

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 27 JULY, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2017/0360/BN	A	15, Hawthorne Avenue, Penarth	Proposed ground floor bedroom, sitting area and shower room
2017/0607/BN	A	29, Brookside, Dinas Powys	Single storey rear kitchen extension
2017/0666/BN	A	32, Cardigan Crescent, Llantwit Major	Rear extension
2017/0670/BN	A	3, Church Place South, Penarth	Replacement of second floor rear elevation lintels.
2017/0671/BN	A	17, St. Andrews Road, Barry	Double extension to rear of property
2017/0672/BR	AC	Palmerston Primary School, Barry	Electrical rewire
2017/0674/BR	AC	Holton Road Primary School, Barry	Electrical rewire installation
2017/0679/BN	A	3, St. Michaels Close, St. Athan	First floor extension to existing
2017/0681/BN	A	12, Cornerswell Place, Penarth	3 rooms knocked into 1
2017/0683/BN	A	6, Colcot Road, Barry	Chimney, external decoration, external repointing, wash down upvc, concrete repairs
2017/0685/BN	A	25, Trem Y Don, Barry	Two storey extension

2017/0686/BN	A	Cartref, Westra, Dinas Powys	Side/rear extensions and alterations to existing bungalow
2017/0687/BN	A	23, Queens Road, Penarth	Removal and replacement of whole annexe roof structure to include new trusses, insulation and ventilation
2017/0688/BN	A	26, Queens Road, Penarth	Removal and replacement of whole annexe roof structure to include new trusses, insulation and ventilation
2017/0691/BN	A	107, Murlande Way, Rhoose	First floor extension over garage to form additional bedroom and extended bathroom
2017/0695/BN	A	Foxglove Cottage, 1, Castle Mews, Llanblethian, Cowbridge	single storey orangery to rear of property.
2017/0697/BN	A	53, Coleridge Avenue, Penarth CF64 2SR	Reroofing, replacing fascias and downpipes
2017/0698/BN	A	4, Joseph Parry Close, Llandough, Penarth	Removal of internal walls to open up downstairs
2017/0699/BN	A	4, Winifred Avenue, Barry	Loft insulation, fascias soffits, gutters and downpipes
2017/0700/BN	A	6, Winifred Avenue, Barry	Loft insulation, fascias soffits, gutters and downpipes
2017/0701/BN	A	8, Winifred Avenue, Barry	Loft insulation, fascias soffits, gutters and downpipes
2017/0702/BN	A	3, Winifred Avenue, Barry	Render works loft insulation, fascias soffits, gutters and downpipes, external decoration
2017/0703/BN	A	5, Winifred Avenue, Barry	Render works loft insulation, fascias soffits, gutters and downpipes, external decoration

2017/0704/BN	A	7, Winifred Avenue, Barry	Render works loft insulation, fascias soffits, gutters and downpipes, external decoration
2017/0705/BN	A	48, Heol St. Cattwg, Pendoylan	Replace existing external kitchen door with new bi-folding door making enlarged opening to accommodate new door using catnick lintel
2017/0707/BN	A	Stonecroft Cottage, Penllyn	Install 4 panel bifold doors with service door, Lintl/RSG/Catnic
2017/0727/BN	A	23, Monmouth Way, Llantwit Major	First floor bedroom extension
2017/0728/BN	A	20, Tyle House Close, Llanmaes	Two rooms into one, new window opening and enlargement opening and installation of patio door to rear
2017/0729/BN	A	7, Harlech Close, Dinas Powys	Single storey rear extension

(b) Building Regulation Applications - Reject

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

None

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

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

2017/0094/AI	C	16, Plas Pamir, Penarth	Proposed material alterations to structure, controlled services, fittings and thermal elements
2017/0095/AI	A	31, Coldbrook Road East, Barry	Dormer loft conversion & associated works
2017/0096/A1	A	7, Duffryn Close, St. Nicholas	Single storey rear extension & associated works

2017/0097/AI	A	Amelia Trust Farm, Five Mile Lane, Barry	Construction of a Farm Shop, Welcome Shelter Multi Media Centre and associated works
2017/0098/AI	A	Cobbles Deli and Kitchen, Ty Maen Barns, Ogmore by Sea	Internal fit out including kitchen installation
2017/0099/AI	A	35, Llanmead Gardens, Rhoose	Supalite reroof and associate works at ground floor level
2017/0100/AI	A	The Co-Operative Funeral Care, W. A. Brown and Son, Pembroke House, College Street, Llantwit Major	Internal alterations and refurbishment, including fire improvement works to existing funeral premises
2017/0101/AI	A	25, St. Peters Road, Penarth	Three Storey rear extension and associated works
2017/0102/AI	A	Priory Gardens, Off Abbey Road, Ewenny	5 residential units
2017/0103/AI	A	Plot 2, Former Filling Station, St Brides Road, Wick	Proposed construction of detached new dwelling
2017/104/AI	A	22, Barberry Rise, Penarth	Guardian Warm Roof and associated works

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

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

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2012/01048/1/N MA	A	40, Commercial Road, Barry	Non material amendment - Rear annex to be omitted completely, width of property to be 5.3m wide and 9.44m depth. Ground floor windows on front elevation to be reduced in height. Ground footprint area of proposed building will be 2.5sq m less than originally proposed, giving occupants more amenity space, we note that the requirement for code 3 has been rescinded. Planning ref. 2012/01048/FUL: Erection of one two storey three bed house replacing 3 bed house formerly existing on the site
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2014/01244/1/N MA	A	Site adjacent to Plymouth House, West Street, Llantwit Major	New dwelling at land adjacent to Plymouth House, West Street, Llantwit Major
2014/01505/2/N MA	A	Land at North West Cowbridge	Non material amendment - Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths / cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475
2015/00386/1/N MA	A	Stepping Stones, Windmill Lane, Llantwit Major	Non material amendment - Single residential dwelling adjacent to Stepping Stones, Windmill Lane, Llantwit Major. Planning permission ref 2015/00386/FUL: Erection of a single residential dwelling
2016/00741/1/N MA	A	Hilston, St. Andrews Road, Dinas Powys	Non material amendment - Proposed rear conservatory and rear porch. Proposed kitchen modifications
2016/01020/1/N MA	A	6, Knowbury Avenue, Penarth	Non Material Amendment - Change to roof covering and change from sliding patio doors to French doors. Single storey rear extension

2016/01062/1/N MA	A	Morfa Farm, Morfa Lane, Llantwit Major	Non material amendment - Variation of Condition 2 of Planning Permission 2015/00782/FUL - Installation and operation of a solar farm and associated infrastructure
2016/01381/FUL	A	Coach House, 1, The Ferns, Northcliffe Drive, Penarth	Conversion of former coach house to dwelling including raising roof height
2016/01437/FUL	A	62, Heol y Frenhines, Dinas Powys	Four bedroom detached house
2016/01497/FUL	A	4, Woodlands Close, Cowbridge	Construction of two storey side/rear extension and associated external alterations
2017/00062/FUL	R	Mill Barn, Mill Road, Boverton, Llantwit Major	Change of use and extension of existing barn to create residential dwelling at Mill Barns, Mill Road, Llantwit Major
2017/00080/FUL	A	34, Plassey Street, Penarth	Change a general store into a laundrette
2017/00104/FUL	A	90, Wordsworth Avenue, Penarth	Alteration of condition 4 of 2016/00047/FUL
2017/00126/FUL	A	Land to the north and east of Tudor Lodge, A48 Bonvilston, Bonvilston	Resurfacing of section of existing track
2017/00163/FUL	A	6, Hensol Villas, Hensol	Porch extension
2017/00173/FUL	A	2, Hazledene Close, Barry	Two storey side extension with single storey extension across the rear of the dwelling
2017/00182/FUL	A	2, Fern Drive, Barry	Conversion of existing garage at side of property to sitting room, with single storey extension to rear of the garage containing wc/ shower/ utility room

2017/00231/FUL	A	1, Kymin Terrace, Penarth	Repair of existing chimney and roof parapet at front of property. Chimney to be rebuilt to original design to match other properties in Kymin Terrace
2017/00257/FUL	A	4, Liscum Way, Barry	Two storey side and rear extension, and front and side single storey extension including garage conversion
2017/00265/LBC	A	Cartref, Dimlands Road, St. Donats	Removal of internal load bearing wall
2017/00285/FUL	A	(Glenmore Estates Ltd) Unit 1b, Palmers Vale Business Centre, Barry	Change of use to D2 to provide a Gymnastics Club on the site.
2017/00294/FUL	A	Flat 3, Gordano House, 44, Plymouth Road, Penarth	replacement windows for 1st floor flat in converted house in conservation area
2017/00304/FUL	A	5, Penyrheol Terrace, Llysworney	Change existing window into a bay window at front of house
2017/00310/FUL	A	16, Laburnum Way, Dinas Powys	Single storey rear extension
2017/00314/FUL	A	Romilly Park Road, Barry	Proposed construction of detached dwelling (revision to approval 2014/00071/FUL)
2017/00317/FUL	A	1, Grants Field, The Downs	Removal of existing garage. Proposed 2 storey extension to form family room to ground floor and additional bedroom to first floor and single storey front
2017/00340/OUT	R	Dunraven View, South Terrace, Southerdown	Erection of two storey three bedroom detached dwelling with garage

2017/00341/FUL	A	Flat at 172, Holton Road, Barry	Change of use of upper floors from self-contained flat into 4 bedroom HMO
2017/00347/FUL	A	36, Coed Mawr, Barry	Proposed ground and first floor gable end extension
2017/00353/FUL	A	The Royal British Legion, Station Approach, Penarth	Alteration to shop front (in part) and canopy
2017/00357/FUL	A	14, Laburnum Way, Dinas Powys	To construct pitched roofs to existing flat roof to living room and garages to match existing, to make alterations to windows/ door to living room to form to rear of dwelling new raised verandah with glazed balustrading
2017/00359/FUL	A	Hafod Wen, 27, Cae Rex, Llanblethian, Cowbridge	To demolish an existing rear sunroom and construct a new extended single storey sunroom
2017/00365/RES	A	Abbey Road, Ewenny	Access, appearance, landscaping, layout and scale
2017/00367/LAW	A	87, Boverton Road, Llantwit Major	Single storey rear extension
2017/00369/FUL	A	Meyrick House, St Nicholas	Demolition of Meyrick House and Replacement with Two Houses including Altered Access and Car Parking.
2017/00372/FUL	R	16, Victoria Road, Penarth	Dismantle section of front boundary wall, to provide vehicle access, rebuild front pillar
2017/00375/FUL	A	Woodview, Garn Farm, Wenvoe	Variation of existing agricultural occupancy condition

2017/00376/FUL	A	3, St. Michaels Close, St. Athan	First floor dormer extensions to side elevations
2017/00378/FUL	R	26, Coed Mawr, Barry	Two storey side extension
2017/00379/FUL	A	147, Redlands Road, Penarth	Single storey extension to the rear of the property. To Include internal alteration
2017/00382/FUL	A	21, Pendoylan Close, Barry	Front two storey extension
2017/00383/FUL	A	67, Dudley Place, Barry	Proposed loft conversion with dormer to rear
2017/00384/LAW	A	69, Harding Close, Boverton, Llantwit Major	Single storey rear extension
2017/00391/FUL	A	Glen View, Croft John, Penmark	Proposed two storey extension to the side and the rear of the property
2017/00396/FUL	R	75, Cardiff Road, Dinas Powys	Demolition of existing building. Construction of retail unit with 2 self-contained flats above. New access parking and refuse facilities
2017/00401/LAW	A	53, Ludlow Street, Penarth	Proposed Loft conversion with dormer to rear
2017/00407/FUL	A	The Royal India, 213, Cardiff Road, Dinas Powys	Ground floor alterations and additional first floor apartment
2017/00416/FUL	A	25, Salop Street, Penarth	Loft conversion with rear roof extension
2017/00418/FUL	A	24, Albert Road, Penarth	Conversion of existing single storey garage into ancillary accommodation plus associated works
2017/00419/FUL	A	17, St. Andrews Road, Barry	Double extension to rear of property

2017/00421/FUL	A	Westbury, 24, Friars Road, Barry	To take down existing lean to outbuilding and dilapidated garage - to construct new single storey extension to rear of dwelling - to construct new garage and garden store to rear of garden - to provide new staircase access and associated works to access existing second floor room, including new Velux windows
2017/00425/LAW	A	129, St. Davids Crescent, Penarth	Single storey extension to permitted development
2017/00433/LAW	A	21, Rhodfa Felin, Barry	Side and rear single storey extensions
2017/00434/FUL	A	Trevaughan, Trerhyngyll	Construction of single storey garage, front entrance porch and veranda to existing property
2017/00436/FUL	A	Y Parwg, Eglwys Brewis Road, Llanmaes/Llantwit Major	Rear two storey extension
2017/00438/FUL	A	17, Highfield Close, Dinas Powys	Additional storey above existing single storey side extension
2017/00442/FUL	A	54, Cosmeston Drive, Penarth	Proposed front extension and conversion of existing garage to habitable space
2017/00447/FUL	A	The Moorings, Highlight Lane, Barry	New levelled flat roof above existing flat roof area to front of house to form a balcony area. Existing flat roofed porch to be replaced with pitched roof entrance porch
2017/00448/FUL	A	13, Oakfield Road, Barry	Ground floor rear extension & conversion of garage with rear extension

2017/00449/FUL	A	29, Aeron Close, Barry	Edwardian conservatory to side of dwelling
2017/00451/FUL	A	28, Highwalls Road, Dinas Powys	Proposed garage and conversion to form kitchen/diner and internal alterations
2017/00452/FUL	A	14 ,Penarth Portway, Penarth CF64 1SQ	Conversion from garage to living accommodation
2017/00455/FUL	R	Side garden of Glen View, 99, Penlan Road, Llandough	Construction of new detached house in garden of residential property
2017/00456/FUL	A	12, Fonmon Road, Rhoose	Proposed bay window to existing front elevation to replace existing window
2017/00458/FUL	A	G. and M. Antoniou General Grocer, 24 Park Crescent, Barry	Change of use of part of retail unit from retail to residential
2017/00459/FUL	A	4, Halton Close, Penarth	loft conversion complete with dormers to roof, single storey rear extension
2017/00462/FUL	A	13, Westbourne Road, Penarth	Demolition of external shed structure and the replacement with a single storey extension to the rear and side of property
2017/00464/FUL	A	Augusta Cottage, 4, Raisdale Road, Penarth	Demolition of existing rear extension and front porch and construction of new front and rear extensions, rear balcony and exterior alteration works
2017/00465/FUL	A	Pendennis, 39, Cog Road, Sully	Single storey rear and two storey side extension
2017/00467/ADV	A	The Royal India, 213, Cardiff Road, Dinas Powys	3no illuminated fascia signs and renew illuminated swing sign

2017/00470/FUL	A	4, Sir Ivor Place, Dinas Powys	Construction of a two storey extension adjoining the existing dwelling to provide a lounge at ground floor level and a bedroom at first floor level all in materials to match those of the existing building
2017/00477/FUL	A	19, Liscum Way, Barry	Single storey wrap around extension containing a porch and garage
2017/00478/ADV	A	Cosmeston Cafe Cosmeston Country Park, Lavernock Road, Penarth	1. Front main sign to be a set of flat cut non illuminated acrylic letters mounted to a wooden shiplap wood backing board using nylon stand of locators; 2. Rear main sign to be a set of flat cut non illuminated acrylic letters mounted to a wooden shiplap wood backing board using nylon stand of locators; 3. 2 x Round pillars below the front main sign to be clad half way around with 3mm rolled non illuminated aluminium panels powder coated into black with face applied vinyl detail; 4. The corner of the building at low level to have mounted to the wall 2 x A1 size (594mm wide x 841mm) black lockable non illuminated poster boxes
2017/00493/FUL	A	Crud Yr Awel, Llandow	Variation of condition 1 of permission 77/1892 - Dated 21/03/1978, relating to the agricultural occupancy restrictions

2017/00495/CAC	A	24, Albert Road, Penarth	Conversion of existing single storey garage into ancillary accommodation plus associated works
2017/00501/FUL	A	1, Powys Drive, Dinas Powys	Proposed two storey side extension, plus internal alterations to remodel the dwelling
2017/00507/FUL	A	22, Bron Awelon, Garden Suburb, Barry	Single storey lean to extension to contain a kitchen and wc. Upgrade integral garage/ store to a sitting room/ coats. Erection of a timber garden shed
2017/00552/FUL	A	48, Clive Place, Penarth	Single storey side and rear extension

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 JULY, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2013/0469/PRO
Appeal Method: Written Representations
Appeal Reference No: C/17/3176585
Appellant: Mr Dave Edwards
Location: **Land and buildings at Hafod Lodge, Hensol**
Proposal: Without planning permission, the alteration of the Outbuilding consisting of the installation of a clock tower/turret
Start Date: 20 June 2017

L.P.A. Reference No: ENF/2017/PRO(C)
Appeal Method: Written Representations
Appeal Reference No: C/17/3176383
Appellant: Mr Gwyn Davies
Location: **Calon Lodge LLP, Llanerch Vineyard, Hensol**
Proposal: Without planning permission, the construction of a building used as an event venue
Start Date: 12 June 2017

L.P.A. Reference No: ENF/2017/PRO(A)
Appeal Method: Written Representations
Appeal Reference No: C/17/3176384
Appellant: Mr Gwyn Davies
Location: **Calon Lodge LLP, Llanerch Vineyard, Hensol**
Proposal: Without planning permission, the commencement of the construction of a guest accommodation block
Start Date: 12 June 2017

(c) Planning Appeal Decisions

L.P.A. Reference No: 2016/00809/FUL & 2016/00833/CAC
Appeal Method: Public Local Inquiry
Appeal Reference No: 16/3162507 & 16/3162511
Appellant: Churchill Retirement Living Limited
Location: Land to the rear of Westgate (West of Eagle Lane), Cowbridge
Proposal: Redevelopment to form 37 retirement apartments for elderly including communal facilities, access, car parking and landscaping
Decision: Appeals Allowed
Date: 3 July 2017
Inspector: D. Beggan
Council Determination: Committee

Summary

The appeals were in respect of a planning application and an application for Conservation Area Consent for the demolition of buildings in the Cowbridge Conservation Area and the construction of 37 retirement apartments. The appeals were considered jointly and a joint decision was issued.

The main issues were considered by the Inspector to be:

- The effect of the proposed development on the setting of the nearby listed buildings, and its effect on the character or appearance of the CA;
- The effect of the proposed development on the living conditions of nearby residential properties with particular regard to privacy, and whether the proposed development would provide acceptable living conditions for future occupiers with regard to privacy;
- Whether the proposed development makes adequate provision to address affordable housing need;
- The effect of the proposals on protected species with particular regard to bats; and,
- If harm is found in regards to any of the above, whether there are other material considerations sufficient to outweigh the harm.

Effect on setting of Listed Buildings and character and appearance of the Conservation Area:

With regard to the proposed demolition, the inspector was of the view that the existing buildings on the site contribute nothing to the heritage interest of 1 & 3 Westgate and make a negative contribution to its setting. He did not, therefore, object to the demolition of the buildings on the site.

With regard to the proposed redevelopment, the Inspector noted the contentions of both the Council and Cadw; that the proposed scheme runs contrary to the historic burgage plots in Cowbridge which usually start with a higher building of three storeys to the main frontage and then diminish to the rear where two storey structures are found. He was, however of the view that the appeal site has long since lost any semblance of a historic past associated with burgage plots. He was of the view that the proposed development would be seen in conjunction with 1 & 3 Westgate (the listed buildings fronting Westgate) when looking into the site, but that views would be fleeting and the height of the building is tempered by the effects of perspective. He did not consider the proposed building's scale, size and mass would reduce the significance of 1 & 3 Westgate; and in any event was of the view that views of the development from various vantage points around the area would be 'glimpsed' and 'fleeting' in nature. For these reasons the inspector did not consider the setting and significance of 1 & 3 Westgate would be harmed by the proposed development.

As regards Woodstock House (the nearby listed building also fronting Westgate), the Inspector noted that views of the proposed development will be seen across the garden to this property, but concluded that these views were transitory and the dominant presence of Woodstock House as a corner property would not be diminished, nor would the features that make up the significance of the building be harmed.

In terms of the listed wall along Eagle Lane, the Inspector gave credit to the removal of the building on the appeal site which he considered to provide a negative contribution to the aesthetic value of the setting of the wall. He again concluded that the development would not impact detrimentally on the setting of the heritage asset or any features that make up its heritage significance.

The Inspector considered the impact of the development on the setting of other nearby listed building, namely, the Natwest Bank, the Market Place/Ye Olde Masons Arms, and 1-3 the Butts. With regard to each of these buildings he also concluded that neither their setting, nor any other features that make up their heritage significance would be harmed by the development.

With regard to impact on the character and appearance of the Conservation Area (CA), the Inspector noted the defining characteristics of the CA as set out in the Conservation Area and Appraisal Management Plan (CAAMP). The Inspector noted again that the site no longer exhibits characteristics associated with the former burgage plots which are a defining characteristic in other parts of the CA.

The Inspector noted that the development would be higher than the existing buildings on the site, but found, nonetheless, that the difference in overall height was not significant and would not look out of place. The Inspector was also of the view that the partial demolition of the property fronting Westgate (to widen the access) was acceptable in principle.

Again the Inspector referred to 'fleeting views' of the development from various vantage points and the set back and staggered building line of the proposed building. He was also of the view that the height of the building would be tempered by the effects of perspective which would serve to reduce its visual impact when viewed from a distance. For these reasons the Inspector concluded that the development would not appear dominant when viewed from Westgate.

With regard to the detailed design, the inspector noted the use of render and stone cladding, and whilst he noted that these are not reflected in any element of the existing buildings in the vicinity, he was of the view that their use in sensitive locations is not unusual. Furthermore, the specification and detailing can be subject to a planning condition. He was of the same view with regard to the use of other materials in the new building, including painted brick and artificial slate. As such, he was of the view that the external design of the proposed development was acceptable within the CA.

On the first main issue the Inspector concluded that, overall, the proposal would not be harmful to the setting of listed buildings located in the vicinity of the appeal or to the CA. The proposal would therefore be accordance with local and national planning policies, which collectively seek to protect heritage assets.

Living Conditions:

In relation to the dwelling to the West of the appeal site, having regard to the Council's SPG the Inspector considered there to be neither an unacceptable nor material detriment to the living conditions in terms of privacy currently enjoyed by the occupants of that dwelling.

As for the flats above 1 & 3 Westgate (Eagle House), although kitchen windows in tow of the apartments in the development would be within the suggested privacy distances specified in the SPG, he concluded that any detriment in terms of overlooking could be overcome via the use of obscure glazing.

As for the properties to the east of the site, Eagle Cottage in particular, although there would be windows in the development allowing overlooking into this property via a side window, he noted that such views would be at an angle and was of the view that these would be no worse than the existing overlooking at first and second floor level from Somerset House. In support of his conclusions the Inspector stated that "*I am conscious that within a built up area some degree of overlooking is almost unavoidable*". His conclusion was that the proposed development would not materially harm amenity over and above that which currently exists.

As for view from the site (apartment 34) into the roof lights of Eagle Cottage (serving a bedroom), the Inspector considered this to be detrimental to the amenities currently enjoyed by occupants of that property. The appellant proposed moving the guest room from the ground floor to the position for apartment No. 34 and obscure glazing in whole or part the windows of the guest room that face onto the Eagle Lane.

Concluding on this issue, the inspector did not consider the proposed development would have any material detrimental effect on the living conditions of nearby residential properties with particular regard to privacy.

Affordable Housing:

The Inspector noted in details the policy and guidance relating to affordable housing. He also noted that there was no dispute between the parties of the general need for affordable housing; that if 40% affordable housing were to be required the development would be unviable; and that the viability appraisal states contributions towards affordable housing would total £388,556. The principle issue, therefore, was identified as whether this sum of money is used to secure affordable units on-site as argued by the Council, or as the Appellant maintains, off-site either in Cowbridge or elsewhere.

61. The exceptional circumstances argued by the Appellant include, impediments to co-locating market and affordable housing on the site, service charge levels, and the best way to meet affordable need in the County. On this matter, the Inspector did not accept that the Appellants contention, that co-locating market and affordable housing on the site within such a close knit community could result in tensions, amounted to extreme difficulty in this case.

With regard to the matter of the service charge cost, the Inspector was satisfied that this would result in there being considerable uncertainty as to whether any RSL would take on the management of units on-site. He was of the view that this would put in doubt the provision of any affordable housing related to the scheme. Furthermore, the Inspector was satisfied that a separate block of affordable housing could not be provided on the site, as suggested by the Council. The inspector noted that the Council had accepted an off-site contribution on the Dinas Powys site and could see no reason why a similar approach cannot be adopted on the appeal site.

Furthermore, having regard to the Local Housing Market Assessment (LHMA), which identifies a surplus of affordable units of older persons accommodation, the fact that the proposed off-site contribution could provide for at least 5-6 units, and the pressing need for general affordable housing across the County, the Inspector was satisfied that the affordable housing commuted sum amounts to exceptional circumstances sufficient to justify making an exception to the policy requirement for on-site provision.

Protected Species:

The site is known to be occupied by Bats which are a European protected species. As the Inspector considered the development to be acceptable in all other regards, he was satisfied that the impact on the habitat of this protected species could be adequately mitigated and imposed conditions in this regard.

Other Considerations:

As advocated by PPW, the Inspector considered the social, economic and environmental issues of sustainable development and concluded that the scheme would help to enhance the vitality of the local community, thus providing economic benefits. He also identified significant environmental benefits, including making efficient use of previously developed land and the provision of high density housing in close proximity to services and shops which are accessible by means other than the private car.

Other Matters:

The Inspector considered the matters raised by third parties with regard to highway safety, noise generated from plant associated with the development, and loss of housing on the site, but was of the view that these concerns were not justified or could not be mitigated by the development itself and the imposition of conditions on a planning permission.

The inspector also considered the duty under the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act") but was of the view that the development meets the objectives of improving access to affordable homes and of supporting safe, cohesive and resilient communities, and help those people to live healthy and independent lives.

(d) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2015/0065/CCC
Appeal Method:	Public Local Inquiry
Appeal Reference No:	C/16/3157600
Appellant:	Mr. Gerald Keen
Location:	Land at Hendrewennol Fruit Farm, Heol-y-March, Nr. Welsh St. Donats
Proposal:	Without planning permission, the material change of use of the Land from agricultural to a mixed use for agricultural and leisure/recreation and the construction of a building
Decision:	ENF appeal ALLOWED
Date:	27 June 2017
Inspector:	Janine Townsley
Council Determination:	Committee

Summary

The grounds of appeal were confirmed during the inquiry as ground (c) - that there has not been a breach of planning control; ground (f) – that the steps required to comply with the requirements of the enforcement notice are excessive; and ground (a) – that planning permission ought to be granted.

Ground (c)

The Inspector identified three main elements to this ground of appeal, namely:

- That the events do not comprise a breach of planning control by virtue of the operation of Schedule 2, Part 4, Class B of the General Permitted Development Order (GPDO),
- That the activities which have taken place on site are ancillary to the agricultural use,
- That the building referred to in the EN does not comprise a breach of planning control by operation of Part 6 of Schedule 2 of the GPDO and the prior approval³ granted on 13 March 2013.

The events:

The Inspector noted the permitted development rights granted by virtue of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), which allows for the temporary uses of land for up to 28 days per calendar year. She also noted that the ‘events’ comprised of Halloween, Easter, Strawberry Festival, Family Farm Day and Bake-Off.

The Inspector found that, given the distinct nature of the regular events held on site, particularly, the length of time they run and their autonomy from the PYO use of the site, she concluded that the events and the activities are clearly distinguishable and should be treated separately for the purposes of determining the use of the site. As she concluded that the period of time taken up by events falls well short of the 28 days, she was of the view that the larger scale events which are unrelated to agriculture benefit from above-mentioned permitted development rights and, as such, the ground (c) appeal failed in so far as it relates to the events.

The activities:

It was the Council’s contention that the activities at the site, separate to the large scale events referred to above, were not ancillary to the PYO and were a use of the site in their own right. The appellant’s contention was that these activities were ancillary.

The Inspector attached great weight to the appellant's evidence in this regard, which was that the activities, including children's parties, school visits, bug hunting and building bug houses, den building, maize and seed bombing, were focused on fruit picking and was satisfied that there is a link between the agricultural use and the activities. She favoured the appellant's position, that the activities are on offer in order to encourage more visitors recognising that the profile of fruit pickers tends to be families with young children, despite the evidence referred to by the Council that demonstrated the appellant's intention to scale down fruit picking and provide a tourism attraction.

With regard to the provision of the maze and play structures, the Inspector found that due to the *"organic nature of the maze and the simple rustic nature of the play structures"*, this feature would not comprise a leisure use in itself nor a change of use of the land to a mixed use. She considered all other play structures and features to be *"small scale"*. On this basis she was of the view that the activities are such that it would be unlikely that visitors would attend the site were it not for the fruit picking.

The Inspector noted that *"all activities have taken place during the open season"* and was *"satisfied that the activities on offer aside from the picking of fruit would not offer a stand-alone reason for visiting and that they are subordinate to the main use taking place on the appeal site, which continues to function principally as a PYO farm"*.

In considering whether the additional/ancillary activities changed the agricultural character of the land, the Inspector noted the Council's reason for issuing the Notice, which included a negative impact on highway safety and is detrimental to the character of the land and the amenity of neighbouring residents.

Despite the Council confirming during the inquiry that the Council's Highway Engineers were in full support of the Council's case, the Inspector stated that *"no highway objection or observations have been provided by highways officers"*. She found that the *"lack of any comment from highways officers to support this view, together with the lack of any empirical evidence of any increase traffic from the operation of the PYO facility leads me to conclude that there is insufficient evidence to suggest there has been an increase of traffic sufficient to change the character of the site"*.

The inspector concluded that a change of use had occurred at the site, but that the lack of any significant difference in the character of the site and its relationship with the surrounding properties means that the change of use would not have been material.

The Building:

The Inspector found that the building is designed for the purpose of providing toilet facilities for visitors and farm storage. As she had already found that the use of the site is agricultural, she was of the view that the building as constructed is reasonably necessary for the purposes of agriculture. Thus, the ground (c) appeal was allowed in relation to the building.

Remaining Grounds of appeal

With regard to the remaining ground of appeal, the Inspector's conclusion deals with these as follows:

“The lawful use of the site is a PYO fruit farm, an agricultural use. The additional activities which have been taking place on site are not agricultural and although many are linked to agriculture, they do not fall within the definition of agriculture. They are, however, ancillary to the agricultural use since, for the aforementioned reasons, they do not operate independently of the main use and are subordinate to that use. The larger scale events held annually at the site are clearly distinguishable from the ancillary activities and benefit from permitted development rights as a temporary use of land. I have also found that the building is reasonably necessary for agriculture and is therefore permitted development under the GPDO. For these reasons, the ground (c) appeal should be allowed and the Enforcement Notice is quashed.

In the circumstances it has not been necessary for me to consider further the appeals made under grounds (a) and (f).”

Costs Applications

The Council's contention, that the appellants has always intended to change the use of the land from the outset with the CRC grant applications were not supported by the Inspector and the Council's costs application was refused.

The appellant's costs application was, however, supported by the Inspector for the principle reason that the Council failed to provide evidence from the Council's Highways section. Also, that the Council were unreasonable in pursuing action against the building on site in light of the fact that it was found to be reasonably necessary for the purposes of agriculture.

(e) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals and appeals for conservation area consent)	W	-	2	2	-
	H	1	-	1	-
	PI	-	2	2	-
Planning Total		1 (20%)	4 (80%)	5	-
Enforcement Appeals	W	1	-	1	-
	H	-	-	-	1
	PI	-	1	-	-
Enforcement Total		1 (50%)	1 (50%)	2	1
All Appeals	W	1	2	3	-
	H	1	-	1	-
	PI	-	3	3	-
Combined Total		2 (27%)	5 (73%)	7	-

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 JULY, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2017/00320/TPO	A	371, Barry Road, Barry	Removal of a beech tree and horsechestnut from TPO no. 03 2014
2017/00417/TPO	A	The Cross, Church Road, Llanblethian, Cowbridge	Works to tree covered by TPO number 7 of 1973. Reduction of Ash tree by 2M. Reduction of Conifer by 2ft. Remove lower branches of Sycamore tree
2017/00431/TCA	A	Y Cerigos, Barry	Work to trees in Barry Marine Conservation Area - Reduce shrubs, Fell row of Pine Trees, Reduce 4 conifers
2017/00444/TPO	A	Gweled Y Glyn and Cartref, St. Hilary	Work to trees covered by TPO 1972 no 7 and St Hillary Conservation area. T1 - Coppice Ash; T2 - Remove dead wood to Cherry and T3 - 30% height reduction to Holly

2017/00445/TPO	A	Foxglove Cottage, 1, Castle Mews, Llanblethian, Cowbridge	Work to trees covered by TPO 1994 no 19. Fell 3 Ash and provide 3 replacement trees
2017/00454/TPO	A	The Old Rectory, Llangan	Minimal pruning/reshape Sycamore, crown lift up to 4.5m above ground level Beech and reshape Beech
2017/00510/TCA	A	Pond Cottage, Llysworney	Work to trees in Llysworney Conservation Area. Prune and/or remove 4 Cypress Leylandii trees which have become overgrown and are either blocking access to the drive or are taking light from the property.
2017/00511/TCA	A	Pen y Cae, Beach Lane, Penarth	Work to trees in the Penarth Conservation Area. Crown thinning and some reduction to trees bordering Beach Road - Two Purple Beeches, one Bay Laurel, two Sycamores and one Ash tree
2017/00534/TCA	A	40, Victoria Road, Penarth	Work to tree in Penarth Conservation Area. Repollard to Lime in rear garden

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 JULY, 2017**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. 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.

2017/00339/OUT Received on 7 June 2017

DH Rees & Sons Bryn Farm, Pont Sarn Lane, CLAWDDCOCH, CF71 7UP
Reading Agricultural Consultants Gate House, Beechwood Court, Long Toll,
Woodcote, RG8 0RR

Bryn Farm, Pont Sarn Lane, Clawddcoch

Outline planning application for a farmworker's dwelling

REASON FOR COMMITTEE DETERMINATION

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

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

EXECUTIVE SUMMARY

The application has been submitted in Outline with all matters reserved for the erection of a farmworkers dwelling. Although all matters are reserved the applicant has indicated that the proposed dwelling would have a floor area of approximately 140 square metres with a footprint of 10m x 7m (+/- 2m) with a height of between 6.5m and 8.5m.

No letters of objection have been received, although letters of support have been received from the local Assembly Member and the Member of Parliament.

In assessing the proposal against the above policies and guidance it is considered that the main issues include whether the proposed dwelling can be justified for the purposes of the agricultural operations on the holding; design and visual impact; neighbouring and residential amenity; and highway safety.

The application is recommended for approval.

SITE AND CONTEXT

The application site is a field parcel to the north of the established agricultural enterprise of Bryn Farm. The site falls outside of the settlement boundaries defined by the adopted Local Development Plan and as such falls within the countryside. The field parcel is enclosed by an established hedgerow to the west and north, whilst to the south are the agricultural buildings of the established farm.

The application site falls within the Ely Valley and Ridge Slopes Special Landscape Area and the field parcel is classified as Grade 4 agricultural land. A Public Right of Way (P2/29a/1) runs along the access road to the east serving the existing farm.

DESCRIPTION OF DEVELOPMENT

The application has been submitted in Outline with all matters reserved for the erection of a farmworkers dwelling. Although all matters are reserved the applicant has provided scale parameters that indicate that the proposed dwelling would have a floor area of approximately 140 square metres with a footprint of 10m x 7m (+/- 2m) with a height of between 6.5m and 8.5m. They have also indicated that the proposed dwelling would be served by an access from the existing access lane serving the farm running to the east of the site. A location plan is shown below:



The applicant indicates that the proposed dwelling is required to provide continued on-site accommodation for a suitably qualified farmworker to monitor a 120-cow suckler herd, their offspring and finishing cattle, plus a 500-ewe flock of sheep.

PLANNING HISTORY

There is no relevant planning history at the property.

CONSULTATIONS

Pendoylan Community Council was consulted and had 'no objection to this application'.

Peterston-Super-Ely Ward member was consulted although no comments had been received at the time of writing this report.

The Council's Highway Development section was consulted indicating that they would not raise an objection in with regard to highways subject to conditions requiring parking to be provided prior to the beneficial occupation of the site and that the dwelling shall be used ancillary to the existing farm and not be occupied independently.

The Council's Public Rights of Way Officer was consulted indicating that Public Right of Way 29a follows the alignment of the farm access track, indicating that the footpath must be kept open and available for use by the public at all times and that no adverse effect should result from the footpath.

The Council's Ecology Officer was consulted and confirmed that they have 'no comments to make on this application.'

REPRESENTATIONS

A site notice was displayed on 21 June 2017. Two letters of representation had been received one from the local Assembly Member and the other from the local Member of Parliament.

- Assembly Member Jane Hutt writing in support of the application stating that 'the Rees family play an active role in the local community, school and church as well as the local agricultural economy which Mr Rees seeks to sustain.'
- Alun Cairns MP writes in support of the application indicating his support for farming and rural culture within the Vale of Glamorgan.

Copies of these letters are included at Appendices A & B.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG4 – AFFORDABLE HOUSING
POLICY MG17 – SPECIAL LANDSCAPE AREAS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD7 - ENVIRONMENTAL PROTECTION

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

Planning Policy Wales:

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

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

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. This includes paragraph 9.2.22 which states:-

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

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) including 4.3.1, 4.4.1, 4.7.1, 4.12.1 and 4.13.1.
- Technical Advice Note 12 – Design (2016) including paragraph 2.6, 5.5.1, 5.5.2 and 5.8-Rural areas.

Supplementary Planning Guidance:

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

- Amenity Standards
- Design in the Landscape
- Parking Standards (Interactive Parking Standards Zones Map)
- Sustainable Development - A Developer's Guide
- Trees and Development

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

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include, whether the proposed dwelling can be justified for the purposes of the agricultural operations on the holding; design and visual impact; neighbouring and residential amenity; and highway safety.

Background

The application is supported by an appraisal prepared by the applicant's agricultural advisors Reading Agricultural Consultants, which provides the background to the proposals. This appraisal details that Bryn Farm extends to some 322 hectares of pasture and arable land, of which 251 hectares are owned by DH Rees and Sons, the operators of the farm. They indicated that the farm has a 120 cow suckler herd, offspring and finishing cattle; 500 ewe flock of sheep in addition to purchasing 50 dairy-cross calves per annum; raising 200 turkeys for Christmas and farming 50 hectares of arable crops to provide feed for livestock. The appraisal indicates that the holding has steadily been expanded through purchases and acquisitions of land from St. Mary Church in the west to Peterston-Super-Ely in the east. The statement also indicates that the business has another farm, Bryn Heligon, to the north of Bryn Farm that is occupied by other members of the Rees family and is used to finish cattle born at the Bryn.

With regard to the need for the new house the submitted details indicate that a new dwelling is required to provide accommodation for the farmer's son, Tom Rees, noting that the existing dwelling on the farm is occupied by his parents. It goes further to state that *'the need for the dwelling has arisen due to the expansion of all facets of the business and health issues experienced by Tom's Father, Robert, which prevent him from undertaking strenuous tasks. The principal stockman is also intending to set up home with his long-term partner and requires on-site accommodation to supervise the stock. Tom will be the third generation of the Rees Family to farm at The Bryn'*.

The appraisal details that there are four full-time workers on the holding, including Tom's father and his uncle, Edward, both of retirement age and his cousin Owen who lives at Bryn Heligon. Part time workers are drafted in during peak labour requirements such as lambing and harvest. The appraisal indicates that whilst Tom and his cousin have operated a contracting enterprise using machinery from the farm when not being utilised, Tom's responsibilities on the farm are increasing each year and that his father has been advised to reduce workload due to health issues. The appraisal indicates that Tom is currently able to meet his husbandry commitments by living with his parents, although is engaged to his partner and they wish to set up home together. The submitted details indicate that there are a minimum of eight months each year when a competent person needs to be on-site to meet potential care requirements. Whilst there is an existing farmhouse on-site, this is occupied by Mr and Mrs Rees (senior) and the appraisal indicates that this is not available as it would be unreasonable to expect the occupants to vacate their home to allow them to retire.

The statement indicates that the application has been submitted under an exception under Technical Advice Note 6 (section 4.5) relating to the provision of second dwellings on established farms where the criteria set out under paragraph 4.4.1 cannot be fully satisfied namely where '*there is an existing functional need for an additional 0.5 or more of a full-time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.*'

Justification

Paragraph 9.3.6 of PPW which requires that all applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. In addition TAN6–Planning for Sustainable Rural Communities defines a rural enterprise dwelling as either a new dwelling on an established rural enterprise; a second dwelling on an established farm; or a new dwelling on a new enterprise. Paragraph 4.7.1 of TAN 6 sets out the tests that need to be addressed in any appraisal that must accompany applications for rural enterprise dwellings, which include:

- The *functional test* to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise. (See paragraph 4.8.1).
- The *time test* to provide evidence of the labour requirement for the worker who is working on the justifying enterprise. (See paragraph 4.9.1).
- The *financial test* to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification. (See paragraphs 4.10.1 - 4.10.3).
- The *other dwellings test* to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need. (See paragraphs 4.11.1 - 4.11.2).
- *Other normal planning requirements test* to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment. (See paragraphs 4.12.1 - 4.12.2).

In the case of the current application, the applicant has indicated that they wish for the application to be considered as a second dwelling on an established farm under the 2nd exception detailed within section 4.5 of TAN6 below:

4.5.1 The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied. The two exceptions to the policy are:

- *Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business; or,*
- *There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.*

4.5.2 In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in paragraph 4.4.1 c - e are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after this TAN comes into force and not to subsequent dwellings.

4.5.3 It must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. In addition, where all the criteria specified above are met the planning authority should ensure that the new dwelling is tied to the holding by way of a legal agreement.

Whilst noting the provisions of paragraph 4.5.2 above, that the proposed dwelling should be considered providing paragraph 4.4.1 c – e are met, it remains to be established that there is a clear functional need for an additional 0.5 or more of a full time worker. Therefore the functional/time tests as ordinarily required for new dwellings on established rural enterprises still have to be considered.

Functional need - the supporting documentation indicates that attention to newly born calves and lambs and the suckler cow and calf enterprise necessitates the requirement for a residential management presence, with the family dwelling currently being occupied by two competent workers although Robert Rees (Tom's father) has been advised to reduce his workload on medical grounds. As stated above, the applicant indicates that Tom intends to set up home with his fiancé, whilst his parents would take a reduced role in the daily operation of the farm with the intention to retire within the existing dwelling on-site. They also indicate that the large numbers of livestock on the holding requires an experienced stockman to be on site at all times, noting that combined calving periods would continue over a significant period of the year when close observation will be required, including intervention outside of normal working hours. In addition there will be periods of pre and post calving when close observation will be needed. The submitted details indicate that Tom works full time on the farm for a significant period of the year, although operates an agricultural contracting business during the summer harvest period, outside the lambing and calving periods. Having considered all of the submitted details, it is considered that a functional need exists for a second dwelling on-site.

The need equates to an additional 0.5 or more of a full time worker – The application has been supported by standard labour coefficients indicating that the enterprise as a whole requires approximately 4 full-time workers (4.2) with the livestock proportion of the business almost requiring 3 full-time workers (2.8). The submitted calculations appear to be reasonable for a holding of this type and size, and indicate that Tom (the proposed occupier of the proposed dwelling) works largely on a full time basis on the farm and that this requirement is likely to increase. Therefore it is considered that it has been demonstrated that the need equates to at least 0.5 or more of a full time worker.

4.4.1c requires that the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so. Having examined the financial details (including unaudited accounts) for the three years 2014 to 2016, it shows a net profit across the 3 years for the farming enterprise with assets exceeding liabilities of the business. As such on the evidence provided, it is considered that the business is financially sound, having been established for in excess of 3 years and with a prospect of remaining viable.

4.4.1d requires the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned. As noted previously, there is an existing dwelling within the farm complex, although the application details that this is occupied by Robert and Janet Rees, Tom's parents. The application details that an additional dwelling is required to accommodate Tom and his partner, and that there are not suitable dwellings within the vicinity of the site that would serve the functional requirements detailed within the application. An online local property search confirms that there are no suitable properties within the vicinity of the site, given their cost and lack of physical proximity. The existing farm complex comprises of a number of buildings, although these are largely utilitarian in their design and appear to be utilised in conjunction with the working of the farm. As such there does not appear to be an opportunity to provide a residential accommodation within an existing building. Noting this it is considered that this criterion is satisfied in this instance.

4.6.1e requires that other normal planning requirements, for example siting and access, are satisfied. The applicant indicates that the siting of the dwelling is to allow better surveillance of the access to the site. The dwelling has also been sited to the north of the building group immediately adjacent to the buildings in which the cows calve whilst also allowing overlooking of the fields where newborn calves are often placed in their first few weeks. The dwelling would also be served through an existing opening within the established hedgerow running to the east of the site. Further consideration of all planning matters will be further detailed later within the report.

Having assessed all the above information above against the relevant legislative framework, it is considered that the principle of a new agricultural dwelling, in connection with the existing, established agricultural activities within the wider holding, is acceptable in principle subject to other planning considerations that will be explored further within the remainder of the report, as required by paragraph 4.7.1 of TAN6.

Agricultural land

Policy MD1 'Location of New Development' states that '*new development on unallocated sites should:... 9. Have no unacceptable impact on the best and most versatile agricultural land.*' Paragraph 4.10.1 of PPW (9th edition) states that land at grades 1, 2 and 3a is the best and most versatile land. The Council's Land Classification records indicate that the site is Grade 4 land and as such the proposals would not result in the loss of the best agricultural land.

Design and visual impact

Policies MD1 'Location of New Development' and policy MD2 'Design of New Development' are criteria based policies of the Local Development Plan that apply to all new development within the Vale of Glamorgan. Policy MD1 states that '*new development on unallocated sites should; 1. have no unacceptable impact on the countryside.*' Policy MD2 seeks to create high quality distinct places and states that '*development proposals should: 1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and build environment and protect existing features of townscape or landscape interest.*'

Policy MG17 'Special Landscape Areas' is also of relevance given the position of the site within the Ely Valley and Ridge Slopes Special Landscape Area. This policy states that '*development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.*'

Further guidance is contained within TAN6, which states at paragraph 4.10.2:

"Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate."

In addition, in relation to the design of the dwelling, paragraph 4.12.1 of TAN6 states:-

“Rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. The siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape.”

The application has been submitted in Outline with all matters reserved and as such details including the appearance, layout and scale of the proposals would need to be considered fully with a reserved matters application(s).

Notwithstanding this, the submitted scale parameters and indicative floor area indicate that the dwelling be relatively modest in terms of its size and would not be overscaled for a dwelling of this type, whilst the curtilage of the dwelling would not appear to be excessive.

During the course of the application it was queried whether the siting of the dwelling could be rationalised within the existing farm complex so as not to encroach into land to the north. The applicant’s advisors however indicate that the dwelling has purposefully been located to the north of the building group to improve security and to allow surveillance of pregnant and young livestock. Being mindful of this, it is considered that whilst the dwelling would extend the yard into a field to the north, it would however still be viewed against the backdrop of and in the context of the existing farm yard and buildings whilst it would not result in the fragmentation of the farmstead. Notwithstanding this, the exact siting of the dwelling within the plot would need to be carefully considered under a subsequent Reserved Matters application to ensure that any dwelling successfully assimilates within its context.

Whilst access is a matter reserved for a subsequent application, the application red line includes the existing access serving the farm. Whilst associated highways issues are discussed later within the report, it is considered that the use of the existing access would limit the harmful impact that a separate means of access would cause within a sensitive countryside area, falling within the Ely Valley and Ridge Slopes Special Landscape Area.

Accordingly, it is considered that the proposed development can be sited in the proposed location without harmfully impacting upon the existing pattern of development or the visual amenities of the host countryside or Special Landscape Area, complying with the requirements of policies MG17, MD1 and MD2 of the Local Development Plan.

Impact upon amenity of neighbouring residential properties

The application site is a significant distance from the nearest neighbouring dwelling and would not detract from the amenity enjoyed by occupiers of neighbouring residential properties.

Amenity provision

The Council's Amenity Standards SPG require that 1m² of amenity space be provided for every 1m² of gross floor space. The proposed plot would be adequate in size to meet the requirements in terms of amenity space (subject to detailing).

Highway safety and access

Whilst access is a reserved matter, it is indicated from the application site boundary that the new dwelling would be accessed via the existing access running from Pont Sarn Lane to the north access and it is considered that there is no objection in principle to the use of this access, particularly noting comments above with regard to potential visual impact of a separate access.

While a detailed layout has not been submitted, the size of the site for the new dwelling is sufficient in area to allow vehicles to park and turn to enable them to enter and leave the junction in a forward gear onto the existing access track to the farm. Noting that the occupier of the proposed dwelling already resides on site, and that the proposals would only afford a relatively modest dwelling on an existing agricultural holding, it is considered that any intensification of the access and track would be to such a degree, that it would not represent a risk to highway safety and certainly not to a degree to represent a reason to refuse planning permission. Whilst noting that the highway officer requests that a condition be attached with regard to parking being provided, given that all matters are reserved it is considered more appropriate to require that parking and turning areas and any associated conditions be considered and attached to any future reserved matters consent. Noting the above, it is considered that there is not a highways constraint restricting the grant of planning permission in this instance.

Public Right of Way

Public Right of Way (PROW) No.29a Pendoylan (footpath) runs along the access track to the existing farm. The Council's PROW officer indicates that the public footpath must be kept open at all times and no adverse effect should occur as a result of the development. Any temporary closure required should be sought under the Road Traffic Regulation Act 1984. Whilst the proposals will result in an additional dwelling being served along this access track it is not considered that any detriment will result to the PROW as a result of the works. An informative will be attached to any consent given, to ensure the applicant is aware that no works/obstruction should result to the PROW as a result of the development.

Ecology

The application is proposed within a field parcel to the north of the existing farm and the provision of the access would result in a small loss of hedgerow to serve the dwelling. However, there is significant scope for replacement/additional hedgerow as part of any landscaping reserved matters application and it is therefore considered that this does not represent a reason to refuse planning permission. The land itself does not fall within or near any statutory designation and as such it is considered that there is not an ecological constraint restricting the grant of planning consent in this instance.

Affordable housing

The Draft Affordable Housing Supplementary Planning Guidance has been approved by the Council and is now a material consideration in the assessment of planning applications. Within this housing market area the Council's Affordable Housing policy requires all residential sites resulting in a net gain of 1 or more dwellings to provide 40% of affordable housing. In areas with a 40% requirement, a new dwelling would require a financial contribution equating to 40% of an Affordable Housing Contribution.

However the guidance contained within paragraph 9.3.9 of PPW where it states:-

“Where the need to provide accommodation to enable a rural enterprise worker to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for this need. For this reason planning permission should be granted subject to an occupancy condition. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2, Planning and Affordable Housing. This will ensure that the dwelling remains available to meet local affordable housing need should the original justification have ceased to exist.”

Being mindful of the above, it is considered that the dwelling proposed represents an affordable housing unit and as such a contribution towards affordable housing provision would not be required. A condition will however be attached to any planning permission granted to ensure that the dwelling is occupied as a unit to be occupied by a rural enterprise worker or as a unit of affordable housing in perpetuity.

RECOMMENDATION

APPROVE subject to the following conditions(s):

1. Approval of the details of the layout, scale, appearance, access and landscaping of the development (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.
- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. The occupancy of the dwelling shall be restricted to:

a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;

or, if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason:

Since a dwelling in this rural location would not be permitted unless justified for rural enterprise, and in order to ensure that the dwelling is kept available to meet the needs of other rural enterprises in the locality, in accordance with advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities.

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

Report by Reading Agricultural Consultants dated 20 March 2017 received 05 April 2017; Scale parameters as described in email from Ieuan Williams dated 07 June 2017; Proposed Sections 168-01 Rev B received 07 July 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.

7. Prior to the commencement of development, details of the finished levels of the site and the dwelling hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that local visual amenities are safeguarded, and to ensure the development accords with Policy MD2 of the Local Development Plan.

8. All means of enclosure associated with the dwelling hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the dwelling they relate to, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy MD2 of the Local Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site (other than those approved under condition 8 of this consent) without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy MD2 of the Local Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with Policy MD2 of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regards to policies SP1 'Delivering the Strategy'; SP4 'Affordable Housing Provision'; SP10 'Built and Natural Environment'; MG4 'Affordable Housing'; MG17 'Special Landscape Areas'; MD1 'Location of New Development'; MD2 'Design of New Development' and MD7 'Environmental Protection'; Supplementary Planning Guidance on Amenity Standards, Design in the Landscape and Trees and Development; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Rural Communities and TAN12-Design; it is considered that the proposal represents an acceptable and justified rural enterprise dwelling that will not result in an unacceptable impact upon the visual amenities of the countryside or Ely Valley and Ridge Slopes Special Landscape Area. In addition the proposal should cause no detriment to neighbouring amenity or highway and pedestrian safety.

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. Please note that an agricultural occupancy condition applies to this consent and you should ensure that you can fully comply with the requirements for occupancy as detailed in the conditions. Failure to do so may result in the Council taking legal action against you.**
- 2. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 3. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

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

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

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

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



SITE LOCATION PLAN
(scale 1 to 1250 at A3)

VALE OF GLAMORGAN COUNCIL
AMENDED PLANS
RECEIVED 07/07/2017
Date.....

2017/00339/OUT



AERIAL IMAGE N.T.S.



Do not scale, use figured dimensions only.
Dimensions to be checked on site and any discrepancies reported to the Architect immediately.
This drawing is copyright.

Revision Date Comments

Reuben Evans ARCHITECT BSc BArch Telephone: 01950 185824 mobile: 07950 185824 reuben@reubenevans.co.uk	
Project	Proposed Farmworkers dwelling at Bryn Farm, Clwed Coch, Cowbridge CF71 7UP
Client	Tom Rees, Clwed Coch, Cowbridge CF71 7UP
Drawing	Proposed sections
Date	Feb 2017
Scale	as indicated at A1
Drawing No.	108 - 01 REV B

Rev.A.19 May 2017
Site area revised

Rev.B.07 July 2017
Red line revised to show that the existing hedge separating the site from the application boundary to the north is the existing hedge and there is no land between

2017/00473/FUL Received on 8 May 2017

Mr Bird 30, Porthkerry Road, Rhoose, Vale of Glamorgan. CF62 3HD
Mr Andrew Parker The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan. CF5 6TR

30, Porthkerry Road, Rhoose

Proposed alterations and extensions to form additional accommodation

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's because Councillor Gordon Kemp has "called in" the application for the following reasons:

- The proposal would have an unacceptable adverse impact on the residential amenities of occupants of neighbouring properties, including their privacy.
- The size and form of the extension would have an unneighbourly impact, including an unreasonable loss of light to the adjoining property.
- Over development of the site.
- The level of local opposition.

EXECUTIVE SUMMARY

The proposal is for alterations and extensions to an existing house to provide additional accommodation. The applicant seeks consent for a rear dormer extension, two-storey extension and terrace; a two storey side extension and extension to front dormer; a single storey rear extension; and a ground floor front extension.

The main issues to consider are the siting, scale and design of the proposals and their impact upon the character of the existing dwelling, and any impacts upon the amenity of neighbouring properties.

There have been letters of objection received from 6 properties in the vicinity of the site, with the main issues relating to:

- Overbearing impacts upon numbers 32 and 28 Porthkerry Road.
- Impacts upon the privacy of neighbouring properties.
- Issues surrounding the loss of light and shading.
- Impacts upon neighbouring amenities by the virtue of noise.
- Impacts upon highway safety and parking.
- Issues relating to the number of people occupying the property.
- Issues relating to the siting and scale of the proposals.

Notwithstanding the issues raised above, the application has been recommended for approval subject to conditions.

REPORT

SITE AND CONTEXT

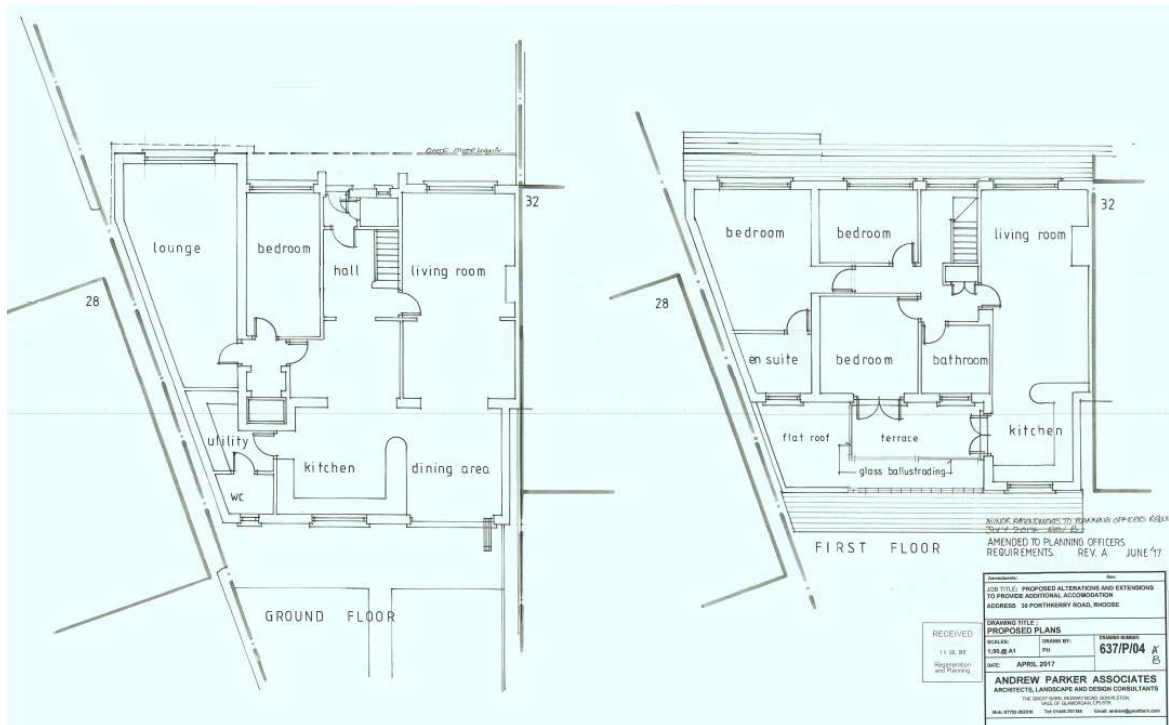
The application site is 30 Porthkerry Road, a dormer bungalow located within the Rhoose Settlement Boundary. Although the wider street scene is comprised of a range of housing types, the applicant's dwelling is part of a relatively uniform section of the street of four semi-detached pairs of dormer bungalows, all of which front Porthkerry Road. To the rear the site is a housing allocation which is under construction. The application site is located outside of any Conservation Area.

DESCRIPTION OF DEVELOPMENT

This planning application seeks permission for proposed alterations and extensions to create additional accommodation. The proposals include a rear single storey extension, rear two storey extension, rear dormer extension, two storey side extension including an extension to the existing front dormer. The proposal also includes a small extension at ground floor to the front of the property.

The proposed single storey rear extension would measure approximately 10 metres in width and approximately 4 metres in depth. The extension would have an eaves height of approximately 2.5 metres and ridge height of approximately 3.5 metres. The proposed two storey section would measure approximately 3.5 metres in depth when measured from the rear dormer face. This extension would have an eaves height of approximately 5.5 metres and a ridge height of approximately 6.9 metres. The two-storey side extension fills the gap between the existing house and the boundary with the neighbouring property, with eaves and ridge height matching the main dwelling and includes an extension to the existing dormer on the front roof slope. The proposed ground floor front extension would project forward of the building line by approximately 1 metre. The development would be finished with materials to match those of the existing dwelling.

The proposed plans are shown below:



PLANNING HISTORY

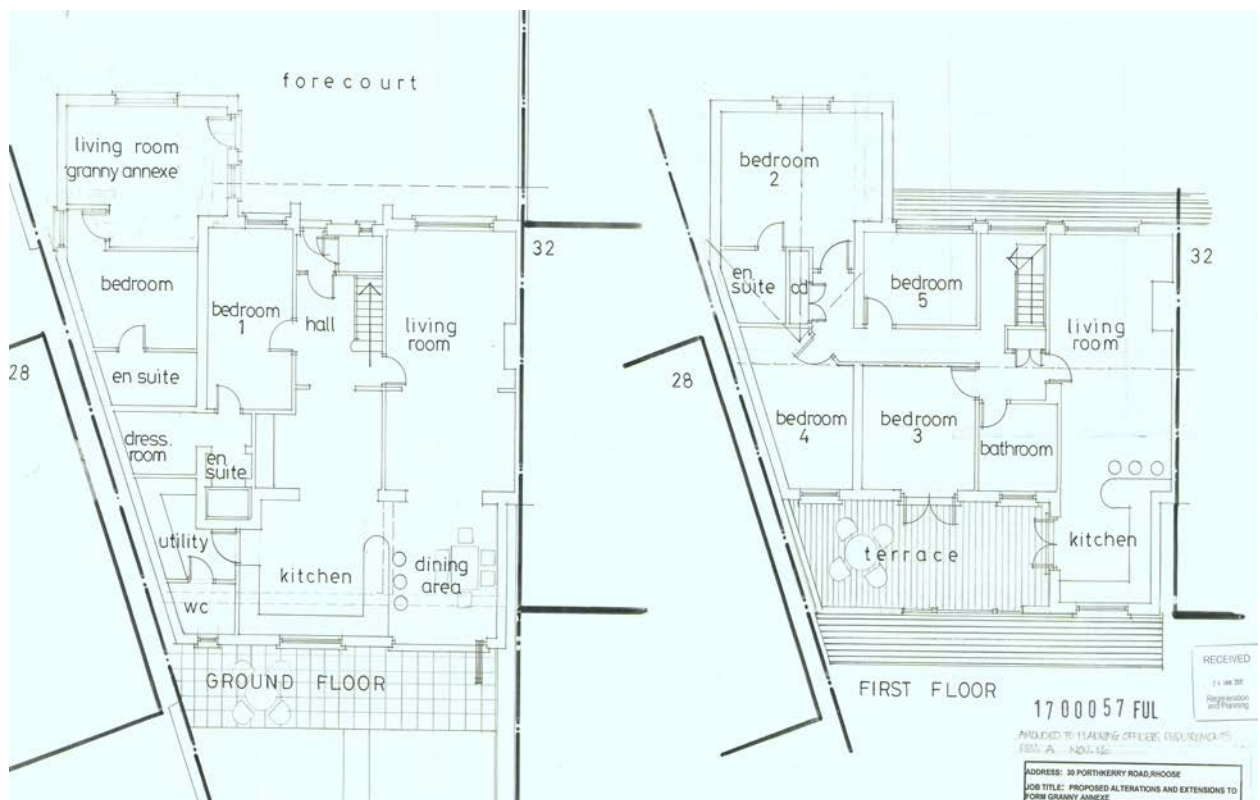
2013/00157/FUL, Address: 30, Porthkerry Road, Rhoose, Proposal: Erection of a single storey rear extension with roof garden above and two storey side extension to include a granny annexe, Decision: Withdrawn

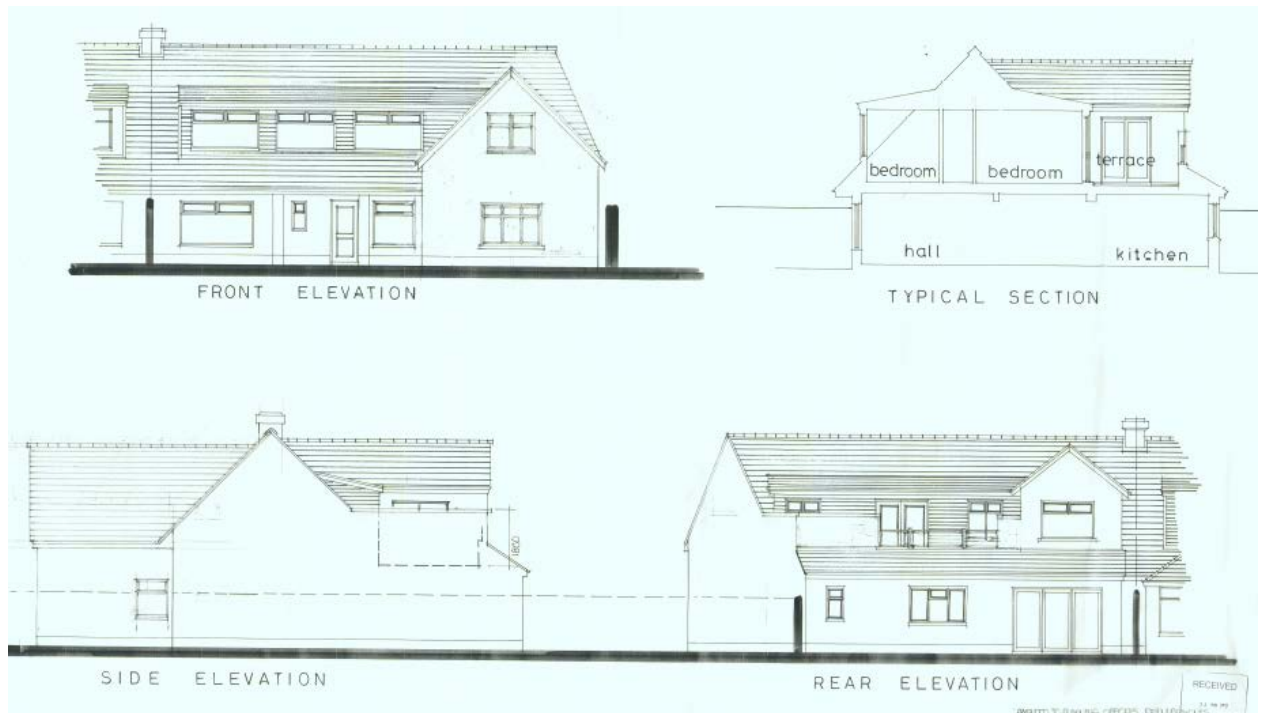
2016/00977/FUL, Address: 30, Porthkerry Road, Rhoose, Proposal: Proposed alterations and extension to form granny annexe, Decision: Withdrawn

2017/00057/FUL, Address: 30, Porthkerry Road, Rhoose, Proposal: Proposed alterations and extension to form granny annexe including 2 storey front/side extension, rear dormer extension and single storey rear extension with first floor roof terrace with balcony, Decision: Refused, for the following reasons:

1. By reason of its size, design and relationship to the existing house and the row of similar dormer bungalows, the proposed extension would appear as an insensitively designed form of development that would be visually incongruous and harmful to the pattern of development along this part of the street. The development is therefore contrary to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance on Amenity Standards.
2. By reason of the location of the balcony and its orientation relative to number 28 Porthkerry Road, the development would result in an elevated and direct level of overlooking towards the rear garden of this neighbour, thereby unacceptably impacting upon the privacy enjoyed by the occupiers. The development is therefore contrary to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance on Amenity Standards.

The plans of the refused proposal are shown below:





CONSULTATIONS

Local Councillors were consulted on the 12/5/2017. The following comments have been received from Councillor Gordon Kemp:

I would request that officer delegation be removed in respect of the above matter and it be referred to committee. My reasons for the request are:-

1. Proposal would have an unacceptable adverse impact on the residential amenities of the occupants of neighbouring properties, including their privacy.
2. Size and form would have an unneighbourly impact, including an unreasonable loss of light to the adjoining property.
3. Over development of the site.
4. Level of local opposition.

REPRESENTATIONS

We have received letters of objection from 6 properties in the vicinity of the site on the original and amended plans. A summary of the comments are as follows:

- Overbearing impacts upon number 32 and number 28 Porthkerry Road
- Impacts upon the privacy of neighbouring properties
- Issues surrounding the loss of light and shading
- Impacts upon neighbouring amenities by virtue of noise.
- Impacts upon highway safety and parking
- Issues relating to the number of people occupying the property.
- Issues relating to the siting and scale of the proposals.

Representations received from the immediate neighbours can be found at **Appendix A**.

Planning Policies and Guidance

Local Development Plan:

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

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

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

Planning Policy Wales:

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Amenity Standards

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 assess in the determination of the application are the effects of the proposed development on the character of the existing dwelling and the surrounding street scene, impacts upon the amenity of neighbouring properties, parking and amenity space.

Visual Impacts

The street scene is comprised of a range of housing types; however the applicant's dwelling is part of a more uniform section of the street scene which includes four semi-detached pairs of dormer bungalows.

Policy MD2 Design of New Developments of the Vale of Glamorgan Local Development Plan 2011-2026 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia):

1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The rear dormer extension would not be visible from Porthkerry Road. Consequently, the extension would have no appreciable impacts upon the character of the dwelling or the uniformity of the street scene. The proposed dormer extension is in any case considered to be acceptable in terms of its siting, scale and design as its overall proportions reflect a subservient addition to the host property. The two storey rear section is also considered to be of a subservient scale, relative to the existing house, and the design is in keeping with the existing. It would also not be prominent from the street and would not harmfully alter the character of the dwelling or the wider street. The single storey extension with roof terrace above would similarly not significantly alter the appearance of the house as it would be well screened from public views.

The side extension would largely restore a sense of balance to the semi-detached pair, since the adjoining property has already been extended similarly. The extension is similar to that at the neighbouring property, albeit the existing dormer would be continued as opposed to a new pitched roof dormer being created. The resultant dormer would remain subservient within the front roof plane and the extension as a whole would preserve the character and appearance of the house. Sufficient space would remain between the extended dwelling and the neighbour to the side (separated by a garage), such that the development would not appear cramped.

The proposals would also include extending forward of the principal elevation by approximately 1 metre, therefore, this would alter the appearance of the dwelling when viewed from the street to certain degree. However, given that the applicant's dwelling is considerably set back from the highway and the extension is of a very modest scale, it is considered that the front extension would have no detrimental impacts upon the uniformity or character of the street scene.

Overall, it is considered that the proposals comply with policy MD2 Design of New Development of the Vale of Glamorgan Local Development Plan 2011-2026 and are consequently acceptable in terms of their design and visual impact

Impact to neighbouring amenity

Rear and side two storey extension

This extension would be located approximately 0.3 metres away from the boundary with number 32 Porthkerry Road and would measure approximately 3.5 metres in depth from the face of the rear dormer. Whilst it is noted that the proposed extension would be relatively close to the boundary and would alter the outlook of the neighbour to a certain degree, particularly from their first floor rear bedroom (which is approximately 1m away from the party boundary), on balance, it is considered that the proposal would not result in any unacceptable overbearing impacts. The development would have the effect of partially enclosing the side outlook to one side of this bedroom window, however, it would be set off the boundary slightly and it is considered that the depth is not so significant that the effects would be unreasonable, oppressive, or so harmful that they would warrant the refusal of the application. The orientation of the development to the neighbour is such that there would be some shadowing impacts, but it is considered those impacts would not be unreasonably harmful.

The occupiers of number 32 have raised concerns that the proposed extension would make them feel "boxed in", given the size of the extension and the fact that their own dwelling has been extended to create a two storey wing on the other side of their rear elevation. While the neighbour's concerns in this respect have been fully assessed, it is considered that it would not be reasonable to refuse the application on the basis of a cumulative impact with the extension at number 32. i.e. the Council could not justifiably prohibit no. 30 from extending in order to preserve an openness to the shared boundary with 32, if the reason for the neighbour seeking an open outlook is partially due to their own extension. Rather the extension must be assessed on its own merits, and with regard to the impacts of it alone on the windows and amenity space at the neighbouring property.

The occupiers of number 32 have raised concerns with regard to potential overlooking from the first floor rear kitchen window. However, it is considered that this window would not provide significantly greater views than what is already possible from the applicant's existing rear first floor windows. It is considered that the views from the window would not exceed what is common in a residential setting such as this.

The part of the two storey extension to the side of the property would lie closest to the boundary with no. 28 Porthkerry Road. However, it is considered that the distance from the extension to the side elevation of the dwelling at no. 28 is sufficient to ensure that it would not appear overbearing from windows on that property. This part of the development would lie adjacent to the front garden/parking area and dwelling of this neighbour and would not significantly affect the main garden area at the rear. It is also considered that this part of the development would not unreasonably overlook neighbours to the rear, or those either side of the site. Over 21m would remain between the front and properties across the street.

Proposed Rear Terrace

The proposed rear terrace would be located approximately 3 metres away from the boundary with number 28 Porthkerry Road. However, given the modest scale of the reduced terrace area to be contained by a glass balustrade and the addition of the privacy screen on the side closer to number 28, it is considered that the terrace would not offer any unacceptably direct views into the amenity space of this particular neighbour.

The previous application was refused due to the impact of the terrace on the privacy of number 28 Porthkerry Road. Consequently, the useable terrace area has now been significantly reduced in scale, by limiting the width and depth. It is considered that the reduced width and depth, along with the screen that would run along the edge of the flat roof, would sufficiently screen views towards this neighbouring garden, such that the privacy of this neighbour would no longer be unacceptably affected. There would remain some views, however, between dwellings and gardens to some extent which is not uncommon in residential areas such as this.

Proposed Single Storey Rear Extension

The proposed single storey rear extension would be relatively close to the boundary with number 32 Porthkerry Road. However, given the modest scale of the extension, it is considered that it would not have any unacceptable impacts in terms of being overbearing, loss of light or shading, particularly as the proposed extension would not significantly exceed the depth of number 32's single storey extension.

The extension would also be relatively close to the boundary with number 28 Porthkerry Road. However, given the extension's modest scale it is considered that it would not have any appreciable impacts upon the amenity on this neighbour.

Proposed Front Extension

The proposed front extension would be located relatively close to the boundary with number 28 Porthkerry Road. However, given its minimal depth and scale, it is considered that the extension would have no appreciable impacts upon the amenity of this neighbour.

Overall, it is considered that the proposals would not have any unacceptable impacts upon neighbouring amenity are therefore acceptable.

Highway Safety and Parking

Neighbouring properties have raised concerns that the proposals would impact upon parking and highway safety. However, it is considered that the applicant has a driveway which is large enough to accommodate 3 or more cars. Consequently, it is considered that there would be sufficient parking provision to serve the dwelling based on the Council's parking standards (which require a maximum of three).

With regard to highway safety, the applicant's dwelling would be accessed through an existing entrance from Porthkerry Road. Consequently, it is considered that the proposals would have no appreciable impacts upon highway safety as there is no change to the existing access.

Other Issues

The letters of objections received raised concerns that the proposals, particularly its part use as an annex, would cause unacceptable impacts in terms of noise and disturbance. It is considered that the intensity of the use would not have any unacceptable noise impacts and would not exceed what is common in a residential area. This would essentially remain a dwelling, albeit a relatively large one. Concerns have been raised that the development would effectively be splitting the property into two dwellings. The development would result in the internal re-organising of space and there would be living accommodation (including bedrooms and kitchens) on both floors. However, while this is not necessarily a conventional layout, the accommodation is all internally linked and flows as one space. It is considered that this would remain one dwelling and the proposed development does not result in an additional separate unit being created.

There have also been issues raised with regard to fire safety. However, it is considered that this would be assessed during the Building Regulations process which is separate to this planning application.

The letters of support and objection also include a number of party wall issues. These issues are not material considerations in the determination of this planning application and are civil matters that should be dealt with separate to the planning process.

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: Proposed Elevations (amended 637/P/05 Rev B) and Proposed Floor Plans (amended 637/P/04 Rev B) as received on 19 July, 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 extensions hereby permitted shall not be occupied at any time other than for purposes ancillary to the existing residential use of the dwelling known as 30 Porthkerry Road, Rhoose.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policy MD2 Design of New Development of the Local Development Plan 2011-2026

4. A 1.8m high obscurely glazed screen, using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration, or an alternative form of screen, of which details shall be submitted to and approved in writing by the Local Planning Authority prior to its erection, shall be erected on the side of the terrace closest to the neighbouring property number 28 Porthkerry Road, and along the rear edge of the terrace/flat roof as shown on plan 637/P/05 A, prior to the first beneficial use of the useable terrace area, and so retained at all times thereafter.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 Design of New Development of the Local Development Plan 2011-2026

5. The area indicated on plan 637/P/04 A as 'terrace' shall be enclosed and physically delineated from the remainder of the flat roof space prior to the first beneficial use of the terrace, and the remainder of the flat roof adjacent to the enclosed terrace shall not be used as a sitting out area, roof terrace or amenity space area at any time.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy MD2 Design of New Development of the Local Development Plan 2011-2026

REASON FOR RECOMMENDATION

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

Having regard to Policy MD2 'Design of New Developments' of the Vale of Glamorgan Local Development Plan 2011-2026, approved Supplementary Planning Guidance 'Amenity Standards' and national guidance contained within Planning Policy Wales (Edition 9, 2016), and TAN12 'Design' the proposals are considered to represent an acceptable form of extensions to the existing dwelling that will not adversely impact the character of the dwelling, the visual amenity of the surrounding area or the residential amenities of the neighbouring dwellings.

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

NOTE:

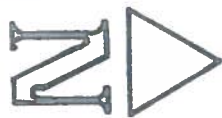
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

SITE LOCATION 1:1250



Head of Planning & Transportation
Planning Department
Vale of Glamorgan Council
Dock Offices
BARRY
Vale of Glamorgan
CF63 4RT

1ST June 2017

F.A.O. – Mr. Harri Aston - Case Officer

Re: 32 Porthkerry Road, Rhoose, Vale of Glamorgan. CF62 3HD
App. No. 2107/00473/FUL
Proposed alterations and extensions to form additional accommodation

I have been instructed by Mr. & Mrs. McGowan of 30 Porthkerry Road, Rhoose GF62 3HD, to formally object to this proposal. My clients' property directly adjoins the application site and due to the close proximity of the proposed extension to their boundary, would like their views and comments taken into account when the application is determined.

I have recently viewed the application site from Mr. & Mrs. McGowan's property. I have examined the submitted plans at the Council's Dock Offices in the presence of a Planning Officer and all other material on the Council's Planning website. In particular, I have looked at both the plans and the background papers to the previous planning application for a 2 storey extension made under reference App. No. 2017/00057/FUL which was refused planning permission recently on the 21st March 2017. I have compared the refused plans from the Council's web site and compared them to what is now proposed with this revised application.

The application site is situated on the eastern side of the village of Rhoose and on the southern side of Porthkerry Road. The property comprises a semi-detached dormer bungalow, set back from the highway, with gardens and car parking facilities. Originally, at the time of construction, both properties would have been symmetrical. However, both have been altered over time. To the rear of the property is a housing site currently under construction (land to the north of the railway line).

This particular part of Rhoose comprises of primarily residential properties of mainly semi-detached and terraced design and two storeys in height. The application property is linked to a pair of semi-detached dwellings. The objector's property is semi-detached. There is a conservatory to the rear as well as a 2 storey extension.

There have been a number of previous planning applications mad in respect of this property and full list and description, together with the decision, is attached as **Appendix 1**.

As part of my assessment, I have compared the plans submitted with App. No. 2017/00057/FUL against what is now proposed. The earlier application was refused recently in March 2017 for the following reasons:

1. By reason of its size, design and relationship to the existing house and the row of similar dormer bungalows, the proposed extension would

appear as an insensitively designed form of development that would be visually incongruous and harmful to the pattern of development along this part of the street. The development is therefore contrary to Policy ENV27 "Design of New Developments" of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011 and Supplementary Planning Guidance on Amenity Standards.

2. By reason of the location of the balcony and it's orientation relative to number 28 Porthkerry Road, the development would result in an elevated and direct level of overlooking towards the rear garden of this neighbour, thereby unacceptably impacting upon the privacy enjoyed by the occupiers. The development is therefore contrary to Policy ENV27 "Design of New Developments" of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011 and Supplementary Planning Guidance on Amenity Standards.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that all planning applications (and appeals) should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises the Vale of Glamorgan Unitary Development Plan 1996 – 2011 which was formally adopted in April 2005. From the Proposals Map, the application site is situated within the designated settlement boundary for Rhoose. The relevant policy is ENV 27 – "Design of new Developments," is a general design policy applicable to all types of planning applications. A copy this policy is attached as **Appendix 2**.

In terms of the differences between the 2 no. proposals, the extension to the front of the dwelling has been reduced in size in an attempt to minimise its impact. However, of more concern to my clients is that the proposed rear extension remains unchanged. The dimensions of the extension and the proposed floor plans are identical.

The plans show a 2 storey rear extension and at ground floor, projecting beyond the limit of the adjacent property. At first floor level, it would be parallel. The proposed rear extension measures approx. 10.0 metres wide and approx 4.0 metres deep. The floor plans show that a new kitchen and terrace area is proposed. This is edge-to-edge development, using the full width of the property.

The previous proposed ground floor plans showed a "living room granny annex" and a bedroom and en-suite bathroom at ground floor level, incorporating the ground floor addition. The current scheme shows that this has now been changed to simply a "lounge."

Despite this alteration, the proposal still shows effectively a sub-division of a single dwelling into 2 no. separate dwelling units. There is no separate means of entry for each unit, with the single access point being shared. Nevertheless, if planning permission were to be granted, the proposed development would be capable of being easily converted to 2 no. separate and self contained units of accommodation. The clear evidence to reinforce this concern is that the development proposed contains 2 no. kitchens – one on each floor.

Notwithstanding this claim and irrespective of the potential to be self-contained, there is still the detrimental effect on the residential amenities of the occupiers of the adjacent attached dwelling. It is considered that the introduction of a kitchen at first

floor level, situated next to a bedroom, is unacceptable. This will directly impact upon the privacy of neighbouring properties.

The recognised lawful use of both properties is as residential dwellings. Therefore, it is suggested that in the event that the Local Planning Authority are minded to approved the application and grant planning permission, notwithstanding the submitted plans, that a condition is imposed restricting the use to that of a single dwelling.

In addition to the policies of the Unitary Development Plan, there is also the Council's Supplementary Planning Guidance on Amenity Standards. Policy 1 states that

Privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings ...

Whilst it is acknowledged that an attempt has been made to scale down the proposal in terms of the front elevation of the property, nevertheless, the proposal is still positioned at the same distance and dimensions at the rear as the previously refused application. My clients therefore contends that due to this close proximity to their dwelling, this would result in the extension having an overbearing and unneighbourly impact.

In the light of the above, my client would respectfully request that his views are taken into account when the application is determined. My clients would also invite the Planning Case Officer to view the likely impact from their property.

Attachments:

- | | |
|------------|--------------------------------------|
| Appendix 1 | Planning History of application site |
| Appendix 2 | Copy of Policy ENV 27 of the UDP |

References:

1. Vale of Glamorgan Unitary Development Plan 1996 – 2011
2. Supplementary Planning Guidance on Amenity Standards
3. Planning Policy Wales (Edition 9) 2016
4. Technical Advice Note 12 – Design (2016)
5. Well Being of Future Generations (Wales) Act 2015
6. App. No. 2017/00057/FUL

Report prepared by Chris J Morgan
Planning Consultant

4A Fontygary Road
Rhoose
Vale of Glamorgan
CF62 3DR

Land at 32 Porthkerry Road, Rhoose, Vale of Glamorgan. CF62 3HD**Planning History**

1. App. No. 2013/00157/FUL - Erection of a single storey rear extension with roof garden above and two storey side extension to include a granny annexe – withdrawn – 20th March 2013
2. App. No. 2016/00977/FUL - Proposed alterations and extension to form granny annexe - withdrawn – 30th October 2016
3. App. No. 2017/00057/FUL - Proposed alterations and extension to form granny annexe including 2 storey front/side extension, rear dormer extension and single storey rear extension with first floor roof terrace with balcony – refused – 21st March 2017 for the following reasons:
 1. By reason of its size, design and relationship to the existing house and the row of similar dormer bungalows, the proposed extension would appear as an insensitively designed form of development that would be visually incongruous and harmful to the pattern of development along this part of the street. The development is therefore contrary to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance on Amenity Standards.
 2. By reason of the location of the balcony and it's orientation relative to number 28 Porthkerry Road, the development would result in an elevated and direct level of overlooking towards the rear garden of this neighbour, thereby unacceptably impacting upon the privacy enjoyed by the occupiers. The development is therefore contrary to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance on Amenity Standards.
4. App. No. 2107/00473/FUL - Proposed alterations and extensions to form additional accommodation – currently undetermined

Policy ENV 27 – “Design of new developments,” is a general design policy applicable to all types of planning applications and states that:

Proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) Complements or enhances the local character of buildings and open spaces;
- (ii) Meets the council's approved standards of amenity and open space, access, car parking and servicing;
- (iii) Ensures adequacy or availability of utility services and adequate provision for waste management;
- (iv) Minimises any detrimental impact on adjacent areas;
- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features;
- (vi) Ensures clear distinction between public and private spaces;
- (vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility;
- (viii) Has regard to energy efficiency in design, layout, materials and technology; and
- (ix) Has regard to measures to reduce the risk and fear of crime.

32 Porthkerry Road
Rhoose
CF62 3HD
3rd June 2017

The Vale of Glamorgan Council
Planning Department
Dock Office, Barry Docks
Barry
CF63 4RT

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

Application No: 2017/00473/FUL
Location: 30 Porthkerry Road, Rhoose
Proposal: Proposed Alterations and extension to form granny annexe

Dear Sir/Madam,

We are writing with regards to the above application. After reading all the information made available to us, we would now like to raise our concerns and objections.

As previously stated plans were first submitted in 2013 and withdrawn. Number 30 Porthkerry Road was originally a four bedroom, semi-detached bungalow attached to our property. When Mr and Mrs Bird and Mr and Mrs James and families moved into this address in 2012, they converted the property into two separate dwellings/ flats whilst utilising the original front entrance. Even thou Mrs Bird disputes this by suggesting its multi-generation living, after speaking to the VOA department in Cardiff; because of the alterations they have already undertaken, this is deemed as two separate dwellings (VOA website point 7.0 disaggregation particular classes). We would also like to mention that there should be building regulations for 'material alterations to a controlled service' for the kitchen conversion to the first floor. According to the Vale of Glamorgan's own building control records this has not been sought. Our previous concerns with regards to health and safety (fire) are justified especially as there could be a risk to life.

With regards to the rear two-story adjoining extension we have looked at this at great length. This extension would project forward from the principle elevation of the property by approximately four meters. This extension is of a significant height with a gable frontage and given the extensions sitting, scale and design; it would not represent a subservient or sensitive addition to the host property (number 32) and we feel the extension would be disproportionate. Although the extension is marginally set down from the ridge height of the existing dwelling, we feel the height and depth would have a harmful effect upon the character of our property but also the pair of dorma-bungalows. The impact of such a high-density extension would box our property in, which will have a detrimental effect on our property and life style. This does not comply with policy ENV27 Design of New Development and PPW9.33 which states

'insensitive filling in or cumulative effect of development, including conversion or adaptations, should not be allowed to damage character or amenity, this includes any such impact on neighbouring dwellings, such as loss or privacy or overshadowing.'

This two-story rear extension being only 19" from our party boundary would create a huge overshadowing to the whole of the rear of our property. This would lead us having to use artificial lighting during daylight hours. This is in breach of ENV27 policy 125 which states

'by encouraging good design, planning policy and decisions should limit the impact of light pollution from artificial light'

With regards to the proposed first floor kitchen window size 1.6w x 1.3h and its position, we would not have any private space to the rear of our property as we would be completely overlooked and because of its position would not preserve our privacy amenities. This then does not comply with policy ENV27 design and development (criterion 1V) or the councils supplementary planning guidance on amenity standards (policy 1 and 3). Therefore, this is deemed not to be acceptable.

Terrace/balcony

From our meeting on Monday 22nd May 2017 at the Dock Office, the case officer informed us the depth of the balcony is 3.5m. According Ms Sara Thomas, who was the case officer for the first application (2013/00157/FUL), stating in her case file on the 20/03/2013

'rang applicant and spoke to Mr Birds partner. Advised significant concerns + likely to be refused. Privacy issues from balcony, suggest extension to the side similar to number 32 + significantly reduce balcony in width and depth (reduction of 4m width from boundary + 2m depth)'

Measurement provided from yourself for this new application state the depth of the balcony is now 3.5m. This is still 1.5m larger than the recommendation of previous case officers. Why on the previous two applications and now this application is it being submitted at 3.5m in depth? Why are all the previous case officers recommendation being ignored? Please see overlays provided.

We also have concerns regarding the construction and maintenance of the proposed side and two-story extensions. The application states these will be rendered but the gap between the proposed rear extension and our boundary is only 19", insufficient to erect any kind of scaffolding or support framework allowing them to accomplish this. We will not grant permission to protrude over the boundary into our property either. We therefore ask for clarification how this will be accomplished.

The surface water downpipe for both the front and rear of the property is also on the boundary of our two properties. How will they be able to maintain this as it comes with shared responsibility?

We would also request in the event of any approved planning, that the council take into account and consideration given to the measure of works to be undertaken and as such enforce controlled hours of operation and duration to ensure consideration to us as neighbours.

We feel this is necessary due to the previous alterations that have been undertaken which have caused great disturbance and inconvenience; these alterations have often been continued seven days a week, finishing late into the evening over a prolonged period.

As previously stated we currently have foster children living with us that have complex needs and disabilities. This has previously caused unnecessary stress and anxiety.

As such we request the need for this to be included in any approval notice.

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Although Mr Aston previously has kindly visited our property with the previous application on 17/02/2017, we would welcome another opportunity for him to visit along with his line manager Mr I. Robinson any time after 21/06/2017.

We look forward to hearing from you soon.

Regards

Mr & Mrs McGowan

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Comment for planning application 2017/00473/FUL

Application Number	2017/00473/FUL
Location	30, Porthkerry Road, Rhose
Proposal	Proposed alterations and extensions to form additional accomodation
Case Officer	Mr. Harri Aston
Name	Mr Stuart Dodwell
Address	28 Porthkerry Road, Rhose, The Vale of Glamorgan,, CF62 3HD
Type of Comment	Objection
Type	Neighbour
Comments	<p>I wish to make the following objections: The Constraints page lists all previous applications, quoting the 3 decisions regarding withdrawal/refusal of these applications. The proposed extension and balcony relative to my property, would have both a severe impact on light reduction and also the privacy, overlooking the rear garden of my property. Both these are contrary to Policy ENV27, as quoted in the refusal of application 2017/00057/FUL, on 21 March 2017. I also have concerns regarding building control over the removal of the garage and the maintenance of the side extension wall, being close to the boundary wall. These issues need to be addressed before any decision is made, by the planning committee, on this application.</p>
Received Date	13/06/2017 10:15:27
Attachments	

2017/00520/FUL Received on 16 May 2017

Taylor Wimpey Plc and Mr. J. G. R. Homfray,
Savills, 12, Windsor Place, Cardiff, Vale of Glamorgan. CF10 3BY

Site of proposed new roundabout, Land at the A48, North of Darren Farm, Cowbridge

Revised roundabout arrangement to facilitate access to the new link road and the strategic housing development approved under 2014/01505 and to provide 4th arm for access to land to the north of the A48

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 Andrew Parker due to considerable concern from local residents.

EXECUTIVE SUMMARY

The application site relates to the provision of a four armed roundabout on the A48 to the west of Cowbridge. Consent has already been granted for a roundabout in this position under consent 2014/01505/OUT whilst an access from the A48 was approved approximately 150 metres to the west under consent 2014/01000/FUL. The current application seeks to consolidate the aforementioned consents for a fourth arm from the consented roundabout and extinguishment of the consent for the separate access to the west.

No letters of objection have been received.

The issues to be considered are the impact on the character and setting of the Upper Thaw Valley Special Landscape Area (SLA), on existing agricultural land, impacts on highway safety and traffic and impacts on ecology.

The application is recommended for approval.

SITE AND CONTEXT

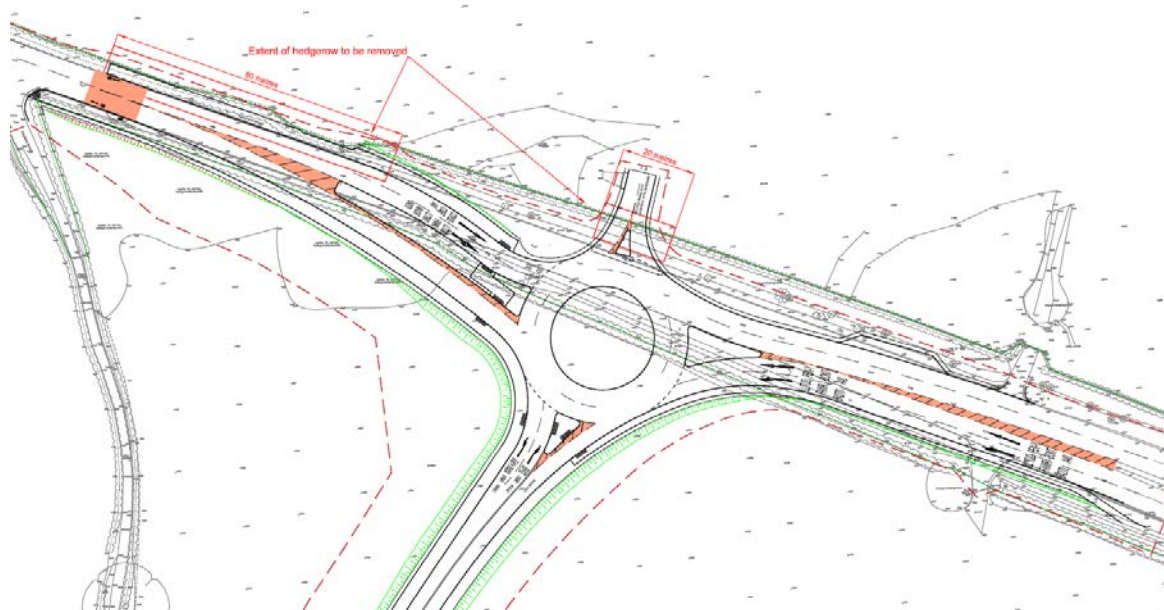
The application site relates to a section of the A48 to the west of Cowbridge. The section of the road lies to the north of land allocated for residential development and granted planning consent under permission 2014/01505/OUT for the construction of a link road connecting Cowbridge bypass with Llantwit Major Road and the residential development of the wider site for up to 475 dwellings. The application site overlaps that of the aforementioned consent.

The road is bordered by an established hedgerow and agricultural fields to the north whilst to the south, the hedgerow has been removed. Public Right of Way (P3/46/1) runs along the northern edge of the A48 parallel with the road, but on the other side of the hedge. The site falls within the Upper Thaw Valley Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The application is for a revised roundabout arrangement to that approved under permission 2014/01505/OUT to provide a 4th arm to provide access to land to the north of the A48. Consent was previously granted for the provision of an access to serve land to the north under permission 2014/01000/FUL although as part of this consent the applicant has proposed that this consent be extinguished.

When compared with the approved plans, the proposals would result in minor realignment of the road on approach to the roundabout from the west and the provision of a layby to the east and pedestrian access. The proposals would also result in the loss of two sections of hedgerow to the north of the A48 being 80m and 20m in length. A plan of the proposed roundabout is shown below:



Proposed roundabout arrangement

PLANNING HISTORY

The following history is relevant in determination of the planning application:

2016/00080/FUL, Address: Llwynhelig, Cowbridge, Proposal: Erection of an agricultural building for free range egg production, together with associated feed bins, hardstandings and access road, Decision: Pending

2014/01505/OUT, Address: Land at North West Cowbridge, Proposal: Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a mixed use residential led development - AMENDED SCHEME - increase in the maximum number of units that could be accommodated on the site from 390 to 475, Decision: Approved

2014/01000/FUL, Address: Penllyn Estate Farm, LLwynhelig, Cowbridge ,
Proposal: Construction of a new highway junction and track (ingress only)
Decision: Approved

CONSULTATIONS

Penllyn Community Council was consulted although no comments had been received at the time of writing this report.

The Council's Highway Development section was consulted and advise the LPA that the implementation of previous consents would likely create highway safety hazards and 'therefore the Highway Authority would strongly advise that the current proposal has significant safety benefits and therefore no highway objections would be raised' subject to conditions. The highways engineer recommends a number of conditions, including the requirement for engineering details of the works, condition surveys, construction management and visibility splays.

The Council's Highways and Engineering (Drainage) section was consulted although no comments had been received at the time of writing this report.

Cowbridge Ward members were consulted with regard to the application. Comments were received from Councillor Parker requesting that officer delegation be removed from the application due to 'considerable local concern from both residents as well as my two my fellow ward members.'

The Council's Landscape Section was consulted with regard to the application although no comments had been received at the time of writing this report.

The Council's Ecologist was consulted with regard to the application noting the recommendation that the hedgerow to be replaced is to be lost at a ratio of 1:1. They support this recommendation and following confirmation are satisfied that the location and quantity of hedgerow be secured by way of condition.

Comments were also received from **Glamorgan Gwent Archaeological Trust** stating that 'it is unlikely that significant archaeological remains will be encountered during the course of the development' and recommend that no archaeological condition should be attached to the application.

The Council's Public Rights of Way Officer was consulted with regard to the application although no comments had been received at the time of writing this report.

REPRESENTATIONS

Site notices were also displayed on 14th June 2017 and 7th July 2017 and the application was also advertised in the press on 13th July 2017. At the time of writing this report, no letters of representation had been received with regard to the proposals.

Members please note the application was advertised on site and in the press as potentially affecting a Public Right of Way which expire on 03 August 2017. If following the Committee meeting comments are received that are materially different from the comments summarised above the matter will be reported back to Planning Committee.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP7– TRANSPORTATION
POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

Managing Growth Policies:

POLICY MG16 – TRANSPORT PROPOSALS - 19. LINK ROAD BETWEEN A48 AND LLANTWIT MAJOR ROAD, COWBRIDGE
POLICY MG17 – SPECIAL LANDSCAPE AREAS – UPPER THAW VALLEY

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS
POLICY MD7 - ENVIRONMENTAL PROTECTION
POLICY MD8 - HISTORIC ENVIRONMENT
POLICY MD9 - PROMOTING BIODIVERSITY

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

Planning Policy Wales:

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

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Biodiversity and Development
- Design in the Landscape
- Planning Obligations

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

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

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government 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 issues to be considered are the impact on the character and setting of the Upper Thaw Valley Special Landscape Area (SLA), on existing agricultural land, impacts on residents in the vicinity, impacts on highway safety and traffic and impacts on ecology.

Background

Hybrid planning application 2014/01505/OUT was previously approved granting outline consent for the residential development of land to north-west Cowbridge for up to 475 dwellings and full planning consent for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. The works approved under this consent included the provision of a three armed roundabout in the same position as the current proposal, with arms to the east and west connecting to the A48 a third arm to the south providing access to the link road connecting with Llantwit Major Road.

Consent 2014/01000/FUL was also granted to the west of the application site for the provision of a highway junction to provide access to the farm complex and various businesses that make up Penllyn Estate Farm. The access approved under this consent was opposite the lane running southwards towards St. Brynach's Church approximately 150 metres to the west of the proposed siting of the roundabout approved under the above consent. The works approved included the provision of a holding lane centrally within the carriageway of the A48 to facilitate right turns into the land to the north. The proposals also included the provision of an approximately 900 metre long access track to connect with Penllyn Estate Farm to the east.

The application seeks to amend the form of the roundabout approved under permission 2014/01505/OUT to provide a four arm roundabout to accommodate access to land to the north of the site in lieu of that approved under permission 2014/01000/FUL and the applicant has prepared a Unilateral Undertaking to extinguish this previous permission. In addition to the additional access to the north, the applications propose minor realignment of the A48. The applicant indicates that the proposals have been submitted in response to concerns raised by the Vale of Glamorgan Highways department with regard to the proximity of the two new junctions and contend that the proposals would result in betterment when compared to the consented scheme.

Members are also advised that application 2016/00080/FUL remains under consideration by the Council for the provision of an agricultural building to provide accommodation for free range chickens within the parcel of land to the north of the A48. The submitted details indicate that they would seek to provide an access in the same position as that approved under consent 2014/01000/FUL albeit of a varied design. Members are advised that this application is being held in abeyance pending the determination of this application, to inform the nature of vehicular access to the proposed building.

Principle of the Development

The principle of such development has been established by the aforementioned previous consents both of which remain extant. The principle of the link road between the A48 and Llantwit Major Road is also maintained within the recently adopted Local Development Plan, with land being allocated for the link road under policy MG16 (19) 'Transport Proposals'.

Thus, subject to assessment of all other material considerations, the principle of a building the wider link road and associated structures (including this roundabout) at this location is considered positive. Issues of other material considerations will be assessed below.

Visual impact

The proposals would result in the provision of an enlarged/altered roundabout within rural countryside that is also designated as the Upper Thaw Valley Special Landscape Area. The roundabout itself would be in the same position as that approved under permission 2014/01505/OUT. It is also noted that the visual impact of the provision of an access to the north of the A48 including the associated removal of hedgerow was assessed and considered to be acceptable under permission 2014/01000/FUL.

The proposed realignment of the A48 would necessitate the removal of approximately 80 metres of hedgerow to the north of the A48 and the additional access point would require the removal of a further 20 metres. The works to the southern side of the roundabout would be broadly the same as that approved under permission 2014/01505/OUT. The scheme approved under permission 2014/01000/FUL proposed the loss of 165 metres of existing hedgerow to provide the access and associated visibility splays. It is considered that the consolidation of the access points would therefore result in a net reduction in the loss of hedgerow than would be the case if both approved consents were implemented. Furthermore the applicant has indicated that replacement hedgerow planting using native species would be provided at a ratio in excess of 1:1, and as such the impact of any such loss would largely be mitigated in visual terms.

Consent 2014/01000/FUL also allowed the provision of an access track of approximately 900 metres in length and this is also shown within the submitted documents for application 2016/00080/FUL. The revised position of the access would be approximately 150 metres to the east. Although the proposed track does not form part of the current application, it would however reduce the length of any such track to serve Penllyn Estate Farm, reducing potential detriment on the character of the countryside. The visual impact of any revised access track would need to be carefully considered with a revised planning application.

Having considered all of the above, it is considered that the proposed consolidation of the access approved under consent 2014/01000/FUL with the roundabout approved to serve the link road approved as part of permission 2014/01505/OUT, would result in less visual impact than the implementation of the two extant consents. Conditions requiring a suitable scheme of landscaping/hedgerow replacement are recommended to be attached to any consent given (see conditions 6 and 7).

Agricultural Land

Criterion 9 of Policy MD1 of the LDP seeks to ensure that proposals have no unacceptable impact on the best and most versatile agricultural land. As aforementioned the roundabout has been approved under a previous consent and the current proposals relate to the provision of a fourth arm to the north and minor realignment of the A48. Whilst noting that the application has not been accompanied by a survey of the land in question, having regard to that previously approved and the proposed extinguishment of the previous consent 2014/01000/FUL, it is considered that the proposals would not result in the loss of agricultural land over and above that allowed under previous consents. As such, there is no objection to the proposal for these reasons in relation to policy MD1 of the LDP.

Highway matters

The application has been supported by a Transport Statement prepared by Systra dated 15th May 2017. In conclusion they state that *'the new 4-arm roundabout junction would make the proposed access to the west of the roundabout redundant, and the level of traffic using the existing sub-standard access to the Farm to the east to be reduced. Consolidated movements at one access designed to DMRB standards will provide additional safety improvements on the A48.'* The proposed 4th arm for the roundabout has been designed to accommodate both access and egress of 16.5 metre articulated lorries and swept path analysis has been provided with the Transport Statement to demonstrate that the proposed geometry of the roundabout is adequate for the movement of such vehicles. The roundabout and 4th access has also been designed with sufficient capacity to accommodate traffic flows from existing traffic and any additional traffic generated by the proposed Darren Farm residential development (2014/01505/OUT), the ingress approved under consent 2014/01000/FUL and the pending application for the proposed chicken shed (2016/00080/FUL).

Based on the submissions, the Council's Highway Development Officer, advises *'that the implementation of [previous] applications would create hazards to the detriment of Highway/Public Safety and therefore the Highway Authority would strongly advise that the current proposal has significant safety benefits and therefore no highway objections would be raised subject to the following conditions in the interest of highway safety'* subject to a number of conditions. Whilst the Highways Development Officer has suggested a large number of conditions, these have been rationalised to avoid imposing conditions that would duplicate that requiring technical approval from the Highways Authority such as under a Section 38 Agreement. Conditions requiring engineering details, a Construction Environment Management Plan and Construction Traffic Management Plan are proposed (conditions 3 to 5 refer).

Noting the above, it is considered that consolidation of the access and roundabout arrangements compared with the previous approvals would result in betterment from a highway safety perspective compared to the situation that would arise should both extant consents be implemented and as such in highways terms the application should be supported.

Ecological impact

The application has been supported by an Ecology Briefing Note prepared by EDP. As noted above, the application would result in the loss of a total of approximately 100 metres of hedgerow. The submitted ecology report indicates the proposals will affect a *'single native, species-poor hedgerow'*, although may provide some ecological value given its potential to support some species, whilst the grassland and dense scrub was considered to be of negligible ecological value. The survey indicates that the application is unlikely to have impacts upon protected species including bats, reptiles, badgers and dormice although makes a number of precautionary recommendations seeking to safeguard any such species. These include pre-commencement checks by ecologists and vegetation clearance outside of the main bird and dormice breeding seasons. It is considered that a condition tying any development to the recommendations of the report (see condition 8). Following consultation with the Council's Ecologist they are content with the findings and recommend that further details be secured by condition requiring the planting of additional hedgerow as detailed previously (see condition 6).

Overall, it is considered that there is not an ecological constraint that would prevent the grant of planning consent.

Archaeology

Glamorgan Gwent Archaeological Trust has assessed the proposals and indicate that *'it unlikely that the roundabout will impact on any of these areas, and the construction of the A48 will have had a significant effect on any potential archaeological remains.'* Given this and the extensive investigations undertaken on land to the south in conjunction with the residential development of the site, they do not consider that further details or conditions are required with regard to this application. Noting the above, it is considered that there is not an archaeological constraint preventing the grant of planning permission in this instance.

Public Right of Way

Public Right of Way (P3/46/1) runs along the northern edge of the A48 parallel with the road. The fourth limb proposed as part of the application would dissect this bridlepath. The public right of way should not be obstructed and the grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Whilst comments have not been received from the Public Rights of Way Officer at the time of writing this report, it is noted that the proposals relate to the provision of a fourth arm to a consented roundabout and would result in the extinguishment of a consent granted for an access and associated track that would already require the diversion of the Public Right of Way. Whilst therefore the proposals would require the diversion of the Public Right of Way, this does not represent a reason to refuse planning permission in this instance.

Legal agreement

As noted previously there is extant planning permission 2014/01000/FUL for the construction of a new highway junction and track, with the located approximately 150 metres to the west. The aim of the current application is to deliver an alternative access to that previously approved through the provision of a fourth arm to the roundabout. The applicant has prepared a Unilateral Undertaking that would extinguish this permission to avoid the provision of duplicate access points and to prevent any detriment to highway safety and at the time of writing this report have confirmed that they intend to have this signed by the date of the Planning Committee.

RECOMMENDATION

APPROVE subject to no further comments being received which are materially different from the issues addressed in this report before 3rd August 2017 and subject to the interested person(s) first entering into a Unilateral Undertaking to ensure that:

The Owner covenants with the Council with the intention of binding the Site and each and every part of it not to implement the construction of a new highway junction and track (ingress only) at agricultural land to the west of the Llwynhelig Farm and to the north of Cowbridge by-pass Cowbridge as approved by previous consent reference 2014/01000/FUL.

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 number 105393-164 Rev A 'Overlay of Consented Roundabout Layout'; Site location plans 'Revised Roundabout Arrangement'; Supporting Planning Statement prepared by Savills; Drawing number 105393-200 'Affected Existing Hedgerwo Cowbridge A48' received 16 May 2017

Transport Statement prepared by Systra; Ecology Briefing Note C_EDP3900_01a_160517 prepared by EDP received 18 May 2017

Reason:

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

3. Prior to commencement of construction of any part of the development hereby approved, and notwithstanding the submitted plans, full engineering details, (including details of street lighting, surface water drainage, structures, off highway footway / cycle facilities) and construction details of the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of highway safety and to protect the environment in accordance with Policies MD2 of the Unitary Development Plan.

4. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

5. Prior to the commencement of development, including any site clearance or ground works, a Construction Traffic Management Plan, including details of parking for construction traffic, wheel washing facilities, the proposed routes for heavy construction vehicles, timings of construction traffic to and from the site and noting no Lorries shall deliver / leave the site during the peak am / pm hours and half hour either side of the times school commencing and ending, shall be submitted to and approved in writing by the local planning authority and the management plan shall be implemented at the commencement of any site clearance or temporary access or development works on the site and shall thereafter be complied with for the duration of the construction and laying out of the development.

Reason:-

In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network and means of defining and controlling such traffic routes and timings and to meet the requirement of policies MD2 and MD7 of the Local Development Plan.

6. Prior to any site clearance or ground works for roundabout and associated works hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of structural planting and the phasing of such planting, details of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MG17 (Special Landscape Areas) MD1 (Location of New Development), MD2 (Design of New Development) and MD9 'Promoting Biodiversity' of the Local Development Plan.

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MG17 (Special Landscape Areas) MD1 (Location of New Development), MD2 (Design of New Development) and MD9 'Promoting Biodiversity' of the Local Development Plan.

8. The development shall be carried out in accordance with the recommendations of the submitted 'Ecology Briefing Note' C_EDP3900_01a-160517' prepared by EDP received on 18 May 2017.

Reason:

To safeguard protected species, in accordance with Policy MD9 of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP7 (Transportation), SP10 (Built and Natural Environment), MG16 (Transport Proposals), MG17 (Special Landscape Areas) MD1 (Location of New Development), MD2 (Design of New Development), MD4 (Community Infrastructure and Planning Obligations), MD7 'Environmental Protection', MD8 'Historic Environment' and MD9 'Promoting Biodiversity' of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, it is considered that the proposals are acceptable in terms of their visual impact, with no detrimental impact to the character of the Special Landscape Area and open countryside, and result in a betterment in terms of highway safety.

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. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

2. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
3. This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.
4. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.

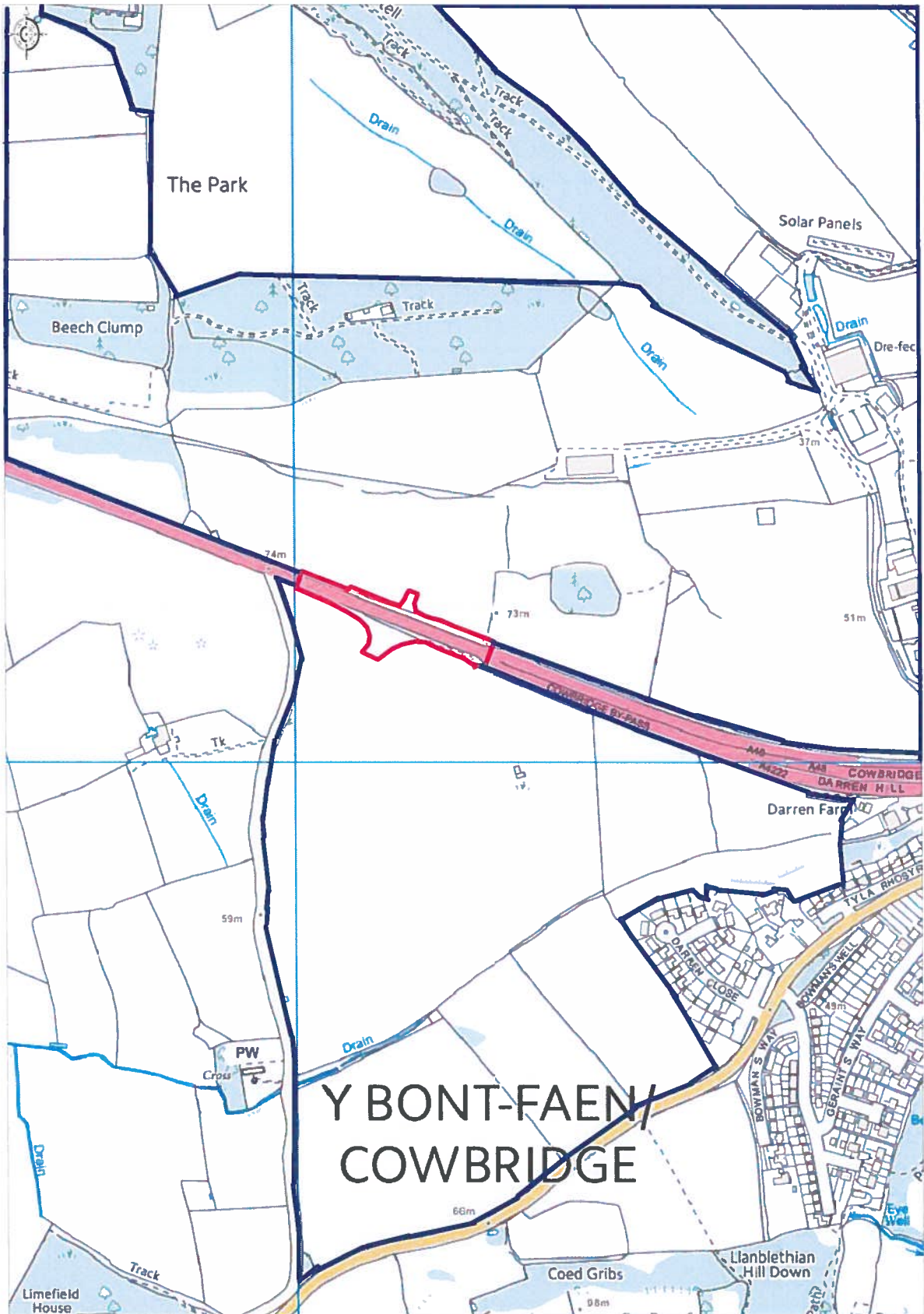
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

2017/00520/FUL



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2017/00500/RG3 Received on 15 May 2017

Vale of Glamorgan Council, Property Section, Docks Office, Subway Road, Barry,
Vale of Glamorgan. CF63 4RT
Vale of Glamorgan Council Property Section, Docks Office, Subway Road, Barry,
Vale of Glamorgan. CF63 4RT

Llansannor and Llanharry Junior and Infant School, Lane - Jct Mountain Road to Jct at City Inn via Llansannor School, Llansannor

Construction of a single storey extension at Llansannor Church In Wales Primary School, to provide additional teaching, storage and WC facilities, and a new DDA compliant access

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 nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site comprises an existing primary school and associated grounds. The site is located to the north of Cowbridge in the countryside, outside of any settlement boundary as defined in the Local Development Plan.

This is an application for full planning permission for the construction of a single storey, pitched roof extension to the existing school building.

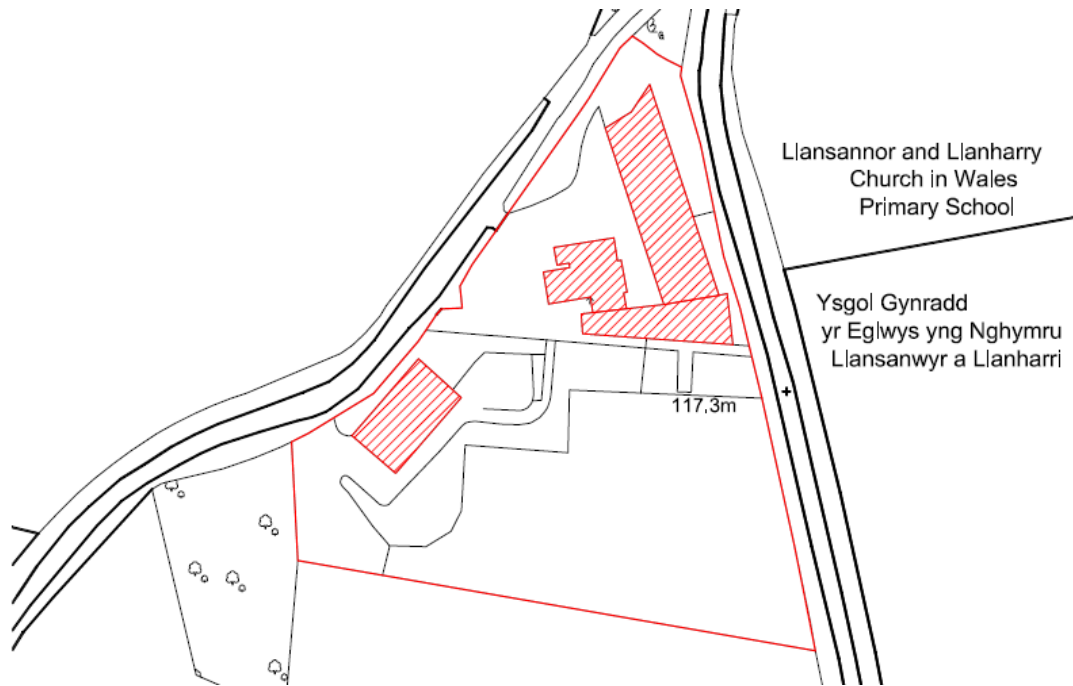
To date a number of objections have been received from nearby residents, businesses and family members. These relate to the existing highway difficulties surrounding access to the school.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, the justification for a further extension to the existing school building; the design and visual impact of the proposal on the character and appearance of this countryside location; the effect on neighbouring amenity; and highway safety. The planning history of the site is also a material consideration in the determination of the application.

It is recommended that the application be APPROVED.

SITE AND CONTEXT

The application site comprises an existing primary school and associated grounds.

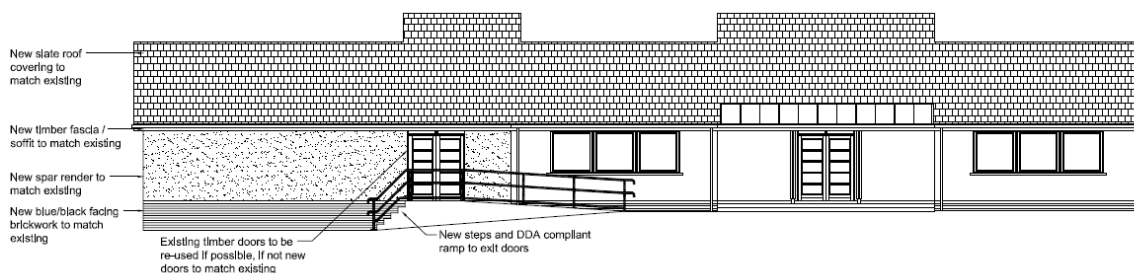


The site forms a triangular area of land bound by two roads. There are a small number of residential properties in proximity to the site.

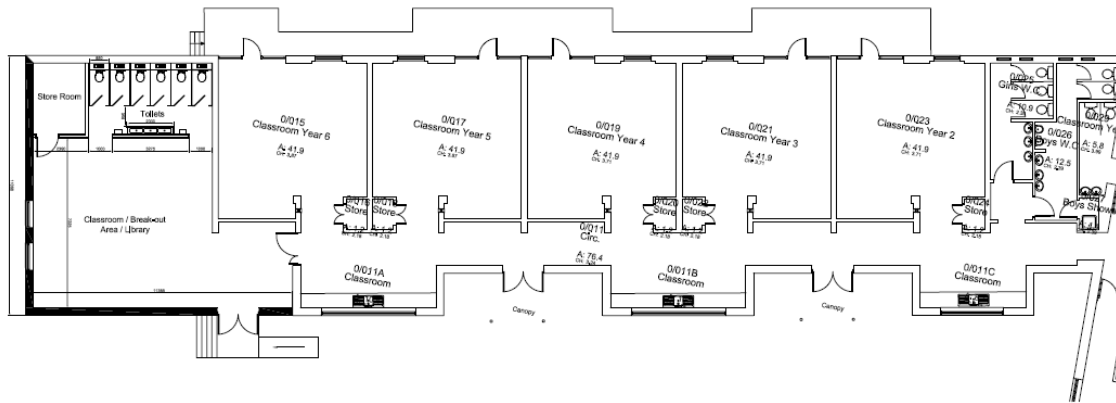
The site is located to the north of Cowbridge in the countryside, outside of any settlement boundary as defined in the Local Development Plan.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of a single storey, pitched roof extension to the existing school building. The proposed extension will be constructed on the northern end of the building and entail the removal of an existing canopy and access ramp. The extension will accommodate improved toilet facilities; a multi-function classroom/library/break-out area; storage space; and a new DDA compliant access ramp.



Proposed Front Elevation



Proposed Floor Plans

The external finishes will match the existing.

The application is accompanied by a Design and Access Statement (DAS).

PLANNING HISTORY

There have been several applications relating to the site, including:-

1984/00578/FUL - Provision of school sports area - Approved 24 July 1984.

1998/00177/FUL - 6 No. classroom extension, car park, vehicular access and extension to school grounds - Approved subject to conditions 8 May 1998.

1998/00869/FUL - Amendments to 98/00177/FUL to provide 6 No. classroom extensions and temporary accommodation - Approved 11 December 1998 subject to conditions relating to car parking, access, landscaping and drainage.

1999/00822/FUL - Retention and relocation of single storey demountable classroom and two additional car parking spaces - Approved 15 September 1999 subject to a condition relating to layout and retention of parking area.

2002/00378/FUL - New nursery block, associated play area, car parking and external landscape works - Approved 22 August 2003 subject to conditions, including provision of footpath/drop-off point; provision of car park; landscaping and details of external finishes.

2004/01358/FUL - Provision of new single storey detached early years unit (modular building) with associated play area - Provision of additional car parking and external landscaping works. This application was to regularise works already undertaken under planning permission reference 02/00378/FUL and approved in October 2004.

2005/01034/REG3 - Land adjacent to Llansannor and Llanharry Church In Wales Primary School, Llansannor - Retention of change of use of land from agricultural to school playing field and construction of a boundary wall - Approved 28 July 2005 subject to conditions, including samples of stone in the boundary wall and details of hedgerow planting.

2012/01156/FUL - Single storey extension to the existing classroom block at Llansannor CIW Primary School - Approved 2 January 2013.

CONSULTATIONS

Penllyn Community Council were consulted and resolved to support the application.

The Council's Highway Development team were consulted and have stated – It is understood that there will be no increase in the number of pupils or staff at the site as a result of the development. The proposals will enhance the existing teaching and welfare facilities at the site, to enable group activities away from the main classroom areas within the school. Therefore, no objection in relation to the highway and transportation aspect of the development, subject to a condition to ensure the classroom/teaching facilities are only used to accommodate existing pupils and staff at the school to provide for additional space and activities, and not to accommodate any increase in the number of pupils or staff.

The Council's Education Section were consulted on 19 May 2017 and no comments have been received to date.

The Council's Estates Strategic Property section were consulted on 19 May 2017 and no comments have been received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 26 May 2017. In addition a site notice was posted on 16 June 2017.

Objections have been received from the occupiers of 'Glan y Mynydd', Llansannor, 'Cefn Coed Farm' and 2 Woodlands, Llanharry, and 'Oaklands Farm', Bonvilston. All of the representations are available on file for Committee Members inspection. However, in summary, the points raise all relate to highway issues, including:-

- The volume of traffic on the narrow lanes.
- The lack of parking to serve the school.
- The dangerous condition of the roads around the school and the dangerous driving of parents.
- Inconsiderate parking blocking residential properties access.
- Access problems affecting farming business.
- Call for the Council to investigate problem and consider need for more parking and more workable plan for servicing the school.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY.

Managing Growth Policies:

POLICY MG6 – PROVISION OF EDUCATIONAL FACILITIES.

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT.

POLICY MD2 - DESIGN OF NEW DEVELOPMENT.

POLICY MD7 - ENVIRONMENTAL PROTECTION.

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.3.1 and 4.4.1; and Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraph 5.1.1.

Technical Advice Notes:

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

- TAN12 - Design, including paragraph 2.6.
- TAN16 - Sport, Recreation and Open Space.

Supplementary Planning Guidance:

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

- Design in the Landscape.
- Parking Standards.

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

- Education Facilities Assessment (2013).

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to, the justification for a further extension to the existing school building; the design and visual impact of the proposal on the character and appearance of this countryside location; the effect on neighbouring amenity; and highway safety. The planning history of the site is also a material consideration.

Justification

The additional floor space provided by the new extension is a relatively small area of approximately 51m². The supporting DAS indicates:-

“The proposed creation of additional teaching space is for the use of existing staff and pupils and is not intended to increase the school’s capacity, but provide a varied and suitable teaching environment.”

The proposed extension will square-off an existing triangular corner of the northern end of the building. This area includes part of an existing hard surfaced play area. Policy SP1 criterion 8 favours development that promotes healthy living. Paragraph 5.32 of the supporting text indicates that this includes designing environments which encourage physical activity. National guidance contained in Planning Policy Wales and TAN16-Sport, Recreation and Open Space, also recognises the importance of healthy living and the contribution of areas of open space, play areas, etc. However, the guidance acknowledges that such spaces may not always be required for their original purpose and alternative development can be considered, but only where it can be shown that there is no deficiency and there is justification in policy terms. As such the loss of part of the existing playground is a consideration in the assessment of the application.

It will be noted from the planning history that the 2012 application for an extension to the school also entailed the loss of a play area. In that instance it was recognised that the existing yard area had limited use being restricted in size by the existing buildings; and that a previous permission for the extension of the school grounds to the south, allowed for the provision of playing fields/sports pitches. As such it was determined that sufficient play space would remain to serve the requirements of the school.

In assessing the current application, it is noted that the area lost as a result of the extension is minimal compared to the overall space available. In addition, as the supporting DAS highlights, the extension will provide improved facilities particularly in relation to DDA compliance, with a more direct external ramp access, and increased manoeuvring space for wheelchair users on initial entry and throughout the northern end of the building.

Design and visual impact

In relation to the design and visual impact of the development it is noted that the proposal is a relatively small scale extension on the northern elevation of the building. This is an area of the school which is mostly hidden to public views by the existing vegetation on the boundaries of the site.

The submitted DAS notes that the proposed extension will maintain the proportions of the existing building, and the building will be graded to tie in with the existing levels. In addition the DAS confirms that the materials will match the existing throughout the construction, with the reuse of the existing windows and doors where possible, or similar replacements, to maintain the buildings appearance.

Thus it is considered that the size, scale and design of the extension is such that it would have minimal visual impact on the building itself and the wider character and appearance of the surrounding countryside.

Neighbouring amenity

In terms of residential amenity, the nearest dwelling is 'The Four Winds', which is over 150m away from the location of the proposed extension. It is noted that the proposal will provide for enhanced toilet and storage facilities, and create a new teaching space for group activities away from the main classroom. The proposal is not intended as a new classroom to accommodate increased pupil and staff numbers. On that basis the proposal should not result in any additional noise and disturbance over and above the current situation.

Highways

A number of objections have been submitted to the application, all of which relate to highway issues. These raise concerns over matters of safe access, lack of parking and the particular problems faced by nearby residents and businesses during drop-off and pick-up times. The objections call for the Council to investigate the problem and to consider the need for more parking and a more workable plan for servicing the school.

Clearly the issues raised by the residents relate to the existing situation at the school, and as the proposed extension is not related to any increase in pupil numbers, it is not a matter that can be addressed under the current planning application. Indeed, the Council's Highway Development team have confirmed that there are no highway objections, but have requested a condition to ensure that the extension is only used to accommodate existing pupils and staff at the school, and is not used to accommodate any increase in the number of pupils or staff. However, it is considered that such a condition would fail the tests in relation to planning conditions, set out within Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management, as it would not be reasonable, and is unlikely to be enforceable, given that pupil numbers will vary with each admission year in any case. Notwithstanding this, the Education section have been made aware of the concerns raised, particularly the request to investigate the existing difficulties, and consider the possibility of more parking and/or a travel plan for servicing the school.

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:-
 - Location Plan, Drg. No. AL(0)03, received 15 May 2017;
 - Site Plan, Drg. No. AL(0)04, received 15 May 2017;
 - Proposed Plan & Elevations, Drg. No. AL(0)02, received 15 May 2017;
 - and
 - Design and Access Statement, received 17 May 2017.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1-Delivering the Strategy, MG6- Provision of Educational Facilities, MD1-Location of New Development, MD2-Design of New Development, and MD7-Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Design in the Landscape and Parking Standards; and national guidance contained in Planning Policy Wales, TAN12-Design and TAN16-Sport, Recreation and Open Space; it is considered that the proposal represents a justifiable and acceptable extension to the existing school facilities that should not detract from the character and appearance of the building itself or the surrounding rural landscape, nor have any adverse impact on the neighbouring or general amenities of the area, or highway safety.

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

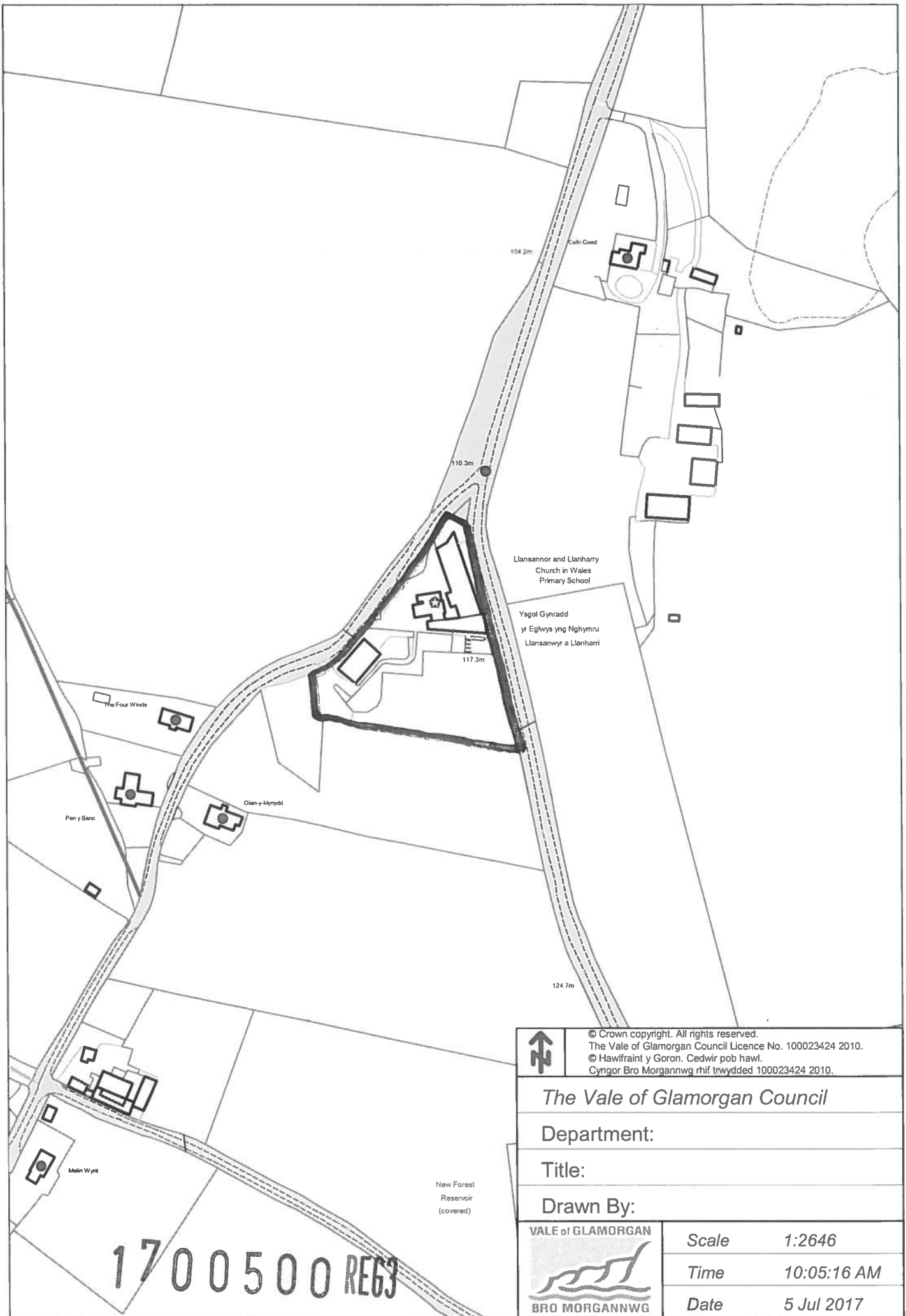
NOTE:

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

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

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

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



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The Vale of Glamorgan Council
 Department:
 Title:
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