be derived from the out-of-centre Waitrose at Palmerston Road, and the out-of-centre Lidl at Cennin Pedr, both of which are close to the proposal site.

While the Council understands the approval of the retail use would result in negative impacts upon nearby supermarkets, Waitrose and Lidl, these are also out of town retail developments and the impact upon their viability is not afforded any specific policy protection. However, these, and the impacts on the identified centres, are nevertheless negative impacts, resulting from an additional retail development.

The submitted survey also provides a Sequential Assessment of alternative sites within proximity of the site which concludes that '*the application site is considered to be the most sequentially preferable site situated relatively central to the community, amongst other commercial and community uses and accessible by a variety of modes of transport*'. The study provides a limited assessment of alternative sites and notes that the 3 of the 4 sites identified in Barry within the UDP have been developed whilst the other (1-7 Thompson Street) is too small to accommodate their store. The study incorrectly notes that no further retail allocations are identified within the emerging LDP although policy SP6 clearly identifies future retail provision including 3600m² of comparison floor space and 2800m² of convenience retail that has or is to be provided within the Barry Waterfront Development. Notwithstanding this, however, it is considered that the proposals would not strictly be contrary to the provisions of criterion ii) of policy SHOP12 since the applicant has considered relevant locations and the development in question could not benefit from these provisions. However, that alone does not infer the development is acceptable, particularly if there is not realistic retail capacity for the additional store in this area, or need for the unit.

In terms of demonstrating need for additional floorspace, the applicant's submissions outline that '*there is a quantitative need for the proposed ALDI store*', based upon residual expenditure capacity. The assessment compares generated spending in the catchment with expected/benchmark turnover levels, and the estimated turnover of the application proposal. The report suggests that substantial residual expenditure capacity is in the catchment to support the additional retail floorspace.

Conversely, the Retail Planning Study prepared as background evidence to the emerging LDP, identifies that demand for convenience floor space capacity in 2012 was 3803.00 sq.m and by 2026 this demand would rise to 3928 sq.m. However, being mindful of approvals granted since 2011, including that at Barry Waterfront (comprising of 2800 sq.m) the total amount of floor space consented had reached 4,174.32 sq. metres, resulting in an over-provision of 2193 sq. m. convenience floorspace within the Barry study zone at the time of writing this report, relative to projected 2026 demand. Full details are provided in the updated table at the back of the Council's response to Hearing Session 15 Action Point 1. In light of this and the findings of the Council's supporting retail study for the Local Development Plan, the application does not demonstrate demand for additional convenience floor space as proposed by this application that would outweigh the policy presumption against such development in an out-of-centre location.

In this respect, LDP Policy MG13 (Edge and Out of Town Retail Areas) (as amended by MAC58) permits new retail development in edge or out of town retail areas subject to two criteria: (1) Requires that there is an additional need for the proposal which cannot be provided for within existing centres, and (2) Requires that together with other consented developments there would not be an unacceptable impact on the trade, turnover, vitality and viability of existing centres.

The proposal would therefore be contrary to LDP Policy MG13 and the advice and guidance of Chapter 10 of Planning Policy Wales and TAN 4.

Following correspondence with the applicant's agent on this policy objection, the applicant has set out that the data within the Council's retail planning study prepared for the LDP was outdated and could not be relied upon, and states that subtracting the total amount of floorspace consented from the projected demand set out in the 2013 survey was oversimplified. It is the applicant's position that significant changes have occurred since the CACI study was produced (**source for Councils Retail Study paper for Local Development Plan) that would materially affect the demand for retail floorspace within the locality. In particular, the applicant contends that the retail market in 2008 was dramatically different to the position today and the approval and implementation of retail stores as well as changes to sales densities would increase retail floor space capacity within the locality. The applicant argues that the CACI study, when projecting future retail need, would have not included the permissions following the study and the identified need would have been based on historic stores and trading patterns. As such, the approval of the stores and the change to the market would have resulted in an alternative retail capacity, whilst changes to retail floorspace and sales densities would also impact upon retail need.

To support this view, the applicant submitted a retail study note on 19th January 2017 providing updated information on retail capacity. In the report, the agent has made adjustments to the information set out within the CACI report to demonstrate that there is a quantitative need in the area. The report indicates that their comparison to the CACI study is derived by removing the retail planning permissions (granted between 2011-2013) that had not contributed to the projected headroom figure in the CACI report. This, the applicant argues, demonstrates a capacity within the Barry area that would be sufficient to accommodate the retail store proposed. In addition, an update was also carried out on the floorspace and sales densities of the stores within the CACI report. The report concludes that that the 'benchmark turnover' would have fallen by £25 million, resulting in a greater retail demand, which is conventionally produced by comparing potential store turnovers with benchmark turnovers.

However, the applicant's submissions do not fully 're-run' the CACI study and it is considered that the submissions do not provide a compelling basis to suggest the Council should dismiss its most recent retail work. It should be noted that the LDP is at an advanced stage with the Inspector's report having been received on 25th May (since last Committee) which finds the Plan sound, including the retail policies within it. The retail policies, which are supported by the background evidence including the CACI study, have not been fundamentally challenged by the Inspector considering the LDP, nor has the basis upon which the CACI study was formed. It is therefore considered that the Council should have reasonable comfort that this is a sound approach.

Despite the applicant's submissions, therefore, the policy objection remains as the information provided to support their view is not robust enough to be relied upon to suggest that the Council's approach is flawed, or that the applicant's approach represents a reasonable and more appropriate (and comprehensively derived) alternative. The comparable information is based on the Council's CACI study (but not a full re-run of it), which the applicant indicates is unreliable, while no household survey was carried out to support the comparable information. The applicant's agent has suggested that the projected headroom figure and CACI study is unreliable and the Council's calculation of the overprovision of the retail floorspace is over simplified, however, the applicant has failed to provide a new or fully updated study to clearly demonstrate that that the CACI study is unreliable and the retail need within the Barry area is quantifiable from the information provided.

The purpose of defining retail capacity is to establish (as far as practicable) the amount of retail space that an area can reasonably and viably accommodate. Approving additional retail floor space above the calculated capacity would therefore potentially undermine the ability of existing retail areas to remain viable. This includes defined town, district and local centres, and strategic retail developments, such as Barry Waterfront. In this case, it is considered that in the absence of demonstrated capacity for this additional retail development, the proposal would adversely impact upon the viability and balance of existing retail uses in the area.

Accordingly, the Council consider that the supporting information is not sufficiently reliable to identify there is additional retail need to support further retail development within Barry. Noting all of the above, it is considered that the proposed development is contrary to Policy 9 and SHOP 12 of the Unitary Development Plan, MG 13 of the LDP as well as the provisions of Planning Policy Wales (9th edition) including those contained within paragraph 10.2.12, 10.4.1 and 10.4.15.

Design and visual impact

The proposal seeks permission for the demolition of the existing industrial unit, and the erection of a single storey largely glazed contemporary building set towards the northern boundary of the site, to be served by 91 car parking spaces sited predominantly to the south of the site with access gained from Sully View to the east of the site.

As noted previously, the site sits within an established industrial estate, characterised by units of varying scales and design. Whilst the building itself would be setback significantly from the frontage of the site, the submitted site layout indicates minimal opportunity for soft landscaping along the southern boundary of the site, whilst a number of established (but not protected) trees are to be removed adjacent to the junction of Sully View and Cardiff Road, and as such the building would be readily visible from wider view.

Notwithstanding its prominence and the proposed use of the building (as discussed above) it is considered that the design and scale of the building is acceptable in this context. Accordingly, if the proposals were considered to be acceptable in all other regards, it would be recommended that conditions relating to finishes and landscaping be attached to any permission granted to ensure a high quality form of development and to mitigate any loss of existing trees.

Impact upon amenity of neighbouring residential properties

The application site is set a substantial distance from nearest residential properties and as such it is considered that there will not be an adverse impact on residential amenity.

Impacts upon neighbouring commercial units.

Neighbouring commercial units have raised concerns over highway implications as well issues of accessing neighbouring sites over 24hrs and possible noise impacts to animals being treated at adjoining veterinary surgery.

These matters have been addressed in the transport statement and observations from the Councils Highways Authority. In addition, the use of the adjoining site as a retail unit should not prevent the access of the adjoining site, while the noise impacts from a retail use should not be anything that would be over and above existing noise issues that one may experience in an industrial estate.

Accordingly, the concerns raised should not have any adverse impact upon the adjoining commercial units.

Ecology

The application as submitted is supported by a Preliminary Ecological Appraisal and Bat Survey prepared by RSK. Following consultation with the Council's Ecologist and Natural Resources Wales, there are no bats identified and no other ecological constraint that would restrict the grant of planning permission in this instance.

Impact upon trees

There are three protected trees within the confines of the site, and these are shown to be retained on the submitted details.

Whilst a number of trees are shown to be removed these are indicated as being of either moderate or poor quality within the submitted Tree Survey, and a number of trees are shown to be retained and tree protection provided.

Noting this, in this instance it is considered that the removal and retention of the trees identified would be acceptable and as such the loss or works to trees proposed by the applicant would not unacceptably impact upon visual amenity.

Highways implications

Vehicular access is proposed from Sully View from the east of the site, into a car park providing parking facilities for up to 91 vehicles along the southern and eastern boundaries of the site. The servicing and delivery bay is proposed to western end of the store. The application is supported by a Transport Statement, which concludes that *'based on these conclusions the impact of the development proposals on the surrounding transportation network should be considered acceptable and sustainable'*. The Council's Highways Officer raised no objection to the submitted details included within the Transport Statement and site layout.

Although concerns have been raised regarding the traffic numbers that would increase at certain busy periods of the retail unit, there is sufficient parking to service the proposed unit and it is well served by a major route through Barry. Following discussion with the Council's Highways section it is considered that the development would not be demonstrably harmful to highway safety or unacceptably prejudicial to the free flow of traffic.

As such, subject to the provision of the car park and travel plan, the Council would not object to the proposal on Parking and Highway safety implications.

Flood Risk

Policy ENV7 of the UDP states that development will not be permitted where it would potentially be at risk from flooding or increase the risk of flooding locally or elsewhere to an unacceptable level. The application site partially lies within Flood Zones C2 as defined within the Development Advice maps accompanying TAN 15, with the primary source of flooding arising from Cadoxton River which lies immediately to the west of the application site.

As such the application has been supported by a Flood Consequences Assessment (FCA) dated May 2016. Following consultation with Natural Resources Wales, it is considered that the submitted FCA is sufficient provided that the Local Authority require any permission to comply with flood consequences assessment and the mitigation set out within the submitted FCA, which details that finished floor levels are to be set at 7.5m Above Ordnance Datum (AOD). The Council's drainage engineers also raised no objection but required conditions to set out drainage details and the on-going maintenance

Accordingly, subject to the applicant complying with the conditions set out by NRW and the Council's drainage engineers, the application would be considered acceptable in terms of flood risk.

S106 Requirements

Planning (Section 106) obligations

The Council's approved draft Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to any material circumstances.

In this case, the application relates to a development for a retail store at Ty Verlon Industrial Estate. Officers have considered the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

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) (ed. 9, November 2016), 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 10.1.1 sets out the Welsh Government's objectives for development management and retail and commercial centres, states that when determining an application for retail, local planning authorities should take into account improvements to public transport and accessibility by a range of modes of travel.

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, UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, these policies are supported by the advice in PPW, TAN 18: Transport and Manual for Streets and therefore remain relevant.

The Council's Principal Transport and Road Safety Officer has been consulted and advised that a contribution would be required to improve cycle facilities along the corridor of Cardiff Road; create a new crossing facility, or upgrade existing crossing points; and ensure the bus services are adequate to serve the new facility.

The Council thus requested an off-site contribution to enhance sustainable transport facilities. This contribution equates to £2,200 per 100sqm of floor space. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

In accordance with the Draft SPG on Planning Obligations, the Council required a financial contribution of £26,400 (on the basis 1,140 sqm floor space). The applicant considered the contributions being sought as reasonable and agreed in principle subject to further information on the precise nature of the transport scheme. As such, in the event that the retail use was considered acceptable under local and national policy, the impact of the development would be mitigated by a reasonable contribution to sustainable transport facilities.

Training and development

The development of skills and education in an economy are essential to maximise employment opportunities, in order to achieve 'A Prosperous Wales' (Planning Policy Wales, Edition 9, Section 4.1), and to ensure that people secure decent work and enjoy a better quality of life.

Part of the justification for permitting new commercial developments is the employment opportunities they present. Training local residents, especially for those in areas of deprivation such as Barry, to be able to apply for some of the new job opportunities helps to create sustainable communities. Therefore on major developments the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. This training may be provided by the developer on site, or provided in the form of a financial contribution to the Council to facilitate skills training to boost local economic development.

In this case, it is considered reasonable to expect training (on a recognised training course) to be provided for at least 3 employees or alternatively pay the Council a contribution of £3,600 as an in lieu contribution. The financial contribution would be used to remove the barriers to work by providing assistance such as training, skills development, childcare etc.

This has been sought from the developer and would have been secured through a Section 106 Agreement if the application was considered to be acceptable in all other regards.

Public Art

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

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4.

This has been sought from the developer and would have been secured through a Section 106 Agreement if the application was considered to be acceptable in all other regards. The applicant raised no objection to this contribution.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed development would result in the loss of a needed and occupied existing employment site, contrary to the policy presumption in favour of the retention of such uses on defined employment sites and would, therefore, adversely impact upon the supply and range employment land/accommodation within the Vale of Glamorgan. The proposal would therefore be contrary to the provisions of Strategic Policy 5, Policies EMP1 'Land for Employment Uses' and EMP4 'Protection of Land for Employment Uses' of the adopted Unitary Development Plan 1996-2011, Policy MD16A (Protection of Existing Employment Sites and Premises) (as amended by MAC 95) and the background evidence of the emerging Local Development Plan and the guidance contained within national guidance including Technical Advice Note 23: Economic Development and Planning Policy Wales (9th Edition), particularly paragraph 10.4.15

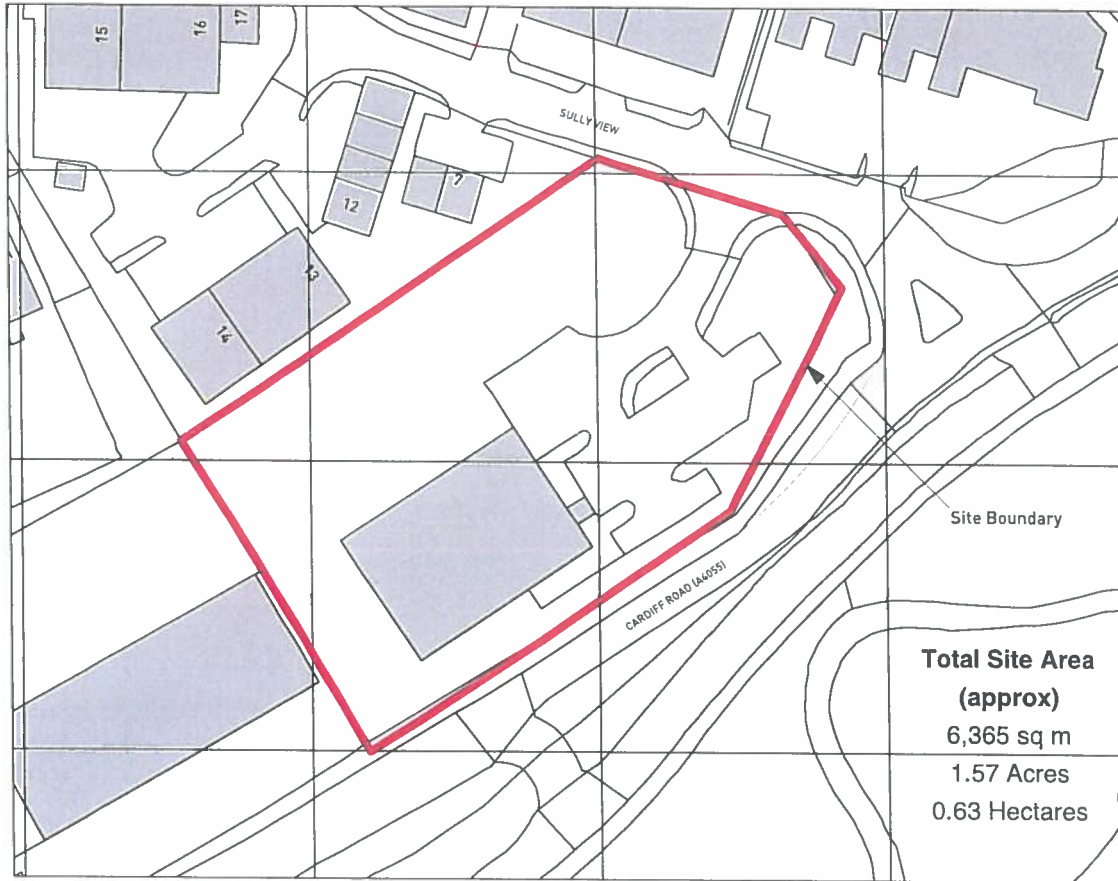
2. By reason of the siting outside of the established town centre or edge of centre locations, and in the absence of information to robustly demonstrate capacity and need for the development, the proposed development would be likely to adversely impact upon the viability and vitality of existing retail centres within the retail hierarchy in the area contrary to Policy 9 and SHOP 12 (new Retail Development Outside District Centres) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Policy MG 13 (Edge and Out of Town Retailing Areas) and background evidence of the emerging Local Development Plan, Planning Policy Wales (9th edition) and national guidance including Technical Advice Note 4 Retail and Commercial Development (2016).

REASON FOR RECOMMENDATION

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

For the reasons set out above, it is considered that the development conflicts with the sustainable development principle and the Council's well-being objectives in accordance under the requirements of the Well Being of Future Generations (Wales) Act 2015.

2016/00946/FUL



0 10 20 30 40 50m

Scale = 1:1250

 Application Area



Kendall Kingscott



Rv. Date By Ap Note

Chartered Architects
Chartered Building Surveyors
Interior Designers
CDM Co-ordinators

Project
ALDI Stores, Ty Verlon, Barry

Drawing Title
Site Location Plan

Glentworth Court, Lime Kiln Close
Stoke Gifford, Bristol BS34 8SR
+44 (0)117 931 2062
www.kendallkingscott.co.uk

Client
ALDI Stores Ltd

Project No.	Drawing No.	Rev.
130857	P(1)01	

Scale Paper Size Filename
1:1250 A4 As Named.vwx

Date	Drawn	Checked	Status
25/2/15	JS	JB	PLANNING

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Check all dimensions and levels on site.

Dear Councillor

Re:- Aldi's Planning Application

The COS Group Ltd has been a committed, loyal employer in Barry for what will be 50 years in 2018.

Three years ago, Aldi approached our company, offering £1.5 million to purchase the site, which is owned by our pension fund.

The COS Group were given to understand that Aldi were offered some degree of encouragement by the planning department to make an application and during the past three years have spent a considerable sum of money to this point.

The COS Group recognised that this opportunity would bring considerable financial benefit to our expansion plans and patiently waited and hoped for a successful conclusion. The continued delays have, however, impacted negatively on our business insomuch as we are running out of warehouse space and do not have adequate showroom facilities to showcase our product range.

In the event of Aldi's application being successful it is the COS Group's intention to either purchase or preferably build new larger premises in Barry where the majority of our 32 employees reside. The increased financial resources of the pension fund will allow for this development and also provide COS with the ability to expand the business.

Could we please ask that you consider the positive impact that Aldi's proposed development will bring to the COS Group, the town of Barry and its residents.

- The COS Group will do everything possible to remain loyal employers within Barry and in the short term envisage an increase in employment levels from 32 to 42 jobs.
- Aldi will employ 42 part time workers in an area of the town which would welcome part time work. Having grown up in Cadoxton myself I am fully aware that there are a number of single parents and young families that are unable to work on a fulltime basis. Aldi's employment will offer an opportunity for an improved way of life to 42 families.
- The Aldi development will bring a significant number of construction jobs to our town.
- Aldi are undertaking an important investment programme in Wales and have recently built a distribution depot in Newport, creating 300 jobs. We believe that their intention to invest in Barry should be encouraged and regarded as a "Feather in Barry's cap" given that our town is not blessed with a plethora of employment opportunities.
- Our national government wish to encourage local government bodies to support small and medium businesses and we respectfully believe that the situation that the COS Group is in is a perfect example.
- A new Aldi store will offer the public of Barry, Sully, Dinas Powys, Rhoose and Llantwit Major the opportunity to reduce their weekly shopping costs. This we believe is particularly poignant given the uncertainty that exists following the Brexit vote.
- A new prestigious Aldi store and associated landscaping will bring an improved visual appearance to the Eastern gateway to Barry and will replace a 50-year-old tired ex WDA storage facility.
- Lastly and very importantly, the residents of Barry want the Aldi store to be built, recognising the benefits that will be afforded to their families.

Footnote.

We understand that the Aldi development is not viewed as in line with the existing LDP plan, with the planners contending that there will be a loss of employment and the land being historically identified as industrial.

COS believe that their intentions to remain as Barry based employers should not be doubted. We do not deserve this assumption.

Cardiff Road has in recent years undergone change for the better. The old tyre recycling depot has been replaced by a modern McDonalds outlet. Our near neighbours include a retail car showroom which replaced a factory complex, a Veterinary practice and bakers. A number of precedents have been set.

The COS Group and its employees thank you for reading this communication and we remain optimistic that a successful and timely conclusion will be made for the benefit of COS, the town of Barry and its residents.

Yours sincerely

Peter Emery

Representing The COS Group Ltd.

From: Rennie, Steven
Sent: 31 May 2017 11:56
To: Howell, Morgan P
Subject: FW: Proposed Aldi Store at Ty Verlon Industrial Estate - an email from COS Group

Steven Rennie
Senior Planner / Uwch Gynllunydd
Regeneration and Planning / Adfywio a Chynllunio
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: [REDACTED]
mob / sym: [REDACTED]
e-mail / e-bost: [REDACTED]

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Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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

ACHIEVEMENT
AWARDS 2017
FINALIST 

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

From: Goldsworthy, Marcus J
Sent: 31 May 2017 11:56
To: 'James Emery'
Cc: Chappell, Phil R; Rennie, Steven; Guy, Bob; Robinson, Victoria L; Robinson, Ian
Subject: RE: Proposed Aldi Store at Ty Verlon Industrial Estate - an email from COS Group

Thank you for your email Mr Emery,

I have passed this on to the case officer dealing with the planning application for planning permission.

With regard to your questions concerning alternative site, I believe one of your colleagues may have already contacted Phil Chappell of the economic development team regarding possible relocation and I have copied him into your email, however there is a difficulty in identifying suitable alternative serviced sites for business such as yourselves, hence the policy position in the Councils LDP which seeks to prevent the loss of commercial office and business land within identified sites to out and out retailing.

Regards

Marcus Goldsworthy
Head of Regeneration and Planning / Pennaeth Adfywio a Chynllunio
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: [REDACTED]

mob / sym: [REDACTED]
e-mail / e-bost: [REDACTED]

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Follow us on Twitter / Dilynwch ni ar Twitter

ACHIEVEMENT
AWARDS 2017
FINALIST 

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

From: James Emery [REDACTED]
Sent: 31 May 2017 11:48
To: Goldsworthy, Marcus J
Subject: Proposed Aldi Store at Ty Verlon Industrial Estate - an email from COS Group

Good morning Mr Goldsworthy

I hope you don't mind me dropping you an email but I'm aware that we are nearing decision-time regarding the above application, and there is a small window of opportunity to put forward elements for consideration.

Many and varied representations have been made with regard to these proposed plans, the vast majority being in favour of the application.

Amongst these, we are aware that there have been a few assumptions made with regard to the plans that we, the Directors of COS, may have in the event of a successful conclusion to this process.

I wanted to re-assure you Mr Goldsworthy, that we have NO intention of either 1. Closing the business, or 2. Moving the business out of Barry.

On the first point, my 2 brothers and I are all in our early to late forties, and have mortgages to pay and families to provide for, and the business provides our livings and careers. Any successful conclusion and resulting sale of the site would not see the sale funds going in the business, but into the Directors' Pension Fund, which we are years away from being able to benefit from. There would, however, be a planned 'disruption payment', into the business which would allow us to 1. Find alternative premises, or land on which to build the same, in Barry, and 2. Inject some welcome cash into the business to allow for expansion and the development of a sector-leading showroom facility.

As things currently stand, we have been unable to develop the building at 6 Ty Verlon Industrial Estate, as we have been in a state of limbo throughout this application process. It would also be difficult to do so, were we to remain where we are, without the above-mentioned cash-injection into the business.

On the second point, we have been in Barry since 1968 (50 years next year) and take great pride in this fact. We also have a long-standing, highly valued team at COS, the huge majority of whom live in Barry. A few of these don't drive, and we are explicit in our intention to stay in Barry to allow these skilled, trained individuals to remain and grow with us.

On that note, we have, at various points through this process, begun looking at options within Barry, but have, to this point, been advised against 'looking in anger' as we can't be seen to waste people's time. We would be very keen, should the application be successful, to work with you or the relevant colleague(s) at the Vale Council to find the right location within Barry for COS, and perhaps you could point us in the right direction of the relevant individual come the time? In the meantime, we have been asked to be kept in the loop of any locations that are or become available.

I hope that might answer any concerns you may have Mr Goldsworthy on the above, but please feel free to give me a ring or drop me an email if you have any other queries regarding this situation.

Many thanks

Best wishes

James

James Emery
Managing Director



COS Group | A: Unit 6, Ty Verlon Industrial Estate, Cardiff Road, Barry, Vale of Glamorgan CF63 2BE
T: 01446 418000 | F: 01446 418009 | M: 07966 281804



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Mae'r neges uchod, ac unrhyw atodiadau a anfonwyd gyda hi, yn cynnwys gwybodaeth sydd wedi ei bwriadu i'r derbynnydd. Os nad ydych chi'n derbynnydd sydd wedi ei chyfeirio tuag at ni ddytech drosbarthu, copio neu lledaenu yr e-bost. Dylech chi anfonnydd yn luan trwy e-bost os ydych chi'n derbyn fel camgymeriad, a ddeu oddi ar eich system. Nid yw trawsgrifio e-bost gwybodaeth gwarantiedig, a fod yn nywir neu'n rhag-amyseddau, gall wybodaeth cael ei ddiarhysio, wedi eu rhyng-gyrraedd yn hwyr, yn anghyflawn neu chynnwys firws. I Gan hynny, nad yw'r anfonnydd yn cymryd ateboliadau am unrhyw e-bost neu hepgoridau yn y neges hon sy'n cyfodi fel cantyniad. Os yw gwleddiad yn gofynnol, plis gofynnwch am copi-caled.

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Registered Office/Cyfeiriad Cofrestredig: Unit 6, Ty Verlon Industrial Estate, Barry, Vale of Glamorgan CF63 2

2016/01092/FUL Received on 13 March 2017

Mr. Richard Wells c/o Agent
Mr. David Thomas, DTB Design, Temple Court, 13a, Cathedral Road, Cardiff.
CF11 9HA

18, Bron Awelon, Barry

Ground and first floor rear extension

REASON FOR COMMITTEE DETERMINATION

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

- the application has been called in for determination by Councillor N Hodges.

EXECUTIVE SUMMARY

The application site is 18 Bron Awelon, Barry. It is a two-storey semi-detached property located within the Barry Garden Suburb Conservation Area.

The application seeks planning permission for a two storey extension to the side and rear of the original dwelling. It would wrap around the side of the property to tie in with an existing side extension. It would have a depth of 3m at first floor, matching the eaves height of the existing side extension. The ridge height would be raised to match that of the original dwelling.

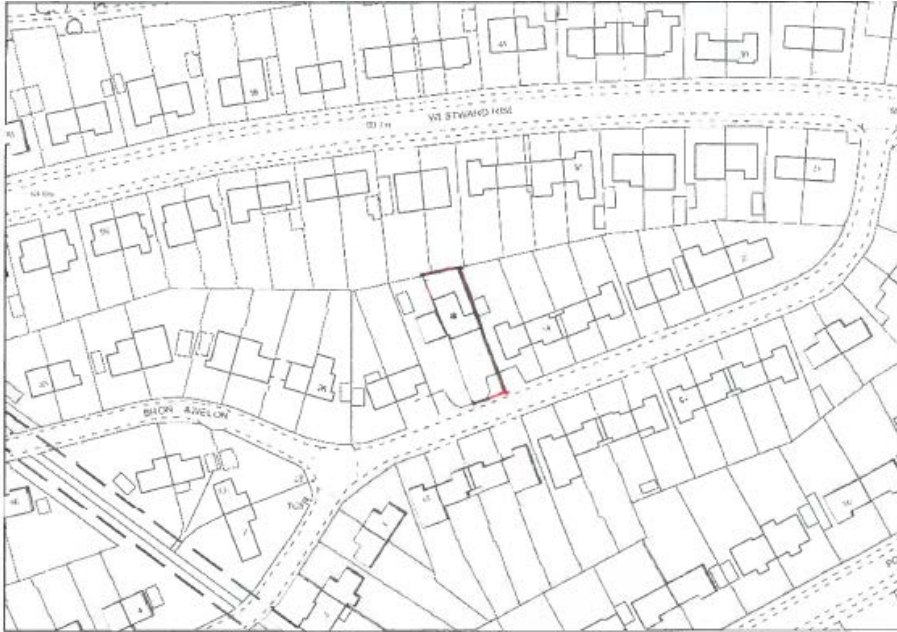
Letters of objection have been received from two neighbouring properties. In addition, the application has been called to planning committee by Councillor N. Hodges. An objection has also been raised by Barry Town Council. The principal issues relate to the design and visual appearance of the extension, the impact on the character of the Barry Garden Suburb Conservation Area, and other impacts relating to neighbouring amenity such as shading, loss of light and privacy.

The application is recommended for refusal as it is considered that the extension would result in an un-neighbourly form of development which would be overbearing, result in an unacceptable loss of light and have an unreasonable shading effect towards the rear garden of No.16 Bron Awelon.

SITE AND CONTEXT

The application relates to a two-storey semi-detached property on Bron Awelon, Barry. It is a residential street within the Barry Garden Suburb Conservation Area, which comprises semi-detached pairs of similar scale, albeit the pair of No18 & 20 are set back substantially within their plots. The area is an example of an early 20th Century planned development following the principles of the 'Garden City' movement. The properties display a consistent use of roughcast painted render and natural slate.

The site location is illustrated in the following plan extract:



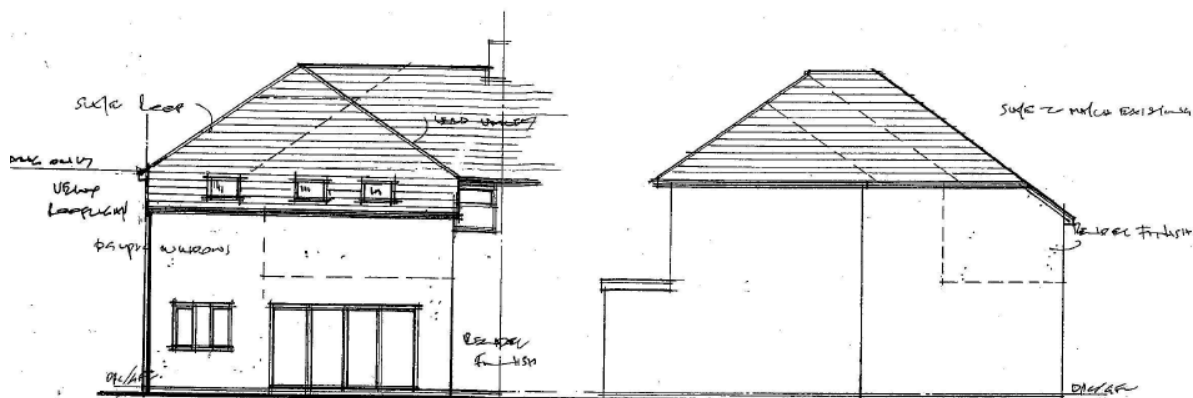
DESCRIPTION OF DEVELOPMENT

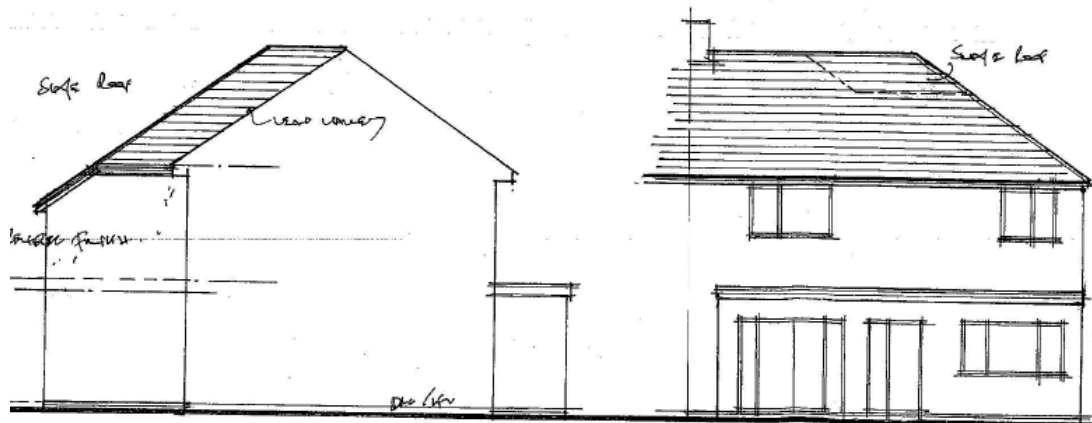
The application seeks planning permission for a rear ground floor and first floor extension.

The extension would measure approximately 3m in depth when measured from the rear elevation of the dwelling, but measure approximately 5m in depth from the rear of the existing side extension. It would effectively wrap around the rear and side of the property. It would tie in with the eaves height at the side elevation and the main ridge of the original dwelling. At the rear elevation there is a continuation to the pitch of the roof, with fenestration at the rear elevation comprising roof lights.

The extension would measure approximately 7.5m in width. It would be set on or near side the boundary with No.16 Bron Awelon, and set in approximately 1.2m from the boundary shared with the adjoining No.20.

The development is illustrated in the following plan extracts:





PLANNING HISTORY

1992/00433/TCA, Address: 18, Bron Awelon, Barry, Proposal: Remove branches from a tree overhanging the back garden, (tree situated in 39 Westward Rise); approved.

2005/00692/FUL, Address: 18, Bron Awelon, Barry, Proposal: First floor ensuite/dressing room extension and conversion of garage; approved.

2006/01292/TCA, Address: 18, Bron Awelon, Barry, Proposal: Work to trees; refused.

2016/00637/FUL, Address: 18, Bron Awelon, Barry, Proposal: Ground & first floor rear extension; withdrawn.

CONSULTATIONS

1. Barry Town Council was consulted and an objection was raised on the grounds that the extension would result in the overdevelopment of the site that would cause harm to the privacy and amenities of neighbouring properties, in particular to No.37 Westward Rise at the rear.
2. Baruc Ward Councillors were consulted. The application was called in for determination at Planning Committee by Councillor N. Hodges.

REPRESENTATIONS

The neighbouring properties were consulted on 24 October 2016.

Letters of representation have been received on behalf of two neighbouring properties. The grounds of objection have been summarised as follows:

- The development is contrary to the Council's published guidance and policies relating to conservation areas, including the Barry Garden Suburb Appraisal and Management Plan (2009) and the Barry Garden Suburb SPG (2006).

- The size of the extension, taken together with the previous extensions, is excessive and inconsiderate (in relation to design – i.e. insubordinate and unsympathetic to the original dwelling).
- The proposals would require the removal of a hedge and the footings and eaves would encroach on to land all in the ownership of No.16 Bron Awelon.
- No consideration has been given to the letter from Chartered Building Surveyor Mr Ball relating to the boundary issues.
- No notice has been served in relation to the Party Wall Act.
- The application should be invalid (as ownership declaration 'Certificate B' has not been signed).
- The rear elevation would be less than 21m and be intimidating and overbearing.
- The extension would have an adverse effect on neighbouring gardens in regard to shading and loss of light.
- The development would be contrary to Policies 4 and 5 of the Amenity Standards SPG

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

POLICY ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT
 POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS
 POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
 POLICY TRAN10 – PARKING

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

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

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

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

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

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

Planning Policy Wales:

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

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

Paragraph 4.11.9 states:

“The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Amenity Standards

Policy 1: Privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings and features such as trees, hedges, public spaces, footpaths and screen walls and fences.

Policy 3: the construction of new residential development must respect the character of existing residential development, whilst ensuring that the privacy and amenity of surrounding properties are safeguarded.

Policy 4: a minimum distance of 21 meters (70 feet) must be provided between opposing principal windows of dwellings.

Policy 5: the construction of residential development should not result in an unacceptable loss of daylight or sunlight to neighbouring properties.

Paragraph 5.12 also adds: *“The siting of two or more storey developments within close proximity of an existing residential boundary can result in an unreasonable loss of daylight and sunlight to neighbouring properties. As a result these gardens can be made gloomy and unattractive resulting in an unacceptable reduction in the quality of life of the residents...”*

- Parking Standards (Interactive Parking Standards Zones Map)
- Barry Garden Suburb SPG (2006)
- Barry Garden Suburb Conservation Area Approval and Management Plan (2009)

The Local Development Plan:

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

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

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

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

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

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well Being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider in the appraisal of this application relate to the visual impact of the development and impact on the character of the street scene and wider conservation area, as well as the impact on the residential amenities of the neighbouring properties, parking provision and highway safety.

Design and Visual Impact

In terms of public viewpoints, the extension is to be sited to the rear of the property and whilst it will be visible within the street scenes to the front and rear of the site, it would not be particularly prominent, especially as the semi-detached pair is set back significantly from the main building line on Bron Awelon. It would be set behind and existing two storey side extension when viewed from the front of the property, whilst to the rear the view would be restricted to glimpses in between the dwellings on Westward Rise.

The main alteration to the frontage would be to the ridge height of the existing side extension. The existing side extension is already flush to the front elevation and the proposal involves raising the ridge to meet the main ridge of the original house, whilst maintaining the pitch of the front roof plane. The roof profile would remain hipped to the side, meeting the ridge of the rear extension. The proposed alteration would mean that it was no longer possible to read the original width of the dwelling at the front elevation, given that the extension would not be set back or set down from the main roof. Nevertheless, the adjoining No.20 has been extended in a similar way, and in terms of balance, there would be a greater symmetry to the pair following the alteration to the ridge line than exists at present.

It is also important to consider the impact of the development on the character of the property and to the wider Conservation Area. It is noted that the breadth of the original property would no longer be seen at the ridge; however by maintaining the hipped profile, rendered elevations and slate roof, the proposal respects the general design approach and palette of materials seen within the Barry Garden Suburb Conservation Area. The extension would also not appear excessively large or disproportionate to the original dwelling in the manner it would be perceived from the street. It is therefore considered that the development would preserve the character of the conservation area in accordance with the provisions of Section 72(1) of the Town and Country Planning Act 1990. The Council's Conservation Officer has not objected to the proposals in this regard.

It is therefore considered that the extension is acceptable in relation to the design and visual appearance and would not have any significant detrimental impact to the character of the dwelling, street scene or wider conservation area. It is possible to secure materials to match the existing arrangement by condition.

Impact on Residential Amenity

The extension would be sited to the rear elevation to a depth of approximately 3m at first floor level. This would leave a distance of approximately 4m – 5m to the rear boundary, which comprises a mature hedge. There have been concerns raised in relation to privacy given the proximity to the rear elevation (as proposed) to the rear boundary, which would result in overlooking at close quarters from the bedrooms in the extension to the opposing rear gardens and windows. The concerns were relayed to the applicant and it is now proposed that the fenestration at the rear comprise roof lights, at a height of 1.8m from the internal floor level. The provision of the windows can be secured by condition and it is considered that these would overcome the concerns regarding a loss of privacy to the properties at the rear. The window in the rear elevation is proposed to be re-aligned, but nevertheless reflects the existing arrangement of fenestration and is proposed to serve a bathroom. Policy 4 of the Amenity Standards SPG has been noted, but the policy refers to opposing principal windows. In providing roof lights the windows would no longer oppose those on Westward Rise.

There have also been concerns raised concerning the impact of the extension to neighbouring properties in terms of having an overbearing impact, shading impact and causing a loss of light. In relation to the adjoining property at No.20, the extension would have an effective depth of 3m at first floor level. It would also be set inside the boundary by approximately 1.2m. The roof of the extension would also be pitched away from the boundary to No.20, such that the extension is not considered to cause an unacceptable impact in terms of loss of light to the windows or garden area of No.20.

The extension would bring the rear elevation in closer proximity to the rear boundary with the opposing gardens sited northwards of the extension. The profile of the roof is again pitched away from the rear boundary with a roof that slides below the equivalent eaves height of the original dwelling. The opposing gardens have a generous depth of approximately 11m and it is considered that the extension would not result in a significant overbearing impact, loss of light or shading effect to the properties at the rear.

Lastly, the extension would also be situated on or near the boundary to No.16 Bron Awelon. It is shown to be set inside the side elevation of the existing extension by 10-15cm. In considering the impact to neighbouring amenity, the extension would wrap around the side of the property at first floor level. It would result in an effective additional depth of approximately 5m to the building along this section of the boundary. This section would also have a hipped roof and tie in with the existing eaves height at approximately 5.5m. The depth of the building alongside the boundary would amount to some 9.8m in total, including the existing side extension. In comparison to No.16, the dwelling is already set back substantially within its plot.

The position of the extension in comparison to the rear garden of No.16 would result in the side boundary becoming substantially enclosed by the extensions at a two-storey height. It is considered that the resultant impact would be significantly overbearing to the neighbouring occupiers at No.16, with little sense of relief due to the proximity and two-storey height of the extension. Moreover, the extension would reduce the amount of natural light the garden would receive to a degree that would be significantly detrimental to the neighbour's living conditions and enjoyment of their garden. In regard to sunlight, the extension is orientated to the west of the rear garden at No.16. It means that whilst there would not be a significant shading impact from morning to mid-afternoon or in winter, there would still be a significant impact from spring to autumn during the late afternoon. The impact to the garden is exacerbated by the staggered nature of the dwellings and the depth of No.18 within its plot. The development is therefore considered to be contrary to Policies 3 and 5 of the Amenity Standards SPG (and supporting text contained within paragraph 5.12).

In considering together the aforementioned impacts from the additional bulk of the extension to the side boundary, it is considered that it would be an un-neighbourly form of development that would have a serious detrimental impact to the living conditions of the neighbouring occupiers at No.16 Bron Awelon. It is recommended that the application be refused, on the basis that it is contrary to Policy ENV27 of the UDP and the Amenity Standards SPG (Policy 3 and Policy 5).

Amenity Space

The extension would result in the loss of some amenity space available to the occupiers of No.18. The property however would remain with a private rear garden that would be adequate to serve the needs of the outdoor functional needs of the occupiers. The property would also retain a substantial front garden. It is therefore considered that the site would not be overdeveloped, in regard to the amenity space that would remain available to the occupiers of No.18. The proposed arrangement of roof lights to serve the rear bedroom would not provide the room with a view, but is nevertheless a source of natural light and it is considered that the amenities of the occupiers of No.18 would not be significantly compromised in this regard.

Parking

The proposal would not reduce the existing off-street parking provision available at the front of the property. The proposed floor plans also indicate that whilst the property would be extended to provide larger bedrooms, it would remain a three bedroomed property. It is therefore considered that the development would not result in an increase in on-street parking that would be to the detriment of highway safety.

The Property Boundary

An objection has been made on the basis that the application should be considered invalid due to disagreement on the position of the boundary, foundations, overhanging rainwater goods and the impact to the hedge planted at No.16. The provisions of the Party Wall Act have also been raised.

The submitted application forms include a declaration of ownership completed on behalf of the applicant, suggesting they own all of the land to which the application relates. The submitted plans illustrate the extension can be accommodated within the building line of the side elevation of the existing extension. It is not within the scope of this application to make a legal determination as to the position of the boundary and there is no clear evidence the extension would be located on land outside of the ownership of No.18. The application is therefore considered to be valid as submitted. In determining the application, the property ownership is not a material planning consideration. The grant of planning permission does not affect property ownership rights or other legal matters pertaining to the development.

The Party Wall Act may be relevant to this development but is not legislation that is enforced or administered by the Council. There is no requirement to complete or initiate the provisions of the Act prior to the submission or determination of a planning application.

RECOMMENDATION

REFUSE (W.R.)

1. By virtue of the size and form and proximity to the side boundary with No.16 Bron Awelon, the extension would result in an un-neighbourly form of development which would be overbearing, result in an unreasonable loss of light and have an adverse shading effect towards the rear garden of No.16, thereby unacceptably impacting upon the residential amenities of the occupiers. Therefore the proposal is considered to be contrary to Policy ENV27 of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards.

REASON FOR RECOMMENDATION

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

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



EXISTING ELEVATIONS

2016/01092/FUL



RECEIVED

14 OCT 2016

Regeneration
Planning

2017/00082/FUL Received on 22 February 2017

Mr. Manzoor Ahmed 256, Holton Road, Barry, Vale of Glamorgan, CF63 4HU
Dr. Somas Kandiah, SK Designs, 58b, Clearwater Way, Lakeside, Cardiff, CF23
6DJ

332, Holton Road, Barry

Single storey rear extension to serve as family prayer area during funerals with body cleansing facility and construction of a dome and aminaret

REASON FOR COMMITTEE DETERMINATION

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

- the application has been called in for determination by Cllr Pamela Drake with the reason given being opposition/concern from local residents.

EXECUTIVE SUMMARY

The application site relates to an Islamic Centre situated at 332, Holton Road, Barry. The building is located within the Barry settlement boundary at a junction off Weston Square roundabout and was previously used as a Police station. The building currently has three flats as well as a prayer room.

The application seeks permission for a single storey rear extension to serve as a family prayer area during funerals, with a body cleansing facility. The extension would also include the addition of a dome and minaret.

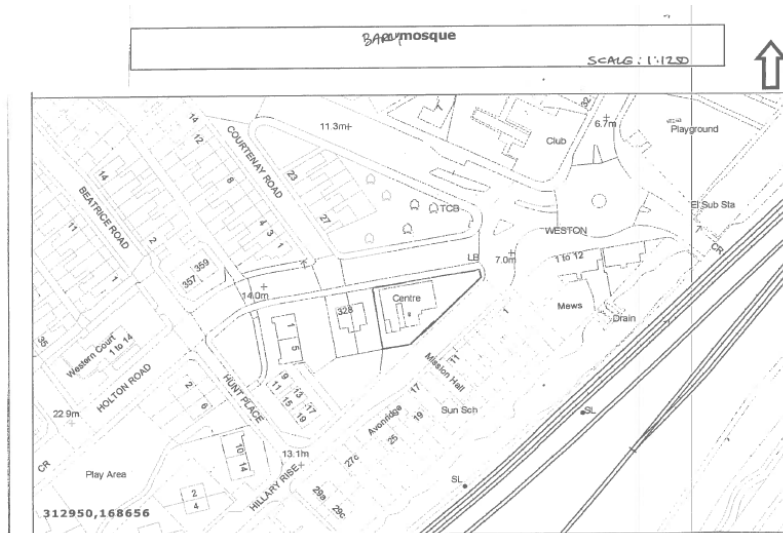
Consultation responses have been received from Barry Town Council, Councillor Drake, the Council's Highways Department, as well as 14 letters of objection by members of the public. Issues raised relate to parking issues; architecture not in keeping with local area; noise issues; the development attracting people from afar, amongst other issues.

The main considerations for this application are: the scale, form, design and visual impact of the development; the impact on neighbours, and transport, parking and access.

It is recommended that the application be APPROVED subject to conditions.

SITE AND CONTEXT

The application site is an Islamic Centre situated at 332, Holton Road, Barry. The Centre is located within the Barry settlement boundary at a junction off Weston Square roundabout:



The site is located in a predominantly residential area, but also close to the commercial centre on Vere Street.

DESCRIPTION OF DEVELOPMENT

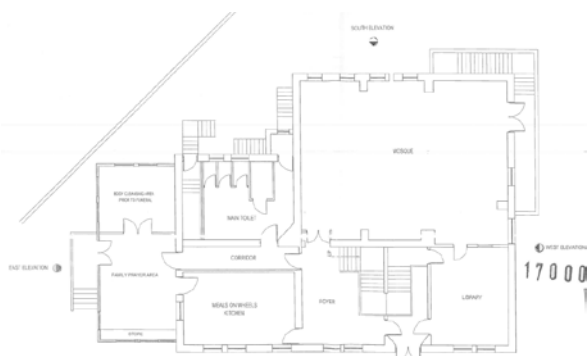
The application proposes a single storey rear extension to serve as a family prayer area during funerals, with a body cleansing facility, and the construction of a dome and a minaret.

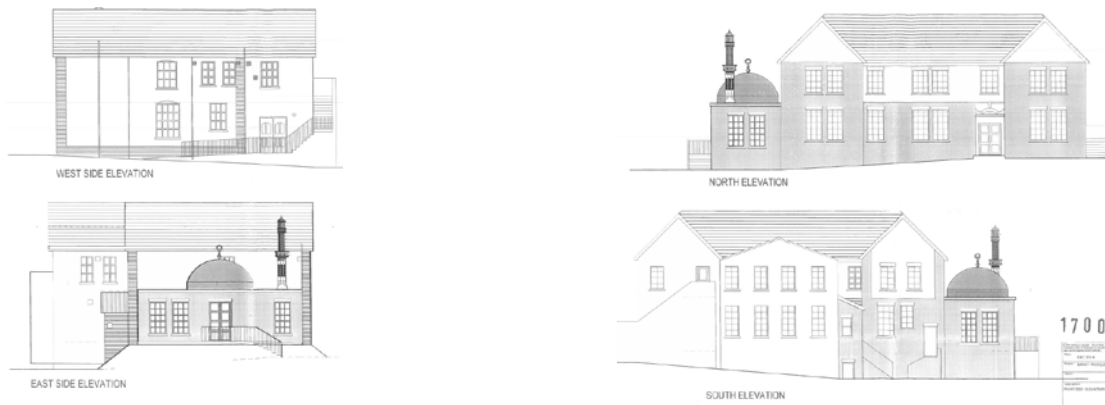
The development is located on sloping ground and is therefore set a little higher than the existing ground level, with proposed steps to access the development. The proposed depth of the extension would be approximately 4.6m.

The height of the flat roof on the North side elevation would be approximately 4.3m (from ground level) whilst the height on the South side elevation would be approximately 5.3m. The development would have a width of approximately 10.6m.

The highest part of the dome would measure approximately 7.2m (from ground level) on the South elevation and approximately 6.3m on the North elevation.

The proposals can be seen in the following plans:





PLANNING HISTORY

1999/00157/FUL, Old Police Station, Weston Hill, Holton Road, Barry, Erection of external staircase to first floor flat, Approved

1996/01058/FUL, Muslim Community Centre, Holton Road, Barry, Activity room extensions to existing Muslim Welfare Centre, Approved

1995/01154/LAW, The Old Police Station, 332, Holton Road, Barry, Three flats and prayer room, Approved

1993/01291/LAW, 332, Holton Road, Barry - The Old Police Station, 3 Flats, Community Hall (Certificate of Lawfulness), Refused

CONSULTATIONS

Barry Town Council were consulted on 13 March 2017 – comments received – “No objection”

Castleland Ward Members were consulted on 13 March 2017 – comments received by Cllr Drake include concerns relating to parking on Weston Hill and Hilary Rise when funerals taking place, disruption, the design of the extension, dome and minaret being out of keeping in the area.

The Council’s **Highways** department were consulted on 22 March 2017 – and made the following comment:

“The above development is for the extension of the existing Mosque to provide an additional praying area and a facility for body preparation in association with funerals that will take place at the site.

When reviewing the proposals, it is noted that in order to facilitate the development, the extension will be constructed on part of the existing car park to the side of the building, resulting in the loss of 2/3 parking spaces. Furthermore, the proposals would require 2 No. additional car parking spaces to be provided within the site in accordance with the councils parking standards.

Additionally, when reviewing the proposed site plans, it is noted that vehicle access to the site will be maintained as existing. However, due to the lack of manoeuvring facilities, vehicles (including hearses and private ambulances) will be required to reverse in/out of the access into the mouth of a busy junction and oncoming traffic, to the detriment of highway safety.

Therefore, based on the above, an objection is raised in relation to the highway and transportation aspect of the development.”

Following a suggestion to stop-up the existing access, the Highways department responded as follows:

“While the stopping up of the access would provide a benefit in terms of highway safety, this would remove the existing car parking (2/3 spaces) provision and would increase the demand for kerbside car parking along the adjacent highway.”

The Council’s **Environmental Health** department were consulted on 25 May 2017 – and made the following comment:

“As it has been suggested by the applicant, this department would like the use of the family prayer and body cleansing facility to be conditioned to the following hours:

10:00 – 17:00 Monday to Friday

There should be adequate ventilation within the Wudu (room where the body will be cleansed); and adequate drainage for waste water. If necessary, such permissions are to be sought from Dwr Cymru Welsh Water.

Prior to commencement of such works, this department must be supplied with and approve a Construction and Environmental Management Plan.”

REPRESENTATIONS

The neighbouring properties were consulted on 13 March 2017.

A site notice was also displayed on 17 March 2017.

14 letters of objection have been received to date and the grounds are summarised as follows:

- Development would result in devaluation of properties
- Increased parking issues added to an area where there are already parking issues
- Parking issues likely to be more frequent due to increased use of the building
- Parking provided does not meet Manual for Streets regulations
- Shroud burials not appropriate for children
- Dome and minaret not in keeping with surrounding architecture
- Dome and minaret would be a distraction and cause Highway Safety issues

- Many Mosques no longer have domes or minarets and it is now a trend to not have them as they are no longer necessary
- Danger caused by parking - viewing issues for both pedestrians and drivers
- People not likely to catch buses
- Unused plots at Barry Cemetery as a direct consequence of not having a body preparation room in Barry is unfounded
- Plots reserved for Muslim Burials at Barry Cemetery are no longer available
- Noise issues – development would increase noise
- Minaret used as a call to prayer causes more noise
- Dome and minaret would block sunlight
- Building not attractive and development would not enhance it
- Would attract not only local residents but those from afar
- Funerals can be held at all hours to accommodate the need for burial within a 24 hour period

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 8 – TRANSPORTATION

POLICY 14 - COMMUNITY AND UTILITY FACILITIES

Policy:

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV28 – ACCESS FOR DISABLED PEOPLE

POLICY ENV29- PROTECTION OF ENVIRONMENTAL QUALITY

POLICY TRAN10 – PARKING

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

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

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)

The Local Development Plan:

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

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

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

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

Other relevant evidence or policy guidance:

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

Well Being of Future Generations (Wales) Act 2015

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

Issues

Scale, form, design and visual impact

The proposed extension would be located on the east side elevation of the existing property and would be highly visible along Holton Road and Hillary Rise. The street scene comprises of mainly housing, with an open green space directly opposite the proposed development. There is also the Luchana Mission Church behind the development on Hillary Rise. Whilst the proposed development would alter the character and appearance of the building to a degree, and consequently also the street scene, it is considered that this would not be a detrimental change.

Objectors have observed that the architecture of the proposed extension would not be in keeping with the surrounding area. However, the main part of the extension, while flat roofed, is not particularly different in its general character to the existing building. The dome is the most striking feature of the design and that gives the development an appearance that is characteristic of an Islamic place of worship. There is no precedent for this in the immediate street scene, but it is an established planning principle that each case must be treated on its merits.

It is considered that the dome would appear as an interesting design feature that would give variety to this part of the street scene and would not be inappropriate as an indicator of the multi-cultural nature of the area. The extension as a whole would be subservient to the existing building and its proportions relate well to it. Furthermore, it is not agreed as suggested by an objector, that the dome would cause a highway safety issue. Consequently, it is considered that it would not have a detrimental impact on the building or the wider street scene, in compliance with Policy ENV 27 of the UDP.

The materials of the main extension are considered acceptable and would match the existing building. However, further details of the dome and minaret are required to be submitted by way of condition.

Whilst the extension does not include access for disabled people, there is existing provision available on the West side elevation. The application asserts that the ground floor is open plan, allowing for easy access throughout. The application therefore does not conflict with Policy ENV 28 of the UDP.

Impact on neighbours

An objection has been raised that the proposed development would block sunlight to neighbouring properties. Whilst the proposed development would result in the building being closer to neighbours on Hillary Rise than the existing building, the height of the structure is relatively modest and the distance to properties opposite is such that that it would not result in an unacceptable overbearing or overshadowing effect on neighbours.

The development proposes windows in the extension on the ground floor for the North, South and East elevations. The land opposite the development to the North is an open green space, However, the windows proposed to the South and East elevations would result in windows closer to the properties on Hillary Rise and Hillary Mews. In terms of the impact of the windows on Hillary Mews, the windows in the east facing elevation would be in excess of 21 metres away and would not result in an unacceptable overlooking.

With regard to the impacts on the terraced properties on Hillary Rise, the proposed windows would be within approximately 15m of the front elevation of the opposing terraced properties. Given that the windows are full height and in an elevated position, as proposed, they would result in overlooking of the opposing terraced properties. The agent has been advised of the concerns and has agreed that windows in the south facing elevation of the extension can be non-opening and obscure glazed, which overcomes these concerns. This is recommended at Condition 5.

Noise

Objectors have raised concerns over the potential for the minarets to be used as a means of emitting sound for 'call to prayer'. The agent has confirmed that the minarets would not be used for emitting sound but would instead act purely as an architectural feature. Nonetheless, a condition restricting music or sound amplification is recommended (see condition 3).

Operating hours

Islamic tradition states that upon death, the body should be buried as soon as possible. An issue raised by some residents related to the potential for the building being used more frequently 'out-of-hours', on weekends and on Bank Holidays. Correspondence from the agent has confirmed that the family prayer and body cleansing facility will be open 10am to 5pm, seven days a week.

Whilst the facilities could therefore be used on weekends, it is considered that the use of these facilities would not cause any unreasonable disruptions to the area. Nonetheless, a condition restricting the operating hours for these facilities is recommended (see condition 6).

Transport, Parking and Access

As aforementioned, the Council's Highways Department has objected to the proposal on two grounds:

- The proposal doesn't comply with Council's parking standards
- Vehicle access to the site and lack of manoeuvring facilities would cause a detriment to highway safety

The Islamic Centre is located in a sustainable location, with bus stops directly outside the site and Cadoxton train station within walking distance. The proposed development is therefore highly accessible by means of travel other than car and is compliant in principle with POLICY 8 of the Council's Unitary Development Plan and national planning advice on sustainability.

Among the objections received by members of the public, parking issues has been the most commonly raised issue, with a number attaching images to demonstrate existing parking issues in the area at peak times.

The Council's Parking Standards SPG indicates that the site falls within Zone 4 – Suburban. Whilst the existing Islamic Centre already does not provide the maximum amount of parking set out in the SPG, the guidance states that *“the local authority reserves the right to treat all planning applications on their merits according to the size, nature, location, density, employment and traffic generation characteristics of the proposed development”* (page 11). Given the sustainable location of the development; its proximity to sustainable modes of transport; and also the availability of street parking in the area, it is considered that a flexible approach to parking is justified in principle.

As noted above, the extension would result in the loss of an existing area which could be used for parking, albeit that there is no evidence that worshippers use this parking area and the vehicular access to that area is not ideal. This development would result in the loss of 2-3 spaces. Moreover, the additional floor space would also generate additional parking requirement of 2 spaces. Therefore the development would cause an additional shortfall of 4/5 parking spaces, compared to the existing operations of the site. Whilst it is not disputed that there are times when there is significant demand for on-site parking, it is considered that this demand can be accommodated within the wider area through on-street parking. It should also be noted that the current guidelines set maximum standards, rather than minimum, and this approach is supported in Planning Policy Wales, which states that minimum standards are no longer appropriate.

It is accepted that there is pressure for on-street parking from existing residential properties, however, it is considered that the proposed development would not significantly alter existing parking demand, in the context of the available provision. In light of this, the sustainable location (which gives visitors a range of options of how to travel to the site) and the on-street parking available, it is considered that the development would not result in unacceptable parking impacts that would harm highway safety.

The highways engineer has raised concerns regarding access to the site and a lack of manoeuvring facilities. Officers have considered whether it would be appropriate to stop-up the existing access and this has been discussed with the applicant's agent. However, he has stated that this is not feasible, given that access is needed by under takers to provide a more private area to transport bodies to the Centre. Given that this is an existing access and given that the development would potentially limit the number of vehicle movements using it, it is considered that the continued use of it, even with the alterations to the existing manoeuvring area, would not be so harmful to highway safety as to warrant the refusal of the application. There is no evidence to suggest that the area is currently used by worshippers (the agent has also confirmed that this area is not used by worshippers), and it is considered that the access would continue to see relatively limited numbers of vehicle movements. A condition (No. 7) is recommended to limit the use of the parking area to exclude worshippers or visitors to the Mosque.

Other matters

Whilst the Environmental Health Officer has requested a Construction and Environmental Management Plan (CEMP) be conditioned, it is considered that this is not necessary given the size of the proposed works and the location of the site relative to sensitive receptors. The Council has other powers to deal with noise and disruption during construction if necessary and the imposition of a CEMP condition to a planning permission is usually only necessary for major developments in sensitive locations.

Other matters raised by objectors, such as: loss of property value; whether shroud burials are appropriate for children; that many Mosques no longer have domes or minarets as they are no longer necessary; availability of plots at Barry Cemetery; and whether the Mosque would attract not only local residents but those from afar, and not considered to be materially relevant to the determination of this planning application.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: 204 R3; 201 R3; 202 R3; 203 R3; 205 PROPOSED SITE PLAN.

Reason:

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

3. The dome and minaret hereby approved shall not be used for emitting or amplifying music or sound.

Reason:

To control the scale and nature of the use in the interests of nearby residential properties, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan

5. The windows facing Hillary Rise on the South elevation of the extension shall be installed as a non-opening window and shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use and shall thereafter be so maintained at all times.

Reason:

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

6. The family prayer area and body cleansing facility hereby permitted shall not be open to visitors outside the following times - 10am to 5pm on any day.

Reason:

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

7. The parking area shall not be used by worshippers or visitors to the mosque.

Reason:

Given the restricted access and manoeuvring space within the site as a result of the development the use of the access and parking area must be restricted to prevent frequent use by worshippers to the site, in accordance with UDP Policy ENV 27 (Design of New Developments).

REASON FOR RECOMMENDATION

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

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

Having regard to POLICIES ENV 27 – DESIGN OF NEW DEVELOPMENTS, ENV28 – ACCESS FOR DISABLED PEOPLE, ENV 29- PROTECTION OF ENVIRONMENTAL QUALITY and TRAN 10- PARKING, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within the Council's Supplementary Planning Guidance on Parking Standards (Interactive Parking Standards Zones Map), Planning Policy Wales 9th Edition and Technical Advice Note 12- Design, the development is considered acceptable in terms of its scale, design, impact on neighbours, highway safety and parking.

NOTE:

- 1. 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).**

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.

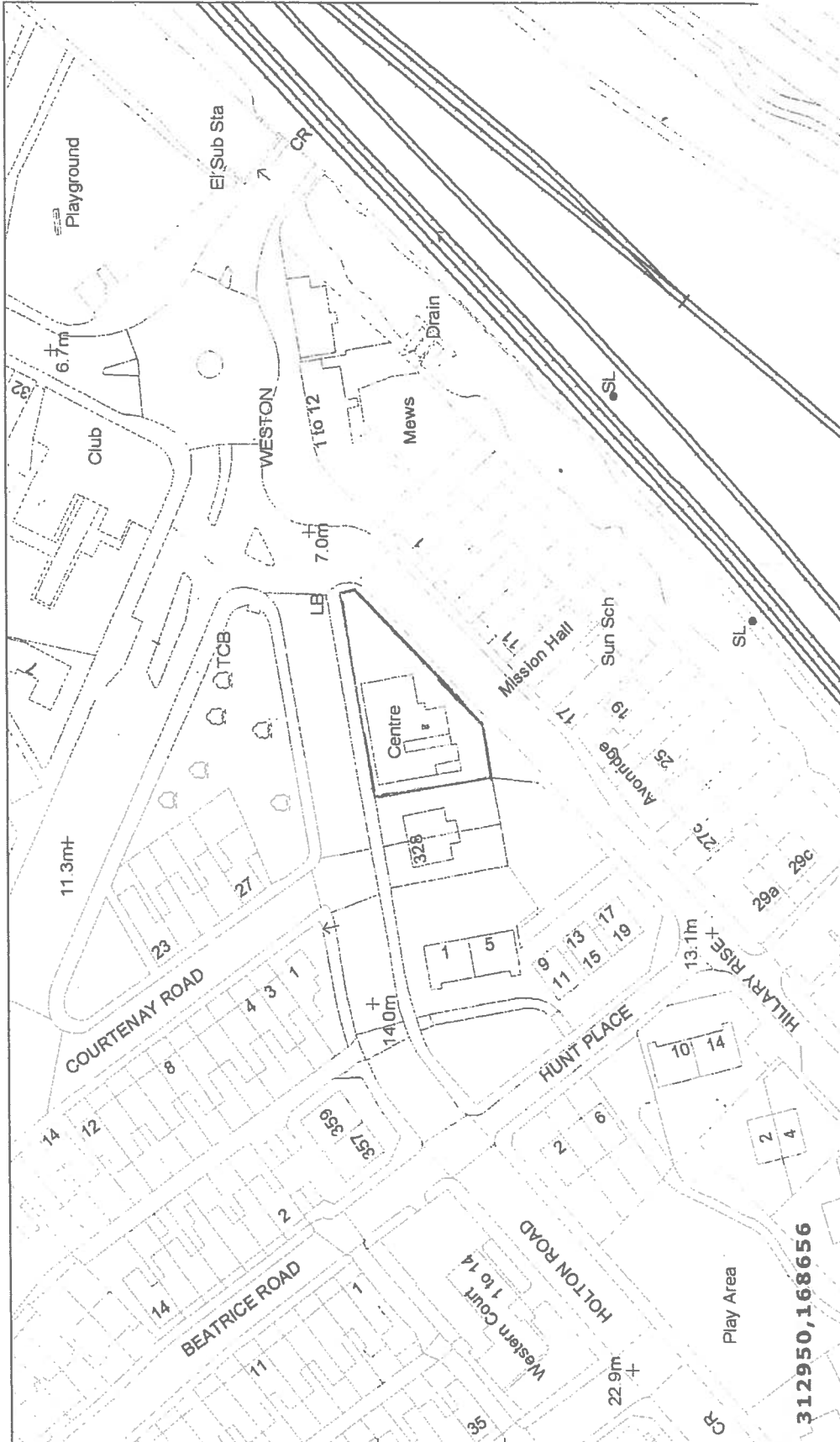
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

1700082 FUL

12/12/2016

BAAWY Mosque

SCALE: 1:1250



RECEIVED
 - 9 FEB 2017
 Regeneration
 and Planning

312950,168656

2017/00086/FUL Received on 13 February 2017

Mr. Tom Parker, Tresilian Wood, Dimlands Road, St Donats, Vale of Glamorgan.
CF61 1ZB

Mr. Tom Parker, Tresilian Wood, Dimlands Road, St Donats, Vale of Glamorgan.
CF61 1ZB

Tresilian Wood, Dimlands Road, St. Donats

Proposed change in height to 3 lodges and conversion of 2 Cabans to proposed Shepherds Huts tourist accommodation with self contained kitchen and bathroom facilities. Proposed extension of operating season to cover the whole year for Cabans and Shepherds Huts

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee at the request of Councillor Gwyn John due to concerns raised by residents over the impacts of the proposed development on traffic, odour, noise and residential amenity and ecology.

INTRODUCTION

Members will recall that this application was deferred at the 27 April 2017 Committee for a site visit.

The proposal has not been amended, however the report has been updated to include the late representations reported at last committee and to reflect any change in material considerations since the last Committee.

No additional information has been submitted by the applicants but one further letter of representation was received by a local resident on 2 May 2017. The letter outlines that the lodges subject of this report were being constructed in breach of planning control. Members should be aware that this matter has been forwarded to the Council's enforcement department who have an enforcement case relating to this and other complaints made regarding the site, ref 2017/0120/PC. No formal enforcement action has been taken at this time.

EXECUTIVE SUMMARY

This is an application to make minor alterations to the buildings and use of an approved tourist site on Dimlands Road on the outskirts of St. Donats. The application seeks consent to alter the size and appearance of the approved lodges, introduce two shepherd huts in replacement of two approved 'Cabans' as well as seeking a 3 month extension to the operating season for the 'Cabans' and Shepherd huts.

The main issues are considered to be the change to extend the operating season of the Cabans and Shepherd lodges and the possible impact of noise, traffic and odour on neighbouring amenity. In addition, the changes to the buildings and layout result in the Council having to consider whether the visual change to the development is harmful. Nine letters of representation have been received, raising concerns in respect of the impact on the nearby residential amenity by increases in traffic, ecology, noise and odours as well as the traffic and highway safety implications and the visual impact of the proposed changes.

The application is recommended for approval as the changes are considered acceptable in regard to the visual impact as well as the impact upon residential amenity.

SITE AND CONTEXT

The application site comprises an agricultural field directly adjacent to a property called the Anchorage, located on Dimlands Road, west of Llantwit Major. The site lies outside the settlement boundary and just outside the Glamorgan Heritage Coast.

The site slopes up from the road towards the back of the site and is landscaped with planted woodland to the outer perimeters of the field boundary. The site is partially screened from public views from the highway but partially visible particularly from the access to the site. There is a main building to the North West corner of the site, which is accessed via an existing track. The field is approximately 7 to 7.5 acres. The site has been operating as a tourist site since 2014. The aerial photograph below shows the field parcel:

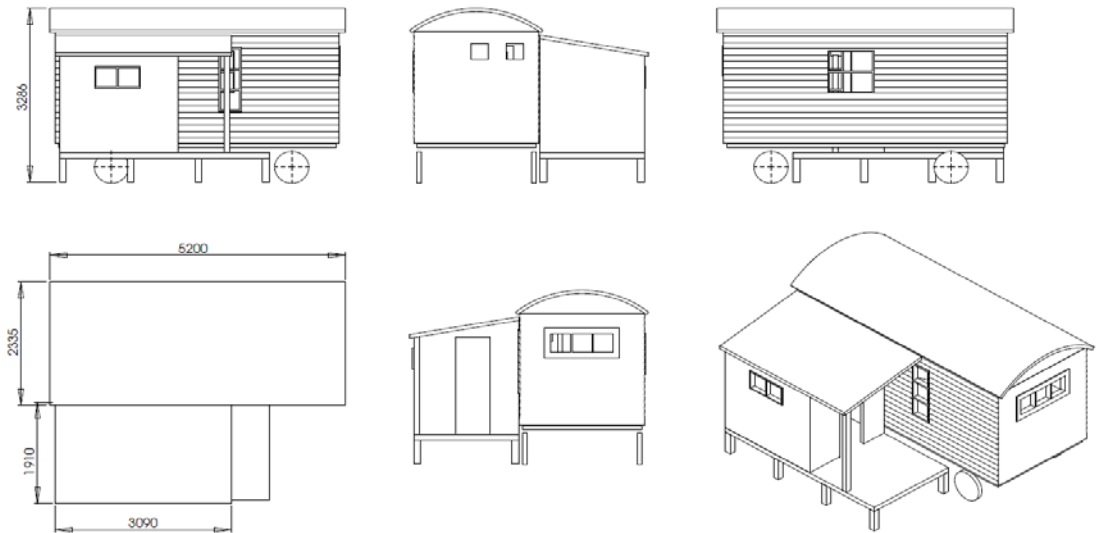


DESCRIPTION OF DEVELOPMENT

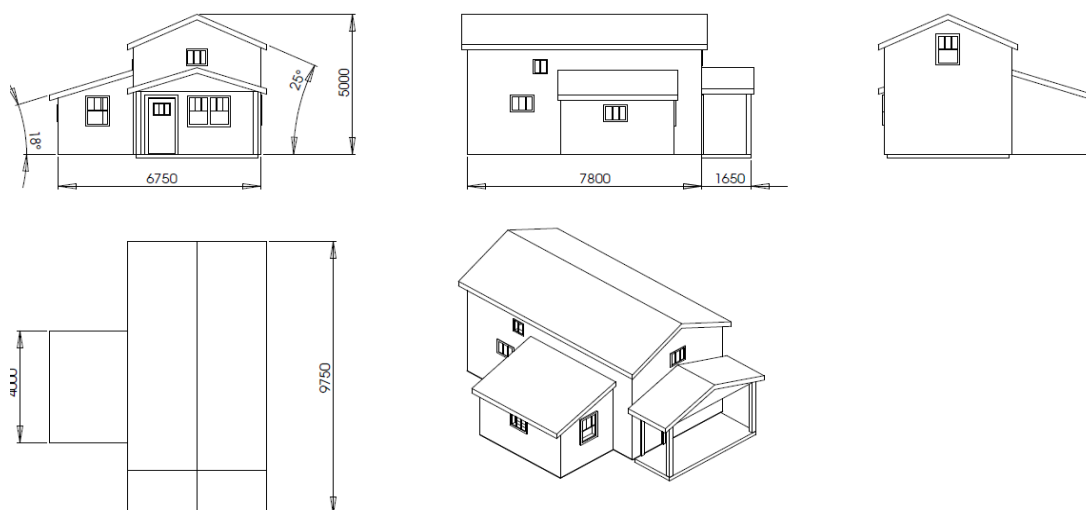
The application seeks to increase the height and alter the design of 3 of the originally approved lodges as well as to remove one Caban and replace two Cabans (6 were approved originally) with two Shepherd huts. The lodges would be increased to 5m high (from approximately 4.5m), while the Shepherd huts would be approximately 3.3m high, 5.2m in length and 2.3m wide. The remaining two lodges approved by the original permission would be maintained as the 'Bijou' style lodge approved.

While the lodges were approved for the whole year, the Cabans had been proposed as a more seasonal use originally. As such, the application is also proposing to have the shepherd huts and Cabans in use all year. The element of the use relating to tents is unchanged. The proposed layout and elevations of lodges and shepherd huts are shown below: -

Shepherd Hut



Lodges



Bijou lodges

**THE VALE OF
GLAMORGAN COUNCIL**
TOWN AND COUNTRY PLANNING ACT 1990
APPROVED
(SUBJECT TO COMPLIANCE WITH CONDITIONS (P.44))

GROUND FLOOR

LOFT

FRONT ELEVATION

SIDE ELEVATION

SIDE ELEVATION

REAR ELEVATION

RECEIVED
14 DEC 2014
PLANNING
REGISTRATION

EXTERNAL FINISHES
WALLS - TIMBER STAINED COLOUR TO L.A. APPROVAL
ROOFS - PROFILED METAL SHEETING, COLOUR TO L.A. APPROVAL
DOORS AND WINDOWS - TIMBER FINISHED

ADDRESS:
SITE AT TRESILIAN WOOD, DMLANDS ROAD,
ST. DONATS, VALE OF GLAMORGAN CP41 4EB
JOB TITLE:
PROPOSED 5 NO. HOLIDAY LODGES AND IMPROVE OF
CAMPSITE TO INCLUDE EXTENSION TO EXISTING
RECEPTION BUILDING TO PROVIDE 8 STAR FACILITIES AND
2 NO. WC AND SHOWER UNITS

PROPOSED LODGE
"BIJOU" 14C1441FUL

<small>SCALE: 1:500 (1:1000)</small>	<small>DRAWN BY: PH</small>	<small>DRAWING NUMBER: 599/P/05</small>
<small>DATE: DECEMBER 2014</small>		
<small>ANDREW PARKER ASSOCIATES ARCHITECTS, LANDSCAPE AND DESIGN CONSULTANTS 100 GREAT WEST BRIDGES VALE OF GLAMORGAN CP41 4EB TEL: 01446 700000 FAX: 01446 700001 WWW.APA-UK.COM</small>		

THESE DRAWINGS MAY BE SCALED FOR PLANNING PURPOSES ONLY

Originally Approved Layout for site

LODGE TYPE KEY

- L1 LODGE 1 BLUE SKY
- L2 LODGE 2 BEBBI
- L3 LODGE 3 SUGAR MAGNOLIA
- L4 LODGE 4 THE WALDEN
- L5 LODGE 5 BLUE SKY

ADDITIONAL NOTES:

YEAR 1
CABANS ARE POSITIONED IN THE LOCATIONS SHOWN FOR THE 5 NUMBER LODGES

YEAR 2 AND 3
CABANS MOVED TO POSITIONS AS SHOWN NUMBER OF TENTS THEN TO BE REDUCED

2 000 ENTRIES

POST AND RAIL FENCE DETAIL 1:10
TO VISIBILITY SPLAY

VALE OF GLAMORGAN COUNCIL
PLANNING
RECEIVED 14 DEC 2014

Proposed amended Layout

Planning Application (Original Application 2014/01441/FUL)

Date: 29th January 2017

Property: Tresilian Wood

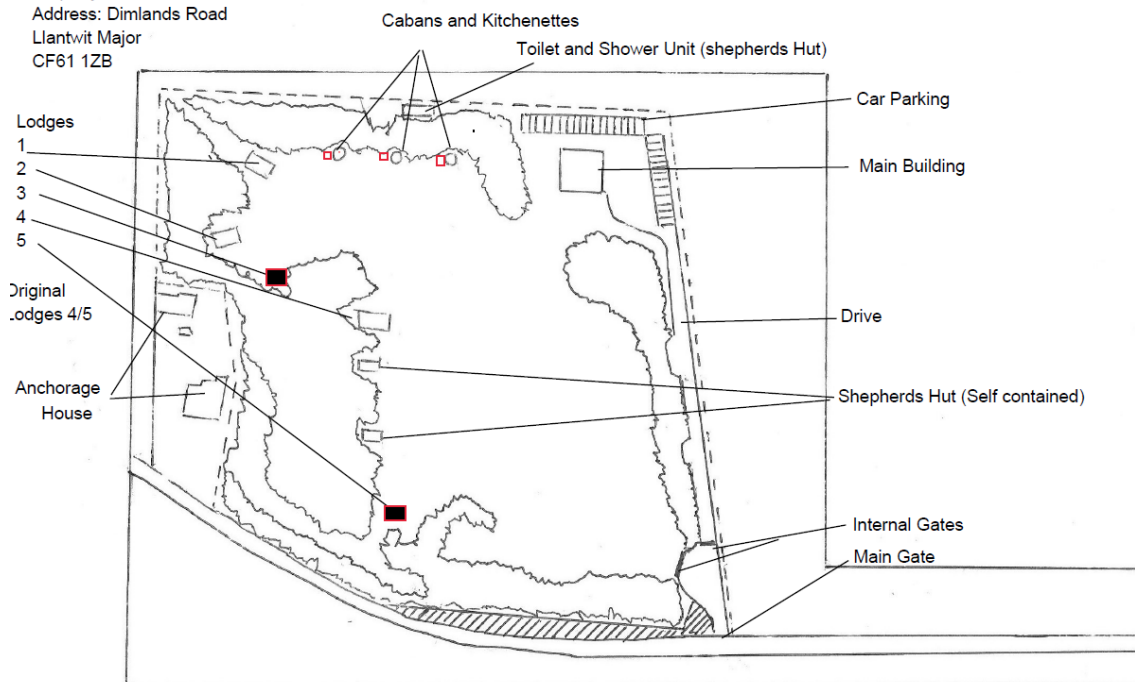
Address: Dimlands Road

Llantwit Major

CF61 1ZB

Proposed Site Layout: 1: 500 printed @ A1

1:1000 printed @ A3



PLANNING HISTORY

2014/01441/2/NMA: Site at Tresilian Wood, Dimlands Road, St. Donats, Llantwit, Proposal: Relocate two shower and toilet units, Decision: Approved

2014/01441/FUL: Site at Tresilian Wood, Dimlands Road, St. Donats, Llantwit Major, Proposal: Proposed 5 no. holiday lodges and upgrade of campsite, Decision: Approved

2014/01441/1/NMA: Site at Tresilian Wood, Dimlands Road, Llantwit Major, Proposal: 1. Amend proposed roof design. 2. Adding drainage field to cesspit and converting to septic tank, Decision: Approved

2016/00698/FUL: Tresilian Wood, Dimlands Road, St Donats, Proposal: Ancillary sheds to be located next to our existing tourist accommodation 'Cabans'. These will provide an enclosed kitchen and a sheltered BBQ area for couples staying in the Cabans. They will be located in amongst the trees in close proximity to the, Decision: Approved;

1998/01144/PNA: Field located on north side of Llantwit Major to St. Donats Road, St. Donats, Proposal: Extension to existing barn to provide secure and weatherproof storage for equipment and materials, Decision: Refused

CONSULTATIONS

Llantwit Major Town Council- No comments have been received.

St. Donats Community Council- Objection to the proposed development due to the increased height of the proposed lodges, extra people using the site and increased traffic and disturbance to residents. Issues have been raised regarding the changes approved since the 2014 consent and possible enforcement action.

Tourism & Marketing- No comments have been received.

Environmental Health (Pollution)- The Environmental health department have no comments in respect of the proposed development.

Councillor Gwyn John- The Councillor has requested that the application be considered at Planning committee due to neighbours representations against the development at the possible impacts of the changes.

Highway Development- No objections to the proposed extension to the operating season to include the Cabans and Shepherd huts all year.

Ecology Officer- No objections to the proposed development.

REPRESENTATIONS

The neighbouring properties were consulted on 22 February 2017.

A site notice was also displayed on 27th February 2017

The Council has received 10 representations to the application. The main issues raised are as follows: -

- All year round approval will increase all impacts including traffic, noise.
- Traffic increase and speed of the highway resulting in highway safety issues
- Noise- large numbers of people and music
- Odour
- Unsafe access
- Visual impact and appearance of structures
- Ecology issues and impact upon protected species
- Litter
- Issues surrounding granting of a drinks licence
- Unauthorised works and enforcement notice served on the site

An additional 2 letters were reported as late representations to last Committee raising concerns that the works being considered under this application have already been erected on site.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

ENV1	– DEVELOPMENT IN THE COUNTRYSIDE
ENV5	– GLAMORGAN HERITAGE COAST
ENV10	– PROTECTION OF LANDSCAPE FEATURES
ENV27	– DESIGN OF NEW DEVELOPMENTS
TOUR4	– CARAVAN, CHALET AND TENT SITES

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

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

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

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

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

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

Planning Policy Wales:

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

In particular Chapter 11, which outlines

11.1.1 **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.

11.1.2 The Welsh Government's aim is for:

Tourism to grow in a sustainable way and to make an increasing contribution to the economic, social and environmental well-being of Wales.

11.1.7 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. Here too development should be sympathetic in nature and scale to the local environment and to the needs of visitors and the local community.

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

Supplementary Planning Guidance:

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

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

The Local Development Plan:

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

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

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

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

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

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

- Vale of Glamorgan Destination Management Plan (2014)

Other relevant evidence or policy guidance:

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

Well Being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider are the impact of the proposed changes on neighbouring amenity as well as the visual impact of the proposed increase in height to the lodges and the shepherd huts.

The 5 lodges are approved to be used all through the year, while the 6 Cabans were approved for occupation from 1st March until 30th November and the tent accommodation was approved from 1st March to 30th September.

This proposal would result in 5 lodges and 3 Cabans and 2 Shepherd huts being used all year around. As one of the Cabans is being removed and two of the Cabans would be replaced by Shepherd huts, there is a decrease in the level of accommodation approved (10 rather than 11) but it would increase the period of use by 3 months over the winter period for a further 5 (10 in total) units of accommodation. As such, despite neighbour concerns that the number of people accessing the site would increase from the originally approved application, the increase would only occur over the winter period, while the level of accommodation would be reduced by 1 over the remainder of the year. The applicant does not propose to alter the camping or the seasonal period that would be used.

Neighbours have raised concerns regarding the increase in traffic, noise and odour as well as the highway safety implications and ecology issues. The nearest neighbouring residential property is adjoining but approximately 60m from the camping location to the middle of the field. In respect of the lodges, two of the lodges will be within 15m of the rear boundary of the adjoining neighbour but approximately 33m from the rear elevation of the property. The space between the property and the camping site will be occupied by woodland.

It is considered that the distance coupled with the woodland screening is enough to ensure that the changes would not adversely impact upon residential amenity in terms of the physical impact of the buildings, and in terms of privacy and noise/nuisance. It is also considered that the number of vehicle movements associated with the proposed use would only increase over the winter periods where the applicant is proposing to use the Cabans and Shepherd Huts. While it could result in a marginal increase in the traffic movements over the 3 additional months, the winter period is unlikely to be the busiest period for such a use, and it is considered therefore that the intensification of the use over the additional 3 months is not likely to be significant. It is therefore considered that impacts associated with additional traffic or additional customers during the winter are not likely to be significant or demonstrably harmful to residential amenity. However, even if the development were at full capacity through the winter, it is considered that the number of units and intensity of use are not so great that the development would result in unacceptable disturbance to neighbours.

The Councils Environmental Health department were consulted and provided no further comments on the application, while the Council's Highways Authority outlined that no objection would be raised over the increased use of the Cabans and shepherd huts over the winter period, since the access to the site, which would be unchanged, is considered to be acceptable in highway safety terms.

While it is acknowledged that a use such as this has more potential for additional activity and comings and goings than when the site was unoccupied by a tourism use (and while neighbours' concerns in this respect are appreciated) it is considered that this would remain a relatively low key tourism use with a relatively limited number of units. It is, therefore, considered that the development as proposed would maintain residential amenity, in accordance with the above referenced policies.

Neighbours have also raised issues regarding ecology, the safety of the access, as well as the recent refusal of dwellings within St. Donats due to sustainability issues. The report will address these issues below:-

Ecology

The original application was judged to not to unacceptably impact upon any wildlife or protected species at the site. The applicants had outlined that the application may have some biodiversity impacts because some trees would need to be removed from the woodland and the hedgerow was being removed to the front of the site (for access visibility splays.) As such, an informative was placed on the original consent to highlight to the applicants that they had to be mindful of any protected species or habitats that they might be disturbing when carrying out these works. E,g during bird nesting season they should have had an ecologist on site or carried out the works outside of the nesting season.

In this instance the applicant is not seeking to remove any trees to locate the alternative development. The Councils Ecologist was consulted following the issues raised by neighbours but has no objection to the proposed changes, given that the development proposed by this application would not have any adverse impact on ecology.

Sustainability

Neighbours have highlighted applications for a dwelling on Dimlands Road and Waterpark House, where the Council refused the proposed residential development due to it being an unsustainable location i.e. that any new residents would have to rely on the use of a private car to access day to day facilities within Llantwit Major 3km away.

Neighbours have suggested that the same objections would apply to the tourist use, especially as those visiting the site would be reliant on the use of a car. Whilst there will be a level of impact from people accessing the site by car, it is considered that countryside location is essential to the success of the site as a camping location and there is no necessity for such a use to be located close to or within easy access to every day services and facilities.

Notwithstanding this, the tourism use would be of benefit to the rural economy and would benefit tourism in the rural Vale. Accordingly, it is considered that there are other benefits that would weigh against issues of sustainability in terms of the location of a leisure use and it would not be a valid reason to refuse a tourism use at this site.

Other issues

While it is understood that nearby residents are concerned about the increase in intensity to the use as well as the recently approved alcohol license, the approval of the license would be incidental to the campsite use and any independent use of that facility would require planning consent.

Visual Impact

Under Policy TOUR4 of the UDP provides that developments such as this are acceptable in the countryside in principle, subject to detail criteria and subject to the site not lying within a protected designation. In that respect, the policy recognises that if the rural economy is to be effectively supported, with the benefits genuinely experienced by rural areas, sites for such developments will often necessarily be located in a rural setting, while accepting that this will in turn inevitably impact upon the appearance of the individual piece of land in question to a degree.

The proposed changes will not increase the level of accommodation on site but it will amount to a different visual impact by the introduction of two shepherd huts and an increase in the size of the wooden lodges. The two changes have been considered below: -

Shepherd Huts

With respect to the Shepherd huts proposed, these are very similar in nature to the types of accommodation considered under Policy TOUR4. As such, Policy TOUR4 is relevant to the assessment of the proposed shepherd huts and it advises that new caravan and tent sites will be permitted in principle outside of the Glamorgan Heritage Coast, subject to a series of criteria being satisfied.

In this case, the site does lie outside the Glamorgan Heritage Coast, however, the shepherd huts are not as permanent or visually intrusive as a caravan since they will be set on wheels with no permanent fixtures to the ground. The two huts are proposed within an area that would be well concealed when travelling west to east but would be visible at a distance from the main road when travelling east to west. However, the site is still in transition and the applicants are seeking to landscape the area to the front with trees and vegetation that would obscure views of the site from the front further.

Accordingly, while the shepherd huts would be visible they are modest in scale as well as being traditional and rural in appearance. The scale and design is considered to be appropriate and their position in the site, near to the wooded area to the west will also minimise the wider visual impact of the proposed Shepherd hut accommodation, especially when landscaping has had time assimilate.

It is, therefore, considered that the shepherd huts proposed are acceptable in principle and would not be harmful to the appearance and character of the application site and the wider rural context of the countryside location, in accordance with Policies TOUR4 and ENV27 of the UDP.

Alterations to Lodges

There were 5 originally approved lodges approved at 4.5m high and the applicant proposes to increase the height of 3 of the lodges to 5m overall, to increase the accommodation in the first floor. Two of the lodges will remain as previously approved as proposed 'Bijou' lodge type. The applicants have proposed to increase the wall and ridge height to provide a larger structure than previously agreed.

While this will increase the height of the three lodges, they would not be substantially larger than the previously approved lodges and they will remain sited within close proximity of the canopy of the woodland that encloses the majority of the site to the west. They are also of a simple design and form and would be constructed out of materials that are similar to the approved development (i.e timber walls and metal sheeting), and these were originally considered appropriate in the rural context.

All of the lodges would be sited between 35-100m from the adjoining highway and, therefore, they will be well screened from distant views from the road or along coastal footpaths to the south. There is a public footpath to the south on the opposite side of the road, which stretches to the coastal locations along the Heritage Coast. However, the footpath runs along lower ground than the application site, and given the distance of these views, the scale of the units and woodland concealing the site, it is considered that the wider rural landscape would not be significantly or adversely affected from this view point.

In summary, it is considered that the changes to the approved development are of a scale and form that, given the degree to which the site is naturally screened from surrounding views, would not unacceptably impact upon the character of the surrounding area, in accordance with the requirements of Policies ENV27 and TOUR4 of the UDP.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans

Amended site layout plan received on 7 April 2017
Bijou lodge elevations and floor plans on 7 April 2017
site location plan received on the 13 February 2017
Shepherds huts elevations received on the 13 February 2017
Lodges Elevations received on the 13 February 2017

Reason:

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

3. The Lodges, Cabans and shepherd hut accommodation hereby approved shall be used or occupied solely as holiday accommodation only and not as a permanent dwelling falling with Class C3 of the Town and Country Planning Use Classes Order 1987.

Reason:

The proposed Lodges is not suitable for permanent residential accommodation, which would be contrary to the Council's adopted policies and national guidance, and to ensure compliance with Strategic Policy 2 and Policies ENV1 and ENV27 of the Unitary Development Plan.

4. A register of the names and addresses of all occupiers of the Lodges, Cabans and Shepherd huts including the dates of occupancy of the accommodation hereby approved shall be kept and made available for inspection by the Local Planning Authority within two weeks of the Local Planning Authority making a request in writing to inspect the register.

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policy ENV1 - Development in the Countryside of the Unitary Development Plan.

5. The consent hereby granted shall only permit the use of the site for no more than five lodges, three Cabans and two Shepherd huts.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the use of the site.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority, other than those post and rail fences approved in connection with development as submitted with application 2014/01441/FUL.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV27 and TOUR4 of the Unitary Development Plan.

7. Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

8. Prior to their use in the construction of the buildings hereby approved and notwithstanding the submitted plans, further details of the materials to be used in the construction of the lodges and shepherd huts shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

REASON FOR RECOMMENDATION

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

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

Having regard to Policies ENV1 – Development in the Countryside, ENV27 - Design of New Developments, ENV29 – Protection of Environmental Quality, TOUR4 - Caravan, Chalet and Tent Sites of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, TAN 13 - Tourism and Planning Policy Wales, it is considered that the proposed changes to the extend the seasonal use of the Cabans and Shepherd huts as well as increase in height of the lodges in connection with the existing tourism use would not unacceptably impact upon the character of the wider area, the residential amenities of neighbouring properties, the safety or free flow of traffic, the quality of the agricultural land or any protected species. It is also considered that the development represents a positive tourism use which would support the local rural economy, in accordance with the aims of the above policies and guidance.

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.

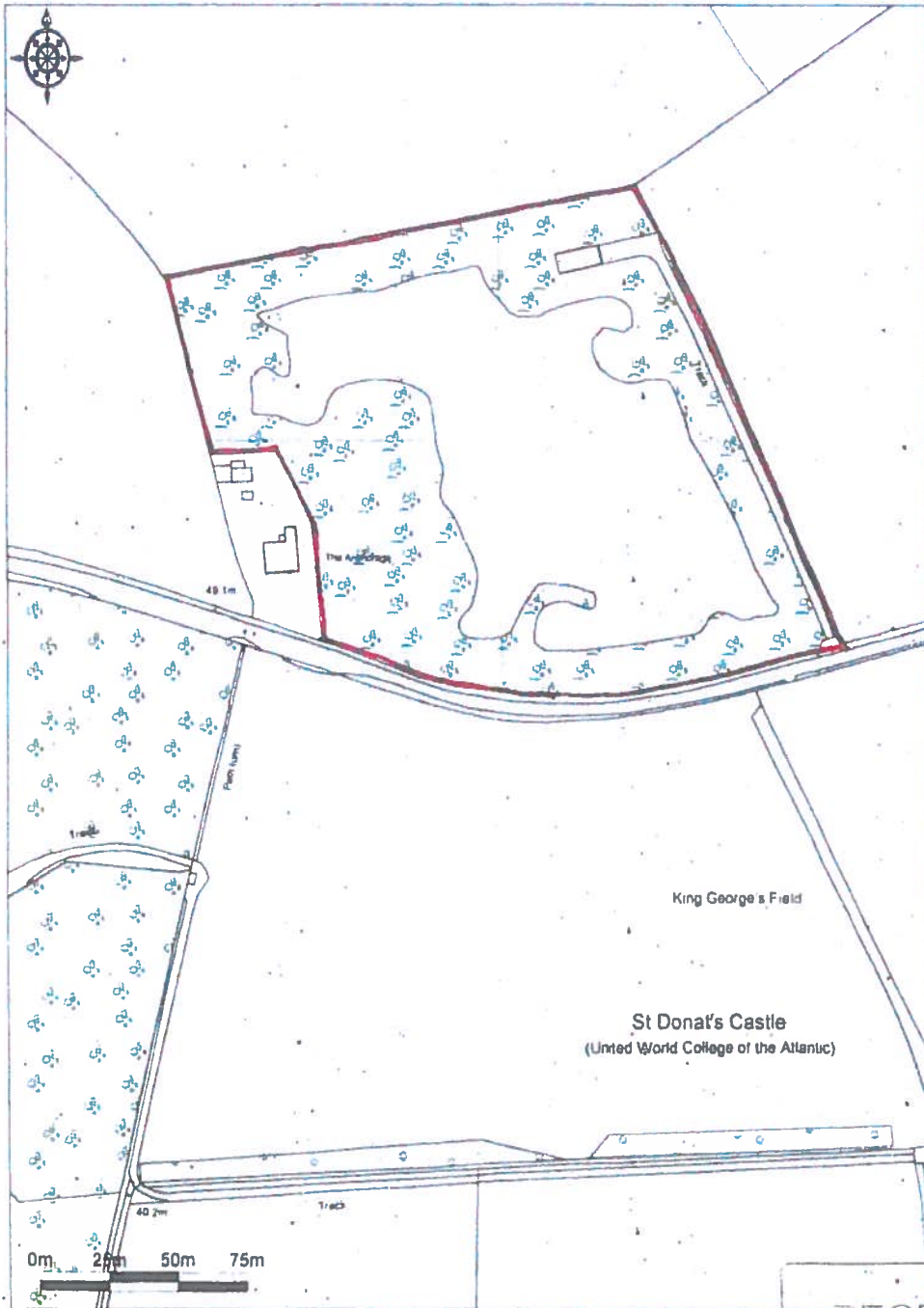
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Dimlands Road, St Donats, Vale of Glamorgan, CF61 1ZB

Site Plan

Scale 1 : 2,500

~~14 01 441 FUL~~



RECEIVED
- 8 DEC 2014
ENVIRONMENTAL
AND ECONOMIC
REGENERATION



Dimlands Survey, C. Lewis Copyright 2014. All rights reserved.
License number 100121432. Planned Scale 1:2500

RECEIVED

- 9 FEB 2017

Regeneration
and Planning

17 00 08 6 FUL

2017/00242/FUL Received on 9 March 2017

Mr. David and Mrs. Clare Jenkins Windrush, 9, Craig yr Eos Road, Ogmore by Sea, Vale of Glamorgan. CF32 0PG

Mr. John Evans Davies Evans Partnership, Unit 9d, Garth Drive, Brackla Industrial Estate, Bridgend, CF31 2AQ

Windrush, 9, Craig yr Eos Road, Ogmore by Sea

Extension to bedroom on ground floor. Extension to accommodate ground floor and first floor bedroom at rear of property

REASON FOR COMMITTEE DETERMINATION

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

- The application has been called in for determination by Councillor Jonathan Bird on behalf of the local member Audrey Preston. The reason for the request was neighbouring impacts, including overlooking, overdevelopment, overshadowing and the extension being out of context.

Executive Summary

The application seeks consent for rear extensions to an existing bungalow within the Ogmore settlement boundary. The extensions would accommodate an additional two bedrooms and a bathroom.

The main issues to consider in the determination of the application relate to the impact of the proposed extension on the character of the existing dwelling, the wider amenities of the street scene and Glamorgan Heritage Coast as well as the amenities of neighbouring occupiers. Four letters of representation have been received raising concerns over the impact of the proposed extension in terms of privacy/overlooking, the development being overbearing as well issues of its scale and context. St. Brides Major Community Council have objected to the application.

The Officer's recommendation for the application is for approval as the development is considered acceptable in respect of the design, scale and impact on the existing property, the wider visual amenities of the street scene and neighbouring amenities.

SITE AND CONTEXT

The application site relates to no. 9 Craig Yr Eos Road; a detached, rendered bungalow located within the residential settlement boundary of Ogmore by Sea within the Glamorgan Heritage Coast.

The dwelling is situated at the upper part of a steep street with dwellings either side (one higher, one lower) and is adjoined to the rear by dwellings at Marine Parade (no. 16 and 18). The site's location is shown on the plan below: -



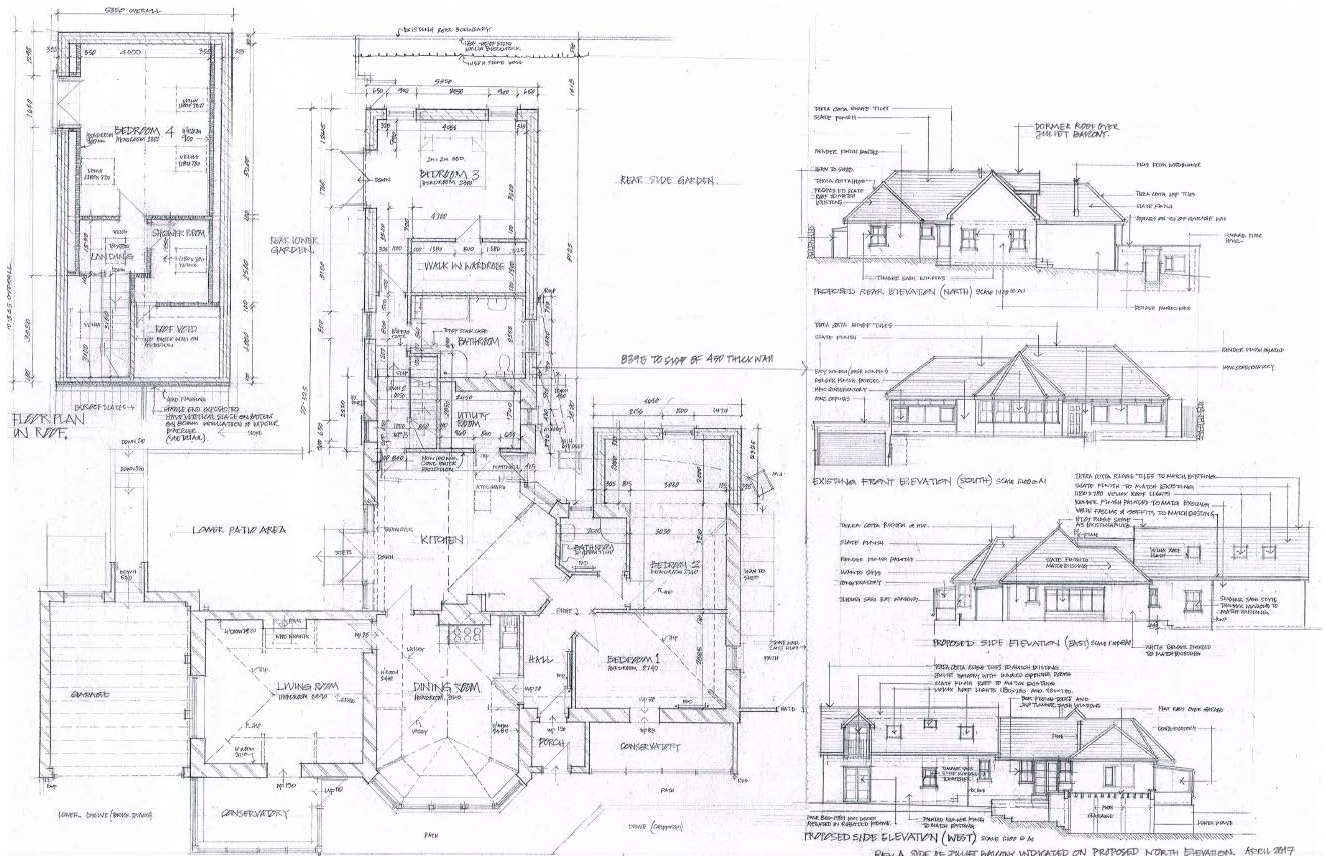
DESCRIPTION OF DEVELOPMENT

The application is for two rear extensions, one single storey and the larger extension would be a storey and a half. The extensions would accommodate an existing bedroom extension as well as 2 further bedrooms, a bathroom and utility room.

The larger extension would extend from the middle of the rear elevation at the garden level with a simple pitched roof, including roof lights and a dormer Juliet balcony. The extension would match the ridge height of the highest part of the existing dwelling. The extension would measure approximately 10.3m in length (6.7m increase from existing annex) by 5.3m wide and 6.3m high. The extension would be finished to match the existing dwelling.

A smaller extension would also be formed on the east side of the dwelling to the rear. The extension would extend 2.3m from the rear elevation and 4.6m wide at single storey.

The proposed plans are shown below: -



PLANNING HISTORY

No Planning History

CONSULTATIONS

Highway Development- No objection to the proposed development.

St. Brides Major Community Council- Objection to the proposed development. The observations indicate that the extension would be an overdevelopment of the site and not in keeping with the street scene. The extension would also result in an unacceptable loss of amenity space as well as an impact upon neighbours privacy from the Juliet balcony when looking west. The Community Council also indicated that the neighbours were concerned about the accuracy of the plans and the consultation of the application was not wide enough. The Community Council requested the application to be called in to planning committee.

Councillor Audrey Preston requested the application be called in to be determined by planning committee via Councillor Bird. The reasons for the application being called in to committee are neighbouring concerns regarding overlooking, overdevelopment of the site, overshadowing and the extension being out of context with the street scene.

REPRESENTATIONS

The neighbouring properties were consulted on 27 March 2017.

4 letters of representation have been received by neighbouring properties. The main issues raised are as follows: -

- Privacy and overlooking
- Overbearing
- Overdevelopment
- Overshadowing/ Loss of light
- Extension being out of context
- Errors in the submitted plans, insufficient information and not sufficient plans to validate application
- Impact upon outlook/ loss of view
- Disruption from construction work
- Impact upon original character of the property
- Impact upon tree within garden
- Contrary to Criteria (i) (ii) and (v) of Policy HOUS8 and Policy 3 and 5 of the Councils Adopted Amenity Standards.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

POLICY ENV5 – THE GLAMORGAN HERITAGE COAST
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY TRAN10 – PARKING

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

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

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

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

The Local Development Plan:

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

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

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

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

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

Other relevant evidence or policy guidance:

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

Well Being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider in the determination of the application relate to the impact of the proposed extension on the character of the existing dwelling, the wider amenities of the street scene and Glamorgan Heritage Coast as well as impacts on the privacy and amenity of neighbouring occupiers.

Visual Impact

Policy ENV27 of the UDP relates to all new forms of development and requires proposals to be of a high standard of design, to have regard to the context of the environment within which they are proposed and minimise any detrimental impact on adjacent areas. These requirements are echoed in national guidance.

The larger rear extension would adjoin the existing annex to the south side of the house and extend into the rear garden area by approximately 10m. The extension would be no higher than the highest part of the existing roof. The scale of the extension is considered to be proportionate when taking into account its modest width, the scale of the existing detached dwelling and the size of the rear garden curtilage. The design of the extension is also considered to be in keeping with the design of the existing dwelling, with materials to match. Therefore, it is considered that the larger rear extension would not unacceptably alter the existing bungalow's scale, character or appearance to an unacceptable level.

The other rear extension is relatively small in comparison, comprising a 2.3m increase in the depth to the rear. The extension would be modest in scale and to the rear of the property, therefore, it would not unacceptably alter the appearance or scale of the dwelling.

Due to their position to the rear, the proposed extensions would be not be prominent from most public vantage points within the street scene along Craig yr Eos Road. The larger rear extension would be visible from some positions to the east and west along the road, however, these would only be partial views and at a distance. The extensions would be visible from the turning area at the end of Marine Drive and the private drive areas that allow access to 18 and 16 Marine Drive. However, due to the rear boundary wall and the difference in levels (the application site is lower than Marine Walk) views of the extension would again be partial and also at some distance from the adopted highway.

As such, the wider impact of the extensions on the street scene would not be significant or demonstrably harmful to the character and appearance of the dwelling, the wider street scene or the Glamorgan Heritage Coast.

Neighbours have raised concerns with respect to the loss of a tree within the garden. There is a tree situated within the rear garden, close to the rear boundary wall, however, it is not protected by virtue of being within a Conservation area or by a specific tree preservation order. As a consequence, the tree could be removed by the owner without any prior consent from the Local Planning Authority and it is considered that the removal of it would not significantly detract from the visual amenities of the street scene. As such, it is not necessary in this case for the applicant to provide details of the tree and the potential impact of the extension on the tree.

Accordingly, it is considered that the proposed extensions are of an appropriate scale and design that would not unacceptably alter the character of the dwelling or impact negatively upon the street scene and wider Glamorgan Heritage Coast, complying with Policies ENV27 and ENV5 of the Adopted UDP 1996-2011 and the Councils adopted 'Amenity Standards' SPG.

Impact upon Neighbours

No. 7, Craig yr Eos Road

The larger rear extension would extend out from the rear of the main dwelling at one and a half storeys high and would be approximately 8-9m from this neighbour's boundary and approximately 16m from the nearest part of their dwelling. This neighbouring property is to the east and due to the gradient of the street is at a higher level than the application site.

The depth and height of the extension are such that there would be a degree of impact to this neighbour; most notably the neighbour's outlook would be affected as the extension would partially obstruct views of the coast from garden and conservatory. Nevertheless, private views are not a material consideration of a planning application and this would not be a reason to warrant refusal of the proposed extension. It is considered that the overall scale and height of the extension (and its relationship to this neighbour) are acceptable and when coupled with the distance from the garden and side elevation of this neighbour, the extension would not be unduly overbearing or result in an unacceptable overshadowing impact.

The extension would have three velux roof lights in the roof plane facing this neighbour. One of the velux roof lights would serve a shower room while the other two would serve a bedroom at first floor. The extension would be approximately 8.5m from the neighbour's boundary and the bottom of the rooflights would be approximately 9.5m from the boundary. Given the distance it is considered that the roof lights would not unreasonably overlook the neighbouring property, both in terms of their garden and any windows.

The smaller extension would be closer to this neighbour, approximately 2m from the boundary, but would only be single storey and would not extend past the rear elevation of No.7. There are no windows shown on the side elevation of the extension. As such, given the scale of this extension, its single storey height and distance from the boundary it is considered that the extension would not be overbearing or result in any overlooking impact.

No. 11, Craig yr Eos Road

The larger rear extension would extend out from the rear of the main dwelling at one and a half storeys high and would be approximately 10m from this neighbour's boundary and approximately 11m from the nearest part of the dwelling. This neighbouring property is to the west and due to the gradient of the street is lower than the application site.

Notwithstanding the topography of the site, it is considered that the scale, height and siting of the rear extensions would ensure that it is not overbearing to this neighbour and would not result in an unacceptable overshadowing impact. The Juliet balcony would offer some views towards the rear garden, however, it is considered that the extension would be an acceptable distance from this garden to ensure it would not be unacceptably overlooked. Similarly the angle and distance to windows on this neighbouring property would not conflict with the standards set out in the Council's SPG and would adequately preserve the neighbour's privacy.

As the smaller proposed rear extension would be on the opposite side of the application site, there would be no concerns over the impact of this extension on this neighbour.

16, Marine Walk

This neighbour is situated to the rear boundary, north east of the application site. The orientation of this neighbouring property is such that extension would be close to the boundary of the front garden and private drive but lower than the ground level of the neighbour.

The extension would be visible from the front of the property and would have a degree of impact upon the outlook from the front, however, as the larger rear extension would be approximately 15m from the front elevation of this neighbour, coupled with the levels differences and scale and height of the extension, it is considered that the extension would not be overbearing to this neighbour or result in an unacceptable overshadowing impact.

In addition, while the rooflights would face east, given the distance and angle of view towards this property, the extension would not result in any overlooking issues.

18, Marine Walk

Eighteen Marine Walk is situated behind the application site but to the south west of the proposed extension. The larger extension would extend closer to this property than 16, Marine Walk but would still be predominantly to the front garden/driveway area of the property and situated lower than the ground level of the neighbour.

Again, the extension would be visible from the front of the property, however, as the larger rear extension would be approximately 8m from the front elevation of this neighbour, coupled with the level differences and scale and height of the extension, it is considered that the extension would not be overbearing to this neighbour or result in an unacceptable overshadowing impact.

There would be three roof lights and the Juliet balcony on the west facing roof plane. Two of the roof lights would be serving the stairwell and landing area, which are not habitable rooms. The remaining rooflight and Juliet balcony would be approximately 10m from the nearest window on the ground floor of this neighbour's side elevation and 15m from the a doorway into the property.

While the windows would be within the 21m distance recommended between directly opposing habitable windows, when taking into account the acuteness of the angle and the distances involved, the degree of overlooking from the roof light and Juliet balcony would not be unacceptable and these openings would not offer direct views to this neighbour.

Other matters raised by neighbours

A number of other matters have been raised by the neighbours that include issues of loss of light/overshadowing, overdevelopment/insufficient amenity space, disruption from construction work, errors and missing information from the submitted plans and being contrary to policy HOUS8. These matters will try to be addressed below: -

'Overdevelopment' and Amenity space issues

While the extension would occupy a proportion of the existing garden, sufficient space would remain to meet the outdoor relaxation and functional needs of the occupiers (at least 170m² in the rear garden adjacent to the extension).

Accordingly, it is considered that the extension would not amount to an overdevelopment of the existing plot and the remaining amenity space is sufficient to satisfy the needs of the occupiers of the property.

Construction work

While the construction period of a development has scope to create a degree of disturbance within a residential area, these effects would be temporary and such impacts would rarely justifiably warrant the refusal of planning permission for a household extension.

Errors in plans and insufficient information to consider the proposed extension

Notwithstanding the neighbours' concerns, the information provided is sufficient for a householder application and the more detailed information in respect of levels and a block plan are not typically necessary to register or consider a householder application. The plans have been corrected to amend errors regarding the Juliet balcony, and additional information was requested in order to satisfy the neighbour's request regarding levels.

The agent has submitted a plan identifying the existing levels of site, however, the levels adjoining neighbours' gardens have not been included on the plan. Nevertheless, it is considered that the plans are clear and indicate that the extension would extend from the same level as the existing annex and the officer's site visit was sufficient to determine the topography of the land and its relationship to neighbouring properties.

Policy HOUS8

A representation has outlined that the application would be contrary to Policy HOUS8 as it would not comply with certain criteria set out within the policy. However, Policy HOUS8 is relevant to new dwellings, whereas policy ENV 27 is the principal policy used to assess household extensions.

Highways Issues

While the extension would increase the accommodation within the property, the dwelling would retain the garage and at least two spaces within drive areas to the front.

As such, it is considered that the parking provision within the site is adequate to serve the enlarged dwelling, complying with the objectives of ENV27 and TRAN10 of the Adopted UDP 1996-2011.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Site Location Plan Drawing no. 017:04:03 received on 9 March 2017
Proposed elevations and floor plans Drawing no. 017:04:02 Rev A received on 20th April 2017
Levels Plan drawing ref 017:04:04 received on 16 May 2017

Reason:

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

3. The external finishes of the development hereby approved shall be in accordance with the details submitted with the application unless otherwise agreed in writing by the Local Planning Authority, prior to their use on site.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Unitary Development Plan.

REASON FOR RECOMMENDATION

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

It is considered that the 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 ENV27 'Design of New Developments', ENV5-Glamorgan Heritage Coast and TRAN10 'Parking' of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the approved Supplementary Planning Guidance Amenity Standards, it is considered that the proposed development would not cause any demonstrable harm to the amenities of the neighbouring properties or to the character of the property and wider street scene as well as being acceptable in highway safety and parking.

NOTE:

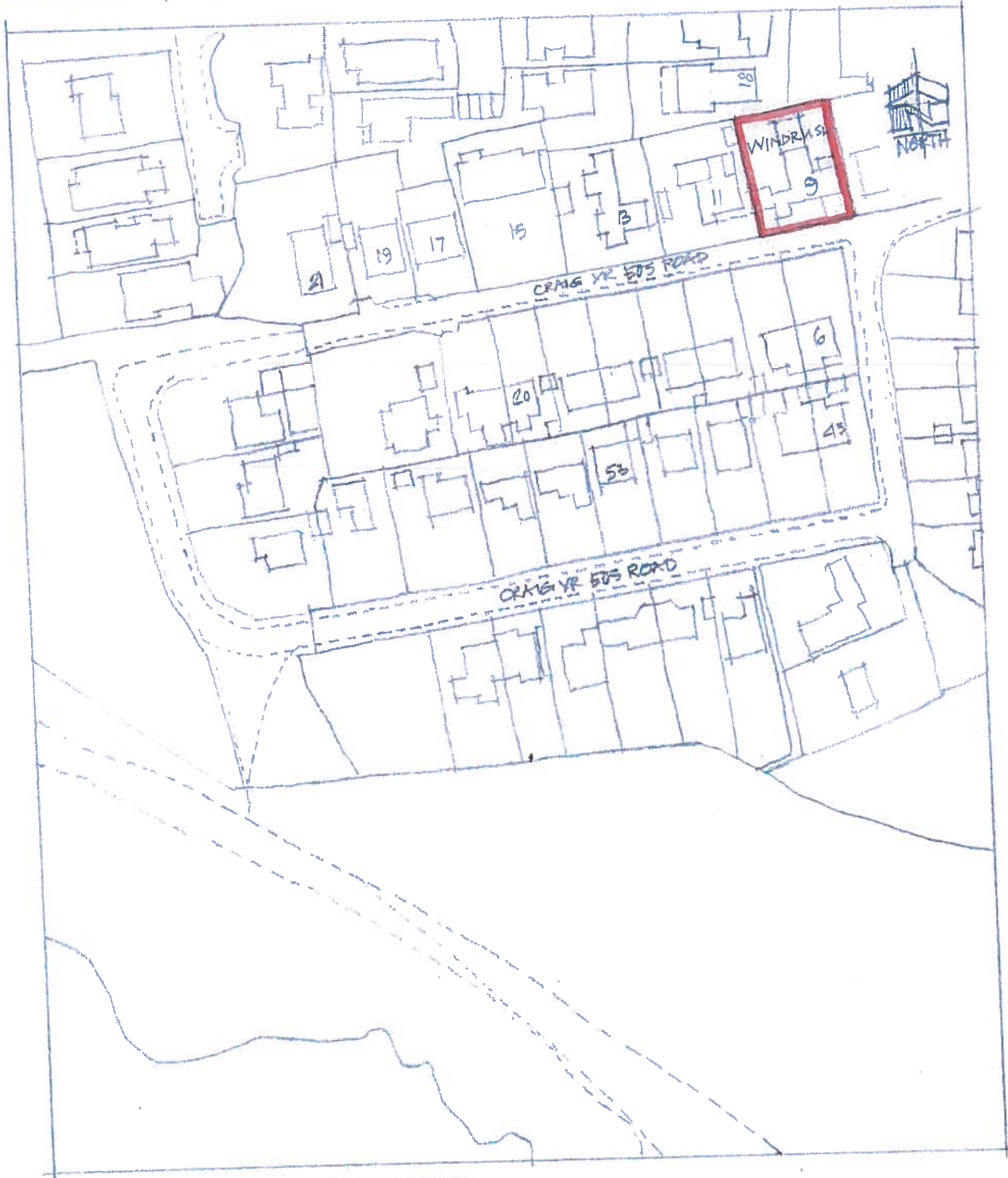
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

PROPOSED EXTENSION TO REAR OF
WINDRUSH, 9 CRAIG YR BDS ROAD, GEMORE BY SEA. CF32 0PS



LOCATION PLAN SCALE 1:1250

DAVIES EVANS PARTNERSHIP - ARCHITECTS.

BRIDGEEND CF31 2AQ TEL. 01656 652587

DRAWING NO 017:04:03

P.201

1700242 FUL

2017/00338/FUL Received on 7 April 2017

Mr G J Thomas, Duffryn Bach Farm, Pendoylan, Cowbridge. CF71 7UP
Prospero Planning, The Gate, Keppoch Street, Roath, Cardiff. CF24 3JW

Hensol Golf Academy, Pendoylan Road, Clawdd Coch to Jct 34 M4 Miskin

Creation of adventure golf course; with associated access and car parking

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application site relates to a parcel of scrub land/incidental landscaping located within the car park of Hensol Golf Academy. The proposal is for the erection of an adventure golf course and incidental props.

No letters of objections have been received.

The main issues relate to principle of the development in the countryside, the impact of the development upon the character and appearance of the open countryside and special landscape area. Other considerations relate to the amenities of nearby occupiers and parking

The application is recommended for approval.

SITE AND CONTEXT

The application site relates to land adjacent the car park serving the golf academy driving range, sited in the area of Hensol. The existing covered golf range has 11 bays and 3 driving pods. Other facilities on-site include the retail store, WC and staff facilities. Also, there are numerous outbuildings which serve to store the necessary stock for the associated uses on the site.

The area of land subject to this application relates to part scrub land located to the south west corner of the site.

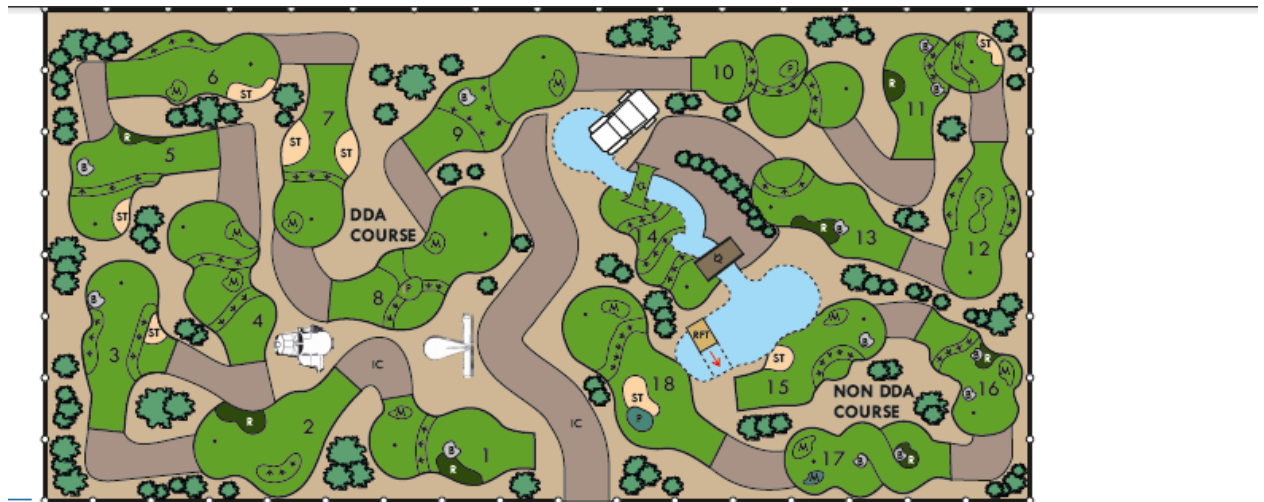
The site lies in the open countryside, falls within the Ely Valley and Ridge Slopes Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of an adventure golf course.

The course would cover an area of approximately 22m x 44m and would include props such as parts of an aeroplane and 4x4 jeep. The main part of the site relates to contoured areas of artificial grass to create each hole, with shrub planting and boulders. Other surfacing finishes includes imprinted concrete and gravel.












The layout of the course is set out below:



Plan Layout. Scale - 1:200



KEY

	B Boulder (natural)		IC Imprinted Concrete		Water feature
	P Pit (light green artificial grass)		S Sandy Gravel (natural)		Shrubs/Planting
	M Mound (light green artificial grass)				RFT Raft
	R Rough (dark green artificial grass)				Light aircraft wreckage
	ST Sandtrap (yellow artificial grass)				



Section A-A. Scale - 1:200

PLANNING HISTORY

1993/00371/FUL, Address: Duffryn Bach, Pendoylan, Proposal: Driving range building, Decision: Approved

2009/01259/FUL, Address: Hensol Golf Academy, Pendoylan, Proposal: Extension to storage facilities, Decision: Approved

1992/00163/FUL, Address: Duffryn Bach Farm, Cowbridge, Proposal: Golf driving range, Decision: Approved

CONSULTATIONS

Pendoylan Community Council were consulted on 21 April 2017. A response received on 30 April 2017 confirms no objections to the proposal.

Council's Highway Development Team were consulted on 21 April 2017. A response received on 15 May 2017 confirms no objection to the proposal.

Council's Public Rights of Way Officer was consulted on 21 April 2017. A response received on 02 May 2017 confirms that Public Right of Way (PROW) No18 and No38 cross the boundary of the site and advise that the PROW must be kept open and available for use by public at all times and that materials should not be stored on the PROW. The comments also provide further advice relating to temporary closures and stopping up.

Council's Highways and Engineering Team (drainage) were consulted on 21 April 2017. No response was received at the time of writing this report.

Council's Ecology Officer were consulted on 21 April 2017. No response was received at the time of writing this report.

Council's Landscape Section were consulted on 21 April 2017. No response was received at the time of writing this report.

Council's Tourism & Marketing and Economic Development Teams were consulted on 05 May 2017. A response received on 10 May 2017 confirms support for the proposal in this rural location.

Natural Resources Wales were consulted on 21 April 2017. A response received on 09 May 2017 confirms no objection to the proposal but provide advice for the applicant.

Peterston-Super-Ely Ward Members were consulted on 21 April 2017. No response was received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 21 April 2017 and a site notice was also displayed on 27 April 2017. To date no letters of representation have been received.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
POLICY ENV4 – SPECIAL LANDSCAPE AREAS
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT
POLICY REC7 – SPORT AND LEISURE FACILITIES
POLICY REC8 – GOLF COURSES AND GOLF DRIVING RANGES
POLICY REC9 – NEW GOLF RELATED DEVELOPMENTS

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

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

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

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

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

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 – Sport, Recreation and Open Space (2009)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

- Amenity Standards
- Design in the Landscape
- Golf related development
- Parking Standards (Interactive Parking Standards Zones Map)

The Local Development Plan:

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

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

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

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

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

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

- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)

Other relevant evidence or policy guidance:

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

Well Being of Future Generations (Wales) Act 2015

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

Issues

The primary considerations under this application relate to the justification and sustainability of the development in the countryside, the impact of the development upon the character and appearance of the open countryside and special landscape area and parking.

Assessment

The application is for the erection of a new adventure golf development in the countryside. Policy ENV1 seeks to restrict the type of development that can be carried out in a rural location, but permits development that is required in connection with appropriate recreational uses and development which is approved under other policies of the plan.

The golf driving range was approved in 1992 subject to the signing of a legal agreement. The application site forms part of the approved site area for parking, although a smaller parking area was only ever built. Therefore the application site falls within the approved site boundary of the driving range, for which there is extant planning permission for the construction of a car park.

In light of the above, the Council previously accepted the development of the site, albeit for car parking, which was shown to be hard surfaced. In light of this the proposal would not result in the loss of agricultural land.

Policy TOUR5 seeks to ensure any new tourist attractions are only permitted where the proposal meets a strict criteria including (i) the scale of the proposal or any proposed extension is in keeping with surrounding uses; (iii) the proposal does not have an unacceptable effect upon the amenity and character of the existing and neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion; (iv) the proposal meets high standards of layout, landscaping and design and has safe vehicular access; (v) adequate utility and infrastructure services exist, are reasonably accessible, or can be readily and economically provided; (vi) suitable access is provided for disabled persons and those with impaired movement; (vii) parking is provided in accordance with the Council's approved guidelines.

Paragraph 11.1.4 of PPW states:

“Tourism involves a wide range of activities, facilities and types of development throughout Wales. The planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities. In addition to supporting the continued success of existing tourist areas, appropriate tourist-related commercial development in new destinations, including existing urban and industrial heritage areas, should be encouraged.”

It is noted that the Council's Tourism officer supports the application which she considers compliments the tourism offerings within close proximity of the site and is readily accessible.

Policy REC9 allows new golf related developments subject to there being no unacceptable harm to special designations. The site is located within a special landscape area, but would not be readily visible from the wider area. Moreover, the proposal does not include any extension of parking, any new built form and is low key in scale, as a result its impact on the special landscape area is considered negligible. Visual impact is considered in detail later in the report.

Whilst the site is a new development in the countryside, it is being developed in association with the adjoining golf academy and would share services, there would a degree of overlap between the uses and the site is located within easy travelling distances of Hensol Resort and other leisure / tourism related uses at Hensol.

Visual Impact and Disturbance

In terms of visual impact, as aforementioned the site is well screened to the south by woods, the application site is located close to field boundaries and the wider area is screened densely with mature trees and hedgerow limiting any views to those in the very distance and from the PROW crossing the car park.

The application site falls within the Ely Valley and Ridge Slopes Special Landscape Area. Policy ENV4 refers specifically to Special Landscape Areas (SLA) and states that new development within or closely related to a SLA will only be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the SLA.

The site is well screened from the wider area by woodland and boundary trees/hedgerow. The proposed development is generally low level and located adjacent to the existing building, any view of the development would be seen in context of the adjoining buildings and not considered to adversely impact the SLA.

Notwithstanding this, it is considered that the nature of the use and the associated structures is not typical of the surrounding environment. The majority of the planting and structures would not exceed 2.3 metres in height. An aeroplane was originally shown to be sited in the middle of the site, as a central feature, on top of a large boulder, to height of 5.1m (to the top of the tail). There was concern that this feature would have been visible from more distant viewpoints above the surrounding hedgerows, introducing an alien feature into the Special Landscape Area. Following negotiation with agent, the plane and boulder have been omitted and replaced by two parts of a broken plane, with a maximum height of 2.5 metres. These are features to add interest to the proposed course and are not considered to be harmful in this context.

The scheme includes new hedge planting between the existing car park and the site and would screen the development from the south, although from this viewpoint, the site is viewed in context with the adjoining golf academy building. Full details of the species and ratio of mix have been submitted with the application and are considered acceptable. The scheme of hedge planting shall be secured under Condition 3.

The heights of the main structures have been amended to a degree that ensures there would be very little visual intrusion and views from the wider rural area, given that the site is screened by field boundaries, trees and woodland. The only view of the site would be from the adjoining park that also forms part of the PROW. However, the amended proposal also includes a landscaping scheme to screen the boundary with the car park with hedge which would further mitigate any visual impact.

Given that the majority of the development relates to contoured areas of artificial grass to create each hole, the details submitted are considered sufficient without the need for samples of the artificial grass to be submitted for approval. Moreover, sufficient details have been submitted in the supporting documentation in relation to the other structures/features which are to be sited on the land, without the need for further details to be submitted.

The proposed use is relatively quiet in terms of operating noise and would share the facilities including toilets and car parking with the golf academy. This would ensure no further extensions are proposed and no further infrastructure or services are required. There are no nearby neighbouring occupiers which would be impacted upon in terms of any noise and disturbance being generated from the site.

Overall, the proposal is considered to be compliant with the aims and objectives of Policy TOUR5 and REC9 of the UDP in that proposal can be accommodated in this site without causing wider visual harm. This is on the basis that no additional buildings are being proposed and the props proposed are low-key ancillary features.

Access and Parking

The proposal will utilise and share the existing access and parking arrangements serving the adjoining golf academy. The application was accompanied with a transport statement that identifies the predicted use and considers the development is capable of being accommodated safely within the existing highway and public transport networks. The Council's Highway Officer has not objected to the proposal.

The course also proposes a DDA course which would ensure the needs of disabled customers are met.

Other Matters

The driving range and part of the application site is located within Flood Zone C2. The application has been accompanied with a Flood Consequences Assessment which concludes that the site could withstand 100 + climate change flooding and suggest operators signing up to NRW Flood Warning Direct Service and closing the site until clearance from Natural Resources Wales.

Natural Resources Wales have not objected to the proposal and consider the risk of the development could be acceptable subject to the developer being made aware of the potential flood risk. Given this, the proposal is considered acceptable in terms of flood risk.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Drg No. 2732-T-001.6 Received on 26 May 2017

Drg No. 2732-T-002.4 Received on 26 May 2017

Drg No. 2732-T-004.2 Received on 26 May 2017

Drg No. 2732-T-005.2 Received on 26 May 2017

Proposed Materials Schedule Received on 07 April 2017

Transport Statement Received on 07 April 2017

Flood Consequences Assessment Received on 07 April 2017

Planning Statement Received on 07 April 2017

UK Planning Maps Site Layout Plan Received on 07 April 2017

UK Planning Site Location Plan Received on 07 April 2017

Reason:

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

3. The proposed hedgerow planting shown on plan 2732-T-001.6 and as detailed in the species mix, shall be completed in full accordance with the approved plans during the first planting and seeding seasons following the completion of the development, or the first beneficial use of the site, whichever is sooner, with all new hedgerows being managed and maintained for the duration of the life of development. Any part of that hedgerow which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV4 – Special Landscape Area, ENV27 – Design of New Developments, EMP2 – New Business and Industrial development, REC7 – Sport and Leisure Facilities, REC8 – Golf Courses and Golf Driving Ranges, REC9 – Golf Related Developments, it is considered that the amended proposals are an acceptable form of development, which subject to conditions, would not visually harm the character or appearance of the countryside or the special landscape area, harm the amenities of nearby occupiers, or adversely impact upon highway safety. The development is therefore considered to comply with the relevant policies and should be approved.

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.

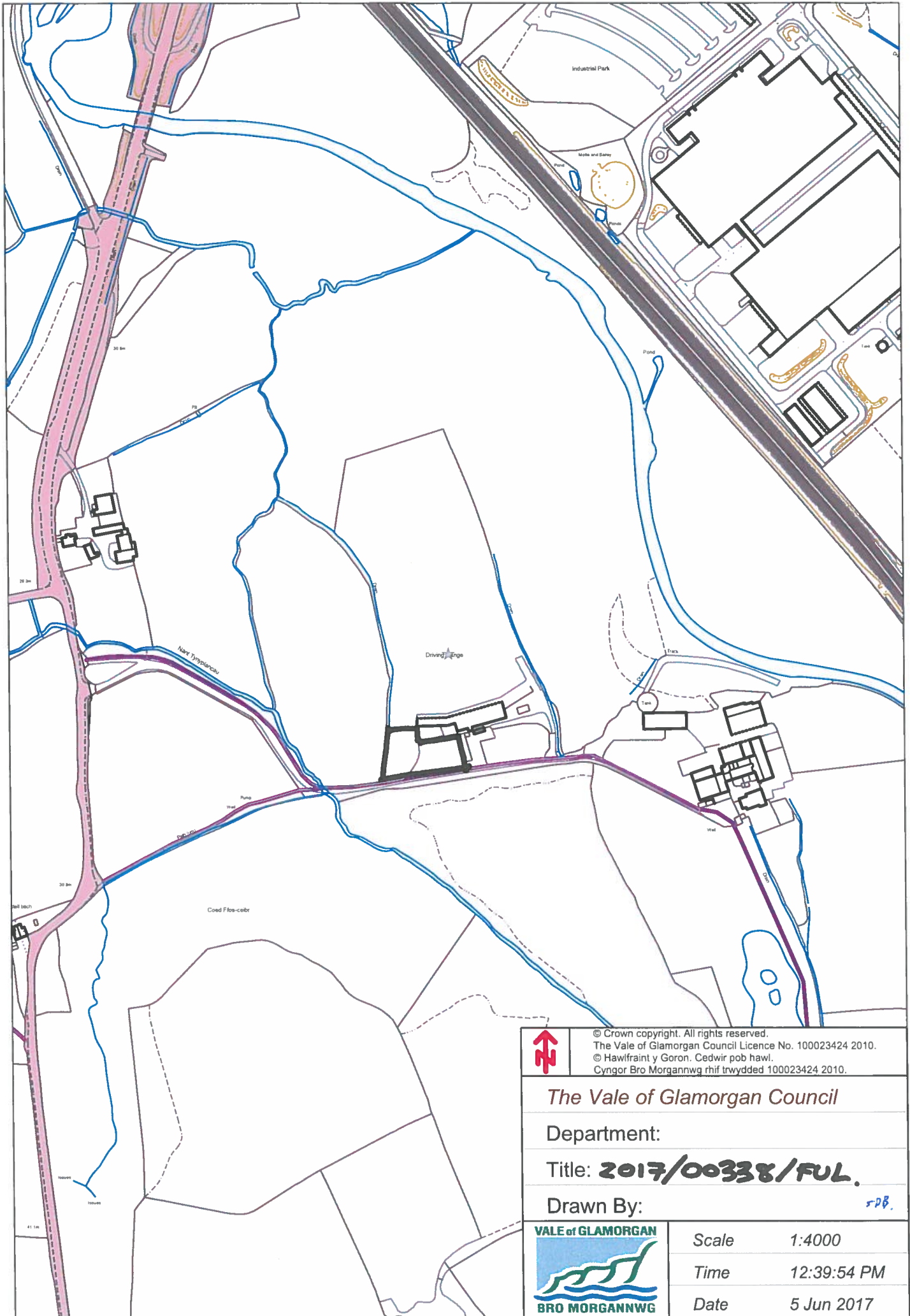
NOTE:



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

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

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



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	The Vale of Glamorgan Council	
Department:		
Title: 2017/00338/FUL.		
Drawn By:		<i>SPB.</i>
	Scale	1:4000
	Time	12:39:54 PM
	Date	5 Jun 2017

2017/00399/FUL Received on 19 April 2017

Mr James Crinion, Greenfields, Llanmaes, Vale of Glamorgan. CF61 2XR
Mr James Crinion, Greenfields, Llanmaes, Vale of Glamorgan. CF61 2XR

Greenfields, Llanmaes

Retention of timber fence to road elevation, replacing boundary shrub hedge and original fence

REASON FOR COMMITTEE DETERMINATION

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

- The report has a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice which is outside the scheme of delegated powers.

EXECUTIVE SUMMARY

The application site is Greenfields, Llanmaes. It is a two-storey detached dwelling located in Llanmaes. It is located within the settlement boundary but lies just outside of the Llanmaes Conservation Area.

The application seeks planning permission for the retention of a new means of enclosure consisting of a close board fence erected to a height of 1.8m, sitting above an existing 0.8m stone wall. It is approximately 28m in length and is painted a green colour.

No letters of representation have been received following neighbour consultation. Llanmaes Community Council commented that the fence does not enhance the character of the village and does not fit in with neighbouring properties.

The principal issues relate to the design and visual appearance of the fence and the impact on the visual amenity of the site and its surroundings and the character and appearance of the Llanmaes Conservation Area.

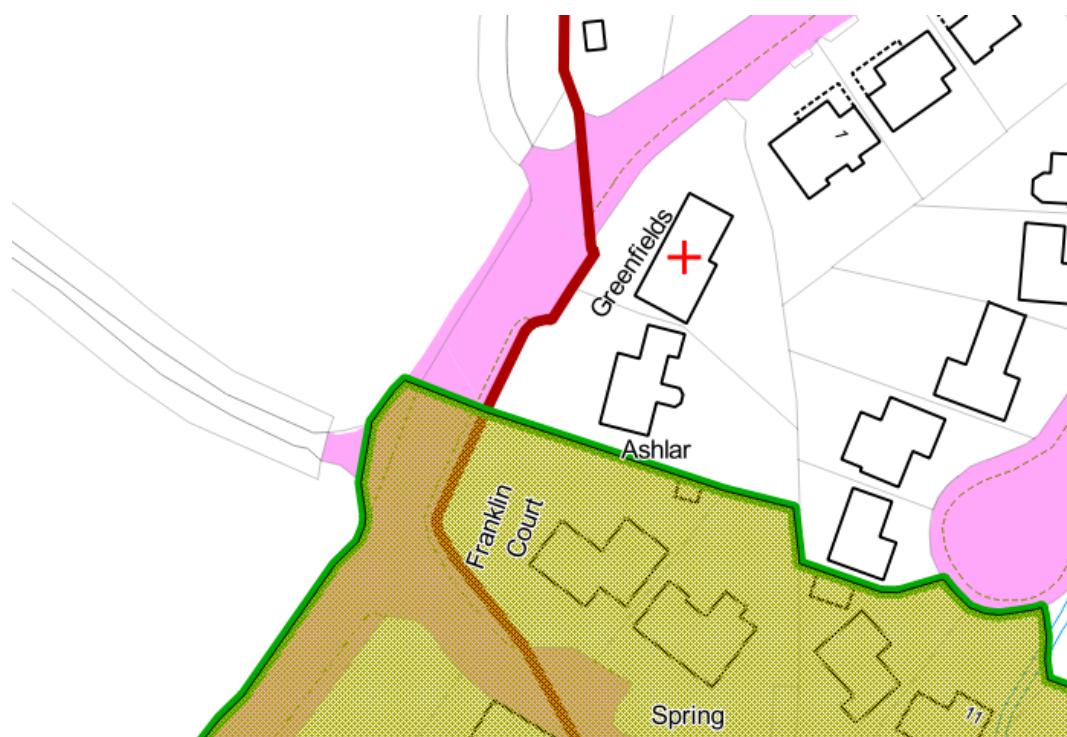
The recommended that the application is refused as the fence is considered to be incongruous in the context of the site which is characterised by low stone walls and vegetation. The fence therefore harms the visual amenity of the area contrary to the relevant planning policies.

PRELIMINARY MATTERS

This application relates to an Enforcement Case that was opened following a breach of planning control at the property known as Greenfields, Llanmaes. Following a planning enforcement investigation it was established that a new means of enclosure had been created in the form of the erection of a fence on top of the existing stone wall. As the means of enclosure exceeds one metre in height and is adjacent to a highway it does not benefit from permitted development rights. The applicant has been advised that these matters require the benefit of planning permission and has submitted this application in an attempt to regularise the unauthorised means of enclosure.

SITE AND CONTEXT

The application site is located within, but on the edge of, the Llanmaes Settlement boundary but just outside of the Llanmaes Conservation Area. The site features a detached dwellinghouse which fronts onto the road to the west with large rear and side gardens. The site is one of the first properties you see when entering the village of Llanmaes from the main road, the B4265, which serves Llantwit Major, Barry and Bridgend. Similar properties about the site to the north, east and south while across the road to the west is open countryside.



(Conservation Area shown shaded, Settlement boundary block line)

DESCRIPTION OF DEVELOPMENT

This application seeks to retain a new means of enclosure consisting of 1 metre green fence panels erected on top of an original 0.8 metre stone wall. The fence replaces a mature established hedge. The means of enclosure is at the front of the property, directly adjacent to the highway and has a total height of approximately 1.8 metres along a length of approximately 28 metres along the front boundary. A photograph of the means of enclosure is shown below:



PLANNING HISTORY

2005/00168/FUL: Greenfields, Llanmaes - First floor extension - Approved 24 March 2005

CONSULTATIONS

Llanmaes Community Council was consulted on the 2 May 2017. They responded to say that the fence does not enhance the character of the village and does not fit in with neighbouring properties.

Llantwit Major Ward Councillors were consulted on the 2 May 2017. No responses have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on the 2 May 2017. No representations have been received to date.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

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

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

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

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

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

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

Planning Policy Wales:

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

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

Paragraph 4.11.9 states:

"The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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 9 – Enforcement of Planning Control (1997)
- Technical Advice Note 12 – Design (2016)

Paragraph 2.6 states:

“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

Paragraph 4.5 states:

“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

Paragraph 6.6 states:

“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”

Supplementary Planning Guidance:

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

- Amenity Standards
- Llanmaes Conservation Area Appraisal and Management Plan

The Local Development Plan:

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

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

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

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

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

In line with the guidance provided in the paragraph above, the following policy of the Deposit Local Development Plan 2011 - 2026 is relevant:

Policy MD2 – Design of New Development

Other relevant evidence or policy guidance:

- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well Being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider with this application are the effect of the new means of enclosure on the amenity and character of the local area and the Llanmaes Conservation Area.

The front enclosures along Llanmaes Road are consistently formed of low stone walls and vegetation such as trees, bushes and hedges. This creates an open and semi-rural character which is consistent along the length of Llanmaes Road and the majority of the village of Llanmaes. This character is particularly evident within the adjacent Conservation Area it being a positive feature within the Conservation Area. Although outside of the conservation area, the open character and traditional boundary materials are replicated within the 20th Century development in the village of which this property is a part. The pre-existing means of enclosure at the site, consisting of a low stone wall and a hedge, was consistent with this character.

The erection of fence panels to an additional height of approximately 1.8m, along such a long expanse of the frontage (approximately 28m) creates an intrusive feature that is incongruous with the open character of the area, particularly in such a prominent location. As such, the development is contrary to criterion (i) of policy ENV27 - Design of New Developments, which requires new development to complement or enhance the local character of buildings and open spaces. Moreover, the use of timber does not reflect or respect the traditional use of stone that is prevalent in Llanmaes. It is therefore also considered to be detrimental to the visual amenity of the area which conflicts with criterion (ii) of policy ENV27 in addition to Policy 1 and 3 of the Amenity Standards SPG, which require new development to secure visual amenity and respect the existing character, respectively.

Furthermore, it is considered to be at odds with Policy MD 2 of the Vale of Glamorgan Deposit Local Development Plan, which requires new development to positively contribute to the context, respond appropriately to the local context and preserve or enhance existing features of the townscape.

It is noted that the fence has been erected for privacy purposes. However, the need for privacy of a front and side garden, which includes the driveway/parking area which do not generally require a high degree of privacy, is not considered to outweigh the aforementioned harm caused by the development. Notwithstanding this, it is noted that the property benefits from a large private rear garden which provides adequate private amenity space to serve the dwelling. There are also more appropriate boundary treatments, such as a new hedge, that would provide both privacy and be in keeping with the character of the area.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

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

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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. The development is considered to cause unacceptable harm for the reasons set out above and it is therefore in the overarching public interest to protect the character of the local area and visual amenity.

RECOMMENDATION

- (1) That planning permission for the retention of the timber fence be refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of the unauthorised timber fence to the front boundary in its entirety and the restoration of the land to its condition prior to the commencement of the unauthorised works.
 - (ii) The removal of any waste resulting from the above operation.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REASON FOR RECOMMENDATIONS

REFUSE (W.R.)

1. The means of enclosure is an unjustified development that is extremely prominent within the village of Llanmaes. Due to its height, expanse and design, it is considered to be incongruous with the traditional means of enclosures in the area, characterised by low stone walls and vegetation, and fails to complement or enhance the local character of the area causing significant harm to visual amenity. The development is therefore contrary to Policy ENV27, Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Supplementary Planning Guidance on Amenity Standards. The development is also in conflict with the emerging Vale of Glamorgan Local Development Plan 2011-2026, in particular Policy MD2 Design of New Developments.

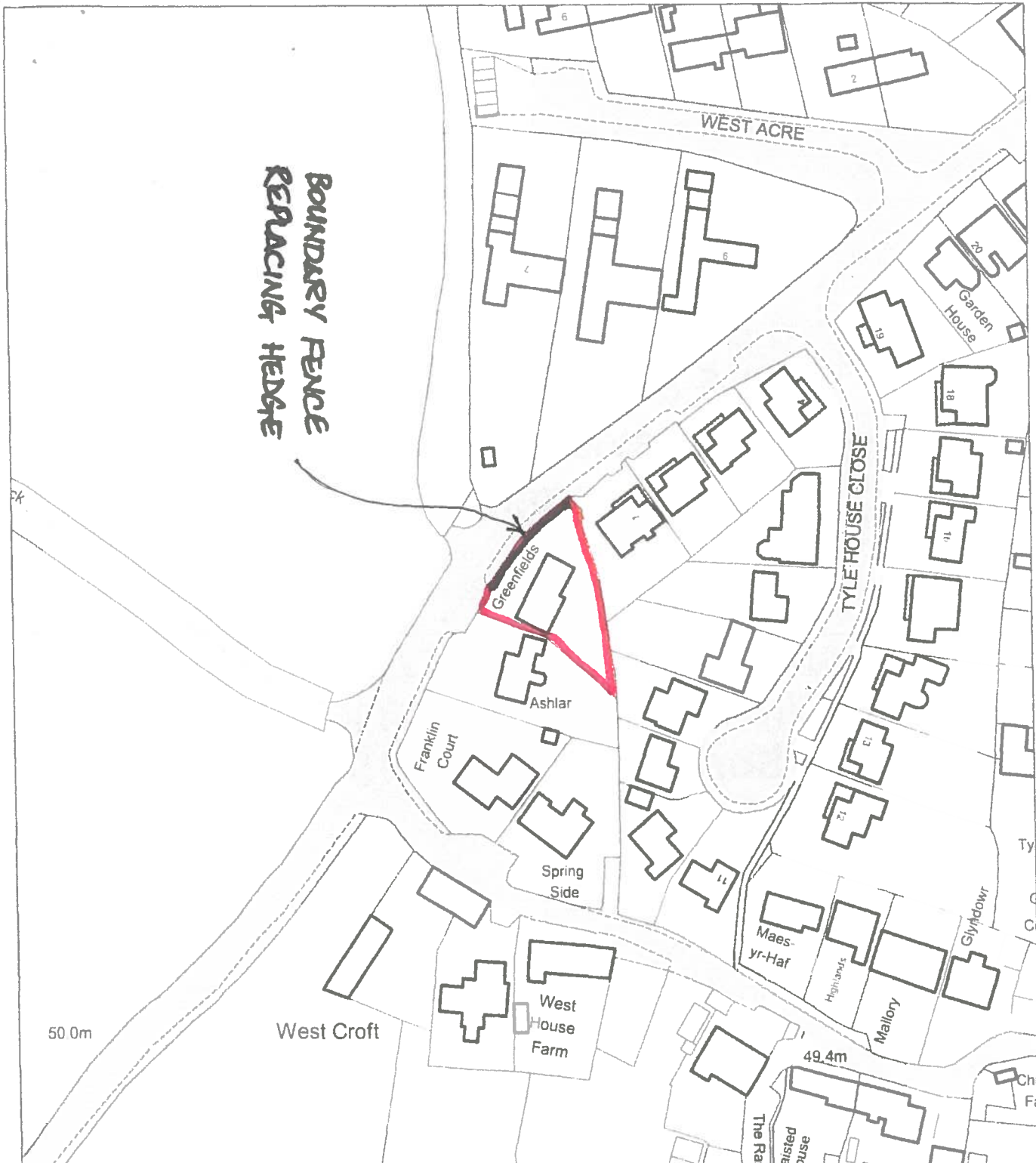
CONCLUSIONS

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

Having regard to Policy ENV27, Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Policy MD2 Design of New Development, of the Vale of Glamorgan Deposit Local Development Plan 2011-2026, as well as advice in the Council's approved Supplementary Planning Guidance on Amenity Standards, it is concluded that the erected fence panels above the existing stone wall cause demonstrable harm to the character of the local area and visual amenity of the street scene.

In light of the above, it is recommended that the planning application is refused and formal enforcement action is pursued to require the removal of the unauthorised enclosure.

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



BOUNDARY FENCE
REPLACING HEDGE

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The Vale of Glamorgan Council
Department: **PLANNING**
Title: **GREENFIELDS LAINMAES**
Drawn By: **N.**



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