

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 27 APRIL, 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:

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|--------------|----|--|--|
| 2016/1113/BR | AC | 13, Plassey Square,<br>Penarth                     | Single storey side and rear extension  |
| 2017/0070/BR | AC | Super Hangar, Aerospace<br>Business Park, St Athan | Phase 1 works comprising the conversion and alteration of the Northern part of the existing Super Hangar support building to provide upgraded reception areas, offices, meeting rooms, kitchen, staff cafeteria and exhibition area together with associated changes to external circulation and parking |
| 2017/0169/BR | AC | Corntown Country Inn,<br>Corntown Road, Corntown   | Internal and external alteration works & improvements  |
| 2017/0178/BR | AC | 58, Nant Talwg Way, Barry                          | single storey rear extension   |
| 2017/0179/BR | AC | 5, Joseph Parry Close,<br>Llandough                | Single storey porch extension  |

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| 2017/0184/BR | AC | University Llandough Hospital, Penlan Road, Llandough | Internal refurbishment works for the installation of a new scanner. The works will involve the removal of the existing non load bearing wall between the 2 existing rooms to create a larger area and the erection of new stud walls to create a new control room. External roof works will consist of the installation of new support steels for new ahu, attenuators and ac condensers on 300x150dpx100 padstones |
| 2017/0189/BR | AC | 10, Westbourne Road, Penarth                          | Rear dormer extension to existing loft space. New bathroom and utility room to loft space. New en suite to first floor level  |
| 2017/0208/BR | AC | Land off Francis Road, Barry                          | Construction of three bungalows along with associated parking and ancillary works   |
| 2017/0213/BR | AC | Tyn Y Cae Cottage, Station Road, Peterston Super Ely  | Demolition of existing conservatory, internal alterations and side and rear extensions  |
| 2017/0219/BR | AC | 2, Caynham Avenue, Penarth                            | Two storey side extension with single storey rear extension   |
| 2017/0229/BR | AC | 22, Mill Road, Dinas Powys                            | Adaptions and minor extensions at ground floor to create new kitchen/family room  |
| 2017/0233/BN | A  | 5 Wimbourne Close, Llantwit Major                     | Opening an archway into an old external wall. (Now internal due to an existing extension).  |
| 2017/0234/BN | A  | 12, Clos Cradog, Penarth                              | Cavity wall to front of house to join house with garage under roof to create internal storage room  |

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| 2017/0235/BR | AC | 133, Plassey Street, Penarth           | Proposed single storey rear extension, loft conversion and internal structural alterations                                   |
| 2017/0238/BR | AC | 73, Morel Street, Barry                | Construction of ground floor WC in rear living room area   |
| 2017/0243/BN | A  | 32, Sir Ivor Place, Dinas Powys        | Demolish kitchen/lounge wall (GO77183)   |
| 2017/0244/BN | A  | 49, Penlan Road, Llandough, Penarth    | Conversion of outbuilding to granny annex  |
| 2017/0246/BN | A  | 2, Little West Bungalows, Southerndown | Install 12 person package sewage treatment plant new drainage field and re-route drain line to plant                         |
| 2017/0247/BN | A  | 8, Sully Terrace, Penarth              | Extend ground floor rear of house.<br>Replace garage with large garage 1.5 storeys   |
| 2017/0249/BN | A  | Fairview, Pen y Lan, Cowbridge         | Construct new walls and tiled roof to existing construction  |
| 2017/0250/BN | A  | 50, Castleland Street, Barry           | All weather play area  |
| 2017/0251/BN | A  | Thaw View, Love Lane, Cowbridge        | Single storey rear extension   |
| 2017/0253/BR | AC | 65, Port Road East, Barry              | Two storey side extension  |
| 2017/0254/BN | A  | 59, Laburnum Way, Penarth              | Single storey extension to side of house of timber frame construction with lean to roof. External finishes to match existing |
| 2017/0255/BN | A  | 19, Clos Cradog, Penarth               | Two rooms into one   |
| 2017/0257/BN | A  | 65, Blackberry Drive, Barry            | Two rooms into one   |
| 2017/0258/BN | A  | 36, Goldsland Walk, Wenvoe,            | Garage conversion  |
| 2017/0259/BN | A  | 33, Albert Road, Penarth               | Enlarging opening in passageway  |

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| 2017/0260/BR | AC | 144, Barry Road, Barry            | Single storey rear flat roof extension  |
| 2017/0261/BN | A  | 257, Barry Road, Barry            | Single storey extension to enlarge kitchen, coming out from lounge area                               |
| 2017/0262/BN | A  | 43, Cilgant y Meillion, Rhoose    | Conversion of garage to useful living accommodation   |
| 2017/0263/BN | A  | 110, Stanwell Road, Penarth       | Single storey extension to enlarge kitchen diner  |
| 2017/0264/BR | AC | 12 Colhugh Park, Llantwit Major   | Single storey kitchen extension, porch, conversion of garage to habitable room and driveway extension |
| 2017/0265/BR | AC | Llwyn Crwn, Llansannor, Cowbridge | Single storey extensions  |
| 2017/0266/BN | A  | 50, Lougher Place, St. Athan      | Re-roof   |
| 2017/0267/BN | A  | 56, Lougher Place, St. Athan      | Re-roof   |
| 2017/0268/BN | A  | 74, Lougher Place, St. Athan      | Re-roof   |
| 2017/0269/BN | A  | 76, Lougher Place, St. Athan      | Re-roof   |
| 2017/0270/BN | A  | 80, Lougher Place, St. Athan      | Re-roof   |
| 2017/0271/BN | A  | 102, Lougher Place, St. Athan     | Re-roof   |
| 2017/0272/BN | A  | 54, Glebeland Place St. Athan     | Re-roof   |
| 2017/0273/BN | A  | 4, Duffryn Close, St. Nicholas    | Re-roof   |
| 2017/0274/BN | A  | 10, Duffryn Close, St. Nicholas   | Re-roof   |
| 2017/0275/BN | A  | 4, Porth y Green, Llanblethian    | Re-roof   |

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| 2017/0276/BN | A | 16, Porth y Green, Llanblethian        | Re-roof   |
| 2017/0277/BN | A | 2, Ael y Bryn, Peterston Super Ely     | Re-roof   |
| 2017/0279/BN | A | 5, Ael y Bryn, Peterston Super Ely     | Re-roof   |
| 2017/0280/BN | A | Old Farm House, Llandow, Cowbridge     | Single storey side extension with alterations to front porch and internal refurbishment |
| 2017/0281/BN | A | 6, Ael y Bryn, Peterston Super Ely     | Re-roof   |
| 2017/0282/BN | A | 7, Ael y Bryn, Peterston Super Ely     | Re-roof   |
| 2017/0283/BN | A | 9, Ael y Bryn, Peterston Super Ely     | Re-roof   |
| 2017/0284/BN | A | 20, Ael y Bryn, Peterston Super Ely    | Re-roof   |
| 2017/0285/BN | A | 5-8, Croft John, Penmark               | Re-roof   |
| 2017/0286/BN | A | 2, Croft John, Penmark                 | Re-roof   |
| 2017/0288/BN | A | White Farm House, Gower Road, Leckwith | Single storey tiled roof extension to rear/side of elevation                            |
| 2017/0290/BN | A | 226, Barry Road, Barry                 | Single storey rear extension to create larger kitchen and dining area                   |
| 2017/0291/BN | A | 40, Broad Street, Barry                | Renovation  |
| 2017/0292/BN | A | The Retreat, Colwinston,               | Single storey conservatory and front porch  |
| 2017/0294/BN | A | 1, Church Road, Barry                  | Application of over render system   |
| 2017/0295/BN | A | 2, Church Road, Barry                  | Application of over render system   |
| 2017/0296/BN | A | 3, Church Road, Barry                  | Application of over render system   |

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| 2017/0298/BN | A  | 5, Church Road, Barry    | Application of over render system |
| 2017/0299/BN | A  | 10, Church Road, Barry   | Application of over render system |
| 2017/0300/BN | A  | 11, Church Road, Barry   | Application of over render system |
| 2017/0301/BN | A  | 2, Barry Road, Barry     | Application of over render system |
| 2017/0303/BN | A  | 6, Barry Road, Barry     | Application of over render system |
| 2017/0304/BN | A  | 16, Barry Road, Barry    | Application of over render system |
| 2017/0305/BN | A  | 18, Barry Road, Barry    | Application of over render system |
| 2017/0308/BN | A  | 103, Main Street, Barry  | Application of over render system |
| 2017/0309/BN | A  | 105, Main Street, Barry  | Application of over render system |
| 2017/0310/BN | A  | 109, Main Street, Barry  | Application of over render system |
| 2017/0311/BN | A  | 111, Main Street, Barry  | Application of over render system |
| 2017/0312/BN | A  | 115, Main Street, Barry  | Application of over render system |
| 2017/0313/BN | A  | 117, Main Street, Barry  | Application of over render system |
| 2017/0314/BN | A  | 102, Main Street, Barry  | Application of over render system |
| 2017/0315/BN | A  | 108, Main Street, Barry  | Application of over render system |
| 2017/0316/BN | A  | 110, Main Street, Barry  | Application of over render system |
| 2017/0317/BN | A  | 112, Main Street, Barry  | Application of over render system |
| 2017/0318/BR | AC | Plaisted House, Llanmaes | Extension to existing dwelling    |

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|--------------|---|--------------------------------------|---|
| 2017/0323/BN | A | Westbury, Factory Road, Llanblethian | Single storey rear extension and first floor rear extension with dormer   |
| 2017/0325/BN | A | 63, Churchfields, Barry              | Garage conversion   |
| 2017/0327/BN | A | 38, Matthew Road, Rhoose             | Single storey extension for bedrooms and kitchen/diner  |
| 2017/0329/BR | A | 59, Maes y Cwm Street, Barry         | Shower and utility room adaptation with external drainage works   |
| 2017/0330/BN | A | 45, Norwood Crescent, Barry          | Attic conversion with dormer  |
| 2017/0331/BN | A | Westra cottage, Westra, Dinas Powys  | Alterations to existing first floor to create 2 no. dormer windows, including internal alterations and general refurbishment. |
| 2017/0335/BN | A | Ashwood Lodge, Colwinston,           | Removal of internal walls with changes to layout of some rear windows. Installation of glass balustrade to Juliet balcony     |
| 2017/0338/BN | A | 32, Salop Place, Penarth             | Loft conversion with dormer   |
| 2017/0342/BN | A | 11, Milton Road, Barry               | Roofing work, chimney, loft insulation  |
| 2017/0343/BN | A | 12, Milton Road, Barry               | Roofing work, chimney, loft insulation  |
| 2017/0345/BN | A | 2, Milton Road, Barry                | Roofing work, chimney, loft insulation  |
| 2017/0346/BN | A | 6, Milton Road, Barry                | Roofing work, chimney, loft insulation  |
| 2017/0347/BN | A | 7, Milton Road, Barry                | Roofing work, chimney, loft insulation  |
| 2017/0350/BN | A | 15, Milton Road, Barry               | Roofing work, chimney, loft insulation  |
| 2017/0351/BN | A | 16, Milton Road, Barry               | Roofing work, chimney, loft insulation  |

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| 2017/0352/BN | A | 18, Milton Road, Barry  | Roofing work, chimney, loft insulation  |
| 2017/0353/BN | A | 20, Milton Road, Barry  | Roofing work, chimney, loft insulation  |
| 2017/0354/BN | A | 8, Rutland Close, Barry | Garage conversion   |
| 2017/0355/BN | A | 21, Milton Road, Barry  | Roofing work, chimney, loft insulation  |
| 2017/0356/BN | A | 44, Milton Road, Barry  | Roofing work, chimney, loft insulation  |
| 2017/0357/BN | A | 42, Milton Road, Barry  | Roofing work, chimney, loft insulation  |
| 2017/0358/BN | A | 28, Milton Road, Barry  | Roofing work, chimney, loft insulation  |
| 2017/0359/BN | A | 40, Milton Road, Barry  | Roofing work, chimney, loft insulation  |
| 2017/0361/BN | A | 20, Winston Road, Barry | Chimney, loft insulation, fascia/soffits, canopy. External decoration, external repointing                            |
| 2017/0362/BN | A | 27, Winston Road, Barry | Flat roofing, external decoration, external over render system, fascia/soffits, outbuilding door                      |
| 2017/0363/BN | A | 35, Winston Road, Barry | Pitched roofing, chimney, external decoration, external over render system, windows, fascia/soffits, outbuilding door |
| 2017/0364/BN | A | 36, Winston Road, Barry | chimney, fascia/soffits, external decoration  |
| 2017/0365/BN | A | 37, Winston Road, Barry | pitched roofing, chimney, external decoration, external over render system, windows                                   |
| 2017/0366/BN | A | 38, Winston Road, Barry | Loft insulation, chimney, fascia/soffits, external decoration, external repointing, canopy                            |



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| 2017/0368/BN | A | 70, Winston Road, Barry  | Chimney, fascia/soffits, external decoration, external repointing  |
| 2017/0369/BN | A | 94, Winston Road, Barry  | Chimney, fascia/soffits, external decoration, external repointing, external over render system windows, door, flat roofing |
| 2017/0370/BN | A | 96, Winston Road, Barry  | Flat roofing work, chimney, fascia/soffits, external decoration, external over render system windows                       |
| 2017/0371/BN | A | 151, Winston Road, Barry | Roofing work, chimney, fascia/soffits, outbuilding door  |
| 2017/0372/BN | A | 155, Winston Road, Barry | Roofing work, chimney, fascia/soffits  |
| 2017/0373/BN | A | 161, Winston Road, Barry | Roofing work, chimney, fascia/soffits, outbuilding door  |
| 2017/0374/BN | A | 163, Winston Road, Barry | Roofing work, chimney, fascia/soffits, outbuilding door  |
| 2017/0375/BN | A | 165, Winston Road, Barry | Roofing work, chimney, fascia/soffits, outbuilding door  |
| 2017/0376/BN | A | 167, Winston Road, Barry | Roofing work, chimney, fascia/soffits  |
| 2017/0377/BN | A | 175, Winston Road, Barry | Roofing work, chimney, fascia/soffits  |
| 2017/0379/BN | A | 181, Winston Road, Barry | Roofing work, chimney, fascia/soffits  |
| 2017/0380/BN | A | 183, Winston Road, Barry | Roofing work, chimney, fascia/soffits, outbuilding door  |
| 2017/0381/BN | A | 187, Winston Road, Barry | Roofing work, chimney, fascia/soffits, outbuilding door  |

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| 2017/0382/BN | A | 189, Winston Road, Barry   | Roofing work, chimney, fascia/soffits  |
| 2017/0383/BN | A | 193, Winston Road, Barry   | Roofing work, chimney, fascia/soffits, outbuilding door  |
| 2017/0384/BN | A | 197, Winston Road, Barry   | Roofing work, chimney, fascia/soffits, outbuilding door  |
| 2017/0388/BN | A | 12, John Street, Penarth   | Small extension to rear of property , Velux windows to loft conversion for storage only  |
| 2017/0389/BN | A | 37, Porth y Castell, Barry | Single storey building to incorporate toilet and shower - area less than 10m2  |
| 2017/0392/BN | A | 21, Rhodfa Felin, Barry    | Knock through two rooms into one plus one rear and one side single storey extensions   |
| 2017/0393/BN | A | 4, Liscum Way, Barry       | Single & two storey side extension, plus first floor rear extension  |
| 2017/0396/BN | A | 20 Romilly Road, Barry     | Construction and installation of two ensuite shower rooms in first and second floor bedrooms, connecting wastes to existing soil stack etc |

(b) Building Regulation Applications - Reject

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

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| 2017/0287/BN | R | 51, Lewis Road, Llandough | Single storey flat roof extension to rear of property and kitchen to create utility room |
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

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|--------------|---|--------------------------------------|--|
| 2017/0030/AI | A | Old Cottage, Glanmore, Southerndown  | Proposed single storey extension and refurbishment of dwelling, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2017/0031/AI | A | 36, Clos Yr Wylan, Barry Island      | Loft conversion  |
| 2017/0032/AI | A | 47, St. Johns View, St. Athan        | Proposed garage conversion to create habitable room (works to include material alterations to structure, controlled services, fittings and thermal elements)           |
| 2017/0033/AI | A | 12, Glastonbury Road, Sully          | Proposed rear single storey extension and associated works   |
| 2017/0034/AI | A | 13, Glastonbury Road, Sully          | Single storey extension and associated works   |
| 2017/0035/AI | A | 3, St. Martins Close, Penarth        | Loft conversion with 2 no. dormers (works to include material alterations to structure, controlled services, fittings and thermal elements)                            |
| 2017/0036/AI | A | Llwynddu House, Ystradowen           | Proposed internal alterations and associated works   |
| 2017/0038/AI | A | Coopers End, Kingswood Close, Ewenny | Single storey extension to side and rear of detached bungalow  |
| 2017/0039/AI | A | 14, Fferm Goch, Llangan              | Proposed construction of a two storey rear extension, (works to include material alterations to structure, controlled services, fittings and thermal elements)         |
| 2017/0040/AI | A | Bryn Stables, 30, Port Road, Barry   | First floor extension  |

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| 2017/0041/AI | A | 24. Aneurin Road, Barry                       | Single storey rear extension  |
| 2017/0042/AI | A | 19, Glyndwr Road, Penarth                     | Loft conversion and associated works  |
| 2017/0043/AI | A | Newland Fawr Farm, Llangan                    | Conversion of an outbuilding to an office and associated works  |
| 2017/0044/AI | A | 4, Ringwood Crescent, St. Athan               | Proposed single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements |
| 2017/0045/AI | A | 8, Duffryn Close, St. Nicholas                | Single storey extension with associated works   |
| 2017/0046/AI | A | 26, Channel View, Ogmere By Sea               | Replacement Supalite roof and associated works at ground floor level  |
| 2017/0047/AI | A | Side Lawns, Railway Terrace, Penarth          | Structural and internal alterations   |
| 2017/0048/AI | A | Trevithin House, Bonvilston                   | Renovation of a thermal element, new roof to annex  |
| 2017/0049/AI | A | 14, Archer Terrace, Penarth                   | Proposed loft conversion to create gallery floor at second floor level  |
| 2017/0050/AI | A | Plots 1 and 2, Station Terrace, East Aberthaw | Proposed construction of 2 detached dwellings   |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 27 APRIL, 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**

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| 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   |

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|----------------------|---|--|--|
| 2012/01285/4/N<br>MA | A | (Former Ely Brickworks), Woden Park, land off Cwrt yr Ala Road, Michaelston Le Pit | Non-Material Amendment - Trenches: crossing of "zero dig zone" on planning permission ref: 2012/01285/FUL: Installation of 5MWp solar PV park. Further areas identified beyond NMA(2012/01285/2/NMA) where cables have been laid in the zero-dig zones |
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| 2013/00417/1/N<br>MA | A | 31, Nant Talwg Way, Barry | Non-material Amendment - Change from fixed pane to an opening fan-light window. Proposed roof dormer in side of rear extension |
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| 2014/00459/1/N<br>MA | A | Carneddi, Greenfield Way,<br>Llanblethian                         | Non Material Amendment -<br>Amend the wording of<br>condition. Extension and<br>alterations including new<br>roof to garage/annex, new<br>windows, dormers, gates,<br>screens, etc.                         |
| 2014/00460/3/N<br>MA | A | Plot 19, Manor Park, Sully<br>Road, Penarth                       | Proposed alteration of<br>approved dwelling to<br>include rear conservatory<br>extension  |
| 2014/01108/2/N<br>MA | A | Former Caravan Park,<br>Hazelwood, Church Close,<br>Ogmore By Sea | Non Material Amendment -<br>Variation of Public Art<br>Condition 23 of planning<br>permission<br>2014/01108/RES to submit<br>details of public art after<br>the occupation of some<br>dwellings on the site |
| 2015/00662/1/N<br>MA | A | Land to the east of Mink<br>Hollow, St. Nicholas                  | Non material amendment -<br>Variation of condition 8 -<br>Proposed residential<br>development for 17<br>dwellings and associated<br>highway and ancillary<br>works.   |
| 2016/00382/FUL       | A | 22, Port Road East, Barry   | Proposed extension to<br>existing culvert and<br>retention of material to<br>change levels of garden  |
| 2016/00609/FUL       | A | Tudor Tavern, Church<br>Street, Llantwit Major                    | Add new air conditioning<br>heat pump system with<br>new indoor wall units and<br>external condensers   |
| 2016/00628/1/N<br>MA | A | Cressage House, 7, St.<br>Andrews Road, Wenvoe                    | Demolish existing<br>outbuildings and replace<br>them with new<br>outbuildings. Extend the<br>main property at the rear   |

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| 2016/01031/LBC       | A | The Old Swan, Public House, Church Street, Llantwit Major                        | Renew existing slate roof. Repair of four stone chimney stacks. Renew lead flashing, valleys etc. Repair existing guttering. Renew fascia. Roof timber repair where required. Repointing of stonework |
| 2016/01178/FUL       | R | Highfield Farm, Colwinston   | Additional hardstanding and existing farm track renewal from existing gateway to farm shop for overflow parking and access  |
| 2016/01191/FUL       | A | Caerau Ely (AFC) Football Club, Cwrt Yr Ala Playing Fields, Cwrt Yr Ala, Cardiff | Extension to the existing club house with shower facilities, a new seated stand for 150 people (with shutter) and a new training pitch (60m x 40m)  |
| 2016/01267/FUL       | A | Plot at Station Terrace, East Aberthaw   | Proposed development of the site for 2 new build, detached houses   |
| 2016/01269/FUL       | A | 58, Westward Rise, Barry   | Existing garage to side to be demolished. New two storey side extension   |
| 2016/01293/LAW       | A | Land to the West of Tair Croes, Llampha Court Farm, Bridgend                     | Engineering operations - digestate lagoon   |
| 2016/01294/LAW       | A | Land to the West of Heol Las, Sealand Farm, St Brides Major                      | Engineering operations - digestate lagoon   |
| 2016/01401/FUL       | A | 53, Hillside Drive, Cowbridge  | Single storey porch   |
| 2016/01403/1/N<br>MA | A | 23, Augusta Road, Penarth  | Non-Material Amendment - Single storey rear extension plus dormer extension and associated works  |

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| 2016/01408/FUL | A | Lynton, Tredodridge                    | Renewal of planning consent 2011/01281/FUL  |
| 2016/01476/FUL | A | Hundred House, Llysworney              | Single storey rear flat roof extension with balcony above   |
| 2016/01477/FUL | A | 2, Dingle Dell, Windsor Lane, Penarth  | Replace garage door with double glazed window in keeping with the building  |
| 2016/01483/FUL | R | 26, Dyserth Road, Penarth              | Demolition of existing large and rear extension, construction of new two storey side extension and new single storey extension to rear. |
| 2016/01491/FUL | A | The Albion, 28, Glebe Street, Penarth  | External alterations including new corner access and timber cladding  |
| 2016/01492/FUL | A | The Dales, Little Brynhill Lane, Barry | Proposed change of use and conversion of existing outbuilding to forms 2 self-contained holiday properties with onsite parking          |
| 2016/01522/FUL | A | Ty Gwyn, Corntown Road, Corntown       | Rear single storey extension with balcony structure above, internal re-modelling and remodelling to the front elevation                 |
| 2016/01529/FUL | A | 39, Westbourne Road, Penarth           | Replacement and refurbishment of windows and door   |
| 2017/00002/FUL | A | 1, Goscombe Drive, Penarth             | Amendment to original Application 2016/01148/FUL  |
| 2017/00006/FUL | A | 77, Eastgate, Cowbridge                | Extension of kitchen with mono-pitch roof and bi-fold doors within existing rear courtyard  |



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| 2017/00009/FUL | A | The Marl pits, St. Donats  | Erection of a replacement agricultural building, a manège and extension to farm track  |
| 2017/00010/FUL | A | 5, Heol Cae Pwll, Colwinston   | External flue  |
| 2017/00011/FUL | A | The Horizon, 7, Church Place South, Penarth                                    | Single storey rear and side extension  |
| 2017/00012/ADV | A | Burger King (UK) Ltd, Culverhouse Cross Retail Park, Culverhouse Cross         | One (1) double sided advertising unit fully integrated into bus shelter  |
| 2017/00013/FUL | A | Tony King Architects, 97A, Glebe Street, Penarth                               | Variation of Condition 1 to renew planning permission 2012/00133/FUL for the change of use from B1 office back to a C3 two bed flat                                  |
| 2017/00017/FUL | A | 33, Main Road, Ogmore by Sea   | Erect conservatory to the front elevation  |
| 2017/00021/ADV | A | Merthyr Dyfan Road, Barry  | The erection of 2 flagpoles with associated flag, Green Flag Award and Barry Town Council Coat of Arms   |
| 2017/00023/FUL | A | Cradleigh, Swanbridge Road, Sully  | Two storey side and rear extension   |
| 2017/00025/FUL | A | Barry Community Water Activity Centre, Powell Duffryn Way, Barry               | Construction of new community leisure building with associated site works. New building to incorporate; changing, storage and office space for water activity centre |
| 2017/00026/FUL | A | Land at The Lawns, Cwrt Yr Ala Road, Michaelston Le Pit                        | Agricultural building  |
| 2017/00030/FUL | A | White Farm House, Gower Road Junction Leckwith Road to Brynwell Farm, Leckwith | Single storey tiled roof extension to side/rear elevation  |

|                |   |                                     |  |
|----------------|---|-------------------------------------|--|
| 2017/00031/FUL | A | Elder Cottage, Llantwit Road, Wick  | Extension to existing dwelling and replacement of garage   |
| 2017/00033/FUL | R | 1-3, Adenfield Way, Rhoose          | Change of use from commercial to residential and construction of 2 detached 4 bedroom dwellings  |
| 2017/00034/FUL | A | Foxhollows, Llancarfan              | Proposed single storey extension to existing kitchen   |
| 2017/00035/FUL | A | 6, West End Terrace, Llantwit Major | Remove rear glazed porch and extend kitchen. Insert 2 Velux roof lights to rear elevation. Construct new dormer to rear bedroom 2. Enlarge first floor WC to form wet shower room. Form sleeping platform to bedroom 1. Remove wall between kitchen and lounge |
| 2017/00038/FUL | A | 117, Main Street, Barry             | Building of garage on existing hardstand (parking)   |
| 2017/00039/FUL | A | 102, Dock View Road, Barry          | New single storey extension to side and rear. Take down garage and replace. Roller shutter door new frame utilizing existing cross over. Solar panels to main house roof   |
| 2017/00041/FUL | A | 38, Matthew Road, Rhoose            | rear single storey extension, kitchen/diner, bedrooms and utility  |
| 2017/00043/FUL | A | 3, St. Martins Close, Penarth       | Front and rear dormers   |
| 2017/00045/FUL | A | 8, Glynbridge Close, Barry          | Garage conversion and related alterations  |

|                |   |  |  |
|----------------|---|--|--|
| 2017/00047/FUL | A | 44, Chandlers Way,<br>Penarth                                    | New balcony to front of<br>property  |
| 2017/00048/FUL | A | 13, Windsor Terrace,<br>Penarth                                  | Proposed rear roof dormer  |
| 2017/00052/FUL | A | 8, Cwm Barry Way, Barry  | To build a summer house<br>at the end of our garden<br>with a sloped flat roof, patio<br>door access with no<br>window present and<br>cladding to be corrugated<br>galvanised sheet metal                                |
| 2017/00053/FUL | A | 70, Celtic Way, Rhoose   | Extension above garage,<br>garage conversion and<br>rear roof terrace  |
| 2017/00054/FUL | A | 40, Glebeland Place, St.<br>Athan                                | Demolition of existing<br>substandard garage.<br>Proposed new garage and<br>2 storey extension to form<br>family room to ground floor<br>and additional bedroom to<br>first floor  |
| 2017/00055/FUL | A | 41, Gwenfo Drive, Wenvoe   | Retention of two storey and<br>single storey extensions to<br>side and rear of property,<br>and detached double<br>garage  |
| 2017/00056/FUL | A | Ty Isha Farm, Welsh St.<br>Donats                                | Single storey extensions<br>and dormers  |
| 2017/00057/FUL | R | 30, Porthkerry Road,<br>Rhoose                                   | Proposed alterations and<br>extension to form granny<br>annexe including 2 storey<br>front/side extension, rear<br>dormer extension and<br>single storey rear<br>extension with first floor<br>roof terrace with balcony |
| 2017/00058/FUL | A | Cowbridge Cricket Club,<br>Cowbridge Athletic Club,<br>Cowbridge | Proposed machinery store<br>(4.8mx7.3m) to replace<br>dilapidated machinery<br>store   |

|                |   |  |   |
|----------------|---|--|---|
| 2017/00059/FUL | A | Cyfarthfa, Highlight Lane, Barry           | Demolition of existing garage and construction of single storey pitched roof side and rear extension to be partly used as granny annex  |
| 2017/00063/FUL | A | Pen y Bryn, Cross Common Road, Dinas Powys | Demolish existing dwelling and construct new dwelling   |
| 2017/00065/FUL | A | 10, Anchor Road, Penarth                   | Conversion of internal garage into a music room. Providing new main entrance door to front elevation to create a Draught Lobby. New Oriel Window to side gable elevation to provide natural light to stairs, matching those in the surrounding area. Converting rear garden door into a window to provide more facilities in utility room. Replacing rear first floor bay window with glazed balcony matching those in the surrounding area |
| 2017/00070/FUL | A | Charlton, 25, Clevedon Avenue, Sully       | Single storey rear and side extension.  |
| 2017/00071/FUL | A | 1, Sully Terrace Lane, Penarth             | Construction of rear dormer   |
| 2017/00072/FUL | A | 15, King Street, Penarth                   | Retention of outbuilding and garden boundary treatments   |
| 2017/00073/FUL | A | 4, Maes y Bryn, Colwinston                 | Proposed extensions and vehicular access  |
| 2017/00078/FUL | A | Cartref, Westra, Dinas Powys               | Side/rear extensions and alterations to existing bungalow   |

|                |   |  |  |
|----------------|---|--|--|
| 2017/00079/FUL | A | 57, Highwalls Avenue, Dinas Powys      | Single storey extension to rear of property, with change of roof profile   |
| 2017/00083/FUL | A | 30, Port Road East, Barry              | Proposed first floor addition to form additional accommodation, plus internal and external alterations to remodel the dwelling   |
| 2017/00089/FUL | A | 24, Enfield Drive, Barry               | Demolition of existing conservatory. Proposed 2 storey extension   |
| 2017/00095/FUL | A | 30, Cwm Barry Way, Barry               | Single storey rear and side extension, ground floor redesign and rear dormer   |
| 2017/00101/FUL | A | Wallas Fach Cottage, Wick Road, Ewenny | Two storey extension to rear of property to provide kitchen and bedroom  |
| 2017/00105/FUL | A | 268, Barry Road, Barry                 | Side conservatory  |
| 2017/00113/LAW | R | 10, Westbourne Road, Penarth           | Rear dormer extension to an existing habitable loft space  |
| 2017/00118/FUL | R | Unit 2, Seaview, St Athan              | 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 |
| 2017/00128/FUL | A | 55, Glyndwr Avenue, St. Athan          | Construction of a single storey pitched roof extension to the side of the house, including a new porch to the front  |

|                |   |  |   |
|----------------|---|--|---|
| 2017/00130/FUL | A | 7, Thistle Close, Barry                              | Proposed Ground Floor Bedroom and en suite extension for medical reasons to provide sleeping accommodation for the occupant who is suffering severe mobility difficulties |
| 2017/00135/FUL | A | Flats 1-14, Britway Court, Britway Road, Dinas Powys | Replacement and disposal of original Courtyard windows  |
| 2017/00157/PNA | A | Village Farm, Marcross                               | Silage pit  |
| 2017/00165/FUL | A | 74, Redlands Road, Penarth                           | To extend to rear of dwelling new kitchen/breakfast room extension. New window to ground floor toilet and internal alterations  |
| 2017/00178/LAW | A | Ffo Dos, 19, Sherbourne Close, Barry                 | Single storey rear extension  |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **27 APRIL, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS – Year End Report

(a) Final Planning Appeals Received in the Last Financial Year

L.P.A. Reference No: 2016/01414/FUL  
Appeal Method: Hearing  
Appeal Reference No: 17/3171492  
Appellant: Mr. Leslie Hardy  
**Location: The Piggery, Logwood Hill, Peterston Super Ely**  
Proposal: Refurbishment, reinstatement and extension to The Piggery for agricultural purposes  
Start Date: 13 March 2017

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(b) Final Enforcement Appeals Received in the Last Financial Year

L.P.A. Reference No: ENF/2016/0093/PC  
Appeal Method: Written Representations  
Appeal Reference No: C/17/3171610  
Appellant: Mrs Norrie Williams  
**Location: Land at Canbra, 16, Cae Rex, Llanblethian, Cowbridge**  
Proposal: Without planning permission, the erection of an enclosure greater than 1 metre in height adjacent to the adjoining highway  
Start Date: 23 March 2017

L.P.A. Reference No: ENF/2016/0269/PC  
Appeal Method: Written Representations  
Appeal Reference No: C/17/3168827  
Appellant: Mr Nicholas Taylor  
**Location: 47, Peterswell Road, Barry**  
Proposal: Without planning permission, the erection of a block work and timber enclosure, exceeding two metres in height  
Start Date: 21 March 2017

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/01033/FUL  
Appeal Method: Hearing  
Appeal Reference No: 16/3161658  
Appellant: Mr Peter Hayman  
**Location:** **Lettons House, Lettons Way, Dinas Powys**  
Proposal: Re-submission of application for removal of modified agricultural/rural enterprise occupancy condition imposed on application 2011/0503/FUL in respect of the erection of existing 2 storey house  
  
Decision: Appeal Allowed  
Date: 23 March 2017  
Inspector: Joanne Burston  
Council Determination: Committee

**Summary**

The main issue was considered to be whether or not there is a continuing need for the occupation of Lettons House to be restricted, having particular regard to the need for Rural Enterprise Worker's dwellings and affordable housing in the area.

The appeal property was built in the 1980s to serve as a manager's house for the adjacent plant nursery. The appellant confirmed that the tie with the nursery was severed when the nursery was sold, roughly 16 years ago. It was established that the house now has no links with the adjoining land which is now in separate ownership. Accordingly, the Inspector considered the principle issue before her was whether there is a continuing need for its retention for occupation by rural enterprise workers employed, or last employed in the locality (and their dependants). Or a person or persons who would be eligible for consideration for affordable housing under the Local Authority's housing policies (and their dependants).

The inspector stated:

*“Occupancy conditions that have outlived their usefulness should not be retained. Assessing whether there is a continuing need for their retention by a person solely or mainly working, or last working on a rural enterprise in the locality, or persons eligible for consideration for affordable housing will entail a consideration of the present need for a dwelling in the locality. In an attempt to demonstrate this, it will normally be for the appellant to show that the dwelling is being offered for sale for a reasonable period at a price which reflects the existence of the condition.”*

The Inspector considered the price at which the property was marketed and the guidance on the discount on the full market value that is recommended in the relevant Technical Advice Note 6. The Inspector considered the approximate discount applied (25%) to reflect the TAN 6 guidance and, as such, did not dispute the sale price referred to in the marketing of the property.



As for the demand for the property by a rural enterprise worker, the Inspector was of the view that the demand for a dwelling with no land away from a holding or a rural enterprise, even if within a tolerable travelling distance, is likely to be much more limited when compared to a dwelling within a holding. The Inspector considered the marketing exercise to have been sufficient and noted that, whilst there had been significant interest in the property only a small number of potential purchasers fulfilled the rural enterprise tie and of these only one couple made an offer on the property, which was significantly under the asking price. Despite some discussion in the hearing regarding the offer made and the negotiation between the potential purchasers and the sellers, the inspector concluded on this matter by stating:

*“the evidence available to me supports the contention that, in all the relevant circumstances, the property has been fairly, appropriately and consistently offered to the market over a sustained period to demonstrate that there is no interest from qualifying occupiers at the asking price. In my view there is little likelihood of this large house being within the range of many rural enterprise workers, nor even a farm manager. Nor, for the same reason, would it be attractive to most retired farmers.”*

With regard to the possible occupation of the dwelling for the purposes of affordable housing, the Inspector noted the interest that was shown in the property by Registered Social Landlords, but also noted that the purchase offer that was made was subsequently withdrawn.

The Council provided a number of documents at the hearing that demonstrate the need for affordable housing in the Vale and within Dinas Powys particularly. As these documents are to inform the LDP process, the Inspector afforded them little weight in consideration of the stage at which the LDP had reached.

The Inspector also went on to state:

*“In any event, given the size and resulting value of the property, allied to its maintenance costs, I am of the opinion that Lettons House would not be a suitable property to be regarded as an affordable dwelling to purchase or rent. Accordingly, whilst the aim of national policy is to retain rural enterprise dwellings as affordable dwellings, in this case it appears highly unlikely that the dwelling would be suitable to satisfy a local need.”*

In conclusion, the inspector stated:

*“I find that exceptional and changed circumstances have been demonstrated in this case. In my view no convincing evidence has been put forward to indicate that the continued occupation of Lettons House should be restricted to rural enterprise workers or those seeking affordable housing. As such, I find no conflict with: TAN 6 and its supporting practice guidance. Neither would it conflict with UDP Policies ENV 1; HOUS 3; and HOUS 6, which relate to, amongst other matters, development in the countryside for which a rural location is essential and the removal of agricultural occupancy conditions.”*

## Other Matters

At the appeal the Council had suggested that, in lieu of the occupation of the dwelling for the purposes of affordable housing, a financial contribution, delivered by a s106 agreement, should be required towards affordable housing. Whilst the Inspector appreciated the Council's enthusiasm to realise their objectives in respect of affordable housing with all possible speed, as there is no adopted development plan policies in place to facilitate such a contribution, she did not consider it necessary for the appellant to make a contribution towards affordable housing.

### (d) Enforcement Appeal Decisions

None

### (e) April 2016 - March 2017 Appeal Statistics – Year End

|   |           | Determined Appeals |             |           | Appeals withdrawn /Invalid |
|---|-----------|--------------------|-------------|-----------|----------------------------|
|   |           | Dismissed          | Allowed     | Total     |                            |
| <b>Planning Appeals</b><br><small>(inc. tree appeals and appeals for conservation area consent)</small> | <b>W</b>  | 17                 | 9           | <b>26</b> | 1                          |
|   | <b>H</b>  | 4                  | 7           | <b>11</b> | 1                          |
|   | <b>PI</b> | -                  | -           | -         | -                          |
| <b>Planning Total</b>   |           | 21<br>(58%)        | 16<br>(42%) | <b>37</b> | 2                          |
| <b>Enforcement Appeals</b>  | <b>W</b>  | -                  | -           | -         | 1                          |
|   | <b>H</b>  | -                  | -           | -         | 2                          |
|   | <b>PI</b> | 1                  | -           | -         | -                          |
| <b>Enforcement Total</b>  |           | 1                  | -           | <b>1</b>  | 3                          |
| <b>All Appeals</b>  | <b>W</b>  | 17                 | 9           | <b>26</b> | -                          |
|   | <b>H</b>  | 4                  | 7           | <b>11</b> | 1                          |
|   | <b>PI</b> | 1                  | -           | <b>1</b>  | -                          |
| <b>Combined Total</b>   |           | 22<br>(58%)        | 16<br>(42%) | <b>38</b> | 1                          |

### Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 APRIL, 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

|                |   |   |   |
|----------------|---|---|---|
| 2016/00925/TPO | A | The Keys, Llantwit Major                        | Removal of 4 horse chestnuts  |
| 2016/01340/TPO | A | Land at West House, Stanwell Road, Penarth      | Fell Robinia in Penarth Conservation Area   |
| 2017/00067/TCA | A | 2, Bradford Place, Penarth                      | Pollard 2 X Chestnut in Penarth Conservation Area   |
| 2017/00068/TPO | A | Land at Tinkinswood, Dyffryn Lane, St. Nicholas | Fell a Beech tree (T1) in Tree Preservation Order No. 04, 1952  |
| 2017/00075/TCA | A | The Railway Hotel, Plymouth Road, Penarth       | Felling of a Lawson Cypress and Sycamore adjacent to the entrance to the Railway Hotel outside seating area |
| 2017/00094/TCA | A | Glen View, Croft John, Penmark                  | Works to trees  |
| 2017/00096/TCA | A | 3, Park Road, Penarth                           | Re pollard Lime tree and works to hedge in Penarth Conservation Area  |
| 2017/00153/TCA | A | The Old Dairy, Llandow                          | Crown lift a Sycamore Tree in Llandow Conservation Area   |

|                |   |                                |   |
|----------------|---|--------------------------------|---|
| 2017/00154/TPO | A | 12A, Plymouth Road,<br>Penarth | Crown lift lower limbs and<br>foliage of Beech Tree TPO<br>No. 07, 1971                               |
| 2017/00155/TCA | A | 12A, Plymouth Road,<br>Penarth | Fell Bay Laurel, crown lift<br>Oak and reduce crown of<br>Cherry Tree in Penarth<br>Conservation Area |
| 2017/00243/TCA | A | 10, Coed Y Felin, Barry        | Reduction of one mature<br>Oak tree by 1 to 2 metres<br>over the whole crown                          |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 27 APRIL, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

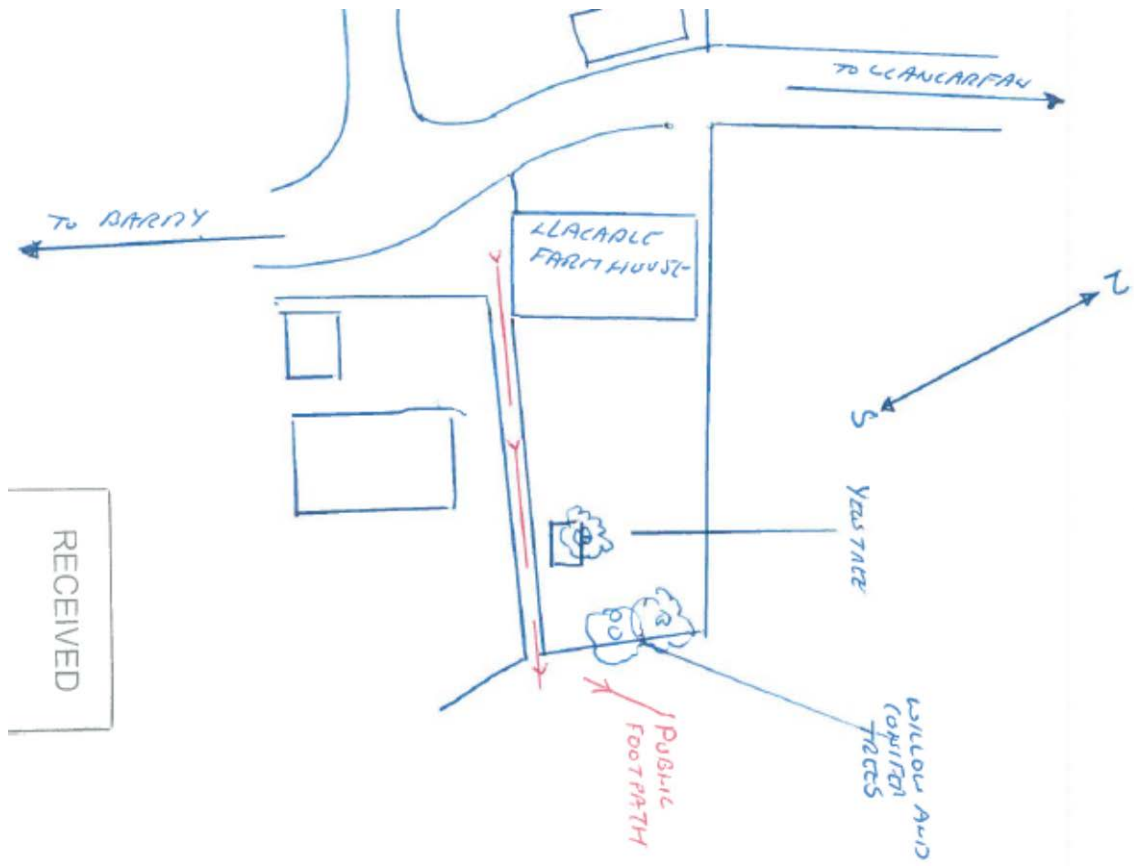
(b) General

TO CONFIRM TREE PRESERVATION ORDER NO. 7, 2015  
FOR TREES ON LAND WEST OF 10-14 CLOS LLANFAIR, WENVOE

SITE, CONTEXT AND TREE DESCRIPTION

The site relates to the rear garden of a detached former farmhouse identified as Llacadle Farm House (or 'Lower Farm'), within the Llacadle Conservation Area. A public footpath runs to the side of the site linking the main through road with the open countryside at the rear of the site.

The location of the tree is shown in the below plan extract:



## TREE HISTORY

2016/01213/TCA – Crown Lift Yew and remove Conifer and Willow in Llancadle Conservation Area. Split decision. Works approved to Yew and Conifer.

## REPRESENTATIONS

Residents of neighbouring properties Meadow View, Cwmeldeg, Strady Lodge, Pen y Bryn, Sycamore House and Fairview Cottage were sent a copy of the provisional Order, as was the owner of Lower Llancadle Farm House. All were allowed 28 days to respond.

OBJECTION – The owner of the land has objected to the confirmation of the order, in summary, on the following grounds:

- The tree is in close proximity to a septic tank to which damage could occur from the roots. The website [homeguides.sfgate.com](http://homeguides.sfgate.com) is quoted where Willows are quoted to be a threat and should be planted no less than 50 feet from drainage systems. The distance from the tree to the centre of the tank is approximately 15 feet. The tank is approximately 6.5 feet in diameter. The location of associated drainage channels is unknown.
- The tree is located in close proximity to a retaining boundary wall and there is a threat of damage to the wall from the tree.
- The tree was intended to be an ornamental version and as such was planted close to the boundary wall. It turned out to be a large specimen and has outgrown its location. It is not a rare or ancient species.

IN SUPPORT – No representations have been received in support of the order.

## REPORT

The tree appears to be fairly mature, it being a species with relatively accelerated growth. It is situated in relatively close proximity to a stone wall, which acts as a retaining wall to the rear garden. A site inspection was undertaken and there and no apparent signs of damage to the wall from the root system of the tree were observed. The tree is shown in the below photograph:



The TEMPO assessment format has been used to assess the Willow, and a score of 15+ allocated for the tree, indicating that it could merit preservation status. The willow is considered to be a pleasant specimen of a tree that, despite not being rare, is nevertheless appreciated for its aesthetically pleasing appearance throughout summer.

The tree occupies a prominent position at the rear which forms the boundary of the Conservation Area. It is widely visible from the public footpath at the side of the house that also crosses the open field to the rear. At present, the canopy of the willow is suppressed by that of the conifer, which could recover following (the approved) removal of the adjacent conifer tree.

It is noted the tree is located close to the rear stone wall and that there is a septic tank within the rear garden. Nevertheless, it is considered that the guidance quoted is not from a source of verifiable expertise, such as an arboriculturalist, and that the quoted recommended distance of 50 feet seems overly cautious. The TPO status also does not prejudice the Council in future should an application be put forward for its removal, alongside appropriate evidence that the tree was at high risk of causing damage to the wall or drainage infrastructure. Appropriate exemptions also exist should a TPO tree become an imminent danger.

It is noted that whilst the Yew may also benefit from TPO status, it was not proposed to be felled and therefore benefits from continued protection as it is located within a Conservation Area without a TPO having been served.



CONCLUSION

RECOMMENDATION

**(1) THAT the Order be confirmed.**

Contact Officer – Ceiri Rowlands, Tel: 01446 704654

Officers consulted

Not applicable.

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **27 APRIL, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT – Year End Report

(a) **Introduction**

1. This report is intended to advise Members of the Enforcement Team's performance over the last financial year from April, 2016, to March, 2017. The report is also intended to provide members with an update on the Enforcement investigations where the Committee have granted authorisation for formal enforcement action.

(b) **Notices issued April 2016 to March 2017.**

2. Enforcement Notices

Enforcement Notices are issued under Section 172 of the Town and Country Planning Act (as amended) 1990. A total of **Eight** Enforcement Notices were issued between April 2016 and March 2017. These Notices are as follows:

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

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

Issued: 27<sup>th</sup> July, 2016

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

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

**Update:**

The final date of the appeal has now been heard. We await the Inspector's decision.

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

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

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

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

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

**Update:**

As mentioned in the last enforcement update report, the site has been subject to a devastating fire. Hangar B has been destroyed. This building was used for the sorting and storage of, amongst other waste, black bag waste. The NRW permit has been partially suspended for the activities in Hangar B. As a result of this, a revised application for planning permission has been submitted to the Council seeking planning permission for the

sorting and storage of waste material in Hangar A only, which will consist of paper, cardboard and other clean recyclable materials (this will not include black bag waste). The appeal has been placed in abeyance for a period of 12 weeks pending the determination of the applications.

Enforcement Ref No: **ENF/2015/0151/INT**  
**Location:** **The Old Police Station, 1, Old Port Road, Wenvoe**

Issued: 26<sup>th</sup> May, 2016  
Breach: Erection of a means of enclosure.  
Requirements of Notice: Remove the Means of Enclosure.

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

Enforcement Ref No: **ENF/2014/0161/PRO**  
**Two enforcement Notices have been issued in respect of the following site:** **Land at Tudor Lodge, Bonvilston**

Issued: 5<sup>th</sup> April, 2013  
Breach: (1) The construction of a building.  
(2) The construction of a means of enclosure and breach of conditions of planning permission granted for the access track and earth works.  
Requirements of Notice: (1) Remove from the land the building.  
(2) Reduce the height of the enclosure and comply with the requirements of the conditions stated in the Notice.

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

Enforcement Ref No: **ENF/2015/0269/PC**  
**Location:** **Ty Closoph, Barry**  
Issued: 5<sup>th</sup> January, 2017  
Breach: The construction of a wall higher than the permitted height of 2 metres.  
Requirements of Notice: Reduce the height of the wall to 2 metres.

**Update:**  
An appeal has been made against the issue of the Notice. The Notice is, therefore, in abeyance pending the determination of the appeal.

Enforcement Ref No: **ENF/2015/0299/CLL**  
**Location:** **32, Archer Road, Penarth**  
Issued: 21<sup>st</sup> December, 2016

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

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

**Update:**

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

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

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

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

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

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

**Update:**

An appeal has been made against the issue of the Notice. The Notice is, therefore, in abeyance pending the determination of the appeal.

4. **NEW POWERS - Temporary Stop Notices**

Action pursued under Section 187A of the Town and Country Planning Act (as amended) 1990. **One** Temporary Stop Notice was issued between April 2016 and March 2017, relating to Llanerch Vineyard, Hensol, issued 3 March, 2017.

5. **NEW POWERS - Enforcement Warning Notices**

Action pursued under Section 173ZA of the Town and Country Planning Act (as amended) 1990. **Five** Enforcement Warning Notices were issued between April 2016 and March 2017.

6. **Breach of Condition Notices**

Action pursued under Section 187A of the Town and Country Planning Act (as amended) 1990. **Seven** Breach of Condition Notices were issued between April 2016 and March 2017. These are as follows:

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

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

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

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

Requirements of Notice: Remove the window.

**Update:**

Officers are currently pursuing compliance with this Notice.

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

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

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

Breach: Breach of condition regarding compliance with planning permission.

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

**Update:**

The period for compliance with the notice expired 15<sup>th</sup> March, 2017. Officers are pursuing compliance with the Notice.

Enforcement Ref No: **ENF/2016/0059/PRO**

**Location:** **Seaview, St Athan.**

Issued: 3<sup>rd</sup> January, 2017

Breach: Breach of condition relating to change of timber windows to UPVC.

Requirements of Notice: remove the UPVC windows and replace with timber.

**Update:**

The period for compliance with the Notice expires this month. Officers will pursue compliance after this time.

Enforcement Ref No: **ENF/2016/0147/PRO**

**Location:** **Garn Farm, Wenvoe.**

Issued: 21<sup>st</sup> February, 2017

Breach: Occupation of the dwelling in breach of the agricultural occupancy condition.

Requirements of Notice: Cease the occupation of the dwelling in breach of the condition.

**Update:**

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

Enforcement Ref No: **ENF/2017/0036/PRO**

**Location:** **Woodview, Wenvoe.**

Issued: 21<sup>st</sup> February, 2017

Breach: Occupation of the dwelling in breach of the agricultural occupancy condition.

Requirements of Notice: Cease the occupation of the dwelling in breach of the condition.

**Update:**

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

Enforcement Ref No: **ENF/2015/0076/PRO**

**Location:** **1, Cae Rex, Llanblethian.**

Issued: 21<sup>st</sup> February, 2017

Breach: Breach of materials condition - plastic cladding used on a dormer extension as opposed to hanging tiles.

Requirements of Notice: Remove the plastic cladding and complete dormer with hanging tiles.

**Update:**

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

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

**Location:** **Land and buildings at Tudor Lodge, Bonvilston.**

Issued: 7<sup>th</sup> March, 2017

Breach: Breach of condition relating to the stopping up of an existing access.  
 Requirements of Notice: Block up the existing access in accordance with the approved details.

**Update:**

The period for compliance with the Notice expires 7<sup>th</sup> May, 2017. Officers will pursue compliance after this time.

7. Untidy Land and Buildings Notice

Action pursued under Section 217 and 215 of the Town and Country Planning Act (as amended) 1990. **Two** such notices were issued between April 2016 and March 2017.

Enforcement Ref No: ENF/2016/0060/INT

**Location:** **10, Somerset Road East.**

Issued: 23<sup>rd</sup> September, 2016.

Requirements of Notice: remove waste material from front garden.

**Update:**

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

Enforcement Ref No: ENF/2015/0116/CLL

**Location:** **Ty Uchaf, Moulton, LLancarfan.**

Issued: 19<sup>th</sup> January, 2017.

Requirements of Notice: Remove waste from the land.

**Update:**

The period for compliance with the Notice expires this month. Officers will pursue compliance after this time.

8. Planning Contravention Notices and Requisitions for Information

Action pursued under Section 171C of the Town and Country Planning Act 1990 (as amended) and under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. A planning contravention notice and Requisition for Information are used to gather information from a land owner, offender or another individual regarding a breach of planning control. A total of **five** such Notices were issued during the period April 2016 and March 2017.

(c) **Year End Performance Statistics April 2016 - March 2017**

7. The Enforcement Team opened **389** enforcement cases between April 2016 to the end of March this year, which can be broken down as follows:

| <b>Enforcement Cases</b>     |     |
|------------------------------|-----|
| Public Complaints            | 243 |
| Proactive Investigations     | 73  |
| Internal Complaints          | 29  |
| Community Council Complaints | 14  |
| Councillor Complaints        | 30  |

|              |            |
|--------------|------------|
| <b>Total</b> | <b>389</b> |
|--------------|------------|

8. The Enforcement team also resolved 293 cases between April, 2016, and March, 2017, 181 of which were cases that had resulted for a complaint having been made to the Council. The Welsh Assembly Government has set as a performance indicator the number of enforcement related complaints resolved by each Council within 12 weeks from receipt of the complaint. Of the 324 complaint led cases resolved in between April, 2016, and March, 2017, a total of 262 were resolved within the 12 week target period. Consequently, **81%** of complaints were resolved within the period set by the Welsh Assembly Government.
10. The Notices issued during the financial year 2016/17 as compared with the three previous years are as follows:

| Type of Notice   | No Issued 2013/2014 | No Issued 2014/2015 | No Issued 2015/2016 | No Issued 2016/2017 |
|--|---------------------|---------------------|---------------------|---------------------|
| Enforcement Notices  | 9                   | 9                   | 6                   | 8                   |
| Temporary Stop notices   | -                   | -                   | -                   | 1                   |
| Enforcement Warning Notices                                    | -                   | -                   | -                   | 5                   |
| Stop Notices   | 0                   | 2                   | 0                   | 0                   |
| Listed Building Enforcement Notices                            | 0                   | 0                   | 0                   | 0                   |
| Breach of Condition Notices                                    | 7                   | 7                   | 10                  | 7                   |
| Section 215 - Untidy Land                                      | 6                   | 5                   | 1                   | 2                   |
| Planning Contravention Notice and Requisitions For Information | 12                  | 4                   | 4                   | 5                   |
| Other (High Hedge and Hedgerow Replacement Notice)             | <b>0</b>            | 1                   | 3                   | 2                   |

11. Retrospective Planning Applications  
A total of **35** planning applications were submitted between April 2016 and March this year as a result of investigations carried out by the Enforcement Team. These applications generated a total of **£6,400** fees. More importantly, 31 out of the 35 retrospective applications were approved with conditions resulting in the regularisation of those 31 developments and bringing them within planning control.

#### Background Papers

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

#### Contact Officer:

Justina M Moss, Tel: 01446 704690

Officers Consulted:

Operational Manager Development Management and Building Control

HEAD OF REGENERATION AND PLANNING



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **27 APRIL, 2017**

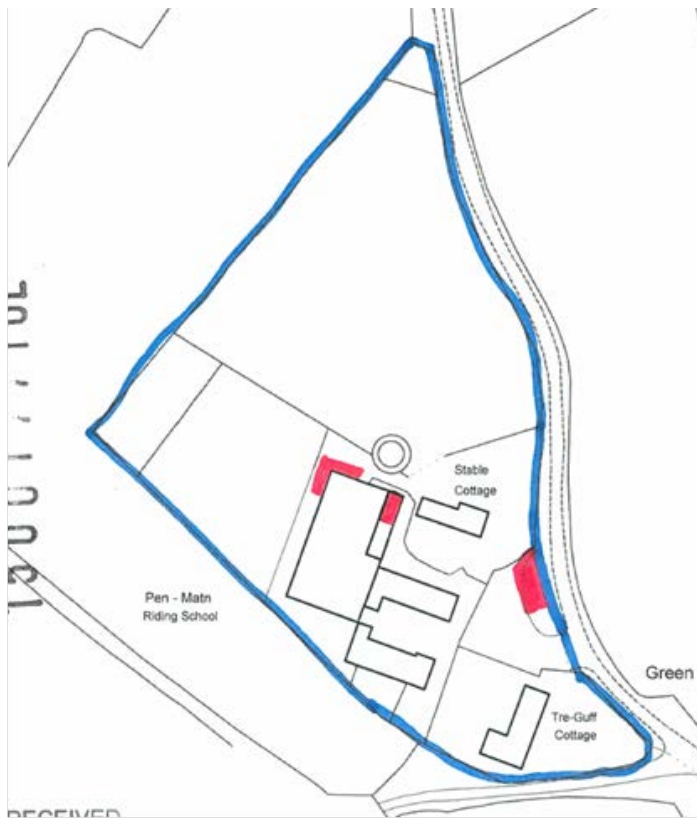
REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT STABLE COTTAGE (PENMAEN LIVERY YARD),  
TREGUFF, ST. MARY CHURCH

Background

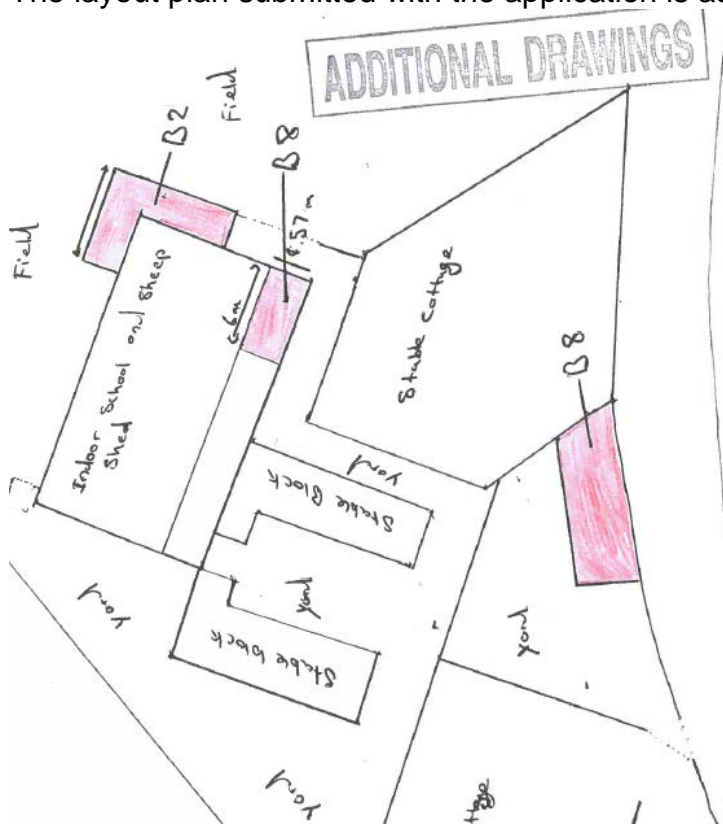
1. A complaint was initially received in September 2014, regarding the construction of a lean-to extension and a flue attached to a building at Stable Cottage (Penmaen Livery Yard), Treguff, St. Mary Church. This initial investigation of this case discovered that the site was being used for a business operation including the processing and seasoning of logs for fuel for wood burning fires.
2. The site forms a small holding and livery yard known as Penmaen Livery Yard. It is located to the rear of the residential property known as Treguff Cottage and to the side of residential property at Stable Cottage within the hamlet of Treguff, some 1½ miles north-east of Llancarfan. The site is located within the Lower Thaw Valley Special Landscape Area and the vehicular access to the site is via a rural lane that runs through the village of Llantrithydd to the A48.
3. The land to which this applications relates is outlined in blue on the following plan:



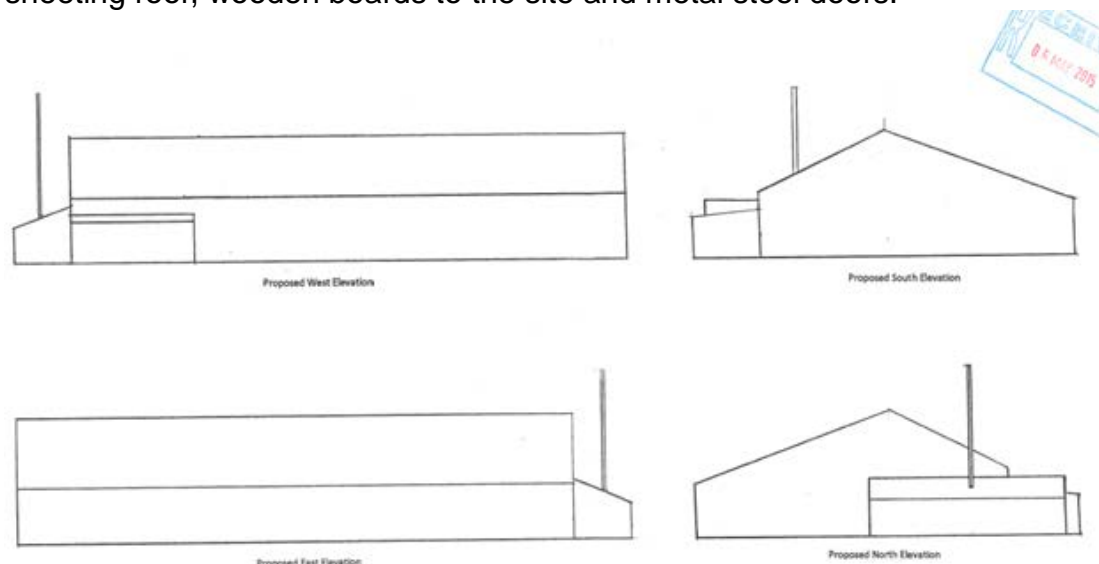
#### Details of the Breach and Action Pursued to Date

4. The site has been historically used for the keeping of horses as a livery yard. A horse rug washing service is also operated from the site, which is considered to be an activity that is ancillary to the livery yard use of the site.
5. As noted above, following the initial investigation it was noted that, in addition to the uses described above, the site was being used to operate a log seasoning business. The lean-to extension has been erected in order to house the biomass boiler used to season the firewood logs.
6. Following the initial investigation, the owner of the site was advised that the log seasoning business resulted in a material change of use of the site from a livery yard with ancillary horse rug wash, to a mixed use as a livery yard, ancillary horse rug washing business and the commercial processing, storage and distribution of firewood logs. An application for planning permission (reference 2015/00177/FUL) was subsequently made in an attempt to retain the material change of use. That application set out how the business operated for the site, which is summarised in the following paragraphs. A copy of the officer's report prepared in respect of that application is also attached as **Appendix A**.

7. The commercial firewood log business involves the receipt of freshly felled trees to the site directly from forestry land, usually transported by articulated lorry. The timber is cut to a particular size, dried within the biomass boiler and stored on the site before being distributed for sale. The business operating the site (known as PLB Ecowood Ltd) started in 2012, and in 2014 the biomass boiler was installed as a result of the increase in demand for kiln dried wood. The boiler and its housing has allowed the business to expand in terms of the amount of wood that is being processed and stored at the site as well as the amount being distributed.
8. It was reported in the application that approximately 50 to 100 tons of timber and processed firewood is stored at the site at one time and timber is cut and processed into firewood logs using a tractor mounted firewood processor within the yard located next to Stable cottage. Timber deliveries are made to the yard via the applicants own tractor trailer approximately once a week and by an artic lorry once a month. The logs are then dried in a log drying kiln and then stored under cover until they are sold. It has been previously confirmed that no customers come to the site to pick up the wood, as log deliveries are made using the operator's own 3.5 ton light good vehicle and delivered directly to the customer.
9. The layout plan submitted with the application is as follows:



10. The application also proposed the retention of the extension to the existing indoor riding school building to house the biomass boiler and accumulator tank. It was determined that this development also required the benefit of planning permission. The extension has been constructed to the side and rear of the main building (west and north facing elevation) in an 'L' shape formation, although the two elements appear to have been separately constructed. The extension to the west of the main building measures some 13.4m in length, 3.9m in width and to a height of some 4m with a mono-pitched roof. The materials used in the construction of the building consist of a steel portal clad frame covered with grey corrugated sheeting for the walls and roof to match the existing building with a stainless steel flue protruding from the roof to a height of 9m.
11. The extension on the north facing elevation measures some 8m in length, 4.6m in width and to a height of approximately 2.6m with a mono-pitched roof and currently houses what is described as an accumulator tank. The materials used in the construction of the building consist of a grey corrugated sheeting roof, wooden boards to the site and metal steel doors.



12. The application was refused planning permission on 24<sup>th</sup> August, 2016 for the following reasons:
1. *The proposed commercial firewood log processing business and storage use, does not represent diversification of an existing rural enterprise due to the reduction of the existing livery and riding school operation (as proposed in this application) would represent an unacceptable and unsustainable form of development in the countryside, given that it is not a business use for which a rural location is necessary, due to its relative remoteness from settlements, population centres and potential customer bases, and the constrained rural highway network from which it is served. The proposal is therefore contrary to Policies ENV 1 – Development in the Countryside and EMP 2 - New Business and Industrial Development of the Vale of Glamorgan Unitary Development Plan and the advice contained within Planning Policy Wales (Edition 8, 2016) and [Technical Advice Note 6 - Planning for Sustainable Rural Communities].*

2. *The operation of a commercial, firewood log storage and distribution business within this countryside location is considered to have an unacceptable impact on the highway network by virtue of the large vehicles associated with the commercial firewood log business, the intensification of the use of a substandard access and inadequate wheel manoeuvring area which prevents large vehicles associated with the commercial firewood log business from entering and leaving the site in a forward gear to the detriment of highway safety, contrary to criterion (ii) and (vii) of Policies ENV27 – Design of New Developments, criterion (iv) of EMP2 – New Business and Industrial Development, of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales (Edition 8), [Technical Advice Note 6: Planning for Sustainable Rural Communities], and Technical Advice Note 18: Transport.*

13. Since the refusal, Officers have sought the voluntary resolution of this matter with the owner and operator of the site. Unfortunately, the use has continued in breach of planning control.

#### Planning History

14. Other than the 2015 application referred to above and listed below, there is no planning history relevant to the matters subject of this report.
- **2015/00177/FUL:** Penmaen Livery Yard, lane from Penmaen Livery to Abergwrn Farm, St. Mary Church - Change of use from a livery yard and ancillary horse rug wash business to a mixed use of livery yard, horse rug washing business and the commercial storage and distribution of firewood logs as well as the extension of an existing indoor riding school building to house a biomass boiler for use in connection with the drying and sale of firewood logs - Refused 24/08/2016

#### Policy

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

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

##### *Strategic Policies:*

- POLICIES 1 & 2 - THE ENVIRONMENT
- POLICY 8 – TRANSPORTATION

*Policy:*

- POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE
- POLICY ENV 4 – SPECIAL LANDSCAPE AREAS
- POLICY ENV 10 - CONSERVATION OF THE COUNTRYSIDE
- POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
- POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY
- POLICY EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT
- POLICY EMP7 – FARM DIVERSIFICATION
- POLICY EMP8 – AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT

16. 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.'*

17. 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

18. National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.
19. 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 4.7.8 states: *‘Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation.*
20. In addition to this, 4.11 in particular which refers to promoting sustainability through good design.
21. Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast. Paragraph 5.5.2 states:  
  
*‘When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.’*
22. Chapter 7 of PPW is of relevance in terms of the advice it provides regarding economic development and promoting diversification in the rural economy. Paragraph 7.3.1 states: *‘Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects’*

### Technical Advice Notes:

23. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
  - Technical Advice Note 6 – Planning for Sustainable Rural Communities
  - Technical Advice Note 11 – Noise
  - Technical Advice Note 18 – Transport
  - TAN 23 - Economic Development, including chapter 3-Economic development and the rural economy.

## Supplementary Planning Guidance:

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

- Sustainable Development

## The Local Development Plan:

25. The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes (MACs). The MAC's were subject to public consultation and further hearing sessions were held in January this year. These hearing sessions produced a final list of Action points that informed the Final Matters Arising Changes (FMACs) to the Plan. The consultation period on the FMACs has recently ended and the Council await the Inspector's binding report.

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

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



### **Other relevant evidence or policy guidance:**

27. The following [guidance/legislation] is also relevant:

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

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

28. 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

29. The expediency of pursuing enforcement action in respect of the breach of planning control at the site is to be considered in the context of the above-mentioned policies and guidance. In this regard, the main issues are considered to be the principle of the development in this countryside location, the visual impact of the development on the open countryside, impact on the amenities of the neighbouring properties and highway safety.

### ***The Principle of the Use of the Site:***

30. Policy ENV1 of the Council's approved Unitary Development Plan is the Council's main countryside protection policy which seeks to restrict the type of development that can be carried out in a rural location, outside of an established settlement boundary. The policy permits development which is essential for agriculture, horticulture or forestry as well as other appropriate recreational and tourism uses. Policy EMP2 of the UDP is also relevant in so far as it provides criteria for all forms of new business and industrial development, which are applicable to this application. Also, Policy EMP8 of the UDP allows for development on agricultural land subject to certain criteria, including criterion (i) it is necessary for the purposes of agriculture within the agricultural unit. Paragraph 5.4.44 of the supporting text states:

*"Therefore the Council will require the applicant to show that the proposed development is essential for the purposes of established agricultural activity on the site and is not based on personal preferences or circumstances."*

31. The supporting text also recognises the important role that the agricultural industry in the rural Vale has in the local and wider economy, and this approach is supported by national guidance, including Planning Policy Wales (PPW) and TAN6-Planning for Sustainable Rural Communities. Paragraph 7.6.5 of PPW states:

*“Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use.”*

32. Policy EMP2 – New Business and Industrial Development, provides a list of criteria that seek to ensure that new business operations are acceptable in their context, while Policy EMP7 of the UDP provides criteria for farm diversification. Although policy EMP7 has to some extent been superseded by Planning Policy Wales (PPW) and TAN6 (which applies to rural enterprise generally rather than just farms), the criteria of this policy and policy EMP2 are largely relevant to this development which is proposed as a form of rural enterprise diversification.

33. It is considered that the fire wood log business is not strictly an agricultural or forestry activity for which a rural location is essential. Firstly the wood is not obtained from the site or adjoining land and is brought onto the site from elsewhere for processing. Accordingly, the log fire wood business is a diversification of an existing enterprise, that enterprise consisting of the livery yard and rug washing business. In this regard, the firewood log business is an activity that is specifically mentioned in paragraph 3.7.2 of TAN 6 as being a diversification use that is likely to be an economic activity that can be suitably located on a farm. Whilst this guidance is noted, this only suggests that a rural location for a fire wood log business as a farm diversification project is not, in principle, unacceptable. Of course, it must be noted that such a business is reliant on infrastructure and highway accessibility for large vehicles, as well as accessibility for staff and customers. The appropriateness of this use of land in this particular location is, therefore, dependant on whether or not the use is adequately accommodated in this location without an unacceptable impact on the highway network. Impact on adjoining and nearby occupiers is also a principle issue.

34. Such matters must also be considered when assessing the development against the criteria of Policy EMP2. The following sections consider these matters.

***Impact of the Use on highway safety:***

35. It is noted from the report prepared in respect of the 2015 application that an objection was initially raised by the Council's Highway Engineer to the development. Unprocessed timber is delivered to the site, in part, by large articulated lorries that travel along the adjacent highway network approximately once every two months. The Council's Highway Engineer raised concerns regarding the suitability of the adjacent highway network to accommodate the passage of large articulated vehicles and the uncontrolled number of deliveries to site which could increase. Concerns were also raised with regard to large articulated vehicles, which are not able to manoeuvre within the site and are required to reverse onto the adjacent highway.
36. A transport assessment was subsequently submitted by the operator which sought to address the highway engineer's concerns. The details showed that the site could accommodate a turning area for a 10m ridged vehicle within its confines, but not the 16.5m articulated vehicles that are understood to deliver to the site.
37. In view of this, and when the existing livery yard traffic is also taken into account, is it considered that the traffic generated by the log fire wood business is considered to have an unacceptable impact on the highway network. This is principally due to the size of the vehicles entering and leaving the site in association with the log business, resulting in large vehicles blocking the highway for long periods of time, which cause harm by preventing access to nearby neighbouring properties as well as access by general traffic and emergency vehicles.
38. In view of the above, it is considered that the continued operation of a firewood logs business in this location is considered to unacceptable and contrary to Policies EMP2 criterion (iv), ENV27 criterion (ii) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.
39. National planning guidance, including that provided in TAN 6: Planning for Sustainable Rural Communities and TAN 18: Transport, suggests that there should be a balance in terms of supporting the rural economy and community whilst protecting the character and amenity of the surrounding area and highway safety. In considering this balance, the guidance suggests that in the majority of cases the adverse effects of new development in rural areas can be mitigated or overcome. Whilst this particular guidance may well be applicable in this case and there is a possibility to overcome the highway issues as the applicant owns land outside of the application site, such matters cannot be addressed in an enforcement notice.

***Impact of the use on the amenities of neighbouring occupiers***

40. The nearest residential properties to the site are known as Stable Cottage and Treguff Cottage. The operator of the site currently resides at Stable Cottage with his father currently residing at Treguff Cottage.

41. With regard to the nearby property known as Orchard Bungalow, this residential property is located over 100 metres from the development, and is situated to the south east of the site. Whilst the occupier of the bungalow has raised an objection to the development, it is considered that given the degree of separation the development and use would not have an adverse or unacceptable impact upon the occupiers of this neighbouring property or on the surrounding neighbouring properties. Consequently, and noting the lack of objection from Environmental Health, it is also considered that the commercial business and operation of the biomass boiler does not have an unacceptable or detrimental impact on the amenities of the occupiers of the neighbouring properties with regard to smoke, noise and smell. For this reason, the development is not considered to conflict with Policies ENV27, ENV29, EMP7 of the Council Approved Unitary Development Plan 1996-2011 and Technical Advice Note 11 – Noise.
42. Notwithstanding the above, the unauthorised use of the land is considered to have some impact on the amenities of the occupiers of properties that are accessed off the highway network used by the vehicles accessing the site. In particular, the disturbance and inconvenience caused when the large delivery Lorries block the highway for delivery of fresh logs. The development does have an impact on the living conditions of these adjoining occupiers and cannot, therefore, be considered to be wholly compliant with UDP policy ENV27, EMP2 or EMP7 and the PPW objectives for achieving sustainable development.

### ***The extension and equipment***

43. With regard to the visual impact of the side and rear extension, this is considered to be acceptable due to its location, which is set back inside the site and, therefore, not visible from the public highway. It is also considered that the scale and design of the flue and building is generally in keeping with the context of the site. In this regard, the extension is considered to accord with the general design principles of UDP policies ENV27, EMP2 and EMP7. The extension is also not considered to cause harm to the special landscape qualities of the Lower Thaw Valley Special Landscape Area, in accordance with Policy ENV4 of the UDP.
44. Notwithstanding the findings above, the extension and the equipment it accommodates facilitate a use that is considered to be unacceptable for the reasons set out above. Whilst the extension itself could be put to an alternative use that accords with the lawful use of the site, it was erected for the purposes of housing the boiler and associated equipment. On balance, the extensions themselves are not considered to cause harm and as such, it is not considered appropriate to require their removal as part of the enforcement action proposed.

45. The same cannot be said for the biomass boiler, flue and all other equipment, which it is understood cannot be used for the lawful use of the site. Accordingly, it is considered expedient to require the removal of the equipment accommodated within the extension together with any other equipment on the site that facilitates the unauthorised use.

### CONCLUSION

46. The continued operation of a commercial storage and distribution of firewood logs business within this countryside location is considered to have an unacceptable impact on the existing highway network by virtue of the large vehicles servicing the site and will result in an intensification of the use of a substandard access which will prevent large vehicles (over 10m in length) from entering and leaving the highway completely and prevent turning within the boundary of the site. This results in dangerous reversing movements into or from the highway to the detriment of highway safety. In addition to this, the highway safety and congestion issues are considered to cause harm to the amenities of residents living near the site. For these reasons, it is considered expedient to issue an enforcement notice requiring the cessation of the use of the site for the operation of a commercial firewood log business.

### Resource Implications (Financial and Employment)

47. 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)

48. 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).
49. 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)

50. None.

### Wellbeing of Future Generations (Wales) Act 2015

51. 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.

52. It is considered that the recommendation below 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.

### 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 site for the purposes of operating a commercial processing, storage and distribution of firewood logs business.
  - (ii) The removal of the biomass boiler, accumulator tank, all associated equipment and all equipment and machinery used in the operation of the commercial processing, storage and distribution of firewood logs business.
- (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 continued operation of a commercial processing, storage and distribution of firewood logs business within this countryside location is considered to have an unacceptable impact on the existing highway network by virtue of the large vehicles servicing the site and will result in an intensification of the use of a substandard access which will prevent large vehicles (over 10m in length) from entering and leaving the highway completely and prevent turning within the boundary of the site. This results in dangerous reversing movements into or from the highway to the detriment of highway safety. In addition to this, the highway safety issues are considered to cause harm to the amenities of residents living near the site. For these reasons, the unauthorised use of the site is considered to be contrary to Policies ENV27 – Design of New Developments, EMP 2 - New Business and Industrial Development and EMP7 – Farm Diversification of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 as well as national guidance contained in Planning Policy Wales (Edition 9), Technical Advice Note 6: Planning for Sustainable Rural Communities and Technical Advice Note 18: Transport.
- (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/2014/0275/PC

Contact Officer - Mrs. Justina M. Moss, Tel: 01446 704690

Officers Consulted:

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

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING

2015/00177/FUL

Received on 28 September 2015

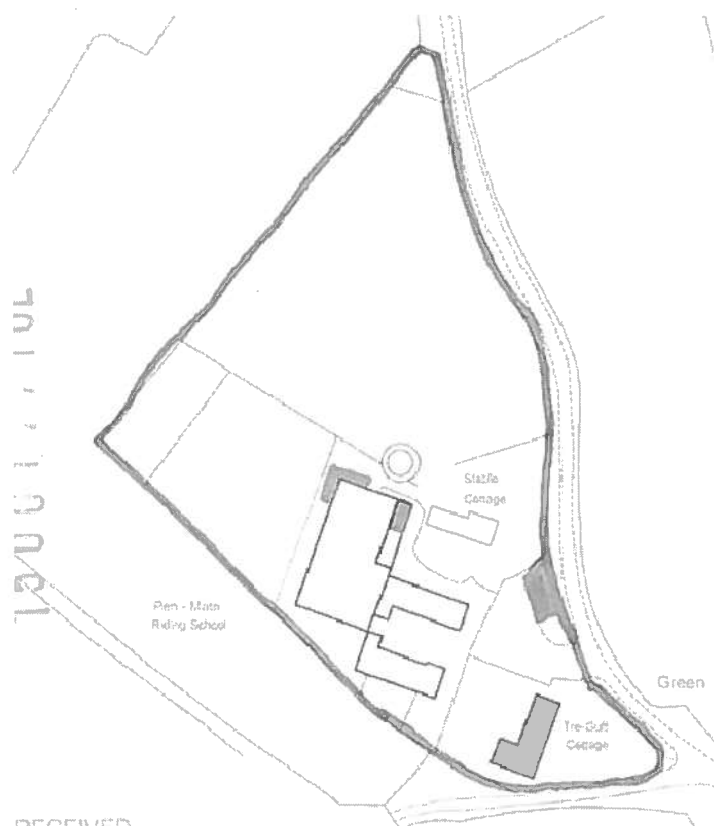
PLB Ecowood Ltd, Stable Cottage,, Treguff,, Vale Of Glamorgan, CF71 7LT  
PLB Ecowood Ltd, Stable Cottage,, Treguff,, Vale Of Glamorgan, CF71 7LT

## **Penmaen Livery Yard, lane from Penmaen Livery to Abergwrn Farm, St. Mary Church**

Change of use from a livery yard and ancillary horse rug wash business to a mixed use of livery yard, horse rug washing business and the commercial storage and distribution of firewood logs as well as the extension of an existing indoor riding school building to house a biomass boiler for use in connection with the drying and sale of firewood logs

### SITE AND CONTEXT

The application site comprises of land and buildings within the small holding and livery yard known as Penmaen Livery Yard. The site is located to the rear of the residential property known as Treguff Cottage and to the side of Stable Cottage within the hamlet of Treguff, some 1½ miles north-east of Llancaiach. The application site is located within the Lower Thaw Valley Special Landscape Area and the vehicular access to the site is via a rural lane that runs through the village of Llantrithydd to the A48.



### DESCRIPTION OF DEVELOPMENT



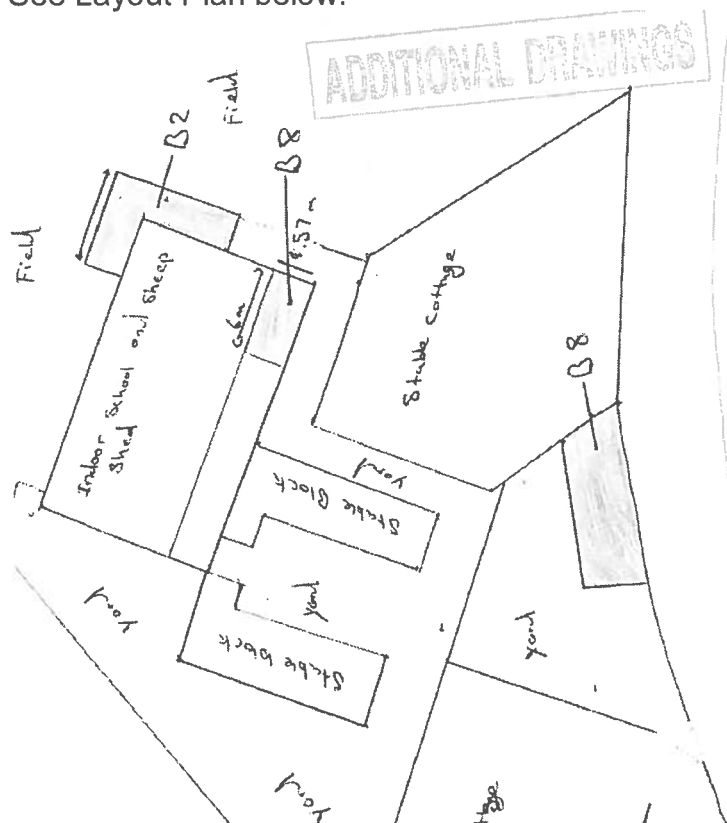
The application seeks to retain the material change of use from a livery yard and ancillary horse rug wash business to a mixed use of livery yard, ancillary horse-rug washing business and the commercial storage and distribution of firewood logs. The application also seeks the retention of the extension of an existing indoor riding school building to house a biomass boiler for use in connection with the drying and sale of firewood logs.

### Commercial storage and distribution of firewood logs

Information submitted with the application with regard to the commercial firewood log business confirms that the applicant specialises in the cutting, drying, storage and selling of firewood logs. The business (known as PLB Ecowood Ltd) started in 2012, and in 2014 a biomass boiler was installed at the site to meet the increase in demand for kiln dried wood. This has allowed the business to expand in terms of the amount of wood that is being processed and stored at the site as well as the amount being distributed.

At present approximately 50 to 100 tons of round timber and processed firewood is stored at the site at one time and timber is cut and processed into firewood logs using a tractor mounted firewood processor within the yard located next to Stable cottage. Timber deliveries are made to the yard via the applicants own tractor trailer approximately once a week and by an artic lorry once a month. The logs are then dried in a log drying kiln and then stored under cover until they are sold. The applicant has confirmed that no customers come to the site to pick up the wood, as log deliveries are made using the applicant's own 3.5 ton light good vehicle and delivered directly to the customer. Working hours are 9 am to 4 am Monday to Friday, with no operation of any wood processing equipment or machinery related to the firewood business during the weekends and bank holidays.

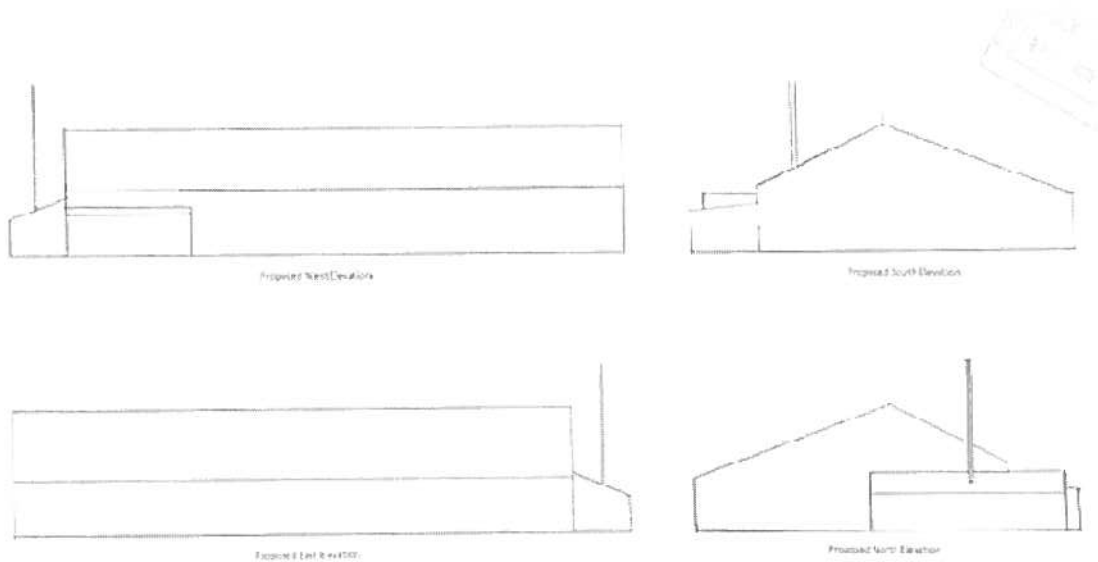
See Layout Plan below:



## Extension to house biomass boiler

The application is for the retention of an extension to the existing indoor riding school building to house the biomass boiler and accumulator tank. The extension has been constructed to the side and rear of the building. The extension to the side currently houses the biomass boiler and measures some 13.4m in length, 3.9m in width and to a height of some 4m with a mono-pitched roof. The materials used in the construction of the building consist of a steel portal clad frame covered with grey corrugated sheeting for the walls and roof to match the existing building with a stainless steel flue protruding from the roof to a height of 9m.

The rear extension measures some 8m in length, 4.6m in width and to a height of approximately 2.6m with a mono-pitched roof and currently houses what is described as an accumulator tank. The materials used in the construction of the building consist of a grey corrugated sheeting roof, wooden boards to the site and metal steel doors.



The application is accompanied by a Design and Access Statement (DAS). Supplementary information in relation to the operation of the business is also provided.

As a result of highway concerns regarding the operation of the proposed development from the site, the applicant has advised that he intends to cease the operation of the riding school and reduce the livery at the site from 19 to 2 stables.

The applicant has also submitted a Transport Statement carried out by LvW highways Ltd and this was submitted on the 22<sup>nd</sup> April 2016.

On the 25<sup>th</sup> July 2016, the applicant submitted additional information and documentation regarding the level of agricultural activity previously and currently being undertaken on the site.

## PLANNING HISTORY

1998/00650/FUL: Penmaen Riding School, Llantrithyd - Revised plan and location of dormitory block - Approved 25/02/1999

## ENFORCEMENT HISTORY

An enforcement complaint was received by the Council on the 16<sup>th</sup> September, 2014, regarding the construction of a lean to and chimney/flue on the side of the existing barn. Following further investigations, it was noted that the site was being operated as a livery yard with an ancillary horse rug wash business as well as the operation of a commercial business from the site for the storage and distribution of firewood logs. The site has a long history for horse related uses, as confirmed by the 1998 planning application, and the horse rug wash business is considered to be ancillary to the horse related use of the site. In view of this, the owner was advised to submit a planning application in an attempt to obtain planning permission for the firewood log operation and extension in addition to the existing livery yard and rug wash activity.

## CONSULTATIONS

Llancarfan Community Council were consulted on the 12th May, 2015, but to date no response has been received.

Local Members were initially consulted on the 12<sup>th</sup> May, 2015, and consulted further on 20<sup>th</sup> November 2015 in the light of the additional information submitted. An email was received from Councillor Jeff James on the 23<sup>rd</sup> November, 2015, requesting that the application be reported to planning committee because it is near the lane and not in the existing yard or business area and it is causing a nuisance with vehicles blocking the lane to load or unload. These vehicles are also tearing up the verges. Residents are also disturbed by the smoke emissions. On the 22<sup>nd</sup> January 2016, Cllr Jeff James agreed that if the application was to receive an unfavourable recommendation then it could be determined under delegated powers and not be reported to the Planning Committee.

Highway Development Team were consulted on the 10<sup>th</sup> June, 2015, and a response was received on the 19<sup>th</sup> June, 2015, requesting further information. Additional information was received on the 12<sup>th</sup> November, 2015, and the highway department was consulted on the 20<sup>th</sup> November, 2015. A response was received on the 21<sup>st</sup> December, 2015, raising an objection to the development based on concerns regarding the size of vehicles accessing and manoeuvre within the site and reversing out onto the adjacent highway.

In view of the above objection, the applicant has submitted a transport statement undertaken by LvW Highways Ltd to address the highway engineers concerns regarding the operation of the business from the site. On the basis of that information, revised comments were received from the Council's Highway Engineer on the 29<sup>th</sup> April 2016 stating that in view of the additional information that has been submitted, an objection in relation to the proposals cannot be sustained provided that the permission is conditional of the following:

- The existing livery use at the site will be reduced from 19 to 2 stables and the adjacent riding school will cease to operate;
- That the proposed wood processing logging facility will generate less vehicle trips than that which would be generated by the existing equine use at the site;
- Deliveries of unprocessed timber to the site will be undertaken by 10m ridged and not 16.5m articulated vehicles as previously understood and the number of trips by ridged vehicles as a result of the proposals is unlikely to increase.

Environmental Health (Pollution) was initially consulted on the 10<sup>th</sup> June, 2015, and then subsequently re-consulted on the 20<sup>th</sup> November, 2015, following the further information that had been submitted by the applicant. A response was received on the 27<sup>th</sup> November, 2015, requesting further information regarding the biomass boiler. Further information was submitted on the 8<sup>th</sup> December, 2015. A response was received on the 14<sup>th</sup> January, 2016, raising no objection to the development subject to advice regarding the biomass boiler.

Natural Resources Wales was consulted on the 20<sup>th</sup> November, 2015. A response was received on the 1<sup>st</sup> December 2015 raising no objection to the development.

## REPRESENTATIONS

The neighbouring properties were initially consulted on 10<sup>th</sup> June, 2015, and two letters of objection were received from Treguff Farm and Orchard Bungalow The concerns raised relate to:

- Not a business related to forestry – log manufacture on an industrial scale
- Noise, vibration, smell, fumes, smoke and grit as a result of the process
- Concerns over access into the site by large lorries carrying large amount of timber
- Full scale industrial process with enormous flue
- Poor air quality – thick smoke and smell from flue and kiln.
- Safety on health and livestock
- High concern over additional traffic routing via the village
- Land not owned by applicant
- Activities are industrial and not fit for purposes in an agricultural/residential environment
- Road blocked from deliveries of wood.

Additional information regarding the log business on the 12<sup>th</sup> November, 2015, and the neighbouring properties were re-consulted on the 20<sup>th</sup> November, 2015. Three letters of objection were received from Treguff Farm, Upper Barn and Orchard Bungalow. The concerns are summarised as follows:

- Information given is vague, inconsistent, ambiguous and fictional.
- Devalue property
- Damage to driveway due to large lorries associated with business
- Impact on immediate neighbourhood via noise and pollution
- Road delays

- Operation of business at all hours of the day, 7 days a week.

## REPORT

### Planning Policies and Guidance

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

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

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 8 – TRANSPORTATION

#### *Policy:*

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV 4 – SPECIAL LANDSCAPE AREAS

POLICY ENV 10 - CONSERVATION OF THE COUNTRYSIDE

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

POLICY EMP7 – FARM DIVERSIFICATION

POLICY EMP8 – AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT

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 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

*'2.8.4 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 8, January 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 Planning for Sustainability states the following:

*4.7.8 'Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation.*

As well as part 4.11 in particular which refers to promoting sustainability through good design.

Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast. Paragraph 5.5.2 states:

*5.5.2 'When considering any development proposal, local planning authorities should consider whether environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and where practicable, enhance features of conservation importance.'*

Chapter 7 of PPW is of relevance in terms of the advice it provides regarding economic development and promoting diversification in the rural economy.

*7.3.1 'Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects'*

### **Technical Advice Notes:**

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities
- Technical Advice Note 11 – Noise
- Technical Advice Note 18 – Transport
- TAN 23 - Economic Development, including chapter 3-Economic development and the rural economy.

### **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
- Design in the Landscape

### **Other relevant legislation:**

Circular 016/2014 – The Use of Planning Conditions for Development Management

### **Issues**

In assessing the proposal to retain the fire wood log business at the site against the above policies and guidance it is considered that the main issues relate to the principle of the development in this countryside location, the visual impact of the development on the open countryside, impact on the amenities of the neighbouring properties and highway safety.

### **Principle of the Development**

Policy ENV1 of the Council's approved Unitary Development Plan is the Council's main countryside protection policy which seeks to restrict the type of development that can be carried out in a rural location, outside of an established settlement boundary. The policy permits development which is essential for agriculture, horticulture or forestry as well as other appropriate recreational and tourism uses. Policy EMP2 of the UDP is also relevant in so far as it provides criteria for all forms of new business and industrial development, which are applicable to this application. Also, Policy EMP8 of the UDP allows for development on agricultural land subject to certain criteria, including criterion (i) it is necessary for the purposes of agriculture within the agricultural unit. Paragraph 5.4.44 of the supporting text states:

*“Therefore the Council will require the applicant to show that the proposed development is essential for the purposes of established agricultural activity on the site and is not based on personal preferences or circumstances.”*

The supporting text also recognises the important role that the agricultural industry in the rural Vale has in the local and wider economy, and this approach is supported by national guidance, including Planning Policy Wales (PPW) and TAN6-Planning for Sustainable Rural Communities. Paragraph 7.6.5 of PPW states:-

*“Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use.”*

Policy EMP7 of the UDP provides criteria for farm diversification and whilst it has to some extent been superseded by Planning Policy Wales (PPW) and TAN6 (which applies to rural enterprise generally rather than just farms), the criteria are largely relevant to this development which is proposed as a form of rural enterprise diversification which is considered further below.

It is considered that the fire wood log business is not strictly an agricultural or forestry activity for which a rural location is essential. Firstly the wood is not obtained from the site or adjoining land and is brought onto the site from elsewhere for processing. From assessing the submitted information regarding the level of agricultural activity currently being undertaken at the site, it is considered that the primary use of the site is as a horse livery yard and not farming/agricultural practices. Whilst it is acknowledged that a flock of sheep is kept at the site, this does not amount to an agricultural holding and the primary function is the existing horse related use of the land which is considered to be a rural enterprise.

The application involves the use of the existing barns for the storage of wood in connection with the fire wood log business as part of a diversification of the rural enterprise. The firewood log business is an activity that is specifically mentioned in paragraph 3.7.2 of TAN 6 as being a diversification use that is likely to be appropriate. However, as mentioned above, the applicant has advised that he intends to reduce the existing rural enterprise (i.e. cease the riding school and reduce the livery from 19 to 2 stables). In view of this, it is considered that this does not represent a form of rural enterprise diversification such as that envisaged by TAN 6, as the commercial firewood log business will effectively replace the rural enterprise. As such, the proposal falls to be considered under EMP 2 as a new business. In respect of Criteria (i), as the site lies in the countryside the 'proposal' would be therefore unacceptable in principle in this location. National and local planning policy direct new development such as the firewood log business to existing and allocated employment sites where they have the necessary infrastructure and highway accessibility for large vehicles, benefits of co-location for employment ancillary services, accessibility for staff and customers and are generally located in a much more sustainable location with access to public transport, all of which can-not be catered for on sites such as the application site in the countryside.



In view of the above, it is considered that the proposal is contrary to Policies ENV 1 – Development in the Countryside and EMP 2 - New Business and Industrial Development of the Vale of Glamorgan Unitary Development Plan and the advice contained within Planning Policy Wales (Edition 8, 2016) and Technical Advice Note 6 - Planning for Sustainable Rural Communities as the proposed commercial firewood log processing business and storage use, does not represent diversification of rural enterprise due to the proposed reduction of the existing livery and riding school operation, and would therefore represent an unacceptable and unsustainable form of development in the countryside. This is on the basis that it is not a business use for which a rural location is necessary, due to its relative remoteness from settlements, population centres and potential customer bases, and the constrained rural highway network from which it is served which is considered in detail later in this report.

#### Scale and Visual impact of extension

Notwithstanding the above issue with the principle of development, the visual impact of the side and rear extension to the existing indoor riding school building to house the biomass boiler and accumulator tank and stainless steel flue is considered to be acceptable due to its location which is set back inside the site, and, therefore, not visible from the public highway. It is also considered that the scale of the flue and building is generally in keeping with the context of the site and has been designed to reflect the design and materials used in the existing riding school building. In view of this, it is not considered to be inappropriate development in this location and is therefore, not considered to have a detrimental landscape or visual impact on the surrounding area or on the Lower Thaw Valley Special Landscape Area in accordance with Policy ENV4 of the UDP.

Overall, the scale, form and design of the building and flue is not considered to have an adverse impact upon the character of the area and is compatible with the surrounding landscape and adjacent uses and the development, therefore complies with Policies ENV27 and criterion (i) and (iii) of EMP7.

#### Impact on amenities of neighbouring properties

The nearest residential properties to the development are known as Stable Cottage and Treguff Cottage. The applicant currently resides at Stable Cottage with the applicant's father currently residing at Treguff Cottage.

With regard to the nearby property known as Orchard Bungalow, this residential property is located over 100 metres from the development, and is situated to the south east of the site. Whilst the occupier of the bungalow has raised an objection to the development, it is considered that given the degree of separation the development and use would not have an adverse or unacceptable impact upon the occupiers of this neighbouring property or on the surrounding neighbouring properties. Consequently, and noting the lack of objection from Environmental Health, it is also considered that the commercial business and operation of the biomass boiler does not have an unacceptable or detrimental impact on the amenities of the occupiers of the neighbouring properties with regard to smoke, noise and smell. In terms of neighbour impacts, it is considered that the development accords with Policies ENV27, ENV29, EMP7 of the Council Approved Unitary Development Plan 1996-2011 and Technical Advice Note 11 – Noise.

#### Impact on highway safety

An objection was initially raised by the Council's Highway Engineer to the development. The applicant has stated in the additional information that unprocessed timber is delivered to the site, in part, by large articulated lorries that travel along the adjacent highway network approximately once every two months. The Council's Highway Engineer has raised concerns regarding the suitability of the adjacent highway network to accommodate the passage of large articulated vehicles and the uncontrolled number of deliveries to site which could increase. Concerns were also raised with regard to large articulated vehicles which are not able to manoeuvre within the site and are required to reverse onto the adjacent highway.

In view of the above objection, on the 22<sup>nd</sup> April 2016, the applicant submitted a transport statement undertaken by LvW Highways Ltd which seeks to address the highway engineer's concerns regarding the operation of the business from the site. These are summarised as follows:

- The existing livery use at the site will be reduced from 19 to 2 stables and the adjacent riding school will cease to operate reducing the overall number of vehicle movements to the site;
- That the proposed wood processing logging facility will generate less vehicle trips than that which would be generated by the existing equine use at the site;
- Deliveries of unprocessed timber to the site will be undertaken by 10m ridged and not 16.5m articulated vehicles as previously understood and the number of trips by ridged vehicles as a result of the proposals is unlikely to increase.
- Swept paths and creation of a turning area for a 10m ridged vehicle within the site.

Whilst the conclusions of the transport assessment are noted, there are some points to be considered. As the number of vehicle movements to and from the site are stated to be less than the existing horse related activity undertaken at present on the site, the main concern is the impact on the highway network and highway safety due to the size of the vehicles entering and leaving the site in association with the log business. This could result in large vehicles blocking the highway for long periods of time, which will cause demonstrable harm by preventing access to nearby neighbouring properties as well as access by general traffic and emergency vehicles. The Council would have no control over the size of the vehicles that arrive at the site and offload from the adjoining highway. It is understood that articulated lorries have unloaded the untreated logs into the site from the adopted highway, without entering the site. To impose a condition restricting the size of vehicles would not comply with the 'enforceable' condition test set out in Circular 016/2014 because it would be practically impossible to monitor compliance on a continual basis.

In view of the above and based on the information and assessment undertaken within the submitted transport statement for the site, it is considered that the continued operation of a firewood logs business in this location is still considered to unacceptable, based on the fact that the size of vehicle using the highway network and delivering timber to site cannot be strictly controlled by way of planning condition. Accordingly and based on the submitted information, whilst the stated reduction in the existing livery use at the site 19 to 2 stables will reduce the overall number of vehicle movements to and from the site and it is now evident that the site can accommodate a turning area for a 10m ridged vehicle, it is considered that the site is unable to accommodate a turning area suitable for larger vehicles over 10m as they are unable to pull into the site off the highway completely and are unable to pull into the site and leave the site in a forward gear. In view of this, it is considered that the operation of the commercial business of this nature proposed from the site is detrimental to highway safety and is therefore contrary to Policies EMP2 criterion (iv), ENV27 criterion (ii) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

National planning guidance, including that provided in TAN 6: Planning for Sustainable Rural Communities and TAN 18: Transport, suggests that there should be a balance in terms of supporting the rural economy and community whilst protecting the character and amenity of the surrounding area and highway safety. In considering this balance, the guidance suggests that in the majority of cases the adverse effects of new development in rural areas can be mitigated or overcome. Whilst this particular guidance may well be applicable in this case and there is a possibility to overcome the highway issues as the applicant owns land outside of the application site, that does not form part of this proposal and therefore the development is considered to be unacceptable.

## CONCLUSION

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.

The proposed commercial firewood log processing business and storage use, proposed does not represent diversification of an existing rural enterprise due to the reduction of the existing livery and riding school operation (as part of this application) would represent an unacceptable and unsustainable form of development in the countryside, given that it is not a business use for which a rural location is necessary, due to its relative remoteness from settlements, population centres and potential customer bases, and the constrained rural highway network from which it is served. The proposal is therefore contrary to Policies ENV 1 – Development in the Countryside and EMP 2 - New Business and Industrial Development of the Vale of Glamorgan Unitary Development Plan and the advice contained within Planning Policy Wales (Edition 8, 2016) [and Technical Advice Note 6 - Planning for Sustainable Rural Communities].

Furthermore, the continued operation of a commercial storage and distribution of firewood logs business within this countryside location is considered to have an unacceptable impact on the existing highway network by virtue of the large vehicles servicing the site and will result in an intensification of the use of a substandard access which will prevent large vehicles (over 10m in length) from entering and leaving the highway completely and prevent turning within the boundary of the site, this will result in dangerous reversing movements into or from the highway to the detriment of highway safety, contrary to criterion (ii) and (vii) of Policies ENV27 – Design of New Developments, of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales (Edition 8), Technical Advice Note 6: Planning for Sustainable Rural Communities, Technical Advice Note 11: Noise, and Technical Advice Note 18: Transport.

## RECOMMENDATION

### REFUSE (W.R.)

1. The proposed commercial firewood log processing business and storage use, does not represent diversification of an existing rural enterprise due to the reduction of the existing livery and riding school operation (as proposed in this application) would represent an unacceptable and unsustainable form of development in the countryside, given that it is not a business use for which a rural location is necessary, due to its relative remoteness from settlements, population centres and potential customer bases, and the constrained rural highway network from which it is served. The proposal is therefore contrary to Policies ENV 1 – Development in the Countryside and EMP 2 - New Business and Industrial Development of the Vale of Glamorgan Unitary Development Plan and the advice contained within Planning Policy Wales (Edition 8, 2016) and [Technical Advice Note 6 - Planning for Sustainable Rural Communities].
2. The operation of a commercial, firewood log storage and distribution business within this countryside location is considered to have an unacceptable impact on the highway network by virtue of the large vehicles associated with the commercial firewood log business, the intensification of the use of a substandard access and inadequate while manoeuvring area which prevents large vehicles associated with the commercial firewood log

business from entering and leaving the site in a forward gear to the detriment of highway safety, contrary to criterion (ii) and (vii) of Policies ENV27 – Design of New Developments, criterion (iv) of EMP2 – New Business and Industrial Development, of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales (Edition 8), [Technical Advice Note 6: Planning for Sustainable Rural Communities], and Technical Advice Note 18: Transport.

**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.**

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 APRIL, 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.

**2016/00946/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

#### **EXECUTIVE SUMMARY**

The application proposes the replacement 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.

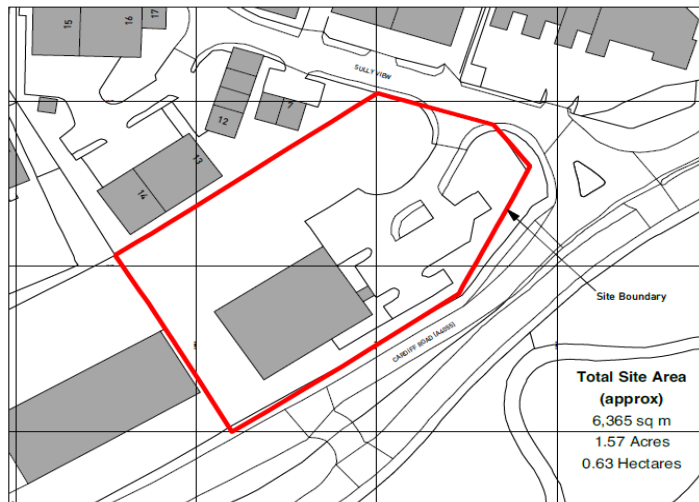
The application is recommended for refusal, for reasons relating to the loss of the employment site and retail impact.

#### **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. Ty Verlon estate is currently generally well occupied and it would appear that only 1 unit was currently vacant and two units were occupied by uses other than B1, B2 or B8.

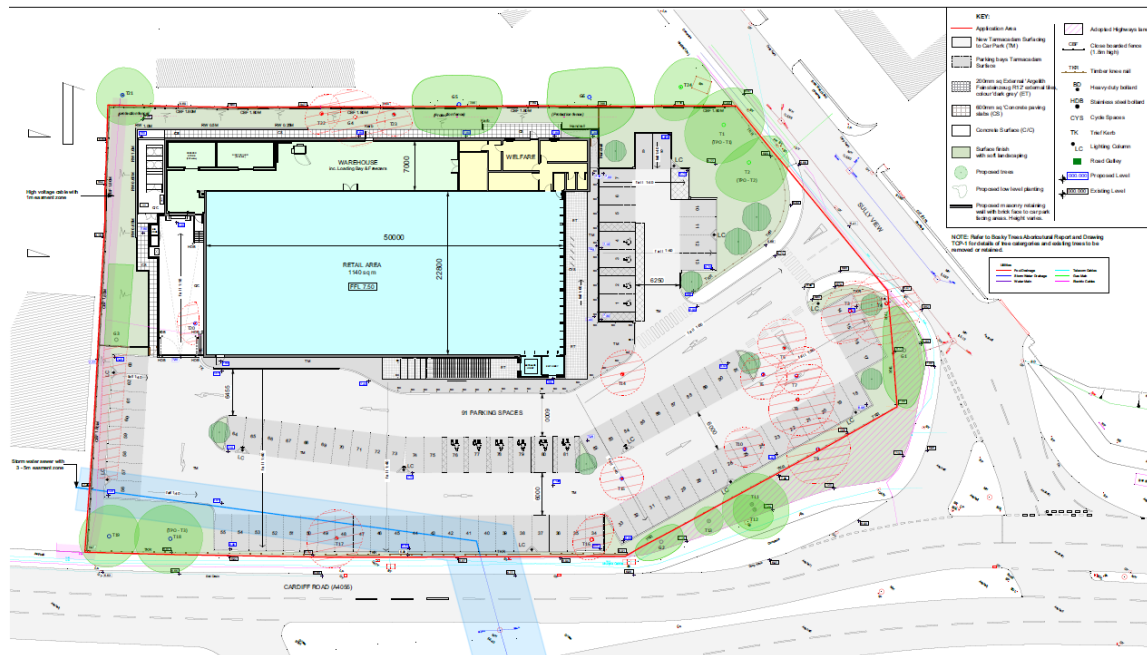


0 10 20 30 40 50m  
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Application Area

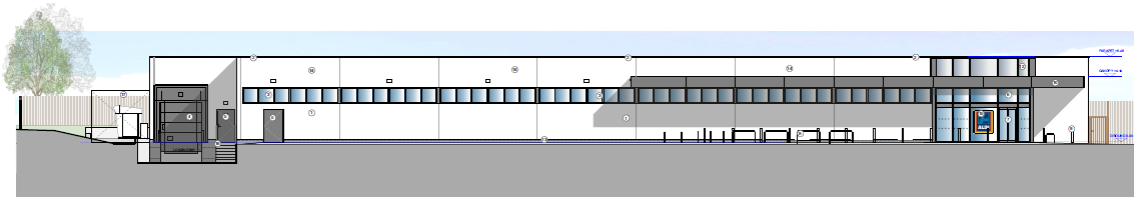
## DESCRIPTION OF DEVELOPMENT

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. 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:

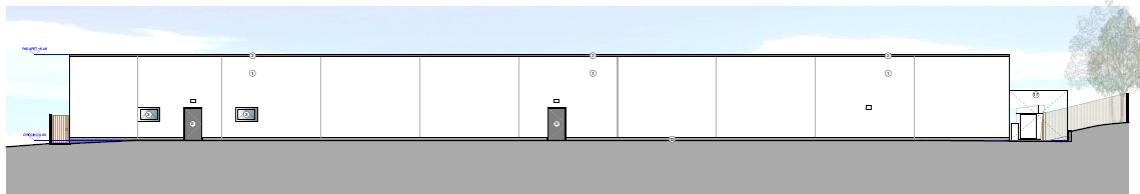




The proposed supermarket would be occupied by Aldi, which is a Limited Assortment Discounter 'carrying a limited range of grocery products and base their retail offer on selling these products at very competitive prices'. The supermarket building itself is of a relatively contemporary design, with a flat roof and largely rendered and glazed elevations. The proposed food store is sited to the west of the application site, with the principal store measuring approximately 59 metres at its maximum in width (inclusive of welfare and warehousing facilities), by approximately 33 metres at its maximum depth, inclusive of the entrance lobby to the front elevation and approx. 5.3m high. Elevations of the store are shown below



North-West Elevation Scale 1:100 @ A1

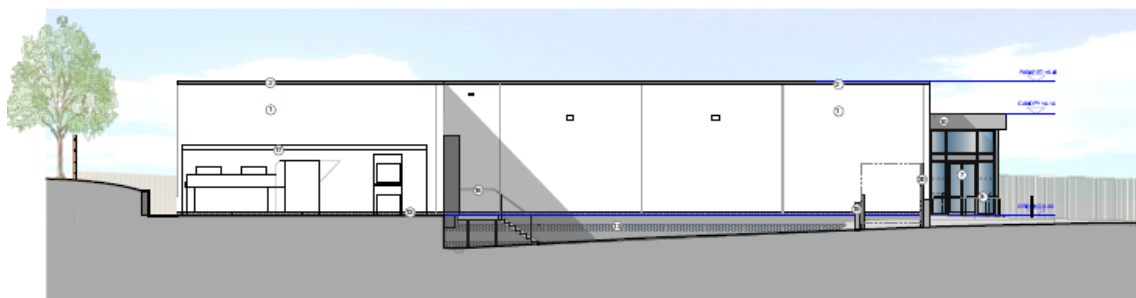


South-East Elevation Scale 1:100 @ A1

EXTERNAL FINISHES



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

### 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**- 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**- No comments have been received on the application.

**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, trollies 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 90 postcards (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.

## 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 November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions are expected in January 2017.

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

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

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

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 the Council's view 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 this in turn, 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, the COS Group is 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, the Council cannot guarantee 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.

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.

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.

While the statement cites 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, in the cases viewed it is considered that the premises were vacant at the time of the application, 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 that the applicant refers to, the applicant has failed to demonstrate through any marketing exercise that the site no longer remains viable for 'B' uses. 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 Council consider that the applicant could provide empirical information on the viability of the site within Barry 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 questioning the comparison, especially when a clear and sustained marketing exercise would provide supporting data that would provide 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, the background evidence of the emerging Local Development Plan and the guidance contained within national guidance including 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 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 floorspace 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 3600m<sup>2</sup> of comparison floor space and 2800m<sup>2</sup> 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.

(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 retail planning study 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 19<sup>th</sup> 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 a relatively advanced stage with the Inspector's report due imminently. 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 not a fundamentally flawed approach.

Despite the applicant's submissions, therefore, the Council maintains the policy objection 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 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 floorspace 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 works are contrary to Policy 9 of the Development Plan as well as the provisions of Planning Policy Wales (9<sup>th</sup> 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.

#### 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

### 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 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 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 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, 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.

### **NOTE:**

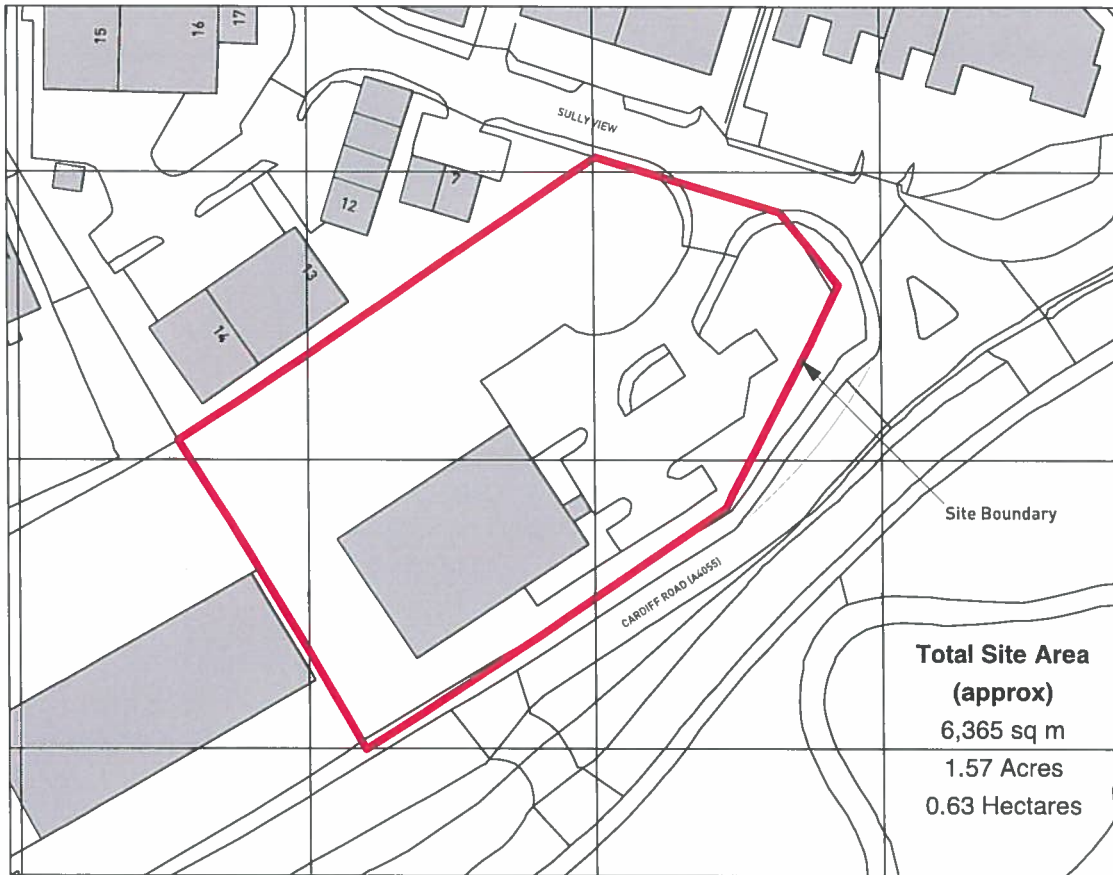
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

2016/00946/FUL



0 10 20 30 40 50m

Scale = 1:1250

 Application Area



Kendall Kingscott

Chartered Architects  
Chartered Building Surveyors  
Interior Designers  
CDM Co-ordinators

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Project  
ALDI Stores, Ty Verlon, Barry

Client  
ALDI Stores Ltd

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

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Rv. Date By Ap Note

Drawing Title  
Site Location Plan

| Project No.   | Drawing No.   | Rev. |
|---------------|---------------|------|
| <b>130857</b> | <b>P(1)01</b> |      |

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

Check all dimensions and levels on site.



**2016/01328/FUL** Received on 7 November 2016

Mr. Philip Bowles Meadowlands Estate, Unit 128, 33, Queen Street, Horsham, RH13 5AA  
Derek Ball RPS, Park House, Greyfriars Road, Cardiff. CF10 3AF

### **Meadowlands Estate, Drope Road, The Drope**

Removal of waste material stored on site since 1983 and the restoration of the land

### **REASON FOR COMMITTEE DETERMINATION**

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

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

### **EXECUTIVE SUMMARY**

The application site extends to an area of approximately 1.81 ha which is predominantly rough grazing land. The site contains an artificial mound formed from the tipping of surplus materials from the construction of the Culverhouse Cross to Capel Llaniltern Link Road. The site lies in the countryside and within the Ely Valley and Ridge Slopes Special Landscape Area and adjacent to the Drope Conservation Area. There is also a Green Wedge to the south of the site on the opposite side of Drope Road. To the north of the site is the Ely Valley SSSI and a Public Right of Way, Public Footpath No. 2, Peterston-Super-Ely.

This is an application for full planning permission for the removal of waste material from the site, which was tipped on the land under planning permissions, reference 1983/00241/FUL and 1984/00741/FUL. The material will be transported to Barry Docks where it will be stored pending sorting/grading and onward sale.

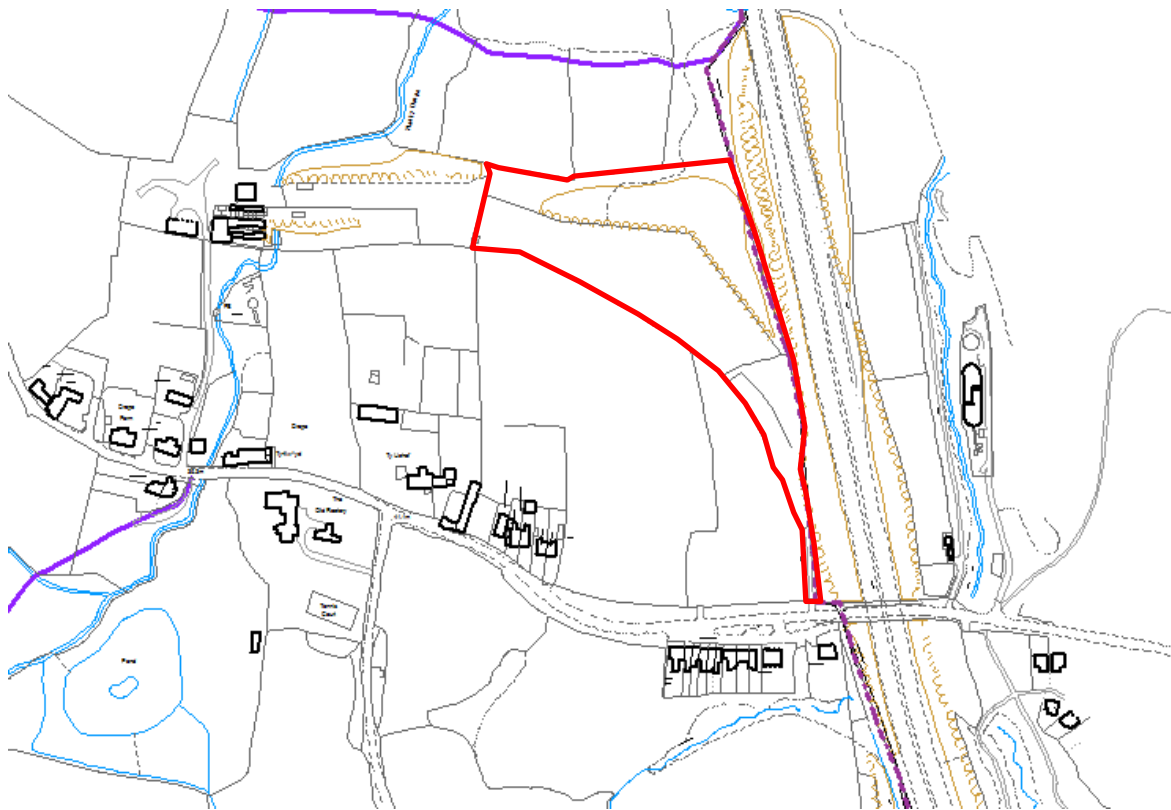
To date objections to the application have been received from St. Georges & St. Brides Super Ely Community Council; Ward Member for Peterston Super Ely, Cllr Traherne; Cardiff County Councillors, including Cllrs Peter Bradbury, Elaine Simmons, Russell Goodway, Susan Goddard and James Murphy; and around 13 objections from local residents, including some within the Cardiff County Council authority boundary.

The main issues include, the justification for the development bearing in mind the countryside location; the visual impact, including any effect on the character and appearance of the Drope Conservation Area, the Special Landscape Area and Green Wedge to the south; highway safety; neighbouring and general amenity, including any detriment to residents along the route to be taken by the HGVs (through Cardiff's administrative area); environmental impact; any detriment to ecology and local biodiversity; and drainage.

It is recommended that the application be APPROVED subject to conditions, including improvements to the site entrance and access road; restriction on hours; implementation in accordance with the Pollution/Sediment Control Strategy; the protection of the structural condition of the strategic water main crossing the site; a methodology for soil stripping and storage/dust management and restoration and aftercare proposals; control of possible contamination; tree and wildlife protection.

## SITE AND CONTEXT

The site is located adjacent and to the west of the A4232 (and the administrative boundary with the City of Cardiff Council) and north of Drope Road where there is an existing vehicular access in the south-eastern corner.

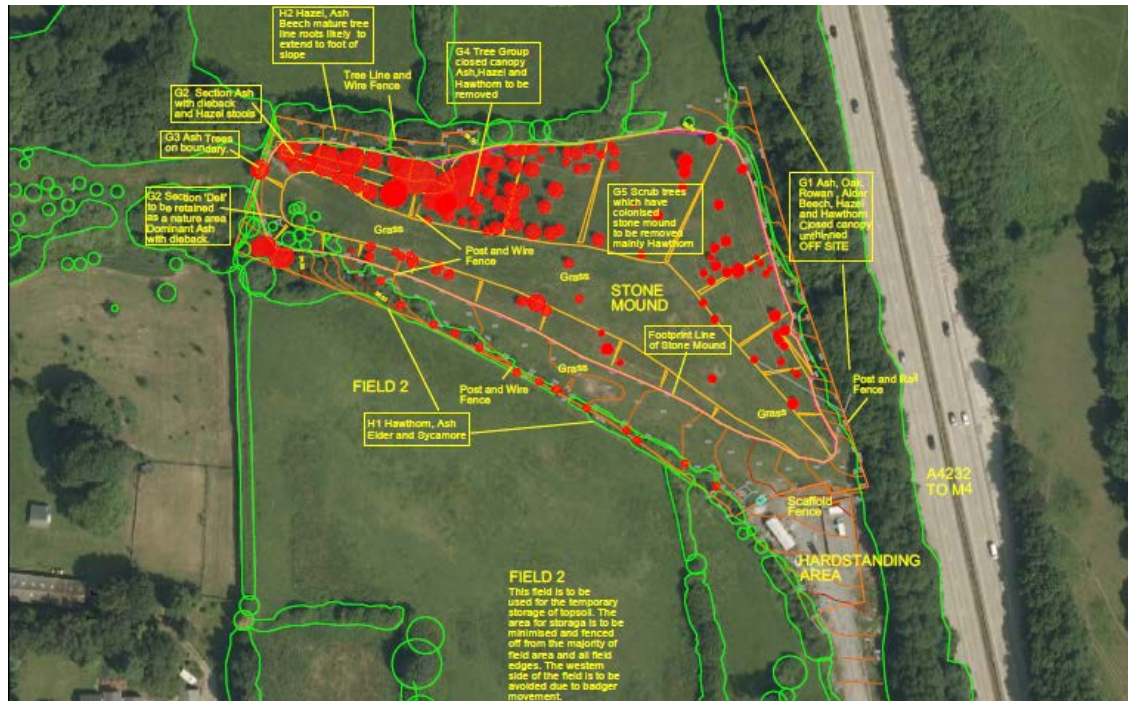


The site lies in the countryside, outside of any residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). In addition the site lies within the Ely Valley and Ridge Slopes Special Landscape Area and adjacent to the Drope Conservation Area. There is also a Green Wedge to the south of the site on the opposite side of Drope Road. To the north of the site is the Ely Valley SSSI and a Public right of Way, Public Footpath No. 2, Peterston-Super-Ely.

The application site extends to an area of approximately 1.81 ha which is predominantly rough grazing land. The site contains an artificial mound formed from the tipping of surplus materials from the construction of the Culverhouse Cross to Capel Llaniltern Link Road in the mid 1980's. This includes stone excavated from the bypass route and stone from the demolition of the railway viaduct.



The area of the deposited material extends to around 1.45 ha, with an estimated 80,000 cubic metres of tipped material. This is grassed with some hawthorn bushes in the body of the site and hedgerows on the site boundaries, and some larger trees at the western end.



*Plan showing existing site features*

## DESCRIPTION OF DEVELOPMENT

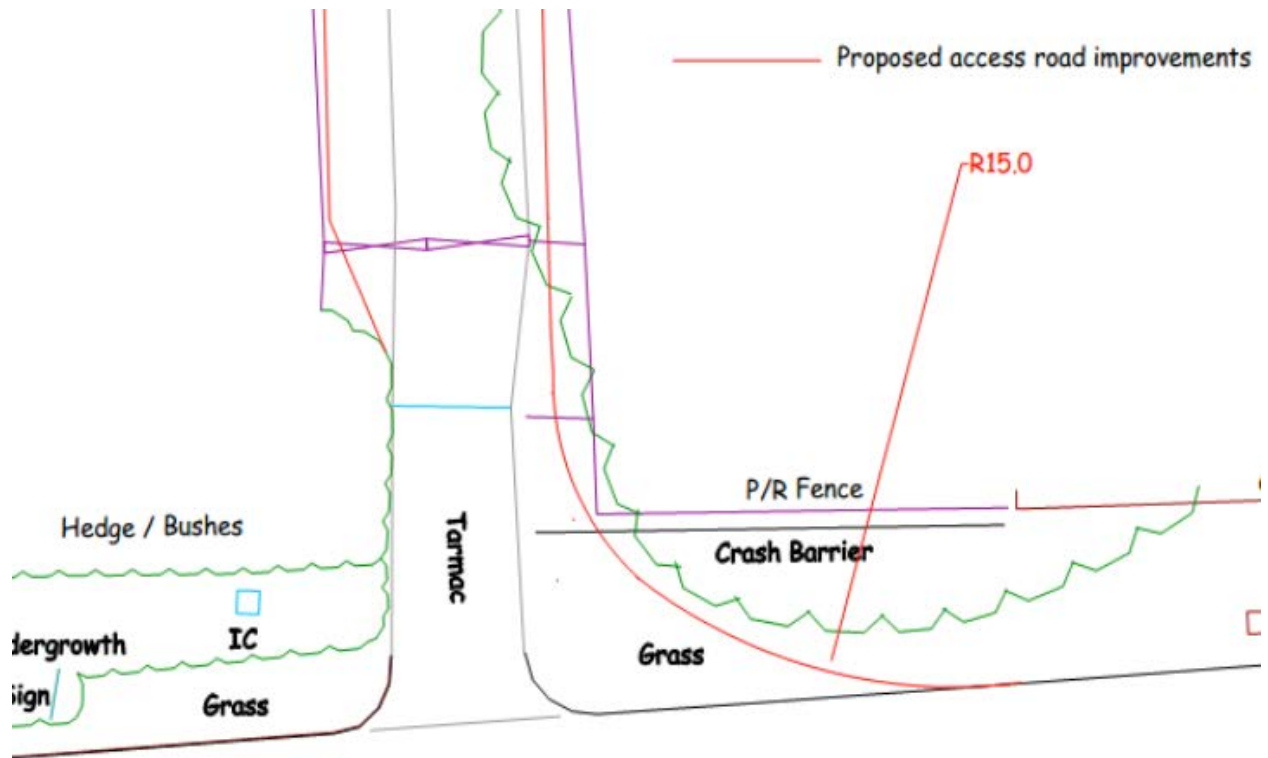
The proposal seeks to remove the waste material from the site, which was tipped on the land under planning permissions, reference 1983/00241/FUL and 1984/00741/FUL. The material will be transported to Barry Docks, where it will be stored pending sorting/grading and onward sale.

The proposed operation will entail the removal of the current topsoil and its storage on site while the stone is being removed. The stone will be loaded onto a HGV and taken to a site at Barry Docks. The vehicles, which include two Scania tipper trucks, will travel east along Drope Road, onto Michaelston Road and then via Culverhouse Cross onto Port Road.

The proposed excavation works are stated to be over a three year period with around 10-15 HGV trips per day from the site to Barry Docks. Operating hours will be between 0800 and 1630hrs Monday to Friday and 0800 to 1300hrs on Saturday. No work will take place on Sundays or Bank Holidays. During a school term there will be no movements to and from the site between 0830/0930 and 1500/1600hrs subject to agreement with the Highway Authority.

The proposal includes improvements to the existing entrance and access track, including increased visibility splays, increased width of the unmade lane and surfacing with hard-core.

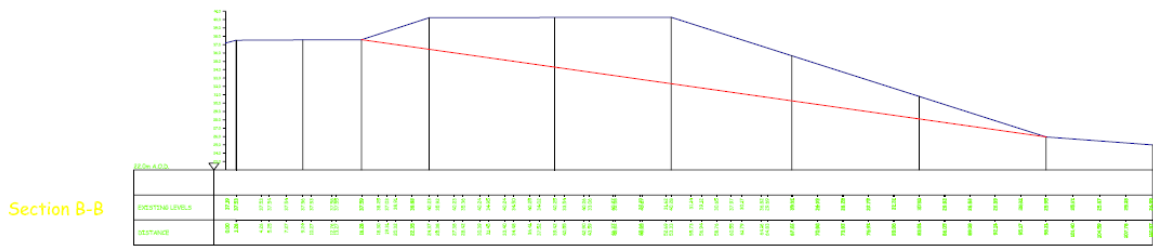




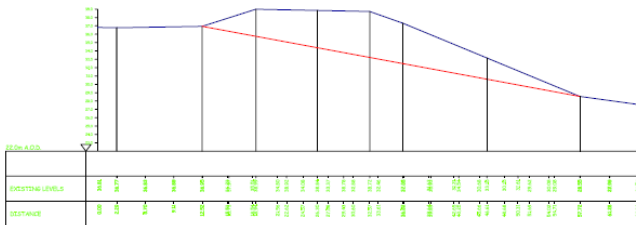
*Proposed Access Improvements*

On-site organisation will include the project management of arrivals and departures for all vehicles, with radio communication with the drivers to ensure that the HGVs do not use the section of Drope Road adjacent to the site at the same time. A loading compound will be constructed to enable HGVs to load and leave the site travelling in a forward direction. Other installation will include a wheel washer adjacent to the haul road, and an excavator and bucket loader. Dust monitoring will be employed with water spray facilities to ensure there is no dust nuisance. Security will operate at the site on a 24/7 basis throughout the project.

Following the full removal of the waste material, the stored topsoil will be replaced and the site reseeded. It is intended that the final land profile will be the same as existed prior to the tipping taking place in 1984.

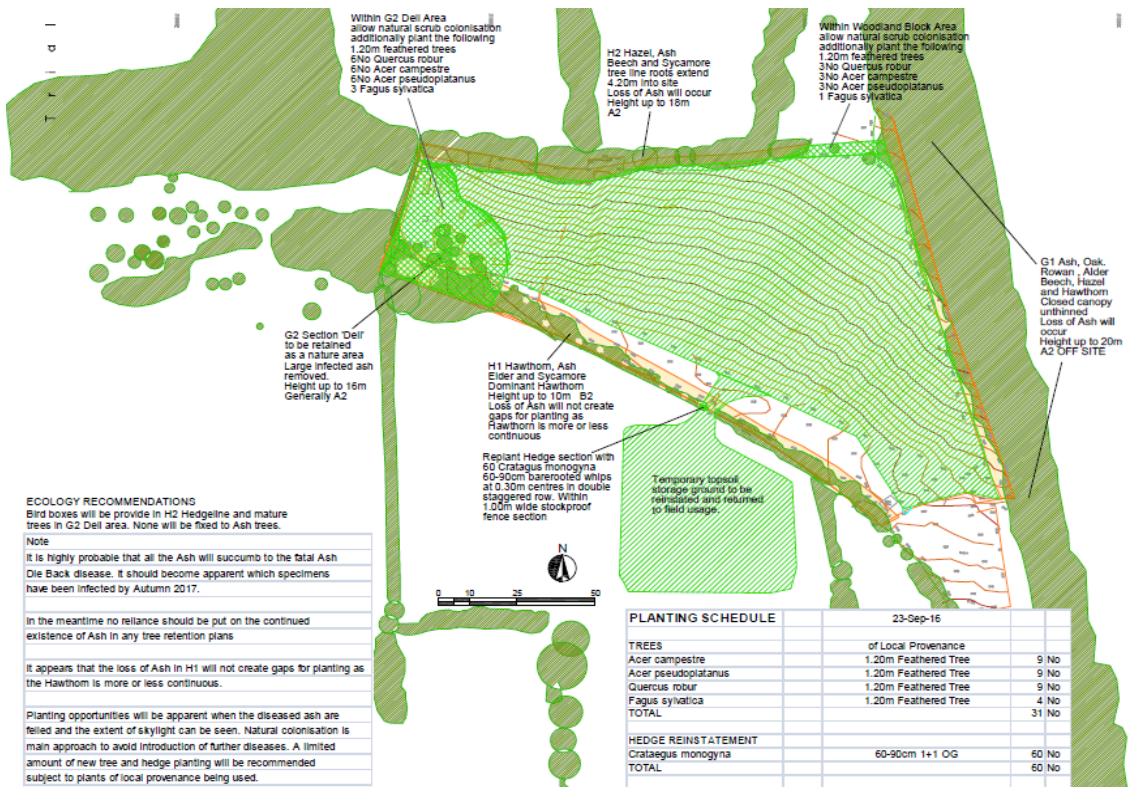


Section B-B



Section A-A

Existing and Proposed Sections



Landscaping Proposals

As a 'major' application a Pre-application Consultation (PAC) was required and undertaken by the applicant and the resulting report accompanies the application. Other supporting documents, include, Method Statement; Transport Statement; Ecology Assessment; Noise Impact Assessment; Arboricultural Method Statement and Tree Survey; Pollution/sediment Control Strategy; the Removal of Waste Material and Restoration of Land report; and a Waste Planning Assessment.

## PLANNING HISTORY

1975/00187/OUT - Residential development - Refused 6 January 1976 on the grounds of the preservation of the countryside; premature to the approval of the County Structure Plan; and out of character with the Conservation Area and surrounding unspoilt countryside.

1983/00241/FUL - Tipping of surplus materials from the Culverhouse Cross to Capel Llanilltern Link Road - Approved 2 August 1983 subject to conditions, including, restriction to tipping of soil, sub-soil and stone arising from the construction of the link road; details of dust suppression; restriction of hours; and scheme for landscaping; vehicles not to gain access via public highway; expires 31 October 1983; and only relates to depth and form shown in plans.

1984/00741/FUL - Tipping of surplus materials from the Culverhouse Cross to Capel Llanilltern Link Road - Approved 16 October 1984 subject to the same conditions as above, apart from expiry date 31 October 1984.

1993/01246/FUL - New agricultural access - Approved 4 March 1994 subject to conditions, including, details of enclosure.

2002/00423/FUL - Site 1 - redevelopment of April Cottage into detached house. Site 2 (current site) - redevelopment of stable sheds into modern stable block plus temporary mobile home (2yrs) - Refused 27 June 2002 on the grounds of unjustified intrusion into the rural landscape with adverse impact on character.

2002/01294/FUL - Site 1 - redevelopment of April Cottage into detached house. Site 2 (current site) - redevelopment of stable sheds into modern stable block plus temporary mobile home (2yrs) – Approved 16 January 2003, subject to conditions, including, siting of mobile home for a temporary period only.

2009/00164/FUL - Retention of as built 3 bedroom dwelling house with raised deck extension and new stables on land opposite (current site) - Approved 14 May 2009, subject to conditions, including, no stock-piling of material; removal of static caravan within four months; no consent for the erection of a stable/piggery or permanent residential caravan.

2010/00640/FUL - Change of use and retrospective planning permission for a two pitch traveller caravan site on agricultural land - Refused 4 February 2011 on the grounds of an intrusive and unjustified development adversely affect the surrounding countryside; and issues of access and potential damage to Welsh Water main.

## CONSULTATIONS

**St. Georges & St. Brides-Super-Ely Community Council** were consulted and have objected to this application, with particular concerns over:-

- Safety of residents and school children on the route of the lorries particularly during busy school times.
- Congestion caused by the lorries, particularly during busy school times.
- The effect the removal of the stone would have on the noise levels of the A4232 Link Road, as it was believed that part of the reason for the 'dump' of stone on this land was to act as a noise barrier.

The Council would also like to urge the VoG Council to strongly consider the views of the local residents, as they could see from the public's attendance and comments at the November Ordinary meeting that there was significant opposition to the application. The Council would also like to state their agreement to the opposition by CC Traherne.

The Council would like to ensure that comments are received from Cardiff Council regarding the effect of the lorries on the safety of residents and school children en route.

**Ward Member for Peterston Super Ely** was consulted and Cllr Traherne has responded raising a number of concerns relating to:-

- Significant increase in heavy goods traffic in view of the fact that there will be 30 road movements a day, over a period of three years. This will materially alter the character of Drope Terrace affecting house prices and the quality of life of the residents of Drope Terrace, including the disruption of shift workers sleep during the day.
- Increased noise pollution from the A4232 Ely Link Road resulting from the removal of the 'Bund'. Request a full investigation, including a detailed report, by environmental health officers before this application is determined.
- Seek assurance that Ely Ward Members in Cardiff have been fully consulted on this application. The 30 heavy goods movements each day will travel past two schools, a nursery and residential areas resulting in increased traffic, noise and air pollution in an already busy area of West Cardiff.

**Cardiff County Council** were consulted and have not made any adverse comments but would draw attention to the comments of the local ward members.

**Cardiff County Council - Ward Councillors for Caerau Cllrs Peter Bradbury and Elaine Simmons** have submitted a formal objection to the application. Believe that the removal of waste will have a detrimental effect on the Air Quality in the Ely and Caerau area. Not satisfied that a separate Air Quality Assessment has not been carried out. The type of waste (tipped material) being removed suggests a hugely negative effect on the environment that would directly impact residents in Michaelston Road in Ely. Contrary to ENV29 of the Vale of Glamorgan- Protection of Environmental Quality as no Air Quality Assessment has been carried out.

Concerns also over traffic implications around Culverhouse Cross. This already a heavily congested area and adding additional HGV traffic will not ease this already huge burden on the citizens of Cardiff.

**Cardiff County Council – Cllr Russell Goodway, and on behalf of Cllrs Susan Goddard and James Murphy** has submitted an objection on the grounds of the traffic generated by this development will have to travel via Drope Road and Michaelston Road. There is an Early Learning Centre, a Primary School and a High School located at or near the junction of these roads, and the development bordering both roads is exclusively residential. Concerns are raised to ensure that the appropriate restrictions are placed on the movement of vehicles to ensure they avoid the start and end times of the school day, including lunch times, and cease at a time not after 5.30pm to protect the interests of local residents.

**Natural Resources Wales** were consulted. In their initial comments they raised no objection, subject to the imposition of a number of conditions relating to a silt management plan/strategy, due to the sensitivity of the site and the proximity to the Ely Valley SSSI/SAC. This should be agreed prior to the commencement of any works and include:-

- Pollution prevention demonstrating with appropriate mitigation measures how surface and/or ground water is prevented from becoming contaminated with any materials generated on or brought to site, ensuring only clean surface and/or ground water drains off site throughout excavation/reinstatement.
- Pollution control measures where it is deemed necessary to treat any contaminated water generated on or brought to site so as to ensure only clean water runs off site. An outline of which control measures will be deployed throughout excavation/reinstatement;
- Maintenance measures to ensure mitigation methods deployed are working effectively throughout excavation/reinstatement. All records relating to mitigation maintenance will need to be retained and be made readily available for inspection;
- Emergency/contingency plans in the event of a pollution, including control measures to prevent recurrence. This will need to include contact details in the event of a pollution, as well as NRW's 24-hour incident hotline number (Tel: 03000 65300) who will need to be notified as soon as possible.

Furthermore, in relation to European Protected Species, they note that although the submitted ecological report does not contain any details regarding trees on site and the potential affected to support roosting bats, nevertheless, the trees on site are young and have no potential to support roosting bats.

Following a review of the 'Pollution/Sediment Control Strategy' NRW confirm they are in broad agreement. However, they recommend a number of up-dates relating to a secondary measure to the proposed French drain, and further details of maintenance.

Having reviewed the amended details with regard to the 'Pollution/Sediment Control Strategy' NRW note that their previous recommendations have been incorporated into the updated plan. Therefore, they remove their request for a pollution and silt management plan/strategy to be conditioned.

**Dwr Cymru/Welsh Water** were consulted and in their initial comments note that a 1000mm diameter public water main crosses the site. The position will restrict the development to such an extent as to render it impractical and therefore they object to the application. In order to overcome this, trial holes are required to establish the exact location of the water main. Alternatively, the location of the access could be amended.

Following the receipt of further information from the applicant, DCWW have amended their comments in respect of the application and now request that a condition be attached to any consent requiring details of a method statement and risk assessment for the protection of the structural condition of the strategic water main crossing the site.

**Welsh Assembly Government – Agriculture** were consulted and no comments have been received to date.

**Carmarthenshire County Council (as mineral advisors to Vale of Glamorgan)** note that the proposal is supported by local policy and national guidance. Reference is made to PPW and the use of secondary material, which states that it is essential to the economic health of the country that the construction industry is provided with an adequate supply of minerals, and that in order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary materials where appropriate. This is further noted in MTAN1-Aggregates, which suggests that the demand for aggregates be met from secondary sources or recycled material. In addition, policy 12 of the UDP states that the recycling of secondary aggregates and industrial wastes will be favoured and encouraged. However, they advise that mineral extraction can have an adverse impact on the environment and neighbouring amenity, as referenced in PPW at 14.7.17 and MIN6 of the UDP.

Based on the above, further information is required on the methodology for soil stripping and storage; dust management; phasing and working plan; as well as the restoration and aftercare proposals, including a 5 year aftercare plan. In addition they advise consultation with the Welsh Government Department for Environment and Rural Affairs with reclamation to agricultural use.

Following submission of additional information, this addresses earlier concerns and recommendation for conditions relating to:

1. dust control and suppression;
2. no blasting; no screening or crushing of material on site;
3. all topsoil and subsoil to be permanently retained on site and used in restoration;
4. all topsoil and subsoil to be stripped, handled, stored and replaced in accordance with the 'Sustainable Use of Topsoil' document and with added requirements relating to size, nature, etc., of the mounds;
5. a scheme for the reclamation and management of land for agricultural purposes.

**Council's Shared Regulatory Services (Environmental Health)** were consulted and acknowledge that the development is intended to remove waste material from the site. However, the consequential inclusion of contaminants in the current site, either as deposited waste or contamination caused during the transfer process cannot be ruled out. There is a risk of contaminants remaining within either the underlying ground in contact with the waste and/or the overlying topsoil. Equally, contamination could occur during the vehicular transfer of waste offsite. This could be detrimental to the environment and the proposed use/users. In view of this a number of conditions and advisory notes are recommended.

These relate to:-

1. An 'Unforeseen Contamination' condition to minimise risks to the environment.
2. A 'Use of Site Won Materials' condition to ensure that the stripped topsoil (and any other existing material re-used on site) is suitable for use, and minimise risks to future users and the environment.
3. An imported soils and imported aggregates condition, due to the possibility that the developer may need to import materials to site, for example for access routes or topsoil shortfall at the development.
4. A contamination and unstable land advisory note.

Noise and dust pollution.

As regards the noise and dust pollution during removal of stockpile, and the Noise Impact Assessment undertaken by Hunter Acoustics, it is noted that the noise report predicts that the noise impact from the removal works is likely to be at or very close to the 55dB LAeq1hr limit prescribed by BS 5228: 2009-1, MPS 2. This prediction assumes that the noise making equipment is only used for 50% of the time i.e. 30 minutes in every hour, with the machinery being totally silent for the other 30 minutes.

Given that the predicted noise level is so close to the prescribed limit, it is advised that a condition is imposed compelling the noise making equipment to be switched off for 30 minutes of every hour during an operational day, thus complying with the methodology described in the report. If this cannot be achieved, alternative mitigation measures will need to be imposed to achieve the prescribed noise level within MPS 2. Such measures will need to be supplied to an approved by the Local Planning Authority prior to implementation. Also the operational hours should be limited to: Monday to Friday 0800 – 1800, Saturday 0800 – 1300, and not at all on Sunday or bank holidays

On the issue of road traffic noise from the A4232 link road, following removal of stockpile, it is noted that a supplementary noise report has been provided that predicts road traffic noise levels at the nearest residential premises, before and after the removal of the stockpile. The report suggests that there will be a worst case noise increase at one property of 1.7dB. This has been described by the report as a '*minor adverse*' impact. However, the report has not identified that the A4232 link road is one of three concrete surface trunk roads in Wales, and is therefore of particular concern due to the increased noise impact. Box 8 of The Noise Action Plan for Wales 2013-2018 states that '*In 2013 the South Wales Trunk Road Agent commissioned noise assessments for all three remaining stretches of concrete trunk road. The Measurement's taken showed elevated noise levels along all three roads. In addition, the 2012 noise mapping has flagged parts of the concrete A465 and A4232 as candidate priority areas, and fourteen responses to the consultation on this plan concerned excessive noise from the concrete A40, including from residents of three different villages and the managing director of a residential home. All fourteen strongly advocated an improved road surface. In light of the consultation responses and the measurements taken, all the residential properties situated along the three concrete stretches of trunk road will be listed as priority areas under this action plan.*'

Given that the removal of 'waste' from the land will increase the noise impact of the A4232 at nearby residential premises, I would recommend that the developer be required to install/erect a noise barrier to protect existing residential premises from an already existing, noise action priority planning area. If able, it is advised for the barrier to be as close to the source as possible.

**Council's Ecologist** was consulted and notes that the submitted Ecological Assessment identifies several potential impacts with concerns relating to run-off and pollution of the River Ely SSSI; grassland SINC; and impact on breeding birds and reptiles. On the first issue relating to the SSSI, it is noted that this has been adequately addressed by NRW with a suggested condition. The SINC is noted to be of low quality and a newly created habitat, and, as such, is not considered to be a constraint. The area of the woodland is being retained, and there is no objection to the removal of the trees identified, due to size and evidence of Ash Die-Back disease. As for the impact on breeding birds and reptiles, these can be addressed in a condition requiring a scheme for their protection.



**Council's Highway Development Team** were consulted and have stated that the means of access is required to be widened to allow two vehicles to pass side by side. Further to reviewing amended details in relation to the above, it is noted that a Transport Statement (TS) has been submitted in support of the proposals, which identifies expected traffic generated to be approximately 10 to 15 HGV trips per day, for a temporary period of up to 3 years. In addition, a speed survey has been undertaken along Drope Road adjacent to the site, which has demonstrated that there is adequate visibility from the means of access along the highway, subject to the relocation of an existing road site.

No objection is raised as the proposals would not have a material impact along the adjacent highway, subject to the imposition of a number of conditions relating to:- implementation of the alterations to the vehicle crossover as identified on drawing No. C2362.01A; works to be undertaken in accordance with the Council's specifications and at the applicant's own expense; re-location of the existing road sign located adjacent to the site along Drope Road; the means of access to be constructed from a bound material for a minimum distance of 15m from the adjacent carriageway and thereafter from compacted crushed stone for a further distance of 15m; the existing gates to be relocated at a minimum distance of 15m from the adjacent highway; details of wheel washing facilities; the access to be returned to its existing state following completion; no deliveries, including plant or materials to and from the site shall be undertaken between the hours of 0800 – 0930 and 1430 – 1600 Monday to Friday; and the proposed delivery route to the site shall only be as identified within the submitted TS.

**Council's Drainage section** were consulted and have no comments to make. The site is not located within a DAM zone at risk of tidal or fluvial flooding, and NRW maps indicate a very low risk of surface water flooding. According to the plans submitted the land will be returned to its natural state and re-profiled to a shallower gradient than existing.

**Council's Landscape** section were consulted and no comments received to date.

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

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 22 November 2016. In addition the application was advertised in the press and on site on 1 and 7 December 2016. Site notices were also placed within the Cardiff County Council area on approach to the site on 20 January 2017.

To date around 13 No. objections have been received from local residents, including the occupiers of 3, 6, 7, and 8 Drope Terrace; 'Sunny Bank', 'Llys y Celyn' and the 'Old Rectory', Drope Road; and 106, 108, 109 and 110 Drope Road within the Cardiff County Council authority boundary. All of these representations are available on file for inspection in full. However, in summary, the main points of concern relate to:-

- Increased traffic and adverse impact on highway safety, including local schools.
- Noise pollution with increase in noise from A4232 as a result of the removal of the 'bund'.
- Noise survey is flawed.
- Air pollution.
- General disruption and adverse effect on people's quiet enjoyment of rural location, including knock on effect on work, etc.
- Adverse impact on wildlife.
- Detract from the conservation of the area.
- Concerns over future use.
- Not complied with legislation.
- Devaluation of properties.

Concerns over the application have also been submitted by Alun Cairns MP and are reproduced at **Appendix A**. In summary they relate to visual and landscape impact; access and traffic with increase in HGVs; and health and safety concerns.

## 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 12 - MINERALS.

POLICY 13 - WASTE MANAGEMENT.

*Policy:*

POLICY ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.  
POLICY ENV2 - AGRICULTURAL LAND.  
POLICY ENV3 - GREEN WEDGES.  
POLICY ENV4 - SPECIAL LANDSCAPE AREAS.  
POLICY ENV7 - WATER RESOURCES.  
POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE.  
POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.  
POLICY ENV16 - PROTECTED SPECIES.  
POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.  
POLICY ENV20 - DEVELOPMENT IN CONSERVATION AREAS.  
POLICY ENV26 - CONTAMINATED LAND AND UNSTABLE LAND.  
POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.  
POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.  
POLICY EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.  
POLICY TRAN10 - PARKING.  
POLICY MIN6 - ENVIRONMENTAL IMPACT.  
POLICY MIN8 - RESTORATION AND AFTER CARE.  
POLICY WAST1 - PROVISION OF WASTE MANAGEMENT FACILITIES.  
POLICY WAST2 - 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) (PPW) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

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

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

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

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

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

### **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.3, 4.4.3, 4.6.3-rural areas, 4.8-green belts/wedges, and 4.10-agricultural land; Chapter 5-Conserving and Improving natural Heritage and the Coast, including paragraphs 5.1.1 and 5.2; Chapter 6-The Historic Environment, including paragraphs 6.1.1, 6.1.2, 6.4.9, 6.5.20 and 6.5.21; Chapter 7-Economic Development, including paragraphs 7.1.3, and 7.6.1; Chapter 13-Minimising and Managing Environmental Risks and Pollution, including paragraphs 13.7, 13.12, and 13.15; and Chapter 14-Minerals, including paragraphs 14.4, 14.5, and 14.6.

### **Technical Advice Notes:**

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

- TAN 5 - Nature Conservation and Planning.
- TAN 11 - Noise.
- TAN 12 - Design.
- TAN 18 - Transport.
- TAN 21 - Waste.
- TAN 23 - Economic Development.

In particular Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (March 2004) is of particular relevance

## Supplementary Planning Guidance:

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

- Biodiversity and Development.
- Conservation Areas in the Rural Vale.
- Design in the Landscape.
- Parking Standards.
- Trees and Development.
- The Drope Conservation Area Appraisal and Management Plan.

## The Local Development Plan:

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

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

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

In particular Policy MG23 - Mineral Working (Including Oil And Gas Extraction) of the emerging plan states that:

PROPOSALS WHICH PRIORITISE THE USE OF RECYCLED MATERIAL AND SECONDARY AGGREGATES BEFORE NEW SOURCES OF PRIMARY MATERIALS ARE DEVELOPED WILL BE FAVOURED WHERE THIS DOES NOT HAVE AN UNACCEPTABLE EFFECT ON AMENITY OR THE ENVIRONMENT.

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:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response).
- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- SLAs Integration with Adjoining Local Authorities (2013 Update).
- Green Wedge Background Paper (2013).
- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response).
- Waste Management Background Paper (2013) (Also see LDP Hearing Session 13, Action Point 16 response).

**Other relevant evidence or policy guidance:**

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

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

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

### Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to justification for the development bearing in mind the countryside location; the visual impact, including any effect on the character and appearance of the Drope Conservation Area, the Ely Valley and Ridge Slopes Special Landscape Area and Green Wedge to the south; highway safety; neighbouring and general amenity, including any detriment to residents along the route to be taken by the HGVs (through Cardiff's administrative area); environmental impact; any detriment to ecology and local biodiversity; and drainage.

### Principle of the development

The site lies within the countryside where policy ENV1 of the UDP seeks to restrict inappropriate development, with certain uses deemed acceptable, including mineral extraction and waste management.

The site is not a recognised quarry or waste deposition site, however as the proposal entails the extraction of materials (formerly waste stone from the construction of the nearby A4232), to be recycled as aggregate, both minerals and waste policies of the UDP are also relevant.

The Council's Minerals advisors have confirmed that the proposal is supported by local policy and national guidance. Strategic policy 12 of the UDP states:-

*"In addition, the recycling of secondary aggregates and industrial wastes will be favoured and encouraged to the maximum practicable extent as substitutes for naturally occurring minerals."*

This approach is supported by national guidance, where Planning Policy Wales (PPW) recognising the importance to the economic health of a country of an adequate supply of minerals, and that industrial by-products can be used as secondary aggregates which enables primary resources to be conserved. Paragraph 14.6.2 of PPW states:-

*"Authorities should encourage the practice of on-site recycling taking proper account of all likely costs and benefits."*

Furthermore MTAN1-Aggregates, refers to the Wales Waste Strategy and the Assembly's Sustainable Development Scheme which both stress the need for waste minimisation and the prudent use of natural resources. Accordingly, there must be a change in the pattern of supply of aggregates. It highlights that the need for change in the pattern of supply through increased use of secondary and recycled materials is particularly important in Wales where recycling for use as aggregates has not been as advanced as in other parts of the UK. It also sets targets for the use of recycled and secondary aggregates. The use of secondary aggregates is also supported in the emerging LDP Policy MG23 - Mineral Working (including Oil and Gas extraction).

As regards the waste element of the proposal, it is considered that the proposal meets the definition of waste referred to in TAN21-Waste, which notes at paragraph 1.6 that the definition of waste is established in Article 3(1) of the Waste Framework Directive:-

*“Waste’ means any substance or object which the holder discards or intends or is required to discard.”*

The applicant has submitted a Waste Planning Assessment in accordance with TAN21 as outlined at paragraph 4.2 and Annex B of the guidance. This includes an assessment of the proposal within the Waste Hierarchy. The report concludes that the proposal is fully compliant with the Welsh Government's Towards Zero Waste strategy and the relevant Waste Sector Plan, and that the proposed development lies towards the very top of the waste hierarchy. It is agreed that the assessment is appropriate and proportionate to the nature, size and scale of the proposed development and meets the requirements of TAN21.

In addition to the above economic benefits, there are also those associated with the operation of the development. Paragraph 7.6.1 of PPW states:-

*“Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence.”*

Whilst the level of employment will not be significant, nevertheless, the proposal will provide opportunities both at the application site and the associated storage/sorting site within Barry Docks. Furthermore the proposed restoration and re-profiling of the land should provide a more practical and efficient agricultural resource.

Thus, whilst it is considered that the principle of the development is acceptable and supported by local and national policy, this is not without qualification. It is recognised that mineral and waste developments can have an impact on the environment, including, in this case, the amenity of residents in the area, and highway safety. Thus the likely impact of the development is examined in more detail below.



### Visual amenity and impact on the surrounding countryside

As already noted the site lies within the Ely Valley and Ridge Slopes Special Landscape Area and is adjacent to the Drope Conservation Area. There is also a Green Wedge to the south of the site on the opposite side of Drope Road. To the north of the site there is a Public right of Way, Public Footpath No. 2, Peterston-Super-Ely.

Policy ENV4 of the UDP permits new development within a Special Landscape Area (SLA), where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the SLA. As regards the impact on the Drope Conservation Area, it is recognised that this requires special consideration, and carries substantial weight in the determination of the application. Paragraph 6.4.9 of PPW recognises that the character or appearance of conservation areas must be a major consideration in any application. As such, the effect of the development on the character and appearance of the conservation area and its setting is more than a material consideration to be weighed in the general balance.

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

Relevant policies include ENV17 and ENV20 of the UDP which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. Regard should be paid to such matters as scale and design; the patterns of use which establish the character of the area; important open space within and adjoining; important trees and hedgerows; and ponds and streams. This is supported by national guidance including PPW which states at paragraph 6.5.21:-

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

The Drope Conservation Area Appraisal and Management Plan, identifies Drope as a small hamlet comprising of three former farms and a small group of houses set adjacent to the lane, which runs from Michaelston-Super-Ely to St. Georges. It notes that an essential element of the character of the Conservation Area is that it has largely escaped twentieth century infill. As regards its landscape setting, the Appraisal acknowledges that the Conservation Area lies within the Special Landscape Area on gently undulating farmland, and a generally open and low-lying flood plain. The village is enclosed by trees and hedges which are recognized as playing an important role in the character of the area. In addition, the dispersed nature of the buildings in an open agricultural landscape is an essential component of the special character of the area.

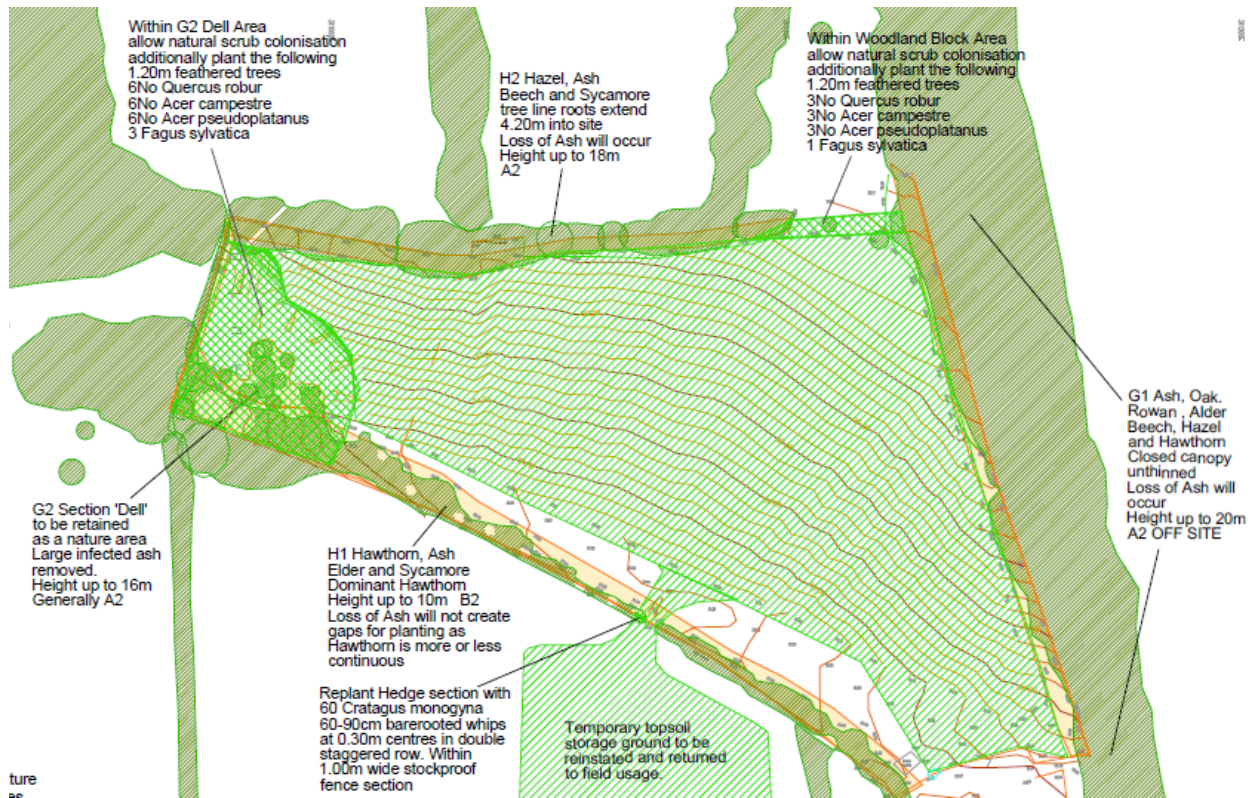
It is considered that the nature and scale of the proposed works, including the siting of some plant and machinery, will have a similar appearance to any construction site, although these impacts will be temporary. It is appreciated that this will extend over a period of around three years, nevertheless, this is still finite, and the land will be restored to agricultural use.

The submitted Arboricultural Method Statement and Tree Survey acknowledge that some existing tree cover will be lost. These include groups of Ash, Hazel, and Hawthorn. Many of these trees have little amenity value compared with the larger woodland to the west, and the Ash is showing evidence of disease. The trees and hedgerows on the boundaries of the site will be predominantly retained and protected (**Condition 14 refers**). Some additional planting will be undertaken including 31 No. trees of local provenance, and hedgerow re-instatement.

#### Reinstatement

The reinstatement of the land in respect of levels and planting is critical to ensure that the site will assimilate back into the countryside following the removal of the material.

When the waste material is fully removed, the stored topsoil will be replaced and the site reseeded. At the end of the process the land profile will be the same as existed prior to the tipping taking place in 1984. The final levels is shown on the submitted section drawings



The plan above details the finished landscape proposal for the site, including hedgerow and tree planting and natural scrub colonisation.

Notwithstanding the submitted details, further details of the proposed restoration works shall be submitted by condition (**Condition 4 refers.**) to include details of the sequence and phasing of reclamation (including a timetable for the works) ; the ripping of the ground and the re-spreading over the floor of the excavated area with subsoil and topsoil previously stripped from the site; final cover to ensure adequate drainage and aeration and grass seeding of reclaimed areas with a suitable herbage mixture. The approved scheme shall be implemented following the cessation of the extraction works in accordance with the agreed timescales .

It is considered that the removal of the mound of material and the re-profiling of the land to a more level gradient will not have an adverse visual impact in either the setting of the Conservation Area or the character and appearance of the wider SLA. Furthermore the proposal will have no effect on the openness of the Green Wedge to the south. As such it is considered the proposal will comply with policies ENV3, ENV4, ENV10, ENV20, ENV27, MIN6 and WAST2 of the UDP.

### Highway safety

One of the principal concerns raised by local residents relates to the impact on the local highway network and the safety of the public, particularly bearing in mind the proposed route of the vehicle movements passing a number of schools.

The application is supported by a Transport Statement (TS) prepared by Traffic and Transport Planning, which shows that there will be no significant impact on the local highway network. This is subject to certain works and operational methods which are identified in the TS. These include improvements to visibility at the site entrance; widening of the access track; the introduction of road signage; installation of a wheel wash; and an on-site manager and security. Furthermore, the three year movement of around 10-15 HGV trips per day will be restricted to ensure HGVs do not use the same section of Drope Road adjacent to the site at the same time, and to restrict movements during a school term (see **Condition 7**).

The Council's Highway Development team have assessed the scheme and have no objections. They reference the submitted TS and note that a speed survey undertaken along Drope Road (adjacent to the site) has demonstrated that there is adequate visibility from the means of access along the highway, subject to the relocation of an existing road sign. As such, they consider that proposals would not have a material impact along the adjacent highway subject to the imposition of a number of conditions. These include :

- alterations to the vehicle crossover in accordance with the Council's specifications and at the applicant's own expense;
- re-location of the existing road sign located adjacent to the site along Drope Road;
- means of access to be constructed from a bound material for a minimum distance of 15m from the adjacent carriageway and thereafter from compacted crushed stone for a further distance of 15m;
- existing gates to be relocated at a minimum distance of 15m from the adjacent highway
- details of wheel washing facilities
- access to be returned to its existing state following completion of works
- no deliveries, including plant or materials to and from the site shall be undertaken between the hours of 0800 – 0930 and 1430 – 1600 Monday to Friday;
- Proposed delivery route to the site shall only be as identified within the submitted TS

The above have been secured under **Conditions 5, 6, 7 and 8**.

### Impact on neighbouring and general amenity

In addition to the impact from HGV movements on residential amenity, there is also the effect of noise and dust, both from the vehicular movements to and from the site, and the on-site operations. It is recognised that these will all cause some detriment to the amenity of both the nearby residents and those along the proposed route of the HGVs through Cardiff's administrative area.

These are assessed in more detail within other sections of the report. However, it is noted that there are no objections from the statutory consultees, subject to the imposition of appropriate conditions to control the nature of the operation and the movement of vehicles (see **Conditions 3, 5, 6, 7 and 8**).

In addition to the measurable effects of traffic movement, noise, etc., the proposal will also have an impact on the general amenities of the area, including the quiet enjoyment of the rural landscape. However, it is acknowledged that this will be for a limited period, with the extraction phase limited to three years (**Condition 3 refers**). Longer term noise effects from the removal of the material are considered further below.

It is considered that the scale and duration of the development, along with the economic benefits as outlined in national guidance, is such that a refusal on the grounds of adverse impact on neighbouring amenity could not be justified in planning terms.

### Environmental impact

The likely impact of the development in relation to air, noise and ground pollution has been assessed by a number of statutory bodies including NRW, the Council's Environmental Health section and the Council's minerals advisors. The potential for ground contamination in relation to the biodiversity of site is examined in the separate section below.

The application is accompanied by information relating to dust suppression and a number of Noise surveys undertaken by Hunter Acoustics.

The Council's Minerals advisors acknowledge that the proposal is supported by local policy and national guidance. However, mineral extraction can have an adverse impact on the environment and neighbouring amenity and based on the initial submission, further information was required. Following the receipt of the additional information they have confirmed that this addresses their earlier concerns and recommend a number of conditions. These relate to dust control and suppression; no blasting; no screening or crushing of material on site; all topsoil and subsoil to be permanently retained on site and used in restoration; all topsoil and subsoil to be stripped, handled, stored and replaced in accordance with the 'Sustainable Use of Topsoil' document and with added requirements relating to size, nature, etc., of the mounds; and a scheme for the reclamation and management of land for agricultural purposes (see **Conditions 15, 16, and 17**).

The Council's Environmental Health section submitted initial comments relating to the risk of contaminants, including those that might remain within the site, or could occur during the vehicular transfer of waste offsite. As such conditions relating to unknown contaminants, etc., are requested (see **Conditions 9, 10 and 11**).

Further comments from Environmental health have considered the issues of noise and dust pollution and the potential noise impact to existing residential dwellings following its removal. Based on the Noise Impact Assessment undertaken by Hunter Acoustics, the predicted noise level is so close to the prescribed limit, they advise that a condition is imposed compelling the noise making equipment to be switched off for 30 minutes of every hour during an operational day, thus complying with the methodology described in the report. However, it is considered this is too prescriptive to be practically enforceable and therefore, a condition requiring the appropriate level not to be exceeded is recommended (**Conditions 18 refers**). They also suggest that the operational hours should be limited to: Monday to Friday 0800 – 1800, Saturday 0800 – 1300, and not at all on Sunday or bank holidays.

On the issue of road traffic noise from the A4232 link road, following removal of stockpile, it is noted that a supplementary noise report has been provided that predicts road traffic noise levels at the nearest residential premises, before and after the removal of the stockpile. The report suggests that there will be a worst case noise increase at one property of 1.7dB, which is described as a '*minor adverse*' impact. However, Environmental Health note that the report has not identified that the A4232 link road is one of three concrete surface trunk roads in Wales, and is therefore of particular concern due to the increased noise impact. Given that the removal of 'waste' from the land will increase the noise impact of the A4232 at nearby residential premises, they recommend that the developer be required to install/erect a noise barrier to protect existing residential premises from an already existing, noise action priority planning area. It is considered that the applicant be required to submit further details in relation to this aspect of the proposal, including mitigation measures, to allow the Council to assess the most appropriate means of reducing the impact on nearby residents (**Condition 19 refers**).

#### Ecology and biodiversity

Another concern raised by neighbours relates to the impact on wildlife. The application is supported by an Ecological Assessment prepared by David Clements Ecology and both NRW and the Council's Ecologist have commented on the proposal.

The Ecological Assessment indicates that the development has a number of potential impacts on the ecology and biodiversity of the site itself and its surroundings. These include possible adverse effects on the nearby Ely Valley SSSI and the River Ely SINC, semi improved grassland, and protected species, particularly common reptiles and nesting birds. Notwithstanding this, and on the basis of the evidence currently available, the report concludes that the proposed works could be undertaken without causing significant adverse impacts to wildlife, subject to the provision of adequate mitigation and compensation to protect the existing features of value and to avoid or minimise impacts to protected species. The report states:-

*“It is therefore considered that the proposed works at this site would not be unacceptably constrained by biodiversity issues.”*

This view is supported by both NRW and the Council's Ecologist who have not raised any objections to the proposal. NRW had some initial concerns in relation to the Ely Valley SSSI/SAC, and recommended a number of conditions relating to a silt management plan/strategy. Following a review of the subsequently submitted 'Pollution/Sediment Control Strategy' they recommended a number of up-dates relating to a secondary measure to the proposed French drain, and further details of maintenance. An amended 'Pollution/Sediment Control Strategy' was submitted and NRW have now confirmed that the conditions originally suggested are no longer required. In relation to European Protected Species, NRW note that the trees on site are young and have no potential to support roosting bats.

The Council's Ecologist notes that in relation to the impact on the SSSI, this has been adequately addressed by NRW. As for the SINC, this is considered to be of low quality and a newly created habitat, and, as such, is not considered to be a constraint. There is no objection to the removal of the trees identified, due to their size and the evidence of Ash Die-Back disease. As for the impact on breeding birds and reptiles, these can be addressed in a condition requiring a scheme for their protection (**see Condition 13**).

### Drainage

The implications for the drainage of the site in relation to ecology/biodiversity, has already been examined above. As regards the wider drainage issues, the Council's Drainage section note that the site is not located within a DAM zone at risk of tidal or fluvial flooding, and NRW maps indicate a very low risk of surface water flooding. As such they have not raised any objections to the proposal.

Welsh Water did raise an initial objection to the application, noting that a 1000mm diameter public water main crosses the site. Their initial view was that the position of the main would restrict the development to such an extent as to render it impractical. They indicated that trial holes would be required to establish the exact location of the water main, or, alternatively, the location of the access could be amended. Following the receipt of further information from the applicant, Welsh Water have revised their comments and now request that a condition be attached to any consent requiring details of a method statement and risk assessment for the protection of the structural condition of the strategic water main crossing the site (**Condition 20 refers**).

### Other issues

Neighbour concerns have also been raised in relation to the future use of the site. The submitted details indicate that the land will be restored to agricultural use. Whilst the existing use of the site is already agriculture, nevertheless, re-profiling of the site, and a return to its natural topography, will provide for a more versatile agricultural use.

Finally, the neighbour representations from residents in Cardiff's administrative area refer to the application not being in compliance with legislation in relation to pre-application consultation. This relates to the requirement for 'major' applications to undertake certain consultation/publicity procedures prior to the submission of a formal application. As part of this process a Pre-application Consultation report (PAC) is required to be prepared and submitted in order to validate any formal planning application. This has been undertaken as part of the current submission. Furthermore, the Council has itself consulted Cardiff County Council, and posted site notices to publicise the application within the neighbouring authority's area.

In view of the above the following recommendation is made.

### 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, Dwg. No. JPW0984-001, received 7 November 2016;
- Survey plans, 2 No. Topographic, 1 No. Cross-sections and site area, received 7 November 2016;



- Site Access and Layout , Dwg. No. JPW0984-002, received 7 November 2016;
- Junction layout, Dwg. No.s C2362.01A, 02A, 03A and 04A, received 3 February 2017;
- Existing Features Aerial Base, Dwg. No. 2016./92, received 7 November 2016;
- Existing Features Aerial Base Overall, Dwg. No. 2016./93, received 7 November 2016;
- Proposals, Dwg. No. 2016./95, received 7 November 2016;
- Tree Survey and Tree Protection Plan, Dwg. No. 2016./94, received 7 November 2016;
- Arboricultural Method Statement, prepared by David Rice Forestry dated 23 September 2016 and received 7 November 2016;
- Site Operations Manual, Traffic Management & Dust Suppression Plan, amended document received 7 March 2017;
- Sustainable Use of Topsoil, amended document received 7 March 2017;
- Method Statement, Plant & Equipment: JCB 360 Excavator, received 7 November 2016;
- Transport Statement, prepared by Traffic and Transport Planning, dated September 2016 and received 7 November 2016;
- Restoration of Meadowlands Farm Estate to Agricultural Use Again, received 23 February 2017;
- Noise Impact Assessments prepared by Hunter Acoustics, 4273/NIA1, dated 19 August 2016 and received 7 November 2016, and 4273/NIA2, dated 15 December 2016 and received 19 December 2016;
- Ecological Assessment, prepared by David Clements Ecology Ltd., dated August 2016 and received 7 November 2016;
- Pollution/Sediment Control Strategy, dated 19 December 2016 and received 31 January 2017;
- Waste Planning Assessment prepared by RPS dated March 2017 and received 31 March 2017; and
- Pre-Application Consultation Report, prepared by RPS dated October 2016 and received 7 November 2016.

Reason:

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

3. The developer shall notify the Local Planning Authority in writing of the date of the commencement of development within 28 days of its occurrence and the extraction of the material hereby granted shall be for a period not exceeding three years, from the date of commencement.

Reason:

To ensure that the works are expedited in a timely manner in the interests of highway safety, neighbouring and general amenity, and the ecological interests on and surrounding the site in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, and ENV27-Design of New Developments of the Unitary Development Plan.

4. Notwithstanding the submitted details, including, 'Sustainable Use of Top Soil', received 7 March 2017, and proposed landscaping plans, Dwg. No. 2016./95, further details of the proposed restoration works (including a timetable) shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The scheme shall include details of the sequence and phasing of reclamation; all proposed landscaping (and details of aftercare and management), details spreading over the floor of the excavated area with subsoil and topsoil previously stripped from the site; the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; the machinery to be used; the drainage; and grass seeding of reclaimed areas with a suitable herbage mixture. The approved scheme shall be implemented following the cessation of the extraction works in full accordance with the agreed timescales.

Reason:

To ensure that the land is appropriately restored to agricultural use and in the interests of visual amenity, and the ecological interests on and surrounding the site in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments, and MIN8-Restoration and After Care of the Unitary Development Plan.

5. No works of extraction shall commence on site until the following highway works have been undertaken:-
  - Implementation of the alterations to the vehicle crossover as identified on drawing No. C2362.01A received 3 February 2017;
  - Re-location of the existing road sign located adjacent to the site along Drope Road;
  - The means of access to be constructed from a bound material for a minimum distance of 15m from the adjacent carriageway and thereafter from compacted crushed stone for a further distance of 15m; and
  - the existing gates to be relocated at a minimum distance of 15m from the adjacent highway.

Reason:

In the interests of highway safety in accordance with Policies ENV27-Design of New Developments and EMP2-New Business and Industrial Development of the Unitary Development Plan.

6. Before the commencement of development details of measures for wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be fully implemented on site prior to the commencement of any works and shall thereafter be so retained for the duration of the development.

Reason:

In the interests of highway safety and the amenities of the area in accordance with Policy ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

7. The hours of operation at the site shall be restricted to between 0800 and 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays, with no work on Sundays or Bank Holidays. No movement of HGVs, or any other deliveries, including plant or materials to and from the site, shall be undertaken between the hours of 0800 and 0930 and 1430 and 1600 Monday to Friday during school term time; and the proposed delivery route to the site shall only be as identified within the submitted Transport Statement.

Reason:

In the interests of highway safety and residential amenity in accordance with Policies ENV27-Design of New Developments and EMP2-New Business and Industrial Development of the Unitary Development Plan.

8. The site entrance and access road shall be returned to its existing state in accordance with full details to be agreed (including a timetable) in writing with the Local Planning Authority. The agreed details shall be implemented following the completion of the extraction works.

Reason:

To ensure that the access is restored to reflect the agricultural nature of the site in the interests of visual amenity of the surrounding rural landscape, including the Ely Valley and Ridge Slopes Special Landscape Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, and ENV27-Design of New Developments of the Unitary Development Plan.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies ENV26-Contaminated Land and Unstable Land and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

10. Any topsoil (natural or manufactured), subsoil, or aggregates (other than virgin quarry stone or recycled aggregate material), to be imported onto the site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. In addition, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policies ENV26-Contaminated Land and Unstable Land and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies ENV26-Contaminated Land and Unstable Land and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

12. The development shall be implemented in accordance with the Pollution/Sediment Control Strategy received 31 January 2017, along with the details relating to the Silt Fence and French Drain received on 25 January 2017.

Reason:

To safeguard the ecological and biodiversity interests on and adjacent to the site, including the Ely Valley SSSI, in accordance with Strategic Policy 1-The Environment and MIN6-Environmental Impact of the Unitary Development Plan, along with national guidance in TAN 5-Nature Conservation and Planning.

13. Before the commencement of development a scheme for the protection of reptiles and breeding birds, for the duration of the approved works, including the restoration of the land, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.

Reason:

Only an outline clearance strategy has been submitted in Section 6.22 to 6.24 of the Ecology Assessment, and a more detailed scheme will be required to safeguard the interests of protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, along with TAN5-Nature Conservation and Planning.

14. The proposed tree/hedgerow protection measures, shall be implemented in accordance with the submitted details (including the Arboricultural Method Statement and Dwg. No. 2016./94 Tree Survey, received 7 November 2016) prior to any works within the site.

Reason:

In the interests of visual amenity and the ecological and biodiversity interests of the site in accordance with Policies ENV4-Special Landscape Areas, ENV11-Protection of Landscape Features, and MIN6-Environmental Protection of the Unitary Development Plan.

15. The Dust Control Scheme as set out in the 'Site Operations Manual - Traffic Management and Dust Suppression Plan', amended document received 7 March 2017, shall be implemented from the date of commencement of the development and complied with at all times in accordance with the approved scheme.

Reason:

In the interests of amenity and to safeguard against pollution in accordance with Policies ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, and MIN6-Environmental Impact of the Unitary Development Plan.

16. The permission hereby granted does not include any consent for blasting, nor the screening, processing or crushing of material on site at any time.

Reason:

In the interests of amenity and to safeguard against pollution in accordance with Policies ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, and MIN6-Environmental Impact of the Unitary Development Plan.

17. All soils, including topsoil and subsoil, shall be permanently retained on site and used in the restoration, and the soils shall be stripped, handled, stored and replaced in accordance with 'Sustainable Use of Topsoil' amended document received on 7 March 2017. In addition the topsoil and subsoil shall be stored in separate mounds which shall:-

- (a) Not exceed 3m in height in the case of topsoil, or exceed 5m in height in the case of subsoil;
- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- (c) Not be subsequently moved or added to until required for restoration;
- (d) Have a minimum 3m stand-off, undisturbed around each storage mound;
- (e) Comprise topsoils on like texture topsoils and subsoils on like texture subsoils.

Reason:

In the interests of amenity and the appropriate restoration of the site for agricultural purposes in accordance with Policies ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, and MIN8-Restoration and After Care of the Unitary Development Plan.

18. During the operation of the extraction of material hereby approved, in accordance with the submitted Noise Impact Assessment, the noise level shall not exceed 55dB LAeq1hr when recorded at any nearby dwelling.

Reason:

In the interests of residential amenity, and in order to comply with the accepted methodology as outlined in the Noise Impact Assessment, in accordance with Policies ENV27-Design of New Developments, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

19. Before the commencement of development, details in relation to the likely impact of the removal of the waste material and the re-profiling of the land on the noise from the A4232 on the nearby residential occupiers, including noise surveys, and the means of noise attenuation to mitigate increased noise levels including a noise barrier as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority. Any agreed noise attenuation shall be implemented in accordance with the approved details, including the timing and phasing of such works.

Reason:

In the interests of residential amenity in accordance with Policies ENV27-Design of New Developments, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

20. Within 28 days of the first commencement of extraction, a survey to assess the level of noise cause by the works hereby approved, undertaken at a point to be agreed with the Local Planning Authority shall be carried out by an independent consultant approved by the Local Planning Authority, following the principles in the Good Practice Guidelines. The Local Planning Authority shall be advised of the date that the surveys will take place prior to them being undertaken. A report to detail the findings of the survey shall be submitted within 1 month of the date that the survey was undertaken, detailing the actual measured noise levels and, should the surveys indicate that the noise levels exceed 55 dba LAeq1hr identified in condition 18 above and the report from Hunter Acoustics submitted as part of the application, the extraction and use shall cease until measures to sufficiently reduce the noise level of the operations to within the parameters specified by this consent have been agreed in writing by the Local Planning Authority and the site shall not become operational again until the approved measures have been implemented in full and those measures shall be retained at all times thereafter.

Reason:

In the interests of residential amenity in accordance with Policies ENV27-Design of New Developments, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

21. No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic water main crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason:

To ensure that the proposed development does not affect the integrity of the existing water supply system in the interests of public health and safety in accordance with MIN6-Environmental Impact of the Unitary Development Plan.

### REASON FOR RECOMMENDATION

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

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

Having regard to policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV3-Green Wedges, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV26-Contaminated Land and Unstable Land, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, EMP2-New Business and Industrial Development, TRAN10-Parking, MIN6-Environmental Impact, MIN8-Restoration and After Care, WAST1-Provision of Waste Management Facilities, WAST2-Criteria for Assessing Waste Management Facilities, and Strategic Policies 1 & 2-The Environment, 5-Business and Industrial Uses, 8-Transportation, 12-Minerals, and 13-Waste Management of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Trees and Development, Parking Standards, Conservation Areas in the Rural Vale and the Drope Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales (Edition 9, 2016) and TAN5-Nature Conservation and Planning, TAN11-Noise, TAN12-Design, TAN18-Transport, TAN21-Waste, TAN23-Economic Development, and MTAN1-Aggregates, it is considered that, based on the material considerations outlined within the report, the proposal represents an acceptable and sustainable form of mineral extraction/waste recycling that should have no significant adverse impact on



**NOTE:**

1. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:-
  - (i) determining the extent and effects of such constraints;
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
    - Unprocessed/unsorted demolition wastes.
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
  - (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
3. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 ( as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.

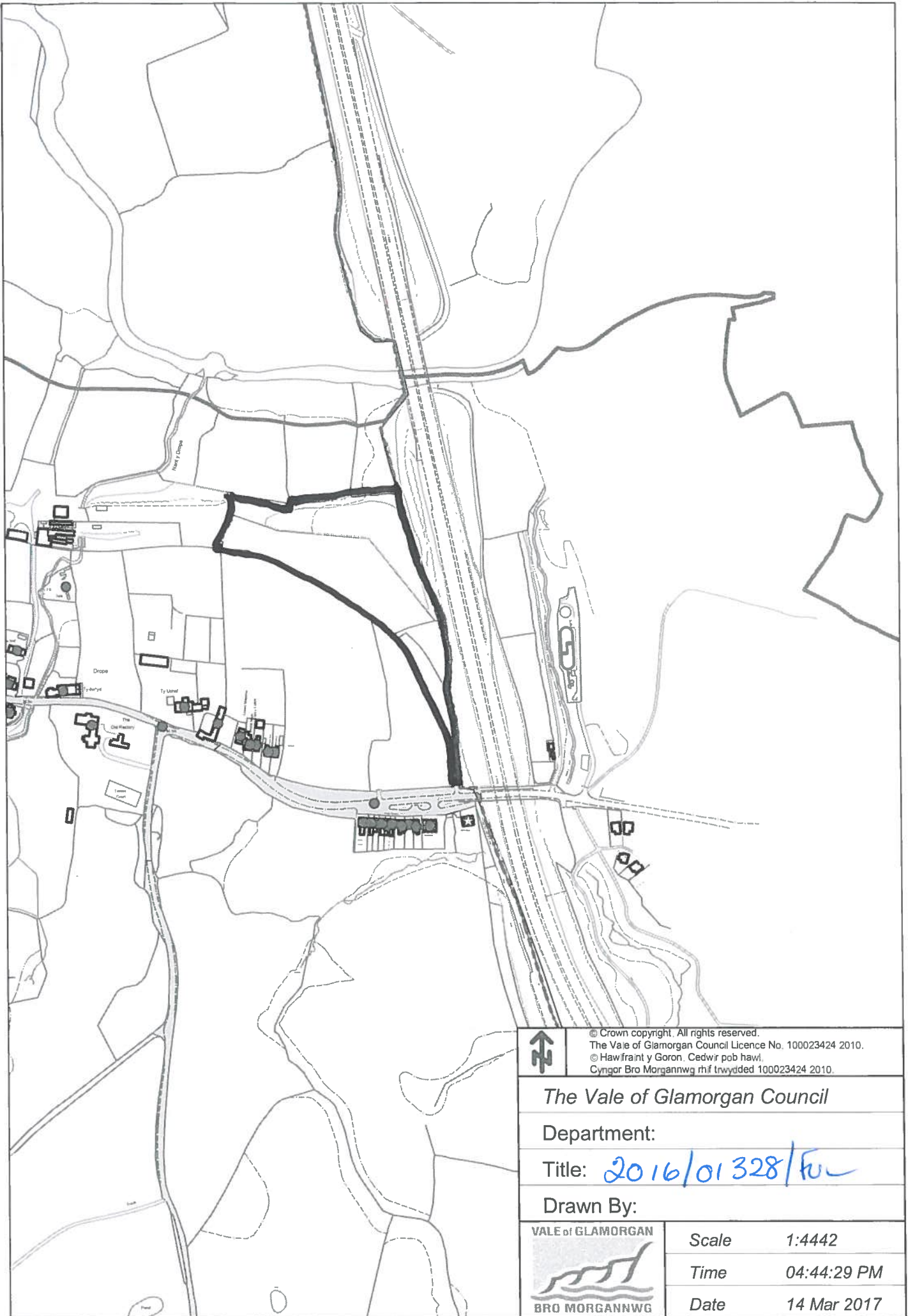
**At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a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


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

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


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

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




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**The Vale of Glamorgan Council**  
 Department:  
 Title: *2016/01328/Fu*  
 Drawn By:

|  |       |             |
|--|-------|-------------|
| <br><b>VALE of GLAMORGAN</b><br><b>BRO MORGANNWG</b> | Scale | 1:4442      |
|  | Time  | 04:44:29 PM |
|  | Date  | 14 Mar 2017 |



16/01328/FUL A

ENTERED 16 DEC 2016

HOUSE OF COMMONS  
LONDON SW1A 0AA

ENTERED 16 DEC 2016

Cabinet Officer  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

14 December 2016  
Our Ref: VoG/AB/P/A/Dec16

Dear Mark

**Planning Application Number 2016/01328?FUL.**

**Meadowlands Estate, Drope Road, The Drope,**

Removal of waste material stored on site since 1983 and the restoration of the land.

In relation to the above Planning Application could I ask that this letter be added to the record of the application for consideration by the Planning Committee when the application is brought before them in the near future.

I have been approached by residents of Drope Road in relation to this application. They have expressed their concerns and have been advised to send their own observations to the Council. I hope the Planning Committee will of course take account of those concerns.

For my own part can I ask that my own concerns are placed before the Planning Committee. My Material factors of concern are as follows.

**Visual Impact and Landscape.**

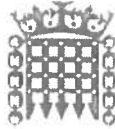
The previously dumped material/stone has now become a natural part of the landscape, fully integrated into the scenery and covered with earth, grass and mature trees. The removal as I understand it will take between 2-3 years and involve removal of the topsoil, which will be stored in a nearby field causing another eyesore, felling of many mature trees and major excavation more akin to an open-cast quarry.

This area is was part of the Drope Conservation area until recently when the Vale of Glamorgan Council altered the boundaries. Residents were assured at that time that there were sufficient alternative planning restrictions to prevent any sort of future major works, specifically it was an SLA (Special Landscape Area- Ely Valley and Ridge Slopes) and nothing could happen there unless it was connected to agriculture or forestry, which clearly this is not. Clearly this is going to have a major visual impact on the area.

29 High Street  
Barry  
CF62 7EB

Rt Hon Alun Cairns MP  
www.aluncairns.com  
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W. 020 7219 7175 C: 01446 403 814

29 Y Stryd Fawr  
Y Barr  
CF62 7EB



16/01328/FVLA<sup>C1</sup><sub>2</sub>

HOUSE OF COMMONS  
LONDON SW1A 0AA

**Access and Traffic.**

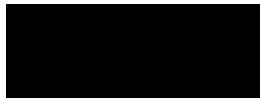
There is clearly going to be a significant increase in Heavy Goods vehicle movement with a suggested thirty movements per day. This will be for a period of some three years together with additional movements of plant/machinery together with personal working on the site. As I understand it the trees currently planted in that area were placed there to help mitigate the traffic noise from the A4232 Ely Link Road. The removal of those trees will of course mean that the barrier to noise currently in place will now no longer exist. The A4232 as you will be aware has a concrete surface, which although hard wearing also significantly increases road noise.

**Health and Safety Concerns.**

Although I am not concerned about the site itself there are some concerns which cover mainly road safety matters. The proposed movement of HGV's will pass two schools, a nursery and residential areas resulting in an increase in traffic, noise and air pollution in an already busy area. I would suggest this is an important consideration.

I would therefore be grateful if these concerns can be taken into account as part of the decision making process in relation to this application.

Kind regards



Rt Hon Alun Cairns MP  
Vale of Glamorgan

29 High Street  
Barry  
CF62 7EB

Rt Hon Alun Cairns MP  
[www.aluncairns.com](http://www.aluncairns.com)  
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29 Y Stryd Fawr  
Y Barry  
CF62 7EB

**2016/01390/FUL** Received on 21 November 2016

Mr. David Johns-Powell, Cottrell Park Ltd., Cottrell Park Golf Club, St. Nicholas, Vale of Glamorgan. CF5 6SJ

Mr. Simon Kennedy Duffryn Design, The Studio, Duffryn Mawr Farm, Pendoylan, Vale of Glamorgan, CF71 7UP

### **Cottrell Lodge, St. Nicholas**

Demolition of existing out houses and construction of a single storey 2 bedroom 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 Cllr. Bird due to concerns raised about the listed building.

#### **EXECUTIVE SUMMARY**

Cottrell Lodge is a Grade II listed building located at the entrance to Cottrell Park Golf Club close to the A48. The site is in a countryside location within the Ely Valley and Ridge Slopes Special Landscape Area.

The proposal seeks to demolish two existing outhouses and construct a single-storey two bedroom extension in their place.

One consultation response was received in relation to this application. However, fifty three (53) letters of representation have been received on the associated listed building consent application citing the following issues:

- Objections to the removal of the historic stone staircase and the addition of a modern staircase;
- Objections to a modern extension;
- Objections to the demolition of the outbuildings;
- Objection to the use of a smooth render;
- Risk to the structure through the creation of an opening in the rear wall; and
- Any extension should be 'in keeping' with the existing building.

Works to the interior of the building do not require planning permission but are matters to be considered in the associated listed building consent.

Notwithstanding this, following negotiations with the applicant an amended scheme was submitted which omitted any changes to the interior of the building.

The main issues are considered to be the effect of the proposed development on the significance of the historic environment; and whether the development conflicts with local and national planning policies designed to control the extension of rural buildings.

The application is recommended for approval subject to a number of conditions.

## SITE AND CONTEXT

Cottrell Lodge is a Grade II listed building located at the entrance to Cottrell Park Golf Club close to the A48. The site is in a countryside location as defined by the Vale of Glamorgan Unitary Development Plan and also falls within the Ely Valley and Ridge Slopes Special Landscape Area.

Formerly a lodge to Cottrell House [since demolished] the building has its origins as a vernacular, single cell cottage of gable entry form. It dates from the late 17<sup>th</sup> century/early 18<sup>th</sup> century and was extended in the early 19<sup>th</sup> century with the addition of an apsidal ended extension and porch to the eastern end. To the rear of the building are two single-storey outbuildings of later (possibly late 19<sup>th</sup> century) construction.

The lodge is one and a half storeys with elevations of local coursed limestone rubble beneath a longstraw thatched roof. It features a single storey lean-to extension to the western end with slated roof.

## DESCRIPTION OF DEVELOPMENT

The proposal (as amended) seeks to demolish two existing outbuildings and construct a single-storey two bedroom extension in their place.



*Figure 1. Existing Front Elevation including outbuildings to be demolished.*

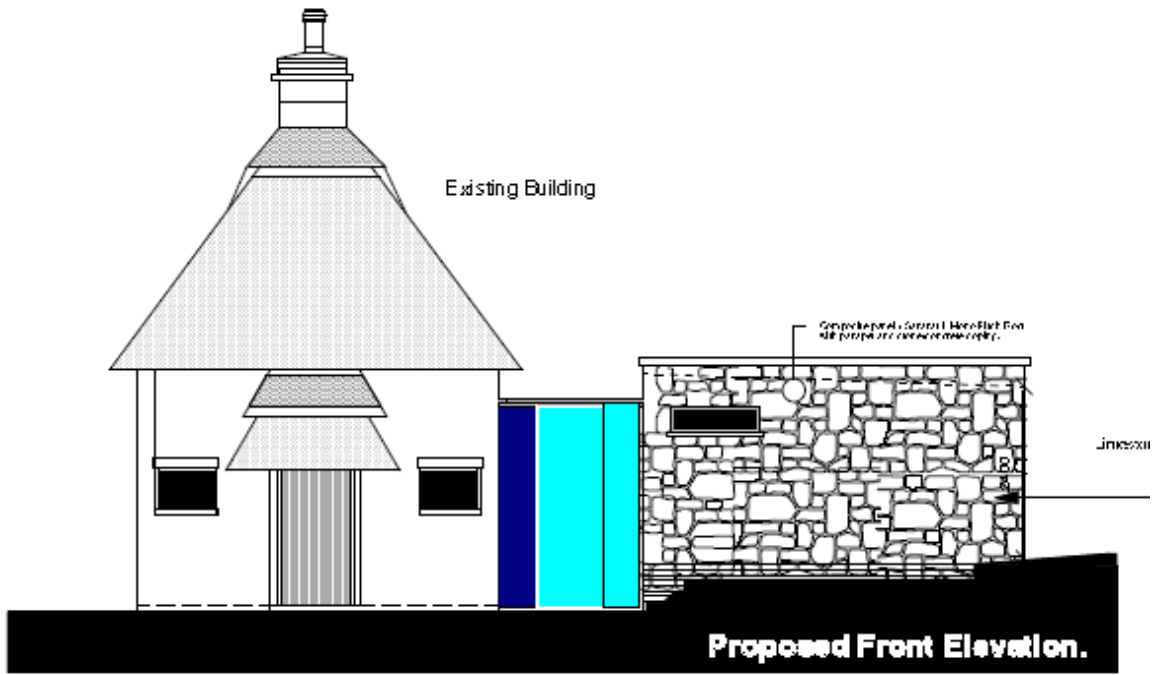


Figure 2. Proposed Front Elevation

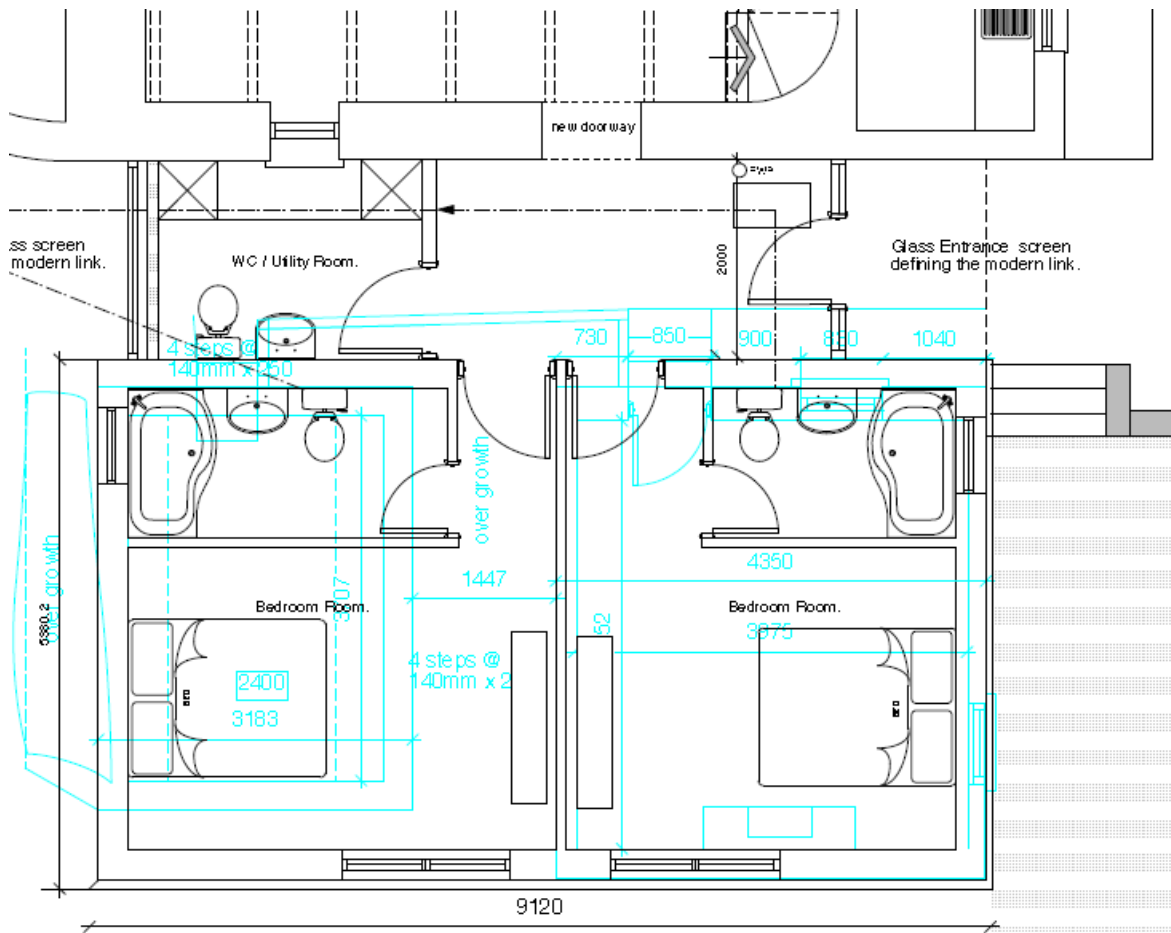


Figure 3. Partial proposed plan showing existing outbuilding footprint



## PLANNING HISTORY

2016/01394/LBC - Demolition of existing out houses and construction of a single storey two bedroom extension. Undetermined.

## CONSULTATIONS

1. St. Nicholas and Bonvilston Community Council were consulted on 1 December 2016. Whilst they did not respond to this application, in their response to the associated Listed Building Consent application the Community Council stated: "The proposals will significantly alter the character of the building and in some areas the historic structure. In particular alterations to the area around the stone spiral staircase. In our view the modern design of the extension is totally at odds with the existing historic building in it's [sic] setting at the edge of open land."
2. Cadw (Ancient Monuments) were consulted on 1 December 2016. They advised in their response dated 22 December 2016 that there would be a "...negligible effect upon the setting of the monument [Cottrell Castle Mound (GM364)]". Cadw also advised that there would be no effect on Coed-y-Cwm Chambered Cairn (GM116) and Coed-y-Cwm Ringwork (GM117).
3. Local ward member was consulted on 1 December 2016. In an email dated 8 February 2016 Cllr. Bird requested the application be called in.

## REPRESENTATIONS

A site notice was displayed on 20 January 2017. The application was also advertised in the press on 8 December 2016. Whilst one representation was received in relation to this application. Concerns raised are summarised as follows: The existing building is unique, beautiful and quirky, with an amazing spirit and magic. It should not be altered and made to blend in with modern buildings. The history and importance of this house is unprecedented and the details of its history will be lost with any modern alterations. This is a piece of history not a house to be adapted for modern use.

53 letters of representation have been received on the related listed building consent application (2016/01394/LBC).

The issues raised in those representations can be summarised as follows:

- Objections to the removal of the historic stone staircase and the addition of a modern staircase;
- Objections to a modern extension;
- Objections to the demolition of the outbuildings;
- Objection to the use of a smooth render;
- Risk to the structure through the creation of an opening in the rear wall; and
- Any extension should be 'in keeping' with the existing building.

## PROCEDURAL NOTE

Works that affect only the interior of the building are not development as defined by Section 55 of the Town and Country Planning Act 1990 and do not, therefore, require planning permission. Similarly, the demolition of a building is permitted development under Part 31 of the Planning (General Permitted Development) Order 1995 (as Amended).

It should be noted that an associated Listed Building Consent application (2016/01394/LBC) is also reported to this committee, which fully considers the acceptability of the proposal, including any works to the interior and demolition, under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 with special regard given to the desirability of preserving the building, or its setting, or any special features of architectural or historic interest which it possesses.

Notwithstanding this, the scheme has been amended to omit any works to the interior of the building.

## REPORT

### Planning Policies and Guidance

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

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

#### *Policy:*

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE  
POLICY ENV4 – SPECIAL LANDSCAPE AREAS  
POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT  
POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION  
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS  
POLICY HOUS7 - REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE

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 6 of PPW sets out the Welsh Government guidance for preserving and enhancing the historic environment.

### **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:

- Design in the Landscape

## The Local Development Plan:

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

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

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

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:

- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)

### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **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 are considered to be the effect of the proposed development on the significance of the historic environment and whether the development conflicts with local and national planning policies designed to control the extension of rural buildings.

#### Effects of the Proposed Development on the Historic Environment

In terms of impact on the listed building, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is recognised that the dwelling is visible from a number of viewpoints. The A48 runs adjacent to the site and is afforded prominent views of the building. Whilst there are semi-public views available from the driveway to the Golf Club.

The proposal includes the demolition of two existing outbuildings to the rear of the principal building. During the site inspection it was noted that whilst the principal building was occupied the outbuildings were not being used. It is considered that the outbuildings do form part of the curtilage for the purposes of Section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990. Whilst a curtilage structure forms part of the listed building it is not a listed building in its own right. Therefore, in considering the application it is the effect of the works on the listed building, its setting or any features of special architectural or historic interest which it possesses which must remain at the forefront of the decision making process. The existing outbuildings are much later than the principal building and whilst they have some evidential and historical value, this is not considered to contribute to the special interest of the listed building. The demolition of the outbuildings is, therefore, considered acceptable.

The proposed extension on the northern (secondary) elevation of the dwelling is considered appropriate, having minimal impact on the principal public views and occupying a broadly similar footprint to the existing outbuildings (see *Figure 3* above). The proposed extension is set back from the forward most part of the existing dwelling by approximately 2.7m. In this regard in accepting the principle of such an extension, the siting chosen is considered the most appropriate.

The proposed extension is contemporary in its form and visually separated from the principal building by a glazed link. It also makes use of limestone, a traditional local material. In terms of conservation philosophy this approach is accepted as a clear demarcation between old and new and is considered, in principle, an appropriate response.

Proposed materials include a limestone finish under a grass sedum roof which is behind a parapet, with powder coated aluminium windows and doors. Whilst these materials are considered acceptable in principle, further details are conditioned to ensure the appropriateness of the materials in the site's context (Conditions 3 and 4 refer).

Glazing proposed to the 'front' elevation of the extension is limited to a shallow, high level window serving an en-suite bathroom. Whilst this provides limited articulation, it is considered that the building will more commonly be viewed from an oblique angle from the A48 and the principal building will retain primacy. The introduction of increased areas of glazing here will likely draw increased attention to the proposed extension.

It is noted that the ridge height of the proposed extension is approximately 2.5m lower than the ridge of the largest outbuilding and 1.5m lower than the ridge of the smaller outbuilding to be demolished as illustrated in *Figure 4* below.



Figure 4 – Existing out buildings (shown dashed) against proposed extension

In terms of impact on identified archaeological remains Para 6.5.8 of PPW states: “The conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection *in situ*. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. In cases involving less significant archaeological remains, local planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.”

Noting Cadw’s view that there would be a “...negligible effect upon the setting of the monument [Cottrell Castle Mound (GM364)]”, it is noted that there will be no direct impact on the monument and this will, therefore, be preserved in-situ. It is further noted that the proposed building will occupy a footprint of a similar size to the existing outbuildings. Therefore, it is considered the setting of the monument will be preserved.

#### Extension of the Building

In terms of its impact on the landscape, the majority of the extension will be screened from public views by the existing dwelling and it is broadly within the footprint of the existing outbuildings as described above. Whilst the eastern elevation of the extension will be visible from the A48, it will be approximately 30 metres from the edge of the highway at its closest and approximately 25m from the edge of the principal drive to the golf club for the most part views of the extension would be limited.

Policy HOUS 7 requires extensions to rural dwellings to be proportionate in size to the original dwelling. In addition, the scale, siting, design, materials, landscaping and external appearance of the extension must be compatible with existing structures and the surrounding landscape.

Whilst the extension is not considered subordinate in terms of floorspace to the original dwelling, for the reason given above, it is considered that the overall siting, scale and form of the extension is considered appropriate and the character and setting of the listed lodge would still be retained. Moreover the extension is not considered to have any adverse impact on the wider rural character of the area or the Special Landscape Area.

In view of the above it is considered that the overall form and scale of extension and external alterations are considered appropriate in terms of their impact on the listed building and in accordance with Policies ENV1, ENV4, ENV27 and HOUS7.

### RECOMMENDATION

#### APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: Drawing nos. 01, 02, 03, 04, 05, 06 and 07 received on 13 March 2017, and the Design and Access Statement received on 11 January 2017.

Reason:

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

3. Notwithstanding the submitted plans, prior to their use details of the proposed windows, glazed link and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

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



4. Prior to work commencing on the external facing of the development hereby permitted, details of the following shall be approved in writing by the Local Planning Authority:
  1. a sample of the type of stone proposed;
  2. a sample panel of stonework;
  3. description of the joints proposed;
  4. details of the mortar mix, profile and finish.

Reason:

To enable the quality of the masonry to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policy ENV 27 of the Unitary Development Plan.

5. The demolition of the outbuildings shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals (or subsequent planning permissions amending this consent). The Local Planning Authority shall be advised as to the completion of such a contract prior to the demolition taking place, and written approval of the phasing and timing of works involved shall be given by the Local Planning Authority before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable.

Reason:

To ensure that the demolition only occurs as the immediate precursor to redevelopment, having regard to the listed status of the building and to accord with advice in Welsh Office Circular 61/96 and Policy ENV 17 of the adopted 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 Areas, Env17 - Protection Of Built And Historic Environment, Env18 – Archaeological Field Evaluation, Env27 – Design Of New Developments, And Hous7 - Replacement And Extension Of Dwellings In The Countryside of the Vale of Glamorgan Adopted Unitary Development Plan (1996-2011), and the Council's Supplementary Planning Guidance on Design in the Landscape, it is considered that the proposal would preserve the special interest of the listed building and would comply with local and national planning policies designed to control the extension of rural buildings and is therefore considered acceptable.

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.

**NOTE:**

- 1. Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**

**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.**

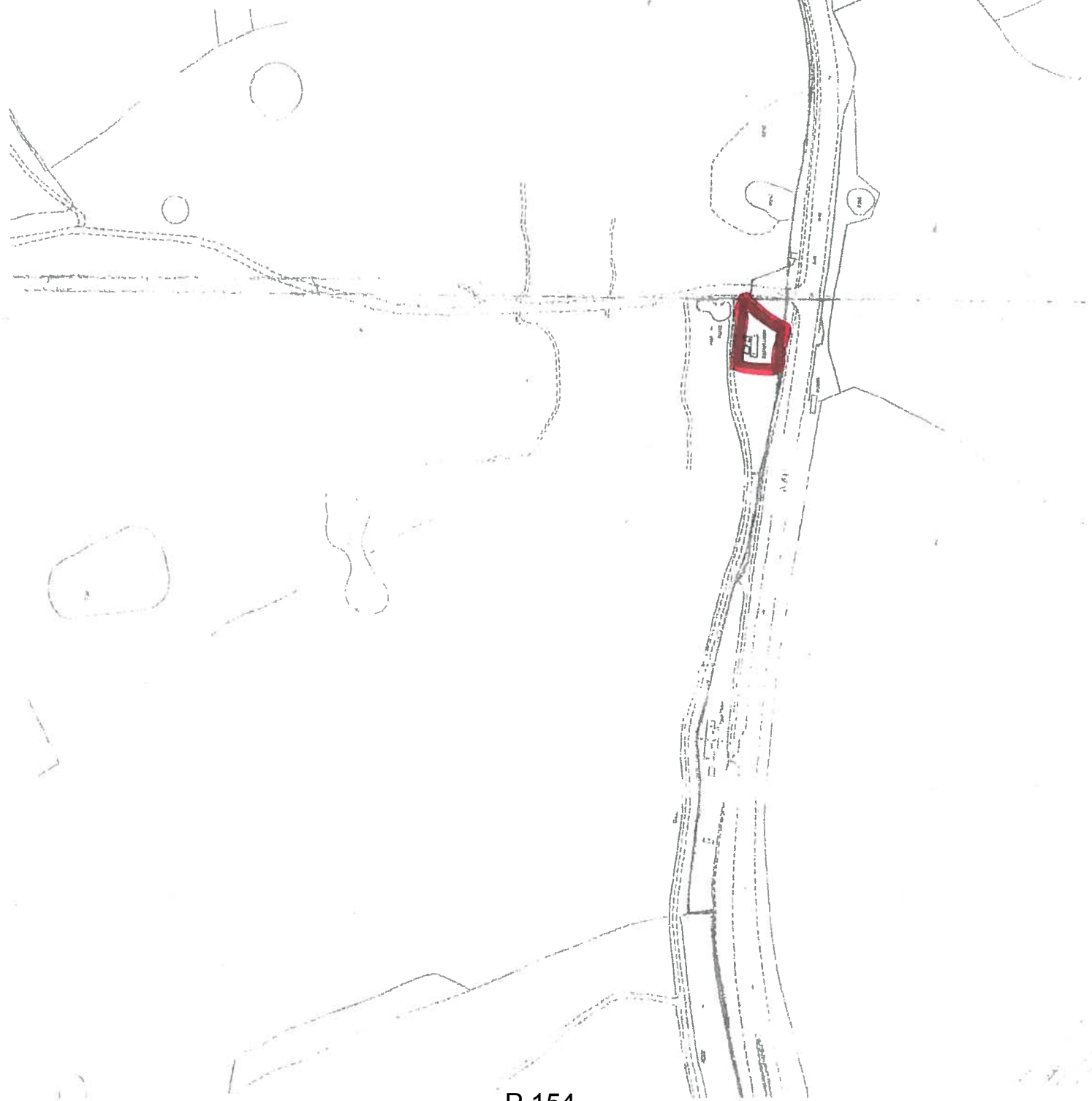


1996 2016

Proposed Extension to  
**Cottrell Lodge**  
Cottrell Park  
St. Nicholas  
Vale of Glamorgan  
CF5 6SJ



RECEIVED  
17 NOV 2016  
Regeneration  
and Planning



1601390 FUL

**2016/01394/LBC** Received on 10 January 2017

Mr. David Johns-Powell Cottrell Park Ltd, Cottrell Park Golf Club, St. Nicholas, Vale of Glamorgan, CF5 6SJ

Mr. Simon Kennedy Duffryn Design, The Studio, Duffryn Mawr Farm, Pendoylan, Vale of Glamorgan, CF71 7UP

### **Cottrell Lodge, St. Nicholas**

Demolition of existing out houses and construction of a single storey two bedroom 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 Cllr. Bird due to concerns raised about the listed building.

#### **EXECUTIVE SUMMARY**

Cottrell Lodge is a Grade II listed building located at the entrance to Cottrell Park Golf Club close to the A48. The site is in a countryside location within the Ely Valley and Ridge Slopes Special Landscape Area.

The proposal seeks to demolish two existing outhouses and construct a single-storey two bedroom extension in their place.

Fifty three (53) letters of representation have been received citing the following issues:

- Objections to the removal of the historic stone staircase and the addition of a modern staircase;
- Objections to a modern extension;
- Objections to the demolition of the outbuildings;
- Objection to the use of a smooth render;
- Risk to the structure through the creation of an opening in the rear wall; and
- Any extension should be 'in keeping' with the existing building.

Following negotiations an amended scheme was submitted which omitted the initially proposed works to the interior of the building.

The main issue to be considered is whether the proposed works will preserve the building or its setting or any features of special architectural or historic interest which it possesses.

The application is recommended for approval subject to a number of conditions.

## SITE AND CONTEXT

Cottrell Lodge is a Grade II listed building located at the entrance to Cottrell Park Golf Club close to the A48. The site is in a countryside location as defined by the Vale of Glamorgan Unitary Development Plan and also falls within the Ely Valley and Ridge Slopes Special Landscape Area.

Formerly a lodge to Cottrell House [since demolished] the building has its origins as a vernacular, single cell cottage of gable entry form. It dates from the late 17<sup>th</sup> century/early 18<sup>th</sup> century and was extended in the early 19<sup>th</sup> century with the addition of an apsidal ended extension and porch to the eastern end. To the rear of the building are two single-storey outbuildings of later (possibly late 19<sup>th</sup> century) construction.

The lodge is one and a half storeys with elevations of local coursed limestone rubble beneath a longstraw thatched roof. It features a single storey lean-to extension to the western end with slated roof.

The proposal seeks to demolish two existing outhouses and construct a single-storey two bedroom extension in their place.



*Figure 1. Existing Front Elevation*

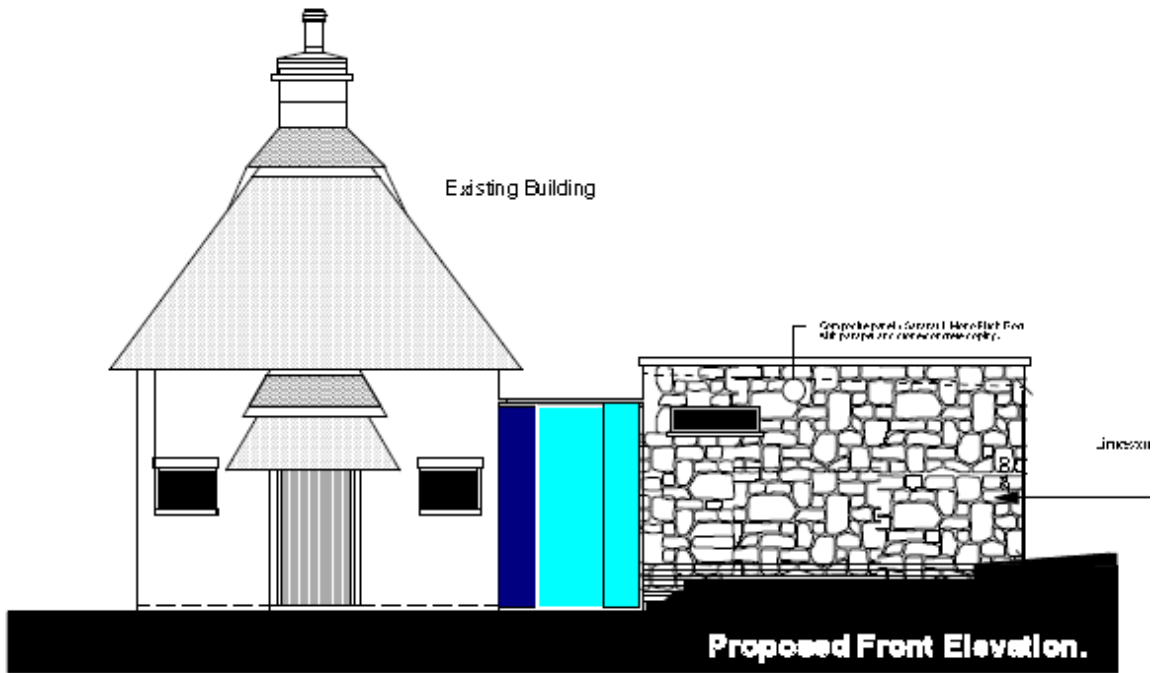


Figure 2. Proposed Front Elevation

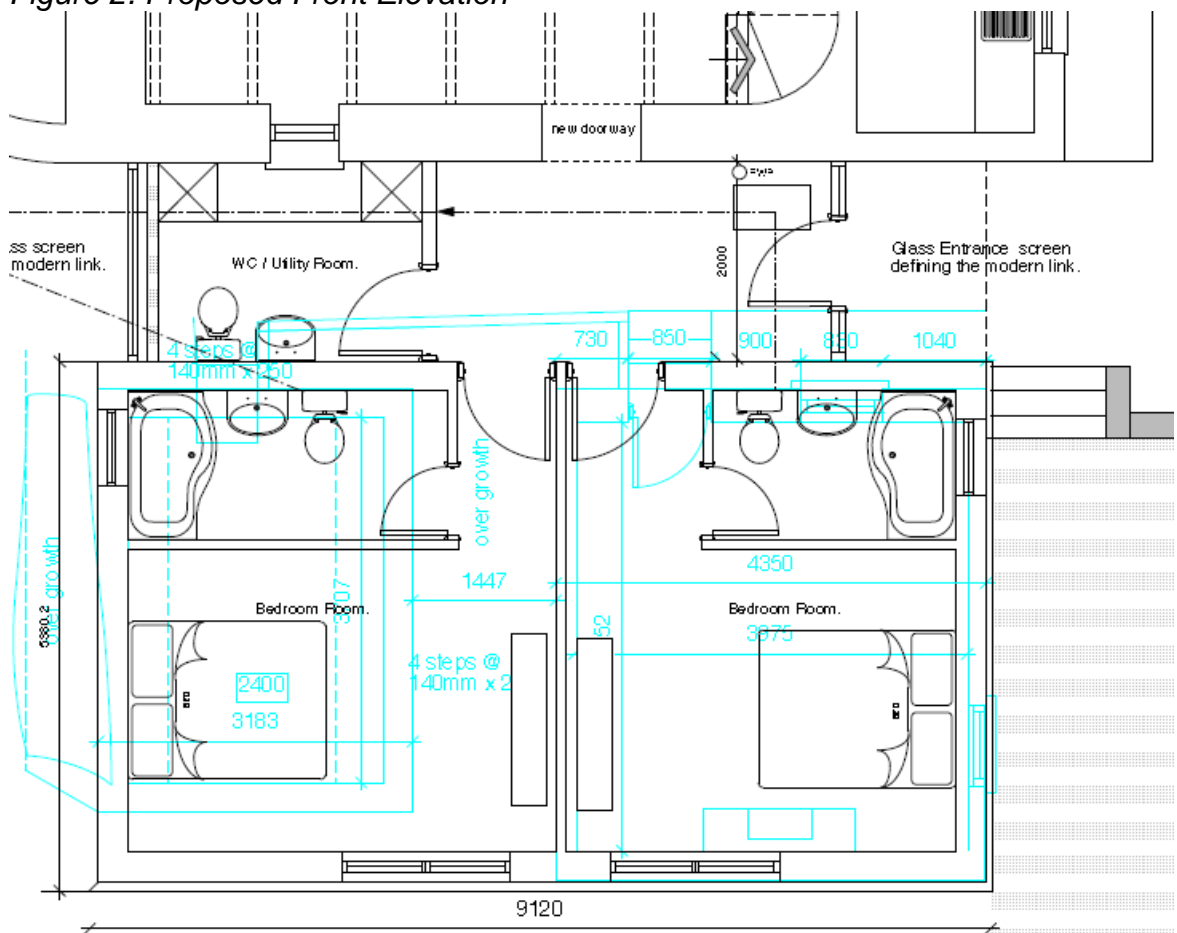


Figure 3. Partial proposed plan showing existing outbuilding footprint

## PLANNING HISTORY

2016/01390/FUL - Demolition of existing out houses and construction of a single storey 2 bedroom extension. Undetermined.

## CONSULTATIONS

**St. Nicholas and Bonvilston Community Council** were consulted on 23 January 2017. In their response received on 10 February 2017 they stated: "The proposals will significantly alter the character of the building and in some areas the historic structure. In particular alterations to the area around the stone spiral staircase. In our view the modern design of the extension is totally at odds with the existing historic building in it's [sic] setting at the edge of open land."

**The Ancient Monument Society** were consulted on 23 January 2017. No response has been received to date.

**The Council for British Archaeology (Wales/Cymru)** were consulted on 23 January 2017. No response has been received to date.

**The Georgian Group** were consulted on 23 January 2017. In their response dated 13 February 2017 they stated:

"The proposed scheme would alter the original layout of the building, whilst introducing an unnecessary modern staircase into this historic building. Removing a large section of the outer wall to introduce a link corridor to the proposed new extension is unacceptable. The integrity of this listed building would be in question if substantial changes are made to the original layout and fabric.

The proposed new extension itself would look alien in its surroundings, a more suitable scheme would to reuse the existing structures on site, rather than adversely damage this important building in St Nicholas."

**The Society for the Protection of Ancient Buildings** were consulted on 23 January 2017. In a response dated 31 January 2017 the objected stating:

"Unfortunately, at present there is insufficient information provided within this application to support the demolition of the existing out-building structures in particular the brick structure with the chimney stack.

Cottrell lodge is a grade II listed [sic] because it is "a picturesque lodge with early origins". We do not feel that the design and scale of the proposed addition is appropriate and that it would have a detrimental visual impact on the historic character of the lodge. The new addition should not dominate and take hierarchy over the existing historic building.

The application also proposes a number of internal works within the lodge but has fails to provide any details, heritage statements or supporting documents setting out how any alterations will impact the historic fabric. At present, there is a risk that historic fabric such as masonry, floors and ceiling joists will be lost as a result of the development."

**The Victorian Society** were consulted on 23 January 2017. No response has been received to date.

**The Royal Commission on Ancient & Historical Monuments** were consulted on 23 January 2017. In their response dated 9 February 2017 they stated:

“The outhouses proposed for demolition are not noted as having special architectural or historic interest. However the proposed internal alterations to the Lodge will need to be carefully considered. In particular, the part demolition of the stone fireplace stair will remove an important element of the historic fabric of the listed building. I am unclear about the impact of the proposed new stair on the historic fabric.”

**The local ward member** was consulted on 23 January 2017. In an email dated 8 February 2016 Cllr. Bird requested the application be called in.

## REPRESENTATIONS

A site notice was displayed on 20 January 2017. The application was also advertised in the press on 2 February 2017. 53 (fifty three) letters of representation have been received.

The issues raised in those representations can be summarised as follows:

- Objections to the removal of the historic stone staircase and the addition of a modern staircase;
- Objections to a modern extension;
- Objections to the demolition of the outbuildings;
- Objection to the use of a smooth render;
- Risk to the structure through the creation of an opening in the rear wall; and
- Any extension should be ‘in keeping’ with the existing building.

These issues have been taken in to account in the report below.

## REPORT

### Planning Policies and Guidance

#### **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 6 of PPW sets out the Welsh Government’s guidance for preservation and enhancement of the historic building environment.



## 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)

## Other relevant evidence or policy guidance:

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to listed buildings, where *special attention shall be paid to the desirability of preserving the building, its setting or any features of architectural or historic interest it possesses.*

## 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 issue to be considered is whether the proposed works will preserve the building or its setting or any features of special architectural or historic interest which it possesses.

### Demolition of the Outbuildings

Whilst it can be certain that the principal building is the listed building; due to the absence of a boundary defining the curtilage of the Lodge the status of the outbuildings is less certain. Nonetheless, the Courts have established three factors that need to be taken in to account in deciding whether a structure was within the meaning of Section 1(5) which are:

- (1) The physical layout of the listed building and the structure;
- (2) Their ownership, past and present; and
- (3) Their function, past and present.

It is noted that the two outbuildings are located immediately adjacent to the listed building and between it and the area currently utilised as a car parking area. In addition they are situated between the principal building and the access road.

The buildings have, historically, been in the same ownership. This remains the case. In terms of their function both the principal building and the outbuildings served the wider estate historically. During the site inspection it was noted that whilst the principal building was occupied the outbuildings were not being used.

It is, therefore, considered that the outbuildings do form part of the curtilage for the purposes of Section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990.

Whilst a curtilage structure forms part of the listed building it is not a listed building in its own right. Therefore, in considering the application it is the effect of the works on the listed building, its setting or any features of special architectural or historic interest which it possesses which must remain at the forefront of the decision making process.

The representations of the Society for the Protection of Ancient Buildings and the Royal Commission on the Ancient and Historic Monuments of Wales, in particular, are noted in considering this aspect of the works.

The existing outbuildings are much later than the principal building and whilst they have some evidential and historical value, as implied by the Society for the Protection of Ancient Buildings, this is not considered to contribute to the special interest of the listed building. This is confirmed by the consultation response received from the Royal Commission on the Ancient and Historic Monuments of Wales. The demolition of the outbuildings is, therefore, considered acceptable.

A condition is recommended requiring a contract for works to be in place prior to demolition taking place to ensure the works are undertaken (Condition 3).

#### Internal alterations

The proposal, as originally submitted, indicated the removal of the existing stone stair case to create a new opening to the existing lean-to extension. The existing opening was to be filled in. In addition, a new stair case was proposed. Many representations received objected to these internal alterations.

Following negotiations with the applicant an amended scheme was submitted which omitted any internal changes within the principal building. As a result no further consideration is given to these matters.

#### Creation of an opening in the Northern elevation

The proposal, as originally submitted, indicated the creation of a new opening of approximately 2m in width in the northern elevation of the principal building to allow access to the proposed extension. Following negotiations with the applicant amended drawings were submitted which reduced this to a 1m wide opening.

Whilst this involves the removal of historic fabric of the building it is considered to minimise any harm to the listed building whilst allowing access to the proposed extension. Notwithstanding this, a statement detailing the methodology to be employed in the creation of the opening is recommended (Condition 4).

## Proposed Extension

It is recognised that the dwelling is visible from a number of viewpoints. The A48 runs adjacent to the site and is afforded prominent views of the building. Whilst there are semi-public views available from the driveway to the Golf Club.

In this regard the extension on the northern elevation of the dwelling is considered appropriate having minimal impact on the principal public views and occupying a broadly similar footprint to the existing outbuildings. In this regard in accepting the principle of such an extension, the siting chosen is considered the most appropriate.

The proposed extension is contemporary in its form and visually separated from the principal building by a glazed link. It also makes use of limestone, a traditional local material. In terms of conservation philosophy this approach is accepted as a clear demarcation between old and new and is considered, in principle, an appropriate response. Notwithstanding this a condition requiring the submission of a schedule of materials including further details and samples (where appropriate) is recommended (Conditions 5 and 6).

It is noted that the ridge height of the proposed extension is approximately 2.5m lower than the ridge of the largest outbuilding and 1.5m lower than the ridge of the smaller outbuilding as illustrated in *Figure 4* below.



*Figure 4 – Existing out buildings (shown dashed) against proposed extension*

Further details, of the formation of the junction between the existing building and the proposed glazed link are also recommended as a condition (Condition 7).

## RECOMMENDATION

1. The Local Planning Authority\* shall be notified in writing by the developer or his agent of the proposed commencement date of the works hereby granted consent. The notification shall be provided not less than 14 days prior to the commencement of work on site.

Reason:

To ensure that all conditions relating to this consent are discharged appropriately, and to ensure for the preservation of the special character of this building in this respect.

2. The development shall be carried out in accordance with the following approved plans and documents: Drawing nos. 01, 02, 03, 04, 05, 06 and 07 received on 13 March 2017, and the Design and Access Statement received on 11 January 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 demolition of the outbuildings shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made in accordance with the proposals (or subsequent planning permissions amending this consent). The Local Planning Authority shall be advised as to the completion of such a contract prior to the demolition taking place, and written approval of the phasing and timing of works involved shall be given by the Local Planning Authority before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable.

Reason:

To ensure that the demolition only occurs as the immediate precursor to redevelopment, having regard to the listed status of the building and to accord with advice in Welsh Office Circular 61/96.

4. Before any work hereby authorised begins a method statement detailing the works to be carried out in creating the new opening between the existing building and the proposed extension shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure the special interest of the listed building is preserved.

5. Notwithstanding the submitted plans, prior to their use details of the proposed windows, glazed link and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

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

6. Prior to work commencing work on the external facing of the development hereby permitted, details of the following shall be approved in writing by the Local Planning Authority:
  1. a sample of the type of stone proposed;
  2. a sample panel of stonework;
  3. description of the joints proposed;
  4. details of the mortar mix, profile and finish.

Reason:

To enable the quality of the render to be inspected in the interests of the visual quality of the work and to preserve the special interest of the listed building.

7. Notwithstanding the submitted plans prior to the commencement of works full details of the junction between the proposed glazed link and the existing building shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

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

### REASON FOR RECOMMENDATION

This decision has been made having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. In consideration of whether to grant listed building consent this requires the local planning authority to have special regard to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

The proposed extension is considered acceptable in terms of its siting, design, materials and finishes. The proposal as a whole is considered to preserve the special interest of the Listed Building (Cottrell Lodge) and its setting.

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

**NOTE:**

1. Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.

2. \* Contact:

Peter Thomas,  
Vale of Glamorgan Council,  
Dock Office,  
Barry.  
CF63 4RT

Tel: 01446 704628.

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

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

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

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

2016/01394/LBC



1996 2016

Proposed Extension to  
**Cottrell Lodge**  
Cottrell Park  
St. Nicholas  
Vale of Glamorgan  
CF5 6SJ



RECEIVED  
17 NOV 2016  
Regeneration  
and Planning



**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.

### **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:

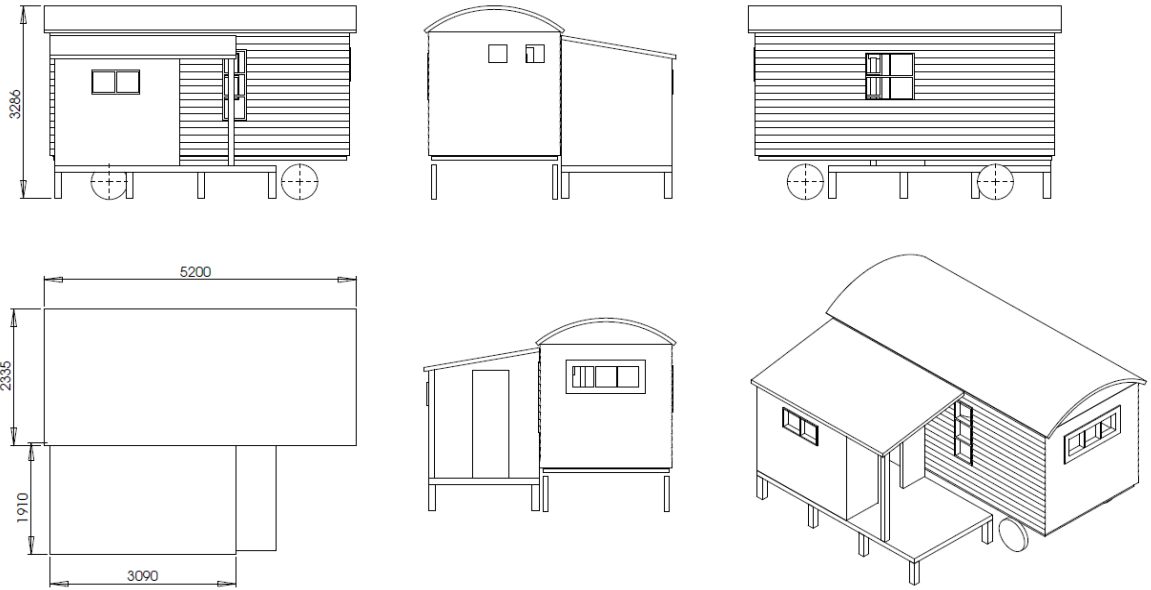


## DESCRIPTION OF DEVELOPMENT

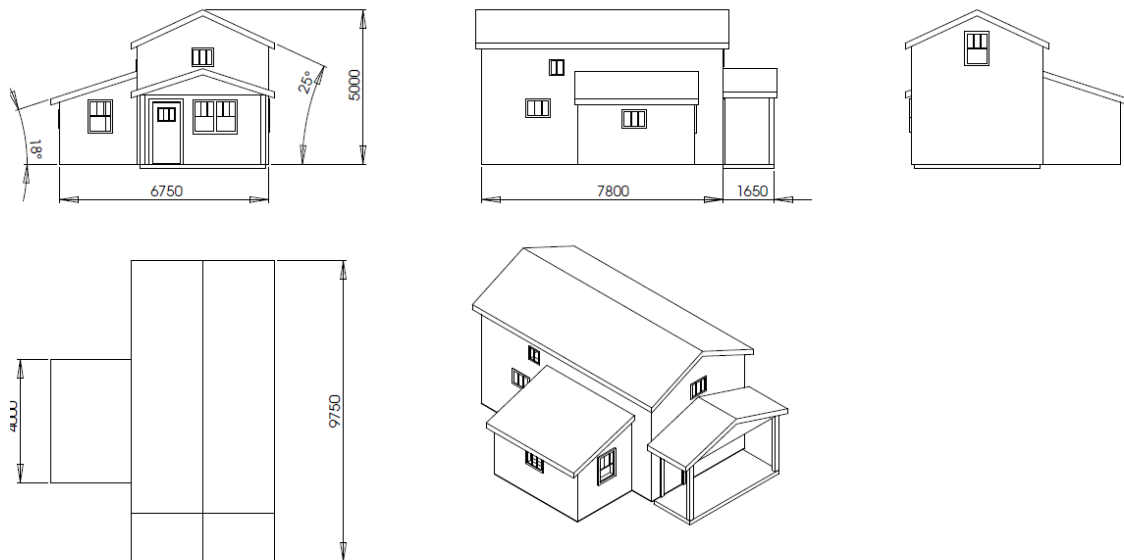
The application seeks to increase the height and alter the design of 3 of the originally approved lodges as well as to remove one Caban and replace two Cabans (6 were approved originally) with two Shepherd huts. The lodges would be increased to 5m high (from approximately 4.5m), while the Shepherd huts 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 (IF ANY))

GROUND FLOOR

LOFT

FRONT ELEVATION

SIDE ELEVATION

SIDE ELEVATION

REAR ELEVATION

RECEIVED  
14 DEC 2014

EXTERNAL FINISHES  
WALLS - FIBRE STAINED COLOUR TO L.A. APPROVAL  
ROOFS - PREFERENTIAL STEEPING COLOUR TO L.A. APPROVAL  
DOORS AND WINDOWS - TIMBER FINISH

ADDRESS:  
SITE AT TREBILIAN WOOD, DIMLANDS ROAD,  
ST. DONATS, VALE OF GLAMORGAN CP61 1XB

JOB TITLE:  
PROPOSED 5 NO. HOLIDAY LODGES AND UPGRADE OF  
CAMPSITE TO INCLUDE EXTENSION TO EXISTING  
RECEPTION BUILDING TO PROVIDE 6 STAR FACILITIES AND  
2 NO. WC AND BICYCLE STORES

DRAWING TITLE:  
**PROPOSED LODGE  
BIJOU** 1401441FUL

SCALE:  
1:100 (PLAN) 1:20 (ELEVATION)

DRAWN BY:  
PH

DRAWING NUMBER:  
599/P/05

DATE:  
DECEMBER 2014

ANDREW PARKER ASSOCIATES  
ARCHITECTURAL LANDSCAPE AND DESIGN CONSULTANTS  
10 GREAT WALL ROAD, DONCASTER, S11 9JN  
VALE OF GLAMORGAN COUNCIL, ST. DONATS, CP61 1XB  
Tel: 01462 761100 Email: andrew@andrewparker.co.uk

THIS DRAWING MAY BE REPRODUCED FOR LIMITED PURPOSES ONLY

# Originally Approved Layout for site

**LODGE TYPE KEY**

- L1 LODGE 1 BLUE SKY
- L2 LODGE 2 BIJOU
- 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

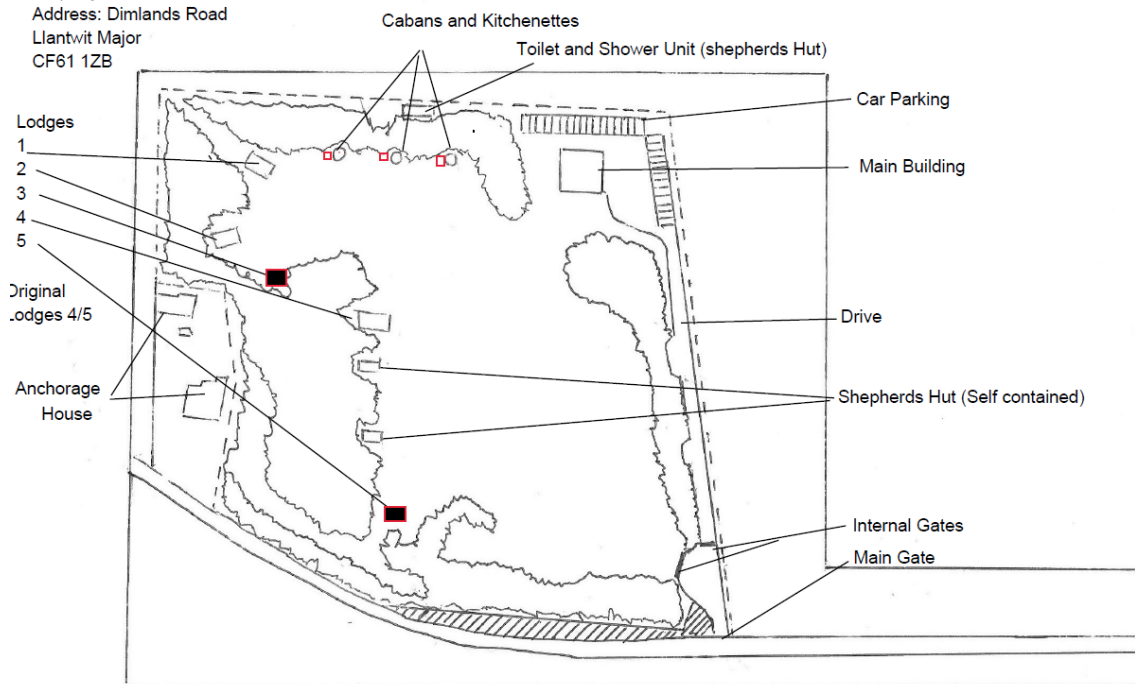
**POST AND RAIL FENCE DETAIL 1:10**  
TO VISIBILITY SPLAY

VALE OF GLAMORGAN COUNCIL  
PLANNING DEPARTMENT  
2014/12/14 14:41  
COLL: 01462 761100

## 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 27<sup>th</sup> February 2017

The Council has received 9 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

## REPORT

### Planning Policies and Guidance

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

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

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

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

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

In line with the guidance provided in Paragraph above, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, 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 1<sup>st</sup> March until 30<sup>th</sup> November and the tent accommodation was approved from 1<sup>st</sup> March to 30<sup>th</sup> 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 7th April 2017  
Bijou lodge elevations and floor plans on 7th April 2017  
site location plan received on the 13th February 2017  
Shepherds huts elevations received on the 13th February 2017  
Lodges Elevations received on the 13th 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 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 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.**

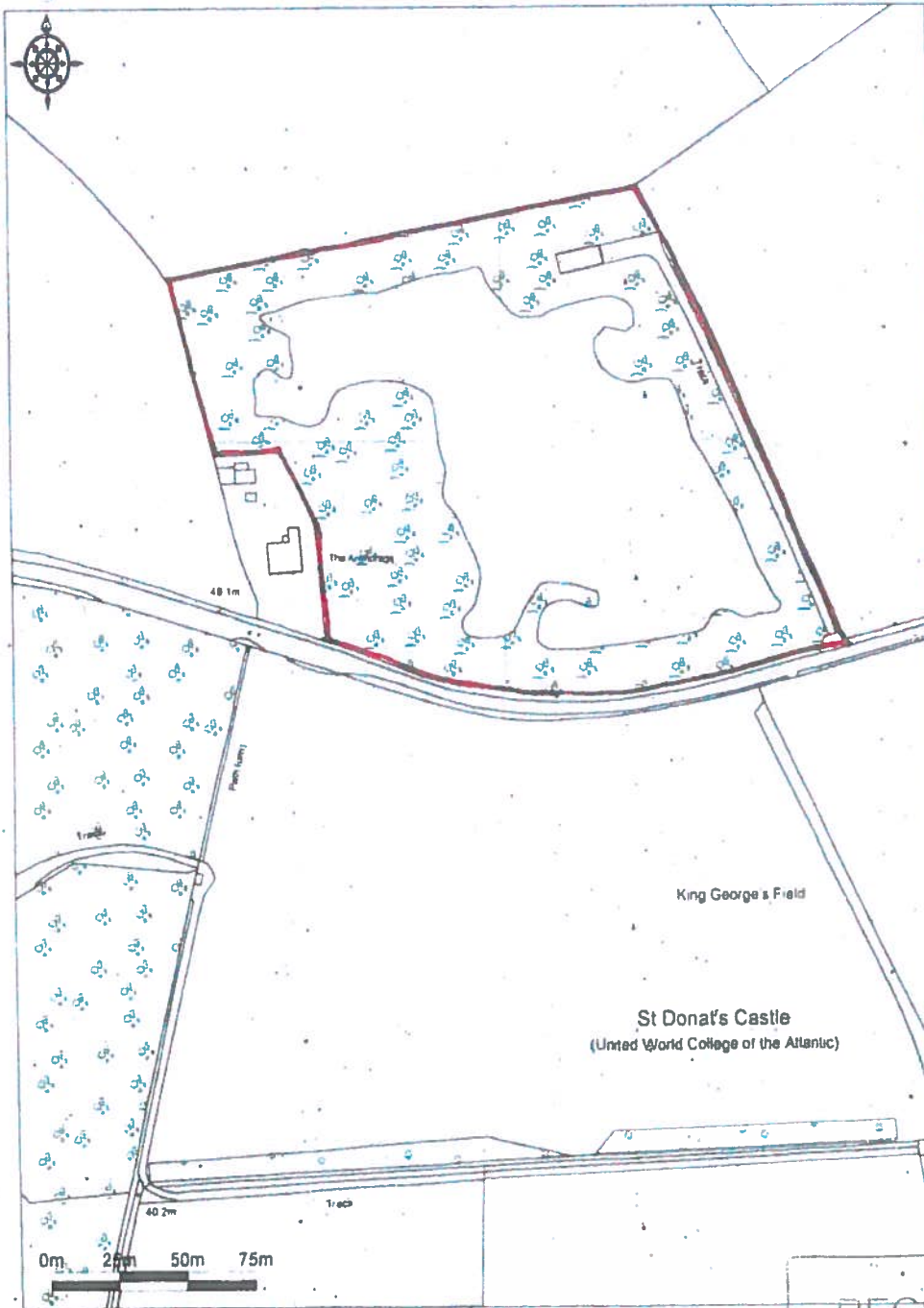
**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

Dimlands Road, St Donats, Vale of Glamorgan, CF61 1ZB

Site Plan

Scale 1 : 2,500

14 01 44 1 FUL



RECEIVED

- 8 DEC 2014

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

RECEIVED

- 9 FEB 2017

Regeneration  
and Planning

 Promap

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17 00 08 6 FUL



**2017/00142/FUL** Received on 23 February 2017

Mr Kevin Oliver Pen y Malt, Marcross, Llantwit Major, CF61 1ZG  
Mr Kevin Oliver Pen y Malt, Marcross, Llantwit Major, CF61 1ZG

**Land to the rear of Pen Y Malt, Beach Road, Junction Horse Shoe Inn to End, Marcross**

A change of use of area to the east of dwelling to garden. Retention of patio area and garden shed.

Relocation but retention of the yoga shed to area to the south west, at the boundary with the existing garden and just to the south of the dwelling

**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**

This retrospective planning application relates to the material change of use of land from agriculture to residential garden land and the erection of an outbuilding. The land is located in open countryside, within the Glamorgan Heritage Coast.

The principal matter to consider is the principle of the change of use of the land, including the visual impact of the change of use and outbuilding on the character and appearance of the rural landscape and wider Glamorgan Heritage Coast.

The report outlines the significant policy presumption in favour of the protection of the countryside of its own sake, together with the desire to preserve the special character and appearance of the Glamorgan Heritage Coast. It concludes that the development is contrary to the established principles of the development plan and national planning policy and that it has a negative impact on the character and appearance of the rural setting that domesticates this otherwise undeveloped landscape.

It is recommended that the planning application be REFUSED and that PLANNING ENFORCEMENT ACTION BE AUTHORISED in order that formal action in the form of a planning enforcement notice may be pursued to remedy the breach of planning control. In addition, in the event of non-compliance with the enforcement notice authorisation is also sought to take such legal proceeding that may be required.

## PRELIMINARY MATTERS

This application relates to a complaint that was submitted to the Council's Planning Enforcement team, which alleged that an outbuilding has been erected on the land. Following a planning enforcement investigation, it was concluded a change of use of the land from agriculture to residential garden had occurred, together with the erection of an outbuilding. Planning permission is required for both the material change of use of the land and the operational development. The applicant has been advised that these matters require the benefit of planning permission and has submitted this application accordingly.

## SITE AND CONTEXT

The application site relates to a field parcel to the south of the dwelling known as Pen Y Malt, in Marcross. Pen Y Malt was granted permission, on appeal, for conversion from a stone-built 2-storey barn into a dwelling. The permission included a residential curtilage in a strip running parallel to the road to the south west of the barn.

Pen Y Malt, and the field to the southeast which is subject to this application, are in a prominent location opposite the Horseshoe Inn in Marcross, and at the junction of 4 roads. The field is in an elevated position at the level of the first floor of the dwelling.

The site is within the area designated as Glamorgan Heritage Coast, and as Marcross does not have a settlement boundary, the site is also within the countryside. The site and the whole surrounding area is designated Grade 2 Agricultural land.

The existing residential curtilage is approximately 0.032 hectares. The field parcel is approximately 0.12 hectares and is bounded by small bushes and post and wire fencing which separate it from fields to the south.

## DESCRIPTION OF DEVELOPMENT

The owner of the dwelling at Pen Y Malt also owns the field to the south, but the field does not form part of the approved residential curtilage (see below).

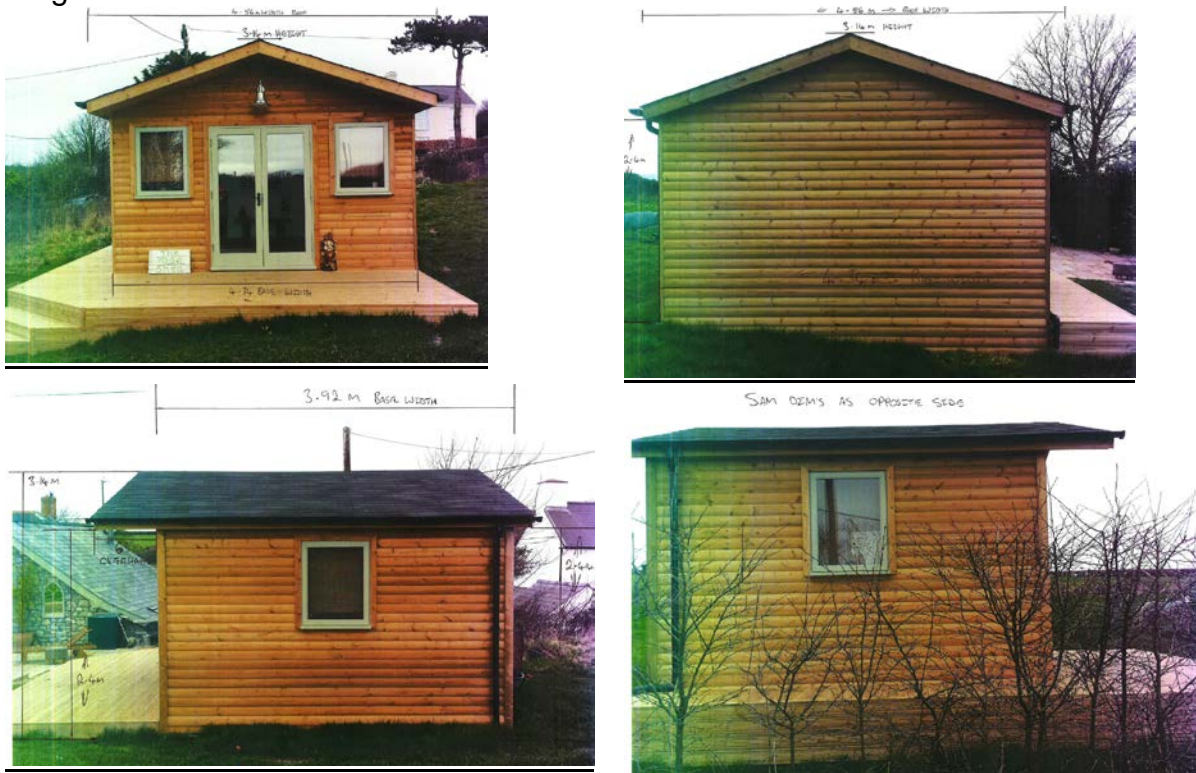


A patio, garden shed and large outbuilding (referred to as the 'Yoga Shed') have been constructed in the field and are currently unauthorised and in breach of planning control.

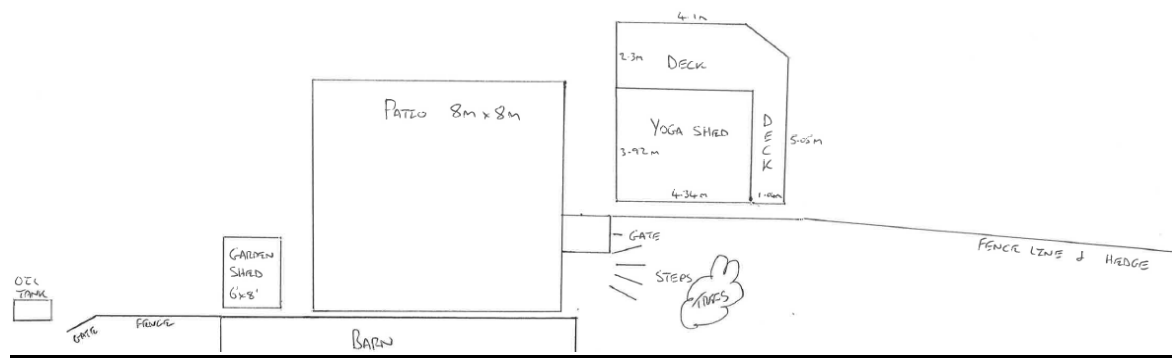
The application seeks permission to:

- Change the use of the field from agricultural to garden
- Retain the unauthorized patio (8m by 8m) and garden shed (2m by 2.4m footprint)
- Relocate, but retain the unauthorized 'Yoga Shed'.

The 'Yoga Shed' is approximately 4.6m wide by 4m deep and 2.4m high to the eaves, rising to 3.2m at the ridge. In addition the 'Yoga Shed' is surrounded by a raised platform, which is around 0.5m at its highest point. Photographs of the 'Yoga Shed' are shown below:



The application proposes to relocate the 'Yoga Shed' to a position further to the south, adjacent to the boundary of the residential curtilage. The proposed layout is show below.



## PLANNING HISTORY

**Planning history for the dwelling** - 2007/00753/FUL - Redundant farm building at Village Farm, Marcross, Proposal: Conversion of redundant farm building into dwelling. This was refused by the Local Planning Authority on the following grounds:

*The proposed conversion of the barn to residential use would fail to respect the unaltered rural character of this prominent barn, while the provision of residential curtilage to the southwest of the barn, on undeveloped land which contributes significantly to the rural character of its surroundings, would result in an unjustified and insensitive incursion into the rural landscape, which is designated part of the Glamorgan Heritage Coast for its special environmental qualities. The proposal is therefore contrary to Policies ENV8 (Small Scale Rural Conversions), ENV1 (Development in the Countryside), ENV5 (Glamorgan Heritage Coast), ENV11 (Protection of Landscape Features) and ENV10 (Conservation of the Countryside) contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as advice within the approved Conversion of Rural Buildings Supplementary Planning Guidance*

The application was subsequently approved on Appeal.

**Planning history for the field parcel** - ENF/2015/0215/PC - The field adjacent to the dwelling has an enforcement history under the previous owners, relating to a field shelter that was erected without planning permission.

The property was being advertised for sale whilst the enforcement case was open and the Estate Agents (HRT, Cowbridge) were written to on 26 May 2015 stating “*Within the brochure property description it states that included with the property is ‘paddock space to side suitable for single pony or cottage garden’. The land adjacent to Pen y Malt is not within the residential curtilage of the property and is classed as agricultural land therefore use as a cottage garden would amount to a material change of use of the land. The timber framed field shelter identified in the description and shown in the photographs has been erected without planning permission and is therefore in breach of planning control. The owners of the property have been made aware that their residential use of the land is in breach of planning control and the Local Planning Authority are currently considering what action to take in view of this breach. It would be appreciated if you would amend your website accordingly so that any potential buyers are aware that the lawful use of the land is for agriculture only.*”

It is assumed that this information was made available to the purchasers, who are the current owners of both the dwelling and the adjoining field.

Following liaison with the owners at the time, the majority of domestic items were removed from the land but the field shelter remained. On balance, due to its design and location, it was considered to be not expedient to take formal enforcement action to require the removal of the field shelter as the breach of control was limited in nature and there was no detrimental impact on the openness or rural character of the surrounding area. The enforcement case was therefore closed in June 2015. Both estate agents advertising the property (HRT and Rightmove) amended their details so that the land was no longer advertised as suitable for use as a cottage garden.

## CONSULTATIONS

The following were consulted on 2 March 2017:

**St. Donats Community Council** – they responded on 10 March objecting to the proposals on the ground that the land is agricultural and should not be used for residential purposes. They also stated that the current owners have a website and facebook page which shows the “Yoga Shed” being used for business purposes. They also note that the land falls within the Heritage Coast which has rare flora and fauna.

**Llantwit Major ward members** – No comments have been received

**Ecology Officer** – responded on 16 March stating “I can confirm that Ecology has no comments to make on this application”.

## REPRESENTATIONS

The neighbouring properties were consulted on 2 March 2017 and a site notice was displayed on 13 March 2017.

The occupants of the following properties in Marcross provided representations - Hillside, 4 Channel View, Horseshoe Inn, Horseshoe Inn Living Accommodation, and The Stables. They objected on the following grounds:

- The proposals are contrary to Vale of Glamorgan policies ENV1, 5, 10 and 11 which are intended to preserve the unique character of the area.
- Negative visual impact on the Heritage Coast, especially due to its prominent position which is highly visible from the road in all directions.
- Yoga Shed is out of keeping with the rest of the village.
- Not part of the original approval.
- Developments to the building and grounds have considerably altered the character and appearance of the property and thus the character and appearance of the gateway to the Heritage coast.
- The change of use would set a damaging precedent in the village and pave the way for further future extensions / change of use / further development
- The Yoga Shed seems to be used for business and locals have witnessed clients coming and going in the weeks running up to the application. The site is not a suitable location for such a business, especially as there is no suitable parking. There are also concerns about a desire to expand the business in the future.

- Negative impact on the views of existing dwellings.
- There are inaccuracies in the application form – Including the fact that a new building and new non-residential floor space has been created but is not stated on the form.
- Concerns about the Council's ability to control development at the site, including stating that several conditions of the original permission to convert the barn have been breached. Also noted the failure to take action about a previously unauthorized structure at the site.

## REPORT

### Planning Policies and Guidance

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

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

#### *Policy:*

- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE
- ENV2 – AGRICULTURAL LAND
- ENV5 – GLAMORGAN HERITAGE COAST
- ENV8 – SMALL SCALE RURAL CONVERSIONS
- ENV10 - CONSERVATION OF THE COUNTRYSIDE
- ENV27- DESIGN OF NEW DEVELOPMENTS
- HOUS7 - REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE.

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. Of particular relevance to this application are:

- 4.10 Conserving the best and most versatile agricultural land
- Chapter 5 which sets out the guidance for Conserving and Improving Natural Heritage and the Coast.

#### **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 14 – Coastal Planning (1998)

#### **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:

- Conversion of Rural Buildings

## **The Local Development Plan:**

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

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

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

## **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 site is within the Glamorgan Heritage Coast and the countryside. The field adjoins Pen Y Malt which is a converted barn and the proposals seek to change the use of the field from agricultural to garden, for use by Pen Y Malt, so although the barn conversion is approved and completed, policies relating to conversion and extension of rural buildings remain relevant. Consequently, the proposals need to meet the relevant criteria of the following policies:



- ENV1 (Development in the countryside) allows for development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.
- ENV2 (Agricultural land) seeks to protect the best and most versatile agricultural land (ie grades 1, 2 and 3a) from irreversible development.
- ENV5 (Glamorgan Heritage Coast) states that the special environmental qualities of this area will be preserved and enhanced.
- ENV8 (Small scale rural conversions) and HOUS7 (Replacement and extension of dwellings in the countryside) remain relevant to the assessment of this application. Specifically, they require that for any rural conversions or extension that amenity space must be able to be provided within the curtilage of the site without undue incursion into the rural landscape and without unacceptable extension of the residential curtilage.
- ENV10 (Conservation of the countryside) seeks to ensure that the countryside and in particular areas of high quality landscape (such as the Heritage Coast), will be protected from inappropriate forms of development.
- ENV27 (Design of new developments) seeks to ensure that all new forms of development have regard to the context of the environment within which they are proposed.

In light of the above policy requirements, it is considered that the main issues involved in the assessment of this application are:

- The principle of the change of use of the field from agricultural to garden, including the impact of the change of use on the appearance and character of the area, given its countryside and Heritage Coast location
- The impact of the structures which the application seeks to retain in this countryside and Heritage Coast location

### ***The principle of the change of use of the field from agricultural to garden***

#### *Previous subdivision of the field*

Aerial images from 2009 show that at that time the field which is the subject of this application formed the western section of a wider field that extends southeast to Ty Pentre and was all in agricultural use for grazing (see image below). The northwest section has subsequently been subdivided and enclosed by the addition of post and wire fencing and some small bushes to the southeast and southwest boundaries. The subdivision is shown in aerial images from 2013, which also show the unauthorised field shelter which was subject to a previous enforcement complaint. It is therefore evident that the subdivision of the northwest section into a separate field parcel is relatively recent.



### *Visual impact of the change of use*

Despite the sub-division, at present the majority of the field still largely retains a rural character and is visually similar to the wider countryside which extends for approximately 1.5km to the south until it meets the coast. However, it is noted that this rural character has already begun to be eroded with the encroachment of the unauthorised domestic structures (ie the patio, shed and 'Yoga Shed').

The report for the original LPA refusal of the barn conversion raised concerns with regard to the domestication of the land to the southwest of the barn. Despite this, the subsequent appeal which allowed the barn conversion included permission for the use of an area of land to the southwest as a garden and the creation of a residential curtilage. The appeal decision noted that "in my view, this scrubland [the land to the southwest of the barn] does not contribute significantly to the rural character of its surroundings and use of it as a garden would be in keeping with the surrounding area and does not have an unacceptable impact upon the landscape".

Whilst it is acknowledged that the appeal found the change of use of the land to the southwest of the barn to be acceptable, it should be noted that this area is parallel to the road and opposite the pub, so inherently less rural in character, as well as being at a significantly lower level than the field which is subject to this application. The land to the southwest of the barn (the current garden), begins at the level of the road and the ground floor of the barn and includes a fairly flat area before rising steeply to the east. The eastern edge of the garden is at the level of the first floor of the barn and this is where the garden meets the field that is subject to this application. The change in levels provides a natural physical separation between the approved garden to the south west of the barn and the field to the south and southeast.

Consequently, the character and prominence of the current garden is materially different to the field. Whilst the domestication of the area to the southwest of the barn may not be considered to have an unacceptable impact upon the landscape, the same cannot be said of the field to the southeast, which is visually much more prominent and retains an obvious visual link to the wider countryside to the south. A change of use of the field to garden would result in the inevitable domestication of the land. Residential activity within the field, such as closely mown grass, ornamental planting, lighting and paraphernalia such as garden furniture and play equipment cannot be controlled via condition. Such changes would be extremely prominent within the wider landscape and would appear starkly out of keeping with the otherwise unspoilt rural character of the surroundings.

It is noted that this application originally sought permission for a change of use of a smaller area of the field adjacent to the existing dwelling. The proposed smaller area was arbitrarily drawn and would have required the creation of three entirely new boundaries within the field to delineate between the proposed new area of garden and the wider field. Consequently, the proposed smaller area would not have overcome any of the issues laid out above and would have created additional issues with the requirement for new boundaries to be created. Due to the layout and topography of the site, and the obvious physical limits to the current garden, any extension of the garden into the field could not be justified as a logical rounding off or discrete extension to the approved residential curtilage.

#### *Provision of amenity space*

Although the barn has already been approved for residential use, ENV8 (Small scale rural conversions) and HOUS7 (Replacement and extension of dwellings in the countryside) remain relevant to the assessment of this application as it is for the provision of additional garden space and domestic structures to serve the converted barn.

A specific requirement of both ENV8 and HOUS7 is that any rural conversion must be able to provide amenity space without undue incursion into the rural landscape. The supporting text to ENV8 states that “The creation of a new residential curtilage around a newly converted building can have a harmful effect on the character of the countryside, especially in areas of high quality landscape”, such as the Heritage Coast. This would also apply to the extension of the curtilage. In addition, the Council’s adopted Supplementary Planning Guidance on the Conversion of Rural Buildings states that “The spaces surrounding rural buildings are generally restricted by the nature of their original use. Unless unobtrusive and sufficient amenity space can be provided around a building without conflict with surrounding uses, the proposal will not be favourably considered. The provision of adequate amenity space should avoid the creation of a suburban style curtilage around the building.”

When the barn conversion was approved, the provision of amenity space (ie the area to the southwest) was considered to be acceptable, or the appeal could not have been allowed. A change of use of the field to provide additional garden cannot therefore be justified on the grounds of a requirement for additional amenity space to adequately serve the dwelling. In addition, extension of the existing garden into the field would unquestionable qualify as undue incursion into the rural landscape, and is considered to be obtrusive and to have a harmful effect on the character of the area, so is contrary to ENV8 and HOUS7.

### *Loss of agricultural land*

The site and the areas around it are all classed as Grade 2 agricultural land, so the change of use would result in the loss of approximately 0.12 hectares of high quality agricultural land. Both UDP policy ENV2 (Agricultural land) and Planning Policy Wales seek to protect the best and most versatile agricultural land, which includes Grade 2. Section 4.10 of Planning Policy Wales states that the best and most versatile agricultural land “should be conserved as a finite resource for the future and that in development management decisions considerable weight should be given to protecting such land from development, because of its special importance”.

In principle an area of land that has been used as a garden could be returned to agricultural use, so the change is not irrevocable. However, in practice, once a field parcel has become domesticated, with the associated changes in layout, use and potential increases in land value, the likelihood of returning it to agricultural use are very limited.

### *Summary re change of use*

Overall, and taking all of the elements above into account, it is considered that the change of use of any part of the field to garden would serve to domesticate the site and the immediate surrounding area, resulting in an unacceptable and unjustified residential incursion into the rural landscape. As a result, it is considered that the change of use would fundamentally and adversely affect the appearance and character of the land, thereby failing to preserve the rural character of this countryside location and the wider landscape value of the Glamorgan Heritage Coast.

A change of use would also result in the loss of high quality agricultural land. The change of use is therefore contrary to UDP policies ENV2, ENV5, ENV8, ENV10 and HOUS7 and the Council’s Supplementary Planning Guidance on the Conversion of Rural Buildings. The proposal is not agricultural and would cause unacceptable visual harm so also fails to accord with ENV1.

### ***The impact of the patio, garden shed and ‘Yoga Shed’***

The application seeks to retain a patio, garden shed and large ‘Yoga Shed’ which have all been constructed in the field to the south east of the dwelling and are currently unauthorised.

ENV1 requires that development in the countryside be justified in the interests of agriculture or forestry, is for an appropriate recreational use (eg walking, angling, and picnicking) is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan. The structures which this application seeks to retain are entirely domestic and private in nature and the change of use of the field to garden is not considered to be acceptable (as laid out above). Therefore, the structures which this application seeks to retain are unjustified and contrary to the requirements of ENV1.

The garden shed is typical in design to a standard domestic garden shed and though not excessive in size, due to the elevated position of the site it is highly visible within the landscape and adds to the sense of domestication of the field.

Whilst the patio is not visible from outside of the site, at 64 square metres it is a large area of hard surfacing and its purpose is entirely domestic and both enables and encourages domestic use of the field, as shown below.



The 'Yoga Shed' is constructed in a 'log cabin' style, with a slate roof, 4 relatively large windows and a set of double patio doors. The 'Yoga Shed' also has an area of decking around it. The design is inherently domestic rather than agricultural and entirely out of keeping with the surrounding context. The Conversion of Rural Buildings SPG states that "as a general rule the treatment of areas around a converted [rural] building should be kept simple". The patio, shed and 'Yoga Shed' do not constitute keeping things simple.

Due to the elevated position of the site, and its location at a crossroads, the 'Yoga Shed', and to a lesser extent the garden shed, are highly visible from public vantage points all around the site, as shown in the photographs below.



From the road to the NW



From the road to the NE



From the road to the SW



From the road to the SE



When viewed from the south, the 'Yoga Shed' can be viewed in the context of other structures, including the application dwelling and neighbouring dwellings at Hillside and Castle Farm House, as shown below.



However, when viewed from the north, the backdrop is almost entirely rural, looking towards the Coast, and the 'Yoga Shed' sits in stark contrast to its surroundings, as shown below.



The application proposes relocating the 'Yoga Shed' from its current position to a position further to the south west, adjacent to the residential curtilage. Whilst it is acknowledged that relocating the 'Yoga Shed' would lessen its visual impact to some extent, it would still be an unjustified structure in the countryside and its scale and design would remain out of keeping with the surrounding area, to the detriment of the prevailing rural character.

As noted in the planning history, the site has been the subject of a previous planning enforcement case focused on unauthorised domestic use of the field and the erection of a field shelter. In 2015 it was considered to be not expedient to take formal enforcement action to require the removal of the unauthorised field shelter. This decision was taken in light of national guidance as well as in full consideration of the design and location of the structure. The field shelter was modest in size, open fronted, and of a design typical of small agricultural buildings for the keeping of animals. Similar structures are commonly found in the countryside and do not have the effect of domesticating a piece of land. Consequently, the field shelter was not considered to have a significant detrimental impact on the openness or rural character of the field and its surrounding area. The field shelter has subsequently been removed from the site. This planning enforcement history has no bearing on the acceptability or otherwise of the current structures. The current unauthorised structures are entirely domestic in their scale and design and do not reflect typical small agricultural structures.

### ***The possibility of partial approval***

It is acknowledged that it would be possible to approve a change of use of the field to garden but require the removal of the existing unauthorised structures and/or impose conditions to restrict any future development. However, as noted previously, activities such as closely mown grass and ornamental planting and the addition of garden furniture and play equipment cannot be controlled via planning conditions and yet still serve to unacceptably domesticate the land. Therefore, allowing a change of use is considered contrary to policy even without any structures on the land.

In addition, it would be possible to approve the retention of appropriate structures even without a change of use of the field to garden. However, this would then require all of the criteria of ENV1 to be met, which is not the case with the patio, garden shed or 'Yoga Shed'.

Consequently, both the change of use and the retention of the domestic structures are considered contrary to policy, so neither can be approved.

### ***Other considerations***

Several neighbours commented that the 'Yoga Shed' was being used for business purposes and evidence from a website and social media account seem to confirm that some business use has taken place. Contrary to this, an email from the applicant dated March 14<sup>th</sup> stated that the purpose of the 'Yoga Shed' was personal only. Notwithstanding this potentially conflicting picture about use, if the retention of the 'Yoga Shed' was considered acceptable on all other grounds then conditions could have been imposed to control the nature and extent of any potential 'business use'. However, as the change of use of the field and the retention of the 'Yoga Shed' are considered to be unacceptable on other grounds, business use has not been considered as part of this application.

Objections from neighbours included comments relating to the unwelcome precedent that an approval would set and concerns that if the field was approved for garden use and the 'Yoga Shed' allowed to remain then further structures would inevitably follow. However, this application has been assessed purely on the basis of the proposals submitted. Any future changes and additional structures would require their own planning application which would be judged on its own merits. Unknown future possibilities have not formed part of the assessment of this application.

Neighbour objections also included comments about the Yoga Shed impacting on the view from existing properties. A right to a view is not a materials planning consideration and thus this was not a part of the assessment of this application.

### **Conclusion**

In light of the conclusions in the preceding paragraph, it is considered necessary to refuse the planning application and expedient to pursue formal enforcement action to remedy the breach of planning control at the site.

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.



Having regard to Policies ENV1 (Development in the Countryside); ENV2 (Agricultural land); ENV5 (The Glamorgan Heritage Coast); ENV8 (Small Scale Rural Development); ENV10 (Conservation of the Countryside); ENV27 (Design of new developments); and HOUS7 (Replacement and extension of dwellings in the countryside), of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as advice in the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings, it is concluded that the change of use of a field, from agricultural to garden use, and the retention of domestic structures within the field, is unjustified, would result in the loss of Grade 2 Agricultural land, and cause demonstrable harm to the special environmental qualities of the Glamorgan Heritage Coast and the Countryside in general.

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.

#### RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

#### LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

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

#### EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

#### WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council have sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The 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 developer's own gain.

## RECOMMENDATION

- (1) That planning permission for the change of use of the land and retention of the outbuilding is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the use of the land as garden.
  - (ii) The removal of the outbuildings and patio area.
- (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 RECOMMENDATION

- (1) The change of the use from agriculture to garden, of the field to the southeast of Pen Y Malt, fundamentally domesticates the land and has a significant detrimental effect on the appearance and rural character of the site and its surroundings, as well as resulting in the loss of high quality agricultural land. The change of use therefore represents an unjustified and insensitive residential incursion into the rural landscape, which is within the Countryside and designated as part of the Glamorgan Heritage Coast for its special environmental qualities. The development is therefore contrary to Policies ENV1 (Development in the Countryside); ENV2 (Agricultural land); ENV5 (The Glamorgan Heritage Coast); ENV8 (Small Scale Rural Conversions); and HOUS7 (Replacement and extension of dwellings in the countryside), of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as advice in the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings and guidance found in Planning Policy Wales (2016).
- (2) The domestic patio, garden shed and 'Yoga Shed' is an unjustified development within the countryside and are highly visible from surrounding public viewpoints, out of keeping with the context of the environment, and serve to overly domesticate the land. Retention of the structures would therefore have a significant negative affect on the appearance and rural character of the site and its surroundings and represents an inappropriate form of development which has a detrimental impact on an area of high quality landscape. The proposal is therefore contrary to Policies ENV1 (Development in the Countryside); ENV5 (The Glamorgan Heritage Coast); ENV10 (Conservation of the Countryside); and ENV27 (Design of new developments); of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

## Background Papers

Enforcement File Ref: ENF/2016/0330/PC

### REFUSE (W.R.)

1. The change of the use from agriculture to garden, of the field to the southeast of Pen Y Malt, would fundamentally domesticate the land and have a significant detrimental effect on the appearance and rural character of the site and its surroundings, as well as resulting in the loss of high quality agricultural land. The change of use would therefore represent an unjustified and insensitive residential incursion into the rural landscape, which is within the Countryside and designated as part of the Glamorgan Heritage Coast for its special environmental qualities. The proposal is therefore contrary to Policies ENV1 (Development in the Countryside); ENV2 (Agricultural land); ENV5 (The Glamorgan Heritage Coast); ENV8 (Small Scale Rural Development); and HOUS7 (Replacement and extension of dwellings in the countryside), of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as advice in the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings and guidance found in Planning Policy Wales (2016).

2. The domestic patio, garden shed and 'Yoga Shed' are unjustified development in the countryside and are highly visible from surrounding public viewpoints, out of keeping with the context of the environment, and serve to overly domesticate the land. Retention of the structures would therefore have a significant negative affect on the appearance and rural character of the site and its surroundings and represents an inappropriate form of development which has a detrimental impact on an area of high quality landscape. The proposal is therefore contrary to Policies ENV1 (Development in the Countryside); ENV5 (The Glamorgan Heritage Coast); ENV10 (Conservation of the Countryside); and ENV27 (Design of new developments); of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

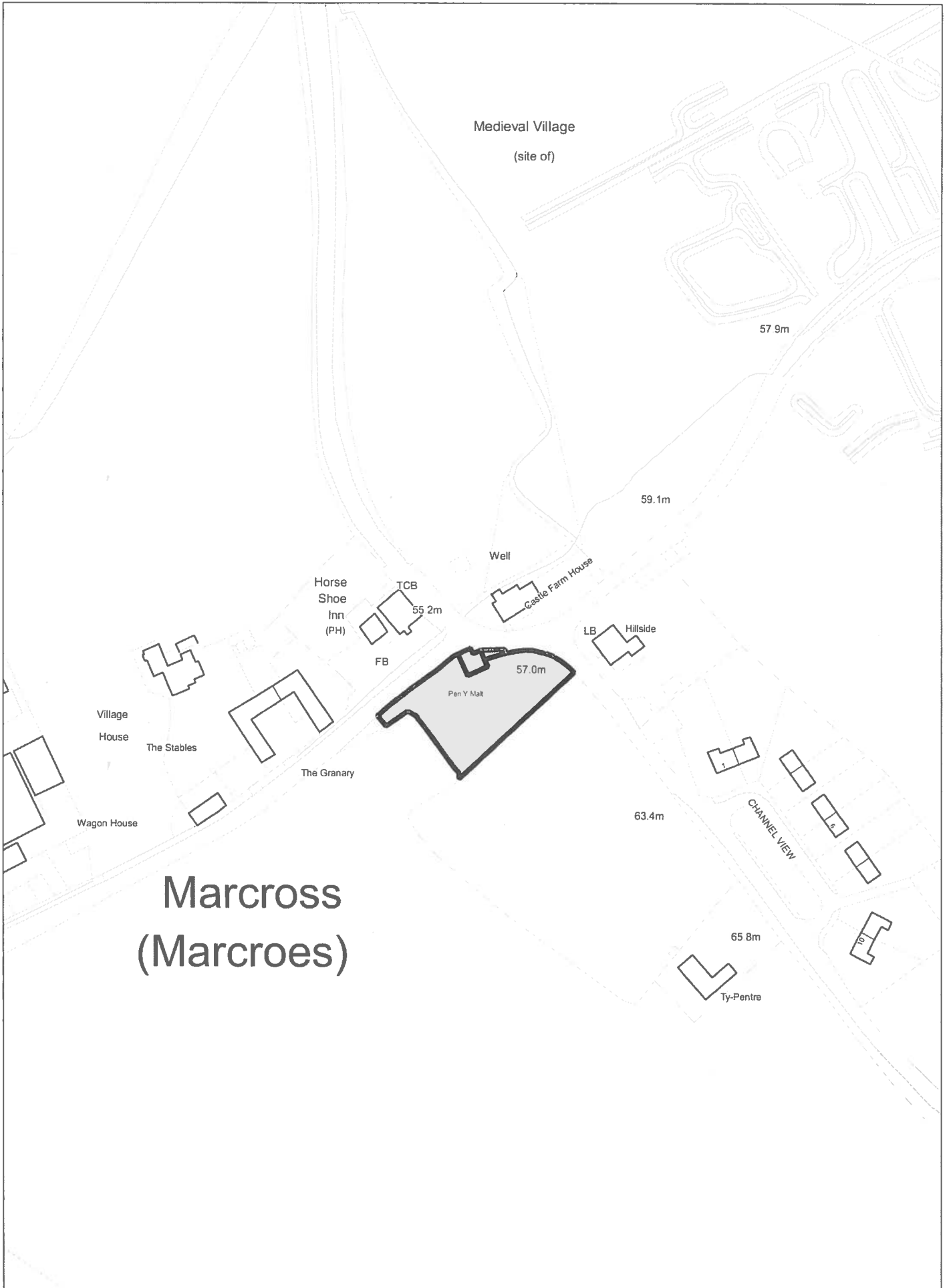
### NOTE:

**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.**



# Marcross (Marcroes)

|  |               |   |
|--|---------------|---|
| 2017/00142/FUL<br>Land to the rear of Pen y Malt, Beach Road, Marcross | 11 April 2017 | © Crown copyright and database rights<br>2017 Ordnance Survey 100023424   |
|  | 1:1,250       | © Hewfrani y Oron a hysffwrdd cymdeithas<br>2017 Arolwg Ordnans 100023424 |

**2016/01330/RG3** Received on 15 February 2017

Mr. Marc Cross Vale of Glamorgan Council, Cosmeston Country Park, Lavernock Road,, Penarth, Vale of Glamorgan, CF64 5UY

Mr. Kai Peake Vale of Glamorgan Council, Docks Office, Subway Road, Barry, Vale of Glamorgan, CF63 4RT

**Cosmeston Medieval Village, Cosmeston Country Park, Lavernock Road, Penarth**

Change of use of two barn buildings (Tithe Barn and Reeves Barn), forming part of Cosmeston Medieval Village, to allow civil marriages and wedding events

**REASON FOR COMMITTEE DETERMINATION**

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

- the application has been called in for determination by Councillor Penrose for the reason that the Community Council and numerous residents have concerns on the following grounds:-
  - Inadequate parking for attendees of the functions, being in addition to normal parking for Medieval Village, Country Park, Film Company usage and proposed "Park and Ride".
  - That the function would limit the opening time for the Medieval Village.
  - Noise of the functions disturbing local residents.
  - Detract from tranquillity of the Country Park and the everyday operation of the Medieval Village.
  - Buildings proposed not suitable for the commercial purpose applied for.

**EXECUTIVE SUMMARY**

This application was reported to the Planning Committee meeting on 30 March 2017 where Members deferred determination pending a site visit to take place on 27 April 2017.

The application site comprises part of the Cosmeston Country Park, including a section of the Medieval village and its overflow car park.

The Cosmeston Country Park lies on the south western edge of Penarth outside of the residential settlement boundary as defined in the Unitary Development Plan. A large part of the Park is within a C2 Flood Risk Zone, although only one of the buildings under the current application is within this zone. Part of the Park immediately to the north of the buildings is a designated Site of Special Scientific Interest (SSSI).

This is a full application for the change of use of two of the Medieval barns, the Tithe Barn and the Reeve's Barn, to allow civil marriages proceedings.

To date objections to the application have been received from Cllr M Garland, which relate to the proposal compromising the site as a visitor/tourist attraction; pressure on available car parking; nuisance to nearby residents; and safety issues. Cllr M Kelly-Owen has also raised the issue of security and proper use of the Country Park for all users.

Having regard to both local policy and national guidance it is considered that the main issues relate to the justification for the development bearing in mind the countryside location and any implications for the use and viability of the country park; any visual impact; neighbouring and general amenities; and highway safety.

It is recommended that the application be approved subject to conditions, including, implementation of the access improvements; and no wedding ceremonies to take place on bank holidays.

### SITE AND CONTEXT

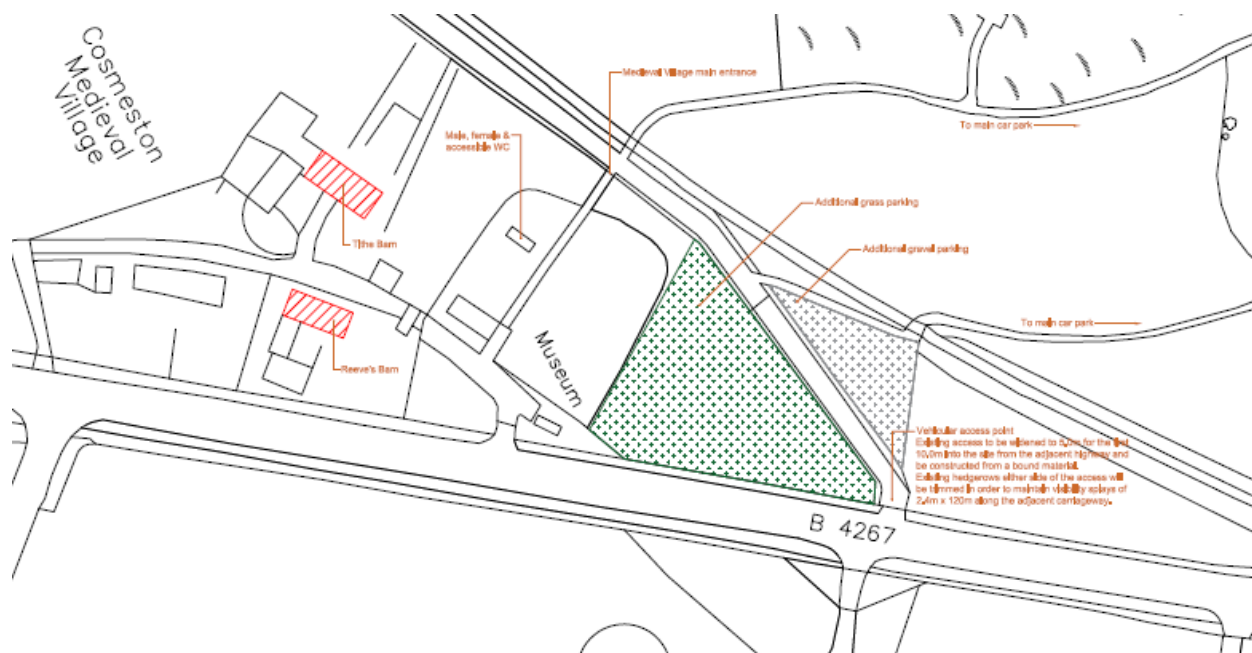
The application site comprises part of the Cosmeston Country Park, including a section of the Medieval village, the main car park and its overflow car park.



The Cosmeston Country Park lies on the south western edge of Penarth outside of the residential settlement boundary as defined in the Unitary Development Plan. A large part of the Park is within a C2 Flood Risk Zone, although only one of the buildings, the subject of the current application, is within this zone, the other lies outside. In addition, that part of the Park immediately to the north of the buildings is a designated Site of Special Scientific Interest (SSSI).

## DESCRIPTION OF DEVELOPMENT

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 (Minute No. 1979, May 2002 refers) for the change of use of two of the Medieval barns, the Tithe Barn and the Reeve's Barn, to allow civil marriages proceedings.



The supporting information indicates that although the two barns will be licensed to hold ceremonies, only one civil marriage event will take place at any one time. It is anticipated that the site will host approximately 10 No. civil ceremonies per year.

The venue will be available for use 7 days a week, but it is anticipated that the majority of civil marriage events will take place between Friday and Sunday, between 9am and 5pm, with none held on bank holidays.

The organisation of any civil marriage events will be managed by Countryside services staff, with terms and conditions, including, the correct insurances, licensing and permissions are obtained; no equipment capable of producing amplified sound shall be used in a way to cause nuisance; only emergency vehicles shall be allowed into the area on which the event is taking place; and the parking of all vehicles, other than emergency vehicles, shall be restricted to designated parking places.

On-site car parking is available at the main car park, plus overflow car parks, including the grass and gravel parking areas on the north eastern edge of the Medieval village. The existing vehicular entrance at this point will be widened to 5m for the first 10m into the site, and constructed in a bound material. The existing hedgerows either side of the access will be trimmed in order to maintain visibility splays of 2.4m x 120m along Lavernock Road.

The application is accompanied by an Access Statement (AS).



## PLANNING HISTORY

There is a considerable planning history relating to the wider Cosmeston Park area, including:-

1986/01217/FUL - Relocation of office and works compound to Cosmeston Mediaeval Village project - Approved 10 February 1987, subject to conditions, including replanting and enhancement of hedgerow boundary with Lavernock Road.

1989/00687/OBS - Visitors Centre to include exhibition area, kitchen, cafe & lecture room – Recommended no objections subject to conditions - 23 June 1989.

1989/01403/OBS - Phase 1 car park development: surfacing & laying out (approx. 180 new parking spaces, amend layout of existing car park) – Recommended no objections subject to conditions – 8 December 1989.

1995/00988/REG3 - Provision of additional warden accommodation, storage and security shutters - Approved 28 November 1995.

2011/00287/ADV - Permanently fixed free standing signs – Approved subject to conditions 2 November 2011.

2016/01167/FUL - Change of use of an existing exhibition area in the Visitors Centre to an Ice Cream Parlour with facilities to purchase snacks and hot/cold drinks - Approved 14 December 2016.

## CONSULTATIONS

**Penarth Town Council** – No comments as outside their boundary.

**Sully Community Council** – No comments received to date. Note comments from Cllr Garland (Community Councillor) below.

**Ward Members - Cllr M Kelly-Owen and Cllr C Williams** – No adverse comments.

**Further comments from Cllr M Kelly-Owen** - A requirement should be added for security to be provided by the Hirer of the Barns & associated parts of the country park to ensure their safe & proper use. It is essential that the Local Authority honour their obligations in this regard to all users of the Country Park.

**Cllr M Garland (Sully and Lavernock Community Council)** – Objections relating to: compromise the site as a visitor/tourist attraction; pressure on available car parking; nuisance to nearby residents; and safety issues. A full copy of the objections is reproduced at **Appendix A**.

**Natural Resources Wales** – No objection. Given the scale of the proposed development they consider the risk could be acceptable subject to the developer being made aware of the potential risks and advised to install flood-proofing measures. However, your Authority may wish to consider access/egress arrangements should a flood event occur.

**Dwr Cymru/Welsh Water** – Have requested their standard conditions and advisory notes be attached to any consent. They also advise that as the applicant intends to utilise a septic tank facility that Natural Resources Wales are consulted as they may have an input into this method of drainage disposal.

**Glamorgan Gwent Archaeological Trust** – “No construction works or development activities will take place. As a result there is unlikely to be any archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.”

**The Council’s Ecology team** – No comments to make on this application.

**The Council’s Shared Regulatory Services - Environmental Health - Comments on initial submission** - Having looked at the application I have concerns regarding the potential for disturbance to nearby properties from the proposed activities at the Cosmeston Medieval village due to the lack of information in regards to noise mitigation and control of noise, the application also states that no amplified music will be played and I recommend that this is conditioned as part of the application. If in the future the applicant wants to have amplified music they would need to then submit a variation of the application for further comment from the Pollution department.

Comments following re-notification – No comments to make.

**The Council’s Highway Development team** – Comments on initial submission – Concerns over use access to site particularly the substandard access to the south west. Therefore, the access is required to be widened and adjacent hedgerows relocated in order to provide visibility splays of 2.4m x 120m along the adjacent highway. Furthermore, it is noted that on Bank Holidays, the Country Park can become exceptionally busy, and, as such, a condition will be required to preventing wedding events at these times.

Final comments following re-notification - Further to reviewing the amended details, it is noted that the proposed use of the adjacent events field for associated wedding receptions/parties etc. has now been omitted from the proposals. It is noted that these can take place without the need for planning consent for a period of up to 28 days per year.

Notwithstanding this, it is noted that during peak times (bank holidays) the Country Park can become exceptionally busy, with a high demand for on-site parking. However, in order to control the parking demand, the applicant has informed that weddings will not take place during peak periods. As a result, subject to a suitably worded planning condition, it is considered that there would be available car parking capacity within the existing 700 parking spaces at the site.

In addition, as part of the development, improvements to the existing access adjacent to the medieval village (which would be used for overflow parking if required) are proposed, by undertaking localised widening of the access and trimming adjacent hedgerows in order to provide and maintain visibility along the adjacent highway.

As such, there is no objection in relation to the highway and transportation aspects of the development, subject to a condition that no weddings or civil marriages will be permitted to take place during public or bank holidays. (Members note Condition 3)

**The Council's Drainage section** - Due to the nature of the proposals at the above location, this section does not wish to attach any conditions to this proposal due to the change of use application not including the increase of impermeable area on the site.

**The Council's Estates - Strategic Property section** – No objection.

## REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 24 November 2016 and re-notified on 22 February 2017. In addition a site notice was posted on 15 December 2016.

No representations have been received to date.

## REPORT

This application was reported to the Planning Committee meeting on 30 March 2017 where Members deferred determination pending a site visit to take place on 27 April 2017.

## Planning Policies and Guidance

### **Unitary Development Plan:**

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

POLICIES 1 & 2 - THE ENVIRONMENT.  
 POLICY 5 - BUSINESS AND INDUSTRIAL USES.  
 POLICY 6 - TOURISM.  
 POLICY 8 - TRANSPORTATION.  
 POLICY 11 - SPORT & RECREATION.  
 POLICY ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.  
 POLICY ENV7 - WATER RESOURCES.  
 POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE.  
 POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.  
 POLICY ENV14 - NATIONAL SITES OF NATURE CONSERVATION IMPORTANCE.  
 POLICY ENV18 - ARCHAEOLOGICAL FIELD EVALUATION.  
 POLICY ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS.  
 POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.  
 POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.  
 POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.  
 POLICY EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.  
 POLICY TOUR5 - NON-RESIDENTIAL TOURIST ATTRACTIONS.  
 POLICY TRAN10 - PARKING.  
 POLICY REC1 - PROTECTION OF EXISTING RECREATIONAL FACILITIES.  
 POLICY REC11 - INFORMAL PUBLIC OPEN SPACE AND COUNTRY PARKS.

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

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

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

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

- 

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

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

### **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.3 and 4.4.3; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1.1; Chapter 6-The Historic Environment, including paragraphs 6.2.1, and 6.5.5; Chapter 7-Economic Development, including, paragraph 7.6.1; and Chapter 11-Tourism, Sport and Recreation, including paragraphs 11.1.3 and 11.1.4.

### **Technical Advice Notes:**

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

- TAN 5 - Nature Conservation and Planning.
- TAN 11 - Noise.
- TAN 12 - Design.
- TAN 13 - Tourism.
- TAN 15 - Development and Flood Risk.
- TAN 16 - Sport, Recreation and Open Space.
- TAN 23 - Economic Development.

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development.
- Design in the Landscape.
- Parking Standards.

### **Other relevant evidence or policy guidance:**

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology.

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

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

### Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification for the development bearing in mind the countryside location and any implications for the use and viability of the country park; any visual impact; neighbouring and general amenities; and highway safety.

### Principle of use and implications for the current operations at the Country Park

In policy terms the site lies within the countryside where policy ENV1 of the Unitary Development Plan (UDP) restricts unjustified development. However, criterion (ii) allows for appropriate recreational use, and criterion (iii) allows for the re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy. In addition, policy TOUR5 permits non-residential tourist attractions subject to certain criteria, and recognises that these are often likely to seek locations within the countryside. Furthermore, policy EMP2 permits new business development, including the conversion of existing premises, although criterion (i) requires that the development does not lie within the countryside. This approach is supported by national guidance which states at paragraph 11.1.4 of Planning Policy Wales (PPW):-

*"Tourism involves a wide range of activities, facilities and types of development throughout Wales. The planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities. In addition to supporting the continued success of existing tourist areas, appropriate tourist-related commercial development in new destinations, including existing urban and industrial heritage areas, should be encouraged."*

Notwithstanding the above, the application site relates to two existing buildings within the Medieval village, an educational and visitor attraction at Cosmeston Country Park. The recreated village, and the wider park, is a facility that provides for both the recreational needs of local residents, and is an important attraction in the economy of the Vale. Indeed, policy REC11 of the UDP relates to informal open space and country parks and recognises the importance of such areas to allow both visitor and residents the opportunity to enjoy the attractive countryside of the Vale.

One of the issues of objection raised by local Councillors relates to the proposal compromising the existing uses at the Country Park. This includes concerns that the function would limit the opening time for the Medieval Village, and also detract from the tranquillity of the Country Park and the everyday operation of the Medieval Village.

Firstly it should be clarified that the application has been amended to an application that seeks only to expand the use of the two barns to allow for civil marriage ceremonies to take place at the site. The reference to the use of the adjoining fields for associated wedding receptions has been omitted from the description. This is because the use of the land for not more than 28 days in total in any calendar year is development permitted under Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. It is anticipated that the site will host approximately 10 No. civil ceremonies per year.

The supporting documentation notes that Cosmeston Medieval village currently operates as a popular heritage visitor attraction. Built on the original foundations of a 13th-14th century settlement, the village is comprised of reconstructed barns and farm buildings and offers an authentic living village experience, frequented by educational institutions and open to the general public. In addition to the built structures, an adjoining field is already used to host various events, such as re-enactments and craft markets. The proposed use of the Tithe Barn and Reeve's Barn for civil wedding proceedings will allow the resource to be used to its full potential and offer an attractive, alternative civil marriage events venue for the local area. The site will continue to operate as a visitor attraction when civil wedding events are not taking place.

Thus it is considered that the limited use of the barns for civil marriages will both complement and enhance the existing facilities. This should serve to maintain the viability of the park into the future, thereby serving to safeguard an existing recreational facility in line with policy REC1 of the UDP.

As regards the likely impact of the proposal on the surrounding area, this is explored below.

#### Visual impact

The proposal relates to the change of use of two existing barns within the Medieval Village, being a developed area of the country park. The submitted details confirm that there are no physical changes proposed to the existing buildings.

The proposal does entail works to an existing access to enable emergency and disabled access to the venue and servicing as required. This includes the widening of the entrance and a new bound surface for a distance of 10m. Such works do represent additional development within the rural landscape. However, these are relatively minor when compared with the wider scale of the Country Park and its overall facilities. In addition the impact on the existing hedgerow is very limited, with the majority requiring only trimming to achieve the required visibility splays along Lavernock Road.

As such it is considered that the proposal will have no adverse impact on the character and appearance of the immediate area or the wider undeveloped countryside of the park.

#### Neighbouring and general amenity

Another concern raised by Councillors relates to nuisance to neighbours, resulting from noise and general disturbance from traffic movements.

The Councils Environmental Health section has commented on the initial submission which referenced the use of the adjoining fields for associated receptions. These indicated some concern regarding the potential for disturbance to nearby properties, with a lack of information on noise mitigation and the control of noise. It was recommended that a condition be imposed on any consent that no amplified music be played. However, as already noted, the associated use of the field, which may involve music at a wedding reception, (and currently holds events with the potential for amplified music to be played), has been omitted from the description of development in the current application, as the use is permitted development for the specified 28 days.

Thus, it is considered that the use of the barns for civil marriage ceremonies should not result in a noise nuisance that would have a significant adverse impact on neighbouring amenity. It is possible that the proposal will result in the increased use of the vehicular access to the Medieval village, and thereby an associated increase in general disturbance. However, it must be recognised that the use of the access is not currently restricted, and therefore already has the potential to result in some disturbance. Despite this, it is noted that the access is removed from the majority of residential properties which are located to the north, and opposite the main entrance, and its use has to be considered against the background noise levels that already exist in terms of the everyday use of the main road between the country park and nearby residential properties.

It is not considered that the proposed additional use of the barns for civil marriages would serve to increase the general levels of any noise or disturbance associated with the use of the park.



## Highways

The Council's Highway Development team, when considering the initial submission, had some concerns over the use of the substandard access to the site located to the south west. However, following the amended details, it has been accepted that the use of the adjacent fields for events, including associated wedding receptions/parties, is permitted development for a period of up to 28 days per year. Notwithstanding this, there is still a concern over use of the site during bank holidays, bearing in mind the existing high demand for on-site parking. However, it is noted that the applicant has indicated that weddings will not take place during peak periods such as Bank Holidays.

In addition, it is noted that improvements to the existing access adjacent to the medieval village are proposed, i.e. localised widening of the access and trimming adjacent hedgerows in order to provide and maintain visibility along the adjacent highway.

As such, Highways have confirmed that there is no objection, nevertheless, a condition to ensure that no weddings or civil marriages take place during public or bank holidays is still requested (see Condition 3).

As regards the accessibility and sustainability of the site, the Access Statement outlines the availability of public bus transport to the Country Park, as well as the facilities that allow access for visitors with mobility issues. Furthermore, in terms of the actual access to the barns themselves, the two selected for the proposed use offer alternative entrances, and can provide access ramps where necessary.

In view of the above it is considered that the proposal will have no adverse impact in relation to highway or pedestrian safety and is in accord with UDP Policies ENV27-Design of New Developments and ENV28-Access for Disabled People of the UDP.

## Other issues

It has already been noted that a large part of the country park lies within a Zone C2 flood risk as defined by the Development Advice Map (DAM) referred to under TAN15-Development and Flood Risk. However, only one of the two buildings that are the subject of the current application lies within the zone. Natural Resources Wales (NRW) have not commented on the application to date. Despite this, it is recognised that the proposal relates only to the change of use of existing buildings. In addition, unlike permanent residential, the proposed use is not a vulnerable one. Indeed, it could be argued that it differs little from the existing situation in relation to the accommodation of visitors to the site. As such, it is considered that there is no additional risk from flooding to health and safety.

The Council's Drainage engineers have not raised any objections, noting that there is no increase to impermeable areas across the site.

It has also been noted that the application site lies immediately adjacent to a designated Site of Special Scientific Interest (SSSI). It is recognised that the proposal relates to existing buildings and is a complementary use to existing facilities at the Country Park. Indeed, the Council's Ecologist has no concerns. As such, it is not considered that the proposal will have any additional impact on the SSSI.

In respect of the archaeology interests at the site, it has already been noted that the Medieval Village was built on the original foundations of a 13th-14th century settlement, and is comprised of reconstructed barns and farm buildings. As the proposal relates to a change of use, with no excavation works, only surfacing of an existing access, it is considered that there should be no adverse impact on any historical asset or archaeological interest on the site and GGAT have not objected.

Finally, Cllr M Kelly-Owen has raised concerns over security and the safe and proper use of the Country Park and all its visitors. Although this is not a matter for consideration under planning legislation, nevertheless, the Council's Operational Manager for Regeneration has advised that all events/bookings at the Country Park are assessed. A judgement is then made on each case, and if appropriate, security, first aid, parking management, etc., is required.

In view of the above the following recommendation is made.

### RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

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

- Barn Floor Plans, Dwg. No. AL(00)01, amended plans received 15 February 2017;
- Site Layout, Dwg. No. AL(90)02, amended plans received 3 March 2017;
- Site Location Plan, Dwg. No. AL(90)01, amended plans received 15 February 2017;
- Plan of Medieval Village, received 7 November 2016;
- Supporting statement dated February 2017, amended plans received 15 February 2017; and
- Access Statement, amended plans received 15 February 2017.

Reason:

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

3. The development hereby permitted shall not include the use of the buildings for civil marriage ceremonies on any Bank Holiday.

Reason:

To ensure adequate on-site car parking is retained for the wider use of Cosmeston Country Park as a whole, in the interests of highway safety and in accord with Policies TRAN10-Parking and ENV27-Design of New Developments of the Unitary Development Plan.

4. The use hereby permitted shall not be implemented until the highway improvements shown on the Site Layout, Dwg. No. AL(90)02, amended plan received 3 March 2017, have been completed in full.

Reason:

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

#### REASON FOR RECOMMENDATION

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

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

Having regard to Policies ENV1-Development in the Countryside, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV14-National Sites of Nature Conservation Importance, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, EMP2-New Business and Industrial Development, TOUR5-Non-Residential Tourist Attractions, TRAN10-Parking, REC1-Protection of Existing Recreational Facilities, REC11-Informal Public Open Space and Country Parks, and Strategic Policies 1 & 2-The Environment, 5-Business and Industrial Uses, 6-Tourism, 8-Transportation and 11-Sport & Recreation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance including Biodiversity and Development, Design in the Landscape, and Parking Standards; and national guidance contained in Planning Policy Wales, TAN5-Nature Conservation and Planning, TAN11-Noise, TAN12-Design, TAN13-Tourism, TAN15-Development and Flood Risk, TAN16-Sport, Recreation and Open Space, and TAN23-Economic Development; it is considered that the proposal is an acceptable and justified, part-time change of use of part of the existing Medieval village, that will serve to support and enhance the existing facilities at the Cosmeston Country Park, without causing any detriment to the character and appearance of the surrounding countryside, neighbouring and general amenity, or highway safety.

**NOTE:**

- 1. The developer should be aware that the site lies partly within Zone C2 as defined by the Development Advice Map (DAM) under TAN15-Development and Flood Risk. There is therefore the potential for flood risk where Natural Resources Wales suggest the installation of flood-proofing measures as part of the development. Furthermore, they suggest that the Local Planning Authority consider access/egress arrangements should a flood event occur.**

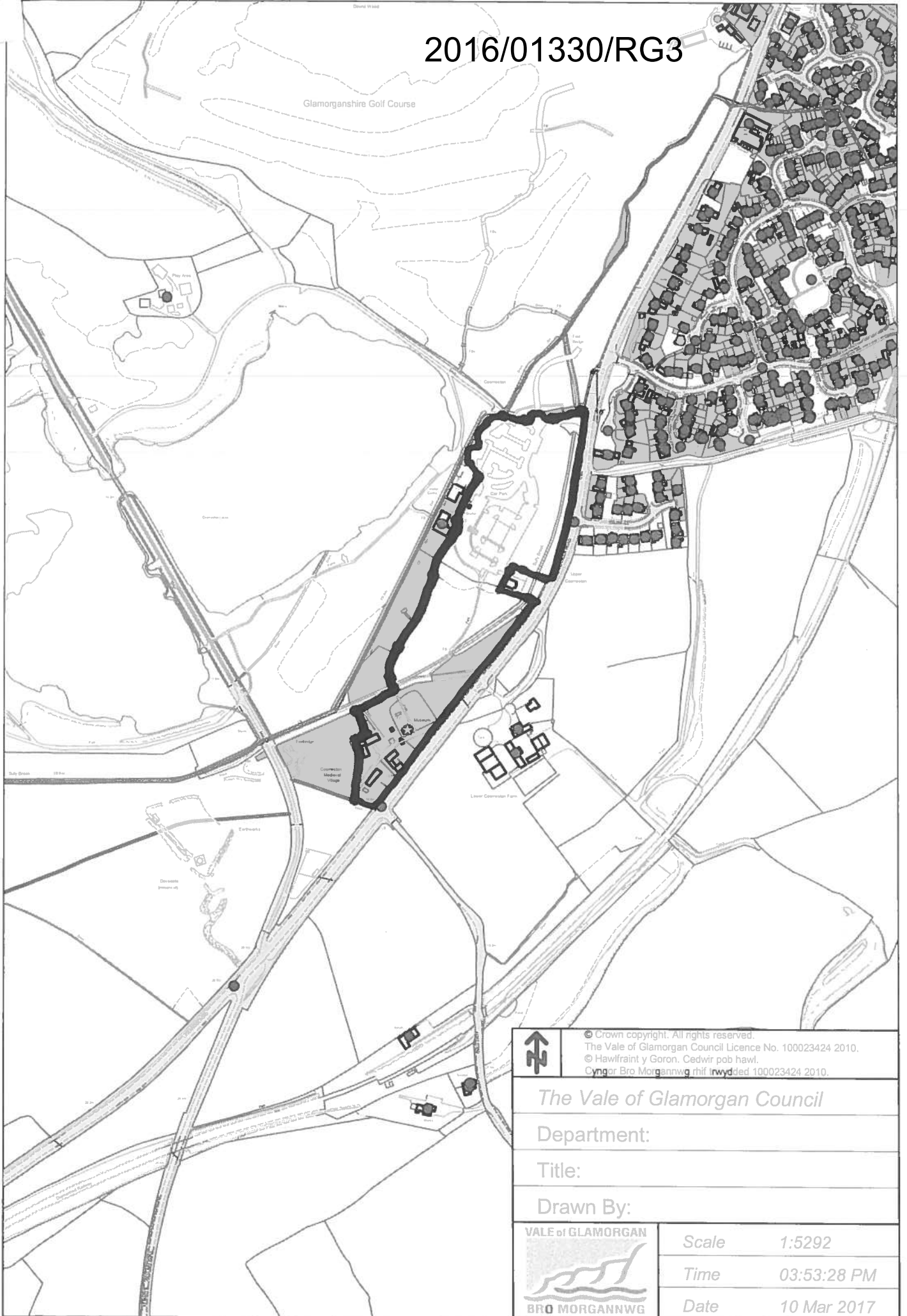
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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



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

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

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

# 2016/01330/RG3



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|  | <b>The Vale of Glamorgan Council</b>   |             |
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16/01330/RG3 'A'

Mrs. Y. J. Prichard  
Planning Department,  
Vale of Glamorgan Council,  
Docks Offices,  
Barry Docks,  
Barry.  
CF63 4RT  
7<sup>th</sup> March 2017

Councillor Michael Garland  
3 Plover Way,  
Lavernock Park,  
Lavernock  
CF64 5FU



Dear Mrs. Y. J. Prichard,

I wish to make the following objections to the planning application listed below, and, also request that the application is 'called in' to be heard by the Planning Committee. I believe Councillor Penrose has already requested this.

2016/01330/RG3    Cosmeston Medieval Village,  
Cosmeston Country Park, Lavernock Road, Lavernock.  
  
Change of use of two barn buildings (Tithe Barn and Reeves Barn) and associated land, forming part of Cosmeston Medieval Village, to allow civil marriages and wedding events

Cosmeston Medieval Village is situated is located within the Lavernock Ward of Sully and Lavernock Community Council and not in the Plymouth Ward of Penarth Town Council.

Cosmeston Medieval Village is a full-scale reconstruction/restoration on the original fourteenth century site and foundations and forms a heritage attraction that is unique in Britain and is of historical, educational and recreational importance. The Vale of Glamorgan Council has listed Cosmeston Medieval Village as a County Treasure (Sully), No 864.

I wish to make the following objections to the planning application:-

1. The application for a "change of use, to allow civil marriages and wedding events" will be detrimental to and compromise this heritage site and its attraction as a historical, educational and recreational and tourist establishment, as visitors/tourists (some who may be travelling some distance to the venue) will be deterred from visiting the Medieval Village with the possibility of it being closed for wedding events.

16/01330/RG3(A<sub>2</sub>)

Its availability for wedding events seven days a week, although more predominantly Friday to Sunday and Bank Holidays will affect the majority of visitors who would be planning to visit this heritage attraction on these days.

2. With 50 car parking spaces being allocated to the venue on 'wedding event days' this will put an undue strain on the limited car parking facilities at the Cosmeston Lakes Country Park and may lead to off-site car parking on the nearby residential roads on the nearby Lavernock Park and Upper Cosmeston Farm estates causing, nuisance, traffic congestion and accessibility problems for residents and emergency services.

Although available car parking spaces for the site has been given as 700 including the 'overflow' car parks. The overflow car parking areas, consist of grassed areas, situated alongside Sully Brook, and are weather dependent and are 25% susceptible to groundwater flooding (LDP Flooding Background Paper).

On the May Day Bank Holiday 2016 the overflow car parking areas were unusable following a number of days of rain and were unusable for nearly three weeks after, waiting for high water levels in Sully Brook to reduce, and the ground to dry out sufficiently to allow vehicles to use these areas.

The main car parking area consists of an estimated 100 car parking spaces and two coach parking areas. This number of car parking spaces available together with the numbers including the overflow car park is dependent on vehicles parking appropriately, although this is reduced somewhat when accounting for the larger vehicles in use today, i.e. suv's and vans, and spacial parking (leaving wide spaces between vehicles), as car parking spaces at the Country Park are not marked/indicated.

With 50 spaces being set aside for wedding guests. This will severely limit car parking to other visitors of the Country Park, in the main car park area, taking into account that weddings will generally occur on weekends and Bank Holidays which are also a high visitor number day to the Country Park. Even with the over flow car parks available, there will be times when these are full, especially through the Spring/Summer months.



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3. The venue may cause a nuisance through noise to the nearby residents of nearby residents at Lower Cosmeston Farm, Upper Cosmeston Drive, Lavernock Park Estate and Lavernock Road.

The venue is only located approximately 20 metres from the B2467 and will be available for wedding events from 9am to 1am the following day, although clearing up operations could be taking place later than this time.

Noise from the venue in these late evening and early morning hours (loud music and organisers clearing up) will cause a nuisance to nearby residents.

There will also be noise from guests and vehicles leaving the site at these times which will also cause a nuisance to nearby residents.

4. The application states that 'guests' with mobility problems can access the Medieval Village from the B4267 via access point A and B on the site plan. The use of access point B could cause traffic congestion or an accident with vehicles turning right off the B4267 into the Medieval Village via access Point B. This access point is located opposite Lower Cosmeston Farm and a short distance from an acute bend, and where the speed limit on this section of road being 40 mph, although this speed is exceeded by many vehicles using this road.
5. A public footpath is located at Acces Point A and users of this footpath going into the Country Park could be put at risk from 'guests' vehicles using this access.

Councillor Michael Garland  
(Sully and Lavernock Community Council - Lavernock Ward)

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